



Civic Centre
HARTLEPOOL

20 September, 2022

Councillors Allen, Ashton, Boddy, Brash, Brown, Buchan, Cassidy, Clayton, Cook, Cowie, Cranney, Creevy, Falconer, Feeney, Fleming, Groves, Hall, Hargreaves, Harrison, Howson, Jackson, Leedham, Lindridge, Little, Loynes, Martin-Wells, Moore, Morley, D Nicholson, V Nicholson, Reeve, Smith, Thompson, Tiplady and Young.

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 29 SEPTEMBER, 2022 at 6.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

D McGuckin
Managing Director

Enc

COUNCIL AGENDA



29 September 2022

at 6.00 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 14 July 2022 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. Findings of the Committee Following the Hearing of a Standards Complaint Against Councillor Gordon Cranney – 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;

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

- (11) To consider reports from the Policy Committees:
- (a) proposals in relation to the Council's approved budget and policy framework;
 - 1. MTFS update and determination of 2022/23 Council Tax level – Report of Finance and Policy Committee
 - 2. Local Council Tax Support 2023/24 – Report of Finance and Policy Committee
 - (b) proposals for departures from the approved budget and policy framework;
- (12) To consider motions in the order in which notice has been received;
- (13) To receive the Managing Director'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 25 March 2022 and the Cleveland Police and Crime Panel held on 31 March 2022



COUNCIL

MINUTES OF PROCEEDINGS

14 July 2022

The meeting commenced at 6.00 pm in the Council Chamber.

The Ceremonial Mayor (Councillor Cowie) presiding:

COUNCILLORS:

Allen	Boddy	Brash
Brown	Buchan	Clayton
Cook	Cranney	Creevy
Falconer	Feeney	Fleming
Groves	Hall	Harrison
Howson	Jackson	Lindridge
Little	Loynes	Martin-Wells
Morley	D Nicholson	V Nicholson
Smith	Tiplady	Young

Officers: Denise McGuckin, Managing Director
Hayley Martin, Chief Solicitor
Julian Heward, Communications and Marketing Team
Amanda Whitaker, Denise Wimpenny, Democratic Services Team

14. APOLOGIES FOR ABSENT MEMBERS

Councillors Ashton, Cassidy, Hargreaves, Leedham, Moore, Picton, Prince and Reeve

15. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

17. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on 24 March 2022, the Special Council meeting held on 24 March 2022 and the Annual Council meeting held on 24 May 2022 having been laid before the Council.

RESOLVED - That the minutes be confirmed subject to the minutes of the Annual Council meeting being amended at minute 1 to reflect the vote being carried unanimously with the deletion of the word 'not'.

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

Referring to minute 1, an elected member requested an update on the investigation whether 'proper and fit' sanctions could be imposed on Councillor Cranney with regard to his conduct and behaviour. The Chief Solicitor responded that the report had been drafted and would be submitted to the August meeting of the Audit and Governance Committee.

19. BUSINESS REQUIRED BY STATUTE

None

20. ANNOUNCEMENTS

None

21. 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

22. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

1. Business Report - Report of Constitution Committee

The Monitoring Officer presented the report which sought the views of the Committee regarding the following proposed changes to the Constitution:-

Irrecoverable Debts – Write off – The Committee had been advised that despite the robust processes in place, inevitably a number of accounts become irrecoverable each year. Writing off sums deemed irrecoverable is considered good financial practice since it enables the financial position of the Authority to reflect the reality that these debts are unlikely to be paid. However where write-

off is required, the Financial Procedure Rules, set out in the Constitution, provide that any debt due to the Authority of £1,000 or more can only be written-off with the agreement of the Finance and Policy Committee. This write-off value, requiring Elected Member approval, is a lower value than in other councils which have a higher limit, or delegate this responsibility to officers. Elected members had been assured that if the proposal to increase the threshold was increased, the comprehensive scrutiny of debts would continue.

The Committee had agreed, with no dissent, to recommend to Council that the threshold for write-off value for irrecoverable debts be increased to £50,000.

Member Champions – A referral had been made at the Annual Council meeting for the Committee to consider the list of member champion appointments. The Chief Solicitor had referred elected members to previous consideration by the Committee on 6 July 2021, when public consultation had been undertaken with limited response. The outcome of the consultation had been reported to this Committee on 22 November 2021 when it had been agreed that as the remit of the majority of Member Champions reflected specific policy area remits, the Champion roles be allocated to the Chair or Vice Chair of the appropriate Committee, unless it is considered more appropriate for another member of that Committee to be appointed to the role. Elected Members had expressed support for the previous decision of the Committee. It was reiterated that it was appropriate for the Member Champion to be the Chair or Vice Chair of the relevant Committee, unless there was an interest from another elected member to fulfil the role.

The Committee considered each of the Member Champions listed in the Constitution. Elected Members also considered the role of the Champions with specific reference to whether Member Champions should be required to submit reports to Full Council.

The Committee had agreed, with no dissent that Full Council:-

- (i) Agree Member Champions to be the Chair or Vice Chair of the relevant Committee, unless there was an interest from another elected member to fulfil the role, in which case, an appointment would be made by way of a vote at Full Council**
- (ii) Agree that the following Member Champions be deleted from the list included in the Constitution:-**
 - Animal Rights Champion**
 - Anti-Social Behaviour Champion**
- (iii) Agree a strong recommendation from the Committee that Member Champions give a verbal or written update to Full Council or relevant Committee.**

RESOLVED – That all the recommendations of the Committee be approved and the update by Member Champions to Full Council or relevant Committee be an annual update.

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

None

24. REPORT FROM THE POLICY COMMITTEES

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

None

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

None

25. MOTIONS ON NOTICE

Three Motions had been submitted, on notice, as follows:-

1. "With energy bills skyrocketing, prices through the roof and the highest taxation in peacetime, this council believes that the cost of living crisis is causing enormous harm to Hartlepool people. Too many people are being forced to choose between eating and heating.

With further hikes in energy bills on the way, inflation hitting double figures and a bleak winter for many on the horizon, it is completely unacceptable for this council to pile on yet more pain with inflation busting increases to fees, such as parking and allotment charges.

At the same time there has been an inexplicable failure to make savings that could offset such increases. The recent decision to reject changes to our election cycle, which would have saved £160k over 4 years and led to, according to the council leader, a 'better system', is unforgivable.

Council therefore resolves to:

- In line with council procedure rules, review, at the first permitted opportunity, the decision to not change our electoral cycle.
- Identify how the resultant saving of £160k over four years could be used to prevent future increases in council fees, such as those to residents' parking and allotments, to lessen the financial pressure on residents."

Signed: Councillors Harrison, Brash, Allen, Boddy, Clayton, Creevy, Feeney, Hall, Hargreaves, Howson, Morley and Prince.

The Motion was moved by Councillor Brash and seconded by Councillor Harrison. The background and rationale for submission of the Motion was

detailed by the mover and seconder of the Motion who referred to consequent improvements to the system of governance and the resultant savings. Elected Members debated issues arising from the Motion, during which the amount of savings quoted were questioned with particular reference to the cost of by-elections.

In accordance with Council Procedure Rule 15.5 of the Constitution, a recorded vote was taken on the Motion:-

Those for:-

Councillors Allen, Boddy, Brash, Clayton, Cook, Creevy, Feeney, Fleming, Hall, Harrison, Howson, Morley and Smith.

Those against:-

Councillors Brown, Buchan, Cowie, Cranney, Falconer, Groves, Jackson, Lindridge, Little, Loynes, Martin-Wells, D Nicholson, V Nicholson, Tiplady and Young.

Those abstaining:-

None

It was announced that the vote was lost.

2. "Our fishing industry has been decimated since the Autumn of 2021 where thousands of deceased and dying crustaceans were washed up on the beaches in our region. Our fishermen and women have been unable to justify the costs of fuel to put to sea, and several of Hartlepool's fishing fleet have been advertised for sale.

It is unlikely that the area will recover from this environmental disaster in the short term.

We believe that the reports by Defra were flawed, given the independently commissioned report concluded so differently from the official reports.

The timing of this, with works beginning on piling around the Teesworks site, demolition works on site, and with dredging in and around the River Tees is really concerning and residents, fishermen and politicians and people from Whitby to Hartlepool, are worried and need reassurance as to what really happened, and action to resolve it.

Council therefore resolves to:

- Request the appropriate bodies (which should include EA, Cefas, NEIFCA, MMO, FSA and the UK Health Security Agency (UKHSA), Teesworks and the TVCA), attend an appropriate public meeting, with councillors and interested members of the

public present, to explain the discrepancies, and explain what action or recommendations can, or have been taken to support the future of our fishing industry.

- Refer to Economic Growth and Regeneration Committee to explore how to regenerate this vital and traditional industry in our town.
- Write to the Minister of State for the Department for Environment Food and Rural Affairs, to seek an independent investigation into this environmental and economic disaster”

Signed: Councillors Harrison, Brash, Allen, Boddy, Clayton, Creevy, Feeney, Hall, Hargreaves, Howson, Morley and Prince.

The Motion was moved by Councillor Creevy and seconded by Councillor Howson. The background and rationale for submission of the Motion was detailed by the mover and seconder of the Motion.

Support was expressed for the Motion. Elected Members were updated on meetings which had taken place and action already taken by Jill Mortimer, MP, including assisting local fishermen and merchants to produce a report which evidences the need for further investigation into the crustacean and marine deaths, documents the die-off which is still occurring, highlights the need for support for those affected and discussed the potential for a package of Government support including schemes to support the Northeast fishing industry. The North Eastern Inshore Fisheries and Conservation Authority was also recording and verifying reports of marine life strandings.

Reference was made to a meeting of the Tees Valley Combined Authority Scrutiny Committee when the issue had been discussed. Middlesbrough Borough Council had also considered a similar Motion.

Following a suggestion by an elected member, it was agreed that the Motion be amended to include the Neighbourhood Services Committee being invited to the Economic Growth and Regeneration Committee when this issue is discussed. It was further suggested that invites to the public meeting include all Elected Members, Tees Valley Mayor and businesses affected by the proposals.

Full Council was reminded of the individuals involved, a number of which were in attendance at the meeting. With the approval of the Chair of Council, a representative of the local fisherman addressed the meeting and advised Full Council of the emotional and financial impact of the situation.

The amended Motion was agreed, with no dissent.

3. “We’re Right Here” is a National campaign to shift power to communities, so that local people can shape the places where they live. The campaign is supported by nine national organisations long committed to ‘Community Power’ – these are Power to Change, The Cares Family, New Local, Locality, the Young Foundation, the Joseph Rowntree Foundation, Local

Trust, People's Health Trust and Friends Provident Foundation. The campaign is led by people with direct experience of making things happen in their local areas. The campaign seeks to draw on the energy and ambition of those committed to their communities and places, but also their frustration at a system that too often gets in the way. We're Right Here is campaigning for a Community Power Act – a landmark piece of legislation which will fundamentally change where power lies, so that communities can take back control for real. More information about the campaign and what the Act will do can be found at <https://www.righthere.org/>. The purpose of this motion is to simply show support to the campaign in a bipartisan way as this proposed new legislation will require increased exposure and support if it has any chance of being added to the statute book. Therefore Members are asked to agree to write to the campaign leaders and to the Secretary of State for Levelling Up, Housing and Communities to show our support for the "We're Right Here" campaign and the Community Power Act."

Signed: Councillors Young, Moore, Groves, Martin-Wells and Cassidy.

The Motion was moved by Councillor Young who outlined the background to the Motion and was seconded by Councillor Lindridge.

The Motion was agreed, with no dissent.

MANAGING DIRECTOR'S REPORT

26. INDEPENDENT REMUNERATION PANEL (IRP)

The Managing Director reported that the Local Authorities (Member Allowances) (England) Regulations 2003 require Local Authorities to establish and maintain an IRP which must review and make recommendations in respect of the Members' Allowances Scheme every 4 years. Hartlepool's IRP had not met since 2017 and therefore must be re-established.

Following a request from an Elected Member, the Chief Solicitor undertook to advise the IRP of a view expressed at this meeting against any increase in Member allowances.

RESOLVED – That the arrangements to advertise the positions be noted and in accordance with the Constitution a report will be submitted to the Audit and Governance Committee to approve appointments.

27. STATUTORY OFFICER APPOINTMENT

Elected Members were reminded that Chris Little, Director of Resources and Development is currently ill and likely to be off work for a number of months. Approval of Full Council was therefore sought to designate James Magog,

Assistant Director Finance and Customer Services as Acting Section 151 Officer.

RESOLVED - That James Magog be designated Acting Section 151 Officer in Chris Little's absence.

28. OUTSIDE BODY APPOINTMENTS

Following the appointments made to Outside Bodies at the Annual Council meeting on 24 May, Full Council was advised that a vacancy remained on the Teesside Pension Board and on the Furness Seaman's Pension Fund. No nominations for the vacancies were made at the meeting.

With regard to the appointment made to the North East Regional Employers Organisation – Executive, it had been noted that as Cllr Moore is not nominated to be a representative of NEREO he is unable, therefore, to sit on the Executive Committee. One of the three representatives appointed at the Annual Council meeting would, therefore, need to be nominated as the Executive member. The nomination to the executive of Councillor Young was moved by Councillor Lindridge and seconded by Councillor Buchan. The nomination of Councillor Boddy was moved by Councillor Creevy.

Elected Members were reminded that at the Annual Council meeting the appointment to the Combined Authority Audit and Governance Committee which had changed from a Labour position last year to Conservative this year had been queried. It was agreed that clarification should be sought from the Combined Authority and nominations should be submitted by Labour (Councillor Feeney) and Conservative (Councillor Tiplady). Dependent on the advice received, the Managing Director was authorised to submit the appropriate nomination. Tees Valley Combined Authority had subsequently confirmed it is a conservative appointment. In accordance with the delegation, the Managing Director had submitted the nomination of Councillor Tiplady to the Combined Authority

Since the Annual Council meeting, correspondence had been received from Tees, Esk and Wear Valleys NHS Foundation Trust inviting Full Council to consider appointing a representative as an Appointed Governor on their Council of Governors. At the meeting, the Managing Director explained that the appointment had been made at the Annual Council meeting when Councillor Young had been appointed as an Appointed Governor.

In accordance with Council Procedure Rule 15.5 of the Constitution, a recorded vote was taken on the appointment to the North East Regional Employers Organisation – Executive:-

Councillor Allen – Councillor Boddy
Councillor Boddy – Councillor Boddy
Councillor Brash – Councillor Boddy.
Councillor Brown – Councillor Young
Councillor Buchan – Councillor Young

Councillor Clayton – Councillor Boddy
Councillor Cook – Councillor Young
Councillor Cowie – Councillor Young
Councillor Cranney – Councillor Young
Councillor Creevy – Councillor Boddy
Councillor Falconer – Councillor Young
Councillor Feeney – Councillor Boddy
Councillor Fleming – Councillor Young
Councillor Groves – Councillor Young
Councillor Hall – Councillor Boddy
Councillor Harrison – Councillor Boddy
Councillor Howson – Councillor Boddy
Councillor Jackson – Councillor Young
Councillor Lindridge – Councillor Young
Councillor Little – Councillor Young
Councillor Loynes – Councillor Young
Councillor Martin-Wells – Councillor Young
Councillor Morley – Councillor Boddy
Councillor D Nicholson – Councillor Young
Councillor V Nicholson – Councillor Young
Councillor Smith – Councillor Young
Councillor Tiplady – Councillor Young
Councillor Young – Councillor Young.

It was announced that Councillor Young had been appointed to the North East Regional Employers Organisation – Executive

29. SPECIAL URGENCY DECISIONS

In accordance with the requirements of the Access to Information Procedure Rules included in the Council's Constitution, Full Council was informed that no special urgency decisions had been taken in the period February 2022 – April 2022.

RESOLVED – That the report be noted.

30. APPOINTMENTS TO COMMITTEES

It was reported that since the Annual Council meeting, notification had been received of the following changes to Committee appointments:-

Planning Committee – Councillor Martin-Wells to replace Councillor Reeve.

Health and Wellbeing Board – Councillor Buchan to replace Councillor Young.

RESOLVED – That the appointments to the Planning Committee and the Health and Wellbeing Board be approved.

31. AWARDS

The Managing Director reported that following the success at the recent Civil Engineering awards, Elephant Rock had secured a further accolade at the recent Constructing Excellence North East awards, winning the value category. The Civil Engineering award had recognised the quality of design and the overall engineering of the scheme. It was highlighted that this is the third time since 2018 that the authority had won the value award including regional and national recognition.

Elected Members referred to the number of awards displayed in the Civic Suite and it was suggested that Council's recognition and appreciation be conveyed to officers who had received recent awards. It was suggested also that the best wishes of Full Council be conveyed to Chris Little, Director of Resources and Development.

