



Chief Executive's Department
Civic Centre
HARTLEPOOL

16 October, 2017

Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Belcher, 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.

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 26 October 2017 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

G Alexander
Chief Executive

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COUNCIL AGENDA



Thursday 26 October 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 28th September 2017 as the correct record;
- (5) To answer questions from Members of the Council on the minutes of the last meeting of Council;
- (6) To deal with any business required by statute to be done;
- (7) To receive any announcements from the Chair, or the Head of Paid Service;
- (8) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;
- (9) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
- (10) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;
 1. Address by Armed Forces Champion
- (11) To consider reports from the Policy Committees:
 - (a) proposals in relation to the Council's approved budget and policy framework; and

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

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

“This Council is opposed to the proposals by Northern Rail & other rail companies, which shall remove the guarantee of a Guard on Northern Rail trains.

The loss of guards will mean that Hartlepool passengers shall no longer have the guarantee of a member of staff to protect passenger safety and act in emergencies such as derailments, evacuation, fires and driver incapacity. The guarantee of a Guard also means there is always a member of staff to provide advice and assistance and to allow disabled passengers to embark and disembark at unstaffed stations.

Therefore this Council:-

- registers its opposition to the Arriva North franchise requirement for driver only trains and the Government’s plans to make driver only trains mandatory;
- supports the RMT (National Union of Rail, Maritime and Transport Workers’) campaign to protect on-board conductors on the (Arriva North) routes and hundreds of essential rail jobs;
- believes that, if implemented, the plan would result in cuts to funding, fare rises, service and timetable cuts and the loss of hundreds of essential rail jobs;
- also believes that in addition to the loss of skilled jobs, passenger service and passenger safety will be worsened by this plan to remove guards and conductors from services and introduce Driver-Only-Operation;
- notes that these proposals come on top of rail fare hikes and the pre-existing understaffing of many stations and the closure of ticket offices, making guards and on-board conductors even more essential to passenger safety;
- believes that protecting and increasing staffing levels are the most effective way of improving security and passenger safety;
- notes that the driver is responsible for safe operation of the train and the on-board conductor for the protection of passengers;
- notes that currently, guards and on-board conductors are fully trained in operational safety, route knowledge, including safely securing doors, protecting the train and acting in emergencies such as driver incapacity;
- believes that these types of cuts to rail services particularly have an impact on disabled, older and women passengers, and go against the wishes of passengers who value proper staffing of trains and stations; and

- urges the Government and Rail North to protect passengers and the communities who rely on these rail services by withdrawing these proposals and instead hold meaningful consultations to deliver properly funded, properly staffed and affordable railways in the North.”

Signed:-

Councillor Clark
Councillor Thomas
Councillor Harrison
Councillor Barclay
Councillor Richardson

- (13) To receive the Chief Executive’s report and to pass such resolutions thereon as may be deemed necessary;
- (14) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 11;
- (15) To answer questions of Members of the Council under Rule 12;
 - a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1
 - b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2
 - c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority
 - d) Minutes of the meetings held by the Cleveland Fire Authority held on 28 July 2017



COUNCIL

MINUTES OF PROCEEDINGS

28 SEPTEMBER 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	Belcher
Black	Buchan	Clark
Cranney	Fleming	Hall
Harrison	Hind	Hunter
James	Lauderdale	Lindridge
Loynes	Martin-Wells	McLaughlin
Moore	Dr Morris	Richardson
Riddle	Sirs	Springer
Tennant	Thomas	

Officers: Gill Alexander, Chief Executive
Peter Devlin, Chief Solicitor
Chris Little, Director of Finance and Policy
Dr Paul Edmondson-Jones, Interim Director of Public Health
Sally Robinson, Children's and Joint Commissioning Services
Jill Harrison, Director of Adult and Community Based Services
Hayley Martin, Head of Legal Services (Place)
Ed Turner, Public Relations Officer
Angela Armstrong and David Cosgrove, Democratic Services Team

Prior to the commencement of business, the Ceremonial Mayor referred in terms of regret to the recent sad loss of Keith Hewitson, a freeman of the Borough. Members stood in silence as a mark of respect.

