



Chief Executive's Department  
Civic Centre  
HARTLEPOOL

11 May, 2017

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

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on TUESDAY, 23 MAY 2017 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

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# COUNCIL AGENDA



**23 May 2017**

**at 7.00 pm**

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

- (1) To receive apologies from absent Members;
  - (2) To receive any declarations of interest from Members;
  - (3) To deal with any business required by statute to be done before any other business;
  - (4) To approve the minutes of the last meeting of the Council held on 16<sup>th</sup> March 2017 as the correct record;
  - (5) To answer questions from Members of the Council on the minutes of the last meeting of Council;
  - (6) To deal with any business required by statute to be done;
  - (7) To receive any announcements from the Chair, or the Head of Paid Service;
  - (8) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;
  - (9) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
  - (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 Review of Council's Constitution

- (11) To consider reports from the Policy Committees:
  - (a) proposals in relation to the Council's approved budget and policy framework; and
  - (b) proposals for departures from the approved budget and policy framework;
- (12) To consider motions in the order in which notice has been received;
- (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 17<sup>th</sup> February 2017 and the Police and Crime Panel held on 10<sup>th</sup> November 2016.



# **COUNCIL**

## **MINUTES OF PROCEEDINGS**

### **16 MARCH 2017**

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	Harrison
James	Lindridge	Loynes
Martin-Wells	Moore	Dr Morris
Richardson	Riddle	Robinson
Sirs	Tennant	Thomas
Thompson		

**Officers:** Gill Alexander, Chief Executive  
Peter Devlin, Chief Solicitor  
John Morton, Assistant Director Finance and Customer Services  
Sally Robinson, Director of Child and Adult Services  
Paul Edmondson-Jones, Interim Director of Public Health  
Andy Carter, Assistant Director, Economic Growth and Regeneration  
Matthew King, Planning Policy Team Leader  
Hayley Martin, Constitutional and Administrative Solicitor  
Steve Hilton, Public Relations Officer  
David Cosgrove, Angela Armstrong, Democratic Services Team

#### **108. APOLOGIES FOR ABSENT MEMBERS**

Councillors Fleming, Hind, Hunter, Lauderdale, Lawton, Springer and Tempest.

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

Councillors S Akers-Belcher and James declared personal interests in Minute No. 120 (3) as members of the Board of Housing Hartlepool.

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

None.

#### **111. MINUTES OF PROCEEDINGS**

The Minutes of Proceedings of the Council held on the 23 February 2017, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

Councillor Tennant clarified that in relation to Minute No. 98 (2) that the motion in relation to Early Morning Restriction Orders was moved subsequent to the Chief Solicitor's advice.

#### **113. BUSINESS REQUIRED BY STATUTE**

None.

#### **114. ANNOUNCEMENTS**

The Chair announced that there would be a Special Meeting of Council on Thursday 18 May, 2017 at 7.00 pm for the conferring of civic honours.

The Chief Executive reported that a letter had been received by the Mayor from The Right Honourable Jeremy Hunt MP, Secretary of State for Health, following the decision of Council at its meeting on 27 October, 2016 (Minute No. 55 (3) refers) to refer the decision of the Hartlepool and Stockton-on-Tees Clinical Commissioning Group to procure the GP service through 'one provider on the two sites of Hartfields and Wynyard Road' to the Secretary of State for Health. A copy of the letter was circulated to all present.

The Secretary of State had, in his response, stated that a full review was not required but did consider that "the procurement exercise after the closure of Fens Surgery should be concluded as quickly as possible to ensure minimal disruption to patient care" and that the CCG "should fully involve those who will use its services in options development." The Chair of the Audit and Governance Committee had indicated that he would be writing to the CCG seeking clarification on how such a process would be undertaken and would raise the matter at the meeting of the Committee on 23 March, 2017.

**115. 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.

**116. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES**

None.

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

None.

**118. REPORT FROM THE POLICY COMMITTEES**

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

**1. Council Plan 2017/18-2019/20 – Report of Finance and Policy Committee**

The Chair of the Policy and Finance Committee formally moved adoption of the draft Council Plan 2017/18 to 2019/20 as submitted with the agenda papers. The Chair of the Finance and Policy Committee commended the document to members which he believed reflected the Council's ambitions for Hartlepool. The Chair of Finance and Policy Committee also moved two additional recommendations, firstly seeking approval to the production of an 'executive summary' of the Council Plan to be included in the next edition of Hartbeat, and secondly requiring the production of an annual update on progress against the key deliverables set out in the plan. The plan and the additional recommendations were seconded by Councillor Cranney.

A Member questioned if the targets set within the key deliverables included a set of measurable parameters regarding the assurance of financial probity. The Chair of the Finance and Policy Committee stated that this was built into the financial assurance process of each programme.

A Member for the Seaton Ward indicated that he had been assured that the timescales for the start on site of the phase 1 works proposed in Seaton Carew would be amended so that the start date would be after the peak summer season for visitors. The plan still currently proposed that work would start no later than July when the Member had requested a commencement delay until September. The Chair of the Finance and Policy Committee stated that he was happy to accept that amendment to the plan but did indicate that not all of the finance for the works was coming from the Council and should the results of the bid to the Coastal Community Fund be positive, it may contain differing timescales for delivery.

Following a vote, by way of show of hands, it was -

RESOLVED - That the Council Plan 2017/18 – 2019/20 be approved and adopted, subject to: -

1. The production of an 'executive summary' of the Plan to be included in the next edition of Hartbeat,
  2. The submission of an annual report on progress against the key deliverables,
  3. An amendment to indicate that the remedial works to Seaton Carew sea front be undertaken from the end of September 2017 and not during the summer season.
2. Hartlepool Local Plan Submission Document – Report of Regeneration Services Committee

The Chair of the Regeneration Services Committee moved the submission Hartlepool Local Plan and other supporting documents, to the Secretary of State in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Chief Solicitor advised that it would be prudent to include reference to Section 20 of the Planning and Compulsory Purchase Act, 2004 in the recommendation.

A Member for the Seaton Ward commented that it was disappointing for Seaton Carew residents to see the inclusion of a proposal for wind turbines to be placed in Seaton Carew when over 1100 residents – the largest public feedback on any aspect of the proposed Local Plan during consultation – had sought removal of the proposal. The Member commented that public feeling against the proposal was still very strong and residents would be objecting to the proposal during the examination in public process undertaken by the Planning Inspector.

The following was agreed unanimously.

RESOLVED – that the submission of the Local Plan, and other supporting documents, to the Secretary of State in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 20 of the Planning and Compulsory Purchase Act, 2004 be approved.

3. Clean and Green Strategy – Report of Neighbourhood Services Committee

The Chair of the Neighbourhood Services Committee moved the approval of the Clean and Green Strategy as part of the Council's budget and policy framework. The strategy covered a three year period 2017/18 to 2019/20 and it was

proposed that monitoring of the strategy and action plan would be the responsibility of the Neighbourhood Services Committee. The action plan would also be refreshed and reported to the Neighbourhood Services Committee on an annual basis.

Members questioned the policies in relation to dog fouling and the apparent conflict with recently issued Environment Agency advice. The Chair of the Neighbourhood Services Committee indicated that the Environment Agency advice related to the countryside and was not applicable to an urban area and dog owners would be required to pick up after their pets.

Concerns were also expressed at the potential for an increase incidents of fly tipping due to the implementation of charges at the Burn Road Waste Recycling Centre. The Chair of Neighbourhood Services commented that charges were only being introduced on those types of waste that had to go to land fill and for which the Council had to pay landfill charges and tax. The charges were minimal and would not be seen as an excuse for fly tipping. Enforcement action against fly tippers would be pursued with vehicles being seized and crushed where appropriate.

The following was agreed unanimously.

**RESOLVED –**

1. That the Clean and Green Strategy be approved and adopted.
2. That the action plan to support implementation of the strategy is refreshed and agreed annually by the Neighbourhood Services Committee, and that the Neighbourhood Services Committee monitor the strategy and receive annual progress reports.

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

None.

**119. MOTIONS ON NOTICE**

None.

**120. CHIEF EXECUTIVE'S REPORT**

1. Pay Policy 2017/18

The Chief Executive reported that Under Section 38 of the Localism Act, 2011, the full Council has to approve a Pay Policy on an annual basis. The current Pay Policy was approved by Council in March 2016 and no changes are proposed for 2017/18. The Pay Policy has been updated to reflect the National Pay Award of 1% from 1st April 2017.



The Council has previously approved a proactive approach to addressing low pay and introduced the Hartlepool Living Wage, for the lowest paid employees. The Council is committed to increasing the Hartlepool Living Wage in line with the National Pay Award until such rise by the National Living Wage exceeds this amount. It is currently not anticipated that the National Living Wage will exceed the Hartlepool Living Wage until 1st April 2019. However, this may be delayed if actual increases in the National Living Wage from 1st April 2018 are lower than forecast.

The Chief Executive stated that an amendment was required to section 15.1 of the policy document “Use of Zero Hours Contract” to require that approval of any such contracts were undertaken by the Director of Finance and Policy “in consultation with the Chief Executive and the Chair of the Finance and Policy Committee”.

The following was agreed unanimously.

RESOLVED – The Pay Policy Statement 2017/18 attached at Appendix 1 to the report was approved subject to an amendment to paragraph 15.1:

Use of Zero Hours Contracts; requiring that “the Director of Finance and Policy consult with the Chief Executive and Chair of Finance and Policy Committee before the use of any such contracts were approved”.

## 2. Audit and Governance Committee Vice-Chair

The Chief Executive reported that at the Constitution Working Group in December there was discussion on a proposal that the Constitution be amended so that both the Chair and Vice-Chair positions of the Audit and Governance Committee be held by Members outside of the majority political group on the Council. This had also been tabled before an earlier re-convened ‘Round Table’ meeting. In December the Working Group agreed in principle that this amendment should proceed and this was also the emerging consensus from the ‘Round Table’ discussions. It was, therefore, a recommendation through the Council’s Monitoring Officer that this change, to commence from the next municipal year, is made to the Council’s Constitution.

It was proposed at the meeting that in convening meetings of the Personnel Sub Committee of Audit and Governance Committee, due regard should be given to the avoidance of both the Chair and Vice-Chair sitting on the same subcommittee.

The following was agreed unanimously.

RESOLVED –

1. That the Council’s Constitution be amended to record that the position of Vice Chair of the Audit and Governance Committee be a Member not in the majority group and also not comprising a Member

who is on the Finance and Policy Committee.

2. That the membership of any Personnel Sub-Committees should not include both the Chair and Vice Chair of the Audit and Governance Committee at the same time.

### 3. Group Consolidation' of Thirteen

The Chief Executive reported that Thirteen Group currently provided services to its partners which own and manage 34,000 homes across the North East; Housing Hartlepool are one of these partners. Thirteen Group had proposed to simplify the group structure by consolidating Housing Hartlepool and the other three registered providers in the group to form a single registered provider operating across all the current operating areas by 30 June, 2017, subject to all necessary approvals being in place.

The proposed change to the group structure will seek to deliver efficiencies in service provision to off-set some of the impact of Government policies such as the 1% cut in social rents each year for the next four years, extension of the Right to Buy provisions to all housing association tenants and limits to rent payable on new tenancies after 1st April 2016. Further, the proposal aimed to reduce bureaucracy and duplication which currently existed as a result of operating four separate subsidiary Registered Provider Partner Companies such as staffing and resourcing four individual Boards. Thirteen had projected that savings in this area could be in the region of £500,000 per annum.

In addition to the efficiencies generated Thirteen aim to release capacity by consolidating assets and increasing investment in the provision and development of social housing. It was anticipated that Thirteen would generate a further £300million investment potential as a result of the proposals. Utilising the additional funds through investment specifically in Hartlepool (set out within the Hartlepool Delivery Plan) this allows for development in partnership with the Borough Council. Thirteen had committed to investment in homes of £25m over 5 years (£235m over 30 year lifespan of investment). In addition to this there was commitment to the continuation of the development programme which includes the £6 million scheme at Raby Gardens for the provision of 64 homes. Thirteen also aim to work with the Council's Neighbourhood Investment Programmes to coordinate investment such as environmental improvements and also make improvement to services in areas such as care and support services and other community initiatives. The Council would work with Thirteen to ensure the local approach to investment continued.

Thirteen were proposing to change the Board composition which would result in the organisation being led by one single board. Existing Board Directors from across Thirteen Group would be invited to apply for the new positions on the new Thirteen Board and Committees, subject to having the required skills and knowledge, with external recruitment being sought for vacancies as a result of any skills gaps or insufficient appropriate applications. Hartlepool Borough Council's current representation (two members) would no longer have an automatic position on the Board and would be required to apply for the available

positions. However, as noted in the 'Heads of Terms' upon which the consent of Council is required (Appendix 2 to the report) the Council would be notified of any vacancies arising and 'shall have the opportunity to put forward candidates'. Fundamentally, this move towards a 'One Landlord' approach ensures that Thirteen remained as a Registered Provider with regulation through the Homes and Communities Agency. Further, that Thirteen would convert to a community benefit society and maintain its status as an exempt charity as outlined in the document appended to the report.

Tenants had been consulted on the proposed changes and no objections were submitted by Hartlepool residents. Thirteen had committed to ensuring tenants would see no changes as a result of the proposals and were committed to continuing and enhancing a local approach to service provision. All contact details and repair reporting procedures would remain the same. Tenants would see no changes to their tenancy agreement and their existing rights. All former local authority tenants would retain their rights such as preserved Right to Buy and no changes would be made to the promises made within the transfer agreement. Changes would not be made to tenancy agreements but tenants would be formally notified of the change in Landlord.

As indicated, in the appended document, 'Thirteen will continue to put tenants at the heart of how it delivers services'. Given the additional financial capacity and investment, particularly in estate and public realm improvements, there was a need to ensure a coordinated role between Thirteen and the Council moving forward, with an accent upon the successful implementation of the Delivery Plan. It is therefore considered that a Delivery Board should be established underpinned by a Collaboration Agreement (Appendix 3 to the report) between the parties.

The Council were required to consent to the proposed change to the existing Articles of Association as stated in the attached proposed Heads of Terms. A Deed of Variation would then be required to the original Transfer Agreement, insofar as to allow the changes in this group consolidation to proceed. There were no proposed changes to the obligations detailed within the original transfer agreement.

There were currently strategic and operational relationships between Hartlepool Borough Council and Thirteen Group which would remain in place with an emphasis on improving performance and investment. The proposals ultimately aim to streamline Thirteen Group operations and borrowing arrangements of the group and enable more efficient investment in the provision and development of social housing and releasing financial capacity across the group and ultimately facilitate further investment in Hartlepool.

The Leader of the Council wished to record his thanks to the officers involved in the process to date. The Leader considered that the proposed Delivery Board would allow robust influence though there was need to determine the composition of the Delivery Board and that process should include Council.

RESOLVED –

1. That Council consents to the proposals for consolidation, as outlined in the Heads of Terms (Appendix 2 to the report) subject to the parties subsequently entering into a Collaboration Agreement in the form annexed to those Heads of Terms and the composition of the delivery board being agreed.
2. That delegated authority be given to the Chief Solicitor to conclude a Deed of Variation to the Transfer Agreement and such other documentation in achieving the consolidation in consultation with the Chief Executive Officer.

4. Special Urgency

Council was informed that that there were no special urgency decisions taken in the period November 2016 to January 2017.

**121. PUBLIC QUESTIONS**

1. Question from Ms Douglass to the Chair of the Policy and Finance Committee: -

*“As you will be aware the Hartlepool Mail recently reported that the carpets at the new Centre for Independent Living had been removed as they were deemed “unsuitable for people with dementia and autism.”*

*Can you please confirm who made the decision to lay the carpets (designers etc) and also who made the decision that the carpets were unsuitable, what qualifications did they have to make this decision. Also once the carpets had been removed were they still in a reasonable state to be used in future, or as usual in these cases had the adhesive used prevented re-use and destruction of the said carpets.”*

2. Question from Mr Corbett to the Chair of the Policy and Finance Committee: -

*“What was the total cost, including fitting & removal of the original carpets & also the total cost of the replacement & fitting of the new carpets in the newly opened ILC in Burbank Street & who exactly, councillor or officer, decided that the original carpets were unsuitable & on what basis did he / she come to the conclusion that they were unsuitable?”*

With the Chair’s agreement, the Chair of the Policy and Finance Committee took both questions together.

