PLEASE NOTE REVISED TIME AND VENUE CHANGE

FINANCE AND POLICY COMMITTEE

AGENDA

Monday 13 March 2023

at 11.00 am

Committee Room B,
in the Civic Centre, Hartlepool.

MEMBERS: FINANCE AND POLICY COMMITTEE

Councillors Boddy, Brash, Buchan, Cassidy, Harrison, Lindridge, Little, Martin-Wells, Moore, Morley and Young.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To receive the minutes of the meeting of the Finance and Policy Committee held on 13 February 2023.

4. BUDGET AND POLICY FRAMEWORK ITEMS

None.

5. KEY DECISIONS

5.1 Equality, Diversity and Inclusion Policy – *Managing Director*

5.2 A19 / Elwick Road / North Lane Junction and Elwick Road / Hartlepool Western Link Project Compulsory Purchase Order (CPO), Side Roads Orders (SROS) and Slip Roads Order (SLRO) – *Director of Neighbourhoods and Regulatory Services* **(To Follow)**

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.

6. OTHER ITEMS REQUIRING DECISION

6.1 LGA Corporate Peer Challenge – Proposed Action Plan – *Managing Director*

6.2 Screen Industries Production Village – Levelling Up Fund – *Managing Director*

6.3 Hybrid Working Policy – *Chief Solicitor*

7. ITEMS FOR INFORMATION

7.1 Council Plan 2021-2024 – Progress Update – *Managing Director*

7.2 Housing Revenue Account - Revenues and Capital Financial Management Report – *Director of Resources and Development*

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FINANCE AND POLICY COMMITTEE

MINUTES AND DECISION RECORD

13 FEBRUARY 2023

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool.

Present:

Councillor Shane Moore (In the Chair)

Councillors: Moss Boddy, Bob Buchan, Tom Cassidy, Brenda Harrison, Jim Lindridge, Sue Little, Andrew Martin-Wells, Melanie Morley and Mike Young.

Also Present: Edwin Jeffries, Hartlepool Joint Trades Union Committee

Officers: Denise McGuckin, Managing Director
Hayley Martin, Chief Solicitor
Neil Wilson, Deputy Chief Solicitor
Chris Little, Director of Resources and Development
James Magog, Assistant Director, Finance
Sally Robinson, Director of Children's and Joint Commissioning Services
Craig Blundred, Director of Public Health
Jill Harrison, Director of Adult and Community Based Services
Gemma Ptak, Assistant Director, Preventative and Community Based Services
Tony Hanson, Director of Neighbourhoods and Regulatory Services
Steve Hilton, Communications and Marketing Team
David Cosgrove, Democratic Services Team

92. Apologies for Absence

Councillor Jonathan Brash.

93. Declarations of Interest

None.

94. Minutes of the meeting held on 23 January 2023

Received.

95. Hartlepool Mayoral Development Corporation

(*Managing Director*)

Type of decision

Key Decision – General Exemption Notice Applies.

Purpose of report

The purpose of the report was to update Members on work that has been carried out to secure sufficient safeguards and assurances within the Hartlepool Mayoral Development Corporation Constitution since Council considered this matter on the 23 November and to seek Members endorsement of the updated Constitution.

Issue(s) for consideration

The Managing Director reported that as Members were aware the Tees Valley Mayor could request the transfer of publically owned assets to the Mayoral Development Corporation and a separate consultation process was expected to be carried out by the Secretary of State imminently.

Members were requested to endorse the updated constitution submitted with the report and provide their views regarding the transfer of public assets and planning powers in response to the consultation. Section 3 of the report provided a reminder of the process since the announcement by the Tees Valley Mayor to set up Development Corporations in Hartlepool and Middlesbrough in July 2022, together with the remit and objectives of the Development Corporation.

In October 2022 the Tees Valley Mayor notified the Secretary of State of the designation of the Hartlepool Development Corporation. A masterplan had been commissioned, and ARUP's have almost completed this piece of work. HBC officers including the Managing Director had been engaged in the process, there were some areas still being developed for example economic statistics, final images and a design code. The final version would be presented to a meeting of the Hartlepool Development Corporation board once formally established, followed by a formal launch event.

Section 5 of the report outlined the legislation related to establishing Development Corporations and powers which would transfer to the Development Corporation covering Business rates relief and Town and Country planning. Section 6 of the report covered the transfer of Public Assets. The legislation enabled the Secretary of State to make a scheme to transfer property, rights and liabilities to the Development Corporation, which included publically owned assets. The final decision as to whether an asset is transferred rests with the Secretary of State.

Officers had been in extensive discussions and negotiations with TVCA regarding which assets were necessary to transfer to enable regeneration to take place, and the list included in the confidential appendix 3 to the report had been agreed and work would continue on detailed Heads of Terms for each asset based on the principles included in the report.

A draft constitution setting out the governance arrangements and rules of procedure for the Hartlepool Development Corporation was attached as appendix 4 to the report. Officers had negotiated with the Tees Valley Mayor to include assurances and safeguards along with the spirit of the Council delegations to the Managing Director. These were:

- The Tees Valley Mayor will not have a casting vote.
- HBC elected member representation must be present for any meeting to be quorate.
- That the Board cannot make decisions that that impose financial or other liabilities upon HBC.
- That an elected member of HBC will be the Vice Chair of the Board.
- The Managing Director of HBC is a non-voting member of the Board.

The Chair recorded his thanks to the officers involved in the detailed negotiations with the TVCA. A Member expressed concern at the membership of the Board and considered that there were insufficient voices with Hartlepool at their heart on the Board and there should be greater elected Member representation on the Board. The Chair disagreed indicating that the business representatives had strong links to Hartlepool. There was potentially two more seats on the Board, up to the maximum of 8 people and the Managing Director stated that through the negotiations HBC had gained the HBC elected Member representative being the vice-chair of the Board and that the Board would be inquorate without their presence.

Members queried what level of information would be shared from the Board with HBC elected Members. The Managing Director stated that all the Board meetings would be open to the public and the papers available on line. Following further discussion in the meeting the Managing Director stated that regular reports could be submitted to full Council to keep all Members informed.

Following a proposal from the Chair and seconded by the Vice-Chair, the meeting moved into closed session to discuss the confidential appendices top the report.

Decision

That the meeting move into closed session and the press and public be excluded from the meeting in accordance with Council Procedure Rules.

96. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 97 – Hartlepool Mayoral Development Corporation – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (Paragraph 3) information relating to the financial or business affairs of any particular person (including the authority holding that information)

97. Hartlepool Mayoral Development Corporation

(*Managing Director*)
This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (Paragraph 3) information relating to the financial or business affairs of any particular person (including the authority holding that information)

Type of decision

Key Decision – General Exemption Notice Applies.

Purpose of report

The purpose of the report was to update Members on work that has been carried out to secure sufficient safeguards and assurances within the Hartlepool Mayoral Development Corporation Constitution since Council considered this matter on the 23 November and to seek Members endorsement of the updated Constitution.

Issue(s) for consideration

Details of the Committee's discussions are set out in the Exempt Section of the minutes.

Decision

That the meeting return to open session.

98. Hartlepool Mayoral Development Corporation

(*Managing Director*)

Type of decision

Key Decision – General Exemption Notice Applies.

Purpose of report

The purpose of the report was to update Members on work that has been carried out to secure sufficient safeguards and assurances within the Hartlepool Mayoral Development Corporation Constitution since Council considered this matter on the 23 November and to seek Members endorsement of the updated Constitution.

Issue(s) for consideration

The Chair moved the recommendations as set out in the report and added an additional recommendation to refer the report to full Council on 23 February.

The following recommendations were approved by a majority vote.

Decision

1. That the Hartlepool Development Corporation Constitution, as submitted, be endorsed.

2. That the overarching principles governing asset transfer be noted and that work continue to agree financial compensation.

3. That the comments of Members be noted and fed in to the Secretary of State consultation relating to the transfer of HBC owned assets.

4. That authority be delegated to the Managing Director, in consultation with the Chief Solicitor and s151 Officer, to negotiate and agree the heads of terms and any accompanying Memorandum of Understanding/Legal agreements between the Hartlepool Development Corporation and the Council including the scheme of delegation in relation to the transfer and discharge of Planning powers.

5. That the report and recommendations be referred to the meeting of full Council on 23 February 2023.

Councillor Boddy requested that his abstention from the above decision be recorded.

99. Capital Programme 2023/24 to 2026/27 (*Director of Resources and Development*)

Type of decision

Budget and Policy Framework.

Purpose of report

The purpose of the report was:

(i) To approve the Capital Strategy for 2023/24 to 2026/27 to be recommended to Council for approval. The strategy was a requirement of the Prudential Capital Code; and

(ii) To approve the Capital Programme new starts 2023/24 to 2026/27, to be recommended to Council for approval.

Issue(s) for consideration

The Assistant Director, Finance reported that the Council had, in recent years, developed an ambitious Capital Programme, ensuring investment in existing and new assets within the Borough, to support delivery of the priorities set out in the Council Plan. The report drew together the Capital Programme and Capital Strategy, aligning them with the Medium Term Financial Strategy (MTFS) and Treasury Management Strategy as an integral part of the Councils Strategic and Financial Planning Framework. For completeness, the capital programme included planned Housing Revenue Account (HRA) investment. Decisions on HRA investment were subject to Business Cases and were included as part of HRA Business Plan updates provided to Finance and Policy Committee on a regular basis.

The Chartered Institute of Public Finance and Accountancy has recently strengthened the code given concern around interpretation of key requirements, including commercial investments and the adverse financial impact these have had on some councils. In response to these developments, more frequent monitoring and reporting of Treasury Management and Prudential Indicators to Audit and Governance Committee has commenced in the current year.

A formal Capital Strategy has been produced for Members' approval which was designed to provide a framework for how the capital and regeneration objectives of the Council are delivered, enabling the Council's ambitions to be met whilst ensuring that proposals are affordable and risk is minimised. It outlines the planned programme of expenditure, how the programme is governed and risk managed.

In terms of the current Capital Programme, the Assistant Director reported that the appendices to the report set out the schemes previously approved by relevant Committees and Council. The full programme is included to ensure Members are provided clarity on the depth and breadth of the programme over the medium term and to ensure a point of reference for the quarterly monitoring reports to Finance and Policy Committee.

The Assistant Director particularly highlighted the Council's borrowing requirement to fund the Capital Strategy which remained around 5% of the Net Revenue Budget for the forthcoming five financial years which compared very favourably against other North East local authorities.

Members discussed the works being undertaken at Hartlepool Railway Station to bring the second platform back into use. The Director of

Neighbourhoods and Regulatory Services commented that the new platform would improve the capacity problems experienced on the north east coast rail line. Members also referenced the future Nuclear Power Station and the potential Scotch Corner TV and film studio plan.

There was no dissent to the following decisions.

Decision

1. That the Capital Strategy for 2023/24 to 2026/27 be recommended to Council for approval. The strategy was a requirement of the Prudential Capital Code;

2. That the Capital Programme new starts 2023/24 to 2026/27, as set out at Appendix 10 to the report, be recommended to Council for approval;

3. That the delegation to relevant policy committees to approve detailed schemes arising from confirmed specific grant allocations be approved;

4. That that any capital receipts generated will initially be considered for funding the existing capital programme.

5. That the existing capital programme set out on Appendices 3-9 to the report be noted.

100. Statutory Council Tax Calculations / Medium Term Financial Strategy (MTFS) 2023/24 (*Director of Resources and Development*)

Type of decision

Budget and Policy Framework.

Purpose of report

The purpose of the report was to provide details of the final 2023/24 Local Government Finance settlement announcement and to advise Members of the arrangements to finalise the 2023/24 technical budget calculations to be referred to Council on 23rd February 2023.

Issue(s) for consideration

The Director of Resources and Development reported that the final Local Government Finance Settlement was issued on 6th February 2023 and basically confirms the provisional settlement issued just before Christmas. The final Government funding allocated to Hartlepool is £45,000 higher than the provisional settlement. It was recommended this increase in funding is

allocated to reduce the use of the Budget Support Fund from £1.516m to £1.471m.

The Local Government Act 1992 and relevant regulations required the Council to approve the statutory Council Tax calculation incorporating the Council Tax levels set by individual precepting authorities i.e. the Police and Crime Commissioner, Cleveland Fire Authority and parish councils. This issue will be addressed in a report to Council on 23rd February 2023.

There was no dissent to the following decisions.

Decision

1. It was noted that the final settlement provided an increase in Government funding of £45,000, and the Committee approved the use of this increase to reduce the approved use of the Budget Support Fund from £1.516m to £1.471m.

2. It was noted that the detailed 2023/24 statutory Council Tax calculations, incorporating the Council Tax levels set by individual precepting authorities would be referred to Council on 23rd February 2023.

101. Council Tax Support Fund (*Director of Resources and Development*)

Type of decision

Non key decision.

Purpose of report

The report sought to;

- Provide members with details of the Governments Council Tax Support Fund announced for 2023/24; and
- Seek member approval for the Funds operation, given the likelihood of funding being available for a discretionary element.

Issue(s) for consideration

The Assistant Director, Finance reported that as reported in the January Medium Term Financial Strategy report, the Department of Levelling Up, Housing and Communities (DLUHC) issued guidance and provisional allocations for a Council Tax Support Fund to operate during 2023/24. This is £100m of one off funding to support the most vulnerable households in England. Hartlepool's provisional allocation is £348,937.

Guidance had been received from Government with a key aspect being that Councils should use most of their funding allocations to reduce bills for current working age and pension age Local Council Tax Support (LCTS)

claimants by up to £25. Councils could use their remaining allocation to determine their own local approaches to supporting economically vulnerable households with Council Tax bills.

The Assistant Director reported that in order to ensure the administration was made as manageable as possible, and in order to avoid confusion for residents, it was proposed that the £25 mandatory value stipulated by government is increased locally to £30, and is applied to LCTS recipients on 1 April 2023 the annual billing process undertaken in March. In practice this would mean:

- Where a LCTS taxpayers bill is in excess of £30, a £30 discount will be provided;
- Where a LCTS taxpayers bill is between £0 and £30, the discount will be equal to the value of the bill;
- Where a LCTS taxpayer has a zero liability, no discount will be applied; and
- Anyone claiming LCTS after the 1 April 2023 will not receive an award.

Eligible LCTS recipients will be notified via their annual Council Tax bill. Based on the current recipients, 10,285 households in receipt of LCTS will benefit at a cost of £307,231. Based on this proposal a projected residual balance of £41,706 would remain available for supporting economically vulnerable households with Council Tax bills during the year. It was proposed that this was made available to supplement the Council's existing Local Welfare Support budget, as this would be the most effective way of supporting households. The Welfare Support team would administer through existing welfare support channels.

The proposal was supported by Members though the Chair proposed that the discretionary element of the funding be available to all households, not just those eligible for Local Council Tax Support.

Decision

1. That the proposed operation of the Council Tax Support Fund 2023/24 as reported, be approved, including increasing the support from the £25 minimum level to £30.

2. That the residual balance be available to support economically vulnerable households during 2023/24.

102. Procurement Social Value Statement of Intent

(*Managing Director*)

Type of decision

Non-key decision.

Purpose of report

To comply with the Council motion and ensure that Social Value principles are applied in a way that enables the Council to maximise economic, social and environmental benefits for Hartlepool and its citizens.

Issue(s) for consideration

The Managing Director reported that as Members would recall, Council considered a motion last year regarding Economic Impact Assessments for the capital programme, fire and rehire and also social value. The Economic Growth and Regeneration Committee have dealt with the first two elements of the motion and also considered the statement of intent now presented to members.

The report provided context regarding our current expenditure in Hartlepool, the Tees Valley and the North East region. The Social Value Statement of Intent submitted as Appendix A to the report set out the key principles and how it will be embedded across the authority and included within our contract procedure rules.

The views and comments of Economic Growth and Regeneration Committee were set out with a recommendation that this Committee adopt the document. The implementation and outcomes would be monitored over the next 6 to 8 months and an update will be provided to Committee. Members were requested to endorse the Social Value Statement of Intent and refer it to the Constitution Committee for inclusion in the Contract Procedure Rules.

There was no dissent to the following decision.

Decision

That the Statement of Intent be approved and referred to the Constitution Committee for incorporation in the Councils Contract Procedure Rules within the Constitution.

103. Strategic Financial Management Report as at 31 December 2022 (*Director of Resources and Development*)

Type of decision

For information.

Purpose of report

The purpose of the report was to inform Members of:
i) 2022/23 Forecast General Fund Outturn;
ii) Corporate Income Collection Performance; and
iii) 2022/23 Capital Programme Monitoring.

Issue(s) for consideration

The Director of Resources and Development submitted a detailed update on the Council's financial position. The Director highlighted the recent increase in the Bank of England Base Rate, the current inflation figures and the collection rates for both Council Tax and Business rates.

Members noted the extremely high current energy costs and how this was effecting the budget. The Director stated that the combined purchasing power of the contract managed by the North east Purchasing Organisation had cushioned the Council from the worst of the price rises. Through NEPO, the Director reported that a letter had been sent to the Secretary of State requesting relief for the energy costs incurred by leisure facilities.

Decision

That the report be noted.

104. Any Other Items which the Chairman Considers are Urgent

None.

The Committee noted that the next meeting would be held on Monday 13 March 2023 at 11.00 am in the Civic Centre.

The meeting concluded at 2.55 pm.

H MARTIN

CHIEF SOLICITOR

PUBLICATION DATE: 22 FEBRUARY 2023

FINANCE AND POLICY COMMITTEE

13th March 2023

Report of: Managing Director

Subject: EQUALITY, DIVERSITY AND INCLUSION POLICY

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1. TYPE OF DECISION/APPLICABLE CATEGORY

Key Decision (test (ii)) Forward Plan Reference No. CE 89/23.

2. PURPOSE OF REPORT

2.1 The purpose of this report is to provide an Equality, Diversity and Inclusion (EDI) update to Finance and Policy Committee, to present the Council's updated EDI policy for approval, to seek agreement for the development of an action plan and associated arrangements for reporting progress to the Committee and to note the intention to develop a single needs assessment process for EDI.

3. BACKGROUND

3.1 The Council has a legal duty under the Equality Act 2010 to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

3.2 These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

3.3 The equality duty covers the nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

3.4 The Public Sector Equality Duty (PSED) is supported by "specific duties" to assist public bodies to achieve the aims of the general duty. Under these specific duties, the Council must:

- Publish equalities information to demonstrate its compliance with the Equality Duty (by 31st January each year); and
- Develop and publish equality objectives (at least every 4 years).

3.5 In addition equality issues must influence the decisions reached by public bodies - in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others. We include an equality and diversity considerations section and detailed Equality Impact Assessments in our reports to Council Committees to ensure that elected members can make informed decisions.

4. EDI UPDATE

4.1 Since the first equality objectives were published in April 2012 the Council has based them on the strategic objectives set out in our Council Plan. By doing this the Council demonstrates that equality, diversity and inclusion is a core part of what we do as an organisation and not an add-on activity. The Council's vision is set out in our Council Plan and from April 2021 our equality objectives are:

Hartlepool will be a place...

... where people are enabled to live healthy, independent and prosperous lives.

... where those who are vulnerable will be safe and protected from harm.

... of resilient and resourceful communities with opportunities for all.

... that is sustainable, clean, safe and green.

... that has an inclusive and growing economy.

... with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

4.2 Each year the Council publishes a Workforce Equality report on our website to demonstrate compliance with the PSED. This is prepared by HR for publication by 31st January, on the position for the previous financial year. The report that was published in January 2023 covered the 2021/22 financial year. It provides a summary and analysis of Hartlepool Borough Council's workforce against the protected characteristics and a comparison of the Council's workforce against the community of Hartlepool. This report also includes a section on actions taken in the previous year and actions that will be taken in the coming year to support and improve equality in the workforce.

4.3 In addition, a 2021/22 Equality Report has been published to sit alongside the Workforce Equality report on the Council's website. With examples taken from the annual report of the Council Plan it focuses on demonstrating the Council's progress made in equality, diversity and inclusion as a service provider and community leader during the 2021/22 financial year.

5. EQUALITY, DIVERSITY AND INCLUSION POLICY

5.1 The Council's Equality and Diversity Policy was agreed a number of years ago and therefore it is timely to review and update it. An officer working group was established with representation from across the Council and tasked with reviewing the Policy. The updated policy (appendix 1) was agreed by the Executive Leadership Team (ELT) in February 2023 and is now presented to Finance and Policy Committee for final approval.

5.2 The updated policy confirms:

- the Council's commitment to EDI, building on our previous Equality and Diversity Statement;
- that EDI is the responsibility of every Councillor and every employee of the Council, as well as volunteers and any other person or organisation who provides services on behalf of the Council. This includes our contractual and commissioning arrangements;
- how we will consider EDI in our activities; and
- how we will monitor our progress and the effectiveness of our approach.

5.3 In addition to the 9 protected characteristics set out in the Equality Act 2010 our policy also states that our approach to EDI will also give consideration to those who are care leavers and the Armed Forces Community (as established in our Armed Forces Covenant). We will also consider inequality related to poverty and disadvantage recognising that this relates to individuals as well as children and families.

5.4 Finance and Policy Committee is therefore requested to approve the Councils updated EDI policy (appendix 1) including the additional areas that will be considered in our approach to EDI as set out in paragraph 5.3 above.

6. NEXT STEPS

6.1 It is recognised that whilst the Policy reaffirms the Council's commitment there is also a need to ensure that the Council continues to develop and improve its approach to EDI. The recent scrutiny investigation into the accessibility of Council services has demonstrated that there is more that the Council can do to improve services for individuals with protected characteristics. Therefore, following approval of the updated Policy by Finance and Policy Committee it is proposed that the Council seeks to develop an EDI action plan which:

- is informed by engagement with residents and representatives of individuals from protected characteristic communities (this will build upon the approach taken in the recent scrutiny investigation);
- reflects the recommendations from the recent scrutiny investigation once they are agreed;
- focuses on improving the Council's approach to EDI as a service provider, community leader and local employer;
- forms an integral part of our published annual Equality Report.

6.2 The development and delivery of this action plan will be supported by the EDI officer group in order to ensure that our approach to EDI is embedded across the Council.

6.3 It is proposed that the action plan is shared at a future meeting of the Finance and Policy Committee and that progress is then reported annually to Committee prior to the publication of the annual Equality Report.

6.4 The Committee is also requested to note the intention to develop a single impact assessment process for EDI by bringing together the existing Equality Impact Assessment and the Child and Family Poverty Impact Assessment. In order to ensure that the new process is understood and applied consistently across the Council training and support for officers and elected members will be provided as part of the roll out of the new approach.

7. RISK IMPLICATIONS

7.1 Failure to consider equality, diversity and inclusion issues is a significant risk as the Council has a legal duty as established by the Equality Act 2010. The Equality and Human Rights Commission is the regulatory body responsible for enforcing the Equality Act 2010 and they have a range of legal and enforcement powers available to them. Ultimately, failure to consider EDI may lead to reputational damage and financial penalties.

8. FINANCIAL CONSIDERATIONS

8.1 There are no financial implications of the approval of the EDI policy however as noted above failure to consider EDI may lead to financial penalties for the Council.

9. LEGAL CONSIDERATIONS

9.1 As set out in section 3 the Council has a legal duty under the Equality Act 2010 to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The EDI Policy that the Committee is asked to approve will provide the strategic framework for ensuring we comply with our legal duty.

10. CONSULTATION

10.1 The views of officers from across the Council have informed the preparation of this EDI Policy. Furthermore, following approval of the Policy by Committee, it is proposed that engagement is undertaken with residents and representatives of individuals from protected characteristic communities in order to inform the development of the action plan for the Policy.

11. CHILD AND FAMILY POVERTY

11.1 The updated EDI Policy identifies that inequality related to poverty and disadvantage will be considered in the approach to EDI. It is recognised that poverty relates to individuals as well as children and families. The single impact assessment process for EDI will bring together the existing Equality Impact Assessment and the Child and Family Poverty Impact Assessment.

12. EQUALITY AND DIVERSITY CONSIDERATIONS

12.1 The purpose of the EDI Policy is to set out the Council's commitment to EDI, who is responsible for EDI, how we consider EDI in what we do and how we will monitor our progress and the effectiveness of our approach. The intention is that by having a clear EDI policy we can ensure we are delivering against the 3 main aims of the general Equality Duty and support individuals with protected characteristics.

13. STAFF CONSIDERATIONS

13.1 Training and support for officers across the Council will be provided as part of the roll out of the new single needs assessment for EDI.

14. OTHER CONSIDERATIONS

14.1

Asset Management Considerations	No implications
Environment, Sustainability and Climate Change Considerations	No implications

15. RECOMMENDATIONS

15.1 Finance and Policy Committee are requested to:

- Approve the updated Equality, Diversity and Inclusion (EDI) Policy as set out in appendix 1;
- Agree to the inclusion of the additional areas for consideration alongside the 9 protected characteristics as set out in paragraph 5.3;
- Agree the development of an EDI action plan and the reporting of progress annually to Finance and Policy Committee as set out in section 6;
- Note the intention to develop a single needs assessment process for EDI.

16. REASONS FOR RECOMMENDATIONS

16.1 Finance and Policy Committee have overall responsibility for the equality and diversity as set out in the Constitution.

17. BACKGROUND PAPERS

17.1 None.

18. CONTACT OFFICERS

Beverley Bearne
Assistant Director (Development and Growth)
01429 523006
Beverley.bearne@hartlepool.gov.uk

Sign Off:-

Managing Director	√
Director of Resources and Development	√
Chief Solicitor	√

HARTLEPOOL BOROUGH COUNCIL

Equality, Diversity and Inclusion Policy

Agreed TBC

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Background and purpose

As a Council, we are committed to challenging discrimination and promoting equality of opportunity in all aspects of our work. Our approach to Equality Diversity and Inclusion (EDI) outlines our commitment as an employer, as a service provider, and as a community leader.

The Council is committed to promoting a community and organisational culture that fully respects and values everyone's differences and needs. We aim to look at an individual's whole identity whilst recognising and valuing that each individual resident, visitor, partner, service provider, service user and employee is unique.

The purpose of this policy is to set out the Council's commitment to EDI, who is responsible for EDI, how we consider EDI in what we do and how we will monitor our progress and the effectiveness of our approach.

Legal background

The Equality Act 2010 brought together over 116 separate pieces of legislation into one single Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Council has a legal duty under the Equality Act 2010 to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The equality duty covers nine protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Public Sector Equality Duty (PSED) is supported by "specific duties" to assist public bodies to achieve the aims of the general duty. Under these specific duties, the Council must:

- Publish equalities information to demonstrate its compliance with the Equality Duty (by 31st January each year); and
- Develop and publish equality objectives (at least every 4 years).

In addition equality issues must influence the decisions reached by public bodies - in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

Our Equality Objectives

Since our first equality objectives were published in April 2012 the Council has based them on the strategic objectives set out in our Council Plan. By doing this the Council demonstrates that equality and diversity is a core part of what we do as an organisation and not an add on activity. The Council's vision is made up of 6 priorities and these are also our equality objectives. As set out in our Council Plan 2021/22 – 2023/24 our vision is that:

Hartlepool will be a place...

... where people are enabled to live healthy, independent and prosperous lives.

... where those who are vulnerable will be safe and protected from harm.

... of resilient and resourceful communities with opportunities for all.

... that is sustainable, clean, safe and green.

... that has an inclusive and growing economy.

... with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

Our Equality, Diversity and Inclusion Policy Statement

Hartlepool Borough Council is committed to promoting a community and organisational culture that fully respects and values everyone's differences and needs. Equality, diversity and inclusion is integral to our core business, our staff and our service users.

In working towards our commitment to equality, diversity and inclusion we will:

- Work towards providing services which meet the needs of all sections of our communities.
- Ensure that respect and dignity is valued as a core principle for all.
- Promote equality, fair treatment and equal access to our services and those services commissioned by us.
- Provide straight forward, easily accessible information about our services.
- Offer a range of translation and interpretation services for those whose first language is not English and also provide information in other accessible formats on request.
- Actively seek the views of our customers and communities across Hartlepool and allow a reasonable timescale for consultations.
- Consider the comments, compliments and complaints we receive and how we can use them to improve services.
- Assess and monitor the impact on equality groups of new policies and plans and changes to existing policies and plans.
- Publish annual reports that outline how we are meeting our Public Sector Equality Duty.
- Strive for a workforce that understands and reflects the diversity of the population of Hartlepool.

Responsibility for Equality, Diversity and Inclusion

Equality, Diversity and Inclusion is the responsibility of every Councillor and every employee of the Council, as well as volunteers and any other person or organisation who provides services on behalf of the Council. This includes our contractual and commissioning arrangements.

Our customers also have a responsibility to treat our staff with dignity and respect, and to tell us if they require assistance or adjustments to enable them to access our services. We will do what we can to remove barriers to access.

Overall responsibility for ensuring that our decisions are compliant with equality legislation lies with the Council's Managing Director, who is supported by the Executive Leadership Team and their Departmental Management Teams. We will follow a robust process to ensure we consciously think about the equality duty as part of our decision-making process. We will include a tackling inequalities and poverty section and detailed Impact Assessments in our reports to Council Committees to ensure that elected members can make informed decisions.

How we consider Equality, Diversity and Inclusion

We are clear that EDI should influence how we act as an employer; how we develop, evaluate and review our policies; how we design, deliver and evaluate services, and how we commission and procure from others. Impact Assessments form an integral part of our decision making process and reports to Council and all Council Committees must demonstrate how EDI has been considered in the proposals being brought forward so that Elected Members can make informed decisions. Our procurement and commissioning activities also require consideration of EDI as a matter of routine.

In addition to the nine protected characteristics set out in the Equality Act our approach to EDI will also give consideration to those who are care leavers and the Armed Forces Community (as established in our Armed Forces Covenant). We will also consider inequality related to poverty and disadvantage recognising that this relates to individuals as well as children

and families. We will develop a single impact assessment process for EDI by bringing together the existing Equality Impact Assessment and the Child and Family Poverty Impact Assessment.

As a Council we take all complaints seriously and they are responded to following the Council's agreed Corporate Complaints, Comments and Compliments Procedure. The outcome of complaint investigations and lessons learned from complaints are actioned and monitored. Any complaints relating to equality characteristics are considered by senior managers.

We are also keen to understand the views of our local community and to involve them in shaping our services through our consultation and engagement activities. We recognise that some people may have difficulties accessing traditional consultations and we endeavour to be as open and inclusive as possible. Where individuals face barriers to being involved we are keen to work with them to identify alternative methods for engagement or provide additional support to enable them to be involved e.g. sign language interpreters or easy read formats of documents. The information collected through consultation helps to inform the Council when it is thinking about things like changing services, checking on how well services are performing and deciding what should be the Council's priorities in the future. People can access consultations through the Council's Your Say, Our Future site.

EDI will be considered in all Council policies including those within our Budget and Policy Framework.

Monitoring Progress

So that we can find out if our approach to EDI is working we will assess and monitor our progress. Each year we will produce the following reports:

- Equality Report which will focus on demonstrating the Council's progress made in EDI as a service provider and community leader during the year; and
- Workforce Equality Report which will provide a summary and analysis of our workforce and demonstrate the activities that we have completed to fulfil our responsibilities as an employer.

Both reports will include a set of actions that will be prioritised in the following year to ensure that the Council continues to improve its approach to EDI.

For further information about this policy please contact Beverley Bearne

Telephone **01429 523002**

Email **Beverley.bearne@hartlepool.gov.uk**

Post **Hartlepool Borough Council,**
Civic Centre, Victoria Road, Hartlepool, TS24 8AY

HARTLEPOOL BOROUGH COUNCIL

FINANCE AND POLICY COMMITTEE

13th March 2023

Report of: Director of Neighbourhoods and Regulatory Services.

Subject: A19 / ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS / HARTLEPOOL WESTERN LINK PROJECT COMPULSORY PURCHASE ORDER (CPO), SIDE ROADS ORDERS (SROS) AND SLIP ROADS ORDER (SLRO).

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1 TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision – Budget and Policy Framework Reference NRS 01/23

2 PURPOSE OF REPORT

2.1 This report provides an update on the A19 / Elwick Road / North Lane Junction and Elwick Road / Hartlepool Western Link Project (the Scheme) and requests approval to the making of the above orders. It also sets out and requests approval for the financial package for the Scheme.

2.2 There is a degree of detail in respect of the order documentation and plans that will ultimately need to be finalised following approval by the Committee and the Council and Members will therefore note that provision is made in the recommendations for the Director of Neighbourhoods and Regulatory Services, in consultation with the Chief Solicitor, to amend and finalise the documentation as necessary prior to the making and sealing of the various orders.

2.3 Delivery of this Scheme is integral to the strategic development to the west of the Hartlepool urban area in accordance with the Local Plan. Details of the Scheme and the future growth of Hartlepool has previously been considered by this Committee on 24th July 2017, 26th November 2018 and 14th March 2022.The Road Safety Audit (Stage 1) for the Scheme has now been approved by National Highways meaning that this can now be fully progressed and a detailed planning application will be submitted imminently.

2.4 Negotiations with landowners have been undertaken, however agreement on acquisition has not been achieved to date. While such negotiations will continue, in order to avoid any further delays to the Scheme and bring

forward its delivery, it is considered necessary to progress a compulsory purchase order (CPO) and two side roads orders (SROs) and as necessary work with the Department for Transport in the promotion of a slip roads order (SLRO). Therefore the purpose of this report is to seek Finance and Policy Committee's approval:

- To proceed with the making of the CPO and SROs (together "the Orders") for the Scheme;
- To seek, and if agreed, take a delegation from the Secretary of State for Transport to enable the making of a Slip Roads Order for the Scheme, or in the absence of a delegation, to assist the Secretary of State in making such an order; and
- For the Council to enter into an agreement with National Highways pursuant to section 6 of the Highways Act 1980 to receive the necessary trunk road powers in respect of the A19 and the Scheme.

2.5 The current drafts of the following documents are attached hereto and should be read in conjunction with this report:

- The draft Statement of Reasons **(appendix 1);**
- The draft Compulsory Purchase Order **(appendix 2)** and Order Maps **(appendix 3);**
- The draft Side Roads Order(s) **(appendix 4)** and Order Maps **(appendix 5)**; and
- The draft heads of terms in respect of the Section 6 Agreement with National Highways) **(appendix 6)**.

3. BACKGROUND

3.1 The concept of the Scheme developed during the preparation of the Hartlepool Local Plan in conjunction with discussions between the Council and National Highways. Historically the junctions at Elwick village and Dalton Piercy have had safety issues and there has been a number of accidents, some of which were fatal. As such National Highways secured funding to look at design options for the creation of a grade separated junction at one of the Elwick village junctions.

3.2 The Scheme was subsequently shown to be needed as a result of capacity and safety concerns when a Hartlepool Borough Council camera was placed on the southern Elwick junction. The camera showed cars queuing back in the deceleration lane for the right turn into the village, which was a major concern as it led to cars queuing into the outside northbound lane of the A19 meaning that there could be serious negative implications with regards to highway safety.

3.3 The safety and capacity issues led to National Highways putting holding recommendations on planning applications which were coming forward that would intensify the traffic movements through Elwick. In light of this the

Council was unable to approve planning applications until the highway issues were satisfactorily addressed.

3.4 Simultaneously there were wider concerns with increasing congestion on the A689 and A179, along with the safety and amenity of residents within Elwick Village in terms of increasing levels of cars travelling through the village. These additional concerns led to the Scheme being included within the Local Plan via policy (INF2 Improving Connectivity in Hartlepool).

3.5 On 24th July 2017, the Council's Finance and Policy Committee discussed the `*Elwick Bypass and Grade Separated Junction – Prudential Borrowing Report*`. The report set out the need and importance of delivering the Scheme with regards the growth of Hartlepool. The costs of the Scheme and the possible delivery routes were set out, including information of the external funding streams that have been applied to.

3.6 Permission was sought, and given, to have in place, as a final funding option, a commitment from the Council to agree to prudentially borrow between £8m and £18m, to cover the full cost of the Scheme, or a lower amount if other sources of funding can be secured. The report advised that the Council will be able to secure funding via section 106 agreements to assist in repaying any the external funding and / or prudential borrowing, but further advised that if in the event section 106 money is not received (or not received in full), the Council will need to repay the prudential borrowing from the General Fund Budget over a 50 year period.

3.7 The Finance and Policy Committee report was referred to Council on 28th September 2017 and they upheld the decision made in Finance and Policy Committee. The decision was welcomed and the ability to fund the Scheme assisted in defending its deliverability during the Local Plan Examination in Public.

3.8 Following adoption of the Local Plan in May 2018 a report, entitled *Hartlepool Western Growth Corridor, Funding Strategy and Compulsory Purchase Order,* was referred to Finance and Policy Committee on 26th November 2018. The report gave information as to how the Scheme had developed and set out that since the previous report to Full Council in September 2017, £4.172m had been secured from the Tees Valley Combined Authority (TVCA) and advanced discussions were ongoing to secure a further £4.173m from Homes England. Securing these external grants funds 45% of the estimated cost of this Scheme. The report advised that based on the current estimated Scheme cost of £18.506m the Council needed to prudentially borrow £10.161m towards the overall Scheme. This was significantly less than the maximum potential borrowing reported to Council on 28th September 2017 of £18m. The report sought agreement to be given to the use of Compulsory Purchase Order (CPO) powers to acquire the land and confirmed that a further report would be brought to Members to invoke formally the CPO if negotiations with the land owners were unsuccessful.

3.9 The Finance and Policy Committee report was discussed by Full Council on 30th December 2018. The Council upheld the decision made in Finance and Policy Committee.

3.10 The Council was unsuccessful in obtaining grant funding from either National Highways or Homes England, however on 27th July 2018 the TVCA agreed in principle, and subject to a detailed business case, to provide the additional £4.173 million. In light of the TVCA decision the external grant funding remains at the level discussed by the Finance and Policy Committee on 26th November 2018.

3.11 On 14th March 2022, a report, entitled A19 Grade Separated Junction, Elwick Bypass and Hartlepool Western Link, was presented to Finance and Policy Committee. The report provided an update on the Scheme setting out that significant progress had been made with National Highways in relation to the design of the Scheme and how it will link into the A19 and that the next key step was to complete a Road Safety Audit Stage 1 (RSA 1) and submit this to National Highways for approval. The report further noted that once the RSA 1 was approved this would enable the Council to confirm the exact land requirements. It was advised that negotiations with land owners was ongoing but that no agreements had been made. Members noted the report.

4 PROPOSALS

4.1 In accordance with the Constitution, the Finance and Policy Committee is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Full Council for approval.

Scheme Description

4.2 The Scheme, as more particularly described in section 3 of the draft Statement of Reasons (SoR) as attached, is located on the A19 between the A179 Sheraton Interchange and the A689 Wolviston Interchange. It comprises a new grade separated junction, including an overbridge at A19 / Elwick Road / North Land and a single carriageway bypass / link road lying to the north west of the village of Elwick and extending from the new junction to the east north east of Elwick village where it joins the existing Elwick Road at the northern end of what is known as Devil's Elbow. A number of further improvement measures will also be undertaken in respect of the existing A19 in the vicinity of the new junction including closures of existing accesses in / out of the A19. Together these measures comprise the Scheme.

4.3 The Scheme will provide a third main route from the A19 into the urban area of Hartlepool and will remove traffic from the village of Elwick.

Scheme objectives

4.4 The Scheme will achieve the following objectives and have the following benefits:

- Improve the operation of, and road safety, at the at-grade A19-Elwick junction by the construction of a new grade-separated junction and also contribute to wider improvements in road safety and functionality along the A19 corridor;
- Improve connectivity by creating an additional main junction on the A19 and enhanced link to Hartlepool;
- Contribute to the strategic and local traffic management by relieving pressure on the existing A179 and A689 routes from Hartlepool to the A19;
- Contribute to the regeneration and growth in accordance with the key principles and spatial vision in the adopted Hartlepool Local Plan ("the Local Plan") particularly in order to bring forward housing development and associated social infrastructure. The delivery of a key housing allocation at High Tunstall being dependent on the delivery of the Scheme; and
- Improve road safety, bring environmental benefits to, and protect the character of Elwick, by reducing existing through traffic from the village.

Key milestones in Scheme progress to date

4.5 The Council has been working closely with National Highways to agree the design of the Scheme. The Road Safety Audit (Stage 1) was approved by National Highways on 14th December 2022 meaning that meaningful progress has been made with a planning application and with the Orders.

4.6 The design of the Scheme has now advanced to a level of detail to support a detailed planning application. As noted above, a planning application for the Scheme will be submitted imminently. The completion of the Scheme design has enabled confirmation of the Scheme boundary and land-take required.

4.7 Interests in land were identified at an earlier stage and contact has been made with landowners as set out below. A further more detailed land referencing process is being undertaken to identify all relevant freeholds, leaseholds, tenancies, easements, rights and other interests in land that will be affected by delivery of the Scheme.

4.8 In confirming the Scheme, it has also been necessary to identify effects on side roads and the consequent need to alter or amend the existing local highway network and private accesses as set out in the SRO.

4.9 External lawyers were re-engaged in August 2022 to progress the Statement of Reasons and advise generally on progressing the Orders.

Land acquisition

4.10 The extent of the freehold land and land over which rights are required to construct the Scheme is shown on the CPO Plans and the schedule to the draft CPO. The land is predominantly arable farmland in various ownerships.

4.11 There are in total approximately 15 separate parcels of land required for the Scheme, including 13 individual land owners along with parcels of unregistered land in unknown ownership, and additionally title to mines and minerals is unregistered.

4.12 Seven landowners are represented by two land agents with whom the Council has been in negotiations. Clarity is being sought from the land agents that where a parcel of land is in the ownership of more than one individual that the agents act for all of those named individuals and that being the case all landowners are represented.

4.13 Notwithstanding negotiations with the agents, it has not yet proved possible to reach agreement as to land acquisition. The Council will in any event continue to seek to negotiate with the landowners in parallel with progression of the CPO.