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

30. APOLOGIES FOR ABSENT MEMBERS

Councillors Barclay, Cook, Hamilton and Robinson.

31. DECLARATIONS OF INTEREST FROM MEMBERS

None.

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

None.

33. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 22 June 2017, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None.

35. BUSINESS REQUIRED BY STATUTE

None.

36. ANNOUNCEMENTS

The Ceremonial Mayor informed Council that he would be holding a Civic Dinner at West Hartlepool Rugby Club on the evening of 27 October 2017 to which Councillors and members of the public were invited to attend. Tickets for the event were available from the Members Services Team.

37. 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.

38. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

Early Morning Alcohol Restriction Orders – Report of Licensing Committee

The Chair of the Licensing Committee, Councillor Loynes, reported that in February of this year a motion was passed by Council that the Licensing Committee once again consider the benefits and feasibility of introducing an Early Morning Restriction Order (EMRO) in Hartlepool.

An EMRO was a tool that Licensing Authorities can use, in appropriate circumstances, to reduce the terminal hour of premises selling alcohol. The Chair of the Licensing Committee reported that the Licensing Committee had instructed officers to gather evidence and a thorough and detailed report was subsequently presented to the Committee in July.

The Licensing Committee heard that this was the fourth time the imposition of an EMRO had been considered. As with the previous occasions the Committee heard that the adoption of an EMRO must be based on clear and robust evidence that meets the requirements of law and that no Council in the country is yet to adopt one; indeed a recent House of Lords scrutiny into the Licensing Act had recommended that they be removed from the statute book as soon as possible.

Evidence provided by Cleveland Police demonstrated that the level of crime and violence in the Night Time Economy has fallen significantly since the Licensing Act (and subsequent later opening hours) was introduced in 2005 and, therefore, the evidential base required for justifying an EMRO was simply not sufficient.

As such, and taking into consideration that the costs that this Council would incur in defending the adoption of an EMRO through the courts, the Licensing Committee determined that it would not be appropriate to recommend an EMRO to Council. Further, as this was the fourth time that the Committee had considered the matter, it recommended that an EMRO not be considered again for at least five years or until such time as Cleveland Police specifically request one on the basis of it being necessary for crime prevention.

As such, the Chair of the Licensing Committee, therefore, recommended to Council that the adoption of an Early Morning Restriction Order is not appropriate.

The following decision was agreed without dissent.

RESOLVED - 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.

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

None.

40. 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

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

The Chair of the Finance and Policy Committee, Councillor C. Akers-Belcher, reported that the proposal to build an Elwick Bypass and Grade Separated Junction at the northern Elwick Junction on the A19 was presented to the Finance and Policy Committee on 24 July 2017 and a copy of that report was submitted with the Council Agenda papers.

The Chair of the Finance and Policy Committee set out the importance of the scheme and the detailed funding arrangements for the scheme. The funding arrangements set out to Council outlined both the best and worst case scenarios for the local authority depending on the outcome of various funding bids and the potential income streams from Section 106 payments from housing developments in the vicinity of the bypass and junction.

The Chair of the Finance and Policy Committee sought Council's approval to the detailed recommendations within the report.

The motion was seconded by Councillor Cranney.

The following decision was agreed without dissent.

RESOLVED – as follows: -

1. Council approved the 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.
2. Council noted the annual loan repayment costs (excluding interest) associated with recommendation (1) 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.
3. Council noted 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.

4. Council noted 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.
5. Council noted that if grant funding of £10m is secured this will release £10m 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.
6. Council noted that Prudential Borrowing of £18m will commit the Council to a one-off interest cost for 2018/19 and 2019/20 of £200,000, and provision for this one-off cost will need to be made as part of the 2018/19 budget process.
7. Council noted 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.
8. On the basis of Council approving the above recommendations, Council approved the inclusion of this scheme within the Capital Programme and Prudential Indicators.

41. MOTIONS ON NOTICE

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.

The motion was moved by Councillor Clark and Seconded by Councillor Cranney. Other members spoke in support of the motion.

The motion was carried without dissent.

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.

The motion was moved by Councillor Harrison and Seconded by Councillor Thomas. Other members spoke in support of the motion.

