

FINANCE AND POLICY COMMITTEE

AGENDA



Monday 14 October 2019

at 10.00 am

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

MEMBERS: FINANCE AND POLICY COMMITTEE

Councillors C Akers-Belcher, Brewer, Brown, Hunter, Lindridge, Little, Marshall, Moore, Smith, Tennant and Young.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To receive the minutes of the meeting of the Finance and Policy Committee held on 30 September 2019 (To Follow).
- 3.2 To receive the minutes of the meeting of the Health and Wellbeing Board held on 1 July, 2019

4. BUDGET AND POLICY FRAMEWORK ITEMS

- 4.1 Local Council Tax Support 2020/21 – *Director of Finance and Policy*

5. KEY DECISIONS

- 5.1 Hartlepool Power Stations Detailed Emergency Planning Zone Redetermination-
Director of Regeneration and Neighbourhoods
- 5.2 Reclamation of Stranton Cemetery Land – *Director of Regeneration and Neighbourhoods*

6. OTHER ITEMS REQUIRING DECISION

None.



7. ITEMS FOR INFORMATION

None.

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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 the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

10. EXEMPT ITEMS FOR DECISION

10.1 Tees Valley Future Waste Treatment and Disposal – *Director of Regeneration and Neighbourhoods* (para. 3) (To Follow)

FOR INFORMATION

Future meeting dates –

Monday 11 November, 2019 at 10.00 am
Monday 9 December, 2019 at 10.00 am
Monday 13 January, 2020 at 10.00 am
Monday 10 February, 2020 at 10.00 am
Monday 16 March, 2020 at 10.00 am



FINANCE AND POLICY COMMITTEE MINUTES AND DECISION RECORD 30 SEPTEMBER 2019

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool.

Present:

Councillor Shane Moore (In the Chair)

Councillors: James Brewer, Jim Lindridge, Ann Marshall, Leisa Smith, John Tennant, and Mike Young.

Also Present: Edwin Jeffries, Hartlepool Joint Trade Unions Committee

Officers: Gill Alexander, Chief Executive
Hayley Martin, Chief Solicitor
Chris Little, Director of Finance and Policy
Jill Harrison, Director of Adult and Community Based Services
Steve Hilton, Communications and Marketing Team
David Cosgrove, Democratic Services Team

39. Apologies for Absence

Councillors Christopher Akers-Belcher, Paddy Brown, Dave Hunter and Sue Little.

40. Declarations of Interest

None.

41. Minutes of the meeting held on 27 August 2019

Received.

Members requested an update on Minute No. 32 'Navigation Point Car Park'. The Chief Executive stated that an offer had been made to the owners of the car park but they had rejected the offer and subsequently decided to take the car park off the open market and retain it as an asset.

42. Medium Term Financial Strategy (MTFS) 2020/21 to 2021/22 *(Director of Finance and Policy)*

Type of decision

Budget and Policy Framework.

Purpose of report

The purpose of this report is to update the MTFS to reflect the one year Spending Review for 2020/21 and to enable Members to determine the budget proposals they wish to refer for consultation.

Issue(s) for consideration

The Chief Financial Officer reported on the background to the Council's current and the Chancellor of the Exchequer's one year Spending Review for 2020/21 announced to Parliament on 4 September 2019. The Government has indicated that a three year Spending Review will be completed next year. This will determine the Government's medium term priorities. For planning purposes it is assumed that Government funding allocated to councils for 2020/21 will continue at this level. However, there is a risk that the next Spending Review may reduce the total funding allocated to councils. There is a potentially greater risk that Government reforms of the national funding system for councils may result in the redistribution of resources between authorities.

The Director anticipated that the one year Spending Review would have a positive impact on the Council's budget position for 2020/21 once the detailed settlement was received in December. The budget forecasts had been updated to reflect the recent Spending Review announcement for 2020/21 and the net impact of the increased funding provided by the Spending Review and local changes was a reduction in the forecast 2020/21 budget deficit from £4.830m to £2.636m. After reflecting the benefits of the Spending Review announcement and proposed savings set out in the report, the budget deficit could be reduced from £4.830m to £0.291m. Of this, it was anticipated that a fees and charges increase could provide a further £100,000 reducing the deficit to £191,000 and it was proposed that a further report would be submitted to Members once proposals to achieve the additional savings had been identified.

Members expressed their disappointment that there had been no specific funding directed towards dealing with the pressures around looked after children (LAC). Members also noted the reference to the new housing developments bringing additional council tax into the Authority but were concerned at the focus on higher banded properties when there was a need for affordable properties. The Director stated that the Council did through its own housing stock promote the numbers of affordable housing in the town but that new developments of higher banded properties were needed to balance the significant numbers of band A and B properties.

The Chair of Children's Services Committee noted the figures that showed that 58% of all council expenditure was spent on children and adult social care services and asked for details of the split of that money between the Adult Social Care precept, central government and Council Tax. The Director stated he would share that information with Members after the meeting.

Decision

- i) That the report be noted.
- ii) That the announcement that the Government was providing an additional £1 billion for children and Adult Social Care pressures be noted;
- iii) The Committee noted that the Government had confirmed the Adult Social Care precept would continue for 2020/21 at 2%, which would generate £500 million to partly match the £1 billion referred to in recommendation (ii). The continuation of the Adult Social Care precept for a fifth year continued to shift part of the funding of these services onto Council Tax, pending the Government determining a longer terms funding strategy for Adult Social care.
- iv) The Committee noted the Government Spending Review figures suggested an additional core Council Tax referendum limit of 2.5% to 3%, i.e. a total referendum limit including the Adult Social Care precept of 4.5% to 5%;
- v) The Committee noted the forecast reduction in the 2020/21 budget deficit from £4.830m to £2.636m resulting from the one year Spending Review for 2020/21, which included a 2% Adult Social Care precept and core Council Tax increase of 1.9%, i.e. a total increase of 3.9% which was less than the forecast national Council Tax Referendum limit of 4.5% to 5%.
- vi) The Committee noted that without a 2% Adult Social Care precept and core Council Tax increase of 1.9% for 2020/21 the Council would reduce recurring income by £1.605m and would need to identify, therefore, additional cuts to offset the loss of this recurring income;
- vii) The proposal to refer the proposed Innovation and Efficiency strategy work streams savings detailed in Appendix A, totalling £2.345m to individual policy committees was approved, which would leave a residual deficit of £0.291m still to be addressed. The Committee noted that further proposals for addressing the remaining gap would be submitted to a future meeting and would be based on achieving £0.100m from reviewing fees / charges and £0.191m from a further review of expenditure budgets;

- viii) The Committee noted that detailed proposals in relation to the issues relating to the Ward Members Budget saving and Public Health issues would be reported in the next budget report;
- ix) That the proposal that when the final budget report is referred to Council that delegation be sought for this Committee to approve the use of up to £0.5m of the uncommitted Budget Support Fund to fund invest to save initiatives, subject to these proposals achieving a pay-back period of 3 years or less. This proposal would enable further savings to be achieved from initiatives such as property rationalisation;
- x) The Committee noted that this report and a brief survey would be used for public consultation on the budget proposals via the Council website.

43. Apprenticeship Charter and Coping with Terminal Illness Pledge *(Assistant Director Corporate Services)*

Type of decision

Non-key Decision.

Purpose of report

The purpose of the report was to seek Finance and Policy Committee approval for the Council to commit to a joint HBC and Hartlepool Joint Trade Union Committee (HJTUC) Apprenticeship Charter and a separate pledge to our terminally ill employees and their families.

Issue(s) for consideration

The Director of Finance and Policy reported that the UNISON local trade union representatives had approached the Council to ask for a commitment to their Apprenticeship Charter and the TUC Dying to Work Charter. Following extensive consultation, the Apprenticeship Charter and separate Coping with Terminal Illness Pledge have been approved locally with the Hartlepool Joint Trade Union Committee (HJTUC). The charter and pledge were submitted for consideration and agreement by Finance and Policy Committee on behalf of the Council.

Decision

That the Committee approve the Council's commitment to the Apprenticeship Charter and the Pledge for Coping with Terminal Illness Pledge and the signing of both as part of a formal ceremony.

44. Strategic Financial Management Report - as at 31st July 2019 *(Corporate Management Team)*

Type of decision

For information.

Purpose of report

The purpose of the report was to inform Members of:

- i) 2019/20 Forecast General Fund Outturn;
- ii) Corporate Income Collection Performance; and
- iii) 2019/20 Capital Programme Monitoring.

