



Chief Executive's Department
Civic Centre
HARTLEPOOL

21 October, 2019

Councillors C Akers-Belcher, S Akers-Belcher, Black, Brewer, Brown, Buchan, Cartwright, Cassidy, Fleming, Hall, Hamilton, Harrison, Howson, Hunter, James, Johnson, King, Lauderdale, Lindridge, Little, Loynes, Marshall, Mincher, Moore, Prince, A Richardson, C Richardson, Smith, Stokell, Tennant, Thomas, Ward and Young.

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 31 October 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

Enc

COUNCIL AGENDA



Thursday 31 October 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 12 September 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;
 - (1) Allowances Paid to the Chair and Vice Chair of Council and Referral from Full Council – Funding To Any Organisation which an Elected Member is Affiliated – Report of Audit and Governance Committee
- (9) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
- (10) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;

(11) To consider reports from the Policy Committees:

- (a) proposals in relation to the Council's approved budget and policy framework; and
- (b) proposals for departures from the approved budget and policy framework;

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

- (1) The Labour Group believes the devastating cuts, implemented by central government through austerity measures since 2010, have been shouldered on the most vulnerable and working people in our town and believes the following has been the direct result of these policies:

- Increase to food bank use
- Increase in local council tax
- Depleted local authority reserves
- Increase in homelessness
- Increase in household debt
- Increase in mental health issues

This Council resolves to lobby the Minister for local Government by writing to him to seek adequate and immediate vital funding in order to relieve the financial burden on the most vulnerable in our town.

Councillors P Brown, A Prince, S Thomas, B Harrison and C Richardson.

- (2) This Council believes that it is wrong for staff in any workplace to be subjected to bullying and harassment.

We acknowledge that whilst it is difficult for those experiencing such behaviour to 'speak out' we encourage them to do so.

Following the recent revelations in the national press about the Sexual Harassment of Parliamentary staff, we believe that bullying and harassment in all its forms is abhorrent and has no place in civilised society.

Whilst legally this may not be enforceable there is a moral responsibility on elected representatives who, if an accusation is found proven, should resign from their position with immediate effect.

This is in keeping with the Nolan Principles.

We urge this Council to agree with the sentiment of the motion and refer it to the Constitution Committee to consider whether any changes can be incorporated into the Constitution.

Councillors C Akers-Belcher, S Moore, S Akers-Belcher, M A James, A Marshall and M Young.

- (3) On the 16th October the Secretary of State for Transport announced he had requested new proposals in relation to the future of the Northern rail franchise.

We welcome this news as this franchise has always been ran poorly, with little investment and using outdated trains that have been handed down to us from other areas once they deem them past their useful life there.

We therefore request that this council write to the Secretary of State and thank him for his intervention but urge him to bring the franchise into the direct control of the Department of Transport. This model has proven successful with LNER and will ensure that services are ran for the benefit of the people of this area, rather than the profit of a small number of shareholders.

Councillors S Moore, S Akers-Belcher, M Young, L Cartwright and B Ward.

- (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 9;
- (15) To answer questions of Members of the Council under Rule 10;
- a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 10.1
 - b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 10.2
 - 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 (i) 7 June 2019 and (ii) 26 July 2019 and the Cleveland Police and Crime Panel held on 2 July 2019.

COUNCIL

MINUTES OF PROCEEDINGS

12 September 2019

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

The Ceremonial Mayor (Councillor Loynes) presiding:

COUNCILLORS:

S Akers-Belcher	Black	Brewer
Brown	Buchan	Cassidy
Fleming	Hall	Hamilton
Harrison	Howson	Hunter
James	King	Lauderdale
Lindridge	Marshall	Mincher
Moore	Prince	A Richardson
C Richardson	Stokell	Tennant
Thomas	Ward	Young

Officers: Gill Alexander, Chief Executive
Hayley Martin, Chief Solicitor
Sally Robinson, Director, Children's and Joint Commissioning Services
Denise McGuckin, Director of Regeneration and Neighbourhoods
Amanda Whitaker, David Cosgrove, Democratic Services Team.

36. APOLOGIES FOR ABSENT MEMBERS

Councillors C Akers-Belcher, Cartwright, Johnson, Little and Smith.

37. DECLARATIONS OF INTEREST FROM MEMBERS

The following Elected Members declared interests in agenda item 12(2) as follows:-

Councillor Prince (allotment tenant), Councillor Mincher and Councillor A Richardson.

The Elected Members recorded above left the meeting during consideration of agenda item 12(2) (Minute No. 47 (2) refers.)

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

None.

39. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the meeting of the Council held on 20 June 2019 and the Extraordinary meeting of Council on 30 July 2019, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None.

41. BUSINESS REQUIRED BY STATUTE

None.

42. ANNOUNCEMENTS

The Ceremonial Mayor announced the success of her first charity evening. The event had raised £1,200 for the chosen charities and appreciation was expressed to the 'Open Jar' where the event had been held. The next fundraising event was scheduled for 16th October.

The Head of Paid Service referred Elected Members to the success of the events Summer Programme with specific reference to the Hartlepool Waterfront Festival and Big Lime Triathlon which had been recognised both regionally and nationally. The Head of Paid Service advised that she wished to put on record her appreciation to the teams who had been involved in the events.

43. 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.

44. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES**(1) Annual Performance Report – Children's Social Care – Report of Children's Services Committee**

At its meeting on 9 July 2019, the Children's Services Committee had considered a report (circulated to Council) outlining information about the performance of children's social care and had discussed at length the level of demand that continued to place significant pressures upon the resources of the Authority. The Committee had been advised of the substantial capacity pressures in children's services despite the increases in the number of children's social workers employed by the Authority as teams had to absorb additional demand. Reference was made to various letters which had been sent to Government Ministers in the past in relation to budget and capacity pressures and it was suggested that a further letter be sent to Government and that the issue be raised at full Council. It was noted that these concerns had been discussed at the Combined Authority with other Local Authority leaders who would also be writing to Government Ministers in this regard. The Chair of the Finance and Policy Committee assured Members that he would keep them informed of the outcome of the letter sent by the Combined Authority.

RESOLVED – That a letter be forwarded to the Secretary of State for Education with regard to the budget and capacity concerns, subject to additional information being included to highlight the north/south divide in relation to school funding highlighted at the meeting by an Elected Member.

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

None.

46. REPORT FROM THE POLICY COMMITTEES**(a) Proposal in relation to the Council's budget and policy framework****(1) Statement of Community Involvement – Report of Regeneration Services Committee**

The updated Statement of Community Involvement (SCI) had been forwarded from Regeneration Services Committee following a public consultation on the SCI and amendments being made to the SCI. The report sought the Council's approval to adopt the SCI which formed part of the Council's Local Development Framework and aimed to set out how the Council intended to engage with the community in respect of planning matters within the Borough. This SCI is an updated version to reflect changes in legislation and revisions within the planning system, to ensure that the Council is fully compliant with any

recommendations regarding community involvement and matters such as consultation.

At the Regeneration Services Committee meeting of 17 December 2018, it was approved that the Draft SCI be circulated for public consultation. During a nine week consultation period, starting in December 2018, a total of eight consultees had made representations on the Draft SCI. Where appropriate, the SCI has been revised accordingly. On 15 July 2019, the Regeneration Services Committee had agreed the contents of the revised SCI for adoption at Council.

RESOLVED – That the Statement of Community Involvement be adopted by Council.

(2) Residential Design Supplementary Planning Document – Report of Regeneration Services Committee

The updated Residential Design Supplementary Planning Document (SPD) had been forwarded from Regeneration Services Committee following a public consultation on the SPD and amendments made to the SPD. The report sought the Council's approval to adopt the SPD. At the Regeneration Services Committee meeting of 18 June 2018, it was approved that the Draft SPD be circulated for public consultation, for officers to make any amendments to the Draft SPD and for the final version to be brought back to the Regeneration Services Committee. During a nine week consultation period, starting in November 2018, a total of 12 consultees made representations on the Draft SPD. Where appropriate, the SPD has been revised accordingly. On 24 July 2019, the Regeneration Services Committee had agreed the contents of the revised SPD for adoption at Council.

RESOLVED – That the Residential Design Supplementary Planning Document be approved and adopted.

(3) Community Safety Plan – Report of Finance and Policy Committee

The Community Safety Plan Year 3 (appended to the report) provided an overview of progress made during 2018-19 with an update on end of year performance. It described some of the Partnership activity undertaken to reduce crime and improve safety during the last 12 months, and incorporated the proposed 2019-20 annual priorities. In developing the plan a strategic needs assessment had been undertaken which alongside local intelligence and analysis had included consultation with the local community (statutory, voluntary and community, and private sector) through the Safer Hartlepool Partnership Face the Public Event; an online survey; and the Police Local Public Confidence Survey. The Plan had been agreed by the Safer Hartlepool Partnership on 21st June and was considered by the Audit and Governance Committee on 25th July, and the Finance and Policy Committee on 22nd July. It was recommended that Council adopt the Safer Hartlepool Partnership Community Safety Plan 2017-20 (Year 3).

Following presentation of the report, an Elected Member expressed concerns regarding the format and the statistics included within the Community Safety Plan which the Member considered to not reflect the true level of crime in the Borough and the actions needed to reduce crime. In response to the observations made by the Elected Member, reference was made to the role of the Police and Crime Commissioner in the provision of information.

The debate was concluded with the report being withdrawn and agreement that the Plan be updated to reflect the levels of crime and anti-social behaviour in Hartlepool, the work being undertaken in reducing these levels and that a further report be submitted to Council.

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

None.

47. MOTIONS ON NOTICE

Two Motions had been received, on notice as follows:-

1. “That this Council resolves to:
 - (i) Join the Lift the Ban Coalition, which is campaigning to restore the right to work for everyone waiting for more than 6 months for a decision on their asylum claim.
 - (ii) Call on the UK Government to give people seeking asylum the right to work unconstrained by the shortage occupation list after they have waited six months for a decision on their initial asylum claim or further submission.

Signed: Councillors Lindridge, Hunter, C Richardson, Howson, Thomas, Prince and Hamilton.”

The Motion was moved by Councillor Prince and seconded by Councillor Brown.

On moving the Motion Councillor Prince explained the background and rationale for the Motion.

A vote for the Motion, by show of hands, was carried.

Councillor S Akers-Belcher requested that his vote in support of the motion be recorded.

Further to minute 37, Councillors Prince, A Richardson and Mincher left the meeting during consideration of the following Motion.

2. “In the event that Neighbourhood Services Committee are requested to consult upon increasing allotment rent, the Committee also consider the feasibility of and includes in the consultation alternatives options for bridging the shortfall such as:

- Creating a split plot/plot sharing service for those who wish to utilise it
- Consider raising rates for new plot holders whilst maintaining rates for current/long term holders
- Allow allotment holders to sell extra produce to raise money “

Signed: Councillors Lindridge, Hamilton, Thomas, Howson, Hunter, Prince and C Richardson.”

The Motion was moved by Councillor Hunter and seconded by Councillor Thomas.

An amendment was moved by Councillor Black and seconded by Councillor S Akers-Belcher:-

“That as part of the consultation, the National Allotment Society be invited to advise if the allotment sites can be self-governed.”

Whilst Elected Members expressed their support of the sentiments of the Motion, some concerns were expressed regarding the legality of the alternative options included in the Motion.

Councillor S Akers-Belcher requested the mover of the Motion to agree to a referral to the Neighbourhood Services Committee to consider in conjunction with the Clean and Green Strategy and allotment plot holders. An update to the Clean and Green Strategy was also requested to be submitted to Council this Municipal Year.

During the debate, it was highlighted that Finance and Policy Committee had not yet agreed its budget proposals for 2020/21; options were still being considered following the Chancellor’s budget statement and the detailed settlement was still awaited.

On moving an amendment to the Motion, Councillor Moore advised Council that given that the options outlined in the motion were already available in one way or other or would be discriminatory, it was proposed that all of the recommendations set out in the Motion be deleted and replaced with the following:-

- “That Neighbourhood Services Committee bring forward proposals as part of the 2020/21 budget setting process to utilise on an ongoing basis a Public Health Grant contribution towards maintaining a subsidy to enable allotment rents to be kept at an affordable level.

- As part of these considerations the service ensures that the assumed inflationary increase to allotment rents is applied year on year, as is the case with all leisure and recreational activities.”

The amendment was seconded by Councillor Tennant.

The mover of the Motion referred to information referred to at a meeting of the June Allotment Focus Group and advised that in order to ensure all options were explored, the options outlined in the Motion should remain.

In response to further concerns raised regarding information provided to the Allotment Focus Group, it was reiterated that no decision had been taken with regard to allotment rents but preliminary discussions have taken place with the Allotments Focus Group to identify a way forward.

It was recognised that allotments are an important leisure activity that supported the health and wellbeing of the community. Following the Chancellor's Budget statement the previous week, it was anticipated that an increase in the Public Health grant would enable the Council to continue to subsidise leisure and recreational services including allotments. The Chair of Finance and Policy Committee advised that he had asked Officers to bring forward proposals as part of the Budget for 2020/21 which would include an ongoing subsidy for the allotment service, as part of the base-budget of the Council.

During the continuing debate, further support was expressed for allotment holders. It was highlighted that all Elected Members appeared to support the use of Public Health Grant to continue to subsidise leisure and recreational services including allotments. It was proposed, therefore, that a vote be taken on the amendment moved by Councillor Moore.

The Chief Executive explained the voting process in terms of how the various amendments would be put to Council to vote upon.

Following the advice received from the Chief Executive, Councillor Hunter withdrew his Motion. As a consequence the amendments moved by Councillors Black and Moore fell.

The Chief Executive clarified, therefore, that the Neighbourhood Services Committee will bring forward proposals for the sustainable development of allotments to Finance and Policy Committee as part of the 2020/21 MTFS process which assumes the ongoing allocation of public health grant in order to ensure that allotment rents do not increase at a rate greater than inflation.

CHIEF EXECUTIVE'S REPORT

48. HART BY-ELECTION

The Chief Executive referred to her previous report to Council which had noted the resignation of Jean Robinson, as Ward Councillor for the Hart Ward and

that a by-election would be held on Thursday 25 July 2019. At that election Ann Johnson had been duly elected to serve in the office of Councillor for that Ward until the local government elections in May, 2020.

