



Chief Executive's Department
Civic Centre
HARTLEPOOL

11 March, 2019

Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Belcher, Black, Brewer, Brown, Buchan, Cassidy, Cook, Cranney, Fleming, Hall, Hamilton, Harrison, Hunter, James, Lauderdale, Lindridge, Little, Loynes, Marshall, McLaughlin, Moore, Dr. Morris, A Richardson, C Richardson, Robinson, Smith, Tennant, Thomas, Trueman and Young.

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 21 MARCH 2019 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 21 March 2019

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 21 February 2019 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;
 - (a) Review of the Council's Constitution – Report of Constitution Committee
 - (b) Review of Civic Expenditure – Report of Finance and Policy 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;
 - (1) Adoption of the Port Local Development Order (LDO) – Report of Regeneration Services Committee
 - (b) proposals for departures from the approved budget and policy framework;
 - (1) 15 Church Street Renovation – Report of Finance and Policy Committee
 - (2) Capital Investment Programme – Joint report of Finance and Policy Committee and Regeneration Services Committee
- (12) To consider motions in the order in which notice has been received;
- (13) To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary;
- (14) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 11;
- (15) To answer questions of Members of the Council under Rule 12;
 - a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1
 - b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2
 - c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority
 - d) Minutes of the meetings held by the Cleveland Fire Authority held on 14 December 2018.



COUNCIL

MINUTES OF PROCEEDINGS

21 February 2019

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

PRESENT:-

The Ceremonial Mayor (Councillor Barclay) presiding:

COUNCILLORS:

C Akers-Belcher	S Akers-Belcher	Black
Brewer	Brown	Buchan
Cassidy	Cook	Cranney
Hall	Hamilton	Hunter
James	Lauderdale	Lindridge
Little	Loynes	Marshall
Moore	Dr Morris	A Richardson
C Richardson	Smith	Tennant
Thomas	Trueman	Young

Officers: Gill Alexander, Chief Executive
Chris Little, Director of Finance and Policy
Hayley Martin, Chief Solicitor
Denise Ogden, Director of Regeneration and Neighbourhoods
Ed Turner, Communications and Marketing Manager
Angela Armstrong and Amanda Whitaker, Democratic Services Team

89. APOLOGIES FOR ABSENT MEMBERS

Councillors Belcher, Fleming, Harrison and McLaughlin

90. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

92. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 20 December 2018, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None

94. BUSINESS REQUIRED BY STATUTE

None

95. ANNOUNCEMENTS

None

96. 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

97. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None

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

None

99. REPORT FROM THE POLICY COMMITTEES

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

(i) Medium Term Financial Strategy (MTFS) 2019/20 to 2021/22 (Report of Finance and Policy Committee)

The report, presented by the Chair of the Finance and Policy Committee, provided an update on the MTFS to reflect the final 2019/20 Local Government Finance settlement announcement. The report enabled Members to finalise the 2019/20 technical Council Tax calculations, which incorporated Council Tax levels independently set by Cleveland Fire Authority, the Police and Crime Commissioner and individual Parish Councils.

Members were reminded that the Council had set its own budget and Council Tax for 2019/20 at the Council meeting on 20th December 2018. The final 2019/20 Government grant figures had been issued on 29th January 2019 and this had confirmed figures issued in December – although there had been a further cut in Hartlepool's final grant of £1,000. It was highlighted that the figures had confirmed that over the last 9 years funding had been cut by 45% - a reduction of £20.9m.

The report provided an update of the capital programme. Appended to the report was details of the findings of a Public Accounts Committee report. It was highlighted that the report had commented that "there is still no sign that the Department has a clear plan to secure the financial sustainability of local authorities in the long term".

The report addressed also the legal requirements in relation to setting the Council Tax and showed that Cleveland Fire Authority, the Police and Crime Commissioner and individual Parish Councils had all set Council Tax levels for 2019/20 within the referendum limits set by the Government. The Government Council Tax referendum limits continued to shift the burden of funding these services on to Council Pay payers – and in the case of the Police Service were a significant shift from the limit in 2018/19 of £12 for a Band D property.

The recommendations in the report covered the statutory technical Council Tax calculations and amendments to the Council's capital programme and were moved by Councillor C Akers-Belcher and seconded by Councillor Cranney.

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

Those in favour:

Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Black, Brewer, Brown, Buchan, Cook, Cranney, Hall, Hamilton, Hunter, James, Lauderdale, Lindridge, Little, Loynes, Marshall, Morris, C Richardson, Thomas, Trueman and Young.

Those against:

Councillor Smith

Those abstaining:

Councillors Cassidy, Moore, A Richardson and Tennant.

The vote on the recommendations of the Finance and Policy Committee was carried.

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

None

100. MOTIONS ON NOTICE

None

CHIEF EXECUTIVE'S REPORT

101. TREASURY MANAGEMENT STRATEGY

Council was requested to approve the recommended Treasury Management Strategy for 2019/2020. The Local Government Act 2003 required the Council to 'have regard to' the CIPFA Prudential Code and to set prudential indicators for the next three years to ensure that the Authority's capital investment plans were affordable, prudent and sustainable. The Act required the Council, therefore, to determine a Treasury Management Strategy for borrowing and to prepare an Annual Investment Strategy, which sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments. The Secretary of State had issued Guidance on Local Government Investments which came into force on 1st April 2004. This guidance recommended that all Local Authorities produce an Annual Investment Strategy that is approved by full Council, which was also included in the report.

Members were advised that the Council was required to nominate a body to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies, before making recommendations to Council. This responsibility had been allocated to the Audit and Governance Committee. The recommended Treasury Management Strategy had been considered by the Audit and Governance Committee on the 13 December 2018 and the report to that Committee had been circulated. The Audit and Governance Committee had scrutinised the proposed Treasury Management strategy and had approved that the recommended strategy be referred to full Council.

RESOLVED – That Council adopt the recommendation from the Audit and Governance Committee to approve the following detailed recommendations for the 2019/20 Treasury Management Strategy and related issues;

Borrowing Strategy 2019/20

- (i) Core borrowing requirement – following the securing of exceptionally low interest rates approve that the remainder of the under borrowing is netted down against investments.

- (ii) To note that in the event of a change in economic circumstances that the Director of Finance and Policy may take out additional borrowing if this secures the lowest long term interest cost.
- (iii) Borrowing required for business cases – Approve the strategy of internally borrowing for business cases to mitigate counterparty risk, reduce borrowing costs and generate an internal investment return. Note that if this strategy is adopted that action may be taken by Director of Finance and Policy to externally borrow for these schemes if an interest rates rise is expected.

Investment Strategy 2019/20

- (iv) Approve the Counterparty limits as set out in paragraph 8.7 of Appendix 1.

Minimum Revenue Provision (MRP) Statement

- (v) Approve the MRP statement outlined in paragraph 9.3 of Appendix 1.

Prudential Indicators 2019/20

- (xi) Approve the prudential indicators outlined in Appendix 2.

102. SPECIAL URGENCY

In accordance with the requirements of the Access to Information Procedure Rule 22 of the Council's Constitution, Council was informed that there had been one special urgency decision taken in the period November 2018 to January 2019 which was summarised as follows:-

Decision

To refer a disapplication request to the Secretary of State for the transfer of £1.03m from the Schools Block to the High Needs Block.

Decision Route

Children's Services Committee – 29 November 2018

Reason for Urgency

The issue could not be considered until after the Schools Forum meeting on the 26th November and the decision by the Council had to be made before the statutory deadline of 30th November 2018.

RESOLVED – That the report be noted.

103. ELECTORAL REVIEW OF HARTLEPOOL BOROUGH COUNCIL

Further to minute 130 of the Council meeting held on 15 March 2018, Members were advised that the Local Government Boundary Commission for England had now completed their review of Hartlepool Borough Council. The recommendations had not changed from the draft recommendations that had been previously issued by the Commission and recommended twelve, three member wards (36 Councillors)

The changes proposed would now be implemented by Order subject to Parliamentary scrutiny. A draft Order, which brings into force the recommendations would be laid in Parliament and would provide for new electoral arrangements for Hartlepool to be implemented at the local elections in 2020.

RESOLVED – That the report be noted.

104. NOTIFICATION OF CHANGE IN POLITICAL GROUPS

The Chief Executive advised Members that she had received notification, on 18 February 2018, that the political Group 'Putting Hartlepool First' had ceased to be constituted. Councillors Black, Little, Smith and Richardson would now be recorded as Independent Councillors.

RESOLVED – That the report be noted.

105. HIGH NEEDS BLOCK – SUPPORT FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

The Chief Executive reminded Members that at the Council meeting in December, Members unanimously approved a motion in relation to concerns that the National Funding Formula for Schools did not provide sufficient funding for Hartlepool schools (minute 81 refers). Concerns had been particularly raised regarding that the funding within the High Needs Block of the national funding system for our most vulnerable pupils is inadequate.

The funding shortfall for Hartlepool had reduced from £1.030m to £0.621m following the late provision of additional funding by the Government. However, to address the remaining funding shortfall and to ensure services continued to be provided to the most vulnerable children, the Council was required by national regulations to seek approval from the Secretary of State to transfer this funding from the Schools Block within the Dedicated Schools Grant.

Members were advised that the necessary disapplication for 2019/20 had been submitted and a phone call had been received to advise that the application had been approved and written confirmation would follow. The Secretary of State's decision had demonstrated that a very clear case had been set out for Hartlepool. It was understood that many other Councils had submitted

disapplication requests, but not all had been approved by the Secretary of State.

Tribute was paid to the Chair of Children's Services Committee and to the joint working of officers from the Children's and Joint Commissioning Services Department along with the Finance Division for their hard work and commitment which had resulted in the approval of the application.

RESOLVED – That the report be noted.

106. PUBLIC QUESTION

None

107. 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

Council noted the minutes of the meetings held by the Cleveland Fire Authority on the 27 July 2018 and the Police and Crime Panel on 13 November 2018.

The meeting concluded at 7.15 p.m.

CEREMONIAL MAYOR



Report of: Constitution Committee

Subject: FURTHER REVIEW OF THE COUNCIL'S
CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 To seek the approval of Full Council to recommendations relating to proposed changes to the Constitution.

2. BACKGROUND

- 2.1 The Council's Constitution at Article 15 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect." It was agreed by Full Council that in conducting a periodic review of the Council's Constitution a report should be submitted to the first ordinary meeting of Full Council in the new municipal year, unless otherwise directed by Council. Full Council resolved that ideally such a report should come before the September meeting (or a meeting approximate thereto) to ensure that any new councillors have undertaken their induction.
- 2.2 However, following Constitution Committee on the 18 September 2018 it was agreed that a review of the Delegation Scheme at Part 3 would be carried out and reported to the this meeting.
- 2.3 Upon commencing the review of Part 3 it quickly became apparent that it was impossible to review Part 3 in isolation and therefore due to the number of issues identified a wholesale review of the Constitution has taken place. The benefit of reporting to this meeting is that the changes, once agreed will come in to effect for the new Municipal Year.

3. PROPOSALS

- 3.1 Given the volume of documents that make up the Constitution, a decision has been made in consultation with the Chair of this Committee and the Chief Executive not to circulate all Parts of the Constitution which have been

reviewed. Instead, a presentation will be made at the meeting of Full Council which provides an overview of the proposed changes to the various documents within the Constitution. A copy of the amended documents including 'track changes' is available should Members wish to view the same. The intention is to modernise the Constitution and encourage its use in an electronic format, with hyperlinks to the various sections. It is therefore proposed that the Constitution is initially made available 'online' only, although paper copies will be available to view in public buildings.

3.2 The following items are drawn to the attention of Members:-

3.3 **Part 2 (Articles of the Constitution)**

The Articles within Part 2 of the Constitution set out the basic rules governing the Council's business. The Articles have been thoroughly reviewed to reflect the current committee system of governance. The aim of the review was to make the Articles more 'user friendly' and clear.

The majority of the changes are to wording to make the Articles clearer and easier to understand and more importantly comply with the law.

The Committee recommended that the proposed changes to the Articles be approved by Full Council.

3.4 **Part 3 (Responsibility for Functions)**

Members will recall, at the meeting of the Committee held on 13th September 2018, the Committee considered proposed changes to Section B of Part 3 of the Constitution. The updated document aligned, where appropriate, the responsibilities of Committee with those of Officers. Part B has been further reviewed to where Full Council has delegated a power to a Committee or an Officer that it is clear where these delegations fall and in to which service area they apply. The salient changes proposed, to Part B, are detailed in **Appendix 1** to this report.

At the September Committee meeting, Members were advised that it was proposed that a comprehensive review be undertaken of Section C and be reported to a future meeting of the Committee prior to consideration by Full Council. Section C has been reviewed and updated. The document is now much more detailed and expressly states the various powers delegated to officers and how they can be exercised. .

The Committee recommended that the proposed changes to Part 3 be approved.

3.5 **Part 4 (Rules of Procedure)**

3.5.1 Access to Information Procedure Rules –All the proposed changes have been made to provide clarity to the procedure Rules.

Concerns were expressed at the Committee meeting regarding the availability to Members of Officer Decision Records. The Monitoring Officer has, therefore, agreed to introduce a notification process whereby all Members will be notified via e mail should an Officer Decision Record be published.

3.5.2 Budget and Policy Framework Procedure Rules – All the proposed changes set out in the appended document provide clarity to the procedure Rules.

3.5.3 Contract Procedure Rules – Following the changes recommended to Full Council by the Committee at its meeting on 13 September, no further changes are recommended. It is however proposed that due to the nature of the document, it is appropriate in the new reformatted Constitution, for the document to be an Appendix rather than included in Part 4 of the Constitution.

3.5.4 Financial Procedure Rules

All the proposed changes set out in the document provide clarity to the procedure Rules. It is proposed that due to the nature of the document, it is appropriate in the new reformatted Constitution, for the document to be an Appendix rather than included in Part 4 of the Constitution.

3.5.5 Officer Employment Procedure Rules

A general review of the Officer Employment Procedure Rules has been carried out to give context and clarification as to their application.

3.5.6 Statutory Scrutiny Procedure Rules

These Rules have been updated to ensure that HBC arrangements continue to comply with changes to regulations and guidance.

The proposed amendments to each of the above Procedure Rules were recommended for adoption.

3.5.7 Council Procedure Rules – The Council Procedure Rules have been amended and updated to ensure they are compliant with the relevant legislation and reflect current practice. Whilst reviewing the legal implications, it was noted that the agenda for the Annual Meeting of Council required amending. This was done so in accordance with the power in Article 15 which allows for the Monitoring officer to make any changes necessary to comply with legislation and statutory guidance.

The agenda for the Annual Meeting of Council set out within the Council Procedure rules currently refers at points 11 and 12 that appointments to Committees and Outside Bodies will be 'noted.' However the legislation states that Council will 'make' such appointments at the Annual Meeting. Therefore the word 'note' has been changed to 'make.'

The implication of the above change is that it is proposed that the Tuesday Council meeting scheduled for the 21 May 2019 be re-designated as Annual Council Meeting. This meeting will appoint the Chair of Council (Ceremonial Mayor) (and Deputy Mayor) Leader (and Deputy Leader), Committees and outside bodies. Following these appointments the meeting will be adjourned to Thursday the 23 May 2019 to allow arrangements to be put in place for the ceremonial part of the meeting with dignitaries to proceed.

The proposed changes to the Council Procedure Rules are recommended, by Committee, to Full Council. However, Members are reminded that any changes to Council Procedure Rules, in the absence of compliance with any statutory provision, would on being proposed and seconded, stand adjourned without discussion to the next ordinary meeting (Council Procedure Rule 24.2 refers).

3.6 Part 5 (Codes and Protocols)

Members will recall, at the meeting of the Committee held on 13th September 2018, the Committee considered proposed changes to Codes and Protocols included in Part 5 of the Constitution. Following concerns expressed by the Chair of the Planning Committee, the following change is recommended to the Planning Code of Practice:-

Where 2 (or less) objections to a planning application are received, these applications will be approved by the Planning Manager in consultation with the Chair of Planning Committee or in his/her absence the Vice Chair of Planning Committee.

Members will note that the Guidance Note on Political Balance refers to allocations of seats on Committees and outside bodies. Traditionally the Council has 'grouped together those Elected Members who are not aligned to a political group.' This is a matter which has been queried by Members on a number of occasions and therefore as part of this review, Members may wish to consider whether to continue this practice.

It is proposed also that a copy of previously agreed guidance, relating to petitions, should be added to Part 5.

The Committee supported the proposed changes to the Planning Code of Practice and the inclusion of the Petition Guidance. The Committee expressed the view that Independent Members, not aligned to a political group, should be considered as individuals for the purposes of allocation of seats to Committees and should not be grouped together for these purposes.

3.7 Part 6 (Members' Allowances Scheme)

One change is proposed to Part 6 which is proposed to provide clarity in relation to the limited circumstances when costs can be reimbursed as follows:-

3.7.1 Travel and Subsistence Allowance

The Authority does not pay an allowance in respect of travelling within the Borough. Travel allowance can be claimed for the whole journey where the end destination is outside the Borough and the Elected Member is representing the Council, including attendance at approved conferences and in relation to the duties specified within paragraph 8.2 (a) – (g) .

The Authority does not pay subsistence allowance in respect attendance at any events within the Borough. Subsistence allowance can be claimed in respect of attendance at approved conferences.

The Committee approved the suggested wording set out above, for the adoption by Council.

3.8 Part 7 (Appointments to outside organisations and other bodies)

There are no changes proposed to this Part with the exception of format changes to ensure it is consistent with the other sections of the Constitution. The organisations and other bodies, included in Part 7, will be reviewed as usual prior to the commencement of the new Municipal year.

3.9 Part 8 (Management Structure)

It is proposed that an updated structure is inserted to this Part.

4. RECOMMENDATION

4.1 That Full Council approves the recommendations of the Committee in terms of the following:-

- The proposed changes to the Constitution.
- The ordinary meeting of Full Council on 21 May 2019 be re-designated the Annual Council meeting and agree that the Annual meeting currently scheduled for 23 May will be the ceremonial event.

4.2 That in accordance with Council Procedure Rule 24.2, changes to Council Procedure Rules on being proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of Council

4.3 That authority is delegated to the Monitoring Officer in consultation with the Leader and Chief Executive for further technical changes to be carried out to the Constitution.

5. REASONS FOR RECOMMENDATIONS

- 5.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect and comply with the law.

6. BACKGROUND PAPERS

Hartlepool Borough Council's Constitution
Council Report and Minutes – 25 October 2018
Local Government Act 1972
Local Authorities (Committee System) (England) Regulations 2012
Local Government and Housing Act 1989
Constitution Committee Report – 4 March 2019

7. CONTACT OFFICERS

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Part 3 – Committee Functions

Finance & Policy Committee

- Amalgamation of service areas – delegation to CEX
- Redundancy Decision - post consultation with staff
- Community Safety – only Safer Hartlepool Partnership matters
- Increase limits of land/property disposals - £100k capital/£50k rental

Regeneration Services Committee

- Updated to reflect service areas
- Additional Delegation to Director of R&N to accept/dispose of museum items in consultation with the Chair

Neighbourhood Services Committee

- New delegation to Director of R&N power to take enforcement action and report back to Committee
- New Delegation to Director of R&N power to introduce Traffic Orders/Highway improvements where no more than 2 material objections
- New delegation to Director of R&N power to approve conservation grants in consultation with the Chair

Audit and Governance/Personnel Sub

- Change to membership of Personnel Sub committee – fixed membership rather than a rota
- Inclusion of new function on the use of covert surveillance.

Planning Committee

- Refer to Committee – Requirement that objections must be from 2 separate addresses
- Refer to Committee where 'significantly' contrary to policy
- In consultation with the Chair – applications where 2 or less material objections received
- Appeals and Enforcement
- Referral of disputes to District Valuer

Licensing Committee

Licensing Act Sub/Regulatory Sub

- Licensing Committee delegation to Sub-Committees:
 - Regulatory Sub-Committee Licensing Act Sub-Committee
 - Licensing Act Sub-Committee - Licensing Act 2003 & Gambling Act, Fixed rota from Licensing Committee
 - Regulatory Sub – Individual licence matters, Fixed rota from Licensing Committee



Report of: Finance and Policy Committee

Subject: REVIEW OF CIVIC EXPENDITURE

1. PURPOSE OF REPORT

- 1.1 To enable Council to consider the recommendations of the Council's Finance and Policy Committee in relation to the removal of Ward Member Budgets and the introduction of car parking charges for Elected Members.

2. BACKGROUND

- 2.1 At its meeting on the 11 March 2019 (**see APPENDIX 1**) Members considered proposals to:
- i) remove Ward Member Budgets from 2020/21
 - ii) Introduce car parking charges for Elected Members from May 2019
- 2.2 The removal of Ward Member budgets would produce an annual revenue saving of £66K. Approval is sought for the potential allocation of this money to be used to support one off prudential borrowing and be considered alongside a review of both the Neighbourhood Investment Plan and the Child and Family Poverty Strategy.
- 2.3 The introduction of car parking charges for Elected Members would produce an income of £2664.
- 2.4 Approval is sought from Council in relation to these proposals.

3. RECOMMENDATIONS

- 3.1 It is recommended that Council approve the recommendations of the Finance and Policy Committee and:
- (i) Remove Ward Member budgets from 2020/2021

- (ii) Consider the potential allocation of the resultant £66K recurring revenue budget saving to support one off prudential borrowing and be considered alongside a review of both the Neighbourhood Investment Plan and the Child and Family Poverty Strategy; and
- (iii) Consider the implementation of car parking charges for Elected Members from May 2019.

4. BACKGROUND PAPERS

- 4.1 Cabinet: Minutes (30 April 2012) – Ward Member Budgets
Cabinet: Minutes (4 February 2013) – Medium Term Financial Strategy 2013/14 – 2016/17.
Council: Minutes (14 February 2013) - Medium Term Financial Strategy 2013/14 – 2016/17.
Regeneration and Neighbourhoods Portfolio (12 April 2013) – Ward Member Budgets Report.
Finance and Policy Committee: Minutes (19 September 2013) - Medium Term Financial Strategy – Review of Reserves.
Extraordinary Council: Minutes (19 November 2013).
Finance and Policy Committee minutes 30th June 2014 – Ward Member budgets 2013/14 outturn
Neighbourhood Services Committee 13th June 2018 – Ward Member budgets 2017/18 outturn
Council Minutes 20th December 2018

5. CONTACT OFFICER

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FINANCE AND POLICY COMMITTEE

11th March 2019



Report of: Director of Regeneration and Neighbourhoods and
Chief Solicitor

Subject: REVIEW OF CIVIC EXPENDITURE

1. TYPE OF DECISION/APPLICABLE CATEGORY

Key Decision – tests (i) and (ii) apply. General Exception Notice applies.