The motion was carried without dissent.

42. SENIOR LEADERSHIP RESTRUCTURE

The Chief Executive reported that the Finance and Policy Committee, on 9th August 2017, approved her 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 was requested to note that Jill Harrison, as Director of Adults and Community Based Services, would 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, would retain responsibility for all Children's Social Care Services and would continue to be the statutory Director of Education Services. These appointments were in conformity and consistent with the Local Authority Social Services Act 1970 as amended by the Children Act 2004.

The Monitoring Officer would arrange for the Constitution to be amended accordingly.

RESOLVED – That the report and appointments be noted.

43. DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2016/17

The Director of Public Health's Annual Report for 2016/17 had been circulated and Members had 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, was specified in the Health and Social Care Act 2012.

Ageing well in Hartlepool was the theme of the Director's fourth Annual Report. The previous three reports had focused on how public health priorities had 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 was the view of the Interim Director of Public Health that the time was 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). The report for 2016-2017 focused on a key issue that was 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 examined, through a series of case studies and reports, how well the Council was working with key stakeholders, partner organisations, communities and residents to promote better health and well-being of our older residents.

RESOLVED – That the Director of Public Health's Annual Report for 2016/17 be received.

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

The Chief Executive indicated that reports were received by Council on 23 May and 22 June 2017, 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 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, now submitted as Appendix 1 to the report. Council had approved 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 had been passed to Malcolm Donnelly and his staff for their dedicated work.

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 would be required on the Addendum (four weeks was envisaged) which would take place through the Ministry of Justice. Council was requested, therefore, to consider and endorse the submitted Addendum. It was likely that any amalgamation of the Coroner Areas would not now take place until early February, once representations had been reviewed and parliamentary approval had been obtained.

The Leader of the Council indicated that he wished to propose an amendment to the recommendations indicating that this Council oppose the proposed amalgamation but note the proposed addendum to allow for consultation to take place. This was seconded by Councillor Cranney.

The following decision was agreed unanimously.

RESOLVED: -

1. That Council opposes the proposed amalgamation of the Hartlepool and Teesside Coroners Service.
2. That Council note the Further Addendum to the earlier Business Case to allow for public consultation through the Ministry of Justice.

45. TEES VALLEY JOINT HEALTH SCRUTINY COMMITTEE

The Chief Executive reported that 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 the Chair of Audit and Governance Committee had indicated that he wished 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 had been suggested that the Vice-Chair of the Committee be appointed as the Chair's replacement on the Committee.

RESOLVED – that approval be given to 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.

46. SPECIAL URGENCY REPORT

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

47. REPRESENTATION ON THE HEALTH AND WELLBEING BOARD

The Chief Executive reported that she had received a letter from the Chief Executive of North Tees and Hartlepool NHS Foundation Trust which referred 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 was also considered by the Audit and Governance Committee at its meeting on 20 September 2017 and the Chair of the Audit and Governance Committee reported to Council that Members supported the reinstatement of a representative from the Trust on the Health and Wellbeing Board in light of the ongoing discussions around the Sustainability and Transformation Plan, the Better Health Programme and the Hartlepool Matters implementation plan. The Committee was of the view, however, that what was needed to facilitate those discussions was a senior clinician. The Leader of the Council, as Chair of the Health and Wellbeing Board, supported the proposals indicating that the representative needed to be a board level senior clinician or their substitute and not a manager. Other Members spoke in support of the proposal.

RESOLVED – That Council approves the reinstatement of a representative from the Hartlepool and North Tees NHS Foundation Trust on the membership of the Health and Wellbeing Board and indicates to the Trust that their nomination should be a senior board level clinician.

48. RESIGNATION OF COUNCILLOR

Council was requested to note the resignation of Paul Thompson as the Borough Councillor for the Seaton Ward through correspondence received by the Chief Executive 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 on 5 September and a by-election would be held on Thursday 19 October, 2017.

This resignation created 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. It was highlighted at the meeting that there was also another outstanding vacancy on the Hartlepool and District Sports Council.

In light of the forthcoming by-election, it was proposed that the vacancies be reconsidered by Council after the conclusion of the by-election.

