



Chief Executive's Department
Civic Centre
HARTLEPOOL

18 September, 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 Vacancy.

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 28th SEPTEMBER, 2017 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

A handwritten signature in black ink, appearing to read "G Alexander". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

G Alexander
Chief Executive

Enc

COUNCIL AGENDA



Thursday 28 September, 2017

at 7.00 pm

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

- (1) To receive apologies from absent Members;
- (2) To receive any declarations of interest from Members;
- (3) To deal with any business required by statute to be done before any other business;
- (4) To approve the minutes of the last meeting of the Council held on 22 June 2017 as the correct record;
- (5) To answer questions from Members of the Council on the minutes of the last meeting of Council;
- (6) To deal with any business required by statute to be done;
- (7) To receive any announcements from the Chair, or the Head of Paid Service;
- (8) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;
- (9) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
 1. Early Morning Alcohol Restriction Orders – Report of Licensing Committee
- (10) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;
- (11) To consider reports from the Policy Committees:
 - (a) proposals in relation to the Council's approved budget and policy framework; and

(b) proposals for departures from the approved budget and policy framework;

1. Elwick Bypass and Grade Separated Junction – Prudential Borrowing – Report of Finance and Policy Committee

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

1. This Council condemns the indignities suffered by the people of Hartlepool when undergoing the Department for Work & Pensions 'Work Capability Assessment' (WCA). This Council therefore calls on central Government and the Department for Work and Pensions to scrap the current WCA and seek a replacement assessment, which is a more humane way to treat people with disabilities that robustly considers the advice of medical professionals when assessing individual for Personal Independence Payments.

Signed by

Councillors Clark, Harrison, Hamilton, Cranney and McLaughlin.

2. Make fair transitional state pension arrangements for 1950's women.

This Council requests that the Government, without delay recognises the need for a non-means tested bridging pension for women born on or after 6/4/1950 who are affected by the 1995 and 2011 Pension Acts and compensate those at risk of losing up to £45,000, to also give proper notification of any future changes.

The 1995 Conservative Government's Pension Act included plans to increase women's SPA to 65, the same as men's. Women Against State Pension Inequality (WASPI), agree with equalisation, but don't agree with the unfair way the changes were implemented – with little/no personal notice (1995/2011 Acts), faster than promised (2011 Pension Act), and no time to make alternative plans. Retirement plans have been shattered with devastating consequences.

Signed by

Councillors Harrison, Thomas, James, Clark and Cranney.

(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 on 2nd June, 2017 and 9th June, 2017 and the Police and Crime Panel held on 2nd February, 2017 and 4th July, 2017.



COUNCIL

MINUTES OF PROCEEDINGS

22 June 2017

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

PRESENT:-

The Ceremonial Mayor (Councillor Beck) presiding:

COUNCILLORS:

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

Officers: Peter Devlin, Chief Solicitor
Chris Little, Director of Finance and Policy
Denise Ogden, Director of Regeneration and Neighbourhoods
Paul Edmondson-Jones, Interim Director of Public Health
Steve Hilton, Ed Turner, Public Relations Team.
Angela Armstrong, Amanda Whitaker, Democratic Services Team

Prior to the commencement of business, the Ceremonial Mayor referred in terms of regret to the recent sad loss of Margaret Smith, former Mayoress of the Borough. Members stood in silence as a mark of respect.

Following the silence, the Ceremonial Mayor referred in terms of regret to the attack at Westminster Bridge and the sad and tragic event at the Grenfell Tower block of flats in London. Members stood in silence as a mark of respect.

10. APOLOGIES FOR ABSENT MEMBERS

Councillors Belcher and Lawton.

11. DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Thompson declared a personal interest in agenda item 14, public question.

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

None

13. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Special Council held on the 18 May 2017, the Ordinary Council held on 23 May 2017 and the Annual Council held on 25 May 2017 having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None

15. BUSINESS REQUIRED BY STATUTE

(i) Report of the Independent Remuneration Panel

The Director of Finance and Policy presented the report of the Independent Remuneration Panel which sought consideration of the Panel's recommendations regarding proposed changes to the Basic and Special Responsibility Allowances payable from 1st April 2017.

Council considered the following recommendations from the Independent Remuneration Panel:-

- i) Note the IRP's rationale for increasing the Basic Allowance as detailed in the report;
- 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 the report 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.
- v) 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.
- vi) 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.

Members debated issues arising from the report. A number of Members spoke for and against the rationale for increasing the Basic Allowance which had been detailed in the report.

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

“That the recommendations of the Independent Remuneration Panel be accepted when this Council's rates of Council Tax are also equal to that of other Local Authorities”

The Chief Solicitor highlighted that the amendment was not entirely valid and referred to the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003, wherein the Independent Remuneration Panel were required to recommend a scheme in accordance with those Regulations.

The mover of the Motion sought clarification from the Chief Solicitor and referred to a Motion previously agreed by Council when a decision was deferred and the basic allowance remained unchanged until staff received a pay rise.

Following clarification from the Chief Solicitor that it was permissible to seek a deferment of the Panel's recommendations, it was moved by Councillor Riddle and seconded by Councillor Thompson:-

“That the recommendations of the Independent Remuneration Panel be deferred until such time as there is parity of this Council's Council Tax rates with those of other Local Authorities”.

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

“That the vote be now put”

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

Those in favour:

Councillors Black, Buchan, Fleming, Hall, Hind, Lauderdale, Moore, Riddle, Springer, Tennant and Thompson.

Those against:

Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Clark, Cook, Cranney, Hamilton, Harrison, Hunter, James, Lindridge, Loynes, Martin-Wells, McLaughlin, Morris, Richardson, Robinson, Sirs and Thomas.

Those abstaining:

None.

The Chief Solicitor announced that the vote was lost.

In accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken on the substantive Motion; the recommendations of the Independent Remuneration Panel:-.

Those in favour:

Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Clark, Cook, Cranney, Hamilton, James, Lindridge, Loynes, Martin-Wells, Morris, Richardson, Robinson, Sirs and Thomas

Those against:

Councillors Black, Buchan, Fleming, Hall, Hind, Lauderdale, Moore, Riddle, Springer, Tennant and Thompson.

Those abstaining:

Councillors Harrison, Hunter and McLaughlin.

The Chief Solicitor announced that the vote was carried.

16. 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.

17. 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

18. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None

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

(1) Further Review of the Council's Constitution – *Monitoring Officer*

Further to minute 136 of the Council meeting held on 23rd May, 2017, the Monitoring Officer reminded Members that it had been moved and seconded as follows:-

- 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.

At that meeting it had been suggested that Council utilise 'survey monkey' to determine the views of the public, particularly as regards the timing of committee meetings. Council had agreed a proposal that the Monitoring Officer submit a report to the next ordinary Council meeting.

The Monitoring Officer's report submitted to this Council meeting recommended as follows:-

- i) That Members remit to the Constitution Committee the 3 items raised at its meeting on the 23rd May, 2017 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.

It was moved by Councillor Tennant and seconded by Councillor Moore:-

"That reports of the Constitution Committee be presented to Council by the Chair of the Committee rather than the Monitoring Officer."

The Chief Solicitor referred Council to the previous decision of Council that reports of the Constitution Committee be presented to Council by the Monitoring Officer. In accordance with Council Procedure Rule 16.1, a Motion or amendment to rescind, or having the effect of rescinding, a decision made at a meeting of Council within the past six months could not be moved.

A Member advised that it was within the remit of Council to decide on the proposals as opposed to referral to the Constitution Committee. The Chief Solicitor referred Members to Council Procedure Rule 13.4 that if the subject matter of any motion comes within the province of any Committee it shall stand referred without discussion to such Committee, for consideration and report. The Monitoring Officer highlighted also consultation implications and suggested

that the issues be referred to the Constitution Committee and a report be submitted back to Council, in a timely manner.

The recommendations of the Monitoring Officer were agreed.

20. 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

21. MOTIONS ON NOTICE

None

CHIEF EXECUTIVE'S REPORT

22. PROPOSED MERGER OF THE TEESSIDE AND HARTLEPOOL CORONER AREAS

Following the report to Council on 23 May 2017, further discussions had 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 was proposed that Ms Bailey is appointed to be able to act in the role of senior coroner for Hartlepool, upon Mr Donnelly's retirement from his role on 30 June, 2017. This would 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 was appended to the report for Members' information. That addendum highlighted the appointment through 'open competition' of a Senior Coroner for the Teesside Coroner Area, namely Ms Bailey. Further, that the Council had 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 had 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 had had from Karin Welch as Assistant Coroner and administrative support from Terena Nottingham. It was 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 was considered opportune to look towards an amalgamation of these two coroner areas. It had 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 could not sustain a sufficient caseload to so 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, as indicated, was also supportive of a merger. It had been confirmed (and reflected in the Business Case documents) that Inquests would still be held in Hartlepool. All consultees had been supportive of a merger when their views had been canvassed, but a further period of consultation would be required. An indicative timetable for consultation and receiving all necessary consents was set out in the report.

The Leader of the Council sought clarification regarding the item's second recommendation which was considered to assume amalgamation of the Hartlepool and Teesside Coroner Areas. It was highlighted that a report would be required to be submitted to Council.

RESOLVED: -

1. That Ms Clare Bailey act in the role of senior coroner from 1 July, 2017.
2. That the appointment to continue until superseded by the amalgamation of the Hartlepool and Teesside Coroner Areas, subject to further consideration by Council.
3. That the Further Addendum to the earlier Business Case be noted 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.

23. FREE BREAKFASTS FOR ALL SCHOOL CHILDREN

It was reported that a Motion had been 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 had updated 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 had been 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 had raised concerns about the ongoing financial viability of the pilot as school budgets decreased.

Members were advised that Children's Services Committee of 8 March 2016 had discussed the report a great length, and headteacher representatives on the Committee had 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. The Committee had 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 had 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 had been successful. An evaluation of the scheme had been reported to Finance and Policy Committee on 10 February 2017, and a further scheme had been approved by the Committee for delivery in summer 2017.

RESOLVED: -

1. That the inconclusive evidence around the impact measures of the trial schemes at the two schools be noted.
2. That 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.

24. HARTLEPOOL UNITED FOOTBALL CLUB

With reference to minute 144 of the Council meeting held on 23 May, 2017, Members were reminded that in response to the relegation of Hartlepool United Football Club from the football league, the Chief Executive had been requested to investigate potential support the Council could provide the Club when the new football season started later in the year.

Members were advised that Officers were in negotiations with the owners regarding any support the Council could provide in view of the profile and financial benefits the club brings to the town. Further updates would be provided as negotiations developed nearing the forthcoming football season to support the club in their endeavours to return to the football league.

RESOLVED – That the report be noted.

25. VACANCIES ON OUTSIDE BODIES

Following the appointments to Outside Bodies made at the meeting on 23 May 2017, it was reported that the following vacancies remained:-

- 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. It was reported at the meeting that the Audit and Governance Committee had recommended that Councillor Hall be appointed to the Better Health Programme Joint Health Scrutiny Committee.

Since the meeting on 23 May, notification had been received of the following additional Group, a Member appointment to which was requested:-

Local Government Association - Coastal Special Interest Group.

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

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

In encouraging nominations to the Hartlepool Sports Council, a Member highlighted the outstanding achievement of Hartlepool footballer Harry Chapman, England Under 20's world football team champion. It was agreed that a letter be sent, from the Ceremonial Mayor, to congratulate Harry on his achievement. The Ceremonial Mayor agreed to a suggestion that Harry be given also some additional recognition.

RESOLVED –

(i) That the following appointments be agreed:-

- Better Health Programme Joint Health Scrutiny Committee – Councillor Hall;
- Tees Valley Combined Authority – Independent Remuneration Panel – Clare Wilson;
- Local Government Association – Coastal Special Interest Group – Councillor James;
- Tees Valley Combined Authority Transport Committee - designated substitute Cllr C Akers-Belcher for Cllr Cranney.

(ii) That it was noted that the following appointments remain vacant:

- Association of North East Councils – Collaborate Sub-Group – 1 vacancy;
 - Hartlepool and District Sports Council – 1 vacancy;
 - Henry Smith Educational Charity – 2 vacancies.
- (iii) That a letter be sent from the Ceremonial Mayor, to Harry Chapman, to congratulate him on his achievements and for some additional recognition to be arranged by the Ceremonial Mayor.

26. SPECIAL URGENCY

Council was informed that that there had been no special urgency decisions taken in the period February 2017 – April 2017.

RESOLVED – That the report be noted.

27. GRENFELL TOWER

Members were advised that following the sad and tragic event at the Grenfell Tower block of flats in Kensington, London, the Safer Hartlepool Partnership (SHP) on the 16th June had instigated measures to prevent this from happening in Hartlepool. In collaboration with the Fire authority the SHP would be contacting all Registered housing providers and known private landlords who owned high risk blocks, properties of multiple occupancy and / or have premises over 4 floors, seeking assurance that fire safety checks were 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 had met with the Chief Executive of Thirteen who owned the only high rise block in Hartlepool, and they had confirmed they were checking the external material on all their high rise blocks through intrusive surveys to take samples and test as an added precaution. Thirteen Group 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 were checked periodically through the year and concierge check 3 times a day for obstructions. Thirteen were providing information to their tenants and door knocks were being arranged for each high rise block to make sure that they were familiar with the emergency procedures in their block and to test their smoke alarms regularly. Information had been posted on their website along with guidance from the Fire Authority.

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

Members were advised that, since preparation of the report, confirmation had been received from the Chief Executive of Thirteen Group that the checks had shown that the cladding on that building was not the cladding concerned and a letter had been sent to tenants to advise them of the outcome of those tests.

RESOLVED – That the report be noted.

28. PUBLIC QUESTION

(1) Question from Julie Holdcroft to Chair of Children’s Services Committee

“Springwell School have worked hard to make significant savings in many areas but as a LA maintained school we have also had to manage 2 additional expenses imposed by the council which we have no control over: namely the Apprenticeship levi and the Education Services Grant.

The apprenticeship levi is over £5000 and is in addition to the 2 Apprentices we already employ. We are still waiting for informative advice from the Council about how this can be claimed back.

The Education Services Grant is a charge of £148.72 per pupil (10,500) which is significantly higher than the charge for pupils in mainstream schools. I would like to know:

1. Why has the council has chosen to pass the charge onto its maintained schools when the majority of other councils in the NE have decided not to and What is the council using the funding for?

2. Why is the council discriminating against children with SEN by charging significantly more per pupil than for pupils in mainstream schools?”

The Chair of Children’s Services Committee thanked Mrs Holdcroft for the questions as they highlighted the financial challenges facing Schools and Councils as a result of continuing Government funding cuts and austerity.

Council was advised that in February this year the Council had considered a report on the Government’s decision to cut the Education Services Grant, commonly referred to as ESG. Over the period 2013/14 to 2016/17 this grant had been paid to all Councils with responsibility for Education to pay for statutory education support services. However, in December 2016 the previous Government had confirmed they would be cutting the ESG to save £600m per year. This cut effectively shifted responsibility for funding statutory services onto the main schools grant, known as the Dedicated Schools Grant.