Issue(s) for consideration

The Director of Finance and Policy reported an assessment of the forecast 2019/20 outturn had been completed and a departmental over spend of £850,000 was anticipated. A strategy for funding this has been developed and was set out in the report. There remained an underlying budget pressure within Looked After Children related costs of £1.241m, partly offset by one-off underspends of £0.391m. The Director also highlighted that Council Tax and Business Rate collection rates were slightly ahead of this time last year.

Members were concerned at the continuing pressures due to Looked After Children and questioned the levels of costs being borne through children being placed in specialist placements out of borough. The Director stated that he would liaise with the Director of Children and Joint Commissioning Services and send a formal response after the meeting. The Chair of Children's Services Committee indicated that the Authority was trying to address the numbers of children placed outside the borough and the recently approved proposal for a SEMH (Social, Emotional and Mental Health) Special Free School at Golden Flatts would assist in that aim. The Chair commented that in his meetings with other Council Leader's in the Tees Valley it was clear that all were under a similar pressure though he did feel that Hartlepool seemed to be managing the pressures better than others.

Decision

That the report and the forecast 2019/20 departmental revenue budget over spend of £850,000, which mainly relates to the costs of Looked After Children, be noted.

45. Corporate Procurement Quarterly Report on Contracts (*Director of Finance and Policy*)

Type of decision

For information only.

Purpose of report

To satisfy the requirements of the Council's Contract Procedure Rules with regard to the Finance and Policy Committee:

- Receiving and examining quarterly reports on the outcome of contract letting procedures including those where the lowest/highest price is not payable/receivable.
- Receiving and examining reports on any exemptions granted in respect of the Council's Contract Procedure Rules.

Issue(s) for consideration

The Director of Finance and Policy reported that alongside the detailed tender information set out in the appendices to the report, additional related information showing details of exemptions granted to the Contract Procedure Rules were also included in the quarterly report.

Decision

That the report be noted.

46. Any Other Items which the Chairman Considers are Urgent

None.

The Committee noted that the next meeting would be held on Monday 14 October, 2019 at 10.00 am.

The meeting concluded at 10.37 am.

H MARTIN

CHIEF SOLICITOR

PUBLICATION DATE: 7 OCTOBER 2019

HEALTH AND WELLBEING BOARD

MINUTES AND DECISION RECORD

1 July 2019

The meeting commenced at 10 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Moore, Leader of Council (In the Chair)

Prescribed Members:

Elected Members, Hartlepool Borough Council – Councillors Buchan, C Richardson (as substitute for Councillor Thomas) and Ward
Representatives of Hartlepool and Stockton-on-Tees Clinical Commissioning Group – Dr Nick Timlin and Nicola Bailey
Director of Children's and Joint Commissioning Services, Hartlepool Borough Council – Sally Robinson
Director of Adult and Community Based Services, Hartlepool Borough Council, Jill Harrison
Representatives of Healthwatch - Margaret Wrenn

Other Members:

Assistant Director of Joint Commissioning, Hartlepool Borough Council – Danielle Swainston
Representative of Cleveland Police – Steven Graham
Representative of Tees, Esk and Wear Valley NHS Trust – Dominic Gardner
Representative of North Tees and Hartlepool NHS Trust – Julie Parkes (as substitute for Dr Dwarakanath)
Representative of GP Federation – Fiona Adamson
Representative of Headteachers – Julie Thomas
Observer – Statutory Scrutiny Representative, Hartlepool Borough Council - Councillor Hall

Also in attendance:-

Councillor Harrison, Hartlepool Borough Council
Cath Hitchen, SEND Professional Adviser, Department for Education

Hartlepool Borough Council Officers:

Craig Blundred, Deputy Director of Public Health
Joan Stevens, Statutory Scrutiny Manager
Amanda Whitaker, Democratic Services Team

1. Apologies for Absence

Elected Member, Councillor Thomas

Director of Public Health, Hartlepool Borough Council – Dr Pat Riordan
Denise McGuckin, Director of Regeneration and Neighbourhoods
Representatives of Healthwatch - Ruby Marshall
Representative of the NHS England – Dr Tim Butler
Representative of Hartlepool Voluntary and Community Sector – Tracy Woodall

2. Declarations of interest by Members

Councillor Ward declared a personal interest as a Director of a Wellbeing Company.

3. Minutes

The minutes of the meeting held on 4 March 2019 were confirmed.

4. Review of the Role and Purpose of the Health and Wellbeing Board *(Director of Public Health)*

The report set out proposals with regard to the strategic approach to improving Health and Wellbeing outcomes. The Board was requested to review the following proposals:

- There is a need to identify the top five issues that have the most significant impact on the health and wellbeing of the population of Hartlepool.
- That we determine the key health and wellbeing outcomes which we seek to achieve in relation to these issues.
- We jointly agree to the development of five multi-agency workstreams to deliver the high impact outcomes which we seek.
- The five workstreams are co-owned and therefore delivered in partnership. In order to do this the Health and Wellbeing Board needs to develop a sense of common purpose and commitment to the five workstreams.
- A strategic delivery plan supporting these workstreams is agreed by the Health and Wellbeing Board.
- The delivery plan identifies the measures of success for the workstreams including key outcomes; KPIs and ownership of the deliverables. This should be reported to the Health and Wellbeing Board on a quarterly basis to monitor progress.
- The Health and Wellbeing Board more effectively engages with the public in Hartlepool in determining what the important issues are and also in monitoring success in delivering the outcomes.

Agreement was sought to a workshop being scheduled to address the specific issues. The Chair encouraged all Board Members to attend the workshop.

Decision

The Board approved:

- The proposed review of the role and purpose of the Board.
- That a workshop take place in September in order to agree the way forward.

5. Face The Public Event - Feedback *(Director of Public Health)*

Board Members were advised that the Health and Wellbeing Board's Face the Public Event for 2019 had been held on the 11th March 2019 and had focused on 'starting well' as a priority outcome identified within the Director of Public Health's Annual report and Joint Health and Wellbeing Strategy (2018 – 2025). The event had been attended by 29 representatives from a variety of partner organisations and residents, with a number of questions explored as detailed in the report. A summary of comments made at the event was appended to the report.

Decision

- (i) The Board noted feedback from the Face the Public Event.
- (ii) It was agreed that the outcomes of the Face the Public Event be utilised to inform the review of priorities going forward as part of the refresh of the Joint Health and Wellbeing Strategy and Healthy Weight Strategy.

6. Update on the Healthy Weight Strategy and Proposal to Develop a Whole Systems Approach to Obesity Prevention *(Director of Public Health)*

The Board was reminded that in August 2014, the Board had selected child obesity as a priority and had requested that work start on developing a Childhood Obesity Strategy. A town wide obesity conference was held in February 2015 and following this, the Healthy Weight Strategy had been developed which had been approved by the Board in September 2015. Key successes to date were set out in the report.

It was recognised that Partners needed to work differently to ensure that the prevalence of obesity in the town was reduced. It was proposed:-

- That the priorities in the Healthy Weight Strategy are refreshed.
- That adopting the Whole Systems approach to obesity prevention is fundamental to our aim to decrease the number of overweight and obese people in the town
- That the leadership of the Healthy Weight Strategy reflects the requirements of the Whole Systems approach and recognises the strong leadership provided through the local authority.

Board Members were advised that the next steps would be a second workshop in July to consider mapping the provision of services in the Borough, setting up a system network to coordinate the work and the development of a social movement to support the aims of the project.

Following presentation of the report, the Director of Children's and Joint Commissioning Services highlighted links to the Child Measurement Programme and concerns which she had received relating to the way the Programme is implemented. The Deputy Director of Public Health acknowledged issues associated with the wording of the letters sent to parents.

Decision

- (i) The Board approved the Whole Systems Approach to obesity prevention.
- (ii) The Board approved bringing the Healthy Weight Strategy in line with the Whole Systems Obesity proposals.

7. Developmental Of Neurodevelopmental Pathway

(Director of Children's and Joint Commissioning Services and Hartlepool and Stockton-on-Tees Clinical Commissioning Group)

The report shared with Board Members the development of a neurodevelopmental pathway which would replace the existing ASD pathway. Board Members were presented with background information including estimated prevalence of ASD, referral numbers and waiting times for diagnosis. An expert reference group had been established which had reviewed parental consultation and best practice in other areas to draft a new model. The Hartlepool and Stockton model had been developed and was appended to the report. A task and finish group had been established in Hartlepool to develop and trial the pathway. The work to date was set out in the report. It was noted that the Group would continue to develop the pathway and trial the different elements of the pathway and report to the Board in 6 months on progress.

Board Members discussed issues arising from the report and Partners spoke in positive terms in relation to the pathway. An Elected Member highlighted that the report referred to five times as many boys being diagnosed as girls. The Tees, Esk and Wear Valley NHS Trust representative undertook to verify with clinicians and report back to the Board. The Chair agreed to circulate a copy of the response.