A number of Members spoke in tribute to Mr Thompson and his service to the Council and the Seaton Ward.

49. RESIGNATION OF COUNCILLOR / RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

The Chief Executive reported that at the time of the circulation of her initial report Council were 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.

Subsequently, and as included on the second Chief Executive's report, Trisha Lawton had decided to resign as a Borough Councillor for the Victoria Ward through correspondence received by the Chief Executive 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 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.

It was proposed that the two vice-chair vacancies be appointed at Council and Councillor S Akers-Belcher was proposed as the Vice-Chair of the Neighbourhood Services Committee and Councillor Lindridge was proposed as the Vice-Chair of the South and Central Community Forum. The nominations were seconded by Councillor Cranney. It was also proposed that in light of the forthcoming by-election, that the remaining vacancies be reconsidered by Council after the conclusion of the by-election.

RESOLVED – That Councillor S Akers-Belcher be appointed as the Vice-Chair of the Neighbourhood Services Committee and Councillor Lindridge be appointed as the Vice-Chair of the South and Central Community Forum.

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

The Chief Executive reported that Council had 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, were obliged to further consult on those further proposals for the areas concerned for a period of eight weeks.

The Chief Executive and the Electoral Registration Officer had been informed

that the Commission intended to publish its Revised proposals for new constituency boundaries on Tuesday 17 October 2017. Consultation would commence on that date and run until 11 December 2017. This would be the last consultation during this review of constituencies under the present 2018 Review. The Commission were required to make recommendations to Parliament in September 2018.

The Council is required to assist in the publication of these revised proposals and all Elected Members would be notified of these further proposals once received.

51. RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

The Chief Executive reported that she had received notification from Councillor C. Akers-Belcher that he wished to step down from his appointment as Council representative to the Teesside Pension Fund.

In light of the forthcoming by-elections, it was proposed that the vacancy be reconsidered by Council after their conclusion.

52. RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

The Chief Executive reported that she had received notification from Councillor James that she wished to step down from her appointment as Council representative to the Tees Valley Combined Authority (TVCA) Overview and Scrutiny Committee. 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.

In light of the forthcoming by-elections, it was proposed that the vacancy be reconsidered by Council after their conclusion.

53. PUBLIC QUESTIONS

None.

54. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

None.

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

1. Councillor Moore to Councillor Hunter, Chair Neighbourhood Services Committee: -

“Can we be given an update on the negotiations with stakeholders to take responsibility for the roads, paths and other land around the marina which are currently not adopted by HBC?”

The Chair of the Neighbourhood Services Committee commented that positive discussions continued to take place with the Crown Estates and the Council was hopeful that a successful resolution would soon be achieved that would allow the Council to adopt and maintain the roads, footpaths and lighting for Harbour Walk. This was, however, an incredibly difficult task and officers were working towards reaching the best solution for Hartlepool. There were still challenges to overcome and a timeline could not be given at this time but once one was available, it would be shared with Members.

2. Councillor Moore to Councillor Kevin Cranney, Chair Regeneration Services Committee: -

“Given the Jacksons Landing/Waterfront area is now high on our priority list for redevelopment and attracting visitors we are failing to maintain the assets currently in location, namely the PSS Wingfield Castle and Cobles moored alongside. Can we be given reassurances that the upkeep of these assets will be given a greater priority and regular maintenance carried out?”

The Chair Regeneration Services Committee stated that the Council had recently commissioned a Wingfield Castle Conservation Management Plan (using external funding from the Museums Resilience Fund via the Arts Council of £25,000) which would identify a repairs programme and future conservation methods to reduce damage to the asset as part of the conservation and maintenance of the vessel going forward. Once a detailed conservation management plan is established the Council could then formulate a maintenance and refurbishment plan which would include seeking external funding from the Heritage Lottery Fund to implement the conservation works required. The Chair of the Regeneration Services Committee indicated that he hoped a report on the matter would be submitted to the Committee in the New Year.

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

None.

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

Council received the 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.