RESOLVED - The election of Ann Johnson as Borough Councillor for the Hart Ward be noted and that a letter be sent to former Councillor Jean Robinson wishing her well in her retirement.

49. COMMITTEES AND OUTSIDE BODIES

Further to the previous item, the Chief Executive had received a request from the Labour Group for a review of the political balance on Committees, Forums, etc. and outside bodies in view of the by-election result. The outcomes of the review were set out in the report. Also included in the report were details of notifications received by political groups of additional changes to Committees and Outside Body appointments.

It was reported at the meeting that Councillor Ward had advised that she intended to retain her position on Tees, Esk and Wear Valley NHS Trust.

RESOLVED – That the following appointments be agreed:-

Committees:

Constitution Committee – Councillor Johnson

Licensing Committee – Councillor Young to be replaced by Councillor Johnson

Councillor Johnson to replace Councillor Robinson on the North and Coastal Community Forum.

Councillor James to replace Councillor S Akers-Belcher on Audit and Governance Committee

Councillor C Richardson to replace Councillor T Richardson on the Adult and Community Based Services Committee.

Outside Bodies

Councillor Young to replace Councillor Cartwright on North Tees and Hartlepool NHS Foundation Trust

50. VETERANS CHAMPION

The Chief Executive reminded Members that as part of the refresh of the Armed Forces Community Covenant, the position of Veterans Champion had been created to support the Armed Forces Champion. Council on the 23rd May 2019 had agreed that consideration of nominations for the position would be referred to Hartlepool Armed Forces Liaison Group to feed back to Council to inform discussions on the appointment. In progressing the wishes of Council, the Hartlepool Armed Forces Liaison Group set the 21st August 2019 as the deadline for receipt of applications to be considered by the Group at its meeting on the 4th September 2019.

A supplementary report, tabled at the meeting, advised Members that one nomination for the position had been received via the Armed Forces Liaison Group from Mr Michael Male.

RESOLVED - That the recommendation of Hartlepool Armed Forces Liaison Group to appoint Mr Michael Male as Veterans Champion for remainder of the Municipal year 2019/20 be approved.

51. INDEPENDENT PERSON RESIGNATIONS

The Chief Executive reported that under the provisions of the Localism Act 2011, the Council was required to appoint at least one Independent Person whose views were sought, and taken into account, before a decision is taken as to whether to investigate an allegation against an Elected Member. In 2017, Norman Rollo, Stan Cronin and Clare Wilson had been appointed by Council for a term of 4 years. Letters of resignation had been received recently from Norman Rollo and Stan Cronin.

In response to clarification sought from Elected Members regarding recruitment to the vacancies arising from the resignations, it was highlighted that the Authority remained compliant with the provisions of the Localism Act 2011. It was not intended, therefore, to advertise for the vacancies.

RESOLVED – That the resignations of Mr Rollo and Mr Cronin be noted and a letter conveying the Council's thanks for their services to the Authority be sent on behalf of the Council.

52. SPECIAL URGENCY QUARTERLY REPORT

In accordance with the requirements of the Access to Information Procedure Rules included in the Council's Constitution, Council was informed that no special urgency decisions had been taken in the periods February 2019 to April 2019 and May 2019 to July 2019

RESOLVED – That the report be noted.

53. RENEWAL OF HARTLEPOOL'S FAIRTRADE TOWN STATUS

The Chief Executive was pleased to announce that Hartlepool has had its status as a Fairtrade Town renewed for a further two years. This followed an application to the Fairtrade Foundation by the Hartlepool Fairtrade Steering Group whose members included Councillor Brenda Harrison as a representative of this Council.

RESOLVED – That the report be noted.

54. MINISTRY OF DEFENCE EMPLOYEE RECOGNITION SCHEME - GOLD AWARD

The Chief Executive reported that the Defence Employer Recognition Scheme (ERS) encouraged employers to support defence and inspire others to do the same. It required organisations to pledge, demonstrate or advocate support to defence and the armed forces community, and align their values with the Armed Forces Covenant. Organisation had the opportunity through the ERS Scheme to achieve Bronze, Silver and Gold award status. The Chief Executive was pleased to be able to inform Members that this Authority had received its Gold Award.

It was noted that this Authority joined only nine other organisations in the North East and became the first Local Authority in the Tees Valley to achieve Gold Award status.

Appreciation was expressed to staff and Elected Members who had championed the Award. The view was expressed that the previous Armed Forces Champion should be afforded the opportunity to receive the Award in view of his involvement in the submission of the Award. The Chair of Finance and Policy Committee advised Council that he had written to Mr Barclay to thank him for his contribution and also recognised the contribution of Joan Stevens, the Statutory Scrutiny Manager. The Chair added that he would consider the request for the former Armed Forces Champion to attend the Awards Ceremony.

Following further debate, it was moved by Councillor Fleming and seconded by Councillor Young as follows:-

“That a vote be taken at this meeting regarding the attendance of the former Armed Forces Champion at the Awards Ceremony”.

It was moved by Councillor James and seconded by Councillor Hunter as follows:-

“That, due to his previous involvement in his role as Armed Forces Champion, Allan Barclay form part of the party from the Authority to attend the Awards Ceremony”

A vote taken, by show of hands, was carried.

55. UPDATE ON MOTION REFERRED FROM COUNCIL TO AUDIT AND GOVERNANCE COMMITTEE

Further to minute 35 of the Extraordinary meeting of Full Council held on the 30th July 2019, the Chief Executive reported that the Audit and Governance Committee had met on 15th August 2019 and had approved the appointment of Clare Wilson as the Independent Chair of the Working Group and also had determined that all Elected Members of the Audit and Governance Committee would serve on the Working Group. The Committee also determined that the

Working Group investigation should, in addition to the Motion referred from Council, also include additional issues outlined in the report.

Officers had now met with the Independent Chair, Clare Wilson, who had drawn up an initial timetable to report back to Audit and Governance Committee in the last week of October and to an Extraordinary Council meeting in early November. The Independent Chair has agreed a schedule of Working Group meetings detailed in the report, which provided time to collate the information required for the review and also reflects officer availability to present this evidence to the Working Group:

RESOLVED – That the report be noted.

56. NOTICE OF COMPOSITION OF POLITICAL GROUP

The Chief Executive reported that she had received notification, on 12 September 2019, of the composition of a new Political Group 'The Brexit Party and Conservative Coalition' comprising the following Elected Members:-

Councillors Moore, Cartwright, Cassidy, Brewer, Tennant, Fleming, Ward, Buchan, T Richardson, Young, Loynes, Stokell and Mincher

The new political group replaced the Independent Union and Conservative Group which, therefore, ceased to be constituted.

RESOLVED – That the report be noted.

57. TEES VALLEY COMBINED AUTHORITY

Further to the appointments made at the Annual Council meeting, the Chief Executive had been notified by the Tees Valley Combined Authority of the following changes arising from a review of Registered Political Parties which has been carried out by the Combined Authority's Monitoring Officer:-

Audit and Governance Committee – Labour Member required – therefore no change - Councillor Harrison

Overview and Scrutiny Committee – the Authority required 1 Labour member, 1 member from the Brexit Party and 1 Elected Member who is not a member of a political party.

Nominations were sought from Full Council.

RESOLVED –

- (i) That Councillor Brown and Councillor Black be appointed to the Combined Authority's Overview and Scrutiny Committee.
- (ii) That the Brexit Party nomination be submitted to the Chief Executive.

56. PUBLIC QUESTION

None.

57. 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

The following question had been received from Councillor S Akers-Belcher to the Chair of Finance and Policy Committee:-

“It is my understanding Council made a commitment in the 2012 budget to avoid the privatisation of services.

It is concerning to learn the planning services department have since recruited agency staff via Capita.

Can members be informed why the policy has been ignored and should we now assume that the direction of travel is to privatise front-line services?”

Councillor Moore, Chair of the Finance and Policy Committee, assumed that Councillor Akers-Belcher was referring to the Council minute from 9 February 2012. He added that he considered the use of agency staff to not be privatisation of goods or services. The Chair responded that whilst the Council's primary aim was to attract and retain a dedicated workforce, it was recognised that there could be occasions when there was a need to engage agency workers to ensure the smooth delivery of services and prevent detriment to service users. Agency workers were used as a very last resort and for the shortest time possible. The Chair outlined the circumstances that agency workers would be used by the Authority.

In all cases, before deciding to employ an agency worker, managers had to ensure that all other options had been exhausted such as recruiting on a temporary basis, offering a temporary increase to a part time employee's hours or offering a redeployment opportunity. Chief Officers approved any use of agency staff and ensured that a rigorous exploration of all options had been carried out. A small number of agency staff were used and when they are, these are in specialised roles. Specialist companies were used to recruit agency staff using recognised procurement frameworks to maximise opportunities for securing appropriate skills and experience quickly. In the example given of the Planning Services Department, after exhausting all options, a Planning Officer had been procured from Capita, using a recognised procurement framework.

The Chair concluded his response by advising that the Council continued to look at new ways to attract and retain a stable and high quality workforce by offering a range of non-financial incentives and benefits, such as a flexible working environment and access to high quality training and learning opportunities. As such, turnover is low and staff satisfaction is high as evidenced in the Employee Survey carried out in 2018.

Following the response, it was moved by Councillor S Akers-Belcher and seconded by Councillor James:-

“That a report be submitted to Council setting out details of the numbers of Council posts currently filled by agency staff from external companies.”

Elected Members debated issues arising from the question. During the debate it was proposed that the report include how many employees are residents of the Borough. It was suggested also that consideration be given to future employment opportunities in terms of succession planning through employing students/apprentices.

A vote was taken by show of hands. It was announced that the vote was carried unanimously.

- 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

The minutes of the meeting held by the Cleveland Fire Authority held on 7 June 2019 were noted.

The meeting concluded at 8.55 p.m.

CEREMONIAL MAYOR



Report of: Audit and Governance Committee

Subject: ALLOWANCES PAID TO THE CHAIR AND VICE
CHAIR OF COUNCIL

AND REFERRAL FROM FULL COUNCIL - FUNDING
TO ANY ORGANISATION TO WHICH AN ELECTED
MEMBER IS AFFILIATED

1. PURPOSE OF REPORT

- 1.1 To enable Council to consider the report from the Audit and Governance Committee in relation to the above issues.

2. BACKGROUND

- 2.1 The Audit and Governance Committee agreed to establish a working group which was chaired by an independent person and had all Audit and Governance Committee Councillors as members. The working group had a number of meetings and reported their finding to the Audit and Governance Committee on 24th October 2019.
- 2.2 A copy of the report to the Audit and Governance Committee is attached to enable Members to familiarise themselves with the issues covered in the report. The report includes the recommendations referred from the Audit and Governance working group. If the Audit and Governance Committee make any amendment to these recommendations an update will be issued prior to the Council meeting on 31st October.

3. ISSUES FOR COUNCIL TO CONSIDER

- 3.1 Council is requested to consider the concluding comments made by the Independent Chair as detailed in paragraph 5.2 of the report to the Audit and Governance Committee and summarised below for ease of reference:

- **Extract from paragraph 5.2**

Following conclusion of discussions, the Independent Chair made the following conclusions:-

- i) In relation to allowances previously paid to the Chair and the Vice Chair the historic information available indicates these allowances were authorised by Officers and publically reported during the period 2008/9 to 2011/12 in the Council's Statement of Accounts. Therefore, there is no legal basis to seek to recover payments made to individuals who previously received the Chair or Vice Chair allowances. As these allowances were removed in 2011/12 and it is clear that the Council now has more robust procedures for managing allowances paid to Councillors. Therefore, the previous situation cannot be repeated and there are no recommendations in relation to this issue.
- ii) With regard to the issues reviewed in Section 4, the Working Group has concluded that the Council has well established procedures and policies in place that set out how decisions are made in relation to the expenditure of Council funds with no suggestion of inappropriate decision making. Some areas for further improvement, which should help address public perceptions, are outlined in the recommendations detailed in Section 4.4.

- 3.2 Council will also be requested to consider any amendments the Audit and Governance Committee may make on 24th October to the recommendations referred from the Audit and Governance Committee working group, which as indicated will be circulated after the Audit and Governance Committee meeting.

4. RECOMMENDATIONS

- 4.1 It is recommended that the Council consider and approves the recommendations referred from the Audit and Governance Committee.

5. CONTACT OFFICER

Chris Little
Director of Finance and Policy and Neighbourhoods
Civic Centre
Victoria Road
Hartlepool
TS24 8AY
Email chris.little@hartlepool.gov.uk
Tel: 01429 523002

AUDIT AND GOVERNANCE COMMITTEE

24th October 2019



Report of: Audit and Governance Working Group (Council Referral) - Chaired by Clare Wilson (Independent Person)

Subject: ALLOWANCES PAID TO THE CHAIR AND VICE CHAIR OF COUNCIL

AND REFERRAL FROM FULL COUNCIL - FUNDING TO ANY ORGANISATION TO WHICH AN ELECTED MEMBER IS AFFILIATED

1. PURPOSE OF REPORT

- 1.1 To enable the Committee to consider the report from the Working Group, prior to referral of the Working Group's report to full Council, including their recommendations.

2. BASIS FOR PREPARING REPORT

- 2.1 The report reflects consideration of the detailed reports considered by the Working Group in relation to the issues as summarised in the following sections.

3. ALLOWANCES PAID TO THE CHAIR AND VICE CHAIR OF COUNCIL

- 3.1 Based on the information detailed in the report considered on 3rd September 2019 it can be concluded that:
- Up until 2011/12 the Chair and Vice Chair of Council received an allowance which was grossed up for taxation and national insurance, in line with the decision of the Policy Plenary Committee in 1998;
 - The allowances paid to the Chair and Vice Chair of Council were removed as part of the 2011/12 budget. It is therefore clear that the payment of these allowances were known to Members of Council and it is also to be noted that the decision to remove the allowances was based on the need to save money and not in response to issues of probity;
 - The 2002 Constitution was 'silent' on both the Chair and Vice Chair allowances;

- The Chair also received a separate Special Responsibility Allowance;
- Following consideration of a report from Scrutiny Co-ordinating Committee by full Council detailed disclosure arrangements were adopted for Members Allowances and expenses, which significantly exceeded the minimum statutory requirements. For the period 2008/09 to 2011/12 this disclosure showed all allowances paid to the Chair and Vice Chair within the audited statement of accounts. The Council continues to provide this level of disclosure in the statement of accounts; and
- The Council now has in place a robust Constitution that ensures the issue cannot be repeated in the future.