2. PURPOSE OF REPORT

2.1 Members are asked to review current civic expenditure and:

- a) Consider the cessation of Ward Member budgets with a view to allocating the funding towards the Council's Capital programme.
- b) Consider the introduction of car parking charges for Members.

3. BACKGROUND

3.1 At the meeting of Council on the 20th December 2018, Members approved the proposal that civic engagement and associated activities and arrangements be reviewed. The minute states:

'That approval be given to the proposal that a review of Civic arrangements be undertaken to consider alternative operating models, including charges for Members use of the Civic Centre car park, as soon as practical and if in-year savings could be achieved these would be used to reduce the planned use of Reserves.'

3.2 This review has commenced however further consultation with Group Leaders and Policy Chairs is required before any proposals can be put to Constitution Committee to enable Members to make recommendations to Full Council.

3.3 However, two areas which it has been possible to review are:

- Ward Member Budgets
- Elected member Car Parking arrangements

4. WARD MEMBER BUDGETS

- 4.1 On 30 April 2012, Ward Member Budgets and the associated application framework were approved by Members.
- 4.2 From August 2013, each Elected Member also received a further allocation of £500 of Civic Lottery funding supporting charitable organisations in the delivery of leisure, recreational and environmental projects within their wards.
- 4.3 In June 2018, Neighbourhood Services received an annual update report regarding Ward Member Budgets, at that meeting Members agreed to any uncommitted unspent WMB funds from 2017/18 relating to an outgoing Ward Councillor following the May election be distributed equally between the existing and incoming Councillor's within that ward. Members also asked that the level of carry over and timescales for carrying over unspent budget funds be explored.

5. PROJECTS FUNDED TO DATE

- 5.1 The table below summarises the current position of the Ward Member Budgets programme; this includes the total value of projects approved to date (2012/13 and 2018/19), and uncommitted funding. Please note that these figures will be subject to change before the end of the current financial year, as a number of projects are currently being developed.
- 5.2 A variety of projects have been funded to date (a current running total per Ward Member is attached as **Appendix A**) with a number currently being developed by the Regeneration & Neighbourhoods Department. General areas being supported by Elected Members encompasses the following:
- Contributions to services and / or events delivered by the Voluntary and Community Sector;
 - Works to community buildings;
 - Environmental and horticultural schemes;
 - Apprenticeship and training programme;
 - Highways and traffic related projects;
 - Community events and activities

	Approved Budget (WMB & Civic Lottery)	Amount Brought Forward	Approved and Committed	Uncommitted /Carried Forward
	£	£	£	£
2012/13	181,500		120,103	61,397
2013/14	181,500	61,397	211,668	31,229
2014/15	148,500	31,229	160,321	19,408
2015/16	148,500	19,408	122,576	45,332
2016/17	148,500	45,332	139,223	54,609
2017/18	82,500	54,609	95,839	41,270
2018/19 (to 15.01.19)	82,500	41,270	88,813	34,957
Total	973,500		938,543	34,957

- 5.3 The budget for 2019/20 has reduced to £66,000 to reflect the removal of the Civic Lottery funding.
- 5.4 There is wide variation in the pattern of spending across Ward Member Budgets and it has been an area which has been consistently underspent overall. In 2017, Members agreed to reduce Ward Member Budgets to enable the lifeguard service to be protected. At the same time a Neighbourhood Improvement Capital Programme was created to fund capital improvement schemes within wards. This has attracted additional funding from the Thirteen Group and has enabled strategic approach based on needs assessments. Members may wish to consider further enhancing the Council's strategic capital planning approach by ending ward member budgets from 2020/21 onwards and utilising the funding to prudentially borrow. This will enable our members to honour any commitments made for 2019/20 and enable the additional capital funding to be incorporated into the strategic capital plan for 2020/21 onwards.

6. MEMBER CAR PARKING CHARGES

- 6.1 There are no statutory provisions relating to car parking expenses for Elected Members. The current Member Allowances Scheme does not include any reference to car parking expenses.
- 6.2 There are currently 23 elected members registered to park in the underground car park and 12 bays are allocated for Members use. Based on the existing annual staff parking charge the income foregone for the 12 allocated bays is £2,664. To recover this amount from the 23 members registered the annual charge would be £116. If Members were to decide to implement this charge, the amount could be deducted on a monthly basis from Members net allowances (i.e. after tax and NI deductions) on a monthly basis.

7. FINANCIAL CONSIDERATIONS

- 7.1 Through the implementation of the application and approval framework, a robust and transparent process has been put in place to ensure that the expenditure of Ward Member Budgets is for the purpose for which it is intended. In addition to this, consultation with other Ward Members, the community and key partners is required through the application process to guarantee that monies are not used adversely and that projects and / or schemes are responding to local need.
- 7.2 In addition, an annual report is taken to Neighbourhood Services Committee for information. All expenditure related information associated with Ward Member Budgets is available online.
- 7.3 Members are asked to consider the cessation of Ward Member Budgets from 2020, contributing towards the Councils Capital programme.
- 7.4 If Members determine to remove Ward Member Budgets the £66K annual revenue could be used to support one off prudential borrowing of £1.5m to contribute towards the Council's overall Capital programme.
- 7.5 At the Neighbourhood Services Committee meeting held June 2018, Members asked that the level of carry over and timescales for carrying over unspent budget funds be explored. However in light of the financial situation the Council finds itself in, it makes sense to allow Members to carry forward their budgets into 2019/2020 financial year based upon the previous decisions.

8. OTHER CONSIDERATIONS

Legal Considerations	No relevant issues
Consultation	No relevant issues
Child/Family Poverty Considerations	Attached at Appendix B
Equality and Diversity Considerations	No relevant issues
Section 17 of The Crime And Disorder Act 1998 Considerations	No relevant issues
Asset Management Considerations	No relevant issues

9. STAFF CONSIDERATIONS

- 9.1 The administration of Ward Member budgets continues to be undertaken within the Community Safety Team despite the recent changes regarding the Community Cohesion officers into Volunteer Hartlepool due to logistical and resource issues. The cessation of this service would alleviate other pressures within the Community Safety team and free up time for community safety priorities.

10. RECOMMENDATIONS

10.1 Finance and Policy Committee is requested:-

- To note the progress in relation to Ward Member Budgets to date;
- To endorse and refer to Council for approval;
 - (i) the cessation of Ward Member budgets and
 - (ii) the allocation of the resultant £66K recurring revenue budget saving to support one off prudential borrowing of £1.5m towards the Council's capital programme and delegate authority to the Regeneration Policy Committee to approve detailed proposals for using the £1.5m capital budget.
 - (iii) to consider the implementation of car parking charges for Elected Members from May 2019.
- To note that a further report on other Civic and Democratic costs will be submitted to a future Constitution Committee.

11. REASONS FOR RECOMMENDATIONS

- 11.1 Contributing towards the Councils overall capital programme will enhance the progress and delivery of the Councils ambitions for the town as reflected in the Council Plan.
- 11.2 To address the referral from Council on 20th December to review Civic Expenses.

12. BACKGROUND PAPERS

- 12.1 Cabinet: Minutes (30 April 2012) – Ward Member Budgets
- 12.2 Cabinet: Minutes (4 February 2013) – Medium Term Financial Strategy 2013/14 – 2016/17.
- 12.3 Council: Minutes (14 February 2013) - Medium Term Financial Strategy 2013/14 – 2016/17.
- 12.4 Regeneration and Neighbourhoods Portfolio (12 April 2013) – Ward Member Budgets Report.
- 12.5 Finance and Policy Committee: Minutes (19 September 2013) - Medium Term Financial Strategy – Review of Reserves.
- 12.6 Extraordinary Council: Minutes (19 November 2013).
- 12.7 Finance and Policy Committee minutes 30th June 2014 – Ward Member budgets 2013/14 outturn
- 12.8 Neighbourhood Services Committee 13th June 2018 – Ward Member budgets 2017/18 outturn
- 12.9 Council Minutes 20th December 2018

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Sign Off:-

- Director of Finance and Policy ☒
- Chief Solicitor/Monitoring Officer ☒
- Chief Executive ☒ Finance and Policy Committee only

APPENDIX A**Ward Member Budget Overview¹**

Ward Councillor	Brought Forward from 17/18	Funding Available 18/19	Funding Approved 18/19	Total Funding Remaining
Burn Valley				
Councillor Dave Hunter	£1,435	£2,500	£2,800	£1,135
Councillor Ged Hall	£2,000	£2,500	£3,850	£650
Councillor John Lauderdale	£0	£2,700 *	£2,700	£0
De Bruce				
Councillor Rob Cook	£1,637	£2,500	£3,530	£607
Councillor Brenda Harrison	£1,527	£2,500	£3,532	£495
Councillor Stephen Thomas	£1,913	£2,500	£3,684	£729
Fens and Rossmere				
Councillor Bob Buchan	£148	£2,500	£2,022	£626
Councillor Tony Richardson	£34	£2,600 *	£1,969	£665
Councillor Jim Lindridge	£242	£2,650 *	£1,236	£1,656
Foggy Furze				
Councillor Christopher Akers-Belcher	£902	£2,500	£3,402	£0
Councillor Kevin Cranney	£711	£2,500	£3,211	£0
Councillor Ann Marshall	£277	£2,500	£2,777	£0
Hart				
Councillor James Brewer	£0	£2,500	£2,500	£0
Councillor Tom Cassidy	£0	£2,500	£1,200	£1,300
Councillor Jean Robinson	£2,144	£2,500	£0	£4,644
Headland and Harbour				
Councillor Shane Moore	£1,927	£2,500	£3,689	£738
Councillor Tim Fleming	£1,589	£2,500	£3,034	£1,055
Councillor Mike McLaughlin	£18	£2,500	£684	£1,834
Jesmond				
Councillor Sandra Belcher	£3,287	£2,500	£3,166	£2,621
Councillor John Tennant	£2,404	£2,500	£3,376	£1,528
Councillor Paddy Brown	£100	£2,500	£696	£1,904

¹ Approvals accurate at time of writing.

APPENDIX A

Manor House				
Councillor Stephen Akers-Belcher	£2,166	£2,500	£4,666	£0
Councillor Marjorie James	£1,531	£2,500	£4,031	£0
Councillor Allan Barclay	£1,222	£2,500	£3,722	£0
Rural West				
Councillor George Morris	£2,987	£2,500	£2,497	£2,990
Councillor Brenda Loynes	£2,990	£2,500	£2,498	£2,992
Councillor Mike Young	£2,738	£2,500	£2,498	£2,740
Seaton				
Councillor Sue Little	£651	£2,500	£2,246	£905
Councillor James Black	£3,540	£2,500	£5,804	£236
Councillor Leisa Smith	£1,150	£2,500	£1,158	£2,492
Victoria				
Councillor Katie Trueman	£0	£2,500	£2,180	£320
Councillor Carl Richardson	£0	£2,500	£2,405	£95
Councillor Lesley Hamilton	£0	£2,500	£2,500	£0
TOTAL	£41,270	£82,950	£89,263	£34,957

* Includes additional £450 available in 2018/19 as Hartlepool Bereavement, previously included in 'approved', was cancelled.

APPENDIX B

1. Is this decision a Budget & Policy Framework or Key Decision? YES / 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 / NO If YES please complete the matrix below				
GROUP	POSITIVE IMPACT	NEGATIVE IMPACT	NO IMPACT	REASON & EVIDENCE
Young working people aged 18 - 21	✓	x		
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

APPENDIX B

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				

COUNCIL

21 March 2019



Report of: Regeneration Services Committee

Subject: ADOPTION OF THE PORT LOCAL DEVELOPMENT ORDER (LDO)

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Forms part of the Budget and Policy Framework.

2. PURPOSE OF REPORT

2.1 The updated Port LDO has been forwarded from Regeneration Services Committee following a public consultation on the document and amendments being made to the document. This report seeks the Council's approval to adopt the document.

3. BACKGROUND

- 3.1 In order to stimulate economic growth, the Government pursued a programme of Enterprise Zones throughout the Country. Whilst some of the Enterprise Zones ceased to exist from the end of March 2018, along with their individual LDO's, the financial incentives as part of the Enterprise Zone at the Port at Hartlepool will be in place until the end of March 2020.
- 3.2 The Enterprise Zone initiative is intended to support and attract key investment in key sectors which have been identified as having potential growth. The Port is an "Enhanced Capital Allowance Zone".
- 3.3 As well as the financial benefits, Enterprise Zones provide an added incentive of simplified planning processes which was one of the requirements of the agreement to establish the Enterprise Zone. This is achieved through the adoption of a Local Development Order. Given that the previous LDO expired in March 2018 (the date originally planned for the end of the Enterprise Zone) it is necessary to comply with the requirements of the Enterprise Zone to put the LDO in place again. For specific developments on the site, the LDO will allow development to be undertaken without the need

for planning permission to be obtained, providing the development is carried out in accordance with established design guidance and conditions.

- 3.4 This LDO sets out guidance regarding the type of development that is permitted, any constraints that developers should be aware of, and other necessary information. This version of the document has been updated to reflect changes deemed necessary following the consultation period.
- 3.5 The Regeneration Services Report (which includes the LDO as an Appendix) is attached as **Appendix 1** to this report.

4. PROPOSALS

- 4.1 Council are asked to formally adopt the LDO for Hartlepool Port. The LDO is needed to meet the Enterprise Zone requirements. The Council are required to send the LDO to the Secretary of State within 28 days of adoption.

5. RISK IMPLICATIONS

- 5.1 If the LDO was not adopted by the Council, it would not create a simplified planning regime for the Port site and would not meet the requirements of the Enterprise Zone status. It could potentially mean that the Enterprise Zone status and financial incentives were withdrawn from the port and potentially result in businesses that were considering locating to the area choosing alternative locations to base their business.

6. FINANCIAL CONSIDERATIONS

- 6.1 Following adoption of this document, the Port site will benefit from simplified planning controls, meaning that certain developments will not need to submit a full planning application. This may lead to a potential loss in revenue for the Planning and Development department (which is difficult to estimate in real terms), however it is considered that the overall impact on the borough's economy of this prospective new development outweighs this potential loss of planning income. The Council would also benefit from increased business rates income from any development implemented at the Port site.

7. LEGAL CONSIDERATIONS

- 7.1 The implementation of a simplified planning regime is a requirement of Government support for Enterprise Zone incentives. However the LDOs remove the requirement for certain types of development to apply for formal planning permission.

8. CONSULTATION

- 8.1 The consultation period for this document commenced on the 2nd November 2018 running until 11th January 2019. A total of 8 responses were received from a range of consultees including the Environment Agency, Natural England, PD Ports and Highways England. The consultation statement can be found in Appendix 2 of the attached Regeneration Services report.

9. CHILD AND FAMILY POVERTY

- 9.1 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 There are no asset management considerations relating to this report.

14. RECOMMENDATIONS

- 14.1 It is recommended that the Council formally adopt the LDO.

15. REASONS FOR RECOMMENDATIONS

- 15.1 This LDO is an up to date version of the previous document and reflects relevant changes to the planning system and as required by consultees to ensure that the Port site is sufficiently supported by the planning system until the end of the Enterprise Zone period in March 2020 and that any potential developers have an awareness of the incentives of investing on this site.

16. BACKGROUND PAPERS

- 16.1 Details regarding the LDO can be viewed at the following link:

https://www.hartlepool.gov.uk/info/20209/local_plan/312/local_plan

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REGENERATION SERVICES COMMITTEE

25 February 2019



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: LOCAL DEVELOPMENT ORDER – THE PORT 2019

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Part of the Budget and Policy Framework.

2. PURPOSE OF REPORT

2.1 For the Committee to endorse the Port Local Development Order (LDO) and to seek permission to take to Council the amended LDO (**Appendix 1**) for adoption. The LDO was subject to a public consultation between 2 November 2018 and the 11 January 2019. Following the consultation a consultation statement (**Appendix 2**) has been prepared and necessary amendments have been made to the document where changes were considered necessary.

3. BACKGROUND

- 3.1 In order to stimulate economic growth, the Government pursued a programme of Enterprise Zones throughout the Country. Whilst some of the Enterprise Zones ceased to exist from the end of March 2018, along with their individual LDO's, the financial incentives as part of the Enterprise Zone at the Port at Hartlepool will be in place until the end of March 2020.
- 3.2 The Enterprise Zone initiative is intended to support and attract key investment in key sectors which have been identified as having potential growth. The Port is an "Enhanced Capital Allowance Zone".
- 3.3 As well as the financial benefits, Enterprise Zones provide an added incentive of simplified planning processes which was one of the requirements of the agreement to establish the Enterprise Zone. This is achieved through the adoption of a Local Development Order. Given that the previous LDO expired in March 2018 (the date originally planned for the end of the Enterprise Zone) it is necessary to comply with the requirements of the Enterprise Zone to put the LDO in place again. For specific developments on the site, the LDO will allow development to be undertaken without the need for planning permission to be

obtained, providing the development is carried out in accordance with established design guidance and conditions.

- 3.4 This LDO sets out guidance regarding the type of development that is permitted, any constraints that developers should be aware of, and other necessary information. This version of the document has been updated to reflect changes deemed necessary following the consultation period.

4. PROPOSALS

- 4.1 The Planning Policy Team wishes to seek endorsement from the Committee and seek permission to report the LDO to Council for formal adoption. The LDO is needed to meet the Enterprise Zone requirements. The Council are required to send the LDO to the Secretary of State within 28 days of adoption.

5. RISK IMPLICATIONS

- 5.1 If the LDO was not permitted to go to Council, it would subsequently not be adopted and as such would not create a simplified planning regime for the Port site and would not meet the requirements of the Enterprise Zone status. It could potentially mean that the Enterprise Zone status and financial incentives were withdrawn from the port and potentially result in businesses that were considering locating to the area choosing alternative locations to base their business.

6. FINANCIAL CONSIDERATIONS

- 6.1 Following adoption of this document, the Port site will benefit from simplified planning controls, meaning that certain developments will not need to submit a full planning application. This may lead to a potential loss in revenue for the Planning and Development department (which is difficult to estimate in real terms), however it is considered that the overall impact on the borough's economy of this prospective new development outweighs this potential loss of planning income. The Council would also benefit from increased business rates income from any development implemented at the Port site.

7 LEGAL CONSIDERATIONS

- 7.1 The implementation of a simplified planning regime is a requirement of Government support for Enterprise Zone incentives. However the LDOs remove the requirement for certain types of development to apply for formal planning permission.

8. CONSULTATION

- 8.1 The consultation period for this document commenced on the 2nd November 2018 running until 11th January 2019. A total of 8 responses were received from a range of consultees including the Environment Agency, Natural England, PD Ports and Highways England. The consultation statement can be found in **Appendix 2** of the report.

9. CHILD AND FAMILY POVERTY

- 9.1 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 There are no asset management considerations relating to this report.

14. RECOMMENDATIONS

- 14.1 It is recommended that the Committee endorse the LDO and agree to the LDO document being referred to Council for adoption.

15. REASONS FOR RECOMMENDATIONS

- 15.1 This LDO is an up to date version of the previous document and reflects relevant changes to the planning system and as required by consultees to ensure that the Port site is sufficiently supported by the planning system until the end of the Enterprise Zone period in March 2020 and that any potential developers have an awareness of the incentives of investing on this site.

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APPENDIX 1

Local Development Order (LDO) 2019

Contents

No	Subject	Page
1	Introduction	2
2	Purpose of the Tees Valley Enterprise Zone	3
3	Simplifying Planning on Enterprise Zones	5
4	The Port Enterprise Zone	6
	Proposed Land Uses	6
	Proposed Business Sectors	6
5	The Port Site	7
	Site History	7
	Site Description	7
	Existing Infrastructure	7
	Potential Constraints	8
6	Pre Development Consultations	15
	Pre Development Advice	16
	Discharging of Planning Conditions	17
7	Statement of Reasons	18
	Description of Development Granted Planning Permission	18
	Justification for Creating the LDO	18
	Statement of Policies the LDO will Implement	19
	Lifetime of the LDO	20
	Monitoring the LDO	20
	Development Requirements	20
	Other Statutory Requirements	20
	The Port Local Development Order	23
	Diagram 1: LDO Boundary	24
	Table 1: Development Requirements	25
	Table 2: Planning Conditions	30
	Appendix 1: Monitoring Framework	34

1. Introduction

- 1.1 In order to stimulate economic growth, the Government pursued a programme of Enterprise Zones throughout the country. The Tees Valley Enterprise Zone was announced as part of the Budget in 2011, and its format was agreed between the Government and Tees Valley Unlimited in August 2011. It included twelve sites across the Tees Valley and developers of the sites benefitted from either business rates discount or enhanced capital allowances to support the growth of existing firms and/or attract significant inward investment. Whilst some of the Enterprise Zones ceased to exist from the end of March 2018, seven Enterprise Zones remain and the financial incentives available as part of the Enterprise Zone at the Port will be in place until the end of March 2020.
- 1.2 The Enterprise Zone initiative is intended to support and attract investment in key sectors which have been identified as having potential for growth in the Tees Valley. The Port is now the only site within Hartlepool which is included within the Tees Valley Enterprise Zone. The Port is an “Enhanced Capital Allowance” Enterprise Zone.
- 1.3 As well as the financial benefits, Enterprise Zones provide an added incentive of simplified planning processes. This will be achieved through a Local Development Order (LDO). This means that for specific developments that help deliver the aims of the Enterprise Zone, the LDO will allow development to be undertaken without the need for planning permission to be obtained, providing the development is carried out in accordance with established design guidance and conditions. This LDO sets out the details by which developments will be permitted within the Port and the associated design guidance and conditions that need to be satisfied.

2. Purpose of the Tees Valley Enterprise Zone

- 2.1 The economic strategy for the Tees Valley is to drive the transition from a high value, high carbon economy to a high value, low carbon economy focused on renewable energy, new technologies, biological feedstocks and the reduction of the carbon footprint of existing industries. Further support will be given to emerging new sectors such as digital and creative industries. One mechanism for delivering the economic strategy for the Tees Valley is the creation of Enterprise Zones, tailored to the specific and complex challenges and opportunities of the Tees Valley.
- 2.2 The Tees Valley Enterprise Zone is a collection of individual sites across the Tees Valley. The individual sites are identified in Table A. The Port is allocated as a site which benefits from Enhanced Capital Allowance.

