



Chief Executive's Department
Civic Centre
HARTLEPOOL

4th December. 2006

The Mayor (Stuart Drummond)

Councillors Akers-Belcher, D. Allison, S Allison, Barker, Brash, Clouth, R W Cook, S Cook, Coward, Cranney, Fenwick, Fleet, Gibbon, Griffin, Hall, Hargreaves, Henery, Hill, Iseley, Jackson, James, Johnson, Kaiser, Laffey, Lauderdale, Lilley, London, A Marshall, J Marshall, Dr. Morris, Payne, Preece, Rayner, Richardson, Rogan, Shaw, Sutheran, Tumilty, Turner, Wallace, D Waller, M P Waller, R Waller, Wistow, Worthy, Wright, and Young.

Madam or Sir,

You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 14th December, 2006 at 2.00 p.m. in the Main Hall, Hartlepool College of Further Education, Stockton Street, Hartlepool to consider the subjects set out in the attached agenda.

Members are requested to note the change in venue of the meeting.

Yours faithfully

P Walker
Chief Executive

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PLEASE NOTE VENUE

COUNCIL AGENDA



Thursday 14th December 2006

at 2.00 pm

**in the Main Hall, Hartlepool College of Further Education,
Stockton Street (main College entrance)**

1. To receive apologies from absent members.
2. To receive any declarations of interest from members.
3. To deal with any business required by statute to be done before any other business.
4. To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 10.
5. To approve the minutes of the last meeting of the Council held on 26th October 2006, as a correct record (copy attached).
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.
 - (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given. Minutes of the meetings of the Cleveland Police Authority held on 21st September 2006 and the meetings of the Cleveland Fire Authority held on 29th September 2006 and 20th October 2006 are attached.

PLEASE NOTE VENUE

8. To deal with any business required by statute to be done.
9. To receive any announcements from the Chair, the Mayor, members of the Cabinet or the head of the paid service.
10. To dispose of business (if any) remaining from the last meeting and to receive the report of any scrutiny forum or other committee to which such business was referred for consideration.
11. To receive reports from the Council's committees and working groups other than any overview and scrutiny committee and to receive questions and answers on any of those reports;
 - (i) Co-option of Children and Young Persons to Children's Services Scrutiny Forum (Report of Constitution Committee).
12. To consider any other business specified in the summons to the meeting, including consideration of reports of the overview and scrutiny committees for debate and to receive questions and answers on any of those items;
 - (i) Final Report – Closure of Rossmere Swimming Pool (Report of Scrutiny Co-ordinating Committee) (bound copy attached).
13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework
None
 - (b) Proposals for departures from the budget and policy framework
None
14. To consider any motions in the order in which notice has been received.
15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary.

Public questions for Council

Meeting: 14th December 2006

1.	From: Keith Fisher
	To: The Mayor, Stuart Drummond
	<p>Preamble:</p> <p><i>MR. Mayor I recognise and appreciate that you , personally, have always been an active campaigner in the struggle to SAVE O UR HOSPITAL I remember, some years ago, when you facilitated and chaired a series of meetings here in this building when others were saying that there never was a threat to our hospital.</i></p> <p><i>I now recognise that the whole body of this council are effective and formal supporters of the current campaign and therefore I hope that, with their support, my question to you is like me pushing upon an already open door.</i></p> <p><i>The people of Hartlepod, and its surrounding area, are very concerned that conflicting information about the changes to our Holdforth Road Hospital is being passed, leaked, and exposed through diverse conduits such as your good-self, The Hartlepod Mail and the Save our Hospital Campaigners, This is clearly an unprofessional AND UNACCEPTABLE way to implement ANYchanges to our essential services.</i></p> <p><i>You will be pleased to note that now my eventual question itself is short and simple.</i></p> <p>Question:</p> <p><i>"Does the Mayor agree that it would be beneficial to invite Mr Dalton and his Hartlepool and North Tees Trust Members to a formal Public Meeting in order that they may afford simple answers DIRECT to the public questions, and would he be prepared to arrange such a meeting here in this Chamber?"</i></p> <p><i>Thank You</i></p>

COUNCIL

MINUTES OF PROCEEDINGS

26th October 2006

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Akers-Belcher	S Allison	Barker
Brash	Clouth	R W Cook
S Cook	Coward	Cranney
Fleet	Gibbon	Griffin
Hall	Hargreaves	Henery
Hill	Jackson	James
Johnson	Kaiser	M P Laffey
Lauderdale	Lilley	London
A Marshall	J Marshall	Dr. Morris
Payne	Preece	Shaw
Sutheran	D Waller	M P Waller
R Waller	Wistow	Wright
Young		

OFFICERS:

Paul Walker, Chief Executive
Tony Brown, Chief Solicitor
Adrienne Simcock, Director of Children's Services
Andrew Atkin, Assistant Chief Executive
Joanne Machers, Chief Personnel Officer
Alan Dobby, Assistant Director (Support Services)
Stuart Green, Assistant Director (Planning and Economic Development)
Alison Mawson, Head of Community Support and Prevention
Alistair Rae, Public Relations Officer
Charlotte Bumham, Scrutiny Manager
David Cosgrove, Principal Democratic Services Officer
Denise Wimpenny, Principal Democratic Services Officer

84. APOLOGIES FOR ABSENT MEMBERS

Councillors D Allison, Ferwick, Seley, Rayner, Rogan, Tumilty, Wallace and Worthy.

85. DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Wistow declared a private and personnel interest as a members of the Board of Housing Hartlepool.

Councillor S Cook declared a private and personnel interest as an employees of British Energy.

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

None

87. PUBLIC QUESTIONS

(i) Question from Joan Bennison

“Could the Mayor please advise what measures have been put in place in the Borough of Hartlepool for stray dog cover after 5 pm and at weekends?”

In the absence of Joan Bennison, The Chair put the question to the Mayor.

The Mayor stated that the Council currently has an arrangement with the Police who have a responsibility for receiving stray dogs from members of the public. Stray dogs can be taken to the main police station in Avenue Road after 5.00 pm and at weekends where animals are well cared-for and kept in regularly cleaned cells. They are then collected by the Dog Wardens on the following morning and taken to the Council's pound at Low Fallowfield Farm, South Hetton.

Dogs received by the Police over the weekend are collected first thing on Monday morning; however, should a more vulnerable dog such as a puppy, or one that is sick or injured be received, then arrangements are in place for Low Fallowfield Farm Kennels to collect the animal straight away.

Similar arrangements are in place for Low Fallowfield Farm Kennels to collect dogs over Bank Holidays and prolonged breaks such as Christmas and Easter.

With the advent of the Clean Neighbourhoods and Environment Act, these arrangements will change once funding arrangements have been agreed with the Police. Effectively, the Council will then provide its own local pound for the holding of stray dogs and the Police will no longer have this responsibility.

The Council works closely with the Dogs Trust and the RSPCA to ensure its policies and procedures are to their satisfaction.

(ii) Question from Kath Threlfall

“The Mayor will be aware through media sources of the increasing number of attacks on animals living on allotments in the Borough of Hartlepool.

Would the Mayor consider introducing a complete ban on keeping animals on allotments in the near future and in the meantime provide some form of security to protect them from acts of cruelty?”

The Mayor responded by reporting that the annual allotment survey has recently been completed and is due to be reported to the forthcoming Culture, Leisure & Transportation Portfolio on the 14th November.

This report identifies that the Council has a total of 1047 plots for rent at sixteen sites across the town. The keeping of animals is permitted at ten of the sixteen sites in town; the remaining six sites do not allow animals to be kept. Allowing for the fact that there is a natural turnover in tenancies, we currently have 24% of all allotments that house animals of some description – i.e. 254 allotments with animals.

Animal husbandry is a traditional activity and all animals are registered with the Allotments Officer. Provided that the tenants restrict their husbandry to permitted animals, and that they do not constitute a nuisance, they are permitted to keep them on the allotment. The allotment inspection has revealed a current animal population of around 4000 Pigeons, 600 Chickens, plus Cats, Ducks, Fish, Ferrets, Rabbits and Geese. Some unauthorised horses and ponies have also been identified.

The attacks on animals that have received publicity in recent weeks are without doubt disgraceful and will have caused much cruelty to the animals themselves and of course, much distress to their owners. I would prefer to put these incidents into some perspective and point out that in the context of the number of allotments with animals, this is thankfully a relatively rare occurrence. This is not to condone or minimise in any way these terrible acts of vandalism, but to simply state that from time to time we have people within our society who can perpetrate such actions. To consider a ban on animal keeping within allotments would cause untold distress to the many residents who find this activity relaxing and enjoyable and in the process giving much pleasure to others too.

In terms of improved security, much has been done to maintain and improve the boundary fencing of the allotments, alleygates have also been erected in a variety of sites and other measures are being considered where practicable. Indeed, the new allotment site constructions at Waverley Terrace and Briarfields are designed to be secure and visible to overcome the opportunity for unauthorised persons to be gaining entry and undertaking nefarious activities unseen. This is a development principle we would seek to extend in due course to other allotment sites.

It must be added that ultimate responsibility for the security of the individual allotment sites and their contents will remain with the tenants themselves – working together, we will continue to address outstanding problems.

Mrs Threlfall indicated that she had no supplementary questions but commented that many people would wish to see the security at all allotment sites improved.

During the debate that followed, Members expressed their regret at the recent attacks on animals kept on allotment sites and hoped that the forthcoming report would deal with the issue of security at all the sites in the town.

88. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 14th September 2006, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

In relation to Minute No. 65 "Questions from Members of the Council", Councillor Wistow made reference to the letter that was to be sent to the Secretary of State for Health and asked what had happened since the last meeting. Councillor Wistow indicated that he was aware that the Secretary of State had written to the council indicating that she was aware of the Council's comments. Councillor Wistow was concerned that the town's views would be misrepresented through government's Review Panel and questioned what legal routes were open to the Council should this happen. Councillor Wistow asked that when the Review Panel visited Hartlepool, this Council's views were clearly set out to them. The Chief Executive stated that he would put the Council's views to the Review Panel at its meeting on 14 November 2006. In relation to the legal issue raised, The Chief Solicitor indicated that he would write to Councillors.

90. QUESTIONS FROM MEMBERS OF THE COUNCIL

- (a) Questions to Members of the Executive about recent decisions of the Executive

None.

- (b) Questions to Members of the Executive and Chairs of Committees and Forums, for which Notice has been given

(i) Question from Councillor J Brash

“Based on what criteria was the decision taken to withdraw funding and impose a ‘stay of closure’ on Eldon Grove Community Sports Centre?”

The Mayor replied by stating that the closure of Eldon Grove Community Sports Centre was included in the 2006/7 Budget and Policy Framework Report approved by Council as one of a wide ranging series of budget savings and efficiencies, this included the withdrawal of 50% of the annual running costs of the centre on the basis that a Service Level Agreement (SLA) would be drawn up between Brierton Community Sports College and the Dept of Adult & Community Services during the year. The SLA would significantly improve the development of community access to the major new Lottery funded facility recently completed at Brierton School and allow a smooth closure of Eldon Grove and transfer of sporting and other community activities to a range of community and sporting venues including Brierton, Summerhill, Mill House and the Headland Sports Hall. This would be a better strategic use of resources and helps to better meet Sport England sporting opportunities by replacing ageing facilities with new centres.

The difficulty in concluding the SLA to a short timetable was always recognised as a financial risk in achieving the savings within the current financial year. As such, efforts are being made to continue to operate Eldon Grove as normal until the conclusion of the SLA – this is in hand and negotiations continue between the School and the Department. Hence, the phrase a ‘stay of closure’ has been used to describe the current position of Eldon Grove. It is my intent to enable Eldon Grove to continue until March 31 2007 when it is now expected the SLA and associated costs of subsidy are known and concluded. The costs of continued use are an in-year pressure to be funded by the Department.

All users of Eldon Grove are expected to be relocated into new and more appropriate premises, having said that it is acknowledged that change is unsettling for both staff and users and this will be managed sensitively.

In a supplementary question, Councillor Brash asked what would be done for those local residents that used the centre, that he believed, would be disenfranchised. Councillor Brash stated that this was a ‘community’ centre that served the school and local residents. Many of the users of the centre lived in walking distance and for many access to the other venues mentioned by the Mayor was difficult as not all residents had access to a car and travelling by families with young children frequently found travelling by public transport difficult, when it was available.

The Mayor did not believe that anyone would be disenfranchised. The building was at the end of its useful life and the Council had agreed at the beginning of the year that it should be closed. The new facilities available in the town were of a much higher standard and every effort would be made to ensure a smooth transfer to the new venues.

In his second supplementary questions, Councillor Brash asked if funds could be made available to keep the Eldon Grove Centre running. Residents wanted to be able to walk to their local sports centre and he considered that the closure of the centre could have a devastating effect on some of the sporting groups that were based there.

The Mayor indicated that he appreciated Councillor Brash's concerns. Very difficult decisions had to be made on buildings that were coming to the end of their useful life. The decision to close Eldon Grove had been made in January as part of this year's budget process and there had been no recommendation to re-visit the decision had been raised through the Scrutiny process. The Mayor did understand the concerns raised and indicated that everything would be done to ensure a smooth transfer to the new facilities, particularly for those groups and clubs based at Eldon Grove.

Members debated the issue and several members shared the concerns raised in relation to the moving of groups and clubs to new venues. Members commented that a lot of health and sporting activities were currently based at Eldon Grove and they were concerned that the residents of the Burn Valley area would not be able to access these activities if they moved to the Headland or Brierton Sports Centres. Members commented that they were disappointed that the appropriate investment could not be found to update the Eldon Grove Centre and asked the Mayor to reconsider the decision to close.

Some Councillors did agree that the facility was nearing the end of its useful life and that the new Centres offered much superior facilities. The transfer of the various groups and clubs at Eldon Grove did need to be handled with great care to ensure that they did continue and that all users could access the new locations.

(ii) Question from Councillor G Lilley

"There is currently a consultation on 'the nuclear policy framework' by the Dti which will have a significant input in whether and where new Nuclear Power Stations will be built. This closes at the end of this month (31 October). Will Hartlepool Council be responding to this Consultation?"

The Mayor indicated that he had been aware of this consultation exercise on Monday, but only by virtue of a very recent communication from the North East Assembly, via the Tees Valley Joint Strategy Unit that Officers only received on Friday 20 October. It appears that there has been no direct request to local authorities for comments on the consultation paper by the Department of Trade and Industry. In light of this the Mayor commented that it was difficult to give a detailed response and that he considered it disgraceful that this Council had not been formally consulted. The Mayor stated that in these circumstances, there clearly isn't enough time for the Council to give a considered response on this matter by the deadline of 31 October. The Chief Executive is sending a holding response to the DTI expressing concern about the apparent lack of direct consultation with local authorities, stressing the importance which we attach to these matters and indicating the intention to submit a full response as soon as is practicable.

Copies of the consultation document are being sent to every councillor for information and comments, with a view to a report being considered by Cabinet on 20 November. The Mayor encouraged Councillors to feed comments back to assist in that process.

In a supplementary question Councillor Lilley asked what views the Mayor had on the proposal to restrict public inquiries?

The Mayor indicated that he had not had the opportunity to fully examine the consultation document but was aware that this was one of the main issues raised. The Mayor considered that the authority had to have the opportunity to respond fully on all aspects of the consultation document. It was the Council's duty to ensure that decisions on matters of such importance were not made behind closed doors.

In the debate that followed Members supported the Mayor's comment that it was disgraceful that the Council had not been formally involved in this process. Members expressed grave concern that consultation exercises such as this were being channelled through the Regional Assembly and the Joint Strategy Unit.

(iii) Question from Councillor M Johnson

"It is now over two years since you closed the Rossmere Learner Pool. Can the Mayor inform the people of Rossmere as to when demolition of the building will take place and be completed. I would be grateful if you could let me know when it's complete."

The Mayor replied by stating that no decision had been made to demolish the building but it was the mayor's intention that it should be demolished as soon as practicable as it was now unsafe. The demolition contract would need to go out to tender with an expectation that the works would be undertaken in January.

In a supplementary question, Councillor Johnson stated that the site was subject to antisocial behaviour and was a target for vandals. This was a concern as the building contained asbestos. Could the mayor use his powers to speed up the process before a serious incident occurred?

The Mayor agreed that the process did need to be completed as quickly as possible and assured Councillor Johnson that he would ensure that it was.

In the debate that followed there was some concern expressed that the Scrutiny inquiry on the Rossmere Pool Closure was still on-going and the Mayor had been invited to a meeting of the Scrutiny Coordinating Committee on 24 November. The Mayor confirmed he had been invited to the meeting and would be attending.

Some members expressed their concern that the previous decision of the Council to take action to prevent the closure of the pool or keep it in a good state of repair, appeared not to have been actioned, and the Council was now

being informed that the building was in such a poor state that it was a danger to the community.

