



Chief Executive's Department
Civic Centre
HARTLEPOOL

12 June 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 THURSDAY 22 June 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



Thursday 22 June 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 meetings of Special Council held on 18 May 2017, Council on 23 May 2017 and Annual Council on 25 May 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;
 - (1) Report of the Independent Remuneration Panel
- (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 the Council's Constitution – *Monitoring Officer*

- (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 31 March 2017.



SPECIAL COUNCIL

MINUTES OF PROCEEDINGS

18 May 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	Black	Buchan
Clark	Cranney	Fleming
Hall	Harrison	Hunter
James	Lauderdale	Lawton
Lindridge	Loynes	Moore
Dr Morris	Richardson	Robinson
Springer	Tennant	Thomas

Officers: Gill Alexander, Chief Executive
Paul Edmondson-Jones, Interim Director of Public Health
Hayley Martin, Head of Legal Services 'Place'
Denise Ogden, Director of Regeneration & Neighbourhoods
Alastair Rae, Public Relations Manager
Amanda Whitaker, Democratic Services Team.

123. APOLOGIES FOR ABSENT MEMBERS AND COMMUNICATIONS SENT TO THE CEREMONIAL MAYOR OR CHIEF EXECUTIVE.

Apologies had been from Councillors Belcher, Hamilton, McLaughlin, Martin-Wells, Riddle and Thompson.

124. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

126. CHIEF EXECUTIVE'S REPORT – CIVIC HONOURS

At the meeting of Council held on 23 February 2017, it had been agreed that the titles of Honorary Freeman and Honorary Freewoman and the Freedom of Hartlepool be bestowed on the following individuals and organisations as recommended by the Civic Honours Committee.

Members were reminded that this Special Meeting of the Council had been convened to confer civic honours in pursuance of Section 249 of the Local Government Act 1972.

The following Motion was proposed by the Ceremonial Mayor, Councillor Cook and seconded by Councillor C Akers-Belcher:-

“That this Council, in appreciation and recognition of the eminent service rendered to the Borough of Hartlepool by:

Jill Kitching

Mohamed Menabawey

Albert Pattison

1st Hartlepool Boys' Brigade Company

and in pursuance of Section 249(5) of the Local Government Act 1972, do hereby admit the said:

Jill Kitching

Mohamed Menabawey

Albert Pattison

1st Hartlepool Boys' Brigade Company

to be Honorary Freeman/Freewoman of the Borough of Hartlepool”

The Motion was put and agreed unanimously.

Councillor Richardson addressed the Council in proposing Jill Kitching for the title of Honorary Freewoman

Councillor Cranney addressed the Council in seconding Jill Kitching for the title of Honorary Freewoman

In the absence of the proposer, Councillor C Akers-Belcher conveyed the nomination by Councillor Martin-Wells in proposing Mohamed Menabawey for the title of Honorary Freeman.

Councillor Loynes addressed the Council in seconding Mohamed Menabawey for the title of Honorary Freeman.

Councillor Cranney addressed the Council in proposing Albert Pattison for the title of Honorary Freeman

Councillor S Akers-Belcher addressed the Council in seconding Albert Pattison for the title of Honorary Freeman

Councillor Clark addressed the Council in proposing 1st Hartlepool Boys' Brigade Company for the Freedom of the Borough of Hartlepool.

Councillor Beck addressed the Council in seconding 1st Hartlepool Boys' Brigade Company for the Freedom of the Borough of Hartlepool.

The Ceremonial Mayor, Councillor Cook, conveyed congratulations to the recipients of the civic honours.

Honorary Freewoman Jill Kitching accepted the title of Honorary Freewoman of the Borough, signed the Freedom Roll and addressed the Council in suitable terms.

Honorary Freeman Mohamed Menabawey accepted the title of Honorary Freeman of the Borough, signed the Freedom Roll and addressed the Council in suitable terms.

Honorary Freeman Albert Pattison accepted the title of Honorary Freeman of the Borough, signed the Freedom Roll and addressed the Council in suitable terms.

The Freedom of the Borough was accepted on behalf of the 1st Hartlepool Boys' Brigade Company, by Mr Craggs as Captain of the Company. The Freedom Roll was signed and Council was addressed in suitable terms.

Following the conclusion of the ceremony, the Ceremonial Mayor invited the Deputy Lord Lieutenant, Members, Officials and Guests to partake of light refreshments.

The meeting concluded at 7.50 p.m.

CEREMONIAL MAYOR

COUNCIL

MINUTES OF PROCEEDINGS

23 May 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	Fleming
Hall	Harrison	Hunter
James	Lauderdale	Lawton
Lindridge	Loynes	McLaughlin
Moore	Dr Morris	Richardson
Riddle	Sirs	Springer
Tennant	Thomas	Thompson

Officers: Gill Alexander, Chief Executive
Peter Devlin, Chief Solicitor
Paul Edmondson-Jones, Interim Director of Public Health
Chris Little, Director of Finance and Policy
Hayley Martin, Head of Legal Services 'Place'
Sally Robinson, Director of Child and Adult Services
Denise Ogden, Director of Regeneration and Neighbourhoods
Alastair Rae, Public Relations Manager
Amanda Whitaker, Denise Wimpenny, Democratic Services Team

Prior to the commencement of business, the Ceremonial Mayor referred in terms of regret to the attack at Manchester Arena, which had occurred the previous evening. Members stood in silence as a mark of respect.

Councillor Clark, Chair of Children's Services Committee, advised Council that following the attack, he had written to his counterpart in Manchester City Council. Councillor Newman, Lead Member Children's Services at the City Council, had responded and the contents of that response were conveyed to Council.

127. APOLOGIES FOR ABSENT MEMBERS

Councillors Hind, Cranney, Hamilton and Martin-Wells.

The Ceremonial Mayor welcomed Councillor McLaughlin following his recent election in the Headland and Harbour by-election.

128. DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Thomas declared a personal and prejudicial interest in item 6 of the Chief Executive's Business Report – Hartlepool United Football Club – as member of Hartlepool United Supporters Group.

Councillor Clark declared a personal interest in item 6 of the Chief Executive's Business Report – Hartlepool United Football Club – as a Hartlepool United Football Club season ticket holder.

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

None.

130. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 16th March 2017, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

A Member sought clarification regarding whether he was permitted to share information relating to Seaton Carew Car Parking. The Monitoring Officer clarified the agenda item related to minutes of the previous meeting of Council.

132. BUSINESS REQUIRED BY STATUTE

None.

133. ANNOUNCEMENTS

None.

134. 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.

135. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None.

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

1. Further Review of the Council's Constitution

The Monitoring Officer reminded Members that at the Council meeting on the 8th September, 2016, it had been resolved that Council 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 had been resolved, that this evaluation be undertaken by a politically balanced Constitution Working Group. The Constitution Working Group had therefore been convened and had discussed matters pertinent to that earlier resolution at meetings held on 9th December, 2016, 21st February and the 18th and 24th April, 2017. The report highlighted the Working Group's recommendations for the consideration of Council.

Members were 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'.

The following Working Group items were presented for the consideration of Council:-

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

Changes to Contract Procedures Rules had been considered by the Working Group in terms of the following:-

- Changes to Procurement procedure thresholds
- Changes to public notice provision S (1)
- Changes to public notice provisions S (2)

The Working Group had recommended that the 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 9th December 2016 and 21st February 2017, views had been sought on the proposals put forward in relation to the approach to community involvement and engagement and specifically in relation to Neighbourhood Forums. Views had been expressed by Working Group Members that 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.

The Working Group had recommended as follows:-

- 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 and Coastal' and 'South and 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 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'.
- That reporting on Ward Member budgets would transfer to Neighbourhood Services Committee.

(iii) Public Questions to Council

The Working Group had 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. The Monitoring Officer considered that there was merit to this suggestion. The underlying theme behind the resolution from Council on the 8th, 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 importance, urgency or 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 was therefore the Monitoring Officer's recommendation that the 'scope of questions' under Council Procedure Rule 11.5 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 and 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.*

(iv) Member Questions

The Monitoring Officer reported that in reviewing the Council's Constitution it had been noted the incorporation into Council Procedure Rule 12.1 'Questions about recent decisions at Council Committees' within the Council's Procedure Rules which entailed:-

'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 appeared 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 had included the wording of Council Procedure Rule 12.4 within their agenda for the Council business to be transacted but not, in the terms of the present Council Procedure Rule 12.1.

(v) Forward Plan

The Working Group had considered a revised format of the Forward Plan to ensure a more constant approach. That template was appended to the Council report. It was noted that 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 was therefore sought to proceed with this particular recommendation.

(vi) Constitution Committee

At the meeting of the Constitutional Working Group on the 18th April it had been noted the possible reintroduction of a Constitutional Committee. Such a reintroduction would require revision to the present Article 15 which placed 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 recommended changes to the Constitution to full Council, as set out in Article 15, so that the aims and principles of the Councils Constitution are given full effect'.

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

(vii) Timing of Committee Meetings

The Monitoring Officer updated Council on the views and concerns expressed by the Working Group in relation to timing of both Council and Committee meetings.

With regard to the timing of Council meetings, it was highlighted that the report set out the considerations of the Working Group and any recommendations contained therein were for the consideration of Council. It was highlighted also that Council, at its meeting in January 2016, had agreed that there would be no change to the timing of Council meetings commencing at 7 p.m.