Table A: Tees Valley Enterprise Zones

Tees Valley Borough	Site Name	Enterprise Zone Type
Hartlepool	The Port	Enhanced Capital Allowance
Stockton on Tees	North Shore	Business Rates Discount
	Energy & Tech Park	Enhanced Capital Allowance
Redcar & Cleveland	South Bank Wharf	Enhanced Capital Allowance
	Wilton	Enhanced Capital Allowance
Middlesbrough	Historic Quarter	Business Rates Discount
Darlington	Central Park	Business Rates Discount

- 2.3 The rationale behind the Tees Valley Enterprise Zone creation is to:

- Support the existing petrochemical, process and engineering industries to modernise, making them more sustainable and competitive.
- Create an attractive platform to secure large-scale inward investors, particularly foreign direct investment in the petrochemical, process and advanced engineering sectors.
- Encourage the growth of existing and new supply chains to support our large-scale industries.
- Support the emerging and fast growing digital sector.

- 2.4 The Tees Zone Enterprise Zone strategy therefore is to:

- Use Business Rate Discount for those sites which are aimed at fostering indigenous small- and medium sized businesses which form the supply chain of the area's heavy industries such as petro-chemicals, renewable energy and advanced engineering or which are part of the area's emerging and fast-growing digital sector

- Offer Enhanced Capital Allowances to support the petro-chemical, renewable energy production and fabrication and advanced engineering sectors to modernise and expand their activities and to attract large-scale inward investors, particularly Foreign Direct Investment (FDI).
- Simplify the planning controls on the Enterprise Zonesites.

2.5 Only businesses that fall into one of the three business growth sectors will be allowed to take advantage of the financial incentives. These are:

- Advanced Engineering & Advanced Manufacturing;
- Chemical, Pharmaceutical & Biotechnology, and;
- Renewable Energy Manufacturing.

It will be to the discretion of the Local Enterprise Partnership Board, in consultation with the Local Planning Authority as to whether a proposed business is deemed to fall within one of the three business sectors.

2.6 Within the three business sectors, only Advanced Engineering, Advanced manufacturing and Renewable Energy Manufacturing will be appropriate for the Port.

3. Simplifying Planning on Enterprise Zones

- 3.1 A requirement of the Enterprise Zone designation is that planning controls are 'simplified'. The Government has promoted the use of Local Development Orders (LDO) as a means to simplify the planning process. Hartlepool Borough Council therefore intends to re-confirm the LDO for the Port.
- 3.2 LDOs are an established part of the planning system having been introduced through the Town and Country Planning Act (1990). Their roles and functions have been revised through subsequent legislation as follows:
- Sections 61A-D and Schedule 4A to the Town and Country Planning Act 1990 as amended;
 - Planning and Compulsory Purchase Act 2004;
 - Section 188 of the Planning Act 2008;
 - Growth and Infrastructure Act 2013; and
 - Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015
- 3.3 An LDO will enable development that supports the aims and objectives of the Tees Valley Enterprise Zone to be undertaken without the need for planning permission. This should encourage development by providing a high degree of certainty to developers and investors, as well as reducing costs through the removal of planning application fees.
- 3.4 An LDO sets out the type of development that will no longer need to be subject to a planning application. If the proposed development falls within the categories defined in the LDO and provided it satisfies certain conditions and development requirements, it is assumed that for planning purposes consent is granted and the work can start right away. Developments within the LDO area that do not fall within the specified criteria or do not meet the conditions or development requirements may still be suitable but will be subject to the normal planning consent procedures.
- 3.5 The LDO does not obviate the need to obtain other statutory consents such as Building Regulations approval, consents under Highways Legislation, Listed Building Consent, Health and Safety Executive consents etc.
- 3.6 The LDO does not alter or supersede any existing planning consents within the LDO boundary. Any development approved through such planning consents can continue to develop without being affected by any direction from this LDO.
- 3.7 The LDO does not automatically grant planning permission for development which falls under Schedule 1 development within regulation 2 (1) of the DMPO regulations or Schedule 2, if it is considered that an Environmental Impact Assessment would be required.
- 3.8 If a development is likely to have a significant effect on a European site or a European offshore marine site, as established through the screening process, an LDO may not grant planning permission. The Conservation of Habitats and Species Regulations 2010 Regulation 8 defines these sites.

4. The Port Enterprise Zone

- 4.1 As outlined in Table A, the Port is allocated as part of the Tees Valley Enterprise Zone.

Proposed Land Uses

- 4.2 The Port is currently allocated through the Hartlepool Local Plan (2018). The Port is allocated for the following uses:
- EMP4 – port related industrial development, renewable energy manufacturing.

Proposed Business Sectors

- 4.3 Through the LDO the following business sectors will be appropriate on the Port:
- Advanced Engineering & Advanced Manufacturing
 - Renewable Energy Manufacturing
- 4.4 The Port Enterprise Zone benefits from Enhanced Capital Allowances until the end of March 2020. For details on the areas within the Port that will benefit from the financial incentives please consult the details below:

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5. The Port Site

- 5.1 The Port Enterprise Zone encompasses the majority of the working port area. The total Enterprise Zone, and equivalent LDO boundary equates to 79ha.

Site History

- 5.2 Following the construction of the railway to Hartlepool for exporting coal from the Durham coalfield the harbour was reconstructed with Victoria Dock (later Victoria Harbour) opening in about 1841. This led to rapid growth of Hartlepool, including the Headland area, and its shipping trade boomed.
- 5.3 In 1847 West Hartlepool was established as a separate and rival port leading to major growth in the economy and population of the town. The construction of a system of docks comprising the Coal Dock, Swainson, Central, Jackson and Union Docks together with expanses of timber ponds were constructed and by the 1880's were linked up to the original Victoria Dock.
- 5.4 The export of coal all but ceased around 1970 leaving most of the docks underused. The southern part of the docks was developed as the Hartlepool Marina in the late 1980's early 1990's with the commercial North Docks continuing to operate. Whilst the original Victoria Harbour still functions as the Deep Water berth, the term "the Port" is now applied to the whole of the former North Docks system.
- 5.5 In the 2006 Local Plan, the Port was allocated through policy Com15 as a mixed use site, with particular support for port related development or general industry.

Site Description

- 5.6 Today, the site remains principally in operational use as a port with associated activity. A number of major local businesses operate from the port, providing employment for the local population and significantly contributing to the sub-regional economy. As a result there are a number of distinctive buildings and features on or adjacent to the port including industrial sheds, processing units, smaller port related buildings, scrap storage and a number of heavy and visually distinctive cranes located around the waterfront.

Existing Infrastructure

- 5.7 The Port is served by a full complement of existing utilities and infrastructure, including the following.

Transport Access

- 5.8 There is vehicular, pedestrian and cycle access from the A689 and A179 via the Marina Way dual carriageway. The Newcastle to Middlesbrough rail line runs adjacent to the site with passenger access at nearby Hartlepool Station. There is freight access link to the Port area via a spur line already on the site. The north eastern boundary of the site will give access to a deep water berth, giving a unique

advantage to major inward investors.

Utilities Provision

- 5.9 It is recommended that developers contact the relevant utility provider when designing a new development on the Port. Contact details can be found in Table C.

Potential Constraints

- 5.10 The known potential constraints relating to the site are set out below, and represent the information available to the Local Planning Authority at the time of preparing this LDO. It is recommended that any potential developers seek clarification regarding these issues prior to commencing any development.

Residential Amenity

- 5.11 There are residential areas at the Headland, Central Estate, Dyke House and the Marina that have the potential to be affected by certain types of new development on the Port. Controls on development generated noise, dust, smell, vibration and general disturbance will be placed on development enabled through this LDO.

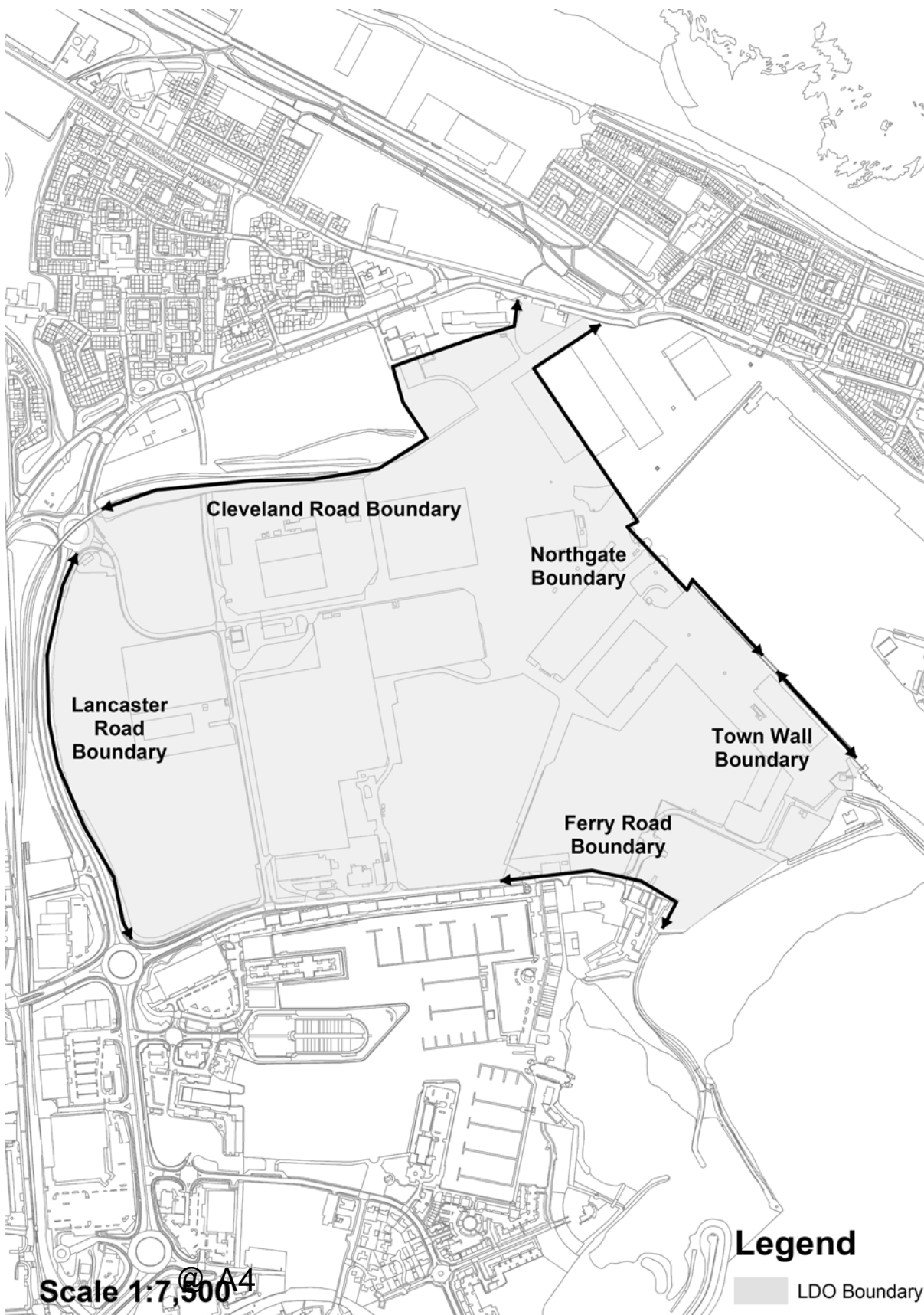
Noise

- 5.12 The Port area and occupying businesses already benefit from existing planning permissions and Permitted Development Rights that allow port related activities including, for example, offshore fabrication and the loading and unloading of offshore cargo. These existing practices will not be affected in any way by this LDO.
- 5.13 New development consented under the LDO will need to take into consideration the nearby residential areas and existing and future business occupiers of the Port. Therefore, unless agreed by the Local Planning Authority, development generating noise in excess of the thresholds identified in Table B, as measured at the boundary of the LDO site, will not be permitted through the LDO. The Local Planning Authority will, where possible be flexible, and endeavour to accommodate new development on the Port bearing in mind the noise thresholds. The boundary locations are identified on Diagram A.
- 5.14 It is considered that if any new proposed development was to produce noise which would exceed the limits stated below, then planning permission would be required for that element of the scheme, so the council can consult with relevant bodies on the noise levels.

Table B: Maximum Noise Thresholds

Boundary	Time	Noise Thresholds
Town Wall	23:00 to 07:00	60dB LAeq5min and 70dB LAFmax
	07:00 to 23:00	64dB LAeq1hr and 77dB LAFmax
Northgate	23:00 to 07:00	71dB LAeq5min and 84dB LAFmax
	07:00 to 23:00	80dB LAeq1hr and 90dB LAFmax
Cleveland Road	23:00 to 07:00	55dB LAeq5min and 85dB LAFmax
	07:00 to 23:00	70dB LAeq1hr and 95dB LAFmax
Lancaster Road	23:00 to 07:00	64dB LAeq5min and 73dB LAFmax
	07:00 to 23:00	80dB LAeq1hr and 95dB LAFmax
Ferry Road	23:00 to 07:00	55dB LAeq5min and 65dB LAFmax
	07:00 to 23:00	70dB LAeq1hr and 90B LAFmax

Diagram A: Noise Threshold Boundaries



Flood Risk

- 5.14 The LDO area is predominantly identified as being within Flood Zone 1 and it therefore considered being at low risk of flooding. However there is a need to consider the implications of climate change in design and undertake a flood risk assessment if developing in Flood Zones 2 or 3. Notwithstanding the flood risk, if any development is in excess of 1ha of land it will require a flood risk assessment.

Water Framework Directive

- 5.15 A Water Framework Directive waterbody named Hart Beck from Source to Sea runs through the site and is currently at poor status. A large culvert is present on the site. The Environment Agency welcome proposals to improve the watercourse, specifically the daylighting of the culvert. Discussion with the Environment Agency is recommended regarding such proposals.

Marine Environment

- 5.16 Any scheme involving intakes or discharges to/from the marine environment will need to be modelled, discussed and agreed in advance. Early consultation with the Environment Agency along with Natural England is essential in agreeing any regulatory requirements or mitigating measures as part of any development. A developer may require a separate marine licence from the Marine Management Organisation for any works occurring below the mean high water spring tidal level.

Health & Safety Executive Consultation Zones

- 5.17 No part of the site is within any identified HSE consultation zones.

Contamination

- 5.18 The site was formally subject to potentially contaminative land uses. The site lies within a sensitive environmental setting as it lies on the Magnesian Limestone principle aquifer. There are risks associated with land contamination and these should be addressed as part of any redevelopment. Early consultation with the Environment Agency and Hartlepool Borough Council is recommended.

Foul Effluent Disposal

- 5.19 Foul effluent disposal, in the first instance, should be through agreement with Northumbrian Water Limited to connect to the public foul sewer. If it is not possible to connect to the public foul sewer, the developer will need to apply to the Environment Agency for a discharge permit and will need to justify why connection to the public sewer is not possible.

Landfill Gas Migration

- 5.20 The proposed development lies within 250 meters of 2 former landfill sites. Site CLE 30 accepted waste from the construction industry, slag and road sweepings waste material and site CLE 213 accepted construction waste and dredgings. There may be a potential for landfill gas to be generated. Hartlepool Borough Council can give further advice. The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No. 27
- Building Research Establishment guidance – REP 212 ‘Construction of new buildings on gas-contaminated land’ 1991 and CIRIA Guidance – C659 ‘Assessing risks posed by hazardous ground gases to buildings’ 2006

Habitats and Biodiversity

- 5.21 Where birds, which are interest features of the adjacent Teesmouth and Cleveland Coast Special Protection Area (T&CC SPA) and Ramsar European Sites, actively use parts of the Port, the land is assessed as being functionally linked to the SPA and the Habitats and Species Regulations (HRA) applies. Birds use certain areas at certain times of the year, where ground conditions and business activity allow, particularly as a safe roosting area. The proposed SPA extension includes all of Victoria Harbour which holds permanent water. The terrestrial area of the T&CC SPA is underlain by the national designation of Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI). It is the view of Natural England that mitigation for loss of biodiversity interest that might occur on the Port site as a result of development could be addressed through:
- On site habitat creation where land is set aside and managed, or;
 - Off-site mitigation works to enhance the roost island within Hartlepool West Harbour or at alternative locations where appropriate mitigation can be made.
- 5.22 Where mitigation works would be required, Hartlepool Borough Council would need to submit to Natural England, for their approval, a HRA screening and Appropriate Assessment giving details of the exact nature of such works, the impact on SPA species and suitable mitigation measures which would need to be delivered by the developer in accordance with condition F. Early consultation with Natural England and Hartlepool Borough Council is essential in order to ensure effective mitigation is provided.
- 5.23 Development that results in the loss of, or damage to, the ecological integrity of intertidal habitat will not be permitted.
- 5.24 If alternations within the port area are required to access the site such as dredging or piling works then consideration would need to be given to the timings for migratory fish and seals. All arisings from dredging activities must be disposed of in a sustainable manner.
- 5.25 Consideration should be given to the Eels (England and Wales) regulations 2009. Best practice guidance can be found at:
<https://www.gov.uk/government/publications/eel-and-elver-passes-design-and-build>
- 5.26 The site is close to the River Tees and is particularly valuable for wildlife. Careful consideration is required for any works within the watercourse or to the quay walls. The Hartlepool Port Area could be improved ecologically through the incorporation of 'Estuary Edges' habitat enhancement measures. Such measures could form part of any mitigation to reduce the impact of any development or compensation to offset the impact of any development. The Estuary Edges Ecological Design Guidance can be found at: <https://www.therrc.co.uk/publications/estuary-edges-ecological-design-guidance>
- 5.27 The Slake, which is designated as a Local Wildlife Site for its saltmarsh, is not included within the LDO boundary. However the Slake watercourse could still be affected by development in the LDO area by virtue of surface water drainage containing substances with the potential to harm the biodiversity interest. Therefore

no surface water drainage with the potential to harm the biodiversity interest will be allowed to enter the Slake as part of any new development on the LDO. Early consultation with Hartlepool Borough Council is essential.

- 5.28 Notwithstanding the advice on off-site mitigation, breeding birds are afforded protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. Early consultation with Hartlepool Borough Council is recommended.
- 5.29 The Conservation of Habitats and Species Regulations 2017 will not permit an LDO to grant planning permission to a development if a Special Protection Area would be adversely affected.
- 5.30 As a result of this, a development proposal under the LDO is likely to be subject to a Habitats Regulation Assessment stage 1 screening assessment to see whether there is a 'likely significant effect'.

5.31 *Works to the Harbour and Channel*

If alterations or works (including dredging, piling or intakes or discharges from the marine environment) within the harbour water are required as part of any development then consideration would need to be given to the timings for migratory fish and methods for sustainable disposal of any material. Before undertaking any works within the harbour water early consultation with the Marine Management Organisation (MMO) and the Environment Agency is essential as a marine licence may be required. Natural England is a statutory consultee of the MMO in assessing activities requiring a licence and will comment as appropriate.

Historic Environment

- 5.32 Although there are no buildings of historic merit that need to be taken into consideration on site, the Headland Conservation Area is within 150m of the boundary of the site. This conservation area contains a number of listed buildings and the impact of development affecting the setting of these heritage assets should be taken into account.

Strategic Highway Capacity (A19 Impact)

- 5.33 The Port is a strategic employment site in the Borough which has the potential to create a significant amount of new jobs in the local area. These new jobs could include new workers travelling to the Port from outside of the Borough, thereby increasing car journeys on the strategic road network. Highways England has advised that any new development delivered on the Port through the LDO has the potential to have a significant negative effect on the A19/A689 junction of the strategic road network; as this junction is nearing capacity.
- 5.34 Therefore any new development on the Port delivered through the LDO will be required to be accompanied by a Transport Assessment. The Transport Assessment will be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Highways England, before development commences.
- 5.35 Developers are advised to consult the Borough Council at the earliest opportunity to discuss the Transport Assessment and how any off-site mitigation works, if

required, can be delivered and to explore how the Borough Council can assist in any such delivery.

Building Regulations

- 5.36 Any development would require compliance with the Building Regulations and Hartlepool Borough Council would be available to provide further advice and guidance to ensure the project is dealt with as efficiently as possible.

5.37 *Archaeology*

There are several areas of archaeological interest that developers must be mindful of when considering proposals for development within the Port area.

- 5.38 Previously, ancient human remains had been found in the north-west part of the site. If during any part of a development human remains are discovered or suspected, all work must cease immediately, and the developer must inform Cleveland Police and Tees Archaeology. The excavation of ancient human remains requires a licence from the Ministry of Justice. Tees Archaeology will assist the developer in making appropriate arrangements.
- 5.39 The Port site is within the vicinity of prehistoric peat deposits forming part of the Hartlepool submerged forest. As a result of this, any proposed development exceeding the depth of 4m will need to include a sampling strategy for the peat deposits.
- 5.40 It is considered that all developers should consult with Tees Archaeology on any proposed developments to receive case by case advice.

6. Pre Development Consultations

- 6.1 Where the identified constraints mentioned in the previous section are relevant there will be a requirement to consult an appropriate organisation. The following contacts in Table C are of relevance:

Table C: Contact Details

Consideration	Organisation Details
Hartlepool Borough Council	Planning & Development Team Hartlepool Borough Council Council Tel: (01429) 523741 Email: developmentcontrol @hartlepool.gov.uk
Electricity	NEDL Northern Electric Distribution Limited, Manor House, Station Road, New Penshaw, Houghton le Spring, DH4 7LA
Gas	Northern Gas Networks Northern Gas Networks, 1 st Floor, Emperor Way, Doxford International Business Park, Sunderland, SR3 3XR
Water	Hartlepool Water 3 Lancaster Road, Hartlepool, TS24 8LW
Surface and Sewer Water Drainage	Northumbrian Water Leat House, Pattinson Road, District 15, Washington, NE38 8LB
Flood Risk Management	Environment Agency Tyneside House, Newcastle Business Park, Skinnerburn Road, Newcastle Upon Tyne NE4 7AR Tel: (0191) 2034203
Environmental Mitigation	Natural England Consultation Service Hornbeam House, Crewe Business Park, Crewe CW1 6GJ Tel: 0300 060 4654 Email: consultations@naturalengland.org.uk

Consideration	Organisation Details
Harbour / Channel Area Development	Marine Management Organisation Neville House, Bell Street, North Shields, NE30 1LJ Tel: (0191) 257 4520 Email: planning@marinemanagement.org.uk
Strategic Road Network (A19)	Highways England Lateral Building, 8 City Walk, Leeds, LS11 9AT
Tees Archaeology	Tees Archaeology Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT Tel: (01429) 523455
Historic Environment	Historic England Historic Places Team Bessie Surtees House 41-44 Sandhill Newcastle-upon-Tyne NE1 3JF Email: e-neast@HistoricEngland.org.uk

- 6.2 Pre development advice and the formal discharging of conditions will be chargeable by the Borough Council.