The Chair advised that this issue was another example of the previous Government shifting new financial burdens onto schools, whilst claiming Education funding was protected. Other financial burdens passed on to schools by the previous Government, without additional funding, included the apprenticeship levy and increased pension contributions for teachers. The

Government's policy of shifting costs to schools without additional funding was causing concern to head teachers, school governors and all Councillors.

As a result of this cut in Government funding the Council had faced the difficult choice of either cutting support to schools, or seeking agreement with schools to fund these costs. It had been recognised that this situation would be difficult for schools and therefore looked carefully at costs. The review had enabled the Council to set contributions from schools 9% lower than the national rates set by the Government's Education and Skills Funding Agency. In line with statutory duties prescribed by the Government's Education and Skills Funding Agency the Council would use this funding to help pay for monitoring of the national curriculum, financial oversight of schools, internal audit reviews, health and safety, HR support and legal support.

The Chair appreciated that many Councils in the North East had not passed on the ESG cut to schools this year, although two other Councils had. He advised that he understood that some of the larger Councils had not passed on the cut to schools as they had the financial size to absorb this funding reduction. This wasn't something Hartlepool could do as it is the smallest Council in the North East and therefore doesn't have the financial capacity to absorb this grant cut.

In addition, other Council areas had a much higher proportion of academies than Hartlepool. Where this was the case the individual academy had to make a contribution to the Academy Trust of between 3% and 5% of the schools budget. The contributions used by academies were therefore much higher than the percentage used by this Council, which was a maximum of 1.5% of the total school budget. The Chair understood that some Councils intended to review the position next year as they had very little time to consult with their schools owing to the late confirmation of this change by the Government.

In relation to the second question, the Chair acknowledged that there were differences in the per pupil amounts for different types of school for these statutory services, which reflected in the different national rates set by the Government's Education and Skills Funding Agency. However, the Chair commented that it also needed to be recognised that schools received different funding per pupil to reflect the needs of their pupils. This provided significantly higher funding per pupil for children in the special school and the Chair believed this entirely appropriate. Therefore, when you look at these costs in the context of each school's overall funding the Council was not discriminating against children with SEN as the total charge for these services was no more than 1.5% of the total school budget. The Chair reiterated that this was significantly less than the contribution required for academy schools.

The Chair concluded that these questions arose as a direct result of the previous Government's policy of shifting additional financial costs onto schools without providing additional resources, or expecting Councils to either pick up the bill, or cut services. As the Chair had indicated, the Council set its rates 9% lower than the national rates to minimise the impact on schools. The Chair, like Head Teachers, school governors and elected members remained concerned about the Government's approach to cut education budgets and would continue to attempt to mitigate the impact on schools.

The Chair added that he would ask the Director of Child and Adult Services, and the Director of Finance and Policy to keep this issue under review as part of the MTFs process to ensure there was equity in the approach.

During the debate following the Chair's response, reference was made to the decision made earlier in the meeting relating to Members' Allowances. A comparison was made to the additional costs associated with the increase in Members' Allowances and the difficulties associated with funding allocated to educate children. During the debate, it was suggested that a solution would be for an arrangement to be put in place for those councillors who were foregoing the increase in their allowances to direct that funding to support Springwell School. In understanding the sentiments of the proposal, the Director of Finance and Policy highlighted that there would be implications for other schools. Council agreed to a suggestion made by the Director of Finance and Policy that the issue be referred to the Children's Services Committee.

RESOLVED – That the Children's Services Committee consider the potential of Members contributing any increase in their Basic Allowance to support Hartlepool schools.

29. 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 31 March 2017. With reference to minute 108 of the Fire Authority minutes, Council agreed to a proposal made by a Member at the Council meeting that a letter be sent to Cleveland Fire Authority to express the Council's opposition to any reduction in the number of firefighters employed by the Authority. The Leader of the Council advised that he, and the Chief Executive, would convey those sentiments in a meeting with the Chief Fire Officer.

Prior to the conclusion of the meeting, a Member referred to the achievements of the Hartlepool Hawks Team which would be representing the town in Croatia. It was proposed that best wishes be conveyed to the Team, on behalf of the Council.

The meeting concluded at 8.30 p.m.

CEREMONIAL MAYOR



Report of: Licensing Committee

Subject: EARLY MORNING ALCOHOL RESTRICTION ORDERS (EMRO'S)

1. PURPOSE OF REPORT

1.1 To advise Council of the outcome of an investigation, carried out by the Licensing Committee, into the feasibility of introducing an Early Morning Alcohol Restriction Order (EMRO) in Hartlepool.

2. BACKGROUND

2.1 On 23rd February 2017 a motion was presented to Council concerning the potential introduction of an EMRO in Hartlepool.

2.2 An EMRO is a tool made available to local licensing authorities that allows for the terminal hour of alcohol licensed premises in a designated area to be changed if it is considered appropriate for the promotion of the Licensing Act's 'licensing objectives'.

2.3 The licensing objectives are:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

2.4 Council agreed to refer the matter to the Licensing Committee for consideration.

2.5 At its meeting on 29th March 2017 the Licensing Committee asked for a detailed investigation to be undertaken into the feasibility of an EMRO in Hartlepool.

- 2.6 On 26th July 2017 the Licensing Committee received a detailed report and presentation from the Head of Public Protection and Cleveland Police Licensing Officers. An extract of the draft minutes of this meeting are attached as Appendix 1.
- 2.7 The report highlighted that the introduction of an EMRO must follow strict procedures detailed in the Licensing Act and its associated statutory guidance and that any decision to introduce an EMRO must be evidentially based.
- 2.8 The Licensing Committee heard that crime in the Night Time Economy had fallen significantly since the Licensing Act was first introduced in 2005 and that the number of premises licensed to stay open beyond 2:00 a.m. had also fallen.
- 2.9 No Council in the country had adopted an EMRO since they became available in 2011 and a recent scrutiny report into the Licensing Act by the House of Lords had recommended their abolition from the statute books as they were, in effect, unworkable.
- 2.10 Elements of the licensing industry had made it clear that it was against EMRO's in principle and a 'fighting fund' had been established to challenge any licensing authority that attempted to introduce one. The likely cost to Hartlepool Borough Council of defending a legal challenge was considered to be in excess of £100,000.
- 2.11 The Committee was informed that both the Council and the Police have introduced a number of measures to improve the management of problem premises and that the licences of the worst offenders have been, and will continue to be, formally reviewed.

3. PROPOSALS

- 3.1 Having considered the evidence presented, the Licensing Committee unanimously agreed that it was not appropriate to recommend the adoption of an EMRO in Hartlepool.
- 3.2 The Committee was aware that this was the fourth time in four years that it had considered the feasibility of an EMRO and that, on each occasion it had determined that there was insufficient evidence to meet the statutory requirements for an EMRO to be introduced and to succeed against any subsequent legal challenge from the licensing industry.
- 3.3 The Licensing Committee believed that it would be inappropriate to consider an EMRO again for at least four to five years unless Cleveland Police specifically requested one themselves and were able to support such an application with suitable evidence.

4. RISK IMPLICATIONS

- 4.1 The adoption of an EMRO can only be made following the completion of specific statutory processes detailed in the Licensing Act 2003.
- 4.2 If Council was minded to disregard the recommendation of the Licensing Committee, it is not possible for it to adopt an EMRO at this stage. Further evidence gathering and consultation must be undertaken.
- 4.3 If, following the completion of this process, an EMRO is ultimately adopted, there is a significant risk of a legal challenge from the licensing industry.

5. FINANCIAL CONSIDERATIONS

- 5.1 As detailed above, the adoption of an EMRO is likely to result in a legal challenge by the licensing industry. Officers have advised that the cost of defending such a legal challenge would be in excess of £100,000.
- 5.2 In addition, any further investigation into the adoption of an EMRO would require the commission of a research report costing around £15,000 and additional staffing resources.

6. LEGAL CONSIDERATIONS

- 6.1 As detailed above, the adoption of an EMRO is likely to result in a legal challenge by the licensing industry which would be in the form of a Judicial Review.

7. CHILD AND FAMILY POVERTY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

- 7.1 None

8. EQUALITY AND DIVERSITY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

- 8.1 None

9. STAFF CONSIDERATIONS

- 9.1 None

10. ASSET MANAGEMENT CONSIDERATIONS

- 10.1 None

11. CONSULTATION

- 11.1 Limited consultation with Cleveland Police has taken place. If Council was minded to continue its investigation into the feasibility of an EMRO, further

detailed consultation with a wide variety of agencies and organisations and the general public would be required as part of the statutory adoption process.

12. RECOMMENDATIONS

- 12.1 That Council does not proceed with any further consideration of an Early Morning Alcohol Restriction Order for at least four years unless a specific application is made by Cleveland Police.

13. REASONS FOR RECOMMENDATIONS

- 13.1 The Licensing Committee has now considered Early Morning Alcohol Restriction Orders on four occasions since 2013. On each occasion it has been apparent that there is insufficient evidence to satisfy the statutory requirements to adopt such an Order and to defend any subsequent legal challenge.

14. BACKGROUND PAPERS

- 14.1 Licensing Committee report and minutes 26th July 2017

15. CONTACT OFFICER

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EXTRACT OF DRAFT MINUTES AND DECISION RECORD

LICENSING COMMITTEE – 26th JULY 2017

Present:

Councillor Brenda Loynes (In the Chair),

Councillors: Paul Beck, Rob Cook, Tim Fleming, Ged Hall, Trisha Lawton, Jim Lindridge, and George Morris.

Also Present: In accordance with Council Procedure Rule 5.2: -
Councillor George Springer as substitute for Councillor Bob Buchan
Councillor Allan Barclay as substitute for Councillor Jean Robinson

Paul Higgins and Andrew Thorpe, Cleveland Police.

Officers: Sylvia Pinkney, Head of Public Protection
Tony Macnab, Solicitor
David Cosgrove, Democratic Services Team

5. Early Morning Alcohol Restriction Orders (EMRO's)
(Interim Director of Public Health)

The Head of Public Protection outlined the principal issues from a comprehensive report detailing the legal and contextual background to Early Morning Alcohol Restriction Orders (EMRO's), the issues that a licensing authority must take into account when considering whether an EMRO is appropriate and the steps that must be taken if an EMRO is recommended.

The Committee was reconsidering the issue following Council on 23rd February 2017 when a motion was presented concerning the potential introduction of an EMRO in Hartlepool. Council agreed to refer the matter to the Licensing Committee for consideration and on 29th March 2017 the Licensing Committee reviewed the matter and requested detailed evidence to allow for further consideration to be given. The Head of Public Protection stated that the report submitted to the Committee intended to provide Licensing Committee with the information it would require to make an informed decision.

In a detailed presentation to Committee, the Head of Public Protection highlighted the following key issues / areas from the report that were key for the Committee's consideration of whether or not to recommend the implementation of an EMRO –

Legal Background - Licences

Legal Background - EMROs

Hartlepool's Night Time Economy

House of Lords Report 2017

Guidance states that for a licensing authority to introduce an EMRO it would be necessary to demonstrate: -

- that an EMRO is the best option to address these problems;
- that there is sufficient evidence to demonstrate that an EMRO is appropriate to promote the licensing objectives; and
- that there are recurring alcohol-related problems in a specific area between midnight and 6:00 a.m.

and taking into account: -

- the trends in crime and disorder;
- the evidenced benefit that an EMRO would produce;
- the potential negative impact on the local economy;

The Act's licensing objectives are: -

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm

Cumulative Impact Area – this is defined in statutory guidance as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'.

Action Against Individual Licensees

Voluntary Agreements

Voluntary Best Practice Schemes

Planning Controls

CCTV

Late Night Levy

Evidence - The statutory guidance that accompanies the Licensing Act states that licensing authorities should look to gather evidence from various sources including: -

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots, statistics on local anti-social behaviour offences,
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- capacities of different premises at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

Crime and Disorder Statistics - Appendices 5 and 6 to the report detailed

the current and recent crime and disorder statistics for the town centre area defined as the Night Time Economy area. Representatives of Cleveland Police had been invited to address the Licensing on this matter. It could be seen from the crime and disorder figures that crime, anti-social behaviour and violence against the person are all at lower levels than those when the Licensing Act was first introduced.

Environmental Health complaints

Current Trends

Current Licensed Hours

Independent Evaluation

Taxi Marshals

Options Available to the Licensing Committee - Having considered the detailed report and evidence reported, the Licensing Committee could either: -

- (a) Decide that there is insufficient evidence to support the adoption of an EMRO; or
- (b) If it considers there is, or may be, sufficient evidence to support the adoption of an EMRO, the Committee can move forward with further consultation and evidence gathering as required by the Licensing Act's statutory guidance.

The Police representatives indicated that the evidence set out in the appendices to the report gave a realistic assessment of crime figures in the night-time economy area and the town as a whole. There were very clear downward trends in crime numbers in the Cumulative Impact Area particularly in the 2.00 am to 4.00 am period which would be the time period most affected by the imposition of an EMRO. In the last financial year there had been 61 recorded crimes in this area that could potentially be removed through an EMRO. In the same area, the overall level of violent crimes totalled 205 in the same period, 11% of the total for the whole of the town. This had reduced from a peak in 2008/09 when violent crime in the Cumulative Impact Area accounted for 20% of all such crime in Hartlepool. Violent crime as a whole accounted for 3% of all recorded crime in Hartlepool, so the figures were low. Of the 61 crime incidents in the Cumulative Impact Area that could potentially be removed, there was no assurance that these could/would not have happened earlier in the evening.

The Police representatives also highlighted the numbers of premises that had closed in the Cumulative Impact Area; there were now only seven premises that could operate to 4.00 am.

The Police representatives did not, however, wish to give the impression that alcohol related crime numbers were low; they accounted for 30% of all crime in Hartlepool. Alcohol crime had, however, moved from the Cumulative Impact Area and was frequently off-licence driven. There wasn't an estate or area of Hartlepool not affected by alcohol related crime as the numbers of people drinking at home had increased to avoid the higher costs of pubs.

Alcohol crime was, therefore, a significant issue for the Police and there

was a permanent Drugs and Alcohol Worker in the custody suite to provide advice and signposting to support services. The Police also operated a 'points system' where offenders could get a reduction in fines if they attended an alcohol reduction course.

The Police's approach to crime has had to change over recent years due to budget cuts which had reduced the number of police officers in the Cleveland force from 1,740 in 2010 to 1,303 in 2017. Shift patterns have had to change reducing the numbers of available officers and resources were now shared across the Hartlepool and Stockton areas. Deployment of officers to the night-time economy was a major factor in how officers were allocated. The force now used interventions such as dispersal orders to clear areas to avoid the build up of problems. Problem premises were also tackled through a nationally recognised model to address problems before they became persistent. Three premises in Hartlepool had been issued with action plans from these interventions, with two plans still in place. If necessary, reviews by Licensing Sub Committee would be requested; as had happened with the Showroom.