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

"That the recommendations of the Working Group be approved subject to no changes being made to the timing of Council meetings or to Public and Member questions at Council"

During the debate, the view was expressed that the 'Ruling Group had backtracked'. In response to concerns expressed that the report did not accurately reflect the 'minutes' of the meeting, the Monitoring Officer assured Members that the report was a true representation of the views expressed by the Working Group and reiterated that the remit of the Working Group was very much as a 'sounding board' and for its views to be thereafter considered by Council.

During the continuing debate, the Monitoring Officer reminded Members of the requirements of the Members' Code of Conduct. A Member reiterated views expressed earlier in the meeting regarding the actions of the 'Ruling Group'.

The recommendation in relation to the timing of Council meetings and public and member questions was agreed without opposition.

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

"That 'supplementary questions' be reinstated and that 25% of Committee meetings be held on an evening and a 15 minute segment be scheduled at the commencement of Council meetings for the Leader of the Council to respond to questions."

In order to assist proceedings, the Monitoring Officer highlighted that one of the recommendations of the Working Group had been the reintroduction of a Constitution Committee. It was suggested, therefore, that the amendment moved by Councillor Thompson, be referred to that Constitution Committee.

The Monitoring Officer responded to a request from the Chair of Neighbourhood Services Committee to clarify advice he had given on the procedure for responding to petitions.

The Monitoring Officer advised Council that he had received a petition, immediately prior to the commencement of the Council meeting, which contained 1,443 signatures requesting that "Council reconsider the proposals of the Constitution Working Group specifically:-

- The complete withdrawal of public questions at Full Council meetings;
- The withdrawal of Councillor questions without notice at Full Council meetings;
- The change of Council meetings to take place during the day, when working Councillors are not available."

A Member referred to statistics collated by the Office for National Statistics and advised that those statistics supported the view expressed that policy Committee meetings, held in the day time, was an issue.

With regard to the timing of meetings, clarification was sought regarding the timing of the Community Forums, with a suggestion made that the timing of those meetings be alternated. The Ceremonial Mayor responded that the timing of the Forums had not been agreed.

In response to clarification sought regarding whether a Special Responsibility Allowance would apply if the Constitution Committee was reintroduced, the Chief Solicitor advised that he would provide a written response to all Members.

Reference was made to views expressed earlier in the meeting that Committee Chairs had flexibility to change the time of their Committee meetings and it was questioned how many times that had occurred. The Chief Solicitor agreed to respond by way of a written response.

The mover of the amendment referred to the requirements of Council Procedure Rule 24.2 highlighted earlier in the meeting. It was proposed that as there was a requirement for reviews/revisions to stand adjourned to the next ordinary meeting of the Council, that the proposals included in the amendment be considered at the next ordinary meeting of Council and in the meantime an online survey be conducted through 'SurveyMonkey' to determine the views of the public. In response, and following approval expressed by the Ceremonial Mayor, the Monitoring Officer undertook to submit a report to the next ordinary Council meeting: The proposal was accepted by Council.

Votes were taken as follows:-

- i) That the recommended changes to the Contract Procedure Rules (as set out in Appendix 1) be agreed by Council.

The vote on the changes to the Contract Procedure Rules was carried unanimously.

- 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 and Coastal and South and Central. They will continue to be held quarterly in the Civic Centre on the same day and the Chair and Vice-Chair will be Elected Members.
 - 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.

The vote on the Community Forums was carried unanimously. It was noted that further consideration would be given to the timing of the Community Forum meetings.

- iii) That the revised format of the Forward Plan be noted and approved and the Access to Information Procedure Rules be updated accordingly.

The vote was carried.

- iv) That the Constitution Committee be reintroduced comprising nine members, including the Ceremonial Mayor, The Leader of the Council with a quorum of 4 members and meetings being held quarterly.

- v) That Constitution Committee reports be presented at Council meetings by the Monitoring Officer.

The vote on the Constitution Committee proposals was carried.

137. REPORT FROM THE POLICY COMMITTEES

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

None.

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

None.

138. MOTIONS ON NOTICE

None.

CHIEF EXECUTIVE'S REPORT

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

The proposed membership of Committees, Forums and other bodies had been circulated. An invitation had 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 were indicated on the schedules which had been circulated.

The Ceremonial Mayor sought approval from Council to approve those Committees, set out in the schedule, where there were no contested seats.

Councillor Loynes proposed Councillor Morris as Vice Chair of Licensing Committee. The position of Vice Chair of Licensing Committee therefore became a contested vote as Councillor Buchan had previously been nominated for that seat.

Council agreed the membership of Committees and Forums where there were no contested seats.

Votes were taken on the contested positions in accordance with Council Procedure Rule 17.

RESOLVED – (i) That the following appointments are made:-

Vice Chair Audit and Governance Committee – Councillor Hall
Vice Chair Licensing Committee – Councillor Morris

- (ii) That the Members indicated to the remaining positions of Chair and Vice-Chair, detailed in the circulated proposed membership documentation, in each case be appointed to those offices
- (iii) That the remaining positions on Committees, Forums and other bodies, details of which are included in the Council's Minute Book, be constituted with the membership as indicated.

140. 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 had been circulated prior to this meeting of full Council. Prior to the meeting the leaders of the political groups and independent Members had been invited to make nominations. Council was requested to agree the nominations included in the document, the format of which reflected the division of outside body list in Part 7 of the Constitution.

Council agreed the membership of Committees and Forums where there were no contested seats.

Votes were taken on the contested positions in accordance with Council Procedure Rule 17.

RESOLVED -

- (i) That the following appointments be approved:-

Cleveland Fire Authority – Seat 3 - Councillor Martin-Wells
Seat 2 - Councillor James to replace Councillor S Akers-Belcher

- (ii) That the nominations to the vacancies set out in the Schedule are approved as follows:-

- Cleveland Police and Crime Panel – Councillor Lawton
- Better Health Programme Joint Health Scrutiny Committee – Seat 2 - Councillor Cook (1 vacancy remaining)
- North Tees and Hartlepool NHS Foundation Trust – Councillor Loynes
- Tees Valley Combined Authority: -
 - Overview and Scrutiny Committee – Councillor Moore (UKIP)
Councillor Cook(Labour)
 - Audit and Governance Committee – Councillor Beck
designated substitute for Councillor Belcher
 - Independent Remuneration Panel – Council agreed that one of the Council's Independent Persons should be appointed to this role. The Monitoring Officer referred Members to an item included in the Chief Executive's Business report, to be

considered later in the meeting, and advised that following the appointment of the Independent Persons, he would canvass their views on appointment to this Panel.

- Education, Employment and Skills Partnership – Lead member responsible for education, employment and skills, Councillor Cranney and Councillor Clark appointed as designated substitute
- Culture and Tourism Thematic Partnership – Lead member with responsibility for culture, Councillor Cranney and Councillor C Akers-Belcher appointed as designated substitute.
- The Land Commission – Lead member with responsibility for housing/development, Councillor Cranney and Councillor S Akers-Belcher appointed as designated substitute.
- Local Joint Consultative Committee – Councillor Moore

(iii) That the vacancies to the following organisations be noted:-

Association of North East Councils – Collaborative Procurement Sub-Group – 1 vacancy
 Hartlepool and District Sports Council – 1 vacancy
 Henry Smith Educational Charity – 2 vacancies

(iv) That the remainder of the representations, as detailed in the Council's Minute Book, be appointed as the Council's representatives on joint committees and other outside bodies.

141. HEADLAND AND HARBOUR BY-ELECTION

Council was reminded 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 had been duly elected to serve in the office of Councillor for that Ward until the local government elections in May, 2019.

RESOLVED – That the election of Councillor McLaughlin be noted.

142. APPOINTMENT OF INDEPENDENT PERSONS AND REPRESENTATIVES TO THE INDEPENDENT REMUNERATION PANEL

The Chief Executive reported that the Localism Act, 2011, required 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.

Members were advised that an advertisement had been 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 had 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 had 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.

It was noted that if Council approved the appointments, Mr Rollo, Mr Cronin and Ms Wilson would serve upon the Council's Audit and Governance Committee, when it dealt 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.

RESOLVED -

1. That the appointment of Mr Norman Rollo, Mr Stan Cronin and Ms Clare Wilson as Independent Persons for a period of four years from 1st July, 2017, be approved.
2. That the appointments from 1 July, 2017, of Mr Norman Rollo, Mr Stan Cronin and Ms Clare Wilson as representatives on the Independent Remuneration Panel, be approved.

143. PROPOSED MERGER OF THE TEESSIDE AND HARTLEPOOL CORONER AREAS.

The Chief Executive reminded Members of the previous consideration of this item at Council on 21 January, 2016, from a report through the Finance and 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.

Members were advised that 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 would be consistent with the Chief Coroner's Guidance Note No: 6 'The Appointment of Coroners'. It was noted that any such appointment required 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 had been a further reason why an amalgamation could not proceed at that time. Since then, a Senior Coroner had been appointed to the Teesside Coroner Area, through 'open competition'. The Council had 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.

It was noted that there was 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 was considered 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 could not sustain a sufficient caseload to support a full time coroner and there was the prospect that a merger could be imposed should matters not proceed through agreement of the Local Authorities. There had been agreement amongst the Chief Executives' to support a merger and the Ministry of Justice were also supportive. It was highlighted that the important consideration was that Inquests would 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 was a position reflected in Mr Donnelly's own correspondence.