The Chair of the Finance and Policy Committee stated “that the Centre for Independent Living is intended to be a Centre for Excellence for people with Learning difficulties and disabilities. Unfortunately, as a result of shortfalls in the original specification for, and choice of, floor coverings at the new Centre for

Independent Living some of the floor coverings were deemed unsuitable for people with autism and dementia.

The National Autism Society guidance states that 'furniture, soft furnishings and different flooring can all be used to create a calm, structured environment, and to help a person with autism recognise which activities usually take place in a particular room'. There is also a statement that 'using particular colours that people find calming on the walls, or thick carpeting or double glazing to minimise distracting sounds, are other ways of making an environment more autism friendly'.

Guidance regarding dementia friendly environments states that flooring should be 'matt and non-slip; avoiding patterns, speckles or sparkles that can be confusing'. There are also recommendations that; using the same colour throughout a building can reduce confusion for people with dementia.

Unfortunately the flooring covering choice in some areas in the Centre for Independent Living did not meet this professional standard. Floors and rooms had strong contrasting colours and some carpets had a speckled effect.

The Council's Corporate Management team consequently considered a range of options for rectifying the problem and agreed to the best available option. As part of the process the Chief Executive consulted with the relevant policy chairs. Subsequently new procedures had also been introduced to strengthen the project arrangements in relation to the specification and choice of floor coverings in capital schemes where the Council is the client.

The Chair of the Finance and Policy Committee confirmed the floor coverings that could not be reused was valued at £13,500. The total value of the original contract for floor finishes at the Centre for Independent Living was £86,792. The floor covering that was deemed unsuitable was valued at £45,000. However, the floor covering which will be reused is valued at £31,500. The net cost of £13,500 relates primarily to vinyl covering.

All capital projects had a contingency built in to deal with any problems that arose prior to completion. The contingency budget for the Centre for Independent Living was £232,500 and the total cost of addressing the problem has been met from within the contingency budget. The Chair of the Finance and Policy Committee also confirmed that despite this, the overall project was estimated to deliver under budget by £24,000.

The Chair of the Finance and Policy Committee commented that it was regrettable that some carpets and floor coverings had to be replaced and this decision was not taken lightly. However, 'we' should not lose sight of the fact that the Council will have delivered a £4m Centre of Excellence under budget that puts the needs of some of our most vulnerable citizens first. The Chair of the Finance and Policy Committee indicated that he would like to take this opportunity to thank the in-house team for their sterling work in successfully completing the £4m build and encouraged all members to participate in the official opening on 18 May when they shall be able to see first-hand the enormity of the project and the quality achieved by our staff.

The Chair of the Finance and Policy Committee stated that there was also a significant level of trading activity undertaken by the Regeneration and Neighbourhoods as a whole Directorate. The trading accounts in total generated income of £17m in 2015/16 which resulted in an annual surplus of £142,000 or £2,700 per week. Trading account surplus was used to support the Council General Fund. On the overall Directorate performance of the trading account, £13,500 would, therefore, have been covered in five weeks.”

3. Question from Mr Corbett to the Chair of the Policy and Finance Committee: -

*“With the release of the accounts detailing the year on year losses of Inspirations Cafe proving the business was not viable at a very early stage, why did the council decide to invest £16k in the cafe at Summerhill.”*

The Chair of the Finance and Policy Committee stated “There had been a cafe in Summerhill for some years run by a private company in premises owned by the Council. In 2015 it was identified that the kitchen and serving areas needed remedial work and upgrading for the 2016 season to be ready for the busy summer season. The cost of these essential capital works was £16,000.

In March 2016, Finance and Policy Committee agreed that the catering facility should be operated by our internal provider services from May 2016 for one year to assess the viability of the operation. This was a seasonal operation rather than same operating model provided by Inspirations Cafe.”

## **122. 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
1. Councillor Black raised a question in relation to the minutes of the Neighbourhood Services Committee meeting held on 20 February, 2017 and asked the Chair of the Committee if she would reiterate the reasoning behind the proposing car parking charges for Seaton Carew as I don't believe the minutes reflect them.

The Chair of the Neighbourhood Services Committee stated that the meeting referred to by the Member did not include the full reasoning behind the decision as the decision had been made at the December meeting of the Committee.

The reason for introducing charges were several; the Council also required some of the additional income to address some of the issues with the car parking in Seaton Carew.

In debate, Councillors referred to other charges being introduced in Seaton Carew for residents parking and expressed concern apparent ignoring of the 3500 name petition from Seaton Carew. A Member referred to comments from

the Chair of the Neighbourhood Services Committee that many residents had driveways when this was not the case.

2. Councillor Riddle raised a question in relation to the minutes of the Neighbourhood Services Committee meeting held on 20 February, 2017 and asked the Chair of the Committee in relation to the car parking charges of Seaton Carew if comments she had made were correct in that some of the income from the charges would be used in the enforcement of dog fouling in Seaton Carew.

The Chair of the Neighbourhood Services Committee indicated that she hoped that the greater attendance of Council Enforcement Officers in Seaton Carew would encourage dog owners to clear up after their pets.

3. Councillor Black raised a question in relation to the minutes of the Neighbourhood Services Committee meeting held on 20 February, 2017 and indicated that the minutes referred to a Feasibility Study and asked the Chair of the Committee if the study would assess what impact the car parking charges may have on Seaton Carew's local businesses, tourism and the effects on Seaton residents.

The Chair of the Neighbourhood Services Committee hoped that there would be minimal impact on businesses. Businesses that required additional car parking for their staff could acquire them. The first permit would be free with additional permits priced at £204 for the seven months, or £1.30 per day, of the experimental order.

4. Councillor Riddle questioned the Chair of the Regeneration Services Committee in relation to Minute 77 of the Neighbourhood Services Committee meeting held on 20 February, 2017 and asked how did the Chair feel the imposition of car parking charges would affect the regeneration of Seaton Carew.

The Chair of the Regeneration Services Committee did not consider that it would have any major affect.

Councillor Riddle commented that in all other places that had introduced car parking charges research had shown that they adversely affected businesses. The Chair of Regeneration Services Committee indicated that the research he had seen did not state that and there were also free thirty minute parking allowed near businesses. Councillor Riddle indicated that he would share his information with the Chair of the Regeneration Services Committee.

5. Councillor Tennant indicated that there were a number of businesses had objected to the imposition of the car parking charges and asked the Chair of the Neighbourhood Services Committee how she would react to the imposition of similar charges in her ward.

The Chair of the Neighbourhood Services Committee commented that the two wards were so dissimilar such a comparison could not be made. Most shopping areas in Hartlepool had a free thirty minute parking period while under the

previous arrangements Seaton Carew only had twenty minutes so the new regulations would bring Seaton in line with the rest of the borough. The Committee had not ignored the petition submitted; it was duly presented to the Committee and noted by the Members when making their decision.

Councillor Riddle commented that it was on record that the Chair of the Regeneration Services Committee had supported the reduction of car parking charges in the car parks in the centre of the town in order to support local businesses which seemed to contradict his previous comments. The Chief Solicitor commented that the questions presented by Members seemed circular in nature and had already received appropriate responses.

6. Councillor Black referred to recent correspondence with the Chair of the Neighbourhood Services Committee in relation to the imposition of car parking charges in Seaton Carew which included suggested amendments to the scheme put forward by residents which included increasing the number of resident permit zones, reducing the number of mixed permit zones areas, and making allowances for the bowling club. Could the Chair explain her current position on these requests.

The Chair of the Neighbourhood Services Committee stated that the Committee had made its decision in December and officers were currently implementing that decision. Signage in relation to the scheme had already been ordered so that it could be in place for the implementation date of 1 April. At this moment in time there was no leeway to make changes to the scheme. The Chair indicated that she had met with the Seaton Ward Councillors in January and their suggestions were taken on board by officers in developing the scheme. The finalised scheme was again presented to Seaton Carew Councillors ahead of the Committee report being issued and no further comments or representations came forward.

A point of order was raised by Councillor Riddle in accordance with Council Procedure Rules and the Member questioned the Mayor's limitation on the number of questions under Council Procedure Rule 12.1 when no such restriction was quoted in the Constitution. The Chair allowed a further question from Councillor Riddle.

7. Councillor Riddle questioned the Chair of the Health and Wellbeing Board in relation to Minute 77 of the Neighbourhood Services Committee meeting held on 20 February, 2017 and asked how the Board's promotion of healthy activities such as walking, dog walking, swimming and surfing how did he feel that the imposition of car parking charges in Seaton Carew would impact on those pastimes.

It was clarified that the Health and Wellbeing Board was not a decision making body.

8. Councillor Riddle questioned the Vice-Chair of the North and Coastal Neighbourhood Forum in relation to Minute 77 of the Neighbourhood Services Committee meeting held on 20 February, 2017 and indicated that 3500 people had signed a petition against the imposition of car parking



charges in Seaton Carew the majority of which were residents of wards represented on the North and Coastal Neighbourhood Forum and questioned the Vice-Chair on how he personally felt about the decision and the impact on residents.

The Vice-Chair of the North and Coastal Neighbourhood Forum indicated that he had some difficulty in hearing the question and indicated that he would respond to the question in writing. The Chief Solicitor indicated that as the Forum was not a decision making body and had not been involved in the decision making process and any view would be a personal view only.

9. Councillor Thompson questioned the Chair of the Neighbourhood Services Committee in relation to Minute 79 of the Neighbourhood Services Committee meeting held on 20 February, 2017 in relation to the Clean and Green Strategy presented earlier to Council and referred to the public concerns reported at the meeting in relation to littering and the new charges proposed for the Burn Road Waste Recycling Centre and the potential for an increase in fly tipping. How could the comments of the Chair of the Neighbourhood Services Committee be balanced against the public concerns particularly when some social media comments were actively encouraging fly tipping in order to avoid the charges.

The Mayor commented that there had been ample opportunity to ask questions in relation to the Clean and Green Strategy at the point it had been considered earlier in the agenda. The Mayor sought guidance from the Chief Solicitor who indicated that a similar question had been responded to earlier in the meeting and suggested to Members that progress be moved.

A point of order was raised by Councillor Riddle in accordance with Council Procedure Rules and the Member questioned the Mayor's limitation on the number of questions under Council Procedure Rule 12.1. The Chief Solicitor stated that there was no specific limitation but it was within the Chair's responsibilities to ensure business was transacted in an efficient manner. In response to a further point of order, the Chief Solicitor indicated that the question raised by Councillor Thompson was in relation to a Budget and Policy Framework matter which were more appropriately considered at the previous point in the meeting. Councillor Thompson clarified that his question specifically related to the Neighbourhood Services Committee considerations in advance of approving the policy for submission to Council and not on the policy as submitted.

A comment in relation to Member attendance at Committee meetings was ruled out of order by the Chief Solicitor and subsequently withdrawn by the Member.

10. Councillor Riddle questioned the Chair of the Audit and Governance Committee in relation to information that appeared on the envelopes sent to residents containing their Council Tax bills for the year. The statements related to the reduction in government grants and the effects on the Council budget and the views of the Chair of Audit and Governance Committee on those comments was sought.

The Chief Solicitor stated that the decision making on Council Tax did not lay within the remit of the Audit and Governance Committee and, therefore, the Chair of that Committee was not required to respond.

Councillor Riddle sought to redirect his question to the Chair of the Finance and Policy committee. The Chair of the Finance and Policy Committee stated that he was happy with the statements included on the envelopes and they were factual.

Councillor Thompson raised a point of personal explanation in accordance with the Constitution and stated that in response to the comments that were withdrawn earlier in the debate; he had been unable to attend the specific meeting in relation to the Clean and Green Strategy due to circumstances he had already discussed with the Chief Solicitor. The Chief Solicitor confirmed the statement and that the reason for the absence of the Member had been justified.

- b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2
- 1. Question from Councillor Riddle to the Chair of the Regeneration Services Committee.

*As you are aware, on March 9th members of the public and local business people were invited to attend a workshop focusing mainly on; new business idea generation, generating positive thinking and enthusiasm and developing ideas and applying for funding. Can you please confirm both the reasons for organizing the event, as well as providing feedback on how you feel it went please?*

The Chair of the Regeneration Services Committee stated that the event was part of the Combined Authority's investment in the local economy through business support as part of the overall Tees Valley Business Compass which helps ambitious local businesses realise their potential through the provision of a range of practical services such as business information services, investment opportunities and funding stream. The event was delivered by a partnership of organisations to help accelerate growth in established SME's

The event was delivered by the lead partner, Teesside University, as part of their Innovate Programme. Innovate Tees Valley is a £6.38M European funded programme that aims to encourage Tees Valley SME's to innovate and take forward new ideas into full commercialisation.

The Council's role had simply been to organise a venue for the event on the 9th March which was aimed at generating interest from local SME's from which eligible SME's could enrol in a further programme and support offered for a free programme that would last for 8 weeks. This event has already been undertaken across other Tees Valley local authority areas.

As partners of Teesside University, the Council helped with promoting the event to local SME's in our role as a business support service. This included sourcing the appropriate venue and promoting the event through a press release. The only cost to the Council was £75 for use of the college as a venue.

38 local businesses had signed up for the event of which 18 businesses had subsequently attended. It was hoped that all 18 would proceed to the 8 week programme as this would give them access to potential new funding. All costs were covered by the Innovate Programme and there would be no cost implication for the SME. There had been very good feedback from those that had attended the event.

Councillor Riddle thanked the Chair of the Regeneration Services Committee for his response.

2. Question from Councillor Riddle to the Chair of the Children's Services Committee.

*"As you will be aware, a major trade union has estimated that as much as £387 million has been ruthlessly cut from children's youth services in the last 6 years. Research has shown this has contributed to significant increases in mental health issues among young people, as well as spikes in crime and anti social behaviour. What we can as a council do to help mitigate the impact of the cuts?"*

The Chair of the Children's Services Committee stated that "the Children's Services like all other departments of the Council has felt the brunt of austerity and had to make cuts to contribute to the budget deficit. In addition, there were significant financial pressures within children's services with a budget shortfall of £1.6m.

Cuts had been made across children's services totalling over £6.7m since 2012/13, this included youth work where there had been a reduction of £923,000 over the same period. There had inevitably been an impact of this reduction on the provision of youth services and the youth offer across the town but efforts had and were being made to mitigate this through the redesign of the resources within local authority youth service, as well as working with the voluntary and community sector to develop new patterns and ways of working.

The mental health issues that many young people were suffering could in many cases be directly attributed to austerity. With poverty rising and families struggling to make ends meet, it was imperative that the Council continued to support families and young people across Hartlepool. Over the course of this year the council had already set strategic goals around emotional wellbeing. The council was working closely with the local Health Clinical Commissioning Group to support universal services, such as schools, to support young people to improve their emotional wellbeing. This included a pilot where school staff were trained in "Mindfulness" for them to support children and young people to reduce anxiety. This was being evaluated at present for potential further roll out.

It was also a clear policy of the Schools Forum to look at new delivery models for young people with social emotional and mental health issues.

In reference to the statistics for anti social behaviour; over the last 6 years 37% of the total number of recorded incidents had involved young people. However, the data would suggest that there was a reducing number of young people involved in anti social behaviour who presented with a mental health issue. The highest recorded number was nine young people recorded as having a mental health need in 2014/15 and this has reduced year on year and in the current year there was only four. There had also been a reduction in number of alcohol related incidents of anti social behaviour, reducing from 341 in 2011/12 to 86 in the year to date.

