

CABINET

MINUTES AND DECISION RECORD

6 August 2007

The meeting commenced at 9.00 a.m. in the Avondale Centre, Hartlepool

Present:

Councillors: Pam Hargreaves (Deputy Mayor) - In the Chair
Gerard Hall (Adult and Public Health Services Portfolio Holder).
Cath Hill (Children's Services Portfolio Holder),
Robbie Payne (Finance & Efficiency Portfolio Holder),
Peter Jackson (Neighbourhoods & Communities Portfolio Holder),
Victor Tumilty (Culture, Leisure and Tourism Portfolio Holder),

Officers: Paul Walker (Chief Executive)
Andrew Atkin (Assistant Chief Executive)
Dave Stubbs (Director of Neighbourhood Services)
Nicola Bailey (Director of Adult and Community Services)
Tony Brown (Chief Solicitor)
Paul Briggs (Assistant Director (Resources and Support Services))
Graham Frankland (Head of Procurement and Property Services)
Chris Little (Assistant Chief Financial Officer)
Stuart Green (Assistant Director (Economic Development and Planning))
Steve Hilton (Assistant Public Relations Officer)
David Cosgrove (Principal Democratic Services Officer)

54. Apologies for Absence

The Mayor (Stuart Drummond)

55. Declarations of interest by members

None.

56. Confirmation of the minutes of the meeting held on 24 July 2007

Confirmed.

In relation to Minute No. 48 "Proposed New Parking Charges – Church Street / Hucklehoven Way", Councillor Payne asked that further discussions be held with the businesses in Church Street in relation to the introduction of daytime charges. The Director of Neighbourhood Services indicated that

a further meeting would be held.

In relation Minute No. 50 “Town Centre Management”, The Deputy Mayor commented that subsequent to the further discussions of the Portfolio Holders for Regeneration and Liveability and Neighbourhoods and Communities, a report will be submitted to Cabinet prior to a final decision.

57. Parking Issues (*Director of Neighbourhood Services*)

Type of decision

Non-key.

Purpose of report

To clarify and update on issues arising from parking reports considered at the meeting of Cabinet on 23 July 2007.

Issue(s) for consideration by Cabinet

At the Cabinet meeting of 23 July 2007, two reports were considered relating to parking issues. Cabinet agreed, in principle, to increasing the current resident permit charges to £20, but considered that properties within the central area should be subsidised. Streets within the controlled zone are currently allocated into zones and the report had suggested that zone A, B and C could form the basis of the subsidised zone affecting some 2,700 permits. The zones themselves are however large and the proposed zones, in some cases extended well beyond the town centre area. Cabinet therefore asked for further consideration to be given to this matter and for a revised location plan to be submitted.

A revised zone has been proposed stretching from Middleton Road in the north to Elwick Road in the south and bounded by Stockton Road to the east and Murray Street / Osborne Road to the west. It was proposed that all properties included within this area would qualify for a £15 subsidy, reducing the annual cost of a permit to £5. The proposed zone includes properties broadly within a 400 metre radius of the pay and display town centre car parks. Appendix A to the report showed the boundary of the proposed subsidised zone and the properties that would be eligible to purchase a permit at a subsidised rate. In addition, the following streets were to be included in the zone Sandringham Road, Laburnum Street, Grosvenor Street, Christopher Street, Tankerville Street, Milton Road, Grosvenor Gardens, Elcho Street, Mary Street and Bentick Street. This would extend the zone to include NAP and NDC areas.

Further clarification was requested relating to the traffic management controls within the proposed new zone to the east of Stockton Road and in particular the long and short stay tariff charge for Church Street, Whitby Street and Tower Street. Both Church Street and Whitby Street have proposed short stay charges to encourage convenient available customer parking for short periods. Tower Street, in keeping with its current vehicle usage, would offer long stay parking provision at a rate consistent with other

long stay car park tariffs in the town centre.

Cabinet also agreed to increase staff car parking charges by 10% with an additional £50 / annum paid for users of the civic centre underground car park. Members debated the level of additional charge for the underground car park users and for ease of administration and to reflect Members concerns, it is suggested this be increased to £60 per annum equating to £5 per month.