Pre Development Advice

- 6.3 As per the requirements of the LDO, certain information will need to be submitted to the Council prior to any development being undertaken in accordance with the LDO. Pre development discussions will ensure greater certainty and clarity to the developer by identifying planning issues and requirements to ensure that the proposed development will be in accordance with the requirements of the LDO.
- 6.4 The Council will aim to respond to all pre development advice with 15 to 25 working days. For further advice and a detailed illustration of the pre development advice service, including fees and timescales, please consult the Hartlepool Borough Council website.

Website: www.hartlepool.gov.uk

Discharging of Planning Conditions

- 6.5 A development that is commenced without compliance with the conditions contained in the LDO will be at risk of being unauthorised development. There is a fee associated with the discharge of planning conditions. The procedures apply with regard to all requests made to the Council to discharge conditions imposed on planning approvals or requests seeking confirmation of compliance with such conditions (as in the case of the requirements set out in the Enterprise Zone LDO's). The request can be made in any written form, which is clear, understandable and identifies the relevant permission and conditions concerned.
- 6.6 The fee payable for discharge of conditions is £245, requests for conformation that a condition is discharged is £116.00. The fee must be submitted at the same time the application/request is made. Applications/requests that are received without the appropriate fee will be returned unanswered. The fee is payable for each application/request made. A single application may seek to discharge more than one condition. If you later decide to change the details of an agreed condition a new payment is required.
- 6.7 The Borough Council will seek to respond within eight weeks. A longer period of time may be required where ongoing discussion and correspondence are necessary. If the authority fails to provide confirmation or notification that confirmation cannot be provided within twelve weeks of the date of receipt, the fee will be refunded.
- 6.8 Any advice requests regarding pre development or conditions should be made to the Planning & Development team; see contact details in Table C.

7. Statement of Reasons

7.1 The following paragraphs outline the rationale behind reconfirming the LDO.

Description of Development Granted Planning Permission

7.2 The Local Development Order (LDO) grants planning permission, exclusively for buildings and associated development relating to:

- (B1) Offices, research and development of products and processes, light industry appropriate in a residential area;
- (B2) General Industry (excluding incineration purposes, chemical treatment or landfill or any operation (processing or storage) or activity involving hazardous or inert waste), and;
- (B8) Storage and Distribution.

Specifically related to the following business sectors:

- Advanced Engineering & Advanced Manufacturing
- Renewable Energy Manufacturing

Providing that:

- The Development Requirements identified in Table 1 (page 23) are satisfied, and;
- The Conditions in Table 2 (page 29) are satisfied, and;
- For the purposes of qualifying for the Enhanced Capital Allowances, submissions are made to the Local Planning Authority by 31st March 2020.

7.3 The LDO would apply to the land identified in Diagram 1, in the LDO, which forms part of the wider Port area.

7.4 The LDO does not permit changes of use between use classes or from a different land use within the same use class to any use which is not specifically identified in the LDO. If a change is proposed a planning application would be required. The purpose of the restriction is to support development in these key growth sectors and to restrict any uses which may be detrimental or inappropriate to this location.

7.5 The LDO does not permit any development which is considered as EIA development, through EIA screening.

Justification for Adopting the LDO

7.6 As part of its commitment to economic recovery and growth, the Government introduced Enterprise Zones to stimulate private sector investment and support business development. The two key components of Enterprise Zones are the provision of financial incentives to support investment and the simplifying of the planning system. The Government is advocating the use of LDOs as a means to simplify the planning process. An LDO is considered to be the most appropriate mechanism for the Port Enterprise Zone.

- 7.7 This LDO will allow development to be undertaken without the need for planning permission to be obtained provided the developer/operator complies with specified development requirements and conditions. In exempting certain defined development from the need to obtain specific planning permission, developers will save on planning application costs and the time required to process applications. Developers will also benefit from receiving a greater degree of certainty that they can go ahead as permission is granted provided they meet the agreed conditions and development requirements.
- 7.8 The Port has been designated as an “enhanced capital allowance” Enterprise Zone. This will allow any businesses that meet the criteria set out in the LDO to locate to the zone and take advantage of the financial incentives.
- 7.9 The types of businesses identified in the LDO are restricted to the following specific business sectors:
- Advanced Engineering & Advanced Manufacturing
 - Renewable Energy Manufacturing

The business sectors proposed for the Port will attract investment into the Borough, in areas identified as growth sectors for the Tees Valley and the Borough of Hartlepool; contributing towards the aim of creating a more diversified and inclusive economy.

Statement of Policies that the LDO will implement

- 7.10 The LDO supports the implementation of existing strategies, plans and policies at a national and local level. The relevant policies are listed below:

National Planning Policy Framework 2018
Paragraphs 51 and 80 to 82

National Planning Practice Guidance
‘When is permission required?’ Updated 15th June 2018

Local Planning (Hartlepool Local Plan 2018)

SUS1 – The Presumption in Favour of Sustainable Development

LS1 – The Locational Strategy

CC1 – Minimising and adapting to Climate Change

CC2 – Reducing and Mitigating Flood Risk

INF2 – Improving Connectivity in Hartlepool

QP3 – Location, Accessibility, Highway Safety and Parking

QP4 – Layout and Design of Development

QP5 – Safety and Security

QP6 – Technical Matters

EMP4 – Specialist Industries

NE1 – Natural Environment

Lifetime of the LDO

- 7.11 The LDO will commence from February 2019.
- 7.12 Whilst there is a commitment that the LDO will be in place until at least 31st March 2020, there is currently no planned expiry date for the LDO. The Council reserves the right to withdraw the document at its discretion, but will give six weeks notice of withdrawal.
- 7.13 If the Council chooses to revoke the LDO, any development which has commenced under the provision of the LDO will be allowed to be completed within a reasonable time period, in accordance with the terms and conditions of the LDO.

Monitoring the LDO

- 7.14 The LDO will be subject to continuous monitoring to assess its effectiveness in achieving economic growth objectives; ensuring development is appropriate. The full details of the monitoring framework are set out in Appendix 1. The monitoring information will be incorporated in the Annual Monitoring Report.

Development Requirements

- 7.15 Taking into consideration the location of the Port, existing and proposed users and also the need to protect the amenity of nearby residential areas it is imperative that any new development be in accordance with the design requirements and conditions set out in Tables 1 and 2 identified in the LDO. In summary these seek to secure:
- A high standard of design and materials used;
 - Energy efficiency measures;
 - Appropriate surface water and sewer drainage infrastructure;
 - Adequate access, parking and road infrastructure;
 - High quality landscaping and planting;
 - Development that deals with any ecological considerations, where present;
 - Development that does not generate inappropriate noise and disturbance;
 - Development that effectively deals with any on-site contamination, and;
 - Development that considers crime prevention.

Other Statutory Requirements

- 7.16 Whilst the LDO grants planning permission for certain types of development at the Port it does not grant other consents that may be required under other legislation.

It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

- 7.17 Although not an exhaustive list, particular attention is drawn to the following relevant legislation:

European

- Directive 92/43/EEC (Habitats)
- Directive 85/337/EEC (amended by Directive 97/11/EC) (Environmental Impact Assessment)

National

- Wildlife and Countryside Act 1981
- The Natural Environment and Rural Communities Act 2006
- The Environmental Permitting (England and Wales) Regulations 2010
- The Conservation of Habitats and Species Regulations 2017
- Health and Safety Executive
- Building Regulations
- The Town and Country Planning Act 2007 (Control of Adverts)(England)
- The Planning Act 1990 (Hazardous Substances)
- The Planning Regulations 1992 (Hazardous Substances)
- The Highways Act 1980
- Environmental Permitting Regulations 2010
- Planning (Listed Buildings and Conservation Areas) Act 1990

- 7.18 Failure to comply with the relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the Borough Council and/or other agencies. It is the responsibility of the developer/development to be in accordance with all relevant legislation.

End of Supporting Documentation

The Port Local Development Order

Within the Port Enterprise Zone identified on Diagram 1, planning permission is granted, exclusively for the following land use, buildings and associated development for:

- **(B1) Offices, research and development of products and processes, light industry appropriate in a residential area;**
- **(B2) General Industry (excluding incineration purposes, chemical treatment or landfill or any operation (processing or storage) or activity involving hazardous or inert waste), and;**
- **(B8) Storage and Distribution.**

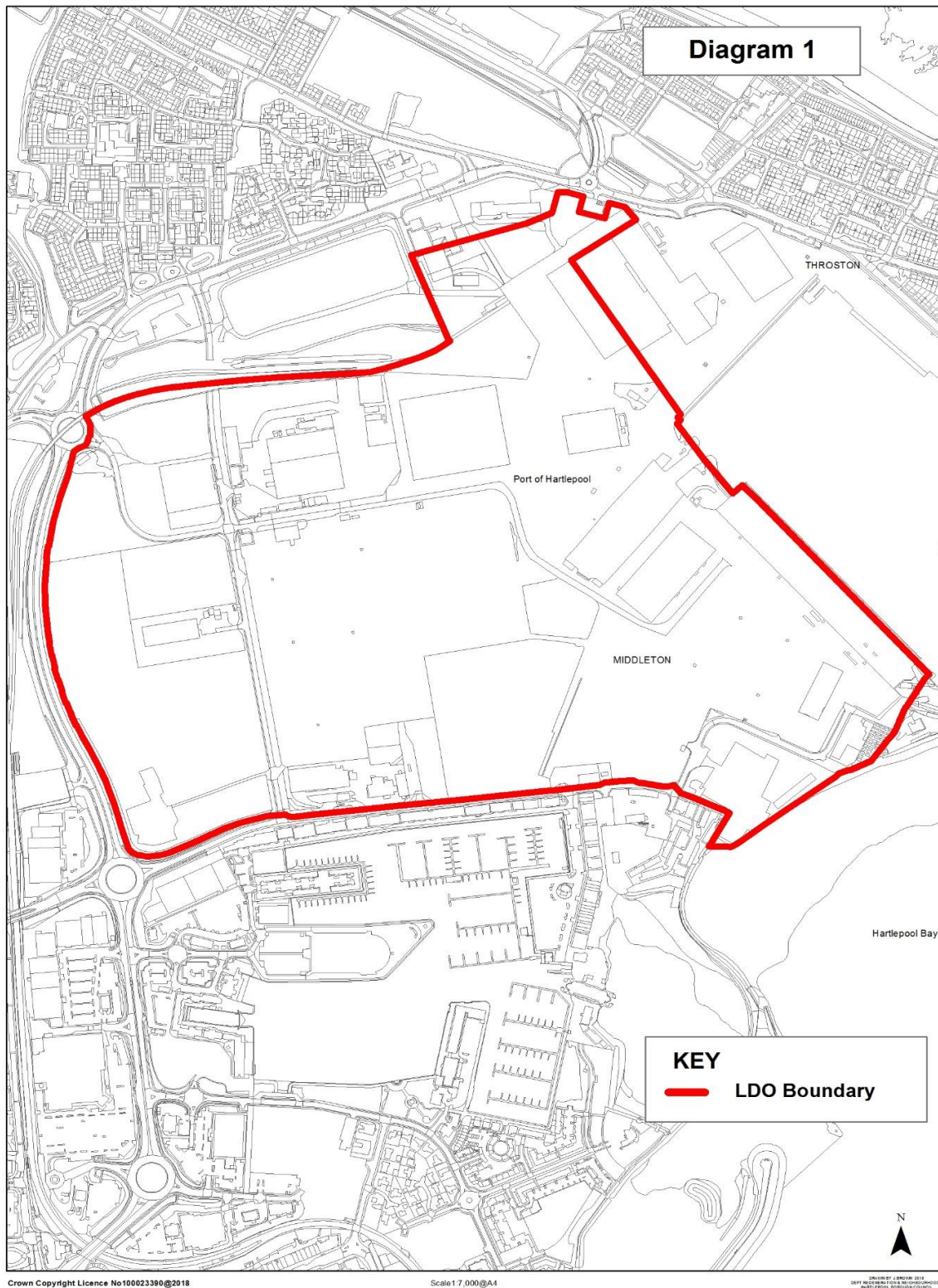
Specifically related to the following business sectors:

- **Advanced Engineering & Advanced Manufacturing**
- **Renewable Energy Manufacturing**

Providing that:

- **The Development Requirements identified in Table 1 (page 23) are satisfied, and;**
- **The Conditions in Table 2 (page 29) are satisfied.**

Diagram 1: The Port Local Development Order Boundary



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Table 1: Development Requirements

Development Requirements	Requirement Reasons
<p>Development Design</p> <p><i>Building Design</i></p> <p>(1) An appropriate standard of design and materials for a port locality, and a high standard of design will be required where development bounds the A179 Marina Way and Middleton Road. Consideration should be given to the proximity of the designated heritage assets to the north of the site and the impact of the design and scale of development on the setting of these heritage assets.</p> <p><i>Development Plot Coverage</i></p> <p>(2) All buildings and associated development will be located within the LDO boundary and adequate space where required for access and servicing will be provided.</p> <p><i>Energy Efficiency</i></p> <p>(3) All buildings will be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings unless the nature of the business prevents this. Exceptions would include buildings such as fabrication sheds, warehouses, portable offices etc. Early consultation with Hartlepool Borough Council is recommended.</p> <p>(4) Developments in excess of 1,000m² floor space and where the building allows will secure a minimum of 10% of their energy supply from a decentralised and renewable or low carbon source unless the nature of the business prevents this. The following renewable energy sources will be suitable:</p> <ul style="list-style-type: none"> • Photo voltaic panels or tiles • Micro wind turbines • Combined heat and power • Biomass boilers • Ground/air heat source pumps • Solar thermal hot water 	<p>(1)(2) To ensure the high quality physical environment of the Port and surrounding area is maintained and consideration is given to nearby heritage assets.</p> <p>(3)(4) To ensure new development is energy efficient.</p>
<p>Surface Water, Sewer Drainage Infrastructure and Flood Risk</p> <p><i>Surface Water Drainage</i></p> <p>(5) Surface Water Drainage will utilise Sustainable Drainage methods and where possible incorporate habitat creation in the design. All new drainage will be designed to protect and accommodate any existing drainage and sewer infrastructure within the Port. No surface water drainage with the potential to harm the biodiversity interest will be allowed to enter the Slake as part of any new</p>	<p>(5)(6) To ensure adequate drainage is</p>

<p>development. All new drainage will be designed and constructed to a standard to allow adoption by the relevant infrastructure body.</p> <p><i>Sewer Drainage Infrastructure</i></p> <p>(6) Early consultation with Northumbrian Water Ltd, the Environment Agency and Hartlepool Borough Council, as a minimum, is essential to arrange an appropriate drainage infrastructure as part of any development.</p> <p><i>Flood Risk</i></p> <p>(7) Any development located in Flood Zones 2 or 3, as defined by the most up to date Environment Agency flood maps, and/or development in excess of 1ha total area will need to be accompanied by a Flood Risk Assessment (FRA), submitted to the Local Planning Authority for consideration. The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account.</p> <p><i>Ecology</i></p> <p>(8) If alterations or works (including dredging, piling or intakes or discharges from the marine environment) within the harbour water area are required as part of any development then consideration would need to be given to the timings for migratory fish and methods for sustainable disposal of any material. Before undertaking any works within the harbour water early consultation with the Marine Management Organisation and the Environment Agency is essential.</p>	<p>provided.</p> <p>(7) National Planning Policy Framework, paragraphs 148-169 National Planning Practice guidance 'Flood Risk and coastal Change'.</p> <p>(8) To ensure any ecological interest is protected.</p>
<p>Access, Parking and Road Infrastructure</p> <p><i>Access and Parking Provision</i></p> <p>(9) All new buildings and associated development will be required to be fully accessible by all users by a range of transport, including vehicular, pedestrian and cycling, and have regard to servicing arrangements and highway safety.</p> <p>(10) All new development will be in accordance with the most up to date version of "Design Guide and Specification for Residential and Industrial Estates Development" document. The document is available at the following web link:</p> <p>https://www.hartlepool.gov.uk/downloads/file/1380/highway_design_guide_-_specification</p> <p><i>Internal Road Infrastructure</i></p> <p>(11) Unless agreed by the Local Planning Authority all new roads consented under the LDO must be constructed to adoptable standards, if not the owner of the site (and interested parties) must</p>	<p>(9)(10)(11) To ensure newly constructed road infrastructure is of an adequate capacity and quality to allow adoption by the Borough Council.</p>

<p>enter into a legal agreement with Hartlepool Borough Council to indemnify the Council from any payment code issues and pay a bond should they dispose of their interest in the land to ensure that the roads will be to adoptable standards. Early consultation with Hartlepool Borough Council is recommended.</p> <p><i>Transport Assessment</i></p> <p>(12) Unless agreed by the Local Planning Authority, any new development will be accompanied by a Transport Assessment, submitted to the Local Planning Authority for its consideration and approval in writing. Any mitigation methods identified within the Transport Assessment will be provided in accordance with the approved Transport Assessment.</p>	<p>(12)</p> <p>To ensure new development does not impact on existing transport infrastructure.</p>																												
<p>Landscaping</p> <p><i>General Landscaping</i></p> <p>(13) High quality landscaping will be required where development bounds the A179 Marina Way, A1048 Headland Approach and Middleton Road.</p>	<p>(13)</p> <p>To ensure the high quality physical environment of the Port and surrounding area is maintained.</p>																												
<p>Development Generated Noise, Dust, Smell, Vibration and General Disturbance</p> <p>(14) Unless agreed by the Local Planning Authority any buildings shall be constructed so as to provide insulation against internally generated noise, dust, smell, vibration and general disturbance. Early consultation with Hartlepool Borough Council is recommended.</p> <p>(15) Unless agreed by the Local Planning Authority, development or associated activities and operations generating noise in excess of the thresholds identified below, as measured at the boundary of the LDO site, will not be permitted through the LDO.</p> <table><tr><th>Boundary</th><th>Time</th><th>Noise Thresholds</th></tr><tr><td rowspan="2">Town Wall</td><td>23:00 to 07:00</td><td>60dB LAeq5min and 70dB LAFmax</td></tr><tr><td>07:00 to 23:00</td><td>64dB LAeq1hr and 77dB LAFmax</td></tr><tr><td rowspan="2">Northgate</td><td>23:00 to 07:00</td><td>71dB LAeq5min and 84dB LAFmax</td></tr><tr><td>07:00 to 23:00</td><td>80dB LAeq1hr and 90dB LAFmax</td></tr><tr><td rowspan="2">Cleveland Road</td><td>23:00 to 07:00</td><td>55dB LAeq5min and 85dB LAFmax</td></tr><tr><td>07:00 to 23:00</td><td>70dB LAeq1hr and 95dB LAFmax</td></tr><tr><td rowspan="2">Lancaster Road</td><td>23:00 to 07:00</td><td>64dB LAeq5min and 73dB LAFmax</td></tr><tr><td>07:00 to 23:00</td><td>80dB LAeq1hr and 95dB LAFmax</td></tr><tr><td rowspan="2">Ferry Road</td><td>23:00 to 07:00</td><td>55dB LAeq5min and 65dB LAFmax</td></tr><tr><td>07:00 to 23:00</td><td>70dB LAeq1hr and 90B LAFmax</td></tr></table>	Boundary	Time	Noise Thresholds	Town Wall	23:00 to 07:00	60dB LAeq5min and 70dB LAFmax	07:00 to 23:00	64dB LAeq1hr and 77dB LAFmax	Northgate	23:00 to 07:00	71dB LAeq5min and 84dB LAFmax	07:00 to 23:00	80dB LAeq1hr and 90dB LAFmax	Cleveland Road	23:00 to 07:00	55dB LAeq5min and 85dB LAFmax	07:00 to 23:00	70dB LAeq1hr and 95dB LAFmax	Lancaster Road	23:00 to 07:00	64dB LAeq5min and 73dB LAFmax	07:00 to 23:00	80dB LAeq1hr and 95dB LAFmax	Ferry Road	23:00 to 07:00	55dB LAeq5min and 65dB LAFmax	07:00 to 23:00	70dB LAeq1hr and 90B LAFmax	<p>(14)(15)</p> <p>To protect the residential amenity of nearby residential areas and other port occupiers.</p>
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Early consultation with Hartlepool Borough Council is recommended.	
<p>Outside Storage</p> <p>(16) Outdoor storage of any active material that can be windborne will not be allowed.</p> <p>(17) Areas for storage situated on the boundary frontage of Marina Way or Middleton Road will be appropriately designed and effectively screened to minimise visual impact.</p>	<p>(16)(17)</p> <p>To protect the residential amenity of nearby residential areas and other Port occupiers.</p>
<p>Contamination</p> <p>(18) If any contamination is identified, the development must remove, contain or otherwise render harmless the contamination previous to the development site being occupied. If contamination is found on site, early consultation with Hartlepool Borough Council is essential to ensure any new development deals with contamination effectively.</p>	<p>(18)</p> <p>To ensure that risk from land contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.</p>
<p>Environmental Mitigation</p> <p>(19) Appropriate environmental mitigation works will be required as part of any development on the Port site. Early consultation with Natural England and Hartlepool Borough Council is essential in order to ensure effective mitigation is provided.</p>	<p>(19)</p> <p>To ensure any loss of biodiversity habitat is effectively mitigated.</p>

<p>Environmental Impact Assessment (EIA)</p> <p>(20) Development considered EIA development, through EIA screening, cannot be delivered through this Local Development Order and must be determined through a planning application.</p>	<p>(20) To ensure any new development is not an EIA development.</p>
<p>Archaeology</p> <p>(21) Any proposed development exceeding the depth of 4m will need to include a sampling strategy for peat deposits.</p>	<p>(20) To ensure any archaeological considerations are factored into development.</p>

Table 2: Planning Conditions

No	Condition	Reasons
A	Development Development will be implemented in accordance with development requirements set out in Table 1 (page 23).	To ensure only appropriate development takes place on the site.
B	Surface Water Details for the provision and implementation of surface water drainage, including the effective treatment of any discharge with the potential to harm the biodiversity interest of the Slake, and run off limitation incorporating sustainable urban drainage solutions shall be submitted to and approved in writing by the Local Planning Authority before development commences, and be implemented and managed in accordance with the approved details.	To ensure adequate drainage is provided.
C	Flood Risk Where a Flood Risk Assessment (FRA) is required, the FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA will be submitted to and approved in writing by the Local Planning Authority before development commences, and be implemented in accordance with the approved details.	To ensure the risk of flooding is reduced and mitigated against.
D	Transport Assessment A Transport Assessment will be submitted to and approved in writing by the Local Planning Authority before development commences, and be implemented in accordance with the approved details, including the implementation of any off-site works where required.	To ensure new development does not impact on existing transport infrastructure.
E	Development Generated Disturbance Outdoor storage of any active material that can be windborne shall not take place. Any windborne material must be stored in an appropriate building.	To protect the residential amenity of nearby residential areas and other Business Park occupiers.
F	Environmental Mitigation Appropriate environmental mitigation works will be required as part of any development on the Port site. Details of the	To ensure any loss of biodiversity habitat is

	mitigation works shall be submitted to and approved in writing by the Local Planning Authority before development commences, and be implemented and managed in accordance with the approved details.	effectively mitigated.
G	<p>EIA Screening Request A request for an Environmental Impact Assessment (EIA) screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (or any subsequent amended legislation) shall be submitted to and assessed by the Local Planning Authority before development commences.</p> <p>Should the screening opinion find the proposed development is EIA development, no development should commence and a planning application will be required.</p>	To ensure any new development is not an EIA development.
H	<p>Changes of Business Type There will be no permitted change of use between use classes and/or to a different land use within the same use class as identified in the Town and Country Planning Use Classes Order 1987 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that order with or without modification. If a change is proposed, other than to those specific uses mentioned in the LDO, a planning application would be required.</p>	To ensure only appropriate development takes place on the site.
I	<p>Contamination Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination on the site shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <ol style="list-style-type: none"> 1) A preliminary risk assessment which has identified (i) all previous uses, (ii) previous contaminants associated with those uses, (iii) a conceptual model of the site indicating sources, pathways and receptors and (iv) potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and 	The site has been subject to a potentially contaminative land-use. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line

	<p>identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Prior to any part of the permitted development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.</p>	<p>with paragraph 170 of the National Planning Policy Framework.</p> <p>To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.</p> <p>To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</p>
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J	Time Limit Where development has commenced and not completed after 3 years after the date of commencement, details, including site layout, building design, appearance, access arrangements and a programme of works will be submitted to the Local Planning Authority.	To ensure the future development on the site is not prejudiced.
K	Employment Charter To the discretion of the Local Planning Authority, a Targeted Training and Employment Charter will be agreed by the developer and the Borough Council before the development commences on site and be implemented and managed in accordance with the approved details.	To ensure all employment opportunities are explored.