4.14 However in order to ensure delivery of the Scheme it is necessary to secure the acquisition of all relevant interests within the Scheme boundary. That is necessary if the Scheme is to come forward in a timely way as a construction programme could only progress with certainty in the light of confirmed acquisitions. The use of compulsory purchase order powers is the only way to guarantee that the land required for the Scheme is available to the Council.

4.15 In respect of land and interests in unknown ownership, it is evidently not possible to acquire such interests by agreement and therefore compulsory acquisition will be required in respect of such interests in any event, whether or not agreement is reached with all of the freehold owners. There are additional statutory procedural requirements in respect of land in unknown ownership to be followed.

4.16 The SROs are needed to give authority to stop up, divert, construct, or improve existing parts of the local highway network that will cross or enter the route of the Scheme. A SRO also provides authority to stop up and provide new private means of access to land and premises.

4.17 In respect of land at the existing Church Bank / Elwick Road/ A19 junction, the Council is in ongoing discussions with National Highways as to their preferred legal process to close this junction. The land at Church Bank, although adopted highway, is currently unregistered and in unknown ownership and if it is required to formally stop up part of the local highway network at this location then upon that stopping up, the land would revert to the sub-soil owners. In the absence of any known owners of the sub soil the legal presumption would be that the land would revert to those parties owning the adjoining land. The Council would therefore look to also acquire this additional land through the CPO if a stopping up of the local highway network at this location was required in order to protect the ability to re-open the highway at a later date, if necessary. The closure of the junction may however be secured by means of other legal processes (not requiring any

further land to be acquired through the CPO) to be determined in discussions with National Highways.

The Orders and overview of the Statement of Reasons (SOR)

4.18 The Orders to be made and promoted are as follows:

- The Hartlepool Borough Council (A19 / Elwick Road / North Lane Junction and Elwick Bypass / Hartlepool Western Link) Compulsory Purchase Order 202[3]. This CPO contains provision for the compulsory acquisition of land for the purposes of highway elements of the Scheme pursuant to the Council's own compulsory purchase powers. No land acquisition is required in respect of those parts of the Scheme that will ultimately become trunk road/part of the A19 junction;
- The Hartlepool Borough Council (A19 / Elwick Road / North Lane Junction and Elwick Bypass / Hartlepool Western Link) (Classified Road) (Side Roads) Order 202[3] in order to carry out works to the existing local highway network as well as stop up existing private means of access and create such new private accesses which are necessary to enable the Scheme to be constructed. This SRO is also made under the Council's own statutory powers;
- The Council is also promoting the Hartlepool Borough Council (A19 / Elwick Road / North Lane Junction and Elwick Bypass / Hartlepool Western Link) (Side Roads) Order 202[3] to link the new road to the A19 Trunk Road which is also necessary to enable the Scheme to be built along with any consequential alterations to the existing highway network including private means of access. This Order is made on behalf of National Highways in exercise of powers to be delegated under section 6 of the Highways Act 1980; and
- There is also a need for the making of the Hartlepool Borough Council (A19 / Elwick Road / North Lane Junction and Elwick Bypass / Hartlepool Western Link) (Slip Roads) Order 202[3] which is necessary to ensure that the slip roads at the A19 junction are created as or otherwise become trunk road on completion. This is an Order which is made by the Secretary of State for Transport and not National Highways and therefore cannot be delegated by National Highways under section 6 of the Highways Act 1980. Discussions will need to be undertaken with the Department for Transport (DfT) as to whether any part of the order making process can or would be delegated to the Council. In the absence of such a delegation the Council will closely liaise with the DfT to ensure that the process for the making of the slip roads order is closely aligned with and where possible integrated within the other order making processes.

4.19 A Statement of Reasons (SoR) has been prepared which sets out the reasons for promoting the Orders and delivering the Scheme and explains the need for the CPO and other orders to enable land and any other interest in the land that is not within the ownership or control of the Council to be acquired to permit the Scheme works to be carried out.

4.20 Although there are elements of the SoR which require updating and finalising to reflect the position as at the date of the making of the Orders (indicated in the form of notes within the document) the nature of the justification of the Scheme and the use of compulsory purchase and side roads order powers in relation to the Scheme is clear from the SoR. Although brief summaries are given below of the needs for and justifications of the various orders referred to above, the full justification is set out in the SoR including detail of the highways considerations and the alignment of the Scheme with national and local policy. Members should therefore have regard to the SoR attached as an appendix as a whole in considering whether the powers available to the Council and delegated to it by National Highways or (potentially) the Secretary of State should be exercised for the purpose of making orders in relation to the Scheme.

4.21 All of these Orders are in draft form and are subject to amendment in order to make technical adjustments or to accommodate changes to the Scheme that may be required through the determination of the planning application and / or further discussions with National Highways, for example in the event that additional landscaping was required by the Local Planning Authority then additional land take would be required. The Orders will not therefore be made until the planning application has been determined.

4.22 To give the necessary flexibility to progress the Scheme in an efficient and timely manner a delegation is sought to the Director of Neighbourhoods and Regulatory Services ("the Director") in consultation with the Chief Solicitor to make necessary changes prior to publication of the Orders and during the process of seeking their confirmation.

The need and justification of the CPO

4.23 The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. The CPO would enable the Council to meet its statutory purposes and strategic highway objectives within the shortest realistic timescale in the most appropriate way.

4.24 The Council recognises that a CPO for the Scheme can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests in land and the creation of new rights sought to be acquired. A compelling case exists here as set out at section 6 of the SoR. A CPO is necessary and justifiable in the public interest.

4.25 The Council would be making the CPO to secure the outstanding interests and new rights required to enable implementation of the Scheme, which is necessary to achieve its objectives for the area. The Council has held or intends to continue to hold discussions with the owners of relevant interests in an attempt to reach agreement but the CPO remains necessary to ensure that the Scheme can proceed and to secure those parcels of land and interests in unknown ownership.

The need and justification of the Side Road Orders (SROs)

4.26 The purpose of the SROs is to maintain access to all land and property directly affected by the Scheme and to make necessary changes to the highway network. In order to build the new road it is necessary to improve, or stop up, existing highways and construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access to land or premises and to replace those where necessary with new means of access. To enable it to carry out those works the Council is promoting the SROs.

4.27 The Council recognises that the SROs for the Scheme can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests and the creation of new rights sought to be acquired. A compelling case exists here as set out in section 8 of the SoR. Section 8.4 of the SoR will be fully populated in due course with the details of the highways / private accesses to be stopped up and new highways / accesses provided but such details will be broadly commensurate with the appended SRO plans and draft orders.

4.28 The SROs are necessary and justifiable in the public interest.

The need and justification for the A19 Slip Roads Order

4.29 The proposed highways design incorporates amendments to existing accesses to and from the A19 trunk road and new access to and from the A19 trunk road.

4.30 In order to achieve that movement and to meet the requirements of National Highways and the agreed design, the SLRO is necessary. The Slip Roads have been designed to meet the relevant and applicable standards, have been assessed by National Highways and have received the necessary technical approval to be acceptable.

4.31 The SLRO will be made by the DfT unless delegation can be agreed with the DfT.

The need and justification for entering into agreements pursuant to section 6 Highways Act 1980

4.32 In order to work on the A19 Trunk Road and to construct the overbridge, the Council will need to sign up to an agreement under section 6 of the Highways Act 1980 with National Highways and potentially also an agreement with the Secretary of State. The section 6 agreement will:

- Allow the Council to pursue the A19 SRO on behalf of National Highways under delegated powers;
- Allow the Council's contractor to work on the trunk road network; and
- Set out the maintenance and ownership responsibilities for the overbridge and associated infrastructure connecting the A19 with the new bypass.

4.33 A commuted sum may be required by National Highways in respect of the ongoing maintenance of the overbridge and associated infrastructure to deliver the grade separated junction. Negotiations are ongoing with National Highways. In the event that a commuted sum is agreed to be required it is considered that the Council's approved borrowing will not need to be further increased to take into account such additional costs.

4.34 The current estimated programme for delivery of the Scheme is as follows:

Spring / Summer 2023	Determination of Planning Application
Summer 2023	Orders made and published
Autumn 2023 / Spring 2024	Statutory Objection period and possible Public Inquiry
Spring / Summer 2024	Secretary of State's decision
Autumn 2024	General Vesting Declaration

4.35 As noted above where objections are received and not withdrawn then a Public Inquiry will be required. It is estimated that such an inquiry would be held within 6-9 months from the date of submission of the Orders to the Secretary of State. The Council will, in accordance with Guidance, continue to seek to reach agreement with landowners wherever practicable but requires the certainty of land acquisition afforded by the compulsory purchase process if the Scheme is to be delivered.

5 FINANCIAL CONSIDERATIONS

Impact of the Scheme on Medium Term Financial Strategy (MTFS)

5.1 The Local Plan covers a range of topics which set out a strategy for how Hartlepool will develop over the next 15 years. The plan identifies sites for employment, housing, retail, recreation and leisure, green spaces and a range of other uses.

5.2 The housing and employment growth is closely aligned with the aspirations of the Tees Valley Strategic Economic Plan (TV SEP) which seeks to create 25,000 new jobs over the next 10 years across the Tees Valley area. Housing growth across the plan period equates to 410 dwellings per year. The plan therefore identifies a housing requirement for the next fifteen years of 6,150 dwellings.

5.3 The Scheme is critical for the growth of the Borough in accordance with the key principles and spatial vision in the Local Plan. Allocated sites within the Local Plan will deliver 1,420 houses over 10 years but only 428 of these can be built before the new A19 grade separated junction has been completed and is open to the public (220 Quarry Farm and 208 High Tunstall). Housing growth is key to providing additional resources to the MTFS, continuing to change the tax base to more houses at higher Council Tax bands.

Financial Overview of the Scheme

5.4 The financial position in relation to this Scheme was last considered by Full Council in December 2018. This section provides updated financial considerations reflecting the current economic climate and revised profile of expenditure in relation to the Scheme. As outlined in Table 1 below the total Scheme costs are currently estimated at £24.497m with an upper estimate taking into account additional inflation and risk of £26.094m. The additional allocations for inflation and risk have been incorporated within the upper estimate to reflect potential change within the Scheme.

5.5 The Council has secured £4.172m grant from Tees Valley Combined Authority (TVCA). The Council were unsuccessful in securing funding from alternative sources, however the TVCA has agreed to underwrite a further £4.173m subject to the submission of a detailed business case which is now being progressed following agreement of the Road Safety Audit Stage 1. On this basis the Council will have secured external funding of £8.345m. The remaining estimated costs of £14,832 (current forecast figure) to £16.429 (upper estimated figure) will need to be funded from prudential borrowing which will be fully repaid from s106 developer contributions over an anticipated house build out period of a further 15 years.

Table 1. Summary of Costs and Funding the Scheme

	Current Forecast	**Upper Estimate**
Total Scheme Cost	£24.497m	£26.094m
Grant Funding	(£8.345m)	(£8.345m)
S106 Contributions Already Received	(£0.660m)	(£0.660m)
S106 Contributions Forecast for April 2023	(£0.660m)	(£0.660m)
Maximum Temporary Borrowing	**£14.832m**	**£16.429m**

5.6 The potential s106 contributions already received and to be received after April 2023 are £17.04m, which is sufficient to repay the upper estimated costs (£16.429m). On the basis that the overall Scheme costs are within the current forecast, this will leave £2.208m of s106 contributions uncommitted for other objectives as secured under the s106 agreements which include in respect of the High Tunstall s106 agreement, at the Council's discretion, improvements to the local road network. However these monies cannot be released until;

- The Scheme is complete and the amount funded from s106 is known; and
- The s106 monies have been received, as these monies will be received over a further 15 year period and the first priority is the repayment of prudential borrowing to avoid an unfunded budget pressure.

Financial Risk Assessment

5.7 Interest Rate Risk – While the s106 monies will be sufficient to fund the cost of the Scheme the Council will need to use prudential borrowing to fund the upfront Capital costs not funded from grant. Therefore there will be an interest cost associated with the prudential borrowing which cannot be funded from s106 monies.

5.8 It is anticipated that a 12 year loan will be required to fund the upfront capital costs and allow for potential variations in the profile of s106 receipts to repay the loan. It is anticipated that annual interest costs in relation to a £14.832m loan will be £0.630m based on current interest rates. This would commit Council Tax income from approximately 326 properties of housing growth.

5.9 The full annual impact of interest costs is currently expected in 2024 / 25 as the initial costs of the Scheme will be funded by grant and s106 contributions received by the Council. However the timing of drawing down this loan will be dependent on the timing of the Scheme commencing. This means that the Council faces interest rate risk as there is a possibility of interest rates rising in future years. Table 2 demonstrates the impact of increases in interest rates and the number of houses committed to fund the resulting annual interest costs.

Table 2. Impact of Interest Rate Risk

	Forecast Interest Rate (4.25%)	**Forecast Interest Rate +1%**	**Forecast Interest Rate +2%**
Interest Cost of £14.832m Borrowing Requirement	£0.630m	£0.779m	£0.927m
Number of houses committed to fund interest	327	404	481

As s106 contributions are received the interest risk will reduce as these monies will be invested, pending repayment of the 12 year maturity loan.

5.10 Price Risk and Interest Rate Risk – If the cost of the Scheme were to increase (i.e. to the upper cost estimate) and had to be funded by additional prudential borrowing this would result in increased interest costs. Table 3 shows the impact of the Scheme costs at the upper estimate of overall Scheme costs and the number of houses committed to fund increased interest rate costs.

Table 3. Cost Increase Sensitivity

	Forecast Interest Rate (4.25%)	**Forecast Interest Rate +1%**	**Forecast Interest Rate +2%**
Interest Cost of £16.429m Borrowing Requirement	£0.698m	£0.863m	£1.027m
Number of houses committed to fund interest	**362**	**448**	**533**

5.11 Housing Growth Risk – To manage the potential risk that the s106 monies are not received over the forecast period of 15 years it is recommended to repay the Prudential Borrowing over a 50 year period to reflect the lifespan of the Scheme. The resulting annual repayment cost would be approximately £0.328m per annum and this would be the minimum amount of s106 monies that would need to be repaid to avoid a revenue budget pressure. However, as it is expected that s106 monies will exceed this minimum requirement, the actual monies received will be used to repay prudential borrowing to reduce the loan outstanding and achieve full repayment within the forecast 15 years.

5.12 Housing Developments Delayed – In the event that the Scheme is not completed and there is a delay in the achievement of anticipated housing development the Council would have to meet interest costs of £0.630m (current forecast), plus principal repayment costs £0.328m, i.e. total potential annual cost of £0.958m. Based on the current timetable for implementing the Scheme this cost would arise in 2027/28.

5.13 There is currently no provision in the MTFS for this potential scenario as it is anticipated that interest costs would be funded from increased Council Tax income from housing growth and principal repayment costs will be funded from s106 monies. This is considered to be a low risk for the following reasons:

- Forecast interest costs of £0.630m require 327 properties to be completed, this is less than the number of units (478) that are anticipated to be built over the period up to 2027 / 28; and
- Principal repayment costs of £0.328m require s106 funding from 28 properties.

5.14 CPO Risk – An estimate of the costs of a CPO have been included, however costs could be higher depending on the process. If not agreed with landowners, land values following a CPO would ultimately be determined by the Lands Chamber. While the current budget is considered robust, if compensation were to exceed such budget estimate then additional borrowing would then be required and would increase the interest costs identified in Tables 2 and 3 above.

5.15 Contingencies – Risk and Inflation contingencies have been built in to the costs outlined above. If not all of the risk is realised then this would reduce the overall Scheme costs.

6. LEGAL CONSIDERATIONS

The Highways Act 1980

6.1 The CPO is to be made pursuant to the powers set out in the recommendations in this report and more fully addressed in the SoR.

6.2 The relevant provisions of the Highways Act 1980 include:

- Section 239 enables a highway authority to acquire land required for the construction and improvement of a highway;
- Section 240 relates to the carrying out of works authorised under a SRO, and use of land as working space and the diversion of watercourses;
- Section 246 relates to mitigation of adverse effects of the existence or use of a scheme;
- Section 249 contains distance limits from the highway applicable to certain land acquisition powers;
- Section 250 provides for acquisition of rights including new rights;
- Section 260 relates to land acquired by agreement and included in a CPO over-riding restrictive covenants or other third party rights;
- Sections 14 and 125 confer powers on the Council as highway authority to make side roads orders, including authorising the stopping up of private means of access; and
- Section 110 confers power on the Council as highway authority to divert a non-navigable watercourse in connection with the construction, improvement or alteration of a highway; no further orders are required in the exercise of this power.

6.3 The Highways Act 1980 contains similar powers for National Highways in relation to trunk roads. Section 6 of the Highways Act 1980 contains powers for National Highways to authorise the Council to exercise the powers of National Highways in relation to trunk roads and empowers the Council to exercise such powers where authorised to do so.

6.4 Circular 2 / 97 states that it is the Secretary of State's practice not to confirm a Compulsory Purchase Order until he is satisfied that planning permission for the Scheme, to which the Order relates, has been granted. It is therefore not intended to make the Orders until such time as planning permission for the Scheme has been granted.

6.5 The legal considerations that the Council must take into account are set out in this report and in the SoR.

Human Rights

6.6 The Council has addressed the implications arising from the Scheme in respect of the Human Rights Act 1998. The Human Rights Act 1998 incorporated the European Convention on Human Rights (the "Convention") into domestic law. The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

6.7 The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community". Both public and private interests are to be considered in the exercise of the Council's powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.

6.8 In resolving to make the Orders, the Council has carefully considered the rights of property owners under the Convention against the wider public interest. The Scheme will deliver significant benefits to Hartlepool including to the growth of the Borough in accordance with Local Plan objectives, benefits to the local and strategic road networks, including road safety benefits, and the removal of through traffic from the village of Elwick.

6.9 Any interference with Convention rights, such as they may be, is considered to be justified and proportionate in order to secure the benefits that the Scheme will bring. All parties whose rights under Article 8 of the Convention and under Article 1 of the First Protocol thereto are both entitled to object to the Orders and be heard at a public inquiry or hearing in accordance with their Article 6 Convention rights, and those entitled to claim compensation are also entitled to appropriate compensation under the relevant statutory provisions.

6.10 In light of the significant public benefit which would arise from the implementation of the Scheme the Council has therefore concluded that it would be appropriate to make the Orders. It does not regard the Orders as constituting any unlawful interference with individual property rights.

Equality Act 2010

6.11 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.12 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

6.13 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

6.14 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

6.15 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

6.16 Compliance with the duties in section 149 may involve treating some persons more favourably than others.

6.17 The duty cannot be delegated and must be discharged by the decision maker. To discharge the statutory duty the decision maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified, consideration must be given to measures to avoid that impact as part of the decision making process.

6.18 An impact analysis has been undertaken in relation to the making of the CPO, SROs and SLRO and is set out in **appendix 7**, no specific considerations have been identified at this stage. The Orders relate ultimately to land transactions and are subject to statutory processes and are therefore considered to be neutral in their impact on persons with a protected characteristic.

6.19 In terms of the Scheme itself, all design complies with national design standards including the relevant requirements and guidance in relation to accessibility.

Crime and Disorder

6.20 Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the

exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

6.21 These issues have been considered but there are not considered to be any direct implications for crime and disorder.

7. RISK IMPLICATIONS

7.1 The final amount of consideration or compensation that may have to be paid to landowners is not yet known as it has not been possible to reach agreement. If agreement cannot be reached then ultimately the Lands Chamber is the arbiter of compensation. It will have regard to what is known as the Compensation Code, a body of statute and case law, and to valuation expertise. As with any litigation there is inherently an element of risk and uncertainty as to the outcome.

7.2 The costs of construction of the Scheme may increase due to unforeseen factors, the need to carry out additional accommodation works, or inflation above expected levels.

7.3 A slowdown in the housing market due to economic factors may result in slower house sales on the Quarry Farm and High Tunstall developments, leading to revenue from s106 obligations taking longer than anticipated to be paid.

7.4 The CPO may not be confirmed by the Secretary of State. However, even if there are objections lodged it is considered that the Scheme is in accordance with national and local policies and that the case for compulsory acquisition is robust.

8. ASSET MANAGEMENT CONSIDERATIONS

8.1 As set out in this report and appendices, the Council seeks to acquire all rights in land necessary for the delivery of the Scheme and has been in negotiations with the land agents acting for the affected landowners to acquire those interests for some time now. These negotiations are ongoing, however if terms cannot be agreed, compensation will be determined by referral to the Upper Tribunal (Lands Chamber).

8.2 In addition to the market value of the land, and as assessed under the Compensation Code comprising relevant statues and case law, other heads of compensation such as disturbance and fees may be payable whether settled by agreement or by reference to the court.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

9.1 Equality and diversity issues have been considered in relation to this report and there are no specific considerations identified at this stage.

10. CONSULTATION

10.1 The Scheme has been the subject of extensive consultation both formal and informal as set out above. In particular the Scheme was consulted upon as part of the 2018 Local Plan process and the subsequent 2019 outline planning application. There has also been informal consultation throughout the development of the Scheme via leafleting, press releases and online announcements. Affected landowners have been contacted via their agents.

10.2 In the context of the CPO the Council will be meeting with the Parish Council and local residents group to inform them of the Scheme in more detail in due course.

11. CHILD/FAMILY POVERTY CONSIDERATIONS

11.1 Child/Family Poverty issues were considered during the preparation of the 2018 Hartlepool Local Plan and again for this report. There are no specific considerations identified at this stage. The poverty impact assessment is set out at **appendix 8.**

12. ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS

12.1 Environment, Sustainability and Climate Change considerations relating to the Scheme have been considered during the preparation of the 2018 Hartlepool Local Plan particular in preparing policy LS1 (Locational Strategy) and policy INF2 (Improving Connectivity in Hartlepool) along with undertaking significant assessments via the sustainability appraisal. Environment, Sustainability and Climate Change considerations were also considered as part of the 2019 planning application and will be subject to further scrutiny as part of the determination of the detailed planning application now submitted for the Scheme. With regards to the CPO process there are no specific environment, sustainability and climate change considerations identified at this stage.

13. CONCLUSION

13.1 The Scheme is consistent with the adopted Local Plan. The need for it and the benefits it will bring are widely recognised. The proposal fits well within the applicable policy and is supported at both local and national level.

13.2 For the reasons set out in this Report and in the draft SoR a compelling case exists in the public interest for the Scheme and for the making of the Orders as set out herein in order to give effect to the Scheme.

13.3 Further work is necessary on the Statement of Reasons and the Orders before they are finalised for publication. The delegations requested will allow the Scheme to be progressed in an efficient and effective manner.

14. RECOMMENDATIONS

That Finance and Policy Committee requests that Council:

14.1 Approves the Council entering into an agreement with National Highways pursuant to Section 6 of the Highways Act 1980 ("the Section 6 Agreement") relating to highway works at the A19 / Elwick Road / North Lane junction and the exercise by the Council of all National Highways' powers in respect of the making, publishing and seeking confirmation of the A19 SRO and taking all other related steps necessary to give effect to paragraphs 14.2 and 14.3 below, with delegated authority given to the Director of Neighbourhoods and Regulatory Services ("the Director") in consultation with the Chief Solicitor to reach agreement with National Highways as to the form of such an agreement which shall generally be in accordance with the draft heads of terms attached as an appendix and with delegated authority to the Director in consultation with the Chief Solicitor to agree a commuted sum with National Highways if so required provided that agreement to pay such a commuted sum does not result in any prudential borrowing beyond that already approved by the Council in respect of the Scheme.

14.2 Approves the Council (both for itself and in exercise of the powers of National Highways delegated pursuant to the Section 6 Agreement) exercising powers under Sections 14, 125, 239, 240, 246, 250 and 260 of the Highways Act 1980, the Acquisition of Land Act 1981 and all other enabling powers to secure the compulsory acquisition of and otherwise deal with all land and rights and interests in and affecting land necessary to construct the Scheme.

14.3 Without prejudice to the generality of the approval at paragraph 14.1 above, authorises the Chief Solicitor (both for the Council itself and in exercise of the powers of National Highways delegated pursuant to the Section 6 Agreement as relevant) to make:

14.3.1 The Hartlepool Borough Council (A19 / Elwick Road / North Lane and Elwick Northern Bypass / Hartlepool Western Link) Compulsory Purchase Order 2023 ("the CPO") under sections 239, 240, 246, 249, 250 and 260 of the Highways Act 1980, the Acquisition of Land Act 1981 and all other enabling powers, as per the details contained in this report and generally in the form set out in an attached appendix to this report to secure the compulsory acquisition of interests in land and new rights shown on the plans attached as an

appendix (the CPO and associated plans being subject to any final amendments the Director considers necessary); and

14.3.2 The Hartlepool Borough Council (A19 / Elwick Road / North Lane and Elwick Northern Bypass / Hartlepool Western Link) (Classified Roads) Side Roads Order 2023 ("the SRO") under sections 14 and 125 of the Highways Act 1980 and all other enabling powers, as per the details set out in this report and generally in the forms set out as an appendix (subject to any final amendments the Director considers necessary); and

14.3.3 The Hartlepool Borough Council (A19 / Elwick Road / North Lane and Elwick Northern Bypass / Hartlepool Western Link) Side Roads Order 2023 ("the A19 SRO") under sections 14 and 125 of the Highways Act 1980 and all other enabling powers, as per the details set out in this report and generally in the forms set out as an appendix (subject to any final amendments the Director and National Highways considers necessary);

The CPO and SROs being collectively referred to as "the Orders".

14.4 Approves the Council entering into an agreement with the Secretary of State for Transport ("SSfT") and / or the Department for Transport ("DfT") to receive authority or delegation of powers to enable the Council to promote a Slip Roads Order or Orders to be made by the SSfT under sections 10 and 41 of the Highways Act 1980 through to confirmation, including preparation and representations at any Public Inquiry and the exercising of those powers if and when authorised or delegated; or whether or not a delegation is obtained pursuant to this paragraph the Council liaising with and assisting the SSfT and / or DfT in respect of publication and promotion of a Slip Roads Order or Orders under Sections 10 and 41 of the Highways Act 1980 in each case for the designation of the new slip roads created as part of the Scheme as trunk roads;

14.5 In respect of the Slip Roads Order, as necessary:

14.5.1 Authorises the Director to exercise on behalf of the Council any powers of the Secretary of State under section 10 of the Highways Act 1980 delegated pursuant to an agreement as described in paragraph 14.4 above or otherwise to take such steps as may be necessary to liaise with and assist the Secretary of State as described in paragraph above; or

14.5.2 In exercise of the powers of SSfT and / or the DfT delegated pursuant to an agreement described in paragraph 14.4 above authorises the Chief Solicitor to make the Hartlepool Borough Council (A19 / Elwick Road / North Lane and Elwick Northern Bypass / Hartlepool Western Link) Slip Roads Order 2023.

14.6 Approves in principle the Statement of Reasons ("SoR") for the above mentioned Orders generally in the form of the draft set out in an appendix and authorises the Director to agree the final version of the SoR, and the final form of the Orders including authority to make, if necessary, any amendments to the Orders referred to in the above paragraphs necessary to secure the compulsory acquisition of all interests in land necessary to construct the Scheme.

14.7 Authorises the Chief Solicitor to seal the Orders and as necessary the Slip Roads Order in their final form.

14.8 Authorises the Director to take all ancillary and necessary steps, including the publication and service of all statutory notices and presentation of the Council's case at Public Inquiry, to proceed with and secure the confirmation of the Orders and as necessary the Slip Roads Order by the Secretary of State, and making of agreements and undertakings with landowners and other affected parties necessary in order to secure the removal of any objections made to the Orders (where such agreements and undertakings are appropriate), and the vesting of the interests in land and new rights in the Council by way of the making of one or more general vesting declarations under the Compulsory Purchase (Vesting Declarations) Act 1981 or the service of Notices to Treat and Notices of Entry under the Compulsory Purchase Act 1965 and to include authority to request confirmation of the final Orders and as necessary the Slip Roads Order with modifications if, in the light of new information, it appears expedient to ensure the confirmation of the Orders and as necessary the Slip Roads Order.

14.9 That authority be given to the Chief Solicitor to acquire all third party interests in land and the properties subject to the CPO and as required for the Scheme (whether compulsorily or by agreement).

14.10 Note the revised Scheme estimate of between £24.497m and £26.094m.

14.11 Approve a funding strategy for the upper estimated Scheme costs of £26.094m and the funding strategy of application of £8.345m grant funding and £16.429m prudential borrowing repayable from s106 contributions.

14.12 Note that the annual loan repayments (excluding interest) of using prudential borrowing will be funded from s106 Developer Contributions. Under these arrangements the prudential borrowing of £16.429m will be repaid over a 15 year period.

14.13 Note that the annual interest cost will be phased over three years commencing in 2024 / 25 until the loan is repaid, this will be funded from Council Tax income generated from approximately 100 housing in 2024 / 25, 100 in 2025 / 26 and 127 in 2026 / 27 (i.e. the Council tax income from a total of 327 houses).

14.13.1 Agrees the provisional financial package set out in this report; and

14.13.2 Agree that the Council underwrites all land assembly costs and compensation costs arising from the making and implementation of the Orders in the event that these exceed the anticipated Scheme cost as set out in table 1 (summary of costs and funding) of this report.

15 REASONS FOR RECOMMENDATIONS

15.1 To ensure the Scheme is progressed expediently and Orders and as necessary the Slip Roads Order can be published at the earliest opportunity enabling the acquisition of land and the proper dealing with rights and encumbrances.

15.2 For the reasons set out in the Report and the attached draft Statement of Reasons there are compelling reasons in the public interest for the exercising of the relevant powers and the making of the Orders referred to in the Recommendations.

16 BACKGROUND PAPERS

16.1 Finance and Policy Committee – 14th March 2022 – A19 Grade Separated Junction, Elwick Bypass and Hartlepool Western Link.

16.2 Report to the Tees Valley Combined Authority Cabinet – 27th July 2018 – Hartlepool Western Growth Corridor.

16.3 Finance and Policy Committee – 26th November 2018 – Hartlepool Western Growth Corridor – Funding Strategy.

16.4 Council – 30th December 2018 – Hartlepool Western Growth Corridor– funding strategy and compulsory purchase order.

16.5 Council – 28th September 2017 – Elwick Bypass and Grade Separated Junction – Prudential Borrowing Report.

16.6 Finance and Policy Committee – 24th July 2017 – Elwick Bypass and Grade Separated Junction – Prudential Borrowing Report.

17 CONTACT OFFICERS

Tony Hanson
Director of Neighbourhoods and Regulatory Services
Civic Centre
Victoria Road
Hartlepool
TS24 8AY
Email tony.hanson@hartlepool.gov.uk
Tel: 01429 523300

Sign Off:-

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

APPENDIX 1

THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023

THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2023

THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) (SLIP ROADS) ORDER 2023

[THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) (SIDE ROADS) ORDER 2023

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

DRAFT STATEMENT OF REASONS

March 2023

[…] indicates text to be updated or added before final publication

APPENDIX 1

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APPENDIX 1

1. **INTRODUCTION**

1.1. This document has been prepared on behalf of Hartlepool Borough Council ("the Council") and comprises the Statement of Reasons for the Hartlepool Borough Council (A19, Elwick Road and North Lane Junction, Elwick Northern Bypass and Hartlepool Western Link) Compulsory Purchase Order 2023 ("the CPO") and the Hartlepool Borough Council (A19, Elwick Road and North Lane Junction, Elwick Northern Bypass and Hartlepool Western Link) (Classified Road)(Side Roads) Order 2023 ("the SRO") (together "the HBC Orders").

1.2. The HBC Orders were made on [to be inserted] pursuant to the Highways Act 1980, the Road Traffic Regulation Act 1984 and the Acquisition of Land Act 1981 and all other relevant enabling powers and if confirmed by the Secretary of State for Transport ("the Secretary of State") will facilitate compulsory acquisition of the land and new rights required for new highway and improvements. The CPO comprises both an Order itemising interests in land and an Order Map identifying the land ("the Order Land").

1.3. The Scheme also necessitates the involvement of National Highways and the exercise of their powers on behalf of the Secretary of State, and those directly of the Secretary of State in respect of the A19 trunk road and this document has been prepared under delegated powers and comprises the Statement of Reasons for the Hartlepool Borough Council (A19, Elwick Road and North Lane Junction, Elwick Northern Bypass and Hartlepool Western Link)(Slip Roads) Order 2023 ("the Slip Roads Order" and the Hartlepool Borough Council (A19, Elwick Road and North Lane Junction, Elwick Northern Bypass and Hartlepool Western Link)(Side Roads) Order 2023 ("the A19 SRO") (together "the A19 Orders"). Section 2 of this Statement of Reasons provides further detail in respect of the relationship with National Highways and their powers.

1.4. Together the HBC Orders and the A19 Orders are "the Orders".

1.5. The HBC Orders and the A19 Orders have been made pursuant to the Council's resolution of 13 March 2023 and delegated authority thereunder and thereafter submitted to the Secretary of State for confirmation.

1.6. Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules; and Rule 16 of the Highways (Inquiries Procedure) Rules 1994 will apply.

1.7. This Statement has been prepared to support the Orders by describing its objectives and purpose of the proposals for the new grade separated A19, Elwick Road and North Lane junction and the Elwick Northern Bypass/Hartlepool Western Link ("the Scheme"). The main elements of the Scheme include an overbridge ("the Junction") and a single carriageway Bypass/Link ("the Bypass/Link") connecting the existing A19 to Elwick Road.

1.8. Section 3 of the Statement describes the aims and purposes of the Scheme. The Council seeks to assemble in its ownership land and interests and new rights included in the CPO to facilitate and enable the construction of the Scheme. The Council also seeks to stop up private means of access adjoining or adjacent to the Scheme and to provide new access to any such properties. This is required to improve highway functionality and road safety; to improve access and connectivity between the A19 and Hartlepool; to facilitate delivery of new homes and related development of social and

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community infrastructure in identified development areas in Hartlepool; and to improve road safety and the environment of the village of Elwick by removing through traffic. There is planning policy support in the adopted development plan for the Scheme and the wider regeneration proposals. Further details of the Scheme and related development are provided below.

1.9. Section 4 of this Statement sets out the powers under which the Orders have been made

1.9.1. The CPO has been made under sections 239, 240, 246, 250 and 260 of the 1980 Act and of the Acquisition of Land Act 1981 and would, if confirmed by the Secretary of State for Transport, enable the Council, as acquiring authority, to acquire interests in land and rights compulsorily for the construction of the Scheme. The confirmation of the CPO will enable the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme and ensure the necessary improvements are made to the local highway network and appropriate mitigation provided.

1.9.2. Section 125 of the 1980 Act provides that any order made by the Council under section 14 may authorise the Council to stop up private means of access adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by such order; and to provide new private means of access to any such premises. The SRO and the A19 SRO which have been made under sections 14, 16 and 125 of the 1980 Act and all other enabling powers if confirmed by the Secretary of State for Transport, provides for the stopping up and improvement, raising, lowering, diverting or otherwise of highways which connect with the Scheme, for the construction of new highways, the stopping up of private means of access to land, the provision of new means of access to land and other associated works, including alterations to Public Rights of Way. The SROs, if confirmed, would thereby enable the construction of the Scheme and other necessary and associated works.

1.9.3. The A19 Slip Roads Order has been made under section 10 of the 1980 Act and would, if published and therafter made by the Secretary of State, enable the relevant parts of the new Junction to become trunk road.

1.10. If a CPO is to be justified it is necessary to demonstrate that there is a compelling case in the public interest. The Council considers that such compelling case exists. In coming to that view the Council has expressly had regard to the "Guidance on compulsory purchase process and the Crichel Down Rules" ("the Guidance"), and in particular has taken into consideration the following paragraphs of the Guidance:

1.10.1. CPOs are an important tool to use as a means of assembling land needed to deliver social, environmental and economic change and used properly contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities and the promotion of business - leading to improvements in the quality of life. (Paragraph 1)

1.10.2. It should be expedient to make a CPO and there should be a compelling case in the public interest. Notwithstanding that compulsory acquisition is

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intended as a last resort if an acquiring authority waits for negotiations to break down before starting the process, valuable time may be lost and initiating formal procedures can encourage those whose land is affected to enter more readily into meaningful negotiations. (Paragraph 2)

1.10.3. The purposes for which a CPO is made should justify interference with the human rights of those with interests in land affected. (Paragraphs 2 and 12).

1.10.4. It should be demonstrated that the acquiring authority has taken reasonable steps to acquire all of the land and rights required by agreement, except where land ownership is unknown or in question. (Paragraph 2 and 16).

1.10.5. An acquiring authority should provide substantive information about the sources of funding available for acquisition of land and implementation of the scheme. (Paragraph 14).

1.10.6. The confirming authority must take a balanced view between the public and private interests considering each case on its own merits. An acquiring authority must have clear proposals for the use of the land sought to be acquired compulsorily and must demonstrate that all necessary resources to achieve such objective are likely to be available within a reasonable timescale. (Paragraph 13).

1.10.7. It should also be shown that the Scheme is unlikely to be frustrated by any legal or physical impediments. (Paragraph 15).

1.11. The Council has given careful consideration to the reasons for the CPO and is satisfied that the above contents of Guidance are met, including that

1.11.1. There is certainty as to the purposes it is to be used for, namely for the Scheme and that it will become highway maintainable at the public expense.

1.11.2. The Council has undertaken conceptual and feasibility work in relation to the Scheme. It has also progressed design work in conjunction with National Highways. A planning application has been submitted to the Local Planning Authority under reference [to be inserted] The planning application establishes the road alignment and land-take requirements for the Scheme. This includes junctions, overbridge, carriageway, verge, underpasses, landscaping, and drainage. The Scheme has been designed in accordance with relevant planning and highways standards. The land-take required therefore reflects the necessity of meeting the required highway design standards.

1.11.3. There is well-established planning policy support for the Scheme. The relationship with housing development to be facilitated by the Scheme is also well-established. The Scheme is clearly required as infrastructure necessary to unlock the delivery of housing. The Scheme will also provide strategic and local highway networks benefits and will remove through

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traffic from the village of Elwick with concomitant amenity and environmental benefits.

1.11.4. The Council has contacted affected owners and occupiers for the purpose of discussing appropriate terms for acquisition of interests and payment of compensation. Such discussions are ongoing. The Council has made efforts to notify all parties whose interests the Council needs to acquire for the Scheme. There are a small number of unregistered interests in unknown ownership that the Council seeks to acquire (as more particularly stated in the schedule to the CPO) and the requisite notices will be placed on the relevant Order Land in respect of these interests once the CPO has been made. It is readily apparent, however, that if implementation of the Scheme is to be achieved within a realistic timescale, combined with the presence of unregistered interests in unknown ownership, that compulsory purchase powers must be employed. The Guidance advises that it is often sensible for the formal CPO process to be initiated in parallel with negotiations to acquire the Order Land. This Statement demonstrates that the requirements of that Guidance and the requirements of Highways Circulars 1/97 and 2/97 have been met.

1.11.5. The Council commenced discussions in 2017 with all freehold landowners (there not being any known leasehold interests) whose interests will be required and has continued to try to reach agreement through negotiation with their appointed agents George F White Chartered Surveyors and Youngs RPS Chartered Surveyors since that time. To date the Council has not successfully reached agreements with any of the landowners but the Council is committed to continuing such discussions and negotiations in parallel with progress of the CPO.

1.11.6. There are a small number of statutory undertakers potentially affected by the Scheme (as more particularly stated in the schedule to the CPO) and the Council has been in contact with those. The Council is in the process of seeking to agree the relevant protective provisions to be undertaken.

1.11.7. The Council has also contacted other parties who may be affected either directly or indirectly.

1.11.8. The necessary resources are, or will be, in place to ensure delivery of the Scheme within a reasonable timescale as set out below.

1.11.9. The Scheme is not likely to be frustrated by any legal or physical impediments. The position regarding planning application and planning permission is as set out above. Together with the Orders hereby sought all necessary consents will be in place to authorise development and use of the Scheme.

1.11.10. The Council has an agreement in place with National Highways pursuant to section 6 of the Highways Act 1980 for the delivery of the A19/Elwick Road/Coal Lane Junction improvements.

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1.11.11. Provision will be made for agreement with the DfT for associated works pursuant to section 10 of the Highways Act 1980 to ensure the relevant parts of the new Junction become trunk road.

1.12. The Council therefore considers that, taking into account the foregoing, there is a compelling case in the public interest that justifies the interference with private interests in land. The Council has therefore made the CPO to secure all interests required in order to deliver the Scheme.

2. NATIONAL HIGHWAYS

2.1. The Scheme requires alterations to the existing A19 trunk road network and the provision of a new junction to the A19 trunk road network, which is the joint responsibility of National Highways, as well as alternations to and the provision of new roads falling within the authority of the Council as Highway Authority. It is agreed that the Council will deliver the Junction on behalf of National Highways and that upon completion of the overbridge, ownership of the structure will vest in National Highways who will be responsible for its management and maintenance as part of the A19 trunk road network while the responsibility for the maintenance of the road surface (in respect of those parts of the Junction not comprising a trunk road) will remain with the Council.

2.2. The design of the Junction has been developed and designed by the Council and National Highways has given its technical approval to that design. In addition, the Secretary of State for Transport has agreed to publish the required section 10 order to ensure the relevant parts of the Junction become trunk road.

2.3. National Highways are the highway authority for the A19 Junction elements of the Scheme and will retain ownership and maintenance obligations in respect of the overbridge (excluding the surface of that section of the road that is not subject to the section 10 order).

2.4. The Council has entered into an agreement pursuant to section 6 of the 1980 Act with both the Secretary of State for Transport and National Highways ("the S6 Agreement") by which the relevant powers of each have been delegated to the Council as is necessary to promote the Scheme the subject of the Orders.