Members welcomed the increased zone for subsidised permits in line with the areas of highest deprivation in the town. There was concern in some areas at the increased charges such as Seaton Carew. There was also concern at the areas neighbouring the subsidised zones where from one street to the next, residents parking permits would rise from £5 to £20.

It was acknowledged that most residents saw the scheme as a good thing as most had requested that they be included in the scheme.

Decision

1. That Cabinet approves the proposed subsidised permit zone as shown in Appendix A to the report.
2. That the additional staff car parking charge for the users of the civic centre underground facility be set at £5 per month

58. Town Centre Site, Waldon Street – Proposed Sale to Care Partnerships 25 *(Director of Neighbourhood Services)*

Type of decision

Key decision – tests (i) and (ii) apply.

Purpose of report

To consider the arrangements and potential terms of the sale of the land for the NHS LIFT (Local Investment Finance Trust) Town Centre Health Centre.

Issue(s) for consideration by Cabinet

Hartlepool PCT proposes to acquire the site from the Council for use as a Primary Health Care Centre using a 'LIFT' arrangement. This means that the land would initially be sold to a 'LIFT Company', Care Partnerships 25 (CP25) and then would be leased for a 25 year period to the PCT, who would provide a new, state of the art Primary Care development in the heart of the Town.

The Council have been in discussions with the PCT to sell this land for a number of years, but there has recently been increased energy and evidence of renewed intention from the PCT. Site investigations have now been undertaken on the land and a planning application has been submitted. The proposals for acquisition that have been submitted to the Borough Council were set out at Confidential Appendix 2 to the report. This

appendix contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).

It is anticipated that should terms be agreed in August 2007, financial close of the scheme could be achieved at the end of the 2007/8 financial year. It is anticipated in this case that development could commence on site in 2008/9.

Representatives from Care Partnerships 25 and the Primary Care Trust have had detailed discussions with the Council around terms, subject to which the Council would consider selling the site. These discussions have included a consideration of the likely value of the site. The financial implications of the proposals and the detailed response of the terms proposed were set out in Confidential Appendix 3 to the report. This appendix contained exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Cabinet members indicated that they wished to discuss the details of the covenant and the valuation of the land and the abnormal costs. As these were set out in the exempt appendices to the report, the meeting agreed to continue the discussions following the passing of the resolution set out at Minute No. 59.

Decision

That further consideration of the detailed information set out in the exempt appendices to the report be undertaken after the passing of the following resolution at Minute No. 59 to exclude the press and public from the meeting.

59. Local Government Access to Information

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

Minute 60 “Town Centre Site, Waldon Street – Proposed Sale to Care Partnerships 25” – Para. 3 – namely, information relating to the financial or business affairs of any particular person (including the authority holding that information).

The meeting returned to open session prior to the decision set out in

Minute 60 being made by Cabinet.

60. Town Centre Site, Waldon Street – Proposed Sale to Care Partnerships 25 *(Director of Neighbourhood Services)*

Type of decision

Key decision – tests (i) and (ii) apply.

Purpose of report

To consider the arrangements and potential terms of the sale of the land for the NHS LIFT (Local Investment Finance Trust) Town Centre Health Centre.

Issue(s) for consideration by Cabinet

Cabinet discussed the details of the proposals set out in the exempt appendices to the report. Further details of Cabinet's considerations are set out in the exempt section of the minutes.

Decision

1. That the offer from the CP25 Company to purchase the site for £1,113,750 less the Hartlepool BC specified abnormal costs be agreed.
2. That the proposed restrictive covenant for the site to fall away upon completion of the building of the health centre be approved.
3. That the CP25 Company be required to complete the acquisition of the site from the Council within six months, i.e. by 6 February, 2008 and that the Sale Contract include appropriate target timescales for the start and completion of the development.

61. Coastal Protection – Headland Fencing and Promenade *(Director of Neighbourhood Services)*

Type of decision

Key Decision – test (i) applies.