There was a lengthy debate on the history of the closure of the Rossmere Pool and the circumstances that had led to its closure and the accountability surrounding that decision. Members raised the issue that in the debate following questions, there was no scope for them to move resolutions other than to refer issues into the scrutiny process. The Chair agreed that this was the situation as set out in the Constitution but that he would raise the matter with the Constitution Working Group.

- (c) Questions to the appropriate Members on Police and Fire Authority issues, for which notice has been given.

Minutes of the meeting of the Cleveland Police Authority held on 23rd August 2006 and the meeting of the Cleveland Fire authority held on 28th July 2006 were submitted. There were no questions.

91. BUSINESS REQUIRED BY STATUTE

- (i) Report on Special Urgency Decisions

Council was informed that there were no special urgency decisions taken in the period April to September 2006.

- (ii) Report of the Monitoring Officer – Council Decision 14th September 2006 – Review of Parish Electoral Arrangements.

The Chief Solicitor referred to Minute 69 (i) of the meeting of Council held on 14 September 2006 when Members considered a report on the Review of Parish Electoral Arrangements. Members resolved at that meeting: -

“That in order to ensure that democracy is a focal point of the Headland Parish Council, a referendum be held of the people of the Headland to determine if they wish to continue with the Parish Council and if so, whether the Parish Council should cover one ward or two wards.”

The Chief Solicitor had advised against the resolution at the meeting. Subsequently the Chief Solicitor had reviewed the decision and had to advise the Council that the resolution was ‘ultra vires’ as it was outside the powers of the council to determine that such a poll should be conducted. In light of this, the Chief Solicitor advised that the original motion to approve the recommendations of the General Purposes Committee, moved and seconded at the meeting on 14 September, remained to be dealt with;

That the Council accept the General Purposes Committee’s recommendations to the following effect:-

1. The current arrangement of division of the Headland Parish into wards shall be terminated, with the current number of thirteen (13) councillors being elected to the parish council; and
2. There shall be no change to the electoral arrangements in the other parished areas.

Motion put and declared carried.

92. ANNOUNCEMENTS

The Chair announced that the Chair's Ball would be held on 25 November 2006 and would be raising funds for the Hartlepool and East Durham Alzheimer's Trust.

The Chair congratulated Councillor Stephen Akers-Belcher and his partner on their recent civil partnership.

93. TO DISPOSE OF BUSINESS (IF ANY) REMAINING FROM THE LAST MEETING AND TO RECEIVE THE REPORT OF ANY SCRUTINY FORUM OR OTHER COMMITTEE TO WHICH SUCH BUSINESS WAS REFERRED FOR CONSIDERATION.

None.

94. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES AND WORKING GROUPS

- (i) Report of Constitution Committee

The Vice-Chair of the Constitution Committee reported on the following issues.

- (a) Licensing Committee – amendment to delegation,

At their meeting on 7th September 2006 the Constitution Committee were referred to an alteration to the powers and duties of the Licensing Committee earlier in the year when Members approved the transfer of several 'non-licensing' duties to the General Purposes Committee. It appeared that in re-drafting the functions and delegations for the Licensing Committee, a necessary paragraph allowing the Director of Neighbourhood Services to act in protecting the well-being of the public had been omitted.

The current delegation of powers to the Director of Neighbourhood Services in regards to the powers and duties of the Licensing Committee states: -

"Power to carry out all of the functions of the Committee with the exception of the power to refuse, revoke or suspend any licence or registration".

In the past, the following additional paragraph was also set out: -

“Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency”.

The second paragraph added formality to the powers that Public Health Officers would utilise to safeguard the public in closing food retail premises or taking taxis off the road, if after an inspection it was deemed to be in the interests of public safety.

The Constitution Committee resolved to approve and recommend to Council to amend the powers and duties of the Licensing Committee and to amend of Part 3 page 21 of the Council's Constitution accordingly as set out at Appendix 1 to the report.

(b) Honorary Freemen and Aldermen,

At meetings of the Constitution Working Group and the Constitution Committee in both the last and this municipal year, detailed consideration has been given to a procedure for the election of honorary freemen and aldermen. A draft scheme has been examined by the working group and the committee and has also been open to public consultation. At their meeting on 6th October 2006, the Constitution Committee resolved to recommend that Council adopt the draft procedure as set out in Appendix 2 to the report.

(c) Procedure for the Decision Making Route for Scrutiny Final Reports,

At the meeting of the Committee on 6 October, the Scrutiny Manager sought endorsement from the Constitution Committee with regard to the implementation of a procedure to be used for co-ordinating the Cabinet and other Committees' responses to Scrutiny Final Reports and recommendations. The Constitution Committee resolved to endorse the proposed decision making route for responses to Scrutiny Final Reports which was set out in Appendix 3 to the report.

(d) Proposed Selection Criteria – Dealing with Non-Mandatory Scrutiny Topic Referrals from the Authority's Regulatory Panels and Other Committees

At the meeting of the Committee on 6th October, the Scrutiny Manager sought endorsement to the implementation of new selection criteria to be used when considering the appropriateness of undertaking a scrutiny investigation following receipt of a non-mandatory referral from the Authority's regulatory panels and other committees. This new procedure had been endorsed by the Scrutiny Co-ordinating Committee at its meeting on 30 June 2006 and also by Cabinet on 11 September 2006. The new procedure built upon the Scrutiny Coordinating Committee's duty to consider the appropriateness of undertaking a scrutiny investigation, or not, following a referral from a Council regulatory panel or other committee. Under the new procedure the Scrutiny Co-ordinating Committee would assess suggested non-mandatory scrutiny topic referrals against a proposed selection criteria which were set out in Appendix 4 to the report.

RESOLVED –

that the Council adopts the recommendations of the Constitution Committee, namely –

- (a) That the amended powers and duties of the Licensing Committee and amendment of Part 3 page 21 of the Council's Constitution be approved.
- (b) That the draft procedure for the election of Honorary Freemen and Aldermen be adopted.
- (c) That the proposed decision making route for responses to Scrutiny Final Reports be adopted for inclusion in the Council's Constitution
- (d) That the recommended criteria for scrutiny investigation of non-mandatory scrutiny topic referrals be adopted for inclusion in the Council's Constitution.

(ii) Report of Licensing Committee – Gambling Act 2005

The Chair of the Licensing Committee reported that the Licensing Committee had considered the adoption of a Gambling Act Policy that details the principles the Council will apply when exercising its licensing functions under the Gambling Act 2005. The Act is expected to take full effect on 1 September 2007 although much of the detail about its implementation, which will be contained in Regulations, has not yet been published.

The Act introduces a licensing framework for gambling activities, similar in many ways to the Licensing Act 2003. Licences will be required for gambling operators, premises being used for gambling activities and certain personnel responsible for overseeing gambling activities. Unlike the Licensing Act however, local authorities will only be responsible for issuing premises licences. The newly established Gambling Commission will take responsibility for personal licences and operators.

The licensing policy must be approved and published no later than 3 January 2007. A draft policy has been prepared, based on a model published by the Local Authority Co-ordinating Body for Regulatory Services (LACORS). This was considered by Licensing Committee on 28 June 2006 and again, following extensive public and trade consultation, on 20 September 2006. The draft policy was also considered by Cabinet on 9 October 2006. The Licensing Committee has recommended the adoption of a gambling policy as detailed in Appendix I to the report.

Councillor Kaiser also highlighted that the Licensing Committee has also recommended that the gambling policy contain a resolution that no casino premises licences will be issued by the authority. 'No Casino Resolutions' are expressly permitted by virtue of s166 of the Gambling Act and Councillor Kaiser proposed that the Council should adopt such a policy. Council was informed

that the adoption of such a policy would not mean that applications for Casino's could not be submitted. The Chief Solicitor reported that the implementation date of the 'No Casino' Resolution should be 1 April 2007 (the date from which applications under the regulations could be received).

Motion moved and seconded –

- 1 That Council accept the Licensing Committee's recommendation and adopt the draft gambling policy as submitted.

Motion put and agreed.

The following Members requested that in accordance with Council Procedure Rule 17.5 their vote for the above resolution be recorded: -

Councillors S Allison, Barker, Clouth, R W Cook, Coward, Fleet, Gibbon, Griffin, Hall, Hargreaves, Henery, James, Kaiser, M P Laffey, Lauderdale, Lilley, London, J Marshall, Dr. Morris, Preece, C Richardson, Shaw, R Waller, Wistow, Wright and Young

The following Members requested that in accordance with Council Procedure Rule 17.5 their vote against the above resolution be recorded: -

The Mayor, Stuart Drummond, Councillors Akers-Belcher, Brash, Cranney, Hill, Jackson, Johnson, Payne, Sutheran, D Waller, M P Waller,

Motion moved and seconded –

- 2 That Council accept the Licensing Committee's recommendation and approve the adoption of a 'No Casino Resolution' with effect from 1st April 2007.

Motion put and agreed.

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

None.

96. REPORTS FROM THE EXECUTIVE

- (a) Proposals in relation to the Council's budget and policy framework
- (i) Food Law Enforcement Service Plan 2006/07

The Adult and Public Health Service Portfolio Holder presented the draft Food Law Enforcement Service Plan for 2006/07, which is a requirement under the Budget and Policy Framework, and sought Council's approval to the Plan.

RESOLVED –

That the Food Law Enforcement Service Plan 2006/07 be adopted as part of the Council's budget and policy Framework.

(ii) Statement of Community Involvement

The Regeneration, Liveability and Housing Portfolio Holder presented the Statement of Community Involvement, as amended by the Planning Inspector. The Council at the meeting held in December 2005 approved the draft Statement of Community Involvement for submission to the Secretary of State. The Statement of Community Involvement was subject to a formal six week participation period from the date of submission (30 January 2006) to enable formal representations (of support or objection) to be made. Fifteen bodies made representations during this formal stage of consultation. The representations were forwarded to the Planning Inspectorate at the conclusion of the participation period, for consideration at an independent examination.

The purpose of the examination, under the new planning process introduced by the Planning & Compulsory Purchase Act 2004, is to consider the soundness of the SCI on the basis of 9 'tests'. The Inspector's Report, submitted as Appendix 1 to the report, was therefore set out on the basis of recommendations relating to these nine tests. The Inspector considered that tests 1, 2, 6, 7 and 8 had been met in the submitted SCI, but made recommendations for changes in order to meet the other tests. These changes are relatively minor and do not affect the overall substance of the document. Nevertheless, they are binding on the Council and there is no flexibility to amend in any way the Inspector's suggested additional text or its location within a specific paragraph (or bullet point) within the document.

RESOLVED –

That the Statement of Community Involvement, as amended by the recommendations set out in the Report of the Planning Inspector, be adopted.

(iii) Annual Library Plan 2006/07

The Adult and Public Health Service Portfolio Holder presented the draft Annual Library Plan for 2006/07, which is a requirement under the Budget and Policy Framework, and sought Council's approval to the Plan.

RESOLVED –

That the Annual Library Plan 2006/07 be adopted as part of the Council's budget and policy Framework.

97. EXTENSION OF DURATION OF MEETING

During consideration of the following item and in accordance with Council Procedure Rule 9, a majority of the Members present voted in favour of extending the duration of the meeting to allow the remaining business to be concluded.

98. REPORTS FROM THE EXECUTIVE

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

(i) Request for Budgetary Provision to Conduct Local Poll

The Mayor presented a request to Council to consider Cabinet's proposal to release additional budgetary provision to conduct a Local Poll in Hartlepool to determine the strength of feeling of the town with regard to the future of locality based health care services in Hartlepool. This had been considered and approved by Cabinet at its meeting on 23 October 2006.

The Mayor reported that the Council had been offered assistance in the conduct of the poll by Our Say, the campaign for local and national referendums, at no cost. Our Say would also assist in the conduct of a number of public meetings. The Mayor also stated that the estimated costs of conducting the poll had been reduced to £59,000 from the original estimate of £70,000 detailed in the report.

There was a lengthy debate on the benefits of holding the local poll and views were expressed both in support and against the poll and also in favour of supporting the petition initiated by Iain Wright MP.

Motion moved and seconded.

“Council is requested to approve the proposals to provide a dedicated budgetary provision to cover any related expenditure incurred in the conduct a Local Poll”.

Motion put and lost.

In accordance with Council Procedure Rule 17.5, Councillor S Allison requested his vote for the above resolution to be recorded.

(ii) 2006/2007 Prudential Borrowing Limits and Capital Programme

The Finance Portfolio reported on the proposed variations to the approved 2006/2007 Prudential Borrowing Limits and Capital Programme in relation to the North Central Hartlepool and NDC Area Remodelling Housing Regeneration schemes. The proposals had been considered and approved by Cabinet at its meeting on 23 October 2006.

Motion moved and seconded

That the following amendments be made to the 2006/2007 Prudential Borrowing Limits and Capital Programme: -

- (i) an increase to the 2006/2007 Capital Budget for the North Central Hartlepool Housing Regeneration Scheme and NDC Housing Remodelling Scheme of £650,000.
- (ii) In the event that the capital receipts are not received before 31 March, 2007, to fund the resulting MRP of £104,000 from General Fund balances.
- (iii) Approve the necessary technical adjustments to the 2006/2007 revenue and capital budget and prudential limits to reflect the above recommendations.

Motion put and agreed.

99. MOTIONS ON NOTICE

None.

100. APPOINTMENTS PANEL

Council was reminded that Dave Stubbs was appointed as Director of Neighbourhood Services on Thursday, 3 August 2006. Council had been requested on 14th September 2006 to approve membership of an Appointments Panel for the post of Head of Neighbourhood Management. Consideration of the establishment of an Appointments Panel had, however, been deferred until the post was considered by the Vacancy Monitoring Panel.

The Vacancy Monitoring Panel considered the post of Head of Neighbourhood Management, at its meeting on 20 September 2006, when approval was given to the post being filled. Council was, therefore, requested to approve membership of the Appointments Panel. In line with the Officer Employment Procedure Rules the Panel would consist of eight members, as follows:-

Mayor
Chairman of the Council
3 Labour Group nominations
2 Administrative Group nominations
1 Liberal Democrat Group nomination

Also, as identified in the Officer Employment Procedure Rules, Council was also requested to reflect the gender balance of the Council when nominating to the Panel. It was suggested, therefore, that Council nominate three female Councillors to the Panel. Council was requested to approve the establishment of the Appointments Panel and nominate members accordingly.

RESOLVED –

That Councillors R W Cook, Griffin, Hall, Laffey, Dr Morris and Wright be appointed to the Panel.

101. COMPREHENSIVE PERFORMANCE ASSESSMENT/JOINT AREA REVIEW

Members were reminded that the authority was shortly to be the subject of a Comprehensive Performance Assessment (CPA) and Joint Area Review (JAR). This would take place over November and December.

It was noted that there would be a preparation week for the CPA and JAR teams where they would be in Hartlepool, this was in the week commencing 6 November 2006 and the two inspection teams would be on site for the actual inspection from 27 November until the 8 December 2006. The inspection would be based upon a combination of site visits, interviews, focus groups and document reviews. It was not known at this stage whom the CPA inspectors would wish to meet as part of this process and they had informed the authority that it would be informed of this in early November. The Chief Executive indicated that he would contact those Members selected by the inspectors as soon as the list was known.

102. MANOR COLLEGE – FOUNDATION STATUS

On 6 October 2006, the Director of Children's Services had received a letter from the Chair of Governors of Manor College of Technology indicating that the governors had decided to investigate the possibility of seeking Foundation Status for the College. As part of this process, the Governors indicated that they would be seeking consultation with a wide variety of stakeholders during a four week period of consultation ending on 6 November 2006.

The Director of Children's Services had written to the Governing Body to clarify the procedures associated with their decision to investigate this possibility. A report would be taken to the meeting of the Children's Services Portfolio Holder on 27 October 2006 with a view to preparing an appropriate response to the Governing Body's consultation process.

The Chief Executive informed Council that he understood that at its meeting on 20 October 2006, the Governing Body had agreed to proceed to the consultation stage on the proposal to seek Foundation Status. This had not yet been confirmed by the school.

The Children's Services Portfolio Holder indicated her concern that the proposal of Manor College's governing body could adversely affect the Council's Building Schools for the Future bid which had the potential to bring huge benefits to all the secondary schools, and thereby all children in the town. The Children's Services Portfolio Holder proposed that the Council seek the support of the

Member of Parliament for Hartlepool in seeking to work with the school so that Foundation Status was not the option they chose.

RESOLVED –

That the Chief Executive write to the Member of Parliament for Hartlepool, Iain Wright, seeking his support in dissuading Manor College of Technology's Governing Body pursuing Foundation Status.