3.2 With the benefit of hindsight it can be concluded that the 2002 Constitution was 'silent' on the issue of the separate allowances paid to the Chair and Vice Chair. However, these allowances continued to be paid until 2011/12 and were disclosed in the Council's statement of accounts for the period 2008/09 to 2011/12.

3.3 Whilst, it has not been possible to ascertain the rationale for continuing to pay these allowances, it is clear that they were authorised by the relevant chief officer and it is not unreasonable to conclude that those officers relied upon the decision of the Policy Plenary Committee in 1998. Equally, it would not be unreasonable to conclude that given that the payments were authorised by officers the Members who received these allowances acted in good faith in accepting these payments. Therefore, from a legal perspective there are no grounds to seek to recover these payments, which were authorised by officers, despite the fact that the Constitution was silent on the payment of these payment. In any event such recovery is time-barred.

3.4 It is important to highlight **the Council now has in place a robust Constitution that ensures the issue cannot be repeated in the future.** Additionally, it is appropriate to highlight that the annual cost of the Committee System in 2018/19 was £326,000, compared to an annual cost in excess of £440,000 for the Mayoral system over the period 2008/09 to 2011/12.

4. **REFERRAL FROM COUNCIL – FUNDING TO ANY ORGANISATION TO WHICH AN ELECTED MEMBER IS AFFILIATED**

4.1 Based on the information reported on 30th September and verbal assurances provided by the Council's statutory officers (namely the Chief Executive, Director of Finance and Policy, and the Chief Solicitor) and the Head of Audit and Governance it is clear that the Council has robust and effective arrangements for managing the use of public monies. Further assurance is also provided from the Council's external auditors, Mazars, as their most recent audit report covering 2018/19 gave unqualified opinions on the Council's Statement of Account and Value for Money conclusion. For the avoidance of doubt 'unqualified' opinions are the desired outcome as a 'qualified' opinion would identify where an external auditor was not satisfied with the Council's arrangements and corrective action was required.

- 4.2 The Working Group noted that the Council's three statutory officers will, on the basis of evidence identified by Council Officers, or evidence presented by third parties, fully investigate all allegations of potential financial irregularity or potential fraud and if appropriate refer issues at an appropriate stage to the relevant authorities, including the police. The referral of issues to the police needs careful management to ensure any initial investigation undertaken by Council Officers does not inadvertently jeopardise the ability of the police and the Crown Prosecution Service (CPS) to pursue prosecution. The Working Group noted that the initial investigation of former Councillor A Wilcox by Council Officers resulted in the police then undertaking a detailed investigation and the CPS securing a successful prosecution. The Working Group also noted that Council Officers cannot investigate rumours of potential financial irregularity or potential fraud as they need evidence to provide grounds for carrying out an investigation.
- 4.3 **Appendix A** provides information in relation to questions asked at the Working Group meeting on 30th September 2019.
- 4.4 The detailed report considered by the Working Group identified areas where existing processes and procedures can be improved further. The Working Group considered the draft recommendations detailed in the report and the final recommendations, which include amendments and additions from the Working Group are set out below:
- (i) **Recommendation 1** – In order to provide greater clarity, the form to record Members declarations of interest in the Authority's Register of Elected Members/Co-opted Members Interests should be reviewed and a clearer electronic form designed for use after the May 2020 election. The revised electronic form and publication arrangements to be clearer in relation to declaration where Members are employees of an organisation which the Council contracts with. Guidance and mandatory training on its completion should then be provided to new and existing Members. Members comply with the Councils constitution and register information about registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of appointment as a member of the Authority and when any change takes place in registerable personal interests.
 - (ii) **Recommendation 2** – The Council receives a full set of independently produced financial statements and governance information, such as Trustee/Board/Governance details, from any organisation applying for a grant where members have made a declaration of interests.
 - (iii) **Recommendation 3** – The Council receives a full set of independently produced financial statements and governance information, such as Trustee/Board/Governance details, from any organisation awarded a contract, regardless of value, where members have made a declaration of interests.
 - (iv) **Recommendation 4** – The Council receives (and reviews annually) a full set of independently produced financial statements and governance information, such as Trustee/Board/Governance details, from any

organisation applying for / awarded a social value rent reduction. The Council develops a Social Value Policy that communicates how the Council will meet its responsibilities under the Public Services (Social Value) Act 2012.

- (v) **Recommendation 5** – That where social value lettings are in place, the policy and criteria for the letting of rooms by organisation be reviewed.
- (vi) **Recommendation 6** – Expenditure/funding over £1000 to organisations where Members have made a declaration are subject to the new procedures outlined below.
- (vii) **Recommendation 7** – Where expenditure is likely to exceed £1000 for organisations where a Members declaration has been made, those organisations are required to submit full accounts, prepared and audited by an independent qualified accountant to Hartlepool Borough Council at the end of each financial year within which local authority funds have been received.
- (viii) **Recommendation 8** – On a quarterly basis all departments complete an analysis and report it to Corporate Management Team outlining how the Council is achieving 'value for money' on expenditure over £1000 where Members have declared an interest.
- (ix) **Recommendation 9** – On an annual basis all quarterly returns reported to Corporate Management Team are collated and reported to the Audit and Governance Committee (including details of amounts paid and what has been delivered) in order to ensure independent scrutiny and to make public the results of all such evaluations.

5. CONCLUSION

5.1 The Independent Chair of the Working Group, Clare Wilson, sought the Working Group's views on the comprehensive reports considered at each of the Working Group meetings. For the Committee's information notes from each of the Working Group meetings are attached at **Appendix B**.

5.2 Following conclusion of discussions, the Independent Chair made the following conclusions:-

- i) In relation to allowances previously paid to the Chair and the Vice Chair the historic information available indicates these allowances were authorised by Officers and publically reported during the period 2008/9 to 2011/12 in the Council's Statement of Accounts. Therefore, there is no legal basis to seek to recover payments made to individuals who previously received the Chair or Vice Chair allowances. As these allowances were removed in 2011/12 and it is clear that the Council now has more robust procedures for managing allowances paid to Councillors. Therefore, the previous situation cannot be repeated and there are no recommendations in relation to this issue.

- ii) With regard to the issues reviewed in Section 4, the Working Group has concluded that the Council has well established procedures and policies in place that set out how decisions are made in relation to the expenditure of Council funds with no suggestion of inappropriate decision making. Some areas for further improvement, which should help address public perceptions, are outlined in the recommendations detailed in Section 4.4.

6. RECOMMENDATIONS

6.1 It is recommended that the Audit and Governance Committee refers the following recommendations to full Council to:-

- i) To note that the allowances paid up to 2011/12 to the Chair and Vice Chairs were authorised by officers and publically reported during the period 2008/9 to 2011/12 in the Council's Statement of Accounts, whilst noting that the 2002 Constitution was 'silent' on these allowances;
- ii) To note that officers have advised that there is no legal basis to seek to recover from the individual Members who received these allowances. To also note that this situation cannot arise again as these allowances were removed in 2011/12; and
- iii) Endorse the detailed recommendations detailed in paragraph 4.4.

7. REASONS FOR RECOMMENDATIONS

7.1 To enable the Audit and Governance Committee to fulfil the requirements of Council referral.

8. CONTACT OFFICER

8.1 Chris Little
Director of Finance and Policy
Civic Centre
Victoria Road
Hartlepool
TS24 8AY
Email chris.little@hartlepool.gov.uk
Tel: 01429 523002

BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- a) Council Referral and minutes - 30th July 2019
- b) Audit and Governance Committee – Reports and minutes – 15 August 2019
- c) Audit and Governance Working Group (Council Referral) – Reports and Notes – 3 September 2019, 30 September 2019 (reconvened on the 2 October 2019)

Appendix A

Questions raised at Audit and Governance Working Group – 30.9.2019

Question	Answer	Proposed Action
What does “Other” mean on Members Declaration Form?	Guidance on form states “you should give the names of any other body you are a member or in a position of general control or management”.	To clarify as part of redesign of Members Declaration Form. (Included as part of Recommendation 1 (Paragraph 4.4))
What training is provided to members on declarations of interest?	New members provided advice and guidance.	To provide training to all Members at the time of launch of new declaration form. (Included as part of Recommendation 1) (Paragraph 4.4)
Cllr James declaration regarding Suez waste contract not included in analysis.	HBC makes payments to MBC, who manage this contract on behalf of Tees Valley Authorities, therefore this payment had not been picked up. Payments made: 2016/17: £1,860,515 - Waste Disposal Contract. 2017/18: £2,110,092 - Waste Disposal Contract. 2018/19: £1,892,449 - Waste Disposal Contract.	Process to be put in place to identify third party arrangements such as this moving forward. Future payment details for Suez to be published.
Why difference in discounts on percentage of social value reductions in rents for different organisations?	Social value policy allows discount to be awarded across the following criteria: Health and Wellbeing – 25% Family Poverty – 25% Community Safety – 25%	None.
Why variances in amounts paid to Healthwatch over the three year period analysed?	The Council acts as a payroll bureau for Healthwatch, in 16/17 and 17/18 the figures were shown net of wages reclaimed, in 18/19 this error was rectified and gross figure was reported. Amounts for 16/17 and 17/18 should have been £129,056.00	Continue to publish gross figures.
Do we receive accounts and governance arrangements on an ongoing basis for organisations receiving a social value discount?	Recommendation 4 proposes to receive accounts and governance arrangements on application for social value discount.	Included as part of Recommendation 4 (Section 4.4) requesting accounts and governance information on an annual basis

Question	Answer	Proposed Action
Do Members need to declare an interest when considering the Local Council Tax Support scheme?	<p>Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that a councillor needs a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support. If a councillor is a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land.</p> <p>However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.</p> <p>Accordingly, councillors will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.</p>	None

AUDIT AND GOVERNANCE COMMITTEE COUNCIL REFERRAL WORKING GROUP MEETING NOTES 3 SEPTEMBER 2019

The meeting commenced at 3.30 pm in the Civic Centre, Hartlepool.

Present:

Independent Chair: Ms Clare Wilson.

Councillors: Ged Hall, Lesley Hamilton, Brenda Harrison and Brenda Loynes.

Also Present: In accordance with Council Procedure Rule 5.2,
Councillor Marjorie James was in attendance as substitute for
Councillor Stephen Akers-Belcher.

Councillors: Christopher Akers-Belcher, Bob Buchan, Paddy Brown,
Lee Cartwright, Jim Lindridge, Sue Little, Ann Marshall, Shane Moore,
Tony Richardson and Mike Young.

Officers: Gill Alexander, Chief Executive
Chris Little, Director of Finance and Policy
Hayley Martin, Chief Solicitor
Joan Stevens, Statutory Scrutiny Manager
David Cosgrove, Democratic Services Team

1. Apologies for Absence

Apologies for absence were received from Stephen Akers-Belcher,
James Black and Barbara Ward.

2. Declarations of Interest

None.

3. Council Referral - Funding of any Organisation to Which an Elected Member is Affiliated (*Statutory Scrutiny Manager*)

The Statutory Scrutiny Officer submitted a report setting out the background to the establishment of the Working Group, the process for consideration of the Council referral and the timetable for the investigation. The time table included, at this time, three further meetings to be held on 30 September at

2.00 pm, 2 October at 5.00 pm, and 3 October at 3.00 pm. An additional meeting of the Audit and Governance Committee had been scheduled on 24 October at 2.00 pm to consider the final report of the Working Group with the potential for an Extraordinary Meeting of Council in November to consider the Working Group's report.

Recommended

1. That the report and the timetable for consideration of the referral be noted.
2. That the Working Group's response to the referral be submitted to Council following endorsement by the Audit and Governance Committee (as the Working Group's parent Committee).

4. Allowances Paid to the Chair and Vice Chair of Council *(Director of Finance and Policy)*

The Director of Finance and Policy submitted a report setting out a review of historic documents, some dating back to 1998, relating to the allowances paid to the Chair and Vice-Chair of Council up to 2011/12. The report set out some background information relating to the governance arrangements applicable at the time.

A Member initially questioned the role of the Constitution and its position as the 'bible by which we managed the Council'. The Chief Solicitor stated that it was to some extent for political processes but a Constitution did not set out everything that happened within an Authority.

The Director of Finance and Policy went on to outline the key points within his report and attached appendices, highlighting the historic nature of some of the information dating back to a Policy Plenary Committee meeting in May 1998.

Questions were raised around the last Independent Remuneration Panel (IRP) benchmarking exercise in 2017/18 and the allocations of Special Responsibility Allowances (SRAs) and the questions that had been raised around additional allowances paid to the Chair of Council.

It was confirmed that between 2004 and 2012 the Chair of Council had also received a Special Responsibility Allowance (SRA) as Chair of Council, which was in addition to the separate 'Chair of Council Allowance'. The separate 'Chair of Council Allowance' was not an SRA recommended by the Independent Remuneration Panel (IRP).

It was confirmed that between 1998 and May 2012 the Chair and Vice Chair of Council had received an allowance calculated in accordance with a decision made by the Policy Plenary Committee and that these allowances had been grossed for income tax and national insurance to retain the net value.

It was confirmed that arrangements for the payment of the separate Chair and Vice Chair of Council Allowance had not been carried forward into the Council Constitution adopted in 2002 as part of the new governance arrangements (Elected Mayoral system). It was also noted that whilst the 2002 Allowance Scheme did restrict Members to one SRA, it was 'silent' on the payment of a separate 'Chair of Council Allowance' and the allowance had continued until its removal in 2011/12.

Concern was expressed that the 2002 Constitution should have superseded any previous arrangements for the payment of allowances and the separate Chair and Vice Chair of Council Allowance should have either been included in the Members Allowance Scheme or have ceased in 2002. On this basis, a view was expressed that these payments had been unconstitutional and should not have been paid.

There was debate around the fact that a 'Member Allowance' had been increased in order to ensure that tax and national insurance didn't reduce the amount of allowance paid and how appropriate such a decision had been. The Working Group was informed that arrangements around taxation with HMRC were different in the 1990's to those that applied now.