A Member commented that there were no representatives from the local licensees association at the meeting. The Solicitor advised that the parties such as the local licensees would only become involved should the Council move towards a formal EMRO hearing which would be the stage after this initial consideration of the evidence by the Licensing Committee.

Members expressed the view that consideration of an EMRO should not be pursued. The potential costs related to such action through the assessment process and the costs of any legal action that would be highly likely from the trade objecting to such a proposal were issues the Committee could not ignore. Members indicated that there was already significant work being done in conjunction with the Police and the Street Pastors which was obviously having an impact.

Members stated that the key evidence, however, was the crime figures reported by the Police. There was a clear reduction in crime figures and it was also clear that alcohol related crime in the Cumulative Impact Area had reduced and was not the only area affected by such crime. The Police and Licensing Officers work with problem premises was also tackling problems before they became significant issues.

Members commented that they themselves had perceived a reduction in the numbers of people that regularly attended premises in the Cumulative Impact Area. There had also been a movement of some customers to the Marina area where premises closed around midnight. Members commented that there were more problems in some areas outside of the town centre due to problems families and alcohol consumption.

The Chair stated that she had attended the Cumulative Impact Area during the early hours of Sunday morning recently to assess for herself the actual issues in the area. The Chair stated that she had been most surprised by

the low numbers of revellers in the area; there had been a significant reduction in numbers over recent years which had been reflected in the Police's recorded crime figures. The Chair also indicated that she had spoken with the Street Pastors who now only attended the Church Street area on Saturday nights due to the reduced numbers attending.

In concluding the debate, the Chair stated that there was insufficient evidence to support the pursuance of an EMRO. In fact the evidence reported within the report and by the Police suggested that there had been a consistent decline in crime numbers in the Cumulative Impact Area over recent years. Members suggested that there should be no further consideration of an EMRO for at least four or five years unless the Police considered that crime had increased to a level that an EMRO may be the only option to control crime and alcohol related incidents in the Cumulative Impact Area.

The Chair and Members present thanked the officers and the Police for their work in preparing the report and supporting evidence presented to the Committee.

The following recommendations were agreed unanimously.

Decision

That Licensing Committee does not recommend the adoption of an Early Morning Alcohol Restriction Orders (EMRO) to full Council and suggests to Council that in light of there being no supporting evidence, no further consideration of the adoption of such an order be made, for a period of at least four years, unless the Police provided such evidence that would suggest that the only means of controlling crime and alcohol related incidents in the Cumulative Impact Area was through such an order.

The Licensing Committee stands by its comments made on this issue in 2013 in that it does not believe that any level of violence or anti social behaviour should be regarded as an acceptable or inevitable consequence of a vibrant night time economy.

The Committee recognises that violence and disorder remained a serious concern and would, if the appropriate legal mechanism existed, look further into the merits or otherwise of changing the terminal hour of late licensed premises.

The Committee recognised and appreciates the difficult circumstances in which the Police operate, particularly in the current climate of reducing resources.

The Committee also recognised and appreciated the great work undertaken by Hartlepool Town Pastors who voluntarily patrol the night time economy to assist those in need.

It was clear from the statutory guidance that accompanies the Licensing Act that any decision to introduce an EMRO must be evidence based and it was also clear that any decision in favour of an EMRO would be legally challenged by organisations that have publicly stated their opposition to EMROs in principle. The fact that no local authority in the country has implemented an EMRO since they were first made available in 2011 had to be recognised.

The Committee had heard that there were only a handful of premises that actually operate until 4:00 a.m. and had received evidence from officers that the likely legal cost of defending the inevitable legal challenge could be in excess of £100,000. The Committee, therefore, carefully considered whether it was appropriate for Hartlepool to become the first authority to introduce what was obviously a controversial and expensive measure.

Given the inevitable legal challenge, the Committee and the Council had to be confident that any decision to introduce an EMRO would be successfully defended through the Courts.

To do this, the evidence in favour of an EMRO must be robust and conclusive. The Committee had seen that crime and disorder was actually at a lower level than it was when the Licensing Act was introduced. The Committee had also heard that the recent House of Lords scrutiny report into the Licensing Act had stated that EMROs were unworkable in their current form and should be removed from the statute book as soon as possible.

Should this happen, and an alternative measure be introduced in its place, the Committee would welcome the opportunity to consider the issues again. Therefore, until that opportunity arises, the Licensing Committee did not recommend the adoption of an EMRO.



Report of: Finance and Policy Committee

Subject: ELWICK BYPASS AND GRADE SEPARATED JUNCTION – PRUDENTIAL BORROWING REPORT

1. PURPOSE OF REPORT

1.1 To enable Council to approve the use of prudential borrowing to fund the cost of delivering an Elwick Bypass and Grade Separated Junction in order to deliver the required future growth of Hartlepool.

2. PROPOSALS

2.1 In accordance with the Constitution the Finance and Policy Committee is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration.

2.2 The proposal to build an Elwick Bypass and Grade separated junction at the northern Elwick Junction was presented to Finance & Policy Committee on 24th July, 2017 (attached at **Appendix A**). The Finance & Policy report set out the importance of delivering the Elwick Bypass and the possible funding routes being pursued. Given the importance of these infrastructure improvements it is considered that it is necessary to have in place, as a final funding option, a commitment from the Council to agree to prudentially borrow to cover the full cost of the scheme up front, or a lower amount if other sources of funding can be secured. Over the next 15 years the authority will be able to secure Section 106 payments from Housing developments within the vicinity of the bypass which will be used to repay the prudential borrowing or external funding (where required).

2.3 The MTFs report considered by Council on the 24th July, 2017 informed Members that the options involve different levels of Prudential Borrowing which can be repaid from anticipated S106 monies over a period of between 6 and 15 years. Whilst the S106 monies will be sufficient to fund the cost of providing the Elwick Bypass the Council will need to use Prudential Borrowing to fund the upfront Capital costs. There will be an interest cost of using Prudential Borrowing which cannot be funded from

S106 monies. Therefore this cost will be funded from Council Tax income achieved from completion of the anticipated housing developments.

- 2.4 In the event that the S106 monies are not received over this period the Council will need to repay the Prudential Borrowing from the General Fund Budget over a 40 year period to reflect the lifespan of the new road. On the worst case scenario this would commit £0.750m (Annual Loan Repayment plus Interest) of the £2.3m recurring Council Tax income achieved from completion of the anticipated housing developments.

3. RECOMMENDATIONS

- 3.1 It is recommended that the Council approves the proposal to fund the Elwick Bypass and Grade Separated Junction as follows:

- i) Approve Prudential Borrowing of between £8m and £18m, which represents the amount of funding required by the Council to fund the cost of the Elwick Bypass and Grade Separated Junction; depending on the outcome of external funding applications.
- ii) Note the annual loan repayment costs (excluding interest) associated with recommendation (i) will be fully funded from S106 Developer Contributions. Under these arrangements an £8m loan would be repaid by 2024/25 and a £18m loan will be repaid by 2030/31.
- iii) Note that in the event that the S106 monies are not received the Council will need to repay the Prudential Borrowing from the General Fund Budget over a 40 year period to reflect the lifespan of the new road. For a £8m loan this would commit £0.340m (Annual Loan Repayment plus interest) of the £2.3m recurring Council Tax income achieved from completion of the anticipated housing developments. For an £18m loan this would commit £0.750m (Annual Loan Repayment plus interest) of the £2.3m recurring Council Tax income achieved from completion of the anticipated housing developments.
- iv) Note that if no grant funding is achieved for this scheme the full S106 Developer contributions of £18m will need to be allocated to repay Prudential Borrowing and this would require external funding for a new Primary School.
- v) Note that if grant funding of £10m is secured this will release £8m of S106 monies to either repay the loan by 2024/25, or provide funding towards other priorities such as a New Primary School or Affordable Housing.
- vi) Note that Prudential Borrowing of £18m will commit the Council to a one-off interest cost for 2018/19 and 2019/20 of £200k, and provision for this one-off cost will need to be made as part of the 2018/19 budget process.

- vii) Note that annual interest costs from 2020/21, until the loan is repaid, will be funded from Council Tax income generated from the first 200 properties.
- viii) On the basis of Council approving the above recommendations to approve the inclusion of this scheme within the Capital Programme and Prudential Indicators.

4. CONTACT OFFICER

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FINANCE AND POLICY COMMITTEE

24th July 2017



Report of: Director of Regeneration and Neighbourhoods

Subject: **ELWICK BYPASS AND GRADE SEPARATED JUNCTION – PRUDENTIAL BORROWING REPORT**

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Budget and Policy Framework. Reference RN07/17.

2. PURPOSE OF REPORT

2.1 This report sets out the need and importance of delivering the Elwick Bypass and Grade Separated Junction in terms of the future growth and economic growth of Hartlepool. The costs of the scheme and the possible delivery routes in terms of funding are set out, including information of the external funding streams that have been applied to. Given the importance of these infrastructure improvements it is considered that it is necessary to have in place, as a final funding option, a commitment from the Council to agree to prudentially borrow to cover the full cost of the scheme or a lower amount if other sources of funding can be secured. Over the next 15 years the authority will be able to secure Section 106 payments from housing developments within the vicinity of the bypass which will assist in the repayment of the external funding and / or prudential borrowing.

3. BACKGROUND

3.1 **Hartlepool Local Plan** – The emerging Hartlepool Local Plan is at an advanced stage of preparation and was submitted to the Secretary of State (SoS) on the 23rd March 2017. An Inspector has been appointed by the SoS to examine the plan. The Inspector has provided some initial feedback on the plan and highlighted some additional areas of work which needed to be completed to aid the examination process and these are being or have

already been produced. The Inspector has set a date for the Hearing Sessions for the Local Plan to begin in the last week in September, lasting for a period of three weeks.

- 3.2 The Local Plan covers a range of topics which set out a strategy for how Hartlepool will develop over the next 15 years. The plan identifies sites for employment, housing, retail, recreation and leisure, green spaces and a range of other uses. The housing and employment growth is closely aligned with the aspirations of the Tees Valley Strategic Economic Plan (TV SEP) which seeks to create 25,000 new jobs over the next 10 years across the Tees Valley area. The economic growth in the plan is based on the creation of 290 new jobs per annum in a range of sectors. Housing growth across the plan period starts from a base of the Sub-National Population Projections 2014 considering a range of factors to arrive firstly at an Objectively Assessed Need on an annual basis of 287 dwellings per year and then at the housing requirement of 409 dwellings per year when other factors such as demolitions and a 20% buffer for stalled sites and additional affordable housing is taken into account. The 409 is then rounded to 410. The plan therefore identifies a housing requirement for the next fifteen years of 6,150 dwellings.
- 3.3 There are already a large number of deliverable planning permissions approved which amount to 3,793. The remainder of the 6,150 therefore needs to be new allocations across the Borough. The Strategic Housing Land Availability Assessment (SHLAA) firstly considered urban area and brownfield locations, however these are limited in terms of viable and deliverable sites. Given the geography of the Borough and the employment designations to the south of the urban area, westward growth is the only practical option and a wide range of Greenfield sites submitted by landowners across the Borough for consideration. The plan identified two main westward growth areas, the South West Extension for just over 1,200 new homes which has planning permission (subject to the signing of the legal agreement) and growth in the Elwick Road area at High Tunstall (1200 homes) and Quarry Farm (220 homes). These locations not only relate well to existing facilities but also offer the opportunity to provide a range of new community facilities which will support growth in this area of the town. These locations are the only real additional area for westward growth when you consider the existing permissions which exist at the south of the town and the north at Upper Warren, however it is recognised that there are highway improvements which will be critical to the Elwick Road corridor to support these sites and future growth of the Borough given the current reliance on the A689 and the A179. The road infrastructure improvements proposed within the plan and the rationale for them is discussed at 3.4.
- 3.4 ***Elwick bypass and Grade Separated Junction at northern Elwick Junction*** - The concept of the grade separated junction and bypass has developed within the emerging Hartlepool Local Plan in conjunction with discussions between the local authority and Highways England.

Historically the junctions at Elwick Village and Dalton Piercy have had safety issues and there has been a number of accidents, some of which were fatal; as such Highways England secured some funding to look at design options for the creation of a grade separated junction at one of the Elwick village junctions. The need for these works were subsequently shown to be needed as a result of capacity / safety concerns when a camera was placed on the southern Elwick junction which showed cars queuing back in the deceleration lane for the right turn into the village – this is obviously a major concern as if cars queue into the outside northbound lane this could lead to serious safety concerns. These safety and capacity issues and concerns led to Highways England putting holding recommendations on planning applications which were coming forward which would intensify the traffic movements through Elwick Village, meaning that the Local Authority is unable to give planning permission until the highway issues are satisfactorily addressed.

- 3.5 The concerns highlighted above and wider concerns with increasing congestion on the two main routes into Hartlepool, the A689 and the A179, and the safety and amenity of residents within Elwick Village in terms of ever increasing levels of cars travelling through the village highlighted the need for the Council, through the Local Plan, to propose road infrastructure improvements which would address these concerns and improve the quality, safety and reliability of the network over the plan period (2016-31) and beyond. As such Local Plan Policy Inf2 (Improving Connectivity in Hartlepool) and the Local Infrastructure Plan require the development of a grade separated junction on the A19 and realignment of Elwick Road to provide a bypass to the north of Elwick Village.
- 3.6 Over the past 18 months as the Local Plan has developed through Preferred Options and the Publication Stage officers have worked closely with Highways England and the land owners to progress the development of a detailed design and route for the bypass. £600,000 of Growing Places loan funding was secured to pay for the detailed design and land acquisition costs. Early meetings with the landowners were important to ensure that the proposed route took account of operational needs of the farmers. The design has been developed in-house and site investigations have also informed the proposed design. A final draft design (**see Appendix 1**) and costing has now been completed and officers are in the process of meeting with the agent of the landowners to progress the process of agreement of the route and subsequent land acquisition.
- 3.7 **Costs of the grade separated junction and bypass** – As part of the development of the detailed design process a bill of quantities has been produced to cost the individual elements of the works. The summary of these works is shown below in table 1. It should be noted that the bridge costs are still being finalised and are subject to site investigation results but are based on other recent build costs for similar scale bridges elsewhere in the Tees Valley and north east region and are an upper estimate so the overall scheme cost is not under estimated. Table one also

includes costs for a link road from the grade separated junction to link to Coal Lane. This is an element of the scheme which Highways England have suggested may not be necessary and the cost may outweigh the benefit of the limited amount of journeys which would be made using the link. For planning purposes this has been factored into the potential costs at this stage to provide a robust estimate.

Table 1 – Cost of Grade Separated Junction and Bypass with Coal Lane link

Scheme Element	Amount
Preliminaries	£1,500,000
Works to West of A19	£2,363,000
Works to East of A19	£4,545,000
Coal Lane link costs	£692,000
Bridge Costs (subject to SI's)	£8,300,000
Land & design costs	£600,000
Total	£18,000,000

- 3.8 **Funding Options to deliver the works prior to April 2020** – Given the current issues which have led to holding recommendations being placed on planning applications which would result in an increase of traffic movements at Elwick, it is necessary to install the proposed new road infrastructure in a timely manner. The exact manner in which the funding will be formed is not currently known, but the various delivery options are discussed below.