In order to mitigate the impact of the cuts in the youth service, as well as all the work that was going on around social emotional and mental health, the authority was supporting an innovative new delivery model for youth work, which at present was not delivered anywhere outside of London. 'Youth Foundations' were independent of local authority control and placed the power for future youth provision directly into the hands of local people. Hartlepool Borough Council was working with the voluntary and community sector and funding organisations to develop and deliver a Young People's Foundation in Hartlepool. This would be funded through grants and would become self sustaining ensuring the continuance of an offer for young people in the town.

The Chair of the Children's Services Committee indicated that In the light of further funding cuts between now and 2020 it was likely that youth services which were not a statutory requirement could be subject to further funding cuts. This was why the Council was being pro-active in looking at service delivery across Hartlepool and its sustainability for the future.

Councillor Riddle thanked the Chair of the Children's Services Committee for his response and commended the Committee and officers on the work being undertaken to tackle this important issue.

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

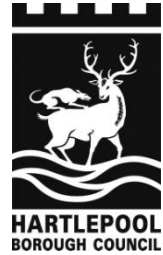
None.

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

The minutes of the Cleveland Fire Authority held on 14 October, 2016 were received.

The meeting concluded at 8.30 pm.

CEREMONIAL MAYOR

**COUNCIL****23 May 2017****Report of:** Monitoring Officer**Subject:** FURTHER REVIEW OF COUNCIL'S CONSTITUTION

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**1. INTRODUCTION**

- 1.1 At the Council meeting on the 8<sup>th</sup> September, 2016, it was resolved that the Council agrees to review its current approach to public involvement and engagement in relation to both the approach to public questions to Council and the role of the Neighbourhood Forums. Further, it was resolved, that this evaluation be undertaken by a politically balanced Constitution Working Group with eleven nominated members, comprising the Mayor, as Chair of Council, the five Policy Committee Chairs (or their nominated substitutes), together with the Chair of Audit and Governance Committee plus four additional members to be appointed by the political groups and Independents.
- 1.2 The Constitution Working Group has therefore convened and discussed matters pertinent to that earlier resolution at meetings held on 9<sup>th</sup> December, 2016, 21<sup>st</sup> February and the 18<sup>th</sup> and 24<sup>th</sup> April, 2017. This report therefore highlights the recommendations emanating from the Working Group for the consideration of Council. It should be noted that in undertaking any review or revision of the Council's Constitution it is prescribed in Article 15 that a protocol should be followed, which contains the following;
- 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 practises in the Council with other comparable Authorities and / or national examples of best practice.
- 1.3 This report will mention some of the practices in other Local Authorities but essentially centres around the discussions of the Working Group, who also received various 'issue papers' to assist with their deliberations.

1.4 Members are also reminded as previously stated in earlier periodic review reports, that 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 may direct, and
- Such other information (if any) that the Council considers appropriate.

1.5 In consideration of any potential reviews/ revisions to the Council's Constitution the Working Group were referred to the DETR guidance 'New Councils Constitutions: Modular Constitutions for English Local Authorities' (December 2000). Members are also further 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

### (i) **Proposed Revisions to the Contract Procedure Rules – To Support Increased Council Utilisation of the Local Supply Base.**

The following recommended changes to Contract Procedures Rules were considered by the Working Group:-

#### ***Changes to Procurement procedure thresholds***

*It was proposed that the requirement to advertise opportunities below the Public Procurement threshold be removed and replaced with a procedure which required Council Officers to select which suppliers to invite to tender/quote.*

*The number of quotations and complexity of procurement documentation is proposed to increase as the value of the contract being procured increases.*

*In keeping with the current Contract Procedure Rules, contracts which would previously have required that the Corporate Procurement Team manage the procurement process are still to be referred to the Corporate Procurement Team for management.*

*There are multiple amendments to the Contract Procedure Rules which facilitate this change. This change enables the Council to target the local supply base through its selection of companies being asked to submit a quotation. There is a requirement that there is a mix of local and non-local organisations so it does not limit non-local participation, it simply facilitates local participation.*

### **Changes to public notice provision S (1)**

*Under the proposed changes it will no longer necessary for Council Officers to advertise contract opportunities with a value below the prevailing Public Contracts Regulations threshold. However, the option to advertise opportunities below that threshold is available to Officers where this is deemed appropriate.*

*In the event that an opportunity to be advertised has a value in excess of £25,000, the Corporate Procurement Team must be advised prior to the commencement of the procurement process so that the appropriate notice can be placed on the Government's Contracts Finder website.*

*The placement of this notice is a statutory obligation.*

### **Changes to public notice provisions S (2)**

*In the event that an opportunity to be advertised has a value in excess of £25,000, the Corporate Procurement Team must be advised prior to the commencement of the procurement process so that the appropriate notice can be placed on the Government's Contracts Finder website.*

*It was noted that this requirement also relates to call-off's from framework agreements and contracts which are awarded following the approval of an exemption to these Contract Procedure Rules.*

*The placement of this notice is a statutory obligation.*

## **RECOMMENDATION**

That the above recommended changes to the Contract Procedure Rules (as illustrated by tracked changes on **Appendix 1**) be agreed by Council.

## **(ii) Reviewing the Current Approach to Public Involvement and Engagement**

Further to consideration at previous meetings of the Working Group held on 9<sup>th</sup> December 2016 and 21<sup>st</sup> February 2017, final views were sought on the proposals put forward in relation to the approach to community involvement and engagement and specifically in relation to Neighbourhood Forums.

The Working Group expressed the view that there should continue to be two Forum meetings with an informal separate meeting 'in between' the Forum meetings to allow the public the opportunity to ask questions to Policy Chairs. It was considered that this would allow Council meetings to focus more on strategic issues.

In terms of the revised format for the Forums, Members considered that the remit of the Forums should be 'a focal point for local consultation on the provision of Council services and neighbourhood issues'. It was highlighted that at a previous meeting of the Working Group it had been suggested that the responsibility of 'providing a platform for the reporting of Ward Member budgets' be transferred to Neighbourhood Services Committee.

Arrangements would be made for separate events based on the 'Your Say, Our Future' initiative, to facilitate engagement on a range of issues.

Following discussions at the Working Group on 18<sup>th</sup> April 2017, confirmation was sought in relation to the following:-

1. That the two Neighbourhood Forums continue. They will be renamed Community Forums (rather than Neighbourhood Forums) but will continue to be split geographically into North & Coastal and South & Central. They will continue to be held quarterly in the Civic Centre on the same day and the Chair and Vice-Chair of both Forums will be an Elected Member.
2. There will be a Policy Chairs Question Time 'in between' the two Forum meetings to cover all questions to Policy Chairs from both sets of residents (timing of meetings will need to be considered).
3. The remit (Article 10.4 in the Constitution) will be narrowed down to be a 'focal point for local consultation on the provision of Council services and neighbourhood issues'.
4. That reporting on Ward Member budgets would transfer to Neighbourhood Services Committee.

In addition it was understood that there would be separate 'roundtable events' held 4-6 times a year to facilitate engagement with a wider range of residents on a range of issues. This would follow the 'Your Say, Our Future' principles as shared with the Working Group in the report to that meeting on 18<sup>th</sup> April 2017.



During the debate which followed presentation of the report, the following views were expressed by Members:-

- Four Community Forums and separate 'roundtable events' be scheduled in the new municipal year.
- Of the four separate roundtable events, one be allocated to the Health and Wellbeing Face the Public event and one to the Safer Hartlepool Partnership Face the Public event.
- Further, as the Community Forums were engagement events, they should not be included in record of Member attendances.

## **RECOMMENDATION**

The Constitution Working Group confirmed the above and the Assistant Director (Corporate Services) agreed to draft a programme addressing timing issues associated with the Policy Chairs Question Time being include 'in between' the two Community Forum meetings. Accordingly, the following recommendations are made;

1. The two Neighbourhood Forums will continue. They will be renamed Community Forums (rather than Neighbourhood Forums) but will continue to be split geographically into North & Coastal and South & Central. They will continue to be held quarterly in the Civic Centre on the same day and the Chair and Vice-Chair will be an Elected Member.
2. There will be a Policy Chairs Question Time 'in between' the two Forum meetings to cover all questions to Policy Chairs from both sets of residents (timing of meetings will need to be considered).
3. The remit of the Forums (Article 10.4 in the Constitution) will be narrowed down to be a 'focal point for local consultation on the provision of Council services and neighbourhood issues'.
4. That reporting on Ward Member budgets would transfer to Neighbourhood Services Committee.

### **(iii) Public Questions to Council**

The Working Group expressed the view that the public should have the opportunity to raise questions at the Policy Committees and that questions relevant to Policy Committees should not be replicated as a Council question. The Working Group noted that other Tees Valley Authorities did operate a system of public questions but that there were variations within the procedures within those Authorities. However, members did indicate that the system of governance through a 'committee system' was distinct from the other Tees Valley Authorities and lent itself to a greater opportunity for the questions to be given before the Policy Committees which would strengthen the role of Policy Committees in facilitating public engagement. It was the view of the Working Group that this could remove the need for public questions to Council.

### **Monitoring Officer Advice;**

There is merit to this suggestion. The underlying theme behind the resolution from Council on the 8<sup>th</sup>, September, 2016 was to look at ways the Council could improve its approach to public involvement and participation and the proposal will contribute to this objective. However the removal of public questions would need to be closely considered against the background, that there will always be occasions where matters of such import, urgency or indeed impact upon the Borough arise and that the same should not be exclusively reserved to Elected Members to raise but that opportunity should be given to ordinary members of the public. It is therefore the Monitoring Officer's recommendation that the 'scope of questions' under Council Procedure Rule 11.5 (which procedure rule is equally applicable to both public and member questions) is revised with the additional inclusion of the following requirements, whereby the Chief Executive (in consultation with the Chair of Council) may reject a question if;

- *It is not about a matter of such significance and/ or impact or urgency, wherein a response is desirable through Council rather than through the relevant Policy Committee or through the Audit & Governance Committee. In those circumstances the Chief Executive (in consultation with the Chair of Council) will consider the strategic importance of the question in consultation with the relevant Policy Chair, or where the question relates to the remit of the Audit and Governance Committee, the Chair of Audit and Governance.*

### **RECOMMENDATION**

It is therefore recommended that the scope of questions (Council Procedure Rule 11.5) be amended as above in the light of the Working Group's recommendations and the advice of the Monitoring Officer

#### **(iv) Member Questions**

In reviewing the Council's Constitution it appears to have been a very novel innovation to incorporate Council Procedure Rule 12.1 'Questions about recent decisions at Council Committees' within the Council's Procedure Rules. This appears to have originated at the initial inception of the Council's Constitution circa 2001. This ostensibly entails;

*'A member of the Council may ask a Chair of a Committee about a decision published and approved for implementation in the period since the last ordinary meeting of the Council. Questions under this rule may be asked without notice. However, the questioner must identify the Committee who made the decision and the title of the decision taken by the Committee.'*

This particular Procedure Rule appears to have displaced Council Procedure Rule 12.4 'Reports of the Committees' wherein it is mentioned;

*'A member of Council may ask a Chair of a Committee any question without notice upon an item within the report of the Committee when that item is under consideration by the Council'.*

The constitutional arrangements of other Local Authorities have included the wording of Council Procedure Rule 12.4 within their agenda for the Council business to be transacted but certainly not, in the terms of the present Council Procedure Rule 12.1.

## **RECOMMENDATION**

That Council adopts the current Council Procedure Rule 12.4 within its agenda to replace Council Procedure Rule 12.1 (i).

### **(v) Forward Plan**

The Working Group considered a revised format of the Forward Plan to ensure a more constant approach. That template is attached hereto (**Appendix 2**). It was noted the new format included information being presented in order of date and would be refreshed every two months. On those exceptional occasions when a report is submitted late to a Policy Committee, then there would be a requirement to update the Policy Chair initially and thereafter update the appropriate Policy Committee in relation to such a departure from the Forward Plan. This would require some minor amendments to the Council's 'Access to Information Procedure Rules' and authority is therefore sought to proceed with this particular recommendation.

**RECOMMENDATION** – That the revised format of the Forward Plan be noted and approved and the Access to Information Procedure Rules be updated accordingly.

### **(vi) Constitution Committee**

At the meeting of the Constitutional Working Group on the 18<sup>th</sup> April it was noted the possible reintroduction of a Constitutional Committee. Such a reintroduction would require revision to the present Article 15 which places any review / revision arrangements with the Council's Monitoring Officer. The Working Group considered that the composition of the Committee should be 9 but to include the Ceremonial Mayor and the Leader of the Council with a quorum of 4 members. Further, meeting should be held quarterly. The remit of the Committee should be as follows;

*'To review, monitor and where necessary recommend changes to the Constitution to full Council, as set out in Article 15, so that the aims and principles of the Council's Constitution are given full effect'.*

It was further agreed by the Working Group that Committee reports should be presented at Council meetings by the Monitoring Officer.

### **RECOMMENDATION**

- 1) That the Constitution Committee be reintroduced comprising 9 members, including the Ceremonial Mayor, The Leader of the Council with a quorum of 4 members and meetings being held quarterly.
- 2) That Constitution Committee reports be presented at Council meetings by the Monitoring Officer.

### **(vii) Timing of Committee Meetings**

- Concerns were expressed in relation to staffing issues associated with 'evening' meetings.
- The view was expressed that attendance at meetings by public tended to be agenda item specific with examples of well attended meetings held on morning, afternoon and evenings.
- It was noted that Committee Chairs had flexibility to change the time of their Committee meetings.
- It was suggested that Council consider changing the time of Council meetings to start 2pm during the period between October and February and that consideration be given also to evening Council meetings starting at 6 p.m.

**RECOMMENDATION** - That Council consider suggested changes to the timing of meetings.

## **3. SUMMARY OF RECOMMENDATIONS**

- i) That the above recommended changes to the Contract Procedure Rules (as illustrated through **Appendix 1**) be agreed by Council.
- ii) The two Neighbourhood Forums will continue. They will be renamed Community Forums (rather than Neighbourhood Forums) but will continue to be split geographically into North & Coastal and South & Central.  
They will continue to be held quarterly in the Civic Centre on the same day and the Chair and Vice-Chair will be an Elected Member.
  - There will be a Policy Chairs Question Time in between the two Forum meetings to cover all questions to Policy Chairs from both sets of residents (timing of meetings will need to be considered).
  - The remit (Article 10.4 in the Constitution) will be narrowed down to be a 'focal point for local consultation on the provision of Council services and neighbourhood issues'
  - That reporting on Ward Member budgets would transfer to Neighbourhood Services Committee.

- iii) Scope of questions (Council Procedure Rule 12.3 refers) be amended in the light of the recommendation of the Working Group and the advice of the Council's Monitoring Officer.
- iv) That Council adopts the current Council Procedure Rule 12.4 to replace Council Procedure Rule 12.1 (i).
- v) That the revised format of the Forward Plan be noted and approved and the Access to Information Procedure Rules be updated accordingly.
- vi) That the Constitution Committee be reintroduced comprising 9 members, including the Ceremonial Mayor, The Leader of the Council with a quorum of 4 members and meetings being held quarterly.
- vii) That Constitution Committee reports be presented at Council meetings by the Monitoring Officer.
- viii) That Council consider suggested changes to the timing of Council meetings.

#### **4. CONTACT OFFICER**

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# CONTRACT PROCEDURE RULES

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## INTRODUCTION

### 1. Contracts covered by the rules

- i) The following procedure rules apply to contracts entered into by the Council whether under authority exercised by Full Council, a Policy Committee or a relevant Officer. The contracts to which they are applicable are contracts for the acquisition of goods, materials or services or for the execution of works, with certain exemptions set out in the rules.
- ii) The rules do not represent a total procedure package – rather they stipulate a number of requirements that must be complied with within any contract letting procedures adopted. For further details of the procedures to be followed in the procurement of goods and services, reference should be made to the Procurement Strategy and Policy Document 2015-2018, [http://hbcintranet/site/scripts/download\\_info.php?downloadID=4998&fileID=14012](http://hbcintranet/site/scripts/download_info.php?downloadID=4998&fileID=14012) which gives a wider explanation of the Council's procurement policies and practices. Where significant expenditure is contemplated, the rules establish requirements in the context of three contract-letting concepts -
  - Best Price basis - lowest price where price to be paid by Council; highest price where price to be received by Council;
  - Price/Quality – contractor to be selected on basis of combination of price and quality, buyer of goods/services to be selected on basis of combination of price and benefits to Hartlepool residents;
  - Strategic Partnerships – arrangements to be developed between the Council and its strategic partners (including other public sector organisations), to exploit common resources, potential economies of scale, support local infrastructure or to secure continuing service provision.