Following presentation of the report, the Managing Director took the opportunity to update Full Council on the following:-

- Covid - The increase in the number of staff with covid which could impact on service delivery. An elected member highlighted that a covid update had not been included on the business report for this meeting. It was agreed that a covid update be provided to future Council meetings.
- Monkey Pox – at the current moment in time there are no recorded cases in the Borough, however, Elected Members were advised that there are 19 cases across the North East.
- Training for Elected Members – Elected Members were encouraged to attend scheduled Member Training

32. PUBLIC QUESTION

None

33. 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

An elected member referred to minute 5 of the meeting of the Neighbourhood Services Committee held on 20 June 2022 relating to Hartlepool Local Plan – Partial Plan Review and sought clarification in relation to the approval process for the Local Plan. It was agreed that information in relation to the Local Plan process would be included in the Managing Director's business report at the next Full Council meeting and would also be shared with Elected Members in advance of that meeting.

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

One question had been received from Councillor Brash to the Chair of the Neighbourhood Services Committee:-

“Can the chair of neighbourhood services explain why the policy of charging disabled people to park is being pursued?”

In the absence of Chair and Vice of the Neighbourhood Services Committee, it was agreed that the question be deferred for consideration at the next scheduled meeting of Full Council.

- 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 meetings of the Cleveland Fire Authority held on 11 February 2022 and the special meetings of Police and Crime Panel on 1, 8 and 16 December, scheduled meeting on 1 February and a confirmation hearing on 10 February were noted.

The meeting concluded at 7.10 p.m.

CEREMONIAL MAYOR



Report of: Audit and Governance Committee

Subject: FINDINGS OF THE COMMITTEE FOLLOWING THE
HEARING OF A STANDARDS COMPLAINT
AGAINST COUNCILLOR GORDON CRANNEY

1. PURPOSE OF REPORT

- 1.1 To inform Council of the outcome of the standards hearing that took place on 11th August 2022.

2. BACKGROUND

- 2.1 The Assistant Chief Solicitor reported on a Complaint (SC10/2022) that had been received in relation to an alleged breach of the 'Code of Conduct for Elected Members and Co-opted Members.'
- 2.2 At the Full Council on the 25th May 2022, Councillor Jonathan Brash raised a point of order in relation to the legal position regarding Councillor Gordon Cranney continuing in his role of Councillor following his recent conviction for assault by battery. Full Council agreed unanimously (including Councillor Cranney's vote) for the Chief Solicitor to be tasked with investigating his conduct and report to the Audit and Governance Committee any findings and actions that may be taken. In accordance with the provisions of our 'Arrangements for dealing with Complaints' an investigating officer was appointed, namely Neil Wilson (Assistant Chief Solicitor and Deputy Monitoring Officer).
- 2.3 An investigation was instigated and involved the Standards Co-opted Independent Person. Details of the Assistant Chief Solicitor's investigation and its findings were outlined in the report, attached at **Appendix A**, which was considered by the Audit and Governance Committee at the hearing on the 11th August 2022.
- 2.4 The Assistant Chief Solicitor (acting as Investigating Officer) presented the findings of his report which supported the view that Councillor Cranney had breached the Code of Conduct (specifically in relation to para 1 and 5 – Respect and Disrepute). The report also outlined potential sanctions for consideration by the Audit and Governance Committee.

2.5 During the course of the hearing, in addition to the investigation report, the Audit and Governance Committee received verbal statements from Councillors Gordon Cranney and Leisa Smith. As part of his statement, Councillor Gordon Cranney:

- Accepted the findings of the Investigating Officer;
- Explained the circumstances behind his action, by way of mitigation; and
- Confirmed that he was satisfied with the investigation process, up to and including the process for the conduct of the hearing as implemented by the Audit and Governance Committee.

2.6 The Audit and Governance Committee also considered:

- A summary of issues / complaints raised with the Chief Solicitor, the Deputy Monitoring Officer and the Managing Director in relation to Councillor Cranney's conduct since his election to office (as attached at **Appendix B**); and
- Officers attempts to work with Councillor Cranney to resolve some of the issues and complaints that had been raised by 'informal resolution.' This even extended to external mediation however despite assurances, Councillor Cranney's conduct, especially on social media, continued to be a cause for concern. Whilst it was accepted that those elected to office are required to have a greater level of tolerance to criticism and scrutiny, the actions of Councillor Cranney had gone beyond political criticism.

2.7 Following consideration of the evidence provided, the Audit and Governance Committee was of the view that:-

- i) It was unacceptable that Councillor Cranney had not informed the Borough Council of his conviction.
- ii) There could be no mitigation for the offence and regardless of where his actions sat on the scale of actions that define assault / battery, it had resulted in reputational damage to the role of Councillor and the Council itself.
- iii) As a standing Councillor, Councillor Cranney had been offered Code of Conduct training and had failed to attend. On this basis, any suggestion that he had not been provided with an awareness / understanding of a Councillors responsibility's under the code of conduct was not accepted.
- iv) Social media had been identified as the route through which many of the problems arose. Councillor Cranney had been offered advice from the Managing Directors office as to the continued posting on social media, which included posts concerning his conviction. He chose to disregard this advice and continued to post inappropriate material on social media. This demonstrated a disregard for the Managing Directors advice.
- v) Whilst it was appreciated that there were tensions with some Councillors, the mediation provided had proven to be unsuccessful and the posting of inappropriate material on social media had continued.

2.8 The Committee was unanimously satisfied that there had been a significant breach of the code of conduct and in response to the breach potential sanctions were considered. The Committee discussed the imposition of a range of sanctions and unanimously agreed as follows:-

- a) That Full Council formally censure Councillor Cranney for his conduct and bringing the Authority in to disrepute.
- b) That Councillor Cranney be asked again to consider resigning from his position as Councillor.

In addition to this, a formal letter seeing his resignation to be sent from the Audit and Governance Committee.

- c) That Councillor Cranney be excluded from the Council's offices or other premises, with the exception of Full Council meetings, for the remainder of his term of office.

The investigation report had originally suggested that the duration of the exclusion be for 12 months. However, the Committee was of the view that the exclusion should be extended to cover the period until the conviction is spent. Should Councillor Cranney then wish to run for re-election, the electorate would be able to express their views / wishes at the ballot box.

On the basis, that the conviction would not be spent for 3 years, it was unanimously agreed that the exclusion should remain in place for the duration of his term of office.

With regard to the inadequacy of the sanctions available, it was noted that Councillor Cranney would still be able to substitute for fellow Councillors and on this basis, the recommendation of sanction (d) below was also unanimously agreed.

- d) That all Councillors be discouraged from nominating him as their 'named' substitute for meetings.
- e) That facilities be withdrawn from Councillor Cranney (i.e. computer, website and/or email and Internet access) for the remaining term of office.
- f) That Councillor Cranney attend Code of Conduct and social media training.
- g) That Full Council lobby Government, and write to Hartlepool's Member of Parliament, to request that legislation be amended to enable Councils to dismiss a Councillor where they have been convicted of an offence involving violence against another person.

Members of the committee strongly supported this sanction, expressed their frustration at the inadequacies of sanctions available to them under current legislation.

- h) That Full Council resolves that Elected Members be required to inform the Monitoring Officer should they be convicted of any criminal offence involving violence against another person.
- i) That the Chief Solicitor identify someone to act as a Mentor/Buddy to support Councillor Cranney for the remainder of his term of office.

3. RECOMMENDATIONS

3.1 That Full Council notes that the Audit and Governance Committee unanimously agreed that:-

- i) Councillor Cranney had significantly breached the code of conduct;
- ii) The following sanctions be immediately imposed:-
 - a) Councillor Cranney be asked again to consider resigning from his position as Councillor.
 - b) Councillor Cranney be excluded from the Council's offices or other premises, with the exception of Full Council meetings, for the remainder of his term of office.
 - c) All Councillors be discouraged from nominating him as their 'named' substitute for meetings.
 - d) Facilities be withdrawn from Councillor Cranney (i.e. computer, website and/or email and Internet access) for the remaining term of office.
 - e) Councillor Cranney attend Code of Conduct and social media training.
 - f) The Chief Solicitor identify someone to act as a Mentor/Buddy to support Councillor Cranney for the remainder of his term of office.

3.2 That Full Council consider the imposition of the following sanctions:-

- a) That Councillor Cranney be formally censured for his conduct and bringing the Authority in to disrepute.
- b) That Full Council lobby Government, and write to Hartlepool's Member of Parliament, to request that legislation be amended to enable Councils to dismiss a Councillor where they have been convicted of an offence involving violence against another person.
- c) That Full Council resolves that Elected Members be required to inform the Monitoring Officer should they be convicted of any criminal offence involving violence against another person.

4. BACKGROUND PAPERS

Council Minutes – 24.5.2022

Member Code of Conduct – Constitution

Arrangements for Dealing with Complaints -

https://www.hartlepool.gov.uk/info/20004/council_and_democracy/1121/member_conduct_and_complaints

Reports – Audit and Governance Committee 11th August 2022

Decision Notice of the Audit and Governance Committee (**Appendix 3**)

5. CONTACT OFFICERS

Hayley Martin, Chief Solicitor

Hayley.martin@hartlepool.gov.uk

01429 523002

INVESTIGATION REPORT**CASE REFERENCE: SC/10/2022****1. INTRODUCTION**

- 1.1 Report of an investigation under Section 28(6) of the Localism Act, 2011 by Neil Wilson, Investigating Officer (acting as Deputy Monitoring Officer as part of the arrangements to deal with complaints and their investigations under Part 1 Chapter 7 of the Localism Act, 2011) for Hartlepool Borough Council into an allegation concerning Councillor Gordon Cranney.
- 1.2 The formal complaint submitted by Councillor Jonathan Brash is:
- 1) *Further to Councillor Cranneys conviction for assault, and his failure to inform the electorate and the Council prior to the election, his actions have brought himself and the Authority in to disrepute.*
 - 2) *Furthermore his social media statements/comments are inappropriate and offensive showing a lack of respect to other Elected Members. The strongest possible sanctions permitted in law should be considered.*

2. BACKGROUND

- 2.1 On 28 April 2022 Councillor Cranney was convicted of assault following an incident on 6 February 2022.
- 2.2 At the meeting of Full Council on the 25 May 2022, Councillor Jonathan Brash raised a point of order in relation to the legal position regarding Councillor Gordon Cranney continuing in his role of Councillor following his recent conviction for assault by battery. Full Council unanimously (including Councillor Cranney's vote) "That the Chief Solicitor investigate whether 'proper and fit' sanctions can be imposed in a timely manner on Councillor Cranney," and expressed the view that the Chief Solicitor should to be tasked with investigating his conduct and reporting to this Committee any findings and what sanctions may be imposed.
- 2.3 On the 19 May 2022 Councillor Cranney attended the managing Directors office and was given advice as to the continued posting on social media, which included posts concerning his conviction.
- 2.4 Councillor Gordon Cranney was initially elected to the Seaton ward in May 2021. He was subsequently re-elected for a term of four years in May 2022. In the period since his initial election to office, there have been a number of issues/complaints raised with both myself, the Monitoring Officer and the Managing Director in relation to Councillor Gordon Cranney's conduct.

3. ASSESSMENT CRITERIA

- 3.1 The Assessment Criteria for assessing complaints under the *Localism Act 2011* and as approved by the Council's Audit and Governance Committee provides criteria for assessment of a complaint. Both myself and the Independent Person had regard to the below criteria when assessing this complaint.

"Before commencing an assessment of a complaint, it needs to be satisfied that:-

- i. It is a complaint against one or more named Members of the Council
- ii. The named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
- iii. The complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct”

The assessment criteria also states that a complaint is likely to be investigated when it meets one or more of the following criteria:-

- It is so serious, if proven, to justify in the public interest a formal investigation of a complaint.
- It is part of a continuing pattern of serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it, other than by investigation.

- 3.2 Following initial assessment of the complaint, both myself and Independent Person were of the opinion that the complaint satisfied the assessment criteria, in that, it was a complaint against a Member of the Council who was in office at the time of the alleged conduct and that if proven, it would be a breach of the Code of Conduct.
- 3.3 Pursuant to *Section 28(6) of the Localism Act, 2011*, this matter has proceeded to investigation and in compiling this report; the Investigating Officer has had regard to the complaint of Councillor Jonathan Brash (endorsed unanimously by Full Council), the additional information that was freely available on social media.
- 3.4 A copy of the complaint was sent to Councillor Cranney on 6 June 2022 requesting comments to the allegations that would be considered as part of the investigation. Councillor Cranney responded on 13 June.

4. COUNCILLORS OFFICIAL DETAILS

- 4.1 Councillor Gordon Cranney
Independent Councillor – Seaton Ward
Council Committee Membership - None

5. RELEVANT LEGISLATION AND APPLICABLE CODES AND PROTOCOLS

- 5.1 All Elected Members (included co-opted Members) are bound by the Code of Conduct when they act in the role as Member of the Borough Council. When Members are acting in their capacity as a councillor it is their responsibility to comply with the provisions of the Code of Conduct which states that:-

In accordance with the public trust placed in me, on all occasions:

- *I act with integrity and honesty*
- *I act lawfully*
- *I treat all persons fairly and with respect; and*
- *I lead by example and act in a way that secures public confidence in the role of councillor.*

In undertaking my role:

- *I impartially exercise my responsibilities in the interests of the local community*
- *I do not improperly seek to confer an advantage, or disadvantage, on any person*
- *I avoid conflicts of interest*
- *I exercise reasonable care and diligence; and*
- *I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.*

5.2 The Council's Member Code of Conduct was adopted on 30 September 2021 and is the model code endorsed by the Local Government Association (APPENDIX 1)

5.3 Of particular relevance to this complaint are the following points from the Code of Conduct:

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute

5.4 The Localism Act 2011 abolished the statutory standards regime set up by the Local Government Act 2000. Therefore the range of sanctions prescribed by the 2000 Act are no longer available. The Council is therefore unable to suspend, or partially suspend, a Councillor for up to six months, or require the Councillor to provide a written apology, or to undertake training or conciliation. The lawful sanctions available to the committee are set out at section 7 below.

6. INVESTIGATION FINDINGS

Capacity

- 6.1 Section 27(2) of the Localism Act 2011 requires the Authority to adopt a code of conduct "dealing with the conduct that is expected of members of the Council "when they are acting in that capacity".
- 6.2 The Council's Code of Conduct reflects the requirement of Section 27(2) of the Localism Act.
- 6.3 The Authority's code is expressed to apply whenever a member is acting in their capacity as a member of the Council. We therefore first have to consider whether the Councillor Cranney was acting in an official capacity at the time of the alleged incidents.
- 6.4 Though relating to the former 2007 model code of conduct, the Upper Tribunal decision in *MC v Standards Committee of the London Borough of Richmond* [2011] UKUT 232 (AAC) is a helpful distillation of the previous High Court cases on capacity – *Livingstone v Adjudication Panel for England* [2006] EWHC 2533 and *R(Mullaney) v Adjudication Panel for England* [2009] EWHC 72. The principles stated in *MC* are:-

- (a) was the councillor, as a matter of ordinary English, actually conducting the business of their authority, including the business of the office of councillor?
 - (b) a fact sensitive approach is required to the above;
 - (c) the question is one for the tribunal to determine, not a reasonable observer.
- 6.5 In *McTigue v Middlesbrough Council* (2009) APE 421 (a decision of the former Adjudication Panel for England), Councillor McTigue made a series of postings on the forum of the Middlesbrough Evening Gazette using the pseudonym “Indie” which related to wheelie bin collections and were alleged to be insulting of a local resident. Councillor McTigue argued that she was not acting in her official capacity as all her comments on the forum were made in her private time and all using the pseudonym “Indie”. The tribunal:-
- “...accepted that even if it became clear from the forum that an individual who was posting on the forum was a councillor, the Code of Conduct would not automatically be engaged. The question was whether in the postings on the forum the councillor was deemed to be, or gave the impression that he or she was, “acting in the role of councillor”. This was fact-sensitive and would very much depend on the content of the postings.”
- 6.6 The tribunal concluded that Councillor McTigue had given the impression that she was acting as a councillor, giving examples of a number of posts where she had referred to her work as a ward member.
- 6.7 Care must be taken in applying a tribunal case from a period when the relevant code of conduct (that set out in a national model) was expressed to apply not only when a member was carrying out their role as such but also when they gave that impression. However, *McTigue* is helpful in providing an example of how the principles of MC can be applied. When Councillor McTigue posted on the forum as “Indie” she was not acting as a Councillor when commenting about matters in general. Despite the lack of identification as a Councillor in her user name, she was acting as a Councillor when the content of her posts concerned ward matters.
- 6.8 As MC states, the question is whether as a matter of ordinary English was the Councillor actually conducting the business of their authority, including the business of the office of councillor? The substance of an interaction, rather than outward appearance is decisive.