A Member referred to the 2002 Constitution and indicated that this should have been circulated to the Working Group to show that the payments were unconstitutional. There was an adjournment while copies of the relevant sections of the 2002 Constitution were made for those present.

When reconvened the Chief Executive stated that Members had to acknowledge that the information being discussed was historic and had not been straight forward to recover. It was clear that prior to 2002 there had been a Mayoral Allowance and the only decision that could be found in relation to that was the 1998 Policy Plenary decision when there was a debate around taxation. The 2002 Constitution was silent on that matter. It was also the first Constitution developed under the elected mayor model of governance. The Constitution has always been a document under constant development and revision. The current Constitution is much more robust on issues such as allowances. The Chief Executive also commented that it was also difficult to measure decisions from the past against how they are made now. The Chief Executive also clarified the differing roles of the past Mayor and the Elected Mayor and the Chair of Council.

A Member questioned the annual auditing of accounts and whether such a matter should have been picked up at audit. The Director of Finance and Policy stated that the auditors did not check every payment but did measure risk across the Authority. Whilst not being able to speak for the Auditors, the Director stated that he would have expected them to undertake the checks they thought proper.

Whilst there were concerns regarding awareness of the separate Chair and Vice Chair of Council Allowance, it was highlighted that:

- Arrangements in Hartlepool for the disclosure of paid allowances go beyond statutory requirements;
- Arrangements in terms of the payment of the additional Chair's Allowance were historic and would not occur under new arrangements; and
- The Council's Constitution was now robust and reviewed on a regular basis.

In concluding the meeting the Chief Executive stated that notes of the meeting would come forward to the next meeting of the Working Group and at that meeting some conclusions based on the discussions at this meeting would need to be drawn for the report. What was clear was that the lessons of the past had been learned and that Chief Executive and the Chief Solicitor were confident that similar decision making could not happen now as the processes in place were much more robust and open. There were obviously clear differences of opinion on the decisions made in the past and we could only learn from them.

Recommended

That the report and discussions be noted for the development of the final report and conclusions of the Working Group.

That the dates and times of the future meetings of the Working Group be agreed.

The meeting concluded at 5.45 pm.

CHAIR

AUDIT AND GOVERNANCE COMMITTEE COUNCIL REFERRAL WORKING GROUP MEETING NOTES 30 SEPTEMBER 2019

The meeting commenced at 5.00 pm in the Civic Centre, Hartlepool.

Present:

Independent Chair: Ms Clare Wilson.

Councillors: Ged Hall, Lesley Hamilton, Brenda Harrison, Marjorie James and Brenda Loynes.

Councillors: Bob Buchan, Lee Cartwright, Shane Moore, Tony Richardson and Leisa Smith.

Officers: Gill Alexander, Chief Executive
Chris Little, Director of Finance and Policy
Noel Adamson, Head of Audit and Governance
Hayley Martin, Chief Solicitor
Joan Stevens, Statutory Scrutiny Manager
Angela Armstrong, Scrutiny and Legal Support Officer
David Cosgrove, Democratic Services Team

5. Apologies for Absence

None.

6. Declarations of Interest

None.

7. Notes of the meeting held on 3 September 2019

Deferred for consideration at a later meeting.

8. Allowances Paid to the Chair and Vice Chair of Council – Verbal Progress Update *(Chief Executive)*

The Chief Executive provided an update on the review being undertaken and highlighted that there was a significant amount of historical information to be included within this review. It was noted that due to the volume of work involved in collating this information, a report would be submitted to

the next meeting of the Working Group scheduled to take place on Wednesday 2 October at 5.00pm.

Recommended

The verbal update was noted and a report would be submitted to the next meeting of the Working Group on 2 October.

9. Council Referral - Funding of any Organisation to Which an Elected Member is Affiliated (*Statutory Scrutiny Manager*)

The Director of Finance and Policy presented a detailed and comprehensive report that provided the background to the review along with the process for undertaking the review.

The Working Group were reassured by the Council's statutory Officers that the Council had robust and effective arrangements in place for managing the use of public monies. The most recent report from the Council's external auditors, Mazars, which covered 2018/19 gave unqualified opinions on the Council's Statement of Account and Value for Money for conclusion. Members noted that the Council's statutory officers will, on the basis of evidence identified by Council Officers, or evidence presented by third parties, fully investigate all allegations of potential financial irregularity or potential fraud and where appropriate refer to the relevant authorities.

The report identified areas where existing processes and procedures could be further improved and during the discussions that followed, Members identified the following amendments and additions for inclusion within those recommendations:

Recommendation 1 – That a clearer form be designed for the Authority's Register of Elected Members/Co-opted Members Interests for use after the May 2020 election including clarification on the publication arrangements in relation to declarations where Members were employees of an organisation which contracts with the Council. Guidance and training to be provided to new and existing Members.

Recommendation 2, 3 – No amendments/additions.

Recommendation 4 – That the independently produced financial statements and governance information received from organisations applying for/award a social value rent reduction be reviewed annually.

Recommendation 5, 6, 7 – No amendments/additions.

Recommendation 8 – That the quarterly returns reported to Audit and Governance Committee include details of amounts paid and what had been delivered.

Additional recommendation – That where social value lettings are in place, the policy and criteria for the letting of rooms by organisation be reviewed.

During the discussions that followed, the Chief Executive, Director of Finance and Policy and Head of Audit and Governance responded to a number of questions from both Elected Members and the public with further responses to be provided at the next meeting.

Recommended

That the above amendments/additions to the recommendations be incorporated into the report for consideration at the next meeting.

10. Meeting Adjournment

The meeting was adjourned to be reconvened on Wednesday 2 October 2019 at 5.00pm in the Civic Centre.

The meeting was adjourned at 5.45 pm.

CHAIR

AUDIT AND GOVERNANCE COMMITTEE COUNCIL REFERRAL WORKING GROUP MEETING NOTES

2 OCTOBER 2019 (RECONVENED FROM 30 SEPTEMBER 2019)

Present:

Independent Chair: Ms Clare Wilson.

Councillors: James Black, Ged Hall, Lesley Hamilton, Brenda Harrison, Marjorie James, Brenda Loynes and Barbara Ward.

Also in attendance:

Councillors Bob Buchan, Sue Little, Shane Moore and John Tennant.

Officers:

Gill Alexander, Chief Executive
Chris Little, Director of Finance and Policy
Hayley Martin, Chief Solicitor
Noel Adamson, Head of Audit and Governance
Joan Stevens, Statutory Scrutiny Manager
Angela Armstrong, Scrutiny and Legal Support Officer
Denise Wimpenny, Democratic Services Team

Prior to consideration of the following item of business the Working Group were given time to peruse the tabled report as well as the notes of the Working Group meetings held on 3 September and 30 September 2019.

11. Notes of Meetings held on 3 September and 30 September 2019

Received.

12. Allowances Paid to the Chair and Vice Chair of Council And Referral from Full Council – Funding to Any Organisation to which an Elected Member is Affiliated *(Chief Executive, Director of Finance and Policy and Chief Solicitor)*

The Group was advised that that the purpose of today's reconvened meeting was to enable the Group to conclude the review of the work they had undertaken and to approve the recommendations to be referred to Audit and Governance Committee. The Director of Finance and Policy

presented a detailed and comprehensive report which reflected consideration of the detailed reports considered by the Working Group in relation to allowances paid to the Chair and Vice Chair of Council and the referral from Council in relation to funding to any organisation to which an Elected Member was affiliated.

In relation to allowances previously paid to the Chair and Vice Chair of Council, the Director of Finance and Policy advised that the historic information available indicated that these allowances were authorised by officers and publically reported during the period 2008/9 to 2011/12 in the Council's Statement of Accounts. From a legal perspective there were no grounds to seek to recover these payments made to individuals who previously received the Chair or Vice Chair allowances.

As these allowances were removed in 2011/12 and it is clear that the Council now has more robust procedures for managing allowances paid to Councillors. Therefore, the previous situation cannot be repeated and there are no recommendations in relation to this issue.

With regard to the referral from Council in terms of funding to any organisation to which an Elected Member was affiliated, it was clear that the Council had well established procedures and policies in place that set out how decisions are made in relation to the expenditure of Council funds with no suggestion of inappropriate decision making. Whilst it was highlighted that the Council's statutory officers will, on the basis of evidence identified by Council officers, or evidence presented by third parties, fully investigate all allegations of potential financial irregularity or potential fraud and, where appropriate, refer to the relevant authorities, Council officers cannot investigate rumours of potential financial irregularity or potential fraud as they need some initial evidence to provide grounds for carrying out an investigation. Some areas for further improvement, which should help address public perceptions were detailed in the recommendations set out in section 4.4 of the report.

The detailed report considered by the Working Group identified areas where existing processes and procedures could be further improved and the final recommendations, which included amendments and additions from the Working Group, were set out in the report for the Working Group's consideration.

During the lengthy discussion that followed, the Group considered the proposed recommendations and raised a number of suggestions/issues/queries which included:-

- (i) Clarification was provided regarding the process around receiving independently produced financial statements and governance information from any organisation applying for a grant where members had made a declaration of interest.

- (ii) In relation to the proposal to tighten up procedures, a query was raised in relation to the costs in terms of officer time. The Group was advised that whilst such practices would place additional workload pressures on officers, it was not envisaged this would be too onerous as a number of checks and balances were already in place and it was more a matter of tightening up existing procedures. The statement of accounts reviewed by the Council's external auditors reflected the good practices already in place.
- (iii) With regard to recommendation 1, it was suggested that the form should be in electronic form and that training for new and existing Members on completion of the Register of Interests should be mandatory.
- (iv) In response to some concerns raised by a member of the public regarding the awarding of contracts process and the implications of the requirements of businesses to provide accounts for three years to enable eligibility to tender, the Director of Finance and Policy commented on the Council's commitment to support local businesses and highlighted that whilst he was not aware of any such restrictions which would prevent local businesses from applying, arrangements would be made to explore the issues raised and provide clarification following the meeting.
- (v) In relation to the allowances previously paid to the Chair and Vice Chair of Council, Members accepted that the constitution was silent on the payment, however, a Member expressed disappointment that there was no legal basis to reclaim the payments. Comments were raised around the morality of these payments. The conclusions relating to the constitution were also questioned and the Chief Executive reiterated the rationale behind the conclusions of statutory officers.
- (vi) Emphasis was placed upon the importance of training and guidance for Elected Members and it was suggested that a recommendation be added that mandatory training should be introduced for Members in relation to core areas of Council services.
- (vii) A number of further issues/questions were raised by members of the public in relation to aspects of the report including the Council's contract and tendering arrangements, social value lettings process and asset register management arrangements to which the Chief Executive and Director of Finance and Policy provided clarification.

Recommended

That the report be referred to the Audit and Governance Committee to:-

- i) Note that the allowances paid up to 2011/12 to the Chair and Vice Chairs were authorised by officers and publically reported during the period 2008/9 to 2011/12 in the Council's Statement of Accounts, whilst noting that the 2002 Constitution was 'silent' on these allowances;
- ii) Note that officers have advised that there is no legal basis to seek to recover from the individual Members who received these allowances. To also note that this situation cannot arise again as these allowances were removed in 2011/12; and
- iii) Endorse the detailed recommendations detailed in paragraph 4.4.

12. Conclusion of Business – Cancellation of Next Meeting

It was reported that given that business had been concluded this evening the next meeting of the Working Group scheduled for Thursday 3 October 2019 would be cancelled.

The meeting concluded at 6.35 pm.

CHAIR

COUNCIL

31st October, 2019



Report of: Audit and Governance Committee

Subject: SUPPLEMENTARY REPORT - ALLOWANCES PAID
TO THE CHAIR AND VICE CHAIR OF COUNCIL

AND REFERRAL FROM FULL COUNCIL - FUNDING
TO ANY ORGANISATION TO WHICH AN ELECTED
MEMBER IS AFFILIATED

1. PURPOSE OF REPORT

- 1.1 To enable Full Council to consider the final recommendations of the Audit and Governance Committee referred following their consideration of the Audit and Governance Working Group report, previously circulated with the agenda.

2. BACKGROUND

- 2.1 Further to the report of the previously circulated for consideration by Full Council on the 31st October 2019, the Audit and Governance Committee on the 24th October 2019 agreed:-

- a) To endorse the recommendations contained in paragraph 4.4 of the report, in relation to the issue of 'funding to any organisation to which an elected member is affiliated'.
- b) To amend the recommendations made in relation to the 'allowances paid to the Chair and Vice Chair of Council' to reflect that the Audit and Governance Committee refers the following findings to Full Council to:-
 - i) Note that the allowances paid up to 2011/12 to the Chair and Vice Chairs were authorised by officers and publically reported as a collective figure during the period 2007/8 in the Council's Statement of Accounts and that from 2008/9 onwards they were published independently against each Member; and
 - ii) Note that officers have advised that there is no legal basis to seek to recover from the individual Members who received these allowances. To also note that this situation cannot arise again as these allowances were removed in 2011/12.

- 2.2 During the course of discussions Councillor James requested that her vote against the amended recommendations, as outlined in Section 2.1 (b) be recorded. In addition to this, the Independent Chair reaffirmed her view that:-
- i) In relation to allowances previously paid to the Chair and the Vice Chair the historic information available indicates these allowances were authorised by Officers and publically reported during the period 2008/9 to 2011/12 in the Council's Statement of Accounts. Therefore, there is no legal basis to seek to recover payments made to individuals who previously received the Chair or Vice Chair allowances. As these allowances were removed in 2011/12 and it is clear that the Council now has more robust procedures for managing allowances paid to Councillors. Therefore, the previous situation cannot be repeated and there are no recommendations in relation to this issue.
 - ii) With regard to the issues reviewed in Section 4, the Working Group has concluded that the Council has well established procedures and policies in place that set out how decisions are made in relation to the expenditure of Council funds with no suggestion of inappropriate decision making. Some areas for further improvement, which should help address public perceptions, are outlined in the recommendations detailed in Section 4.4.

3. RECOMMENDATIONS

- 3.1 It is recommended that the Council consider and approves the amended recommendations referred from the Audit and Governance Committee (as detailed in Section 2.1 above).