Decision

- (i) The development of a neurodevelopmental pathway was noted.
- (ii) It was agreed that a progress report is presented to the Health and Wellbeing Board in six months.

8. **SEND (Special Educational Needs and Disabilities) Inspection Revisit and SEND Improvement Plan** (*Director of Children's and Joint Commissioning Services*)

The Board was advised that the joint local area SEND Inspection had identified serious weaknesses and the local area had been required to produce a written statement of action. A SEND revisit had been undertaken in January 2019 to review progress against the serious weaknesses (the letter from Ofsted and CQC was appended to the report and outlined the findings from the revisit). Inspectors had been sufficiently assured in the following two areas that sufficient progress had been made:

- a) Weaknesses in providing the clear and timely information, advice and support that families need.
- b) Weaknesses in the monitoring of the effectiveness of services in improving outcomes for children and young people who have special educational needs and/or disabilities.

However inspectors were not assured in the remaining two areas:

- c) Inconsistencies in the timeliness and effectiveness of the local area's arrangements for identifying and assessing children and young people's special educational needs and/or disabilities.
- d) Weaknesses in the strategic joint commissioning of services for children and young people who have special educational needs and/or disabilities.

The local area had been required to submit an Improvement Plan in response to the revisit findings to the DfE (appended to the report). During the re-visit, inspectors had raised concerns that the governance arrangements were not robust and leaders were not holding each other to account to ensure swift and timely progress on the areas of weaknesses. A review of the governance arrangements had been undertaken with a review of the terms of reference for the Strategic SEND Board (appended to the report) and the Operational SEND group (appended to the report).

It was highlighted that due to the cross cutting nature of SEND it was important that the Board hold all organisations to account for the implementation of the SEND Code of Practice and delivery of the Improvement Plan. It was therefore proposed that the Board is the governing board for the implementation of the SEND strategy.

Following presentation of the report, the Assistant Director of Joint Commissioning responded to the Chair in terms of plans to address quality assurance issues and assured Board Members that reports would be submitted to the Board. The role of the Board was reiterated and the Chair encouraged all Board Members to fulfil their responsibilities.

Decision

- (i) The Board noted the SEND revisit findings and the SEND improvement plan.
- (ii) That Board approved the revised SEND governance arrangements with the Health and Wellbeing Board being the overarching governing body holding all partners to account. This includes terms of reference for Operational and Strategic SEND groups.

9. Better Care Fund 2018/19: Q4 Performance Update (*Director of Adult & Community Based Services*)

The report provided the background to the Better Care Fund reporting arrangements and summarised the National Conditions and performance measures. Performance reports were submitted to NHS England on a quarterly basis. The Q4 return covering the period January – March 2019 had been submitted in April 2019 and had confirmed that all national conditions continued to be achieved. An analysis of performance data had also been provided which was summarised in the report.

Decision

The Board retrospectively approved the Hartlepool Better Care Fund Quarter 4 return and noted the current positive position in relation to performance, with three of the four key indicators, and a dramatic improvement in delayed transfers of care, achieved.

10. Verbal Update/Presentations (*Hartlepool and Stockton-on-Tees Clinical Commissioning Group*)

The Board received updates from the Chief Officer, Hartlepool and Stockton-on-Tees Clinical Commissioning Group (CCG) in relation to the following:-

- (i) Whorlton Hall – Board Members were informed verbally of the background to the current complex police investigation arising from the BBC Panorama's undercover filming which appeared to show abuse at Whorlton Hall. The Chief Officer explained the role of the CCG and referred to the co-ordination of commissioning of alternative accommodation for the residents of Whorlton Hall. The support received from the Tees, Esk and Wear Valley Trust was acknowledged and individuals were continuing to be supported in their new placements. It was highlighted that the situation was very complex and difficult for all concerned. An update report would be submitted to a future meeting of the Board.

Board Members discussed issues arising from the update. It was highlighted that Cygnet Health Care, who owned Whorlton Hall, also owned a care home in Hartlepool. Following clarification sought from Board Members, assurances were provided regarding safeguarding and review arrangements in that Home. The Director of Adult and Community Based Services advised Members that she would include

updates in regular reports to the Council's Adult and Community Based Services Committee which could also address also a question raised regarding Dignity and Care Champions.

- (ii) North East Integrated Care System – A presentation detailed background information, purpose and key challenges relating to an Integrated Care System (ICS) for the North East and North Cumbria. Features and key principles of established ICS Partnership Assemblies were outlined together with the key benefits to local people.

Merger Application - Proposals for new Clinical Commissioning Groups for Tees Valley and Durham CCGs – A presentation updated the Board on the current CCGs arrangements covering Teesside, Darlington and Durham. The presentation outlined the role of CCGs and the additional benefits which it was considered a merger could provide. Options were detailed to the Board as follows:-

- Single CCG across the ICS i.e. Cumbria and the North East
- Single CCG across the 5-CCG collaborative: merger of Darlington CCG, Durham Dales, Easington & Sedgefield CCG; Hartlepool & Stockton-on-Tees CCG; North Durham CCG and South Tees CCG.
- Single CCG across each Integrated Care Partnership: i.e. the southern ICP (South Tees CCG, Hartlepool and Stockton on Tees CCG and Darlington CCG) and the central ICP (Durham Dales, Easington and Sedgefield CCG, North Durham CCG, South Tyneside CCG and Sunderland CCG)
- Two CCGs with a shared management structure i.e. a single Tees Valley CCG and a single Durham CCG whilst retaining a shared management structure.

Based on principles and expected benefits, option 4 was considered by the CCG to work best as it would retain a local focus whilst making greater savings, it would support pathway transformation and greater equality in clinical outcomes across our populations and would strengthen work with the Local Authorities. It was considered also that it would help to use clinical leadership effectively across a broader population base, it would support financial sustainability and was considered to be likely to be supported by partners, stakeholders and NHS England.

The Clinical Commissioning Group was working with local Healthwatch organisations to engage with patients and the public to get their views on plans. Views were being sought also from Partners, Health and Wellbeing Boards, Councils and stakeholders to get their views also. These would inform the decisions the CCG Governing Bodies would make at the end of August. Following clarification regarding timescales, the Chair requested Board Members to submit their comments on proposals, by 19th July, in order that a response on behalf of the Board could be submitted.

11. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that a request by a member of the public, in attendance at the meeting, that items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matters could be dealt with without delay

A member of the public expressed concerns regarding infection control associated with the alleged manipulation of water quality results. Concerns were expressed also regarding incidents of listeria linked to patient deaths linked to an alleged listeria outbreak.

The Chair advised that he was not aware of background to the concerns expressed and informed the member of the public that he was happy to discuss the issues with the member of the public following the meeting. The Chief Officer of the Clinical Commissioning Group added assurance that the listeria issue was being addressed.

Meeting concluded at 11.40 a.m.

CHAIR

Finance and Policy Committee

14th October 2019



Report of: Director of Finance and Policy

Subject: LOCAL COUNCIL TAX SUPPORT 2020/21

1. TYPE OF DECISION / APPLICABLE CATEGORY

1.1 Budget and Policy Framework Decision.

2. PURPOSE OF REPORT

The purposes of the report are to:

- i) Update Members on the operation of the Local Council Tax Support (LCTS) scheme and the scheme's future financial risks associated with the Government's national welfare reforms;
- ii) set out a proposed LCTS scheme for 2020/21.