103. ANTI-SOCIAL BEHAVIOUR

At the last Council meeting on 14 September there was an extensive debate on anti-social behaviour and associated arrangements as referred to in the minutes. The Chief Executive had arranged to have a position statement prepared, which had been circulated to all Members of the Council. In addition, it was highlighted, that a review of the arrangements, which seek to address anti-social behaviour in Hartlepool, was underway on behalf of the Safer Hartlepool Partnership and an initial report to the Executive of the Partnership and the Hartlepool Partnership Board was imminent at the time of writing.

C RICHARDSON

CHAIRMAN

CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Thursday 21 September 2006 in the Members Conference Room at Police Headquarters.

PRESENT: Councillors Benbow, Coppinger, Lowes, McLuckie, Wallace and Womphrey.

Magistrate Members
Mr Cox JP, Mr Fisher JP and Mr Illingworth TD JP

Independent Members
Miss Andrews-Mawer, Mr Gardner, Mr Hanif, Mr Nath and Mr Race

OFFICIALS: Mr McCarthy, Mrs Allaway, Mrs Llewellyn, Mr Wright and Mrs Leng (CE)
Mr Hogg, Mr Briggs and Mrs Hall (CC)
Mrs Andrews and Mr Nicklin (District Auditors)
Mr Wallace (Internal Auditor)

42 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Coombs and Councillor Thompson.

43 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

44 **QUESTION TIME**

No questions were received from the public.

45 **STATEMENT OF ACCOUNTS**

The Chief Executive presented the audited Statement of Accounts for 2005/2006.

ORDERED that the audited Statement of Accounts for 2005/2006 be agreed.

46 **INTERNAL AUDIT ANNUAL REPORT**

The Internal Auditor presented the Internal Audit Annual Report for the year ending 31 March 2006.

The opinion of the Internal Auditor, taking account of the notes highlighted in paragraph 4.2 of the report for the 12 months ended 31 March 2006 the Cleveland Police Authority had adequate and effective risk management, control and governance processes to manage the achievement of the Authority's objectives.

ORDERED that the report be noted.

47

ANNUAL GOVERNANCE REPORT

The Audit Commission presented the Annual Governance Report to Members. The Audit had been undertaken in accordance with the Code of Audit Practice and the auditors were satisfied that, having regard to the criteria for other local government bodies specified by the Audit Commission and published in August 2005, in all significant respects, Cleveland Police Authority made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2006.

ORDERED that the report be noted.

48

BUDGET MONITORING REPORT TO 31 JULY 2006

The Assistant Chief Officer Finance and Commissioning presented the report to Members. This report set out the progress against delivery of that budget and is part of the process introduced by the Authority to maintain prudent financial management.

ORDERED that the contents of the report be noted. On the basis of the actions outlined in the report a breakeven position was forecast for the year end.

49

CAPITAL MONITORING REPORT TO 31ST JULY 2006

The Assistant Chief Constable presented the report to Members. This report set out the progress against delivery of the programme and is part of the process introduced by the Authority to maintain prudent financial management.

ORDERED that the report be noted.

50

PUBLIC FOOTPATH – MARTON WESTBECK

The Executive Solicitor presented the report to Members. The Police Authority land at Headquarters includes, to the East, an area of land which had been used as a footpath, open to the public, for a considerable time. It was now proposed that the footpath be dedicated as a public right of way.

The Police Authority had been approached by Middlesbrough Council who had requested that the footpath to the East of Cleveland Police Headquarters be dedicated as a public right of way.

The council had agreed to erect a fence between the existing fence on the perimeter of the land used at Headquarters and the actual walkway. This fence would be maintained by the Council who would also maintain the walkway by cutting the grass etc.

ORDERED that the dedication of the footpath to the East of Police Headquarters as a public right of way be agreed.

51

CORPORATE GOVERNANCE – REVIEW OF PANEL STRUCTURE AND MEMBER TRAINING

The Head of Corporate Support presented the review of panel structure and member training. It was agreed that a review of the panel structure would take place following the Annual General Meeting in June 2006 to establish if the structure was still fit for purpose.

The review of panels was undertaken by the Vice Chair of the Police Authority and the Head of Corporate Support through meetings with the Chairs and Vice Chairs of each Panel. The Vice Chair of the Authority and the Head of Corporate Support met with individual members to carry out the members appraisals. The training needed identified from the appraisals were then used to compile the training plan attached to the report.

ORDERED that:-

1. The Panel Structure be maintained as currently structured with the addition of an appointments panel be agreed.
2. The Training plan including training which they

consider must be undertaken by all members of the Authority be agreed.

3. The Panel Chairs would provide a half page update for circulation to all members following each Panel meeting prior to the final agreement of the minutes to the Police Authority be agreed.
4. The inclusion of an Appointments Panel to be chaired by the Chair of the Police Authority and to include the Vice Chair of the Authority plus five other members to be agreed by the Chair and Vice Chair be agreed.

52

REPORT OF BODY ARMOUR CONTRACT AND PROPOSED ROLL-OUT

The Assistant Chief Officer Finance and Commissioning updated Members of the current situation with Body Armour.

ORDERED that:-

1. Members noted that due to the risk to operational officers the Chief Executive had authorised the full replacement of armour under delegated Authority.
2. Members noted the Procurement method used and approved the recommendation put forward by the Evaluation Team. The Evaluation team consisted of:
 - Commercial – Contracts Monitoring/Review Officer
 - Technical – PC Specialist Support Unit
 - Financial – Interim Management Accountant
 - Commercial – PFI Contract Manager
 - Health and Safety – Fire and Safety Manager
 - Technical – Uniform and Equipment User Group
 - Risk – Risk Manager and Risk Management Group.
3. The recommendation of the Risk Management Group to undertake a complete roll-out

programme be supported.

4. The Central Business Unit would develop a central database in order to record the details of any future issues of body armour be noted.
5. The proposal to absorb the costs of the replacement programmed into existing revenue budgets be approved.
6. The Deputy Chief Constable would look at the disposal procedure of the old body armour and report back to members on whether it was possible to send the equipment to under funded commonwealth countries.

DCC Hogg

53

LOCAL GOVERNMENT PENSION SCHEME – RECENT CHANGES AND PROPOSALS FOR A NEW LOOK SCHEME FROM APRIL 2008

The Head of Strategy and Performance informed members of recent changes to the rules and provisions of the Local Government Pension Scheme (LGPS) necessitated by the Finance Act 2004, which introduced a simplification of the tax rules for pension schemes, and the Employment Equality (Age) Regulations 2006, which necessitate the withdrawal of the 85 year rule for new entrants from October 2006. The changes were detailed in Appendix A to the report.

The report informed Members of the Department for Communities and Local Government (DCLG) consultation paper of June 2006 – a new look LGPS from April 2008 – and to recommend that Members choose favoured options in response to this consultation. The main items for consultation, including the scheme options were detailed in Appendix B.

ORDERED that:-

1. The recent changes to the scheme as detailed in Appendix A be noted.
2. Cleveland Police Authority respond to the DCLG consultation document with a preference for new scheme Option A, a final salary eightieths scheme, which was the option most similar to the current LGPS scheme arrangement.

3. Cleveland Police Authority do not support the further option to have a two-tiered employee contribution rate.
4. Cleveland Police Authority support the proposed changes to the ill health pension arrangements that would create a two-tier ill health scheme.
5. Cleveland Police Authority support the proposal to increase death in service lump sums from 2 to 3 times pay, and the introduction of partners' pensions for cohabiters.

54

FROM SURVIVAL TO SUCCESS – RECONFIGURING THE POLICE AUTHORITY OFFICER STRUCTURE

The Chief Executive presented the report to members. As part of the agreed Corporate Governance Inspection recommendations the Authority would be the subject of a Best Value Review starting in January 2007. However, in line with the need to review the structure formally on an annual basis this report proposed a number of significant changes which further streamlines the officer structure.

ORDERED that:-

1. The Early Retirement / Voluntary Redundancy of the Head of Corporate Services be agreed. The current year costs were outlined in agenda item 15.
2. The Executive Solicitor take on the role of Monitoring Officer be agreed.
3. The majority of other functions carried out by the Head of Corporate Services would be shared between the Chief Executive, the Strategy and Performance Manager and the Secretariat Manager be noted. The new structure would require specialist consultancy advice to deliver the services outlined in paragraph 7.
4. The creation of the post of Consultation Officer for a fixed period of 2 years (0.6 FTE) and the recruitment of a workplace trainee be agreed. Neither of these posts represents a permanent

increase to the Authority's officer structure and were in line with principles established through the Resource Monitoring Group and the Modernisation Panel.

5. The net annual saving of £50k arising from the restructuring process (after regradings and consultancy) would be used to offset budget pressures in 2007/08, namely the Authority's contribution to the Sexual Assault Referral Centre (SARC) be agreed.

55 EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that pursuant to Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 1 of Part 1 of Schedule 12A to the Act.

56 FROM SURVIVAL TO SUCCESS – RECONFIGURING THE POLICE AUTHORITY OFFICER STRUCTURE

Members had approved the restructuring of the Police Authority in a previous report. This report outlined the costs associated with the redundancy / early retirement of the Head of Corporate Support.

ORDERED that the recommendations be agreed.

57 RE-ADMITTANCE OF THE PRESS AND PUBLIC

The press and public were re-admitted to the meeting.

58 MINUTES OF THE MODERNISATION PANEL HELD ON 14 JUNE 2006

The Chair of the Modernisation Panel presented the Executive Summary from the meeting held on the 14 June 2006.

ORDERED that the following minutes of the Modernisation Panel held on the 14 June 2006 be noted.

MODERNISATION PANEL

A meeting of the Modernisation Panel was held on Wednesday 14 June 2006 commencing at 10.00 am in the Members Conference Room at Police Headquarters.

PRESENT: Mr Alf Illingworth TD JP (Chair), Mr Krishan Nath, Miss Pam Andrews-Mawer, Cllr Chris Coombs, Cllr Barry Coppinger, Mr Keith Fisher JP, Mr Peter Race MBE, Cllr Steve Wallace

OFFICIALS: Mr Norman Wright, Mrs Julie Leng and Mrs Clare Hunter (CE)
Mr Ron Hogg, Mrs Ann Hall and Mrs Andrea Crinnion (CC)
Mrs Lynda Turnbull, Unison

59 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Ted Cox JP, Mr Joe McCarthy, CC Sean Price, Chief Superintendent Braithwaite and Chief Superintendent Lumb.

60 **DECLARATIONS OF INTEREST**

There were no declarations of interests.

61 **MINUTES OF THE PREVIOUS MEETING HELD ON 19 APRIL 2006**

The minutes of the meeting held on the 19 April 2006 were agreed as a true and accurate record.

62 **OUTSTANDING RECOMMENDATIONS**

ORDERED that the Outstanding Recommendations be noted.

63 **WORKSTREAM TWO - UPDATE**

The Strategy and Performance Manager informed the Panel of the current status of the projects which make up Modernisation Workstream Two.

Following approval of the Office of Government Commerce (OGC) procurement solution, the Head of Commissioning had arranged interviews with contractors from the OGC Framework agreement. It was anticipated that the chosen contractor(s) would be in place by the end of June 2006.

ORDERED that the report be noted.

64 **CORPORATE ESTATES STRATEGY**

The Assistant Chief Officer Finance and Commissioning provided members with a copy of the revised Corporate Estates Strategy.

ORDERED that:-

1. The Estates Strategy be approved.
2. The introduction of a Strategic Estates Board to coordinate the strategic needs of the Force and the Police Authority be approved.

3. The Corporate Estates User Group would take ownership of this strategy, chaired by the Assistant Chief Officer for Finance and Commissioning be approved.
4. Miss Pam Andrews-Mawer and Mr Alf Illingworth TD JP be the representatives on the Estates User Group with other Members attending when their individual Best Value Review was relevant.
5. Quarterly update reports be submitted to the Modernisation Panel.

65

POLICE PENSION REGULATIONS 1987 – RE ISSUE OF WIDOW’S PENSION

This briefing outlined issues surrounding the reissue of Widow’s Pensions, under the Police Regulations 1987.

ORDERED that:-

1. Members considered the contents of this report and confirmed that each case would be considered individually.

66

BEST VALUE STEERING GROUP

ORDERED that the minutes of the Best Value Steering Group held on Thursday 11 May 2006 were agreed.

67

MINUTES OF THE POLICE AUTHORITY ANNUAL GENERAL MEETING HELD ON THE 15 JUNE 2006

ORDERED that the minutes of the Police Authority Annual General Meeting held on 15 June 2006 were approved and signed by the Chair as a true and accurate record.

68

MINUTES OF THE COMMUNITY SAFETY PANEL HELD ON THE 21 JULY 2006

The Chair of the Community Safety Panel presented the Executive Summary from the meeting held on the 21 July 2006.

ORDERED that the following minutes of the Community Safety Panel held on the 21 July 2006 were submitted and approved.

COMMUNITY SAFETY PANEL

A meeting of the Community Safety Panel was held on Friday 21 July

2006 in the Stainsby Room at Middlesbrough Town Hall

PRESENT: Miss Pam Andrews-Mawer (Chair), Cllr Joyce Benbow, Cllr Chris Coombs (ex officio), Cllr Barry Coppinger, Mr Ken Gardner MBE, Cllr Ron Lowes, Cllr Mike Womphrey

OFFICIALS: Mr Norman Wright, Mr John Bage, Mrs Kath Allaway, (CE), ACC Derek Bonnard, Mr Dave Nixon (CC)

69 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Dave McLuckie, (ex officio), Mr E Cox JP

70 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

71 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 26 April 2006 were agreed as a true and accurate record

72 **MATTERS ARISING FROM THE PREVIOUS MEETING**

Centralised Anti-social behaviour Unit – the establishment would be fully up to strength by the end of the Summer 2006.

73 **OUTSTANDING RECOMMENDATIONS**

AGREED that:

The outstanding recommendations were noted.

74 **STRENGTHENING ENGAGEMENT WITH LOCAL PARTNERS**

The Strategy and Performance Manager informed Members on progress with this initiative, which was introduced in the January Community Safety Panel in a paper written by Alan Brown. The report brought forward recommendations to strengthen Police Authority engagement with LSP Partners, increase their understanding of community needs and expectations and also to comply with statutory obligations under Crime and Disorder legislation. The following recommendations are all outstanding.

AGREED that:

1. The Police Authority continues to press for membership of Local Strategic Partnerships throughout the Cleveland area.
2. The Police Authority continues to develop the recommendation agreed at its meeting in January to formalise reporting mechanisms from Police and Police Authority representatives on CDRPs and LSPs into and from the Community Safety Panel.
3. The Police Authority quickly implements the

recommendation agreed at the January Panel meeting to arrange an executive level seminar to determine:

- a) The strategic issues affecting key delivery partners in the Cleveland area.
 - b) Partnership arrangements to ensure governance and legislative outcomes are achieved.
4. An update on these recommendations would be brought to the next Community Safety Panel meeting

Norman
Wright

75

DOMESTIC VIOLENCE UPDATE

The ACC presented an update on Force performance relating to domestic violence.

There is a national drive to reduce the overall number of incidents of domestic violence to ensure that victims are protected and that those who commit these offences are held accountable for their actions.

Members were informed of the need to monitor performance of domestic violence as noted in the Local Policing Priority (Reducing Overall Crime) set out in the 2006-09 Corporate Policing Strategy and 2006-07 Local Policing Plan.

This would be done as follows:

1. To work in partnership with agencies to tackle domestic violence.
2. To develop local specialist domestic violence courts in line with the national initiative.
3. To carry out victimless prosecutions to bring offenders of domestic violence to justice and to protect vulnerable victims by using section 23 of the Criminal Justice Act 1988.

The Force has appointed a senior officer to drive forward activities to improve performance in relation to domestic violence and established a Domestic Violence Gold Group chaired by the Assistant Chief Constable (Territorial).

AGREED that:

1. the Force performance shown in Appendix 1 of the report be noted.

76

DOVES UPDATE REPORT (MULTI – AGENCY DOMESTIC VIOLENCE TEAM)

The Chair updated members on the DOVES Project, with particular reference to the £10k funding that the Authority has approved from the 2005/6 budget to assist the project.

Members were informed that a principle aim of this project was to

develop a non court mandatory perpetrators project with the aim of reducing repeat incidents of Domestic Violence.

The Perpetrators Project could be available to anyone who identified that they have a problem with their abusive or violent behaviour in their relationships. A person may be referred to the programme by statutory agencies such as Probation, Children's Services, GP's and Family Courts or they may self-refer.

AGREED that:

1. The report be noted

77

SEXUAL ASSAULT REFERRAL CENTRE

The Head of Corporate Support asked Members to consider the options available for the implementation of a Sexual Assault Referral Centre (SARC) in the Cleveland Police area.

AGREED that:

1. The provision of a SARC facility be agreed in principle but that a paper be submitted to the Modernisation Panel, for further consideration, at its meeting on 8 August

78

NEIGHBOURHOOD POLICING PATHFINDER – HARTLEPOOL DISTRICT

The ACC informed Members of the progress of implementation of Neighbourhood Policing within Hartlepool District.