4. CONTACT OFFICER

Chris Little
Director of Finance and Policy and Neighbourhoods
Civic Centre
Victoria Road
Hartlepool
TS24 8AY
Email chris.little@hartlepool.gov.uk
Tel: 01429 523002

COUNCIL
31 October 2019



Report of: Chief Executive

Subject: BUSINESS REPORT

1. SUNDAY TIMES BRITISH HOMES AWARDS

Hartlepool housing regeneration scheme 'The Green' which converted properties in Carr, Hopps and Rodney Streets off Hart Lane into homes to rent by developers Placefirst in partnership with the Council has recently won three national Sunday Times British Homes Awards including the Judges Special Award for Excellence. The Judges Special Award is the most coveted accolade at the awards and the Chair of the judges deemed The Green to be the best overall project across all 26 award categories and 99 shortlisted entries.

2. CHANGE IN COMMITTEE MEMBERSHIP

I have been notified of the following change to the membership of the Planning Committee:-

Councillor A Richardson to replace Councillor Mincher.

Council is requested to approve the proposed change.

3. COMMUNITY SAFETY PLAN 2017-20

In accordance with the Crime and Disorder Act 1998 and associated regulations the Authority is required to produce a three year Community Safety Plan to set out how it intends to tackle crime and disorder, substance misuse and re-offending in Hartlepool. The legislation also requires the Authority to review the plan on an annual basis. At the last meeting of Council, Members considered the Community Safety Plan Year 3 Review and a number of issues were highlighted as requiring attention. As this was a review of the plan, the issues raised will be considered and reflected in the new Community Safety Plan when work commences on this next year.

4. PRESSURES IN CHILDREN'S SERVICES

Members will recall that at the meeting on 12 September, 2019 (minute no. 44 refers) they agreed that a letter be forwarded to the Secretary of State for Education with regard to budget and capacity concerns in Children's Services, subject to additional information being included to highlight the north/south divide in relation to school funding highlighted at the meeting by an Elected Member. A copy of the letter sent by the Ceremonial Mayor and the response received from Luke Hall MP, Minister for Local Government and Homelessness are attached for Members information at Appendix A.

5. ADOPTION OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (IHRA) WORKING DEFINITION OF ANTISEMITISM

Council is advised that the letter attached at Appendix B has been received from Rt Hon Robert Jenrick MP Secretary of State for Housing, Communities and Local Government seeking Councils to adopt the IHRA definition of antisemitism. Council's views on this letter are requested.

Councillor Brenda Loynes
CEREMONIAL MAYOR
Hartlepool Borough Council
 Civic Centre
 Hartlepool
 TS24 8AY

Tel: 01429 523702/3704
www.hartlepool.gov.uk

Our Ref: BL/SR/KM
 Your Ref:

Contact Officer/Email: memsec@hartlepool.gov.uk



18 September 2019

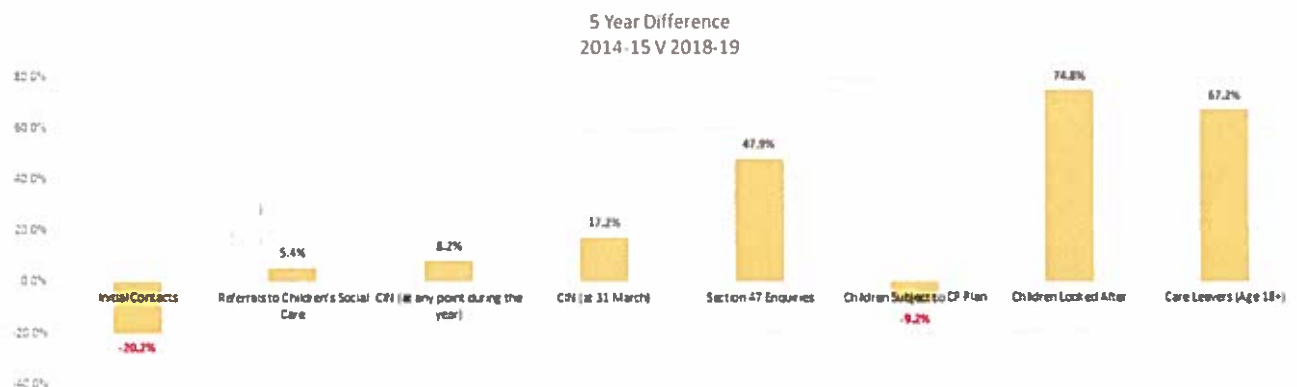
Rt Hon Robert Jenrick MP
 Ministry of Housing, Communities and Local Government
 2 Marsham Street
 Westminster
 LONDON
 SW1P 4DF

Dear Minister

Pressures in Children's Services

I would like to draw to your attention the significant and potentially catastrophic position of Hartlepool Borough Council's Children's Services that requires urgent action in order to enable the authority to continue its excellent track record of safeguarding and promoting the welfare of children.

Over the past three years, demand for children's services in Hartlepool has increased substantially year on year. As the table below shows, there is a significant increase in demand for children social care services. The only area where demand has not increased is in relation to initial contacts, which reflects the creation of our multi agency Children's Hub which has reduced inappropriate contacts with the local authority and children becoming subject to child protection plans, this is attributable to the far greater number of children becoming looked after and the cessation of 'double protection'.



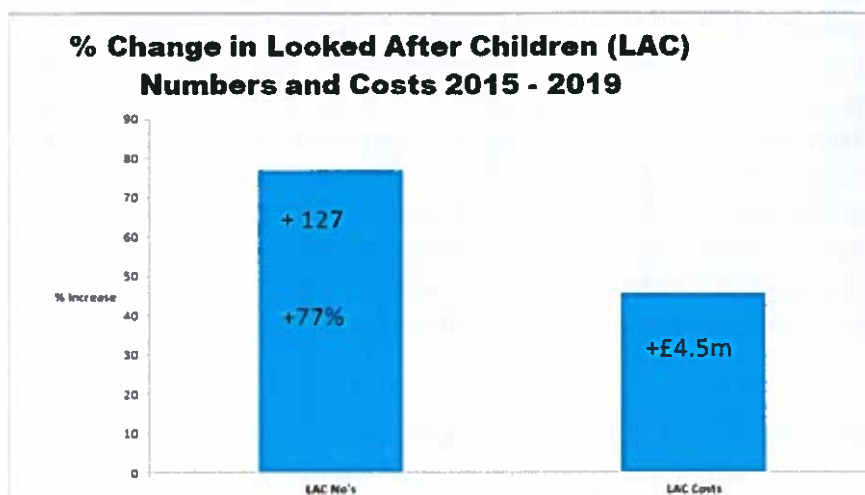
The increased in demand for children's services is placing an unprecedented financial pressure on the council at a time when funding for local authorities is reducing. The National Audit Office in its report 'Financial Sustainability of Local Authorities 2018' found that *"Government funding for local authorities has fallen by an estimated 49.1% in real terms from 2010-11 to 2017-18."* North East Councils, including Hartlepool, have been disproportionately hit, and had significantly higher cuts in Government funding than other parts of the country. In addition, North East Councils, including Hartlepool, also raise less income by increasing Council Tax as we have a low Council Tax base owing to low property values. Consequently, we have less ability to offset Government funding reductions and meet budget pressures by increasing Council Tax than is the case in areas with a higher Council tax base. These more affluent areas do not have the same pressures in relation to children's social care. Despite these significant financial challenges, the Council has continued to prioritise children's social care and meet the rising cost associated with the increasing demand for children's social care. Since 2016/17 the council has overspent in children's services primarily associated with the costs of placements looked after children and by 2019/20, an additional £5m has been added to the base budget of Children's Services, nevertheless, the department predicts an outturn overspend of £1m this financial year.

The budget pressures within children's services are significant, however, analysis of financial benchmarking data indicates HBC is a financially efficient and effective council. The LG Futures Financial Benchmarking Unit Costs for Hartlepool show that compared to other authorities across England, Hartlepool's unit costs were 4.7% lower than average. Overall, its unit costs were ranked 73rd highest out of 123 comparable authorities. Its relative position is illustrated in the chart below.

Chart 10 - Unit Costs for Children's Social Care (All Comparable Authorities)
 Bottom 20% of authorities (green), top 20% of authorities (red)



In the past four years the council has seen a 77% increase in the number of children in our care, however, as the table below shows, during the same period, the corresponding costs have only increased by 45% further demonstrating the efficiency of the Council.



In the context of the increasing numbers of children looked after, it is important to note that this comes about not as a result of inefficiency or poor performance by the Council. In July 2018 the Council received its Inspection of Local Authority Children's Services (ILACS) and was judged to be good overall and outstanding in the experience and progress of children in care and care leavers. During the inspection, the inspectors commented on the level of vulnerability and need of children in Hartlepool and tested thresholds for decision making which were considered to be appropriate and proportionate.

Many of the factors influencing demand for children's services in Hartlepool are driven by issues often outside of the scope of children's services and indeed to Council to influence. In particular, in May 2019 End Child Poverty estimated that 36% of children in Hartlepool were living in poverty, this figure has increased by 1% each years over the past five years. There is a correlation between the levels of poverty and deprivation and children requiring social care support; As noted by the Joseph Rowntree Foundation in its report 'The relationship between child abuse, poverty and neglect: an evidence review' Bywaters et al, 2016: *"There is a gradient in the relationship between family socio-economic circumstances and rates of CAN [child abuse and neglect] across the whole of society The greater the economic hardship, the greater the likelihood and severity of CAN."*

The unmet needs of parents are also adversely impacting upon the safeguarding and welfare of children. The impact of, and increase in, factors affecting parenting capacity are significant and are driving the demand for highly complex work to redress acts of omission in parenting. Adults experiencing domestic violence, mental health difficulties and/or substance misuse, remain prevalent risk factors in children's lives in Hartlepool as well as more widely as reported in the ADCS Safeguarding Pressures Report 2018. Despite increasing the numbers of front line social workers to respond to demand alongside implementing initiatives such as workforce wellbeing, piloting multi-disciplinary teams, overtime payments and strengthening ancillary support, the volume of demand is not abating. According to Ofsted, 3.3% of the national child population is open to social care (Children's Social Care in England 2019 published July 2019) the comparator figure for Hartlepool is 7%. Should the current trajectory of children's needs continue, the Council will have exhausted all of its resources in the near future which will impact upon our ability and capacity to keep children safe.

Hartlepool is a good performing local authority, and it is worthy of note, it is the only local authority judged to be good within the five Tees Valley authorities. Unfortunately this means that there are a number of Department for Education grants that Hartlepool cannot access, unlike our neighbouring authorities who are judged to require improvement. In the two last years, we have bid for What Works funding being successful in wave one and a named pioneer partner but not in the allocation of wave two funding 1 and most recently we have bid to implement the Mockingbird Model in our fostering service. The decision on this bid will be known in September/October. However, despite taking all opportunity to apply for the small amount of available funding, these are all initiative based, ring fenced and short term which does not address the much wider challenges the Council, and children in our town are facing.

In the context of the information provided in this letter, I would ask that you consider what can be done to address the serious circumstances that prevail for children in Hartlepool. Ten years of austerity has led to a town where children's needs are becoming greater each year and the capacity of the local authority to respond to these is stretched to the maximum. I hope I have demonstrated that Hartlepool is a financially effective and high performing responsible local authority who takes its statutory duties to children seriously and discharges these well. However, the current situation cannot be sustained and I would request a meeting to discuss our concerns.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B. Loynes', with a long horizontal stroke extending to the right.

Councillor Brenda Loynes
CHAIR OF COUNCIL



**Ministry of Housing,
Communities &
Local Government**

Cllr Brenda Loynes
Ceremonial Mayor
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Luke Hall MP
Minister for Local Government and Homelessness

**Ministry of Housing, Communities & Local
Government**
Fry Building
2 Marsham Street
London
SW1P 4DF

Tel: 0303 444 3460
Email: luke.hall@communities.gov.uk

www.gov.uk/mhclg

Our Ref:4506948
Your ref:BL/SR/KM

Dear Brenda

Thank you for your letter of 18 September to Rt Hon Robert Jenrick MP about funding for children's services in Hartlepool. I am replying as this matter falls within my ministerial responsibilities.

Growing demand for services has meant that all levels of government, including councils, have had to make some tough decisions to balance the books, and I am grateful for the hard work of elected members and officers across the country to make this happen.

I am therefore delighted that the Chancellor has announced the biggest year-on-year real terms increase in spending power for local government in almost a decade. Core Spending Power (CSP) is expected to rise from £46.2 billion to £49.1 billion in 2020-21, an estimated 4.3% real terms increase.

This includes a £1 billion cash grant for social care. We are also able to confirm that all social care grants available this year will continue at least flat in cash terms.

Beyond social care, we are protecting vital front-line services by increasing elements of core settlement funding in line with inflation, and we will consult on a 2% core council tax principle for all councils next year.

Outside of the main Local Government Finance Settlement, local government will also see increases from wider resources made available this Spending Round. In particular, on the vital issue of supporting children and young people, the Chancellor has confirmed there will be a £700m increase in grant funding for children with Special Educational Needs and Disabilities.

This package comes in recognition of the central role that local authorities play in supporting communities and our most vulnerable across the country – notably children in need of social care. We will continue work to make the funding formula fairer and reform the amount of business rates growth which local authorities retain, aiming to implement major reforms in 2021-22.

Thank you for writing in on this important matter.

Yours truly,

A handwritten signature in blue ink, consisting of a stylized 'LH' followed by a long, wavy horizontal line.

LUKE HALL MP



Ministry of Housing,
Communities &
Local Government

Rt Hon Robert Jenrick MP

*Secretary of State for Housing, Communities
and Local Government*

**Ministry of Housing, Communities and Local
Government**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Council Leaders in England

Tel: 0303 444 3450

Email: robert.jenrick@communities.gov.uk

www.gov.uk/mhclg

15 October 2019

Dear Local Leaders,

Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism

My predecessor wrote to you in early 2017 following the Government's adoption of the IHRA definition, encouraging you to formally adopt the definition as a clear message that antisemitic behaviour will not be tolerated. I am writing to you on this issue again to impress upon you the need to take urgent action, which is more important now than ever.