Option 1 – Developer funds work up front – This option is undeliverable as the developers do not have the capital available up front to fund the works and will need to sell homes first to raise finance to help repay the cost via Section 106 Legal Agreements. This has been confirmed through extensive and exhaustive discussion with the developers in the area.

Option 2 – Work funded through the Local Growth Fund (LGF) loan (now referred to as Single Pot) and repaid pro-rata as development progresses through securing s106 legal agreements on the developments – As the scheme was developing this was seen as a deliverable option and the local authority submitted a bid to the Tees Valley Combined Authority seeking £18m LGF funding and this was included as part of the overall Tees Valley Local Growth Deal bid that was submitted to the government asking for circa £130m across the Tees Valley. However, when the funding was announced for the Tees Valley it was only successful in attracting approximately £25m across the Tees Valley and as such it was considered highly unlikely that the LGF pot would be able to fund fully fund the infrastructure works at Elwick. There may be an opportunity for the Council to access a small element of the Single Pot funding towards the work, however at present there is no certainty over the amount that could be secured and as such no firm assumptions can be made within this report.

Option 3 – National Productivity Investment Fund (grant) and

Prudential Borrowing - As part of the Autumn Statement the Government announced a new National Productivity Investment Fund (NPIF) will add £23 billion nationally in high-value investment from 2017-18 to 2021-22. The government will target this spending at areas that are critical for productivity: housing; research and development (R&D); and economic infrastructure. £2.6 billion of the total fund is dedicated to tackling congestion and to ensure the UK's transport networks are fit for the future. One of the streams of the National Productivity Investment Fund, managed and determined by the Department for Transport, is the Local Road Network Application which was split into small (£2m-£5m) and large project bids (£5m-£10m). This fund is grant funding and, if successful, does not require repayment. The funding must be spent by 2019-20 and, although not mandatory, it suggests that 30% match funding should be secured. The Council has submitted a bid on the 30th June for £10m grant to support the development of the bypass and grade separated junction which states that the Council would prudential borrow the remainder of the total cost as match funding; the Council would then recoup this money through s106 payments as the housing developments progressed over the local plan period. It is anticipated that there will be an announcement on the successful NPIF bids in the Autumn Statement which could occur in October this year. This option would be the preferred option as the NPIF grant would mean the prudential borrowing needed would be circa £8 million (dependant on finalised design costs) which would result in developments becoming more viable as the cost per dwelling for the road infrastructure works would be £5,333, freeing up additional contributions to be directed towards other infrastructure such as affordable housing. The repayment of this option is covered in section four.

Option 4 – HCA funding – Home Building Fund is a scheme which has been introduced through the Homes and Communities Agency (HCA) to address the issue of accelerating housing development whilst recognising the issues of accessing finance for development. The scheme provides funding for developer finance or infrastructure finance (Loan funding for site preparation and the infrastructure needed to enable housing to progress and to prepare land for development.) As part of the work on the Tees Valley Housing Strategy, which involved the HCA, discussions began in late 2015 regarding HCA funding as an option to help pay for the bypass and grade separated junction. Over the course of 2016 further information became available on the HCA loan option and the Council liaised with the developers to put them in touch with the HCA to discuss the possibility of funding the bypass and grade separated junction through the Housing Infrastructure Fund. However, in the meetings with the HCA it became apparent that the loans are typically secured against property assets; in the case of the strategic development site at High Tunstall the developer does not own the land, they have options on the land which means that they do not have the property assets to secure the loan against and as such this route of funding does not appear deliverable. The other concern of officers is that the Home Building Fund is an agreement between the developer and the HCA and as such the local authority would not be

involved in discussions regarding scheme finance and as such the transparency of the developer contributions process could be negatively impacted.

Option 5 : The Housing Infrastructure Fund - On 4 July 2017, the Secretary of State for Communities launched £2.3b Housing Infrastructure Fund that offers capital grant funding to local and combined authorities for infrastructure to support up to 100,000 new homes. The Housing Infrastructure Fund is a government capital grant programme. Funding will be awarded to local and combined authorities on a competitive basis, providing grant funding for new infrastructure that will unlock new homes in the areas of greatest housing demand.

The fund is divided in 2 parts:

- a Marginal Viability Fund seeking bids from single and lower tier authorities of up to £10 million to provide the final or missing piece of infrastructure funding to get additional sites allocated or existing sites unblocked quickly.
- a Forward Fund seeking bids from uppermost tier authorities of up to £250 million for a small number of strategic and high-impact infrastructure projects.

The fund is to deliver physical infrastructure, which could include transport and travel, utilities, schools, community and healthcare facilities, land assembly and site remediation, heritage infrastructure, digital communications, green infrastructure (such as parks) and blue infrastructure (such as flood defences and sustainable drainage systems). Bids are invited by Thursday 28 September 2017.

Option 6 – Prudential Borrowing – If all other funding routes prove unsuccessful the last resort of funding the bypass and grade separated junction is through the use of prudential borrowing to cover the whole cost of implementing the scheme. This would mean the Council may have to prudential borrow finance over the course of 2018-2020 to pay for the works. This would bring financial pressure earlier than in the other funding options where there may be other sources of grant or loan funding available in 2018-19. The prudential borrowing would be repaid as the developments progressed, creating financial pressures in the short term prior to the completion of the first element of the housing. The cost of the prudential borrowing and financial pressures are discussed in more detail in section 4 of the report.

- 3.9 In summary, it is not considered options 1, 2 or 4 are realistically deliverable methods at this point in time and as such are not considered further in this report. Options 3 (NPIF & Prudential Borrowing) Option 5 - The Housing Infrastructure fund and Option 6 (Prudential Borrowing) are considered further in the section 4 below to consider the financial implications to the local authority and how borrowing could be repaid.

4. PROPOSALS

- 4.1 As outlined in section 3 there are two options which need approval from Members as they rely on prudential borrowing to enable the bypass and grade separated junction to be installed prior to April 2020. The funding will enable the proposals within the Local Plan deliver in a timely manner to improve road safety on the A19 at Elwick and within the village through reducing the levels of through traffic, providing a third main access route into Hartlepool (for residential traffic) thus reducing congestion on the A689 and the A179 thus helping to stimulate economic through an attractive and efficient road network and also helping to release housing growth on the western edge of the conurbation which will enable the repayment of the prudential borrowing over the plan period.
- 4.2 Option 3 – NPIF grant funding of £10million with the remainder of the infrastructure cost forward funded by prudential borrowing and repaid through S106 contributions as the housing developments build out. In this scenario the NPIF grant funding would be spent first with prudential borrowing being needed during the 2019-20 financial year.
- 4.3 Option 5 – Housing Infrastructure grant funding was announced on the 4th July as set out above and applications must be submitted by the 28th September 2017. If successful this could be used alongside any grant funding secured via the NPIF funding stream and again help to reduce the levels of prudential borrowing required.
- 4.4 Option 6 – Prudential borrowing needed to fund the full cost of the infrastructure and repaid through S106 contributions tied to the development of housing developments. In this scenario the prudential borrowing is needed to pay for the infrastructure works from 2018 – 2020.
- 4.5 Further details on the funding options are provided in the Financial Section of this report.

5. RISK IMPLICATIONS

- 5.1 All of the estimated costs are pre-tender estimates however given the scale of the project and complexity of the design, significant contingencies have been included to allow for additional costs associated with and necessary design changes and price risk associated with the procurement process. Concise site investigation at the detailed design stage will minimise the risk of any unforeseen ground conditions and any necessary changes will be incorporated within the design and funded from contingencies.
- 5.2 In the event that any contingencies are not required the overall scheme cost will reduce and the Council will seek to reduce the level of prudential

borrowing in the first instance, subject to the final Grant Conditions associated with any external grant funders.

- 5.3 There is a risk that the Land Purchase Negotiations are delayed or have to progress through a CPO route if agreement cannot be reached. Negotiations are progressing positively and being monitored closely to minimise the risk of any delays and contracts for the work will be awarded when a clear start date on site is confirmed.
- 5.4 A timescale has been agreed with Highways England to deliver these infrastructure improvements by the end of March 2020 in order to minimize disruption to the A19 as further works delivered by Highways England are due to commence in 2020 between Wolviston and North. It is envisaged that by design most of the bypass can be constructed with minimal disruption to the A19.
- 5.5 As outlined in the Financial Section below there is a risk that the build out of Housing development is delayed and this will impact on the phasing of S106 Developer contributions and Council Tax Income generated by the new properties. This position will be monitored closely and factored into the future MTFs reports. This risk will reduce if the identified external funding is secured, and / or if development progresses faster than expected.

6. FINANCIAL CONSIDERATIONS

- 6.1 In financial terms there are two potential funding options as detailed in the following paragraphs. In summary these options involve different levels of Prudential Borrowing which can be repaid from anticipated S106 monies over a period of between 6 and 15 years. In the event that the S106 monies are not received over this period the Council will need to repay the Prudential Borrowing from the General Fund Budget over a 40 year period to reflect the lifespan of the new road. On the worst case scenario this would commit £0.750m (Annual Loan Repayment plus Interest) of the £2.3m recurring Council Tax income achieved from completion of the anticipated housing developments.
- 6.2 Prudential Borrowing (Option 6)**
- 6.3 As outlined in section 4 it is anticipated that on a worst case basis whereby no grant funding is received the full cost of providing the Elwick Bypass can be fully funded from S106 Developer contributions of £18m received over a 15 year period. However, this proposal would fully commit the S106 monies and mean that no funding was available for a new Primary School which is anticipated will be required at some time over the next 15 years. Therefore grant funding for a new Primary School will be required and early discussions with the Education, Skills and Funding Agency (ESFA) have identified potential funding streams for sponsors to bid for. In addition developers have committed to provide a suitable quantum of land

to facilitate the development of a Primary School; which does not impact on viability.

- 6.4 Whilst the S106 monies will be sufficient to fund the cost of providing the Elwick Bypass the Council will need to use Prudential Borrowing to fund the upfront Capital costs. There will therefore be an interest cost of using Prudential Borrowing which cannot be funded from S106 monies.
- 6.5 On the basis of forecast S106 payments over a 15 year period commencing in 2019/20 the Council will face a one-off interest cost for 2018/19 and 2019/20. This interest cost will depend on the interest rates prevailing at the time and the total one-off costs are anticipated to be between £200k and £400k for 2018/19 and 2019/20. For planning purposes it is not anticipated that there will be any significant increase in interest rates over the next two years. Therefore the one-off interest costs are not anticipated to exceed £200k. Provision for this one-off cost will need to be made as part of the 2018/19 budget process.
- 6.6 In 2020/21 it is anticipated that the Council Tax income generated on the first two phases of the Housing developments (i.e. approximately 200 houses) will be sufficient to cover the recurring annual interest cost until the full loan is repaid in 2030/31. This will mean that this Council Tax income is not available to support the General Fund Budget in 2020/21.
- 6.7 From 2021/22 it is anticipated that further phases of this development will provide recurring annual Council Tax income and this will be available to support the MTFS from 2021/22 onwards. It should be noted that part of this recurring Council Tax income may need to be allocated to fund an additional Refuse collection round. At this stage further work is required to determine when an additional round will be required and this will be reflected in a future MTFS report.
- 6.8 There is a risk that the completion of properties is delayed and this may impact on the phasing of forecast increases in Council Tax Income detailed in the previous paragraphs. This position will be monitored closely.
- 6.9 NPIF Bid is Successful and reduced Prudential Borrowing (Option 3)**
- 6.10 In the event that the NPIF bid is successful the prudential borrowing requirement will reduce from £18m to £8m. Under this proposal there would be sufficient S106 monies to fully repay the loan by 2024/25.

Alternatively the Council may wish to repay the loan over a longer period up to 2030/31 if it is necessary to release S106 monies for other Developer Contributions such as Education e.g. a New Primary School or Affordable Housing.

- 6.11 Under this scenario the Council will face reduced one-off interest costs for 2018/19 and 2019/20. This interest cost will depend on the interest rates prevailing at the time however the total one-off costs are anticipated to be

fully funded by Council Tax income generated on the first phases of the Housing development (i.e. approximately 100 houses).

- 6.12 Under this scenario it is anticipated that the Council Tax income generated on the first phase of this development (i.e. approximately 100 houses) will be more than sufficient to cover the recurring annual interest cost until the full loan is repaid in 2023/24. However, this will mean that only 68% (£220k) of this Council Tax income is available to support the General Fund Budget in 2020/21.
- 6.13 Whilst the level of borrowing is lower under this option there is still a risk that the completion of properties is delayed and this may impact on the phasing of forecast increases in Council Tax Income detailed in the previous paragraphs. This position will be monitored closely.

6.14 The Housing Infrastructure Fund (Option 5)

- 6.15 The recent announcement of the Housing Infrastructure Fund provides a further funding opportunity for the Council to apply, the deadline for submission is the 28th September 2017. Dates of successful applications have yet to be announced. In the event that the Council is successful with a funding application the Prudential Borrowing will be reduced accordingly.

7. LEGAL CONSIDERATIONS

- 7.1 The key legal link associated with this report will relate to the Section 106 legal agreements which are signed as part of the identified developments which will need to contribute to the cost of the bypass. The legal agreements will need to allow for any saving to be directed to other infrastructure costs which may have been reduced during the viability process; this may for instance include affordable housing contributions. As the costs which have been developed are based on a higher end estimate for the bridge it is unlikely the costs would increase.

8. CONSULTATION

- 8.1 The proposal for a grade separated junction and bypass at Elwick Village has been part of the emerging Local Plan through the Preferred Options Stage in 2016 and during the Publication Stage of the Local Plan in late 2016 / early 2017. Each of these stages were approved by Regeneration Services Committee for public consultation periods of eight weeks each. During the Publication Stage of the Local Plan a letter regarding the consultation was sent to every household within the borough as well as all the statutory consultees (such as Highways England, Natural England etc) and all stakeholders on the Local Plan consultation database. The Local Plan was Submitting to the Secretary of State on the 23rd March 2017 following full Council approval.

- 8.2 Consultation and liaison with the landowners of the land needed to construct the grade separated junction and bypass begun in February 2016 and is ongoing through their land agent to keep them informed in relation to the detailed designs.

9. CHILD AND FAMILY POVERTY

- 9.1 Whilst this report is part of the Budget and Policy Framework, as indicated in the table in **Appendix 2**, there are no child and family poverty implications relating to this report.

10. EQUALITY AND DIVERSITY CONSIDERATIONS

- 10.1 There are no equality and diversity considerations relating to this report.

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

- 11.1 There are no Section 17 considerations relating to this report.

12. STAFF CONSIDERATIONS

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

13. ASSET MANAGEMENT CONSIDERATIONS

- 13.1 Whilst the grade separated junction will form part of the strategic road network and will become the responsibility of Highways England to maintain, the bypass will create a new stretch of road which will form part of the local road network and will have to be managed and maintained by the local highway authority.