As detailed in the Police Authority paper dated 16 August 2005, the Government announced its proposals to introduce neighbourhood teams in every area of England and Wales

Hartlepool District introduced Neighbourhood Policing on 3 April 2006 at a press launch at the newly acquired police office situated within Dyke House School.

The District has based its Neighbourhood Policing approach on the Chief Constable's ward based model of one Police Constable per ward. In addition, each ward has a minimum of one PCSO working alongside the constable.

Five priority wards have been identified within Hartlepool who have had the benefit of additional constables and PCSOs in line with the principles of Neighbourhood Policing of allocating resources to demand.

Neighbourhood policing is to be rolled out across the UK by April 2008. A force level partnership event dealing with the pilot evaluation and associated best practice was planned for 27 October 2005 to which members will be invited.

AGREED that:

1. The report be noted.

79

BASIC COMMAND UNIT REPORTS

Members were informed that minutes of BCU meetings would be circulated in future.

AGREED that:

1. The minutes of BCU Performance Group meetings would be submitted in future. Norman Wright

80

CDRP UPDATES

AGREED that:

1. The minutes of the partnership meetings were noted.

81

EXCLUSION OF THE PRESS AND THE PUBLIC

ORDERED that pursuant to Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 3 of Part 1 of Schedule 12A to the Act.

82

COST RECOVERY

The ACC provided information regarding the recovery of policing costs associated with special events.

AGREED that:

1. The report be noted
2. The Head of Corporate Support contact the APA and ACPO then provide Members with an update on any national position. Kath Allaway

83

DATE AND TIME OF NEXT MEETING

The next meeting would be held on 29 November 2006 commencing at 10.00am

84

MINUTES OF THE COMPLAINTS PANEL HELD ON THE 2 AUGUST 2006

The Chair of the Complaints Panel presented the Executive Summary from the meeting held on the 2 August 2006.

ORDERED that the following minutes of the Complaints Panel held on the 2 August 2006 were submitted and approved.

COMPLAINTS PANEL

A meeting of the Complaints Panel was held on Wednesday 2 August 2006 in the Stainsby Room at Middlesbrough Town Hall.

PRESENT: Mr Ted Cox JP, Cllr Caroline Barker, Miss Pam Andrews-Mawer, Cllr Chris Coombs, Mr Ken Gardner, Mr Keith Fisher JP, Mr Krishan Nath, Cllr Ron Lowes

OFFICIALS ACC Derek Bonnard, Supt Brian Dunn, Ms Joanne Monkman (CC) Mrs Kath Allaway (CE)

85 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dave McLuckie, DCC Ron Hogg and Gary Garland IPCC

86 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

87 **CIVIL CLAIMS STATISTICS**

ACC Bonnard submitted Civil Claims Statistics for the period 1 April 2006 to 30 June 2006.

ORDERED that members note:-

1. There has been an 18.75% increase in the number of claims received when compared with the same period last year. Public liability claims continue to be the leading category.
2. There has been a 69.23% increase in the number of claims finalised when compared with the same period last year.
3. 18.18% of finalised cases during the period were successfully defended which is to be compared with 7.69% successfully defended during the same period last year.
4. The 18 cases settled during the period cost the Force £290,962. This is to be compared with the 12 cases settled during the same period last year at a cost of £42,279.
5. Headquarters continues to be the area with most claims during the period.

88 **COMPLAINTS STATISTICS**

Supt Dunn presented the Complaints Statistics for the period 1 April 2006 to 30 June 2006.

ORDERED that:-

1. Members to note that 135 Cases, with 186 Complaints linked have

been recorded in this period. This compares to 118 Cases, with 176 Complaints recorded during the same period last year.

2. Members to note that 1 Complaint against Police case was referred to the Independent Police Complaints Commission (IPCC) during this period. This compares to 0 referred last year.
3. Members to note that 26 internal cases have been recorded in this period, compared to 29 cases for the same period last year.

DELIBERATE DAMAGE STATISTICS

89 ACC Bonnard presented the statistics, for the quarter 1 April to 30 June 2006, which showed that 2083 searches were carried out with only 202 resulting in deliberate damage. The cost was £7995.82 but the value of property and drugs seized amounted to £127,987.

ORDERED that

1. To note the content of the report.
2. To note that the operational benefits accruing to the Force in terms of property, drugs and cash seized, outweigh the cost of the damage claims.

90 **EXCLUSION OF THE PRESS AND PUBLIC**

ORDERED that pursuant to the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 14 of Part 1 of Schedule 12A to the Act.

91 **RECORDED COMPLAINTS (Appendix B)**

Members considered and noted a detailed appendix to the complaints report.

92 **CASES FROM THE COMPLAINTS REGISTER**

Members of the Complaints Panel were shown the cases from the Complaints Register which they had previously selected.

93 **MINUTES OF THE PERFORMANCE AND AUDIT PANEL HELD ON THE 3 AUGUST 2006**

The Chair of the Performance and Audit Panel presented the Executive Summary of the meeting held on the 3 August 2006.

ORDERED that the following minutes of the Performance and Audit Panel held on the 3 August 2006 were submitted and approved.

PERFORMANCE AND AUDIT PANEL

A meeting of the Performance Panel was held on Thursday 3rd August

2006 commencing at 10.00 am in the Stainsby Room at Middlesbrough Town Hall.

PRESENT Mr Peter Race MBE (Chair), Cllr Ron Lowes (Vice Chair), Councillor Chris Coombs (ex officio), Mr Edward Cox JP, Mr Krishan Nath and Councillor Paul Thompson.

OFFICIALS Mr Joe McCarthy and Mrs Julie Leng (CE)
ACC Derek Bonnard (CC).

AUDITORS Mr Ian Wallace (Bentley Jennison).

94 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Steve Wallace, Mr Norman Wright and ACC Adam Briggs.

95 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

Action

96 **MINUTES OF THE PREVIOUS MEETING HELD 4TH MAY 2006.**

The minutes were agreed as a true and accurate record.

97 **OUTSTANDING RECOMMENDATIONS**

It was reported that the outstanding recommendations were all on target.

AGREED that:-

1. the Outstanding Recommendations be noted.

98 **SECURING COMPLIANCE WITH THE NATIONAL CRIME RECORDING STANDARD (NCRS)**

The Assistant Chief Constable informed Members of the findings of the Audit Commission's Review of Crime Recording for Cleveland Police 2005/06.

The report detailed the actions to be taken by Cleveland Police and the Police authority in relation to the Audit Commission's Report.

The Audit Commission investigation had found that there had been a significant improvement in NCRS compliance for this force, with the crime recording arrangements assessed as GOOD and IMPROVED and the data quality assessed as EXCELLENT and IMPROVED.

The Audit Commission review had shown that the force and the authority had significantly improved their management of NCRS and that the force was now one of the best performing in the country in relation to NCRS compliance. Furthermore the systems in place are seen as being robust and sustainable so there was every indication that this high standard of performance would be maintained.

AGREED that:-

1. the report be noted.
2. the Action Plan prepared in response to the Audit Commission's findings (attached as part of the audit report – appendix 3) be approved.

99

REVIEW OF ACTIVITY BASED COSTING (ABC) FOR CLEVELAND POLICE

The Assistant Chief Constable informed members of the Audit Commission's Review of ABC for Cleveland Police published in May 2006.

The implementation of ABC had been assessed as GOOD for data quality and assessed as GOOD for management arrangements and utilisation. This represented a performance improvement upon the results achieved last year when Cleveland Police was assessed as WEAK for data quality and GOOD for systems and arrangements.

The report informed Members of the current actions to be taken by Cleveland Police and the Police Authority in relation to the Audit Commission's Report.

AGREED that:-

1. the report be noted.
2. the Action Plan prepared in response to the Audit Commission's findings. (detailed in Appendix 3 of the audit report) be approved.

100

PERFORMANCE REPORT

The Assistant Chief Constable presented an update on force performance against the 2006-09 Corporate Policing Strategy and 2006-07 Local Policing Plan.

AGREED that:-

1. the force performance against the strategic policing objectives set out in the 2006-09 Corporate Policing Strategy and 2006-07 Local Policing Plan be noted.
2. a more detailed report in relation to Violent Crime including the action plans that are in place to tackle this particular problem area be submitted to the next meeting of the Performance Panel.

**ACC
Bonnard**

101

MINUTES OF THE MODERNISATION PANEL HELD ON THE 8 AUGUST 2006

The Chair of the Modernisation Panel presented the Executive Summary for the meeting held on the 8 August 2006.

ORDERED that the following minutes of the Modernisation

Panel held on the 8 August 2006 be noted.

MODERNISATION PANEL

A meeting of the Modernisation Panel was held on Tuesday 8 August 2006 commencing at 10.00 am in the Mandela Room at Middlesbrough Town Hall.

PRESENT: Mr Krishan Nath (Chair), Mr Alf Illingworth TD JP (Vice Chair), Miss Pam Andrews-Mawer, Cllr Chris Coombs, Cllr Barry Coppinger, Mr Ted Cox JP, Mr Keith Fisher JP, Mr Aslam Hanif and Cllr Dave McLuckie.

OFFICIALS: Mr Norman Wright, Mrs Julie Leng and Mrs Clare Hunter (CE)
ACC Derek Bonnard, Mrs Andrea Crinnion and Mrs Julie Snell (CC)
Mrs Lynda Turnbull, Unison
Mr Brian Docherty, Federation

102 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Peter Race, CC Sean Price, DCC Ron Hogg, ACO Ann Hall and Chief Superintendent Mark Braithwaite.

103 **DECLARATIONS OF INTEREST**

There were no declarations of interests.

104 **MINUTES OF THE PREVIOUS MEETING HELD ON 14 JUNE 2006**

One amendment to be made – Mr Ted Cox JP did not attend he had submitted his apologies. Subject to this amendment the minutes of the meeting held on the 14 June 2006 were agreed as a true and accurate record.

The Chair requested that the Head of People and Organisational Development provide members with information on the diversity policy for the OGC Contractor. Andrea Crinnion

105 **OUTSTANDING RECOMMENDATIONS**

ORDERED that the Outstanding Recommendations be noted.

106 **UPDATE WORKSTREAM 2 AND WORKSTREAM 3 PROJECTS**

The Strategy and Performance Manager informed members of the current status of the projects which make up Modernisation Workstreams 2 and 3.

ORDERED that:-

1. the report and the attached action plans which detailed progress made to date be noted.

107 **PEOPLE AND ORGANISATIONAL DEVELOPMENT (P&OD) STRATEGY**

The Head of People and Organisational Development provided Members with a final draft publication of the Force's People and Organisational Development Strategy.

The P&OD Strategy 2006/09 identified the overall priorities for the P&OD team in supporting the Force's Putting People First framework. It also reflected the people priorities identified within the Corporate Policing Plan, National Policing Plan and Regional Crime and Disorder Plans.

ORDERED that:-

6. the People and Organisational Development (P&OD) Strategy be approved.

108

MOBILE WORKING PROJECT - UPDATE

The Assistant Chief Constable presented the report to Members. Members had approved the capital plan for 2005/09 at the February meeting of the Authority Executive. The capital plan included reserved funding of £1.5m in respect of the mobile working project. At that stage the scheme was in outline only and it was agreed that a full business case and options for procurement would be developed and brought to a future meeting for approval. This report updated members on progress in developing the mobile working solution and requested permission to move to the next stage.

ORDERED that:-

2. expenditure of £50k from the funding of £500k in 2006/07, which had already been approved by members, in respect of the proposed consultancy be approved. The balance of funding of £450k would be carried forward to 2007/08.
3. a full business case demonstrating benefits and costs would be presented for consideration prior to proceeding to tender.

109

CREATION OF NEW STRATEGIC ROADS POLICING HEADQUARTERS

The Chief Executive presented the report to members. The report advised Members that the best operational solution for the new Strategic Roads Policing Headquarters was based on a new purpose built facility at Wynyard Park. Negotiations would now take place regarding the development of the site with a view to securing the most efficient and effective financial solution.

ORDERED that:-

1. the Wynyard Park, Stockton be the preferred site for the new road policing facility and ancillary functions and that the new OGC contractor be tasked to seek development options on this site on behalf of Cleveland Police Authority be agreed.
2. the Authority receive a report at the earliest opportunity outlining the most efficient and effective financial solution for development of the site at Wynyard. Should it not prove possible to close a deal within the Authority's affordability criteria, other sites within those reviewed to date would be explored. It should be stressed that a number of those sites

meet the appropriate operational criteria for the new facility.

110

APPOINTMENT OF TEMPORARY ADDITIONAL ICT STAFF RESOURCES TO UNDERTAKE FORCE PROJECTS

The Head of ICT presented the report to Members. A review of ICT resources required to implement the IS&T Strategy 2005-08 had taken place.

The review had identified the need for additional resources across a number of technical disciplines. This report proposed how these shortfalls may be met and sought approval for the way forward.

ORDERED that the proposal to appoint 5 ICT staff on a two year fixed term contract to undertake ICT projects detailed in the report be approved.

111

EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that the press and public be excluded from the meeting pursuant to Section 100A(4) of the Local Government Act 1972, excluding the press and public from the Meeting under Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

112

SEXUAL ASSAULT REFERRAL CENTRE (SARC)

The Chief Executive presented the report on the Sexual Assault Referral Centre (SARC). The Community Safety Panel at its meeting on the 21 July 2006 had agreed in principle the creation of a state of the art facility on the North Ormesby Medical Village site from April 2007.

This report finalised the financial costing of the project, agreeing financial contributions from three of the four Primary Care Trusts within the Cleveland area.

ORDERED that:-

1. The building at North Ormesby Medical Village be agreed as the most suitable for the implementation of the SARC.
2. £450k capital to fund the project be agreed. This consists of £225k from the Home Offices Premises Improvement Fund and £225k from the agreed capital programme 2006/07. Start up (capital) funding of £70k had also been received from the Home Office.
3. The annual revenue cost of £131k be noted. Revenue contributions had been agreed with three of the four Primary Care Trusts of £26.2k. The Authority contribution of up to £52.4k per annum was agreed (this may reduce to £26.2k should the remaining PCT make a contribution of £26.2k). The cost of the project would be met from the Police Authority's existing budget.
4. The initial term of lease would be 25 years. The Authority would seek an option for an extension to this period at the instigation of the Authority in agreement with its PCT

partners.

113 **POLICE PENSION REGULATIONS 1987 – RE ISSUE OF WIDOW'S PENSION**

The Head of People and Organisational Development presented the report to Members.

ORDERED that the widow's pension be re-instated in this instance.

114 **MINUTES OF THE POLICE AUTHORITY MEETING HELD ON THE 23 AUGUST 2006**

ORDERED that the minutes of the Police Authority Executive held on the 23 August 2006 were approved and signed by the Chair as a true and accurate record.

115 **MINUTES OF THE FINANCE PANEL HELD ON THE 25 AUGUST 2006**

The Chair of the Finance Panel presented the Executive Summary from the meeting held on the 25 August 2006.

ORDERED that the following minutes of the Finance Panel held on the 25 August 2006 were submitted and approved.

FINANCE PANEL

A meeting of the Finance Panel was held on Friday 25 August 2006 commencing at 10.00 am in the Stainsby Room at Middlesbrough Town Hall.

PRESENT: Councillor Joyce Benbow, Councillor Chris Coombs (ex-officio), Mr Ted Cox JP, Aslam Hanif (Vice Chair), Mr Alf Illingworth TD JP, Councillor Steve Wallace(Chair) and Councillor Mike Womphrey

OFFICIALS: Mrs Kath Allaway (CE)
Mrs Ann Hall (CC)

116 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dave McLuckie (ex officio).

117 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

118 **MINUTES OF THE PREVIOUS MEETING HELD ON 22 MARCH 2006**

AGREED that the minutes of the previous meeting were approved as a true and accurate record. There were no matters arising from the minutes.

119

BUDGET MONITORING REPORT TO 30 JUNE 2006

The Assistant Chief Officer Finance and Commissioning presented the above report which highlighted the recruitment plan and also the Chief Constables funding of Performance Improvement initiatives.

AGREED that:

1. the contents of the report be noted. On the basis of information currently available at 30th June 2006 there is the potential underspend in the region of £1.8 million at year end. The reasons for this were set out in paragraphs 6 to 9. It was noted that this early in the year the forecast outturn should be seen as indicative and not a firm estimate.
2. Members noted that as a result of the projected underspend the Chief Constable would bring a report to the September meeting of the Authority outlining the deployment of £940k of Performance Improvement Initiatives (PII) to build on the improvements in performance reported to the August meeting of the Performance Panel.
3. a virement of £200k to fund pressure on the Major Incident Reserve be approved. Members noted the potential for ER/VR associated with the implementation of Workstream 3a for which there is no budgetary provision.
4. Members noted the effect of the proposals outlined in paragraphs 3 and 4 would bring the spend back in line with the budget of £114,975k at year end.