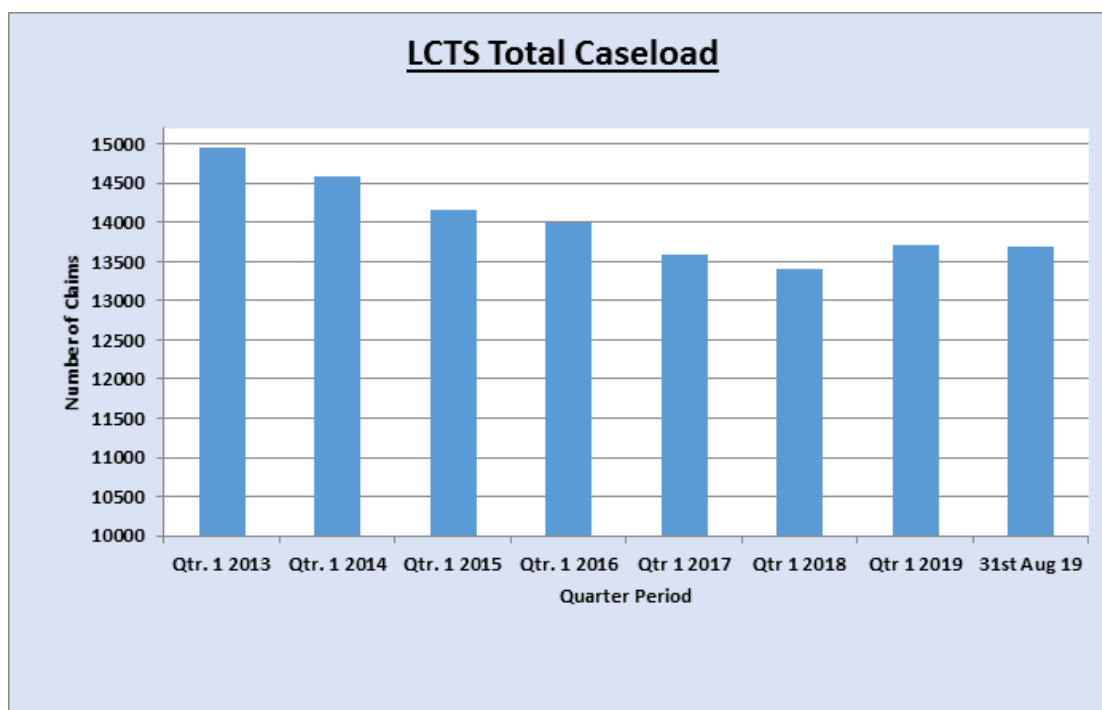
3. BACKGROUND

- 3.1 The Coalition Government abolished the former national Council Tax Benefit scheme on 31st March 2013 and replaced it with a requirement for Councils to determine and operate their own LCTS schemes from April 2013.
- 3.2 This was a fundamental change to the Welfare State which transferred responsibility for Council Tax support from the national Government to individual Councils. Previous reports to Members have set out three key issues arising from this change:-
 - (i) Funding transferred by the Government for 2013/14 LCTS schemes was cut overall by 10% nationally. However, when account was taken of the value of awards the initial grant cut for Hartlepool for 2013/14 was 13.4%;
 - (ii) Councils are required to fully protect low income Pensioners eligible for LCTS support, which means the initial funding cut falls on working age households and effectively built a 20% reduction for this group into the system;

- (iii) Since April 2014 Central Government funding for LCTS is no longer provided as a separate grant allocation but has been included in the annual Core Revenue Grant allocation for individual Councils.
- 3.3 It would have been much clearer for Councils and the public, if funding for LCTS schemes had continued to be paid as a specific grant. The new arrangements have a significantly greater impact on Councils which are more dependent on Government Grant and have higher levels of deprivation.
- 3.4 Previous Medium Term Financial Strategy reports have highlighted the implications of this change and the ongoing annual reductions in Revenue Support Grant. Despite these challenges, the Council has determined, as part of its strategy to support vulnerable households affected by the national Welfare Reforms, to avoid implementing LCTS cuts of 20% over the last seven years and has implemented the following LCTS schemes:
- 8.5% in 2013/14;
 - 12% in 2014/15;
 - 12% in 2015/16;
 - 12% in 2016/17;
 - 12% in 2017/18;
 - 12% in 2018/19;
 - 12% in 2019/20.
- 3.5 Research by the Institute for Fiscal Studies (published January 2019) shows that in 2018/19 nationally 20% was the most common level of cut. Other Tees Valley councils have operated LCTS schemes involving cuts of 20% since April 2013, albeit Redcar and Cleveland moved to a 17.5% scheme from 2017/18 and Middlesbrough introduced a 15% scheme from 2018/19.
- 3.6. The actual cost of the Council's LCTS scheme is determined by a range of external factors including, the total number of households accessing support, the balance of claimants between pensionable age and working age and the particular financial circumstances of individual claimants as Council Tax support continues to be means tested support.
- 3.7. The Council now has seven years' experience of operating a LCTS scheme covering:
- 2013/14, 2014/15, 2015/16, 2016/17, 2017/18, 2018/19 – both estimated costs and outturn costs;
 - 2019/20 – estimated costs
- 3.8 On the basis of this experience, the LCTS financial model has been updated to reflect changes in the key cost drivers – i.e. claimant

numbers and Council Tax collection levels, as detailed in the following paragraphs.

- 3.9 **Claimant numbers** - Since June 2013, there has been a reduction in the numbers of households receiving LCTS covering both Pensioner Households (a protected group under LCTS) and Working Age Households, from approximately 15,000 households in June 2013 to about 13,700 in August 2019.

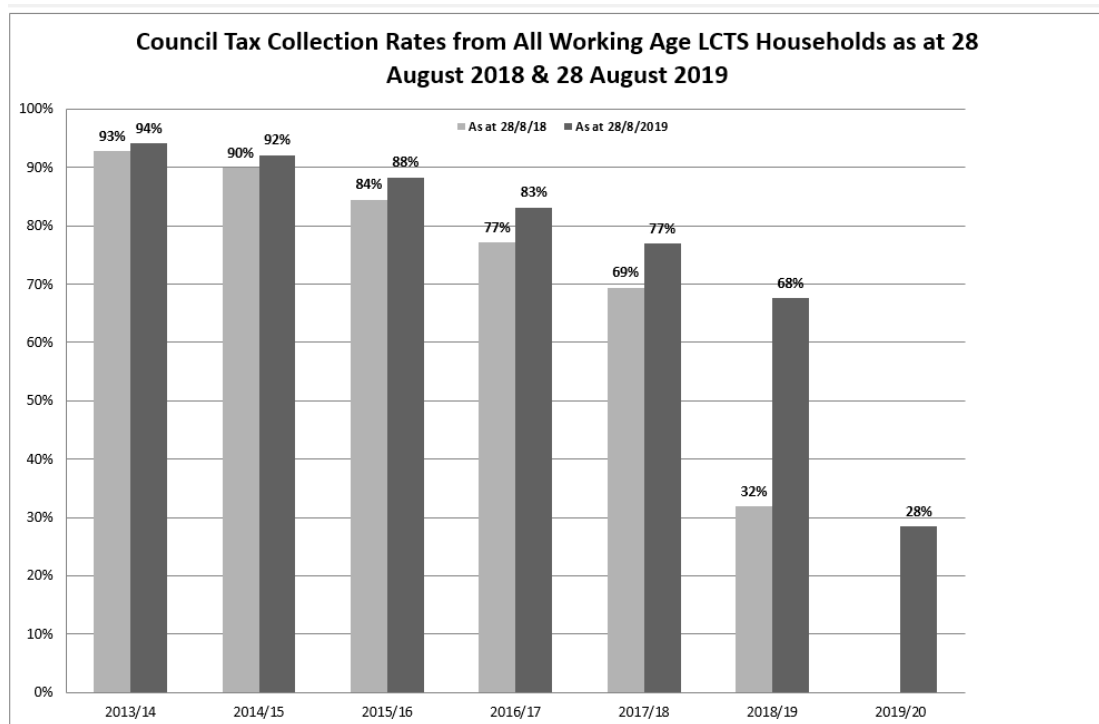


- 3.10 This trend was reflected in the 2019/20 LCTS scheme modelling. An updated assessment of caseload trends has been completed and caseloads are now stable around 13,700 comprising pensioner households (5,000) and working age households (8,700). However there remains short to medium term risks that claimant numbers could increase linked to global economic volatilities together with the economic and employment uncertainties in relation to the UK economy. In addition, the LCTS scheme may in future years continue to be impacted by further national welfare reforms.

- 3.11 **Collection Levels** – in Hartlepool, the operation of the LCTS scheme means that in 2019/20 about 5,900 working age households have received a Council Tax Bill who would have been exempt under Council Tax Benefit; and a further 2,800 working age households have received a higher Council Tax Bill. Robust and proportionate arrangements for collecting Council Tax from LCTS households are embedded within the Council's recovery arrangements to reflect the financial circumstances of households, whilst balancing the needs of the Council to collect this income to pay for services.

3.12 Collecting Council Tax from LCTS households is more difficult and resource intensive, as these households are less likely to pay by Direct Debit and make payments in different ways i.e. Attachment of Benefit Order and a greater proportion who pay by cash, either at the Civic Centre or via the Post Office and Paypoint network at local shops.

3.13 The Council monitors the levels of collection from LCTS households. The graph below shows that collection of Council Tax from these households is positive, albeit there is the anticipated time lag in securing collection. This positive level of collection reflects the Council's decision to retain a 12% scheme, which has significantly reduced the financial burden on low income households. The collection performance has been reflected in the revised scheme forecasts for 2020/21 onwards.



3.14 Modelling the LCTS scheme costs beyond 2019/20 is complex and challenging owing to the many variables affecting scheme costs, including the total number of claimants, both pensioner households and working age households, individual claimants' financial circumstances and eligibility for support.