2.5. Heads of Terms of a proposed S6 Agreement is appended as an appendix.

3. THE SCHEME

3.1. The Scheme is located on the A19 between the A179 Sheraton Interchange and the A689 Wolviston Interchange. The Junction is approximately 6km west of the main conurbation of Hartlepool and the Bypass/Link lies to the north west of the village of Elwick where it meets the Junction, extending to the east north east of Elwick Village where it joins the existing Elwick Road at the northern end of what is known as Devil's Elbow (being a double bend in Elwick Road to the east of Elwick Village where Elwick Road crosses Dalton Beck).

3.2. The A19 runs through the west of Hartlepool Borough and forms part of the Strategic Road Network under the control of National Highways. The road provides a key

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strategic north-south link, connecting Hartlepool to the rest of the region and to the wider road network. Within the vicinity of the site, the A19 is a dual-carriageway with two lanes in either direction and is subject to the national speed limit.

3.3. A plan showing the relevant part of the A19 is attached as an appendix.

3.4. There are presently two main junctions on the A19 linking to Hartlepool:

3.4.1. The A19 / A179 / B1280 Junction ("Sheraton Interchange") is a compact grade-separated signal-controlled junction which has been improved and reconfigured to accommodate traffic-signal control to relieve queuing back on the slip roads to the mainline carriageway of the A19.

3.4.2. The A19 / A689 Junction ("Wolviston Interchange") is a grade-separated signal-controlled junction which was improved in 2014 and reconfigured to accommodate traffic-signal control, to relieve queuing back on the northbound slip road to the mainline carriageway of the A19.

3.5. Elwick Village was previously served by two smaller junctions, crossing over the A19 at grade. For reasons of safety in 2019, the central reserve of the A19 was stopped up to prevent right-turn movements to and from the mainline carriageway of the A19. The position is therefore now as follows.

3.5.1. The A19 / North Lane Junction is an at-grade priority-controlled junction between the A19 and North Lane. The junction is located to the north of Elwick village. Following the 2019 central reserve closure the junction currently operates as a left-in / left-out priority junction with appropriate deceleration and acceleration lanes.

3.5.2. The A19 / Coal Lane / Elwick Road Junction is an at-grade priority-controlled junction between the A19, Coal Lane and Elwick Road. The junction is located to the south of Elwick village. Following the 2019 central reserve closure the junction operates as a left-in / left-out priority junction with appropriate deceleration and acceleration lanes.

3.6. At present Hartlepool is highly reliant on the A689 and the A179 to provide access from the A19 into the main conurbation of Hartlepool. The current reliance on the A689 and A179 routes have seen noticeable increases in traffic congestion over the past 10-15 years. The A19 dual carriageway is oriented north-south through the two at-grade junctions for Elwick. The speed limit is 70 mph. The annual average daily flow (AADF) of traffic for this section of the A19 was 52,526 in 2015 (Outline Business Case, Fore Consulting).

3.7. The local road network includes the following:

3.7.1. In respect of the A19 / North Lane junction, heading south-eastwards from the A19, North Lane runs through Elwick Village where it joins Elwick Road as an at grade priority-controlled junction.

3.7.2. Heading eastwards from the A19, Elwick Road runs through Elwick Village where the speed limit was reduced to 20mph in 2013. There is intermittent

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footway provision within the centre of the village, with wide grass verges for the remainder of the route. North Lane has footway provision on at least one side for its entire length.

3.7.3. Travelling further eastwards from Elwick towards the main conurbation of Hartlepool, Elwick Road is rural in character and subject to the national speed limit. There are no footways or street lighting provided on either side of the road.

3.7.4. Elwick Road meets School Lane and Dalton Piercy Road approximately 1.9km to the east of Elwick Village at a priority-controlled crossroads junction.

3.7.5. School Lane is a narrow, single-carriageway road, subject to the national speed limit. It runs northwards from Elwick Road to the A179.

3.7.6. Dalton Piercy Road runs southwards from Elwick Road, providing access to the village of Dalton Piercy and to the A19 at an at-grade priority-controlled junction. There are no footways present on either side of the road for the majority of its length.

3.7.7. Travelling further east, the speed limit on Elwick Road reduces from national speed limit to 30mph upon entry to the built-up area of Hartlepool. The road has a typical carriageway width of 6.0m, although local widening is provided to accommodate for ghost-island priority-controlled junctions with Kielder Road and Cairnston Road. There is a footway on the southern side of Elwick Road, commencing at the gated access to High Tunstall Farm and extending eastwards towards High Tunstall College of Science, and on the northern side from the junction with Woodhouse Lane. There are bus stops located on both sides of Elwick Road and regular street lighting is present.

3.8. A plan showing the existing highway layout is attached as an appendix.

3.9. Safety concerns have been an ongoing concern in respect of at-grade junctions on the A19 for a number of years. Road marking and traffic sign improvements were undertaken in 2008. More recently in 2019 central reserve gap closures were effected on the A19 at Elwick Road, North Road and at Dalton Piercy junctions. Despite efforts to improve the safety record baseline, the at-grade staggered junctions west of Elwick have a poor safety record including fatal accidents. Any safety benefits that have been achieved through past and more recent improvements are considered likely to be eroded through intensification of use of the junctions as a consequence of increased traffic volumes.

3.10. An option appraisal was undertaken of both principal elements of the Scheme, i.e. the Junction and Bypass/Link respectively. Five junction options were identified, each of which included a compact grade separated junction. Four Bypass/Link options were identified. The EAST assessment tool was used to assess the options against Scheme objectives including potential to provide additional capacity and to address the known safety concerns. Subsequently sensitivity assessments have also been carried out. The Scheme was identified as the preferred option having taken into account issues

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in respect of the land take, access issue for existing landowners, land levels, and highways safety issues.

3.11. Thereafter a full Transport Assessment was carried out examining the baseline conditions on the local transport network, considering relevant national and local transport policy and assessing Scheme impacts. The Transport Assessment concluded that: the Scheme accords with both national and local transport policy; is designed appropriately to meet predicted future traffic forecasts; provides appropriate junction functionality; will deliver capacity benefits across the network as a result of traffic reassignment; and contains acceptable merge and diverge layouts.

3.12. The Scheme would replace the two existing junctions and comprises a new bypass to the north of Elwick Village and a new grade separated junction at the A19 at the northern Elwick access point. It comprises a new grade separated junction on the A19 northern access, introducing the opportunity to cross the A19 safely via the overbridge, and a northern bypass of the village of Elwick. The proposals have been developed in line with the guidance provided by National Highways under the Design Manual for Roads and Bridges (DMRB).

3.13. The Scheme will take significant volumes of traffic out of the village of Elwick, making it a safer environment for its residents. It will also provide a safe and effective third access point from the A19 into and out of Hartlepool.

3.14. A plan showing the proposed Scheme layout is attached as an appendix.

3.15. The length of the Bypass/Link is approximately 1.5km from the A19 junction to the eastern roundabout, with the link from the 4 arm roundabout adjacent to the A19 to the left slip off on the north bound side of the A19 being approximately 0.8km. From the eastern end, the proposed new junction on Elwick Road will remove significant amounts of traffic movements around the local highway turning known as "Devil's Elbow" as it is anticipated that the existing Elwick Road route will largely be used by village traffic only once the Bypass is open to public use. The proposed route has been aligned so as to minimise impact on the adjacent agricultural land and loops round to the northern access on the A19 at Elwick.

3.16. The road will be 7.3m wide plus 1m rumble strip either side, with a combined width of 9.3m. No kerbs are proposed, but there will be stone filter drains alongside the carriageway. Construction materials include bridge concrete abutments and steel beams, clay embankments with underpasses and culverts formed of corrugated steel and pre-fabricated concrete.

3.17. In addition to the new grade-separated interchange and bypass, the improvement measures also include the following elements:

- The provision of:
    - A Type A Taper Diverge northbound off-slip which provides access to Elwick Bypass from the northbound carriageway of the A19.
    - A Type B Parallel Merge northbound off-slip which provides access to the northbound carriageway of the A19 from the Elwick Bypass.

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- The closure of the A19 / Elwick Village Road (Church Bank) left-in / left-out at-grade priority junction, with access to the A19 prohibited.[1]

- The closure of the A19 / Coal Lane left-out at-grade priority junction, with access to the A19 prohibited, but with retention of the left-in junction. [2]

- The reconfiguration of the A19 / North Lane left-in / left-out at-grade priority junction and realignment of North Lane to provide access to a new four-arm roundabout to the north of Elwick Village.

- The retention of the existing acceleration and deceleration lanes at the A19 / North Lane at-grade left-in / left-out junction.

- The closure of the existing A19 / Middleton House access.

- The provision of new private access road adjacent to the northbound carriageway of the A19 to facilitate access to Middleton House.

- The realignment of North Lane from Elwick Village to tie into a new four-arm roundabout to the north of Elwick Village.

- The provision of a new four-arm roundabout to the west of Elwick Village and east of the grade-separated interchange. The roundabout has been designed with an ICD of 50m and features flared two-lane entries on all approaches to the roundabout.

- The provision of a new three-arm roundabout to the north east of Elwick Village. The roundabout connects the proposed bypass with Elwick Road (eastbound towards Hartlepool) and southbound (towards the village of Elwick) and has been designed with an ICD of 50m and features flared two-lane entries on all approaches to the roundabout.

3.18. It should also be noted that for the purposes of the definition of the Scheme that the Council considers that it also includes the A19 central reservation closures, given that they were an integral part of the planning of the Scheme and are necessary to enable the junction improvements and new link to be delivered as designed.

3.19. The Scheme would therefore achieve the following objectives and have the following benefits:

3.19.1. Improve the operation of and road safety at the at-grade A19-Elwick junction by construction of a new grade-separated junction and also contribute to wider improvements in road safety and functionality along the A19 corridor.

[1] Discussions are ongoing with National Highways in respect of their preferred legal process to achieve the closure of this junction.
[2] As for FN [1] above

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3.19.2. Improve connectivity by creating an additional main junction on the A19 and enhanced link into the main conurbation of Hartlepool and its rural hinterland.

3.19.3. Contribute to strategic and local traffic management including by relieving pressure on the existing A179 and A689 routes from the main conurbation to the A19.

3.19.4. Contribute to regeneration and growth in accordance with the key principles and spatial vision in the adopted Hartlepool Local Plan ("the Local Plan") particularly in order to bring forward housing development and associated social infrastructure. The delivery of a key housing allocation at High Tunstall being dependent on the delivery of the Scheme.

3.19.5. Improve road safety, bring environmental benefits to and protect the character of Elwick by reducing existing through traffic from the village.

3.20. As part of a package of measures to address safety concerns on the A19 central reserve closures have already been carried out. The construction of a grade separated junction with overbridge will further improve safety.

3.21. The Scheme will also include the following elements:

3.21.1. The proposed alignment of the Scheme crosses four watercourses: Char Beck (part of Greatham Creek Catchment, being a tributary of tidal Tees), Boggle Beck and two unnamed watercourses, with the alignment of Char Beck being diverted along a short stretch as part of the Scheme. The proposed bypass is located within Flood Zone 1. With the designed mitigation however no residual impacts are predicted and the Scheme will have no detrimental impact on water quality, drainage or flood risk.

3.21.2. Surface water attenuation will be provided via attenuation ponds which will be located within the Scheme and will discharge to both Dalton Beck and Char Beck. New culvert with "soft bottoms" will be provided and existing channel width maintained. A new watercourse channel will be created from the proposed attenuation ponds to the west of and parallel with the A19 which will feed into an existing watercourse.

3.21.3. Lighting, road signs and markings will be installed in accordance with the relevant highway standards.

3.21.4. The presence of National Grid overhead lines have been taken into account in the design process and its design guide requirements in respect of clearances has been incorporated into the Scheme design.

3.21.5. There are no current proposed connections into the public sewerage network.

3.21.6. Given the nature of the Scheme as a new road and interchange it will not be possible fully to mitigate for the change in landscape character but mitigation will be designed to the extent possible and is proposed to include:

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3.21.6.1. an at-grade profile or cutting along the northernmost alignment of the bypass;

3.21.6.2. creation of new habitat areas within remnant, truncated fields to include the provision of species rich grassland, woodland or small scale ponds;

3.21.6.3. new tree planting and the gapping up of existing hedgerows and the planting of new hedgerows to include a greater variety of species;

3.21.6.4. use of wildflower rich native seeds along new road verges, cuttings and embankments;

3.21.7. Whilst it is recognised that there will be some limited loss of trees, hedgerows and habitats substantial steps will be taken to mitigate impacts. The Scheme landscape mitigation will include new hedgerow planting, new tree screening, "gapping up" of hedgerows to improve habitat connectivity, wildflower rich verge mix planting, and new woodland planting. Best practice will more generally be followed in respect of ecological and habitat mitigation.

3.22. In terms of noise impacts, it is anticipated that the benefit of reducing through traffic Elwick Village will reduce the direct incidence of traffic related noise events. Moreover, noise assessments undertaken to date confirm that residential properties will not qualify for noise insulation regulations compensation.

3.23. As regards impacts on air quality, it is anticipated that reducing Elwick Village through traffic will provide air quality benefits to residents. The combined effect of the Scheme with residential development, such as at High Tunstall, will be positive in some locations and negative in others. In any event as reflected in the EIA the impacts of the Scheme are considered to be acceptable.

3.24. The land required for working space will be accommodated within the permanent land take required for the Scheme: the working space required for the Junction will be accommodated within the land take for the overbridge and the working space required for the Bypass/Link will be accommodated within the landscaping mitigation land.

3.25. Temporary access arrangements will principally be provided from the existing road network.

3.26. A number of new permanent accesses will be created as part of the Scheme and the SRO as required by the landowners. [Further text to reflect final design and SRO provisions to be inserted]

3.27. Public consultation on a version of the Scheme was undertaken in 2018 including a January 2018 consultation event for three days at Middleton Grange Shopping Centre in the centre of the main conurbation of Hartlepool, staffed at all times by two Council officers; and a February 2018 drop in consultation session at Elwick Parish Hall. Discussions were also entered into with Elwick Parish Council.

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4. **DESCRIPTION OF THE ORDER LANDS**

4.1. The Order Land is shown on the CPO Map and comprises approximately [17.85] hectares and is situated on land to the north of Elwick village, which is situated to the west of the main conurbation of Hartlepool but east of the A19 dual carriageway. The affected land is a mixture of pasture and arable grade 3 farmland forming a wide strip crossing a number of different holdings, a farm access, private road and tracks. The land to the east of the A19 is mainly gently undulating but drops away more steeply to a stream near the eastern end. A similar area of farmland on the western side of the A19 is also part of the Order Land, but whilst the land on the east of the A19 bisects the various holdings, the land on the western side consists of areas adjoining the A19 on the eastern sides of the 2 holdings involved. Field boundaries are mainly fenced but with some hedging. There are no buildings or other structures (apart from fences) on the land.

4.2. Full details of the Order Land appear in the Schedule to the CPO, but in summary it includes the acquisition of land and the creation of new rights in respect of land at:

4.2.1. Land at High Barns Farm, Elwick, Hartlepool TS27 3HE Title No. CE 170754.

4.2.2. Land at House Farm, Elwick, Hartlepool TS27 3EN Title No. CE146944.

4.2.3. Land at The Parks, Elwick, Hartlepool Title No. CE219676.

4.2.4. Land at Village Farm Bungalow, Elwick, Hartlepool Title No. CE174382.

4.2.5. Land at Martindale Farm, Elwick, Hartlepool Title No.s CE41831 and CE144195.

4.2.6. Land at Potters Farm, 9 The Green, Elwick, Hartlepool TS27 3ED Title No. CE154388

4.2.7. Land at North Farm, Elwick, Hartlepool TS27 3ED Title No. CE176982.

4.3. Details of known and unknown interests and rights to be acquired are listed in the Schedule to the CPO. This Schedule has been prepared based upon information gathered through a land referencing exercise comprising of inspection of Land Registry title documents, site inspections and enquiries. In addition statutory requisition notices have been used to confirm both ownership and occupation.

5. **ENABLING POWERS**

5.1. The Order has been made by the Council pursuant to all relevant powers contained in the Highways Act 1980 specifically sections 239 (construction and improvement), 240 (improvement) 246 (mitigation of adverse effects), 250 (rights) and section 260 (clearance of title to land acquired for statutory purposes).

5.2. S239 of the 1980 Act provides that a highway authority may acquire land required for the improvement of a highway where works are to be carried out on land outside but adjoining the boundary of an existing highway.

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5.3. S240 of the 1980 Act provides for acquisition of land in connection with construction or improvement of a highway.

5.4. Section 246(1) of the 1980 Act provides the power to acquire land compulsorily outside the proposed boundary of a highway for the purpose of mitigating any adverse effect which the existence or use of highways constructed or improved by them has or will have on the surroundings of those highways. That is, it allows the acquisition of land needed to maintain or improve the environment of areas adjacent to a highway. The Secretary of State's policy is that it is considered desirable that wherever possible section 246(1) land should be included in the same CPO as the land required for the highway itself. Once such land has been acquired, the Highway Authority may make suitable use of it under Section 282 of the 1980 Act which enables the carrying out of works for mitigating the adverse effects which the existence or use of a highway has or will have on the surroundings of the highway. That is, there are express powers to erect physical barriers (such as walls, fences, screens or mounds of earth) alongside roads in order to reduce the effects of traffic noise on people living nearby.

5.5. Section 250 of the 1980 Act provides for the compulsory acquisition of rights over land and the creation of new rights. The kind of rights for which these provisions provide for include: the right to lay and maintain drains and associated works; the right to carry out works on watercourses; the right to place and maintain footings or ground anchors in land; the right to reshape or regrade land outside the boundaries of a highway or new proposed highway; the right of access for the construction and maintenance of a retaining wall.

5.6. The Council is using its powers of compulsory acquisition because:

5.6.1. notwithstanding that negotiations with affected parties have been ongoing for some considerable time, it is not certain that it will be able to acquire by agreement all the land and new rights required; although of course it will continue to negotiate in parallel with the Order process; and

5.6.2. the Scheme includes a [2] parcels of unregistered land in unknown ownership [along with [6] parcels of unregistered mines and minerals interests in unknown ownership] which the Council is unable to acquire by agreement

5.7. Section 14 of the 1980 Act authorises the Council as the Highway Authority to stop up divert, improve or otherwise deal with a highway that crosses or enters the route of the Junction and/or Bypass/Link.

5.8. Section 110 of the 1980 Act further authorises the Council as the Highway Authority to divert an existing non-navigable watercourse in connection with the construction, improvement or alteration of a highway.

5.9. Section 125 of the 1980 Act empowers the Council to deal with any private means of access affected by the Junction and/or the Bypass/Link including the provision of a new means of access.

5.10. Section 10 of the 1980 Act allows for the Secretary of State to make an order which will ensure that the new road being provided is to become a trunk road and thereafter

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to be treated as such. The Secretary of State has drafted such an order and has delegated to the Council pursuant to the S6 Agreement the power to publish it.

5.11. Section 41 of the 1980 Act applies in respect of the duty it creates for both existing roads and new roads to be constructed to be maintained at public expense, all material powers are given to the Council as set out in the S6 Agreement.

6. JUSTIFICATION FOR THE CPO

6.1. The Scheme's purposes include improving highway functionality and road safety on the A19 and local highway network, improving connectivity with the A19, relieving pressure on existing routes in Hartlepool, contributing to regeneration and growth in accordance with key principles and policies of the Local Plan, and benefitting Elwick Village by reducing through traffic. The Scheme is integral to bringing forward housing development and associated social infrastructure on allocated sites in the Local Plan.

6.2. The purpose of seeking to acquire land compulsorily is to ensure all land and interests on the route of the Scheme can be acquired to facilitate its construction and adoption, which will subsequently support the further development of housing together with the wider highway and environmental outcomes set out above.

6.3. The Council is using its powers of compulsory purchase contained in the Highways Act 1980 because acquisition of the land and new rights is required to enable the Scheme to be constructed. The purpose of proposed acquisition is to facilitate the delivery of the Scheme and so in turn contribute to the Council's planning policy objectives within a realistic timescale, including facilitating the delivery of new housing development.

6.4. The CPO is required in order to ensure achievement of the Council's policy objectives within a realistic timescale. Although reasonable efforts have been made, and will continue to be made, to acquire the necessary land and rights by private treaty in order to be able to develop the Scheme, it is apparent that the CPO is required to ensure that there is sufficient certainty that it can come forward within a reasonable time period.

6.5. Compulsory purchase will enable the construction of the Scheme to take place in a timely fashion in order to derive the public benefits identified herein and the realisation of the Council's planning policy objectives. It is considered that compulsory purchase is not only necessary but also justifiable and that there is a compelling case in the public interest.

6.6. The Scheme is clearly in accordance with the adopted Local Plan for the area. It is expressly recognised in Policy LS1, the key strategic Local Plan policy, in the following terms *"the key new element of strategic infrastructure proposed is a bypass to the north of Elwick Village along with a new grade separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool*". The Local Plan furthermore clearly links the Scheme to the strategic policy and site specific allocations for new housing forming part of the western extension of Hartlepool. The policies sets out that such allocations are subject to tests including assessment of the need for the Scheme that would both serve the proposed development satisfactorily and be funded in part by the housing development and also produce clear public benefits to users of the highway system.

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6.7. The Scheme will promote and improve the well-being of Hartlepool residents and visitors by unlocking a significant element of housing development that will play a key role in meeting the borough's wider growth targets. It will bring significant benefits to western Hartlepool and the wider area, including facilitating the development of land to deliver new homes that forms a key part of the Council's Local Plan Strategy. The Scheme and housing construction programme will also contribute to jobs and economic growth across the borough.

6.8. The Scheme will deliver significant direct journey time benefits for people and goods seeking to access the western part of Hartlepool and indirectly produce benefits to road users on other links to the town by reducing congestion. It will create new highway capacity that will reduce the impact of background traffic growth and traffic growth as a result of new housing development on the existing urban area and more specifically on Elwick village.

6.9. The purpose of the proposed acquisition is clear. The land to be compulsorily acquired will be required and adopted for highway uses. There is a clearly stated planning policy requirement to bring the Hartlepool western extension housing development forward as set out in the Local Plan and the Scheme is clearly required as the critical infrastructure to realise the full potential of the housing allocations.

6.10. The Council has undertaken feasibility testing of options for the Scheme and the extent of land required for its delivery. It is satisfied that the land identified for the Scheme is required having regard to wider spatial planning and policy objectives; highway standards as specified in Department for Transport's 'Design Manual for Roads & Bridges' (DMRB) and otherwise; limiting incursion into open countryside; the Green Belt; and the need to ensure continued access to private agricultural fields both during construction and post-completion of the Scheme. The route alignment therefore reflects a balance in order to deliver high qualify highways infrastructure in accordance with design best practice and all other material considerations.

6.11. The necessary resources are, or will be, available to achieve delivery of the Scheme within a reasonable timescale, including land acquisition, compensation costs and any blight liability. The costs of the Scheme will be recoverable over time through contributions from housing developments and have been secured as planning obligations through s106 legal agreements attached to planning approvals for housing. The Council has approval in principle for capital grant funding of £4,172,500 from Tees Valley Combined Authority (TVCA) with a further £4,072,500 to be provided by Homes England or TVCA. The initial grant from TCVA includes £1.16m of funds for project development and allows for full draw down of the grant subject to completion of all stages of the Business Case and approval process which will ultimately be contingent on a successful outcome to all relevant statutory procedures. The Council has also resolved to use its ability to access borrowing to fund the gap between outturn scheme costs and available funding and in any case to underwrite all the costs associated with acquiring land should these exceed the available grant and s106 monies.

6.12. Subject to confirmation of the Orders, the Scheme is unlikely to be prevented by any physical or legal impediments to implementation. A planning application for the Scheme has been submitted. The application clearly sets out the route alignment and land take requirements for all aspects of the Scheme including the junction, overbridge,

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carriageway, verges, footways, cycleways, crossings, landscaping and drainage that will enable its construction and adoption.

A19

6.13. The Scheme will improve the operation of and road safety at the at-grade A19-Elwick junction by construction of a new grade-separated junction and also contribute to wider improvements in road safety and functionality along the A19 corridor.

6.14. Historically the A19 in this location has had a relatively poor safety record. In particular, one fatality in June 2014 was the subject of a coroner's report which highlighted the need to address safety issues arising on the A19. The Scheme has therefore evolved in part as a response to that record and those concerns. A first step towards improving safety has been the closure of the central reservation gaps. Those closures have, in turn, enabled the development of the Scheme proposals which, if implemented, will further improve safety by means of provision of the new junction and associated stopping up. Specifically the Scheme will therefore make the following further improvements:

6.14.1. the closure of the left/out turn from Coal Lane onto the A19 will prevent vehicles joining the A19 at a location where there is an inadequate slip road and visibility splay by current design standards;

6.14.2. the closure of the existing private access onto the A19 will prevent vehicles, and in particular slow moving farm vehicles, joining the A19 at a location where there is an inadequate slip road by current design standards;

6.14.3. the closure of the A19 / Elwick Village Road (Church Bank) left-in / left-out at-grade priority junction, with access to the A19 prohibited will prevent vehicles joining the A19 at a location where there is an inadequate slip road by current design standards;

6.14.4. The introduction of the overbridge also provides a safe right turn option from the A19 northbound to Elwick Village and from Elwick Village to the northbound A19. Motorists are therefore considered to be less likely to take chances and conduct riskier manoeuvres by effecting u-turns at any farm access where the central reserve gaps remains open.

6.14.5. The provision of a third main access route within the borough will reduce the likelihood of vehicles queuing back onto the A19 from the northbound off-slip roads at both the A689 and A179 junctions, which is currently a regular occurrence leading to congestion as through traffic has to move out of Lane 1, and also posing significant safety concerns over the risk of collisions.

6.15. Overall journey times to and from the A19 will be significantly improved by provision of a third main access.

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Improved connectivity

6.16. The Scheme will improve connectivity with the A19 by creating an additional main junction on the A19 and enhanced links to the borough.

6.17. It will provide better and more direct access to the west of Hartlepool and in particular to the housing forming a western extension of the main conurbation. However it will also contribute more generally by enhancing accessibility to job opportunities, retail and leisure in the borough.

Relieve pressure on the existing A179 and A689 routes

6.18. The Scheme will contribute to strategic and local traffic management including by relieving pressure on the existing A179 and A689 routes in Hartlepool to the A19, providing a more direct link to western Hartlepool, and as a result reducing congestion on the A179 and A689.

6.19. Local network modelling indicates that the Scheme is forecast to improve overall network conditions in both AM and PM peaks. This includes generally being forecast to reduce overall network delays and average queuing, particularly as more traffic is present on the network. The Scheme is also forecast to give rise to significant capacity benefits across most time-periods assessed.

Alignment with the Local Plan and contribution to housing development

6.20. The Scheme will contribute to regeneration and growth in accordance with the key principles and spatial vision in the adopted Local Plan, particularly in order to bring forward housing development and associated social infrastructure. Central to this is the aim to plan for the people and places of Hartlepool in a sustainable way and to meet the needs of anticipated population growth. The Local Plan seeks to concentrate housing growth in areas adjoining the existing built up area such as High Tunstall and the South West Extension, together with some limited extensions to Elwick and Hart villages. The delivery of key housing allocations at High Tunstall and Quarry Farm(2) are a critical part of Hartlepool's overall planning policy and its plans to meet housing need and demand. In addition the Local Infrastructure Plan recognises the connection between the housing allocation at High Tunstall and the required delivery of the Scheme in order that such allocated and indeed the consented site is to be brought fully forward. The Scheme is a necessary step in this development process by creating the strategic highway capacity and more direct linkage from the A19 to the development sites to enable full construction and occupation of new homes. The Scheme is thus an integral part of the Council's regeneration and housing proposals established in the Local Plan.

6.21. The Scheme will facilitate the regeneration and growth of Hartlepool in line with the key principles and spatial vision in the Local Plan by making housing commercially realisable.

6.22. The Scheme is in accordance with Local Plan policy. Policy LS1 is the strategic driver underlying the Plan's contents. It expressly identifies the strategic relationship between development and new highways infrastructure, stating that "*the development of Hartlepool will be based on a strategy of balanced urban growth with expansion being*

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concentrated in areas adjoining the existing built up areas and adjacent to areas of strong economic growth but ensuring growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements which allow Hartlepool to grow in a sustainable manner. The key new element of strategic infrastructure proposed is a bypass to the north of Elwick Village along with a new grade separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool" (emphasis added).

6.23. In order that allocated housing sites are delivered in full it is necessary to effect the improvements contained within the Scheme.

6.24. The respective Local Plan housing site policies (HSG5: High Tunstall; HSG5a: Quarry Farm 2; HSG7: Elwick Village and HSG3(3): Briarfields), included a prohibition on development *"prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council*." The Local Infrastructure Plan in turn contains further requirements for financial contributions to the Scheme to be payable in relation to each of the phases of the above allocated sites.

6.29 The present position moreover is that the High Tunstall and Quarry Farm 2 sites now benefit from planning permission and in respect to High Tunstall a condition restricting housing numbers pursuant until the Scheme has been delivered. It is therefore necessary to bring forward the necessary highways improvements comprised in the Scheme in order to achieve the strategic objectives of the Local Plan.

6.25. The Scheme is also expressly cited in policy INF2: Improving Connectivity in Hartlepool, which further recognises the necessity for improved linkage with the A19 and additionally the relationship between allocated development and highways improvements. It therefore protects the land required for the Scheme and expressly provides that no permanent development will be permitted within land corridors shown on the Policies Map and which includes *"Grade separated junction on A19 (T) at Elwick; improvements and realignment of Elwick Road including bypass north of Elwick village, and realignment of Coal Lane"*.

6.26. Other Local Plan policies are relevant to infrastructure quality standards and for example the Scheme aligns with high design standards as required by policies QP3 (Location, Accessibility, Highway Safety and Parking) and QP4 (Layout and Design of Development).

Benefits to Elwick village by removal of through traffic from the village.

6.27. The Scheme will minimise the impact that traffic arising from existing and new homes has upon Elwick village by the relocation of through traffic to the new Bypass/Link. It will also deliver improvements to air quality and other environmental parameters in the village improve the quality of life for existing residents.

7. CASE FOR ACQUISITION OF INDIVIDUAL INTERESTS AND RIGHTS

7.1. In accordance with the Governments' Guidance on Compulsory Purchase Process and the Crichel Down Rules the Council has undertaken efforts to acquire the CPO Land by agreement.

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7.2. The interests sought to be acquired relate to the following, as further identified in the CPO:

7.2.1. High Barns Farm

7.2.2. Village Farm

7.2.3. Martindale Farm

7.2.4. Potters Farm

7.2.5. North Farm

7.2.6. Middleton House Farm

7.2.7. The Parks

7.3. Letters were initially sent in August 2017 to the agents for all known landowners identified as being directly affected. The correspondence advised that the Council would wish to acquire the relevant land on a deemed CPO basis and in accordance with the Compensation Code. All of the affected landowners are represented by agents. Indeed a number are represented by the same agent. Negotiations have accordingly been conducted via such representatives.

7.4. Negotiations have continued since the initial letters were sent to the landowners but at the present time agreement has still not been reached with any of the landowners and consequently none of the Order Lands has been acquired or is under contract to be acquired by the Council.

8. **JUSTIFICATION FOR THE SRO and the A19 SRO**

8.1. The SRO and the A19 SRO, if confirmed, will authorise the Council to improve highways, stop up existing highways and private means of access to properties affected by the Scheme, and to construct new highways and provide new private means of access required as a consequence of the Scheme.

8.2. A copy of the SRO Plan and the A19 SRO Plan are appended as an appendix and which show the extent to which it is necessary to carry out works to existing highways, stopping up of existing highways, stopping up of private means of accesses, and the provision of new private means of access to premises that are likely to be affected by the Scheme.

8.3. The proposed alterations to existing highways and private means of access to premises affected by the Scheme are detailed in the schedules to the SRO and the A19 SRO and shown diagrammatically on the SRO Plans and the A19 SRO Plans.

8.4. The SRO and the A19 SRO and the necessary changes to the highways and private means of access to premises affected by the SRO are an integral part of the proposed construction of the Scheme, the details of which are set out below:

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Highway to be stopped up

8.4.1. [Details as shown on SRO plans, written text to be inserted - to describe the various areas of highway to be stopped up and what each area of land to be stopped up will be used for in the context of the Scheme].

New Highway to be provided

8.4.2. [Details as shown on SRO plans, written text to be inserted to describe any new highways to be provided under the SRO/A19 SRO].

Private means of access to be stopped up and new means of access

8.4.3. [Details as shown on SRO plans, written text to be inserted to describe the various private means of access to be stopped up and reasons for their being unable to be continued to be used following implementation of the Scheme, and a description of the new private means of access]

8.5. The SRO is made in relation to the existing North Road and Elwick Road to be improved and the new Bypass/Link to be constructed.

8.6. The A19 SRO is made in relation to the A19 to be improved and a short length of the new A19 to be constructed and tied into the Bypass/Link. This latter section of the A19 will be subject to the A19 Slip Roads Order prior to the confirmation of the A19 SRO.

8.7. The Council is satisfied that where highways are to be stopped up, as a consequence of the Scheme, other reasonably convenient routes for those highways will be provided under the Scheme, allowing the Secretary of State for Transport to satisfy himself on that matter under section 14(6) of the Highways Act 1980, in his consideration of the SRO and the A19 SRO.

8.8. The Council is also satisfied that where private means of access to premises are to be stopped up under the SRO and the A19 SRO, that it is providing another reasonably convenient means of access to the relevant premises under the Scheme, or that other reasonably convenient means of access to those premises already exist allowing the Secretary of State for Transport to satisfy himself on that matter under section 125(3) of the Highways Act 1980, in his consideration of the SRO and the A19 SRO.

8.9. Additionally, where the Scheme severs land, the Council has addressed the need to provide new means of access to severed land where necessary and where not otherwise served by existing means of access to such land.

9. PLANNING POLICY

9.1. This section identifies relevant national and local planning policies and other material considerations and addresses how the need for the Scheme and its related objectives accord with the requirements of planning policy.

9.2. The National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government in in July 2021. The NPPF sets out how

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the planning system will contribute to achieving sustainable development. In effect, this means planning is required to perform the following three specific roles:

- An economic role, contributing to building a strong, responsive and competitive economy.
- A social role, supporting strong, vibrant and healthy communities.
- An environmental role, protecting and enhancing the natural, built and historic environment.

9.3. Of pertinence to the Scheme proposals, the NPPF states that planning policies should *"Identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development".*

9.4. Planning Practice Guidance (PPG) brings together many areas of English planning guidance into a stream-lined format, which is linked to the NPPF. PPG replaces previous planning practice guidance documents. The guidance is a key material consideration in the decision-making process, set within the overarching NPPF. The content and structure of the Transport Assessment submitted in support of the planning application has been prepared in accordance with the PPG.

9.5. DfT *'Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development*[3]*'* (the Circular) sets out the way in which National Highways will engage with communities and the development industry to deliver sustainable development and, thus, economic growth, whilst safeguarding the primary function and purpose of the Strategic Road Network. [It replaces the policy set out in 'Circular 02/2007 Planning and the Strategic Road Network' and *'Circular 01/2008 Policy on Service Areas and other Roadside Facilities on Motorways and All-purpose Trunk Roads in England*'.]

9.6. The Circular expressly addresses the relationship between development proposals and highway capacity including that *"Where the overall forecast demand at the time of opening of the development can be accommodated by the existing infrastructure, further capacity mitigation will not be sought"* (paragraph 27) and that *"Where appropriate, proposals for the creation of new junctions or direct means of access may be identified and developed at the Plan-making stage in circumstances where it can be established that such new infrastructure is essential for the delivery of strategic planned growth."* (paragraph 39).

9.7. Local Planning Policy is set out in a suite of documents including the following:

9.7.1. Hartlepool Local Plan and Local Plan Policies Map

9.7.2. Hartlepool Local Infrastructure Plan

9.7.3. Hartlepool Rural Neighbourhood Plan 2016-2031

[3] The Strategic Road Network and the Delivery of Sustainable Development, Department for Transport, 2013.

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9.7.4. High Tunstall Masterplan (Adopted December 2018)

9.8. Other relevant plans and strategic documents include:

9.8.1. Highways England Strategic and Delivery Plans 2020-2025

9.8.2. Transport for the North – Strategic Transport Plan

9.8.3. Northern Powerhouse: One Agenda, One Economy, One North

9.8.4. Northern Powerhouse Independent Economic Review

9.8.5. Tees Valley Combined Authority Strategic Transport Plan

9.9. The Hartlepool Local Plan[4] was adopted by Hartlepool Borough Council in May 2018. It replaces the saved policies of the 2006 Local Plan. The Local Plan is the key Development Plan Document (DPD) within the Local Development Framework (LDF) and sets out the spatial vision and strategic objectives for the Borough for the period 2016 to 2031.

9.10. Local Plan Policies and strategies relevant to the Scheme proposals include the following.

<u>Policy LS1 (Locational Strategy)</u>

9.10.1. Policy LS1 is the main Locational Strategy policy for Hartlepool. It recognises that previous reliance on constraining development to the urban area is no longer viable and whilst promoting viable brownfield sites nonetheless allows a westward expansion into greenfield land.

9.10.2. In so doing it seeks to concentrate housing growth in areas adjoining the existing built up area such as High Tunstall and the South West Extension, together with expansion at Wynyard and some limited extensions to Elwick and Hart villages.

9.10.3. It cross-refers to the Local Infrastructure Plan and recognises the connection between the High Tunstall and Quarry Farm 2 housing allocations and delivery of the Scheme.

9.10.4. Policy LS1 is the strategic driver underlying the Plan's contents. It expressly identifies the strategic relationship between development and new highways infrastructure. It states:

"The development of Hartlepool will be based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built up areas and adjacent to areas of strong economic growth but ensuring growth occurs in a controlled way and is delivered <u>alongside local and strategic infrastructure improvements which allow Hartlepool to grow in a sustainable manner. The key new element of strategic infrastructure proposed is a bypass to the north of Elwick Village along with a new grade</u>

[4] Hartlepool Local Plan, Hartlepool Local Planning Framework, Hartlepool Borough Council, 2018.

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separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool." (Emphasis added).

9.10.5. Policy LS1 also makes reference to new housing development to be located as shown on the proposals map and including:

- *A south west extension of the town (which benefits from planning permission) of approximately 1250 new dwellings in accordance with policy HSG4.*
- *An extension of the town at High Tunstall of approximately 1200 new dwellings in accordance with policy HSG5.*

9.10.6. There are triggers in legal agreements linking payments towards the Scheme to housing delivery. It is therefore necessary to bring forward the necessary highways improvements comprised in the Scheme in order to achieve the strategic objectives of the Local Plan. Further details about the relationship between housing and Scheme are set out below.

Policy INF2: Improving Connectivity in Hartlepool

9.10.7. Policy INF2 further recognises the linkage between development and highways improvements. It states that planning conditions or legally binding agreements will be used to secure any improvements necessary to the transport network as a result of a development and that financial contributions may be required from developers. Policy QP1 (Planning Obligations) and the Planning Obligations Supplementary Planning Document set out the type of contributions likely to be required.

9.10.8. Policy INF2 also expressly provides that no permanent development will be permitted within land corridors shown on the Policies Map that are reserved for the following road and rail schemes:

"Grade separated junction on A19 (T) at Elwick; improvements and realignment of Elwick Road including bypass north of Elwick village, and realignment of Coal Lane;

A link road between approved housing development at South West Extension and proposed development at High Tunstall;…

Other policies relating to infrastructure quality standards

9.10.9. New transport infrastructure should also where appropriate conform to high design standards set out in policies QP3 and QP4, and link into the Borough Council's green infrastructure network identified in policy NE2 (Green Infrastructure).

Policy HSG5: High Tunstall Strategic Housing Site

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9.10.10. The High Tunstall site is allocated for approximately 1200 dwellings. The site covers an area of approximately 83.50 hectares as illustrated on the Policies Map. The development will be phased over the plan period.

9.10.11. Policy HSG5 states that:

"No development will be permitted prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council".

9.10.12. The Local Infrastructure Plan gives further detail on the infrastructure requirements linked to the site and states that developer contributions will be secured to repay any loans secured in relation to the Scheme.

9.10.13. High Tunstall Masterplan was endorsed by the Council's Regeneration Services Committee on 17 December 2017 and is a material consideration in the determination of planning applications for the High Tunstall site and states as follows:

"Prior to the occupation of any of the dwellings within Phases 2-8 inclusive, the scheme to provide the northern bypass of Elwick Village and the grade separated junction on the A19 at the northern junction with the A19 shall have been completed and be operational to the satisfaction of the Local Planning Authority. This scheme is being developed by Hartlepool Borough Council".

9.10.14. Outline planning permission for the High Tunstall site was granted by the Council on 14 March 2019 under reference H/2014/0428 for residential development comprising up to 1200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting. Reserved matters approvals in respect of access, appearance, landscaping, layout and scale for the erection of 162 no. residential dwellings and associated engineering works were granted by the Council on 6 November 2020 under reference H/2020/0048.

9.10.15. Condition 8 of the outline permission H/2014/0428 states:

"prior to the occupation of the 209th dwelling of the 1200 dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic, to the satisfaction of the Hartlepool B, Durham BC and Highways England".

<u>Policy HSG5a: Quarry Farm (2) Housing Site</u>

9.10.16. The Quarry Farm (2) housing development is allocated for approximately 220 dwellings. The site covers an area of approximately 11.30 hectares as illustrated on the Policies Map. The development will be phased over the plan period.

9.10.17. Policy HSG5a states that

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"No development will be permitted prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council".

9.10.18. The Local Infrastructure Plan gives further detail on the infrastructure requirements linked to the site and states that developer contributions will be secured to repay any loans secured in relation to the Scheme.

9.10.19. Outline planning permission for the Quarry Farm 2 site was granted by the Council on 12 October 2018 under reference H/2015/0528 for residential development for up to 220 residential dwellings with associated access, all other matters reserved. Reserved matters approvals for the erection of 220 no. residential dwellings were granted by the Council on 23 January 2020 under reference H/2019/0352.