14. RECOMMENDATIONS

- 14.1 (a) To note the strategic infrastructure required for the Local Plan specifically relating to highway infrastructure in the Elwick area.
- (b) To note the delivery and funding mechanisms that the Council has considered and is currently pursuing.
- (c) Recommend to Council, the proposal to prudentially borrow between £8m and £18m, which represents the amount of funding required by the Council to fund the cost of the Elwick Bypass and Grade Separated Junction; depending on the outcome of external funding applications.

- (d) Note that the annual loan repayments (excluding interest) associated with recommendation (c) will be funded from the S106 Developer Contributions. Under these arrangements an £8m loan would be repaid by 2024/25 and a £18m loan will be repaid by 2030/31.
- (e) Note that in the event that the S106 monies are not received the Council will need to repay the Prudential Borrowing from the General Fund Budget over a 40 year period to reflect the lifespan of the new road. For an £8m loan this would commit £0.340m (Annual Loan Repayment plus interest) of the £2.3m recurring Council Tax income achieved from completion of the anticipated housing developments. For an £18m loan this would commit £0.750m (Annual Loan Repayment plus interest) of the £2.3m recurring Council Tax income achieved from completion of the anticipated housing developments.
- (f) Note that if no grant funding is achieved for this scheme the full S106 Developer contributions of £18m will need to be allocated to repay Prudential Borrowing and this would require external funding for a new Primary School.
- (g) Note that if grant funding of £10m is secured this will release £8m of S106 monies to either repay the loan by 2024/25, or provide funding towards other priorities such as a New Primary School or Affordable Housing.
- (h) Note that Prudential Borrowing of £18m will commit the Council to a one-off interest cost for 2018/19 and 2019/20 of £200k, and provision for this one-off cost will need to be made as part of the 2018/19 budget process.
- (i) Note that annual interest costs from 2020/21, until the loan is repaid, will be funded from Council Tax income generated from the first 200 properties.

15. REASONS FOR RECOMMENDATIONS

- 15.1 This report has set out the need and importance of delivering the Elwick Bypass and Grade Separated Junction in terms of the future growth and economic growth of Hartlepool. Given the importance of these infrastructure improvements it is considered that it is necessary to have in place, as a final funding option, commitment from Council to agree to prudential borrowing to cover the full cost of the scheme or a lower amount if other sources of funding can be secured. Over the next 15 years the authority will be able to secure Section 106 payments from housing developments within the vicinity of the bypass which will repay the prudential borrowing however funding is needed up front to deliver the infrastructure.

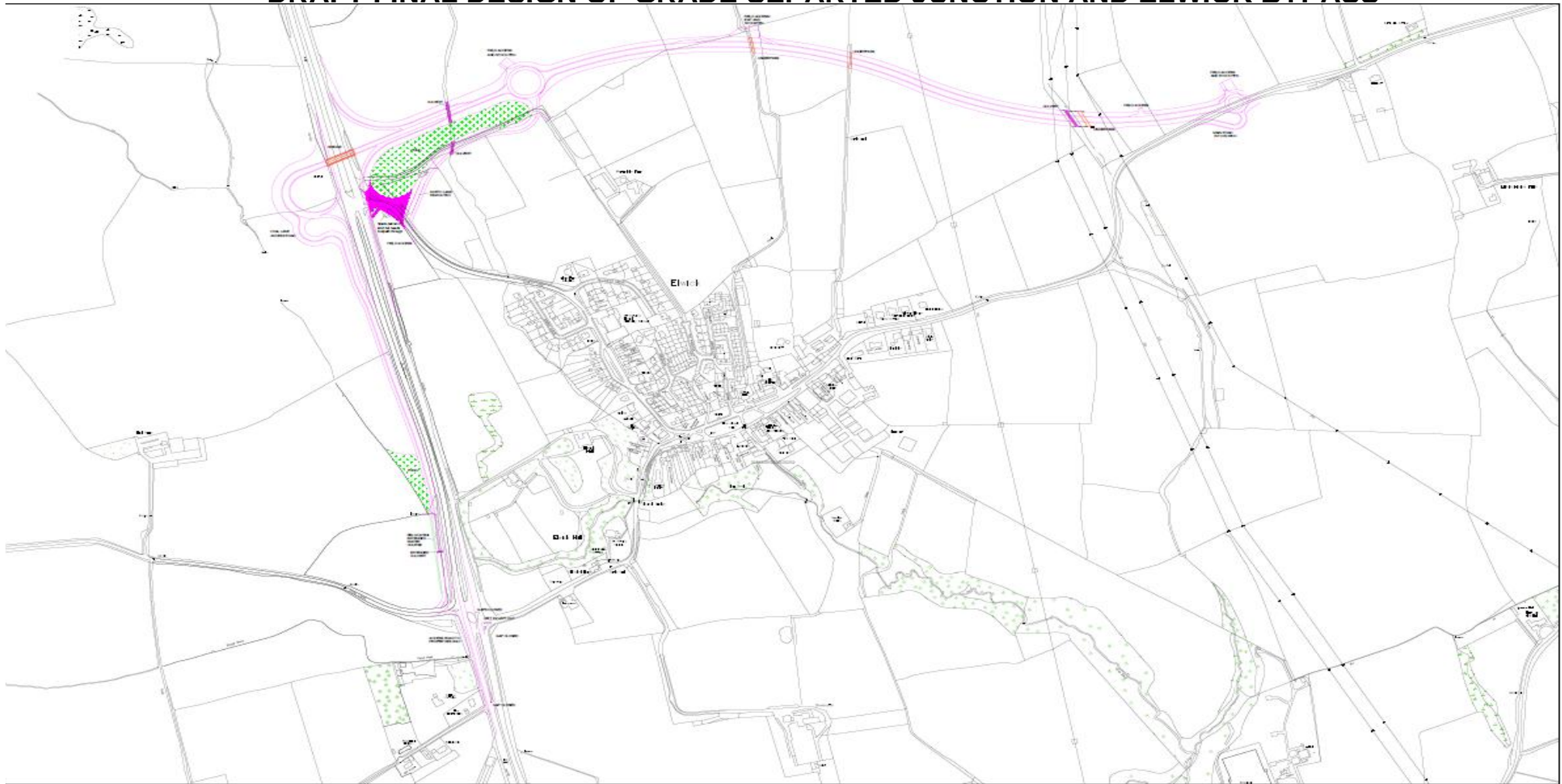
16. BACKGROUND PAPERS

16.1 There are no additional background papers associated with this paper.

17. CONTACT OFFICER

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DRAFT FINAL DESIGN OF GRADE SEPARATED JUNCTION AND ELWICK BYPASS



1. Is this decision a Budget & Policy Framework or Key Decision? <u>YES</u> / NO If YES please answer question 2 below				
2. Will there be an impact of the decision requested in respect of Child and Family Poverty? YES / <u>NO</u> If YES please complete the matrix below				
GROUP	POSITIVE IMPACT	NEGATIVE IMPACT	NO IMPACT	REASON & EVIDENCE
Young working people aged 18 - 21				
Those who are disabled or suffer from illness / mental illness				
Those with low educational attainment				
Those who are unemployed				
Those who are underemployed				
Children born into families in poverty				
Those who find difficulty in managing their finances				
Lone parents				
Those from minority ethnic backgrounds				
Poverty is measured in different ways. Will the policy / decision have an impact on child and family poverty and in what way?				
Poverty Measure (examples of poverty measures appended overleaf)	POSITIVE IMPACT	NEGATIVE IMPACT	NO IMPACT	REASON & EVIDENCE
Overall impact of Policy / Decision				
NO IMPACT / NO CHANGE		ADJUST / CHANGE POLICY / SERVICE		

ADVERSE IMPACT BUT CONTINUE		STOP / REMOVE POLICY / SERVICE	
Examples of Indicators that impact of Child and Family Poverty.			
Economic			
Children in Low Income Families (%)			
Children in Working Households (%)			
Overall employment rate (%)			
Proportion of young people who are NEET			
Adults with Learning difficulties in employment			
Education			
Free School meals attainment gap (key stage 2 and key stage 4)			
Gap in progression to higher education FSM / Non FSM			
Achievement gap between disadvantaged pupils and all pupils (key stage 2 and key stage 4)			
Housing			
Average time taken to process Housing Benefit / Council tax benefit claims			
Number of affordable homes built			
Health			
Prevalence of underweight children in reception year			
Prevalence of obese children in reception year			
Prevalence of underweight children in year 6			
Prevalence of obese children in reception year 6			
Life expectancy			



Report of: Chief Executive

Subject: BUSINESS REPORT

1. SENIOR LEADERSHIP RESTRUCTURE

Members will be aware that the Finance and Policy Committee, on 9th August 2017, approved my report relating to a senior leadership restructure including the appointment arrangements. The structure will discharge the Council's statutory duties in relation to the functions of the Director of Children's Services, the Director of Adult Social Services and the Director of Public Health.

Council is requested to note that Jill Harrison, as Director of Adults and Community Based Services, will discharge the statutory Proper Officer duties in relation to the functions of the Director of Adult Social Services. Sally Robinson, as the Director of Children's and Joint Commissioning, will retain responsibility for all Children's Social Care Services and will continue to be the statutory Director of Education Services. These appointments are in conformity and consistent with the Local Authority Social Services Act 1970 as amended by the Children Act 2004.

The Monitoring Officer will arrange for the Constitution to be amended accordingly

2. DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2016/17

The Director of Public Health's Annual Report for 2016/17 has been circulated with Council documentation for this meeting and Members have been briefed on issues arising from the report. The requirement for the Director of Public Health to write an Annual Report on the health status of the town, and the Local Authority duty to publish it, is specified in the Health and Social Care Act 2012.

Ageing well in Hartlepool is the theme of the Director's fourth Annual Report. The previous three reports have focused on how public health priorities have changed over the past 40 years (2013/14 report), the importance of how work and employment influence health and well being (2014/15) and understanding need (2015/16). It is the view of the Interim Director of Public Health that the time is right to adopt a different approach so over the next few years the emphasis will be on 'Starting Well' (children and young people), 'Working Well' (working age adults irrespective of their employment status) and 'Ageing Well' (older people). This report

for 2016-2017 focuses on a key issue that is challenging local authorities, the NHS and other agencies across the country, which is about the demographic challenges of an ageing population.

The Director's report examines, through a series of case studies and reports, how well the Council is working with key stakeholders, partner organisations, communities and residents to promote better health and well-being of some of our older residents.

Members are requested to receive this report.

3. APPROVAL OF FURTHER ADDENDUM TO ORIGINAL BUSINESS CASE FOR THE AMALGAMATION OF THE HARTLEPOOL AND TEESIDE CORONER AREAS

Reports were received by Council on 23 May and 22 June, concerning discussions that had taken place with the Ministry of Justice and a proposed timetable for an amalgamation of the Hartlepool and Teesside Coroner Areas had suggested 'an early December' date for implementation. Council at their last meeting requested that they be kept fully informed of all developments and that Council should approve amendments to the original Business Case, through a 'Further Addendum' document, as now attached (**Appendix 1**). Council did approve the appointment of Ms Clare Bailey to allow her to act in the capacity of a Senior Coroner for the Hartlepool Area and letters of appreciation have been passed to Malcolm Donnelly and his staff for their dedicated work.

As previously reported the Addendum highlights the appointment through 'open competition' of a Senior Coroner for the Teesside Coroner Area, namely Ms Bailey. Further, that the Council had 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. A much earlier consultation exercise on the original Business Case garnered widespread support for a merger. However, given the passage of time, a further period of consultation will be required on the attached Addendum (four weeks envisaged) which will take place through the Ministry of Justice. Council is therefore requested to consider and endorse the attached Addendum. It is likely that any amalgamation of the Coroner Areas will not now take place until early February, once representations have been reviewed and parliamentary approval has been obtained.

RECOMMENDATIONS: -

1. That Council considers and approves the Further Addendum to the earlier Business Case for public consultation through the Ministry of Justice.
2. That further reports be brought to Council as required.

4. TEES VALLEY JOINT HEALTH SCRUTINY COMMITTEE

At the meeting of Council held on 23th May 2017, Council appointed the Chair of Audit and Governance Committee as one of the Council's representatives on the Tees Valley Joint Health Scrutiny Committee. Since that meeting I have been informed that the Chair of Audit and Governance Committee wishes to give another member of the Committee an opportunity to participate in joint health scrutiny outside Hartlepool and represent the Audit and Governance Committee. It has been suggested that the Vice-Chair of the Committee be appointed as the Chair's replacement on the Committee.

Council is requested to consider approval of the appointment of the Vice-Chair of the Audit and Governance Committee as a replacement for the Chair of the Committee on the Tees Valley Joint Health Scrutiny Committee.

5. SPECIAL URGENCY REPORT

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

6. REPRESENTATION ON THE HEALTH AND WELLBEING BOARD

I have received a letter from the Chief Executive of North Tees and Hartlepool NHS Foundation Trust. The letter refers to discussion at a recent Board of Directors meeting in respect of health and wellbeing arrangements. The Chief Executive of the Trust has requested that the representation of the Trust on the Health and Wellbeing Board be reconsidered.

At the meeting of the Health and Wellbeing Board, held on 4 September 2017, Board Members expressed their support for the request and spoke of the benefits of a North Tees and Hartlepool NHS Foundation Trust representative being a member of the Board.

The request is also going to be considered by the Audit and Governance Committee at its meeting on 20 September 2017 and Members will be updated as to the comments of the Committee at Council.

The views of Council are requested.

7. RESIGNATION OF COUNCILLOR

Council is requested to note the resignation of Paul Thompson as the Borough Councillor for the Seaton Ward through correspondence received by the Chief Executive Officer dated 4 September, 2017. Mr Thompson was first elected in 2010 and was re-elected in 2012 for a three year term and, most recently in 2015 for a four year term. A notice of vacancy was published, therefore, on 5 September and a by-election will be held on Thursday 19 October, 2017.

This resignation creates vacancies on the Finance and Policy Committee, Regeneration Services Committee and Constitution Committee. There was also a nomination as a member of the Council's Appointments Panel. In addition, vacancies arise in connection with the Hartlepool and District Sports Council and the Teesmouth Field Centre. Council's views are sought on nominations to these Committees and appointments to the outside bodies mentioned.

8. RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

I have been informed that due to caring responsibilities, Councillor Lawton has resigned from the following Committees/Outside Bodies:-

Vice Chair of the Neighbourhood Committee,
Vice Chair of the South and Central Community Forum,
The Fostering and Adoption Panel,
Cleveland Police and Crime Committee
Heritage Champion.

The instructions of Council are sought in relation to Members to replace Councillor Lawton on the Committees/Outside Bodies listed above.

9. BOUNDARY COMMISSION FOR ENGLAND - REVISED PROPOSALS FOR NEW PARLIAMENTARY CONSTITUENCY BOUNDARIES.

Council previously received notification of the 'initial proposals' for new Parliamentary constituency boundaries in the North East which were published on 13 September, 2016. That publication provided for a 12 week consultation period from that date to 5 December, 2016. Thereafter the Commission were required to consult on the responses received and if persuaded to change those proposals, are obliged to further consult on those further proposals for the areas concerned for a period of eight weeks.