4. PROPOSALS

4.1. Members need to determine a LCTS scheme for 2020/21 that is financially viable and balanced providing for sustainability in future year's schemes.

- 4.2. Updated financial modelling indicates that the 2020/21 LCTS scheme reduction should be able to be maintained at 12%, the same level as financial years 2014/15 to 2019/20. This is predicated on Council Tax collection rates from LCTS claimants being sustained and a range of forecast scheme cost pressures and savings linked to welfare reforms, economic factors and fraud / error initiatives. However, some Councils have decided to increase the level of cuts to their LCTS Awards scheme. This approach increases the amount of Council Tax receivable from working age LCTS Claimants but must be balanced with the challenges / delays in collection of the additional amounts levied and the impact on low income households impacted by other Government welfare reforms. Further analysis of the additional Council Tax yield at various higher levels of cut are set out in section 6.
- 4.3. A LCTS Risk Reserve has been established to support the LCTS scheme and to provide one-off funding to manage the risk of an unexpected in-year increase in LCTS costs arising from increased caseloads. It is proposed to maintain this reserve at £0.3m to manage any in-year financial risks that may emerge.
- 4.4. LCTS entitlements are determined using a complex means tested calculation. Many councils continue to apply within their LCTS schemes those changes being applied by the DWP to the national Housing Benefit scheme. This approach has historically been followed in the Hartlepool LCTS scheme and it is proposed that this continues for 2020/21 to “mirror” national changes to promote consistency and simplify administrative processes. This approach may become unsustainable as Universal Credit continues to be rolled out and the Council may need to consider alternative administrative arrangements for 2021/22. Details of any proposed administrative changes will be reported to a future meeting.
- 4.5. A number of core principles as set out in section 5.7. underpin the Council’s LCTS scheme and have been in place since 2013/14. These principles are embedded and robust and it is proposed that these principles are carried forward into the 2020/21 scheme.

5 FINANCIAL CONSIDERATIONS

- 5.1. The LCTS scheme forecasts for 2020/21 and future years have been updated to reflect experience of operating the LCTS scheme to date and the latest caseload forecasts. These scheme cost forecasts reflect recent announcements by the Chancellor in his 2020/21 Spending Review including a further Adult Social Care Precept.
- 5.2. In summary, the updated financial forecasts for the LCTS scheme for the period 2019/20 to 2021/22 are based on the following planning assumptions:

Key Planning assumptions underpinning LCTS forecasts for 2019/20 to 2021/22

- i) The existing Working Age caseload continues to be broadly stable;
 - ii) Council Tax increases are in line with the Medium Term Financial Strategy (MTFS)
 - iii) The retention of an un-committed LCTS Risk Reserve of £0.3m to manage LCTS financial risks to provide a slightly longer lead time for the Council to respond to changes in forecasts;
 - iv) DWP counter fraud and error initiatives will continue to reduce the value of some claimant entitlements.
- 5.3. Regular reviews of these factors will continue to be undertaken to assess the implications of any changes in these planning assumptions which are inevitable and unavoidable, as the majority of factors are outside the Council's direct control.
- 5.4. There is a direct inter- relationship between the LCTS scheme, the level of cut in LCTS awards, adjustments for forecast non collection of Council Tax from LCTS households and the Council Tax Base calculation. The Council Tax Base calculation is also significantly impacted by future housing growth within the Borough.
- 5.5. The following table summarises how the value of LCTS awards is forecast to increase over the period of the Medium Term Financial Strategy (MTFS) (based on sustaining a 12% LCTS cut). This will be factored into the MTFS Tax Base forecasts reported separately to Members.

Forecast Cost of LCTS Awards
2019/20 to 2021/22

	19/20 £m	20/21 £m	21/22 £m
Cost of LCTS Support	13.77	14.29	14.48
Less Working Age Contribution 12%	(1.03)	(1.08)	(1.10)
Net Cost of LCTS Awards	<u>12.74</u>	<u>13.21</u>	<u>13.38</u>

- 5.6. Continuing with a 12% LCTS cut for 2020/21 would avoid an increase in the Council Tax liability of low income working age households at a time when households continue to be impacted by the Government's ongoing welfare savings programme, in particular freezing in cash terms a number of benefits for 4 years. A 12% cut LCTS support scheme will also increase the likelihood of the Council maintaining high levels of Council Tax collection in 2020/21. A report by the New Policy Institute in August 2017 concluded that local authorities with the highest levels of cut in LCTS had the largest increases in uncollected Council Tax.
- 5.7. In common with LCTS schemes established by many other Councils, the Hartlepool LCTS scheme has been centred on a number of core principles for the period 2013/14 to 2019/20. These core principles are clear, fair and are now embedded. In summary these principles are that:

A - Every working age household should pay something towards Council Tax

All Working age claimants will have their LCTS entitlements recalculated and reduced to ensure an affordable and sustainable scheme.

B - Everyone in the Household should contribute appropriately

Hartlepool will implement Central Government changes to the value of non dependant adult deductions from Council Tax Support entitlements.

C - The LCTS scheme should encourage work

Claimants will be allowed to keep more of their earnings before they are taken into account in the LCTS award calculation. The Hartlepool LCTS scheme increases earnings disregards by £5 per week; to £10, £15 and £30 for single person, couple and single parent households respectively.

D - Streamline / Simplify the LCTS Scheme

The Hartlepool LCTS scheme will continue to remove 2nd Adult Rebate, and restrict backdating of LCTS to a maximum of 4 weeks.

E - Retain War Widows / War Pensions Local disregards framework

Under the national CTB regulations Local Authorities are required to disregard the first £10 per week of War Pension Scheme and Armed Forces Compensation Scheme payments. In addition Local Authorities have the discretion to top up the disregard to the full amount. Hartlepool have historically applied the discretionary top up and this continues to apply in the Council's LCTS scheme.

- 5.8. In relation to Parish Councils, the national regulations require Billing Authorities (ie. Hartlepool Borough Council) to pass on an element of the Council Tax Support Grant received to individual Parish Councils. For some Local Authorities with a large number of Parish Councils levying relatively high Parish Council Tax precepts this may be a significant issue. This is not the case for Hartlepool as the total share of the grant for all Parish Councils is estimated at around £4,000 for 2020/21.

6 IMPACTS OF INCREASING LEVELS OF CUT TO LCTS AWARDS 15%, 17.5% OR 20%

- 6.1. Research by the Institute for Fiscal Studies (IFS) has identified that nationally since 2013/14 the levels of cuts to LCTS have become larger from an average of 15% in 2013/14 to 19% in 2018/19. The most common level of cut was 20% in 2018/19, but a fifth of Councils in that year were operating LCTS schemes with cuts in excess of 20%, with the highest cut being 50%.
- 6.2. Modelling in Hartlepool of the additional Council Tax that would be billed and due from LCTS households at higher levels of LCTS cut between 15% and 20% are shown in the table below:

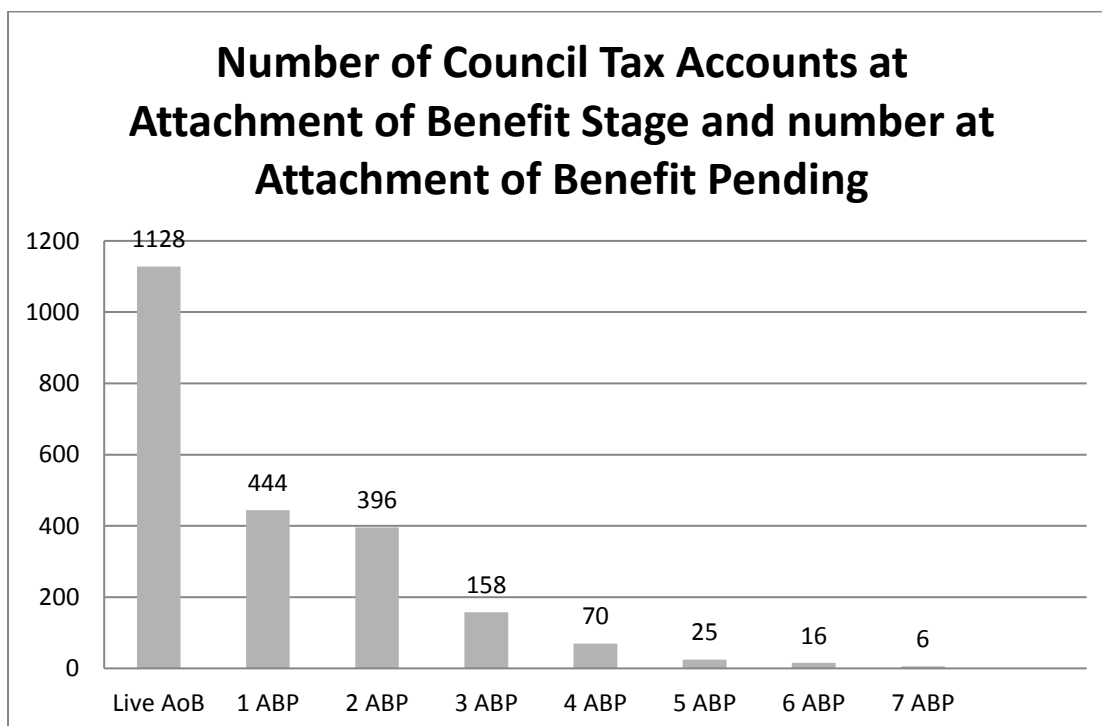
Estimated additional Council Tax yield from working age households
from implementing LCTS cuts of 15% to 20%