Capacity - Criminal Conviction

- 6.9 As a result of an anonymous referral from a member of the public, Teesside Magistrates were contacted and confirmed that that Councillor Gordon Cranney had been convicted on the 28 April of ‘assault by beating contrary to s39 Criminal Justice Act 1988’ following an incident that occurred on the 6 February 2022. Councillor Gordon Cranney had not advised the Council or the Conservative Party of his conviction.
- 6.10 In terms of holding office as a Councillor with a criminal conviction, an individual is only disqualified if:

“Within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has

had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;” (s80 Local Government Act 1972)

- 6.11 Councillor Cranney's sentence did not meet this criteria, therefore legally he is able to continue in his role of Councillor. Members have however queried the position in relation to the Members Code of Conduct and whether any sanction can be invoked.
- 6.12 Councillor Cranney did not inform the Authority that he was either under investigation or had been convicted of the offence of assault by beating.
- 6.13 By his own admission Councillor Cranney stated that he did not disclose the information to the public, the Council or the Conservative Party, believing the matter to be a private domestic event. This was clearly a conscious decision by him not to inform the Council of his conviction.
- 6.14 Councillor Cranney was a Councillor at the time of the assault and in office at the time of his conviction. It was obvious that being convicted of an offence of assault had the potential to impact on the reputation of Councillor Cranney and that of the council and the council needed to know. It is evident that the failure to inform the council, Councillor Cranney was acting in the capacity of a councillor and the code of conduct applied.
- 6.15 This was exacerbated by the fact that this information came to light only two days prior to the election in which Councillor Cranney was seeking re-election. However, the failure to inform the electorate is not a code of conduct matter.

Capacity – Social Media Posts

- 6.16 I have considered The Local Government Association Model Councillor Code of Conduct Guidance (LGA Guidance) published in July 2021 when discussing social media postings and capacity, it states :-

“Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business. However, even if you do not describe yourself as a councillor you may fall within the scope of the code if you are discussing local authority business.

For example, a posting which is simply discussing a recent football match is not covered by the code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer that would fall within the code even if you have not described yourself as a councillor as it relates to local authority business or your role as a councillor.”

- 6.17 In addition to this I have considered the findings of case LN/An/2134 Standards Commission for Scotland. The Panel in this case found:-

“that the Respondent’s Facebook page was accessible to those other than his Facebook ‘friends’; that the Respondent was identifiable as a councillor on it; and that had subsequently commented on the petition in that capacity. The Panel determined that this meant that the Respondent was acting, or could be perceived as being acting, as a councillor when posting about the petition and

encouraging others to sign it. The Panel determined, therefore, that the Code of Conduct applied to the Respondent at the time of the events in question”.

- 6.18 On the 19 May, Councillor Cranney attended the office of the Managing Director to sign his declaration of acceptance. At that meeting the Managing Director gave advice to stay off social media and not respond to any comments regarding him or any other Councillors. The Managing Director advised:

“When I met GC I advised him to stay off social media and not respond to any comments regarding him or other Councillors, in fact I even suggested he didn’t attend full Council the following week to allow things to quieten down. GC advised he was thinking about his future and agreed to stay off social media but that he would be attending the Council meeting.”

- 6.19 It is obvious that whilst attending the Managing Directors office to sign the declaration of acceptance, Councillor Cranney did so in his capacity as a councillor and the code of conduct applied.
- 6.20 Despite receiving such advice, Councillor Cranney continued to post inappropriate material on social media.

Respect

- 6.21 Paragraph 1.1 of the Code states:

“I treat other councillors and members of the public with respect”

- 6.22 Paragraph 1.2 of the code states:

“ I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play”

- 6.23 The term “respect” is not defined in the Code or Protocol. However, the requirement to treat others with respect must be viewed objectively. Account should be taken of the member’s intent and how their behaviour would reasonably be perceived.

- 6.24 When describing ‘Disrespectful Behaviour’ the LGA Guidance states:-

“Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your local authority and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure."

- 6.25 The Standards Board for England Case Review 2010 (2011 Edition) provides guidance by indicating a 'rule of thumb' comparison. Q15 of the Case Review 2010 advises that:-

"A very clear line has to be drawn between the Code of Conduct's requirement of respect for others, including members of the authority with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other."

- 6.26 A rule of thumb is expressed in this comparison:

"You're talking drivell" is likely to be an acceptable expression of disagreement.

Calling someone an "incompetent moron", on the other hand, is more likely to be a failure to comply with paragraph 3(1).

We can see that the first comment is aimed at the expression of an idea or argument. The second is aimed at the person and their personal characteristics".

- 6.27 Whilst some care must be taken in adopting wholesale a test applicable to a provision of the former national model code, it is the personalisation of comments that cause the user to breach the Code. The conduct must be unreasonable, unwarranted and personalised. In considering whether comments are disrespectful, regard must be had to the right to free speech in article 10 of the European Convention on Human Rights (see below regarding *Heesom v Public Services Ombudsman for Wales* [2014] EWHC 1504).

- 6.28 I note the approach taken by the former Adjudication Panel in *Capon v Shepway District Council* [2008] APE 0399, conveniently summarised by the Case Review 2010 at page 32 as:-

"A tribunal considered the threshold for a failure to treat others with respect. The councillor made comments about the town clerk at a parish meeting saying that an officer found her "difficult to get on with". The councillor added that "this is also the view of many towns' people who say that when they try to contact the town clerk, she is downright rude to them".

- 6.29 The Tribunal considered that the threshold for a failure to treat another with respect has to be set at a level that allows for the passion and frustration that often accompanies political debate and the discussion of the efficient running of a council. It should also be set within the context of who was involved in the exchange.

- 6.30 In that case, the comments were opinions of other individuals which the member honestly believed to be true. The member's conduct was not unfair, unreasonable or

demeaning to the Town Clerk and not made in a malicious or bullying manner. The Town Clerk was very experienced in her dealings with councillors and given her seniority was entirely able to defend her position. Therefore, the tribunal decided that the threshold was not reached.

6.31 I have had regard to the right to freedom of speech on political matters set out in Article 10 of the European Convention on Human Rights (ECHR) as considered in *Heesom v Public Services Ombudsman for Wales* [2014] EWHC 1504, where it was held:-

- Article 10 of ECHR protects not only the substance of political comment but the form in which it is conveyed;
- a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, non-rational and aggressive is to be tolerated;
- political comment includes comment on public administration and the adequacy of the performance of public duties by others, but not gratuitous personal comments;
- whilst civil servants are open to criticism, there is a public interest that they are not subject to unwarranted comments that disenable them from performing public duties and undermines public confidence;
- there is a need to weigh up the public interest in protecting civil servants against enhanced protection for political comment.

6.32 Clearly from the above guidance it is evident that it is part of the members' role to scrutinise and challenge the conduct and performance of officers. It also provides some indication of how this might be raised and in particular how it should not be done i.e. the seniority of the officer involved.

6.33 In determining whether Councillor Cranney's conduct towards Members and the Managing Director amounted to a failure to treat others with respect, as referred to in relevant guidance and case law, it is appropriate to carefully consider the circumstances and background to the complaint.

6.34 In addition to the above I have had regard to the Standards for England's) guidance on the Code of Conduct Case Review 2007.

6.35 In *Boughton, Dartmouth Town Council* (2009) APE 0419 paragraph 3.3.6 the case tribunal described a failure to treat with respect as follows:-

"A failure to treat others with respect will occur when unfair, unreasonable or demeaning behaviour is directed by one person against another. The circumstances in which the behaviour including the place, who observed it, the character and relationship of the people involved will all be relevant in assessing whether the behaviour was disrespectful."

6.36 In *Buchanan, Somerset County Council* (2009) APE 0409, in relation to a complaint by a chief executive the Tribunal said at paragraph 51:-

"In the Tribunal's view it was desirable that the threshold for a failure to treat another with respect be set at a level that allowed for the minor annoyances

and on occasions bad manners which are part of life. During the course of their work people often show a lack of consideration or bad manners but it is not desirable that every such slight should be considered a breach of the Code. To set too low a level might lead to complaints that were about little other than a difference of opinion over the wording of a letter or what amounts to rudeness and for this reason the Tribunal thinks that not every instance of bad manners or insensitive comment should amount to a failure to treat another with respect.”

- 6.37 Despite being given advice by the managing Director Councillor Cranney continued to post details on social media regarding his conviction. For example when challenged in relation to the offence he states that he ‘grabbed’ his wife’s cheeks.
- 6.38 The failure to take on board and comply with the instructions of the Managing Director shows a lack of respect towards the Managing Director.
- 6.39 As well as the issues linked to the recent conviction, officers have had to deal with a number of other complaints regarding Councillor Cranney’s conduct since he took office in 2021. An example of Councillor Cranney’s continued inappropriate use of social media is evidenced below where Councillor Cranney makes potentially defamatory accusations against another Councillor Moss Boddy (see below).
- 6.40 As mentioned above, inappropriate social media use has been a continued issue. Members should be aware that despite advice from senior officers, as well as independent mediation (at a cost to the Authority) issues have continued including complaints from members of the public. The common theme being social media or email communication, particularly late at night.
- 6.41 The key elements of finding a failure to treat others with respect are that the conduct is personalised, unreasonable and unwarranted.
- 6.42 The enhanced protection given to political comments under Art. 10 of the ECHR, which can include scrutinising the performance of public duties by others, must be considered against the need to protect civil servants and in our view fellow Councillors from gratuitous personal comments which may disenable them from performing their public duties.
- 6.43 There is little doubt that the Facebook post concerning Councillor Boddy was personalised, unreasonable and unwarranted. The inferred suggestion concerning sticky fingers and stealing was totally unnecessary and uncalled for.
- 6.44 It is clear that Councillor Cranney has given no thought as to the impact of posting comments on social media concerning other Members despite being wanted not to do so by the managing Director.
- 6.45 I conclude that Councillor Cranney’s conduct towards Councillor Boddy did reach the threshold that could be considered as showing disrespect. My conclusion is that Councillor Cranney did breach that part of the Code of Conduct relating to treating others with respect.

Finding - The continuing pattern of behaviour demonstrates that despite the numerous issues and complaints, Councillor Gordon Cranney has not learned from his previous actions or the advice that he has been given by Council Officers.

Councillor Cranney continues to conduct himself in a way that is in conflict with the Nolan Principles of Public Life and are a breach of Para 1 'Respect' of the Code of Conduct. The actions show a lack of respect towards other Elected Members that goes beyond fair 'political challenge.' The comments are 'personal' in nature and directed at other Elected Members. They do not relate to political difference which would to a certain extent would

The continuation of this behaviour results in further complaints and when coupled with his own retaliatory complaints this significantly impacts upon Council resources and reputation. It is conservatively estimated that in the year since he was elected, over 50 hours of Chief Officer time has been spent investigating and dealing with issues in relation to Councillor Gordon Cranney's conduct.

Disrepute

6.46 Paragraph 5.2 of the code states:

As a councillor:

5.2 I do not bring my role or local authority into disrepute

6.47 The LGA Guidance states:-

"As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

*In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*

- 1. reducing the public's confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.*

Conduct by a councillor which could reasonably be regarded as reducing the public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute."

6.48 The Standards Board for England Case Review 2010 (2011 Edition) Q44 advises that:-

"An officer carrying out an investigation...does not need to prove that a member's actions have actually diminished public confidence, or harmed the reputation of the authority...the test is whether or not a member's conduct "could reasonably be regarded" as having these effects.

The test is objective and does not rely on any one individual's perception. There will be a range of opinions that a reasonable person could have towards the conduct in question."

6.49 Q42 of the Case Review indicates that:-

"A case tribunal or standards committee will need to be persuaded that the misconduct is sufficient to damage the reputation of the member's office or authority, as opposed simply to damaging the reputation of the individual concerned."

- 6.50 In applying the Code to the circumstances of an alleged breach of disrepute, it is established that it is not necessary for the member's actions to have actually diminished public confidence, or harmed the reputation of the authority. The test is whether or not the conduct could 'reasonably be regarded' as having these effects. However, the conduct must be sufficient to damage the reputation of the member's office or the Council, not just the reputation of Councillor Cranney as an individual.
- 6.51 Article 10 of the European Convention on Human Rights needs to be considered in relation to disrepute in the same way for disrespect under the code.
- 6.52 In Cox referred to above on disrespect, the appeals tribunal was satisfied that describing the majority group as "corrupt" was a throwaway remark made without malicious intent. However it was said in a full council meeting at which councillors, council officers and members of the public were present. By making the claim without justification, Councillor Cox brought his own office into disrepute. By making an unjustified claim that the majority group was corrupt, he brought the authority itself into disrepute.
- 6.53 In this case, it is suggested that following his conviction, Councillor Cranney's actions have had a negative impact on both his own reputation and that of the Council.
- 6.54 The Case Review advises that a member's behaviour in office will bring that member's office into disrepute if the conduct could reasonably be regarded as either:-
- (a) reducing the public's confidence in that member being able to fulfil their role; or
 - (b) adversely affecting the reputation of members generally, in being able to fulfil their role.
- 6.55 In Cox the use of a throwaway, but unjustified comment without malice was sufficient to bring the councillors own office into disrepute and those of the councillors as a whole.
- 6.56 In this case Councillor Cranney failed to inform the Council of his conviction. To that extent, Councillor Cranney's actions might reasonably be said to have adversely affected the reputation of the Council. This led both Members and the public to the conclusion that Officers within the Council knew of the conviction and had sought to hide it. Furthermore, by withholding his conviction, Councillor Cranney has failed to act openly or honestly and has demonstrated a lack of leadership. This has in turn deprived the public from making an informed choice at the time of the election.
- 6.57 Whilst clearly at the time of the offence Councillor Cranney wasn't acting as a Councillor, his conviction and actions since have had a negative impact on both his own reputation and that of the Council. It is my view that although there is no legal

requirement to inform the Council of a conviction, there is a reasonable expectation that a Member would do so, given they hold public office. This failure has brought the Council in to disrepute and is a breach of paragraph 5 'Disrepute' of the Code.

- 6.58 I therefore consider that Councillor Cranney did bring his office or the Council into disrepute.

Leadership

- 6.59 The complaints include specific issues as they refer to the general obligations within the code i.e. the Nolan Principles. These can be best described as: -

- Honesty and Integrity;
- Openness;
- Duty to uphold the law;
- Stewardship.

- 6.60 The code of conduct includes 'Leadership' which states: -

"I lead by example and act in a way that secures or preserves public confidence"

- 6.61 This reflects the wording in Section 28 of the Localism Act 2011, although neither legislation nor case law provides further guidance on what constitutes 'leadership'.

- 6.62 'Leadership' is one of the seven principles of public life. The committee on Standards in Public Life guidance, under the subheading 'leadership' states:

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 6.63 Striking the Balance – Upholding the Seven Principles of Public Life in Regulation published in September 2016 states: -

".... Those at the top have the fundamental responsibility to lead by example in terms of how they conduct themselves..."

- 6.64 Leadership is therefore a broad principle, encompassing all other principles, and includes promoting and supporting high standards.

- 6.65 In this case it is the fact that Councillor Cranney:

- Failed to inform the Council of his conviction;
- Failed to act upon advice from the managing Director concerning posting on social media;
- Posted comments on social media concerning Councillor Boddy.

- 6.66 In applying the circumstances of this case we are of the view that Councillor Cranney did fail to lead by example and as such did fail comply with the broad principle of leadership, therefore Councillor Cranney did not comply with the Code of Conduct.

Examples/evidence

Most relevant ▾



Gordon Cranney

I've just come across a message on Seaton News regarding Moss Boddy stealing from his deceased cousin's home. Can someone please confirm if this is true or not?

3 m Like Hide



Gordon Cranney



Please don't forget Sticky fingers Boddy, stealing is never a good quality to have inside Council.

8 h Like

Example of public complaint:

"Im informed that some political parties are not going to turn up at council meeting until one of the MP resigns due to his criminal record.

It that case anyone who does not attend a council meeting should not be paid any of there wages as not turning up to council meeting which will now hurt Hartlepool and its people.

If there wish to stay away then there should be dismissed and all assets seized to pay for a new election.

These people are a disgrace to Hartlepool.

There should be no criminal allowed to stand for office, however we have human right laws which protect criminals.

Why wait until now to take action instead of prior to bring elected. There should have demanded his removal then.”