I and the Electoral Registration Officer have been informed that the Commission intends to publish its Revised proposals for new constituency boundaries on **Tuesday 17 October 2017**. Consultation will commence on that date and run until 11 December 2017. This will be the last consultation during this review of constituencies under the present 2018 Review. The Commission are required to make recommendations to Parliament in September 2018.

The Council are required to assist in the publication of these revised proposals and all Elected Members will be notified of these further proposals once received. Council is therefore asked to note the position.

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

DATE: August 2017
AUTHORS: Peter Devlin & Bryn Roberts

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

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Summary

1. A business case supporting the merger of the Teesside and Hartlepool Coroner areas was 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. 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. Following Mr Donnelly's retirement, Claire Bailey, the Senior Coroner for Teesside, was appointed by Hartlepool Council as Acting Senior Coroner for the Hartlepool Coroners Area. 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, as a result of preparatory work relating to the unification of the systems underpinning the services in both the Hartlepool and Teesside coroner areas, it is likely that a merger should now be 'seamless'.
5. 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.
6. Hartlepool Council is the Relevant Authority for the Hartlepool Coroner's Service. Given Mr Donnelly's retirement, and the subsequent appointment of Ms Bailey as Acting Senior Coroner, 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.

7. 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.
8. 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 appointment of the same person as Acting Senior Coroner for Hartlepool.

Recommendations

9. 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

10. 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.
11. 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.
12. 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.
13. 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...."
14. 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.
15. 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

16. 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.
17. 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

18. 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.
19. 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

20. 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

21. Previous savings in the order of £225,000 were identified and achieved as part of more streamlined and closer working practices between the Teesside and Hartlepool Coroners Areas. During this period, however, some of these savings were subsequently offset by increasing costs as a result of an increase in Deprivation of Liberty Safeguards arising from the **Cheshire West** Supreme Court decision.
22. As a result of changes in regulation, it is anticipated that the additional costs associated with DoLS cases will now reduce again; however, it is also expected that the costs of body collections will increase significantly (as the previous zero-cost contract will expire shortly, and the provider has indicated they can no longer continue on a zero-cost basis).
23. The cost to each authority in 2016/17 is shown in Tables 1. The likely impact on each authority of the costs of the merged service is shown in Table 2. 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. Whilst there may be some minor administrative savings, it is likely that these will be offset by continuing costs associated with conducting inquests in Hartlepool. Thus, the percentage contributions have been recalculated based on current percentage of overall combined service cost, as shown in Table 2.

2016/17	Budget contribution	Population Mid-2013	Cost
Middlesbrough	29.74%	138,744	£284,982
Redcar and Cleveland	29.05%	134,998	£278,370
Stockton	41.21%	192,406	£394,893
Total	100%	466,148	£958,246*
Hartlepool	100%	91,200	£221,309

*Rounding means £1 difference.

2016/17	Cost	Budget contribution*	Combined budget contribution**
Total	£1,179,555	200%	100%
Hartlepool	£221,309	100%	18.76%
Middlesbrough	£284,982	29.74%	24.16%
Redcar and Cleveland	£278,370	29.05%	23.60%
Stockton	£394,893	41.21%	33.48%

* Will equal 200%, as cost of two services being combined.

** Teesside percentages calculated as proportion of 81.24% (100% minus Hartlepool percentage)

Streamlined processes for partners and responsiveness to future demand

24. 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.

KEY CHANGES SINCE THE BUSINESS CASE WAS SUBMITTED

25. The original business case was drafted in July 2014. Since that date there have been several key changes, as follows:
- a. an increase, and subsequent anticipated decrease in caseload as a result 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. retirement of the Senior Coroner for Hartlepool, and appointment of the Senior Coroner for Teesside as Acting Senior Coroner for Hartlepool.

IMPACT OF CHANGES ON THE BUSINESS CASE

Impact of the Cheshire West Judgement

- 26. 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.
- 27. 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.
- 28. 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 a minimal impact from the **Cheshire West** decision.

Opportunity to see the new coroner support model in operation

- 29. 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.
- 30. 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.
- 31. 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.

32. 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

33. 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.”

34. 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

35. 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.
36. The Chief Coroner's view is that the senior coroner should be supported by the 5 assistant coroner's all working ad-hoc. This model of coroner support was in operation when performance in the Teesside Coroner's Service was poor. This model contributed to the poor performance in the area at that time. The new coroner support model is in operation (albeit in a slightly amended format to that originally envisaged) and has proven exceptionally effective. Consequently it is proposed to retain the proposal for 0.8 FTE assistant coroner support with a small number of additional ad-hoc assistant coroner days (if required).

37. 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

38. 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.
39. 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.



Report of: Chief Executive

Subject: BUSINESS REPORT 2

10. RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

Further to item 8 of my report, Councillor Christopher Akers-Belcher has indicated that he wishes to step down from his appointment as Council representative to the Teesside Pension Fund. Council's instructions as to a replacement appointment are requested.

11. RESIGNATION OF COUNCILLOR

Council is requested to note the resignation of Trisha Lawton as a Borough Councillor for the Victoria Ward through correspondence received by the Chief Executive Officer dated 25 September, 2017. Mrs Lawton was first elected in 2010 and served a two-year term as Rossmere Ward Councillor. Mrs Lawton was re-elected in 2015 for a four year term as a Victoria Ward Councillor.

A notice of a casual vacancy arising through this resignation, therefore, will be published through the Returning Officer and a by-election convened within thirty five working days from a request through two local government electors.

This resignation creates a series of vacancies as set out in item no. 8 of my report.

12. RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

Councillor James has indicated that she wishes to step down from her appointment as Council representative to the Teesside Combined Authority Overview and Scrutiny Committee. Council's instructions as to a replacement appointment are requested. In accordance with the required political balance, the vacancy created is a Labour appointment. The nomination must also not be a member of the TVCA Audit and Governance Committee; the Council's current appointees being Councillor Belcher with Councillor Beck as designated substitute.

CLEVELAND FIRE AUTHORITY

MINUTES OF ANNUAL MEETING

2 JUNE 2017



PRESENT:

HARTLEPOOL BOROUGH COUNCIL
Cllrs Rob Cook, Marjorie James

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

REDCAR & CLEVELAND BOROUGH COUNCIL
Cllrs Neil Bendelow, Ray Goddard, Mary Ovens,

STOCKTON ON TEES BOROUGH COUNCIL
Cllrs Gillian Corr, Jean O'Donnell, Paul Kirton, Mick Stoker, William Woodhead

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

APOLOGIES FOR ABSENCE: Councillor Ray Martin-Wells - Hartlepool Borough Council
Councillor Norah Cooney - Redcar & Cleveland Borough Council

1. APPOINTMENT OF CHAIR FOR THE ENSUING YEAR

The Clerk sought nominations for the position of Chair of Cleveland Fire Authority for 2017/18.

Councillor Jan Brunton was subsequently proposed and seconded with Members voting 12 votes in favour with Councillors Cook and James abstaining.

RESOLVED – that Councillor Jan Brunton be appointed Chair of Cleveland Fire Authority for 2017/18.

Councillor Brunton in the Chair

The Chair placed on record the Authority's thanks to Councillor Brian Dennis for the commitment and support he had given during his time as a Member of Cleveland Fire Authority.

The Chair welcomed back to the Authority Councillor Ray Goddard from Redcar & Cleveland Borough Council.

2. DECLARATIONS OF MEMBERS INTEREST

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

3. APPOINTMENT OF VICE CHAIR FOR THE ENSUING YEAR

The Chair sought nominations for the position of Vice Chair to Cleveland Fire Authority for 2017/18. Councillors Jean O'Donnell and Rob Cook were proposed and seconded. Members voted 10 in favour of Councillor O'Donnell and 3 in favour of Councillor Cook.

RESOLVED – that Councillor Jean O'Donnell be appointed as Vice Chair of Cleveland Fire Authority for 2017/18.

4. MINUTES

RESOLVED – that the Minutes of the Cleveland Fire Authority meeting on 31 March 2017 be confirmed.

5. REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER

5.1 Business Report 2017/18

Members agreed that the report be deferred to the 9 June 2017 meeting.

RESOLVED – that the Business Report 2017/18 be deferred to Cleveland Fire Authority Ordinary Meeting on 9 June 2017.

5.2 Appointment of Independent Persons

The Legal Adviser and Monitoring Officer (LAMO) informed Members that the term of office for the current Independent Persons was due to end on 30 June 2017. He reported that following a recruitment campaign, eleven application forms were received and four candidates shortlisted for interview by the Executive (Appointments) Committee at its meeting on 21 April 2017, whereby Messrs Richard Harwood and Mike Hill were recommended for appointment as Independent Persons by the Fire Authority.

RESOLVED – that Mr Richard Harwood and Mr Michael Hill be appointed as Independent Persons to the Cleveland Fire Authority from 1 July 2017 for a four year term of office.

6. 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 of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006", namely information relating to any financial or business affairs of any particular person (including the authority) holding that information.

7. CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority on 31 March 2017 be confirmed.

**COUNCILLOR JAN BRUNTON
CHAIR**

CLEVELAND FIRE AUTHORITY

MINUTES OF MEETING

9 JUNE 2017



PRESENT:

CHAIR

Cllr Jan Brunton – Middlesbrough Council

HARTLEPOOL BOROUGH COUNCIL

Cllrs Rob Cook, Marjorie James

MIDDLESBROUGH COUNCIL

Cllr Teresa Higgins

REDCAR & CLEVELAND BOROUGH COUNCIL

Cllrs Neil Bendelow, Ray Goddard, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL

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

AUTHORISED OFFICERS

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

APOLOGIES FOR ABSENCE:

Councillor Ray Martin-Wells – Hartlepool Borough Council

Councillor Naweed Hussain, Tom Mawston – Middlesbrough Council

Councillor Norah Cooney – Redcar and Cleveland Borough Council

8. DECLARATIONS OF MEMBERS INTEREST

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

9. MINUTES OF MEETINGS

RESOLVED – that the Minutes of the Executive (Appointments) Committee on 21 April 2017, Executive Committee on 12 May 2017, Audit & Governance Committee 19 May 2017 and Cleveland Fire Authority Annual Meeting on 2 June 2017 be confirmed.

10. COMMUNICATIONS RECEIVED BY THE CHAIR

National Joint Council - NJC/8/17 Inclusive Fire Service Group - Improvement Strategies, NJC/7/17 Pay Claim & EMP/4/17 Pay Claim Consultation, NJC/6/17 Technical Working Group (corresponding & further work trials)

Clair Alcock - Voluntary Scheme Pays - Note to FRAs

Shehla Hussain - National Resilience Service & Maintenance Support Grant, New Dimensions Grant to Fire and Rescue Authorities 2017-18

Brandon Lewis - Representation Model, Professional Standards for the Fire & Rescue

The Chair noted that the Chief Fire Officer (CFO) would be tabling a report under Any Other Confidential Business for Members to consider issues relating to NJC/7/17 - Pay Claim in detail.

RESOLVED – that the communications be noted.

11. REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER**11.1 Business Report 2017/18 (deferred from 2 June 2017)**

The Legal Adviser and Monitoring Officer (LAMO) reported that this item had been deferred from the Annual Meeting on 2 June 2017. He referred Members to the Constitution at Appendix A which included the:

- CFA Membership 2017/18
- Calendar of Meetings 2017/18
- Terms of Reference
- Delegation Scheme
- Financial Procedure Rules
- Code of Corporate Governance
- Standing Orders of the Authority
 - Regulation of Proceedings & Business
 - Contract Procedure Rules
- Members Allowance Scheme
- Ethical Governance Framework
- Member Development Plan

The LAMO sought nominations for the ensuing year for Committees, Outside Bodies and Member Champions.

Councillor Cook stated that at a time when local authorities were required more and more to cooperate and work together it was his view that the role of Chair and Vice Chair should remain on a rotation system to ensure both fairness and equality in the process for all member authorities. The Chair reminded Members that the decision to remove the Chair and Vice Chair rotation had already been taken and this was reflected in the Constitution.

Councillor James requested an electronic version of the Constitution be made available at future meetings should Members need to refer to it. The LAMO agreed that this could be actioned.

RESOLVED:-

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

EXECUTIVE COMMITTEE 4-1-1-1

LAB	BRUNTON	MIDDLESBROUGH
LAB	O'DONNELL	STOCKTON ON TEES
LAB	COOK	HARTLEPOOL
LAB	GODDARD	REDCAR & CLEVELAND
CONS	WOODHEAD	STOCKTON ON TEES
LD	OVENS	REDCAR & CLEVELAND
MIG	MAWSTON	MIDDLESBROUGH

AUDIT AND GOVERNANCE COMMITTEE 6-2-1

LAB	JAMES	HARTLEPOOL
LAB	HIGGINS	MIDDLESBROUGH
LAB	HUSSAIN	MIDDLESBROUGH
LAB	KIRTON	STOCKTON ON TEES
LAB	STOKER	STOCKTON ON TEES
LAB	BENDELOW	REDCAR & CLEVELAND
CONS	COONEY	REDCAR & CLEVELAND
CONS	MARTIN –WELLS	HARTLEPOOL
IBIS	CORR	STOCKTON ON TEES

REPRESENTATIVES FOR OUTSIDE BODIES 2017/18

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

MEMBER CHAMPIONS 2017/18

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

12. REPORTS OF THE CHIEF FIRE OFFICER**12.1 Annual Performance and Efficiency Report 2016/17**

The CFO gave a detailed presentation on the Brigade's performance, efficiency, audit outcomes and operational performance for the year ending 31 March 2017, including comparator information as detailed below.

	2015/16	2016/17
Strategic Goals and Aims:	Performing Well	Performing Well
Annual Priorities: Performing Well:	Performing Well	Performing Strongly
Key Service Standards:	Performing Well	Performing Well
Operational Assurance:	Performing Strongly	Performing Strongly
Good Corporate Governance:	Performing Strongly	Performing Strongly
Value for Money:	Performing Strongly	Performing Strongly
Comparison with other FRS:	Adequate Performance	Adequate Performance
Customer Care:	Performing Strongly	Performing Strongly

The CFO concluded that the Brigade had managed to maintain a good standard of service across the board despite a 12% reduction in budget since 2011/12, a 37% increase in incidents due to EMR and 8% reduction of staff.

Councillor James said she had no issues with partnership work with local authorities and police but regarding health, she felt the Brigade supported them at its own cost and wanted a better understanding of this relationship and whether the Authority re-charges.

The CFO reported that EMR was a national trial but locally arranged with the North East Ambulance Service (NEAS) who were responsible for paying for consumables / training with regional fire and rescue services picking up the response cost.

12.1 Annual Performance and Efficiency Report 2016/17 continued

The CFO confirmed that once the trial had finished the service would have to be provided on a commissioned basis and work was currently underway with NEAS regarding the costing model to ensure the Authority is not using money that should be spent delivering statutory duties.