The Community Security Trust (CST) is the leading organisation monitoring and supporting victims of antisemitism, and I know many of you will be familiar with their work. Earlier this year, CST released their report on antisemitic incidents in the first six months of 2019. It showed the highest total on record over a six-month period, and an increase of 10% on the same period in 2018, with over 100 incidents per month for the third year running. Similarly, the annual figures for 2018 showed the highest number of antisemitic incidents on record.

This is a very worrying trend. CST's figures reflect the Home Office official statistics from October 2019 which show that 18% of religiously motivated hatred is targeted at Jewish people – up from 12% in 2018 – and that, per capita, Jewish people were most likely to report experiencing hatred.

The recent deplorable attack on a synagogue in Halle, Germany, which took the lives of two innocent people on Yom Kippur, the holiest day in the Jewish calendar, shows that antisemitic hate crime is not a thing of the past. This must give us all serious pause.

It is in this context that I write to you again, to strongly urge you to formally adopt the IHRA definition and use it on all appropriate occasions. The definition is not designed to be legally binding, but it is an invaluable tool for public bodies to understand how antisemitism manifests itself in the 21st century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face.

I recognise the local authorities who have already adopted the definition and considered its practical application, and I am grateful to you for showing leadership in tackling this challenge.

The IHRA definition is already used in guidance for the Police and Crown Prosecution Service, providing examples of the kinds of behaviours which, depending on the circumstances, could constitute antisemitism. The United Nations Special Rapporteur on Freedom of Religion or Belief also recently released a report which agreed that “the IHRA Working Definition of Antisemitism can offer valuable guidance for identifying antisemitism in its various forms” and encouraged its use in “education, awareness-raising and for monitoring and responding to manifestations of antisemitism”.

For our part, the Government is absolutely committed to combatting antisemitism in all its forms, from wherever it arises. Examples of this include the strong work of the Cross-Government Working Group to Tackle Antisemitism, which builds on our close relationship with Jewish communities. The Government funds projects such as Solutions Not Sides which seeks to challenge stereotypes and foster more nuanced discussion of the Israel-Palestinian conflict, and we have recently announced a further £100,000 in funding to tackle online antisemitism.

I am a strong advocate for clear standards on hate crime and a consistent approach across institutions to strengthen the support we provide to students and communities.

We recognise the incredibly valuable role local authorities have to play in tackling all forms of hate crime, in partnership with local police forces. Your intimate knowledge of local communities and their concerns provides valuable evidence to target responses. Your work to build resilience and integration locally helps to challenge some of the factors that may cause hate crime, preventing prejudice and hatred from taking root.

Eradicating antisemitism is not a task that the Government can achieve on our own. We need local authorities to show leadership, alongside our partners in civil society and community activists. The Government has adopted the IHRA definition of antisemitism, as we recognise this is one of the strongest signals we can give our Jewish communities. It demonstrates that we hear and understand their concerns and are ready and willing to act in response. I would be grateful if you would inform me when you have adopted the definition, or the steps you are taking to adopt it, or otherwise explain your reluctance to do so, so that I can discuss the matter with you directly.

A handwritten signature in black ink that reads "Robert Jenrick". The signature is written in a cursive, flowing style. Below the signature is a short, horizontal, slightly wavy line.

RT HON ROBERT JENRICK MP



**Romanian
Chairmanship
2016**

Bucharest, 26 May 2016

In the spirit of the Stockholm Declaration that states: “With humanity still scarred by ...antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils” the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

Adopt the following non-legally binding working definition of antisemitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.



11 September 2019

Fact Sheet: Working Definition of Antisemitism

On 26 May 2016 in Bucharest, the Plenary of the International Holocaust Remembrance Alliance (IHRA) adopted a non-legally binding working definition of antisemitism under the Romanian Chairmanship.

1. Antisemitism has led the international community to take a number of steps in recent years: in 2004 the OSCE issued the Berlin Declaration and appointed a Personal Representative on Combatting Antisemitism; in Dec 2015 the European Commission appointed the first Coordinator on Combatting Antisemitism.
2. The IHRA is the only intergovernmental organization mandated to focus solely on Holocaust-related issues, and accordingly has the responsibility to deal with the issue of antisemitism as it is directly embedded in the organization's founding document, the Stockholm Declaration.
3. The IHRA Plenary consists of 33 Member Countries - 25 of which are EU member countries.
4. The IHRA is the first intergovernmental body to adopt this working definition.
5. The recommendation that the IHRA adopt the working definition came from the experts of IHRA's Committee on Antisemitism and Holocaust Denial.
6. The working definition of antisemitism aims to guide the IHRA in its work and to illustrate how antisemitism can manifest itself.
7. The adopted working definition of antisemitism is based on a definition first published by the European Monitoring Centre on Racism and Xenophobia (EUMC) in 2005, now the Fundamental Rights Agency.
8. The working definition of antisemitism has also been used, for example, by the European Parliament Working Group on Antisemitism, the UK's College of Policing and in police training in Estonia.
9. The Inter-parliamentary Coalition for Combating Antisemitism call for adoption of the working definition in their London and Ottawa protocols.
9. To date, the working definition has been adopted or endorsed by the following governments and bodies: the United Kingdom (12 December 2016), Israel (22 January 2017), Austria (25 April 2017), Scotland (27 April 2017), Romania (25 May 2017), Germany (20 September 2017), Bulgaria (18 October 2017), Belgium (14 December 2018), Sweden (January 2018), Lithuania (24 January 2018), the Republic of North Macedonia (6 March 2018), the Netherlands (27 November 2018), Slovakia (28 November 2018), Republic of Moldova (18 January 2019), Czech Republic (25 January 2019), Greek Ministry of Education (11 February 2019), Hungary (18 February 2019), France (20 February 2019), Canada (27 June 2019).
10. According to the US State Department "As a member of IHRA, the United States now uses this working definition and has encouraged other governments and international organizations to use it as well". The working definition has also been adopted for domestic use by the US Department of Education.
11. The Government of Canada states it "strongly supports the working definition of antisemitism."



10. On 1 June, 2017, the European Parliament voted to adopt a resolution calling on member states and their institutions to adopt and apply the working definition of antisemitism.

11. In September, 2018, the UN Secretary-General António Guterres acknowledged “the efforts of the 31 member countries of the International Holocaust Remembrance Alliance to agree on a common definition of antisemitism.”

CLEVELAND FIRE AUTHORITY

MINUTES OF ANNUAL MEETING

7 JUNE 2019



PRESENT:

CHAIR

Cllr Paul Kirton – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL

Cllrs Tim Fleming, Marjorie James, Stephen Thomas

MIDDLESBROUGH COUNCIL

Cllrs Teresa Higgins, Naweed Hussain, Jon Rathmell, Ashley Waters

REDCAR & CLEVELAND BOROUGH COUNCIL

Cllrs Billy Ayre, Adam Brook, Norah Cooney, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL

Cllrs Luke Frost, Jean O'Donnell, Andrew Stephenson, William Woodhead
MBE

AUTHORISED OFFICERS

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

1. APPOINTMENT OF CHAIR FOR THE ENSUING YEAR

The Clerk sought nominations for the position of Chair of Cleveland Fire Authority for 2019/20.

Councillors Paul Kirton and Jon Rathmell were subsequently proposed and seconded. A vote was taken and Councillor Kirton received nine votes to Councillor Rathmell's seven.

Councillor Paul Kirton in the Chair

The Chair thanked Members for their support and placed on record thanks to Councillors Jan Brunton-Dobson, Ray Goddard, Rob Cook, Neil Bendelow, Gillian Corr, Mick Stoker, Mike Young and Tom Mawston for their contribution and support during their time on the Authority

RESOLVED – that Councillor Paul Kirton be appointed Chair of Cleveland Fire Authority for 2019/20.

2. DECLARATIONS OF MEMBERS INTEREST

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

3. APPOINTMENT OF THE VICE CHAIR FOR THE ENSUING YEAR

The Chair sought nominations for the position of Vice Chair of Cleveland Fire Authority for 2019/20. Councillors Jean O'Donnell and Luke Frost were proposed and seconded with Councillor O'Donnell receiving nine votes to Councillor Frost's seven.

3. APPOINTMENT OF THE VICE CHAIR FOR THE ENSUING YEAR Cont.

Councillor James queried whether it was appropriate to have a Chair and Vice Chair from the same authority. The Legal Adviser and Monitoring Officer (LAMO) confirmed that provided that they had been properly nominated by councillors from the constituent councils this was acceptable.

RESOLVED – that Councillor Jean O'Donnell be appointed as Vice Chair of Cleveland Fire Authority for 2019/20.

4. MINUTES

RESOLVED – that the minutes of the Ordinary meeting of 29 March 2019 be confirmed.

5. MINUTES OF MEETINGS

RESOLVED - that the Minutes of the Executive Committee meetings on 22 March (Appointments) and 26 April 2019 be confirmed.

6. COMMUNICATIONS RECEIVED BY THE CHAIR

<u>Zoe Billingham</u>	- Fire & Rescue Inspection Update (April)
<u>LGA</u>	- Supporting the Business Case for Investment in FRSS
	- Restricting Exit Payments in the Public Sector
<u>Home Office</u>	- Fire Revenue Firelink Grant

RESOLVED – that the communications be noted.

7. REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER

7.1 Business Report 2019-20

The Legal Adviser and Monitoring Officer (LAMO) referred Members to The Constitution at Appendix A which included:

- | | |
|--|---|
| <ul style="list-style-type: none"> • CFA Membership 2019/20 • Calendar of Meetings 2019/20 • Terms of Reference • Delegation Scheme • Financial Procedure Rules • Code of Corporate Governance | <ul style="list-style-type: none"> • Standing Orders of the Authority <ul style="list-style-type: none"> – Regulation of Proceedings & Business – Contract Procedure Rules • Members Allowance Scheme • Ethical Governance Framework • Member Development Plan |
|--|---|

The LAMO reported that Councillors Rathmell, Waters, Frost, Brook and Fleming had formed the 'CFA Independent Group'. Voting took place on the nominations received for committees and outside bodies.

RESOLVED:-

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

7.1 Business Report 2019-20 cont.

EXECUTIVE COMMITTEE

LAB	KIRTON	STOCKTON ON TEES
LAB	O'DONNELL	STOCKTON ON TEES
LAB	HIGGINS	MIDDLESBROUGH
CFAIG	RATHMELL	MIDDLESBROUGH
CFAIG	FLEMING	HARTLEPOOL
CFAIG	FROST	STOCKTON ON TEES
LIB DEM	OVENS	REDCAR & CLEVELAND

AUDIT AND GOVERNANCE COMMITTEE

SOC LAB	JAMES	HARTLEPOOL
LAB	THOMAS	HARTLEPOOL
CFAIG	WATERS	MIDDLESBROUGH
LAB	HUSSAIN	MIDDLESBROUGH
CONS	COONEY	REDCAR & CLEVELAND
CFAIG	BROOK	REDCAR & CLEVELAND
LAB	AYRE	REDCAR & CLEVELAND
CONS	STEPHENSON	STOCKTON ON TEES
INDEP	WOODHEAD	STOCKTON ON TEES

REPRESENTATIVES FOR OUTSIDE BODIES 2019/20

LGA FIRE COMMISSION REPRESENTATIVE	Cllr KIRTON
Substitute:	Cllr O'DONNELL
REDCAR & CLEVELAND COMMUNITY SAFETY PARTNERSHIP INITIATIVE	Cllr BROOK
STOCKTON SAFER PARTNERSHIP REPN	Cllr STEPHENSON
CLEVELAND FIRE SUPPORT NETWORK BOARD	Cllr THOMAS
LOCAL PENSIONS BOARD	Cllr HIGGINS

8. REPORT OF THE CHIEF FIRE OFFICER

8.1 Strategic Induction

The Chief Fire Officer (CFO) updated Members on the following strategic areas:

- Strategic Direction
- Our Local Risk Profile
- Community Profile 2018-19
- Understanding our Communities
- Community Hazards & Risks
- Managing Risk – Response, Prevention, Protection
- CFA Financial Position including Income Streams, Changes in CFA Funding, Funding Pressures, Forecasted Deficit
- Our Performance including Service Demand, Safer Stronger Communities, Key Performance Outcomes
- Assurance
- HMICFRS Inspection
- Future Challenges

8.1 Strategic Induction cont.

Councillor Frost queried why the Authority paid its staff above the national average wage. The CFO confirmed that the Authority used a standard pay scale which was used across the Fire & Rescue Service.

The CFO reported that the Authority was currently undergoing a HMICFRS Inspection based on the key pillars of Effectiveness, Efficiency and People and outlined the key dates of the inspection programme.

(1440) Councillor Woodhead left the meeting

Councillor James highlighted the progress of the Authority's support for installing sprinkler systems in high rise buildings and houses in multiple occupation (HIMOs) and reported that Hartlepool Borough Council (HBC) was the only council in the country to secure government funding to install sprinklers in two new build schools. She expressed disappointment that the other three constituent councils had not also pursued this support for sprinklers via their planning departments.

Councillor James raised an issue with a recent planning application at HBC for a new build which had not included the agreed CFA position statement on installing sprinklers. The CFO agreed to look into this issue and confirmed that the current arrangement was still for the agreed statement to be used.

Councillor Stephenson referred to the pay budgets and asked for details on the CFOs annual remuneration package, including clarification relating to tax implications of using an emergency vehicle. The LAMO confirmed that while information relating to officer remuneration was on the Authority's website and published in the statement of accounts it was not appropriate to discuss personal tax issues.

Councillor Ayre thanked the CFO for the presentation and praised the continued efforts of the Authority to tackle deliberate fires in Eston Hills and other rural areas. He questioned whether the Authority was any closer to tackling this long running problem. The CFO confirmed that staff continued to educate school-aged children and run specific campaigns targeting Easter and Summer holidays. He added that the issue was far wider spread than grass fires and related to the social profile of the area.

The CFO reported that the Authority worked on a multi-agency approach to tackle deliberate fires and pursue prosecutions. He advocated the Hartlepool Community Safety Team model which provided an integrated response from the Council, Police and Fire to tackling community safety issues.