120

CAPITAL MONITORING REPORT TO 30 JUNE 2006

The Assistant Chief Officer Finance and Commissioning presented the report and members discussed the key issues.

AGREED that:

1. the contents of the report be noted.
2. the following changes to the programme totalling £408k agreed under delegated authority be noted:

	£000s
HQ Lift Upgrade-Scheme Growth	73
NE Air Support Accommodation	(70)
Stockton Station-Canteen Refurbishment-Scheme Growth	30
Stand-by Generator Dunning Road	18
Executive Airconditioning	23
Project Meridian-Fixed Site Tracking System	30
Mobile Infrastructure Project	(150)
Impact Data Preparation-Additional Funding	70
Sundry Reserved Funding	(50)
Information Security Software	3
Airwaves Equipment	94
IRIS Disaster Recovery Facility	150
PFI Artwork-Middlesbrough	25
PFI Artwork-Langbaugh	6
PFI Access Controls	20
PFI CCTV Recording Time Extension	70
PFI Mobile Racking-Central Store	25
PFI-CCTV Live Interview Monitoring	23
Operation Sentry-Vehicle Upgrade	68
Feasibility Studies	(50)
Total	408

3. the following additions to the programme totalling £967k funded from external sources be noted:

	£000s
PSU-Operation Roman	800
ANPR I & II-Additional Partnership Funding	167
Total	967

4. the revised phasing of the Hartlepool Custody & Mobile Working Airwaves Solution Schemes resulting in expenditure and associated funding of £1.3m be carried forward to 2007/08 be noted:

	£000s
Hartlepool Custody Scheme-Rephased to 2006/07	(850)
Mobile Working Airwaves Scheme-Rephased to 2006/07	(450)
Total	(1,300)

5. the creation of a reserve list of schemes totalling £254k should funding become available be approved:

	£000s
Fraud Financial Investigation & Case Management	47
CCTV Security Upgrade-Stockton Police Station	9
FIB Unmarked Vehicle	12
Neighbourhood Policing Roll Out	125
Stockton Station-Replacement Frontage/Entrance	15
Stockton Station-Replacement Windows	46
Total	254

6. the proposed release of £558k from reserves to support capital expenditure in 2006/07 be noted:

	£000s
General Fund	315
Pensions Provision	243
Total	558

121**OUTSTANDING RECOMMENDATIONS**

ORDERED that the Outstanding Recommendations were submitted and noted.

CLEVELAND FIRE AUTHORITY



MINUTES OF ORDINARY MEETING HELD ON

FRIDAY, 29 SEPTEMBER 2006

PRESENT: **CHAIRMAN**
 Councillor B Forster – Redcar and Cleveland Borough Council

HARTLEPOOL BOROUGH COUNCIL:
 Councillors Payne, Waller

MIDDLESBROUGH COUNCIL:-
 Councillors Clark, Jones, Pearson, Porley

REDCAR AND CLEVELAND BOROUGH COUNCIL:-
 Councillors Briggs, Dunning, Smith

STOCKTON ON TEES BOROUGH COUNCIL:-
 Councillors Brown, Kirton, O'Donnell, Roberts, Salt, Woodhead

PROPER OFFICERS:-
 Clerk, Deputy Legal Adviser, Treasurer

FIRE BRIGADE OFFICERS:-
 Chief Fire Officer, Executive Director,

IN ATTENDANCE **AUDIT COMMISSION:-**
 Caroline Tyrrell, Ross Woodley,

APOLOGIES Councillor Tumilty – Hartlepool

FOR Councillors Biswas, Mawston – Middlesbrough

ABSENCE Councillors Cooney, Walker – Redcar & Cleveland

 Councillor Walmsley – Stockton on Tees

78. MINUTES

RESOLVED – that the minutes of the Cleveland Fire Authority meeting held on 28 July 2006 be confirmed.

79. MINUTES OF COMMITTEES

RESOLVED – that the minutes of the Executive Committee Meeting held on 15 August 2006, 18 August 2006, 1 September 2006 and 19 September 2006; Tender Committee – 25 August 2006; Policy Committee – 8 September 2006 be confirmed.

80. REPORTS OF THE CHIEF FIRE OFFICER

80.1 REGIONAL CONTROL CENTRE GOVERNANCE

The Chief Fire Officer reported that following Members consideration of the governance of the Regional Control Centre (RCC) at the CFA Meeting on 28 July 2006, nominations were now sought for 2 Directors to represent Cleveland Fire Authority on the RCC Local Authority Controlled Company (LACC). Councillors R Payne and P Kirton were proposed and seconded to represent Cleveland Fire Authority on the LACC. Councillor Pearson requested political proportionality on the LACC as there was currently no minority party representation.

RESOLVED –

- (i) that Councillor R Payne and Councillor P Kirton represent Cleveland Fire Authority as Directors on the RCC LACC.
- (ii) that political proportionality on the RCC Board be sought as soon as possible.

80.2 TRADE DISPUTE – SAFETY IMPROVEMENT PLAN 2006/07

The Chief Fire Officer informed Members of the Executive Committee's decision to approve the Collective agreement between the Fire Authority and Fire Brigades Union and consequently the amendment to the Safety Improvement Plan 2006/07. The Executive Committee used its powers under the Scheme of Delegation to take these urgent decisions on 18 August 2006 to resolve the industrial action being mounted by the Fire Brigades Union.

The Chief Fire Officer reported that there has been indications from other Authorities that the Fire Brigades Union are seeking to ballot regarding Continuous Professional Development (CPD) and Long Service Increments (LSI).

RESOLVED –

- (i) that Members ratify the decision of the Executive Committee to approve the collective agreement between the Fire Authority and the Fire Brigades Union, known as the Heads of Agreement
- (ii) that as a consequence of (i) above the decision of the Executive Committee be ratified to amend the Safety Improvement Plan as set out in the report
- (iii) that the Chief Fire Officer be directed to implement the decisions as set out in the Heads of Agreement
- (iv) that a further report on the future contingency planning arrangements for any period of industrial action be presented to Members.

81. REPORTS OF THE EXECUTIVE DIRECTOR

81.1 THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 – POLICY STATEMENT

The Executive Director advised Members of the re-scheduled commencement date for the Regulatory Reform (Fire Safety) Order and informed Members that the policy statement set out the general fire safety policy and principles for the Authority and Brigade and had been recommended for approval by the Policy Committee.

RESOLVED – that the Regulatory Reform (Fire Safety) Order 2005 Policy Statement be approved.

81.2 INFORMATION PACK 64 – SEPTEMBER 2006

- 44.4.1 Fire Brigades National Employers Circulars
- 44.4.2 Firefighters Joint Circulars

RESOLVED – that the report be noted.

82. REPORTS OF THE PERFORMANCE SCRUTINY CHAIR

82.1 PERFORMANCE SUMMARY REPORT – FIRST QUARTER 2006/07

The Executive Director summarised the first quarter's performance against Best Value and IRMP Strategic Plans for 2006/07 which had been considered by the Performance Scrutiny Committee on 1 September 2006. He informed Members that the report highlighted considerable areas of improvement in performance and that the Performance Scrutiny Committee were monitoring initiatives in reducing Malicious Calls; fire and sickness absence.

82.1 PERFORMANCE SUMMARY REPORT – FIRST QUARTER 2006/07 continued

Councillor Waller suggested that Chairman of the Performance Scrutiny Committee present the report rather than the Executive Director which would assist the scrutiny process and enable Members to ensure all the presented information was verified. The Chairman of Performance Scrutiny Committee reported that the information presented had been verified and was accurate and the Executive Director was presenting the report due to its technical nature. Members discussed in detail the disparity between the constituent districts policy in dealing with deliberate arson and refuse and the effects of regeneration and weather on fires. It was also suggested that site visits be undertaken by the Performance Scrutiny Committee to look at these issues and that the difference in policy priorities between the 4 districts be identified and reported back to a future Authority meeting. Councillor Pearson suggested that both Scrutiny Chairman present their reports in future. Councillor Payne informed Members of the Police's definition between Arson and deliberate fires, where if there is no damage to property then it is not considered a crime. Ian Hayton reported that any physical and verbal abuse to firefighters is discussed on a regular basis with the Police.

RESOLVED –

- (i) that Members noted the 2006/07 first quarters Performance.
- (ii) that the Performance Scrutiny Committee scrutinise the different policies of the four district councils which result in an increase in fires.
- (iii) that the presentation of Scrutiny reports by the Chairman or Vice Chairs be considered by Members.

82.2 DELIBERATE SMALL FIRES (F3) FIRES 2005/06

The Executive Director informed Members that this report had been requested by the Performance Scrutiny Committee and presented to them on 1 September 2006. The report identified the causes of F3 fires and the control measures and initiatives implemented by the Brigade and he also outlined the future strategies including the bonfire period of October and November 2006.

RESOLVED – that Members note the report.

82.3 PROGRESS AGAINST REVENUE AND CAPITAL BUDGETS 2006/07

The Treasurer reported the progress against Expenditure and Income Budgets up to 31 July 2006. The report showed a favourable variance of £295,000 with the projected outturn expected to be within budget. Councillor Payne enquired as to why there is a major variance regarding Employee Costs and the Treasurer reported that there are vacancies but recruitment is on going and the underspend will carry on for the rest of the year.

RESOLVED – that Members noted the position up to 31 July 2006.

83. REPORTS OF CLERK TO THE AUTHORITY

83.1 CFA ANNUAL REPORT 2005/06

The Clerk sought Members approval of the Cleveland Fire Authority Annual Report for 2005/06 following the inclusion of Members comments following the 28 July 2006 meeting.

RESOLVED – that the Cleveland Fire Authority Annual Report 2005/06 be approved.

83.2 PERFORMANCE SCRUTINY COMMITTEE - REMIT

The Clerk sought Members approval to an amendment to the Performance Scrutiny Committee remit as recommended by the Performance Scrutiny Committee.

RESOLVED –

- (i) that item 4 of the remit of the Performance Scrutiny Committee be amended to read

“ To monitor, challenge and review the effectiveness of the Polices, Plans, Risk Register and Use of Resources of the Brigades Performance”.

83.3 CONTRACT PROCEDURE RULES

The Clerk sought Members approval for an additional clause to the CFA Contract Procedure Rules following the approval of the Authority's "Contract and Partners Statement".

RESOLVED – that the addition of the following clause to No. 18 of the Contract Procedure Rules be approved

“(3) Every invitation to submit a quotation of tender shall be accompanied by the Authority's statement entitled “Contracts and Partners” and the successful contractor shall be required to provide written confirmation of acceptance of the principles set out in the statement at, or prior to the date of contract”.

83.4 LGA ANNUAL FIRE CONFERENCE – 13/14 MARCH 2007

The Clerk sought Members views regarding Member attendance at the LGA Annual Fire Conference which was to be held on 13 and 14 March 2007 at Peterborough.

RESOLVED –

- (i) that the Chairman, Vice Chair and one minority member attend the LGA Annual Fire Conference on 13 and 14 March 2007 at Peterborough**
- (ii) that the Minority representatives are rotated.**

83.5 CLERK'S INFORMATION PACK

25.3.1 Member Visits to Local Industry.

25.3.2 LGA Independent Commission: Review of Relationships

Members discussed the recent visit to Billingham Fire Station and Conoco Phillips which had been extremely beneficial and the Conoco Phillips safety cover and provision found to be excellent with the amount of oil stored and turned into gas prior to shipment being large than that at Hemel Hempstead.

RESOLVED – that the report be noted.

84. REPORTS OF THE TREASURER TO THE AUTHORITY

84.1 TREASURY MANAGEMENT OUTTURN 2005/06

The Treasurer informed Members of the actual outturn Prudential Indicators for 2005/06 and sought Members approval to the resulting amendments to the 2006/07 indicators as outlined at Appendix 1 in accordance with CIPFA requirements. The Treasurer also informed Members of the Treasury Management Strategy, the Borrowing and Investment Outturn Position.

RESOLVED –

- (i) that the report be noted.**
- (ii) that the revised 2006/07 Prudential Indicators as detailed in Appendix 1 be approved.**

84.2 FINAL 2005/06 STATEMENT OF ACCOUNTS AND AUDIT COMMISSION ANNUAL GOVERNANCE REPORT

Caroline Tyrrell presented the Audit Commissions Annual Governance Report as outlined at Appendix A to the report which also detailed their recommendations following the completion of the Audit of the 2005/06 Statement of Accounts (see Appendix B). She reported that an unqualified opinion would be given once the Statement of Accounts were approved. Ross Woodley reported that the revised accounts show a more favourable position than previously approved in June, but the movement was between two years rather than any changes. He reported that the Value for Money judgement was a good achievement for the Authority.

84.2 FINAL 2005/06 STATEMENT OF ACCOUNTS AND AUDIT COMMISSION ANNUAL GOVERNANCE REPORT continued

Ross Woodley reported that budget control had been identified as an area for improvement and recommended that the information received by Members should include more detailed variance expenditure and that budget holders should be able to access the main accounting system.

The Treasurer highlighted two changes which affect the Authority's financial position by increasing the surplus reported for the year (page 19 of Appendix B) and therefore the year end value of the Authority's General Fund balances by £91,000 (page 31 of Appendix B) relating to the Review of Fire Hydrants Provision and Review of Accrued Expenditure.

RESOLVED –

- (i) that Members noted the report.
- (ii) that the final 2005/06 Statement of Accounts as detailed at Appendix B which incorporates the changes as detailed at paragraph 3.2 be approved.
- (iii) that the Chief Fire Officer and Treasurer implement any actions recommended in the Annual Governance Report

84.3 ANTI FRAUD AND CORRUPTION STRATEGY

The Treasurer outlined the Anti Fraud and Corruption Strategy which incorporated the Fraud Response Plan; General Principles of Public Life; Whistleblowing Policy; Prosecution Policy and Guidance on Gifts and Hospitality. The Treasurer reported that final guidance was still awaited regarding the Statutory Code of Conduct for Members which had been reviewed by the Standards Committee and when final guidance is issued an updated policy will be presented to Members for their approval and incorporated into this Strategy. He also advised that a Statutory Model Code of Conduct for Officers is awaited and in the interim, the standards expected of officers are included in the Officers Handbook. When the statutory model code for officers is received the current standards will be reviewed and updated and after approval will also be incorporated into the Anti Fraud and Corruption Strategy. This will ensure all relevant strategies, plans and policies are accessible within one source and incorporated into the Members Handbook.

RESOLVED – that the Anti Fraud and Corruption Strategy be approved.

85 ANY OTHER BUSINESS

85.1 REGIONAL CONTROL CENTRE GOVERNANCE

Members were requested to call a Special meeting of the Cleveland Fire Authority or Executive Committee on 20 October 2006 to discuss and approve the Memorandum and Articles of Association of the Establishment of a Local Authority Controlled Company (LACC) to operate the Regional Control Centre (Minute No. 43.1 refers).

RESOLVED – that a Special Meeting of the Cleveland Fire Authority be held on 20 October 2006 to discuss the Establishment of the Local Authority Controlled Company.

86. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED - "That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Schedule 12A to the Act namely:- information relating to an individual; information relating to the financial or business affairs of any particular person (including the Authority holding the information); information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with a labour relations matter arising between the authority or a Minister of the Crown and employees, of, or office holders under, the Authority."

87. CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of Executive Committee 18 August 2006, 1 September 2006 and 19 September 2006; Tender Committee – 25 August 2006 be confirmed.

**COUNCILLOR MRS BRENDA FORSTER JP
CHAIRMAN**

CLEVELAND FIRE AUTHORITY



MINUTES OF SPECIAL MEETING HELD ON

FRIDAY, 20 OCTOBER 2006

PRESENT: VICE CHAIR

Councillor J Jones – Middlesbrough Council

HARTLEPOOL BOROUGH COUNCIL:

Councillors Payne, Tumilty

MIDDLESBROUGH COUNCIL:-

Councillors Clark, Mawston, Pearson, Porley

REDCAR AND CLEVELAND BOROUGH COUNCIL:-

Councillors Briggs, Cooney, Dunning, Smith, Walker

STOCKTON ON TEES BOROUGH COUNCIL:-

Councillor Kirton,

PROPER OFFICERS:-

Clerk, Legal Adviser, Treasurer

FIRE BRIGADE OFFICERS:-

Executive Director, Director of Performance

APOLOGIES Councillors Allison, Waller – Hartlepool

FOR Councillor Biswas – Middlesbrough

ABSENCE Councillor Forster – Redcar & Cleveland

Councillor Walmsley – Stockton on Tees

91. DECLARATION OF MEMBERS INTERESTS

Councillors Payne and Kirton declared a non prejudicial interest in the Regional Control Centre Establishment of a Local Authority Company (11.35am)

92. REPORTS OF THE CHIEF FIRE OFFICER

92.1 ESTABLISHMENT OF A LOCAL AUTHORITY COMPANY (RCC)

The Executive Director informed Members that the Regional Management Board had met on 6 October 2006 and approved the Regional Control Centre (RCC) report regarding the Establishment of a Company and the draft Memorandum and Articles of Association of the Company as outlined within the RMB report. He outlined to Members the key principles for inclusion in the memorandum and articles of association which were detailed at paragraph 1.2. The Executive Director reported that further work had been undertaken regarding the documentation and the Legal Advisers of each Authority had been consulted and Members attention was drawn to Regulation 2 at paragraph 2.2 and that minor drafting amendments/corrections have been made in accordance with the advice received as outlined in paragraph 2.3.