Policy HSG7: Elwick Village Housing Development

9.10.20. The Potters Farm/ North Farm site at Elwick Village is allocated for a total of approximately 35 dwellings as illustrated on the Policies Map, to be phased over the plan period, and is required

"to contribute, on a pro-rata basis with High Tunstall (HSG5), Quarry Farm 2 (HSG5a) and Briarfields (HSG3(3), to the provision of the grade separated junction and bypass to the north of Elwick Village."

9.10.21. No planning applications have yet been received or determined in respect of HSG7 allocated site.

Policy HSG3: Briarfields Housing Development

9.10.22. The Briarfields site at is allocated for a total of approximately 14 dwellings as illustrated on the Policies Map, to be phased over the plan period, and is required

"to contribute, on a pro-rata basis with High Tunstall (HSG5), Quarry Farm 2 (HSG5a) and Potters Farm/North Farm Elwick (HSG7), to the provision of the grade separated junction and bypass to the north of Elwick Village."

9.10.23. No planning applications have yet been received or determined in respect of HSG3 allocated site.

Policy NE7: Landscaping Along Main Transport Corridors

9.10.24. Main road corridors within the borough are considered to be an integral part of the green infrastructure network and a high standard of landscaping, tree planting and design are necessary to ensure the routes remain attractive.

Local Infrastructure Plan

9.11. The Local Infrastructure Plan (2016) (LIP) identifies infrastructure required to facilitate and deliver allocations and proposals within the Local Plan, responsibilities for delivery,

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and sources of funding. The LIP is a key element of the Local Plan evidence base and will be a mechanism by which its delivery can be monitored. As well as setting out a realistic delivery programme for the Local Plan, it also takes account of other local authority strategies and delivery plans and investment programmes from infrastructure providers.

9.12. Whilst policies in the Local Plan will provide the spatial direction for Hartlepool, the LIP provides a framework within which timely funding and delivery of supporting infrastructure that reflects the scale and type of development and the needs of the locality can be identified and delivered. Without timely delivery of infrastructure new development may be delayed and/or there could be unacceptable social, economic or environmental impacts on existing infrastructure.

9.13. With regards to connectivity and transport in Hartlepool, the LIP notes that:

"A particular weakness for Hartlepool is the reliance on only two principal access points to/from the A19, namely the A179 and the A689. Both of these access points are becoming increasingly congested. As well as acting as a physical constraint on specific development proposals, congestion and delays can have a significant impact on economic performance and act as a deterrent to future expansion and investment. A key strategic aim of the Local Plan is to provide a new grade separated junction on the A19 at Elwick, to be delivered in conjunction with new housing development in the north west of the town. This will provide an alternative, safe access to the A19 and relieve congestion at the A179 and A689 junctions, reducing the costs associated with delays and improving reliability of the road network."

9.14. The LIP identifies a number of projects that now have been or will be required to contribute to improvements to the highway network in order for development to proceed and additionally to ensure the safety and efficiency of the highway network over the Local Plan period.

<u>Hartlepool Rural Neighbourhood Plan</u>

9.15. The Hartlepool Rural Neighbourhood Plan (the Neighbourhood Plan) was made in December 2018. The Neighbourhood Plan relates to the designated rural parishes of Brierton, Claxton, Dalton Piercy, Elwick, Greatham, Hart, and Newton Bewley.

9.16. Policy T1 (Improvements to the Highway Network) states that financial contributions will be sought from development proposals towards improvements to the highway network, including:

9.16.1. Improved village approach roads and junctions to the A179, A689 and A19;

9.16.2. Alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool; and

9.16.3. Appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Neighbourhood Plan.

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9.17. Policy H5 (Housing Development on the Edge of Hartlepool) requires new housing development to address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of new development. This should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well as measures to discourage traffic from the new development using minor roads through the village sin the plan area.

Highways England Strategic and Delivery Plans 2020-2025

9.18. The plans comprise the Strategic Business Plan and the 50 Year Delivery Plan. The Strategic Business Plan looks to align with the Government's second Road Investment Strategy (RIS2) in which the Government set out to secure a safer more reliable strategic road network. The Strategic Business Plan states that safety remains their first imperative, to ensure that roads are safe, dependable and durable.

9.19. The Delivery Plan sets out several enhancement schemes that are either already under construction or planned along the A19 between Middlesbrough and Newcastle Upon Tyne. The Scheme is not referenced in the Delivery Plan but the Strategic Business Plan includes a commitment to actively work with government, customers, stakeholder and partners to plan for the longer term.

Northern Powerhouse: One Agenda; One Economy; One North

9.20. The Northern Powerhouse: One Agenda; One Economy; One North report provides a focus on connection the cities of the north of England and the transport systems underpinning the concept of the Northern Powerhouse. Specifically, the report states:

> *"Journeys should become quicker, more reliable, and with proper alternative routes if things don't go to plan. All of which will drive economic growth in the North, making it a more attractive place to live and work.*
>
> *There are areas of very high congestion on the road network, with high demand for freight from the Northern ports. Congestion on the strategic road network is worst where it is also heavily used by local commuter traffic, such as the M60 in Greater Manchester, the M62 in the Liverpool City Region and in West Yorkshire, M1 around Sheffield and the A1 and A19 in the North East and Tees Valley.*
>
> *Commit to work jointly to agree the future priorities to tackle congestion and improve connectivity over and above this Plan with the shared aim to address remaining strategic bottlenecks that will otherwise constrain growth. The specific options will need to be the subject of further analysis, but could for example include action to tackle well known congestion problems."*

Northern Powerhouse Independent Economic Review

9.21. The Northern Powerhouse Independent Economic Review further states in high level terms:

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"Because the North is fragmented by poor transport links between key settlements, the economy as a whole is failing to gain the agglomeration effects which would help grow its productivity. Better transport connectivity can help to promote a higher employment rate, by improving access to centres of employment, and it can help to promote higher productivity, by improving the attractiveness of an area for investment, improving access to markets, increasing the pool of workers available to work in higher productivity urban locations, and increasing the effective scale of cities and the associated benefits of agglomeration.

Accordingly, targeted investment in new road infrastructure will be warranted to enhance the reliability and resilience of road travel, reduce journey times and improve the connections offered by the North's road networks."

Transport for the North (TfN) Strategic Transport Plan

9.22. TfN's Strategic Transport Plan identifies strengthening road connectivity between the Yorkshire to Scotland corridor as being a key priority. The plan identifies the importance of the emerging growth in the health sector within Tees Valley area and cites the potential for future major long term investment at Hartlepool nuclear power station and the importance of Dogger Bank wind farm. The plan states that the major North-South routes of the A1 and A19 must provide a consistent level of service and resilience to meet the needs to the important economic centres they link and the strategic journeys they facilitate, improved transport connectivity between the cities and surrounding economic centres, such as along the A19 will increase productivity and support the growth of complementary industrial capabilities.

Tees Valley Combined Authority (TVCA) Strategic Transport Plan

9.23. The Tees Valley Combined Authority Strategic Transport Plan sets out that the TVCA's vision for transport in the Tees Valley is *"to provide a high quality, quick, affordable, reliable, low carbon and safe transport network for people and freight to move within, to and from Tees Valley".* The plan identifies the A19, grade separated junction, Elwick bypass and Hartlepool Western link as one of the "significant schemes" within the TVCAs Key Route Network (KRN). The KRN is the network of roads that the TVCA see as being the most vital to the future growth aspirations in the area from both an economic and social perspective, and will form the basis for developing a long-term programme of transport improvements.

9.24. The Tees Valley Road Implementation Plan, being one of the implementation plans supporting the strategic transport plan. Identified the Scheme as one of the live schemes within the KRN programme and states:

"This scheme will provide a new strategic route for road traffic to/from Hartlepool to the A19, thereby relieving congestion on the existing A179 and A689 routes and by creating a new grade separated junction with the A19, overcome safety concerns with regards to the existing at-grade junctions. The scheme will provide direct benefits to the residents of Elwick village through significantly reducing through traffic, helping to make it a safer environment, and it will also facilitate housing development in West Hartlepool. A Strategic

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Outline Business Case was prepared in Summer 2016 and detailed design is now underway."

10. **PLANNING POSITION**

10.1. A planning application for the Scheme ref [ ] has been submitted to the Council.

10.2. In addition the planning position in relation to housing development is contextually relevant.

10.3. There are four sites specifically identified in the Local Plan as being required to make financial contributions in respect of the Scheme:

- HSG5a – Quarry Farm 2 (H/2015/0528)
- HSG5 – High Tunstall (H/2014/0428)
- HSG7 – Potters Farm / North Farm, Elwick
- HSG3(3) - Briarfields

10.4. In conjunction with the Local Plan process, planning applications were submitted in respect of High Tunstall (H/2014/0428) and Quarry Farm 2 (H/2015/0528).

10.5. Quarry Farm 2 was an outline application for up to 220 dwellings (H/2015/0528). An existing development at Quarry Farm in respect of an outline application for 81 dwellings had previously been consented on appeal on 18 February 2015 (H/2014/0215). Planning permission at Quarry Farm 2 was granted on 12 October 2018 with a condition 3 requiring a scheme to be submitted, approved in writing by the Council (in consultation with Highways England) prior to occupation of any dwellings, in respect of central reserve gap closures on the A19 at Elwick Road, North Road and at Dalton Piercy junctions. Such closure works preventing right-hand turn manoeuvres were required to be completed prior to occupation of any dwellings. Those central reserve closures have now been effected.

10.6. In addition the development has been required to pay a pro-rata contribution towards the grade separated junction and the Elwick By-pass to make the development acceptable in planning terms. A contribution of £12,000 per dwelling (totalling £2,640,000) towards the cost of the Scheme has therefore been secured through a s106 agreement.

10.7. At High Tunstall an outline application for 1200 dwellings and permission was granted on 14 March 2019. As with the Quarry Farm 2 development a condition tying the development to central reserve closure was imposed and the development was also required to pay a pro-rata contribution towards the Scheme. A further condition (condition 8) was imposed stating that that prior to the occupation of the 209th dwelling, the Elwick bypass and the grade separated junction on the A19 would be fully open to traffic to the satisfaction of the Council, Durham County Council and Highways England. A contribution of £14,400,000 towards the costs of the grade separated junction and Elwick bypass has been secured through a s106 agreement.

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10.8. There are currently no extant planning permissions for HSG7 and HSG3(3) nor any applications awaiting determination. [TBC at date of submission]

11. IMPLEMENTATION AND FUNDING

11.1. The necessary resources are, or will be, available to achieve delivery of the Scheme within a reasonable timescale, including land acquisition, compensation costs and any blight liability.

11.2. The costs of the Scheme will be met from:

11.2.1. Contributions from housing developments and that have been secured as planning obligations through s106 legal agreements attached to planning approvals for housing.

11.2.2. Capital grant funding of £4,172,500 from TVCA. Such grant initially provides £1.16m of funds for project development and allows for full draw down of the grant subject to completion of all stages of the Business Case and approval process which will ultimately be contingent on a successful outcome to all relevant statutory procedures.

11.2.3. A further £4,172,500 has also sought from Homes England, although the TVCA has confirmed that in the event funding from Homes England is not secured they will provide these additional monies.

11.2.4. The Council has also resolved to use its ability to access prudential borrowing to fund the gap between outturn Scheme costs and available funding and in any case to underwrite all the costs associated with acquiring land should these exceed the available grant.

11.3. The Local Plan requires financial contributions towards the Scheme from the following allocated sites

- HSG5a – Quarry Farm 2 (H/2015/0528)
- HSG5 – High Tunstall (H/2014/0428)
- HSG7 – Elwick
- HSG3(3) - Briarfields

11.4. Details of the planning position and contributions in respect of the above sites are set out at section 8 above.

11.5. In terms of the funding available for implementation of the Scheme the position as at the date of this Statement is set out below. [TBC and updated as appropriate]

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Strategic site and policy	Local Plan requirement	LP delivery timeframe	Progress
High Tunstall HSG5 & INF2.	£14,400,000.00 £12,000 per dwelling.	Short/medium/ long.	H/2014/0428 approved and contribution secured.
Quarry Farm (2) HSG5a & INF2.	£2,640,000.00 £12,000 per dwelling.	Short/ medium.	H/2015/0528 approved and contribution secured. No contribution received in this year or the previous reporting year.
Elwick Village HSG7 & INF2	£12,000 per dwelling.	Medium/long.	Allocated but no application.
Briarfields HSG3 (3) & INF2.	£12,000 per dwelling.	Medium/long.	Allocated but no application.
Windfall Sites. INF2.	£12,000 per property.	Various.	Site by site basis.

11.6. Funding for the Scheme has therefore been adequately secured through a number of sources and in the immediate term the Council is able to use its prudential borrowing powers to ensure that any delay in receipt of the developers' contributions does not inhibit the Scheme coming forward. It is not therefore considered that funding will cause any impediment to the Scheme being delivered.

12. **SPECIAL CONSIDERATIONS**

12.1. There are no areas warranting special consideration within the extent of the Scheme. However the below considerations in the vicinity of the Scheme should be noted.

12.2. The Elwick Conservation Area encompasses the village centre and includes Elwick Hall and St Peter's Church. A plan identifying the extent of the Conservation Area is attached as an appendix.

12.3. There are no listed buildings falling within land required for the Scheme. Listed buildings in the vicinity of the Scheme include The Forge, Church of St Peter, Wilton Cottage, Elwick Windmill and Elwick Hall respectively. It is considered that they are unlikely to be affected by the Scheme.

12.4. There is one Scheduled Monument (list number 1016353) located approximately 30m to the east of the south-western arm of the Scheme parallel to the A19 and directly to the east of the village of Elwick. The Scheduled Monument comprises a fishpond, two enclosures and a section of medieval open field system. It is considered to have been used for fishing and wildfowl management in connection with the former medieval Elwick Hall. Also within the Scheduled area is a pillbox dating to World War II.

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13. **VIEW OF GOVERNMENT DEPARTMENTS**

13.1. No views have been expressed by a Government Department.

14. **HUMAN RIGHTS**

14.1. The European Convention on Human Rights ("ECHR") was incorporated into domestic law in England and Wales by the Human Rights Act 1998 ("the 1998 Act"). The 1998 Act prevents public authorities from acting in a way which is incompatible with rights protected by the 1998 Act.

14.2. Of particular relevance to the compulsory purchase process are Article 8 of the Convention regarding respect for privacy and family life and Article 1 of the First Protocol which concerns the protection of property. In addition Article 14 protects the right to enjoy rights and freedoms free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion or national or social origin.

14.3. In addition the CPO Circular advises that "a compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should therefore be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regards should be had, in particular, to the provisions of Article 1 of the First Protocol to the ECHR, and in the case of a dwelling, Article 8 thereof.

14.4. Such rights are qualified rights and may therefore be overridden where it is considered that the interference with these rights are proportionate and that the interference is necessary in the interests of, amongst other things, national economic well-being.

14.5. The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole",* and both public and private interests have been taken into account in the exercise of the authority's powers and duties as a local authority.

14.6. It is acknowledged that the CPO, if confirmed, will result in the taking of property. However, this will be in accordance with a statutory process which was held to be compliant with Article 6 of the Convention which provides that *"everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".* Compensation will be payable in accordance with law including compensation for property on the basis of the market value of the interest acquired, together with disturbance, statutory loss payment and where appropriate home loss payments.

14.7. The CPO process undertaken by the Council has taken into account the social, economic and environmental well-being of the locality. The process already allows for the payment of compensation to those where properties and other private rights are affected by the acquisition of land under the CPO process.

14.8. Moreover, in pursuing this CPO (and associated Orders), the Council has carefully considered the balance to be struck between individual rights and the wider public

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interest. In this instance it is considered that the Orders are required in the public interest and are consistent with the ECHR and the 1998 Act in that the public purpose of securing the site for the redevelopment described herein and concomitant economic, social and environmental benefits are of sufficient weight to override the interference with human rights that the CPO necessarily involves; and that compulsory acquisition is necessary to achieve that purpose. It is also considered that the Order is proportionate having regard to the alternative means of securing the objectives to be delivered by the Scheme.

15. **EQUALITIES IMPACT ASSESSMENT**

15.1. In preparing the HBC Orders and in determining to make the CPO, the SRO and the A19 SRO, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 including its obligations under sections 149 and 150 thereof and has taken into account the differential impact the HBC Orders and the A19 SRO may have on groups of persons with different characteristics.

16. **ENQUIRIES**

16.1. In respect of land acquisition please contact:

Tim Wynn BSc(Hons)MRICS

Strategic Asset Manager

Hartlepool Borough Council

tim.wynn@hartlepool.gov.uk

Tel 01429 523386

16.2. In respect of the CPO and SRO process please contact:

Scott Parkes BEng (Hons)

Consultancy Manager Hartlepool Borough Council

Scott.Parkes@hartlepool.gov.uk

Tel: 01429 523207

17. **LIST OF DOCUMENTS IN EVENT OF INQUIRY**

17.1. [To be inserted]

18. **LIST OF PLANS IN EVENT OF INQUIRY**

18.1. Appendix A - S6 Agreement (for the purposes of reporting to Finance and Policy Committee this S6 agreements can be viewed as appendix 6 of the main report).

18.2. Appendix B - Plan of A19 (for the purposes of reporting to Finance and Policy Committee this plan can be viewed in the Committee presentation).

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18.3. Appendix C - existing highway layout (for the purposes of reporting to Finance and Policy Committee this plan can be viewed in the Committee presentation).

18.4. Appendix D – proposed scheme layout (for the purposes of reporting to Finance and Policy Committee this plan can be viewed in the Committee presentation).

18.5. Appendix E - copy of the SRO Plan and the A19 SRO (for the purposes of reporting to Finance and Policy Committee this plan can be viewed as appendix 5 of the main report).

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APPENDIX 2

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THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

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Hartlepool Borough Council (in this Order called "the Acquiring Authority") makes the following order:

1. Subject to the provisions of this order the Acquiring Authority are, under Sections 6, 239, 240, 246, 249, 250 and 260 of the Highways Act, hereby authorised to acquire compulsorily for the purposes of:

   (1) the construction of a highway, including a bridge over the A19, which is to be maintainable at the pubic expense between the A19 and Elwick Road, north of the village of Elwick and to the west of the Hartlepool conurbation in the Borough of Hartlepool;

   (2) the construction of highways to connect the above mentioned highway with the existing road system in the vicinity of the A19 and village of Elwick in the Borough of Hartlepool, including roundabouts connecting with North Lane and Elwick Road respectively;

   (3) the improvement of existing highways in the vicinity of the route of the above mentioned highways including North Lane, Elwick Road and Coal Lane in pursuance of the Hartlepool Borough Council (A19/Elwick Road/North Lane junction and Elwick Northern Bypass/Hartlepool Western Link) (Classified Roads) (Side Roads) Order 2023 and the Hartlepool Borough Council (A19/Elwick Road/North Lane junction and Elwick Northern Bypass/Hartlepool Western Link) (Side Roads) Order 2023 (hereinafter "the Side Roads Orders") ;

   (4) the provision of new means of access to premises in pursuance of the Side Roads Orders;

   (5) the diversion of a watercourse and the carrying out of works on watercourses in connection with the construction and improvement of highways and the provision of new means of access to highways;

(6) use by the Acquiring Authority in connection with the construction and improvement of highways, the diversion of a watercourse and the provision of new means of access to premises as aforesaid;

(7) mitigating the adverse effect which the existence or use of the highway proposed to be constructed or improved as mentioned in articles (1), (2) and (3) of this Order

(8) the carrying out of drainage works in connection with the construction of highways;

the land which is described in the Schedule hereto and delineated and shown coloured pink on the map hereinafter mentioned and the new rights which are specified in the said Schedule over the land which is described therein and is delineated and shown coloured blue on the said map.

The map aforesaid is a map consisting of [x] sheets numbered [ ] to [ ] respectively, prepared in duplicate, sealed with the Common Seal of the Acquiring Authority and marked "Map referred to in the Hartlepool Borough Council (A19/Elwick Road/North Lane Junction and Elwick Northern Bypass/Hartlepool Western Link) Compulsory Purchase Order 2023".

One duplicate of the map is deposited in the offices of the Acquiring Authority and the other is deposited in the offices of the Secretary of State for Transport.

2. Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated with this Order subject to the modification that references in the said Parts II and III to the undertaking shall be construed as references to the highway to be constructed on the land to be purchased.

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THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023

Table 1

Number on map (1)	**Extent, description and situation of the land (2)**	**Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)**			
		Owners or reputed owners	**Lessees or reputed lessees**	**Tenants or reputed tenants (other than lessees)**	**Occupiers**
1	[CE146944] [ ] square metres. Arable land forming part of Middleton House Farm, Elwick, all to the west of the A19.	Roy Alexander Blyth, Jean Blyth, Neil Alexander Blyth and Alison Mayes of Middleton House Farm, Elwick, Hartlepool, TS27 3EN *(excluding mines and minerals)* Unknown *(in respect of mines and minerals)*			Owner
2	[CE170754] [ ] square metres. Arable land forming part of High Barns Farm, Elwick, all to the west of the A19.	Carolyn Jane Tilly of Hartbushes Hall, Station Town, Wingate, TS28 5NG			Owner
3	[CE146944] A right of access with or without vehicles, plant and machinery together with a right to construct a new private means of access [	Roy Alexander Blyth, Jean Blyth, Neil Alexander Blyth and Alison Mayes of Middleton House Farm, Elwick, Hartlepool ,			Owner

Number on map (1)	**Extent, description and situation of the land (2)**	**Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)**			
		Owners or reputed owners	**Lessees or reputed lessees**	**Tenants or reputed tenants (other than lessees)**	**Occupiers**
	insert orientation, width and length] over [X] square metres of arable land] forming part of Middleton House Farm, Elwick, all to the west of the A19	TS27 3EN *(excluding mines and minerals)* Unknown *(in respect of mines and minerals)*			
4	[CE41831] [X] square metres. Arable land forming part of Martindale Farm, Elwick, to the east of the A19 and to the north of Elwick Village.	Gordon Cracknell of Martindale Farm, Elwick, Hartlepool TS27 3DT Unknown *(in respect of mines and minerals)*			Owner
5	[X] square metres. Highway land comprising part of North Lane, Elwick	Unknown			Hartlepool Borough Council of Civic Centre, Victoria Road, Hartlepool, TS24 8AY *(as Local Highway Authority)*
6	[CE219676]	Margaret Wreford Howell of Sheraton			Owner

Number on map (1)	**Extent, description and situation of the land (2)**	**Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)**			
		Owners or reputed owners	**Lessees or reputed lessees**	**Tenants or reputed tenants (other than lessees)**	**Occupiers**
	[X] square metres comprising a grassed area of land between the A19 to the west and North Lane to the east, The Parks, Elwick.	Farm, Sheraton, Hartlepool, TS27 4RB. Unknown *(in respect of mines and minerals)*			
7	All rights and interests in [X] square metres of land comprised in highway on North Lane with the exception of those rights and interests owned by Hartlepool Borough Council.	Unknown *(in respect of mines and minerals)*			Hartlepool Borough Council of Civic Centre, Victoria Road, Hartlepool, TS24 8AY *(as Local Highway Authority)*
8	[x] square metres of arable land to the east of the A19 and to the north of Elwick Village and comprising a strip of land between plots 4 and 10 Note: this strip of land has been omitted from Gordon Cracknell's title (see plots 4 and 10), possibly by Land Registry error	Unknown			Gordon Cracknell of Martindale Farm, Elwick, Hartlepool TS27 3DT

Number on map (1)	**Extent, description and situation of the land (2)**	**Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)**			
		Owners or reputed owners	**Lessees or reputed lessees**	**Tenants or reputed tenants (other than lessees)**	**Occupiers**
9	[CE174382] [ ] square metres. Arable land forming part of Village Farm, Elwick, all to the east of the A19.	Anne Caroline Linton of 8 Durham Road, Wolviston, Stockton-on-Tees TS22 and Timothy Charles Linton of 5 Mill Lane, Wolviston, Stockton-on-Tees TS22 5LH Unknown *(in respect of mines and minerals)*			Owner
10	[CE144195] [ ] square metres. Arable land forming part of Martindale Farm, Elwick, to the east of the A19 and to the north of Elwick Village.	Gordon Cracknell of Martindale Farm, Elwick, Hartlepool TS27 3DT			Owner
11	[CE144195] [ ] square metres. Arable land forming part of Martindale Farm, Elwick,	Gordon Cracknell of Martindale Farm, Elwick, Hartlepool TS27 3DT			Owner

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	**Lessees or reputed lessees**	**Tenants or reputed tenants (other than lessees)**	**Occupiers**
	to the east of the A19 and to the north of Elwick Village.				
12	[CE154388] [ ] square metres. Arable land forming part of Potters Farm, Elwick, to the east of the A19 and to the north of Elwick Village.	Bryan Ernest Claughan of 9 The Green, Elwick, Hartlepool, TS27 3ED			Owner Energis Communications Limited of Vodafone House, The Connection, Newbury, Berkshire, RG14 2FN National Grid Electricity Transmission Plc of 1 - 3 Strand, London, WC2N 5EH
13	[CE176982]	Margaret Beatrice Iveson of High Force Farm, Raydaleside, Askrigg, Leyburn, North			Owner [National Grid]

Number on map (1)	**Extent, description and situation of the land (2)**	**Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)**			
		Owners or reputed owners	**Lessees or reputed lessees**	**Tenants or reputed tenants (other than lessees)**	**Occupiers**
	[ ] square metres. Arable land forming part of North Farm, Elwick, to the east of the A19 and north east of Elwick Village.	Yorkshire DL8 3DL and Joan Marjery Hansen of Jersey Cottage, Elwick, Hartlepool TS27 3ED and Sandra Yvonne Leonard of Naisberry Farm Cottage, Elwick, Hartlepool, TS27 3EA and George Bell of Millstone House, Elwick, Hartlepool TS27 3ED			
14	All rights and interests in [X] square metres of land comprised in highway on Elwick Road with the exception of those rights and interests owned by Hartlepool Borough Council.	Unknown *(in respect of mines and minerals)*			Hartlepool Borough Council of Civic Centre, Victoria Road, Hartlepool, TS24 8AY *(as Local Highway Authority*
15	[x] square metres of land comprised in highway and grassed verge adjacent thereto	Unknown			Hartlepool Borough Council of Civic Centre, Victoria Road, Hartlepool, TS24 8AY *(as*

Number on map (1)	**Extent, description and situation of the land (2)**	**Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)**			
		Owners or reputed owners	**Lessees or reputed lessees**	**Tenants or reputed tenants (other than lessees)**	**Occupiers**
					Local Highway Authority) [National Grid]

Table 2

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and Address	**Description of interest to be acquired**	**Name and Address**	**Description of the land for which the person in adjoining column is likely to make a claim**
1	HSBC UK Bank Plc of 1 Centenary Square, Birmingham, United Kingdom, B1 1HQ HSBC Bank Plc of 8 Canada Square, London, E14 5HQ	Registered Charge dated 19 September 2011. Registered Charge dated 19 September 2011.	Northern Gas Networks Limited of 1100 Century Way, Thorpe Park Business Park, Colton Leeds, LS15 8TU	Restrictive covenants and rights granted in relation to a pipeline for the transmission and storage of gas together with rights of access over Plot 1 pursuant to a Deed of Grant dated 24 January 2006.
2			Northern Electric Plc of Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF	Restrictive covenants and rights granted in relation to electric lines, poles and associated apparatus together with rights of access and tree/bush felling and/or removal pursuant to a Deed of Grant dated 4 April 1996
3	HSBC UK Bank Plc of 1 Centenary Square,	Registered Charge dated 19 September 2011.	Northern Gas Networks Limited of 1100 Century Way, Thorpe Park	Restrictive covenants and rights granted in relation to a pipeline for the transmission and storage of gas together with rights of access over Plot

Number on map (4)	**Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)**		**Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)**	
	Name and Address	**Description of interest to be acquired**	**Name and Address**	**Description of the land for which the person in adjoining column is likely to make a claim**
	Birmingham, United Kingdom, B1 1HQ HSBC Bank Plc of 8 Canada Square, London, E14 5HQ	Registered Charge dated 19 September 2011.	Business Park, Colton Leeds, LS15 8TU	1 pursuant to a Deed of Grant dated 24 January 2006.
4	The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ	Registered Charge dated 1 December 2006. Registered Charge dated 30 May 2014.		

Number on map (4)	**Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)**		**Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)**	
	Name and Address	**Description of interest to be acquired**	**Name and Address**	**Description of the land for which the person in adjoining column is likely to make a claim**
10	The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ	Registered Charge dated 1 December 2006. Registered Charge dated 30 May 2014.	Unknown Unknown Northern Electric Plc of Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF	Plot 10 is subject to rights granted by a conveyance of adjoining land dated 16 November 1969, including rights of access, drainage and to lay a water pipe. Plot 10 is subject to rights of drainage and services reserved by a conveyance dated 22 June 1972. Restrictive covenants and rights granted in relation to overhead electric lines, poles and associated apparatus together with rights of access and tree/bush felling and/or removal pursuant to a Deed of Grant dated 13 March 1998

Number on map (4)	**Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)**		**Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)**	
	Name and Address	**Description of interest to be acquired**	**Name and Address**	**Description of the land for which the person in adjoining column is likely to make a claim**
11	The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ	Registered Charge dated 1 December 2006. Registered Charge dated 30 May 2014.	Unknown Unknown Northern Electric Plc of Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF	Plot 11 is subject to rights granted by a conveyance of adjoining land dated 16 November 1969, including rights of access, drainage and to lay a water pipe. Plot 11 is subject to rights of drainage and services reserved by a conveyance dated 22 June 1972. Restrictive covenants and rights granted in relation to overhead electric lines, poles and associated apparatus together with rights of access and tree/bush felling and/or removal pursuant to a Deed of Grant dated 13 March 1998
12			Energis Communications Limited of Vodafone House,	Restrictive covenants and rights granted in relation to the installation. Maintenance and use of telecommunications apparatus

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and Address	**Description of interest to be acquired**	**Name and Address**	**Description of the land for which the person in adjoining column is likely to make a claim**
			The Connection, Newbury, Berkshire, RG14 2FN	together with rights of access over Plot 12 pursuant to a Deed of Easement dated 9 April 1999.
			National Grid Electricity Transmission Plc of 1 - 3 Strand, London, WC2N 5EH	Restrictive covenants and rights granted in relation to the erection, maintenance and use of overhead electric lines, conductors and tower together with rights of access and tree/bush felling over Plot 12 pursuant to a Deed of Grant dated 4 June 2019.
13			Unknown	Plot 13 is subject to an easement of drainage rights for the benefit of Carlton, Elwick granted by a conveyance of other land dated 11 November 1969.
			Joan Marjorie Hansen and Edward Hansen of	Plot 13 is subject to easements and covenants in respect of drainage, together with rights of access for repair

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and Address	**Description of interest to be acquired**	**Name and Address**	**Description of the land for which the person in adjoining column is likely to make a claim**
			Jersey Cottage, The Green, Elwick, Hartlepool TS27 3ED. James Andrew Leonard and Hazel Leonard of Canterbury House, The Green, Elwick, Hartlepool, TS27 3ED. George Bell of Millstone House, The Green, Elwick, Hartlepool, TS27 3ED.	and maintenance pursuant to a Deed dated 12 May 2010.

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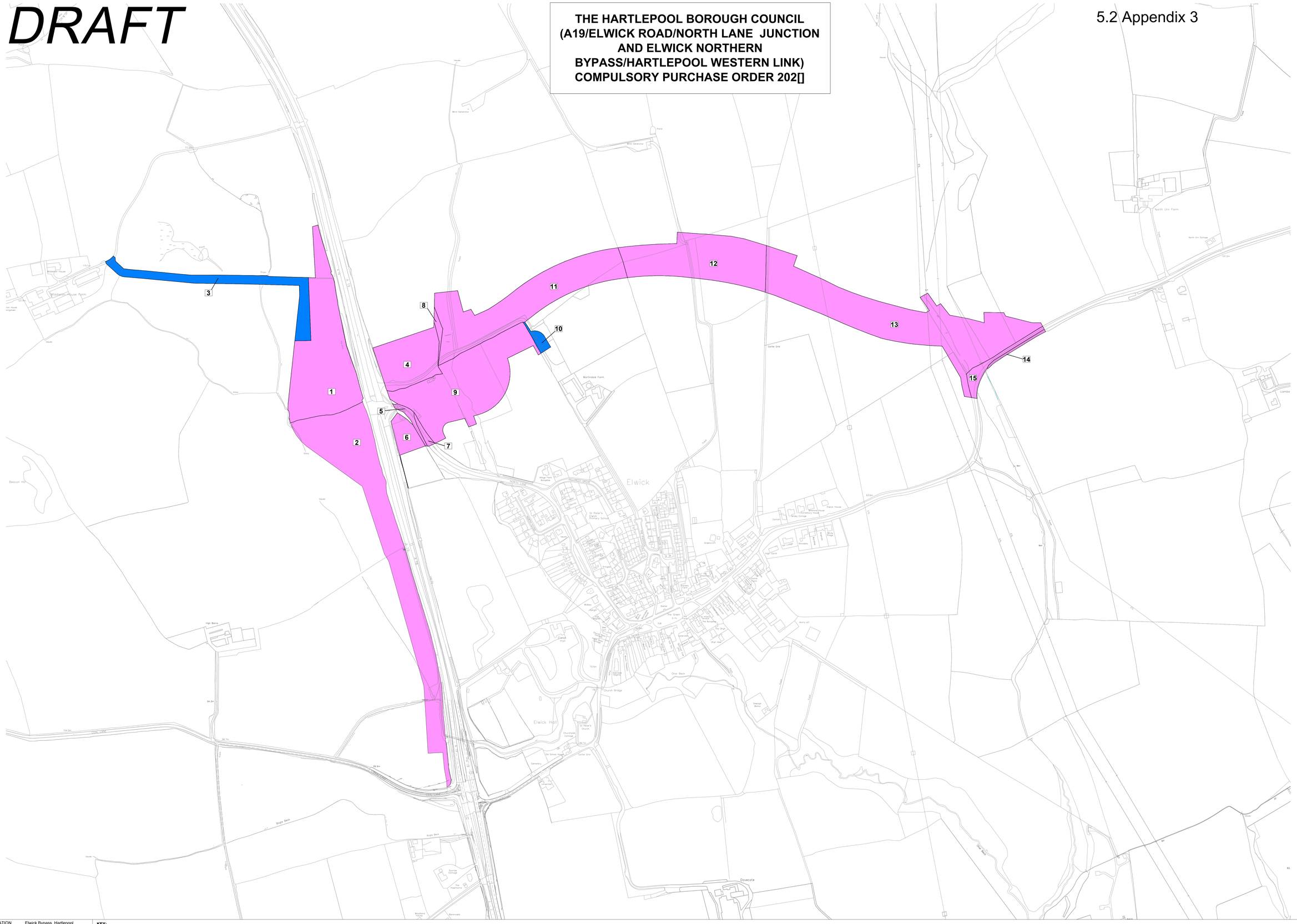
THE HARTLEPOOL BOROUGH COUNCIL
(A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK)
COMPULSORY PURCHASE ORDER 202[]

5.2 Appendix 3



LOCATION	Elwick Bypass, Hartlepool
DEED PACKET	-

HARTLEPOOL BOROUGH COUNCIL
Resources and Development

Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 266522
Fax: 01429 523899

KEY:

0 20 40 60 80 100
Scale: 1:2500

DRAWN BY	CS	DATE	28/02/23
SCALE	1:2500 @ A0		
DRWG NO	CPO/01		Rev 2

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APPENDIX 4

DRAFT 6 MARCH 2023

HIGHWAYS ACT 1980

THE HARTLEPOOL BOROUGH COUNCIL

(A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK)(SIDE ROADS) ORDER 2023

The Hartlepool Borough Council ("the Council") on behalf of National Highways under delegated powers pursuant to section 6 of the Highways Act 1980 make this Order in exercise of powers conferred by sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf:

1.

(1) The Council is authorised in relation to that length of the A19 road to carry out the following works at or in the vicinity of the A19 Trunk Road and the classified roads known as North Lane, Church Bank, and Coal Lane in the Parish of Elwick, Hartlepool:

(a) improve the lengths of the Trunk Road named in the Schedules and shown on the corresponding Site Plan by cross hatching;

(b) stop up each length of the Trunk Road described in the Schedules and shown on the corresponding Site Plan by zebra hatching; and

(c) stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band;

(2) Each Site Plan shows the works indicated in the respective Schedule and has the same number as that Schedule, and the route of the Trunk Road is shown in relation to the works shown on each Site Plan.

2. Where immediately before a length of the Trunk Road is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator then, subject to section 21 of the Highways Act 1980, those undertakers, or that operator, as the case may be, shall continue to have the same rights as respects that apparatus as they had immediately before the stopping up took place.

3. In this Order:

(1) Distances are measured along the route of the relevant highway or private means of access to premises, as the case may be;

(2) A reference to a Schedule or Site Plan number is a reference to the Schedule or Site Plan so numbered;

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(3)

(a)	"the Council"	-	means Hartlepool Borough Council
(b)	"existing access"		means a private means of access to premises authorised by this Order to be stopped up
(c)	"improvement"	-	in relation to a highway includes raising, lowering or otherwise altering that highway, and "improved" shall be construed accordingly;
(d)	"schedule"	-	means a Schedule to this Order, and "Schedules" shall be construed accordingly;
(e)	"Site Plan"	-	a duplicate has also been deposited at the offices of the Secretary of State for Transport.
(f)	"Trunk Road"		means the A19 trunk road

4. This Order shall become operative on the date on which notice that is has been confirmed by the Minister is first published in accordance with paragraphs 1 and 4 of Schedule 2 to the Highways Act 1980.

5. This Order may be cited as the (A19/Elwick Road/North Lane Junction And Elwick Northern Bypass/Hartlepool Western Link)(Side Roads) Order 2023.

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APPENDIX 4

SCHEDULE 1

A19/Elwick Road/North Lane Junction and Elwick Northern Bypass/Hartlepool Western Link **Sheet 1 of 2**

Highway to be Improved

Trunk Road on the northbound direction at a point [ ] metres north / north west of Coal Lane in a north-westerly direction for a distance of [ ] metres – a [ ]m section of Trunk Road to be improved upgrading the access off and onto the A19 from the new Elwick Northern Bypass / Hartlepool Western Link road (marked [ ] on Sheet 1).

Trunk Road on the southbound direction at a point [ ] metres north north west of North Lane in a south-easterly direction for a distance of [ ] metres – a [ ]m section of Trunk Road to be improved upgrading the access off and onto the A19 from the new Elwick Northern Bypass / Hartlepool Western Link road (marked [ ] on Sheet 1).

Highway to be Stopped Up	**Reference Letter of New Highways**
Trunk Road from a point [ ] metres north north west of its junction with North Lane in an westerly direction for a distance of [ ] metres (marked [ ] on Sheet 1)	[ ]
Central reservation gap on the Trunk Road from a point [ ] metres north north west of its junction with North Lane in an westerly direction for a distance of [ ] metres (marked [ ] on Sheet 1)	

Private Means of Access to be Stopped Up	**Reference Letter of New Accesses**
A section of the access track from the northbound A19 highway to Middleton House Farm, for [ ] metres westwards from its junction with the A19 (marked [ ] on Sheet 1).	[ ]
Access track from the south bound A19 highway to Martindale Farm, a distance of [ ] metres (marked [ ] on Sheet 1).	[ ]

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APPENDIX 4

SCHEDULE 2

A19/Elwick Road/North Lane Junction and Elwick Northern Bypass/Hartlepool Western Link **Sheet 2 of 2**

Highway to be Improved

Trunk Road on the northbound direction at Coal Lane Junction in a north-westerly direction for a distance of [ ] metres – a [ ]m section of Trunk Road to be improved following the closure of the access off and onto the A19 from Coal Lane (marked [ ] on Sheet 2).

Trunk Road on the southbound direction Church Bank junction in a south easterly direction for a distance of [ ] metres – a [ ]m section of Trunk Road to be improved following the closure of the access off and onto the A19 from Church Bank (marked [ ] on Sheet 2).

Highways to be Stopped Up	Reference Letters of New Highways
Central reservation gap on the Trunk Road from a point [ ] metres east of its junction with Coal Lane in an easterly direction for a distance of [ ] metres (marked [ ] on Sheet 2)	[ ]
Trunk Road on the northbound direction at Coal Lane Junction in a north-westerly direction for a distance of [ ] metres (marked [ ] on Sheet 2)	[ ]
Trunk Road on the southbound direction Church Bank junction in a south easterly direction for a distance of [ ] metres (marked [ ] on Sheet 2)	[ ]

Private Means of Access to be Stopped Up	Reference Letters of New Accesses
Access Track from Elwick Road to land at North Farm, a distance of 92 metres (marked Z on Sheet 2).	AA

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APPENDIX 4

Private Means of Access to be Stopped Up	**Reference Letters of New Accesses**
-	T
-	X
-	Y

DRAFT

Given under the Common Seal of the Borough of Hartlepool on the

Day of 2023

THE COMMON SEAL OF

the Borough of Hartlepool

was affixed in the presence of:

Authorised Signatory

DRAFT

APPENDIX 4

DRAFT 6 MARCH 2023

HIGHWAYS ACT 1980

THE HARTLEPOOL BOROUGH COUNCIL

(A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) (CLASSIFIED ROAD)(SIDE ROADS) ORDER 2023

The Hartlepool Borough Council ("the Council") make this Order in exercise of powers conferred by sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf:

6.

(3) The Council is authorised in relation to that length of the classified road in the Parish of Elwick in the Borough of Hartlepool to:

(d) improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;

(e) stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;

(f) construct a new highway along each route whose centre line is shown on a Site Plan by an unbroken black line surrounded by stipple;

(g) stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and

(h) provide new private means of access to premises along each route or at each location shown on a Site Plan by thin diagonal hatching.