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

- i) Once a decision has been made to procure a service following acceptance of a challenge submitted under the 'Community Right to Challenge' legislation, the Council's Contract Procedure Rules come into effect.
- ii) As with all other procurement activities undertaken by the Council, the procurement procedure will be selected by assessing the value of the contract to be awarded – as described later in these rules.
- iii) Given the possible nature of the services subject to challenge, care will need to be taken to ensure that evaluation criteria are utilised which reflect the Council's obligation to secure Best Value and meet the requirements and principles laid down in the Public Services (Social Value) Act 2012, i.e. to consider how the procurement can promote or improve the social, economic or environmental well-being of the Authority's area.
- iv) In addition, care will be taken to ensure that Third Sector and Voluntary & Community Sector organisations are not excluded from bidding for services as a result of the



Council incorporating requirements which are not proportional to the value of the service and any associated risks relating to public safety, service delivery, service continuity etc.

- v) In addition to the above, any planned procurement activity will take into account any pre-existing contractual obligations the Council may have. This may result in decisions being required on whether to extend or terminate existing contracts.

### 3. Central Purchasing Contracts and Framework Agreements

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

### 4. Select List [of Contractorss](#)

- i) Where goods, services or works are to be acquired of a nature in respect of which a Select List [of Contractors](#) has been established or adopted by the Council, such goods, services or works will be purchased through that arrangement unless the Chief Officer, following consultation with the Council's Corporate Lead for Procurement considers a special exemption can be made.
- ii) Goods or services for which the Council has accepted an [offertender](#) submitted via a Select list are outside the scope of the Contract Procedure Rules and will be obtained from the relevant supplier in accordance with the procedures defined for using the Select List.

### 5. Strategic Partnerships

- i) Where goods or services are to be acquired of a nature in respect of which the Council has established a Strategic Partnership with another provider, such goods and services will be acquired through that Strategic Partnership. Only in exceptional circumstances and following consultation with the Council's Corporate Lead for Procurement and the Chief Solicitor, will exemptions be made.
- ii) Strategic Partnerships of the kind intended in these Contract Procedure Rules are likely to be of a lengthy duration and as a result, will typically represent a monetary

value well in excess of the threshold detailed in the prevailing Public Contracts Regulations.

- iii) The Public Contracts Regulations impose specific requirements in relation to the setting up of strategic partnerships (as opposed to letting contracts through the normally required competitive procurement routes) with the main considerations revolving around structural control, economic dependency, and the pursuit of objectives in the public interest.
- iv) This is a highly complex area and as such, any Council activities identified as possibly suitable for the creation of a Strategic Partnership must be referred to the Council's Legal Division for consideration.

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

- i) These rules do not apply when a decision is taken to have work executed by an in-house provider such as Neighbourhood Services, without competitive process provided that the service is not subject to a challenge under the 'Community Right to Challenge' legislation.
- ii) Should such a challenge exist, contracts will not be awarded until the outcome, either successful or unsuccessful of the challenge has been ascertained.
- iii) In such circumstances, the provider being a department or division of the Council, there is no contract as it is a fundamental principle of contract law that a party cannot contract with itself. Even where a competitive process has taken place and the work is awarded to the in-house provider on the basis of their bid, there is no contract.
- iv) This has the consequence that, when it is necessary for the in-house provider to have some part of the work done by an outside contractor, the contract with the outside contractor is a 'contract', rather than a 'sub-contract' (requiring specific contract provision regulating the relationship between the in-house provider and the external contractor which is outside the scope of this commentary). ~~For the purposes of their bid as part of a competitive process, the in-house provider may wish to include elements of cost for an external contractor and provision is made for a higher limit for informal/quotation/tender procedures to be followed in such circumstances. Costs established through these informal/quotation/tender procedures can then be used as the basis of the contract with the external contractor without further tendering procedures being followed. In these rules, such contracts are referred to as "In-house Bid Contracts".~~

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

- i) As part of their specification writing and ~~tender procurement documentation~~ preparations, procurers must record details of and the rationale behind the procurement strategy to be employed. As a minimum, the details must include the following:
  - Scope of the contract
  - Reasons for ~~requirement~~~~tender~~ packaging and structure of lots

- Basis of any price/quality split to be used in the evaluation process
- ii) This information is to be retained for audit purposes and in the event that the relevant Policy Committee requests a review of the procurement process followed.
- iii) Considerations which will inform decisions around the procurement strategy to be employed are likely to include: -
  - Value of contract and method of payment
  - Nature of project - e.g. is the work involved of a specialist nature where the contractor's techniques, design talents, contacts with government departments, national agencies etc are likely to be material to any choice
  - Length of contract and any extension arrangements
  - Frequency of need for services/work
  - Importance of adherence to budget and cost monitoring
  - Client input and contract management throughout the project
  - In the event of the contract arising as a result of a successful challenge under 'Community Right to Challenge' legislation the Council will consider its obligations and stated preferences in relation to delivery of services and the opportunities the contract may provide to support and develop the Third and Voluntary Sectors in the locality.

## 8. Roles and Responsibilities

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

### **The role of Members Policy Committees or the Council**

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

### The Finance and Policy Committee

- iii) In order to ensure monitoring in the award of contracts, the Committee will review outcomes after the completion of a tender procedure or a quotation with a value in excess of £60,000 (Goods and Services) or £100,000 (Works). In respect of any tender the Committee will have the responsibility:
- The same functions under 8(ii) above in its role as a Policy Committee.
  - To receive and examine quarterly reports on the monitoring and outcome of contract letting procedures including outputs, values, value for money considerations and performance (incorporating if necessary provider comparative analysis) where lowest/highest price is not payable/receivable.
  - To receive and examine reports on any exemptions granted to these Contract Procedure Rules

### iv) The Audit and Governance Committee

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

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

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

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

- vi) The relevant Chief Officer must:-

Record the outcome of all tenders / quotations with a value in excess of £60,000 (Goods and Services) or £100,000 (Works) indicating:-

- Contract Name and Reference number;

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

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

- vii) It is presumed that Officers responsible for procuring goods, works and services under these rules are familiar with the powers delegated to Officers under the Council's delegation scheme, at least to the extent that those powers enable an Officer to take action without a specific authority from Members. Where an Officer is given power to take action (e.g. to incur expenditure for which budgetary provision has been made), that power includes the power to enter into any contract necessary to secure the goods, works or services involved. In the interests of transparency, the requirement for the outcome of a [Contract Tender](#) letting procedure to be reported to the Finance and Policy Committee applies to contracts undertaken by an Officer under delegated powers, but the responsible Officer, rather than the Chief Solicitor would sign such a contract.

## 9. Electronic Procurement (e-Procurement)

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

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

- i) The Public Services (Social Value) Act places a number of statutory obligations on the Council, in relation to certain elements of its procurement practices.
- ii) The Act does not apply to below threshold contracts or any works or supplies contracts. However, it is likely that 'mixed' contracts involving services will be subject to similar analysis as is currently undertaken in terms of the dominant value test.
- iii) As the Act covers service contracts as defined in the [Public Contracts](#) Regulations the duty appears to extend to [Part B service](#) contracts [for 'Social and Other Services'](#) since these service contracts are covered by the [Public Contracts](#) Regulations albeit the requirements for the procurement of such contracts are less onerous.
- iv) The Act also includes an amendment to section 17 of the Local Government Act 1988 (exclusion of non-commercial considerations in the case of local and other public authority contracts) which basically enables the Council to consider non-commercial matters when awarding business, provided this is done in pursuit of the duties imposed by the Public Services (Social Value) Act 2012.
- v) The Council confirms that it will consider the following when proposing to procure or make arrangements for procuring services and will ensure that the Council's Key

Social Values, as described in the Sustainable Community Strategy or Council Plan, are taken into account:

- How what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant area (and this is the Authority's own area (or combined areas if it is a joint procurement) in which it 'primarily exercised its functions');
- How, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain in line with EU law, that anything under this limb must be relevant and proportionate in respect of the proposed contract);
- Whether they need to undertake any consultation about the two limbs of the duty as set out above.

vi) Where appropriate, [tender procurement](#) documentation will include a reference to the Act and will provide the opportunity for bidders to propose the delivery of 'Social Value' as part of their submission with such proposals being considered and scored as part of the tender / [quotation](#) evaluation process.

vii) Whilst the 'Public Services (Social Value) Act 2012' places a requirement on the Council to consider the issues described above, the Council is committed to the principles of the Act in all of its procurement activities, regardless of the value of the procurement or the nature, *i.e.* not solely service contracts to the exclusion of supply and/or works contracts, and will endeavour to apply these principles in a relevant and proportionate way.

## 11. Prompt Payments in the Supply Chain

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

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

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

### **Standard Terms and Conditions for the Purchase of Goods and Standard Terms and Conditions for the Purchase of Services:**

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

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

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

## 12. Hartlepool Living Wage

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

## 13. Blacklisting

- i) The Council operates a policy of not contracting with organisations who undertake 'blacklisting' in relation to their employees on the basis of their trade union membership or union activities.
- ii) This policy is enacted through the content of Pre-qualification and Business questionnaires, and the Council's contract terms and conditions.
- iii) The questionnaires referred to above contain the following warranty which bidding organisations are required to offer:

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



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

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

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

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

#### **14. General**

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



## PART A - SCOPE OF CONTRACT PROCEDURE RULES

### 1 Application of Contract Procedure Rules

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

[In the event that the exemption is requested on behalf of the Finance and Policy Department, the request is to be reviewed by the Chief Executive.](#)
- A record of any granted exemption from any of the provisions of these procedure rules shall be reported to the Finance and Policy Committee on a quarterly basis and shall specify the case or urgency by which the exemption shall have been justified.
- iv) Any granted exemption to these Contract Procedure Rules shall remain valid for a maximum period of 12 months. Officers will not be able to rely upon the granted exemption beyond this point and a procurement process must be undertaken in accordance with these Contract Procedure Rules, wherever possible.
  - v) For the purposes of any financial limit referred to in the rules, if the application of the rules to a particular contract cannot be identified until after opening of any tender [/ quotation](#), the value of the contract shall be as estimated by the Chief Officer.
  - vi) Reference in these rules to any decision, authority or action of the Council, a Policy Committee or an Officer shall be deemed to include reference to a decision approval or action of the responsible body or Officer prior to as well as after the adoption of these rules.
  - vii) The letting of any contract shall also comply with any legislation or regulations relevant to the contract, Health and Safety Regulations, the European Directive on public procurement and the Council's Financial Regulations.

- viii) In respect of any contract to which, for whatever reason, the procedures set out in these rules do not apply, there shall be followed a procedure which:
- ensures a level of competition consistent with the nature and value of the contract
  - is transparent and auditable
  - provides value for money, and
  - records the reasons for choosing the successful contractor

## **PART B – SELECT LISTS OF CONTRACTORS~~TENDERERS~~ LISTS**

### **2 Compilation of a Select Tenderers~~List~~ of Contractors**

- i) This rule applies where a decision has been made that a list shall be kept of persons to be invited to submit quotation~~tender~~ for contracts for the supply of goods, materials or services of specified categories, values or amounts, or for the execution of specified categories of work.
- ii) The list shall include, where possible, a minimum of four persons, wherever practicable two of which should be local to Hartlepool, and shall;
  - be approved by the Chief Officer;
  - contain the names of all persons included in it subject to their approval by the Chief Officer/Head of Department, the appropriate technical officer (being satisfied that they have the capacity to undertake the contracts envisaged), the Health, Safety and Wellbeing Manager or Chief Executive's nominee (being satisfied that they have adequate Health and Safety arrangements) and the Director of Finance and Policy~~Chief Finance Officer~~ (being satisfied that they are financially sound); and
  - indicate whether a person whose name is included in it is approved for contracts for all or only some of the specified values or amounts of categories.
- iii) At least four weeks before the list is first compiled, notices inviting applications for inclusion in it shall be published:
  - a. in one or more local newspapers circulating in the district, and/or
  - b. on the procurement pages of the Council's website, and/or
  - c. in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.
- iv) The list may be amended by the appropriate Chief Officer as required from time to time and shall be reviewed as follows:
  - Review to be carried out at intervals not exceeding 4 years, where an update of the list is carried out and notices inviting applications for inclusion in the list shall be published in the manner provided by paragraph (iii) of this section.

- Update to be carried out at intervals not exceeding 2 years, where each person whose name appears in the list shall be asked whether s/he wishes his/her name to remain therein.

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

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

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

## PART C - PROCUREMENT PROCEDURES

### 4 SCOPE OF PART C:

- i) The requirements detailed in this Part C do not apply to contracts which have been determined should be let under the ~~Selected Lists of Contractors-Tenderer~~ or Corporate framework provisions (see Part B) or which relate to the following matters: -
  - (a) Purchase by auction;
  - (b) Work to be executed, or goods materials or services to be purchased, which are a matter of urgency;
  - (c) The work to be executed or the goods, materials or services to be supplied consist of repairs to or parts for existing machinery or plant;
  - (d) The goods, materials or services to be purchased are such that a substantial proportion of the price is likely to be attributable to haulage;
  - (e) The purchase of goods, materials or services which are obtainable only from a limited number of contractors, but in such case a reasonable number of contractors shall be invited to submit quotationstenders;
  - (f) Purchase or repair of patented or proprietary article or articles sold only at fixed price;
  - (g) The goods, materials or services to be purchased are such that effective competition is prevented by government control;
  - (h) The prices of the goods, materials or services to be purchased are controlled by a trade organisation or for other reasons there would be no genuine competition.
  - (i) The purchase of goods, materials or services which are acquired for re-sale to the public by a trading arm of the Council.
- (ii) Purchase of second-hand goods.
- iii) NOTE: All quotations / tenders referred to in sections 4, 5 and 6 below are to be sought from Central Purchasing Contracts or framework agreements (as described in 'Introduction – Para. 3')~~pre-determined frameworks or existing contracts~~, where such arrangements exist.
- iv) Where such arrangements do not exist, a minimum number of local suppliers (where available) must be invited to submit a quotation in respect of the processes outlined in sections 5 & 6. This is not possible with section 7 (Tenders) as these are advertised, however steps should be taken to communicate opportunities to local businesses.
- v) The minimum number of local suppliers to be invited to submit a quotation varies depending on the value of the contract to be awarded. Details are provided in the table at paragraph 6 below

**5. Informal Request for Quotation Procedure –****i) Contracts under £1,0005,000**

For a contract for less than £1,0005,000, reasonable enquiries shall be made to determine that the price is fair and reasonable and records retained to evidence such reasonable enquiries.

**6. Formal Request for Quotations Procedure –**
**i) Works contracts £1,0005,000 - £4,104,394100,000  
 Goods materials or Services Contracts £1,0005,000 - £164,17660,000  
 (~~In-house bid contracts £5,000 – £100,000~~)**

In respect of contracts:

- for the execution of works over £51,000,000 and up to £4,104,394100,000 (~~for In-house bid contracts see ‘The rules and an In-house provider’ in these Contract Procedure Rules~~); or
- for the supply of goods materials or services over £1,0005,000 and up to £164,17660,000 (~~£100,000 for In-house bid contracts~~)

the requisite number of at least three documented quotations shall wherever possible be obtained.