The meeting concluded at 7.55 pm

CEREMONIAL MAYOR

COUNCIL

26 October 2017



Report of: Chief Executive

Subject: BUSINESS REPORT

1. THE GENERAL DATA PROTECTION REGULATIONS

The EU General Data Protection Regulations (GDPR) will have application from the 25th May, 2018, not least to allow public authorities and other organisations that have as its core activities the control and processing of personal data, the necessary time to prepare for the GDPR coming into force. The Data Protection Bill presently before Parliament will transpose the requirements of these regulations into our domestic legislation. An important feature is that these new requirements will capture ‘data controllers’ and processes outside the European Union whose processing activities relate to the offering of goods or services (even for free) to, or monitoring the behaviour (within the EU) of, EU data subjects. Consequently, it is recognised by the Information Commissioners Office (ICO) that the UK will need to mirror the GDPR following “Brexit”.

The Council's Finance and Policy Committee received a report on this subject at its meeting on 18 September and recommended that mention should be made at Council, mainly because the GDPR will impose significant changes in how information governance operates within public authorities. This legislation places onus on the accountability obligations upon bodies handling personal data to demonstrate compliance. This includes, by way of example, the requirement to maintain certain documentation, such as data protection impact assessment where risks (which need to be evaluated) are present in the processing of information. Significantly, where data processing is carried out by public authorities, they must appoint a Data Protection Officer (DPO) as part of this accountability requirement. The Committee recommended that the Council's Head of Legal Services (Place) should fulfil this role and Council is requested to endorse this appointment.

One of the key features of the GDPR is that data processes will have direct obligations for the very first time. This includes obligations to maintain a written record of processing activities carried out on behalf of each controller. The GDPR actively seeks to promote accountability and governance. In particular, breaches of the GDPR are likely to lead to substantial fines based upon the level of culpability. The Council through the DPO is currently reviewing current processes and procedures, as well as organising training. Further reports upon this topic will be brought before the Committee and Council as required.

Recommendation:

That Council notes the implementation of the GDPR and endorses the appointment of the Head of Legal Services (Place) as the Council's Data Protection Officer.

2. THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

I have received notification that the Commission intend to include the Council in its electoral review for 2018/19, owing to 'poor levels of electoral equality'. The purpose of an electoral review would be to consider the number of councillors, the names, number and boundaries of the Wards over the 15 years from the outcome of such a review. The Commission previously published a report on an electoral review of the Borough only in September 2011 with 'all out' elections in May, 2012.

It is envisaged that the Commission would publish its final recommendations in early 2019 with new electoral arrangements through 'all out' elections in 2020. Further information will be provided to members once available. The Commission have requested that they meet informally with an officer group to discuss the detail and process of the review and also engage with group leaders through a briefing and a third meeting to brief all Elected Members. Arrangements are being made for these meetings and Members will be informed of the meeting date, once confirmed.

Recommendation:

That Council notes the position and the request of the Commission to arrange a series of preliminary meetings with officers and Elected Members.

3. VICTORIA BY-ELECTION

You will be aware from my report to Council on 28th September 2017 that Trisha Lawton resigned as a Borough Councillor for the Victoria Ward.

Members are requested to note that a notice of vacancy was published and a by-election will be held on Thursday 16 November, 2017

4. RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

I have been informed that Councillor Cranney has resigned from the following Outside Body:-

Durham Tees Valley Airport Board

The instructions of Council are sought in relation to a Member to replace Councillor Cranney on the Outside Body listed above.

COUNCIL
26 October 2017



Report of: Chief Executive

Subject: BUSINESS REPORT (2)

5. TRANSPORT FOR THE NORTH - INCORPORATION AS A SUB NATIONAL TRANSPORT BODY

Council is requested as Local Highway Authority to consent to the making of Regulations by the Secretary of State to establish Transport for the North (TfN) as a Sub –National Transport Body under section 102J of the Local Transport Act 2008. A copy of the draft regulations (Appendix 1) is attached.

The consent of each Highway Authority (see Appendix 2) within the area of each Combined Authority which was a Constituent Authority of TfN is required to the making of Regulations by the Secretary of State as the Regulations contained provisions giving TfN highway powers to be exercised concurrently with the Local Highway Authorities.