7. PROPOSALS/ISSUES FOR CONSIDERATION

7.1 Given the breaches of the Code, the Committee should consider the imposition of all sanctions available in law, which include:

- a) Formal censure by Full Council for his conduct and bringing the Authority in to disrepute
- b) Inviting Councillor Cranney to consider resigning from his position as Councillor.
- c) Exclude Councillor Cranney from the Council's offices or other premises, with the exception of Full Council meetings for a period of 12 months.
- d) Withdraw facilities (i.e. computer, website and/or email and Internet access).
- e) Recommend Code of Conduct and social media training.
- f) Lobby Government to amend the legislation to enable Councils to dismiss a Councillor where they have been convicted of an offence involving violence against another person.
- g) Recommend that Elected Members inform the Monitoring Officer should they be convicted of any criminal offence involving violence against another person.
- h) Recommend that the Chief Solicitor identify someone to act as a Mentor/Buddy to support Councillor Cranney for the remainder of his term of office.

8. VIEW OF THE INDEPENDENT PERSON

8.1 The views of Tracy Squires were obtained prior to the commencement of this investigation and it was agreed that this matter should be investigated.

9. BACKGROUND PAPERS

Council Minutes – 24.5.2022
Member Code of Conduct - Constitution

10. CONTACT OFFICERS

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Assistant Chief Solicitor
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APPENDIX 1

https://www.hartlepool.gov.uk/downloads/file/8124/code_of_conduct

APPENDIX B

DATE	COMPLAINT	RESOLUTION
23/05/22	Cllr Cranney post on the Facebook page of a political rival defamatory, untrue and disrespectful comments.	TBA
10/05/22	GC sent unsolicited messages to sitting Councillors	GC written to and asked to refrain from making contact
19/01/2022	Sending unsolicited communications re expenses records	
15/10/2021	Cllr Cranney e-mails local business man criticising Seaton Councillors	GC apologised for his e-mail which criticised other Cllrs and arose from his own misunderstanding.
14/10/2021	Mediation with NW and 3x Cllrs -	Cllr Cranney apologised for negative comments that he had made and accepted that these fell well below the standard that was expected of a Cllr. It was agreed by all that a line should be drawn under what had gone before.
October 2021	Complaint to Police regarding GC conduct towards another Councillor	Cllr Cranney visited by police and warned about his conduct and potential for harassment / malicious communications
September 2021	Complaint against Cllr Cranney for significant number of abusive communications directed towards other ward Cllrs. Example: <ul style="list-style-type: none"> • private WhatsApp message where he had referred to other Cllrs as witches • Facebook comments where he had referred other Cllrs as “malicious, vindictive and nasty” 	Cllr Cranney accepted that he was at fault and that some of his comments arose because he had misunderstood other comments that had been made. He removed a number of posts of his that he regretted and offered to meet with the Cllrs to apologise and agree a way forward.
24/06/2021	Complaint against Cllr Cranney. Posted on the page “Gordon Cranney – Seaton Ward Councillor” he refers to a member of the public as “a Clown”.	Agreed that post demonstrates a lack of respect for the member of the public and brings council into disrepute. Cllr Cranney removed all posts and apologised. As a first offender – reminded of the code and his responsibilities as a councillor and warned that any further such behaviours

		would likely lead to a fuller investigation.
15/06/2021	Cllr Cranney makes complaint against other Cllr alleging that said Cllr “is blaming youths for breaking the disabled swing on social media, stirring up hatred against the youths.... I don't feel that demonising children on social media helps our case when it comes to try end engage with them. “	NFA – upon reviewing social media post the images have been anonymised and the post specifically says that “I’m not saying that [the children pictured] have broken the swing but what they are doing isn’t helping the matter”.

DECISION NOTICE



Case Reference: SC010/2022

The Assistant Chief Solicitor reported on a Complaint (SC10/2022) that had been received in relation to an alleged breach of the 'Code of Conduct for Elected Members and Co-opted Members.'

At the Full Council on the 25th May 2022, Councillor Jonathan Brash raised a point of order in relation to the legal position regarding Councillor Gordon Cranney continuing in his role of Councillor following his recent conviction for assault by battery. Full Council agreed unanimously (including Councillor Cranney's vote) for the Chief Solicitor to be tasked with investigating his conduct and report to the Audit and Governance Committee any findings and actions that may be taken. In accordance with the provisions of our 'Arrangements for dealing with Complaints' an investigating officer was appointed, namely Neil Wilson (Assistant Chief Solicitor and Deputy Monitoring Officer).

An investigation was instigated and involved the Standards Co-opted Independent Person. Details of the investigation and its findings were outlined in the report which was considered by the Audit and Governance Committee at the hearing on the 11th August 2022.

The Assistant Chief Solicitor (acting as Investigating Officer) presented the findings of his report which supported the view that Councillor Cranney had breached the Code of Conduct (specifically in relation to para 1 and 5 – Respect and Disrepute). The report also outlined potential sanctions for consideration by the Audit and Governance Committee.

Decision

Further to the Council's **Arrangements for Dealing with Standards Allegations under the Localism Act 2011** the Audit and Governance Committee considered the verbal and written representations of the Deputy Monitoring Officer (as Investigating Officer), Councillors Gordon Cranney and Leisa Smith.

In presenting his statement, Councillor Gordon Cranney:

- Accepted the findings of the Investigating Officer;
- Explained the circumstances behind his action, by way of mitigation; and
- Confirmed that he was satisfied with the investigation process, up to and including the process for the conduct of the hearing as implemented by the Audit and Governance Committee.

The Audit and Governance Committee also considered:

- A summary of issues / complaints raised with the Chief Solicitor, the Deputy Monitoring Officer and the Managing Director in relation to Councillor Cranney's conduct since his election to office (as attached at **Appendix B**); and

- Officers attempts to work with Councillor Cranney to resolve some of the issues and complaints that had been raised by ‘informal resolution.’ This even extended to external mediation however despite assurances, Councillor Cranney’s conduct, especially on social media, continued to be a cause for concern. Whilst it was accepted that those elected to office are required to have a greater level of tolerance to criticism and scrutiny, the actions of Councillor Cranney had gone beyond political criticism.

Following consideration of the evidence provided, the Audit and Governance Committee was of the view that:-

- i) It was unacceptable that Councillor Cranney had not informed the Borough Council of his conviction.
- ii) There could be no mitigation for the offence and regardless of where his actions sit on the scale of actions that define assault / battery, it has resulted in reputational damage to the role of Councillor and the Council itself.
- iii) As a standing Councillor, Councillor Cranney had been offered Code of Conduct training and had failed to attend. On this basis, any suggestion that he had not been provided with an awareness / understanding of a Councillors responsibility’s under the code of conduct was not accepted.
- iv) Social media had been identified as the route through which many of the problems arose. Councillor Cranney had been offered advice from the Managing Directors office as to the continued posting on social media, which included posts concerning his conviction. He chose to disregard this advice and continued to post inappropriate material on social media. This demonstrated a disregard for the Managing Directors advice.
- v) Whilst it was appreciated that there were tensions with some Councillors, the mediation provided had proven to be unsuccessful and the posting of inappropriate material on social media had continued.

The Committee was unanimously satisfied that there had been a significant breach of the code of conduct and, in response to the breach, potential sanctions were considered.

The Committee discussed the imposition of a range of sanctions as outlined by the Assistant Chief Solicitor.

Actions

The Committee was satisfied Councillor Gordon Cranney had breached the Code of Conduct (specifically in relation to para 1 and 5 – Respect and Disrepute) and carefully considered all of the sanctions available to it.

The Committee unanimously agreed that:-

- i) Councillor Cranney had significantly breached the code of conduct;
- ii) The following sanctions be immediately imposed:
 - a) Councillor Cranney be asked again to consider resigning from his position as Councillor.

- b) Councillor Cranney be excluded from the Council's offices or other premises, with the exception of Full Council meetings, for the remainder of his term of office.
 - c) All Councillors be discouraged from nominating him as their 'named' substitute for meetings.
 - d) Facilities be withdrawn from Councillor Cranney (i.e. computer, website and/or email and Internet access) for the remaining term of office.
 - e) Councillor Cranney attend Code of Conduct and social media training.
 - f) The Chief Solicitor identify someone to act as a Mentor/Buddy to support Councillor Cranney for the remainder of his term of office.
- iii) Full Council consider the following sanctions:-
- a) That Councillor Cranney be formally censured for his conduct and bringing the Authority in to disrepute.
 - b) That Full Council lobby Government, and write to Hartlepool's Member of Parliament, to request that legislation be amended to enable Councils to dismiss a Councillor where they have been convicted of an offence involving violence against another person.
 - c) That Full Council resolves that Elected Members be required to inform the Monitoring Officer should they be convicted of any criminal offence involving violence against another person.

This Decision Notice is now sent to the person making the allegations and the Subject Member against whom these allegations were made.

SIGNED



CHAIR OF THE AUDIT AND GOVERNANCE COMMITTEE

DATE: 16th August 2022

COUNCIL REPORT

29 September 2022



Report of: Finance and Policy Committee

Subject: MEDIUM TERM FINANCIAL STRATEGY (MTFS)
2023/24 TO 2024/25

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to enable Council to consider the recommendations from the Finance and Policy Committee in relation to the 2023/24 budget and Council Tax level for Hartlepool Council services.

2. BACKGROUND

- 2.1 In accordance with the Constitution the Finance and Policy Committee is required to develop budget and Council Tax proposals for the forthcoming year for consideration by Council. A detailed report on the financial position facing the Council and the significant budget deficits for the two years was considered by Finance and Policy Committee on 28th September 2022. The report is attached at Appendix 1 to ensure Members have full details of the financial issues facing the Council.
- 2.2 This report is the first phase in developing a sustainable budget and seeks approval of the 2023/24 Council Tax level to provide a robust basis for developing a savings plan to address the remaining significant budget deficit.
- 2.3 The report advises Members that annual national Council Tax referendum limits of 3% (including 1% Adult Social Care precept) have previously been set for 2022/23, 2023/24 and 2024/25, and as required by legislation will be confirmed annually.

3. ISSUES CONSIDERED BY FINANCE AND POLICY COMMITTEE

- 3.1 To provide context to the financial challenges facing the Council it is important to consider where we are starting from and the significant changes that have occurred. The key issues are:
- Funding changes;
 - Previous budget cuts;
 - Recurring Budget pressures;
 - Recovery from Covid pandemic;
 - Strategy adopted for setting 2022/23 budget.

3.2 National funding changes have resulted in two significant issues:

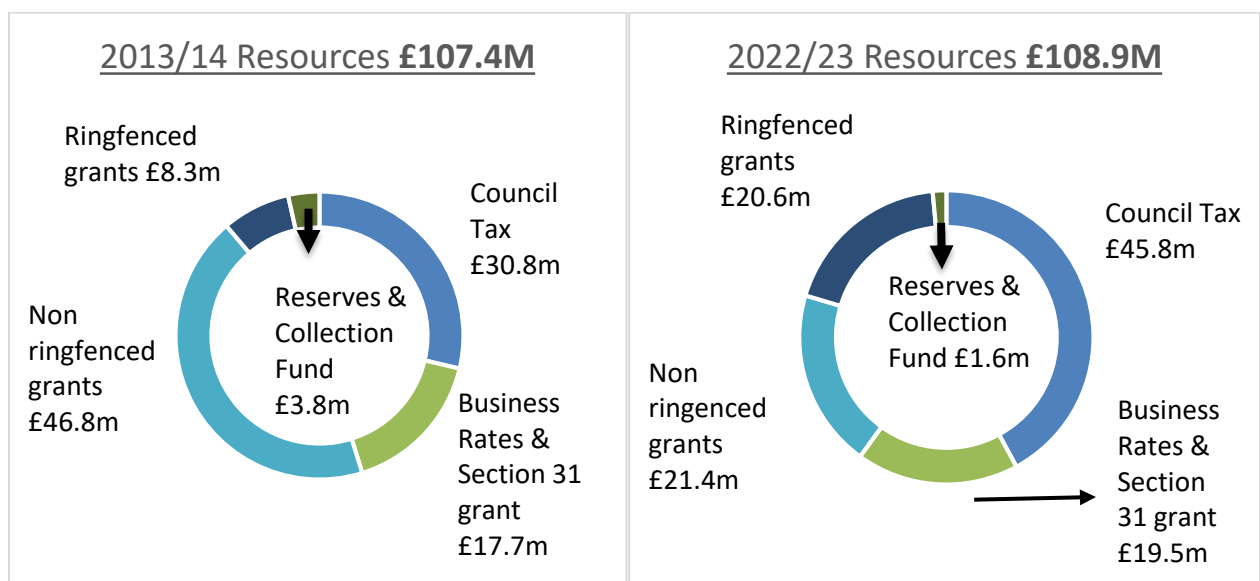
- Total cash resources in 2022/23 of £108.9m are only **1.4%** more than they were in 2013/14 (£107.4m) – a cash increase of only **£1.5m over 9 years**.

If total resources had increased in line with the Bank of England's inflation calculator recurring funding in 2022/23 would have been £138m – which is approximately £37m more than actual resources.

- Reliance on Council Tax has increased significantly – in 2013/14 this was **29%** of resources – in 2022/23 it is **42%**. This is a **£15m** shift in funding on to local tax payers – which only covers 59% of the reduction in non ring-fenced Government Funding of **£25.4m**.

3.3 These changes are summarised below:

Funding Changes 2013/14 to 2022/23

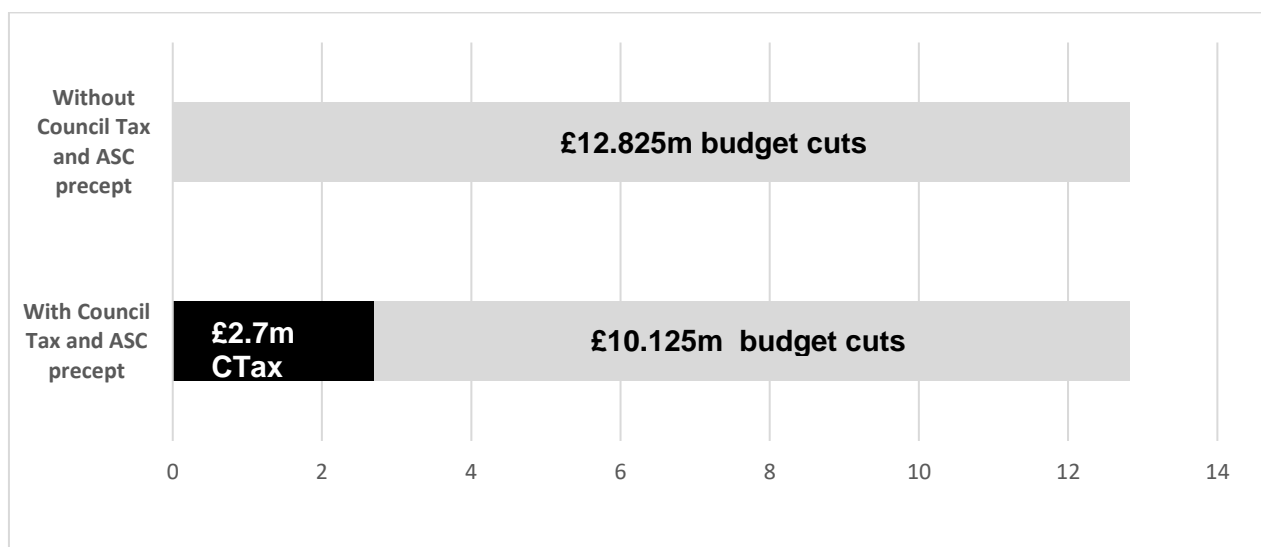


- 3.4 Whilst, an understanding of the starting position is helpful, the reality of the situation is these issues are not going to change. Therefore, it is essential that a robust plan is developed to address the budget deficits facing the Council.

- 3.5 As detailed in the report to Finance and Policy Committee the approved budget for 2022/23 increased financial resilience by reducing reliance on reserves and setting aside one off resources for forecast inflation, including energy costs. The impact of inflation facing all councils is significantly greater than previously forecast. This reflects the impact of Russia invading Ukraine which has significantly increased energy costs, which has then fed through into increasing inflation, pay awards and interest rates.