(4) Where a new highway is to be constructed wholly or partly along the same route as a new access or part of one, that new highway shall be created subject to the private rights over that new access.

(5) Each new highway is given a reference number and letter on a Site Plan, which is also placed in the respective Schedule, and will be a road unless the word “Footpath” or “Cycle Track (with a right of way on foot)” appears beneath its reference number and letter in that Schedule, in which case it will be a Footpath or Cycle Track (with a right of way on foot) as the case may be. Each new access is given a reference number followed by a lower case letter on a Site Plan, which is also placed in the respective Schedule.

(6) Where a new highway is to be constructed or a new access is to be provided in connection with the stopping up of a length of highway or private means of access described in a Schedule, its reference number and letter or number (as the case may be) is placed in the said Schedule opposite the description of that length.

(7) Each Site Plan shows the works indicated in the respective Schedule and has the same number as that Schedule, and the route of the classified road is shown in relation to the works shown on each Site Plan.

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7. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator then, subject to section 21 of the Highways Act 1980, those undertakers, or that operator, as the case may be, shall continue to have the same rights as respects that apparatus as they had immediately before the stopping up took place.

8. In this Order:

(4) Distances are measured along the route of the relevant highway or private means of access to premises, as the case may be;

(5) A reference to a Schedule or Site Plan number is a reference to the Schedule or Site Plan so numbered;

(6)

(g)	"the classified road"	-	North Lane, Elwick, Hartlepool
(h)	"the Council"	-	means Hartlepool Borough Council
(i)	"improvement"	-	in relation to a highway includes raising, lowering or otherwise altering that highway, and “improved” shall be construed accordingly;
(j)	"new access"	-	means a means of access to premises authorised by this Order to be provided;
(k)	"new highway"	-	means a new highway authorised by this Order to be constructed and “new highways” shall be construed accordingly;
(l)	"schedule"	-	means a Schedule to this Order, and “Schedules” shall be construed accordingly;
(m)	"Site Plan"	-	a duplicate has also been deposited at the offices of the Secretary of State for Transport.

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APPENDIX 4

SCHEDULE 1

A19/Elwick Road/North Lane Junction and Elwick Northern Bypass/Hartlepool Western Link **Sheet 1 of 3**

Highway to be Improved

North Lane (at its junction with the A19) – a 26m section of highway to be improved upgrading the access off and onto the A19 at North Lane (marked K on Sheet 1).

North Lane (a section of highway starting approximately 92m south east of its junction with the A19) – a 28m section of highway to be improved upgrading North Lane where it meets the new highway (marked N on Sheet 1).

Highway to be Stopped Up	Reference Letter of New Highways
North Lane from a point [38 metres] south east of its junction with the A19 in a south-easterly direction for a distance of [61] metres (marked H on Sheet 1)	L and M
-	C
-	D
-	E
-	F
-	G
-	O

Private Means of Access to be Stopped Up	Reference Letter of New Accesses
A section of the access track from the northbound A19 highway to Middleton House Farm, for 10 metres westwards from its junction with the A19 (marked B on Sheet 1).	A
Access track from the south bound A19 highway to Martindale Farm, a distance of 319 metres (marked I on Sheet 1).	P

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APPENDIX 4

Private Means of Access to be Stopped Up	**Reference Letter of New Accesses**
Track going north for 60m from the access track leading from the south bound A19 highway to Martindale Farm (as identified immediately above) to land forming part of Martindale Farm, a distance of 60 metres (marked J on sheet 1).	Q
Access Track from Worset Lane to Potters Farm where that access is crossed by the classified road, for a distance of 59 metres (marked R on Sheets 1 and 2).	S (see sheet 2)

DRAFT

APPENDIX 4

SCHEDULE 2

A19/Elwick Road/North Lane Junction and Elwick Northern Bypass/Hartlepool Western Link **Sheet 2 of 3**

Highway to be Improved

Elwick Road (a section of highway starting 340m south west of North Urn Farm) – a 196m section of highway to be improved, upgrading Elwick Road where it meets the new highway (marked BB on Sheet 2).

Highways to be Stopped Up	Reference Letters of New Highways
Public footpath running along track from North Farm to land at North Farm where that access is crossed by the classified road, for a distance of 61 metres (marked U on Sheet 2). (Note: public footpath and private access to be stopped up at V below overlap and share the same surface)	W

Private Means of Access to be Stopped Up	Reference Letters of New Accesses
Access Track from Worset Lane to Potters Farm where that access is crossed by the classified road, for a distance of 59 metres (marked R on Sheets 1 and 2).	S
Access Track from North Farm to land at North Farm where that access is crossed by the classified road, for a distance of 61 metres (marked U on Sheet 2).	V
Access Track from Elwick Road to land at North Farm, a distance of 92 metres (marked Z on Sheet 2).	AA
-	T
-	X

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APPENDIX 4

Private Means of Access to be Stopped Up	**Reference Letters of New Accesses**
-	Y

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APPENDIX 4

SCHEDULE 3

A19/Elwick Road/North Lane Junction and Elwick Northern Bypass/Hartlepool Western Link **Sheet 3 of 3**

Highways to be Improved

Coal Lane (a section of highway starting at its junction with the A19, 522m south east of High Barns) – a 180 metre section of highway to be improved, altering the highway on the approach to and at the junction with the A19 (marked CC on sheet 3).

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APPENDIX 4

Given under the Common Seal of the Borough of Hartlepool on the

Day of 2023

THE COMMON SEAL OF

the Borough of Hartlepool

was affixed in the presence of:

Authorised Signatory

DRAFT

APPENDIX 5

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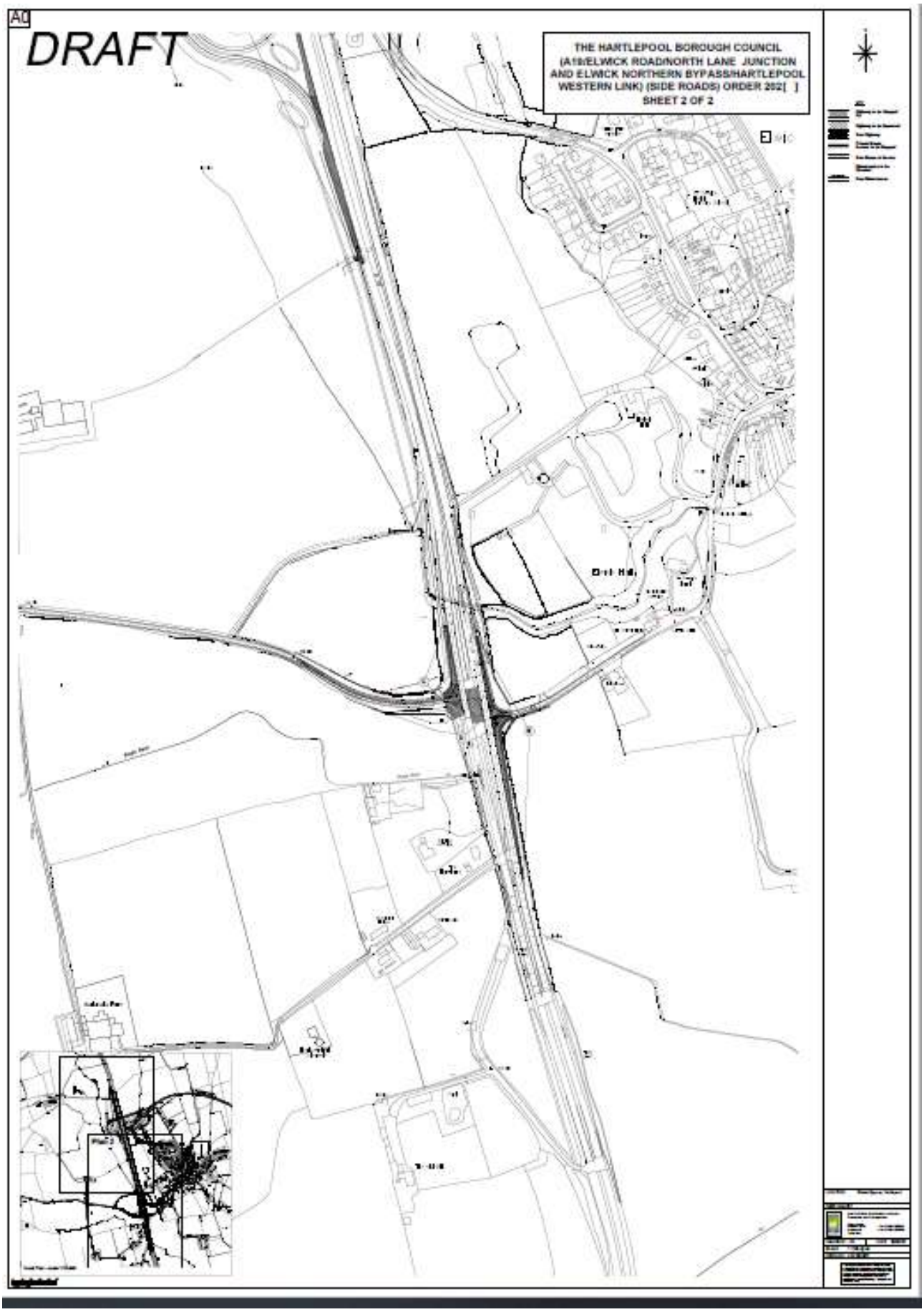
THE HARTLEPOOL BOROUGH COUNCIL
(A19/ELWICK ROAD/NORTH LANE JUNCTION
AND ELWICK NORTHERN BYPASS/HARTLEPOOL
WESTERN LINK) (SIDE ROADS) ORDER 202[ ]
SHEET 1 OF 2

APPENDIX 5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DRAFT
THE HARTLEPOOL BOROUGH COUNCIL
(A19/ELWICK ROAD/NORTH LANE JUNCTION
AND ELWICK NORTHERN BYPASS/HARTLEPOOL
WESTERN LINK) (SIDE ROADS) ORDER 202[ ]
SHEET 2 OF 2

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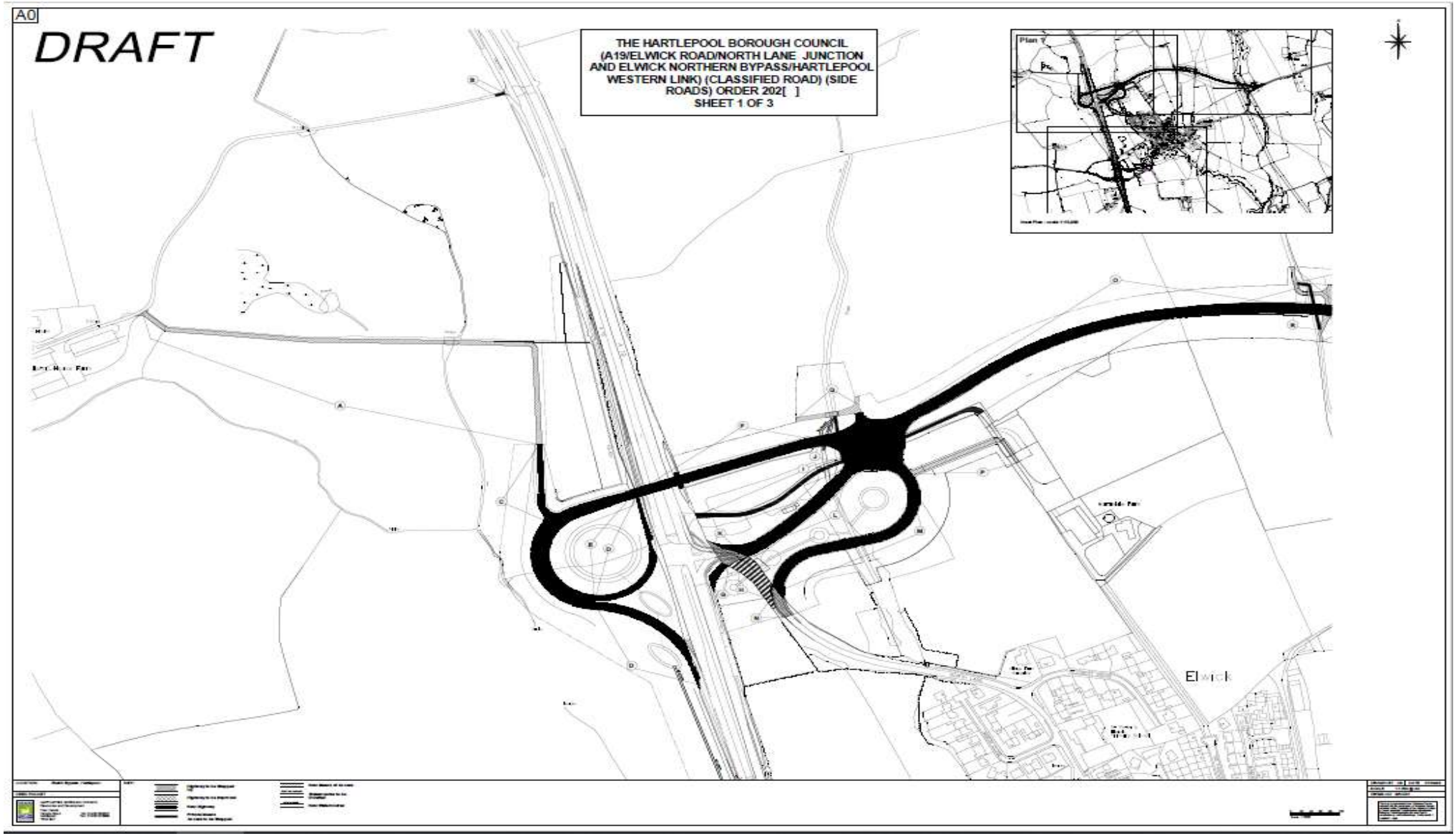
APPENDIX 5



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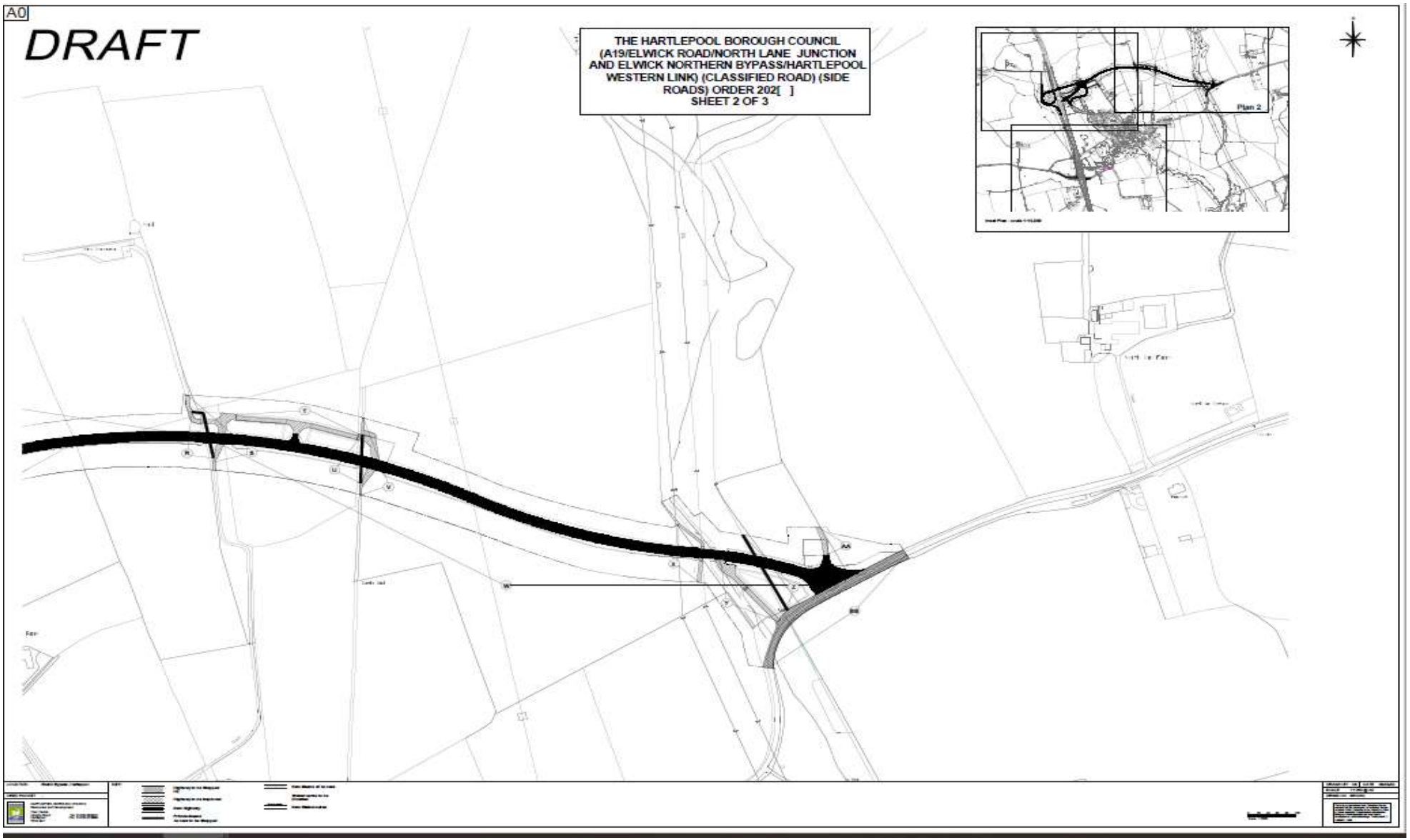
APPENDIX 5



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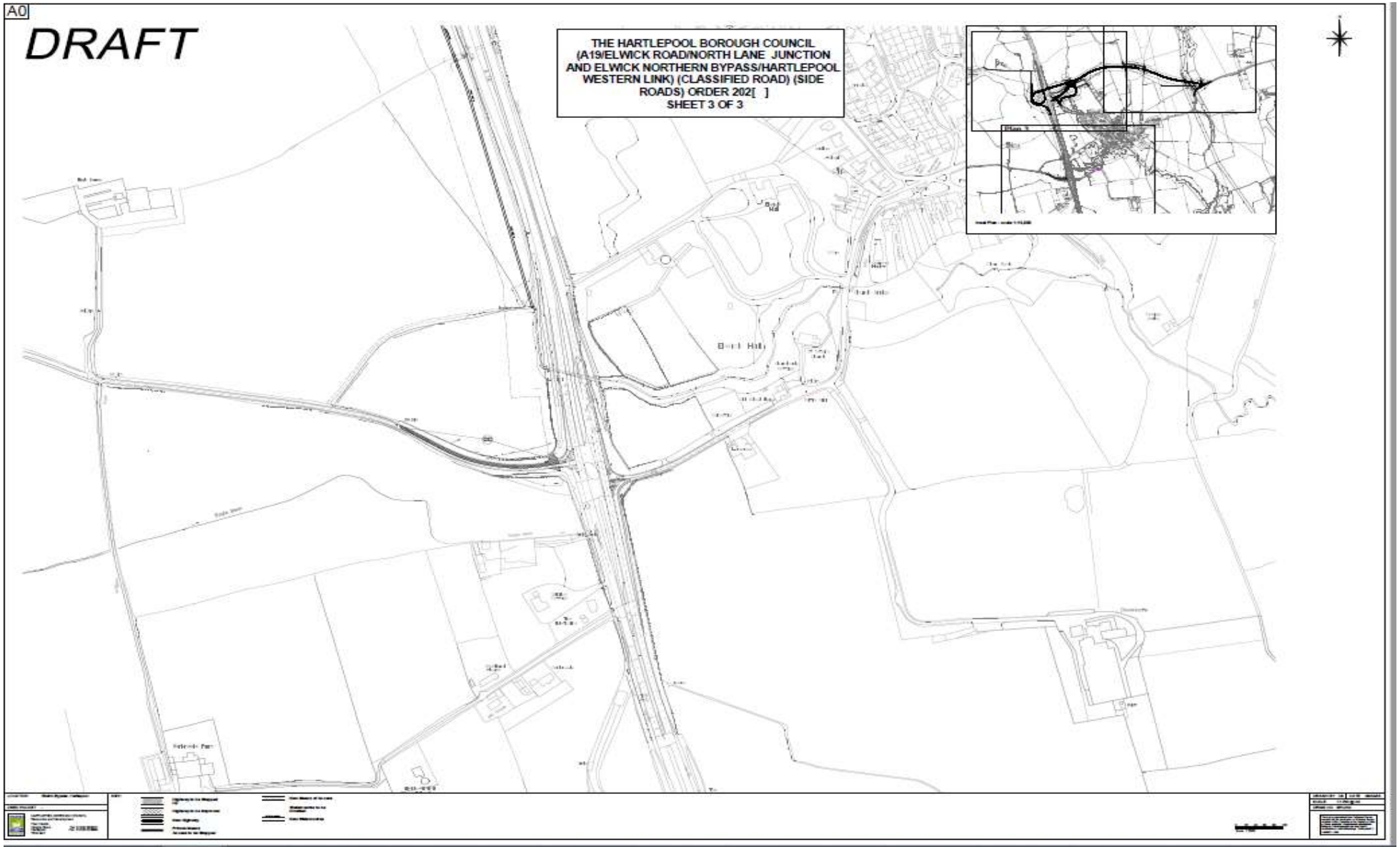
APPENDIX 5



APPENDIX 6

DRAFT 6 MARCH 2023

Hartlepool Borough Council and National Highways

Agreement under Section 6 Highways Act 1980

Proposed Heads Of Terms – The Hartlepool Borough Council (A19/Elwick Road/North Lane Junction And Elwick Northern Bypass/Hartlepool Western Link) Compulsory Purchase Order 2023

DRAFT

Term	
1. **Parties**	National Highways (now National Highways Limited) (NH) Hartlepool Borough Council (HBC)
2. **Recitals**	Outlines the background of Agreement as follows: (a) NH is the highways authority in respect of the A19 Trunk Road (b) The proposed Scheme involves carrying out Works which will include modifications and improvements to the Trunk Road (c) Planning permission has not yet been granted for the Scheme (d) The Works will require Highways Act Orders to bring forward the scheme, including to accommodate alterations to the Trunk Road – these will brought forward by HBC pursuant to the delegation set out in the Agreement. (e) HBC has requested that NH authorise HBC to promote the necessary Orders and to construct the Works as agent for NH (f) It is not envisaged that HBC acquire land and interests on NH's behalf, but such authorisation to be included out of caution. (g) Authorisation from NH is noted to include authority for new highway that will pass over the existing A19 trunk road (h) HBC intends to design, fund and carry out the Scheme.

Term	
3. **Statutory Powers**	The Agreement is made pursuant to s6 of the Act. It is entered into by NH pursuant to the Infrastructure Act 2015 and the powers granted by the Licence and Delegation of Functions (Strategic Highways Companies) (England) Regulations 2015 and all other enabling powers.
4. **Exercise of Highways Authority Functions**	(a) NH authorises HBC to carry out the Project (the Works, [acquisition of land], obtaining consents, paying compensation, designing, specification and carrying out works) in respect of the Trunk Road at its own expense and at no cost to NH. (b) From date of Agreement until Final Certificate, all functions as Highway Authority in respect of the Works are delegated to HBC, including (but not limited to): (i) promoting Road Orders and CPO; (ii) acquiring land pursuant to s239 if required; and (iii) NH's functions relating to the maintenance, improvement and other dealing with Trunk Road and for Works. (c) Duty for both parties to co-operate with each other to allow works to be carried out, and assist each other in promotion and publication of the traffic regulation orders and dealing with other statutory requirements. (d) Council to keep NH fully informed as to progress of land acquisition and Orders (including any Inquiry). (e) If an Inquiry is required, NH to provide such reasonable support to HBC as the Parties may consider appropriate.
5. **Delegated Powers**	<u>Powers in Respect of Acquisition of Land if required</u> (a) Power of acquisition of land required for carrying out of Works by agreement and all work required in negotiating agreements (including compensation and disputes) (b) Power of acquisition of land in connection with the Works compulsorily, including the preparation, submission and publication of CPO, dealing with representations, comments and objections, dealing with any Inquiry, service of notices to complete acquisition and all work relating to Confirmation.]

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Term	
	Powers in respect of Road Orders (a) In respect of Orders made under s10 of the Act, NH shall liaise with DfT to enable the draft order to be signed by the Secretary of State. Thereafter, NH shall work with the DfT to pursue the matter through the statutory process. (b) HBC to prepare the Order to be made pursuant to S14 of the Act, to be in a format supplied by NH and approved by NH. (c) Submission of made s14 order to Secretary of State. (d) Preparation of all material required in connection with the Road Orders (such as Statements of Reasons, Scheme Drawings, certificates relating to publication) (e) Promotion of Road Orders, and all work dealing with comments, representations and objections. (f) All work dealing with an Inquiry; (g) All work required following confirmation of the Road Orders.
6. **Obligations in relation to the carrying out the Project**	(a) Before commencing Works, HBC to obtain written approval of the design to the Works and expenditure to be incurred by HBC in respect of the A19 works (excluding those works within HBC's jurisdiction as local highway authority). (b) HBC is responsible for obtaining the relevant Consents (including planning permission) and carrying out project in accordance with consents. (c) HBC to exercise all functions "with reasonable skill and care". (d) HBC must: (i) Ensure all road safety audits are carried out; (ii) Construct the Works In accordance with 'Manual of Contract Documents for Highway Works and the DMRB"; (iii) Comply with all reasonable requirements of NH as to how Works in respect of the A19/Trunk Road are to be carried out;

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Term	
	(iv) Carry out works in respect of the A19/Trunk Road in a "good and workmanlike manner" using "good quality materials"; (v) Carry out works in accordance with the Programme (which in respect of the A19/Trunk Road is to be approved by NH) unless otherwise agreed in writing (acting reasonably); (vi) Carry out and complete the Works in respect of the A19/Trunk Road to the reasonable satisfaction of NH. (vii) HBC not permitted to make material alterations to Project or Works in respect of the A19/Trunk Road without prior written consent of NH (not to be unreasonably withheld or delayed). (viii) HBC to give NH no less than 14 days' notice of any access to road or lane space required (ix) HBC to take such precautions for protection of public and private interests in respect of the A19/Trunk Road as would be incumbent on NH. (x) HBC to be the Streetworks Coordinator for the scheme and carry out the Traffic Management Measures (after first seeking approval of NH to timings of measures).
7. **Procurement of the Works**	(a) HBC to comply with any reasonable directions of NH as to the terms of the contract to be entered into by the Council for carrying out of the Works in respect of the A19/Trunk Road. (b) NH to be provided with draft copies of all procurement documents in respect of the A19/Trunk Road including contract. (c) HBC shall include any additional requirements submitted by NH in the contract documents and tender in respect of the A19/Trunk Road (where provided without unreasonable delay).
8. **Site Meetings and Inspections**	(a) HBC to provide NH with copies of all documents, information, correspondence etc in respect of the A19/Trunk Road as reasonably required. (b) HBC to give NH not less than 5 days' notice (or as much as possible in emergency) of all site meetings and allow NH to attend. (c) HBC to allow NH access to Works in respect of the A19/Trunk Road and adjacent areas of the Scheme (as marked on a plan) at any time on at least 5 working days prior notice.

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Term	
	(d) HBC to take proper consideration of any representations made by NH in respect of the A19/Trunk Road about whether the Works are being carried out in accordance with the Agreement and to construct the Works in respect of the A19/Trunk Road as agent for NH.
9. **Completion of the Works**	(a) When Works have reached completion (including Stage 3 safety audit and any resulting works), HBC shall notify NH and allow NH to inspect. (b) HBC shall procure that in issuing Completion Certificate "proper consideration" is given to any representations of NH in respect of the A19/Trunk Road. (c) Copy of Completion Certificate to be provided to NH. (d) From the issuing of the Completion Certificate the Works will be available for use by vehicles.
10. **Maintenance Period**	(a) Commences from date of Completion Certificate, and lasts for a period of not less than 52 weeks until issue of the Final Certificate. (b) During this period, HBC must maintain the Works in respect of the A19/Trunk Road to the reasonable satisfaction of NH. (c) During this period, and as-built record of finished works in respect of the A19/Trunk Road must be undertaken by HBC and submitted to NH, along with copies of the recorded location of all as-constructed below ground statutory and highway authority apparatus, and all defects identified through joint inspection must be remedied.
11. **Final Certificate**	(a) Cannot be issued earlier than 52 weeks from the Completion Certificate, and can only be issued provided that all identified defects requiring remediation have been completed and a Stage 4 safety audit has been carried out and any required alterations have been completed. (b) HBC must notify NH and allow NH the opportunity to inspect. (c) HBC and the project manager must give proper consideration to any representations that are made by NH in respect of the A19/Trunk Road and cannot issue the Final Certificate unless NH (acting reasonably) have provided approval. (d) NH cannot give approval until remediation following Stage 4 Safety Audit has been carried out, additional defects works identified during the maintenance period have been carried out, and all fees payable to NH pursuant to the Agreement have been paid.

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Term	
	(e) HBC to provide copy of Final Certificate to NH.
12. **Reallocation of Functions**	After issue of Final Certificate, NH is to maintain the Works. Details to be agreed as to apportionment of maintenance, including "top two spits" or highway element of overbridge is to be maintained by HBC, whilst structure below is to be maintained by NH. Also precise delineation of maintenance of slip roads to be agreed.
13. **Transfer of Land and Dedication.**	(a) If HBC were to acquire land to form part of the site of the Trunk road then that land is to be transferred to NH within 56 days of Final Certificate, free of financial charge (as well as with vacant possession, full title guarantee and free from incumbrances impacting use as a highway). (b) HBC is to retain freehold ownership of highway land not comprised in the A19 Trunk Road and including the overbridge and from the date of the Agreement responsibility for the construction of the highway running over the Trunk Road falls on HBC. Under s24 of the Act, NH approve the construction of that overbridge highway. (c) Drainage responsibilities to be agreed (d) The surface of the highway above the Trunk Road forms part of HBC's highway network and will be used and maintained as such.
14. **Payment of National Highways' Costs**	(a) HBC to pay all costs and expenses reasonably and properly incurred by NH in relation to the Works and this agreement, including (but not limited to) costs in relation to: (i) Approving design work carried out by HBC; (ii) Supervising the Works in respect of the A19/Trunk Road ; (iii) Admin and Legal expenses (including general staff costs); (iv) Legal costs incurred in the transfer of the land; (v) Costs of drafting and negotiation of the S6 Agreement (vi) Costs in supporting HBC at Inquiry. (b) All amounts exclusive of VAT – if VAT is chargeable then HBC shall pay NH an additional amount.

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Term	
15. **Payment of Commuted Sum**	None required
16. **Indemnities**	(a) HBC to indemnify NH against any actions, claims losses (etc) arising out of breach or non-observance by HBC of its obligations under this Agreement relating to the design, construction and management of the Project (including negligent or defective design or construction of the works), including (but not limited to) : (i) third party claims for death, personal injury or property damage; (ii) statutory or other liability for safety and security of working methods employment practices, protection of environment and control of pollution; and (iii) third party claims for unlawful interference with rights of light, air, support, water drainage or other easements/rights. (b) HBC to indemnify NH in respect of claims under s10 of CPA 1965, Land Compensation Act 1973, exercise by the Council of NH's powers under s239 of the Act, and claims under the Noise Insulation Regulations 1975 arising out of (or in connection/incidental with) the Works or the Scheme. (c) Sets out for procedure for claims under indemnities: (i) NH to give notice within 21 days of receiving a claim; (ii) HBC to notify NH within 7 days of receiving a claim; (iii) HBC to instruct the District Valuer Services or such other suitably qualified expert practitioner and NH shall provide all reasonable cooperation and assistance. (iv) HBC shall pay NH the amount requested within 54 days following notification of the amount. (v) Amounts recovered by NH to be repaid to HBC Council less expenses. (vi) NH have an obligation to mitigate loss. (d) Indemnities above include legal fees, admin fees, interest payments, agent/contractor fees and any claimant fees NH is obliged to pay (including statutory interest payments to claimants and their professional advisors.

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APPENDIX 6

Term	
17. **National Highways Power to Execute Works in Default**	(a) If HBC are in breach of the Agreement or Works in respect of the A19/Trunk Road are not completed to the reasonable satisfaction of NH, then NH can either direct that HBC procure at its own expense the necessary works for NH to be satisfied, or NH can carry out the works itself and HBC shall provide an indemnity for costs. (b) If these circumstances occur and NH reasonably consider it is not practical to complete the Works NH may require the council to procure (at its own expense) the reinstatement of the Trunk Road and other land/premises to previous condition o carry out the reinstatement works itself, with HBC providing an indemnity for costs.

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EQUALITY IMPACT ASSESSMENT FORM

Department	Division	Section	Owner/Officer
Neighbourhoods and Regulatory Services	Place Management	Planning and Development	Tony Hanson
Service, policy, practice being reviewed/changed or planned	A19 / ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK ROAD / HARTLEPOOL WESTERN LINK PROJECT COMPULSORY PURCHASE ORDER (CPO), SIDE ROADS ORDERS (SROS) AND SLIP ROADS ORDER (SLRO) (The Orders).		
Why are you making the change?	Alleviate pressure on junctions with the A19, alleviate traffic on the A179, facilitate housing development and reduce traffic flow through Elwick.		

How might this impact (positively/negatively) on people who share protected characteristics?

Please tick	POSITIVELY	NEGATIVELY
Age	**Yes**	

Building of the infrastructure
The infrastructure will have a positive impact on people of all ages as road safety at A19 junctions, on the A179 and in Elwick village will be improved. In Elwick the benefits will be particular apparent for children and the elderly as these groups can, at times, have less spatial awareness. It will create a safer environment due to reduced traffic flow and thus lessen potential occurrences of conflict between vehicles and pedestrians.

Housing that is expected to come forward is for all ages, with family homes proposed and bungalows predominately being proposed.

The Orders process
The Orders process is likely to have a neutral impact on all age groups. Active participation in the Orders only involves land owners and other parties that attend the inquiry. The ages of those involved is unknown and not a fact that HBC would seek to obtain.
The Orders process can be stressful and time consuming and thus could have a negative impact upon participants, equally the Orders process can be exiting, challenging, rewarding and thus a benefit to some participants. The outcome of the inquiry will have a positive or negative impact upon peopel depending on the decision made.

Disability	**Yes**	

Building of the infrastructure
The infrastructure will likely have positive impacts for people with disabilities. Those with disabilities may drive and/or be a passenger in a vehicle, roads will be safer and thus a benefit to those with disabilities.

Traffic flow through Elwick is likely to be reduced, thus making a nicer environment for pedestrians. Currently many people, including those with disabilities, have to walk on the main road through the village then the impact of reducing the level of traffic is positive.

Some housing that will come forward will be bungalows which can be a benefit to those with disabilities. Over time some of the new homes may be built to life time home standards which seek to make homes adaptable to cater for long term needs including possible future possible disabilities. Facilitating new homes will improve the offer of home available to all including those with disabilities.

The Orders process
At this point in time it is not known if any participants have disabilities. If participants do have disabilities then they will be catered for throughout the process.

Gender Re-assignment	Yes	

Building of the infrastructure
The infrastructure will have positive impacts for all residents and visitors, including those who are undergoing or have undergone gender reassignment. Roads will be safer and thus a benefit to all who use them.

Traffic flow through Elwick is likely to be reduced, thus making a more pleasant environment for all resident and visitors, including those who are undergoing or have undergone gender reassignment.

Facilitating new homes will improve the offer of home available to all including those who are undergoing or have undergone gender reassignment.

The Orders process
At this point in time it is not known in participants have undergone or are undergoing gender reassignment and it not a fact that HBC seek to establish. The process is a fair and inclusive process and all participants will be treated equally.

Race	Yes	

Building of the infrastructure
The infrastructure will have positive impacts for all residents and visitors no matter their race. Roads will be safer and thus a benefit to all who use them.

Traffic flow through Elwick is likely to be reduced, thus making a more pleasant environment for all resident and visitors no matter their race.

Facilitating new homes will improve the offer of home available to all no matter a person's race.

The Orders process
At this point in time the race of participants it is not known. The process is a fair and inclusive process and all participants will be treated equally.

Religion	Yes	

Building of the infrastructure
The infrastructure will have positive impacts for all residents and visitors no matter their religion. Roads will be safer and thus a benefit to all who use them.

Traffic flow through Elwick is likely to be reduced, thus making a more pleasant environment for all resident and visitors no matter their religion.

Facilitating new homes will improve the offer of home available to all no matter a person's religion.

The Orders process
At this point in time the religion of participants it is not known. The process is a fair and inclusive process and all participants will be treated equally.

Gender	Yes	
Building of the infrastructure The infrastructure will likely have positive impacts for all resident and visitors no matter their gender. Roads will be safer and thus a benefit to all who use them. Traffic flow through Elwick is likely to be reduced, thus making a more pleasant environment for all resident and visitors no matter their gender. Facilitating new homes will improve the offer of home available to all no matter a person's gender. **The Orders process** At this point in time the gender of all participants it is not known. The team currently working on the orders is made up of male and females: The process is a fair and inclusive process and all participants will be treated equally.		
Sexual Orientation	**Yes**	
Building of the infrastructure The infrastructure will have positive impacts for all residents and visitors no matter their sexual orientation. Roads will be safer and thus a benefit to all who use them. Traffic flow through Elwick is likely to be reduces, thus making a more pleasant environment for all resident and visitors no matter their sexual orientation. Facilitating new homes will improve the offer of home available to all no matter a person's sexual orientation. The Orders process At this point in time the sexual orientation of participants it is not known. The process is a fair and inclusive process and all participants will be treated equally.		
Marriage & Civil Partnership	**Yes**	
Building of the infrastructure The infrastructure will have positive impacts for all residents and visitors, roads will be safer and thus a benefit to all who use them. Traffic flow through Elwick is likely to be reduces, thus making a more pleasant environment for all resident and visitors. Facilitating new homes will improve the offer of home available to all no matter their relationship status. The Orders process At this point in time the relationship status of participants it is not known. The process is a fair and inclusive process and all participants will be treated equally.		
Pregnancy & Maternity	**Yes**	
Building of the infrastructure The infrastructure will have positive impacts for all residents and visitors, roads will be safer and thus a benefit to all who use them. Traffic flow through Elwick is likely to be reduces, thus making a nicer walking environment.		

The Orders process At this point in time it is not known if any participants are pregnant. It is not known if any participants will be taken off the project team due to maternity leave or will be part of the team whilst on maternity leave but doing keep in touch days. It is not known what the circumstances of land owners and other participants are. During the process attempts will be made to ensure any pregnancy or maternity needs are catered for. The measures in place will be dependent upon the individual person's needs.	
Has there been consultation /is consultation planned with people who will be affected by this policy? How has this affected your decision making?	General consultation was taking through the 2018 Local plan process with regards to the infrastructure. Consultation was also undertaken within Middleton Grange Shopping Centre in January 2018. Consultation has not specifically be taken with any people with protected characteristics.
As a result of your decision how can you mitigate negative/maximise positive outcomes and foster good relationships?	During the CPOs process all participants will be asked if there are any special circumstances that need to be catered for. Every attempt is made to make the process as user friendly and inclusive for all. The need to cater for all circumstances is managed by HBC and the inspector.
Describe how you will address and monitor the impact	**1. No Impact - No Major Change** No change to infrastructure design or CPOs process.
	2. Adjust/Change Policy No change to infrastructure design or CPOs process.
	3. Adverse Impact but Continue as is No adverse impacts specifically identified
	4. Stop/Remove Policy/Proposal N/A

Initial Assessment	*27/02/2023*	Reviewed	*00/00/00*
Completed	*00/00/00*	Published	*00/00/00*

POVERTY IMPACT ASSESSMENT

1. Is this decision a Budget & Policy Framework or Key Decision? YES **If YES please answer question 2 below.**				
2. Will there be an impact of the decision requested in respect of Child and Family Poverty? YES **If YES please complete the matrix below**				
GROUP	**POSITIVE IMPACT**	**NEGATIVE IMPACT**	**NO IMPACT**	**REASON & EVIDENCE**
Young working people aged 18 – 21	Yes			**The infrastructure** The infrastructure will free up capacity on the road network and thus open up housing and employment sites. The development of such sites creates employment opportunities. Some of the jobs created will be suitable for the younger population. Overall the impact is expected to be positive. **The Orders process** It is not yet known the age of the participants in the Orders process however the outcome for participants will be dependent upon the decision made.
Those who are disabled or suffer from illness / mental illness	Yes			**The infrastructure** The infrastructure will release opportunities for housing and employment growth, affordable homes will be facilitated and it is anticipated that a percentage will be adaptable/Life Time Homes. The roads (A19 and A179 especially) will be made safer making journeys less stressful for those suffering from illnesses. The environment in Elwick will be improved assisting in uplifting those with mental health illnesses and allowing the ability for a more pleasant walking environment. Overall the impact is expected to be positive. **The Orders process** The Orders processes is fair and equal to all, the physical and mental ability of participants is unknown, but any special request relating to disability and or illness/mental illness will be taken into account during the process. The outcome is dependent upon the decision made.