The Secretary of State had formally responded to the proposal and has indicated that he was minded to make regulations creating TfN as the first Sub-National Transport Body with the following functions :

- a. The preparation of a Northern Transport Strategy;
- b. The provision of advice on the North's priorities, as a Statutory Partner in the Department's investment processes;
- c. The coordination of regional transport activities, (such as smart ticketing), and the co-management of the TransPennine Express and Northern rail franchises through the acquisition of Rail North Ltd.

Council therefore is requested to provide its consent in conjunction with the appended information and to delegate responsibility to the Chief Executive Officer (in consultation with the Leader and Chair of Regeneration Services Committee) to issue notification of that consent and matters related or incidental thereto.

6. SEATON BY-ELECTION

My previous report to Council noted the resignation of Paul Thompson, as Ward Councillor for the Seaton Ward and that a by-election would be held on Thursday 19 October, 2017.

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

Members are requested to note the election of Leisa Smith as Borough Councillor for the Seaton Ward.

CLEVELAND FIRE AUTHORITY

MINUTES OF MEETING

28 JULY 2017



PRESENT:

CHAIR

Cllr Jan Brunton – Middlesbrough Council

MIDDLESBROUGH COUNCIL

Cllrs Teresa Higgins, Naweed Hussain

REDCAR & CLEVELAND BOROUGH COUNCIL

Cllrs Neil Bendelow, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL

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

AUTHORISED OFFICERS

Director of Corporate Services, Deputy Legal Adviser and Monitoring Officer, Treasurer

BRIGADE OFFICERS

Director of Technical Services, Head of Fire Engineering

APOLOGIES FOR ABSENCE:

Chief Fire Officer, Legal Adviser & Monitoring Officer

Councillors Rob Cook, Marjorie James, Ray Martin-Wells – HBC

Councillor Tom Mawston – Middlesbrough Council

Councillors Ray Goddard, Norah Cooney – R&C Borough Council

22. DECLARATIONS OF MEMBERS INTEREST

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

23. MINUTES

RESOLVED – that the minutes of the meeting of 9 June 2017 be confirmed.

24. MINUTES OF MEETINGS

RESOLVED – that the Minutes of the Executive Committee on 7 July 2017 be confirmed.

25. COMMUNICATIONS RECEIVED BY THE CHAIR

Gill Gittins – EMP/5/17 Pay Offer, EMP/6/17 Response to Pay Offer, EMP/7/17 Pay Claim 2017.

Sir Thomas Winsor – HMIC to extend inspection remit to FRSS

Nick Hurd MP – Inspection of FRAs in England

RESOLVED – that the communications be noted.

26. REPORTS OF THE CHIEF FIRE OFFICER

26.1 Memorandum of Understanding between Cleveland Fire Authority (CFA) and National Fire Chief Councils (NFCC) – Fire Commercial Transformation

The Director of Corporate Services (DoCS) reported that the launch of the Prime Ministers' Fire Reform programme in May 2016 required all Fire and Rescue Authorities in England to provide details on what they pay for 25 common items of equipment and uniform. A report on this 'basket of goods' was scrutinised by the Audit and Governance Committee on 11 November 2016 and the DoCS resolved to keep a watching brief.

The DoCS reported that the National Fire Chiefs Council (NFCC) had been working closely with the Home Office to establish a new national structure for procurement. The Strategic Commercial Committee was established, chaired by Ann Millington, Chief Executive Kent FRS and CFOA Procurement Strategic Lead as illustrated at paragraph 4.3 of the report. Six categories of high expenditure had been identified as being those with the greatest opportunity for savings from collaboration. These were:

- Construction and Facilities Management
- Information Communications and Technology
- Clothing
- Fleet
- Operational Equipment
- Professional Services

The DoCS informed Members that every FRS had provided data through the Bravo Spend analysis and this, along with Contracts & Pipelines data, was being used to determine procurement priorities for the next year. She reported that a consultation on the category strategies outlined in Appendix 1 was to be launched to run until 19 September 2017 with the agreed plans being formally launched at the Emergency Services Show on 20 & 21 September 2017.

The DoCS referred Members to the MoU at Appendix 2 and noted that by signing it Cleveland Fire Authority was giving commitment to the NFCC of its intent to collaborate with other FRAs on specific procurement activities and projects.