- 3.6 The current MTFS focuses on the next two years (2023/24 and 2024/25) owing to the significant impact of inflation and highlights the significant risk that inflation may increase the current forecast 2024/25 deficit. The next report will include a forecast for 2025/26 and a further deficit is anticipated even if inflation falls back to the Bank of England 2% target.
- 3.7 The Council faces a deficit of **£12.825m** over the next two years, which highlights impact of inflation. This deficit can be reduced to **£10.1253m** if core Council Tax is increased and the 1% Adult Social Care precept is implemented each year, as summarised below:

Budget Deficit 2023/24 to 2025/26



- 3.8 The report highlights that Council Tax increases are always difficult as unlike most other taxes they require an annual decision to increase this income. Payroll Tax increase automatically as pay increases and this income can also increase almost unnoticed if personal allowances are frozen at a time of rising wages for many people, albeit not to at the level of inflation. Similarly, many other taxes, such as VAT, increase as prices rise. Both situations result in increased income for the Treasury and some protection against the impact of inflation.
- 3.9 To highlight this point the national pay award will cost the Council £4m and the payroll taxes will be £1.2m. The Treasury will also gain increased recurring Income Tax and National Insurance from school staff, which is a recurring cost to school budgets from 2022/23.
- 3.10 The majority of the deficit impacts in 2023/24 owing to the impact of inflation and not increasing Council Tax and the Social Care Precept would increase the total deficit and the position is summarised below:

Forecast deficits **with** and **without** Council Tax increase and Social Care precept

	2023/24 Deficit	2024/25 Deficit	Total
<u>With</u> Council Tax and ASC precept	£8.576m	£1.549m	£10.125m
<u>Without</u> Council Tax and ASC precept	£9.906m	£2.919m	£12.825m

3.11 Robustness Advice

- 3.12 As indicated in previous years the Local Government Act 2003 introduced a statutory requirement on an Authority's Section 151 Chief Finance Officer to advise Members on the robustness of the budget forecasts and the adequacy of the proposed level of reserves. If Members ignore this advice, the Act requires the Authority to record this position. This later provision is designed to recognise the statutory responsibilities of the Section 151 Officer.
- 3.13 The robustness advice is detailed in section 7 of the Finance and Policy Committee report. Council also needs to consider this advice when making decisions on the recommendations referred by the Finance and Policy Committee. This advice highlights the impact of increasing Council Tax in securing recurring Council Tax income – which makes the financial position of the Council more robust and sustainable.
- 3.14 The anticipated 2023/24 Core Council Tax Referendum limit and Adult Social Care precept are year specific. Therefore, if these limits are not used in 2023/24 this income is permanently lost. This would impact on arguing for additional grant funding as the Department of Levelling Up, Housing and Communities (DLUHC) are unlikely to be sympathetic to authorities that have not used available Council Tax and Adult Social Care precept limits.

4. MTFS RECOMMENDATIONS REFERRED BY FINANCE AND POLICY COMMITTEE FOR COUNCIL'S CONSIDERATION AND APPROVAL

- 4.1 It is recommended that the Finance and Policy Committee consider the following recommendations to determine the proposals to be referred to Council. Owing to the timing of meetings a verbal update on the proposals referred from Finance and Policy Committee (28.09.22) will be provided at Council (29.09.22).

- i) Note the significant inflation pressures now facing the Council and the risk these pressures will increase in 2023/24 and 2024/25;

- ii) Approve that the 2023/24 indicative 1.9% Council Tax increase and 1% Adult Social Care precept are confirmed.
- iii) Note recommendation (iii) reflects national Referendum Limits previously set by the Government for 2023/24 and 2024/25.

5. BACKGROUND PAPERS

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

- Finance and Policy Committee - Medium Term Financial Strategy (MTFS) 2023/24 to 2024/25 – 20th June 2022.

6. CONTACT OFFICER

Chris Little
Director of Resource and Development
Email: chris.little@hartlepool.gov.uk
Tel: 01429 523003

FINANCE AND POLICY COMMITTEE

19th September 2022



Report of: Director of Resources and Development

Subject: MEDIUM TERM FINANCIAL STRATEGY (MTFS)
2023/24 TO 2024/25

1. TYPE OF DECISION/APPLICABLE CATEGORY

Budget and Policy Framework.

2. PURPOSE OF REPORT

- 2.1 The purpose of this report is to provide an update on the Council's financial position and enable Members to approve the 2023/24 Council Tax level to be recommended to Council. The proposal reflects the national referendum limits summarised in paragraph 3.1 and the financial position outlined in the report.

3. BACKGROUND

- 3.1 The Government previously set a Council Tax referendum limit of 2% and an Adult Social Care precept limit of 1% for 2023/24 and 2024/25 – i.e. total limit of 3%. These are annual limits and apply on a 'use it or lose' it basis - which means any increases below these limits cannot be caught up with a higher increase in the following year. In line with these limits Council approved indicative increases of 2.9% for these years. Whilst, the Government set annual referendum limits and the Council indicative increases there is a legal requirement to set the level of Council Tax and Adult Social Care precept on an annual basis.

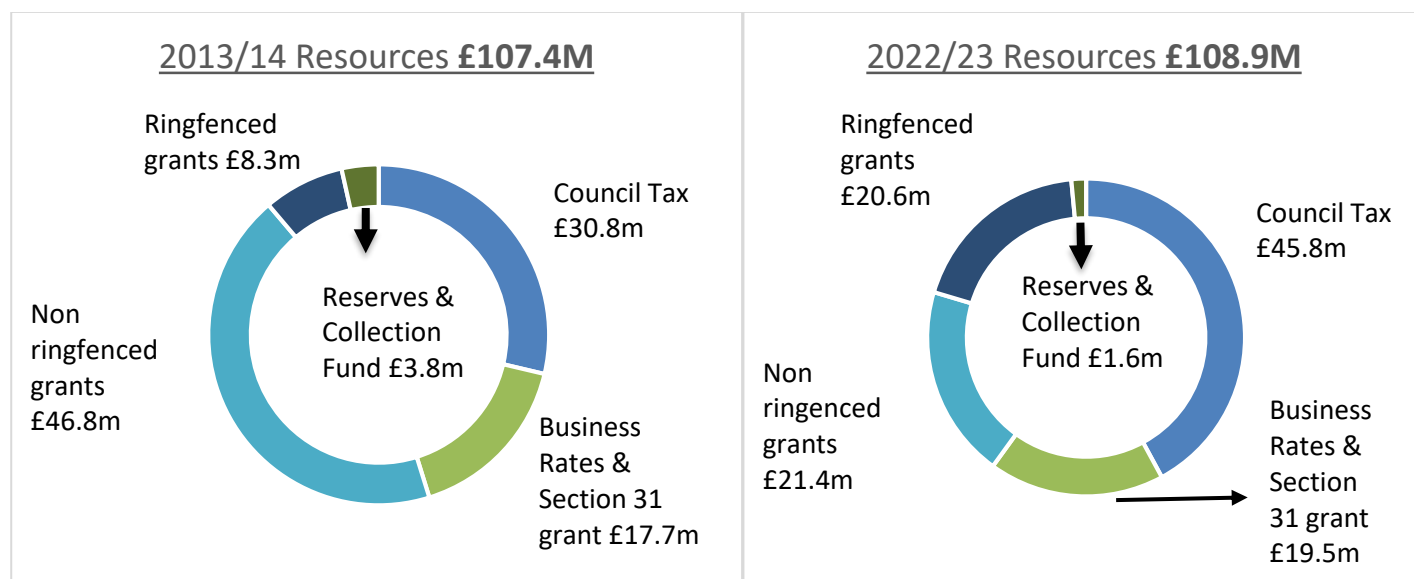
- 3.2 A comprehensive update report was presented to the June meeting and highlighted a number of key issues over the period 2013/14 to 2022/23, which continue to have a major impact on services in future:

- Total cash resources in 2022/23 of £108.9m are only **1.4%** more than they were in 2013/14 (£107.4m) – a cash increase of only **£1.5m over 9 years**.

If total resources had increased in line with the Bank of England's inflation calculator recurring funding in 2022/23 would have been £138m – which is approximately £37m more than actual resources.

- Reliance on Council Tax has increased significantly – in 2013/14 this was **29%** of resources – in 2022/23 it is **42%**. This is a **£15m** shift in funding on to local tax payers – which only covers 59% of the reduction in non ring-fenced Government Funding of **£25.4m**.

3.3 These changes are summarised in the following charts.



3.4 The previous MTFS report indicated that the budget deficits had increased as summarised below:

Previous Forecast Deficits 2023/23 and 2024/25
(with Council Tax and ASC increases in line with national limits)

	2023/24 £m	2024/25 £m	Total £m
Gross forecast deficit	4.834	2.229	7.063
Less recurring Council Tax and ASC Precept Income	(1.330)	(1.370)	(2.700)
Use of Budget Support Reserve (i.e. deficit deferred from 2023/24 to 2024/25)	(0.600)	0.600	0.000
Net forecast deficit	2.904	1.459	4.363

3.5 In view of the risks regarding inflation Members approved the recommendation to develop a saving plan on the basis of savings of £4.4m all being achieved for 2023/24 – and noted the risk these figures would increase and an update is provided in the next section.

4. UPDATE OF 2023/24 AND 2024/25 FORECASTS

4.1 Since the June MTFS update was prepared there have been significant external financial pressure which impact on the Council's financial position, as follows:

- 25th July 2022 – National Employers Organisation pay offer

Pay awards for council staff are agreed nationally, although no additional Government funding is provided.

The previous MTFS report highlighted the risk that the April 2022 pay offer may exceed the revised 4% forecast, which was in line with the provision made by most other councils, although some remained at 3% or even 2%.

The recent national pay offer is a flat rate increase for all council staff of £1,925 from April 2022. This results in higher percentage increases for the lowest paid staff most affected by inflation and results in increases of between 10% and 3.5% (2% or less for Assistant Directors and Directors). Once the April 2022 pay award is agreed the National Employers Organisation have indicated they want to commence the negotiations for 2023 as soon as possible.

The Trade Unions are consulting on this offer in August/September. Assuming Trade Union members accept this offer the earliest we will have certainty is early October.

In financial terms this is an additional budget pressure of £2m - which takes the total pay award pressure for 2022/23 to £4m, which is 7% of the pay bill

If a similar offer is made for 2023/24 this would again exceed the MTFS planning forecast of 3% and increase the budget deficit.

- 4th August 2022 – Bank of England Interest Rate increase

The Base Rate increased to 1.75% from 4th August 2022. When account is taken of increases in previous months this means that since early May 2022 interest rates has increased from 0.25%. It is anticipated the Bank of England will increase interest further in the coming months and rates may increase to 3%, or potentially higher.

For the Council the key issue is long term interest rates and following the recent Bank of England decision PWLB (Public Works Loans Board) interest rates for 50 years loans have increased to 3.7% and will remain at this level, or a higher level until inflation reduces below the 2% Bank of England target.

The Treasury Management Strategy anticipated an increase in long term interest rates – albeit not to the current level. Accordingly in March 2020

we agreed a forward deal to borrow £17m for the capital programme at 2.3% - this secured the interest rate needed for the approved borrowing for the capital programme approved in the 2020/21 MTFS. If we had delayed this decision we would have faced an annual budget pressures of £0.166m based on current PWLB rates.

However, any future borrowing requirement for the capital programme will likely be made at the current higher prevailing rates.

- 17th August 2022 – July inflation figures issued

Figures published on 17th August showed the continuing impact of inflation as the CPI (Consumer Prices Inflation) increased to 10.1% and RPI (Retail Prices Inflation) to 12.3%. The Bank of England has recently forecast CPI increasing to 13% by the end of 2022. Other financial institutions are increasingly forecasting an even higher inflationary peak.

It is not yet clear when inflation will begin to fall and how quickly. The budget for 2023/24 faces a double inflation impact from increases in 2022/23 and 2023/24.

- 4.2 On the basis of these changes the forecast deficit for 2023/24 has increased significantly. The position for 2024/25 is more uncertain and subject to greater risk as a number of areas still need to be assessed and will be subject to external inflation. However, it is expected to deteriorate from the position shown below.

2023/24 and 2024/25 Forecast Deficit

	2023/24 £m	2024/25 £m	Total £m
Gross forecast deficit	4.834	2.229	7.063
Less recurring Council Tax and ASC Income	(1.330)	(1.370)	(2.700)
Use of Budget Support Reserve	(0.600)	0.600	0.000
Sub Total Net Forecast deficit reported June	2.904	1.459	4.363
Specific Inflationary Pressures	2.272	TBC	2.272
Recurring impact of April 2022 Pay Award	2.000	TBC	2.000
External Placement Pressure	1.000	0.000	1.000
Other Service Pressures	0.400	0.090	0.490
Net forecast deficit	8.576	1.549	10.125

- 4.3 The next MTFS report will include the forecast deficit for 2025/26 which will reflect the fact that even if inflation reduces to the previous 2% Bank of England target (which is a significant uncertainty and risk) and Council Tax referendum limits are set at 2% there will be a recurring deficit if Government funding is frozen. The position for 2025/26 would be worse if service demands continue and are not funded by an increase in Government grant. This underlines the need for a robust plan to address the deficits for the next two years.

- 4.4 The 2022/23 MTFS had approved saving to be implemented over the next two years of £1.5m. The significant increase in the deficit will require a new and more radical plan and proposals will be reported to the Committee on 21 November 2022.
- 4.5 As part of this plan a review of reserves will be completed to identify additional resources to support the budget over the next two years. The pay award in 2022/23 will have to be funded from the Budget Support Fund and this will reduce the un-committed resources available to support the budget in 2023/24 and 2024/25 to £3.2m. The review of reserves will need to increase this reserve to provide one off funding for:
- Transitional costs of achieving recurring savings – including redundancy / retirement costs; and
 - To phase the £10m deficit over two years. This will need extremely careful management and a robust plan for delivering savings by 1st April 2024 of £10m otherwise the Council could simply run out of time and money to address the deficit. The reality of the situation is the majority of the deficit will need to be addressed in 2023/24 to avoid deferring an unmanageable deficit to 2024/25 as the inflation risk remains significant for 2024/25
- 4.6 This plan is based on the indicative Council Tax and Adult Social Care precept increases for 2024/25 and 2024/25 being confirmed each year as required by law. Without this income the **£10m** deficit increases to **£12.7m**.
- 4.7 Council Tax increases are always difficult as unlike most other taxes they require an annual decision to increase this income. Payroll Tax increase automatically as pay increases and this income can also increase almost unnoticed if personal allowances are frozen at a time of rising wages for many people, albeit not to at the level of inflation. Similarly, many other taxes, such as VAT, increases as prices rise. Both situations result in increased income for the Treasury and some protection against the impact of inflation.
- 4.8 To highlight this point the national pay award will cost the Council £4m and the payroll taxes will be £1.2m. The Treasury will also gain increased recurring Income Tax and National Insurance from school staff, which is a recurring cost to school budgets from 2022/23.

5. BUDGET TIMETABLE

- 5.1 In view of the significant increase in the deficit the budget timetable has been revised and new key tasks summarised below:

Task	Timescale (dates in brackets previous dates proposed in June F & P MTFS report)
MTFS update and determination of 2022/23 Council Tax level to be recommended to Council. This report will provide the strategic financial direction and be a major determinate of the budget deficit to be addressed from budget savings / other income increases. The report will also provide an updated assessment of the inflation impact. Separate supporting report on 2023/24 Local Council Tax Support (LCTS) scheme options	Finance and Policy Committee – 19 September 2022 - no change
MTFS and LCTS proposals referred by Finance and Policy Committee	Council – 29 September – no change
Review of reserves	Finance and Policy Committee – 21 November 2022 (10 October 2022)
Consideration of initial savings proposals 2023/24 to 2025/26	Finance and Policy Committee 21 November 2022 (10 October 2022)
Consideration of initial savings proposals referred from Finance and Policy Committee	Individual Policy Committees (late November / early December)
Determine budget proposal to be referred to Council	Finance and Policy Committee 12 December 2022 (14 November 2022)
Consideration of budget proposals referred from Finance and Policy Committee	Council – no change – 15 December 2022 (copy of F and P report will be issued with Council papers and supplementary report then issued after F and P meeting)

- 5.2 The budget timetable will also include Members briefings, consultation with the Trade Unions and Business Sector representatives, and statutory consultation as required in relation to detailed budget proposals as these are developed.

6. OTHER CONSIDERATIONS

6.1 Legal Considerations

6.2 The following issues are relevant in relation to this report:

- the Local Government Finance Act 1992 requires local authorities to set a balanced budget – this report continues the budget process and further reports will enable budget proposals to be approved and then referred to Council to meet this requirement;
- the Local Government Act 2003 requires local authorities to consider the advice of their Section 151 Chief Finance Officer (the Director of Resources and Development) when making budget decisions. This advice must include details of the robustness of the estimates made for the purposes of the calculations and the adequacy of the proposed financial reserves. These requirements will be addressed in future reports and initial advice is detailed later in the report.

Risk Implications	Will be addressed as MTFS and savings proposals are developed and will be reported to future meetings.
Consultation	Covered in budget timetable session and will include Members seminars.
Child / Family Poverty	<p>Will be addressed as MTFS and savings proposals are developed and will be reported to future meetings.</p> <p>The recommended Council Tax and ASC precept increases are in line with previously announced national Referendum Limits and significantly below inflation. Increasing Council Tax clearly impacts on all households. The recommendation to retain a 12% LCTS scheme will also support the most financially vulnerable households.</p>
Equality and Diversity	As above.
Section 17 of the Crime and Disorder Act 1998	As above.
Staff	As above

Asset Management	As above.
Environment, Sustainability and Climate Change	As above.