Appendix 1: Monitoring Framework (Period 2018-2020)

No	Indicator	Review Trigger	Further Action
(i)	Annual number of businesses locating to the Port.	<150 jobs created by 2020	Possible review of the LDO to relax the general design guidance considerations to further incentivise businesses to locate.
(ii)	Annual number of queries for businesses wanting to locate, that do not qualify through the LDO.	Significant number of queries from non LDO land uses that are appropriate on the site.	Possible review of the LDO to allow more/different land uses other than those already identified.
(iii)	Annual number of developments considered to be unacceptable for design reasons.	Significant number of submissions. Consistent 'problems' identified with each submission.	Possible review of the LDO to relax identified problems where appropriate.
(iv)	Annual number of developments considered to be Environmental Impact Assessment type development.	Significant number of submissions.	Possible review of LDO after an EIA is undertaken and an Environmental Statement considered based on submission trends.
(v)	Annual number of requests to change use class or land use within the same use class.	Significant number of queries.	Possible review of the LDO to allow more/different land uses other than those already identified.
(vi)	Annual number of requests from businesses outside but nearby the LDO boundary wanting to be incorporated into the LDO.	Significant number of queries.	Possible review of the LDO boundary to include a larger LDO area.

Respondent	Consultation Feedback	Proposed Action
Rachel Grahame Tees Archaeology (12/11/2018)	Thank you for the consultation on the Hartlepool Port Local Development Order. I note the recommendations regarding Archaeology (paragraphs 5.30 - 5.33), and I support this approach.	Noted. No change required.
Ian Hayton Cleveland Fire Brigade (21/11/2018)	<p>Cleveland fire Brigade offers no representations regarding the development as proposed.</p> <p>However Access and Water Supplies should meet the requirements as set out in:</p> <p>Approved Document B Volume 2 Section B5 for buildings other than Dwelling houses</p> <p>It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20.</p> <p>Further comments may be made through the building regulation consultation process as required.</p>	Noted. No change required.
Chris Bell Highways England (23/11/2018)	<p>Thank you for consulting Highways England on the Hartlepool Port proposals. From an initial review of the consultation document, the importance of consideration of the Strategic Road Network(SRN) is adequately covered in chapters 5.26-28. The distance of The Port from the nearest SRN offers some assurance that its impact will be manageable.</p> <p>We would require consultation on further proposals as part of The Port proposal and individual applications within it to ensure that development does not conflict with our aims of managing the SRN. As you are aware, a staged programme of improvements on the A19 are being undertaken in the vicinity of Hartlepool. Norton to</p>	Noted. No change required.

	<p>Wynyard Dualling and improvements at the A19/689 junction are programmed. Also, A19/A179 Sheraton Interchange work is ongoing followed by gap closure works at Elwick and Dalton Piercy and the Elwick Bypass and Junction.</p> <p>Highways England will seek that development does put undue stress on the network ahead of the development of these.</p> <p>I trust this is clear but if further information is required, please get in touch.</p>	
<p>Louise Tate Environment Agency (12/12/2018)</p>	<p>Section 2: Purpose of the Tees Valley Enterprise Zone Section 2 of the submitted document details that part of the economic strategy for the Tees Valley is to reduce the carbon footprint of existing industries. We would also advise that there is a commitment to reducing the environmental impact of industries operating in this zone and at the Hartlepool Port site in line with the aspirations of the DEFRA 25 year Environment Plan and work conducted with the Tees Estuary Partnership.</p> <p>Flood Risk Our flood model categorises almost the entire site to be at low risk of flooding (within Flood Zone 1). The new extent of Flood Zone 3 is confined to the area around the harbour. We would recommend that development is steered away from these areas of flooding, however, we consider it would be achievable to develop within these areas if it can be shown that development is safe and would not increase flood risk elsewhere. On this basis, we would recommend the following condition should development be undertaken within flood zones 3 or 2.</p>	

	<p>Condition 1 Any development in within Flood Zone 3 or 2 will need to be accompanied by a Flood Risk Assessment (FRA), submitted to the Local Planning Authority for consideration. The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The development shall be completed in accordance with the agreed details.</p> <p>Reason To reduce the risk of flooding to the proposed development and future users.</p> <p>Informative: Early consultation with Northumberland Water Ltd, the Environment Agency and Hartlepool Council, as a minimum, is essential to ensure flood risk is managed as part of any development.</p> <p>Rising Sea Levels Advice to LPA/Applicant Although the port site at present is predominantly within Flood Zone 1, it may be at high risk of tidal flooding within the next 100 years. We would advise that consideration is given to the design of any development and the increase in flood risk over time from rising sea levels. We consider that the greatest uncertainty is climate change which may lead to an increase in flood risk in the future. We would advise that the correct climate change documents are referred to within any developer's site submission. We are aware of a programme of work to upgrade the coastal defences from 2021 onwards, referred to by the Lead Local Flood Authority (LLFA) as Seaton Crewe Southern Management Unit. If further details are required, we advise that the developer contact the LLFA with regard to this programme of works.</p> <p>Marine Environment Any scheme involving intakes or discharges from the marine environment will need to be</p>	<p>Condition C within table 2 on page 29 of the LDO covers flood risk.</p> <p>Condition C within table 2 on page 29 of the LDO covers all types of flood risk, it specifies that development should assess risks of flooding and demonstrate how flood risk will be managed. We consider that sufficient to cover this point.</p> <p>Noted. New paragraph on the marine</p>
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	<p>modelled, discussed and agreed in advance of the scheme. Early consultation with the Environment Agency along with Natural England is essential in agree any regulatory requirements or mitigating measures as part of any development.</p> <p>Please note that the developer may require a separate marine licence from the Marine Management Organisation for any works occurring below the mean high water spring tidal level.</p> <p>Intertidal Habitat</p> <p>We generally do not support works which result in the loss of, or damage to, the ecological integrity of intertidal habitat. This is because intertidal areas support valuable and extremely important habitats. In turn, these habitats support a wealth of animals and plant species. Sea and quayside walls should include enhancements for ecology and wildlife such as those found in the Fens for the Future sea wall biodiversity handbook at: https://www.fensforthefuture.org.uk/admin/resources/sea-wall-biodiversity-handbook-2015.pdf</p> <p>In particular, biodiversity focussed intertidal holding pools and naturally textured wall facing should be used. This will help to provide mitigation against the effects of climate change and vastly increase the ecological diversity and value of the site without impacting upon its operational nature. Specific examples can be provided upon request, the details of research associated with this technique can also be found at: https://www.int-res.com/abstracts/meps/v497/p119-129/</p> <p>In circumstances where it is possible for us to accept the principle of encroachment, we would expect developers to conduct appropriate surveys to identify any possible effects. Any works should prevent, reduce and compensate for any adverse effects. Compensatory habitat will usually be requested on a like for like scale.</p> <p>Dredging/Piling Activities</p> <p>If alterations within the port area are required to access the site such as dredging or piling works then</p>	<p>environment added to section 5.16 of the LDO.</p> <p>Noted. New paragraph added (5.23) under the Habitats and Biodiversity sub-section of 'Potential Constraints' on page 12 which clarifies that development which results in the loss of, or damage to, the ecological integrity of the intertidal habitat will not be permitted.</p>
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	<p>consideration would need to be given to the timings for migratory fish and seals. All arisings from dredging activities must be disposed of in a sustainable manner.</p> <p>Eels In Potential Constraints (Section 5: The Port Site) of the consultation document reference should be made to the Eels (England and Wales) Regulations 2009 for development. Best practice guidance can be found at: https://www.gov.uk/government/publications/eel-and-elver-passes-design-and-build</p> <p>Fisheries and Biodiversity The site is close to the River Tees and is particularly valuable for wildlife. It is essential that this wildlife is protected. Careful consideration is required for any works within the watercourse or to the quay walls. A proposed extension to the Teesmouth and Cleveland Coast SPA is now under consultation with the extension likely to include the area within the Hartlepool Port development area. Sites within these designated areas will require full consultation with the Environment Agency, Natural England and the Council to ensure any likely significant effect is taken into account during the development of all designs and proposed activities within the SPA and related SSSI boundaries. Dependent upon the proposals, a full HRA assessment may be required. The Hartlepool Port area could be improved ecologically through the incorporation of 'Estuary Edges' habitat enhancement measures, particularly within intertidal zones. Such measures could form part of any mitigation to reduce the impact of any development or compensation to offset the impact of any development. The Port Authority could also choose to proactively implement a programme of such ecological enhancements to mitigate against the impacts of historical modifications at the Port. The Environment Agency is willing to work with the Port Authority to achieve such improvements. The full range of options</p>	<p>Noted. New paragraph added (5.24) under the Habitats and Biodiversity sub-section of 'Potential Constraints' on page 12.</p> <p>Noted. New paragraph added (5.25) under the Habitats and Biodiversity sub-section of 'Potential Constraints' on page 12.</p> <p>Noted. New paragraph added (5.26) under the Habitats and Biodiversity sub-section of 'Potential Constraints' on page 12.</p>
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	<p>available are included within the Estuary Edges Ecological Design Guidance, which can be found at the following link: https://www.therrc.co.uk/publications/estuary-edges-ecological-design-guidance A number of invasive species are present in the area. An invasive and biosecurity plan should be developed, both in terms of terrestrial and marine based activities.</p> <p>Water Framework Directive We advise further consideration of the Water Framework Directive (WFD) in Potential Constraints (Section 5: The Port Site) of the submitted document. This could include detail on the biological, physico-chemical quality, and hydromorphological elements of relevant waterbodies. A WFD waterbody named Hart Beck from Source to Sea (GB103025075880) runs through the site and is currently at poor status. A large culvert is present on the site. The Environment Agency is particularly keen to explore options for improving the watercourse, specifically the daylighting of this culvert. Daylighting of culverts and improving the status of waterbodies increases both the biodiversity and amenity value of watercourses and we would welcome the opportunity to discuss such options.</p> <p>Contaminated Land In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters and relevance of regulatory regimes where the Environment Agency is the enforcing authority, such as environmental permitting. It is likely that the site has been subject to a potentially contaminative land use. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. We would recommend the following conditions to ensure that the risk posed by the site to controlled waters are assessed and addressed as part of any redevelopment.</p> <p>Condition 2 Prior to each phase of development</p>	<p>We consider the development of an invasive and biosecurity plan as being an issue which is outside of the context of the LDO. If considered, this is something that will be looked at on a borough wide basis.</p> <p>Noted. New paragraph added (5.15) under the Habitats and Biodiversity sub-section of 'Potential Constraints' on page 11.</p> <p>Section 5.18 on page 11 of the LDO is considered to sufficiently cover the issue of contamination.</p>
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	<p>approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> <input type="checkbox"/> all previous uses <input type="checkbox"/> potential contaminants associated with those uses <input type="checkbox"/> a conceptual model of the site indicating sources, pathways and receptors <input type="checkbox"/> potentially unacceptable risks arising from contamination at the site 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason(s) To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.</p> <p>Condition 3 Prior to any part of the permitted</p>	<p>This is covered by condition I within table 2 of the LDO, found on page 30.</p>
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	<p>development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason(s) To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.</p> <p>Condition 4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason(s) To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</p> <p>Landfill Gas Migration There are former landfill sites within the Port Enterprise Zone. Site CLE 30 accepted waste from the construction industry, slag and road sweepings waste material and</p>	<p>Noted. This section has been added to condition I within table 2 of the LDO, found on page 31.</p> <p>This is covered by condition I within table 2 of the LDO, found on page 31.</p> <p>Section 5.20 on page 11 of the LDO is considered to sufficiently cover this issue.</p>
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	<p>Site CLE 213 accepted construction waste and dredgings. There may be a potential for landfill gas to be generated. The Local Authority's Environmental Health and Building Control departments should be able advise further whether the risk from landfill gas would need to be addressed in developing the site.</p> <p>Permitted Waste Sites There are two permitted waste facilities within the Port site. Further details of these permitted sites are provided below. PD Teesport Limited (Permit ref: EAWML 402377) is located at Hartlepool Docks, Cleveland Road, Hartlepool, TS24 0UZ. The site is operational and is permitted as a household, commercial and industrial waste transfer station. The permit is for the short term storage of non-hazardous Refuse Derived Fuel and baled material, and bulk loose waste such as, but not limited to, waste wood and tyre crumb before shipping. The second waste permitted site is Van Dalen (UK) Limited (Permit ref: EAWML 100226). The site is located at Irwins Quay, Hartlepool Exports Terminal, TS24 0UZ and is permitted as a mixed metal recycling site for the storage of furnace ready scrap metal for recovery and scrap metal. The site currently is non- operational. At present, the Environment Agency is awaiting a permit application from the operator to surrender this environmental permit. There are also a number of waste exemptions registered on the Hartlepool Docks. Further information on these exemptions and the above environmental waste permits are available on the GOV.UK website.</p> <p>Environmental Permitting Regulations (EPR) Certain development may require an Environmental Permit under the Environmental Permitting Regulations 2016 from the Environment Agency, unless an exemption applies. Environmental Permits help control activities that may harm the environment or human health. Many activities that can cause pollution are prohibited unless authorised by a permit. Once further details of individual proposals are available,</p>	<p>The Environmental Permitting process is a separate process, not related to planning. Following discussions with the Public Protection team we do not deem it necessary to make reference to these sites within the document.</p> <p>The Environmental Permitting process is a separate process, not related to planning. Following discussions with the Public Protection team we do not deem it necessary to make reference to this within the document.</p>
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	<p>the developer is advised to contact the Environmental Agency to discuss whether an Environmental Permit would be required.</p> <p>Foul Effluent Disposal Foul effluent disposal, in the first instance, should be through agreement with Northumbrian Water Limited to connect to the public foul sewer. If it is not possible to connect to the public foul sewer, the developer will need to apply to the Environment Agency for a discharge permit and will need to justify why connection to the public sewer is not possible. Further information on how to apply for an environmental permit is available on the GOV.UK website.</p>	<p>Noted. New paragraph added (5.19) under 'Potential Constraints' on page 11.</p>
Hartlepool Civic Society (08/01/2019)	<p>It should be borne in mind the height/size of any planned buildings – bearing in mind for example the Hereema building, etc which are near to the perimeter and therefore impacting on the surrounding properties.. To avoid a similar situation – the siting of large buildings, where possible should be built further into the port.</p> <p>Similarly, any future planning for further buildings should be mindful of the magnificent view of St Hilda's from Middleton Road on approach to the Marina – which is a great advertisement to visitors. Maintaining tourist potential in attracting visitors to further explore the town's heritage.</p>	<p>Noted. Please see amendment to section 5.32 of the LDO on page 13. Development requirement (1) on page 25 has been amended to include heritage considerations.</p>
Natural England (11/01/2019)	<p>Natural England is satisfied that Hartlepool Local Development Order (LDO) – The Port proposes that statutory consultees (which includes Natural England) will be consulted on the following types of development:</p>	<p>Noted. NPPF paragraph 177 specifies that “The presumption in favour of sustainable development does not apply where development requiring appropriate assessment</p>

	<p> <input type="checkbox"/> Development which requires an Environmental Impact Assessment; </p> <p> <input type="checkbox"/> Development requiring an Habitats Regulations Assessment (HRA). We note that Section 5.22 of the LDO states that “The Conservation of Habitats and Species Regulations 2017 will not permit an LDO to grant planning permission to a development if a Special Protection Area would be adversely affected.” This should be amended to read “..if a Special Protection Area would be adversely affected following mitigation.” </p> <p>We also have the following specific comments on the LDO:</p> <p> <input type="checkbox"/> Habitats Regulations Assessment: Section 5.23 states that “...a development proposal under the LDO is likely to have to undertake a Habitats Regulations Assessment stage 1 screening assessment to see whether there was ‘likely significant effect.’” The wording should be modified to “...whether there is a ‘likely significant effect.’” </p> <p> <input type="checkbox"/> Works on the Harbour Wall and Channel: Section 5.24 states that the Marine Management Organisation (MMO) and the Environment Agency will be consulted on such works. Natural England would be a statutory consultee of the MMO in assessing activities requiring a licence and would comment as appropriate through this process. </p> <p> <input type="checkbox"/> Compensatory Measures: In considering the LDO it is pertinent to note that the HRA for Hartlepool Local Plan (December 2016) states that “the land at Hartlepool Port (Victoria Harbour area) can hold a flock of lapwing ranging from around 50-300 birds during the winter in periods when the land is not being used for operational reasons... The birds merely rest on the large open area </p>	<p>because of its potential impact on a habitats site is being planned or determined.” However, the government issued a technical consultation with regard to amending this section so it clarifies that development which will have no adverse effect (following appropriate mitigation measures) will be permitted. As a result of this, we don’t deem it necessary to make this change because appropriate mitigation should enable development to be permitted.</p> <p>Noted. The change has been made at renumbered para 5.30 on page 13.</p> <p>Noted. The addition has been made at renumbered para 5.31 on page 13.</p> <p>Section 5.21 on page 12 of the LDO is considered to sufficiently cover the issue of mitigation works to enhancing the roost island and condition F delivers the mitigation.</p>
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	<p>of tarmac and as they only use the tarmac area they do not feed on the site. Their use of this site is not considered to be integral to the functionality of European Sites as the land is only intermittently available to flocks of birds when not operational. Nevertheless it is recognised that compensatory provision needs to be made should this land be further developed and it has been discussed with Natural England that a suitable compensatory measure would be to enhance the bird island which currently forms a small, isolated compartment of Teesmouth & Cleveland Coast Special Protection Area.” Natural England would welcome the provision of such compensatory measures for loss of land used by lapwing as a result of development at The Port.</p> <p>□ Biodiversity Net Gains: Section 7.15 – ‘Development Requirements’ states that “it is imperative that any new development be in accordance with the design requirements and conditions set out in Tables 1 and 2 identified in the LDO.” Paragraph 170 d) of the National Planning Policy Framework (NPPF) (2018) requires that <i>“Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”</i> We advise that the LDO should reflect the requirement that any new development will be in accordance with the requirements of the NPPF with respect to 170 d), including net gains for biodiversity.</p> <p>□ England Coast Path: With reference to ‘Diagram 1 – The Port Local Development Order Boundary’ we note that the boundary of the site is in close proximity to the England Coast Path. Natural England has a duty to provide coastal access on foot around the whole of the English coast and is aiming to complete this by 2020. Progress of the England Coast Path in the area can be found at Natural England’s website here. We would be</p>	<p>Due to the nature of the LDO and that development is essentially permitted through development rights as opposed to through planning applications, it is difficult to secure biodiversity enhancement.</p> <p>Section 7.15 already makes reference to development needing to consider dealing with any ecological considerations, where present and we consider this sufficient to cover this point.</p> <p>Currently, development that goes through the LDO is not required to pay planning obligations. However, we will consider this for any development that comes through as a full application.</p>
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	supportive of any planning application that includes provision for the coastal access trail.	
Historic England (11/01/19)	<p>We note that, under the section on 'Potential Constraints', paragraph 5.25 states that there are no buildings of historic merit that need to be taken into consideration on the site. While this is true of the site, it is worth noting that, within 150m of the boundary of the site is the Headland Conservation Area, which contains a number of listed buildings, including the Town Wall and Sandwell Gate (Grade I listed and a Scheduled Ancient Monument). The impact of development affecting the setting of these heritage assets should be taken into account, as set out in the National Planning Policy Framework, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 notes that the local planning authority should have '<i>special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest</i>'. Similarly, section 72 requires special attention to be paid to the '<i>desirability of preserving or enhancing the character or appearance</i>' of Conservation Areas.</p> <p>Section 5.25 should therefore be amended to recognise the proximity of the designated heritage assets. The relevant legislation relating to the historic environment (as cited above) should be quoted in section 7.17, and Historic England will be a statutory consultee for relevant applications under section 6.1.</p> <p>We would also advise seeking the comments and input from the in-house conservation staff as appropriate.</p>	<p>Noted. Please see amendment to section 5.32 of the LDO on page 13.</p> <p>Noted. Please see amendment to section 7.17 on page 21 and note the addition of Historic England to the list of contact details at 6.1. Development requirement (1) on page 25 has been amended to include heritage considerations.</p>
PD Ports	5.18 Habitats and Biodiversity	It is considered necessary to make developers

<p>(14/01/19)</p>	<p>Identifying an exact location for off-site mitigation should be deleted from the document. The area proposed in the Consultation Draft is not owned or controlled in any way by PD Teesport and as such could act as a barrier to development. A reference to appropriate mitigation should suffice.</p> <p>5.26 Strategic Environment I recall that the A19/A689 junction has been nearing capacity since my first involvement in 2005. It was identified as nearing capacity back in the 2011 LDO. Should this really still be specifically identified as a requirement for new development on the Port or should Highways England, by now have a date for improving its capacity?</p> <p>Table 1 Development Requirements – Internal Road Infrastructure Given that the boundary of the LDO is within the existing designated Port Estate, it is not considered necessary or appropriate to specify that all new roads must be constructed to adoptable standards. This would only be appropriate for roads to be used as public highway or if being constructed as part of large parcel of industrial land, which is never likely within the Port Estate.</p> <p>Transport Assessment The need for restrictions placed on new development by highway improvement requirements are understood, so long as any contribution to investments is proportionate with the impact. If new works are required, these should be for the local road network only.</p> <p>Landscaping</p>	<p>aware of where off-site mitigation may be required, if it is considered necessary for development to be permitted. This has been requested by the Environment Agency. No change.</p> <p>Works to improve capacity have been carried out through the Highways England pinch point scheme. Further works are required however no timescale has been set for the implementation of this work. There are also other works due to commence on the road. We consider it important to include this just to make developers aware. No change.</p> <p>Having spoken to our highways team, it is considered that all access roads should be to adoptable standards, and roads serving individual businesses/premises can be constructed to a reduced standard. No change.</p> <p>The Highways team follow Department for Transport guidance on TS/TA requirements. No change is required.</p> <p>Policy NE7 of the Local Plan seeks to ensure high quality landscaping along main transport corridors within the borough, we seek to</p>
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	<p>Is it necessary for there to be a planning requirement for landscaping on the existing Port Estate? I would suggest not and propose this be deleted.</p> <p>Table 2 – Planning Conditions No D – certain new development will require a Transport Statement and it would be beneficial for this to be recognised. I appreciate Appendix 1 of the draft recognises that not all development will have the same impact and as such offers flexibility. It would be preferential to specifically reference the requirement for a Transport Statement rather than a Transport Assessment where appropriate?</p>	<p>encourage this in all relevant development therefore it is considered necessary to keep this section in. No change.</p> <p>This is noted, however not something that the planning team can control, it is Highways England who would deal with these matters.</p>
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COUNCIL

21st March, 2019



Report of: Finance and Policy Committee

Subject: 15 CHURCH STREET RENOVATION

1. PURPOSE OF REPORT

- 1.1 To enable Council to consider the Finance and Policy Committees recommendation for the use of prudential borrowing as part of the funding strategy for the renovation of 15 Church Street and to increase the Prudential Borrowing Limits accordingly.