Councillor Bendelow asked how the Authority procures PPE to ensure the best quality for firefighters as well as value for money. The Director of Technical Services (DoTS) confirmed that the priority was to keep the Brigade's firefighters as safe as possible by providing them with the best PPE and equipment to match local risks. He confirmed that this was achieved by setting out the specification required and then advertising with all frameworks to achieve the best quality and value for the Brigade.

RESOLVED – that the National Procurement MoU (Appendix 2) be approved and signed by the Chair of the Fire Authority.

26.2 Information Pack

- 26.2.1 Employers Circulars
- 26.2.2 National Joint Council Circulars
- 26.2.3 Campaigns

The DoCS informed Members that an update report in relation to the Pay Claim 2017 would be tabled under Any Other Confidential Business.

RESOLVED – that the information pack be noted

27. REPORTS OF THE LEGAL ADVISER AND MONITORING OFFICER

27.1 The EU General Data Protection Regulator (GDPR)

The Deputy Legal Adviser and Monitoring Officer (DLAMO) updated Members on the changes the Authority will need to undertake in order to achieve compliance in implementing the General Data Protection Regulations.

The DLAMO gave members an overview of the GDPR which covered:

- (i) Appointment of Data Protection Officer
- (ii) Accountability and Governance
- (iii) Data Protection by Design and Data Protection by Default
- (iv) Data Protection Impact Assessments
- (v) Privacy Notes
- (vi) Records of Processing Activities
- (vii) A change in the consent regime
- (viii) New rights for individuals
- (ix) Data Breach Notification

Members were informed that the Authority needed to proceed expeditiously in meeting the implementation date of the GDPR on 25 May 2018 and was required to appoint a Data Protection Officer as a key statutory requirement and establish a clear framework for accountability with clear analysis of the legal basis of which the Authority uses and processes personal data.

RESOLVED:-

- (i) **That Ray Khaliq, Director of Technical Services, be appointed as Data Protection Officer with responsibility for the implementation of the GDPR and Data Protection compliance within the Fire Authority.**
- (ii) **That the Data Protection Officer in unison with the Authority's Information Governance Group explore the implementation of the GDPR with a full review of the existing policies and procedures with associated budgetary considerations, IT capability and associated and communications implications for the Authority.**

27.2 Delegated Powers

The DLAMO informed Members that in order for the annual Statement of Accounts to be approved before the 30 September deadline, the Executive Committee was to be given the delegated powers to approve the 2016/17 Financial Report at its scheduled meeting on 22 September 2017.

The DLAMO reported that the independent external audit of the Financial Report was substantially complete and no significant changes had been identified but some information from other sources was still outstanding. It was the intention that the Audit & Governance Committee would review the draft Financial Report at its meeting on 25 August 2017 prior to being referred to the Executive Committee for approval.

RESOLVED – that Members approved the Executive Committee be given delegated powers to approve the 2016/17 Financial Report at its scheduled meeting on 22 September 2017 to ensure approval of the report before the 30 September deadline.

- 28. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006**
RESOLVED - “That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3, 4 and 7 below of Part 1 Schedule 12A of the Local Government Act 1972 as mended by the Local Government (Access to Information) (Variation) Order 2006”, namely information relating to any financial or business affairs of any particular person (including the authority) holding that information and namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority and namely information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 29. CONFIDENTIAL MINUTES**
RESOLVED – that the Confidential Minutes of the proceedings of 9 June 2017 be confirmed.
- 30. CONFIDENTIAL MINUTES OF MEETINGS**
RESOLVED – that the Confidential Minutes of the Executive Committee on 7 July 2017 be confirmed.
- 31. CONFIDENTIAL REPORTS OF THE CHIEF FIRE OFFICER**
31.1 Grenfell Tower Block Fire Update
Members were updated on the local and national implications for Fire and Rescue Services following the Grenfell Tower update.
- 32. ANY OTHER CONFIDENTIAL BUSINESS**
32.1 Firefighter Pay Claim
The DoCS tabled an update report in relation to the Firefighter Pay Claim.

COUNCILLOR JAN BRUNTON
CHAIR