The following table details the requisite number of quotations, dependent on the anticipated value of the subsequent contract:

		Goods, Materials and Services (excluding Social and other specific services)	Social and other specific services	Works
	Contract Value	Proposed Rules	Proposed Rules	Proposed Rules
Departmental	£0 - £1000	Informal Process – Reasonable Enquiries required <u>Minimum of one quotation</u>	Informal Process – Reasonable Enquiries required <u>Minimum of one quotation</u>	Informal Process – Reasonable Enquiries required <u>Minimum of one quotation</u>
	£5,000	At least <u>2 quotations</u> using Quick Quotes  <u>Officers should invite a minimum of 1 local company to quote (where available)</u>	At least <u>2 quotations</u> using Quick Quotes	At least <u>2 quotations</u> using Quick Quotes
	£60,000	At least 3 quotations using Quick Quotes	At least 3 quotations using Quick Quotes	At least 3 quotations using Quick Quotes

		Officers should invite a minimum of 2 local companies to quote (where available)		Officers should invite a minimum of 2 local companies to quote (where available)
	£60,000 - £100,000			Officers should invite a minimum of 2 local companies to quote (where available)
Corporate Procurement	£60,000 - £100,000	At least 4 quotations using Quick Quotes	At least 4 quotations using Quick Quotes	
	£100,000 - £164,176	Officers should invite a minimum of 3 local companies to quote (where available)	Officers should invite a minimum of 3 local companies to quote (where available)	At least 4 quotations using Quick Quotes
	£589,148			Officers should invite a minimum of 3 local companies to quote (where available)
	£4,104,394	EU procedures Apply	EU 'light touch' procedure Applies	EU procedures Apply

All quotations are to be secured using the Council's prescribed system and process of quotation gathering, the default position being a requirement to use the Council's e-procurement system.

## PART D – BEST PRICE PROCEDURES

### 7. Tender Procedure –

- i) **Works contracts over ~~£4,104,394~~100,000**  
**Goods materials or Services Contracts over ~~£164,176~~60,000**  
**(In-house bid contracts over ~~£100,000~~)**

~~Except for contracts described in Rule 3, All~~no contracts which exceed ~~£4,104,394~~100,000 in value or amount for the execution of any works, or ~~£164,176~~60,000 (~~£100,000 in the case of an In-house bid contract~~) in value or amount for the supply of goods, materials or services shall be procured in accordance with the prevailing Public Contracts Regulations~~made unless public notice has been given in accordance with the Public Notice provisions (see Rule 7).~~

### 8. Public Notice provisions

#### Publication of Contract Opportunity Notices

Procurement processes subject to the tender procedure described in paragraph 7 are governed by the requirements of the Public Procurement Regulations.  
The following public notice provisions are also governed by the requirements of the Public Procurement Regulations but are further defined by these Contract Procedure Rules. These publication rules only apply to procurement processes with a value below the Public Contracts Regulations tender threshold described in paragraph 6.

Application of these public notice provisions is optional, however, where these provisions are applied AND the value of the contract to be awarded is in excess of £25,000, an advertisement MUST be placed on the Government's Contracts Finder website.

The Corporate Procurement team will place this advert on behalf of the procuring officer/team.

- i) At least seven calendar days public notice shall be given
  - in one or more local newspapers circulating in the district, and/or
  - on the procurement pages of the Council's website, and/or
  - on the Council's chosen procurement portal and/or
  - ~~wherever the value or amount of the contract exceeds £100,000 in the case of execution of any works or exceeds £60,000 in the case of supply of goods, materials or services, and~~ where deemed appropriate, in one or more newspapers or journals circulating among such persons as undertake such contracts,

expressing the nature and purpose of the contract, inviting tenders for its execution and stating the last date (not less than 14 days after appearance of the public notice) when tenders will be received.
- ii) After the date specified in the public notice, invitations to tender for the contract shall be sent to not less than four of the persons who applied for permission to tender, selected by the Chief Officer in the approved manner, either generally or in relation to a particular contract or category of contract or, if fewer than four persons have applied and are considered suitable, to all such persons.

### **Publication of Contract Award notices**

All contracts **awarded** with a value in excess of £25,000 MUST be notified to the Corporate Procurement Team so that details can be submitted to the Government's Contracts Finder website.

The Contracts Finder website is a nationally available government website on which public sector organisations are required post details of advertised contract opportunities and contracts awarded with a value over £25,000.

## **9. Selected tenderers provisions**

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

**10 Acceptance of tenders/quotations**

i) A tender / quotation –

- other than the lowest tender / quotation if payment is to be made by the Council or
- other than the highest tender / quotation if payment is to be received by the Council,

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



## PART E - PRICE/QUALITY CONTRACTS

### **11. Price/Quality Contracts Provisions**

- i) This rule applies when it has been determined by the Chief Officer, that the contractor shall be chosen on the basis of a combination of price and performance and for which a price/quality ratio has been determined.
  - (a) Where there is a relevant Select List of Contractors or framework for the nature of work or service involved in the project, the Chief Officer shall invite the appropriate contractors from the list to indicate whether they are interested in undertaking the proposed works.
  - (b) Where there is no Select List of Contractors or framework the rules defined in sections 3, 4 or 5 are to be applied.
- ii) An Agreed Marking Mechanism (see Rule 15) shall be applied to calculate the Price/quality Score of each tender [/ quotation](#).
- iii) The tender [/ quotation](#) with the highest Price/Quality Score will usually be accepted.

## PART F – STRATEGIC PARTNERSHIPS

### **12. Strategic Partnership Contracting Provisions**

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

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

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

However, where contracting authorities conclude contracts for financial interest with one another, the case law indicates that this may in certain circumstances (despite the general principle) fall outside the scope of the procurement rules. Where contracting Authorities co-operate with a view to jointly ensuring the

execution of public interest tasks, then this may involve the award of contracts without triggering the obligation to apply EU public procurement law.

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

## G - GENERAL PROVISIONS

### 13. Opening of tenders

- i) Written tenders shall be opened at one time and only in the presence of: -
- The relevant Chief Officer or representative
  - An Officer from Democratic Services
  - An Officer from the Corporate Procurement Unit
- ii) Electronic tenders / quotations with a value in excess of £60,000 (Goods and Services) or £100,000 (Works) shall be opened at one time and only in the presence of: -
- The relevant Chief Officer or representative
  - An Officer from Democratic Services
  - An Officer from the Corporate Procurement Unit
- iii) Paragraph (i) and (ii) of this Provision shall not apply to tenders / quotations obtained for the In-house Provider for the purpose of compiling a bid as tender for submission by the In-house Provider. ~~which tenders shall be opened by the relevant Chief Officer or their nominated Officers.~~
- iv) Paragraph (i) and (ii) of this Order shall not apply to tenders / quotations which are received through the execution of an e-auction. In such an event, the following will take place:
- a) The relevant Chief Officer and Democratic Services representative will be advised of the e-auction event dates and times by the Corporate Procurement Unit and arrangements made to accommodate relevant Officers at the live auction event should they wish to attend.
- v) The outcomes of all (written and electronic) tenders are to be recorded indicating:-
- Contract Name and Reference number
  - Description of Goods / Services being procured
  - Department / Service area procuring the Goods / Services
  - Bidders
  - Prices (separate to Bidders details to preserve commercial confidentiality)

- Identity of successful Bidder

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

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

- i) The Council's principal method of procurement is by electronic means. Requests for Quotations and Invitations to Tender must be transmitted by electronic means using the Council's e-procurement system unless the Director of Finance and Policy authorises (in exceptional circumstances) the use of postal / hard copy tenders / quotations.
- ii) In the event that use of postal / hard copy tenders / quotations has been authorised, the resultant procurement documentation Every notice of invitation to tender shall state that no ~~submission~~tender will be received except in a plain sealed envelope which shall bear the word "Tender" - followed by the subject to which it relates - but shall not bear any name or mark indicating the identity of the sender. Envelopes shall be returned to the Chief Executive and once received shall remain in the custody of the Chief Executive or his/her nominee until the time appointed for their openings.
- iii) The Chief Executive ~~or the Chief Officer of the In-house Provider (as the case may be)~~ shall keep a record of all postal / hard copy tenders / quotations ~~tenders~~ received.

**15. Agreed Marking Mechanism**

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

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

**16. Contracts to be in writing**

- i) Every contract, other than those for goods / services which are classified as exempt, shall be the subject of a Council purchase order and shall specify:
  - (a) the work, materials, matters or things to be furnished, had or done;
  - (b) the price to be paid, with statement of discounts or other deductions; and
  - (c) the time or times within which the contract is to be performed.
- ii) Where the value of the contract exceeds the financial limits which require a tender process or quotation exercise with a value in excess of £60,000 (Goods and Services) or £100,000 (Works) ~~process~~ to take place (see Rule 7) the contract must be the subject of a formal written contract signed in accordance with Rule 18.

**17. Liquidated Damages and Performance bonds**

Every contract which exceeds £100,000 in total value or total amount over its lifetime and is either for the execution of works or for the supply of goods, materials or services, shall, unless the Chief Officer otherwise decides after consultation with the

Chief Solicitor, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, and the Council shall also require and take sufficient security for the due performance of any such contract. In the case of any such contract for the execution of works such security shall be provided by requiring the retention of a proportion of the contract sums payable until the work has been satisfactorily completed and maintained and, unless the Chief Officer, after consultation with the Chief Solicitor considers it unnecessary in any particular case, additional provision of a bond for due performance.

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

### **i) Contract Vetting**

- a) Contracts [with a value in excess of £60,000 \(Goods and Services\) or £100,000 \(Works\)](#) are to be referred to the Corporate Procurement Unit for vetting.
- b) The Corporate Procurement Unit must refer all contracts [with a value in excess of £60,000 \(Goods and Services\) or £100,000 \(Works\)](#) and which incorporate additional terms and conditions to those contained in the Council's approved standard contractual documentation to the Council's Legal Services Department for vetting.

### **ii) Contract Signature**

- a) Except for contracts entered into by an Officer in exercise of delegated powers, the Chief Solicitor shall be the agent of the Council to sign on behalf of the Council all contracts agreed to be entered into by or on behalf of Policy Committees or the Council.
- b) Contracts which are for a value of £100,000 or more shall be executed under the Council's seal by the Chief Solicitor (or in his/her absence by a person authorised by him/her).

## **19. [Withdrawal of a tender / quotation](#)**

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

## **20. Post contract variations and negotiations**

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

a contract shall not without the authority of the relevant Policy Committee or the Council depart from the description of the works, goods, materials or services for which the quotation or tender was received.

- ii) This paragraph applies where all of the tenders [/ quotations](#) received exceed the budget allocated for the project and the Chief Officer and the Head of Service relevant to the contract consider that amendments may be made to the specification or procurement process which would result in a price in accordance with the budget. All [those submitting tenders / quotes](#)~~Tenderers~~ shall ~~each~~ be provided with a schedule of variations / revised instructions and invited to submit a revised bid.
- iii) Apart from discussions with contractors for the purpose of clarification of any element of a tender [/ quotation](#), or for the correction of arithmetic or other details, (but NOT the resolution of any qualified bids) negotiations following receipt of tenders [/ quotations](#) shall only take place in the following circumstances: -
  - (a) where a single tender [/ quotation](#) or no acceptable tenders [/ quotations](#) have been received and the Chief Officer considers that negotiation may lead to more favourable terms or an acceptable offer to the Council, or
  - (b) when tenders [/ quotations](#) cannot readily be evaluated and compared without discussion with [those submitting the tender / quotation](#)~~tenderers~~ or
  - (c) with the approval of the [Director of Finance and Policy](#)~~Chief Finance Officer~~ and the Chief Solicitor and the Monitoring Officer (if different) and any negotiations shall be conducted in accordance with paragraph (iv)
- iv) Discussion with [those submitting the tender / quotation](#)~~tenderers~~ for the purpose of negotiations under paragraph (iii) shall
  - be attended by not less than 2 Council Officers
  - be at a pre-determined time during normal office hours
  - be the subject of a comprehensive written record, signed by the Council Officers in attendance and submitted to the Council's Corporate Lead for Procurement for approval

## **21. Extensions to contracts**

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

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

[the Chief Solicitor or representative](#)

the Director of the Department requesting the exemption or representative  
the Director of Finance and Policy or representative  
the Commissioning Officer requesting the exemption

In the event that the exemption is requested on behalf of the Finance and Policy Department, the request is to be reviewed by the Chief Executive.

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

## PART H - GLOSSARY

### 22. Interpretation

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

**“Agreed Marking Mechanism”** is the mechanism which (before the issue of any invitation to tender [/ quotation](#) or attend interview) has been agreed between the Chief Officer and the Council’s Chief Internal Auditor for the allocation of marks making up the Price/Quality Score (see also Rule 14).

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

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

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

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

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

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

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

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

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

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

- How, what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant area (and this is the Authority’s own area (or combined areas if it is a joint procurement) in which it ‘primarily exercised its functions’)
- How, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain in line with EU law, that anything under this limb must be relevant and proportionate in respect of the proposed contract);
- Whether they need to undertake any consultation about the two limbs of the duty as set out above.

**“Quotation”** for the purposes of this document is an offer submitted by a supplier to the Council via a procurement process where the suppliers participating in the procurement process have been selected by the Council, as opposed to their involvement occurring as a result of them responding to an advertised, open invitation, available to all interested suppliers.

**“Tender”** for the purposes of this document is an offer submitted by a supplier to the Council via a procurement process which required suppliers to respond to an advertised opportunity, such opportunity being made equally available to all interested suppliers.

Date

<b>Fwd Plan Ref / No/Date Published on Forward Plan</b>	<b>Type of Decision (incl Tests)</b>	<b>Date of Decision</b>	<b>Decision Maker(s)</b>	<b>1) Report Title 2) Nature of decision 3) Summary of issues / why needed 4) Ward(s) Affected</b>	<b>Consultees /Consultation Process</b>	<b>Background Documents</b>	<b>Author/ Contact No.</b>
<b>ADULT SERVICES COMMITTEE</b>							
				1)			
				2)			
				3)			
				4)			
				1)			
				2)			
				3)			
				4)			



<b>Fwd Plan Ref / No/Date Published on Forward Plan</b>	<b>Type of Decision (incl Tests)</b>	<b>Date of Decision</b>	<b>Decision Maker(s)</b>	<b>1) Report Title 2) Nature of decision 3) Summary of issues / why needed 4) Ward(s) Affected</b>	<b>Consultees /Consultation Process</b>	<b>Background Documents</b>	<b>Author/ Contact No.</b>
<b>CHILDREN'S SERVICES COMMITTEE</b>							
				1)			
				2)			
				3)			
				4)			
				1)			
				2)			
				3)			
				4)			

Fwd Plan Ref / No/Date Published on Forward Plan	Type of Decision (incl Tests)	Date of Decision	Decision Maker(s)	1) Report Title 2) Nature of decision 3) Summary of issues / why needed 4) Ward(s) Affected	Consultees /Consultation Process	Background Documents	Author/ Contact No.
<b>FINANCE AND POLICY COMMITTEE</b>							
				1)			
				2)			
				3)			
				4)			
				1)			
				2)			
				3)			
				4)			

Fwd Plan Ref / No/Date Published on Forward Plan	Type of Decision (incl Tests)	Date of Decision	Decision Maker(s)	1) Report Title 2) Nature of decision 3) Summary of issues / why needed 4) Ward(s) Affected	Consultees /Consultation Process	Background Documents	Author/ Contact No.
<b>NEIGHBOURHOOD SERVICES COMMITTEE</b>							
				1)			
				2)			
				3)			
				4)			
				1)			
				2)			
				3)			
				4)			

Fwd Plan Ref / No/Date Published on Forward Plan	Type of Decision (incl Tests)	Date of Decision	Decision Maker(s)	1) Report Title 2) Nature of decision 3) Summary of issues / why needed 4) Ward(s) Affected	Consultees /Consultation Process	Background Documents	Author/ Contact No.
<b>REGENERATION SERVICES COMMITTEE</b>							
				1)			
				2)			
				3)			
				4)			
				1)			
				2)			
				3)			
				4)			

**COUNCIL**  
23 May 2017



**Report of:** Chief Executive

**Subject:** BUSINESS REPORT

---

**1. TO MAKE APPOINTMENTS TO COMMITTEES, FORUMS AND OTHER BODIES AS REQUIRED BY THE CONSTITUTION**

The proposed membership of Committees, Forums and other bodies will be circulated prior to this meeting of full Council. An invitation has been extended to leaders of the political groups and independent members of the Council to make nominations for the position of Chairs and Vice Chairs. These will be indicated on the schedules to be circulated.