Following presentation of the report, the Leader of the Council referred to the submission of the further report to Council in June, to be subject to consultation being completed.

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

"That a letter of thanks be sent to Mr Donnelly expressing the appreciation of the Council in the performance of his role as Senior Coroner"

Council agreed the Motion and

RESOLVED as follows:-

- (i) That Council notes the potential for a merger of the Hartlepool and Teesside Coroner Areas.
- (ii) 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.
- (iii) That a further report be submitted to Council in June, subject to the completion of consultation.

144. HARTLEPOOL UNITED FOOTBALL CLUB

The Chief Executive reported that in response to the relegation of Hartlepool United Football Club from the football league, the Leader had asked her to investigate potential support the Council could provide the club when the new football season started later in the year, in view of the profile and financial benefits the club brought to the town from being in the football league.

Members were reminded that the club currently leased the football ground from the Council for £18,000. It was suggested that the Council could wish to consider foregoing this income for the next football season to support the club in their endeavours to return to the football league. Members were advised that if they wished to support the proposal the loss of this income would need to be managed from within the overall 2017/18 revenue budget.

RESOLVED –

That consideration of the item be deferred until the next Ordinary Council meeting to explore other potential options.

145. PUBLIC QUESTIONS

None.

146. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

None.

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

None.

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

None.

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

Minutes of the meetings held by the Cleveland Fire Authority held on 17th February 2017 and the Police and Crime Panel held on 10th November 2016 had been circulated and were noted by Council.

The meeting concluded at 8:15 p.m.

CEREMONIAL MAYOR

ANNUAL COUNCIL

MINUTES OF PROCEEDINGS

25 May 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	Fleming
Hall	Harrison	Hunter
James	Lauderdale	Lawton
Loynes	McLaughlin	Moore
Dr Morris	Richardson	Robinson
Springer	Thomas	Thompson

Officers: Gill Alexander, Chief Executive
Hayley Martin, Head of Legal Services 'Place'
John Morton, Assistant Director, Finance and Customer Services
Sally Robinson, Director of Child and Adult Services
Alastair Rae, Public Relations Manager
Amanda Whitaker, Democratic Services Team

1. APOLOGIES FOR ABSENT MEMBERS

Councillors Cranney, Hamilton, Lindridge, Martin-Wells, Riddle, Sirs and Tennant

2. APPOINTMENT OF CEREMONIAL MAYOR

Nominations were sought for the office of Ceremonial Mayor of the Borough of Hartlepool for the ensuing municipal year.

Nomination moved by Councillor S Akers-Belcher and seconded by Councillor C Akers-Belcher:-

“That Councillor Beck be elected as Ceremonial Mayor of the Borough of Hartlepool for the ensuing municipal year”.

The vote was put and agreed.

The Chief Executive announced that Councillor Beck had been elected as Ceremonial Mayor of the Borough for the ensuing municipal year.

The Ceremonial Mayor signed the Declaration of Acceptance of Office.

Councillor Beck (Ceremonial Mayor) presiding.

The Ceremonial Mayor returned thanks for his appointment and in addressing the Council advised that his chosen charities were the Rifty Youth Project and McMillan Cancer Support.

The Lord Lieutenant addressed Council and paid tribute to the retired Ceremonial Mayor and Mayoress.

3 VOTE OF THANKS

A vote of thanks was proposed by Councillor Clark and seconded by Councillor Harrison to the retired Ceremonial Mayor for the admirable way in which he had discharged his duties during his term of office.

4. ADDRESS BY RETIRED CEREMONIAL MAYOR

The retired Ceremonial Mayor expressed his appreciation to the proposer and seconder for their kind words and paid tribute to those who had supported him in his role as Ceremonial Mayor.

5. APPOINTMENT OF DEPUTY CEREMONIAL MAYOR

The Ceremonial Mayor requested nominations for the office of Deputy Ceremonial Mayor of the Borough of Hartlepool for the ensuing municipal year:-

Nomination made by Councillor S Akers-Belcher and seconded by Councillor Hunter:-

“That Councillor Barclay be elected as Deputy Ceremonial Mayor of the Borough of Hartlepool for the ensuing municipal year”

The vote was put and agreed.

The Chief Executive announced that Councillor Barclay had been elected as the Deputy Ceremonial Mayor of the Borough of Hartlepool for the ensuing municipal year.

The Deputy Ceremonial Mayor signed the Declaration of Acceptance of Office.

6. ADDRESS BY DEPUTY CEREMONIAL MAYOR

The Deputy Ceremonial Mayor addressed the Council thanking his proposer and seconder for their kind words.

7. DECLARATIONS OF INTEREST

None

8. ANNOUNCEMENTS

The Ceremonial Mayor announced that a 'New Mayor's Welcome Dinner' would be held at the Masefield Community Building on 28th June and extended an invitation for all to attend.

9. ORDINARY MEETINGS OF THE COUNCIL

A revised schedule of Council meetings for the municipal year 2017/18 had been circulated.

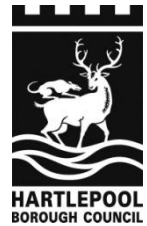
RESOLVED - That the revised schedule of Council meetings be approved.

The meeting concluded at 8:10 p.m.

CEREMONIAL MAYOR

Independent Remuneration Panel

22 June 2017



1. Purpose of the Report

- 1.1 To enable Members to consider the Independent Remuneration Panel (IRP) recommendations regarding proposed changes to the Basic and Special Responsibility Allowances payable from 1st April 2017.

2. Background

- 2.1 The level of the Hartlepool Basic and Special Responsibility Allowances had been frozen for the period 1st April 2009 to 31st March 2013 in line with the pay freeze for Local Government employees.
- 2.2 The IRP report to Council on 11th April 2013 recommended that the Basic Allowance payable from 1st April 2013 should be increased by £250 from £5,767 to £6,017, with further annual increases of £250 in April 2014 and April 2015. This proposal was not approved by Council.
- 2.3 A further IRP report to the Council on 3rd July 2014 confirmed the above recommendations, which would have resulted in a Basic Allowance of £6,267 from 1st April 2014 and £6,517 from 1st April 2015.
- 2.4 Council determined not to implement the Basic Allowance recommended by the IRP and to only increase this allowance when Council employees received a cost of living pay award. This resulted in the Basic Allowance being set at £5,825 for the period 1st April 2013 to 31st December 2014. An increase to £5,953 was then implemented from 1st January 2015.
- 2.5 As the previous IRP recommendations only covered the period to April 2015 the Basic Allowance has remained at £5,953 and has not been increased despite there being cost of living pay award increases for Council employees of 1% from 1st April 2016 and 1% from 1st April 2017.

3. Review of the Basic Allowance

- 3.1 The IRP has completed a further review of the Basic Allowance and noted their disappointment that the Council did not implement the previously recommended phased annual increases in the Basic Allowance. The IRP believed that their previous recommendation provided a reasonable basis to enable the Council to begin to address the historically low Basic Allowance paid by the Council, whilst recognising the financial challenges facing the Council.

3.2 In undertaking the latest review the IRP again highlighted their view that the Basic Allowance needs to be set at a level to:

- Broaden the range of people who in future would consider standing to become a Councillor. In this regard the IRP believe that the Basic Allowance needs to be set at a level which compensates people of working age, including self employed people, who need to reduce their working hours to undertake the duties of a Councillor effectively. The IRP believe this is particularly important in terms of compensating Councillors who take on additional commitments to serve on committees and outside bodies;
- Reflect the Allowances paid by other unitary councils in the North East and recognise that whilst Hartlepool is the smallest unitary authority, its Members still have the same responsibilities as Councillors in other larger Councils. In this regard the IRP believe that this makes it even more important that remuneration reflects these responsibilities.

3.4 The IRP therefore considered the level of Basic Allowances paid across the North East, in particular the Basic Allowances paid in the other Tees Valley Authorities given the impact of the Combined Authority.

3.5 The following table details current Basic Allowances paid by the North East councils. The IRP noted that Hartlepool's current Basic Allowance of £5,953 is:

- The lowest in the North East;
- The lowest in the Tees Valley;
- 35% lower than the North East Average of £9,161;
- 28% lower than the average for the other four Tees Valley Authorities of £8,252.

Table 1 - Summary of Basic Allowances paid by North East Councils

Authority	Basic Allowance	Number of Residents per Councillor	Number of Councillors	Population Figures ONS 2015
Durham	£13,300	4,125	126	519,695
Northumberland	£13,029	4,705	67	315,263
Gateshead	£10,446	3,045	66	200,996
North Tyneside	£9,759	3,375	60	202,494
Redcar and Cleveland	£9,550	2,293	59	135,275
Stockton	£9,300	3,479	56	194,803
Newcastle	£8,775	3,755	78	292,883
Sunderland	£8,369	3,695	75	277,150
Darlington	£8,027	2,066	51	105,389
South Tyneside	£7,289	2,753	54	148,671
Middlesbrough	£6,130	2,847	49	139,509
Hartlepool	£5,953	2,803	33	92,493
Average for 12 North East Councils	£9,161	3,245	65	
Average for 5 Tees Valley Councils including HBC	£7,792	2,698	50	
Average for 4 Tees Valley Councils excluding HBC	£8,252	2,671	54	

3.6 The IRP believe that Hartlepool has more similarities, in terms of authority size and demographics, with the other Tees Valley Authorities than it does with the other seven North East Councils. Therefore, the IRP considered two alternative options for recommending a revised Basic Allowance for Hartlepool:

- **Option 1** - Average for five Tees Valley Authorities of £7,792, including Hartlepool's current allowance;
- **Option 2** – Average for four Tees Valley Authorities of £8,252, excluding Hartlepool's current allowance.