7. ROBUSTNESS ADVICE

- 7.1 By law as the Council's Section 151 Officer I am required to provide advice on the robustness of the budget forecasts. This advice will be provided latter in the year when Finance and Policy Committee, and then Council, consider the overall plan for addressing the significant budget deficits in 2023/24 and 2024/25.
- 7.2 Increasing Council Tax by 1.9% and implementing the 1% ASC precept for 2023/24 achieves recurring income of £1.330m which helps secure a more robust budget position. The challenge of balancing the remaining deficit is significant and will require the development and approval of a robust plan.
- 7.3 Council Tax funds **42%** of the net budget so protecting this recurring income is critical to the financial sustainability of the Council. Not achieving this income would not be robust as it would reduce recurring income and require even greater service cuts to be made in 2023/24.

8. CONCLUSIONS

- 8.1 The financial challenges facing the Council in the current and the next two financial years come on the back of a period of austerity following the 2010 financial crisis. We then faced the Covid pandemic – which the Government recognised was an un-precedent event and provided one off funding to support the economy and councils.
- 8.2 The main factor impacting on the budget is now inflation, which was initially driven by high energy/fuel costs and is now spreading into other cost areas and pay settlements.
- 8.3 As detailed in the separate budget management report the Council will overspend the 2022/23 budget, even after using all the one-off funding set aside for inflation risks and income shortfalls, by £2m. This deficit will need to be funded from the Budget Support Fund – which reduces financial resilience as reserves can only be used once. This highlights the speed and severity of the impact of inflation on the cost of services.
- 8.4 The impact of inflation in 2023/24 is even greater as this year is hit by the ongoing impact of inflation in the current year (without the benefit of the one of resources available in 2022/23) and inflation continuing into 2023/24.

- 8.5 The pressures facing the Council are affecting the whole of the public sector and the new Prime Minister will quickly need to develop a plan to support the economy and the public sector. However, it is unclear whether councils, in particular those with adult and children's social care, will be anywhere near the top of the new Government's funding priorities when considered alongside the NHS, defence, education, police and welfare spending.
- 8.6 Against this background the deficit for 2023/24 of approximately £8.6m is net of:
- a forecast increase in Government funding of £1.890m (4%);
- As reported in June the Chancellor's Spring Statement forecast a 3.4% increase in funding for Local Government, compared to 3.7% for NHS England and 2.9% for Education.
- an increase in income from Council Tax (1.9%) and the ASC precept (1%) – of £1.330m.
- 8.7 Even after allowing for these income increases the Council faces significant deficits over the next two years, and likely beyond, and the decisions which will need to be made will adversely impact on services.
- 8.8 To highlight the scale of the 2023/24 deficit it would require an increase in Government funding for Hartlepool of 22% - which is an unrealistic expectation.
- 8.9 The recommendation to increase Council Tax and the ASC precept in line with previously announced national Referendum Limits is the first step in developing a strategy to address the deficit. Further difficult decisions will be required and will be based around three broad themes – with the first two addressing the 2023/24 deficit and all three addressing the 2024/25 deficit:
- Service reductions - changes in service standards or ceasing some services
 - Income maximisation – scope to increase fees and charges at, or nearer to the rate of inflation and opportunities for growth;
 - Transformation savings – these require longer lead time and may require one off funding based on pay back periods.
- 8.10 The reality of the financial position facing the Council is that service reductions will be the greatest contribution to addressing the deficit as previous measures have already reduced the workforce by 20%.

9. RECOMMENDATIONS

9.1 It is recommended that Members:

- i) Note the report;
- ii) Note the significant inflation pressures now facing the Council and the risk these pressures will increase 2023/24 and 2024/25;
- iii) Recommend to Council that the 2023/24 indicative 1.9% Council Tax increase and 1% Adult Social Care precept are confirmed.
- iv) Note recommendation (iii) reflects national Referendum Limits previously set by the Government for 2023/24 and 2024/25.

10. REASON FOR RECOMMENDATIONS

10.1 To enable the Finance and Policy Committee to approve the proposals to progress the development of the MTFS.

11. BACKGROUND PAPERS

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

- Finance and Policy Committee - Medium Term Financial Strategy (MTFS) 2023/24 to 2024/25 – 20th June 2022.

12. CONTACT OFFICER

Chris Little
 Director of Resources and Development
 Email: chris.little@hartlepool.gov.uk
 Telephone: 01429 523003

Sign Off:-

Managing Director	<input checked="" type="checkbox"/>
Director of Resources and Development	<input checked="" type="checkbox"/>
Chief Solicitor	<input checked="" type="checkbox"/>

COUNCIL

29 September 2022



Report of: Finance and Policy Committee

Subject: LOCAL COUNCIL TAX SUPPORT 2023/24

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to enable Members to consider the proposed 2023/24 Local Council Tax Support (LCTS) scheme recommended by Finance and Policy Committee.

2. BACKGROUND

- 2.1 In accordance with the Constitution, the Finance and Policy Committee is required to consider and recommend the LCTS scheme for the forthcoming financial year (2023/24) for consideration by Council.
- 2.2 A report was considered by Finance and Policy Committee on 28th September 2022 and is attached at **Appendix 1**.
- 2.3 The current LCTS scheme ensures that for working age claimants, those in receipt of full support will pay no more than 12% of their Council tax liability for the year. The report provided options as to increasing this headline rate up to 20%, outlining the additional income that could be generated should such an increase be implemented.
- 2.4 The consequential impact of such increases were also set out, including collection difficulty, the likelihood of increased and sustained arrears for those least able to pay, and that any increase would represent a significant percentage increase, e.g. an increase from 12% to 20% actually represents a 66% increase for those in full receipt of support.
- 2.5 There were no proposed changes to any of the principles, and therefore the parameters of the scheme, nor were there any changes to the support provided to low income pensioners, these being protected to full support as per Government regulations.

3. PROPOSALS

- 3.1 The report recommended no change to the LCTS scheme in 2023/24 and therefore, that it continue as a 12% scheme.

4. RECOMMENDATIONS

- 4.1 It is recommended that the Finance and Policy Committee consider the following recommendations for referral to Council. Owing to the timing of meetings a verbal update on the proposals referred from Finance and Policy Committee (28.09.22) will be provided at Council (29.09.22).

i) Approve the 2023/24 scheme continues as a 12% scheme.

5. REASON FOR RECOMMENDATIONS

- 5.1 To provide a period of stability for both low income working age households eligible for this support and the Council, during the current economic uncertainty.

8. BACKGROUND PAPERS

Local Council tax Support 2023/24 Report to Finance and Policy Committee
28th September 2022.

9. CONTACT OFFICER

James Magog
Assistant Director Finance
Email: james.magog@hartlepool.gov.uk
Tel: 01429 523093

Sign Off:-

Managing Director	<input checked="" type="checkbox"/>
Director of Resources and Development	<input checked="" type="checkbox"/>
Chief Solicitor	<input checked="" type="checkbox"/>

FINANCE AND POLICY COMMITTEE

26 September 2022



Report of: Director of Resources and Development

Subject: LOCAL COUNCIL TAX SUPPORT 2023/24

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Budget and Policy Framework.

2. PURPOSE OF REPORT

2.1 The purpose of the report is to:

- i) Update Members on the operation of the Local Council Tax Support (LCTS) scheme; and
- ii) Set out options for the operation of the LCTS scheme for 2023/24 for consideration and determine the option to be recommended to Council.

3. BACKGROUND

- 3.1 The former national Council Tax Benefit Scheme was abolished by the Welfare Reform Act of 2012 and was replaced with a requirement for Councils to determine and operate their own LCTS scheme with effect from 1 April 2013, thereby transferring responsibility for Council Tax support from central to local government.
- 3.2 The Council has operated a "12% scheme" in every year since 2014/15 (8.5% in 2013/14) ensuring that working age households with a full entitlement pay no more than 12% of Council Tax. Having a supportive LCTS scheme is consistent with the Councils determination to support vulnerable households and the Council Plan 2021/22 to 2023/24. The 12% scheme means that for 2022/23 a Band A household in receipt of full support will pay £176 (inclusive of Council, Cleveland Fire Authority and the Police and Crime Commissioner).
- 3.3 Research by the Institute for Fiscal Studies (published January 2019) showed that for 2018/19 nationally 20% was the most common scheme operated, but a significant number of councils operated a scheme with a

higher percentage i.e. less favourable to claimants. Unfortunately, more recent national benchmarking is not available.

Claimant Numbers

- 3.4 There had been a general reduction in claimants over the period of the local schemes operation. An increase in claimants was experienced during 2020/21, peaking in August 2020 as the Covid pandemic impacted the economy before gradually reducing towards year end. Claimants were supported by the one-off hardship allocation provided by government. As at July 2022 there were 13,306 LCTS claimants, of which 8,764 were working age and 4,542 pension age.
- 3.5 Forecasting future claimant numbers is difficult, especially given the current circumstances. At this stage it is anticipated that the impact of the Cost of Living increase will not be permanent with a steady increase in working age caseload before falling back to historic norms. The Council Tax Base for 2023/24 will include the best available estimate at that time.

Collection Performance

- 3.6 Collecting Council Tax from LCTS households is more resource intensive than non LCTS households. These households are less likely to pay by Direct Debit, instead choosing to make payment in different ways e.g. cash, either at the Civic Centre or via the Post Office and Paypoint network at local shops. In addition there is a greater likelihood that payment is ultimately obtained through Attachment of Benefit. All recovery action is managed sensitivity, whilst seeking to maximise income collection.
- 3.7 Attachment of Benefits (AOB) can only be requested to the DWP following the Council securing a liability order via the Magistrates Court. Currently the highest attachment allowable is £20.58 per month, with only one AOB deduction active at any one time. In the best case scenario, such an attachment could only be secured 3 months into the financial year, thus allowing 9 months of collection. The maximum collectable in this scenario is £185.22 in total for the first year. Whilst the least amount payable for a Band A property is £176 as set out in section 3.2 above, in many circumstances, unless individual's circumstances change, debt continues to accrue year on year.
- 3.8 Currently 6,443 Council Tax accounts have an Attachment of Benefits, though these will not all be current LCTS accounts. In addition there are 5,143 Liability Orders at pending stage. As at the end of July 2022 £3.647m of debt is outstanding to those with Attachment of Benefits. Collection levels remain high for this debt, albeit payment is not all received in the year the liability first became due.

Cost of Scheme

- 3.9 The cost of the current LCTS scheme for 2021/22 was £13.019m in relation to Council Tax support provided to eligible low income households, including pensioners. Each year an estimate is made as to the forecast cost and this is included within the annual Council Tax Base calculation.

Core Principles

- 3.10 The Hartlepool LCTS scheme has been centred on a number of core principles:

Every working age household should pay something towards Council Tax - All working age claimants will have their LCTS entitlements calculated to ensure an affordable and sustainable scheme.

Everyone in the Household should contribute appropriately - We will implement Central Government changes to the value of non-dependant adult deductions from Council Tax Support entitlements.

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

Streamline / Simplify the LCTS Scheme – Our scheme will continue to remove 2nd adult rebate, and restrict backdating of LCTS to a maximum of 4 weeks. The 2nd Adult rebate applies only to Working Age claims, Pension Age claims continue to be eligible for 2nd Adult rebate although current numbers are extremely small.

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

- 3.11 The Government considered the position of low income pensioners associated with the abolition of Council Tax Benefit and the introduction of LCTS. They determined that, unlike most other groups, pensioners cannot reasonably be expected to seek paid employment to increase their income. Therefore the Government determined that as a specific vulnerable group, low income pensioners should be protected from any reduction in support as a result of this reform. There is no indication that the Government will change its position on this core principle for 2023/24.

4. POTENTIAL OPTIONS

- 4.1 The Council has the option to amend the LCTS on an annual basis subject to approval and relevant consultations. Given the budget position outlined elsewhere on today's agenda an increase in support (i.e. a reduction in rate payable) has not been included as an option for consideration – as this would increase the budget gap and mean more service cuts are required.
- 4.2 The table below details a number of potential options to reduce support (i.e. increase the rate payable) for consideration.

LCTS Scheme	Additional Potential Council Tax Income*	Impact on Households				
		Band A LCTS Liability *	Council Tax Increase for LCTS - full entitlement	Amounted Collected via Attachment of Benefit In Year	Arrears at the end of Year 1**	Arrears at the end of Year 2**
12%	n/a	£176	n/a	£185	(£9)	(£18)
14%	£0.164m	£205	16%	£185	£20	£40
16%	£0.327m	£234	33%	£185	£49	£98
18%	£0.491m	£263	49%	£185	£78	£156
20%	£0.654m	£293	66%	£185	£108	£216

*Figures are based on a 90% collection rate for LCTS households, using 2022/23 rates and are inclusive of Cleveland Fire Authority and the Police Commissioner.

**Based on maximum LCTS support and maximum Attachment of Benefits.

- 4.3 An increase from the current 12% amount payable would have a beneficial impact on the value of Council Tax collectable within the Borough. However, there would be a number of consequential outcomes that need careful consideration:
- Collection from LCTS households is generally more challenging and resource intensive for the Revenues Team. An increase to the LCTS amount payable would significantly increase the risk that a 99% overall collection rate inherent in our Base position becomes unachievable.
 - Whilst the headline increases may appear small, the percentage increase is more significant and impacts on those least able to pay. An increase from 12% to 20% represents a 66% increase for those in full receipt of LCTS i.e. from £176 to £293.
 - Currently, Attachment of Benefits (AoB) from month 4 would result in no year-end arrears. An increase in the scheme percentage rate would increase arrears for these low income households. In a 20% scheme scenario these arrears increase significantly to £108 for year one. As only one AoB can be in place at any one time, higher arrears

will also become stacked, placing a significant financial burden on low income households.

- Despite best efforts, there would be an increase in arrears and bad debt write off in future years as a consequence of any increase. For many of those with Attachment of Benefits, arrears would grow year on year.
- The last public consultation on the LCTS was in autumn 2019. Of the 333 respondents, 64% were in favour of retaining the 12% minimum payment. Of those who did favour an increase, 49% were in favour of the smallest possible increase, to 14%.

- 4.4 A growing number of Councils are moving to a “banded scheme” which creates income bands that determines a level of Council Tax Support, rather than specific income. Two of the Tees Valley authorities moved to such a scheme in recent years. Such an approach whilst creating “cliff-edges” in support does simplify the scheme and has clear administrative benefits.
- 4.5 The government has recently recommenced Universal Credit migration. Those households transferring no longer receive housing benefit from the Council but instead receive housing financial support as part of their Universal Credit. This has a consequential impact on the level of Housing Benefit Administration Grant received by the Council and therefore the size and structure of the Benefits team within the Council
- 4.6 Given the factors set out in 4.4 and 4.5 officers have begun the complex financial modelling for a proposed banded scheme and details will be reported as part of the process for setting the 2024/25 LCTS scheme.
- 4.7 However, experience from councils which have adopted this banded approach indicates that the changes either increase the cost to the council, which would increase the overall budget gap, or reduces support to some low income households. Neither outcome would be appropriate during the current economic uncertainty and given cost of living pressures. As such it is not proposed to progress a banded scheme for 2023/24, but instead continue to adopt a 12% LCTS scheme.
- 4.8 The core principles set out in section 3.9 underpin the Council’s LCTS scheme and have been in place from the outset. It is proposed that these principles are carried forward into the 2023/24 scheme without amendment.
- 4.9 LCTS entitlements are determined using a complex means tested calculation. Hartlepool continue to apply within its LCTS schemes, those changes applied by the DWP to the national Housing Benefit scheme. It is proposed that this continues for 2023/24 to mirror national changes to promote consistency and simplify administrative processes.

- 4.10 On the basis of the above factors it is recommended that a 12% scheme is maintained.

5. RISK IMPLICATIONS

- 5.1 Any increase in the level of Council Tax payable by recipients of LCTS will increase the risk of collection performance dropping for LCTS recipients but also the wider collection position given the increased administrative burden that will result. Continuing with a 12% scheme will mitigate that risk.

6. FINANCIAL CONSIDERATIONS

- 6.1 The cost of the LCTS scheme is included within the annual Council Tax Base calculations. The MTFS allows for a base increase over the period, reflecting both the anticipated cost of LCTS, but also other factors such as housing growth. The MTFS will be updated when the Base position is calculated based on latest available information in November.
- 6.2 The proposals set at section 4, outline the potential increased Council Tax that could be achieved with a reduction in support. Continued effort will be made to engage with and increase the collection rate for those in receipt of LCTS.

7. LEGAL CONSIDERATIONS

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

8. CONSULTATION

- 8.1 There is a requirement to consult on any proposals that amend the current LCTS scheme. Therefore, if Members determine they wish to consider alternative LCTS schemes the necessary consultation will need to be undertaken and a further report then brought back to this Committee to determine the recommended scheme to be referred to Council.