**2. TO MAKE APPOINTMENTS TO JOINT COMMITTEES AND OTHER OUTSIDE BODIES WHERE APPOINTMENT IS RESERVED TO COUNCIL**

A list setting out suggested representatives on joint committees and other outside bodies will be circulated prior to this meeting of full Council. Prior to the meeting the leaders of the political groups and independent Members have been invited to make nominations. Council is requested to agree the suggestions which will be set out in the document, the format of which will reflect the division of outside body list in Part 7 of the Constitution.

**3. HEADLAND AND HARBOUR BY-ELECTION**

Council is aware of the resignation of Sylvia Tempest, as Ward Councillor for Headland and Harbour and that a by-election was held on Thursday 4 May, 2017.

At that election Mike McLaughlin was duly elected to serve in the office of Councillor for that Ward until the local government elections in May, 2019.

Members are requested to note the election of Councillor McLaughlin as Borough Councillor for the Headland and Harbour Ward.

4. **APPOINTMENT OF INDEPENDENT PERSONS AND REPRESENTATIVES TO THE INDEPENDENT REMUNERATION PANEL**

The Localism Act, 2011, requires that a relevant authority must include provision for the appointment “of at least one Independent Person” as part of the arrangements to deal with complaints relating to the Council’s Code of Conduct for Elected Members. In addition certain additional requirements must be adhered to in relation to the appointment of such individuals as set out below;

- That the vacancy has been advertised in such a manner that the authority considers likely to bring it to the attention of the public,
- The person has submitted an application to fill the vacancy through the authority, and
- The person’s appointment has been approved by the majority of the Members of the authority.

There is also a general prohibition upon a person being an Independent Person if they have been a Member, Co-opted Member or Officer of the authority during the five years ending with the appointment. An advertisement was placed in the Hartlepool Mail and also on the Council’s website and social media platforms in relation to these positions. The Council’s Audit and Governance Committee have previously approved the “selection criteria” and “role description” of the ‘Independent Person’. On the 27 April, 2017, the Chair and Vice Chair of the Committee, together with the Council’s Monitoring Officer interviewed and recommended for appointment Mr Norman Rollo, Ms Clare Wilson and Mr Stan Cronin to the positions of Independent Persons, for a term of four years commencing on 1 July, 2017. If Council approves these appointments, Mr Rollo, Mr Cronin and Ms Wilson will serve upon the Council’s Audit and Governance Committee, when it deals with ‘standards’ in an advisory capacity as reflected within the Council’s Constitution. It was also recommended that Mr Rollo, Mr Cronin and Ms Wilson be appointed to the Independent Remuneration Panel, with those appointments to similarly take effect from 1 July, 2017.

**RECOMMENDATION**

1. That Council approves the appointment of Mr Norman Rollo, Mr Stan Cronin and Ms Clare Wilson as Independent Persons for a period of four years from 1<sup>st</sup> July, 2017.
2. That Council also appoints from 1 July, 2017, Mr Norman Rollo, Mr Stan Cronin and Ms Clare Wilson as representatives on the Independent Remuneration Panel.

5. **PROPOSED MERGER OF THE TEESSIDE AND HARTLEPOOL CORONER AREAS.**

Members will recall the earlier consideration of this item at Council on 21 January, 2016, from a report through the Finance & Policy Committee when it was resolved, amongst other matters, to support the ‘slotting in’ of the existing Senior Coroner for

Hartlepool in any amalgamation of the Teesside and Hartlepool Coroner Areas. The then Ceremonial Mayor wrote to the Lord Chancellor and Secretary of State for Justice to this effect and a response was received through Caroline Dinanage MP, Parliamentary Under-Secretary of State dated 23 March, 2016. That response noted the 'conflicting positions' between the local authorities on the appointment process and owing to that conflict, a proposed merger could not take place at that time.

Following the retirement of the former Senior Coroner for Teesside, a Business Case had been submitted to the Ministry of Justice and the Chief Coroner supporting a proposed amalgamation but with Hartlepool favouring a 'slotting in' appointment to the role of a Senior Coroner in any merger. That position was consistent with the Chief Coroner's Guidance Note No: 6 'The Appointment of Coroners'. It should be noted that any such appointment requires the consent of both the Chief Coroner and the Lord Chancellor. Ultimately, the three local authorities comprising the Teesside area favoured appointment of a Senior Coroner in any amalgamated jurisdiction through 'open competition'. However, there was also the request for the Ministry of Justice to indemnify those authorities in following such a process. The unwillingness of the Ministry of Justice to provide such an indemnity was a further reason why an amalgamation could not proceed at that time.

Since then, a Senior Coroner has been appointed to the Teesside Coroner Area, through 'open competition'. The Council have also received notification from Malcolm Donnelly of his intention to retire from the position of HM Senior Coroner for Hartlepool with effect from 30 June, 2017. The earlier response received from Government recognised the 'dedication' and 'valuable work' undertaken by the Senior Coroner for Hartlepool and his team. I'm sure members will want to echo that sentiment and the appreciation of the Borough in the performance of Mr Donnelly's role as Senior Coroner for the past twenty years. The Borough have been fortunate in having a Senior Coroner of the calibre of Malcolm Donnelly.

There is already a close working relationship between those who work in the Hartlepool and Teesside coroner services' and given the appointment of a new Senior Coroner for Teesside and the pending retirement of Mr Donnelly, it is opportune to look towards an amalgamation of these two coroner areas. It has already been stated by the Chief Coroner (following the outcome of the Luce Review) of the intention '*to move towards fewer, larger coroner areas over time, each of which supports a full time coroner case load.*' By itself Hartlepool cannot sustain a sufficient caseload to so support a full time coroner and there is the prospect that a merger could be imposed should matters not proceed through agreement of the local authorities. There has been agreement amongst the Chief Executives' to support a merger and the Ministry of Justice are also supportive. The important consideration is that Inquests will still be held in Hartlepool and that was a feature of the earlier Business Case and a later addendum. All consultees were supportive of a merger and that is a position reflected in Mr Donnelly's own correspondence. It is therefore recommended;

1. That Council notes the potential for a merger of the Hartlepool and Teesside Coroner Areas.

2. That the Chief Executive and Chief Solicitor be authorised to prepare an updated business case through the Ministry of Justice in unison with the local authorities comprising the Teesside Coroner Area.
3. That a further report be submitted to Council in June.



## APPOINTMENTS TO COUNCIL COMMITTEES AND FORUMS

### COMMITTEES AND FORUMS FULFILLING REGULATORY AND OTHER FUNCTIONS

#### Finance and Policy Committee\* – 11 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>7</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>

1	Cllr C Akers-Belcher <i>Chair (Leader)</i> (Lab)	7	Cllr James (Lab)
2	Cllr Cranney <i>Vice-Chair (Deputy Leader/Chair Regeneration Services)</i> (Lab)	8	Cllr Loynes (Con)
3	Cllr Thomas <i>Chair Adult Services</i> (Lab)	9	Cllr Thompson (IND)
4	Cllr Clark <i>Chair Children's Services</i> (Lab)	10	Cllr Fleming (UKIP)
5	Cllr Hunter <i>Chair Neighbourhood Services</i> (Lab)	11	Cllr Moore (UKIP)
6	Cllr Lindridge (Lab)		

(\*Membership NOT to include any Audit and Governance Committee members – page 3)

#### Adult Services Committee – 7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>5</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>

1	Cllr Thomas <i>Chair</i> (Lab)	5	Cllr Hamilton (Lab)
2	Cllr Richardson <i>Vice Chair</i> (Lab)	6	Cllr McLaughlin (Lab)
3	Cllr Hind (UKIP)	7	Cllr Beck (Lab)
4	Cllr Loynes (Con)		

#### Neighbourhoods Services Committee – 7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>5</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>

1	Cllr Hunter <i>Chair</i> (Lab)	5	Cllr Loynes (Con)
2	Cllr Lawton <i>Vice Chair</i> (Lab)	6	Cllr Hind (UKIP)
3	Cllr James (Lab)	7	Cllr Richardson (Lab)
4	Cllr Belcher (Lab)		

**Regeneration Services Committee –7 Members**

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>

1	Cllr Cranney <i>Chair</i> (Lab)	5	Cllr Loynes (Con)
2	Cllr S Akers-Belcher <i>Vice Chair</i> (Lab)	6	Cllr Moore (UKIP)
3	Cllr Lindridge (Lab)	7	Cllr Thompson (IND)
4	Cllr Cook (Lab)		

**Children's Services Committee –7 Members**

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>

1	Cllr Clark <i>Chair</i> (Lab)	5	Cllr Sirs (Lab)
2	Cllr Harrison <i>Vice Chair</i> (Lab)	6	Cllr Morris (Con)
3	Cllr Moore (UKIP)	7	Cllr Lauderdale (IND)
4	Cllr Robinson (Lab)		

Plus Independent Co-opted Members, including C. of E. and R.C. Representatives (with voting rights) parent governor representatives and potential other co-optees.

**Corporate Parent Forum –7 Members**

Labour	Conservative	Putting Hartlepool First	UKIP	Independent

Membership same as the Children's Services Committee

**Health and Wellbeing Board – 4 Members (including Leader of Council)**

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>

1	Cllr C Akers-Belcher <i>Chair</i> (Leader) (Lab)	3	Cllr Buchan (UKIP)
2	Cllr Thomas (Lab)	4	Cllr Clark (Lab)

**Licensing Committee** –12 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>7</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>

1	Cllr Loynes (Con) <i>Chair</i>	7	Cllr Hall (IND)
2	Cllr Buchan (UKIP) <i>Vice Chair</i>	8	Cllr Robinson(Lab)
3	Cllr Beck (Lab)	9	Cllr Lindridge (Lab)
4	Cllr Cook (Lab)	10	Cllr Hamilton (Lab)
5	Cllr Hunter (Lab)	11	Cllr Fleming (UKIP)
6	Cllr Lawton (Lab)	12	Cllr Morris (Con)

**Planning Committee** –11 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>6</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>

1	Cllr Cook <i>Chair</i> (Lab)	7	Cllr Fleming (UKIP)
2	Cllr S Akers-Belcher <i>Vice Chair</i> (Lab)	8	Cllr Buchan (UKIP)
3	Cllr Belcher (Lab)	9	Cllr Morris (Con)
4	Cllr James(Lab)	10	Cllr Loynes (Con)
5	Cllr Lawton (Lab)	11	Cllr Martin-Wells (Con)
6	Cllr Sirs (Lab)		

**Audit and Governance Committee\*** – 7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>

1	Cllr Martin-Wells <i>Chair</i> (Con)	5	Hamilton (Lab)
2	Cllr Tennant ( <i>UKIP</i> )/Cllr Hall (IND) <i>Vice Chair</i>	6	Cook (Lab)
3	Cllr Tennant (UKIP)/Cllr Hall (IND)	7	Harrison (Lab)
4	Belcher (Lab)		

(\*Membership NOT to include any Finance and Policy Committee members and Chair and Vice Chair must NOT be from Majority Group.)

Plus Independent Member(s) for Standards functions and Parish Council representatives when dealing with Parish Council issues and one fully co-opted representative from a

responsible local policing body during consideration of Crime and Disorder Committee matters.

### Constitution Committee – 9 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>6</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>

1	Cllr C Akers Belcher (Chair) (Leader) (Lab)	6	Cllr Martin-Wells (Con)
2	Cllr Beck (Chair of Council)(Lab)	7	Cllr Thompson (IND)
3	Cllr Barclay(Lab)	8	Cllr Tennant (UKIP)
4	Cllr Cranney (Lab)	9	Cllr S Akers-Belcher (Lab)
5	Cllr Cook (Lab)		

### Appointments Panel – 8 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
<b>5</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>

1	Cllr C Akers-Belcher (Chair) <i>Leader of Council</i> (Lab)	6	Cllr Cranney (Lab)
2	Cllr Beck <i>Chair of Council</i> (Lab)		Cllr Cook (Lab)
3	Cllr Tennant (UKIP)	7	Cllr James (Lab)
4	Cllr Martin-Wells (Con)	8	Cllr Thompson (IND)

**FORUMS -**

**North and Coastal Community Forum**

Comprising the following wards:

De Bruce, Hart, Headland and Harbour, Jesmond and Seaton

- |                                 |                          |
|---------------------------------|--------------------------|
| 1. Cllr Paul Beck (Vice-Chair)  | 9. Cllr David Riddle     |
| 2. Cllr Sandra Belcher          | 10. Cllr Jean Robinson   |
| 3. Cllr James Black             | 11. Cllr George Springer |
| 4. Cllr Rob Cook                | 12. Cllr Mike McLaughlin |
| 5. Cllr Brenda Harrison (Chair) | 13. Cllr Steve Thomas    |
| 6. Cllr Tom Hind                | 14. Cllr Paul Thompson   |
| 7. Cllr Tim Fleming             | 15. Cllr John Tennant    |
| 8. Cllr Shane Moore             |                          |

**South and Central Community Forum**

Comprising the following wards:

Burn Valley, Foggy Furze, Fens and Rossmere, Manor House, Rural West and Victoria.

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| 1. Cllr Christopher Akers-Belcher | 10. Cllr Marjorie James             |
| 2. Cllr Stephen Akers-Belcher     | 11. Cllr John Lauderdale            |
| 3. Cllr Allan Barclay             | 12. Cllr Trisha Lawton (Vice-Chair) |
| 4. Cllr Bob Buchan                | 13. Cllr Jim Lindridge              |
| 5. Cllr Alan Clark                | 14. Cllr Brenda Loynes              |
| 6. Cllr Kevin Cranney             | 15. Cllr Ray Martin-Wells           |
| 7. Cllr Ged Hall                  | 16. Cllr George Morris              |
| 8. Cllr Lesley Hamilton           | 17. Cllr Carl Richardson (Chair)    |
| 9. Cllr Dave Hunter               | 18. Cllr Kaylee Sirs                |

# **Part 7**

## **Appointments to outside organisations and other bodies**

# APPOINTMENTS TO OUTSIDE ORGANISATIONS AND OTHER BODIES

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Northern Consortium of Housing Authorities .....	7
Northumbria Regional Flood and Coastal Committee .....	5
Older Persons Champion (Chair of Adult Services Committee) .....	11
Preston Simpson Scholarship in Music .....	10
River Tees Port Health Authority .....	10
Regional Health Joint Scrutiny Committee .....	5
Refugee Champion .....	11
Safer Hartlepool Partnership .....	7
Schools Admission Forum .....	9
Standing Advisory Council for Religious Education .....	7
SUEZ Recycling & Recovery UK Ltd .....	9
Tees Esk and Wear Valley NHS Trust.....	7
Tees Valley Combined Authority .....	7
Tees Valley Joint Health Scrutiny Committee .....	5
Tees Valley Leaders and Chief Executives' Meeting.....	7
Tees Valley Leaders and Elected Mayors' Group.....	7
Tees Valley Local Access Forum .....	9
Teesmouth Field Centre .....	10
Teesside Environmental Trust .....	12
Teesside Pension Fund .....	12
Victoria and Jubilee Homes .....	10



# APPOINTMENTS TO OUTSIDE ORGANISATIONS AND OTHER BODIES

## **Introduction and explanation**

The attached schedules show the categorisation of the currently recognised outside organisations and other bodies. There are five main categories as follows:

- (i) Joint Committees
- (ii) Leadership Bodies and Partnerships
- (iii) Advisory
- (iv) Council in the Community
- (v) Other Decision Making Bodies

It will be open to the Council to make Officer nominations where appropriate in respect of most bodies, the main exception being formal Joint Committees where Member attendance is a statutory requirement. In some cases it may be possible and appropriate to make nominations of persons from outside of Council.