Councillor Waters, who represents North Ormesby ward, reported some issues regarding police attendance and follow up information. The CFO acknowledged that the Brigade's call volume was significantly less than Cleveland Police or North East Ambulance Service (NEAS) but confirmed that 'priority coding' could be utilised when an immediate dispatch was required. The CFO reported that a 'Whatever it Takes' initiative was in place to try and improve the situation.

Councillor James raised the issue of single use barbecues being used in rural areas as well as rubbish and glass being left behind and suggested it would be timely for the Authority to raise awareness of these potential fire dangers. The CFO confirmed that the Brigade does this through social media.

8.1 Strategic Induction cont.

RESOLVED:-

- (i) That Members noted the Strategic Induction**
- (ii) That the Treasurer provides Members with details relating to the CFO salary.**

8.2 Information Pack

8.2.1 Campaigns

RESOLVED – that the information pack be noted.

- 9. 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 and 4 below of Part 1 Schedule 12A of the Local Government Act 1972 as mended by the Local Government (Access to Information) (Variation) Order 2006”, namely information relating to any financial or business affairs of any particular person (including the authority) holding that information and namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 10. CONFIDENTIAL MINUTES**
RESOLVED – that the confidential minutes of the Ordinary meeting of 29 March 2019 be confirmed.
- 11. CONFIDENTIAL MINUTES OF MEETINGS**
RESOLVED – that the Confidential Minutes of the Executive Committee meeting on 11 May 2018 be confirmed.

COUNCILLOR PAUL KIRTON
CHAIR

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

26 JULY 2019



PRESENT:

CHAIR

Cllr Paul Kirton – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL

Cllrs Tim Fleming, Marjorie James, Stephen Thomas

MIDDLESBROUGH COUNCIL

Cllrs Teresa Higgins, Naweed Hussain, Ashley Waters

REDCAR & CLEVELAND BOROUGH COUNCIL

Cllrs Billy Ayre, Norah Cooney, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL

Cllrs Luke Frost, Jean O'Donnell, William Woodhead MBE

AUTHORISED OFFICERS

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

MAZARS

Audit Engagement Lead, Audit Director

FIRE BRIGADES UNION (FBU)

Davy Howe, Brigade Secretary (observing)

APOLOGIES:

Councillor Jon Rathmell - Middlesbrough Council

Councillor Adam Brook - Redcar & Cleveland Borough Council

Councillor Andrew Stephenson – Stockton Borough Council

28. DECLARATIONS OF MEMBERS INTEREST

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

29. MINUTES

RESOLVED - that the Minutes of the Annual Meeting on 7 June 2019 be confirmed.

30. MINUTES OF MEETINGS

Councillor James referred to minute no. 24.1 from the Executive Committee on 5 July 2019 and asked for further clarity regarding collaboration with Cleveland Police. The Chief Fire Officer (CFO) confirmed that as instructed by the Authority, work to explore collaborative options was underway and a scoping document had been considered by the Executive Committee, where Members agreed to progress to the next stage of the process which was to develop a full business case. This project should be completed by March 2020 when it would be considered by the full Authority.

Councillor James suggested all Members should have been involved with the detail of the scoping document. The Chair pointed out that this fell within the role of the Executive Committee. Councillor James queried the purpose of taking minutes of committees to the Authority.

30. MINUTES OF MEETINGS cont.

The Legal Adviser and Monitoring Officer (LAMO) confirmed that the minutes of committees were presented to the Authority for accuracy and acknowledged the issue of whether Members were being sufficiently appraised. He suggested the option of holding supplementary briefing sessions in the future. Councillor Frost asked that consideration be given to providing more detailed minutes.

RESOLVED - that the Minutes of the Audit & Governance Meeting on 28 June 2019 and Executive Committee Meeting on 5 July 2019 be confirmed.

31. COMMUNICATIONS RECEIVED BY THE CHAIR

<u>ZOE BILLINGHAM</u>	Fire & Rescue Inspection Update (June)
	HMICFRS Tranche 2 Reports
<u>LGA</u>	Circular EMP/3/19
	Chairs/Chiefs Meeting: Broadening the Role
	EMP/4/19 & NJC/2/19
	Pay and Broadening the Role – Update

RESOLVED – that the communications be noted.

32. REPORT OF THE TREASURER

32.1 Final 2018/19 Financial Report and Audit Completion Report

The Treasurer presented the draft accounts and reported that they had been scrutinised by the Audit & Governance Committee at its meeting on 28 June 2019 and no issues had been raised.

The Audit Engagement Lead outlined the keys areas of the Audit Completion Report (ACR) at Appendix A which included:

- Executive Summary
- Significant Findings
- Internal Control Recommendations
- Summary of Misstatements
- Value for Money Conclusion

He reported that the Audit identified no unadjusted misstatements in the financial statements and he highlighted the small number of misstatements and disclosure amendments identified at section 4 of the ACR.

The Audit Manager recognised the efforts of the Treasurer and his team in producing good quality accounts before the year end and high quality working papers and acknowledged that the Authority undoubtedly faced significant financial challenges and uncertainty going forward due to pending government funding decisions. He also highlighted the Authority's relentless need for making more savings and recognised that it was getting increasingly difficult for the Authority to identify these.

32.1 Final 2018/19 Financial Report and Audit Completion Report cont.

He concluded that he was satisfied the Authority was doing everything it could to manage a difficult financial situation and there was a need to increase funding to fire authorities nationally.

Councillor James requested clarity on where information relating to the £150k working capital loan to the Brigade's Community Interest Company (CIC) was included in the accounts. The Treasurer reported that it was included with the 'debtors' and would be covered in detail at the next CIC AGM.

The Audit Director confirmed that the detail of the CIC loan exists in the full accounts and he was satisfied as an external auditor that it was recorded as required.

RESOLVED:-

- (i) That the matters raised in Mazars' Audit Completion Report at Appendix A be noted.**
- (ii) That the signing of the Letter of Representation at Appendix B be noted.**
- (iii) That the Final 2018/19 Financial Report attached at Appendix C, incorporating the changes agreed by Mazars, be approved.**

(1442) The Auditors left the meeting

33. REPORT OF THE CHIEF FIRE OFFICER

33.1 HMICFRS Update – presentation

The CFO provided Members with the latest update on the progress of the Authority's HMICFRS inspection on the Brigade's Efficiency, Effectiveness and People which entailed a 'fieldwork' visit by the team of inspectors throughout the week commencing 8 July 2019.

He reported that the Authority's approach to inspection was to be self-aware and in order to achieve this a comprehensive self-assessment was undertaken showcasing the excellent work of the Brigade and highlighting areas of weakness, which were captured in an Improvement Plan.

The CFO confirmed that following the 'hot debrief' by HMICFRS on 18 July, inspectors were not able to indicate any outcomes although they gave assurances that there were no significant risks, no areas of concern and no surprises which were not already covered in the Brigade's Self-Assessment Improvement Plan.

The CFO detailed the following key messages to come out of the self-assessment:

- Our communities are safer and stronger
- Our staff are supported, competent and motivated
- Through the efficient use of the available resources we provide a first class value for money fire and rescue service
- Our CIRMP is at the heart of everything we do
- Our strong Risk and Performance, Prevention, Protection and Response functions aligned to a diverse range of collaborative working arrangements has maintained an integrated and risk-based focus to community safety

33.1 HMICFRS Update – presentation cont.

- Our People are key to everything and we have made significant investment and focus on health, safety and wellbeing; technology assisted learning; leadership; flexible working practices; and being a great place to work
- Although we have saved over £10m in last 7 years by streamlining our configuration, structures and processes and investing in assets and technology, we have maintained outstanding performance outcomes such as the lowest rate of Accidental Dwelling Fires in the country
- Our journey has been a strong one, we believe we are transforming Cleveland Fire Brigade into an outstanding risk-focused organisation in which our staff have PRIDE and our communities have CONFIDENCE

The CFO confirmed that a draft inspection report was expected in October ahead of the final Tranche 3 reports being published in December 2019.

RESOLVED – That Members noted the contents of the presentation.

33.2 The Combined Fire & Rescue Authorities (Membership & Allowances) (Variation) Order 2019 Consultation: Change to the Scheme

The CFO provided Members with an update on the proposal to vary the combination schemes of Fire and Rescue Authorities (FRAs) established under section 2 or continued in existence under section 4 of the Fire and Rescue Services Act 2004 to implement the 'representational model' of the Policing and Crime Act 2017.

He reported that Members had considered a report at the Fire Authority meeting on 8 December 2017, as detailed at Appendix 1, which sought Members views on the proposed changes to enable a Police and Crime Commissioner (PCC) to have representation on their local FRA and/or its committees, with voting rights; subject to the PCC making clear reasons for seeking membership and the FRA agreeing.

Members resolved that the Chair should respond on behalf of the Authority (Appendix 2 refers) outlining the key concerns of political balance, remuneration and how the arrangements for deputyship would operate should a PCC request to become a Member of the FRA with voting rights.

The CFO reported that following formal consultation (November 2017 – January 2018) and an independent inquiry (June to November 2018) to the objections of two FRAs the Government decided to insert the relevant enabling provisions into combined FRA combination schemes (26 November 2018). The Order will also include provisions to remove the requirement to pay allowances to members of the FRAs who are PCCs.

The CFO informed Members that the Order had now been drafted (Appendix 4) and all FRs were invited to provide any technical/legal comments by Friday 16 August 2019.

Members discussed the issues previously raised at length and concluded there was no change to the Authority's position. Mr Davy Howe, Fire Brigades Union (FBU) Brigade Secretary, confirmed the FBUs position of opposing the PCC taking part in Authority meetings despite the legislation and supported Members opposition to the draft Order. He highlighted the differing public perception of firefighters and police and how closer association with the police would make it difficult to gain access to some properties to carry out fire prevention and social care work.

33.2 The Combined Fire & Rescue Authorities (Membership & Allowances) (Variation) Order 2019 Consultation: Change to the Scheme cont.

RESOLVED:-

- (i) That the Chairman be authorised to respond on the Authority's behalf in respect of the proposed amendments to its Combination Scheme, as set out at page 6 of the Home Office consultation, that it remains in disagreement with the proposed amendments for the reasons outlined in the original response at Appendix 2.
- (ii) Members noted that, if the amendments are made, there will be some minor consequential amendments to the Authority's Combination Scheme as indicated at page 7 of the Home Office consultation.

33.3 Information Pack

- 33.3.1 Employers Circulars
- 33.3.2 National Joint Council Circulars
- 33.3.3 Campaigns & Events

Councillor James suggested the Brigade should liaise with local authorities offering swim schemes and youth activities over the school holidays to target safety messages at this age group. The CFO agreed to disseminate this idea to the district teams.

RESOLVED – that the information pack be noted.

34. ANY OTHER BUSINESS

34.1 FBU Query - Firefighters Payclaim update – Broadening the Role

Mr Howe queried why this item was to be considered as a confidential report (confidential minute no. 37.1 below refers). The CFO reported that he had attended a National Joint Council (NJC) Employers Side meeting in Manchester on 17 July with the Chair and that the report included details from that meeting which may impede negotiations relating to FBU members.

35. 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 and 4 below of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006", namely information relating to any 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.

36. CONFIDENTIAL MINUTES

RESOLVED – that the confidential minutes of the Executive Committee on 5 July 2019 be confirmed.

37. CONFIDENTIAL REPORT OF THE CHIEF FIRE OFFICER

37.1 Firefighters Payclaim update – Broadening the Role

Members received an update on the ongoing negotiations on firefighters pay.

COUNCILLOR PAUL KIRTON
CHAIR

Cleveland Police and Crime Panel

A meeting of Cleveland Police and Crime Panel was held on Tuesday, 2nd July, 2019.

Present: Cllr Lee Cartwright, Cllr Barrie Cooper, Cllr Graham Cutler, Cllr Dave Hunter, Cllr Sue Jeffrey, Mr Paul McGrath, Cllr Steve Nelson, Mayor Andy Preston, Cllr Vera Rider, Cllr Norma Stephenson O.B.E, Cllr Matthew Storey, Cllr Matthew Vickers and Cllr Steve Walmsley.

Officers: Julie Butcher, Gary Woods, Peter Bell (SBC).

Also in attendance: Barry Coppinger (Commissioner), Simon Dennis, Elise Pout (Commissioner's Office), Chief Constable Richard Lewis (Cleveland Police), Cllr Andrew Stephenson and Cllr Luke Frost.

Apologies: None.

PCP 1/19 Appointment of Chairman 2019/20

Moved by Councillor Vera Rider that Councillor Matthew Vickers be appointed Chair of the Panel for the Municipal Year 2019/20.

Moved by Paul McGrath that Councillor Norma Stephenson OBE be appointed Chair of the Panel for the Municipal Year 2019/20.

A Vote took place and it was agreed that Councillor Norma Stephenson OBE be appointed Chair of the Panel for the Municipal Year 2019/20.

RESOLVED that Councillor Norma Stephenson OBE be appointed Chair of the Panel for the Municipal Year 2019/20.

(Councillor Steve Walmsley requested that it be recorded that he abstained from voting.)

PCP 2/19 Appointment of Vice Chairman 2019/20

Moved by Councillor Vera Rider that Councillor Matthew Vickers be appointed Vice Chair of the Panel for the Municipal Year 2019/20.

Moved by Councillor Sue Jeffrey that Councillor Matthew Storey be appointed Vice Chair of the Panel for the Municipal Year 2019/20.

A Vote took place and it was agreed that Councillor Matthew Vickers be appointed Vice Chair of the Panel for the Municipal Year 2019/20.

RESOLVED that Councillor Matthew Vickers be appointed Vice Chair of the Panel for the Municipal Year 2019/20.

RESOLVED that Councillor Matthew Vickers be appointed Vice Chair of the Panel for the Municipal Year 2019/20.

(Councillor Steve Walmsley requested that it be recorded that he abstained

from voting.)

**PCP
3/19** **Welcome and Introductions**

The Chair welcomed everyone to the meeting and introductions were given.

**PCP
4/19** **Declarations of Interest**

Councillor Norma Stephenson declared a personal non prejudicial interest in respect of agenda item 11 – Decisions of the Police and Crime Commissioner as her son worked for CGL and would be delivering part of the Heroin Assisted Treatment Pilot Scheme.

Councillor Norma Stephenson declared a personal non prejudicial interest in respect of agenda item 11 – Decisions of the Police and Crime Commissioner as she was on Board Member of Hardwick Partnership.