3.7 The IRP recommended that **Option 1** is adopted by the Council as they believe this will help address the issues detailed in section 3.2. The IRP noted that if this proposal is adopted Hartlepool will still have a relatively low level of Basic Allowance being second lowest Basic Allowance in the Tees Valley and the third lowest in the North East.

3.8 The IRP recommended that the Basic Allowance of £7,792 is applied from 1st April 2017 and annual increases should be implemented for a three year period commencing from the 1st April 2018 in line with any nationally determined cost of living increase for Local Government employees.

- 3.9 The IRP also recommended that in view of the proposed new Basic Allowance the Council should remove separate payments for telephone expenses and travel/subsistence within the borough. Based on the average total cost for all Councillors for the last three years this will save approximately £1,704 per year in total.

4. Review of Special Responsibility Allowances (SRA's)

- 4.1 Special Responsibility Allowances are paid to a number of Councillors who hold positions that have varying degrees of additional duties. These allowances are paid in addition to the Basic Allowance and the IRP has previously determined to set SRA's as a proportion of the Basic Allowance.
- 4.2 Only one Special Responsibility Allowance can be received by an individual Councillor, even if they hold more than one position with a Special Responsibility Allowance.
- 4.3 The IRP reviewed the current SRA's and this included consideration of SRA's paid by the four other Tees Valley Authorities. The IRP noted that different Authorities have different governance arrangements and this has an impact on the level of SRA's. However, SRA's in the four other Tees Valley Authorities are generally higher than those set by Hartlepool, as detailed in Section 5 - Financial Considerations. This means that the overall cost of Basic and Special Responsibility Allowances is currently higher in all the other Tees Valley Authorities than in Hartlepool.
- 4.4 Notwithstanding this position, the IRP recommended that the current SRA's remain appropriate, with the exception of the SRA for the two Neighbourhood Forum Chairs which it is recommended are removed. The IRP's recommendation in relation to the SRA's for the Neighbourhood Forum Chairs were made before the changes in the remit of the Forums were approved by annual Council in May 2017. The SRA's recommended by the IRP are detailed below:

Table 2 – Special Responsibility Allowances

Position	Current SRA	SRA recommended IRP	Basis for IRP recommendation
Policy Committee Chairs			
Children Services	100%	100%	The Panel consider that the existing SRA of 100% remains appropriate and reflects the responsibility and workloads of these roles. The Panel also considered the level of SRA's paid for similar roles in the other North East Councils.
Adult Services	100%	100%	
Regeneration Services	100%	100%	
Neighbourhood Services	100%	100%	
Planning Committee	100%	100%	No change in SRA as existing role continues and level of SRA is appropriate for responsibilities.

Licensing Committee	60%	60%	No change in SRA as existing role continues and level of SRA is appropriate for responsibilities.
Chairs of Neighbourhood Forums (2 Chairs)	60%	0%	The Panel recommends that no SRA is paid for this role as the number of meetings is low and the Forums are not a decision making Committee.
Audit & Governance Committee	100%	100%	The Panel recognised the importance of this role and the workload it attracts. Comparisons were noted in relation to other Committees.
Finance & Policy Committee	300%	300%	The Panel recommends the existing SRA of 300% remains appropriate and reflects the responsibility and workloads of the role. The panel also considered the level of SRA's paid for similar roles in the other North East Councils.
Principal Group Leader	60%	60%	The Panel noted that the Council allocates this allowance in proportion to the number of Councillors in each political group.
Chairman of Council	100%	100%	The Panel recommends the existing SRA of 100% remains appropriate and reflects the role the Chairman of the Council has representing the Council.

5. Financial Considerations

5.1 The IRP requested that the Director of Finance and Policy include the following information in this report to provide context for their recommendations. This includes details of the “average cost per councillor” and “cost per resident” to reflect the different sizes of authorities and the number of councillors in individual authorities. The table shows that if the Council approves the IRP’s recommendations:

- Hartlepool will still have the lowest average cost per Councillor - £10,900, which is 89% of the average for the other 4 Tees Valley Authorities of £12,200. This reflects the lower number of Councillors in Hartlepool than the other Tees Valley Councils. The IRP recognise that the ‘average cost per council’ is not an allowance received by any individual Councillor, although they believe it is a good comparative measure.
- Hartlepool will have the lowest cost per resident - £3.89, which is 83% of the average for the other 4 Tees Valley Authorities of £4.66.

Table 3 – Comparison of Tees Valley Total Cost of Basic and Special Responsibility Allowances

Authority	Total Cost Basic and Special Responsibility Allowances £'000	Number of Councillors	Average Cost per Councillor £'000	Cost per Resident £
Redcar and Cleveland	756	59	12.8	5.59
Stockton	694	56	12.4	3.56
Darlington	587	51	11.5	5.57
Middlesbrough	549	46	11.9	3.94
Hartlepool - Current	282	33	8.5	3.05
Hartlepool - Proposed	360	33	10.9	3.89
Average for 4 Tees Valley Councils excluding HBC			12.2	4.66
Hartlepool - Proposed as percentage of Tees Valley Average			89%	83%

- 5.2 The Panel also requested that the Director of Finance and Policy calculate the cost of the proposed Basic and Special Responsibility Allowances (SRA) and include these details in the report to Council. The following table summarises the annual cost against the existing base budget for Members Allowances, which covers the cost of Basic allowances, SRA's and employers national insurance contributions on these allowances. These figures are based on all SRA's being paid, which may not be the case if an individual Councillor holds more than one position eligible for a SRA, as only one SRA can be received. Individual Members pay tax and employees national insurance contributions on Basic and Special Responsibility Allowances.

**Table 4 - Financial impact of Panel recommendations
(based on 2017/18 forecasts)**

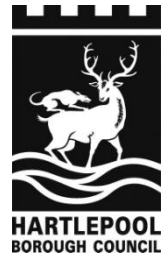
	£'000
Recurring annual cost of implementing IRP recommended Basic Allowances and SRA's	360
Less 2016/17 Budget for Basic Allowance & SRA's	(287)
Additional recurring annual cost of IRP recommendations (includes estimated Employers' National Insurance costs)	73

6. Recommendations

- 6.1 It is recommended that the Council considers the following recommendations from the IRP:
- i) Note the IRP's rationale for increasing the Basic Allowance as detailed in section 3.2;
 - ii) Approve the IRP's recommended Basic Allowance of £7,792 with effective from 1st April 2017 and future annual indexation in line with the national cost of living increase for Local Government employees, from 1st April 2018, 1st April 2019 and 1st April 2020;
 - iii) Approve the IRP's recommended SRA percentages detailed in paragraph 4.4 are paid as multiples of the recommended Basic Allowance referred to in recommendation (ii).
 - iv) Subject to approval of recommendation (ii) approve the IRP's recommendation to remove separate payments for telephone expenses and travel/subsistence within the borough.
- 6.2 Note that if Council approves the IRP recommendations in relation to the Basic Allowance and SRA's there will an additional unbudgeted cost of approximately £73,000 in 2017/18, which will need to be funded by achieving in-year savings or an under spend against the overall budget in the current year.
- 6.3 Note that if Council approves the IRP recommendations in relation to the Basic Allowance and SRA's there will a recurring additional cost of approximately £74,500 in 2018/19 which will need to be funded by identifying additional recurring savings.

COUNCIL

22 June 2017



Report of: Monitoring Officer

Subject: FURTHER REVIEW OF THE
COUNCIL'S CONSTITUTION

1. INTRODUCTION

- 1.1 At its meeting on the 23rd May, 2017, Council received a report from the Monitoring Officer, which followed the deliberations of the Council Working Group, as reported therein. A motion was proposed and seconded that the recommendations of the Working Group in relation to the timing of Council meetings and the recommendations relating to public and member questions before Council, should not be proceeded with and that no changes should therefore be made to these particular Council procedure rules. There was an amendment to that motion moved by Councillor Thompson and seconded by Councillor Black (the minutes of that meeting refer) which canvassed the following;

'That supplementary questions be reinstated and that 25% of Committee meetings be held on an evening and a 15 minute segment be scheduled at the commencement of Council meetings for the Leader of the Council to respond to questions'.

- 1.2 The Monitoring Officer was called upon to respond and suggested (as recorded within the minutes) that this request be referred to the Constitution Committee, which Council resolved should be reintroduced into the constitutional framework of the Council. Although there was reference to Council Procedure Rule 24.2 that 'any motion that adds to, varies or otherwise revokes Council procedure rules' will ordinarily stand adjourned without discussion until the next ordinary meeting of Council. That particular provision is not engaged at this point in time, for the following reasons;

- The advice that the proposed changes should be referenced to the Constitution Committee for their further deliberation before a further report is provided to Council, for its consideration.
- Secondly, that a report highlighting the above would be brought to Council on the 22nd June, as conveyed by the Monitoring Officer.

- Thirdly, and more importantly, when considered against the background of public engagement and involvement, some element of public consultation should take place.

1.3 Members are again reminded that although Article 15 has now been amended to incorporate the Constitution Committee, there is a protocol which should be followed in any review and revision of the Constitution which incorporates 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 any other comparable authorities and/or national examples of best practise.