The CFO confirmed that EMR calls were handled the same as any other call on the system and 'closing in' arrangements were utilised to ensure no area is left without cover, even with the 3,000 additional calls generated from the EMR trial the Brigade was still exceeding response standards.

Councillor Ovens noted the increased number of fatalities operational staff are having to deal with through the EMR trial and expressed concern that this would impact the mental health of Brigade personnel. The CFO reported that operational personnel are trained to deal with RTCs and fires which require a level of medical care which is above the minimum criteria the Ambulance Service ask for EMR. In relation to dealing with death the CFO confirmed that the Brigade has a robust system to ensure every firefighter gets the support they need.

On behalf of the Authority the Chair thanked staff for all their efforts in making the Brigade a success.

RESOLVED - that the report be noted.

12.2 Strategic Planning and Community Integrated Risk Management Plan 2018/19 – 2021/22

The CFO presented an overview from the Brigade's Strategic Planning work to date and the outcomes relating to an appraisal of the core purpose and vision of the Authority.

The CFO reported that the outcomes from the review had not fundamentally changed the Authority's strategic direction but had better emphasised the outcomes that were expected to be achieved from our work including the need to demonstrate efficiency and effectiveness in service provision. The following Strategic Direction for 2018/19 – 2021/22 was proposed:

- 1) Vision – is that we have built a sustainable future and:
 - make a positive difference to the safety and quality of life of every local citizen; and the places where they live and work
 - deliver services by people who are professional, proud and passionate
 - are nationally recognised as being high performing and innovative; and internationally renowned for being able to reduce risk in business, industry and the home'
- 2) Mission - to deliver an Inclusive Fire and Rescue Service that ensures the Safety and Wellbeing of its Communities'
- 3) Goals
 - Safer Stronger Communities
 - Professional Workforce
 - Efficient and Effective

12.2 Strategic Planning and Community Integrated Risk Management Plan 2018/19 – 2021/22 continued

The CFO confirmed that if approved, the proposed strategic direction, as detailed above, would be published within the Authority's draft Community Integrated Plan 2018/19 – 2021/22 which will be subject to full stakeholder consultation in autumn 2017. He confirmed this will also be used to guide further strategic planning work; specifically the operational and resource deployment work.

Councillor Cook highlighted that one of the goals 'Efficient and Effective' was something already achieved by the Authority. The Chair pointed out it was a matter of ensuring all the evidence was available to demonstrate the Authority's success in these three areas.

Councillor James highlighted that if the Authority has a £2.2m funding gap to close it needed to be sure it wasn't seen to be propping up other emergency services to the detriment of our own firefighters. The CFO noted that the big challenge that would come from the National Inspection Regime would be in relation to EMR and why the Authority was spending money delivering a service that wasn't its statutory duty.

RESOLVED:–

- (i) That progress of the work in developing a new Community Integrated Risk Management Plan 2018/19 – 2021/22, specifically the outcomes in relation to a review of the Authority's strategic direction, be noted.**
- (ii) That the proposed strategic direction of the Authority for the years 2018/19 - 2021/22 be noted.**
- (iii) That Members noted the proposed strategic direction, as set out above, will be published within the Authority's draft Community Integrated Risk Management Plan 2018/19 - 2021/22, and will go out to full stakeholder consultation in Autumn 2017 and that it will be used to guide further strategic planning work; specifically the operational configuration and resource deployment work.**
- (iv) That further reports on completion of future stages of the strategic planning activity be received by Members in due course.**

12.3 Information Pack

- 12.3.1 Employers Circulars
- 12.3.2 National Joint Council Circulars
- 12.3.3 Summer Campaigns
- 12.3.4 Fire Brigade Long Service and Good Conduct Medal

RESOLVED – that the information pack be noted

- 13. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006**
RESOLVED - “That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 below of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006”, namely information relating to any individual and namely information relating to any financial or business affairs of any particular person (including the authority) holding that information and namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 14. CONFIDENTIAL MINUTES**
RESOLVED – that the Confidential Minutes of the Executive (Appointments) Committee on 21 April 2017, Executive (Disciplinary Hearing) Committee on 28 April 2017 and Executive Committee on 12 May 2017 be confirmed.
- 15. ANY OTHER CONFIDENTIAL BUSINESS**
- 15.1 Firefighter Pay Claim**
The Chief Fire Officer tabled a report in relation to the Firefighter Pay Claim.

COUNCILLOR JAN BRUNTON
CHAIR

Cleveland Police and Crime Panel

A meeting of Cleveland Police and Crime Panel was held on Thursday, 2nd February, 2017.

Present: Cllr Norma Stephenson O.B.E(Chair), Cllr Charles Rooney(Vice-Chairman), Cllr Alec Brown, Cllr Tracey Harvey, Councillor Chris Jones, Cllr Jim Lindridge, Cllr Matthew Vickers, Cllr David Wilburn, Mr Paul McGrath and Mr Andrew Dyne

Officers: David Bond, Peter Bell (SBC).

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

Apologies: Cllr Dave Hunter, Cllr David Coupe, Cllr Billy Ayre and Cllr Ken Dixon,

1 Evacuation Procedure

The Chair welcomed everyone to the meeting and outlined the evacuation procedure.

2 Declarations of Interest

There were no interests declared.

3 Minutes

Consideration was given to the minutes of the meeting held on 10 November 2016.

RESOLVED that the minutes of the meeting held on 10 November 2016 be agreed and signed by the Chair as a correct record.

4 Appointment of Non Political Independent Members

Consideration was given to a report that related to the appointment of two Non-Political Independent co-opted members to the Cleveland Police and Crime Panel ("the Panel), under provisions within the Police Reform and Social Responsibility Act 2011.

At its meeting on 21 July 2016 the Panel agreed arrangements for the appointment of two Non-Political Independent Members (NPIM), following the expiry of the terms of office of the two existing NPIMs on 6 December 2016.

As part of the arrangements the Panel appointed five members to serve on a Sub Panel, which would consider applications, undertake interviews and make recommendations with regard to the appointments.

The positions were widely advertised throughout the Cleveland Police area and 11 completed application forms were returned.

The Sub-Panel met on 1 November 2016 to consider the applications received and agreed to ask five applicants to attend for interview. Four interviews were conducted on 25 November 2016 (the fifth candidate withdrew from the

process) and the Sub Panel unanimously agreed to recommend that Paul McGrath and Andrew Dyne be appointed.

The proposed NPIMs had been invited to the meeting and it was envisaged that, should the Panel agree to their appointment, they would take up their position with effect from 2 February 2017.

The terms of office of the NPIMs would be for the period beginning 2 February 2017 and expiring on 1 February 2021.

RESOLVED that Paul McGrath and Andrew Dyne be appointed as Non-Political Independent Members to the Panel, with effect from 2 February 2017, and the Home Secretary be notified accordingly.

5 Task and Finish Group – Overall Budget Strategy

Consideration was given to a report that provided detail of the work undertaken by the annual Scrutiny Task and Finish Group to consider the financial strategy of the Police and Crime Commissioner for 2017/18 and the level of precept required to provide a balanced budget.

The report provided the Cleveland Police and Crime Panel with assurances from the PCP Task and Finish Group of evidence from, and discussion with, the Police and Crime Commissioner's Chief Finance Officer when considering the proposed precept.

In terms of financial planning, assumptions were undertaken in the same way as in previous years to increase the precept by 1.99%.

Members were informed that the Government had changed its method of calculation having looked at the fact that across the country there had been an increase in the underlying tax bases. As a result it was suggested that as more funding was coming from precepts as a result of the tax base increase there was capacity to reduce the amount of funding from the Government. Flat cash was still given but the local tax base was supporting that now. Higher reductions had resulted and the capital grant had been reduced by a further 15% this time.

The Task and Finish Group included consideration of the total funding projections and the PCC's priorities to determine the level of precept required for Cleveland.

The Task and Finish Group supported the increase to the PCC precept of 1.99%.

RESOLVED that the report be noted.

6 Precept proposals for 2017/18

Consideration was given to a report on Precept proposals for 2017/18.

Legislation required that the Commissioner must agree his budget and associated precept and basic council tax for the forthcoming year before 1st March each year. However before doing so the Commissioner must notify the Panel of the precept which he proposed to issue for the following year.

The balance of the cost of the police service not paid for by central government was met by local taxpayers through a precept on their council tax. In Cleveland this would equate to just below 25% of the overall income that the Commissioner would receive in 2017/18. It was the responsibility of the four local billing authorities to collect this.

The Commissioner in making his proposal on the Police precept had taken into account the following:

- The views of the public of Cleveland
- The financial impact on the people of Cleveland.
- The financial needs of the organisation as currently projected both for 2017/18 and in the future.
- The limits imposed by the Government on a precept increase before a referendum would be triggered in Cleveland.
- The Commissioner had also discussed his proposals with both the Chief Constable and engaged and consulted with the public on the options available to him.

The report further highlighted:

- The Overall Financial Context
- Financial Impact of a 1.99% Increase

In conclusion the Commissioner had considered various options and various factors in deliberating on his proposal for precept in 2017/18. The Commissioner had taken into account the need for the continued delivery of Policing and Crime services within Cleveland. The Commissioner had spoken with the Chief Constable and had consulted with the public. Based on these views and the financial needs of the organisation over the medium term the Commissioner formally proposed a precept increase of 1.99% for 2017/18 and asked the Panel to consider the proposal.

To aid the Panel in considering the proposal on the Precept, the Commissioner had attached to the report:

- A draft Budget based on a 1.99 Precept Increase
- A draft Capital Budget

RESOLVED that the Panel supports the Commissioner's proposed precept of Band D Police Element of the Council Tax within Cleveland for 2017/18 at £214.54. This was an increase of £4.18, or 1.99% over the 2016/17 level.

7 20 mph Zones – Chair of Cleveland Road Safety Partnership - Presentation

Members received a presentation by Richard McGuckin, the Chair of Cleveland

strategic Road Safety Partnership on 20 mph zones. The presentation covered the following key areas:

- 20 mph limit or zones?
- Government Guidance
- The public view on 20 mph Zones
- The evidence
- The regional picture
- Cleveland Police Policy
- Next steps

RESOLVED that the presentation be received.

8 Members' Questions to the Police and Crime Commissioner

There were no Member questions.

9 Commissioner's Update

Consideration was given to a report on the Commissioner's Update.

The Police and Crime Commissioner had set a clear strategic direction for the force in relation to standards matters. He had put in place a Police and Crime Plan with the objective of Investing in Cleveland Police. His commitment to the public included working with the Chief Constable to establish a new approach to the way complaints and professional standards matters were handled. This included expanding the role of the Police and Crime Commissioner's office in handling complaints, ensuring that they had the best possible model.

The Commissioner had a robust long term financial plan, which was detailed in his Police and Crime Plan. The Commissioner had made a commitment to securing value for money, promoting a sustainable and effective operating model and a progressive change programme, which would be scrutinised by auditors. Securing the future of the area's communities was also a key objective in his plan. Government cuts had taken £36m from Cleveland Police, resulting in the loss of over 400 policing posts and 30 Police Community Support Officers. The Commissioner was committed to continuing to lobby government for the introduction of the revised funding formula. The Commissioner wanted to ensure that those most at risk of harm and living in deprivation had a fair level of funding spent on them.

The report provided Members with an update in relation to key matters including:

- A ministerial briefing on a review of the police funding formula
- The National Police Air Service
- The reformation of Cleveland Police Professional Standards Department
- Review and scrutiny of Regulation of Investigatory Powers Act (RIPA).

With regard to the Funding Formula – Ministerial Briefing, on 16th January the Commissioner and the Chief Constable gave a briefing to the Minister for Policing and Fire. The details of the submission to the Minister on the funding

formula review were attached to the report.

Also attached to the report were the statements that the Commissioner and the Chief Constable had made on 5th January to bring about immediate change to the Professional Standards department involving external support in order to underpin trust and confidence in Cleveland Police.

A summary of the collaborative arrangements and the Commissioner's press statements were also attached to the report.

RESOLVED that the report be noted.

10 Police and Crime Commissioner – Performance Report

Consideration was given to a report that provided a summary of performance of the Police and Crime Plan.

In May 2017, the Police & Crime Commissioner (PCC) for Cleveland was re-elected for a second term. The Police and Crime Plan was issued and launched in December 2016. Progress reports on implementation of the Plan would be given to the panel in future meetings.

The PCC's objectives set out in the plan were:

- Investing in our Police
- A Better Deal for Victims
- Tackling Re-offending
- Working Together to Make Cleveland Safer
- Securing the Future of our Communities

The report provided an update on scrutiny activities associated with the delivery of PCC objectives, the wider aspects of the Police and Crime Plan and statutory responsibilities.

The PCC new performance framework was under development and would build on the strengths from the Commissioner's first term of office. It would focus on evidence-based practices and evaluation of the impact of activities and initiatives in delivering the outcomes set out in the Plan. A diagram within the report showed areas influencing performance and delivery of the Police and Crime Plan, which would form the basis for future reports.

The report provided Members with an update in relation to key areas:

- Crime and Anti-social Behaviour
- Driving out greater benefits from the scrutiny programme
- Commissioned Services

RESOLVED that the report be noted.

11 Programme of Engagement for the Police and Crime Commissioner

Consideration was given to a report that gave a brief update on the meetings attended by the PCC from November 2016 to January 2017. Future meetings of

the PCC were also summarised.

The PCCs consultation and engagement activities focused on increasing understanding of the communities of Cleveland, ensuring clear and consistent communication with the public and ensuring effective consultation and community engagement.

The PCC attended a number of meetings on a regular basis with key partners, stakeholders and residents from across the Cleveland area. In addition to this the PCC had attended many regional and national meetings representing Cleveland.

The 'Your Force Your Voice' engagement initiative continued to take place with community meetings in all of Cleveland's 79 ward areas being revisited on an annual basis. Since coming into office in November 2012 the PCC had attended around 417 community meetings allowing the PCC to better understand the needs of local communities across Cleveland.

At meetings recently attended issues were raised around response times when contacting the 101 non-emergency number. The Commissioner monitored response times on a daily basis and alterations to the Control Room had led to a significant reduction in waiting times.

All of the issues raised at community meetings were raised with the local Integrated Neighbourhood Teams for action where necessary.

The report included a summary of key other meetings attended by the PCC. The full diary was published on the PCC website.

Meetings of note over the next few weeks would include:

- Breaking the Silence on Sexual Violence; Support, Safeguarding and Protection event – 7 February
- Regional PCCs meeting – 10 February
- Hartlepool Chinese New Year celebrations - 19 February
- Tees Rural Crime Forum – 27 February

RESOLVED that the report be noted.

12 Decision of the Police and Crime Commissioner

Consideration was given to a report on the decisions made by the Police and Crime Commissioner (PCC) and the Forward Plan.

The Police and Crime Commissioner made all decisions unless specifically delegated within the Scheme of Consent / Delegation. All decisions had to demonstrate that they were soundly based on relevant information and that the decision making process was open and transparent.