9. CHILD / FAMILY POVERTY

- 9.1 An Impact Assessment covering LCTS has been reviewed and is included at Appendix A, which reflects continuation of a 12% scheme. This will need updating if Members wish to consult on alternative options and the implications then considered alongside the consultation outcome before a final decision is made.

10. EQUALITY AND DIVERSITY

- 10.1 An Impact Assessment covering LCTS has been reviewed and is included at Appendix B. As detailed in paragraph 9.1 this is based on a 12% scheme and would also need to be updated should alternative options be considered.

11. OTHER CONSIDERATIONS

Staff Considerations	No relevant issues
Asset Management considerations	No relevant issues
Environment, sustainability and climate change considerations	No relevant issues

12. RECOMMENDATIONS

- 12.1 It is recommended that Members:
- i. Note the current costs and administration impact/risks associated with the LCTS scheme; and
 - ii. Approve the 2023/24 scheme continues as a 12% scheme, to be referred to full Council.

13. REASON FOR RECOMMENDATIONS

- 13.1 To update Finance and Policy Committee on the latest position with regard to the LCTS scheme.
- 13.2 The recommendation to refer continuation of a 12% LCTS scheme for 2023/24 to full Council is designed to provide a period of stability for both low income working age households eligible for this support and the Council, during the current economic uncertainty.

14. BACKGROUND PAPERS

- 14.1 Local Council Tax Support 2022/23 – Report to Finance and Policy Committee 13 September 2021.

15. CONTACT OFFICER

James Magog
 Assistant Director (Finance)
 01429 523093
James.magog@hartlepool.gov.uk

Sign Off:-

Managing Director



Director of Resources and Development



Chief Solicitor





Report of: Managing Director

Subject: BUSINESS REPORT

1. SPECIAL URGENCY DECISIONS

In accordance with the requirements of the Access to Information Procedure Rules included in the Council's Constitution, Full Council is informed that **no** special urgency decision were taken in the period May 2022 – July 2022.

2. RESIGNATION OF COUNCILLORS

I have received notification from Stephen Picton that he has resigned as a Councillor. There is a consequent vacancy on Victoria and Jubilee Homes.

A by-election was held on 8 September when Councillor Carole Thompson was elected.

Notification has also been received from Amy Prince that she has resigned as a Councillor. A by-election will be held on 13 October 2022. Councillor Prince had been appointed to the following:-

Appointments Panel
Finance and Policy Committee
Licensing Committee

Outside Bodies

Cleveland Police and Crime Panel
Patrol (Parking and Traffic Regulations Outside London) Adjudication Joint Committee

Labour nominations are sought.

3. COMMITTEE RESIGNATIONS

I have received notification from Councillor Falconer that after much thought, she has decided to resign from the Adults and Community Based Services Committee and Tees Valley Health Scrutiny Committee. A report is to be considered by the Audit and Governance Committee, on 29th September, to seek replacement nomination in relation to the subsequent vacancy on the Tees Valley Health Scrutiny Committee.

I have received also notification that unfortunately due to the nature of his work it is not possible for Councillor Leedham to attend the scheduled meetings of the Children's Services Committee. It is, therefore, with regret that he has decided to resign his seat on that Committee. I understand that Councillor Cowie has been nominated to replace Councillor Leedham on the Committee.

Council is requested to appoint a replacement members to the Committees

4. MEMBER CHAMPIONS

Elected Members will recall that at the last meeting of Full Council, it was agreed that Member Champions be the Chair or Vice Chair of the relevant Committee unless there was an interest from another Elected Member to fulfil the role, in which case, an appointment would be made by way of a vote at Full Council

The Chief Solicitor has written to all Elected Members requesting that they let her know of any expressions of interest in relation to the Member Champions. Replies have been received as follows:-

Heritage Champion
Mental Health Champion
Older Person's Champion - Councillor Buchan
Refugee Champion – Councillor Cowie
Looked After Children Champion – Councillors Lindridge and Harrison

Full Council is requested to consider appointments to the Member Champion roles listed above.

5. APPOINTMENT OF LOCAL AUTHORITY PARTNER MEMBERS TO SERVE ON THE INTEGRATED CARE BOARD

The membership of the North East and North Cumbria Integrated Care Board (ICB) includes eight places for 'partner members': four from Local Authorities, two from Foundation Trusts and two from Primary Care providers, as detailed in **Appendix '1'**.

Elected Members are requested to note that, following the Annual General Meeting of the Association of North East Councils, Councillor Shane Moore has been nominated to be one of the Partner Members on the Board.

5. LOCAL PLAN PROCESS

In response to the query raised by an Elected Member at the last Full Council meeting when clarification was asked in relation to the approval process for the Local Plan, I agreed that I would provide an update to all members as soon as reasonably possible. This information was emailed to all Members 1st August 2022, and is attached at **Appendix 2** for completeness.

7. COVID UPDATE

Case rates continue to follow the national pattern, whilst we saw a slight peak end July beginning August, which we are putting down to the start of the summer holidays we are now following national trends. We should be mindful that testing numbers are low and the picture is therefore relatively vague therefore we rely on hospitalisations to advise on the severity of the situation, for North Tees Hospital from 1st June to end of August there were 22 cases and roughly one third relate to Hartlepool cases.

Vaccination rates are comparable with all England national rates across all age ranges for first and second doses. We have seen a positive increase in the vaccination rate for the booster programme which commenced 5th September in Hartlepool and we have access to the NHS mobile units in Supermarket car parks and continue to advertise them at every opportunity.

There are low numbers of Monkey Pox cases in Hartlepool and because of this I am unable to share the exact details as individuals could be identified, however I can say we have fewer than 6 cases. Figures for the UK, England and the North East region are listed below

UK – 3413 cases

England – 3259 cases

North East 47 cases

8. LEVELLING UP FUND ROUND 2

I can confirm that we have submitted our application to the Levelling up Fund Round 2 for 'Catalysing Hartlepool's Screen Industries Production Village'. It is a very comprehensive and genuinely transformational programme as outlined below:

Leveraging Hartlepool's emerging strength in the Screen Industries and wider creative sectors', a Production Village will be embedded within Hartlepool Town Centre. The Village will complement recent investments (e.g. Northern Studios) by providing supporting infrastructure within a transformed urban environment, creating a place where people want to live, work and visit. Through acquisition and development of flexible spaces for post-production, back-office and wider support services for the Screen Industries, the intervention will support job creation,

productivity growth, enhanced urban environment and placemaking at the heart of Hartlepool, setting foundations for future market-led intervention in an emerging North-East Screen Industries hub.

The total project costs are £18,567,891 with a request for capital grant of **£16,453,891** and a match funding provision of £2,114,000. DLUHC have confirmed receipt of the submission and we now await any clarifications, but hopefully approval sometime from November onwards.

9. TOWN DEAL UPDATE

DLUHC have advised that all five of our Town Deal projects i.e. the Health & Social Care Academy, the Civils Academy, the Waterfront Connectivity and Wesley Chapel have passed the review stage and funding should be released during September. Middleton Grange Business Case approval obtained from Finance and Policy 24th August, and has been submitted to DLUHC. This is the last of the five Town Deal business cases submitted for consideration.

10. MAYORAL DEVELOPMENT COMPANY UPDATE

Members are aware that the Tees Valley Mayor has been consulting on the establishment of a Hartlepool Mayoral Development Corporation (HMDC), consultation closed 4th August and the vast majority of responses were supportive. I am currently in liaison with the TV Mayor and TVCA Chief Executive regarding the final boundary, determining what powers / assets to transfer, the constitution and membership all of which will be developed and set before Council in November for Members consideration. I intend to arrange a Members seminar prior to Council to enable members to consider all proposals.

24 August 2022

Dear colleagues,

Appointment of Local Authority Partner Members to serve on the Integrated Care Board

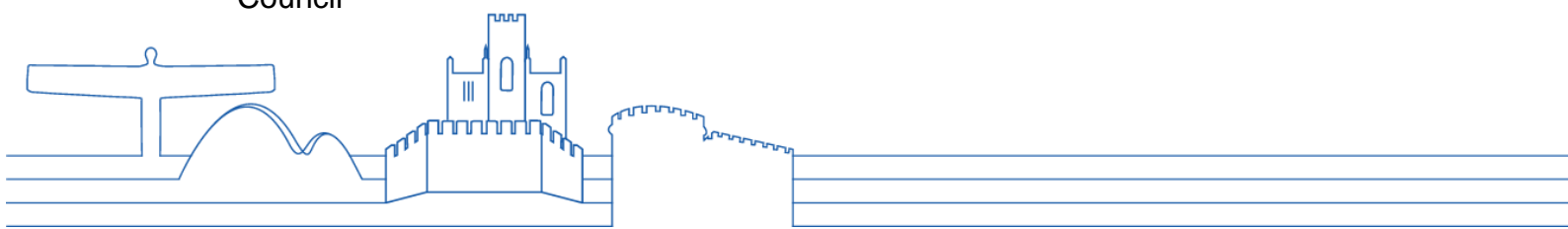
As you will know, the membership of the North East and North Cumbria Integrated Care Board (ICB) includes eight places for 'partner members': four from local authorities, two from foundation trusts, and two from primary care providers. Although the minimum requirement on our ICB was for *one* local authority partner member, we pushed hard for *four* to recognise the size and scale of our ICS area which covers thirteen local authority areas, and this was accepted by NHS England.

The role of these partner members will be to serve as a full member of the ICB as a unitary board, *inter alia* responsible for stewardship of NHS funds, and to be bound by individual and collective accountability for the decisions that the board makes – while at the same time bringing knowledge and perspective from their respective sectors (but not be delegates or carry agreed mandates from any part of that sector).

Nominations

Local authority partner members must be jointly nominated by all of the local authorities in the ICB's area, and we are pleased that, following the AGM of the Association of North East Councils (ANEC) on 15 July, we have received the following nominations to serve on the ICB:

- **Cllr Shane Moore**, Elected Member and Leader of Hartlepool Borough Council
- **Tom Hall**, Director of Public Health at South Tyneside Council
Deputy: Colin Cox, Director of Public Health at Cumbria County Council
- **Ann Workman**, Director of Adults and Health at Stockton-on-Tees Borough Council
Deputy: Erik Scollay, Director of Adults' Social Services at Middlesbrough Council
- **Cath McEvoy-Carr**, Director for Children, Education and Skills at Newcastle City Council
Deputy: Jacqui Old, Director for Children and Adult Services at North Tyneside Council



One of our guiding principles for the appointment of these members was that they be drawn from across our ICB area, so we are pleased and grateful that this criterion has been met in the four nominations we have received.

Colleagues will be aware that Cumbria County Council is currently being restructured, with the two new local authorities of Cumberland and Westmorland & Furness being established next year. As Cumbria County Council is not a member of ANEC we have agreed in discussions with senior colleagues in Cumbria that we will revisit the arrangements for the representation of their elected members after the council reorganisation process concludes in April 2023.

Next steps

I would be grateful if your local authority could confirm by email to danjackson@nhs.net that it supports the joint nomination of the individuals listed above. Please note that, as is set out in our ICB constitution, if we do not receive a response within 10 working days from the issue of this letter (i.e., by 7 September 2022), this will be deemed to constitute support for their joint nomination.

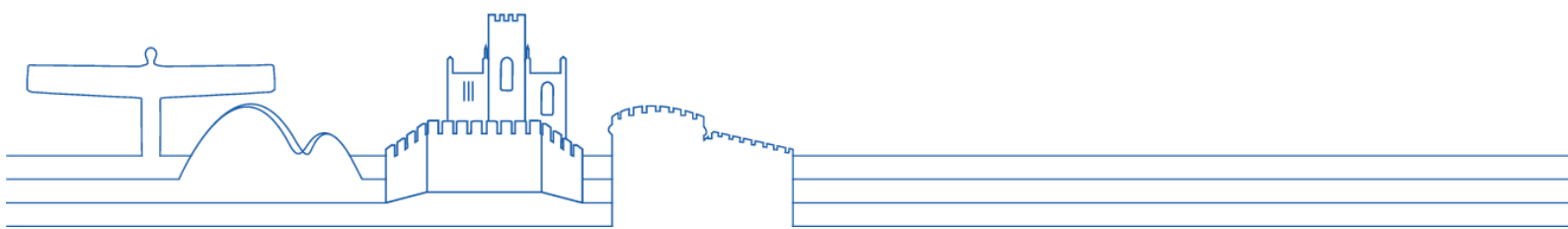
If agreed by our local authorities, these nominees will then need to be formally ratified by an appointments panel convened by the ICB Chair and Chief Executive. The term of office for partner members on the board will be two years. Their service will be limited to two terms but at the end of each term of office, local authorities will be asked if there are alternative nominations for these positions.

Thank you for your ongoing support in the development of our ICB, and I look forward to working with you all to improve the health of the communities that we are proud to serve.

Yours sincerely,



Samantha Allen
Chief Executive
North East & North Cumbria ICB



LOCAL PLAN PROCESS

The requirement for authorities to have a Local Plan is set out in the Planning and Compulsory Purchase Act 2004 and the 2018 Hartlepool Local Plan was adopted by Full Council on the 22nd May 2018 following receipt of the Planning Inspectors Report from the Local Plan Examination.

The Local Plan is the key Development Plan Document within the Local Development Framework and it sets out the spatial vision and strategic objectives for the Borough for the next 15 years. The plan contains a suite of policies to assist in delivering the spatial vision and objectives and ensuring the development that occurs in the Borough is sustainable.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Further guidance on Local Plans is set out in the National Planning Policy Framework which states that the planning system should be genuinely plan-led. It adds that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

Therefore the preparation and review of all policies should be underpinned by relevant and up-to-date evidence, which should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. These should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Reviews at least every five years are a legal requirement for all local plans.

Having an up to date plan in place helps to create certainty in decision making and ensures that the infrastructure required to support the growth of the Borough is delivered in a strategic and sustainable manner and enables developer contributions to be sought from developments to help deliver the necessary infrastructure, such as affordable homes, highway works, green spaces, education, health provision, etc. There are a number of stages which must be followed in terms of a partial Local Plan review. At each stage, where a draft version of the document needs to be consulted on that draft will be reported to Neighbourhood Services Committee to seek permission to consult. Consultation responses will be considered in developing the next stage of the Local Plan. A Publication Plan will then be submitted to the Secretary of State who will undertake an Examination in Public of the Local Plan. Changes to the plan will be recommended to make the plan sound prior to the authority being able to adopt it. The final plan following the examination and changes must be adopted by full Council.

We are aware that the Levelling-up and Regeneration Bill (LURB) published in May 2022 covers a wide range of issues including Planning, and we also understand that a set of National Development Management Policies (NDMPs) will be introduced. These will set policies on issues that apply in most areas and will sit alongside local plan policies in decision-making, therefore it is hoped that this will contribute to making plan production more efficient by taking out duplication between national and local policy.

Member questions for Council

Meeting: 29 September 2022

1.	From: Councillor Brash
	To: Councillor Cassidy Chair of Neighbourhood Services Committee
	Question: ""Can the chair of neighbourhood services explain why the policy of charging disabled people to park is being pursued?"

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

25 MARCH 2022



PRESENT:

CHAIR

Cllr Paul Kirton – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL

Cllrs Tom Cassidy, Ben Clayton, Tim Fleming

MIDDLESBROUGH COUNCIL

Cllrs Teresa Higgins

REDCAR & CLEVELAND BOROUGH COUNCIL

Cllrs Cliff Foggo, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL

Cllrs Luke Frost, Lynn Hall, Jean O'Donnell,

AUTHORISED OFFICERS

Chief Fire Officer, ACFO–Strategic Planning & Finance, ACFO-Community Protection, Legal Adviser and Monitoring Officer, Deputy Treasurer

APOLOGIES:

Treasurer

Cllrs Billy Ayre, Adam Brook - Redcar & Cleveland Borough Council

Cllrs Naweed Hussain, Tom Mawston - Middlesbrough Council

Cllr Steve Matthews - Stockton on Tees Borough Council

121. DECLARATIONS OF MEMBERS INTEREST

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

122. MINUTES

RESOLVED – that the minutes of the Ordinary meeting of 11 February 2022 be confirmed.

123. MINUTES OF MEETINGS

RESOLVED - that the Minutes of the Audit & Governance Committee on 25 February 2022 and Executive Committee on 4 March 2022 be confirmed.

124. COMMUNICATIONS RECEIVED BY THE CHAIR

The following communication were received:

- Fire & Rescue Services Association – Fire Service Reform
- Gill Gittins – Green Book Negotiations
- Fire Brigades Union Head Office – Service Duty Systems, Working hours

RESOLVED – that the communications be noted.