Cut	Additional Council Tax yield £	Extra Council Tax payable Band A property * £
15%	£212,800	£42
17.5%	£391,200	£77
20%	£568,800	£113

* Band A property that previously received 100% Council Tax Benefit

- 6.3. The IFS estimate that nationally about 75% of the additional council tax liability arising from cuts to LCTS is collected in the year it is due. In Hartlepool there is a similar picture with about 70% of the extra Council Tax from this group being collected by the financial year end. Collection of these amounts is challenging and in many cases recovery is only possible by deduction from welfare benefits via the DWP.
- 6.4. Attachments of Benefits (AOB) at £3.70 per week can only be requested to the DWP following the Council securing a liability order via the Magistrates Court. Furthermore, for a council taxpayer only one AOB deduction can be active at any one time. In Hartlepool as at August 2019 there were 1,128 Council Tax accounts with active AOB's. Of these

accounts 1,115 had between 1 and 7 stacked pending AOB's as shown in the graph below.



- 6.5 Any decision to increase the level of cut to LCTS awards will increase the time and the risks to recover the additional amounts billed. The IFS concluded that those households that previously received full Council Tax Benefit but are faced with a new bill to pay experience a substantial increase in their probability of being in arrears.
- 6.6. In Hartlepool about 5,900 working age LCTS cases formerly had no Council Tax to pay and any decision to increase the amount these households have to pay will probably lead to a substantial increase in their arrears. Furthermore, there is a risk that the workload could increase the Council's recovery costs. It is therefore proposed that the Council should not seek to increase the level of LCTS cut for 2020/21.

7. LEGAL CONSIDERATIONS

- 7.1. Councils are required to determine and operate their own LCTS scheme for each financial year. Once a LCTS scheme has been set for a financial year it cannot be altered for that year.

8 CHILD / FAMILY POVERTY CONSIDERATIONS

- 8.1. Households in receipt of welfare benefits continue to be impacted by the breadth of the national welfare reforms. The Council recognises these

issues and has sustained a LCTS scheme involving a 12% cut since 2014/15. Other Tees Valley Councils have historically operated LCTS schemes involving cuts of 20%, albeit Redcar and Cleveland moved to a 17.5% scheme from 2017/18 and Middlesbrough introduced a 15% scheme from 2018/19. If Hartlepool were to continue with a 12% scheme for 2020/21 it would provide an annual benefit of £113 for Band A and £131 for Band B properties compared to a 20% cut scheme.

Additional Benefit to LCTS claimants in 2020/21 of operating a 12% cut LCTS scheme as opposed to a 20% cut LCTS scheme.

	Band A	Band B
Council Tax Liability with a 20% LCTS cut in 2020/21.	£ 281	£ 327
Council Tax Liability with a 12% LCTS cut in 2020/21.	£ 168	£ 196
Additional Support to Households in 2020/21 who previously received 100% Council Tax Benefit	£ 113	£ 131
Number of Households Supported (i.e. who previously received 100% Council Tax Benefit)	5,182	532
Percentage of LCTS Households (i.e. who previously received 100% Council Tax Benefit)	88%	9%

- 8.2. Furthermore, the Hartlepool LCTS scheme complements the local policy of exempting Hartlepool Care Leavers from Council Tax until the age of 25. The Care Leaver policy removes a key financial challenge and provides support as Care Leavers move to independence and adult life.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

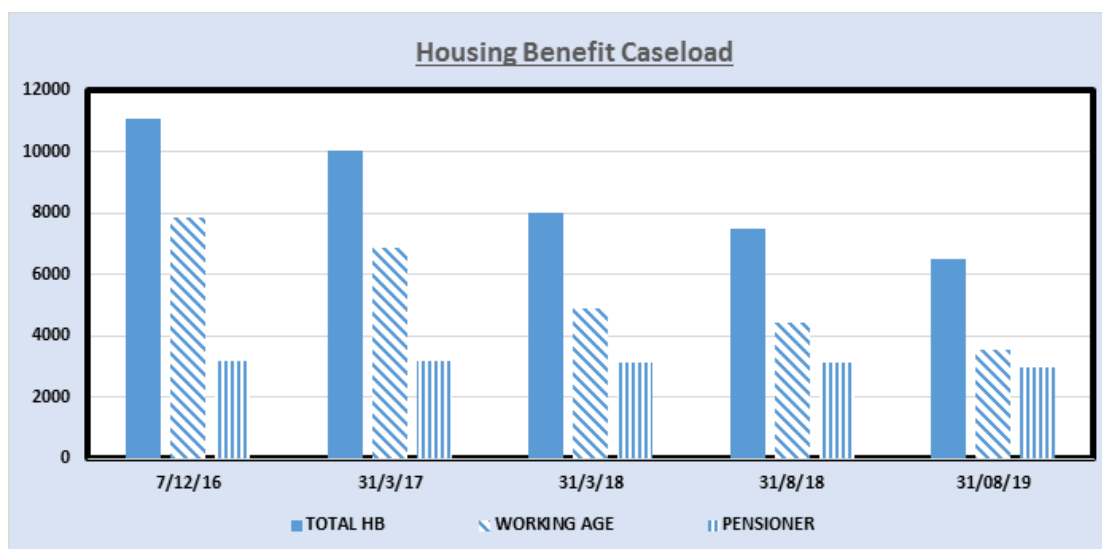
- 9.1. An Impact Assessment covering LCTS has been reviewed and is included as Appendix A.

10 STAFF CONSIDERATIONS

- 10.1. There are current economies and efficiencies in administering LCTS as many of the underlying principles mirror the national Housing Benefit scheme. Funding is provided annually by the DWP to councils to administer Housing Benefit and by the Ministry for Housing, Communities and Local Government (MHCLG) for Local Council Tax Support. Many claims for support are dual, covering both Housing Benefit and LCTS and the process and calculations of entitlement are currently undertaken together.

10.2. However, the scope of the DWP's Universal Credit (UC) initiative continues to expand. All councils have now moved to "full service UC" whereby working age benefit claimants of all types are moved onto UC when their personal circumstances change significantly. Those households transferring no longer receive housing benefit from the Council but instead receive housing financial support as part of their Universal Credit.

10.3. Nationally, as at July 2019 there were about 2.3 million working age people receiving UC. In Hartlepool about 55% of working age housing benefit claimants have already transferred to UC. This natural caseload transfer as claimant circumstances change will continue and is closely monitored as shown in the graph below. The DWP has future plans to increase the numbers transferring through a Managed Migration process. However, any national Managed Migration programme will be dependent on the results of a pilot exercise that has only recently started. It is unlikely that any national Managed Migration will commence until 2021/22 at the earliest.



10.4. DWP funding to individual councils to cover their costs of administering housing benefit is notified in an annual funding allocation. Core DWP funding for Hartlepool has been declining reflecting caseload reductions and also because the DWP national funding for Housing Benefit administration grant has been cut as part of savings targets for central government departments.

10.5. Hartlepool together with all other Councils has faced the challenge of administering LCTS and a reduced Housing Benefit caseload (pensioner housing benefit will continue to be delivered by Councils) against a background of reducing overall central government administration funding. As the table below shows, the Council has managed down the Benefits staffing establishment as central government funding has been withdrawn. With the exception of one Early Retirement / Voluntary

redundancy case, all staffing reductions have been via natural turnover and non-filling of vacant posts and there have been no compulsory redundancies.