In addition, a forward plan was included and published on the PCC website which included items requiring a decision in the future. This was attached to the report.

Each decision made by the PCC was recorded on a decision record form with supporting background information appended. Once a decision had been approved it was published on the PCC website. Decisions relating to private / confidential matters would be recorded; although, it might be appropriate not to publish the full details.

Decisions made since the last meeting of the Police and Crime Panel were attached to the report.

RESOLVED that the report be noted.

13 Potential formation of an Association of Police and Crime Panels

Consideration was given to a report on the potential formation of a National Association of Police and Crime Panels and suggested that this Panel was represented at a meeting arranged to discuss this.

There had been discussions at the Police and Crime Panels' Conference Regional Networks and individual Panels about the potential formation of a Police and Crime Panel National Association.

Further to the discussions described above, an exploratory meeting had been arranged to consider this in more detail and the Chair of this Panel had been invited to attend, on 17th February 2017, in London.

Following the exploratory meeting, it was suggested that a report back to Members be provided, so that the Panel could consider any proposals.

RESOLVED that the Chairman and an appropriate officer attend the meeting described in the report to further investigate this matter and report back to the Panel.

14 Forward Plan

Consideration was given to the Forward Plan.

RESOLVED that the Forward Plan be noted.

15 Public Questions

There were no public questions.

Cleveland Police and Crime Panel

A meeting of Cleveland Police and Crime Panel was held on Thursday, 4 July, 2017.

Present: Cllr David Coupe, Cllr David Harrington (Vice Cllr Ken Dixon), Cllr Chris Jones, Cllr Jim Lindridge, Cllr Steve Nelson (Vice Cllr Dave Wilburn), Charles Rooney, Cllr Norma Stephenson O.B.E, Cllr Matthew Vickers and Paul McGrath (Non-Political Independent Member).

Officers: Judy Trainer, Julie Butcher, Michael Henderson, Steven Hume (Stockton on Tees Borough Council).

Also in attendance: Barry Coppinger (Commissioner), Simon Dennis, Joanne Hodgkinson, Elise Pout (Commissioner's Office), Chief Superintendent Alastair Simpson (Cleveland Police).

Apologies: Cllr Alec Brown, Cllr Ken Dixon, Andrew Dyne, Cllr Trisha Lawton, Cllr Tom Mawston and Cllr Dave Wilburn.

**PCP
1/17** **Introductions**

Members and officers introduced themselves.

**PCP
2/17** **Appointment of Chairman 2017/2018**

RESOLVED that Councillor Norma Stephenson OBE be appointed Chairman of the Panel for the Municipal Year 2017/18.

**PCP
3/17** **Evacuation Procedure**

The evacuation procedure was noted.

**PCP
4/17** **Declarations of Interest**

There were no declarations of interest.

**PCP
5/17** **Appointment of Vice Chairman 2016/17**

RESOLVED that Councillor Charlie Rooney be appointed Vice Chair of the Panel for the Municipal Year 2017/2018.

**PCP
6/17** **Minutes of the meeting held on 2 February 2017**

The minutes of the meeting held on 2 February 2017 were confirmed and signed by the Chair as a correct record.

**PCP
7/17** **Members' Question to the Commissioner**

Responses to questions raised could be summarised below:

- Members had questions about the policy relating to where resources were allocated in different policing areas. This was an operational decision for the Chief Constable and he did use a resource model that helped with this. The Commissioner indicated that he had a developing scrutiny process and he would be raising this issue through that process and would provide an update to the Panel.
- It was explained that decisions around crime resource allocation was

taken centrally and neighbourhood resources were currently allocated based on locations of vulnerability.

- Reference was made to a recently published report that had highlighted that, in the last 10 years, median wages of police officers had reduced by £2 per hour. The Commissioner explained that since 2010 police budgets had reduced by 36%. He indicated that he was aware of the report and intended reviewing it at his earliest opportunity.
- Members noted that there were local procedures relating to police informing local authorities of incidents where some action might be needed by that authority.
- The Panel noted that there had recently been additional police units on Cleveland's roads, to provide reassurance to the public, given the heightened terrorist risks. Hate crimes were also monitored and resources allocated accordingly.
- Members were keen for the Force to use social media to get good news stories out to residents, to provide reassurance and lessen the fear of crime. Members queried if a Communications Strategy in this regard was in place? It was noted that it was an objective of all local teams to use social media more effectively. The Panel considered that this was an important area and that any lack of knowledge surrounding the use of social media, by officers, needed to be overcome. The Commissioner indicated that he would pass on the Panel's views to the Force.

RESOLVED that the Question/issues raised be noted/actioned as appropriate.

**PCP
8/17**

Annual Report of Cleveland Police and Crime Commissioner

Members considered a report that presented the Commissioner's 2016/17 Annual Report. It was noted that the final report would be published on the receipt of end of year financial and performance figures.

During discussion it was suggested that Cleveland Connect should promote online safety more.

Members were also provided with 'The Journey' - Cleveland Police's Annual Review summary 2016/17.

The Chair asked that 'the Journey' document be circulated to all Members, serving on the local authorities, covering the Force area.

Noted that the financial outturn report would come to a future meeting.

RESOLVED that the Annual Report be noted.

**PCP
9/17**

Commissioner's Update

Consideration was given to a report that provide Members of the Cleveland Police and Crime Panel (PCP) with an update in relation to key matters

including;

- Investment in Neighbourhood Policing
- The reformation of Cleveland Police Professional Standards Department
- Cleveland and Durham Local Criminal Justice Board Review
- Community Safety Hub

With regard to the investment in Neighbourhood Policing the Police and Crime Commissioner had a robust long term financial plan, which was detailed in the Police and Crime Plan. The Police and Crime Commissioner had made a commitment to securing value for money, promote a sustainable and effective operating model and a progressive change programme. Neighbourhood Policing continued to be at the very heart of policing in Cleveland. The Police and Crime Commissioner strongly believed that in order for police officers and front-line staff to be at their most effective, they must be close to the communities they served. Despite government austerity measures, a number of efficiencies savings had been made and these savings released an extra £1.5m available for investment in neighbourhood policing in Cleveland.

With regard to the reformation of Cleveland Police Professional Standards Department the details of the statements the Police and Crime Commission had made on 5th January to bring about immediate change to the Professional Standards department involving external support in order to underpin trust and confidence in Cleveland Police were attached to the report.

The Police and Crime Commissioner co-chaired the Cleveland and Durham Criminal Justice Board together with Ron Hogg, the Police Crime and Victims Commissioner for Durham. In April 2016 a review of the work of the Criminal Justice Board was commissioned by Ron Hogg and the Cleveland Police and Crime Commissioner. A copy of the review was attached to the report.

Following completion of the review in September 2016, a statement of intent had been agreed by all Board members and this was also attached to the report.

The Police and Crime Commissioner was pleased to report that building work had commenced in March on the 10 million pounds state-of-the-art Community Safety Hub in Hemlington, Middlesbrough. Not only would the building be a cutting-edge home for a modern police force and other community safety specialists, but it would be a far more cost-effective option than the current building. The current plan was for the building to be fully operational in September / October 2018.

Discussion around this report could be summarised as follows:

- Members welcomed the increase in investment in Neighbourhood Policing.
- Members asked for clarification of whether reference, in the report, to the appointment of new Police Officers and PCSOs, related to additional posts, or replacement posts. It was indicated that this related to a combination of new and replacement posts. The Chair asked that any

future information in this regard was less ambiguous.

- Members noted that there were significant differences in the roles of police officers and PCSOs, and the training they undertook, skills they possessed and level of responsibility they held, reflected this. The Chief Constable had to ensure that the balance between police officer and PCSO posts, within the Force, was appropriate and affective, set in the context of reducing resources.
- PCSOs had an important role to play in maintaining the visibility of the Force, whilst police officers were often involved in other, less visible, areas of police work.
- The Community Safety Hub projected spend was still on course for 10 million pounds.
- There was a discussion about the proposal that Cleveland Police consider the appointment of a civilian Head of Professional Standards, which may assist in consistency/longevity of leadership in this area. A great deal of consultation and direct discussions on this proposal had taken place at the Professional Standards Transformation Reference Group and with staff associations and Force 2020 Board.
- Members discussed the use of the 101 number, versus the 999 number. It was accepted that some 101 calls could quickly change to emergencies and members of the public should not hesitate to escalate the reporting of a situation that they had previously reported via 101, by calling 999.
- The Commissioner and Force recognised the elderly's vulnerability and susceptibility to fraud. Work to assist in this area was ongoing.
- An in depth review of the control room had been undertaken with a number of recommendations being identified and the Commissioner suggested that he would report on this, to the Panel, at a future meeting.
- In response to a specific question, the Commissioner explained that it was extremely unlikely that Cleveland Police would be abolished, as there would need to be a structural review of policing beyond Cleveland. Police and Crime Commissioners within the North East had all been clear that they did not support any changes to the current structure.

RESOLVED that the update be noted.

**PCP
10/17** **Programme of Engagement for Police and Crime Commissioner**

Consideration was given to a report that provided Members with a brief update in relation to meetings attended by the PCC, from February 2017 to June 2017.

RESOLVED that Programme of Engagement for Police and Crime Commissioner be noted.

**PCP
11/17** **Decisions of the Police and Crime Commissioner**

Consideration was given to a report on decisions made by the Police and Crime Commissioner for Cleveland for the period January to June 2017 and Forward Plan.

There was a discussion around the Integrated Offender Management Hub. The Hub was a multi-agency approach and funding was provided by a number of organisations, including the Commissioner. The project identified individuals who were the most prolific offenders and used a 'carrot and stick' approach. Individuals received a range of positive interventions to help them but they were required to fully engage, otherwise, they would be subject to a high level of scrutiny and enforcement.

RESOLVED that the decisions made by the Police and Crime Commissioner for Cleveland for the period January to June 2017 and Forward Plan be noted.

**PCP
12/17** **Performance against the Police and Crime Plan**

Consideration was given to a report that outlined the revised performance framework and provided Members of the Police and Crime Panel with a summary of performance since the introduction of the Police and Crime plan in December 2016.

The report updated Members on performance associated with the delivery of the Commissioner's objectives, the wider aspects of the Police and Crime Plan and statutory responsibilities.

The Commissioner had prepared a series of measures and indicators to provide a consistent approach to the monitoring of the Plan's objectives and scrutiny of the Chief Constable. A table within the report provided details of how and where the indications would be monitored, either through internal processes (both the Force's and the OPCC), through the scrutiny process or through the performance report prepared for the Panel. The document was attached to the report. The Performance Report June 2017 was attached to the report, this provided an overview of the current performance of the PCC and his Police and Crime Plan.

Discussion on the information provided could be summarised as follows:

- Reference was made to the low levels of female police officers and low levels of police officers from minority ethnic groups, within the Force. The Commissioner agreed that these were figures that needed to be improved and referred to the Everyone Matters Programme, which involved internal training and development that demonstrated how valued staff were and allowed them to better serve the communities within the Force area. The Commissioner indicated that he would bring a report on the programme to the Panel's next meeting. This would provide a structured response to the specific issue raised by the Panel and include details of the extensive efforts made by the Force to recruit a broad range of people that reflected the community as a whole.

- It was explained that there were a number of groups, some of which were attended by the Commissioner, including strategic and tactical policing groups that analysed crime data in some detail. Trends were considered and attempts made to identify factors influencing those trends, however it was difficult to always understand why some areas were performing better than others, particularly as policing structures, throughout the Force, were consistent.
- The Panel recognised that it was the responsibility of all agencies to assist with reducing crime levels and deal with the underlying reasons for crime. It was agreed that work with children and young people was a critical element of this.
- The Panel noted that the information provided to recent meetings had been high level and not as detailed as had previously been the case. The Commissioner indicated that the Panel could be provided with more detailed statistics, including comparisons with other Forces. Members were reminded of its role in holding the Commissioner to account and noted that other forums received and considered crime statistics and had specific crime reduction responsibilities. An overview of what statistical information was provided to other forums would be provided at the next meeting of the Panel.
- The rise in 999 calls was directly related to demand and therefore a rise in incidents, which had significant consequences for the Force. The Commissioner explained that a review of the Control Room had been undertaken and he would provide an update to the Panel on outcomes.
- 999 calls were routinely analysed to ascertain whether they were appropriate.
- Reducing sickness absence was a focus of activity for the Force and Commissioner. The current rise in absence was a national issue and not limited to the police. It was considered that the rise was linked to the increased challenges, pressures and expectations placed on public sector staff.

RESOLVED that the report and discussion be noted/actioned, as appropriate.

**PCP
14/17** **Scrutiny Work Programme**

Consideration was given to a report that provided detail of current and outstanding scrutiny topics and sought to set the work programme for 2017/18.

Details of the outstanding scrutiny topics were detailed within the report. The Panel was asked to take into account the capacity and resources needed to carry out the review programme to ensure that it was manageable.

There was a discussion about the process for identifying topics and the rationale for undertaking the reviews. Members agreed that the reviews added value to the Panel's role and allowed in depth consideration of certain issues.

RESOLVED that the work programme for 2017/18 be as follows:

- Shared Services – Councillor Vickers (Chair), Councillor Jones, Councillor Coupe and Andrew Dyne, Hartlepool representative (to be advised by Councillor Lindridge)
- Off-road Motorcycling – Councillors Coupe, Stephenson and Paul McGrath, Hartlepool representative (to be advised by Councillor Lindridge, Redcar and Cleveland representative (to be advised by Cllr Jeffrey)
- Overall Budget Strategy. Councillors Rooney and Paul McGrath plus Hartlepool representative (to be advised by Councillor Lindridge), Redcar and Cleveland representative (to be advised by Cllr Jeffrey), Stockton Borough Council representation to be advised.

PCP 15/17 Potential Formation of a Police and Crime Panel Association

Members considered a report relating to the potential formation of a National Association of Police and Crime Panels. This Panel had been represented by the Chair, at a meeting held on 17 February 2017, arranged to discuss the subject.

There had been discussions at the Police and Crime Panels' Conference Regional Networks and individual Panels about the potential formation of a Police and Crime Panel National Association.

Further to the discussions described above, an exploratory meeting was arranged to consider this in more detail and the Chair of this Panel attended the meeting on 17 February 2017 in London.

As a result of meeting there had been positive feedback to the proposal to establish a national Association of PCPs, a steering group had been established to draft a report with recommendations for circulation to all PCPs. Notes of the discussion would be fed into the steering group. The views of all Panels would be invited in response to the proposal.

Volunteers for the Steering Group were requested and the Chair of the Panel had offered to assist.

In the meantime, liaison would take place with the Home Office, the Home Affairs Select Committee, the APCC, LGA, CfPS and Grant Thornton to explore the possibility for resources, should an APCP be established.

RESOLVED that the report be noted.

PCP 16/17 Forward Plan

Members were presented with the Forward Plan.

RESOLVED that the Forward Plan be noted.

PCP **Public Questions**
17/17

There were no public questions.