2. SUGGESTED AMENDMENTS

2.1 It was suggested the following amendments to the Councils constitutional arrangements;

- That 25% of Committee meetings be held on an evening
- That supplementary questions be reinstated
- That there be a 15 minute segment scheduled at the commencement of Council meetings for the Leader of the Council to respond to questions.

It was suggested later in the Council debate at the meeting on the 23rd May, 2017 that Council utilise 'survey monkey' to determine the views of the public, particularly as regards the timing of committee meetings. The Council are reminded of the Cabinet Office document 'Consultation Principles: Guidance' (July 2012, updated January, 2016) that consultation should; be clear and concise, be informative, be targeted and also 'should last for a proportionate amount of time'. Indeed, it was made comment that 'consulting for too long' would occasion unnecessary delay of policy development. Whilst 'consulting too quickly will not give enough time for consideration and will reduce the quality of responses'. It was also mentioned within this guidance that consultation exercises should not generally be launched during local or national election periods. As Members will be aware, the Council meeting held on the 23rd May had been scheduled prior to the announcement of the UK Parliamentary General Election wherein publication of notice election was issued on the 8th May and therefore the 'election period' only concluded on polling day (8th June 2017).

2.2 The issue of supplementary questions has been raised in previous reports presented to Council by the Monitoring Officer. Council did have such a procedure in place with the allowance for 2 supplementary questions to be given upon each public question up and until the change in the Council's governance arrangements in 2013. The then DETR Guidance 'New Council

Constitutions – Modular Constitutions for English Local Authorities (December 2000)' did provide for the following;

- *'A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question'.*
- *'A supplementary question must arise directly out of the original question or the reply.*
- *'The Chairman may reject a supplementary question upon any of the grounds [as specified].*

2.3 Again, given its fluctuating mention, the issue of supplementary questions should again be reserved to the Constitution Committee and it might well be the case that the Committee might wish to receive anecdotal or other evidence as to the practises of other Local Authorities on this matter.

2.4 In regards to an opening '15 minute segment of Council being reserved questions to the Leader of the Council', again this is a matter which should be considered by the Constitution Committee.

3. SUMMARY

3.1 Council on the 23rd May, 2017 resolved to reintroduce Constitution Committee within its constitutional framework. At that meeting, there were 3 matters raised by way of amendment, which the Monitoring Officer advises in the light of the reintroduction of the Constitution Committee be referred to that Committee for further analysis and consideration. Members are reminded of Council Procedure Rule 13.4, which prescribes as follows;

'If the subject matter of any motion comes within the province of any Committee or Committees it shall, upon being moved and seconded, stand referred without discussion to such a Committee or Committees as the Council may determine, for consideration and report. Provided that the Chair may if he/she considers it convenient and conducive to the despatch of the business, allow the motion to be dealt with at the meeting of the Council'.

4. RECOMMENDED

- i) That Members remit to the Constitution Committee the 3 items raised at its meeting on the 23rd May, 2017 as referenced herein for further consideration and report.
- ii) That a further report from the Constitution Committee (to be presented by the Monitoring Officer) be provided to Council.

5. CONTACT OFFICER

Peter Devlin
Chief Solicitor and Monitoring Officer
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COUNCIL

22 June 2017



Report of: Chief Executive

Subject: BUSINESS REPORT

1. PROPOSED MERGER OF THE TEESSIDE AND HARTLEPOOL CORONER AREAS

Following the report to Council on 23 May, further discussions have taken place with the Ministry of Justice and also with the Senior Coroner for Hartlepool, Malcolm Donnelly and Ms Clare Bailey, the Senior Coroner for Teesside. It is proposed that Ms Bailey is appointed to the role of Acting Senior Coroner for Hartlepool, upon Mr Donnelly's retirement from his role on 30 June, 2017. This will allow for consultation upon a Business Case as amended, to be forwarded to Government for Ministerial approval to an amalgamation of the Hartlepool and Teesside Coroner Areas. A draft further addendum to the original Business Case is appended herewith for members information (Appendix 1).

That addendum highlights the appointment through 'open competition' of a Senior Coroner for the Teesside Coroner Area, namely Ms Bailey. Further, that the Council have 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. At its last meeting, Council acknowledged the dedicated service of Mr Donnelly and that a letter of appreciation should go to Mr Donnelly through the Ceremonial Mayor. Mr Donnelly would also acknowledge the support that he has had from Karin Welch as Assistant Coroner and administrative support from Terena Nottingham. It is suggested that the Mayor's correspondence reflects that position.

As previously noted, 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.*' Further, 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, as indicated, are also supportive of a merger. It has been confirmed (and reflected in the Business Case documents) that Inquests will still

be held in Hartlepool. All consultees were supportive of a merger when their views were previously canvassed, but a further period of consultation will be required. An indicative timetable for consultation and receiving all necessary consents is referenced below, for members information.

Date	Action
Post 8 June	Business case finalised and cleared by Local Authorities/Ministry of Justice
Late June	Submission to Ministers on merger consultation
Early July	Launch consultation
Late July	Consultation closes (4 weeks)
31 July – Mid August	Reviewing responses/liasing with Local Authorities to resolve any issues from consultation
Mid August – Mid October	Lawyers drafting SI
Mid October	Submission to Minister on laying of Statutory Instrument
Late October	Ministerial approval, laying of Statutory Instrument
Early December	Statutory Instrument coming into force

RECOMMENDATIONS: -

1. That Council appoints Ms Clare Bailey to the role of Acting Senior Coroner from 1 July, 2017.
2. The appointment to continue until superseded by the amalgamation of the Hartlepool and Teesside Coroner Areas.
3. That Council notes the Further Addendum to the earlier Business Case and that the finalised document is delegated to the Chief Executive Officer and Chief Solicitor in consultation with the Leader of the Council and that this initiative is progressed through the Ministry of Justice in unison with the local authorities comprising the Teesside Coroner Area.
4. That further reports be brought to Council as required or which is otherwise desirable for Council to receive on this issue.

2. FREE BREAKFASTS FOR ALL SCHOOL CHILDREN

A motion was brought and accepted at Full Council on 7 August 2014 to provide all primary school aged children with a free healthy breakfast. The report to Children's Services Committee of 8 March 2016 updated elected members around two trial schemes that were in place in Hartlepool – one at West View Primary and one at Grange Primary. In order to measure the impact of free breakfast provision, data relating to attendance and pupil achievement was scrutinised. In addition, teachers in both schools were invited to give feedback via an online survey.

Whilst feedback from the teachers about the schemes was generally very positive, analysis of the data was not conclusive. There were no clear improvement trends in attendance or in pupil outcomes. Both schools raised concerns about the ongoing financial viability of the pilot as school budgets decreased.

Children's Services Committee of 8 March 2016 discussed the report a great length, and headteacher representatives on the Committee reported that no headteacher in Hartlepool would see a hungry child start the school day unfed. Reference was made to the relatively more significant issue of the impact of school holidays on children entitled to free school meals. Committee decided that no further action was required but that this issue should be referred back to Council for further consideration given motions on 7 August 2014 and 21 January 2016.

In response to the issue of 'holiday hunger' as discussed in Children's Services Committee in summer 2016, the Council ran a scheme designed to tackle this issue and promote opportunities for children and young people to receive free meals during the six week holiday period. This scheme was successful. An evaluation of the scheme was reported to Finance and Policy Committee on 10 February 2017, and a further scheme has been approved by the Committee for delivery in summer 2017.

Recommendations: -

1. Council to note the inconclusive evidence around the impact measures of the trial schemes at the two schools.
2. Council moves to focus the current resources on the holiday hunger programmes aimed at ensuring the children are fed and nourished during those periods when schools are closed.

3. 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.

Officers are in negotiations with the owners regarding any support the Council can provide in view of the profile and financial benefits the club brings to the town. Further updates will be provided as negotiations develop nearing the forthcoming football season to support the club in their endeavours to return to the football league.

4. VACANCIES ON OUTSIDE BODIES

Following the appointments to Outside Bodies made at the meeting on 23 May 2017, the following vacancies remain:-

- Better Health Programme Joint Health Scrutiny Committee – 1 vacancy (Member of Audit and Governance Committee)
- Association of North East Councils – Collaborative Procurement Sub-Group – 1 vacancy
- Hartlepool and District Sports Council – 1 vacancy
- Tees Valley Combined Authority – Independent Remuneration Panel – 1 Independent Member vacancy
- Henry Smith Educational Charity – 2 vacancies.

Members are advised that Ms Clare Wilson has indicated her interest in the appointment of Independent Person to the Tees Valley Combined Authority.

Since the meeting on 23 May, I have been notified of the following additional Group, a Member appointment to which is requested:-

Local Government Association - Coastal Special Interest Group.

Members are advised also of the appointment of the following designated substitute:-

Tees Valley Combined Authority Transport Committee – designed substitute
Cllr C Akers-Belcher for Cllr Cranney.

5. SPECIAL URGENCY

Council is informed that that there were no special urgency decisions taken in the period February 2017 – April 2017.