The Legal Adviser informed Members that he had just been informed that at paragraph 58 page 9 of the Articles it was suggested that the 50% should be amended to 75% and sought Members approval for authorisation to finalise this issue and conclude the documentation on that basis. Councillor Kirton sought clarification regarding substitutions at LACC meetings to which the Legal Adviser responded that there were two types of meetings, a Member meeting and a Directors meeting and Members may find it helpful to identify a substitute at the Directors meeting. Councillor Porley sought clarification whether LACC business would be brought to each Fire Authority for ratification and was informed by the Legal Adviser that how the Company will be financed and regulated was being established and this would be presented to a future Authority meeting.

92.1 ESTABLISHMENT OF A LOCAL AUTHORITY COMPANY (RCC) continued

The Legal Adviser advised that the Directors of the LACC may have to declare an interest in the Authority's proceedings dependant on the nature of the issue being discussed and that they will remain Directors as long as they are members of Cleveland Fire Authority.

The Vice Chairman reported that at the CFA meeting on 29 September 2006 Members had appointed Councillors Kirton and Payne as Directors of the Local Authority Company which resulted in them now being ineligible to continue as the Labour substitutes for the RMB and Councillors Porley and Dunning were now the Labour Group substitutes for the RMB.

Councillor Pearson proposed and it was seconded that minority party representation should be established on the LACC and the Authority should not approve the establishment of the Company until this had taken place.

A vote was taken on the motion with 6 votes against the approval of the Regional Control Centre Local Authority Controlled Company and 7 votes for.

RESOLVED –

- (i) that the report be noted.
- (ii) that the recommendations of the Regional Management Board report entitled Regional Control Centre (RCC) Establishment of a Company be approved.
- (iii) that the draft Memorandum and Articles of Association of the Company as outlined within the report be approved, but that the Legal Adviser be given approval to execute the amendments to the document on behalf of the Authority in consultation with the Chairman and Vice Chair.
- (iv) that Councillors Porley and Dunning be nominated as the Labour Regional Management Board substitutes.
- (v) that political proportionality on the Regional Control Centre Local Authority Controlled Company be sought as soon as possible.

93. REPORT OF THE EXECUTIVE DIRECTOR AND TREASURER

93.1 MAINTENANCE BACKLOG

The Executive Director highlighted the priority areas within the current maintenance backlog which require urgent action to be undertaken and also identified to Members how the building works were to be funded from within the existing approved revenue budget. In 2005 a Conditions Survey of the Authority accommodation had been undertaken and the survey had identified a maintenance backlog assessed at £4.7 million. He advised Members that the longer term issues were subject to a best value review of estates which were being conducted at the moment and will be presented to members at a future meeting.

Members discussed in detail the priorities and felt that they were all of equal concern and priority.

RESOLVED – that the virement of resources as outlined at paragraph 5.3 (£215,600) be approved.

94 ANY OTHER BUSINESS

REPORTS OF THE CLERK TO THE AUTHORITY

94.1 REGIONAL MANAGEMENT BOARD – PROPER OFFICERS

The Clerk informed Members that at the Regional Management Board Meeting on 6 October 2006 it was proposed and agreed that in terms of effectiveness and organisational needs, the Clerk to the RMB be appointed from the Authority chairing the RMB and it was also proposed that the Treasurer of the RMB be appointed from the RMB Vice Chair's Authority, namely Mr A Emmerson. He reported to Members that as the terms and conditions of the appointment had not yet been established that the Executive Committee be given the delegated powers to approve the conditions of service surrounding the Treasurers appointment.

94.1 REGIONAL MANAGEMENT BOARD – PROPER OFFICERS

RESOLVED –

- (i) that the appointment of Mr A Emmerson as Treasurer to the RMB be approved for the term of office of the Cleveland Fire Authority position as RMB Vice Chair.
- (ii) that the terms and conditions of Proper Officer appointments to the RMB be delegated to the Executive Committee.

94.2 CONTINGENCY PLANNING FOR SAFER COMMUNITIES – 23 NOVEMBER 2006

The Clerk sought Members views regarding attendance at the CFOA/LGA Contingency Planning for Safer Communities in London on 23 November 2006.

RESOLVED – that the Chairman, Vice Chair and one minority attend the CFOA/LGA Contingency Planning for Safer Communities in London on 23 November 2006.

REPORT OF THE EXECUTIVE DIRECTOR

94.3 BUSINESS PLANNING PROCESS/REVIEW OF PRIORITIES 2007/08

The Executive Director sought Members views and contribution in reviewing the strategic direction of the Authority for 2007/08 and in determining the priorities to guide decision making for the Fire Service Community Plan and Safety Improvement Plan 2007/08 (IRMP4). Members discussions included the review of our future direction, areas and challenges were assessed; national framework expectations considered; new legislation; our performance; mandates from stakeholders (public consultation results); major risks facing the Authority (corporate risk register); and areas identified for improvement by internal or external audits or assessments. The Executive Director reported that great improvements had been made in community safety in Cleveland and the risk profile and activity level has now changed and resources are being targeted at high risk areas. Councillor Payne enquired if the community and our stakeholders were aware of the Authority's reduced budget by £1.2M and questioned how the quality of life in our community can be improved and how we find out what the community want. Members were informed that all the local Members of Parliament had been made aware of the budget shortfall.

Members also discussed the risk assessment policy of the 4 district councils and the Executive Director reported that the Authority have an arson risk register for each district area and we are developing our systems and partnerships with key stakeholders to share information and have a common approach and understanding to deal with that risk.

The Executive Director confirmed that the draft Safety Improvement Plan would be presented to Members prior to the commencement of the consultation process which would also be presented for Members approval.

RESOLVED –

- (i) that Members views and comments be included in the draft Safety Improvement Plan 2007/08
- (ii) that the local Members of Parliament be kept up to date on the budget shortfall and its impact on their local services.
- (iii) That the draft Safety Improvement Plan 2007/08 and consultation strategy be presented to Members at a future meeting.

**COUNCILLOR JOHN JONES
VICE CHAIRMAN**

COUNCIL

14th December 2006



Report of: Constitution Committee

Subject: CO-OPTION OF CHILDREN AND YOUNG PERSONS TO CHILDREN'S SERVICES SCRUTINY FORUM

1. **PURPOSE OF REPORT**

The purpose of this report is to invite the Council to approve changes to the Constitution necessary to accommodate the proposal of the Children's Services Scrutiny Forum to co-opt children and young persons.

2. **BACKGROUND**

Following much consideration, the Children's Services Scrutiny Forum have decided to adopt proposals to include 6 children and young persons as co-opted members of the forum. The co-optees, who would be members of and nominated by the Young Voices Group, would not have voting powers. Each co-optee would have an elected member mentor. Other adjustments to the procedures of the forum would be adjusted so as to accommodate the co-optees.

At their meeting on 10th November 2006, the Constitution Working Group considered the changes necessary to the Constitution arising from the scrutiny forum's proposals. The working group concluded that changes would be necessary to both Part 3 (Responsibility for Functions) and Part 4 (Overview and Scrutiny Procedure Rules). The Constitution Committee, on 27th November 2006, examined the amendments suggested by the working group and, with minor modification, agreed to recommend them to Council.

3. **PROPOSED AMENDMENTS TO THE CONSTITUTION**

The proposed amendments to Part 3 (Responsibility for Functions) relate to the entry regarding the Children's Services Scrutiny Forum, and comprise the inclusion of reference to the Children and Young Persons Representatives, in the statement of composition of the forum.

The proposed amendments to Part 4 (Overview and Scrutiny Procedure Rules) relate to para 4 of the procedure rules and comprise the inclusion of provisions for the co-option, a confirmation that the Children and Young

Persons Representatives will not have voting powers (as distinct from statutory co-optees), and a requirement for the appointment of an elected member mentor for each Children and Young Persons Representative. Other incidental changes necessary for the sake of consistency are also made.

The proposed amendments are shown in Appendix 1 to this report. The amended text is shown by bold italics.

4. RECOMMENDATION

That Council approve the amendments to the Constitution set out in Appendix 1

APPENDIX 1

CONSTITUTION PART 3 – RESPONSIBILITY FOR FUNCTIONS CHILDREN'S SERVICES SCRUTINY FORUM**PROPOSED ENTRY**

Children's Services Scrutiny Forum	
Membership:	11 Councillors:- Shaw (Chair), Preece (Vice-Chair), Brash, S Cook, Fleet, Griffin, Laffey, London, Rogan, M Waller, Young. 1 C of E Diocese representative – Jesse Smith 1 Roman Catholic representative – David Relton 2 Parent Governor representatives – Elizabeth Barraclough (primary sector) (term of office ends February, 2008). Vacancy (secondary sector) (term of office ends February, 2008) Resident Representatives: To be appointed.. <i>Children & Young Persons Representatives</i> <i>6 members of the Hartlepool Young Voices Group nominated by that group</i>
Quorum:	4 Councillors (drawn from at least two political group) + 1 voting co-opted member.
FUNCTIONS	DELEGATIONS
To consider issues relating to specialist (intervention), targeted (prevention) and universal services for children and young people.	

OVERVIEW AND SCRUTINY RULES – PARAGRAPH 4

4 *Co-optees - education representatives and children and young persons representatives*

4.1 The Children's Services Scrutiny Forum shall include in its Membership the following:

(a) *Education representatives ("statutory co-optees")*, namely:-

- i) One Church of England diocese representative
- ii) One Roman Catholic diocese representative
- iii) Two parent governor representatives (one primary sector, one secondary sector)

and

(b) *6 Children and young persons representatives, being members of and nominated by the Hartlepool Young Voices Group who shall be entitled to speak on any matter being discussed but not vote.*

Provided that for each Children and Young Persons representative a councillor member of the Forum will be identified by the Forum to act as mentor.

4.2 ***The statutory co-optees*** will be able to vote on matters concerning education functions which are the responsibility of the executive. They will also be able to attend meetings of the forum and speak where other matters are discussed but not vote.

4.3 Where the Scrutiny Co-ordinating Committee is examining an education function which is the responsibility of the executive, one diocesan representative and one parent governor representative will be entitled to attend that meeting. The representatives will be selected on the basis of a rota. They will be entitled to speak and vote on the education function item(s) and speak on other items at that meeting of the co-ordinating committee. In exceptional circumstances it may be appropriate to override the rota system. This may only be approved with the consent of the Monitoring Officer.

4.4 In addition to the statutory co-optees, five advisors on education issues will also be available to the forums. These are:

- ? a higher education representative
- ? a further education representative
- ? three teacher representatives

- 4.5 When a forum is examining an issue relating to education it may request the attendance of any of these advisors to assist the forum in its work. As advisors these representatives will be able to attend forum meetings when requested and speak at meetings but not vote.

COUNCIL

14 December 2006



Report of: Scrutiny Co-ordinating Committee

Subject: FINAL REPORT – CLOSURE OF ROSSMERE SWIMMING POOL SCRUTINY REFERRAL

1. PURPOSE OF REPORT

- 1.1 To present the findings of the Scrutiny Co-ordinating Committee following its enquiry into the Closure of Rossmere Swimming Pool.

2. BACKGROUND INFORMATION

- 2.1 At the meeting of the Joint Liveability and Children's Services Portfolios held on 13 December 2004, a decision was taken to close the Rossmere Swimming Pool in light of its deteriorating condition and non-compliance with the required Health and Safety Standards.
- 2.2 During a meeting of the Full Council held on 3 February 2005, it was unanimously agreed that the Executive be requested to reconsider its decision to close the Rossmere Swimming Pool and that the issue be referred to the Authority's Scrutiny Co-ordinating Committee in order to allow a public investigation to undertaken.
- 2.3 Furthermore, at a meeting of the Joint Liveability and Children's Services Portfolios held on 24 February 2005, a second 'Referral' was made to the Authority's Scrutiny Co-ordinating Committee for a full and detailed investigation to be undertaken with regard to the associated costs involved in the refurbishment and/or demolition of the Rossmere Swimming Pool, with particular focus being placed upon external funding streams together with a conditions assessment of the school swimming pools across the town to prevent the recurrence of the current situation with the Rossmere Swimming Pool.
- 2.4 During the initial stages of the Scrutiny Co-ordinating Committee undertaking the combined Scrutiny Referrals back in April 2005, emphasis was placed upon the health and safety inspections relating mainly to Rossmere Swimming Pool for the years 2002 to 2004. It was at this point that the

Committee agreed to adjourn the undertaking of the combined Scrutiny Referral, for a variety of reasons, mainly, pending the completion of the Authority's Swimming Strategy.

- 2.5 More so recently, at a meeting of the Scrutiny Co-ordinating Committee held on 4 August 2006, consideration was given to the reconvening of the Scrutiny Referral. In doing so Members acknowledged that a considerable amount of time had elapsed since the actual dates of the Scrutiny Referrals (February 2005) together with the high turnover of staff with management responsibilities for the Authority's swimming pool provision, therefore to undertake the combined Scrutiny Referrals in accordance with the original Terms of Reference would have been problematic.
- 2.6 Consequently, in responding to the two mandatory Scrutiny Referrals, a combined alternative Terms of Reference for undertaking of the enquiry were agreed, as outlined in paragraphs 4 and 5 of this report.

3. INTRODUCTION - SETTING THE SCENE

- 3.1 Rossmere Swimming Pool was at the time of the initial Scrutiny Referrals, the only one metre depth learner pool available within the town for delivering weekly swimming lessons to school pupils and other pool users via the Authority's former Education and Community Services Departments.
- 3.2 Furthermore, the Rossmere Swimming Pool had been in a state of deterioration for some time. Following a series of problems relating to the plant, pool operation and condition of the premises along with the significant cost required to rectify all of the defects, the decision was taken to close the Rossmere Swimming Pool in December 2004 in the interest of public and staff safety.
- 3.3 Since the closure of the Rossmere Swimming Pool in December 2004, the condition of the site has further deteriorated thus being subjected to on-going vandalism, raising further health and safety concerns.

4. OVERALL AIM OF THE SCRUTINY REFERRAL

- 4.1 The revised overall aim of the Scrutiny Referral was to determine the circumstances leading to the closure of Rossmere Pool and the proposed future use of the site.

5. TERMS OF REFERENCE FOR THE SCRUTINY REFERRAL

- 5.1 The revised Terms of Reference for the Scrutiny Referral were as outlined overleaf:-

- (a) To gain an understanding of the circumstances leading to the closure of Rossmere Pool?
- (b) To determine the Council's policy around health and safety in relation to the maintenance of Rossmere Pool; and
- (c) To establish the current and future proposals in relation to the Rossmere Poolsite?

6. MEMBERSHIP OF THE SCRUTINY CO-ORDINATING COMMITTEE

6.1 The membership of the Committee was as detailed below :-

Councillors S Allison, Barker, Clouth, RW Cook, Fleet, Gibbon, Hall, James, Laffey, A Marshall, J Marshall, Preece, Shaw, Wallace, Wistow and Wright.

Resident Representatives: Ian Campbell, Iris Ryder, Linda Shields and Evelyn Leck (until October 2006).

7. METHODS OF INVESTIGATION

- 7.1 Members of the Scrutiny Co-ordinating Committee initially met during the month of April 2005 (in addition to the issue also being considered by the former Resources Scrutiny Forum within its financial capacity) prior to the Referral being adjourned.
- 7.2 However, following a significant period of time the Referral was formally reconvened during 10 March 2006 to 24 November 2006 to discuss and receive evidence to conclude the enquiry. A detailed record of the issues raised during these meetings is available from the Council's Democratic Services.
- 7.3 A brief summary of the methods of investigation are outlined below:-
 - (a) Detailed Officer reports supplemented by verbal evidence;
 - (b) Verbal evidence from the Authority's Elected Mayor; and
 - (c) Verbal evidence from Elected Members representing the Rossmere Ward of Hartlepool.

FINDINGS

8. CIRCUMSTANCES LEADING TO THE CLOSURE OF ROSSMERE POOL

- 8.1 First and foremost the Committee acknowledged that difficulties were encountered throughout the undertaking of the Scrutiny Referral in determining the circumstances that lead to the closure of the Rossmere

Swimming Pool. Mainly due to the fact that many of the senior officers closely involved in the assessment of information, drafting of reports and advising Members of the circumstances that lead to the decision being made to close the Rossmere Swimming Pool no longer worked for the Authority.