POVERTY IMPACT ASSESSMENT

Those with low educational attainment	Yes			**The infrastructure** The infrastructure will make the A19, A689 and A179 safer and reduce traffic flow. Easing the traffic flow in Hartlepool may encourage educational institutes to invest and thus uplift the education offer in Hartlepool, including further/adult education. Creating a better environment in Hartlepool with less congestion etc. may also encourage people to come into the borough to study. Overall the impact is expected to be positive. **The Orders processes** N/A
Those who are unemployed	Yes			**The infrastructure** The infrastructure will free up capacity on the road network and thus open up housing and employment sites. The development of such sites creates employment opportunities. **The Orders processes** The orders process will be undertaken by trained professionals. HBC have a professional and legal team and there are no current vacancies. The land owners have engaged professional advice and over time new employment opportunities may arise and those seeking employment may be eligible to apply.
Those who are underemployed	Yes			**The infrastructure** The infrastructure will free up capacity on the road network and thus open up housing and employment sites. The development of such sites creates employment opportunities. **The Orders processes** The orders process will be undertaken by trained professionals. HBC have a professional and legal team and there are no current vacancies. The land owners have engaged professional advice and over time new employment opportunities may arise

POVERTY IMPACT ASSESSMENT

				and those seeing new employment may be eligible to apply.
Children born into families in poverty	Yes			**The infrastructure** The infrastructure will free up capacity on the road network and thus open up housing and employment sites. The development of such sites creates employment opportunities and in turn may assist in uplifting a household income and Homes will be of a high standard built to modern building regulations with better living environments. Quality affordable homes will be provided and many new homes will have renewable energy built in assisting to reduce fuel bills. **The Orders processes** N/A
Those who find difficulty in managing their finances			Yes	The infrastructure and Orders process is likely to have a neutral impact upon lone parents.
Lone parents			Yes	The infrastructure and Orders process is likely to have a neutral impact upon lone parents.
Those from minority ethnic backgrounds			Yes	The infrastructure and Orders process is likely to have a neutral impact upon those from ethnic backgrounds. Road will be safer, new homes built and job opportunities provided but these opportunities are equal for all residents no matter the ethnic background.

Overall impact of Policy / Decision			
POSITIVE IMPACT	Yes	**ADJUST / CHANGE POLICY / SERVICE**	n/a
NO IMPACT / NO CHANGE	n/a	**STOP / REMOVE POLICY / SERVICE**	n/a
ADVERSE IMPACT BUT CONTINUE	n/a		

FINANCE AND POLICY COMMITTEE

13th March 2023

Report of: Managing Director

Subject: LGA Corporate Peer Challenge – Proposed Action Plan

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1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-key decision.

2. PURPOSE OF REPORT

2.1 To present to members the proposed action plan in response to the recommendations identified through the LGA Corporate Peer Challenge following held in December 2022.

3. BACKGROUND

3.1 The LGA corporate peer challenge (CPC) approach involves a team of experienced officers and members spending time with another council as 'peers' to provide challenge and share learning. The LGA expects that all councils will complete a CPC at least every five years. The last CPC that took place in Hartlepool was in September 2012. Peer challenges are an established tool that supports councils to drive improvements and efficiency.

3.2 It has been 10 years since the last CPC took place in Hartlepool and there has been a lot of change in that time. The Council now has an established committee based system of governance and has faced year on year reductions in core budgets over a prolonged period of time. It is therefore timely to review our strengths and areas for improvement with support from external peers who have relevant knowledge and experience to share.

3.3 The Corporate Peer Challenge (CPC) covered five core elements:

- Local priorities and outcomes
- Organisational and place leadership
- Governance and culture
- Financial planning and management
- Capacity for improvement

3.4 The CPC were requested to reflect on the Council's approach in two additional areas which were
- Organisation risk and resilience, and
- Economic regeneration.

3.5 Following our CPC in December we received a comprehensive feedback report and recommendations from the peer team which was shared with elected members in January 2023.

4. PROPOSED ACTION PLAN

4.1 As part of the CPC process the Council is required to publish an action plan setting out how it will respond to the recommendations that the Peer Team has made within 6 weeks of publishing the feedback report.

4.2 As agreed at Council in January all elected members were invited to share their thoughts on what should be included within the action plan. Those responses have been considered alongside the thoughts of the Senior Management Team (SMT) and the proposed action plan is attached as **APPENDIX 1** for members to agree**.**

4.3 Six months after a CPC, the LGA organises a check-in meeting. This is a facilitated session which creates space for the council's senior leadership to explore progress and challenges with the peers, and discuss their next steps. This is due to take place on 30th August 2023.

5. RISK IMPLICATIONS

5.1 The Council's approach to risk has been considered as part of the Corporate Peer Challenge. The proposed action plan includes actions related to the Council's risk management framework and also the organisation's appetite for risk.

6. FINANCIAL CONSIDERATIONS

6.1 The Council's approach to finance has been considered as part of the Corporate Peer Challenge. The proposed action plan includes actions related to the Council's Medium Term Financial Strategy, capital strategy and programme and the management of budgets across the organisation.

7. CONSULTATION

7.1 The CPC undertook consultation with relevant individuals and groups as part of the review. The specifics of which have been included and considered within the feedback report. In addition the action plan includes actions relating to consultation and engagement.

8. EQUALITY AND DIVERSITY CONSIDERATIONS

8.1 The Council's approach to equality and diversity was considered as part of the Corporate Peer Challenge. The action plan includes an action relation to equality, diversity and inclusion.

9. OTHER CONSIDERATIONS

Legal Considerations	No relevant issues.
Child and Family Poverty Considerations	No relevant issues.
Staff Considerations	No relevant issues.
Asset Management Considerations	No relevant issues.
Environment, Sustainability and Climate Change Considerations	No relevant issues.

10. RECOMMENDATIONS

10.1 Finance and Policy Committee are requested to note proposed action plan produced in response to the recommendations from the Corporate Peer Challenge and refer this on to full Council for approval.

11. REASONS FOR RECOMMENDATIONS

11.1 The LGA expects that all Councils will complete a CPR at least every five years, it has been 10 years since the last CPC took place in Hartlepool.

12. BACKGROUND PAPERS

12.1 Finance and Policy Report - Corporate Peer Challenge – 20th June 2022.

Finance and Policy Report – LGA Corporate Peer Challenge Feedback Report – 23rd January 2023

13. CONTACT OFFICERS

13.1 Denise McGuckin
Managing Director
01429 523001
denise.mcguckin@hartlepool.gov.uk

Sign Off:-

Managing Director	√
Director of Resources and Development	√
Chief Solicitor	√

Corporate Peer Challenge – Action Plan

Recommendation	Current position	Action(s) to be explored	Lead Officer	Timeframe
1. Develop a clear vision and narrative for the whole Borough of Hartlepool which all councillors, staff and partners can get behind, ensuring there is a clear link to strategies, plans and understanding of local community needs.	The Council has agreed with partners a number of shared strategies and plans for Hartlepool including the Town Centre Masterplan, Health and Wellbeing Strategy and Community Safety Plan. However, there is no single, clear vision and narrative for the whole Borough of Hartlepool which is owned by all stakeholders.	i) Develop a 10 year vision and narrative for the whole of Hartlepool which is informed by robust data and intelligence and engagement with various stakeholders.	Managing Director	January 2024
		ii) Review current partnership arrangements to enable broader stakeholder engagement and ownership of Hartlepool priorities.	Managing Director	September / October 2023
		iii) Identify a stakeholder and networks map for the Borough and where relationships are managed across the Council.	Managing Director	September / October 2023

DRAFT

Recommendation	Current position	Action(s) to be explored	Lead Officer	Timeframe
2. Refresh the organisational plan for HBC - setting out the next stage of the journey for the Council, linked to a clear approach to transformation and values.	The Council Plan 2021/22-2023/24 sets out our vision for Hartlepool. It is an ambitious document which reflects the priorities that were identified through extensive consultation with residents, elected members, workforce and our public, voluntary, community and private sector partners whilst also recognising the emerging and continually evolving challenges the Council faces from the covid-19 pandemic. Activity to deliver the Council Plan is captured in a range of delivery plans and regular progress updates are considered by the Corporate Management Team and Finance and Policy Committee. Annual reports are also produced. The Senior Management Team have been working collectively to identify a clear set of values for the Council. These are ready to be articulated to the workforce.	i) Undertake a comprehensive consultation and engagement programme with stakeholders (staff, elected members, VCS, business, public sector and local residents) focusing on the priorities for the 10 year narrative, the new Council Plan, the Council's budget and other Council strategies such as the Health and Wellbeing and Poverty.	Managing Director	October / November 2023
		ii) Review and update the Council's Performance and Risk Management Frameworks to ensure that they are fit for purpose, better able to demonstrate the progress being made and clearly identify and articulate the consideration of risk throughout the organisation.	Managing Director	December 2023
		iii) Undertake an exercise with all staff to promote and strengthen the Council's culture and values.	Managing Director	May 2023
		iv) Ensure that the Council's culture and values are embedded within the Council Plan.	Managing Director	March 2024

DRAFT

Recommendation	Current position	Action(s) to be explored	Lead Officer	Timeframe
		v) Agree a new 3 year Council Plan.	Managing Director	March 2024
3. Review the existing operational arrangements (e.g. structure and operating model).	Report taken to Finance and Policy Committee in January 2023 with recommendations on the Chief Officer structure of the Resources and Development Department.	i) Deliver the Chief Officer restructure as agreed by Finance and Policy Committee.	Managing Director	June 2023
		ii) Review existing governance arrangements including Committee delegations and frequency.	Director of Legal, Governance & HR Services	May - September 2023
		iii) Review the Council's strategies, plans and priorities and how they 'knit together' corporately. This will also consider how capacity, skills and resources are aligned to key organisational goals and risks.	Managing Director	September / October 2023
4. Revisit the Workforce Strategy to ensure it is fit for purpose.	Work on a new Workforce Strategy is currently underway.	i) Review the draft Workforce Strategy to ensure that it is embed and collectively owned and links to our activities on equality, diversity and inclusion.	Director of Legal, Governance & HR Services	September 2023

DRAFT

Recommendation	Current position	Action(s) to be explored	Lead Officer	Timeframe
5. Develop a centrally led Communications, Engagement and Marketing Strategy, with a higher profile and an internal and external focus.	There is no single Communications, Engagement and Marketing Strategy in place for the Council. However, activity is delivered across various parts of the Council supported by a core corporate team.	i) Utilise LGA support to develop a new Communications, Engagement and Marketing Strategy for the Council.	Assistant Director – Development and Growth	October 2023
6. Invest further in Member development to support councillors in their Council and community leadership roles and to ensure the governance system functions efficiently and effectively. Consider the introduction of a ward budget for Councillors. Role model positive behaviours.	Induction and annual member development programmes are in place for elected members and new opportunities are shared as they become available throughout the year.	i) Utilise support from the LGA to review the existing Member Development Programme and work with elected members to understand what they want and need from the Member Development Programme so that it can be tailored to fit.	Director of Legal, Governance & HR Services	May 2023
	The Council previously had individual budgets for ward members but these were taken out of the budget as a previous years saving.	ii) Consider the proposal of reintroducing ward budgets for Councillors including how these could be financed within the Council's existing budget constraints.	Director of Finance, IT & Digital Services	December 2023

DRAFT

7. Reconvene Group Leaders meetings to improve relationships and communications between political groups on strategic issues for the benefit of the Borough.	Although there have been Group Leader briefings in the past there are currently no active arrangements to bring them together on a regular basis.	i) Reintroduce bi-monthly briefings with Group Leaders supported by the Managing Director.	Managing Director	June 2023
		iii) Through Group Leaders sessions provide support to Group Leaders so that they are sighted on opportunities and challenges in relation to Council priorities and role model positive behaviours supporting our culture and values.	Managing Director	June 2023 and ongoing
8. Strengthen longer-term financial sustainability by developing: a) a longer-term Medium Term Financial Plan, including scenario analysis, to inform the development of a Financial Strategy b) a Corporate Capital Strategy and Corporate Asset Management Plan c) review the approach to budget development		a) i) Develop a 3 year Medium Term Financial Strategy with detailed one year plans.	Director of Finance, IT & Digital Services	December 2023
		b) i) Capital Strategy and Capital Programme 2023/24 – 2026/27 considered and approved by Finance and Policy Committee and Council in February.	Assistant Director (Finance)	Completed - February 2023
		b) ii) Develop Corporate Asset Management Plan for approval by Finance and Policy Committee.	Assistant Director (Development and Growth)	June / July 2023

DRAFT

to ensure greater ownership d) a better understanding of HBC's appetite for risk across all its activities e) an organisational approach to service transformation, procurement and municipal enterprise supported by requisite skills and capacity to support delivery		c) i) Introduce an internal budget development training programme for all officers involved in managing budgets.	Director of Finance, IT & Digital Services	July 2023
		c) ii) Introduce a financial training programme for all members, as part of their inductions and as part of sitting on policy committees.	Director of Finance, IT & Digital Services	September 2023
		d) i) Undertake an exercise to establish HBC appetite for risk regarding current and future opportunities ,based on our Council Plan priorities.	Director of Finance, IT & Digital Services	June – September 2023
		e) i) As part of d) i) above, review the level of capacity and skills already within the Council to determine whether there is a need to rebuild corporate capacity or provide training opportunities for staff in order to deliver on our priorities for service transformation, procurement and municipal enterprise.	Managing Director	June – September 2023

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9. Develop an explicit level of prioritisation for the Capital Programme and selective approach to future funding bids based on how these link to the vision.	Preparation of a Capital Strategy and Capital Programme covering 2023/24 – 2026/27 underway.	i) Capital Strategy and Capital Programme 2023/24 – 2026/27 considered and approved by Finance and Policy Committee and Council in February.	Director of Finance, IT & Digital Services	Completed - February 2023
		ii) Include a section in all committee reports linking recommendations to the 6 Council Plan priorities.	Director of Legal, Governance & HR Services	June 2023

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FINANCE AND POLICY COMMITTEE

13th March 2023

Report of: Director of Resources and Development

Subject: SCREEN INDUSTRIES PRODUCTION VILLAGE – LEVELLING UP FUND

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1. TYPE OF DECISION/APPLICABLE CATEGORY

For Decision.

2. PURPOSE OF REPORT

2.1 The purpose of the report is to update the Finance and Policy Committee on the successful outcome of the Council's bid to the Department of Levelling Up Housing and Communities (DLUHC) 'Levelling Up Fund Round 2' programme and seek approval to accept the £16.45m grant, subject to Subsidy Control regime compliance.

3. BACKGROUND

3.1 The governments £4.8bn 'Levelling Up Fund Round 2' (LUF2) programme, managed by the Department for Levelling Up Housing and Communities (DLUHC) is designed to invest in 'infrastructure that supports town centre and high street regeneration, local transport projects, and cultural and heritage assets'. Following the award to 105 LA's in round 1, with a total value of £1.7bn, HBC Officers met with DLUHC representatives in February 2022 to prepare ahead of a round 2 announcement and understand the intended priorities for future awards.

3.2 The Levelling Up White Paper was published on 2 February 2022 and new LUF technical notes and application guidance for LUF Round 2 were delayed by DLUHC and finally announced on 14 April 2022, with an intended application deadline in June 2022, allowing just 6 weeks for the development of strong proposals. A cross department steering group of officers worked alongside appointed partners Jacobs and partner organisations including the Northern School of Art to develop the 'Catalysing Hartlepool's Screen Industries' proposal, building on the foundations set out in the adopted Town Investment Plan (2020) and Town Centre Masterplan (2021) and feedback from DLUHC.

3.3 Further DLUHC delays due to technical issues with the online application portal in June and July 2022 resulted in a period of several weeks of disruption, however following the technical resolution, HBC submitted the bid and 20 appendices on 29th July 2022. Demand from LA's for LUF 2 support was expected to far outweigh the available funding and as such 529 applications were submitted nationally. DLUHC announced on 19th January 2023 that 111 applications were successful including Hartlepool Borough Council's bid for £16,453,891 and the total grant requested towards the £18,567,891 scheme would be awarded. A total value of £2.1 billion of grants were awarded nationally.

3.4 It is testament to the work of officers and partners involved in the development of the programme that 100% of the funding requested has been secured.

4. THE BID

4.1 Under the criteria for Round 2, there was a clear focus on regenerating key sites in order to encourage new businesses and public services to re-locate, investing in derelict buildings to bring forward new developments including acquisition, improving the public realm and creating better connectivity between key sites, including the addition and/or enhancement of infrastructure.

4.2 The Screen Industries Production Village project will provide supporting infrastructure within a transformed urban environment, through acquisition and development of flexible spaces for post-production, back-office accommodation and wider support services for the Screen Industries. The intervention will support job creation, productivity growth, enhanced environment and placemaking, setting foundations for future market-led intervention in the emerging North-East Screen Industries hub.

4.3 The value of the capital grant requested from the LUF 2 fund was £16,453,891 with match funding required to deliver the project of £2,114,000, which represents 11% of the overall bid cost with £2m of this being provided by TVCA, allocated in their Quarter 4 Budget Report and Medium-Term Financial Plan. The remaining £114k of match funding is an existing committed allocation to the work in protecting and weatherproofing the Shades building.

The principal elements of the project include:

- Demolition of some existing assets and construction of c. 2,750 sq m of net flexible commercial/workshop/accommodation floorspace suitable for the Screen Industries and supporting activity
- Restoration of strategic heritage assets, and conversion to use as part of the Production Village, including the Grade II listed Shades building on Church Street
- Extensive public realm and amenity enhancements along Lynn Street, Whitby Street, Scarborough Street, Tower Street, Station Approach, Exeter Street and Surtees Street.

4.4 The project involves the use of HBC land and assets in the form of the Shades Building and the acquisition of additional freehold land and assets at a number of locations, subject to the completion of formalities, as set out in **CONFIDENTIAL APPENDIX 1 - this item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that information).**

4.5 The land assembly, restoration, refurbishment and construction programme will establish a nationally significant agglomeration of screen industry activity in the Tees Valley, providing opportunities for post-production, back-office support, editing, accommodation, kit hire and wider support services for the Screen Industries to be co-located with the Northern Studios, which will bring significant regeneration benefits to Hartlepool as described in section 5. While the accrual of assets to operate the production village increases operating costs, the revenue analysis undertaken as part of the economic impact assessments demonstrates that income generation from the Production Village will cover those costs and generate surplus income for HBC.

4.6 The delivery of the Council's wider Capital Programme and high profile projects has informed the development of the comprehensive cost plan for the programme and spend profile. There is a distinct awareness of current cost inflation and this has been taken into account in the development proposals. Included within the project costs are the following important elements:

- Prelims: 18% for Shades Redevelopment and Refurbishment and Redevelopment works, reflecting a complex, single phase project and the specialist nature of some of the work required to heritage assets
- 3.5% for Public Realm, reflecting the potential for significant downtime in works, required to accommodate existing business and residential occupiers of the intervention area. This allowance is consistent with outturn prelims costs for other major public realm schemes delivered
- Professional Fees – 12%, reflecting standard allowance, applied across all scheme components and includes project and programme management, legal, finance and marketing
- Inflation – 9%, reflecting construction price growth forecasts, applied across all scheme components.
- Contingency and risk – 15% for Shades redevelopment and targeted acquisition and redevelopment components);

4.7 The success in securing the LUF grant funding was based on the submission of a detailed application and supporting documents required by DLUCH in which included a Green Book Compliant Economic Impact Assessment and the Council providing assurance of compliance with the Government's Subsidy Control regime. These 2 documents alone, as part of 20 submitted appendices, covered around 94 pages of detailed submission.

5. PRODUCTION VILLAGE BUSINESS CASE

5.1 As part of the development of the bid a series of business case documents were produced including a Green Book compliant Economic Impact Report. The business case for the whole programme, and delivering these targeted interventions given the market demand, presents some strong metrics and categorises the proposed project as 'high value' under Green Book scenarios.

5.2 The Business Case has clearly evidenced significant benefits that will be generated from delivering the proposed Production Village, and these include:

- 2,750 square metres of net internal floorspace will be created to service the Screen Industries supporting 131 permanent full-time equivalent (FTE) employment opportunities
- The project will deliver an aggregate productivity impact of £1.99m, increasing productivity from employment and with an anticipated 10% of all employees currently not in work
- The business case demonstrates that an anticipated 13 unemployed residents expected to gain employment from the intervention this will generate an annual social wellbeing impact of £90,900
- Direct land value uplift of £696,000 of the assets within the programme will be generated by delivering the interventions set out in section 4, increasing land values by 5% per annum in real terms up to the intervention opening year of 2025
- Asset value growth, in addition to indirect land value uplift, as a result of delivering the project will increase by £8.9m, while the project will deliver £5.65m in indirect land value uplift of residential property locally
- The project will renovate 6.48 ha of space to support the Screen Industries which will generate an aggregate benefit stream of £14.14m
- 2,600 additional people will visit the production village annually for business purposes which will generate £1.81m of net additional spend, comprising of £1.14m of overnight expenditure and £670,000 of daytime expenditure
- A social wellbeing impact over a 15 year period, associated with cultural and heritage buildings, of £8.48m. This is the monetised impacts from improving the historic environment which makes a positive contribution to community life by boosting social capital
- The total benefit of increased learning and development opportunities in creative skills is estimated at £8.78m as a result of a 5% reduction in graduate losses from Hartlepool.

5.3 Through aggregating the various gross benefit streams and applying the prevailing factors of additionality, the gross additional impacts are expected to be £64.5m. The economic analysis demonstrates that the Production Village programme will generate substantially more economic benefits than public costs, resulting in an initial Benefit Cost Ratio (BCR) well above 2.0 and a positive Net Present Social Value (NPSV). This places the project in the 'high' value for money category based on BCR.

6. SUBSIDY CONTROL

6.1 The UK Subsidy Control regime sets rules, procedures and processes that allow public authorities to award subsidies to achieve public policy objectives, and in effect replaces the former State Aid policies following the UK's exit from the European Union. The UK subsidy control regime is extremely complex and has been in transition for 2 years and became legally binding on 4 January 2023 to allow public bodies to give subsidies that are tailored to their local needs and drive economic growth while minimising distortion to UK competition.

6.2 As a result, HBC is obliged to undertake comprehensive Subsidy Control assessment to ensure that in receipt and distribution of public funds, we are fully compliant with the regime and its detailed set of principles, as under the regime awards may be subject to recovery if the declarations are found to be deficient. As part of the bid, HBC provided Subsidy Control information following legal advice from our partners DWF.

6.3 In October 2022 as part of the bid review process, DLUHC requested a detailed Subsidy Control report within 10 working days from bidding organisations and as such HBC was provided to evidence how the grant requested was proportionate to the specific policy objectives being pursued and would meet a specific viability gap that other sectors cannot deliver.

6.4 In February 2023 following a successful bid outcome and confirmation letter, DLUHC have requested a third subsidy control report, again within 10 working days, as part of their due diligence requesting further detail on the individual component activities of the project, the value of each of these and the sectors in which they will be delivered. There are significant time, resource and financial implications involved in ensuring compliance with the new regime for all funded programmes such as Town Deal and Levelling Up, and this has implications for HBC and the delivery of any project delivery via external funding. The Strategic Development Team is leading the work to increase the Council's knowledge and understanding of our new legal responsibilities and ensure compliance.

6.5 As part of the DLUHC subsidy control review, it is important to note that the award of funding to HBC is subject to satisfactory compliance with the appropriate subsidy control regime requirements so formal approval for the project has yet to be received. As such project delivery, subject to F&P Committee approval, cannot begin until confirmation of compliance from DLUHC is received.

7. TIMELINE AND NEXT STEPS

7.1 The project proposal detailed the full delivery of the programme from early preliminary design to completion of all elements to be undertaken between November 2022 and February 2025, a period of 28 months. However DLUHC delays in announcements and awards, and the due diligence reviews now underway result in a confirmed completion date being difficult to predict, but will be during 2025.

7.2 The initial activities to be undertaken in the first 12 months of the programme include public engagement and consultation, preliminary design, design procurement, detailed design, site acquisitions and planning and development applications.

7.3 Under the LUF2 guidance, all activity is to be completed by 31st March 2025 however this is being impacted on by the delays to award as described in earlier sections. Discussions are ongoing with DLUHC lead officers to ensure that adequate consideration is given to delivery timescales.

7.4 DLUCH will continue to monitor closely progress of the individual proposals approved in the bid and regular updates will be provided to Finance and Policy Committee as part of the Council's overall arrangements for managing delivery of the Capital Programme.

8. OTHER CONSIDERATIONS

Risk Implications	The key findings of risk register development identified the majority of risks complete with control measures already in place, reflecting the thorough approach to risk management adopted by HBC. A Risk Register was completed as Appendix 17 of 20 appendices submitted to DLUHC as part of the bid.
Financial Considerations	The securing of the £16.45m grant provides capital and revenue resources to deliver a transformational scheme in the Church Street area. The repurposing and redeveloping the Shades Building and wider property portfolio in the programme for commercial use by businesses in the Screen Industries and wider creative sector supply chain will generate long term revenue income. The revenue costs of managing the programme through to operation have been included within the bid.
Legal Considerations	Independent legal advice was procured on the issue of Subsidy Control due to the significant level of due diligence required to ensure compliance. A subsidy control report was submitted as part of the bid, with further reports submitted to DLUHC in October 2022 and February 2023.
Consultation	For the bid, extensive intelligence was sourced such as Creative Sector Research Study Hartlepool (2022) to understand the

	local sector specific challenges. This paper undertook extensive consultations with local individuals across 33 different organisations within Hartlepool (including creative businesses, public and community sector representatives, and several education institutions) to understand the needs of the creative sector, the appropriateness of business support available and the level of career opportunities for creative students. Consultation strategies will be developed in a timely basis and implemented across the Scheme at the relevant time to inform the design strategy. Statutory public consultation will be delivered as part of the planning application process, expected to be required for works at the Shades Building and other buildings targeted for refurbishment or redevelopment.
Child/Family Poverty Considerations	The programme principally aims to provide wide ranging benefits and job opportunities for local people leading to reduction in unemployment and poverty. Appendix 2.
Equality and Diversity Considerations	To be prioritised as part of the consultation and engagement mechanisms.
Section 17 of The Crime And Disorder Act 1998 Considerations	Many of the assets for redevelopment and refurbishment are vacant and have been for some time, and as a result are subject to significant crime and ant social behaviour, however bringing the buildings into use and operated 24 hours a day will ensure that crime and ASB associated with the buildings are significantly reduced and potentially removed.
Staff Considerations	The Strategic Development Team was strengthened in 2022 to ensure adequate resource was available to secure external funding for regeneration and will manage the programme level responsibilities within existing resources. A dedicated Project Manager will be appointed utilising the external funding to manage the project day to day.

Asset Management Considerations	The decision to take a commercial approach means that the Council should obtain full market value for any property it disposes of and should not pay any more than market value for acquisitions. The terms agreed for the properties to be acquired are considered to represent market value of the property. HBC are proposing to retain ownership of the delivered assets and will be managed by the Council.

9. RECOMMENDATIONS

9.1 Members are asked to:

- Note the contents of the report and the successful outcome of a strong submission to DLUHC
- Approve the acceptance of the £16.45m grant, subject to our completion of DLUHC's Subsidy Control due diligence stage
- Agree to a progress report on Levelling Up delivery to be provided to the Economic Growth & Regeneration Committee at six month intervals

10 REASONS FOR RECOMMENDATIONS

10.1 Hartlepool Borough Council has succeeded in securing significant investment under the Levelling Up Fund Round 2 to improve the town, employment prospects and attract inward investment. Securing £16.45m to further develop our Screen Industries and wider economy will deliver significant employment opportunities, stimulate economic growth, and bring vacant and dilapidated heritage and others assets back in to use. The decision is required now to enable the acceptance of grant, subject to Subsidy Control compliance, to then enable implementation as soon as DLUHC formally award the grant.

11. BACKGROUND PAPERS

11.1 None.

12. CONTACT OFFICER

Beverley Bearne
Assistant Director (Growth and Development)
Civic Centre
Hartlepool Borough Council
TS24 8AY

Tel: (01429) 523002
E-mail: beverley.bearne@hartlepool.gov.uk

Sign Off:-

- Managing Director ☑
- Director of Resources and Development ☑
- Chief Solicitor ☑

6.2 Appendix 2

POVERTY IMPACT ASSESSMENT

1. Is this decision a Budget & Policy Framework or Key Decision? YES **If YES please answer question 2 below**				
2. Will there be an impact of the decision requested in respect of Child and Family Poverty? YES **If YES please complete the matrix below**				
GROUP	**POSITIVE IMPACT**	**NEGATIVE IMPACT**	**NO IMPACT**	**REASON & EVIDENCE**
Young working people aged 18 - 21	✓			The Business Case finds that the development of a Production Village in the skills quarter of the town has the potential to unlock job creation through increasing employment opportunities across a range of sectors and grow the fledgling film and TV industry locally. This could act to reduce unemployment pressures and deliver productivity benefits to the wider economy. Applying green book compliant employment densities to the corresponding floorspace allocated for each activity of the new development generates 131 full-time equivalent (FTE) employment opportunities when the various redevelopments are complete and operational. The business case evidences how the programme will address the loss of young talented people from the area by creating new opportunities and raising aspirations and create community belief in the increasing vibrancy of the town.
Those who are disabled or suffer from illness / mental illness				
Those with low educational attainment				
Those who are unemployed	✓			Increased annual expenditure as a result of this project could sustain c. 300 FTEs within Hartlepool Town Centre. It is estimated in the BC that around 10% of the new employment opportunities could accrue to unemployed residents in Hartlepool. This equates to 4 FTEs at the Binns Building and c. 30 FTEs across Hartlepool Town Centre in general. Average productivity for workers in Hartlepool is estimated at c. £45,000 per annum . Assuming a 40% tax wedge in line with departmental guidance , the welfare impact of increased employment and re-entry to the labour market for unemployed residents is estimated at £80,000 per annum

POVERTY IMPACT ASSESSMENT

				(2021 prices) for FTEs at the Binns Building and £560,000 per annum (2021 prices) for FTEs more widely.
Those who are underemployed	✓			Further to the productivity impact highlighted for those unemployed, a social-wellbeing benefit can also be applied for previously unemployed people gaining employment. Wellbeing analysis in the Business Case suggests the value of gaining employment for unemployed residents will be £5,980 per person per year
Children born into families in poverty				
Those who find difficulty in managing their finances				
Lone parents				
Those from minority ethnic backgrounds				The package of measures will aesthetically improve the town, create impressive public realm for the whole community to enjoy which will be accessible to people of all ages, races, religions and orientation.

6.2 Appendix 2

POVERTY IMPACT ASSESSMENT

Poverty is measured in different ways. Will the policy / decision have an impact on child and family poverty and in what way?				
Poverty Measure (examples of poverty measures appended overleaf)	**POSITIVE IMPACT**	**NEGATIVE IMPACT**	**NO IMPACT**	**REASON & EVIDENCE**

Overall impact of Policy / Decision			
POSITIVE IMPACT		**ADJUST / CHANGE POLICY / SERVICE**	
NO IMPACT / NO CHANGE		**STOP / REMOVE POLICY / SERVICE**	
ADVERSE IMPACT BUT CONTINUE			

6.2 Appendix 2

POVERTY IMPACT ASSESSMENT

Examples of Indicators that impact of Child and Family Poverty.
Economic
Children in Low Income Families (%)
Children in Working Households (%)
Overall employment rate (%)
Proportion of young people who are NEET
Adults with Learning difficulties in employment
Education
Free School meals attainment gap (key stage 2 and key stage 4)
Gap in progression to higher education FSM / Non FSM
Achievement gap between disadvantaged pupils and all pupils (key stage 2 and key stage 4)
Housing
Average time taken to process Housing Benefit / Council tax benefit claims
Number of affordable homes built
Health
Prevalence of underweight children in reception year
Prevalence of obese children in reception year
Prevalence of underweight children in year 6
Prevalence of obese children in reception year 6
Life expectancy

FINANCE AND POLICY COMMITTEE

13th March 2023

Report of: Chief Solicitor

Subject: HYBRID WORKING POLICY

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1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-Key Decision.

2. PURPOSE OF REPORT

2.1 The purpose of this report is to request Finance and Policy Committee approval for a new Hybrid Working Policy and Procedure as attached as Appendix 1.

3. BACKGROUND

3.1 Hybrid working was critical during the Covid19 pandemic and has had long lasting implications for many workplaces.

3.2 The Council has continued with hybrid working on a 'pilot' basis following consultation and a formal review in September 2022.

3.3 Hybrid working has become a common practice across many employers and has major advantages to support recruitment and retention especially where there are key skills shortages. The flexibility and home/work balance of hybrid working has proved a major motivator for many employees and reduces travel time which also has benefits for the environment.

3.4 Hybrid working is critical to support the corporate savings programme with regard to asset rationalisation. The ability to reduce desk space in offices through shared workspaces has enabled the Council to progress plans to reduce our office footprint. These plans include vacating Aneurin Bevan House and Windsor Offices, staff will be re-located in the Civic Centre, moves are scheduled to commence in March. . Savings associated with this programme were included within the medium term financial plan previously agreed by Council.

4. TRADE UNION CONSULTATION

4.1 Trade Unions have been consulted and have agreed the policy formally at Single Table on 15th February 2023.

5. IMPLICATIONS

RISK	If the policy is not implemented there is a risk the Council will suffer recruitment and retention issues as people may choose to work for organisations who offer increased flexibility afforded by hybrid working.
FINANCIAL	The policy has potential financial implications in the provision of IT and any essential equipment needed for the homeworking environment. This is mitigated by a standard IT set up and use of existing surplus equipment where needed. Should costs be incurred these will be met from existing budgets.
LEGAL	The proposed policy has been written in accordance with all legal requirements and best practice.
CONSULTATION	Trade Unions have been fully involved in the consideration of this revised policy. During the summer of 2020, as part of the preparation of a Covid Recovery Plan for the Council, employees were invited to share their views through an online workforce survey and 3 virtual discussion sessions held on skype. Those views included early thoughts on home working. The Workforce Survey was repeated again in the summer of 2021 before the Hybrid Working Pilot was launched and then repeated again every 3 months. Following the launch of the Hybrid Working Pilot in September 2021 various opportunities were provided for employees to get involved and share

	their views on Hybrid Working, including: - Workforce Survey - Winter 2021, Spring 2022, Summer 2022 and Autumn 2022; - Hybrid Working Project on the Staff Hub including ideas boards, stories, questions and quick polls; - Hybrid Working Consultation Group (November and December 2021) – this was an open invitation to all employees; - HBC Managers Forum – discussions on Hybrid Working (September 2021, December 2021 and September 2022).
CHILD AND FAMILY POVERTY	None.
EQUALITY AND DIVERSITY	Care has been taken to cover the Health and Safety aspects of hybrid-working, and the Council's commitment to providing safe and healthy working environments for all, including the provision of specialist equipment when needed.
STAFF	This policy ensures that employees have access to flexible working through hybrid working and will support the building asset review.
ASSET MANAGEMENT	This policy is critical to the current savings programme linked to the building asset review and plans for reduced office space.
ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS	By encouraging hybrid working, we are allowing staff to reduce their carbon footprint by reducing the amount of travel they must do to and from the office.

6. RECOMMENDATIONS

6.1 It is recommended that Finance and Policy Committee approve the Hybrid Policy and Procedure.

7. REASONS FOR RECOMMENDATIONS

7.1 To ensure that the Council has a robust policy and procedure to support hybrid working and the building asset review plans.

8. BACKGROUND PAPERS

None.

9. CONTACT OFFICERS

Hayley Martin
Chief Solicitor
Tel: 01429 523002
Email: hayley.martin@hartlepool.gov.uk

Rachel Clark
Head of Human Resources
Tel: 01429 284346
Email: rachel.clark@hartlepool.gov.uk

Sign Off:-

Managing Director	√
Director of Resources and Development	√
Chief Solicitor	√

Hybrid Working Policy & Procedure

HR Service

6.3 Appendix 1

Contents

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Policy

Hartlepool Borough Council as an employer of choice, recognises the benefits of championing a flexible workforce. It also has the potential to improve work life balance and personal wellbeing by offering greater flexibility of work location and time. It also has environmental benefits in reducing the Council's carbon footprint with the need for reduced travel.

Scope and Purpose

This policy affects all employees, casual workers, self-employed contractors, volunteers and agency workers classified as a hybrid worker who work a proportion of their working time at home. This policy does not apply to schools who have their own delegated policies and procedures.

The purpose of the policy is to ensure that hybrid workers are treated equally to office based workers and their work is carried out safely in accordance with policies and current legislation. It sets out the conditions on which hybrid working will be agreed and the terms that apply to all hybrid workers.

Procedure

1. Types of Worker – Definitions and ICT arrangements

1.1 Hartlepool Borough Council has four definitions of worker categorised as below:

- Office — office or HBC building based
- Field — based with no element home working – predominately working in the field
- Hybrid — must have element of home working - combination of office/HBC building and/or field with home based working
- Home — permanent home based working

2. Hybrid Working Arrangements

2.1 Hybrid working is an informal flexible working arrangement which allows you to split your working time between your workplace and an agreed remote working location such as your home. Hybrid working is discretionary, subject to the needs of the service, and approved by your Head of Service.

2.2 Hybrid working arrangements will differ depending on the nature of your role, duties and responsibilities and so are discretionary and subject to agreement from your Head of Service.

2.3 The Council's current hybrid policy is subject to a requirement for full time employees to work a minimum of two working days in the office each week. Part time employees would work this on a pro-rata basis. In some services it may be necessary to work a greater number of days in the office and this will be at the discretion of the Assistant Director dependent on service needs.

There may be requests for temporary adjustments to work a greater number of days at home. These must be time limited and linked to particular circumstances of the service or individual, and will be agreed and monitored by the Head of Service.

2.4 The days and times worked from your workplace and your agreed remote working location are subject to agreement with your line manager and may vary to accommodate service needs. It is important that customer focused services are covered during core working hours.

2.5 All hybrid workers may be required to work all or a greater number of days office based in the following circumstances as confirmed by the Head of Service:

- Induction, training and supervision of themselves or others in the team
- Ad hoc meeting arrangements that require a face to face presence.
- To cover in the absence of colleagues
- As a disciplinary or performance management sanction (formal or informal)
- Where there is internet, broadband or other ICT issues
- Where there is a service need

2.6 If an employee is unable to work at home, for whatever reasons, then the manager must ensure an office based location is identified.

2.7 If you have a flexible working arrangement that has been approved under a flexible working request, then it may not be possible for you to also work under a hybrid working arrangement. Any agreed changes to a flexible working arrangement must be in writing and recorded on the employee's personal file in consultation with a HR Advisor.

2.8 All employees who are hybrid working should expect to have closer supervision and monitoring arrangements in place including the use of daily timesheets where there is no flexi scheme in operation for the service.

2.9 Where an employee lives with children or dependent adults who require their care and attention during work time, then they must ensure that appropriate care arrangements are in place. Managers will be able to immediately remove hybrid working on a temporary basis should they have reasonable belief that an employee is looking after children/dependent adults at home during working time that impacts on their ability to work effectively from home. This could also result in disciplinary action and permanent withdrawal of the ability to home or hybrid work.

2.10 All employees should ensure that disturbances at home are kept to a minimum. If a manager is concerned about the ongoing negative impact of this then they will be able to remove hybrid working on a temporary or permanent basis.

2.11 The Flexi time scheme can still be accessed by those who are hybrid working as part of the Council's support for flexible working practices and a better home and work life balance.

2.12 Employees cannot claim home to work mileage for any journeys and must ensure this is deducted as personal mileage from any expense claims.

2.13 Travel time can only be claimed in excess of the normal commute from home to work. It is not expected that employees will work from home on days where they have planned travel during the working day if this means a loss of working time commuting. Where this does arise then due to the variety of different situations then the line manager must make a decision which is reasonable in the circumstances.

2.14 Employees will be expected to hot desk or share a desk when working in the office/HBC building where necessary. Adjustments will be made where reasonably practicable for individuals where a Display Screen Equipment (DSE) assessment has identified a specific need or requirement. Separate consideration must be given to those employees with disabilities who may need a specific arrangement with equipment or adjustments that cannot be accommodated in a shared desk environment.

2.15 Formal requests for statutory flexible working will be considered under the Council's Flexible Working Policy.

2.16 Managers should openly advertise and recruit hybrid workers where services allow.

2.17 Hybrid workers should ensure they use Outlook to record their whereabouts at all times.

2.18 In the event of a public health or safety risk, it may be necessary for hybrid workers to be based at their remote location for a temporary period on a full time basis.

2.19 There may be changes to the job role or restructuring of services which impacts on the ability to hybrid work in the future. Any changes will be consulted on in line with Council policies.

2.20 When arranging meetings consideration needs to be given to holding the meeting face to face, hybrid (if equipment such as OWLS, TV/projector available) or online (Teams). This will promote flexibility and help to minimise travel time.

2.21 When working from home you should ensure you are 'work ready' during working hours and be able to activate your camera during meetings or telephone calls.

2.22 The Council's expectations in terms of behaviour, values and ethics are the same regardless of where you work. The council's values, code of conduct and policies and procedures apply at all times when you are at work.

2.23 You are expected to be available for meetings and training, either in person or virtually, at any council location or other organised venue.

3. Conditions necessary for Hybrid Working

3.1 Not all roles and not all jobs are suitable for hybrid working. A hybrid working arrangement is unlikely to be agreed if:

- you need to be present in the workplace to perform your job, for example, because it involves a high degree of personal interaction with colleagues or third parties (customers or service users) or involves equipment that is only available in the workplace;
- your most recent Annual Review or supervision (1-1) session identifies any aspect of your performance as unsatisfactory;
- your line manager has advised you that your current standard of work or work production is unsatisfactory;
- you have an unexpired warning, whether relating to conduct or performance; or
- you need training and/or supervision to deliver an acceptable quality or quantity of work.

3.2 If you are working under a hybrid working arrangement you agree to:

- have a suitable working environment at your remote working location that enables you to carry out your role safely, effectively and where necessary, confidentially;
- have a suitable broadband connection;
- continue to work the hours required by your contract of employment and ensure you are available and contactable;
- work independently, motivate yourself and use your own initiative;
- manage your workload effectively and complete work to set deadlines;
- identify and resolve any new pressures created by working from a remote working location;
- adapt to new working practices, including maintaining contact with your line manager and colleagues at work;
- exercise flexibility to make changes on our reasonable request to the hybrid working arrangement, including to the days, times and location from which you work (as between your workplace and your agreed remote working location), to meet the needs of our business;
- determine any resulting tax implications for yourself;
- make arrangements for the care of any children or other dependants when you are working from your remote working location; and
- finance any travel and/or related expenses incurred when travelling to and from your remote working location and your workplace.
- respond to phone calls and emails in a timely manner
- be available / contactable at all times, and not to use the Do Not Disturb function on Lync, unless you have made prior arrangements with your manager

3.3 Employees may choose to undertake a trial period to determine if it is the right arrangement for them on a personal level before proceeding to a more formal agreement.