2. BACKGROUND

- 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 At its meeting on the 11th March, 2019 the Finance and Policy Committee considered proposals to undertake renovation works to 15 Church Street (formerly Mama Mias) located in the Innovation and Skills Quarter (ISQ), as detailed in the report attached as Appendix A. The building consists of a commercial shop and two upper floor flats which have been empty and disused for a considerable period and require intervention in order to bring the property back into sustainable use as part of the wider regeneration of Church Street.
- 2.3 Total funding for the purchase and renovation scheme includes £213,000 from external funding sources consisting of Section 106 contributions, Homes England and Heritage Lottery Fund (HLF) grants. This external funding covers 61% of the total scheme costs, with the balance being required to be met from prudential borrowing, self funded from future rent income.
- 2.4 Approval is sought from Council in relation to the borrowing component of the funding strategy consisting of £78,000 General Fund borrowing in relation to the shop and £56,000 HRA borrowing in relation to the flats

3. RECOMMENDATIONS

3.1 It is recommended that the Council approve:

- i) General Fund borrowing of £78,000 to be met from shop rent income as part of a 'Full Repair and Insuring' operating lease, with the tenant being responsible for all repairs and operating costs.
- ii) HRA borrowing of £56,000 to be met from the net rental income of the flats after deducting operating costs.

3.2 On the basis of Council approving the above recommendations to approve the inclusion of this scheme within the Capital Programme and Prudential Indicators.

4. BACKGROUND PAPERS

4.1 15 Church Street Renovation Report -
Finance and Policy Committee 11th March, 2019

5. CONTACT OFFICER

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FINANCE AND POLICY COMMITTEE

11th March 2019



Report of: Director of Regeneration and Neighbourhoods

Subject: **15 CHURCH ST RENOVATION**

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (i)) Forward Plan Reference No. RN 37/18

2. PURPOSE OF REPORT

2.1 To seek approval for the funding required to carry out the renovation of 15 Church Street.

3. BACKGROUND

3.1 15 Church Street (formerly Mama Mias) is located in the Innovation and Skills Quarter adjoining Shades and was acquired by the Council in August 2018. At the time of purchase, the property had been disused for a considerable period and was in generally poor condition. The purpose of the acquisition was to further the regeneration of Church Street by means of renovating the property and bringing it back into use. In brief the property comprises a ground floor hot food takeaway shop and two upper floors of residential accommodation.

3.2 The property acquisition was approved on the 4th July, 2018 using powers delegated to Chief Officers in consultation with the Committee chairs for Finance and Policy and Regeneration in relation to self funded business cases and external funding. The Decision Record also noted that a report would be submitted to this Committee to outline proposals for the development of the property and seek approval from Council for the prudential borrowing required to be met from future rental income.

3.3 The Council is currently running a Heritage-led Regeneration Grant Scheme funded by the Heritage Lottery Fund in the Church St Conservation Area. Two types of grant are being made available to property owners in the area; a building grant aimed at general building restoration work and an architectural details grant funding the repair and

restoration of original building details such as period shop fronts, doors and windows. The building grant is based on a maximum 75% and £20,000 of total project costs and the architectural details grant is based on a maximum 90% and £10,000 of eligible project costs. Both grants can be claimed for an individual property where suitable works are proposed. As a property owner the Council can itself make use of this grant funding subject to the work meeting the relevant criteria. The grant funded work has to be competitively tendered and if the Council wishes to submit a tender, the Heritage Lottery Fund require that the tendering is carried out by an independent third party. The remainder of the work can be carried out by the Council subject to practical considerations concerning the division of the works where the different elements relate to each other.

4. PROPOSALS

- 4.1 As noted above, the property comprises a ground floor shop unit formerly used as a hot food takeaway and residential accommodation to the first and second floors. It is proposed to re-configure the upper floors into two no. 2 bedroom flats to be let by the Council's housing section on an affordable or social rent basis with all revenue and expenditure being within the Housing Revenue Account. This is the basis on which Homes England and Section 106 monies are being used for the project.
- 4.2 In relation to the ground floor, it is proposed to renovate the shop and to let it as a self-contained retail unit within Use Classes A1 or A2 (i.e. shop (excluding hot food takeaway) or professional and financial services) or as a café, dependent on market demand. It will not be let as a hot food takeaway as such a use would be detrimental to the letting and management of the flats.
- 4.3 Since the purchase of the building was approved, the estimated cost of works has been amended to £207,000, which is £21,000 less than the previous estimate as a result of changes to specifications. The work will include alterations to the layout of both the upper floors and the shop unit in order to obtain satisfactory self-contained flat layouts and a suitable arrangement allowing access to the rear yard and bin stores for both the residential and commercial occupiers.
- 4.4 It is proposed to fund the renovation work to the shop using heritage grant funding and prudential borrowing, and to fund the work to the residential element from a combination of Homes England grant, Section 106 affordable housing contributions and prudential borrowing. Further details are given below.

5. FINANCIAL CONSIDERATIONS

- 5.1 The forecast Renovation costs are a prudent assessment of the works required and include an appropriate contingency. A summary of the revised capital costs and proposed funding is shown in Table 1 below:

Table 1: Capital Cost and Funding

	£000
Expenditure	
Renovation Work	207
	207
Funding	
Homes England Grant	(35)
Section 106 Contributions	(8)
Townscape Heritage Grant	(30)
Total Grant Funding	(73)
Borrowing - General Fund	(78)
Borrowing - HRA	(56)
	(207)

- 5.2 The proposed 'General Fund' borrowing of £78,000 will be met from shop rent income as part of a 'Full Repair and Insuring' operating lease, with the tenant being responsible for all repairs and operating costs.
- 5.3 The borrowing of £56,000 can be met from the net rental income of the flats after deducting operating costs.
- 5.4 The HRA scheme funding includes an amount of £35,000 from Homes England. Based on discussions with the funder, officers are confident that the application for grant will be successful. In the unlikely event that this funding is not confirmed the shortfall will need to be funded from section 106 monies.
- 5.5 Funding for the shop includes Townscape Heritage grants which will be subject to successful applications for both the 'Building Grant' £20,000 and 'Restoration of Architectural Details Grant' £10,000 in relation to the non-residential element of the property.
- 5.6 The purchase of the building, previously approved as set out in Section 3.2, included Section 106 contributions and Homes England grant totaling £140,000. The overall level of external funding for the scheme is £213,000 which accounts for 61% of the total cost with the balance being self funding from expected rental income.

6. RISK IMPLICATIONS

- 6.1 The renovation scheme has been fully costed and includes a 10% contingency but any building project of this type carries a level of risk that costs will prove to be higher due to unforeseen issues arising. However this risk is considered to be reasonably acceptable in this instance as a structural survey has been completed on the property and the scheme has been costed by the Council's Building Design team.
- 6.2 The funding of the prudential borrowing is dependent on the successful letting of the shop. The estimated demand levels have been reflected in the anticipated rents and there are currently positive signs of activity in the commercial market but achieving a suitable letting of the shop within a reasonable timeframe is still subject to some uncertainty.
- 6.3 In the event that a sustainable tenants are not secured the annual borrowing cost of £5,000 would be an unfunded budget pressure.

7. LEGAL CONSIDERATIONS

- 7.1 As the various funding sources are each provided for specific purposes they can only be applied to those purposes.
- 7.2 The flats will be let on affordable or social rent tenancies and maintained within the Council's housing stock on a permanent basis.

8. CONSULTATION

- 8.1 No consultation has been carried out in this instance.

9. CHILD AND FAMILY POVERTY

- 9.1 The child and family poverty implications are set out in **APPENDIX 1**.

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 Bringing the property back into use under proper management will help to discourage anti-social behaviour and crime in the area.

12. STAFF CONSIDERATIONS

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

13. ASSET MANAGEMENT CONSIDERATIONS

- 13.1 The property clearly requires extensive works to bring it back into use and to ensure its long term future as a viable income producing asset. Its renovation will also help to enhance the viability and setting of the adjoining property, The Shades, which is also owned by the Council and for which a major scheme of renovation is proposed.
- 13.2 The addition of the refurbished property to the Council's portfolio will broaden both its commercial and residential offer.

14. RECOMMENDATIONS

- 14.1 It is recommended that the Committee:
- i) Approve the proposed redevelopment of 15 Church Street as set out in Section 4 and approve the renovation works budget of £207,000
 - ii) Note the use of grant funding of £213,000 as set out in paragraph 5.4, which accounts for 61% of the total costs of the project
 - iii) Seek referral to Council to approve the General Fund borrowing of £78,000 in relation to the shop to be repaid from forecast rent income
 - iv) Seek referral to Council to approve the HRA borrowing of £56,000 in relation to the flats to be repaid from annual rental income from the flats.

15. REASONS FOR RECOMMENDATIONS

- 15.1 The property was acquired in order to promote the regeneration of Church Street and the broader Innovation and Skills Quarter and this can only be achieved through renovating the building and bringing it back into use as a shop and upper floor flats. Whilst various sources of funding are contributing to the acquisition and renovation cost, the identified prudential borrowing is also required for the project to be fully funded.

16. BACKGROUND PAPERS

- 16.1 Delegated Decision Record 7th July, 2018 - Approval of the acquisition of 15 Church Street (Mama Mia's) and 16 Church Street (Shades) properties.

17. CONTACT OFFICER

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POVERTY IMPACT ASSESSMENT

1. Is this decision a Budget & Policy Framework or Key Decision? YES If YES please answer question 2 below				
2. Will there be an impact of the decision requested in respect of Child and Family Poverty? NO 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		

POVERTY IMPACT ASSESSMENT

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: Finance and Policy Committee

Subject: CAPITAL INVESTMENT PROGRAMME

1. PURPOSE OF REPORT

- 1.1 To enable Council to consider the Finance and Policy Committees recommendation to use the £42m of grant funding from the Tees Valley Combined Authority (TVCA) on the major projects set out in the report.

2. BACKGROUND

- 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 At its meeting on the 11th March, 2019 the Finance and Policy Committee were notified that the Council has secured £42m of grant funding from the TVCA. The report to members set out an overview of recent capital investment in the Town by the Council and third parties totaling £159m. It is recommended that the new grant is used to continue the redevelopment of the town and a number of major projects are proposed.

3. PROPOSALS

- 3.1 The following major projects are proposed:
- £20m to be allocated towards the Hartlepool Waterfront, including the conversion of the previous £1.563m loan in relation to Jacksons Landing into a grant, establishing this asset was secured by the Council through inward investment and not Council revenue or capital monies;
 - £4m towards the delivery of the ISQ2 Film and Television Studios
 - £8m towards the Western Growth Corridor;
 - £10m for Indigenous growth, £2m a year over 5 years.

4. RECOMMENDATIONS

- 4.1 Council note the investment previously secured by the Council of £160m detailed in paragraph 9.1 of **Appendix A**.
- 4.2 It is recommended that the Council approve the use of TVCA £42m grant as set out in paragraph 3.1.
- 4.3 On the basis of Council approving the above recommendations to approve the inclusion of this scheme within the Capital Programme and Prudential Indicators and delegate authority to the Regeneration Services Committee to approve the detailed business cases for using these resources.
- 4.4 Approve that the first priority to be funded from the Indigenous Growth is the development of the events space at the Waterfront and to delegate authority to the Regeneration Services Committee to approve the detailed business case to drawdown this funding from the Combined Authority.

5. BACKGROUND PAPERS

- 5.1 Capital Investment Programme Report - Finance and Policy Committee 11th March, 2019

6. CONTACT OFFICER

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Sign Off:-

- Director of Finance and Policy ☒
- Chief Solicitor/Monitoring Officer ☒
- Chief Executive ☒ Finance & Policy Committee only

JOINT FINANCE AND POLICY AND REGENERATION SERVICES COMMITTEE

11th March 2019



Report of: Director for Regeneration and Neighbourhoods

Subject: CAPITAL INVESTMENT PROGRAMME

1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 Key Decision (test (i) or (ii)). General Exception applies as the report could not be submitted until the TVCA Investment Plan had been approved and this report enables Members to approve proposals for using funding of £42m secured from TVCA.

2. PURPOSE OF REPORT

- 2.1 This report provides an update on the delivery of the Council's Capital Investment Programme and advises on the funding the Council has secured as part of the Tees Valley Combined Authority (TVCA) Investment Plan.
- 2.2 This report also seeks approval to refer this report to Council to inform all Members of the TVCA funding of £42M secured for Hartlepool and to enable this to be included in the Council's Capital Investment programme to continue the delivery of the regeneration of Hartlepool in line with the Council plan ambitions.

3. BACKGROUND

- 3.1 The Council Plan 2017 – 2020 sets out our ambition for the town, building on our distinctive heritage, looking forward to shaping an exciting future. Our ambition is that *"Hartlepool will be a vibrant, welcoming and inspiring place to live, work, invest and grow up in."*
- 3.2 Despite the unprecedented challenges the Council faces in terms of reductions in central government funding and increasing demand on our services, we refused to let our challenges impede our ambition for the Borough. The Council plan provides the framework to attract and direct investment into the regeneration of our town centre and our neighbourhoods.
- 3.3 The Council is actively planning for growth: over 6,000 new homes and business space for over 4,000 new workers across Hartlepool over the next

15 years. The guiding principles of this growth are a controlled westward extension of the town, supported by infrastructure investment, and the continued enhancement and expansion of the Borough's existing business and cultural locations.

4. GROWING OUR ECONOMY

- 4.1 The Council is an enabler of the local economy. It works to support business in the Borough; it seeks to attract private sector investment into Hartlepool; and it maintains vitally important relationships with Government and the TVCA to promote the town's interests and assets.
- 4.2 More and more successful companies are doing business in Hartlepool, and business numbers have risen faster than the Tees Valley and national averages since 2011. In 2016 the business start-up rate was better than the national average. At the same time, the number of jobs in the Borough has also grown by a significant number (775).
- 4.3 Since the inception of Business Compass in January 2017 we have seen £4.2m investment in the Hartlepool business Community.
- 4.4 Hartlepool Council adopted a proactive stance in recognising by creating new jobs we need to invest in our people to ensure sustainable employment for our own, as such we took the lead on the Youth Employment Initiative (YEI) attracting £28m of European funding to the Tees Valley. On the back of this success the TVCA adopted Hartlepool's Youth Improvement approach attracting a further £7.5mk.
- 4.5 The Council has played a significant role in attracting funding into our educational and academic facilities, supporting the Northern School of Arts in securing to relocate and refurbish existing facilities in Church Street. We developed the Centre of Excellence and Creative Arts, attracting £655K contributing towards the final project cost of £1m, and supported Hartlepool College of further Education (HCFE) in securing circa £300k to invest in telecare and electric vehicle skills.
- 4.6 In addition we have seen significant investment of £72m in both our primary and secondary schools, including £58m in relation to the Priority School Building programme.

5. REGENERATING OUR TOWN

- 5.1 The scale of new investment in Hartlepool has been beyond expectations in recent years and it is set to continue, driven by the commitment of the Council with partners and is reflected in the ambitious plans for Hartlepool Waterfront and the Innovation and Skills Quarter (ISQ).
- 5.2 The Waterfront - securing the arrival of the National Museum of the Royal Navy in Hartlepool has ensured the town has a visitor destination of national significance. The Council has been instrumental in securing £1.2M of TVCA

grant to enhance the existing facilities as well as transport the latest exhibition RML497, the last of the Fairmile fleet to the town.

- 5.3 We are building on that investment and have plans to develop the Waterfront to create a mix of civic, cultural, leisure and visitor attractions that complement the wider Hartlepool Marina area. The regeneration of the Waterfront site will create a 'dawn to dusk' destination incorporating a major visitor attraction, a waterfront activities hub, a new hotel, an events space and restaurants and retail. The Waterfront Festival was highly commended at the North East Tourism Awards in 2017. To date we have received circa £180K in public sector contributions and rental fees for the hire of the site. The development of public realm and an outdoor events arena will be at the heart of the Waterfront site, creating a hive of activity and a place of interest, the delivery of which will start on site this spring.
- 5.4 The Innovation and Skills Quarter (ISQ) - The ISQ will boost the growth of the creative industries sector in Hartlepool building upon the £14.75m investment that has been made to create new teaching facilities for the Northern School of Arts on Church Street. The revitalisation of Church Street and the surrounding area provides a positive environment for the creation and growth of the creative industries sector. To date £9.648m has been invested in the ISQ area, £6m from TVCA and £1.3M from the Heritage Lottery Fund with the remainder from the Council. This investment has enabled the following projects to progress
- The creation of 31 managed workspace units at The BIS, the centre will be managed by the Council;
 - Public realm improvement works along Church Street, creating a more open, pedestrian-friendly environment;
 - Heritage Lottery Funding grants to local businesses;
 - A major uplift to Church Square, which is now pedestrianised with a large oval event space encircled by trees and raised seating in front of Hartlepool Art Gallery; and
 - A new pedestrian crossing, highway improvement and traffic signalling works on Stockton Street which is currently under construction.
- 5.5 Capitalising on the success of the investment in the ISQ area, the second phase of the ISQ development will see significant refurbishment of two disused buildings, developing innovative design led teaching space and a fit for purpose Film and TV studio providing a commercial opportunity alongside an opportunity for students to experience work within the TV and Film sector. A further £682K has also been secured investing in our cultural and museum services over the next 4 years.
- 5.6 Seaton Carew - The Seaton Carew regeneration programme will be completed this year, to date we have secured £1.3M creating a new outdoor leisure park complete with a water fountain play area. This year will see the opening of new Beach huts attracting private sector capital investment and rental income
- 5.7 Flood and Coastal defences - We attracted investment £16.9m in grant aid and through the local levy to improve our flood and coastal defences at the Headland and Seaton Carew. The Headland Town Wall scheme has

received regional recognition receiving two awards from the Civil Engineering Contractors association and won Project of the Year at the Constructing Excellence in the North East Awards.

6. DEVELOPING HARTLEPOOL

- 6.1 Our ambition for Hartlepool is to be known as a great place to live as well as invest and visit. We have recently adopted our long term Local plan that sets out our vision for the sustainable development of Hartlepool over the next 15 years. We are supporting economic growth and creating sustainable communities in places where people want to live.
- 6.2 Hartlepool has the fastest housing growth in the Tees Valley – up 9.7%. £3.1m developer contributions have been secured contributing towards affordable housing, green infrastructure, sports and play provision and education. In addition a further £1.9m from Homes England has also contributed the development of new social housing and our empty homes programme. Recent planning decisions have enabled developer contributions in the region of £10m to be secured contributing towards the Western growth corridor, a new £18m link road to an enhanced grade-separated junction on the A19 at Elwick North – providing a third point of entry and exit for Hartlepool.
- 6.3 Whilst the River Tees is a great asset for the Tees Valley, it presents a considerable barrier to Hartlepool's north-south road connections. Hartlepool and Redcar and Cleveland Borough Councils and South Tees Development Corporation recognise the restricting effect this has on potential investment and growth. We recognise a river crossing could bring significant economic benefits both north and south of the Tees as such Hartlepool Council has secured £180K to commission a feasibility study into the development of a new eastern crossing.