- 8.2 However, based on the evidence presented to the Committee, it was evident that the Rossmere Swimming Pool had been in a state of deterioration for some time. It was visually unattractive and there were defects in the plant operation which meant it could only take half the normal bathing load. As a result of the defects in the plant operation, the pool was only used during the afternoons with one early evening letting per week. This further resulted in a high rate of sessions being cancelled, causing a lot of dissatisfaction amongst the schools who used the facility.
- 8.3 Furthermore, it was evident that a Health and Safety Inspection was carried out in early November 2004, which highlighted a number of problems within the building. In the interest of the safety of the staff and the users, the pool was closed in December 2004 until the most immediate risks were dealt with. The other issues identified did not pose a risk to the users of the pool, but required fundamental changes to the way in which the pool and the facilities operated.
- 8.4 Members were also informed that the cost of rectifying all of the defects was expected to be significant, in excess of £500,000, therefore in light of the problems already experienced it was felt that it was not cost effective to make such an investment into the Rossmere Swimming Pool, given its construction was similar to the original fabrication of the Brinkburn Swimming Pool, therefore posing the same fire risk.

9. HARTLEPOOL BOROUGH COUNCIL'S HEALTH AND SAFETY ARRANGEMENTS - MAINTENANCE OF ROSSMERE SWIMMING POOL

- 9.1 The Committee felt it was appropriate to their enquiry to determine the Council's policy around health and safety in relation to the maintenance of Rossmere Pool together with the wider implications this would have for other school swimming pools across the town.
- 9.2 Following earlier evidence from the Authority's Health and Safety Advisor and more recently from the Chief Personnel Services Officer, it was evident that there were clear health and safety requirements set out for the management of school swimming pools. Health and Safety Inspections were undertaken by the Well-Being Team (formerly known as the Health and Safety Unit) for all of the Authority's school swimming pools on an annual basis. Members noted that the annual inspections were in addition to the regular and routine checks undertaken by qualified pool plant operators and facilities managers.
- 9.3 Members were further advised that when the Annual Health and Safety Inspection reports were issued by the Well-Being Team, responsibility for

implementation of the recommendations passed to the Local Education Authority for the Rossmere Swimming Pool and the Community Services Department for the Brinkburn Swimming Pool.

- 9.4 As such Members gave consideration to various health and safety documentation, with particular attention being placed upon the IRSM Report (an independent consultants inspection report undertaken in 2001 into all community and school pools in Hartlepool) and the Health and Safety Inspection Reports undertaken for the Rossmere Swimming Pool for 2002 to 2004.
- 9.5 The Committee were extremely concerned to find that the Well Being Team, possibly due to the long-term sickness of key personnel, had not undertaken a Health and Safety Inspection for 2003 which may have resulted in the safety of the staff and the pool users being compromised.
- 9.6 However, further concerns were also expressed amongst Members as there appeared to be no follow up evidence from the responsible Service Departments that ensured that the IRSM Report for 2001 and the Annual Health and Safety Inspection Reports' recommendations for 2002 and 2004 were implemented within the agreed timescales.
- 9.7 The Health and Safety Advisor admitted culpability with regard to the failure to ensure a Health and Safety Inspection was undertaken for the Rossmere Swimming Pool in 2003 was accepted by the Health and Safety Advisor and assurances were given that following an independent investigation, that processes had been implemented to ensure that no similar failures in the reporting and acting upon Health and Safety Inspections would occur in the future.

10. CURRENT AND FUTURE PROPOSALS FOR THE ROSSMERE SWIMMING POOL SITE

- 10.1 Members of the Committee were informed that the Authority's Children's Services Department had commissioned the Neighbourhood Services Department during early September 2006 to undertake a comprehensive condition survey of the Rossmere Swimming Pool and its surrounding area.
- 10.2 The comprehensive condition survey covered three key areas in relation to the Rossmere Swimming Pool, the findings of which were as outlined below :-
 - (a) **Building Fabric** – In general terms the building was considered to be in very poor condition. Should the pool be retained, complete replacement was recommended and there was also an immediate need to replace the timber floor, the pool lining and address access issues;

- (b) **Mechanical Installation** – It was reported that there was a number of issues which failed to meet the current standards / regulations. There was also an immediate need to re-commission existing space heating, ventilation and water services. In addition to this, the pool dosing equipment needed replacing and the pool filtration and heating plant systems were a cause for concern.
- (c) **Electrical Installation** – A number of aspects of the electrical installation also gave cause for concern. Of greatest concern was the absence of any emergency lighting, a fire alarm system or an intruder alarm system.

10.3 The Committee's attention was also drawn to the concluding section of the condition survey, which outlined the estimated costs in relation to the future use of the Rossmere Swimming Pool, as summarised in **Table 1** below :-

Table 1 – Estimated Costs of the Future Use of the Rossmere Swimming Pool

Options for the Future Use of Rossmere Pool	£
The full refurbishment of the Pool	515,000
A Stop Gap Scheme to get the Pool up and running	208,000
To build a new pool on the existing site (including demolition)	600,000
To demolish the pool and reinstate the area	36,000

10.4 Having considered the condition survey for the Rossmere Swimming Pool, Members were keen to receive the views of the Elected Members representing the Rossmere Ward with regard to its future use. As such, verbal evidence was sought from the Ward Members on 20 October 2006 as summarised below :-

- (a) Concern was expressed that the building was in danger of becoming a target for acts of vandalism;
- (b) That due to the fact that the construction of the building included some asbestos, the potential for the building to become a health and safety problem within the immediate community needed to be taken into account;

- (c) That the Brinkburn Swimming Pool seemed to be following the same sequence of events with regard to its current condition and maintenance regime;
 - (d) That the undertaking of the initial Rossmere Swimming Pool Scrutiny Referral had appeared to have been lengthy thus the Committee were urged to conclude its findings/recommendations to enable the Elected Members and the public to move on, and
 - (e) That Councillor Johnson had informed the Committee that he had received a letter recently from the Elected Mayor that clearly indicated the Rossmere Swimming Pool was to be demolished.
- 10.5 Members expressed their disappointment that the Committee had not been informed of the Elected Mayor's intentions for the future use of the Rossmere Swimming Pool whilst the Scrutiny Enquiry was being undertaken. In line with the openness and transparency of the scrutiny process, the Committee invited the Mayor to their meeting on 24 November 2006 to seek an explanation of his future intentions for the Rossmere Pool Swimming Pool. In summary it was found:-
- (a) That no decision had been made to demolish the Rossmere Swimming Pool; and
 - (b) That the Authority intended to seek approval for the demolition of the Rossmere Swimming Pool in response to health and safety concerns at a Joint Meeting of the Regeneration, Housing and Liveability, Children's Services and Performance Management Portfolio Holders on 11 December 2006.
- 10.6 The Elected Mayor during his discussions also provided the Committee with copies of his correspondence with the Ward Councillor which had resulted in his attendance at the meeting of the Scrutiny Co-ordinating Committee on 24 November 2006.
- 10.7 In response to the evidence received from Key Officers, Ward Councillors and the Elected Mayor, Members were extremely dissatisfied with the issues surrounding the closure of the Rossmere Swimming Pool, although the Committee acknowledged it was now necessary to support the intention to clear the building and reinstate the site, given its current condition.

11. CONCLUSIONS

- 11.1 The Scrutiny Co-ordinating Committee concluded:-
- (a) That difficulties were encountered throughout the undertaking of the Scrutiny Referral mainly due to the fact that many of the senior officers closely involved in the circumstances leading to the closure of the Rossmere Swimming Pool no longer worked for the Authority;

- (b) That the Health and Safety Inspection Report of 2004 for Rossmere Swimming Pool triggered the decision to close the swimming pool although other reports of Property Services together with earlier Health and Safety Inspection Reports (as no report was carried out in 2003) if acted upon would have highlighted the problems sooner, and enabled appropriate decisions to be taken with regard to the continued use of the pool and the necessary maintenance of the building;
- (c) That the circumstances leading to the closure of Rossmere Swimming Pool were clearly an example of bad practice and that of corporate neglect;
- (d) That there was no evidence available to determine that the responsible Service Departments had taken appropriate action to respond to the recommendations of the independent IRSM Report undertaken in 2001 and the routine Annual Health and Safety Inspection Reports undertaken in 2002 and 2004;
- (e) That in response to the health and safety concerns raised during the initial undertaking of the Scrutiny Referral and during a debate by Full Council in April 2005, the Performance Management Portfolio Holder commissioned an independent investigation into the health and safety arrangements in community and school pools in Hartlepool to ensure that processes would be implemented to ensure that no similar failures in the reporting and acting upon Health and Safety Inspections would occur in the future;
- (f) That the recent conditions assessment/survey of the Rossmere Swimming Pool raised significant concerns in relation to the building's fabric, mechanical and electrical installations;
- (g) That the Children's Services Department has a robust asset management plan and manages its school property effectively, however, both Rossmere and Brinkburn Swimming Pools are anomalies within the Department's property portfolio which may explain why the process leading to the closure of Rossmere Swimming Pool did not follow the department's usual consultation process;
- (f) That the Brinkburn Swimming Pool seemed to be following the same sequence of events, in particular with its current condition and maintenance regime which led to the closure of the Rossmere Swimming Pool and this should be addressed as a matter of urgency via the responsible Portfolio Holder;
- (g) That during the undertaking of the Scrutiny Referral, no decision had been taken by the Elected Mayor to demolish the Rossmere Swimming Pool, although this was to be considered at a Joint Meeting of the of the Regeneration, Housing and Liveability, Children's Services and Performance Management Portfolio Holders on 11 December 2006;

- (h) That Members were extremely dissatisfied with the issues surrounding the closure of the Rossmere Swimming Pool, although the Committee acknowledged it was now necessary to support the intention to demolish the Rossmere Swimming Pool, given its current condition was beyond repair without significant investment and that the site has the potential to cause ongoing health and safety and nuisance problems for residents living in the vicinity of the site;
- (i) That the support provided by the Chief Personnel Services Officer, the Assistant Director for Children's Services (Resources and Support Services) and the Scrutiny Support Team during the undertaking of this Scrutiny Referral was provided in an open and transparent manner.

12. RECOMMENDATIONS

12.1 The Scrutiny Co-ordinating Committee has taken evidence from a wide range of sources to assist in the formulation of a balanced range of recommendations. The Committee's key recommendations to the Council are outlined below :-

- (a) That the Executive makes the necessary arrangements to ensure that the Rossmere Pool site is cleared and that the land is re-instated forthwith;
- (b) The Executive ensures that the ongoing responsibility for the maintenance of Council properties is reviewed regularly and that the appropriate Health and Safety Inspections are carried out annually;
- (c) That where significant issues are identified as a result of Health and Safety Inspection, that these matters are reported to the relevant Portfolio Holder;
- (d) That the Authority's Children's Services Department makes appropriate budgetary provision for the maintenance of Brinkburn Swimming Pool, in light of the recent conditions assessment, so that it meets the same standards of the schools on-site swimming pools;
- (e) That representatives of the Hartlepool Swimming Club are invited to work with the Authority's Children's Services Department to ensure that where concerns are identified in relation to the condition/maintenance of the Brinkburn Swimming Pool, these are rectified as soon as is practicable;
- (f) That an annual review of the Swimming Strategy is undertaken and the findings of which are reported to the relevant Portfolio Holder and the Scrutiny Co-ordinating Committee; and

- (g) That where the Executive / responsible Portfolio Holder considers buildings that have been identified as surplus to the needs of the Council, that renovation and demolition costs are considered amongst the options for its future use.

13. ACKNOWLEDGEMENTS

- 13.1 The Committee is grateful to all those who have presented evidence during the course of our enquiry. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

Hartlepool Borough Council:

Stuart Drummond – Elected Mayor

Elected Members representing the Rossmere Ward, Hartlepool

Joanne Machers – Chief Personnel Services Officer

Paul Briggs – Assistant Director for Children's Services (Resources and Support Services)

Albert Williams – Maintenance and Building Manager

**COUNCILLOR MARJORIE JAMES
CHAIR OF THE SCRUTINY CO-ORDINATING COMMITTEE**

November 2006

Contact Officer: Charlotte Burnham - Scrutiny Manager
Chief Executive's Department – Corporate Strategy
Hartlepool Borough Council
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BACKGROUND PAPERS

The following background papers were consulted or referred to in the preparation of this report:-

- (a) Report of the Scrutiny Manager/Scrutiny Support Officer entitled 'Scrutiny Topic Referral – Rossmere Pool Progress Report' presented to the Scrutiny Co-ordinating Committee on 10 March 2006.
- (b) Report of the Scrutiny Manager entitled 'Scoping Report – Rossmere Learner Pool (Council and Portfolio Holder Referral)' presented to the Scrutiny Co-ordinating Committee on 4 August 2006.
- (c) Report of the Scrutiny Manager entitled 'Timeline of Events Leading to the Closure of Rossmere Pool / Involvement of Scrutiny To Date' presented to the Scrutiny Co-ordinating Committee on 15 September 2006.
- (d) Joint Report of the Chief Personnel Services Officer / Scrutiny Manager entitled 'Health and Safety Issues Related to Swimming Pool Provision' presented to the Scrutiny Co-ordinating Committee of 15 September 2006.
- (e) Report of the Scrutiny Manager entitled 'Rossmere Pool: Evidence from the Authority's Children's Services Interim Assistant Director – Covering Report' presented to the Scrutiny Co-ordinating Committee of 15 September 2006.
- (f) Report of the Interim Assistant Director of Children's Services (Resources and Support Services) entitled 'Rossmere Pool – Condition Assessment' presented to the Scrutiny Co-ordinating Committee of 20 October 2006.
- (g) Report of the Director of Children's Services and the Chief Personnel Officer entitled 'Issues in relation to Rossmere Pool' presented to the Scrutiny Co-ordinating Committee of 20 October 2006.
- (h) Report of the Scrutiny Manager entitled 'Closure of Rossmere Learner Pool Scrutiny Referral - Evidence from the Authority's Elected Mayor – Covering Report' presented to the Scrutiny Co-ordinating Committee of 24 November 2006.
- (i) Draft Report of the Scrutiny Co-ordinating Committee entitled 'Draft Final Report into the Closure of Rossmere Learner Pool Scrutiny Referral' presented to the Scrutiny Co-ordinating Committee of 24 November 2006.
- (j) Minutes of the meetings of the Scrutiny Co-ordinating Committee held on 10 March 2006, 4 August 2006, 15 September 2006, 20 October 2006 and 24 November 2006.



Report of: Chief Executive

Subject: BUSINESS REPORT

1. MEMBER APPOINTMENTS

(a) SCHOOL ADMISSIONS FORUM

I have been informed that Councillor Shaw has resigned from her appointment as the Council's representative on the School Admissions Forum. Council is requested to nominate a replacement member.

2. CHANGES IN POLITICAL GROUPS

Since the last meeting of Council, I have been informed of the following changes in the composition of political groups:-

Labour Group - Cllr Rogan has voluntarily stepped down from the Labour Group until such time as his personal difficulties are resolved.

Liberal Democrat - Cllr Tumilty has given formal notification of his resignation from the Liberal Democrat Group.

3. "THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2001

Under the "Community Safety element of his Regeneration, Liveability and Housing Portfolio, the Mayor has undertaken consultation with relevant individuals and organisations on the establishment of designated areas under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001. Once an order is in force, a person who continues to drink after being required not to do so by the police will be guilty of an arrestable offence and may be subject to an on-the-spot fine, and to have alcohol in his/her possession confiscated. As a result of that consultation, it is suggested that, in the first instance, the areas and highways regulated under the former byelaws are designated for the

purposes of the regulations. However, it is also proposed that consideration be given to the designation of other areas where the Council are satisfied that anti-social drinking is a problem. The processes provided for in the regulations include the giving of statutory notice and the consideration of representations received.

It is therefore recommended that the Council –

- (a) approve in principle the making of an order or orders in relation to the areas and highways regulated by the previous byelaws and other areas where anti-social drinking is a problem,
 - (b) authorise the Licensing Committee to discharge the Council's functions under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 including:
 - consideration of any representations received,
 - add to, delete, extend, reduce or otherwise vary the proposed designated areas, and
 - on the Council's behalf, to approve the order or orders and take any further action necessary in that regard;
- and
- (c) authorise the Chief Solicitor to publish all notices necessary to comply with the regulations."

4. EXTRAORDINARY COUNCIL MEETING

Members have suggested the holding of an extraordinary meeting of the Council relating to the Reconfiguration of the Primary Care Trust.

No date has been finalised for the meeting though discussions are focussing on a meeting date in January/early February. It may be possible to update Members at the meeting once final confirmation has been received from the Strategic Health Authority.