4. Location

4.1 Your primary remote working location should be agreed with your line manager in advance.

4.2 Your primary remote working location must be within commuting distance of and within the same country as your workplace unless written approval has been provided by Human Resources.

4.3 If you wish to work from a different remote working location on a regular basis at any time during your hybrid working arrangement, this will need to be agreed with your Head of Service and Human Resources in advance.

4.4 You may not work from a remote working location abroad at any time during your hybrid working arrangement. For data protection reasons you should not travel abroad with any Council ICT or mobile phone equipment.

4.5 If the Council agrees to you working from a different remote working location at any time during your hybrid working arrangement, this will be subject to our right to require you to return to your primary remote working location on 4 weeks' notice.

5. Health and Safety

5.1 When working from your remote working location you have the same health and safety duties as others. You must take reasonable care of your own health and safety and that of anyone else who might be affected by your actions and omissions. You must attend health and safety courses as instructed, read the Health and Safety policies which are on the intranet or available from your line manager and undertake to use equipment safely.

5.2 You must complete the DSE Risk Assessment for hybrid working prior to commencing hybrid working. This will identify any potential health and safety hazards at your remote working location(s) and take appropriate steps to minimise risk. The Council retains the right to carry out health and safety risk assessment audit/inspection (either remotely or by arranging a home visit) before or after you begin hybrid working. The need for such inspections will depend on the circumstances, including the nature of the work undertaken.

5.3 You must not have meetings in your remote working location with customers and must not give customers the address or telephone number of your remote working location.

5.4 Although managers should ensure work expectations are reasonable, you are also responsible for ensuring that your working patterns and levels of work when working from your remote working location are not detrimental to your health and wellbeing. You should ensure you take regular breaks from your

computer. If you have concerns about your health or wellbeing arising as a result of your workload or working pattern, you should inform your line manager without delay or consult your union representative, so that a discussion can take place to review measures to deal with this.

5.5 It is important that you use your knowledge, experience and training to identify and report any health and safety concerns to your line manager.

5.6 Any accidents or incidents while remote working should still be reported to your manager and the Council's Incident Reporting/SIRF Procedure should be followed. This is located on the intranet.

5.7 When booking or accepting meeting invitations then continuous back to back meetings should be kept to a minimum and there should be consideration of sufficient breaks, especially when moving between face to face and online meetings.

6. Equipment and Suitable Workspace

6.1 The Council will provide the equipment it considers you reasonably require to work from your remote working location. Managers should provide this from Council stock/spares or via ICT prior to any new purchase. If an employee refuses alternatives then they will need to fund any equipment personally. All necessary arrangements will be made for and bear the cost of installing, maintaining, repairing or replacing (where necessary) and removing equipment from your remote working location. Where equipment is provided, it remains the property of the Council and you must:

- ensure it is only used by you and only for the purposes for which it has been provided;
- take reasonable care of it and use it only in accordance with any operating instructions and our policies and procedures;
- make it available for collection by the Council or on our behalf when requested to do so;
- not use any personal laptop/computer/tablet for work. You can use personal mobile phones to access work communications / MyView;
- check the condition on a regular basis and report any faults to your line manager;
- do not use any electrical equipment that is faulty or is showing signs of wear and tear.

6.2 To arrange installation or service of any Council IT equipment provided; you should contact NEC who can guide you through the process remotely. If this is not possible a visit may need to be arranged to your remote working location or you may be required to take your equipment to NEC. You will be contacted to arrange this where necessary.

6.3 When travelling between your remote working location and your workplace you agree to keep equipment provided secure at all times. For example, in a car, keep everything locked in the boot. In order to reduce the risk of theft you

should consider safe parking and do not resist any threat to your personal safety.

6.4 On termination of your hybrid working arrangement or on termination of your employment you will return all equipment provided. It may be necessary to arrange a visit to your remote working location to reclaim equipment. You will be contacted to make the appropriate arrangements.

6.5 It is your responsibility to ensure that you have a suitable workspace at your remote working location with adequate lighting for working. If you do not have a suitable workspace at home you will not be able to work at that remote location and you must notify your line manager.

6.6 If you have a disability you should inform us if you require any special equipment to work from your remote working location comfortably. Following an assessment the Council will bear the reasonable cost (or reimburse you for the reasonable cost) of providing any special equipment or making any necessary reasonable adjustments to your remote working location to enable you to work from there.

6.7 The Council is not responsible for the associated costs of you working from your remote working location, including the costs of heating, lighting, electricity, broadband internet access, mobile or telephone line rental or calls.

7. Insurance Requirements

7.1 The Council will be responsible for taking out and maintaining a valid policy of insurance covering any Council equipment provided against fire, theft, loss and damage throughout your employment.

7.2 The Council is not liable for any loss, injury or damage that may be caused from any equipment that it has provided, but is required by you, to work from your remote working location.

7.3 If your remote working location is your home address, you are responsible for ensuring that working from home will not potentially invalidate the terms of your home insurance. You should ensure that you check your home insurance policy before commencing hybrid working and inform your home and contents insurance provider of your working arrangements as required.

7.4 If your remote working location is your home address, you should check the terms of your mortgage, lease or rental agreement before commencing working from home to ensure this does not breach any of the terms. It is your responsibility to inform your bank, mortgage provider or landlord that you are working from your home address and seek any necessary approval before commencing hybrid working.

7.5 When you are working from your remote working location you are covered by the Council's insurance policies. Any accidents must be reported immediately to your line manager in accordance with our Health and Safety Policy / Incident Reporting (SIRF) process (copies available on the intranet).

8. Information Governance

8.1 When working from your remote working location you undertake to ensure you are familiar with the Information Governance Policies covering a range of areas including data security and confidentiality and reporting data breaches. These policies can be found on the intranet.

9. Effective Virtual Teams

9.1 The key to successful hybrid working is based on trust, understanding and effective communication between the employee and manager. Issues that arise should be discussed without delay so resolutions can be found. Managers should feel empowered to make decisions that meet service needs with a reasonable and balanced approach to employee needs.

9.2 Managers should ensure that all hybrid workers have a regular contact communication plan/method both for efficiency and also to help combat isolation and stress both with themselves and their teams. All hybrid employees should know when and how to contact their manager. This may include the use of more informal online 'chat' facilities.

9.3 Managers should encourage regular team contact opportunities to support employee engagement and team building.

9.4 Concerns about performance should be discussed constructively and without delay. Employee performance should be managed in line with the relevant policies and managers should contact their HR Advisor for support when needed.

10. Inclusion and Fairness

10.1 In a hybrid environment, it is especially important that managers ensure ongoing access to development and career conversations for all employees and make sure there is a fair allocation of work and opportunities.

10.2 Employees should have the same access to 1-1, team meetings and other communications regardless of where they work.

Equality Impact Assessment

The policy offers more flexible working arrangements therefore it is unlikely to have any detrimental effect on disadvantaged groups.

Documentation

HRPP-13 / G1 Homeworking and Wellbeing Guidance for Employees

Display Screen Equipment (DSE) Risk Assessment – Health, Safety & Risk Service Health and Safety Policy

Flexitime Policy and Procedure

Flexible Working Policy and Procedure

Health and Safety Policy(s)

Information Governance Policies:

- Information Protection Policy
- Email Access Policy
- Internet Acceptable Use Policy
- IT Access Policy
- Removable Media Policy
- Information Security Incident Management Policy
- Data Protection Policy
- Corporate Retention Policy

Policy Review

This Hybrid Working Policy and Procedure was adopted on (date).

This policy will be reviewed on a 3 yearly basis, unless changes necessitate an earlier review. The latest version, which supersedes all previous versions, is available on HBC Intranet.

A history of most recent policy changes can be found in the table below:

Version	Date	Change

FINANCE AND POLICY COMMITTEE

13th March 2023

Report of: Managing Director

Subject: COUNCIL PLAN 2021-2024 – PROGRESS UPDATE

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1. TYPE OF DECISION/APPLICABLE CATEGORY

For information only.

2. PURPOSE OF REPORT

2.1 To provide an update to Finance and Policy Committee on the progress made on the delivery of the Council Plan so far this year and to share with the Committee the latest version of the Strategic Risk Register.

3. BACKGROUND

3.1 The Council Plan 2021-24 was agreed by Council on 25th February 2021 and forms part of the Council's budget and policy framework as set out in the Constitution.

3.2 The Plan sets out a clear vision for Hartlepool and identifies what the delivery of that vision will mean. This reflects what was identified through consultation with residents, elected members and our public, voluntary, community and private sector partners whilst also recognising the emerging and continually evolving challenges the Council faces from the pandemic.

3.3 Finance and Policy Committee have received progress update reports at their meetings on 15th November 2021, 14th March 2022, 26th July 2022 and 12th December 2022.

4. PROGRESS UPDATE – FEBRUARY 2023

4.1 This update outlines the progress made on the delivery of the Council Plan since the last report to Committee in December 2022:

Hartlepool will be a place where people are enabled to live healthy, independent and prosperous lives.

Cycling Developments
Summerhill Cycle Hub was officially opened in the final quarter of 2022 and has since been shortlisted for an award by the Institution of Civil Engineers, the Robert Stephenson Small Projects Award. The track provides access to cycling opportunities to the public including access to inclusive bikes.

Consultation on the Transport Interchange to Headland (LCWIP) Cycleway Scheme has been delayed slightly. It is still anticipated that construction will begin in early 2023 with the first phase complete for the Tall Ships Races in July.

Premises in Church Street have been agreed in principle for the Town Centre Cycling Hub.

Holiday Activities and Food (HAF) Programme
Holiday activities and food programme delivered a successful scheme at Christmas with 40 providers delivering the programme across the school holiday period. Steering group membership and terms of reference for the group have been reviewed and refreshed to ensure that the programme oversight is effective and reaching children and young people who need it most.

Public Health
The sexual health contract has been reviewed and changes to the consortium ways of working have been proposed. This gives more control over the contracting process and enables us to ensure that we retain input into the service redesign.

The statutory duty to produce a Director of Public Health report has been completed, providing a stock take of the health or Hartlepool residents and forming a baseline for future planning.

We have successfully gained joint funding for a research project with Teesside University to identify how we can better participate and use research in the council.

Support to the childhood immunisation programme is being delivered in conjunction with Harrogate NHS trust. This has focused on the uptake of flu vaccinations

Hartlepool will be a place where those who are vulnerable will be safe and protected from harm.

Substance Misuse
A Substance Misuse Needs Assessment has been finalised with recommendations around four key areas: prevention, treatment, wider health needs, enforcement and crime and disorder. The Needs Assessment will be going to the Health and Well Being Board in March 2023. A substance misuse strategy vision and priorities are now being developed jointly with partners.

We have updated our approach to responding to drug and alcohol related deaths. We are working more closely with colleagues on Teesside to share processes and learning. This will enable us to get a broader perspective on the causes of deaths allowing us to put in place prevention measures.

Suicide
We have also updated our response to suicides in the town. This includes identifying and monitoring clusters, providing training and supporting people affected by suicide. Our Public Health Principal now chairs the Tees wide suicide prevention group.

Adult Social Care
Feedback from the Annual Health Check in 2022 has been shared with staff. The results for Hartlepool's Adult Social Care staff were very positive with over 93% of scores identified as outcomes to celebrate. Areas that scored particularly highly related to staff feeling supported by their managers, feeling safe and confident in their roles and feeling a sense of pride in their work.

Our first Social Work Degree Apprentice has graduated, hopefully the first of many.

Practice Month was completed in October 2022 with 12 auditors reviewing 65 case files, completing 17 direct observations and receiving feedback from 19 people. Early analysis of the feedback shows that practice is proportionate, person centred and strengths based with staff focused on prevention and independence and taking user and carer views into account.

Positive feedback was received from the Tees Safeguarding Adults Board on our Quality Assurance Framework self-assessment which was highlighted as a transparent and comprehensive submission with excellent evidence of the organisation thinking broadly to promote adult safeguarding in different ways.

Multi Agency Child Exploitation Hub
The contextual safeguarding hub continues to be effective in responding to the needs of children at risk of harm from exploitation. A recent audit highlighted best practice in the team and strengths of the new arrangements. Officers are currently working with the Department for Education to pilot an alternative process to the child protection conference when children are at risk of harm outside the home.

Serious Violence
The Council were successful in a bid to the Cleveland Unit for the Reduction of Violence (CURV) obtaining funding to address serious violence in Hartlepool's night time economy area. Funding is being used to undertake safety campaigns (Ask for Angela, Anti-Spiking and World Cup), provide hand held metal detector wands and bleed control kits to licensed premises, provide support to Hartlepool Town Pastors to enable their work, introduce two knife amnesty bins, provide training to licensed premises staff and provide an additional CCTV operator on Friday, Saturday and Bank Holiday nights to improve incident detection and management.

Hartlepool will be a place of resilient and resourceful communities with opportunities for all.

Jobs & Skills
£1.6m of funding has been secured from Tees Valley Combined Authority for the Council's Jobs & Skills Service to manage a Tees Valley wide Multiply programme over the next two years. The community based programme will target the most economically inactive people in Hartlepool to improve their numeracy skills.

Events
Ticket sales for the Christmas pantomime were recorded as the highest ever, providing local and visiting people with a wonderful performance at the Town Hall Theatre.

A highly successful Fireworks Event was held at Seaton Carew in November. The event was free and was attended by approximately 15,000 people.

Community Hubs
During the recent Corporate Peer Challenge Hartlepool's Community Hubs were recognised as a model of best practice and we are working with the Local Government Association to produce a national good practice case study which will showcase our approach.

A virtual community hub, All Together Now, has been developed that means people unable to access building based activities can participate online, with support from the digital team if needed.

£88,000 from the Esmée Fairbairn Collections Fund has been secured to fund a Stories from the Sea project focused on reinterpreting Hartlepool's maritime and heritage stories.

The Local & Family History Centre at Sir William Gray House was officially opened in February 2023 housing an extensive selection of local and family history resources previously held in storage at Community Hub Central. The resources include maps showing how the town has grown, electoral rolls recording who lived where and an extensive collection of Hartlepool and West Hartlepool parish registers of births, deaths and marriages dating as far back as the 1500s.The

centre is free for everyone to use with friendly, expert staff on hand to help and advices. People who are Hartlepool Libraries members can also use its computers to access online resources such as Ancestry, Find My Past and the British Newspaper archive for free too.

Supporting residents during the cost of living crisis
The Council has implemented the Hartlepool Warm Hub scheme with 18 venues registered across the borough, including Council buildings, churches, and a range of voluntary and community groups.

Hartlepool will be a place that is sustainable, clean, safe and green.

Elephant Rock
In November 2022, Elephant Rock was recognised by Constructing Excellence as the winner of the national 'Value' category. This shortlist was made up of all of the regional winners from the Constructing Excellence Network. In the same month, the project was also recognised by the Civil Engineering Contractors Association North East as winner of the following categories; 'Project of the Year (under £1m)' and 'Going the Extra Mile'.

Hartlepool Railway Station
Works ongoing to re-establish the 2nd platform at Hartlepool Railway Station, which will increase service frequency. The scheme is anticipated to be open ahead of the Tall Ships Races in July '23.

Tackling Climate Change
The Council's Net Zero Officer has worked in partnership with Hartlepower to secure financial support for community owned energy assets including a trial of small wind turbines.

The development of the Council's Net Zero Plan is underway and we are approaching completion of the first Carbon Audit of all council assets and operations.

A Sustainability Policy has been adopted for the Tall Ships 2023 event. This sets out the Council's commitment to raising awareness of sustainability initiatives, reducing energy and carbon intensity, limiting water consumption and waste, promoting sustainable and active travel, being 100% plastic free, implementing the waste hierarchy, having 100% material separate of waste, sourcing locally and supporting local businesses, hosting an accessible event and ensuring diversity, inclusion and fair working conditions for all.

A pipeline of investible carbon reduction initiatives is currently being developed so that we can move quickly if and when funding schemes become available.

A19 / Elwick Road / North Lane Junction and Elwick Road / Hartlepool Western Link Project
In December 2022, the Council reached agreement with National Highways with regard to the Stage 1 Road Safety Audit which has led to the audit being signed off. This is the catalyst for further progress including detailed design, submission of a planning application and a strategy for land acquisition.

Negotiations with developers continue to secure funding towards the scheme and local road network improvements required to facilitate developments on the western fringe of Hartlepool.

Fly Tipping
The Council has established a multi-agency fly tipping prevention group and since its implementation, fly tipping in Hartlepool has reduced by over 30% on the previous year.

Road Improvement and Safety Schemes
The Highway Maintenance Programme continues to be delivered effectively, with the great majority of the 2022/23 programme completed. The 2023/24 programme is also in the process of being finalised, ahead of reporting to Neighbourhood Services Committee in March.

A safety scheme has been completed in Elwick Village and further schemes are due to commence at Wynyard Road, Mowbray Road, Grange Road, Throston Grange Lane, St. Joseph's School, Clavering School, Park Road and Coronation Drive.

Waste Management
The Council is in the process of extending the contract with J&B Recycling Ltd for the sorting of domestic kerbside recyclables. The existing contract was due to expire at the end of March 2023. This will ensure that recyclable waste generated by households within the borough is sorted locally and then reprocessed efficiently by J&B's partner organisations.

A review of commercial waste and recycling collections is ongoing to ensure that the service provided is fair to all customers, and that income received is maximised, so that any operating surplus can be reinvested into essential services. The review is focussing on how customers pay for their waste. At present there is a flat rate applied to all customers, yet a large part of the running cost is attributable to the disposal of the general waste collected. We are currently focussing on a method of charging by weight, which will ensure that customers are paying their fair share, and that customers with light bins are not subsidising those producing large volumes of heavy waste. There is potential for this to result in significant cost savings and/or additional income for the Council.

Car Parking
The Annual Parking Review was presented to members of the Neighbourhood Services Committee in December 2022 and has now been published on the Council's website as per the legislative requirement.

The public consultation responses on the Council's proposed Parking Strategy are currently being evaluated and the results will then be reported alongside the final proposed Strategy to Neighbourhood Services Committee.

Hartlepool will be a place that has an inclusive and growing economy.

Inclusive Growth Strategy
The action plan for the Inclusive Growth Strategy was approved by the Economic Growth and Regeneration Committee in January 2023. This sets out how the Council and its partners will deliver on the Ten Point Plan established in the Strategy. An infographic version of the action plan has also been produced and shared with the Committee.

Hartlepool Restaurant Week
Following the success of the first ever Hartlepool Restaurant Week, which launched in January 2022, the Council's Economic Growth Team held a second event in October which ran from Monday 17th until Sunday 23rd October 2022. A total of 17 businesses were involved in the campaign ranging from small cafes to larger restaurants. Feedback from businesses included: 'Great promotion to encourage customers to use participating venues'; 'Raises awareness of brand and product offering'; 'Gets Hartlepool on the map from further afield'; Great idea to promote local restaurants, and create a local vibe that promotes and offers good service locally'.

A third event took place in early 2023, running from Monday 30th January – Sunday 5th February 2023. A total of 18 businesses participated in the campaign and feedback is currently being obtained in order to inform the future programme.

Town Deal
The following schemes have had their business cases approved by the Department for Levelling Up, Housing and Communities (DLUHC) and have now moved to the delivery phase:

- Waterfront Connectivity. (£6.2m)
- The Health and Social Care Academy in partnership with NHS and HCFE. (£2.25m).
- The Civil Engineering Academy in partnership with Seymours Civil Engineering and HCFE. (£2.25m).
- The Wesley Chapel redevelopment in partnership with Jomast. (£3.8m).

The Reimagining Middleton Grange Business Case has been approved by DLUHC and we are awaiting the Grant Determination letter. A Strategic Delivery partner has been appointed to support the Council in delivering the £13.8m scheme.

The Council has developed a draft Communications and Engagement Strategy for Town Deal to include promoting progress on each of the schemes.

Levelling Up Fund
DLUHC have approved the Council's £16.45m round 2 bid for the development of a Screen Industries Production Village around the Northern Film and TV Studios and the Council now enters the subsidy control due diligence stage with DLUHC ahead of grant determination.

The Northern Film and TV Studios
A 'Becoming an Industry Supplier' event was held at The BIS on Tuesday 29th November 2022 and attracted over 50 attendees. The Northern Studios is the North East's only large-scale television and film studio complex providing dry hire sound stage and green screen facilities to the screen industry. Situated in Hartlepool, the studios are a fantastic opportunity for the North East region to develop its screen industries sector, attract inward investment and grow the local economy. In order to ensure the benefits of this development are felt locally, local businesses from across Hartlepool and the wider North East were invited to attend this session to find out more about the opportunities available to support the film and TV production industry.

Tall Ships
A further 14 ships have signed up to join the four day Tall Ships event in July 2023 giving a total of 34. In addition 63 young people have signed up to be sail trainees and over 240 people have volunteered to support the free event.

A presentation on the plans for the Tall Ships and how businesses could get involved was given to the Hartlepool Economic Regeneration and Tourism Forum in November 2022.

Detailed planning works of the Tall Ships Traffic Management Plan are progressing well with major issues being confirmed. First draft of plan anticipated for late February.

Hartlepool will be a place with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

Workforce
Employees now have access to an Employee Benefits platform called Vivup offering a number of salary sacrifice schemes and lifestyle savings benefits with over 750 employees registering on the site in the first few weeks. As part of this contract, employees have access to an independent Employee Assistance Programme with a 24/7 helpline, accessible 365 days per year. This also gives employees access to telephone Counselling support.

The Council was assessed by the Trade Union Council (TUC) North East Better Health at Work Award in December 2022 and was successful in retaining its Maintaining Excellence and Ambassador status, which is the highest quality standard available. The assessment recognised that the Council has in place a strong strategic framework for the health and wellbeing of its employees which is led by the Managing Director. The Health Advocate Network is fully active and the Council have an agreed Health and Wellbeing Programme for 2023 which includes a strong focus on campaigns that support our equality, diversity and inclusion agenda.

The Hybrid Working Policy is due to be launched in line with the implementation of the Accommodation Review key to the Council's aim to promote flexible working, modernising the workforce and attracting talent.

Consultation and Engagement
The Council's Your Say consultation and engagement platform continues to develop and recent activity has included:

- Mill House Memories
- Careers Service – Staff Survey
- Learner Survey – Induction (learning and skills service)
- Learner Survey – End of Course (learning and skills service)
- Health and Wellbeing Advocates (Staff Hub)
- New Year: New You
- [Share Your] Winter Hacks and Tips (Staff Hub)
- Contraception After You've had a Baby: Tell Us Your Experiences
- Children's Centres Annual Survey
- Hartlepool Restaurant Week 2023

Digital Progression
The Council continues to develop its digital offer and has been providing increasing opportunities for residents to contact the Council through digital channels. At the end of quarter 3 there were 24,733 HBC self-online accounts and there had been 224,733 transactions delivered digitally. Digital projects delivered in last few months include:

- Holiday Activities and Food Programme (Winter)
- Companion Bus Passes – ability for eligible residents to apply for a pass
- Services to Schools – replacement solution

- Pest Control – easier way for residents to request services

The Digital Team also won a national award for the Sustainable Warmth new digital initiative.

Information Communication Technology and Cyber Security
The new ICT managed contract has reached the award stage. Transition arrangements will soon progress. Our VDI replacement programme has now concluded.

Corporate Peer Review
The Corporate Peer Review took place during early December and overall the feedback was very positive. The Council has received the feedback report which included a number of recommendations. The report was shared with Finance and Policy Committee and Council in January and a proposed action plan has been developed and is to be considered at Finance and Policy Committee and Council in March.

4.2 Current areas of concern

Whilst good progress is being made on the delivery of the Council Plan there are a number of areas of concern that may impact on future progress including:

- Impact of cost of living pressures on residents and issues of poverty and deprivation across Hartlepool;
- Difficulties in the recruitment and retention of employees being felt by both the Council and those who deliver commissioned services on our behalf. There are particular concerns around social care which is affecting market stability and access to services. In addition difficulty in filling post such as mechanical fitters is having an impact on a range of services who rely on the garage for vehicle provision and maintenance, and also poses a risk to income levels from those services delivered externally (taxi tests, MOTs, ATF bay etc.);
- Ageing workforce and potential future knowledge and skills gaps if we are unable to recruit new talent as people retire from the Council;
- Ongoing recovery from Covid and the impact on income in areas such as leisure from this and the cost of living pressures facing residents;
- The impact of unplanned work on the overall performance of teams including the delivery of the £150 Energy Rebate scheme on behalf of the Government which was a significant, resource intensive undertaking and impacted directly on the revenues team who are responsible for Council Tax and Business Rate collection;
- Future legislative changes and the impact on our work including Mental Health Act, Mental Capacity Act, Schools Bill, Adult Social Care Reform (including Fair Cost of Care). These changes will impact on our practices and also have a cost associated with their implementation;
- Uncertainty around future funding including that to support the Government's Hospital Discharge and Community Support Policy and Operating Model;

- Difficulties in maintaining service standards and managing expectations in the context of funding reductions and uncertainty around future funding stream availability;
- Delivery of the Tall Ships having increasing pressure on capacity across the Council;
- Land ownership issues, legal and leasehold barriers with third parties, short delivery window for early phases to be completed, expectations from partners and public, inflation, capacity and the recently introduced subsidy control scheme all concerns relating to the delivery of the capital programme;
- Continued delays to the delivery of the Free School for children with social, emotional and mental health needs. This programme is led and delivered by the Department for Education and HBC is working with the Department to expedite the build;
- Impact of inflation on council services and those of local partners in the public, private and voluntary sectors. Concerns may impact on future service delivery and may require further prioritisation of services and schemes;
- Access to reliable data within the Council, adequate time to deliver a robust, costed Net Zero Plan and capital and revenue resources to deliver interventions have the potential to impact on the delivery of our net zero ambition.

4.3 Strategic Risk Register

The Strategic Risk Register sets out the key strategic risks that the Council faces and the areas of concern identified above are reflected within it. Risks within the SRR have been reviewed and the latest full version of the SRR is attached as **Appendix 1** for Finance and Policy Committee's information. Members are requested to note that there have been minor updates to individual risks and that 1 new risk has been added:

- Market failure and sufficiency of provision (children's) – Failure within the children's care or education section to provide sufficient foster care, special school and residential care that can meet the needs of children leading to insufficient capacity to support vulnerable children appropriately. (RED 9).

5. RISK IMPLICATIONS

5.1 The Council agreed the Risk Management Framework in June 2019 and this ensures that appropriate arrangements are in place for the management of the Council's key strategic risks. Embedding the identification and management of risk supports the achievement of our Council Plan and provides assurance to elected members that these risks are being appropriately managed.

5.2 The Council Plan and Strategic Risk Register are monitored regularly to enable early identification and reporting to Members of any emerging risks which might prevent delivery of the strategic priorities identified in the

Council Plan. The latest version of the Strategic Risk Register is included as Appendix 1 of this report.

6. FINANCIAL CONSIDERATIONS

6.1 The Council Plan was prepared alongside the Medium Term Financial Strategy and the 5 year Capital Plan as three parts of a single plan to ensure the links between the three are strengthened. In addition, effective risk management arrangements should help improve the use of valuable and limited financial resources.

7. LEGAL CONSIDERATIONS

7.1 Whilst the Council Plan is not included in the list of plans and strategies required to be approved or adopted by the Local Authority under Regulation 3 of the Local Authorities (Committee System) (England) Regulations 2012, it is recommended good practice to do so and therefore is included as part of the Council's Budget and Policy Framework.

8. CONSULTATION

8.1 The Council Plan has been informed by extensive consultation including a 4 week consultation exercise in September 2019, a further 5 week consultation starting in January 2020 and a wide ranging consultation over the summer of 2020. This consultation has included Elected Members through Members Seminars on 27th November 2019, 29th January 2020 and 14th July 2020 and through reports to individual Policy Committees in January and February 2020.

9. CHILD AND FAMILY POVERTY

9.1 The priorities identified in the Council Plan include work to reduce child and family poverty within Hartlepool. There is no change to the Child and Family Poverty Impact Assessment included within the Council Plan 2021/22 – 2023/24 report to Council on 25th February 2021.

10. EQUALITY AND DIVERSITY CONSIDERATIONS

10.1 Since the first equality objectives were published in April 2012 the Council has based them on the strategic objectives set out in our Council Plan. By doing this the Council demonstrates that equality and diversity is a core part of what we do as an organisation and not an add on activity. The Council's vision as set out in the Council Plan sets out our equality objectives. The priorities identified in the Council Plan aim to have a positive impact on the whole population of Hartlepool and those with protected characteristics.

There is no change to the Equality Impact Assessment included within the Council Plan 2021/22 – 2023/24 report to Council on 25th February 2021.

11. OTHER CONSIDERATIONS

11.1

Staff Considerations	No implications
Asset Management Considerations	No implications
Environment, Sustainability and Climate Change Considerations	No implications

12. RECOMMENDATIONS

12.1 Finance and Policy Committee are requested to:

- note the progress made on the Council Plan 2021-2024 by February 2023;
- note the updated Strategic Risk Register as set out in appendix 1 including the addition of 1 new risk covering market failure and sufficiency of provision (children's).

13. REASONS FOR RECOMMENDATIONS

13.1 Finance and Policy Committee have overall responsibility for Performance and Risk Management and are the responsible Committee for a number of service areas contained within the Council Plan.

14. BACKGROUND PAPERS

14.1 Council Plan 2021/22 - 2023/24 report to Council on 25th February 2021.

Council Plan 2021-2024 – Progress Update report to Finance and Policy Committee on 15th November 2021.

Council Plan 2021-2024 – Progress Update report to Finance and Policy Committee on 14th March 2022.

Council Plan 2021-2024 – Progress Update report to Finance and Policy Committee on 26th July 2022.

Council Plan 2021-2024 – Progress Update report to Finance and Policy Committee on 12th December 2022.

15. CONTACT OFFICERS

15.1 Denise McGuckin
Managing Director
01429 523001
denise.mcguckin@hartlepool.gov.uk

Sign Off:-

Managing Director	√
Director of Resources and Development	√
Chief Solicitor	√

HARTLEPOOL BOROUGH COUNCIL

Strategic Risk Register

February 2023

Risk Scoring Matrix:

	IMPACT			
LIKELIHOOD	1 NEGLIGIBLE	2 MINOR	3 MAJOR	4 CRITICAL
4 ALMOST CERTAIN	AMBER 4	RED 8	RED 12	RED 16
3 PROBABLE	GREEN 3	AMBER 6	RED 9	RED 12
2 POSSIBLE	GREEN 2	AMBER 4	AMBER 6	RED 8
1 HARDLY EVER	GREEN 1	GREEN 2	GREEN 3	AMBER 4

HBC Strategic Risk Register

No.	Risk Title	Risk Score	Risk Owner
1	**Finance** - Failure to deliver a balanced budget for 2024/25 leading to a reduction in services provided, damage to reputation and negative impact on the community.	RED 12	Chris Little Director of Resources and Development
2	**Workforce** - The skills, expertise, wellbeing, performance and overall size of the workforce available may not be sufficient to support the overall aims of the organisation resulting in the failure to deliver services.	RED 9	Hayley Martin Chief Solicitor
3	**Communication and Engagement** – Failure to deliver effective communication, consultation and engagement could impact adversely on the Council's reputation and ability to deliver plans and strategies.	AMBER 6	Bev Bearne Assistant Director – Development and Growth
4	**Health and Safety** - Failure to comply with Health and Safety legislation and ensure appropriate risk controls are in place to ensure the health, safety and wellbeing of individuals at work and those who may be affected by our act or omission.	RED 12	Sylvia Pinkney Assistant Director – Regulatory Services
5	**Information Governance and Cyber Security** - Failure to comply with legislation and ensure appropriate system safeguards to ensure the confidentiality, integrity and availability of personal and corporate information and data leading to data loss, cyber-attacks, legal proceedings and significant financial penalties.	RED 8	James Magog Assistant Director – Finance
6	**Information Technology** – Failure to provide a resilient and responsive ICT infrastructure leading to ineffective service delivery or the loss of services.	RED 8	James Magog Assistant Director – Finance
7	**Children and Young People** – Failure to improve life chances, provide opportunities for education for children and young people particularly those whose circumstances make them vulnerable to poor outcomes.	RED 9	Sally Robinson Director of Children's and Joint Commissioning Services

No.	Risk Title	Risk Score	Risk Owner
8	**Drugs and Alcohol** – Failure of the drugs and alcohol addiction services to prevent, treat and provide recovery for those with substance misuse problems in Hartlepool.	RED 9	Craig Blundred Director of Public Health
9	**Safeguarding children** – Failure to protect children and young people from harm and promote their welfare.	RED 12	Jane Young Assistant Director - Children and Families
10	**Market failure and sufficiency of provision (Adults)** – Provider failure within residential or non-residential care leading to insufficient capacity to support vulnerable adults appropriately.	AMBER 6	Danielle Swainston Assistant Director - Joint Commissioning
11	**Adult Safeguarding** – Failure to protect an adult's right to live in safety, free from abuse and neglect.	AMBER 6	John Lovatt Assistant Director - Adult Social Care
12	**Access to Leisure, Community and Preventative services -** Failure to engage the at risk population in preventative, cultural, leisure and community based activities could impact on demand led services.	RED 9	Gemma Ptak Assistant Director - Preventative and Community Based Services
13	**Highways and Flood Defences –** Failure to maintain the Borough Highway infrastructure and protect areas from flooding risks could impact on the economy and quality of life.	AMBER 6	Kieran Bostock Assistant Director – Place Management
14	**Community Safety** - Failure to provide a safer Hartlepool where residents and visitors can live free from crime, fear of crime and anti-social behaviour could impact on quality of life and tourism.	AMBER 6	Sylvia Pinkney Assistant Director – Regulatory Services
15	**Waste Management** - Council are unable to collect and dispose of all household waste within existing financial resources.	RED 9	Kieran Bostock Assistant Director – Place Management

No.	Risk Title	Risk Score	Risk Owner
16	**Business Continuity** - Failure to provide Council services as a result of disruption to the normal day to day activities.	RED 8	Sylvia Pinkney Assistant Director – Regulatory Services
17	**Economic Regeneration** – Failure to encourage regeneration, support enterprise, reduce unemployment and grow new and existing businesses could impact adversely on the sustainability of Hartlepool.	AMBER 6	Bev Bearne Assistant Director – Development and Growth
18	**Housing** – Failure to address the housing requirements of the borough and provide affordable, high-quality housing.	AMBER 6	Bev Bearne Assistant Director – Development and Growth / Kieran Bostock Assistant Director – Regulatory Services / Danielle Swainston Assistant Director - Joint Commissioning
19	**Inflation** - Increasing inflation leading to increased costs for goods and services resulting in overspend against allocated budgets, reduced level or standard of service delivery, longer waiting times for services or cuts to existing services.	RED 12	Denise McGuckin Managing Director
20	**Adult Social Care -** Workforce, system and financial pressures within the NHS may negatively impact on Adult Social Care and the broader Council by placing unrealistic expectations on Adult Social Care to assess and provide services to vulnerable and ill people earlier.	RED 8	John Lovatt Assistant Director - Adult Social Care

No.	Risk Title	Risk Score	Risk Owner
21	**Tall Ships –** Failure to deliver a successful Tall Ships Race 2023 leading to financial loss, adverse publicity and reputational damage.	RED 12	Gemma Ptak Assistant Director - Preventative and Community Based Services
22	**Market failure and sufficiency of provision (Children's)** – Failure within the children's care or education sector to provide sufficient foster care, special school and residential care that can meet the needs of children leading to insufficient capacity to support vulnerable children appropriately.	RED 9	Danielle Swainston - Assistant Director - Joint Commissioning

RISK TITLE:	**Finance** - Failure to deliver a balanced budget for 2024/25 leading to a reduction in services provided, damage to reputation and negative impact on the community.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
Changes in government funding leading to the necessity to deliver savings, cuts and efficiencies. Council Tax not increased in line with government referendum limits including the Adult Social Care precept. Individual service pressures for example rising number of looked after children; increasing demands on Adults' services. Higher national pay awards, interest rates and / or inflation than forecast.	Potentially a significant impact on reputation, service delivery, and achievement of Council objectives. Service cuts, redundancies, Section 114 notice etc.	Prepare and deliver a balanced and sustainable Medium Term Financial Strategy including the Capital Strategy and Reserve Strategy. Ongoing monitoring and delivery of savings and efficiency targets. Maximise and safeguard income for the council, including effective treasury management strategy, debt recovery, maximise funding opportunities. Timely and effective financial performance reporting and monitoring. Good understanding and interpretation of changes to funding regimes and analysis of the Government annual budget statements. Robust governance framework.

Permanent reduction in business rates base – e.g. Power Station and impact of current economic conditions. Impact of inflation on capital programme costs and other service delivery across the Council. Political uncertainty – national and local.		Compliance with relevant accounting principles and standards to satisfy legislative and regulatory requirements. Capital programme monitoring arrangements in place and capital contingency built in to MTFS.

CURRENT RISK ASSESSMENT:

RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				RED 12
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Chris Little – Director of Resources and Development
DIVISION	Finance
DEPARTMENT	Resources and Development Department
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Being prepared to respond quickly to future changes	Close monitoring of future changes to Local Government Finance.	Director of Resources and Development	March 2023
	Agree savings programme for 2024/5.	Managing Director	June 2023
	Monitor delivery of savings programme.	Director of Resources and Development	September 2023
	Close monitoring of the impact of inflation pressures on the Capital programme and service delivery across the Council	Director of Resources and Development	March 2023

RISK TITLE:	**Workforce** - The skills, expertise, wellbeing, performance, and overall size of the workforce available may not be sufficient to support the overall aims of the organisation resulting in the failure to deliver services.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
The necessity to deliver savings and efficiencies has resulted in a reduced workforce. Loss of experienced staff due to retirement, ill health, lack of development opportunities or due to concerns about job security caused by continuing reductions in staffing levels. Recruitment and selection difficulties; attracting applicants to the public sector/Local Government. Recruitment and retention difficulties resulting from an inability to compete in the local/national labour markets if pay levels continue to be suppressed.	Failure to maintain staffing levels, and failure to develop staff performance/Council services, resulting in reduced service delivery impacting on the lives and wellbeing of the Hartlepool community. Increased workloads leading to inefficiencies, increased sickness absence and impact on staff wellbeing and general discontent. Reputational damage. Failure to attract and maintain external contracts resulting in reduced income generation.	Availability of up to date HR policies and procedures, in line with legislative requirements and the strategic aims of the Council. Recruitment and retention of quality staff ensures that the organisation has the necessary knowledge, skills and experience to achieve its objectives. Support the development of Apprenticeships, volunteering opportunities and work experience within the Council. Accurate and timely payment of all employee salaries and administration of all deductions from pay. Administration of pension service. Advisory services providing advice, guidance and support in all employment matters. Support provided to the programme of organisational and structural change being delivered to meet the financial challenge, including service reviews and redundancies. Trade Union negotiation and consultation. Absence management and reporting. Management of Health and Wellbeing contracts, including Occupational Health and Counselling (emergency only) to support the wellbeing of the workforce preventing and supporting the management of sickness absence. Management and administration of employee benefits.

		Workforce planning, including the Council's values and behavioural standards, succession planning, pay and reward. Employee development and engagement to further enhance the skills and capacity of our workforce. Support the development of the Council's Digital Strategy through My View and HR Dashboard for employee and managers to access and manage employee information. Support the health of the workforce through the Council's Health & Wellbeing of the Workforce Programme. Report on concerns and actions to monitor recruitment and retention across the Council to the Corporate Management Team. Utilise market forces supplements where the criteria is met under the Council's terms and conditions of employment (in the absence of funding a full pay and grading review). Managers encouraged to review essential criteria in person specifications such as qualification level (possible JE implications to pay banding). Introduction of development schemes for career development to attract quality candidates. Development of recruitment platforms with NEREO and other partner agencies to reach a wider audience.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE			RED 9	
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Hayley Martin - Chief Solicitor
DIVISION	
DEPARTMENT	Legal
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Control measures are regularly reviewed to ensure effectiveness.	Review the effectiveness of the ‘existing control measures’ related to recruitment.	Chief Solicitor	June 2023

RISK TITLE:	**Communication and Engagement** – Failure to deliver effective communication, consultation and engagement could impact adversely on the Council's reputation and ability to deliver plans and strategies.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
Failure to respond effectively to public relations / media. Poor partnership working and media relations. Lack of marketing and communication skills. Lack of correct equipment and technology. Not effectively engaging with the public so that their views are heard. Negative news stories coming from poor local performance. Failure of staff and elected members to uphold the Nolan principles (In particular the principle of accountability where holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.)	Poor image, public discontent and reputational damage. Failure to attract investment and visitors to the town leading to loss of jobs and/or economic hardship. Difficulties in attracting and retaining staff. Poor staff morale and employee engagement. Lack of engagement from media companies	Annual Communications Plan. Love Hartlepool campaign in collaboration with partners from across Hartlepool. Ongoing website and social media including Facebook, Instagram and Twitter development. Proactive communications. HR policies and procedures (Code of Conduct, Values). Internal communications and staff engagement work including development of the Staff Hub Public engagement and consultation activities including Face the Public events and the Your Say online consultation platform. Horizon scanning for key themes emerging from public and tackling through proactive communications.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE			AMBER 6	
	HARDLY EVER				

RESPONSIBLE OFFICER	Beverley Bearne - Assistant Director – Development and Growth
DIVISION	Development and Growth
DEPARTMENT	Resource and Development Department
DATE OF ASSESSMENT	February 2023

RISK TITLE:	**Health & Safety** - Failure to comply with Health and Safety legislation and ensure appropriate risk controls are in place to ensure the health safety and wellbeing of individuals at work and those who may be affected by our by act or omission.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
Non-compliance with legislation, government guidance and best practice standards Failure to maintain corporate Health and Safety Policy standards Poorly communicated policies and procedures leading to senior leaders, managers and employees not being aware of their individual Health and Safety roles and responsibilities Lack of incident reporting and a low near miss to accident reporting ratio Failure to correctly monitor employees health for those exposed to hazardous substances such as HAVS Lack of available resources to manage health and safety on day to day basis Lack of suitable training for staff appropriate to the level of the requirements to manage health and safety at work	Risk to life, including: Fatality, injury, ill health Prosecution under the Health and Safety at Work Act 1974, The Regulatory Reform (Fire Safety) Order 2005, the Occupiers' Liability Act for breach of statutory duty and accompanying regulations. Costs arising from other enforcement actions. Fees for intervention by enforcing authority, such as the HSE. Currently £154 per hour. Torte of negligence (Civil Claim). Fines from prosecution, maximum fine is unlimited; custodial sentences, up to a maximum of 18 years for gross negligence manslaughter; indirect incurred legal costs. Insurance costs; compensation award; excess payments, levied by the insurance company; raised insurance premiums. Costs to the reputation of Hartlepool Borough Council. Indirect costs such as costs arising from investigations, retraining and developing systems.	Corporate Health and Safety Policy Accompanying Health and Safety Policies Employing a qualified Health, Safety and Risk Manager and Health and Safety team to provide advice and assistance to ensure that directors, manager and employees are aware of their responsibilities under health and safety legislation and to ensure that health and safety standards are adequately maintained. Corporate and departmental H&S committees to ensure that managers and trade union representatives are consulted on matters of health and safety CMT oversight in place through quarterly reporting arrangements. An online incident reporting system including near miss reporting system H&S training catalogue, available through the workforce development programme and free to all employees Induction checklist with H&S instructions H&S audit programme conducted by the HS&R team to ensure that H&S performance standards are maintained

Lack of suitable work place maintenance programmes and condition surveys Lack of suitable health and safety audits, fire risk assessment and inspection programmes to identify health and safety risks across the work force	Loss of income. Costs arising from loss or damage of plant or property	Unannounced site safety inspections conducted by the H&S team to ensure compliance with safety legislation Director appointed to provide resources for H&S safety Monitoring in place for high risk actions including HSE improvement notice actions.