These sub categories have been determined as follows:

### **(i) Joint Committees**

Part IV of the Local Government Act 1972 and other specific legislation provides that the arrangements for the discharge of functions may be through a joint Committee of two or more Local Authorities.

### **(ii) Leadership Bodies and Partnerships**

Involvement in such bodies and partnerships will cover the following roles:

- to represent the interests of Hartlepool
- to lead the community planning process
- to be the focus for forming partnerships with other public, private, voluntary and community sector organisations to address local needs.

### **(iii) Advisory**

Bodies which relate to the Council's functions in an advisory or influencing capacity.

### **(iv) Council in the community**

These are bodies which do not discharge functions of the Council and where the principal role of Members who are nominated will be to represent constituency interests, whether at the Ward or Borough level.

### **(v) Other decision making bodies**

These are decision making bodies other than Joint Committees.

**(i) JOINT COMMITTEES**

<b><u>Organisation</u></b>	<b><u>2017/18 Nominations</u></b>
<b>Archives Joint Committee</b>	(1) Cllr Hall Designated Sub:
<b>Cleveland Emergency Planning Joint Committee</b>	(1) Cllr James Designated Sub:
<b>Cleveland Police and Crime Panel</b> (Statutory Guidance applies) <b>(Politically balanced across Cleveland area)</b>  LAB – 1 IND – 1	(1) Cllr Lindridge (Lab) Designated Sub:  (2) Vacancy Designated Sub:
<b>North Eastern Inshore Fisheries and Conservation Authority</b>	(1) Cllr Cranney, Chair of Regeneration Services Committee
<b>Northumbria Regional Flood and Coastal Committee</b>	(1) Cllr James
<b>Tees Valley Joint Health Scrutiny Committee</b>	(1) Chair of Audit & Governance C'ttee (2) Cllr Harrison (3) Cllr Hamilton
<b>Regional Health Joint Scrutiny Committee</b> (Hartlepool Chair 2017/18)	(1) Chair of Audit and Governance Committee
<b>Better Health Programme Joint Health Scrutiny Committee</b>	(1) Chair of Audit & Governance C'ttee (2) Vacancy* (3) Vacancy* (*Member of Audit & Governance C'ttee)

## (ii) LEADERSHIP BODIES & PARTNERSHIPS

<b><u>Organisation</u></b>	<b><u>2017/18 Nominations</u></b>
<b>Association of North East Councils</b> Sub-groups of ANEC as noted below:  Leaders and Elected Mayor's Group  Health and Wellbeing Board Chair's Network  Collaborative Procurement Sub-Group (replaces NEPO appointment)  North East Culture Partnership Board	No nominations required – appointments are no longer required for the full association  (1) Leader: Cllr C Akers-Belcher  (1) Cllr C Akers-Belcher (Chair of Health and Wellbeing Board)  (1) Vacancy  (1) Cllr Cranney (Chair of Regeneration Services Committee)
<b>Durham Heritage Coast Partnership Steering Group</b>	(1) Cllr Cranney
<b>Economic Regeneration and Tourism Forum</b>	(1) Director or Regeneration and Neighbourhoods (2) Cllr C Akers-Belcher (Chair of Finance and Policy Committee) (3) Cllr Cranney (Chair of Regeneration Services Committee)
<b>Hartlepool and District Sports Council</b>	(1) Cllr Thompson (2) Cllr Moore (3) Vacancy
<b>Hartlepool Power Station</b>  (i) <b>Community Liaison Committee</b>  (ii) <b>Emergency Planning Committee</b>	(1) Cllr Cranney (Chair of Regeneration Services Committee) (2) Cllr S Akers-Belcher (Member of Planning Cttee) (3) Asst Director, Regeneration  (1) Chief Emergency Planning Officer
<b>13 – Hartlepool Delivery Board</b>	(1) Leader – Cllr C Akers-Belcher (2) Cllr Cranney (Chair of Regeneration Services Committee) (Designated substitute – Cllr James) (3) Cllr Hunter (Chair of Neighbourhood Services Committee) (4) Chief Executive
<b>Housing Partnership</b> (suggested Member with Housing responsibility)	(1) Cllr Cranney (Chair of Regeneration Services Committee)

<b><u>Organisation</u></b>	<b><u>2017/18 Nominations</u></b>
<b>Tees Valley Leaders and Elected Mayors' Group</b>	(1) Leader – Cllr C Akers-Belcher (substitute Deputy Leader – Cllr Cranney) (2) Chief Executive
<b>Tees Valley Leaders &amp; Chief Executives' Meeting</b>	(1) Cllr C Akers-Belcher Leader (Sub Deputy Leader – Cllr Cranney) (2) Chief Executive
<b>Local Government Association</b>	(1) Cllr C Akers-Belcher (2) Cllr S Akers-Belcher
<b>North East Migration Partnership Member Forum</b>	(1) Cllr Cranney (Chair of Regeneration Services Committee) Designated substitute – Cllr Hamilton)
<b>North Tees and Hartlepool NHS Foundation Trust</b>	(1) Vacancy
<b>Northern Consortium of Housing Authorities</b>	(1) Cllr Cranney (Chair of Regeneration Services Committee) (2) Cllr S Akers-Belcher (Vice-Chair of Regeneration Services Committee)
<b>Safer Hartlepool Partnership</b>	(1) Cllr C Akers-Belcher Leader (2) Cllr Thomas
<b>Standing Advisory Council for Religious Education</b> (Term of office 2016-2020)	(1) Cllr Clark (2) Cllr Harrison
<b>Tees Esk and Wear Valley NHS Trust</b>	Cllr Sirs (Member Champion for Mental Health)
<b>Tees Valley Combined Authority Board</b>  <b>(i) Transport Committee</b>  <b>(ii) Audit and Governance Committee</b> (Politically balanced) LAB - 1  <b>(iii) Overview and Scrutiny Committee</b> (Politically balanced) LAB – 2 UKIP –1  (Membership not to include the Audit and Governance Member)	(1) Cllr C Akers-Belcher Leader (Sub Deputy Leader – Cllr Cranney)  (1) Cllr Cranney (Chair of Regeneration Services Committee)  (1) Cllr Belcher (Lab)    (1) Cllr James (Lab) (2) Vacancy (Lab) (3) Vacancy (UKIP)

<b><u>Organisation</u></b>	<b><u>2017/18 Nominations</u></b>
<b>National Museum of Royal Navy Hartlepool (NMRN Hartlepool) Charitable Trust</b>	(1) Cllr C Akers-Belcher, Leader* (2) Chief Executive* *Board Members are both company directors and trustees
<b>Education Commission Leadership Group</b>	(1) Cllr Clark (Chair of Children's Services Committee)

**(iii) ADVISORY**

<b><u>Organisation</u></b>	<b><u>2017/18 Nominations</u></b>
<b>Local Joint Consultative Committee</b> (Politically balanced) LAB – 4.03 PHF – 0.42 CON – 0.64 UKIP – 1.27 IND – 0.64	(1) Cllr Cook (Lab) (2) Cllr James (Lab) (3) Cllr Richardson (Lab) (4) Cllr Hamilton (Lab) (5) Cllr Hind (UKIP) (6) Cllr Hall (IND) (7) Vacancy (Con)
<b>Schools Admission Forum</b>	(1) Cllr Clark (Chair of Children's Services Committee) (2) Cllr Harrison* (3) Cllr Sirs* (*Member of Children's Services Cttee)
<b>SUEZ Recycling &amp; Recovery UK Ltd (formerly SITA)</b>	(1) Cllr James Designated substitute to be appointed
<b>Tees Valley Local Access Forum</b> (new 3 year term of office – ends 2020)	(1) Cllr Cranney

#### (iv) COUNCIL IN THE COMMUNITY

<b><u>Organisation</u></b>	<b><u>2017/18 Nominations</u></b>
<b>Age UK Teesside</b>	(1) Cllr Thomas (Older Person's Champion)
Cleveland Fire Authority (Politically balanced – Lab 2, UKIP 1) LAB – 1.73 PHF – 0.18 CON – 0.27 IND – 0.27 UKIP – 0.55	(1) Cllr Cook (Lab) (2) Cllr S Akers-Belcher (Lab) (3) Cllr Martin-Wells/Cllr Moore (Con/UKIP)
<b>Durham Tees Valley Airport Board</b>	(1) Cllr Cranney (Chair of Regeneration Services C'ttee)
<b>Durham Tees Valley Airport Consultative Committee</b>	(1) Cllr Martin-Wells
<b>Fostering and Adoption Panel</b> (3 year term 2017-2020)	(1) Cllr Lawton
<b>Fairtrade Town Steering Group</b>	(1) Cllr Thomas
<b>Hartlepool War Memorial and Crosby Homes</b> (4 year term of office – until 2018)	(1) (Ex-officio Chairman of Council) (2) Cllr Belcher
<b>Henry Smith Educational Charity</b> (i) Nominated trustees – Term of office 1 year	(1) Cllr McLaughlin (2) Vacancy (3) Vacancy
<b>Preston Simpson Scholarship in Music</b> (Term of Office 2017 – 2021)	(1) Cllr C Akers-Belcher (2) Cllr Harrison (3) Mr Chris Simmons
<b>River Tees Port Health Authority</b>	(1) Cllr Harrison (2) Cllr Thomas
<b>Teesmouth Field Centre</b>	(1) Cllr Thompson (2) Appropriate Officer
<b>Victoria and Jubilee Homes</b> (Term of Office 2014-2018)	(1) Cllr Lauderdale (2) Cllr Beck (3) Cllr Barclay (4) Cllr Hall
<b><u>Member Champions</u></b>	
<b>Armed Forces Champion</b>	(1) Cllr Barclay
<b>Heritage Champion (Member of Planning Committee)</b>	(1) Cllr Lawton
<b>Mental Health Champion</b>	(1) Cllr Sirs

<b>Older Persons Champion (Chair of Adult Services Committee)</b>	(1) Cllr Thomas
<b>Refugee Champion</b>	(1) Cllr Cranney



## (v) OTHER DECISION MAKING BODIES

<u>Organisation</u>	<u>2017/18 Nominations</u>
<b>National Association of Councillors:</b>  <b>English Region</b>   <b>General Management Committee</b>	(1) Cllr C Akers-Belcher (Voting) (2) Cllr S Akers-Belcher(Voting) (3) Cllr Sirs  Only 2 voting Members/to be specified.  (1) Cllr C Akers-Belcher (Voting) (2) Cllr S Akers-Belcher (Voting) (3) Cllr Sirs  Only 2 voting Members/to be specified.
<b>North East Regional Employers Organisation</b>   <b>Executive</b>	(1) Cllr James (2) Cllr Richardson (3) Cllr Thomas  (1) Cllr James
<b>Teesside Pension Fund</b> <b>Teesside Pension Board (3 year Term of office until 2018)</b>	(1) Cllr C Akers-Belcher (1) No nomination required
<b>Furness Seaman's Pension Fund*** (4 year Term of office until 2017)</b>	(1) Mrs Mary Fleet (2) Mrs Sheila Griffin
<b>Teesside Environmental Trust</b>	(1) Cllr Thomas

\*\*\*The persons nominated do not have to be Members of the Council.

## (vi) APPROVED CONFERENCES:

Local Government Association

Centre for Public Scrutiny

National Association of Councillors (3 delegates to attend)

**COUNCIL**  
23 May 2017



**Report of:** Chief Executive

**Subject:** BUSINESS REPORT (2)

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**6. HARTLEPOOL UNITED FOOTBALL CLUB**

In response to the relegation of Hartlepool United Football Club from the football league the Leader asked me to investigate potential support the Council can provide the club when the new football season starts later in the year, in view of the profile and financial benefits the club brought to the town from being in the football league. As Members are aware the club currently lease the football ground from the Council for £18,000. The Council may wish to consider foregoing this income for the next football season to support the club in their endeavours to return to the football league. If Members wish to support this proposal the loss of this income will need to be managed from within the overall 2017/18 revenue budget.

Members' views are sought on this option.

## Cleveland Police and Crime Panel

A meeting of Cleveland Police and Crime Panel was held on Thursday, 10th November, 2016.

**Present:** Cllr Norma Stephenson O.B.E (Chairman),

Charles Rooney, Cllr Dave Hunter, Cllr David Coupe, Cllr Billy Ayre, Cllr David Wilburn, Cllr Gillian Corr (Substitute Cllr Ken Dixon), Gwen Duncan, Chu Chu Nwajiobi

**Officers:** Michael Henderson

**Also in attendance:** Barry Coppinger (Commissioner), Simon Dennis, Michael Porter, Joanne Hodgkinson (Commissioner's Office), Simon Nickless (Cleveland Police)

**Apologies:** Cllr Jim Lindridge, Cllr Linda Lewis, Cllr Alec Brown, Cllr Chris Jones, Cllr Matthew Vickers, Cllr Ken Dixon

### **PCP 32/16      Evacuation Procedure/Mobile Phones**

The Chairman presented the Evacuation procedures.

### **PCP 33/16      Declarations of Interest**

There were no declarations of interest.

### **PCP 34/16      Minutes of the meeting held on 8 September 2016**

The minutes of the meeting held on 8th September were confirmed as a correct record and signed by the Chair as a correct record.

At this point in the meeting the Chair explained that the terms of office for Gwen Duncan and Chu Chu Nwajiobi, the Panel's two Non Political Independent Members, would be coming to an end in December and this would be their final meeting. The Chair, on behalf of the Panel, thanked both members for the work they had undertaken for the Panel, its sub committees and scrutiny task and finish groups. The Chair wished both of them good luck for the future. The Chair's comments were echoed by the Commissioner.

### **PCP 35/16      Members' Questions to the Police and Crime Commissioner**

A number of questions were put to the Commissioner. Questions and responses could be summarised as follows:

- in response to a question about the total overtime payments for the Force the Commissioner indicated that he would look into this and provide details to members.
- Officer shift patterns - It was reiterated that new shift patterns had been developed in consultation with the work force, but would be reviewed at an appropriate point when it had had a chance to 'bed in'. Under the shift pattern more staff were on duty at the times of most demand.
- one of the Panel members, again, raised concerns about PCSOs being invited to residents' meetings/community Councils and not replying, or turning up.

Simon Nickless expressed his disappointment that this was still an issue, as these were excellent opportunities to engage. He agreed that a response needed to be given to any such invitations. It was noted that the Commissioner would be attending this particular Community Council in the coming weeks.

- There was a question relating to a recent Ofsted letter coming from an inspection focusing on Stockton on Tees Borough Council's Children's Services. The letter included comments relating to Cleveland Police's attendance at safeguarding meetings, and a wrongly closed investigation. Members received a full response and noted the introduction of the Stockton and Hartlepool Children's Hub, including additional dedicated resource from Cleveland Police had helped improve attendance at meetings, which had been noted by key partners. In terms of the wrongly closed investigation it was explained that this had been contrary to force procedures. The investigation had been reopened immediately and issues had been addressed quickly. Cleveland Police pointed out that the letter had not reflected the many positive comments about its work, which had been contained in the full inspection report.

- There was a question about a recent Employment Tribunal outcome and subsequent Remedy Hearing, involving Cleveland Police, which had resulted in a substantial award being made to a Cleveland Police Officer. Panel members noted that the Tribunal had related to events that had taken place a number of years ago. More recently the Force had reviewed many of its policies and had introduced the Everyone Matters Programme, which included training sessions on equality, diversity and human rights and cultural awareness across the whole organisation. It was explained that the conduct issues arising from the Tribunal were subject to an on-going Independent Police Complaints Commission investigation. When completed a report would be provided to the Force in its capacity as 'appropriate authority' under the police conduct rules. In regard to the financial remedy, referred to above, the Commissioner indicated that it would not affect operational policing in the current financial year and that any necessary adjustments to reserves to cater for litigation of any kind, would always form a key element of financial planning.