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

DATE: February, 2017
AUTHOR: Peter Devlin & Bryn Roberts

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

CONTENTS

Executive summary and recommendations	3
Background	5
Progress made against the original business case	6
Key changes since the original business case was submitted	9
Impact of key changes on the business case	10
Conclusion and recommendations	17

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Summary

1. A business case supporting the merger of the Teesside and Hartlepool Coroner areas was initially submitted to the Ministry of Justice (MoJ) in September 2014. The MoJ consulted on this document in February 2015 and asked the 'relevant authority' (Middlesbrough Borough Council at this time), in consultation with the other local authorities, to respond to the outcome of the consultation.
2. There have also been several key changes to the wider context, since the original business case was drafted in July 2014, which mean that the recommendations in the business case should be further reassessed.
3. The improved outcomes identified in the original business case have been delivered:
 - the timeliness of inquests has improved substantially and this improvement has been maintained,
 - the majority of the savings predicted have been delivered;
 - a Senior Coroner has now been appointed, through 'open competition' for the Teesside Coroner Area,
 - a streamlined service is now offered to partners by both coroner services;
 - police support continues to be provided to both services from one location; and
 - accessibility to coroner services continue to be provided locally from Middlesbrough and Hartlepool, with a website, for the Teesside Service, being established to further improve accessibility.
4. There has been a significant increase in workload resulting from the 'Cheshire West Judgement' which requires judicial oversight in cases involving the deprivation of liberty of an individual, which has had a 'knock on' effect nationally to the workload of local coroners. Therefore, it was identified previously, that the potential saving of £25,000, on coroner salary / fees, was unlikely to be achieved.
5. Hartlepool Borough Council received notice from the HM Senior Coroner Mr Malcolm Donnelly of his intention to retire from his post on 30 June, 2017. Mr Donnelly, who has been the Hartlepool Coroner since 1996, worked with colleagues towards the unification of the systems underpinning the services in both the Hartlepool and Teesside coroner areas, and has suggested that, as a result of that preparatory work, a merger should now be 'seamless'. Given the case-loads involved and the direction of travel in the amalgamation of coroner areas, it is again opportune for an amalgamation of the Hartlepool and Teesside Coroner Areas to be further considered. Indeed, steps initiated, through service- and performance-improvements, and costs savings, have already been achieved.
6. The previously-identified model of coroner support (1 FTE senior coroner supported by a 0.4 FTE dedicated assistant coroner support for Teesside and additional coroner support through a 0.4 FTE assistant coroner for Hartlepool supported by ad-hoc assistant coroner days as required) has proved to be efficient and effective.

7. Hartlepool Council is the Relevant Authority for the Hartlepool Coroner's Service. Given the intentions of Mr Donnelly to retire, it is opportune to proceed with amalgamation of the two coroner areas, as originally envisaged, subject to: consultation; the formal approvals of the constituent councils; and those consents required through the Lord Chancellor in unison with the Chief Coroner.
8. As part of the discussions process leading up to this revised proposal, it was also requested, as previously indicated, that any consultation includes proposals that the name 'Hartlepool' appears in the title of any amalgamated coroner area and that Inquests continue to be held in Hartlepool, as originally envisaged. Whilst the issue of inquests continuing to be held in Hartlepool is not considered contentious and indeed is something of a necessity to ensure bereaved families can still have an accessible coronial service, Middlesbrough, as the relevant authority for Teesside, is of the view that the inclusion of one authority's name in the overall title may be somewhat incongruous, and that a single title for the amalgamated area would be more appropriate, that title to be determined by the Chief Coroner. Hartlepool remains of the firm view that as this is an amalgamation and for clear identification of the merged areas, that its earlier recommendation (as outlined in the initial business case) as to the overall title should remain.
9. The failure to proceed with the previous amalgamation, owing to the respective views over the appointment process of a Senior Coroner, has now been removed in the light of the appointment of a Senior Coroner for Teesside and the intention of the Hartlepool Senior Coroner to retire.

Recommendations

10. It is therefore recommended that the relevant authorities proceed with a case for the amalgamation of the Hartlepool and Teesside Coroner Areas, on the basis that:
 - the Senior Coroner position for the amalgamated area be full-time;
 - the agreed model of coroner support (1 FTE senior coroner + 0.8 FTE assistant coroner is retained);
 - the issue of the retention of "Hartlepool" within the title of the amalgamated area be considered and determined by the Chief Coroner, having regard to the representations of Hartlepool Borough Council and Middlesbrough Borough Council;
 - Inquests are retained in Hartlepool following any amalgamation and through comparable arrangements that presently exists in the Hartlepool Coroner Area;
 - appropriate and proportionate consultation takes place, following constituent council approvals to proceed with the preferred option for amalgamation and subject to ultimate consideration through the Ministry of Justice; and
 - any further revisions to the Business Case, following consultation, but which do not fundamentally alter the preferred option, be delegated to the appropriate chief officer in consultation with the relevant Elected Member.

BACKGROUND

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

PROGRESS MADE AGAINST THE ORIGINAL BUSINESS CASE

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

Improved outcomes for customers

Timeliness of inquests

19. The historic under-performance issues previously associated with the Teesside Coroner's service have been successfully addressed. The backlog of cases, which

once stood at over 400, have all been concluded. The average time taken to complete inquests in 2016 was circa seven weeks which was amongst the best in the country, and compares extremely favourably to the average time taken in 2013, which was circa 50 weeks. In 2016 the Teesside Coroner's service dealt with 2,572 reported deaths and concluded circa 650 inquests.

20. Hartlepool Coroner's service continues to perform well with the average time for inquests in 2014 being three weeks which was the best performance in the country. In 2014 the Hartlepool Coroner's service dealt with 235 reported deaths and concluded 29 inquests.

Accessibility

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

Cost effectiveness

22. The savings predicted in the original business case and progress against them is shown in table 1. Whilst the expected savings have been delivered by introducing streamlined processes, no other, significant savings, are likely to occur as a result of the areas merging.

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

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

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

that required for the new streamlined operating model and the predicted workload for 2015/16.

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

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

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

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

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

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

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

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

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

Streamlined processes for partners and responsiveness to future demand

25. The new operating model introduced into the Teesside Coroner's Service has streamlined processes and is now similar to that operated by the Hartlepool Coroner's Service. This has resulted in a more streamlined service to partners, although further slight improvements may be possible as a consequence of the merger.
26. Future demand is likely to increase as demonstrated by the impact of the **Cheshire West** (Deprivation of Liberty) judgement. The impact of this judgement will need to be kept under review if the number of inquests continues to rise, as this will impact upon the level of (all) resources required i.e. council, police and coroner.

KEY CHANGES SINCE THE BUSINESS CASE WAS SUBMITTED

27. The original business case was drafted in July 2014. Since that date there have been several key changes, as follows:
 - a. a better understanding of the impact on the Coroner's Service of the Cheshire West (deprivation of liberty) judgement;
 - b. the opportunity to see the coroner support model proposed in the business case in operation (albeit in a slightly different format);
 - c. the Chief Coroner's response to the consultation on the original business case and additional guidance issued to Middlesbrough in respect of the merger;
 - d. changes to the political administrations at some councils;
 - e. the appointment through open competition of a Senior Coroner for the Teesside Coroner Area; and

- f. notification of the intention of the Senior Coroner for Hartlepool to retire.

IMPACT OF CHANGES ON THE BUSINESS CASE

Impact of the Cheshire West Judgement

28. In March 2014 the Supreme Court handed down a ruling (**Cheshire West**) that clarified the definition of “deprivation of liberty”; this resulted in an increase in the number of cases in which residents are deemed to be “deprived of their liberty”. This has impacted directly on the number of deaths reported to the coroner (which is likely to continue to rise) as all deaths of those ‘deprived of liberty’ should be reported to the coroner and should be subject to an inquest.
29. Consequently, the Teesside Coroner’s Service has, in the period between May 2014 and April 2017, dealt with in excess of 1,000 additional deaths. This anticipated significant increase in workload resulted in the need for a full time senior coroner position in the Teesside Coroner’s Service, and the service recruited a Senior Coroner on that basis.
30. However, the MoJ recognised that this change distorted the workload of coroners, without any specific need for many of the newly-included deaths to be considered. Consequently, the Policing and Crime Act 2017 has amended the terms of the Mental Capacity act 2005 to remove the majority of these deaths from the coroner’s scrutiny. It is therefore envisaged that there will be no ongoing impact from the **Cheshire West** decision.

Opportunity to see the new coroner support model in operation

31. A new, streamlined business model, which complies with the Coroners and Justice Act 2009 is in operation. This has resulted in a significant improvement in the timeliness of inquests, as noted above. This performance has continued throughout 2015 and 2016, indicating that the new business model is working well.
32. The new model includes: more inquests held as ‘straight through’ inquests i.e. opened and concluded at the same time; more inquests undertaken based on the paperwork only, reducing the need to call witnesses; and a reduction in the number of jury inquests. This new streamlined business model is working well, and savings have been delivered in line with those predicted. However, savings derived from these changes appear to have been offset by the increase in workload attributable to the Cheshire West judgement.
33. The model of coroner support in operation is: 1.4 FTE for Teesside (split 1 FTE senior coroner and 0.4 FTE assistant coroner); and 0.4 FTE for Hartlepool. Overall, this gives a total of 1.8 FTE Coroner support for the Teesside and Hartlepool Coroner areas, supplemented with a small number of ad hoc assistant coroner days.
34. The opportunity to see the coroner support model in operation has demonstrated that having one full-time senior coroner overseeing the service and liaising with key partners has worked well. The full-time position enables adequate time for liaison with key stakeholders and addressing service improvement issues, in addition to ensuring that the core coroner work is delivered.