5. MANOR COLLEGE OF TECHNOLOGY – FOUNDATION STATUS

Appended to this Business Report is a letter which was sent to Iain Wright MP, at Council's request, together with subsequent response. (Appendices 1 and 2 refer) Council is requested to note their content.

6. CO-OPTION OF RESIDENT REPRESENTATIVES TO THE NEIGHBOURHOOD CONSULTATIVE FORUMS

The outcome of the recent elections held at the Neighbourhood Consultative Forums is as follows –

North:- (1) Vice-chair – Linda Shields (Dyke House Ward)

- (2) John Cambridge (St Hilda Ward)
- (3) John Lynch (St Hilda Ward)
- (4) Joan Norman (Throston Ward)
- (5) Mary Power (Brus Ward)
- (6) Bob Steel (Hart Ward)
- (7) Joan Steel (Hart Ward)
- (8) Vacancy

Central:- (1) Vice-chair – James Atkinson (Park Ward)

- (2) Ian Campbell (Park Ward)
- (3) Bob Farrow (Foggy Furze Ward)
- (4) Patrick Finnan (Grange Ward)
- (5) Alan Greenwell (Grange Ward)
- (6) Ted Jackson (Park Ward)
- (7) Jean Kennedy (Stranton Ward)
- (8) Evelyn Leck (Bum Valley Ward)
- (9) Alan Lloyd (Rift House Ward)
- (10) Brian McBean (Grange Ward)

South:- (1) Vice-chair – Mary Green (Owton Ward)

- (2) Ann Butterfield (Fens Ward)
- (3) Rose Kennedy (Rossmere Ward)
- (4) Alison Lilley (Fens Ward)
- (5) Michael McKie (Greatham Ward)
- (6) Iris Ryder (Seaton Ward)
- (7) Michael Ward (Greatham Ward)

Council is requested to confirm the co-option of the elected resident representatives.

At the induction meeting of resident representatives there was unanimous agreement that the terms of office of the resident representatives should be aligned to the election of councillors. This would have the benefit that resident representatives are in place for substantially the whole of the financial year in which they are elected, rather than from half way through the year, as at present. It is, therefore, recommended that Council resolve that the 2 year terms of office of the resident representatives for each area should expire on the date of the meeting of the Neighbourhood Consultative Forum for the area next following the date of Council elections in 2008, and at which meeting the next election of resident representatives would take place.

7. NORTH CENTRAL HARTLEPOOL COMPULSORY PURCHASE ORDER 2005

I have received (Appendix 3) the decision letter of the Secretary of State for Communities and Local Government confirming the above compulsory purchase order, in respect of which the public inquiry was held on 18th & 19th July 2006. The order relates to lands in Chester Road, Chatham Road, Raby Road, Moore Street, Acclom Street, Pelham Street, Harwood Street and Marston Gardens.

Following advertisement of the Secretary of State's decision, a statutory objection period of 6 weeks will need to elapse before the orders can be implemented.

Subject to any statutory challenge of this and the earlier Mildred and Mayfair Streets Compulsory Purchase Orders (reported to Council on 14th September 2006 Min.79), this decision satisfactorily concludes the formal procedures which ensure that the Council are able to secure acquisition of all properties necessary to enable the regeneration of the relevant areas, in accordance with the proposals previously approved by the Council.

8. NORTH EAST CHARTER FOR MEMBER DEVELOPMENT

Hartlepool Borough Council recognises the need for skilled political and community leadership to enable continuous improvement in the quality of all services to the community. We are therefore committed to the continuous development of our elected members, to reinforce this commitment we are signing up to the North East Charter for Elected Member Development which will provide external recognition for our Member Development Programme. The Charter provides a framework for good practice and helps focus the commitment to Member Development, provides a strategic approach, ensures a member learning and development plan is in place, enables learning and development to build capacity and promotes work life balance and citizenship. Progress towards the Charter will be led and monitored by the Member Development Group who would like to request the full participation and support of all Elected Members to achieve Charter status

CEX/PW/JAH

8 November 2006

Iain Wright MP
Constituency Office
23 South Road
HARTLEPOOL
TS26 9DH

Dear Iain

MANOR COLLEGE OF TECHNOLOGY: FOUNDATION STATUS

At the meeting of the Council on 26 October 2006, I included in my report an item about the fact that Manor College of Technology has indicated a wish to consider the possibility of becoming a Foundation Status school. The governors have now moved into a formal consultation process, and I understand that they are intending to write to you as part of this process. I understand that the closing date for comments is 5 December 2006 at 6.30 pm.

At the Council meeting, a member suggested that I should write to you to seek your support in relation to the Council's view as expressed in its minute of 16 April 2006:

"Whereas the Council recognises and welcomes the substantial increase in funding for schools and colleges since 1997, it believes that the existence of strong and vibrant partnership at all levels within the authority has been, and is, the key to driving up standards for all learners; it considers the creation of City Academies or Foundation Schools within Hartlepool to be detrimental to the interests of the community as a whole and inappropriate for a self-contained authority having proven good provision both pre and post-16; it resolves to build upon the strong existing educational partnerships and considers that co-operation among institutions and investments in the existing infrastructure in delivering agreed partnership goals will be the key to the successful delivery of rising standards and the Government's reform agenda."

The Council's own response to the consultation process will be agreed at the meeting of the Children's Services Portfolio Holder on 17th November 2006 and Councillors have been invited to attend this meeting if they should so wish. If it would be useful to you, I would be happy to send you the agreed response once this is completed. The report to the Portfolio Holder, together with information about Foundation Status and the draft response is on the Council's website.

If you require any additional information regarding Foundation Status, please do not hesitate to contact my Director of Children's Services, Adrienne Simcock.

Yours sincerely

Paul Walker
CHIEF EXECUTIVE



Funding per pupil has doubled since 1997. As a result of this, standards have increased dramatically: pupils achieving grades A-C have gone up from about a third a decade ago to 52 per cent last year. I am proud that, for the first time ever, and in a town with acute deprivation, the percentage of pupils achieving five GCSEs reached the national average. Performance at Key Stage 3 in English, Maths and Science and at Key Stage 2 has improved so much in recent years that Hartlepool has been identified as one of the most improved local authorities in the country.

I understand that of about 3,500 secondary schools in the country, only about 70 schools have applied for Foundation Status. I have to be frank and state that this seems to indicate whether applying for such a status is worth the effort. Although some limited autonomy is provided, the greater administrative burdens it imposes on the governing body and head teacher does take attention away from driving up educational standards. I think Manor College of Technology would need to set out in some detail the planned advantages that Foundation Status would provide before proper consideration be given.

My understanding is that, in a foundation school, the governors own the land and buildings and employ staff working at the school. There is autonomy for governing bodies to set their own term dates and, if they wish, maintain a specific religious character.

However, I think it is important to set out the limitations of a foundation school's autonomy. It would be wrong to portray foundation schools as completely independent from the LEA, able to select students on the basis of whatever criteria they choose and to teach whatever they liked. The notion that foundation schools are in effect privatised organisations, allowing selection of pupils on the basis of interview of parents and promoting expansion of that particular school at the expense of others, is simply wrong. All foundation schools are subject to four major constraints which I believe would help to enable strategic co-ordination of Hartlepool's community of schools, collaboration and partnership to continue and develop:

- foundation schools are bound to teach and adhere to the National Curriculum;
- foundation schools have exactly the same capital and revenue funding allocation from the LEA;
- staff in foundation schools are employed on the same nationally negotiated terms and conditions, which prevent staff in a foundation school having a different remuneration package to staff employed by the LEA; and
- foundation schools are legally bound to observe the admissions code.

On the vital issue of admissions, the Education & Inspections Act, which achieved Royal Assent last week, tightens up existing procedures. There is a clear ban on the

face of the Act on new selection by ability and the Act outlaws interviewing as a means of selection. It also strengthens the status of the School Admission Code; schools are not merely required to have regard to the Code but are now required by law to act in accordance with it.

I can imagine that some councillors may be concerned that a school seeking to be a non community educational establishment might be aggressively competitive in its recruitment of students, thereby undermining the viability of other schools. I would share such a worry. This could be especially threatening in a relatively small town such as Hartlepool, which is experiencing falling school roll numbers. However, the new Act ensures that it is the duty of the local authority to take responsibility for school organisation decisions, rather than the school organisation committee, as is the case now. School organisation committees will be abolished and their powers transferred to the local authority. In this way, I would imagine that the LEA will have even greater power than now to reconfigure schools in an area according to its wishes.

Guidance to local authorities issued by the Department for Education and Skills will make it clear that there should be no arbitrary obstacles preventing good school expansion. However, it has also been made clear by Ministers during the passage of the Bill on the floor of the House that school expansion will not be a free-for-all; it will be for local authorities to make decisions on whether a school's proposals to expand should be approved. In reaching any decision, the local authority would consider the impact on overall standards in an area. I would hope that Hartlepool Borough Council would feel able to ensure that all stakeholders, partners and collaborators would be consulted if this scenario took place in our town.

In this context, the main strength of a foundation school appears to give the education establishment a strong sense of identity, allowing parents, staff and governors greater emphasis upon working in partnership. Given Hartlepool's strength in this field, I would imagine that this would be welcomed.

There is the exciting prospect of the Building Schools for the Future programme providing a new generation of schools in Hartlepool. However, this is coupled with the projected fall in the number of children in the town, by about a fifth in the years to 2021. These opportunities and challenges mean that it is important that the LEA should play a stronger strategic and co-ordinating role in deciding school organisation and pupil admission, and I believe the new Act helps achieve this. I would hope, given that the Building Schools for the Future Programme provides an unprecedented opportunity to shape all of Hartlepool's schools to the requirements of a modern and exciting education, Manor College of Technology should set out clearly how they anticipate aligning their wish to explore Foundation Status with a co-ordinated Building Schools for the Future programme for the town.

To a marked extent, the powers and limitations of foundation schools are extremely similar to voluntary aided schools. We already have St Hild's Church of England Voluntary Aided Secondary School and English Martyrs School and Sixth Form

College as voluntary aided organisations, as well as nine primary schools that are voluntary aided. If anything, voluntary aided schools have more powers in Hartlepool than any proposed foundation school, because, as the Council's webpage on admissions states: *"Decisions on admissions at voluntary aided schools (Roman Catholic or Church of England) will be made by the Governors of the school concerned"*. However, my experience of these two secondary schools is that, although, by the definition of the Council's motion of 13 April 2006, they are *"self-contained authorities"*, they both fully participate in partnership and collaboration to help drive up educational standards for the entire town. I do not think there is anything to suggest that Manor College of Technology would not adopt the same approach. However, in order for the LEA to mitigate such a risk, the Council might wish to ask Manor College to set out precisely and in detail how, if it became a foundation school, it would continue to act in partnership and collaboration and work in conjunction with the LEA and the family of Hartlepool schools.

I understand that St Hild's converted from a community school to a voluntary aided organisation five years ago. The Deputy Head of that organisation was quoted in the Times Educational Supplement in 2005 as saying: *"[The conversion to a voluntary aided school] has boosted staff and pupil morale. The whole ethos of the school has changed. The behaviour of the pupils has improved, and they are calmer"*. Although the rebuild of the school in 2004 has obviously played a part in helping to improve the School, I would contend that the emphasis upon ethos is the main purpose behind Manor College's wish to apply for Foundation Status.

Given that we in Hartlepool already have considerable diversity in educational provision, especially for a relatively small town, I fail to anticipate that any school moving to Foundation Status would break up the partnership, co-operation and collaboration seen in the town since 1996. Bearing in mind the additional powers on school organisation given to local authorities, I would be interested to hear whether Hartlepool Borough Council, given its 13 April 2006 motion and the Building Schools for the Future Programme, would wish to re-consider the current school organisation and provision, particularly the relationship between the LEA and the current voluntary aided schools.

I hope that the Council finds this letter useful.

Best wishes.

Yours sincerely



Iain Wright
Member of Parliament for Hartlepool

cc. Chair of Governors, Manor College of Technology

30/10 06 16:33 FAX 0191 2799129

DICKINSON DEES

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Your Ref: PAF/AM2/HAR/450/1
Our Ref: GONE/P/D0705/12/05/2
Date: 26 October 2006

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 ("the 1990 Act")
ACQUISITION OF LAND ACT 1981 ("the 1981 Act")
THE COUNCIL OF THE BOROUGH OF HARTLEPOOL (LAND AT CHESTER ROAD,
CHATHAM ROAD, RABY ROAD, MOORE STREET, ACCLOM STREET, PELHAM
STREET, HARWOOD STREET AND MARSTON GARDENS, NORTH CENTRAL
HARTLEPOOL) COMPULSORY PURCHASE ORDER 2005 ("the Order")**

1. I am directed by the Secretary of State for Communities and Local Government ("the Secretary of State") to refer to the Public Local Inquiry held at Hartlepool Business Development Centre, Hartlepool College of Further Education, Stockton Street, Hartlepool on 18 and 19 July 2006 before Mr Dannie Onn Bsc (Hons), Dip Arch, RIBA, IHBC to hear objections and representations about the above named Order which was submitted by Dickinson Dees, Law Firm on behalf of Hartlepool Borough Council ("the Council").
2. The Order, if confirmed by the Secretary of State, would authorise the Council to purchase compulsorily the land described therein for the purpose of securing the regeneration of the area and housing market renewal and restructuring by the provision of new housing in North Central Hartlepool.

THE INSPECTOR'S REPORT

3. There were four statutory objections and no non-statutory objections outstanding to the Order at the opening of the Inquiry. Two objections were withdrawn. The Inspector has considered the objections both as made in writing and presented orally at the Inquiry and has submitted his report to the Secretary of State. Two copies of the report are enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation 'IR' followed by the paragraph number in the report.

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4. The Inspector's report summarises the case for the Council at IR 7 to IR 16. The case for objectors is at IR 17 to IR 28. The Inspector's conclusions are detailed at IR 29 to IR 39 whilst his recommendation is at the final paragraph (40).

OBJECTIONS TO THE ORDER

5. The main grounds of objection to the Order are that the housing development scheme can be implemented without the inclusion of the properties at 259 and 261 Raby Road.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATION

6. The Inspectors conclusions and recommendation are included at Annex A to this letter.

7. In the light of his conclusions the Inspector has recommended that the Council of the Borough of Hartlepool (Land at Chester Road, Chatham Road, Raby Road, Moore Street, Acclom Street, Pelham Street, Harwood Street and Marston Gardens, North Central Hartlepool) Compulsory Purchase Order 2005 be confirmed without modification.

THE DECISION OF THE SECRETARY OF STATE

8. The Secretary of State has carefully considered whether the purposes for which the Order was made sufficiently justify interfering with the human rights of the objectors, owners, tenants and qualifying persons under section 12 (2A) of the Acquisition of Land Act 1981 and she is satisfied that such interference is justified. In particular she has considered the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. In this respect the Secretary of State is satisfied that in confirming the Order a fair balance has been struck between the public interest and interests of the objectors, owners, tenants and qualifying persons.

9. The Secretary of State has also given careful consideration to the Inspector's report and the submissions of the parties. She agrees with Inspector's conclusions and recommendation. The Secretary of State has therefore decided to confirm the Council of the Borough of Hartlepool (Land at Chester Road, Chatham Road, Raby Road, Moore Street, Acclom Street, Pelham Street, Harwood Street and Marston Gardens, North Central Hartlepool) Compulsory Purchase Order 2005 and this letter constitutes her decision to that effect. This letter does not convey any other consent or approval in respect of the land to which the Order relates.

10. I enclose the confirmed Order and the map to which it refers. Your attention is drawn to section 15 of the 1981 Act about publication and service of notices now that the Order has been confirmed. Please inform the Secretary of State at the address above, of the date on which notice of confirmation of the Order is first published in the press.

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COMPENSATION

11. Details of compensation arising as a result of consequence of confirmation of a compulsory purchase order are for negotiation with the acquiring authority and not the Secretary of State. Owners, tenants and qualifying persons of land included in the Order will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

AVAILABILITY OF DOCUMENTS

12. A copy of this letter and the Inspector's report have been sent to objectors and their representatives. Copies will be made available on request to any other person directly concerned. Please arrange for a copy of this letter and the Inspector's report to be made available for inspection at the offices of Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY along with a copy of the confirmed Order, for public inspection.

Yours faithfully

JULIE HUME

Authorised by the Secretary of State for Communities and Local Government
to sign in that behalf

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INVESTOR IN PEOPLE

COUNCIL
14th December 2006



Report of: Chief Executive

Subject: BUSINESS REPORT (2)

9. CLEVELAND FIRE AUTHORITY

I have received notification that the Liberal Democrat Group wishes to appoint Councillor Henery as a member of Cleveland Fire Authority to replace Councillor Tumilty.

Council is requested to approve the change in representation.