- Members discussed issues relating to the enforcement of 20mph zones in the force area. It was noted that the Commissioner had some guidance from the Association of Chief Police Officers on enforcement around these zones, which he would share with the Panel. Members recognised the importance of educating drivers, and future drivers, around this issue, to try and change attitudes. Enforcement would also play its part, but the Police had limited resources and had to focus on areas of highest risk to the public. It was agreed that this issue needed a multi agency response. Members requested that the Chair of the Cleveland Road Safety Partnership be invited to a future meeting when this matter would be discussed further. To facilitate this it was suggested that the meeting start at 4.30 p.m.

The Panel discussed incidents of Anti Social Behaviour originating around mischief night and bonfire night and the police responses to calls from the public. It was explained that, as with all calls, at any time of the year, a risk assessment was taken to understand the vulnerability of people involved and the result of the assessment would influence the Police response. Work continued to identify the most appropriate operating model to make the 101 service as responsive as possible. Reference was made to the multi agency

prevention work that preceded both mischief and bonfire nights. It was suggested that incidents on these nights may be an amplification of a situation that already prevailed in a particular area. Given this it was important for agencies to look to engage with young people and undertake preventative action, as much as possible.

- During further discussion of Anti Social Behaviour (ASB), it was agreed that initiatives, investing in early intervention was important and would help towards a long term solution. Also, working together, across the police and other agencies' ASB teams, was important.

RESOLVED that:

1. the discussion relating to the questions raised be noted.
2. the Chair of the Cleveland Road Safety Partnership be invited to a future meeting of the Panel and consideration be given to starting the meeting at 4.30pm.

**PCP  
36/16**      **Commissioner's Update**

Members received a report that provided the Panel with a brief update in relation to work undertaken:

- to review and improve the Cleveland and Durham Criminal Justice Board.
- in the development of a Violence Against Women and Girls Strategy.

Members were asked to consider the reports in further detail and provide comments outside the meeting, if they wished.

RESOLVED that the reports be noted.

**PCP  
37/16**      **Police and Crime Commissioner - Performance Report**

Members considered a summary of performance against the Police and Crime Plan.

RESOLVED that the report be noted.

**PCP  
38/16**      **Programme of Engagement for The Police and Crime Commissioner**

Members considered a report that provided an update in relation to meetings attended by the Commissioner from September 2016 to October 2016.

RESOLVED that the report be noted.

**PCP  
39/16**      **Decision of the Police and Crime Commissioner**

Members considered a report that provided an update on decisions made by the Police and Crime Commissioner for the period September to October 2016.

RESOLVED that the report be noted.

**PCP  
40/16**      **Forward Plan**

Members considered the Forward Plan

RESOLVED that the Forward Plan be noted.

**PCP  
41/16**      **Public Questions**

There were no public questions.

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# CLEVELAND FIRE AUTHORITY

## MINUTES OF ORDINARY MEETING

17 FEBRUARY 2017

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**PRESENT:**

**HARTLEPOOL BOROUGH COUNCIL**

Cllrs Rob Cook, Marjorie James, Ray Martin-Wells

**MIDDLESBROUGH COUNCIL**

Cllrs Jan Brunton, Naweed Hussain, Tom Mawston

**REDCAR & CLEVELAND BOROUGH COUNCIL**

Cllrs Neil Bendelow, Norah Cooney, Brian Dennis, Mary Ovens

**STOCKTON ON TEES BOROUGH COUNCIL**

Cllrs Gillian Corr, Paul Kirton, Jean O'Donnell, Mick Stoker, William Woodhead MBE

**AUTHORISED OFFICERS**

Legal Adviser and Monitoring Officer, Treasurer

**BRIGADE OFFICERS**

Director of Corporate Services, Director of Community Protection

**APOLOGIES:**

Chief Fire Officer

Cllr Teresa Higgins, Middlesbrough Council

**85. DECLARATIONS OF MEMBERS INTEREST**

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

**86. MINUTES**

**RESOLVED** – that the Minutes of the Cleveland Fire Authority Meeting on 14 October 2016 be confirmed.

**87. MINUTES**

**RESOLVED** – that the minutes of the Audit & Governance Committee Meeting on 11 November 2016, Executive Committee Meetings on 25 November 2016 and 20 January 2017 and Executive Tender Awarding Meetings on 14 December 2016 and 20 January 2017 be confirmed. The minutes of the Local Pension Board Meeting on 8 November 2016 were noted.

**88. COMMUNICATIONS RECEIVED BY THE CHAIR**

Daniel Greaves - Operational Statistics  
- Fire Revenue New Dimensions & Firelink Grant to FRS

Brandon Lewis - Fire Service Reform must go Further Faster  
- Next Steps for Fire Reform – Speech  
- Policing & Crime Act 2017: Emergency Services Collaboration  
- Efficiency Plans – Provisional Local Government Finance Settlement Announcement  
- The Thomas Review

Gill Gittins - Part-Time Workers (Prevention of Less Favourable Treatment) Regulations  
- Co-responding and wider work trials

## 88. COMMUNICATIONS RECEIVED BY THE CHAIR cont.

- Clair Alcock
- Pension Regulator Survey
  - Firefighters (England) Scheme Advisory Board Update
  - Informal View: Income Tax & National Insurance Implications

**RESOLVED – that the communications be noted.**

## 89. REPORTS OF THE CHIEF FIRE OFFICER

### 89.1 Draft Service Plan Priorities 2017/18

The Director of Corporate Services informed Members that the draft Service Plan Priorities for 2017/18 had stemmed from three main sources:

- CIRMP 2014-18 Year 4 Proposals
- CIRMP 2018-22
- Corporate proposals identified by the Executive Leadership Team as a result of strategic risk assessment.

Members were referred to Appendix 1 and the following draft priorities 2017/18 were covered in detail:

<u>OD12</u>	New complex on Queens Meadow Business Park consisting of Administrative HQ, Fire Control, Learning & Development Centre, and Asset Resource Centre
<u>OD15/16</u>	Efficiency Plan Revenue Budget 2017/18
<u>ER1</u>	Implement Emergency Response: Industrial & Commercial
<u>ER3</u>	Major Estate Rebuild & Refurbishment Programme
	(iii) Build a New Community Fire Station at Thornaby
	(iv) Build a New Community Fire Station at Grangetown
	(v) Refurbish Stranton Community Fire Station
	(vi) Refurbish Guisborough Community Fire Station
	(vii) Refurbish Loftus Community Fire Station
<u>ER9</u>	Prepare for the introduction of Retained Duty System Crewing Arrangements for the Second Fire Engine at Thornaby and Grangetown Fire Stations.
<u>C1</u>	Strategic Planning and Community Integrated Risk Management Plan 2018/19 – 2021/22
<u>C2</u>	Operational Configuration
<u>EC1</u>	Thornaby Fire Station – Collaboration with Cleveland Police
<u>EC2</u>	Redcar Fire Station – Collaboration with the Maritime Coastguard Agency
<u>EC3</u>	Incident Command Unit – Collaboration with Cleveland Police
<u>EC4</u>	Fleet Maintenance – Collaboration with Cleveland Police
<u>EC5</u>	Drones – Collaboration with Cleveland Police
<u>EC6</u>	Emergency Medical Responder (EMR) Scheme – Collaboration with North East Ambulance Service (NEAS) and the North East Fire and Rescue Service
<u>EC7</u>	Emergency Services Mobile Communications Programme – Collaboration
<u>EC8</u>	Community Safety Services – Collaboration with Cleveland Police
<u>EC9</u>	Tackling Vulnerability; Building Resilience – Collaboration with the National Health Service, Public Health and Social Care
<u>AT1</u>	Performance Framework
<u>AT2</u>	Community Engagement
<u>WR1</u>	Workforce Strategy
<u>WR2</u>	Values
<u>WR3</u>	Apprenticeships



### **89.1 Draft Service Plan Priorities 2017/18 cont.**

The Director of Community Protection (DoCP) referred to the Emergency Medical Response (EMR) trial at priority EC6 and reported that the trial was due to finish and an outcome was being awaited from the Fire Brigades Union (FBU) recall conference as to whether they would support firefighters continuing to deliver this service.

Councillor James referred to priority WR3 - Apprenticeships and suggested running an apprenticeship programme across all Emergency Services to give a degree of commonality and then allow individuals to specialise.

Councillor James also referred to EC8 – Community Safety Services – Collaboration with Cleveland Police and suggested pursuing a scheme whereby vulnerable people at risk of going missing are given a pendant/bracelet with GPS to allow them to be tracked.

Councillor Kirton asked for clarification regarding where the water response team will be based while Stockton Fire Station is being rebuilt. The DoCP confirmed this would remain at Thornaby Fire station with 5 trained staff and be available 24/7.

Councillor Ovens asked for an update relating to Retained Recruitment at Redcar Fire Station. The DoCP confirmed that the Brigade had not yet achieved a full complement of staffing but transitional funding was available to cover three whole time riding positions on that appliance. He confirmed that 9 retained firefighters were appointed with an additional 19 being held on file.

Councillor Ovens asked for an update regarding plans for shared estate at Saltburn Fire Station. The DoCP confirmed that the refurbishment of Saltburn was still going ahead in line with the Brigade's Estates Programme but no longer involved shared accommodation with Cleveland Police.

Councillor Dennis asked how the Brigade had measured the success of the EMR trial and asked why the FBU did not want it. The DoCP confirmed that anecdotal evidence had been gathered from the 2,500 incidents attended and work had also been commissioned by Teesside University to evaluate the trial. In addition, a research team headed by Professor Julia Williams would be evaluating whether the trial had been a success on a national level. In relation to the FBU, he reported that historically it had not supported co-responding and it was to be done on a voluntary basis. They did however lift their blocking of this to allow the EMR trial to go ahead.

#### **RESOLVED:-**

- (i) That Members considered and approved the Draft Service Plan Priorities 2017/18, attached at Appendix 1, to be included in the Authority's Service Plan 2017/18 and published in April 2017.**

### **89.2 Information Pack**

- 90.2.1 Employers Circulars
- 90.2.3 Campaigns

**RESOLVED – that the information pack be noted.**

## **90. JOINT REPORT OF THE CHIEF FIRE OFFICER AND TREASURER**

### **90.1 Medium Term Financial Strategy 2017/18 – 2019/20 and Council Tax Setting**

The Treasurer outlined the Medium Term Financial Strategy (MTFS) in relation to the 2017/18 Budget and Council Tax Setting which covered:

- Government Funding Cuts 2013/14 and 2019/20
- 2016/17 Outturn Strategy
- Update on Forecast Resources 2017/18 to 2019/20
- Council Tax and Business Rates Collection Fund
- Revenue Support Grant
- Business Rates Income and Top Up Grant
- Summary of Forecast Resources 2017/18
- Update of Forecast Budget Deficits 2017/18 to 2019/20 and Strategy for Managing Deficits
- Financial Outlook 2020/21 – Reform of Local Government Funding System

The Treasurer noted that the 2017/18 Council Tax referendum threshold for Fire and Rescue Authorities will continue at 2% and it is anticipated that this limit will also apply for 2018/19 and 2019/20. This confirms that the annual Council Tax increases of 1.9% built into the MTFS can be implemented without holding a Council Tax referendum.

The Treasurer reported that the CFO was continuing to manage budgets extremely carefully, including holding posts vacant to facilitate the achievement of budget reductions over the period 2017/18 to 2019/20. He reported that following a recent updated assessment a forecast managed under spend of £0.5m is expected at the year end.

The Chair noted that the Treasurer was awaiting confirmation of settlement grant figures from DCLG and queried whether this would be a legal budget setting. The Legal Adviser and Monitoring Officer (LAMO) confirmed that this had been considered and did not affect the Authority's budget setting.

The LAMO asked Members to vote on the recommendations of the Executive Committee. Members voted unanimously in favour of the recommendations.

#### **RESOLVED:-**

- (i) That the action taken by the Chief Fire Officer to achieve a 2016/17 managed under spend be noted and the allocation of these one-off resources to fund increased pension costs of £0.160m over the period 2017/18 to 2019/20 and the remaining £0.340m to manage financial risk arising from the future implementation of 100% Business Rates retention, be approved.**
- (ii) That the allocation of the additional 2017/18 one off Collection Fund surplus of £126,000 to also help manage financial risk arising from the future implementation of 100% Business Rates retention, be approved.**
- (iii) That Members noted the Authority's application for a multi-year settlement offer had been approved by the Minister of State for Policing and the Fire Service, as detailed in Appendix A.**

## 90.1 Medium Term Financial Strategy 2017/18 – 2019/20 and Council Tax Setting cont.

- (iv) That the MTFs forecasts based on the CIRMP savings proposals approved by the Authority on 12<sup>th</sup> February 2016, as summarised in paragraph 6.5, be noted.
- (v) That a 2017/18 Council Tax increase of 1.9%, which equates to a Band D Council Tax of £73.06, and supporting statutory calculations detailed in Appendix F, which includes the following Council Tax levels, be approved:

Property Band	2017/18		Annual increase £
	Annual Council Tax £	Weekly Council Tax £	
A	48.71	0.94	0.91
B	56.82	1.09	1.05
C	64.94	1.25	1.21
D	73.06	1.41	1.36
E	89.30	1.72	1.67
F	105.53	2.03	1.96
G	121.77	2.34	2.27
H	146.12	2.82	2.72

Approximately 65% of households are in a Band A or B property compared to 44% nationally

- (vi) That the 2017/18 revenue budget as detailed in Appendix D, be approved.
- (vii) That Members noted the approved capital programme for 2017/18 and 2018/19 which had been updated to reflect re-phased capital expenditure and which was within the approved capital budget allocation, as detailed in Appendix E.

## 91. REPORT OF THE TREASURER

### 91.1 Treasury Management Strategy 2017/18

The Treasurer informed Members that the Treasury Management Strategy 2017/18 had been scrutinised by the Audit & Governance Committee at its meeting on 11 November 2016 and there were no significant changes to report other than those set out in the recommendations. Councillor Dennis asked for clarification as to why the Authority banked with Svenska Handelsbanken. The Treasurer confirmed that it had struggled to find a bank that was safe to invest in and this was a traditional foreign bank without an investment arm.

**RESOLVED:-** that the report be noted and the following recommendations from the Audit and Governance Committee for the 2017/18 Treasury Management Strategy and related issues be approved:

## 91.1 Treasury Management Strategy 2017/18 cont.

### (i) Investment Strategy

- a. That the Counterparty Limit for Svenska Handelsbanken be increased from £1m to £2m.
- b. That the Counterparty Limit for County, Metropolitan or Unitary Councils be increased from £2m to £3m.
- c. That the Counterparty Limit for District Councils, Police or Fire Authorities be increased from £1m to £1.5m.
- d. That the Counterparty limits as set out in Appendix 1 paragraph 9.8, which incorporates the above recommendations (a) to (c).

### (ii) Minimum Revenue Provision (MRP) Statement

That the MRP statement outlined in Appendix 1 paragraph 10.2 be approved.

### (iii) Prudential Indicators 2017/18

That the prudential indicators detailed in Appendix 2 be approved.

## 92. 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, 4 and 5 below of Part 1 Schedule 12A of the Local Government Act 1972 as amended 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.

## 93. CONFIDENTIAL MINUTES

**RESOLVED** – that the Confidential Minutes of the Cleveland Fire Authority Ordinary Meeting on 14 October be confirmed.

## 94. CONFIDENTIAL MINUTES OF COMMITTEES

**RESOLVED** – that the confidential minutes of the Executive Committee Tender Awarding meetings on 14 December 2016 and 20 January 2017 and the Executive Committee meeting on 20 January 2017 be confirmed.

## 95. CONFIDENTIAL REPORT OF THE CHIEF FIRE OFFICER

### 95.1 Part Time Workers (Prevention of Less Favourable Treatment) Regulations – Fire Brigades Union and Retained Fire Fighters Union Settlement Agreements

The LAMO updated Members on issues relating to fire service pension matters and the situation on the tax treatment of settlement awards.

**COUNCILLOR JAN BRUNTON**  
**CHAIR**