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

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

“Proposed coroner model

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

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

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

36. The Ministry of Justice advised the Relevant Authority in April 2015, that:
- *“As you are aware we are very keen to progress a merger of the Teesside and Hartlepool Coroner areas.” - MoJ*

Consideration of the issues raised by the Chief Coroner during consultation

37. The need for a full-time senior coroner post, due to the increase in workload, was accepted, and the Senior Coroner for Teesside was recruited on a full-time basis.
38. The Chief Coroner's view is that the senior coroner should be supported by the 5 assistant coroners all working ad-hoc. This model of coroner support was in operation when performance in the Teesside Coroner's Service was poor. This model contributed to the poor performance in the area at that time. The new coroner support model is in operation (albeit in a slightly amended format to that originally envisaged) and has proven exceptionally effective. Consequently it is proposed to retain the proposal for 0.8 FTE assistant coroner support with a small number of additional ad-hoc assistant coroner days (if required).
39. It should be noted that the MoJ has the legislative authority to merge the authorities without the agreement of all (or any) parties and they could chose to do so although to date this has not occurred. In this instance the consensus of the constituent councils to proceed with an amalgamation is the significant step and one to persuade the MoJ that a merger should proceed.

CONCLUSION AND RECOMMENDATIONS

40. It is imperative that advantage is taken of the opportunity to move to a merger in accordance with legislative arrangements thus ensuring, as far as is possible, that the previous issues associated with the Teesside Coroner's Service do not reoccur in the new, merged area. It is to be noted that no comparable issues have arisen in Hartlepool and none in the Teesside Coroner Service since the retirement of the previous Senior Coroner.
41. In light of the: progress made in delivering key actions in the original Business Case, the wider contextual changes and previous responses to consultation; it is recommended that:
- the merger of the Teesside and Hartlepool Coroners Areas be pursued;
 - the full-time senior coroner position for the merged area should be fulfilled by the Senior Coroner for Teesside; and
 - that the model of coroner support (1 FTE senior coroner + 0.8 FTE assistant coroner with additional ad hoc support as required) is endorsed.

COUNCIL
22 June 2017**Report of:** Chief Executive**Subject:** BUSINESS REPORT (2)**6. GRENFELL TOWER**

Following the sad and tragic event at the Grenfell Tower block of flats in Kensington, London, the Safer Hartlepool Partnership on the 16th June instigated measures to prevent this from happening in Hartlepool. In collaboration with the Fire authority the SHP will be contacting all Registered housing providers and known private landlords who own high risk blocks, properties of multiple occupancy and / or have premises over 4 floors, seeking assurance that fire safety checks are undertaken immediately to their properties and promote the use of misters/sprinkler systems and to undertake surveys of the external material

The Director for Regeneration & Neighbourhoods has met with the CEX of Thirteen who own the only high rise block in Hartlepool, and they have they confirmed they are checking the external material on all their high rise blocks through intrusive surveys to take samples and test as an added precaution. Thirteen had recently undertaken a further fire safety check of all the high rise blocks and were already looking to install misting systems. Their fire systems are checked periodically through the year and concierge check 3 times a day for obstructions. Thirteen are providing information to their tenants and door knocks are being arranged for each high rise block to make sure that they are familiar with the emergency procedures in their block and to test their smoke alarms regularly. Information has been posted on their website along with guidance from the Fire Authority.

In all new buildings means of escape and fire safety is controlled by national Building Regulations, the Council is committed to ensuring that all applicable building work inspected by Local Authority Building Control Surveyors in Hartlepool will be built to current relevant national Building Regulation standards.

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

31 MARCH 2017



PRESENT:

HARTLEPOOL BOROUGH COUNCIL

Cllrs Rob Cook, Marjorie James, Ray Martin-Wells

MIDDLESBROUGH COUNCIL

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

REDCAR & CLEVELAND BOROUGH COUNCIL

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

STOCKTON ON TEES BOROUGH COUNCIL

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

AUTHORISED OFFICERS

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

APOLOGIES:

Cllr Gillian Corr – Stockton Borough Council

104. DECLARATIONS OF MEMBERS INTEREST

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

105. MINUTES

RESOLVED – that the Minutes of the Cleveland Fire Authority Meeting on 17 February 2017 be confirmed.

106. MINUTES

RESOLVED – that the minutes of the Audit & Governance Committee Meeting on 24 February 2017 and the Executive Committee Meeting on 10 March 2017 be confirmed.

107. COMMUNICATIONS RECEIVED BY THE CHAIR

- Home Office: Circular – Policing and Crime Act 2017
- Shehla Husain: Issue of Fire Revenue Firelink Grant for 2017-18
- Paul Lincoln: Nominations for Queen's Fire Service Medals – New Years' Honours List 2018
- Chloe Dunnett: The Trade Union Act 2016
- Daniel Greaves: Equipping Ourselves to Deliver Reform

RESOLVED – that the communications be noted.

108. REPORTS OF THE CHIEF FIRE OFFICER

108.1 Firefighter Apprenticeship Scheme

The Chief Fire Officer (CFO) reported that one of the Authorities priorities for 2017/18 was to expand its apprentices further by a two-pronged approach which, if approved, would see apprentice firefighters employed by the Authority by June 2017, and a full apprenticeship framework to support its employment models established by March 2018.

108.1 Firefighter Apprenticeship Scheme continued

The CFO outlined the proposed scheme in detail which covered:

- Workforce Planning
- Operational Firefighter Apprenticeship Scheme
- Timeline for Operational Firefighter Apprentices
- Financial Implications
 - Salaries & Employment Costs
 - Training
 - Fire Authority Investment
- Legal Implications
- Equality & Diversity Implications

Councillor Bendelow asked if the recruitment of young apprentices would alleviate sickness levels from the Brigade's ageing operational workforce and how confident could the Authority be that these apprentices may end up as firefighter in the future.

The CFO confirmed there were no guarantees in relation to the apprentices achieving future employment either with the Authority or any other organisation but he confirmed they would achieve a qualification which would put them in a good position to join the fire service.

Councillor James moved an amendment that all apprentices be paid the Living Wage and that a further report be brought to the Authority to consider workforce planning arrangements in relation to apprentices going forward as potential trainees. Councillor Cook seconded the amendment.

Councillor Cook asked why only 10 apprentices were being sought, when 58 firefighters posts were expected to be removed from the establishment over the next three years. The CFO confirmed that at present the apprenticeship scheme was not being considered as fundamental part of workforce planning and that the Authority would need to consider with the trade unions how issues of shortfalls in operational staff are addressed in the future. The CFO agreed to bring a report back to the Authority to address how the Workforce Planning dovetails with the apprenticeship scheme approach.

Councillor Cook asked whether an 18 month scheme was long enough to allow the apprentices to develop sufficient skills. The CFO confirmed that apprentice firefighters are able to ride a fire appliance under supervision after 12 weeks training.

Councillor Dennis asked whether the recruitment of apprentice firefighters would diminish the number of trainee firefighters. The CFO confirmed that due to financial cuts, the Authority had not recruited whole time firefighters since 2009 and the workforce had diminished from 600 operational staff to less than 350.

RESOLVED:-

- (i) That the report be noted.**
- (ii) That all new apprentices be paid at a commensurate rate in line with the National Living Wage.**
- (iii) That the investment in the Operational Firefighter Apprenticeship Scheme (paragraph 8.10) to bring new entrants into the Service and to maintain momentum in delivering effective Apprenticeship schemes across the organisation in future years be approved.**
- (iv) That a report be brought back to a future Authority meeting detailing the impact of the Firefighter Apprenticeship Scheme on work force planning.**

108.2 Information Pack

108.2.1 Employers Circulars

108.2.2 National Joint Circulars

108.2.3 Campaign Launches

RESOLVED – that the information pack be noted.

109. REPORT OF THE CLERK

109.1 Cleveland Fire Authority Meetings 2017/18

Members considered the proposed schedule of Cleveland Fire Authority meetings for the municipal year of 2017/2018. The Clerk confirmed that the dates were aligned with the Authority's business planning calendar and all meetings would commence at 2.00pm at Cleveland Fire Brigade Training and Administration Hub in Hartlepool.

RESOLVED - that the Cleveland Fire Authority dates outlined at paragraph 3.2 be approved.

110. REPORT OF THE TREASURER

110.1 Strategy for Managing Income Risks

The Treasurer reported that the Government had confirmed the four year settlement allocation, including the reductions in Revenue Support Grant for 2017/18 to 2019/20 built into the Medium Term Financial Strategy. This would mean that the combined value of this funding in 2019/20 would have reduced to £12.524m compared to £18.488m in 2013/14 when the current national funding system, based on 50% Business Rates Retention, was introduced.

He reported that by 2019/20 the overall funding will have reduced by £5.964m, a reduction of 32% from 2013/14, as detailed in Table 2 of the report.

The Treasurer outlined the other financial risks in detail in Section 3 of the report and outlined a strategy for managing these income risks which was a combination of:

- Allocation of 2016/17 Managed Revenue Budget Under spend - £0.34m and 2016/17 Collection Fund surplus - £0.126m
- Reviewing the Capital Funding Strategy - £2.2m

The Treasurer concluded that in light of the financial uncertainty, the establishment of a Budget Support Fund for 2020/21 and future years will put the Authority in a much better financial position than would be the case without this funding.

The Treasurer highlighted to Members a small risk that some of the recommended Budget Support Fund may need to be used over the period 2017/18 to 2019/20 if there were significant successful appeals against the 2017 Business Rates valuations, or unanticipated budget pressures arose.