7. INVESTMENT IN NEIGHBOURHOODS

- 7.1 In addition to regenerating Hartlepool as a place to work and visit it is important residents feel it is a great place to live, and becomes a destination of choice to live. Therefore the Council invested £5.5m, £4.0m for highway / carriageway resurfacing, footpaths and verge schemes improvements and £1.5m for to improve the environment and public realm through a coordinated Neighbourhood and Highway Investment Programme.
- 7.2 The programme attracted £250K investment from partner agency Thirteen and a further £550K landfill tax fund which is currently being invested in Rossmere Park. To date the programme has delivered improvements to our shopping parades, play spaces, the headland paddling pool, town square and junior play area, as well as the provision of public seating and disabled access at Seaton Carew, traffic management in Stranton Cemetery and the creation of a memorial wood at Summerhill. Investment in CCTV in our parks and identified barrier and roundabout improvements will commence shortly. We have also invested £914k into our cycle ways.

8. TEES VALLEY INVESTMENT PLAN 2019/2029

- 8.1 The TVCA Devolution Deal with Government provides the transfer of significant powers for employment and skills, transport and investment. TVCA has created an Investment Fund bringing together funding for devolved powers to be used to deliver a 30 year programme of transformational investment in the region. The recently adopted TVCA Investment Plan sets out our ambition strategy for the period 2019 – 2029.
- 8.2 Activity is focused on economic growth and is prioritised across six growth generating themes
- Transport
 - Education, Employment and skills
 - Business growth
 - Culture and Tourism
 - Research, development and Innovation
 - Place – Indigenous growth programme
- 8.3 The Indigenous growth programme is for investment in activity that will have a local economic impact and make a significant contribution to economic growth. Programme criteria will likely include outputs such as number of jobs, visitors, new attractions and business premises, the detail of which is to be worked up with the five local authorities.
- 8.4 The Investment Plan will be reviewed annually to take account of changing economic circumstances, what is working well and what is not, and new funding and investment opportunities.
- 8.5 As part of the TVCA Investment plan Hartlepool Council secured a further £42M, which will support the continued redevelopment of the town and includes the following major projects, of which
- £20m is allocated towards the Hartlepool Waterfront which will also see the collapse of the Jacksons Landing loan into a grant establishing this asset was secured by the Council through inward investment and not Council revenue or capital monies;
 - £4m towards the delivery of the ISQ2 Film and Television Studios
 - £8m towards the Western Growth Corridor;
 - £10m for Indigenous growth, £2m a year over 5 years.

9. CONCLUSION

- 9.1 To summarise direct investment by the Council and our partners has attracted, secured and invested over £160m in the delivery of the Council's regeneration and economic growth ambitions which form part of the Council plan adopted by full Council in 2017.

Summary of Council and Partner Investment

	Total Investment Attracted £m
Developing Hartlepool	22
Growing our Economy	86
Investment in Neighbourhoods	8
Regenerating our Town	44
Total	160

- 9.2 As detailed in section 8 the Council has now secured £42m of grant funding to support the continued redevelopment of the town.

10. OTHER CONSIDERATIONS

Risk Implications	None in relation to this report and specific risks will be assessed as part of development of detailed business cases and delivery plans
Financial Considerations	As above
Legal Considerations	The legal implications for individual schemes within the capital programme will be considered once detailed business cases and delivery plans are submitted for approval. Each scheme within the capital programme will be approved in accordance with the Council's constitution.
Consultation	No relevant issues
Child/Family Poverty Considerations	No relevant issues
Equality and Diversity Considerations	No relevant issues
Section 17 of The Crime And Disorder Act 1998 Considerations	No relevant issues
Staff Considerations	None in relation to this report and specific risks will be assessed as part of development of detailed business cases and delivery plans
Asset Management Considerations	As above

11. RECOMMENDATIONS

11.1 Members are asked to

- i) Note the investment previously secured by the Council of £160m detailed in paragraph 9.1.
- ii) Note the Council has secured the £42M for funding from TVCA to continue the delivery of our ambitions regarding the Waterfront, ISQ and the westward expansion of the Borough;
- iii) Seek Council approval to add the £42M to the capital programme as detailed in paragraph 8.5 above and delegate authority to Regeneration Policy Committee to approve individual business cases within the approved TVCA funding envelope.

12. REASONS FOR RECOMMENDATIONS

- 12.1 To enable Members to seek Council approval of the recommended strategy for allocating the TVCA funding of £42m.

13. BACKGROUND PAPERS

- 13.1 Tees Valley Combined Authority Investment Plan 2019 - 2020

14. CONTACT OFFICERS

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Sign Off:-

- Director of Finance and Policy ☒
- Chief Solicitor/Monitoring Officer ☒
- Chief Executive ☒ Finance and Policy Committee only

APPENDIX 1

POVERTY IMPACT ASSESSMENT FORM

1. Is this decision a Budget & Policy Framework or Key Decision? YES / 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 / NO				
If YES please complete the matrix below				
GROUP	POSITIVE IMPACT	NEGATIVE IMPACT	NO IMPACT	REASON & EVIDENCE
Young working people aged 18 - 21	✓	x		
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

POVERTY IMPACT ASSESSMENT FORM

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			

EQUALITY AND DIVERSITY FORM

Department	Division	Section	Owner/Officer
Service, policy, practice being reviewed/changed or planned			
Why are you making the change?			
How might this impact (positively/negatively) on people who share protected characteristics?			
		<i>Please tick</i>	
		POSITIVELY	NEGATIVELY
Age		✓	*
<i>Please describe...</i>			
Disability			
<i>Please describe...</i>			
Gender Re-assignment			
<i>Please describe...</i>			
Race			
<i>Please describe...</i>			
Religion			
<i>Please describe...</i>			
Gender			
<i>Please describe...</i>			
Sexual Orientation			
<i>Please describe...</i>			
Marriage & Civil Partnership			
<i>Please describe...</i>			
Pregnancy & Maternity			
<i>Please describe...</i>			
Has there been consultation /is consultation planned with people who will be affected by this policy? How has this affected your decision making?			
As a result of your decision how can you mitigate negative/maximise positive outcomes and foster good relationships?			
Describe how you will address and monitor the impact		1. No Impact - No Major Change <i>Please Detail</i>	
		2. Adjust/Change Policy <i>Please Detail</i>	
		3. Adverse Impact but Continue as is <i>Please Detail</i>	
		4. Stop/Remove Policy/Proposal <i>Please Detail</i>	
Initial Assessment	00/00/00	Reviewed	00/00/00
Completed	00/00/00	Published	00/00/00

COUNCIL

21 March 2019



Report of: Chief Executive

Subject: BUSINESS REPORT

1. ARMED FORCES COMMUNITY COVENANT - UPDATE

A Community Covenant is a voluntary statement of mutual support between the civilian community and its local Armed Forces Community. It complements the national Armed Forces Covenant and encourages, on a local level, communities to:

- i) Support the Service community in their area;
- ii) Promote understanding and awareness amongst of the issues affecting the Armed Forces Community;
- iii) Recognise and remember the sacrifices faced by the Armed Forces Community;
- iv) Promote activities which help to integrate the Armed Forces Community into local life; and
- v) Encourage the Armed Forces Community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement.

Hartlepool Borough Council signed its original Armed Forces Community Covenant in 2012 and has since then worked to deliver the actions and measures contained within it. A review of the Covenant is now required and Council is asked to:-

- i) Indicate its agreement to signing and being a key partner in the updated community covenant (Appendix to follow).
- ii) Approve appointments as required in the Covenant through the Annual Council process.

2. PAY POLICY 2019/2020

Under Section 38 of the Localism Act (2011), Full Council has to approve a Pay Policy Statement (PPS) on an annual basis. The draft PPS for 2019/20 is attached at Appendix A for Council's consideration.

Full Council is requested to approve the Pay Policy Statement 2019/20 which is attached as Appendix A.

3. NOTICE OF COMPOSITION OF POLITICAL GROUP

I received notification, on 1 March 2019, of the composition of a new Political Group 'Independent Union' comprising the following Elected Members:-

Councillors Brewer, Buchan, Cassidy, Fleming, Moore, Tennant,

The Elected Members detailed above were formerly Members of the Hartlepool Independent Group and that Group, therefore, ceased to be constituted.

4. REFERRAL FROM COUNCIL – AWARD OF MEDALS TO RETIRING CEREMONIAL MAYOR

At the meeting of Council held on 21 June 2018, it was moved that the Council remove the awarding of a medal, to a retiring Ceremonial Mayor, if the cost of the medal is met by the Council. In response, it was proposed that the issue be referred to the Constitution Committee for consideration. It had been highlighted that the outcome of the Constitution Committee would be reported to Council.

At the meeting of the Constitution Committee held on 13 September 2018, the Committee had been advised that it had been a longstanding tradition in this Council as well as other local authorities that the Mayor be presented with a medal or gift to recognise their service to the community and the town. Council was advised on 25th October 2018 that the Committee had been keen to continue the tradition of presenting the retiring Ceremonial Mayor with a medal or gift to express appreciation and recognition for their service to the town. Emphasis had been placed upon the need for future medals to be produced at a minimal cost and that sponsorship opportunities with key partners be examined.

The recommendations of the Constitution Committee were agreed as follows:-

- (i) That the current tradition in relation to awarding of medals to a retiring Ceremonial Mayor should continue.
- (ii) That the option to produce a steel or gun metal medal to represent the history of Hartlepool be explored.
- (iii) That Officers from the Economic Development Team explore sponsorship opportunities with key partners in terms of the design and production of future medals and that medals be produced at a minimal cost.

I am pleased to report that, following the decision in October, Northgate have agreed to sponsorship of a medal this year at an estimated cost of £350.



ARMED FORCES
COVENANT

AN ARMED FORCES COMMUNITY COVENANT

BETWEEN

HARTLEPOOL BOROUGH COUNCIL AND PARTNERS FROM THE
PUBLIC, BUSINESSES AND VOLUNTARY AND COMMUNITY
SECTORS

AND

THE ARMED FORCES COMMUNITY IN THE BOROUGH OF
HARTLEPOOL

(SERVING PERSONNEL, REGULARS, RESERVISTS,
VETERANS, CADETS AND MILITARY FAMILIES)



Signatories

**We the undersigned, agree to work and act together
to honour this Armed Forces Community Covenant.**

To be added at signing event.

SECTION 1: PARTICIPANTS

1.1 This local Armed Forces Covenant is made between:

The current and former members of the Armed Forces and their families
working and residing in the Borough of Hartlepool

and

Hartlepool Borough Council

and

Partners from Public, Business and Voluntary and Community

Sectors

and

the Civilian Community of the Borough.

SECTION 2: PRINCIPLES OF THE ARMED FORCES COMMUNITY COVENANT

2.1 The Armed Forces Covenant is a voluntary statement of mutual support between the population of the Borough of Hartlepool and the local Armed Forces Community. It complements the Armed Forces Covenant, encompassing the moral obligation between the nation, the Government and the Armed Forces at a local level.

2.2 The Covenant is based on two key principles:

- i) The Armed Forces Community should not face disadvantage compared to other citizens in the provision of public and commercial services; and
- ii) Special consideration is appropriate in some cases, especially for those who have given the most such as the injured, or the bereaved.

2.3 The purpose of this Community Covenant is to encourage support for the Armed Forces Community working and residing in the Borough and to recognise, and remember, the sacrifices made by members of the Armed Forces Community, particularly those who have given the most. This includes serving personnel, veterans, reservists their families and widow(er)s in Hartlepool.

2.4 For Hartlepool Borough Council, and its partner organizations, the Community Covenant presents an opportunity to bring knowledge, experience and expertise to bear on the provision of help, advice and support to members of the Armed Forces Community.

2.5 For the Armed Forces Community, the Community Covenant encourages the integration of Service Personnel, Veterans and their families into civilian life and to engage with their local community.

SECTION 3: OBJECTIVES AND GENERAL INTENTIONS

- 3.1** The Armed Forces Covenant defines the enduring, general principles that should govern the relationship between the Nation, the Government and the Armed Forces Community.
- 3.2** It aims to encourage all parties within our Borough to offer support to the local Armed Forces Community and make it easier for Serving personnel (Regular and Reservists), Veterans and their families to access the help and support available from the MoD, statutory providers, the local community and the Voluntary Sector.
- 3.3** The Covenant is intended to be a two-way arrangement and members of the Armed Forces Community are encouraged to do as much as they can to support their local community and promote activity which integrates Serving Personnel, Veterans and their families into communities.

SECTION 4: ACTIONS AND MEASURES

- 4.1** The signing of the original Armed Forces Community Covenant in 2012 demonstrated our commitment to supporting the Armed Forces community in Hartlepool. This new updated version of the Covenant recognises the need to continue, and effectively build upon, the work undertaken to meet the needs of the local Armed Forces Community. In order to achieve this, Hartlepool Borough Council and its Partners will:-
- i) Appointment of an Elected Member Armed Forces Champion to drive delivery of the objectives and intentions of the Community Covenant. The Elected Member Champion to be supported by a Council-appointed Veteran's Champion who is an ex service man/service woman;

Identify a senior officer to be the lead contact with the Authority for liaison with a senior officer from the Armed Forces (to be Lieutenant Colonel or above equivalent) and facilitate the Council's active membership of the Tees Valley and North East Armed Forces Forums to share information and best practice;
 - ii) Undertake an annual 'Stock Take' and develop a local 'Armed Forces Covenant Action Plan' based on the 'pillars' identified nationally (healthcare, education, housing, benefits and tax, family life, transition, participation as citizens, and recourse) against which success can be monitored and measured. This to be reviewed annually and reported to Full Council;
 - iii) Work to address the health needs of ex-service personnel identified through the Borough's Joint Strategic Needs Assessment;
 - iv) Ensure that Council Services are briefed and able to support both serving Armed Forces and ex-service personnel, and their families, with their enquiries;
 - v) Encourage and support employees who volunteer for Reserve duties; and
 - vi) Work in partnership with the armed forces community and organizations / charities, which support the aims of the Community Covenant.

CONTACT INFORMATION

To be added at signing ceremony.

The Armed Forces Covenant
An enduring Covenant Between
The People of the United Kingdom Her Majesty's Government
and

All those who serve, or have served in the Armed Forces of the Crown
and their Families

The first duty of Government is the defence of the realm. Our Armed Forces fulfill that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing danger and; sometimes, suffering serious injury or death as a result of their duty.

Families also play a vital role in supporting the operational effectiveness of our Armed Forces. In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

This obligation involves the whole of society: it includes voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces. Recognising those who have performed military duty unites the Country and demonstrates the value of their contribution. This has no greater expression than in upholding this Covenant.



Hartlepool Borough Council

Pay Policy Statement 2019/20

Contents

	Page
1 Introduction	3
2 National and other Conditions of Service	3
3 Pay Structure	4
4 Remuneration on Appointment	6
5 Senior Management Remuneration	7
6 Additional Benefits	8
7 Changes to Salaries	10
8 Payments to all Employees upon Termination of Employment and Public Sector Exit Payment Recovery	10
9 Lowest Paid Employees	11
10 Employment of Individuals already in receipt of a public sector pension	12
11 Employment of Individuals under a Contract For Services	12
12 Income Tax and National Insurance	13
13 Use of Agency Workers	13
14 Apprentices	13
15 Use of Zero Hours Contracts	13
16 Contractors	14

1. INTRODUCTION

- 1.1 This document sets out the Council's Pay Policy in relation to the remuneration of its employees (excluding those employed by schools with delegated budgets) for the period 1 April 2019 to 31 March 2020 in accordance with Section 38 of the Localism Act 2011¹ and reflects the guidance issued by the Department for Communities and Local Government^{2 3} unless stated differently. This pay policy applies equally to all employees (excluding school employees) regardless of status and seniority unless stated differently. The policy is subject to annual review and must be approved by the Borough Council for each financial year. The policy will be published on the Council's website⁴ as soon as reasonably practicable after approval or amendment.
- 1.2 Hartlepool Borough Council is committed to transparency and fairness in its payment and remuneration of all of its employees and will comply with all relevant employment legislation.
- 1.3 In 2019/20, the Council has an overall pay budget of £60.9m (excluding school staff) including on-costs for its workforce. It will employ around 2,070 people excluding those who are employed directly by schools in Hartlepool, in a variety of diverse roles
- 1.4 The Council's values give us a desire to increase the standard of living for everyone. Given that the Council is the largest employer in Hartlepool and that around 77% of employees live in the town, it has a major influence on the economic wellbeing of the town and a direct impact on levels of inequality. The Council wants to do all in its power to make Hartlepool a fairer town and is committed to reducing inequality by leading by example and doing so through the way it operates as an organisation.

2. NATIONAL AND OTHER CONTITIONS OF SERVICE

- 2.1 The appropriate National Conditions of Service (as detailed in Table 1) are automatically incorporated into employee contracts of employment.

1 Available at: <http://www.legislation.gov.uk/ukpga/2011/20/contents>

2 Available at: [Openness and accountability in local pay: guidance - Publications - GOV.UK](#)

3 Available at: [Openness and accountability in local pay: supplementary guidance - Publications - GOV.UK](#)

4 Available at: https://www.hartlepool.gov.uk/downloads/download/305/pay_policy

Table 1 – National Conditions of Service in use in the Council

Condition of Service	Type of Employees
Joint Negotiating Committee (JNC) for Local Authority Chief Executives	Chief Executive
Joint Negotiating Committee (JNC) for Chief Officers in Local Authorities	Directors, Assistant Directors and some other senior managers
The Soulbury Committee	Educational Improvement Professionals, Educational Psychologists and Young People's/Community Service Managers
Conditions Of Service for School Teachers in England And Wales ⁵	Head Teachers, Deputy/Assistant Head Teachers, all Leadership, Teachers, Qualified and Unqualified Teachers
Joint Negotiating Committee for Youth and Community Workers	Youth and Community Workers
National Joint Council (NJC) for Local Government Services – Part 2 only	All other employees

For legal and other reasons, some employees are employed on other conditions of service, for example as a result of TUPE transfers into the Council.

- 2.2 The Council's Single Status Agreement is automatically incorporated into the employment contract of NJC for Local Government Services employees.
- 2.3 Sections 1 (paragraphs 1.1.3 and 1.1.4 only), 3 (sub section 3.5 only), 5-9 and 12-16 of Part 2 of the Council's Single Status Agreement apply to all employees where their national conditions of service are silent.

3. PAY STRUCTURE

- 3.1 The Council uses nationally negotiated pay rates included in the above national conditions of service as the basis for its local pay structure, which determines the pay bands of the large majority of its workforce. Locally determined pay rates apply for the remainder of the workforce.
- 3.2 National pay awards are automatically applied to the national and local pay rates where employees are employed under the national conditions of service detailed in Table 1. Employees who continue to be employed under their pre transfer conditions of service following their TUPE (or similar) transfer to the Council are

⁵ The Conditions of Service for School Teachers In England And Wales August 2000 is supplemented by the statutory School Teachers' Pay and Conditions Document available at <https://www.gov.uk/government/publications/school-teachers-pay-and-conditions>

- not entitled to receive pay awards (equivalent to the appropriate Council condition of service national pay awards) where the value of the maximum of the employees pre transfer pay band is greater than the pay they would receive at the maximum of the pay band if they were employed under the appropriate Council conditions of service and/or if the employees are entitled to increments within their TUPE pay band as they are not at the maximum of their TUPE (or similar) pay band.
 - entitled to receive national pay awards in all other circumstances subject to the employees pay plus any pay award not exceeding the maximum of the appropriate pay band if they were employed under the appropriate Council conditions of service.
- 3.3 All other pay-related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery.
- 3.4 In determining its grading structure and setting remuneration levels for any posts which fall outside the scope of nationally set pay grades, the Council takes account of the need to ensure value for money in respect of the use of public expenditure. This is balanced against the need to recruit and retain employees who are able to deliver high quality services to the community and the need to comply with pay related legislation e.g. in relation to equal pay, national minimum wage and the national living wage.
- 3.5 In line with good employment practice, JNC for Local Authority Chief Executives and JNC for Chief Officers in Local Authorities jobs have been evaluated using the LGA Senior Managers job evaluation scheme and NJC for Local Government Services jobs have been evaluated using the bespoke NJC job evaluation scheme. This is to ensure that the majority of jobs are graded fairly and equitably. Both job evaluation schemes used are substantial schemes. For legal and other reasons, some employees pay is not consistent with the current grading structures for example as a result of TUPE transfers.
- 3.6 No job evaluation scheme exists for the remainder of jobs i.e. those on Teachers, Youth and Community workers and Soulbury conditions of service but those employees are placed within nationally defined grading structures.
- 3.7 As part of its overall and ongoing monitoring of alignment with external pay markets both within and outside the sector, the Council will use available benchmark information as appropriate.
- 3.8 Periodic equal pay audits will be undertaken and pay structures and allowances will be reviewed as necessary.

4. REMUNERATION ON APPOINTMENT

- 4.1 Appointments to the posts of Chief Executive, Directors and other Chief Officer posts are subject to the Council's Officer Employment Procedure Rules⁶ and the salary package (including basic pay, any fees or allowances routinely payable to the appointee and any benefits in kind) for each post is determined by full Council. Appointments to posts where the salary package is £100,000 or more per annum will be approved by full Council in the case of the appointment of the Chief Executive/Head of Paid Service or by the Appointments Panel in the case of other appointments. Appointment of all other officers is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by members.
- 4.2 New appointments are subject to the Council's Recruitment and Selection Policy and will generally be made to the agreed pay structures at the bottom spinal column point of all pay bands unless there are special circumstances and payment at a higher level can be objectively justified.
- 4.3 Where employees are redeployed into a lower graded post because of ill health (where this is supported by the Council's Occupational Health Advisor) or as an alternative to redundancy they will generally be appointed to the highest spinal column point within the lower grade so as to minimise financial loss.
- 4.4 From time to time, it may be necessary to take account of external pay levels in the labour market in determining starting salary levels and the use of market forces supplements in order to attract and retain employees with particular experience, skills and capacity.
- 4.5 The Council does not make any "golden hello" payment or any other incentive payments at recruitment other than market forces supplements where these are determined in accordance with the provisions in Table 3.
- 4.6 Where appropriate, the Council pays removal and relocation allowances, as detailed in the Council's Recruitment and Selection Policy upon the presentation of approved receipts.
- 4.7 In 2018, a two year pay deal was agreed for Youth & Community with a minimum increase of 2% for 2018/19 and 2019/20 with higher increases for lower scale points to keep in line with the Government's commitment to the national living wage.

In 2018 a two year pay deal for NJC for Local Government staff was agreed taking into account the Government implementation of a national living wage. This covers the period 1st April 2018 to 31st March 2020. On 1st April 2018 and 2019, there is a minimum 2% pay increase on all scale points, with higher percentage increases for lower banded employees to keep in line with the

⁶ Available at https://www.hartlepool.gov.uk/info/20004/council_and_democracy/370/hartlepool_borough_councils_constitution

Government's commitment to the national living wage. On 1st April 2019 there is also an introduction of a new pay spine with an assimilation plan agreed locally with relevant trade unions and approved by Finance & Policy Committee. The Hartlepool Living Wage has been assimilated to scp 3 on the new national pay spine, £9.36 per hour.