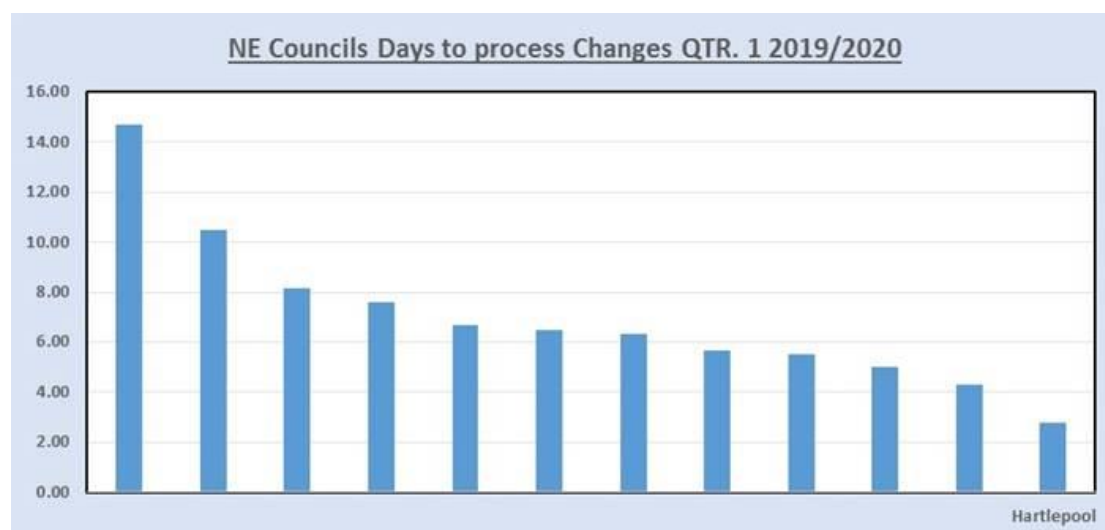
Benefits Service Administration Funding and Establishment levels since Universal Credit “Full Service” live date of February 2015.

	Central Govt Administration Grant	Benefits Staffing	Benefits Staffing
	£	Number	FTE
2014/15	983,000	39	36.2
2019/20	625,000	26	24.1
Reduction	36%	33%	33%

10.6. For 2020/21, a further reduction in DWP Housing Benefit administration grant funding is anticipated as the working age housing benefit caseload continues to reduce. This will require a further managed reduction in Benefits Establishment levels. Latest forecasts from the DWP are that Natural and Managed Migrations to UC will not be completed before the end of December 2023. On this basis it is likely that further realignments of staffing establishment levels will be required.

10.7 A key challenge for the Council is sustaining Benefits Service performance standards during a period of significant change. Benchmarking data from NE Councils shows that in 2018/19 Hartlepool ranked sixth in speed of processing new Housing Benefit and Local Council Tax Support claims and 4th in speed of processing claimant changes in circumstances. Recent data for quarter 1 of 2019/20 as shown in the graphs below shows that Hartlepool is ranked 2nd for speed of processing new claims and was the quickest NE Council for processing claimant changes.





11 CONCLUSIONS

- 11.1. The Council has for a number of years operated an LCTS scheme that is financially viable and balanced. The annual schemes have reflected the ability of working age households to pay additional amounts of Council Tax during a period in which they have been impacted by a series of national welfare benefit reforms eg. Bedroom Tax, Benefit Cap, Tax Credit changes, Universal Credit etc.
- 11.2. Some councils have decided to increase the level of cuts to their LCTS awards scheme. Whilst this approach increases the amount of Council Tax receivable from working age LCTS claimants, this must be balanced with the challenges / delays in collection. There are already lags in the collection of Council Tax from LCTS households and increases in the level of LCTS cut would further increase the financial burden on working age households receiving welfare benefits.
- 11.3. The probability is that any increase in the level of cut would adversely impact on Council Tax collection levels and increase Council Tax arrears, with recovery in many instances being restricted to the holding / pending of greater numbers of Attachment of Benefit Orders. It is therefore proposed that the Council maintains an LCTS scheme involving a 12% cut in 2020/21.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 There are no asset management considerations.

13 APPENDICES

- 13.1 Appendix A – Equality and Diversity Impact Assessment.

14. RECOMMENDATIONS

14.1 It is recommended that Members:

- i. Note the future financial and administrative risks associated with the LCTS scheme;
- ii. Approve a 2020/21 LCTS scheme involving a cut of 12% to be referred to full Council.

15. REASONS FOR RECOMMENDATIONS

15.1 To update Finance and Policy Committee on latest available data on the LCTS scheme costs and the future risks associated with the Government's national welfare reforms.

15.2. To enable Members to agree a LCTS scheme for 2020/21 to refer to full Council.

16. BACKGROUND PAPERS

16.1 There are no background papers.

17. CONTACT OFFICER

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Sign Off:-

Director of Policy and Finance ☒

Chief Solicitor ☒

Department	Division	Section	Owner/Officer
Chief Executives	Finance	Revenues & Benefits	John Morton
Function/ Service	Local Council Tax Support Scheme 2020/21, Universal 12% reduction in LCTS Awards (excl. low income pensioners).		
Information Available	HBC data on caseload / awards, financial modelling of local scheme, CLG full EIA, Family Resources Survey data, Census 2011, ONS population statistics, DWP data.		
Relevance <i>Identify which strands are relevant to the area you are reviewing or changing</i>	Age		
	The Government considered the position of low income pensioners associated with the abolition of Council Tax Benefit and the introduction of LCTS. The Government determined that unlike most other groups, pensioners cannot reasonably be expected to seek paid employment to increase their income. Therefore the Government determined that as a specific vulnerable group, low income pensioners should be protected from any reduction in support as a result of this reform. The Government has not changed its position on this core principle for 2020/21.		
	In Hartlepool 5,027 low income pensioners account for 37% of all LCTS claimants and the Council is required by Government to continue to protect this group.		
	Disability		
	It is difficult to quantify accurately either the number of disabled people living in Hartlepool or the number of households in receipt of LCTS and where an individual in that household is receiving a disability related benefit.		
	Fundamentally, the 2020/21 Hartlepool LCTS scheme continues with the core equity Principle that every working age household should pay something to towards Council Tax and that the level of cut should be equal. The Council endeavours to minimise the impact of LCTS but the LCTS scheme does not provide for protection / detriment for any specific working age group.		
	Race / Gender / Gender Re-assignment		
	The Government does not believe 'that this nationally driven policy change will disproportionately affect any particular gender or ethnicity'. The Government has not changed its position on this core principle for 2020/21. However both nationally and locally, there are significantly more female than male council tax support claimants, reflecting the number of single female claimants with child dependants. Only about 2.3% of Hartlepool's population are non-white. It is not known how many of this group claim LCTS, as data within the LCTS system is incomplete for this group. The 2020 /21 Hartlepool LCTS scheme does not provide for protection / detriment for any specific working age group		

	Religion		
	No effect		
	Sexual Orientation		
	No effect		
	Marriage & Civil Partnership		
	No effect		
	Pregnancy & Maternity		
No effect			
Information Gaps	<i>Nil.</i>		
What is the Impact	<ul style="list-style-type: none">• Every working age household will pay some Council Tax• Other non dependant adults in the household will be expected to contribute to council tax• The scheme will encourage work• The 2020/21 LCTS scheme will continue to be based on the key features of the former CTB scheme and will “mirror” national Housing Benefit regulation changes• A universal 12% reduction in the value of the award will be made for all working age low income households.• Low income pensioner households are protected in line with Central Government Policy.• The 2020/21 LCTS scheme will continue to comply with the Armed Forces Covenant.• The 2020/21 LCTS scheme will continue to fully disregard child maintenance when assessing LCTS awards. This is consistent with national Housing Benefit regulations.		
Addressing the impact	1. No Major Change - The proposal is robust there is no potential for discrimination across working age claimants. (The council has no choice on the protection of low income pensioners).		
	The maintenance in the level of cuts to LCTS awards for 2020/21 at 12% sustains financial support as households continue to adjust to the impacts of the wider national benefit reforms. The 2020/21 Hartlepool scheme continues to provide no protection/ detriment for any specific working age group and is centred on equality of impact.		
Actions			
<i>The 2020/21 LCTS scheme has been developed with the aim of removing any potential for discrimination.</i>			
Action identified	Responsible Officer	By When	How will this be evaluated?
Scheme Principles review	Liz Cook Principal Benefits Officer	Sept 20	Peer review by Chief Executive’s Department Diversity Lead officer.

FINANCE AND POLICY COMMITTEE

14th October 2019



Report of: Director of Regeneration and Neighbourhoods

Subject: HARTLEPOOL POWER STATIONS DETAILED
EMERGENCY PLANNING ZONE
REDETERMINATION

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (ii)) Forward Plan Reference No.RN13/19.

2. PURPOSE OF REPORT

2.1 To report the change in the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) regulations which now places a duty of determining the Detailed Emergency Planning Zone (DEPZ) for the Power Station on the Local Authority.