110.1 Strategy for Managing Income Risks continued

RESOLVED:-

- i) That the financial risks and uncertainty detailed in the report be noted.
- ii) That the proposal to use £2.2m of Prudential Borrowing to release £2.2m of the Capital Funding Reserve to create a Budget Support Fund for 2020/21 and future years be approved.
- iii) That changes to the Prudential Borrowing limits to reflect approval of recommendation (ii) be approved.
- iv) That the proposal to allocate the 2016/17 forecast managed under spend of £0.466m towards the creation of a Budget Support Fund for 2020/21 and future years be approved.
- v) That the repayment costs of using £2.2m of Prudential Borrowing be funded from within the existing budget provision/interest rates savings already achieved and will not increase the budget deficits forecast for 2017/18 to 2019/20 be noted.
- vi) That the small risk that some of the recommended Budget Support Fund may need to be used over the period 2017/18 to 2019/20 if there are significant successful appeals against the 2017 Business Rates valuations, or unanticipated budget pressures be noted.

111. REPORTS OF THE LEGAL ADVISER AND MONITORING OFFICER

111.1 Pay Policy Statement 2017/18

The Legal Adviser & Monitoring Officer (LAMO) reported that in line with the provisions set out in the Localism Act 2011, the Authority had a statutory duty to prepare a Pay Policy Statement for each financial year relating to:

- the remuneration of its chief officers
- the remuneration of its lowest paid employees
- the relationship between:
 - the remuneration of its chief officers and
 - the remuneration of its employees who are not chief officers

The LAMO reported that the Executive Committee had considered the Pay Policy Statement 2017/18 at its meeting on 10 March 2017. He referred members to Appendix 1 which highlighted the remuneration of the lowest paid employees which was:

- Firefighter (Development) - £23,162
- Non-operational employees Grade B (Development) - £16,123

He reported that in April 2016 the Government's National Living Wage was to become law and the minimum wage for all workers aged 25 years and over would be £14,470, which was lower than the Authority's lowest paid employees.

RESOLVED - That Cleveland Fire Authority's Pay Policy Statement 2017/18 be approved and published by the Authority.

111.2 Re-engagement of Senior Fire Office Post Retirement

The LAMO reported that the Home Office had set out for consultation a change to the Fire and Rescue National Framework on the issue of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles. He referred Members to Section 4 of the report which detailed that this practice was common amongst Chief Fire Officers, mainly members of the Firefighters Pension Scheme 1992, and was deemed to stoke a perception that there was one rule for rank and file firefighters and another for senior officers who were able to circumvent the intention of the regulations.

The LAMO reported that this practice had generated considerable public interest and was deemed to have potential to damage the trust between regular firefighters and senior officers. In response to these concerns, the Government proposed to revise the National Framework to include guidance making it clear exactly what is expected of FRAs, namely:

- 1) FRAs must not re-appoint principal fire officers after retirement to their previous (or a similar) post, save for in exceptional circumstances when such a decision is necessary in the interests of public safety.
- 2) Any such appointment must be transparent, justifiable and time limited.
- 3) In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority, or a decision by the appropriate elected representative of the fire and rescue authority.
- 4) FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.
- 5) The officer's pension must be abated until they cease to be employed by a FRA.
- 6) All principal fire officer posts must be open to competition nationally.

The LAMO referred Members to Appendix 2 which detailed the Chair's response to the consultation on behalf of the Authority.

Councillor James queried point No. 3 above and requested that in Cleveland's case this should be subject to the vote of all elected Members of the Fire Authority. The LAMO confirmed that this would be the case and that '*a decision by the appropriate elected representative of the Fire and Rescue Authority*' would be relevant for FRAs governed under a cabinet /mayoral system or a Police & Crime Commissioner. Councillor James asked if that line could be deleted as it was not relevant to Cleveland. The LAMO confirmed this was wording from the Home Office which was designed to cover all FRAs and also the potential for future governance changes. Councillor Ovens agreed that the wording gave the Authority the flexibility to apply whatever was relevant at the moment and it was clear what was pertinent to the Authority as it stands.

RESOLVED – that the Chair's response to the Government's consultation on Re-engagement of Senior Fire Officers Post-Retirement, as detailed at Appendix 2, be approved.

112. JOINT REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER AND CLERK

112.1 Cleveland Fire Authority Appointment of Chair & Vice Chair

The LAMO sought Member's approval for an amendment to the Authority's Constitution with regard to the appointment of the Chair and Vice Chair of Cleveland Fire Authority. He explained that the current arrangement was to rotate the roles across the constituent Authorities on a two yearly basis and the proposal was to change this so that the Chair and Vice Chair are appointed by the Fire Authority at the Annual General Meeting following a vote of Members, but without reference to a rota.

112.1 Cleveland Fire Authority Appointment of Chair & Vice Chair continued

The LAMO reported that the amendment was being sought to ensure the Authority had well planned, stable approaches to service provisions delivered by consistent and experienced leadership which would be essential for the fast paced delivery of the Government's Reform Agenda. The LAMO also detailed the following planned significant changes that would require the Chair and Vice Chair to have an extensive knowledge and understanding of firefighters' terms and conditions of service and working practices:

- the introduction of the Home Office Inspection Regime
- the development of the Authority's new Community Integrated Risk Management Plan 2018-2022
- the widening roles of fire and rescue service personnel
- the review of the National Joint Council Scheme of Conditions of Service 'Grey Book'
- the introduction of the Policing and Crime Act 2017
- the progression of the inclusivity agenda

Councillor Martin-Wells commented that he understood the report was suggesting that keeping with the current Chair and Vice Chair would be helpful in situations where vast experience was needed but he would struggle to support the amendment.

Councillor James said she was opposed to the removal of the rotation system and the onus was on professional officers to ensure all CFA Members were given equal levels of knowledge to allow them to participate if required.

Councillor Ovens supported the change and agreed that there was sound reason for looking at the system and that it was time for continuity for the Authority.

Councillor Cook asked for clarification on what the rule would be if the rotation system was changed. The LAMO confirmed that the system was open to Members to review and reminded Members that the rotation had been altered in 2015 when the then Chair failed to be re-elected to his constituent council. He confirmed that any agreed changes to the rota would always require the election to the position of Chair and Vice Chair at each Annual Meeting of the Authority. The report noted that Members could revisit the position of the rota at some future date, if they felt it necessary or expedient to do so.

Councillor Cooney supported the recommendations adding that there had been difficult times for the Authority which had been handled well with guidance from the Chair. Councillor Cook asked if the proposed changes would affect the Audit & Governance Chair. The LAMO confirmed it was only relating to the Chair and Vice Chairmanship.

Members voted 12 in favour, with Hartlepool Councillors Cook, James and Martin-Wells voting against, the recommendation to remove the rotation for the Chair and Vice Chair of the Authority.

RESOLVED:-

- (i) **That the following arrangements be adopted for the appointment of the Chair and Vice Chair of Cleveland Fire Authority:**

The Chair and Vice Chair of the Fire Authority should be appointed by the Fire Authority at the Annual General meeting following a vote of members.

- (ii) **That the Constitution be amended to reflect the above arrangement.**

113. ANY OTHER BUSINESS

113.1 EMP/3/17 – Fire Brigades Union Recall Conference

The CFO tabled the National Joint Council circular 'EMP/3/17 – Fire Brigades Union (FBU) Recall Conference which agreed the extension of the Emergency Medical Response (EMR) trial until November 2017. He reported that an action plan had been established to address issues in relation to the cost of continuing the trial until November and these would be discussed with the Clinical Care Commissioners as a matter of urgency.

Councillor Ovens confirmed that these issues reflected Members concerns and that they had been assured the Brigade's firefighters would get training and support. Councillor James suggested Members put this issue on the agenda of their constituent councils' Health & Wellbeing Boards and Health Scrutiny Boards.

Councillor Martin-Wells highlighted that NEAS currently pay St John's Ambulance and British Red Cross for responding to their calls. He added that he would not want the Authority to stop carrying out this vital service, particularly in the rural areas and agreed with Councillor James' suggestion that the best move was to take this through the four district authorities.

Councillor Cook noted that this service was currently being delivered by firefighters on a voluntary basis and he would be concerned that if the Authority was commissioned to deliver it some shifts would not volunteer. The CFO reported that both the FBU and the Authority was encouraging firefighters to take on this work and in general, those saying no were doing so collectively. He agreed that it was not ideal doing it on a voluntary basis and that after the trial it will be a union position to incorporate it into the role of a firefighter.

RESOLVED – that the position relating to the EMR trial be noted.

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

RESOLVED - "That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3, & 4 and 5 below of Part 1 Schedule 12A of the Local Government Act 1972 as mended by the Local Government (Access to Information) (Variation) Order 2006", namely information relating to any 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 and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

115. CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority Ordinary Meeting on 17 February be confirmed.

116. CONFIDENTIAL MINUTES OF COMMITTEES

RESOLVED – that the confidential minutes of the Executive Committee Tender Awarding meetings on 10 March 2017 be confirmed.

117. CONFIDENTIAL REPORT OF THE TREASURER

- 117.1 Loan Agreement between Cleveland Fire Authority and Cleveland Fire Brigade Risk Management Services Community Interest Company (CFBRMS C.I.C.)**
Members received an update on the financial arrangements between the Authority and the C.I.C.

COUNCILLOR JAN BRUNTON
CHAIR