5. SENIOR MANAGEMENT REMUNERATION

5.1 The definition of 'Senior Management' in this statement mirrors the definition of 'Chief Officer' as detailed in Section 42(2) of the Localism Act 2011 i.e.

- the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- its monitoring officer designated under section 5(1) of that Act;
- a statutory chief officer mentioned in section 2(6) of that Act;
- a non-statutory chief officer mentioned in section 2(7) of that Act;
- a deputy chief officer mentioned in section 2(8) of that Act.

Within Hartlepool, the above definition includes employees on JNC for Local Authority Chief Executives, JNC for Chief Officers in Local Authorities and NJC for Local Government conditions of service plus employees employed on other terms and conditions of employment as a result of TUPE (or similar) transfers.

5.2 The 'Senior Management' salary bands for implementation as at 1 April 2019 are set out in Table 2 below.

5.3 In 2018, a two year 'cost of living' pay award was agreed nationally for Chief Executives, Chief Officers and Soulbury with 2% each year for 2018/19 and 2019/20.

5.4 Any increments due are implemented automatically on an annual basis.

5.5 In respect of Chief Officers (those posts below the Chief Executive and Directors) in the Council operates with a small number of bandings to provide operational and strategic flexibilities, whilst providing a robust and competitive pay strategy to retain and attract high caliber staff.

Table 2 – Salary bands of 'Senior Management'

Role	Annual Salary Band as at 1 April 2019	No of Points in Pay Band
Chief Executive	£148,583 – £159,197	6
Directors	£106,131 - £116,744	6
Director of Public Health	£81,902 - £87,753	3
Chief Officer – Band A	£81,902 - £87,753	3
Chief Officer – Band B	£73,128 - £78,978	3
Chief Officer – Band C	£61,427 – £70,203	4
Chief Officer – Band D	£55,970 - £58,414	3

- 5.6 Information on 'Senior Management' responsibilities and remuneration will be published on the Council's website⁷ in line with Local Government Transparency Code 2015⁸ and the Accounts and Audit Regulations 2015⁹.

6. ADDITIONAL BENEFITS

- 6.1 Employees receive/have access to additional benefits (in addition to basic salary) as outlined in the Table 3 overleaf.

Table 3 – Additional Benefits

Employees	Additional Benefit
All officers involved in delivering local, Parliamentary and/or European elections and/or referenda	Duty payments in connection with elections as determined locally in consultation with the other Tees Valley Councils and/or by statute depending on the duties concerned.
Employees in Development Scheme posts	Progression through pay bands where pre-determined progression criteria are met.
All employees whose pay reduces as a consequence of organisational change, job evaluation or redeployment	The pay protection arrangements detailed in the Council's Single Status Agreement apply to all employees as a means of assisting employees to adjust, over a 3 year period, to a reduction in pay arising from organisational change, job evaluation or redeployment. At the end of the 3 year protection period the standard pay arrangements apply.
All employees who are members of public sector pension schemes	<p>The Council operates the Local Government Pension Scheme (LGPS), the Teachers Pension Scheme (TPS) and the NHS Pension Scheme (PHPS) and makes employer pension contributions, as required, for all employees who elect to participate in one of the above schemes. The employer pension contributions from 1 April 2019 are as follows:</p> <p>Local Government Pension Scheme -15.5% of pensionable pay</p> <p>Teachers Pension Scheme - 16.48% (23.6% from 1st Sept 2019) of pensionable pay</p>

⁷ Available at: https://www.hartlepool.gov.uk/info/20004/council_and_democracy/430/local_government_transparency_code

⁸ Available at: <https://www.gov.uk/government/publications/local-government-transparency-code-2015>

⁹ Available at: <http://www.legislation.gov.uk/uksi/2015/234/contents/made>

	<p>NHS Pension Scheme – 20.68% of pensionable pay</p> <p>The contribution rates are regularly reviewed and set by actuaries advising the various Pension Funds.</p>
All employees in posts where there are particular recruitment and/or retention difficulties	<p>As a general rule, the pay bands provide relevant and adequate compensation to attract and retain employees for the vast majority of posts and the necessity to apply a salary supplement should not exist. There may be specific circumstances, however, where an additional market forces supplement may be required to either attract hard to recruit categories of employees or to retain such employees within the employment of the Council. In all circumstances a business case will need to be developed (and reviewed regularly) to support the payment of market supplements which will be approved by members in relation to posts subject to the Council's Officer Employment Procedure Rules¹⁰ and by the Director of Finance & Policy in relation to all other posts. The market forces supplement arrangements detailed in the Council's Single Status Agreement apply to all employees.</p>

Table 3 (cont) – Additional Benefits

Posts/Employees	Additional Payment
All permanent employees	Able to access the Council's Lease Car scheme through a salary sacrifice arrangement in accordance with Her Majesty's Revenues and Customs (HMRC) rules and at no cost to the Council.
Employees registered and in receipt of Childcare Vouchers via the Council run Scheme on 5 April 2018.	Able to continue to access the Council's Childcare Voucher scheme through a salary sacrifice arrangement in accordance with Her Majesty's Revenues and Customs (HMRC) rules and at no cost to the Council.
All employees who are members of the Local Government Pension Scheme and pay Additional Voluntary Pension contributions	Able to access from 1 st April 2019 a Shared Cost Salary Sacrifice AVC scheme.

¹⁰ Available at https://www.hartlepool.gov.uk/info/20004/council_and_democracy/370/hartlepool_borough_councils_constitution

All employees	Able to access the Council's Cycle to Work scheme through a salary sacrifice arrangement in accordance with Her Majesty's Revenues and Customs (HMRC) rules and at no cost to the Council.
All employees	The Council pay a range of allowances/premium payments as detailed in National Conditions of Service (see Table 1).
All employees employed under the National Joint Council (NJC) for Local Government Services conditions of service	The Council pay a range of allowances/premium payments as detailed in the Council's Single Status Agreement subject to employees meeting the criteria for payment.

7. CHANGES TO SALARIES

7.1 Changes in salary for employees will occur only as a result of

- the application of the provisions in Table 3.
- Promotion.
- significant changes to an employee's role which results in a different pay band being appropriate (as confirmed by the outcome of an appropriate job evaluation process, where appropriate).
- an honorarium or ex-gratia payment being appropriate to recognise circumstances or events not covered by conditions of service.
- progression of a maximum of one increment each year within previously agreed pay bands based on service.
- changes in the working arrangements of employees.

7.2 The Council does not currently award any performance related pay or bonuses to any of its employees or require them to have an element of their basic pay 'at risk' to be 'earned back' through meeting pre agreed objectives.

8. PAY STRUCTURE PAYMENTS TO ALL EMPLOYEES UPON TERMINATION OF EMPLOYMENT AND PUBLIC SECTOR EXIT PAYMENT RECOVERY

8.1 Employees who cease to hold office or be employed by the Council will receive payments based on entitlement within their contract of employment, their general terms and conditions and existing policies in relation to the Local Government Pension Scheme¹¹, specifically the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011¹².

¹¹ Available at: <http://www.lgpsregs.org/>

¹² Available at: <http://timeline.lge.gov.uk/regidx.html>

- 8.2 In accordance with the Council's Constitution, the determination of early retirement applications which do not generate sufficient savings to ensure that the costs of the application (including salary paid in lieu, redundancy compensation, strain on the pension fund, holiday pay and any bonuses, fees or allowances paid) are recovered within a pay-back period of 3.05 years or less are considered by members of the Personnel Sub Committee. Officers determine all other early retirement applications. This arrangement complies with previous Audit Commission guidance, has worked very well for a number of years and is an effective and efficient way of dealing with early retirement applications.
- 8.3 The Council, under the provisions of The Small Business, Enterprise and Employment Act 2015, implementing the Public Sector Exit Payment Recovery Regulations, with effect from 1st April 2016, will seek to recover, on a tapered basis, any public sector exit payments made under these regulations. This applies to those public sector workers who earned £80,000 per year or more and return to work for a public sector employer within 12 months of receipt of the exit payment.

9. LOWEST PAID EMPLOYEES

- 9.1 The lowest paid employees from 1st April 2019 will be remunerated at JNC for Government Services spinal column point 3 (equivalent to £18,065 per annum, £9.36 per hour).
- 9.2 The Council introduced its Single Status Agreement on 1st April 2007. The lowest paid employees within the Council are appointed to jobs which have been evaluated using the NJC Job Evaluation Scheme and are remunerated accordingly.
- 9.3 The relationship between the rates of pay for the lowest paid and for senior management is determined by the processes used for determining pay and grading structures as set out earlier in this Policy Statement.
- 9.4 The Council's 'median pay multiple', which complies with the Local Government Transparency Code 2015¹³, is the ratio between the taxable earnings of the highest paid employee and the median taxable earnings of the whole of the Council's workforce. The Chief Executive with a pay band of £148,583 – £159,197 at 1st April 2019 rates, is the highest paid employee.

¹³ Available at <https://www.gov.uk/government/publications/local-government-transparency-code-2015>

9.5 The 2018 'pay multiple' with comparative data is detailed in Table 5.

Table 5 – 'Pay Multiple'

Date	Taxable earnings of the highest paid employee	Median taxable earnings of the whole of the Council's workforce	Pay multiple based upon the taxable earnings of the highest paid employee
31 March 2014	£140,833	£17,051	8.26
31 March 2015	£142,833	£18,211	7.84
31 March 2016	£119,610	£18,074	6.62
31 March 2017	£126,772	£18,383	6.90
31 March 2018	£129,847	£18,352	7.08

N.B. The pay multiple changes each year as a consequence of a combination of the taxable earnings of the highest paid employee increasing due to incremental progression within the pay band of £148,583 – £159,197, the time they are in post and the median taxable earnings of the whole of the Council's workforce changing.

9.6 The Council will generally aim to ensure that the basic pay 'pay multiple' does not exceed a value of ten.

10. EMPLOYMENT OF INDIVIDUALS ALREADY IN RECEIPT OF A PUBLIC SECTOR PENSION

10.1 The Council does not generally support the employment of individuals already in receipt of public sector pensions as doing so potentially restricts the recruitment of younger workers who may be disadvantaged in the labour market. However, there may be circumstances where the employment of an individual with a public sector pension is the most effective and efficient way of meeting the Council's needs. Under the Officer Employment Procedure Rules¹⁴ Members will approve all appointments for Head of Paid Service, Directors and Chief Officers reporting to a Director or Head of Paid Service. In respect of all other posts the Chief Executive (in his/her role as head of the paid service) will formally approve any appointments.

11. EMPLOYMENT OF INDIVIDUALS ALREADY UNDER A CONTRACT FOR SERVICES

The Council does not generally support engaging individuals under a 'contract for services' where the Council is not required to make either pension or national insurance contributions for such individuals as it supports the Government's commitment to tackling all forms of tax avoidance and

¹⁴ Available at:
https://www.hartlepool.gov.uk/downloads/file/3971/hartlepool_borough_councils_constitution_2017-18_part_4_-_rules_of_procedure p117.

recognises that public appointments that involve arrangements whereby savings in tax and National Insurance contributions are made may be at the expense of other taxpayers or other parts of the public sector. However there may be exceptional circumstances where engaging an individual under these terms is the most effective and efficient way of meeting the Council's needs. If this situation applies formal approval will be sought from members in relation to posts subject to the Officer Employment Procedure Rules ¹⁸ and from the Chief Executive (in his/her role as head of the paid service) in respect of other posts and individuals will be sourced through an appropriate procurement process, including IR35 checks, and in accordance with the Council's Contract Procedure Rules which ensure the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service.

12. INCOME TAX AND NATIONAL INSURANCE

- 12.1 The Council does not enter into arrangements with individual employees to minimise their tax and national insurance contributions other than via salary sacrifice schemes in accordance with Her Majesty's Revenues and Customs (HMRC) rules.

13. USE OF AGENCY WORKERS

- 13.1 The Council does not generally support using agency workers. However there may be circumstances where engaging agency workers is the most efficient and effective way of meeting the Council's needs. If this situation applies, formal approval will be sought from the relevant Assistant Director. Agency workers operating in the Council be remunerated at JNC for Government Services spinal column point 3 (equivalent to £18,065 per annum, £9.36 per hour) initially and at least the pay of comparable employees after 12 weeks of qualifying service.

14. APPRENTICES

- 14.1 Apprentices are paid the appropriate national minimum wage (depending upon individual circumstances).
- 14.2 Employees with substantive jobs who undertake apprenticeships via the Council's Adult Education service within their current duties and responsibilities will continue to be paid in accordance with their contract of employment.

15. USE OF ZERO HOUR CONTRACTS

- 15.1 The Council does not generally support the use of zero hour contracts and has acted to end such contracts, with the exception of where an individual employee has specifically requested to remain on such a contract. There may be circumstances where an individual employee requests the use of a zero based hour contract. The Director of Finance and Policy **must** consult with the Chief Executive and Chair of Finance and Policy Committee before the use of any such contracts are approved. Where employees are employed on a zero

hour contract they are employed on a permanent or fixed term basis, are entitled to request a review of their contracted hours at any time after six months in post and are not prevented from working for other employers.

16. CONTRACTORS

- 16.1 The Council requires that contractors comply with the national minimum wage and national living wage legislation. All new and extended Council contracts are encouraged to pay JNC for Government Services spinal column point 3 (see 9.1 above) and avoid the use of zero hour contracts (see 15.1 above).
- 16.2 The Council will encourage all local employers employing 250 or more employees to publish their pay multiple.

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

14 DECEMBER 2018



PRESENT:

CHAIR

Cllr Jan Brunton Dobson - Middlesbrough Council

HARTLEPOOL BOROUGH COUNCIL

Cllrs Marjorie James, Rob Cook, Mike Young

MIDDLESBROUGH COUNCIL

Cllr Naweed Hussain, Tom Mawston

REDCAR & CLEVELAND BOROUGH COUNCIL

Cllrs Neil Bendelow, Norah Cooney, Ray Goddard, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL

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

AUTHORISED OFFICERS

Chief Fire Officer, Legal Adviser and Monitoring Officer, Treasurer

IN ATTENDANCE

Dave Howe – Brigade Secretary, FBU (observing)

APOLOGIES FOR ABSENCE:

Director of Corporate Services

Councillors Gillian Corr, Paul Kirton - Stockton Borough Council

Councillors Teresa Higgins - Middlesbrough Council

72. WELCOME

The Chair welcomed Councillor Mike Young to the meeting. Councillor Young was appointed to the Authority by Hartlepool Borough Council on 14 September 2018.

73. DECLARATIONS OF MEMBERS INTEREST

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

74. MINUTES

RESOLVED – that the minutes of the Ordinary Meeting of 27 July 2018 be confirmed.

75. MINUTES OF MEETINGS

RESOLVED - that the Minutes of the Local Pension Board meeting on 17 April 2018, Audit & Governance Committees on 24 August and 9 November 2018 and the Executive Committees on 31 August, 28 September and 23 November 2018 be confirmed.

76. COMMUNICATIONS RECEIVED BY THE CHAIR

Zoe Billingham Fire & Rescue Inspection Updates

Publication of First Tranche of FRS Reports

LGA

Circular NJC/4/18 - Pay Uplift

Circular NJC/5/18 - Continual Professional Development Payments

Circular NJC/7/18 - Technical Advisory Panel

Circular NJC/6/18 - Independent Chair of the National Joint Council and Middle Managers Negotiating Body: (a) New Appointment (b) Annual General Report

NJC Pay Discussions

76. COMMUNICATIONS RECEIVED BY THE CHAIR CONT.

HOME OFFICE Joint Emergency Services Interoperability Principles (JESIP)
Fire England Website
Progress with replacement of Incident Recording System
Government Response to Representation Model Inquiry

RESOLVED – that the communications be noted.

77. REPORTS OF THE CHIEF FIRE OFFICER

77.1 Local Pension Board – Annual Report

The Chief Fire Officer (CFO) updated Members on the activities of the Local Pension Board for the period April 2017 to August 2018. He took Members through the Annual Report at Appendix 1 and reported that the Chair of the Local Pension Board had requested that the Scheme Manager share this with the Authority.

Councillor James asked if Kier was involved in managing the Brigade's Pensions. It was confirmed that they were the administrators for the Firefighter Pension Schemes.

Mr Dave Howe, Branch Secretary for the Fire Brigades' Union (FBU), reported that as a Member of the 1992 Firefighter Pension Scheme he had been notified that a new company were now the administrators. The Legal Adviser and Monitoring Officer (LAMO) confirmed this was the case.

RESOLVED - That the report be noted.

77.2 Government Response to the Representation Model Inquiry

Members received details relating to the outcomes of the Government's summary of consultation responses from the consultation exercise – 'Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities', as detailed at Appendix 1.

The CFO reported that at the Special CFA Meeting on 8 December 2017, Members views were sought on the proposal to amend the Combination Schemes of Fire and Rescue Authorities (FRAs) which had been issued by the Home Office regarding proposed changes to the Authority's scheme. Members resolved that the Chair be authorised to respond on the Authority's behalf, that it does not agree with the proposed amendments. And that if the amendments were made there would be some minor consequential amendments to its combination Scheme as indicated in the consultation.

The CFO advised Members of the outcome of the Independent Inquiry as detailed at section 4 of the report and confirmed that while all three issues had been directly addressed the Government was now moving forward and amending legislation to enable PCCs to have Membership on Fire Authorities.

The LAMO confirmed that to allow uniformity, Combined Fire Authority's should have the power to enable PCCs to sit and vote.

RESOLVED:-

- (i) that the report and appendices be noted.**
- (ii) that Members receive an updated report following the anticipated amendments to its Combination Scheme Order in Spring 2019 to enable a PCC to request to sit on the Fire Authority with voting rights.**

77.3 Information Pack

- 77.3.1 Employers Circulars
- 77.3.2 National Joint Council Circulars
- 77.3.3 Campaigns

Stay Safe & Warm – 10th Anniversary

The CFO noted that it was the 10th Anniversary of the Brigade's Stay Safe and Warm Campaign and that referrals had increased 125% over the last year.

Festive Campaigns

The CFO reported that staff had been running a Festive Hamper Campaign to distribute to the most vulnerable families across the Brigade areas in support of the Stay Safe and Warm Campaign. In addition, crews in Middlesbrough would once again distribute donations of warm clothing and blankets at a Boxing Day event for the homeless. While crews from Hartlepool and Stockton would be taking Christmas gifts to children's wards at North Tees Hospital, Women's Refuges and local hospices.

The CFO thanked all staff involved for going above and beyond their roles to support the community and commended them for being a credit to the organisation. The Chair echoed the sentiment.

Councillor James asked for clarity on the level of involvement the Brigade had with delivering adult assessments in the home. The CFO confirmed that over 12,000 HFSVs have been delivered since April 2018 of which over 2,000 were Safe and Well Visits which involve an initial assessment before being referred on to the Brigade's advocate team.

Councillor Bendelow asked if the Brigade received funding from the government to cover this extra 'social' work. The CFO confirmed that the Authority has received an 18% cut in funding over the last 4 years.

RESOLVED – that the information pack be noted.

77.4 HMICFRS Update – Verbal Report

The CFO informed Members that the Tranche 1 reports, which had been scheduled for publication on 14 December 2018, would now be published on 21 December and the findings would be discussed at the next CFA meeting in February.

The CFO reported that a timeline had been confirmed for Cleveland's inspection in 2019, as detailed below, and noted that this coincides with the election process.

- January – submit documentation
- April – self assessment across 11 categories
- May/June – 10 inspectors to deliver inspection
- October – 1st draft report
- December – published document

Councillor Young expressed disappointment at the delayed reporting of the Tranche 1 inspections by HMICFRS and suggested delayed submissions by fire authorities would equally not be viewed favourably by HMICFRS.

RESOLVED – that the HMICFRS verbal update report be noted.

78. REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER

78.1 Contract Procedure Rules

The LAMO reported that a review of the Contract Procedure Rules had been undertaken in line with the Authority's Policy Framework arrangements taking account of changing legislation and in order to strengthen the Authority's corporate governance arrangements.

He noted that the Contract Procedure Rules had last been reviewed in 2014 and the need to review them was recognised in a recent internal audit.

The LAMO referred Members to Appendix A and outlined the key changes and additions which had been considered by the Executive Committee on 23 November 2018.

RESOLVED - That the revised Contract Procedure Rules, as attached at Appendix A, be approved.

78.2 Review of Delegation Scheme

The Legal Adviser and Monitoring Officer informed Members that he had undertaken a review of the Authority's Delegation Scheme in conjunction with the Treasurer, the Chief Fire Officer and the Director of Corporate Services to ensure the scheme:

- reflected the delegated powers of the Authority's Committees and its Officers
- reflected any new roles and responsibilities of Officers agreed during the year 2018/19
- reflected any new legislation that has emerged during 2018/19
- reflected more general than specific details of powers
- outlines a distinction between 'delegated officer' (i.e. responsible officer) and 'authorised officer' (i.e. person who is authorised by the delegated officer to use the power)

The LAMO referred Members to Appendix A of the report which highlighted the changes considered by the Executive Committee on 23 November 2018.

RESOLVED :-

- (i) That the recommendations emanating from the work that has been undertaken to date by the Legal Adviser, Treasurer, Chief Fire Officer and Director of Corporate Services on a review of the Authority's Delegation Scheme, as outlined in Appendix A, be noted.**
- (ii) That the revised Delegation Scheme at Appendix A be approved.**

79. 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 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 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."

80. CONFIDENTIAL MINUTES

RESOLVED – that the confidential minutes of the Ordinary Meeting of 27 July 2018 be confirmed.

81. CONFIDENTIAL MINUTES OF MEETINGS

RESOLVED - that the Confidential Minutes of the Executive Committees on 31 August, 28 September and 23 November 2018 be confirmed.

82. ANY OTHER CONFIDENTIAL BUSINESS

82.1 Prior Court – High Rise Fire

The CFO provided Members with details of a high rise flat fire at Prior Court, Billingham.

82.2 Incident Command Virtual Reality Demo

Members received a demonstration showcasing virtual reality simulation training currently being developed by the Brigade.

82.3 Cleveland Fire Brigade Website – Update

Members received a short presentation outlining the proposed updates to the Brigade website.

COUNCILLOR JAN BRUNTON DOBSON
CHAIR