3. BACKGROUND

3.1 The Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001 placed a duty for setting the Detailed Emergency Planning Zone (DEPZ) on to the Power Station and the Office for Nuclear Regulation (ONR). The REPPiR regulations have recently been updated and they came into effect on 22nd May 2019. The new regulations now place a duty for the determination of the DEPZ on the Local Authority.

3.2 In order for the Local Authority to fulfill this duty a Consequence Report from the Power Station is issued, this determines the minimum distance that countermeasures should be considered, and has been issued to the Local Authority on the 22nd September. This states that the minimum distance to plan for the DEPZ is **1km** from the Centre of the site.

3.3 The Local Authority then has two months to determine the zone for the DEPZ taking into account the regulations which state that due consideration must be taken to:-

- I. The local geographic, demographic and practical implementation issues;
- II. The need to avoid, where practicable, the bisection of local communities;
- III. The inclusion of vulnerable groups immediately adjacent to the area proposed;
- IV. Be of a sufficient extent to enable an adequate response to a range of emergencies.

3.4 The Regulations give the Local Authority two months from the receipt of the consequence report to complete the determination of the DEPZ. This means we will have this completed by 22nd November 2019 at the latest. The Local Authority will then have a further 6 months to complete the update to the Off-Site Emergency Response Plan and provision of written confirmation to the operator and regulator by 22nd May 2020.

4. PROPOSALS

4.1 The Council utilises the Emergency Management Response Team to lead on the planning for the DEPZ along with the Emergency Planning Unit and the Cleveland Local Resilience Forum.

5. RISK IMPLICATIONS

5.1 If the dates set in the regulations (22nd November 2019 for DEPZ and 22nd May 2020 for plan) are not met then the ONR can open regulatory action against the Local Authority.

6. FINANCIAL CONSIDERATIONS

6.1 The time taken and resources required to develop the DEPZ are rechargeable under REPPIR to the Power Station.

7. LEGAL CONSIDERATIONS

7.1 The REPPIR 2019 regulations places the duty for determining the DEPZ and further writing the Off-Site Nuclear Emergency Response Plan on the Local Authority which hosts the operator's site.

7.2 Under REPPIR 2019 the Office for Nuclear Regulation are responsible for carrying out a reassurance test to make sure the regulations are covered in the plan and that the Local Authority carries out a suitable test every 3 years of the plan.

8. CONSULTATION

- 8.1 The Local Authority will need to consult the full Off-Site Emergency Response Plan with the agencies identified through the Local Resilience Forum that have a role to play in an off-site emergency.
- 8.2 The Local Authority does not need to consult on the DEPZ with outside agencies though it will need to carry out its own internal consultation.

9. OTHER CONSIDERATIONS

Child and 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	No relevant Issues
Asset Management Considerations	No relevant Issues

10. RECOMMENDATIONS

- 10.1 That members note the changes in the regulations and the increased expectation and timeframe placed on Local Authorities to comply with REPPiR 19.
- 10.2 That the Councils EMRT progresses the work on the DEPZ Off-Site Emergency Response Plan in line with REPPiR 2019.
- 10.3 An update is provided to Finance and Policy members in due course.

11. REASONS FOR RECOMMENDATIONS

- 11.1 The DEPZ once set by the Local Authority will dictate where the detailed planning and response will be focused on, thus to make sure it has had ample time for consultation and challenge is paramount.

12. BACKGROUND PAPERS

- 12.1 Radiation Emergency Preparedness Public Information Regulations (REPPiR) 2001 and 2019.

13. CONTACT OFFICER

- 13.1 Denise McGuckin
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FINANCE AND POLICY COMMITTEE

14th October 2019



Report of: Director of Regeneration and Neighbourhoods

Subject: RECLAMATION OF STRANTON CEMETERY LAND

1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 This is a Key Decision test (i) as it is a decision which is financially significant because it will result in income, expenditure or savings with a gross full year effect of £100,000 or greater.
- 1.2 General Exception applies because the necessary works are required to make the land safe and turn the land from allotment land to cemetery land, therefore increasing the number of burial plots available on this site which is currently nearing capacity.

2. PURPOSE OF REPORT

- 2.1 To seek Finance and Policy Committee's approval to the proposed funding allocation to undertake the necessary works at Stranton, and to refer this proposal to Council for approval.

3. BACKGROUND

- 3.1 In 2016/17 52 number of allotment holders had to be relocated from Stranton to other allotment sites to allow for the expansion of cemetery land and provide future years provision of burial spaces at Stranton.
- 3.2 Since 2018 the vacant allotment sites have remained empty and access has been restricted as the site has secured by a boundary fence.
- 3.3 However in recent months the site has been a target for children and young adults, which has resulted in fires at the site, damage to the boundary fence, anti-social behaviour, and reports of drug taking and alcohol being consumed in some of the old, abandoned allotment sheds.
- 3.4 This has led to complaints from members of the public and local councillors, and consequently officers from the Council's relevant teams have

undertaken an inspection of the site to assess the issues and to identify a way forward.

4. SITE CONDITIONS

- 4.1 The site has areas where fencing has been damaged, which exposes the site and provides easy access to the public.
- 4.2 The site still has a number of old allotment sheds in situ, some of which are dilapidated in condition and pose a risk to people entering these, while many of these sheds are may be constructed from asbestos containing materials.
- 4.3 The site itself is now overgrown in many areas due to a lack of maintenance over the last two years and it is likely that the site has areas whereby materials and unwanted equipment have been posing a potential risk to unauthorised users of the site.

5. PROPOSALS

- 5.1 In identifying these concerns, officers have liaised with specialist companies to help identify the urgent works required at this site to make it safe and have instructed those works to commence, which will involve the removal of any hazardous waste and demolishing any out buildings that have been left on site. They will also re-secure the site by replacing any areas of fencing that have been damaged, or are missing, and these works will be funded from an existing service budget.
- 5.2 However to fully reclaim the site and turn in from allotment land back into land that can be used for burial plots requires a more intensive approach as the spoil waste will need to be removed and screened, before disposal. This would then all the contractors to create a 'finished' product at the site, which is a level grassed area for future use as burial ground, which needs a period of time to settle before it can be used for this purpose.
- 5.3 The amount of time necessary is dependent on the type of soil, weather conditions and disturbance therefore can vary, however it is reasonable to wait 5 years prior to burials starting. Taking these factors into consideration it is necessary to begin work this year or very early next year in order to have the land available for 2025.
- 5.4 Therefore it is proposed to undertake a procurement exercise that will look to identify a suitable contractor who can undertake the necessary works detailed above and the estimated casts are detailed in **CONFIDENTIAL APPENDIX 1 as this item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that information.**

6. RISK IMPLICATIONS

- 6.1 The Council has a legal duty to keep its land safe and unfortunately since this land has become vacant, it has been subject to anti-social behaviour and further vandalism, with children allegedly accessing the site, and the works proposed will help to mitigate this risk.

7. FINANCIAL CONSIDERATIONS

- 7.1 Details of the financial information are set out in **CONFIDENTIAL APPENDIX 1 as this item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that information.**

8. LEGAL CONSIDERATIONS

- 8.1 The Council has a legal duty to maintain its land in a good condition and protect the public and users of these, and these works are necessary to reduce the health and safety risk currently associated with the old Stranton allotment land.

9 SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 9.1 Since the allotment holders were relocated from this site and the area has become vacant, it has been subject to anti-social behaviour, deliberate fires and vandalism, therefore the works proposed will also address these issues and the concerns of local residents.

10. ASSET MANAGEMENT CONSIDERATIONS

- 10.1 The Council has a legal duty to maintain its land in a good condition and protect the public and users of these, and these works are necessary to reduce the health and safety risk currently associated with the old Stranton allotment land.
- 10.2 Furthermore this will help to increase the number of burial plots at this site and extend the capacity at this site for future years.

11. OTHER CONSIDERATIONS

Consultation	No relevant issues
Child/Family Poverty Considerations	No relevant issues
Equality and Diversity Considerations	No relevant issues
Staff Considerations	No relevant issues

12. RECOMMENDATIONS

- 12.1 That the Finance and Policy Committee approve the undertaking of a procurement exercise and associated costs which are set out in **CONFIDENTIAL APPENDIX 1 as this item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that information.**
- 12.2 That a further report for information be brought back to Finance and Policy Committee confirming the exact costs of these works once the procurement exercise and the necessary works have been completed.

13. REASONS FOR RECOMMENDATIONS

- 13.1 These works are necessary to make the site safe and to help create increase the capacity of burial plots at Stanton for many years to come.

14. BACKGROUND PAPERS

- 14.1 None

15. CONTACT OFFICERS

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