CURRENT RISK ASSESSMENT:

RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				RED 12
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Sylvia Pinkney - Assistant Director – Regulatory Services
DIVISION	Regulatory Services
DEPARTMENT	Neighbourhoods and Regulatory Services Department
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:

ADDITIONAL CONTROL	WHAT NEEDS TO BE DONE? (ACTION)	LEAD OFFICER	DUE DATE
Risk Management Group that has been established to meet fortnightly is working well.	Review the Risk Management Group to ensure it has appropriate membership and is having a demonstrable impact on improving health and safety.	Assistant Director – Regulatory Services	March 2023

RISK TITLE:	**Information Governance and Cyber Security** - Failure to comply with legislation and ensure appropriate system safeguards to ensure the confidentiality, integrity and availability of personal and corporate information and data leading to data loss, cyber-attacks, legal proceedings and significant financial penalties.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
Non-compliance with legislation and best practice standards. Human error. Deliberate attack. System failure.	If the Council does not effectively manage personal data, a penalty of up to £0.5m may be levied by the Information Commissioner. Detrimental impact on end user/customer. Service disruption. Potentially major reputational damage.	Compliance with legislation and information publication requirements. Information management policies, strategies, processes and procedures and associated staff training (mandatory). Data Security and Protection (DPS) Toolkit. Regular monitoring of information governance by Corporate Information Governance Group with all Department's represented and chaired by an Assistant Director. Mandatory for all staff to undertaken IG training once a year – alternating face-to-face and e-learning. Automatic email encryption where TLS certificates exist. Encryption of removable media – laptops, tablets, USB devices. Security of our system monitored by NEC and reported to HBC monthly through Operations Board. 8 weekly meetings with NEC re Cyber security. Information security incident management process incorporating lessons learned improvement action plans. Internal arrangements for the secure disposal of information through shredding.

		Anycomms secure file transfer between HBC and its partner organisations. Business continuity arrangements in place covering availability of information systems. Cyber security is a standing item on the agenda for the corporate Business Continuity Group. Regular application of security patches and updates to system. Support accessed from external bodies (DLUHC and LGA) to review and ensure our approach to cybersecurity and information governance is up to date with current best practice.

CURRENT RISK ASSESSMENT:

RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE				RED 8
	HARDLY EVER				

RESPONSIBLE OFFICER	James Magog - Assistant Director – Finance
DIVISION	Finance
DEPARTMENT	Resources and Development Department
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:

ADDITIONAL CONTROL	WHAT NEEDS TO BE DONE? (ACTION)	LEAD OFFICER	DUE DATE
Cyber Security Plan agreed.	Agree draft cyber security plan with the Information Governance Group and I.T. provider (NEC)	Assistant Director – Finance	March 2023

RISK TITLE:	**Information Technology** - Failure to provide a resilient, flexible and responsive ICT infrastructure leading to ineffective service delivery or the loss of services.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
Out of date equipment, software and technology. Lack of robust disaster recovery, business continuity and cyber-crime plans. Environmental threats. Lack of CICT staff knowledge and expertise. Lack of general ICT knowledge and expertise of all staff. Poor user awareness of threats. Failure to protect our ICT assets. Poor contract management of outsourced ICT service and/or collapse of provider. Lack of suitable ICT provider.	Negative impact on productivity and availability of services. Failure to ensure security of personal data. Failure to comply with legislation.	Relevant information security policies and training in place. 8 Weekly Cyber Security meetings with NPS which highlight any potential threats to the network Work From Anywhere (WFA) project to introduce a solution to support staff without mobile devices and provide Business Continuity options. Self-help/training videos on intranet support staff 24/7 Monthly Operations Board meetings with NPS to monitor Contract and Service issues Dedicated and skilled CICT Team Microsoft office buyout to avoid excessive increase in IT costs Quarterly Partnership Board - manages contract at strategic level Project underway to replace existing VDI infrastructure with laptops/small form factor PCs to remove associated risk of old technology.

		Value for Money (VFM) review completed on existing contract with ICT provider NEC and findings implemented.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE				RED 8
	HARDLY EVER				

RESPONSIBLE OFFICER	James Magog - Assistant Director – Finance
DIVISION	Finance
DEPARTMENT	Resources and Development Department
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
New contract implemented place for IT provision	Confirm and begin implementing transition period activities.	Assistant Director - Finance	October 2023
	Confirm governance arrangements ahead of the new contract coming into effect.	Assistant Director - Finance	October 2023

RISK TITLE:	**Children and young people** - Failure to improve life chances, provide opportunities for education for children and young people particularly those whose circumstances make them vulnerable to poor outcomes

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
Failure to promote life chances for a child or young person due to: • Lack of investment and/or public sector cuts impacting upon capacity of schools, health services and local authorities to deliver services that meet need and improve life chances. • Lack of educational opportunities • Lack of access to community health services • Lack of opportunities to develop life skills	Ineffective support and opportunities for children can result in significant implications for the future life chances, increasing the risk of them being dependent on the state throughout their adult life, for example: - Worklessness - Mental health needs - Drug and alcohol dependency - Entering the criminal justice system.	• Education Improvement Strategy and DfE Priority Investment Area • Child and Family Poverty Strategy and Plan • 0-19 service and pathways • Early help offer • Using all opportunities to influence policy makers on impact of austerity for children and young people in Hartlepool.

CURRENT RISK ASSESSMENT:

RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE			RED 9	
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Sally Robinson
DIVISION	Children's and Joint Commissioning Services
DEPARTMENT	Children's and Joint Commissioning Services
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Education Improvement Strategy	Implement EIS Year 2 Align the Education Service to White Paper and Schools Bill to target resources to vulnerable children	Assistant Director Education	March 2023
SEND Improvement Plan	Implement finding from High Needs Block Review Implementation of SEND action plan Prepare for SEND inspection and planned future changes	Assistant Director Joint Commissioning	March 2023
Health and Wellbeing Strategy	Implement Starting Well (Health and Wellbeing Strategy) 0-19 pathways regularly reviewed	Director of Public Health	March 2023
Early Help	Review and remodel Early Help around Supporting Families and Family Hubs model Implement Workforce programme for Early Help workforce	Children's and Joint Commissioning Services Departmental Management Team	March 2023
Work across partners to reduce duplication and maximise effective use of resources.	Implement opportunities for joint commissioning, collaboration and shared services	Children's and Joint Commissioning Services Departmental Management Team	March 2023

RISK TITLE:	**Drugs and Alcohol** - Failure of the Drugs and Alcohol addiction services to prevent , treat and provide recovery for those with substance misuse problems in Hartlepool

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Failure to break intergenerational cycles of drug and alcohol misuse in Hartlepool • Failure of the service to fully engage with the at a risk population • Failure of the service to deliver an evidenced based model of treatment and addiction recovery • Failure to increase capacity, resources and expertise to meet the level of need	• Continuing increase in the prevalence of substance misuse in Hartlepool leading to Increased prevalence of ACEs, children suffering significant harm and crime • At risk population do not receive appropriate levels of treatment and behavioural support with increasing numbers failing to achieve a sustained recovery • Increased incidence of drug related deaths.	• Health and Wellbeing Board • Safer Hartlepool Partnership • Systematic review of Drug Related Deaths and ongoing review of the process • 0 to 19 service and pathways

CURRENT RISK ASSESSMENT:

RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE			RED 9	
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Craig Blundred – Director of Public Health
DIVISION	Public Health
DEPARTMENT	Children’s and Joint Commissioning Services
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE: TBC			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
The development of a strategy for substance misuse with clear vision, objectives and outcomes identified	Implement the strategy to be performance monitored and managed by strategic governance group	Director of Public Health	April 2023
Outcome review for strategy	Monitor and review outcomes in the action plan associated with the strategy	Director of Public Health	March 2023
Annual review of DRD process	Review the outcomes of the DRD process and identify key learning and report to strategic governance group	Director of Public Health	March 2023

RISK TITLE:	**Safeguarding children -** Failure to protect children and young people from harm and promote their welfare

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
Failure to protect a child or young person and promote their welfare due to: • Increased demand and consequent capacity within the services to respond. • Failing in policies/ procedures • Failure in partnership working • Lack of the required skills, knowledge, expertise and resources within the service to meet need.	• Ineffective safeguarding leaves children at risk of harm. • Children and young people do not experience safe, consistent, stable care, leading to increased risks of poor adult outcomes. • Significant implications for reputation of the organisation.	• Policies and procedures in place • Practice manual regularly reviewed and updated • Performance Management and Quality assurance cycle • Management oversight and supervision • Workforce Development programme • Staff Briefings • HSSCP • Tees Procedure meetings • Effective commissioning arrangements with clear service specifications and robust and regular monitoring and review • Ofsted Inspection of Local Authority Children's Services

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				RED 12
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Jane Young - Assistant Director Children and Families
DIVISION	Children and Families
DEPARTMENT	Children's and Joint Commissioning Services
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Continuous improvement in assessment planning, implementation and review of the needs of children and young people	Performance management in place with audits cycle to review practice Managers oversee timescales and quality of APIR process	Assistant Director Children and Families	March 2023

RISK TITLE:	**Market failure and sufficiency of provision -** Provider failure within residential or non-residential care leading to insufficient capacity to support vulnerable adults appropriately.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Action taken by the regulator to stop a service from operating. • Provider decides to close or change focus of provision. • Provider cannot operate due to financial viability. • Provider cannot operate due to lack of appropriate workforce/ staffing. • Commissioned services not able to provide high quality services.	• Service for vulnerable adults ceasing at short notice. • Services unavailable to meet assessed need placing people at risk of harm. • Vulnerable adults need to be moved to different provision which is detrimental to their health and wellbeing and creates significant pressure for operational services. • Insufficient provision for older people can result in increased Delayed Transfers of Care, creating pressures across the wider health and care system. • Increase in out of area placements if there is insufficient provision locally. • Non–residential provision is not able to meet need therefore vulnerable adults have to access residential care which would place significant pressure on existing provision. • Reputational damage to the Council if services cannot be provided within Hartlepool to meet local needs.	• Regional agreement/ process to share information re: commissioned provision intelligence which highlights any emerging risks. • Regular contract meetings with providers to understand their current performance and business position. • Robust commissioning arrangements – financial checks undertaken. • Regional protocol for responding to market failure. • Good relationships with partners e.g. CCG for information to be shared to highlight any early issues that can be planned for. • Commissioning link officers for all providers – regular visits from link officers. • Good relationship with CQC – regular updates. • Bi monthly regional commissioning meetings – share best practice and intelligence on providers across the region • Regular committee reports to inform members of market position • High quality data and information available which if a provider closes can be used to ensure that the best provision is identified

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE			AMBER 6	
	HARDLY EVER				

RESPONSIBLE OFFICER	Danielle Swainston - Assistant Director - Joint Commissioning
DIVISION	Joint Commissioning
DEPARTMENT	Children's and Joint Commissioning Services
DATE OF ASSESSMENT	February 2023

RISK TITLE:	**Adult safeguarding** - Failure to protect an adult's right to live in safety, free from abuse and neglect.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
Failure to protect an adult from death or serious harm as a result of increased referral activity and workload pressures, leading to either a failing in policies / procedures, personnel or partnerships.	Ineffective safeguarding has potentially critical implications for individuals (vulnerable adults, responsible officers/Members), and the reputation of the organisation.	Adult safeguarding alerts / referrals are managed in a timely manner. Head of Service role has been created and there is a fully staffed, dedicated Adult Safeguarding Team. Relevant training is provided to all staff involved in adult safeguarding, including Advanced Safeguarding Training and legal literacy training. The Teeswide Safeguarding Adults Board (TSAB) is the statutory body that sets the strategic direction for safeguarding and approves and updates all policies and procedures. HBC is represented on the Board and all sub groups. The Quality Assurance Framework (QAF) is completed by a number of peers from other local authorities and other statutory bodies, e.g. the Police. This is linked to the guiding principles of the Care Act. New legislation (Domestic Abuse Act) is now in place to help deal with the increase in domestic abuse. There are a range of multi-agency arrangements in place at Teeswide and local level to share information and support the safeguarding of vulnerable adults including: • Multi Agency Risk Assessment Conference • Multi Agency Tasking & Coordination • Integrated Community Safety Team • Ensure all providers have up to date training for their staff in identifying, dealing with and reporting Safeguarding issues We have recently taken a Teeswide Safeguarding Adults Board (TSAB) report to Adult Services Committee to provide assurance about our adult safeguarding arrangements.

		We are working across the Tees Valley to review our Team Around The Individual (TATI) arrangements with our strategic partners. We have asked for support from the Local Government Association (LGA) to review our safeguarding arrangements to provide further assurance that our practice is safe. HBC currently chairs two sub groups of the TSAB arrangements - Communication & Engagement and Safeguarding Adults Review(s).

CURRENT RISK ASSESSMENT:

RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE			AMBER 6	
	HARDLY EVER				

RESPONSIBLE OFFICER	John Lovatt – Assistant Director - Adult Social Care
DIVISION	Adult Social Care
DEPARTMENT	Adults and Community Based Services
DATE OF ASSESSMENT	January 2023

RISK TITLE:	**Access to Leisure, Community and Preventative Services** – Failure to engage the at risk population in preventative, cultural, leisure and community based activities could impact on demand led services.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Unable to operate buildings due to lack of financial resource including capital investment. • Unable to operate buildings due to lack of staff resource. • Insufficient investment in the redevelopment of leisure and community assets. • Lack of investment in preventative services and financial resource being allocated to treatment/crisis/social care services.	• Lack of investment could result in moth balling facilities or selling/leasing to other organisations. • Unable to retain high quality staff to support long term delivery of services. • Existing assets are ageing and in need of investment or replacing. Without investment it will be increasingly challenging to maintain an offer for the whole population. • Demand will increase and further resources will be committed to treatment / crisis responses rather than investing in prevention.	• Planned maintenance programme. • External funding opportunities are being explored. • Social Capital opportunities are being explored • Empowering communities to create their own opportunities. • Working with VCS organisations to support the delivery of community priorities. • Demonstrating to internal and external partners the difference preventative work can make to the economy.

CURRENT RISK ASSESSMENT:

RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE			RED 9	
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Gemma Ptak – Assistant Director - Preventative and Community Based Services
DIVISION	Preventative and Community Based Services
DEPARTMENT	Adult and Community Based Services
DATE OF ASSESSMENT	February 2023

RISK TITLE:	**Highways and Flood Defences –** Failure to maintain the Borough Highway infrastructure and protect areas from flooding risks could impact on the economy and quality of life.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Lack of investment in infrastructure. • Deterioration of the highway due to extreme weather. • Escalating costs for schemes. • Loss of key personnel. • Quality of work issues. • Storm intensity exceeding the design capacity of the drainage network. • Climate Change leading to more unexpected and severe weather events such as storm surges, heavy rainfall, etc.	• Financial. • Reputation. • Legal. • Health and safety issues where infrastructure cannot be fixed or upgraded.	• Established inspection regimes and policies for both highways and flood/coastal protection assets. • Regular monitoring meetings with insurance officers to assess position. • Regular review on inspection frequencies in conjunction with insurance section to determine policy outcomes. • Use HBC procurement process to ensure robust costs estimates. • Work closely with contractors to ensure deliverable schemes are developed. • Existing Transport Policy in Local Transport Plan. • Programme of installation of dropped kerbs. Programme of installation of low floor bus infrastructure. • Weather warnings provided by Met Office enabling advanced planning to be undertaken.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LKELIHOOD	ALMOST CERTAIN				
	PROBABLE		AMBER 6		
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Kieran Bostock – Assistant Director - Place Management
DIVISION	Place Management
DEPARTMENT	Neighbourhoods and Regulatory Department
DATE OF ASSESSMENT	February 2023

RISK TITLE:	**Community Safety** - Failure to provide a safer Hartlepool where residents and visitors can live free from crime, fear of crime and anti-social behaviour could impact on quality of life and tourism.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• CCTV service unable to operate without access to Civic Centre. • Lack of partnership approach by agencies. • Reduced resources within the police and fire authority. • Lack of scrutiny from Safer Hartlepool Partnership.	• Financial. • Reputation. • Legal.	• Other services could function with remote access to systems. • Footage could be viewed from other locations however cameras would be static. • Regular liaison with Police and Fire Brigade. • Joint working regularly carried out through the Hartlepool Community Safety Team. • All partner agencies work to same strategies in Safer Hartlepool Partnership. • Audit and Governance community safety statutory role.

CURRENT RISK ASSESSMENT:

RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE			AMBER 6	
	HARDLY EVER				

RESPONSIBLE OFFICER	Sylvia Pinkney - Assistant Director - Regulatory Services
DIVISION	Regulatory Services
DEPARTMENT	Neighbourhoods and Regulatory Department
DATE OF ASSESSMENT	February 2023

RISK TITLE:	**Waste Management** - Council are unable to collect and dispose of all household waste within existing financial resources.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Increased costs relating to waste disposal. • Provision of new contract or re-negotiation of existing contract. • Lack of contractors willing to remove certain waste products. • Current Government consultation relating to waste and future implications of findings. • Existing plant/equipment insufficient to meet current needs.	• Financial. • Reputational. • Legal.	• Ongoing discussions with existing contractor. • Procurement options being considered. • Consultation response sent to Government on their proposed new strategy and the possible implications for Councils that may need further consideration. • Contractors appointed to produce long term strategy and business case for Tees Valley future waste provision. • Waste Management and Officer Groups established across Tees Valley. • Availability of ear-marked reserves to cover budget overspend.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE			RED 9	
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Kieran Bostock – Assistant Director - Place Management
DIVISION	Place Management
DEPARTMENT	Neighbourhoods and Regulatory Services
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Additional income sources introduced	Identify possible income sources that could offset the cost increases and share with elected members for consideration and approval.	Assistant Director – Place Management	December 2023

RISK TITLE:	**Business Continuity** - Failure to provide Council services as a result of disruption to the normal day to day activities

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Disruption to normal day-to-day activities as a result of a major incident affecting employees, accommodation, IT services or vehicles. • Service delivery partners withdrawing contracted services. • Pandemic Flu. • Major Incident declared affecting the wider community of the town.	• Reputation. • Legal. • Financial. • Health and Safety	• Business Continuity group coordinating arrangements for reviewing, planning and testing. • Business Continuity plans in places for services and functions. • Exercising of Business Continuity plans to ensure fit for purpose.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE				RED 8
	HARDLY EVER				

RESPONSIBLE OFFICER	Corporate Management Team (Sylvia Pinkney - Assistant Director - Regulatory Services)
DIVISION	All
DEPARTMENT	All
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Effective Business Continuity Group in place with regular reporting to CMT and escalation of concerns as required.	Review the effectiveness of the feedback mechanism between the Business Continuity Group and CMT.	Assistant Director – Regulatory Services	March 2023

RISK TITLE:	**Economic Regeneration:** Failure to encourage regeneration, support enterprise and improve development opportunities for new and existing businesses across the borough.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Failure to secure capital/revenue funding to deliver future regeneration projects • Failure to deliver existing and future regeneration projects on time/budget • Impact of inflation on capital programme costs. • Failure for the BIS/HEC to meet their business/income targets and remain economically viable. • Failure of the Council to effectively engage with local businesses and offer appropriate advice and financial assistance. • Failure of the Tees Valley Combined Authority to effectively engage with local businesses and offer appropriate advice and financial assistance. • Failure of other publicly funded business support organisations to effectively engage and deliver appropriate advice and financial assistance. • Failure of the Council to develop and deliver activities, events and projects that directly contribute to the growth in the economy.	• Legal and financial impacts relating to Council capital/revenue and external funding of regeneration projects and assets. • Reputational damage to the Council. • Adverse effect on local economy.	• Ensuring the Council teams have adequate staff and resources to undertake duties effectively. • Close monitoring of the current Regeneration Programme to identify issues/constraints/obstacles and look to positively remedy. • Capital programme monitoring arrangements in place and capital contingency built in to 2022/23 MTFS. • Continued close working relationship with the Tees Valley Combined Authority and other business support organisations. • Yearly plan of economy related interventions/activities to be undertaken.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE			AMBER 6	
	HARDLY EVER				

RESPONSIBLE OFFICER	Bev Bearne - Assistant Director - Development and Growth
DIVISION	Development and Growth
DEPARTMENT	Resource and Development Department
DATE OF ASSESSMENT	February 2023

RISK TITLE:	**Housing** - Failure to address the housing requirements of the borough and provide affordable, high-quality housing.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Imbalance in the current housing stock with existing provision skewed towards terraced/low quality dwellings. • Lack of Council owned land that can be developed for additional affordable housing provision. • Non or stalled delivery of the allocated housing sites and associated infrastructure provision identified in the Local Plan. • Downturn in the local, regional, national housing market due to economic/political changes. • Developments in the Teesmouth and Cleveland Coast Special Protection Area (SPA) not being approved for planning because they cannot demonstrate that they are nutrient neutral. • Housing Needs of the population cannot be met through current provision	• Inability of the Council to benefit from additional New Homes Bonus (subject to Government changes of this regime). • Inability of the Council to capture additional and higher value Council Tax. • Negative economic impact in terms pf physical job creation in the construction phase but also in providing attractive living environment for economically active people. • Reduced inward migration of economically active people and the risk of outward migration to more attractive settlements.	• Adopted Local Plan which seeks to specifically address the current and future housing requirements of the Borough via allocating appropriate land and policies that control development. • Adopting a Housing Strategy which seeks to address the housing requirements of the borough and provide affordable, high-quality housing. • Memorandum of understanding agreed with Natural England on a range of mitigation for waste water discharges which will allow developments to proceed. • Undertaking a review of all local intelligence re: housing stock/ housing quality and housing needs

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE			AMBER 6	
	HARDLY EVER				

RESPONSIBLE OFFICER	Bev Bearne - Assistant Director - Development and Growth Kieran Bostock - Assistant Director – Place Management Danielle Swainston Assistant Director – Joint Commissioning
DIVISION	Various
DEPARTMENT	Resources and Development, Neighbourhoods and Regulatory Services, Children's and Joint Commissioning
DATE OF ASSESSMENT	February 2023

RISK TITLE:	**Inflation** - Increasing inflation leading to increased costs for goods and services resulting in overspend against allocated budgets, reduced level or standard of service delivery, longer waiting times for services or cuts to existing services.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Increased prices caused by rising production costs due to higher wages and increased fuel/energy prices etc. • Increased demand / reduced availability of raw materials. • International issues including the war in Ukraine. • Contracts that allow for transfer of inflation costs to HBC as customer. • Above inflation NLW increases. • Outcome of Fair Cost of Care exercises in adult social care.	• Increased costs in delivery of capital schemes and increased levels of expenditure across the Council leading to overspend against allocated budgets. • Reduced level / standard of service delivery. • Longer waiting times for services. • Cuts to services / redundancies. • Reputational damage. • Negative impact on the delivery of Council objectives. • Significant increases in care fees.	• Timely and effective financial performance reporting and monitoring. • Capital programme monitoring arrangements in place and capital contingency built in to 2022/23 MTFS. • Ongoing discussions with existing contractors. • Procurement options being considered to reduce costs where possible. • Availability of earmarked reserves.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				RED 12
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Corporate Management Team (Denise McGuckin – Managing Director)
DIVISION	All
DEPARTMENT	All
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Being prepared to respond quickly to future changes	Ongoing close monitoring of the impact of inflation pressures on the Capital programme and service delivery across the Council.	Director of Resources and Development	March 2023

RISK TITLE:	**Adult Social Care -** Workforce, system and financial pressures within the NHS may negatively impact on Adult Social Care and the broader Council by placing unrealistic expectations on Adult Social Care to assess and provide services to vulnerable and ill people earlier.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Increases in the number of Covid cases, affecting the public and the workforce. • Significant number of flu cases affecting the public and the workforce. • A prolonged period of inclement weather during the winter period. • Further changes to the regulatory framework we operate in linked to hospital discharges, Mental Capacity Act. • Further pressures impacting on services to people with a mental health need. • Further pressures on the ambulance service and bed availability for people experiencing a mental health crisis. • Any further pressures on funding of Adult Social Care. • Recent developments such as the introduction of the 'Virtual Ward' may increase demand beyond our ability to respond in a timely way.	• Adult Social Care being expected to act beyond the scope of our legal powers (ultra vires). • Adult Social care being required to manage clinical interventions rather than social care issues. • If the performance of Adult Social Care was negatively affected by the causes as outlined, the impact would be significant on acute hospital availability and the availability of beds to meet crisis interventions for people with a mental health need. • Increased pressure on family carers, leading to carer breakdown with the potential to lead to more placements required in care homes. Leading to greater expenditure for Adult Social Care. • Increased waiting times for an assessment of need, leading to greater risk to 'life and limb' regarding the people we serve and their family carers. • Negative implications on the finances of Adult Social Care with increased expenditure for the provision of domiciliary care expenditure as we may have to meet people's needs earlier when they are frailer and requiring more care. • Increased stress on the workforce because of the a requirement to work quicker, especially in relation to hospital discharges and deal with patients and their family members with more complex needs.	• We have a winter plan shared with the NHS to agree contingencies in the event of increases in Covid or a prolonged period of inclement weather. • We are developing a workforce strategy for Adult Social Care to enable the staff to access training and develop skills that will enable them to transfer to different parts of the Department in the event of a crisis situation. • We have highlighted the potential financial pressures linked to the provision of health and social care services to the Corporate Management Team and agreed a short term financial strategy with the Pooled Budget Partnership Board. The funding linked to the Better Care Fund has been agreed for this financial year.

	• This increased stress may lead to staff absence regarding short term and long term unplanned leave.	

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				
	POSSIBLE				RED 8
	HARDLY EVER				

RESPONSIBLE OFFICER	John Lovatt
DIVISION	Adult Social Care
DEPARTMENT	Adult and Community Based Services
DATE OF ASSESSMENT	January 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Expenditure for Winter Contingencies	Activity and related expenditure needs monitoring to identify pressures within the health and adult social care system to mitigate risks to the Department's and broader Council's financial position.	Assistant Director – Adult Social Care Head of Strategic Commissioning – Adult Social Care Head of Finance	March 2023

'Virtual ward'	A proposal has been agreed with the NHS in relation to this development which will need monitoring operationally and via the Commissioned Services Team.	Assistant Director – Adult Social Care Head of Strategic Commissioning	March 2023

RISK TITLE:	**Tall Ships** – Failure to deliver a successful Tall Ships Race 2023 leading to financial loss, adverse publicity and reputational damage.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Supply chain issues preventing ability to secure essential contracts • Lack of visitors and low spend • Licence to occupy land is not in place • Insufficient marketing investment • Lack of HBC resources to adequately staff event planning and delivery • Inability to respond effectively in the event of a major emergency and inability to keep event running • Lack of sponsorship and corporate hospitality take up • Workforce turnover leading to loss of knowledge, experience and competence • Increased fuel costs • Lack of funding • Lack of volunteer support • Breach / non-compliance with health and safety legislation and practices. • Pandemic / lockdown • Traffic congestion and other issues	• Non-delivery or cancellation of the expected event • Financial Loss • Reputational damage • Legal Challenge • Public dissatisfaction • Limited community engagement • Poor attendance	• Tall Ships Risk Register in place that is actively monitored. • Individual risks each have a risk owner and an identified set of additional control actions to be progressed. • Close monitoring of top rated risks by the Tall Ships Strategic Group. • Individual workstream leads identified with responsibility for monitoring risks within their workstreams.

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE				RED 12
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Gemma Ptak – Assistant Director - Preventative and Community Based Services
DIVISION	Preventative and Community Based Services
DEPARTMENT	Adult and Community Based Services
DATE OF ASSESSMENT	February 2023

RISK TITLE:	**Market failure and sufficiency of provision** – Failure within the children's care or education sector to provide sufficient foster care, special school and residential care that can meet the needs of children leading to insufficient capacity to support vulnerable children appropriately.

DETAILED DESCRIPTION OF CURRENT RISK:		
CAUSES - what could make it happen?	**IMPLICATIONS** - what impact would it have if it did?	**EXISTING INTERNAL CONTROLS** – what are we already doing to reduce the likelihood and/or impact of it happening?
• Insufficient local provision available to commission places • Insufficient places regionally and nationally to meet need and demand • Action taken by the regulator to stop a service from operating. • Provider decides to close or change focus of provision. • Provider cannot operate due to lack of appropriate workforce/ staffing. • Commissioned places not able to provide high quality services. • Complexity of need for some children is so great all providers unable to offer place as unable to meet need • Regulatory framework makes providers reluctant to offer placements to the most challenging children as worried providing placement may affect their Ofsted judgement.	• Placements for vulnerable children ceasing at very short notice with no available alternative placements sourced. • Services unavailable to meet assessed need placing children at risk of harm. • Vulnerable children need to be moved to different provision which is detrimental to their development, education, health and wellbeing and experience repeated placement disruption. • Increase in out of area placements if there is insufficient provision locally. • Increase in need to commission places from the independent sector which creates additional budget pressures for both care and education • Reputational damage to the Council if services cannot be provided within Hartlepool to meet local needs. • Increasing number of unregulated or alternative provision packages for children.	• Opening additional children's homes and special school to ensure more children's needs can be met in Hartlepool • Continued fostering campaign to increase number of foster carers able to offer homes for children in our care • Increasing school place capacity in special schools in Hartlepool • Robust exploration of extended family members who can care for children within their family network • Strong relationships with providers in local area who know organisation and will seek to meet our placement needs • High level of support to children placed in independent provision including additional support to fragile placements to prevent breakdown • Quality assurance of independent provision • Annual sufficiency assessments are completed to identify where there are emerging gaps in provision and work with providers to develop provision

CURRENT RISK ASSESSMENT:					
RISK MATRIX		IMPACT			
		NEGLIGIBLE	MINOR	MAJOR	CRITICAL
LIKELIHOOD	ALMOST CERTAIN				
	PROBABLE			RED 9	
	POSSIBLE				
	HARDLY EVER				

RESPONSIBLE OFFICER	Danielle Swainston - Assistant Director - Joint Commissioning
DIVISION	Joint Commissioning
DEPARTMENT	Children's and Joint Commissioning Services
DATE OF ASSESSMENT	February 2023

ADDITIONAL CONTROLS TO BE PUT IN PLACE:			
ADDITIONAL CONTROL	**WHAT NEEDS TO BE DONE? (ACTION)**	**LEAD OFFICER**	**DUE DATE**
Undertake High Needs Block Review to ensure that local provision is in place to meet children's education needs (SEND)	High Needs Block (HNB) Review presented to Schools Forum	Assistant Director - Joint Commissioning	September 2023
	Implement recommendations as per HNB report	Assistant Director - Joint Commissioning	September 2023

FINANCE AND POLICY COMMITTEE

13th March 2023

Report of: Director of Resources and Development.

Subject: **HRA REVENUE AND CAPITAL FINANCIAL MANAGEMENT REPORT**

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1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 For information.

2. PURPOSE OF REPORT

2.1 The purpose of this report is to inform Members of:

i) 2022/23 Forecast HRA Outturn;
ii) 2022/23 HRA performance; and
iii) 2022/23 HRA Capital Programme Monitoring

3. BACKGROUND AND FINANCIAL OUTLOOK

3.1 The updated HRA Business Plan was approved by Finance and Policy committee on the 21st November 2022 and reflected the impact of inflation levels, increased interest rates and the Government revised rent cap for social housing rent increases.

3.2 To mitigate the impact to the HRA of the increased interest rates and inflation, it was agreed that future capital investment was prioritised and prudential borrowing reduced in-line with the use of additional S106 developer contributions.

3.3 This report provides a current year forecast outturn position for the HRA.

4. REPORTING ARRANGEMENTS 2022/23

4.1 The HRA is a ring-fenced account, separate from the General Fund with its own financial and performance issues. A separate report will continue to be submitted for the HRA and housing capital schemes to provide a

comprehensive analysis of the forecast outturn and explanation of the significant budget variances.

5. 2022/23 HRA FORECAST OUTTURN AS AT 31st JANUARY

5.1 A summary of the latest HRA forecast is shown in the table below. Details of the HRA budget and forecast outturn are included in Appendix A.

2021/22 Outturn £'000		2022/23 Budget £'000	Forecast Outturn £'000	Variance £'000
(1,318)	Income	(1,483)	(1,442)	41
971	Expenditure – running costs	1,003	1,064	61
346	Expenditure – interest costs	466	386	(80)
(0)	**HRA (Surplus) / Deficit**	**(14)**	**8**	**22**
(495)	HRA Opening Balance		(495)	
(495)	**HRA Closing Balance**		**(487)**	

5.2 The previously referred to November report, anticipated a 2022/23 outturn position of £8,000 deficit, owing to rapid increase in inflation above the budget planning assumptions. An £8,000 deficit is currently forecast, compared to the budgeted surplus of £14,000. This shortfall will be funded from the HRA reserve.

5.4 There is an adverse variance in relation to running costs mainly owing to repairs and maintenance costs which have increased as a result of inflation and an increase in demand. However these are offset by a favourable variance predominantly in relation to interest costs owing to a change in the profile of capital expenditure.

5.5 However the change in profile of capital expenditure has also resulted in lower rental income than budgeted contributing to an adverse variance. Whilst there was also some income loss from void properties in the early months, this has improved due to new lease arrangements, which has significantly reduced the number of long-term voids. There is also an adverse variance in relation to Non-Dwelling Rental income as forecast Feed In Tariff (FIT) income is lower than the budgeted.

6. 2022/23 COUNCIL HOUSING CAPITAL FORECAST AS AT 31st JANUARY

6.1 Details of the current ongoing Council Housing Scheme Capital Expenditure is shown in Appendix B

6.2 The majority of the £1.159m remaining expenditure relates to the on-going contract work for Brenda Road. This development has commenced by

Keepmoat Homes with 18 affordable units to be completed by the end of 2023/24.

6.3 Hill View, Greatham scheme is complete and 18 units have been added to the Council's housing portfolio. These are all fully occupied.

6.4 Details of the individual housing scheme where the contract has not yet been awarded is included **CONFIDENTIAL APPENDIX C This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that information).** At the stage that the contract is awarded the information will be included in the public part of a future monitoring report.

7. HRA RESERVE

7.1 The HRA Account is ring-fenced and can only be used for the purposes of the HRA. It is also the only source of funding available to fund any HRA deficits and therefore must be kept at a level which meets the needs of the HRA budget to ensure the account remains viable. The Local Government and Housing Act 1989, section 76 requires that Councils must ensure that the HRA budget does not allow for the HRA Reserve to become 'overdrawn'.

7.2 As reported previously the HRA Reserve is at the minimum recommended level and needs to be maintained to manage financial risk relating to inflation and the planned growth of the HRA over the next few years.

7.3 Based on the projected outturn position shown above, the 2022/23 opening balance of £495,000 is forecast to reduce by £8,000 to £487,000.

8. HRA PERFORMANCE INDICATORS

8.1 This section details the key performance indicators for the HRA.

8.2 **Council Housing Stock**

The following table shows the current housing stock held.

	Units
Opening Balance as at 1st April 2022	**309**
Additions:	
Hill View	18
Disposals :	
Right To Buy Sales	(2)
Current Stock as at 31st January 2023	**325**

8.3 The Council has completed the construction of 18 units at Hill View and these are now fully occupied. No empty homes have been purchased to date in 2022/23.

8.4 **Void Properties**

8.5 Void loss for quarter 3 of 2022/23 stands at £16,000 which is a reduction from £25,000 in the previous quarter. This is due to the reduction in low demand void properties due to some lease commencements. There are a number of low demand properties currently on notice so it is likely void rates will increase in the following quarter.

8.6 **Percentage of Rent collected**

The cumulative percentage of rent collected to December is 96%. This rate is lower due to the Christmas period where rent collection is historically lower. The Council has a detailed rent recovery policy with tenants in arrears signing up to payment plans to reduce these arrears over time. Rent arrears is being monitored closely on a monthly basis. Number of accounts in arrears, average arrears and total value of arrears is being monitored in order to inform rent recovery policy. The level of rent arrears is also due to the increase in Universal Credit (UC) claimants and the difficulties associated with managing a UC claim and payments being made direct to tenants. Given the changing legislation regarding taking enforcement action on rent arrears it is likely that arrears will increase over the coming financial year.

9. CONCLUSION

9.1 A revenue deficit of £8,000 is currently forecast as a result of a reduction in rental and other income. This will be funded from the earmarked HRA reserve, which based on current projections is expected to reduce from £0.495m to £0.487m.

9.2 The capital schemes are still showing the impact from the COVID pandemic as the programme has been delayed and £12.408m of expenditure is forecast to be rephased into 2023/24.

10. OTHER CONSIDERATIONS

Risk Implications	No relevant issues
Legal Considerations	No relevant issues
Consultation	No relevant issues
Child and Family Poverty considerations	No relevant issues
Equality and Diversity considerations	No relevant issues
Staff Considerations	No relevant issues
Asset Management considerations	No relevant issues
Environment, sustainability and climate change considerations	No relevant issues

11. RECOMMENDATIONS

11.1 It is recommended that Members note the report.

12. REASONS FOR RECOMMENDATIONS

12.1 To update the Finance and Policy Committee on the HRAs and Council Housing's Capital financial position.

13. BACKGROUND PAPERS

13.1 None.

14. CONTACT OFFICERS

Beverley Bearne
Assistant Director of Development and Growth
Email beverley.bearne@hartlepool.gov.uk
Tel: 01429 523301

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

Sign Off:-

Managing Director	√
Director of Resources and Development	√
Chief Solicitor	√

7.2 Appendix A

Housing Revenue Account for 2022/23 as at 31st January 2023

2021/22 Outturn £'000		2022/23 BUDGET £'000	2022/23 FORECAST £'000	Variance £'000
	Income			
(1,291)	Dwelling Rents	(1,438)	(1,415)	23
(24)	Non-dwelling Rents - Other Income	(42)	(24)	18
(3)	Charges for services and facilities	(3)	(3)	0
(1,318)	**Income sub total**	**(1,483)**	**(1,442)**	**41**
	Expenditure			
217	Repairs and maintenance	219	260	41
368	Supervision and management	395	385	(10)
38	Rents, rates, taxes and other charges	16	25	9
20	Provision for bad or doubtful debts	15	20	5
317	Depreciation (Major Repairs Allowance)	346	357	11
2	Discretionary Housing Payments	0	0	0
10	Debt Management costs	12	12	0
346	Net Interest payable	466	391	(75)
1,318	**Expenditure sub total**	**1,469**	**1,450**	**(19)**
0	**HRA (Surplus) / Deficit for the year**	**(14)**	**8**	**22**
	Movement on the HRA Reserve			
(495)	HRA Reserve Opening Balance		(495)	
0	(Surplus)/Deficit for the year		**8**	
(495)	**HRA Reserve Closing Balance**		**(487)**	

7.2 APPENDIX B

COUNCIL HOUSING CAPITAL MONITORING REPORT PERIOD ENDING 31st January 2023

Project Code	Scheme Title	BUDGET						Type of Financing
		A	EXPENDITURE IN CURRENT YEAR					
			B	C	D	E	F	
		2021/22 Budget £'000	Actual as at 31/12/22 £'000	Expenditure Remaining £'000	Expenditure Rephased into 2023/24	(B+C+D) Total Expenditure £'000	(E-A) Variance from Budget £'000	
7182	Empty Homes - Phase 3	1,776	0	182	1,594	1,776	0	MIX
7450	Hill View, Greatham	564	502	62	0	564	0	MIX
7620	Brenda Rd Phase 1	2,096	1	915	1,180	2,096	0	MIX
8106	New Build schemes	1,080	0	0	1,080	1,080	0	MIX
8799	Major Repairs	0				0	0	RCCO
CH	**Council Housing**	**5,516**	**503**	**1,159**	**3,854**	**5,516**	**0**	