125. REPORTS OF THE CHIEF FIRE OFFICER

125.1 Community Risk Management Plan 2022-26

The Chief Fire Officer (CFO) presented the outcomes from the consultation exercise on the draft Community Risk Management Plan (CRMP) 2022-26, as detailed in the feedback report at Appendix 2.

The CFO reported that the CRMP sets out the Authority's risk management proposals for the next four years which will direct work activities and resources. These are summarised below:

- enhancements to our risk identification and assessment arrangements
- helping people stay safe in their homes
- tackling arson and deliberate fire setting
- delivering efficient, effective and value for money community safety activities
- supporting businesses to keep their buildings safe
- ensuring our fire-fighters can respond quickly to operational incidents including those across the border
- supporting national resilience
- being better prepared to deal with incidents involving buildings where the height can have serious impact on firefighting and evacuation
- efficient deployment of our operational resources
- exploring further collaboration and partnership working

The CFO noted that the Authority had to deliver the CRMP against the approved cost envelope of £30.6m and while this was a four-year plan, current uncertainties from rising inflation and energy costs, pensions issues and national insurance increases may impact budget forecasts in coming years.

RESOLVED: -

- (i) That the details of the consultation exercise in relation to the Authority's draft CRMP proposals 2022-26 as set out in Sections 5 and 6 of this report and in the Consultation Feedback Report at Appendix 2, be noted.**
- (i) That Members noted the updated medium term financial position, the continued uncertainty in future funding and the potential deficits of between £0.551m and £1.467m as detailed in paragraphs 5.3, 5.4 and 5.5 of this report and set out in full in the Authority's Medium Term Financial Strategy 2022.**
- (ii) That in light of the Authority's comprehensive risk assessments, financial position and consultation exercise, Members approved the CRMP 2022-26, attached as Appendix 1, for publication and implementation on 1 April 2022. Strategy 2022/26 that was approved by the Fire Authority on 15 February**

125.2 Resource Plan 2022-26

Members considered the Resource Plan which is aligned to the CRMP 2022-26 and sets out the how the Authority will achieve value for money for the community and maximise organisational performance to ensure efficient, sustainable resources for next four years.

The CFO reported that the plan incorporated the Authority's Efficiency Plan and was a 'living' document that would adapt as progress was made towards delivering against the following themed areas:

125.2 Resource Plan 2022-26 cont.

- Human Resources
- Medium Term Financial Resources
- Assets (estates, fleet and equipment)
- Digital Transformation
- Procurement
- Collaboration & Partnerships
- Climate Change

The Plan has been Equality Impact Assessed with no detrimental impact on any group of staff, including those with one or more protected characteristics.

RESOLVED – that the Resource Plan 2022-26 be approved for implementation with effect of 1 April 2022 and published on the Authority’s website.

125.3 Information Pack

125.3.1 Campaigns

RESOLVED – That the Information Pack be noted.

126. REPORT OF THE CLERK TO THE AUTHORITY

126.1 Cleveland Fire Authority Meetings 2022/23

Members considered the proposed schedule of Cleveland Fire Authority meetings for the municipal year of 2022/23. The Clerk confirmed that the dates were aligned to the Authority’s business planning calendar.

Councillor Hall expressed concern that the Authority did not currently have an Audit & Governance Chair in place and suggested an appointment be made before the Annual Meeting on 17 June 2022. The Legal Adviser and Monitoring Officer (LAMO) informed Members that in accordance with the Standing Orders an Audit & Governance Committee Chair would be appointed at the Annual Meeting and the Vice Chair would preside until then.

Councillor Frost asked whether the meeting times could be moved from 2pm to 1pm to avoid rush hour traffic. The LAMO confirmed that as meeting times were part of the Standing Orders this could only be considered at the Annual Meeting.

RESOLVED – That the Cleveland Fire Authority meeting schedule for 2022/23 be approved.

126.2 Treasury Management Strategy 2022/23

Members considered the Treasury Management Strategy 2022/23 which covered:

- Economic Background and Outlook for Interest Rates
- Interest Rate Forecasts up to March 2025
- Treasury Management Strategy 2022/23
- Borrowing Strategy 2022/23
- Investment Strategy 2022/23
- Minimum Revenue Provision and Interest Costs / Regulatory Information 2022/23
- Borrowing and Prudential Indicators

126.2 Treasury Management Strategy 2022/23 cont.

The Deputy Treasurer reported that the Strategy had been scrutinised by the Audit and Governance Committee on 25 February 2022 and no issues had been raised. Councillor Foggo asked how the situation in Ukraine would impact the Authority. The Deputy Treasurer confirmed that any impact from inflationary pressures would be reflected in the Authority's outturn position for the first quarter 2022-23. The financial position would be closely monitored and Members kept informed of any issues.

Councillor Frost noted that the Authority was required to work to a 2% efficiency and productivity target and asked if this was achievable. The CFO confirmed that the National Framework required the Authority to achieve 3% efficiencies from the operational workforce and 2% efficiencies from non-pay budgets and these had been built into the Resource Plan. The Executive Leadership Team was currently developing a contingency plan to meet a deficit of up to £1.4m and the CFO acknowledged this might increase due to the current financial uncertainties.

RESOLVED - That Members noted the report and approved the following detailed recommendations: -

- (i) That the prudential indicators outline in Appendix B be approved.**
- (ii) Borrowing Strategy 2022/23
That Members note that in the event of a change in economic circumstances that the Treasurer may take out additional borrowing in advance of need if this secures the lowest long term interest cost.**
- (iii) Investment Strategy 2022/23
That the Counterparty limits as set out in paragraph 7 be approved.**

127. REPORT OF LEGAL ADVISER AND MONITORING OFFICER

127.1 PAY POLICY STATEMENT 2022/23

The Legal Adviser and Monitoring Officer (LAMO) reported that in line with the provisions set out in the Localism Act 2011, the Authority had a statutory duty to prepare a Pay Policy Statement for each financial year relating to:

- the remuneration of its chief officers
- the remuneration of its lowest paid employees
- the relationship between:
 - the remuneration of its chief officers and
 - the remuneration of its employees who are not chief officers

The LAMO outlined the Pay Policy Statement 2022/23 at Appendix 1, which had been recommended by the Executive Committee on 4 March 2022, and highlighted the remuneration of the lowest paid employees which was:

- Firefighter (Development) - £25,702
- Non-operational employees Grade B (Development) - £18,562 (£18,887 subject to confirmation of April 2021 payment).

He reported that the Government's National Living Wage sets a minimum wage for all workers aged 25 years and over which equates to £18,325.50, which was lower than the Authority's lowest paid employees Grade B (Development) which was £18,562 (£18,887 subject to confirmation of April 2021 payment).

RESOLVED - That Cleveland Fire Authority's Pay Policy Statement 2022/23 be approved and published.

- 128. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006**
RESOLVED - “That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 & 4 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information relating to the financial or business affairs of any particular person (including the authority) holding that information.”
- 129. CONFIDENTIAL MINUTES OF MEETINGS**
RESOLVED – that the Confidential Minutes of the Executive Committee on 4 March 2022 be confirmed.
- 130. CONFIDENTIAL REPORTS OF THE CHIEF FIRE OFFICER**
- 130.1 Cleveland Fire Brigade’s HMICFRS Inspection 2022**
The CFO provided Members with the outcomes of the ‘This is Us’ self-assessment and outlined the preparation activities for the inspection scheduled for May 2022.
- 130.2 Ukraine Crisis Update**
Members received details of the local, regional and national Fire and Rescue Service activities to support the people Ukraine.

COUNCILLOR PAUL KIRTON
CHAIR

Cleveland Police and Crime Panel

A meeting of Cleveland Police and Crime Panel was held on Tuesday 31 March 2022.

Present: Cllr Tony Riordan (Chair), Cllr Barrie Cooper (Vice Chair), Cllr Graham Cutler, Cllr Stefan Houghton, Cllr Chris Jones, Paul McGrath, Cllr Shane Moore, Cllr Steve Nelson, Cllr Amy Prince, Luigi Salvati, Cllr Norma Stephenson OBE

Officers: Andrew Nixon, Alison Pearson (Redcar and Cleveland Borough Council).

Also in attendance: Steve Turner (Police and Crime Commissioner) Lisa Oldroyd, and Rachelle Kipling (Commissioner's Office)

Apologies: Cllr Sue Jeffrey, Cllr Tom Mawston, Mayor Andy Preston

PCP 83/21 Welcome by the Chair

The Chair welcomed everyone to the meeting.

PCP 84/21 Declarations of Interest

There were no interests declared.

PCP 85/21 Minutes of the meetings held on 1 February and 10 February 2022, and Attendance Matrix

Consideration was given to the minutes of the meetings held on 1 February and 10 February 2022. The attendance matrix was also noted.

RESOLVED that the minutes of the meetings held on 1 February and 10 February 2022 be agreed as a correct record.

PCP 86/21 MFC Kicks

Lynsey Edwards, Liam Watson and Keith Robson attended the Panel meeting to give a presentation on the work of MFC Kicks. Kicks was a national initiative funded by the Premier League to use football and the brand of a professional football club to engage 8-18 year olds in deprived areas where crime, anti-social behaviour and youth violence are prevalent. Premiership funding is dependent on match funding locally.

The Office of the Police and Crime Commissioner had awarded funding to the MFC Foundation for the continuation of the Kicks programme across Cleveland until March 2025.

The benefits of the programme were expected to be a reduction in youth crime and anti-social behaviour in the targeted areas and an increase in community cohesion.

The presentation set out various strands of the overall Kicks programme, provided statistics on engagement and impact, and aspirations for the future

expansion and development of the programme.

The Panel welcomed the information provided and congratulated the team on the work of the programme.

RESOLVED that the information be noted.

**PCP
87/21**

Police and Crime Plan Performance Report

The Commissioner presented his Police and Crime Plan Performance and Delivery Report which covered the period up to the end of quarter 3 (December 2021). The full delivery plan update was due to be published mid-April and quarterly thereafter in line with the financial reporting year.

The document was new way of presenting performance and intended to provide information in an open and transparent manner about the activities that were being progressed to deliver the four key strategic outcomes that were set out in the Police and Crime Plan launched in December 2021. The report was a work in progress and work was continuing to further refine the data sets.

The Panel asked about resources and the recruitment and retention of police officers, the use of PCSO and specials and the impact of the loss of experience when senior officers leave the service. Data demonstrated that more rank officers had joined the service than had left, but there was some movement of senior staff.

The data presented in relation to the number of PCSO's and Specials appeared incomplete in the report. The Commissioner agreed to provide the data once it was available.

The Panel discussed the use of stop and search and asked if the Commissioner was confident there was no racial element to stop and search in Cleveland Police.

The Commissioner advised that the data during reporting quarter 3 showed that the number of stop and searches carried out by the force was 1546 which was 261 less than the same period in the previous year. There continued to be some differences in stop and search rates by ethnicity, age and gender, however, when compared to local population data, the profile reflected the local community.

Stop and search data was presented to the Strategic Independent Advisory Group (IAG) for scrutiny on a regular basis. The Commissioner extended an invitation to Panel Members to attend an IAG meeting to see more granular detail and consider whether it was an area of focus they wished to examine further through a sub-committee or task and finish panel.

A further question was asked about the gender profile of offenders and the Divert programme which engaged with first-time and low-level offenders to address the underlying causes of offending behaviour and prevent further offending and victimisation.

The Commissioner advised the Panel that between 1 April 2021 and 31 December 2021, the service received 303 referrals, with 234 accepted onto the programme. He agreed to provide a gender breakdown of the referrals to the Panel for information.

A Panel Member commented that modern and more colloquial terminology in relation to areas of work such as Domestic Abuse are not always fully understood and suggested a glossary of such terms could be beneficial.

A Panel Member commented that the rate per 1000 for the Cleveland in relation to Violent Crime appeared to be missing from the data and asked that this be included in future reports.

The data associated with Anti-social Behaviour was also requested to be provided to demonstrate the impact of the range of interventions being progressed address this issue.

RESOLVED that the Panel note the information and the requested additional data be provided.

**PCP
88/21**

Commissioner's Scrutiny Programme

Consideration was given to a report that provided an update on the PCC's scrutiny programme.

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

The PCC had a range of scrutiny approaches in place to engage with the Chief Constable and hold Cleveland Police to account. These take place on a daily, weekly and monthly schedule and include a range of meetings, data and feedback from partners and the public.

Since the last Police and Crime Panel the PCC had held two formal scrutiny meetings which were held on 22 February and 17 March and focused on Quarterly Performance Monitoring, Stalking and Harassment, and Training for Probationers and Regulation 13.

Stalking and Harassment

The Commissioner had sought assurance from the Force on whether it was tackling the issue of stalking and harassment effectively, whether Stalking Protection Orders were being used effectively and whether appropriate training and advice was given to officers.

Based on the information provided from the Force the PCC was not assured and had requested further discussions to take place between Cleveland Police and the Office of the Police and Crime Commissioner.

Training for Probationers and Regulation 13.

The Commissioner had sought assurance on the training and support for probationers, specifically in relation to whether the Assessment Team was staffed appropriately, were 'side by side' assessments taking place, were checklists being marked in a timely and consistent way, what supervisory processes were in place and whether the Force was confident in their Regulation 13 in terms of the individual steps taken and evidence provided at each case conference.

Based on the information provided from the Force, the PCC was assured although had requested some further information in relation to succession planning of the learning and development team.

Quarterly Performance Monitoring

The PCC held the first of the new quarterly performance meetings to review progress against the Police and Crime Plan and national crime and policing measures.

The initial meeting provided the baseline for future quarterly performance reports and an overview of where the force perceived themselves to be.

RESOLVED that the report be noted.

**PCP
89/21**

Decisions of the Commissioner and Forward Plan

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

The Police and Crime Commissioner made all decisions unless specifically delegated within the Scheme of Consent/Delegation. All decisions 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 was 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.

RESOLVED that the report be noted.

**PCP
90/21**

OPCC Communications and Engagement

The Commissioner presented a new style report detailing the Communication Activity of the OPCC's office between 1 January 2022 and 28 February 2022.

The Panel asked about the availability and circulation of the newsletter and it was suggested that the Panel Members could use their own networks to help increase the reach of the newsletter.

It was noted that there was a difference between the social media and communication activity of the OPCCs office and the Force.

The Commissioner advised that attendance at the monthly ward surgeries had increased but that they remained on an appointment basis only for security purposes.

RESOLVED that the report be noted.

**PCP
91/21**

Members' Questions to the Commissioner

The following question had been submitted by Councillor Tom Mawston for response by the Commissioner

"We are all aware of the appalling ASB in Hemlington Ward and the response from Police and Middlesbrough Council. Marton and Nunthorpe Wards have seen an increase in ASB possibly by young people dispersed by the action seen in Hemlington. We are still being Policed in a reactive manner with our limited cover frequently redirected to other areas.

When can we see dedicated neighbourhood Police teams being introduced that will be seen on a regular basis by residents and will not be redeployed elsewhere short of there being a major emergency.

This and a more reliable and responsive non-emergency contact number will go a long way to restoring public confidence in Cleveland Police."

As Councillor Tom Mawston was not present at the meeting, it was agreed that the Commissioner would respond directly to Councillor Mawston in writing.

The following question had been submitted from Councillor Steve Nelson for response by the Commissioner:

"What is the theoretical full complement of neighbourhood police officers in:
Cleveland
Hartlepool
Middlesbrough
Redcar & Cleveland
Stockton

How many neighbourhood police officers are currently actually in situ/post in:
Cleveland

Hartlepool
Middlesbrough
Redcar & Cleveland
Stockton

Of those neighbourhood police officers in situ/post how many are currently on secondment/attachment elsewhere in:

Cleveland
Hartlepool
Middlesbrough
Redcar & Cleveland
Stockton

What is the theoretical full complement of PCSOs in:

Cleveland
Hartlepool
Middlesbrough
Redcar & Cleveland
Stockton

How many PCSOs are currently actually in situ/post in:

Cleveland
Hartlepool
Middlesbrough
Redcar & Cleveland
Stockton”

The Commissioner advised that the question was more operational and that data on secondment and attachment elsewhere was not held.

Overall the establishment had:

- 134 neighbourhood police officers, 106 of which were currently in place.
- 98 PCSO, of which 96 were currently in place

It was noted that there were challenges relating to the distribution off resources across the Force area.

**PCP
92/21**

Public Questions

There were no questions from members of the public.

**PCP
93/21**

Complaint Sub-Committee Membership

The Panel’s legal adviser requested the Panel to make an appointment to the vacancy that had arising on the Complaints Sub-Committee following the resignation of Councillor Stephen Picton from the Police and Crime Panel

RESOLVED that Councillor Shane Moore replace Councillor Stephen Picton on the Complaints Sub-Committee.

PCP Forward Plan
94/21

Members were presented with the Forward Plan for the Panel 2022/23.

RESOLVED that the Forward Plan 2022/23 be noted.