Councillor Steve Nelson declared a general personal non prejudicial interest as he was a Director of Thirteen and was on the Board of Catalyst.

**PCP
5/19** **Minutes**

Consideration was given to the minutes of the meetings held on 5 February and 9 April 2019.

RESOLVED that the minutes of the meeting held on 5 February and 9 April 2019 be agreed.

**PCP
6/19** **Members' Questions to the Police and Crime Commissioner**

The Chair outlined that any Member Questions should be submitted to the Governance Officer prior to the meeting to enable the Commissioner to prepare a full response.

**PCP
7/19** **Annual Report of Police and Crime Commissioner**

Members considered a report that presented the Commissioner's 2018-19 Annual Report.

The Annual Report set out how the Commissioner had successfully delivered the commitments he had made in his Police and Crime Plan during the period 1 April 2018 to 31 March 2019.

It was the Commissioners seventh year and he felt privileged that people had continued faith in him to ensure efficient and effective policing was delivered in Cleveland.

The Annual Report highlighted the 2018-2019 timeline that showed some of the key achievements the Commissioner had made in the last 12 months.

Further highlights in the Annual Report were:-

- Policing in Cleveland
- Scrutiny and Accountability
- Investing in Our Police
- Getting a Better Deal for Victims and Witnesses
- Tackling Offending and Re-Offending
- Working Together to Make Cleveland Safer
- Securing the Future of Our Communities
- Timeline of Achievements

With regard to Domestic Abuse and repeat offenders Members felt that more work needed to be done with the offenders to try and break the circle of offending.

With regard to the ecins system it was noted that there had been a general good buy-in from partners at management level but this needed to sink down to lower levels. A position had been created to help with this process.

It was noted that the Annual Report of the Panel had been circulated by the Chair.

RESOLVED that the Annual Report be noted.

**PCP
8/19**

Police and Crime Commissioner's Update

The Commissioner invited any Panel Member to the Community Safety Hub to meet with him and get a better understanding of the work of the Commissioner's Office and Cleveland Police.

Consideration was given to a report that provided Members with an update on progress since the meeting in February 2019.

The report covered the following keys areas:-

- Police and Crime Plan
- Chief Constable Appointment
- Cleveland Community Safety Hub Awards
- Independent Custody Visitor Scheme
- Cleveland Volunteer Police Cadet Programme
- Injectable Opioid Treatment Pilot
- Benefits
- Serious Violence Early Intervention Fund

The Commissioner detailed the Police and Crime Plan and highlighted the following key areas of the Plan:-

- Investing in Our Police
- A Better Deal for Victims and Witnesses
- Tackling Offending and Re-Offending
- Working Together to Make Cleveland Safer
- Securing the Future of Our Communities

The Chief Constable highlighted his plans for Neighbourhood Policing going forward. Members were pleased that there would be more investment in Neighbourhood Policing. Members noted that with regard to the financial situation, reserves within Cleveland Police were now at a level where any further depletion would not be acceptable. The issue of “stop search” was discussed and it was noted that it would be used more in the correct circumstances that were intelligence led. A request was made to have a breakdown of the roles of the staff within Cleveland Police who were not Police Officers.

The merits of the Heroin Assisted Treatment Pilot Scheme were discussed, not only to the individuals concerned but also to criminal justice agencies and the wider society. The Commissioner outlined that he would keep the Panel updated on the progress of the scheme.

RESOLVED that the report be noted.

**PCP
9/19**

Programme of Engagement for Police and Crime Commissioner

Consideration was given to a report that provided a brief update in relation to consultation and engagement activity of the PCC between March and June 2019. Future engagement work of the PCC was also summarised.

The ‘Your Force Your Voice’ engagement initiative continued to take place with community meetings in all of Cleveland’s 79 ward areas being visited on an annual basis. Since coming into office in November 2012 the PCC had attended over 660 community meetings allowing him to better understand the needs of local communities across Cleveland.

Speeding within residential areas was often highlighted as a key community concern at meetings which the PCC attends. Community Speed Watch aimed to involve local communities in working together with the Police and partners to educate drivers. The Special Constabulary had a dedicated team to undertake speed watch operations in communities across Cleveland, with training being rolled out to Neighbourhood Teams to allow them to also participate in speed watch operations. Work was taking place with the Cleveland and Durham Specialist Operations Unit and Cleveland Police to develop a coordinated approach to Speed Watch across Cleveland.

All of the issues raised at community meetings were raised with Cleveland Police for action where necessary.

The report further summarised other key meetings attended by the PCC. The full diary was published on the PCC website.

The following meetings of note were planned:

- 29th June – Blue Light walk raising awareness around mental health, Whitby to Saltburn
- 10th July – Junior World Cup tournament for girls organised by School Liaison, Acklam Green Centre
- Community Safety Roadshows – South Bank Carnival (20 July),

Hartlepool Waterfront Festival (21 July), Middlesbrough Mela (17/18 August), Coulby Newham Fun Day (8 September), Festival of Thrift (14/15 September)

RESOLVED that the report be noted.

**PCP
10/19**

Decisions of the Police and Crime Commissioner

Consideration was given to a report that provided the Cleveland Police and Crime Panel (PCP) with an update on decisions made by the Police and Crime Commissioner (PCC) and the Forward Plan.

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

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

Each decision made by the PCC was recorded on a decision record form with supporting background information appended. Once approved it would be published on the PCC website.

Decisions relating to private / confidential matters would be recorded; although, it may be appropriate that full details were not published.

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

Members were given further detail of how Mutual Aid worked within the Force nationally.

RESOLVED that the report be noted.

**PCP
11/19**

Police and Crime Commissioner's Scrutiny Programme

Consideration was given to a report that provided an update on the PCC's scrutiny programme and presented the performance report of the Police and Crime Commissioner and the Police and Crime Plan.

Holding the Chief Constable to account was the key duty of the Police & Crime Commissioner and must encompass all of the functions of the Chief Constable and functions of those who were under the Chief Constable's direction and control.

The scrutiny of the Force was one of the main responsibilities of the Commissioner as set out in the Police and Social Responsibility Act 2011. Delivered through the Commissioner's standards and scrutiny programme effective checks and balances are undertaken through a schedule of regular meetings.

Since the last Police and Crime Panel the PCC had held the following meetings:-

Scrutiny, Performance and Delivery meetings

- 16 January 2019
- 20 February 2019
- 5 April 2019
- 14 May 2019

The minutes of the above meetings were attached to the report.

Since the last update to the Panel there had been a Working Together meeting on the:-

- 3 April 2019

The minutes were attached to the report.

The PCC has scrutinised the following items:-

- Information Management
- Police Digitisation
- Victims Right of Review
- Police Response and Prioritisation
- Radox Update
- Appropriate Authorities update
- Community Speedwatch
- Retail Crime
- Cleveland Police Financial Monitoring
- Audit Inspection update – National Child Protection Post Inspection

Review

- Estates Strategy
- Future Budget Planning
- Transforming Cleveland Police
- Drones
- Everyone Matters
- Forensics update
- Super Complaints – Liberty
- Neighbourhood Policing Dates
- Consultation with CPS
- Countering Extremism Seminar
- Early Intervention Fund
- Female Offenders
- E-Cins Update

In addition to the meetings above, the Commissioner continued to attend the following to complement his scrutiny programme:

- Daily review of the Control Room and Serious Incident Logs;
- Weekly accountability meetings with the Chief Constable;
- Attend at least one local area meeting in each of Cleveland's neighbourhood police team areas.

Following the recruitment and start of the new Chief Constable, the PCC would be further undertaking a review of previous scrutiny arrangements to amplify and deepen the approach in delivery of the Police and Crime Plan.

RESOLVED that the report be noted.

**PCP
12/19 Performance Report of the Police and Crime Plan**

Consideration was given to a report that provided an overview of the performance of the PCC and his Police and Crime Plan. The information provided was accurate at the time of production. Additional information was also provided to establish the context of information presented and assist the reader in their understanding of the report.

The report covered the following keys areas:-

- Investing in Our Police
- A Better Deal for Victims and Witnesses
- Tackling Offending and Re-Offending
- Working Together to Make Cleveland Safer
- Securing the Future of Our Communities

Members discussed the benefits of using drones to tackle anti-social use of motorbikes. With regard to the satisfaction rates it was felt that a good scrutiny programme and communications strategy was essential to drive up the rates. Members discussed the closure of the Hartlepool Custody Unit and that there had been a long consultation period and other agencies had been involved in the decision. The Commissioner agreed that he would bring the Force sickness figures to a future meeting of the Panel.

RESOLVED that the report be noted.

**PCP
13/19 Scrutiny Work Programme of the Panel**

Consideration was given to a report that sought to set the Police and Crime Panel Scrutiny Work Programme for 2019/20.

The Police and Crime Panel was reminded of its role as scrutinising the actions and decisions of the Police and Crime Commissioner, thereby holding the PCC to account.

In addition, the Panel may wish to carry out one or more in-depth scrutiny reviews into a particular issue or concern. This may be a policy or performance issue in relation to priorities contained in the Police and Crime Plan.

Any additional work which the Panel may wish to undertake should be supportive and complementary to its statutory functions with the Panel acting as a critical friend; a supportive, but independent voice seeking to scrutinise the PCC in the interests of recommending appropriate changes and improvements. In addition, the work programme should avoid duplication and remain flexible

and responsive.

It was, however, important that when identifying topics for additional work, the Panel took into account the capacity and resources needed to carry out the investigation, to ensure that the review programme is manageable. It was also important to prioritise the issues identified, so that the work of the Panel was adding value.

The Panel was therefore asked to identify and consider suitable topics for scrutiny review during 2019/20. In selecting topics, the Panel may wish to consider whether:-

- there was public demand / a real need for the review
- there was a genuine opportunity through the reviews to influence policy and practice
- there was a clear focus for the review, recognising that going 'deep and narrow' can have more impact than 'broad but shallow'

The only review topic that was on the Work Programme was the Overall Budget Strategy (Annual Review). The Panel were asked to take into account the capacity and resources needed to carry out the review programme to ensure that it was manageable. It was therefore suggested that one further topic be added to the Work Programme.

The matter of the overall budget strategy had been reviewed annually and subject to amendment continues to be scrutinised by a Task and Finish Group in order to facilitate sufficient time and analysis to the financial arrangements of the PCC and commissioned services. The number of agenda items for a full Police and Crime Panel meeting might preclude sufficient scrutiny of budget and its impact on the level of precept set, and therefore in recent years a Task and Finish Group had undertaken this work on behalf of the full Panel. This review would report in February 2020.

An issue that was raised by Members was:-

- Communication

Members agreed that any further potential topics for inclusion in the Scrutiny Work Programme for 2019/20 be emailed to Peter Bell (Governance Officer).

RESOLVED that:-

1. Any further potential topics for inclusion in the Scrutiny Work Programme for 2019/20 be emailed to Peter Bell (Governance Officer).
2. The following Panel Members (one from each local authority area plus one non-political independent Member) form the Task and Finish Group for the Overall Budget Strategy:-

Councillor Matthew Vickers (SBC)
Councillor Lee Cartwright (HBC)
Councillor Graham Cutler (R&CBC)

Councillor Matthew Storey (MBC)
Paul McGrath (NPIM)

**PCP
14/19**

Appointment Process for Non-Political Independent Members

Consideration was given to a report on the process for the appointment of a non-political independent member, in light of the resignation of one of the existing two non-political independent members.

Schedule 6 of the Police Reform and Social Responsibility Act 2011 required that each Police and Crime Panel appoints two non-political independent members.

The two independent members should be appointed in the context of ensuring that the panel had the necessary skills, knowledge and experience to discharge its functions effectively.

One of the existing two non-political independent members, Chris Walker, had resigned. A replacement member was therefore required. Attached to the report were draft documents associated with the appointment of independent members. These were updated versions of the documents previously agreed.

It was suggested that:-

As before, the advertising process utilises all available free opportunities, including press release, website and existing mailings and partnerships; The term of office of the new member should coincide with the terms of office agreed for the two Independent Members i.e. 1st February 2021.

As previously, that a politically balanced selection sub panel of 5 drawn from the full panel be appointed to conduct short listings and interviews to determine the most suitable candidate to be the replacement non-political independent member, with the full panel endorsing the decision prior to the candidate being formally appointed.

A politically balanced selection sub panel of 5 would be Labour - 2, Conservatives - 1, Redcar and Cleveland Independent Group - 1 Middlesbrough Independent Group or Elected Mayor - 1. With a view to reflecting the number of Members within political groups, in each constituent authority, whilst providing each authority the opportunity to be represented on the Panel, the following was suggested:-

Hartlepool Borough Council– 1 Labour
Middlesbrough Council – 1 Middlesbrough Independent Group or Elected Mayor
Redcar and Cleveland Borough Council – 1 Redcar and Cleveland Independent Group
Stockton-on-Tees Borough Council – 1 Labour and 1 Conservative

RESOLVED that:-

1. The Panel agree the arrangements for the appointment of a replacement

non-political independent member as detailed at paragraph 5 of the report.

2. Delegated authority be given to the Assistant Director of Administration, Democratic and Electoral Services (Stockton-on-Tees Borough Council), in consultation with the Chair and Vice Chair to amend and finalise the arrangements and associated documents, detailed in the Appendix and paragraph 4 of the report, should it be considered necessary to do so.

3. The following Members of the Panel be identified to sit on the Appointment of a Non-Political Independent Member Sub Panel:-

Hartlepool Borough Council – Councillor Dave Hunter
 Middlesbrough Council – Councillor Barrie Cooper
 Redcar and Cleveland Borough Council – Councillor Graham Cutler
 Stockton-on-Tees Borough Council – Councillor Norma Stephenson and
 Councillor Matthew Vickers

**PCP
15/19** **Forward Plan**

Members were presented with the Forward Plan for the Panel.

Members agreed that they would all receive an electronic copy of papers for future meetings of the Panel.

RESOLVED that the Forward Plan be noted.

**PCP
16/19** **Public Questions**

Questions had been submitted by Councillor Andrew Stephenson. As the questions were all with regard to operational issues it was agreed that Councillor Andrew Stephenson (Stockton-on-Tees Borough Council) would receive a written response from the Commissioner.