Purpose of report

The purpose of the report was to advise Cabinet of expenditure that has been made in respect of essential repairs to both the Headland promenade surfacing and promenade fencing.

Issue(s) for consideration by Cabinet

During 2006, the Headland Strategy Study document was completed and adopted by the Council. The contents of this document were endorsed by the Shoreline Management Plan that was adopted by the Council earlier this year. The Strategy Study document concluded that large lengths of the coast protection structures on the Headland were life expired and that

significant additional financial resources would have to be invested in them in order to maintain the fabric of the structures.

The Director of Neighbourhood Services highlighted that the current revenue budget for Coast Protection and Watercourses is circa £71,000 and of this; some £26,000 was allocated to essential works on clearing watercourses / culverts at key points in the town. This left a figure of £45,000 to maintain some 11 kilometers (6.9 miles) of coastline.

The works on the Headland were now necessary, as parts of the promenade railings and surfacing were potentially dangerous in parts. The costs of completing the works, which were described in the report, were £120,000. This was significantly in excess of the available budget and should Cabinet approve the proposals, they would need to be reported to Council as a departure from the Budget and Policy Framework.

Cabinet members asked if there was any other way of funding the works through grant aid from Defra for example. The Director indicated that it was unlikely that any funding would be forthcoming from Defra. Cabinet requested that a letter be sent to Defra seeking their financial support for the works as part of the maintenance of the flood defence measures for the town.

Decision

1. That the Cabinet approves the essential expenditure for the remedial works to the Headland fencing and promenade as outlined in the report.
2. That Cabinet refers the funding of the works to Council as a departure from the approved Budget and Policy Framework.

62. Annual Review Of Strategic Risk Register And Risk Management Strategy *(Assistant Chief Executive)*

Type of decision

Non-key.

Purpose of report

This report set out the annual review of the Risk Management Strategy and the Council's Strategic Risk Register. A copy of the proposed Strategic Risk Register and the review Risk Management Strategy was attached as appendices for Cabinet's consideration.

Issue(s) for consideration by Cabinet

The Deputy Mayor reported that the Strategic Risk Register and the Risk Strategy is a key policy document relating to the corporate governance of the Council. Executive members have a key role to play in the risk management process, and will be required to periodically review those risks identified within the Strategic Risk Register. Risk management is also an

important element in the CPA assessment.

The Council's current Risk Management Strategy was agreed by Cabinet late in 2004 setting out the arrangements for managing risk across the Authority. In line with the Strategy, at its meeting on 19 June 2006, Cabinet agreed the Authority's current Strategic Risk Register. This report was designed to inform members of how the annual review of both the Risk Strategy and Strategic Risk Register was conducted and the outcome of this review.

There were a few minor changes to the strategy this year. This included the issue of positive risks being explicitly included with the strategy. These amendments have been agreed by the Corporate Risk Management Group. The updated Strategic Risk Register (Appendix 2 to the report) details some thirty-seven strategic risks identified across the authority. The following table indicates the rating of the risks without control measures and then the amended risks with control measures implemented:

Strategic Risk without control measure implementation / Amended Rating with control measures implemented	Number
Red / Red	7
Red / Amber	15
Amber / Amber	10
Red/Green	2
Amber/Green	2
Green/Green	1

The following seven risks continue to be identified as category red after control measures have been put in place. These are known as red/red risks, and are of particular importance for the Council given that their impact/likelihood has not been sufficiently mitigated by the control measures in place to date. Nevertheless a number of activities are underway to manage and minimise these risks. These include development of emergency planning and business continuity arrangements, implementation of job evaluation and single status and implementation of the efficiency strategy. These risks were:-

1. Failure to carry out testing and ongoing monitoring of the Anhydrite Mine
2. Failure to provide council services during emergency conditions
3. Current equal pay claims including settlements of, or adverse findings in ET of existing equal pay claims
4. Future equal pay claims
5. Financial viability and capacity of building consultancy services
6. Flu Pandemic
7. Discretionary services cut or reduced.

The report went on to outline the highlight the changes that had been made to the Strategic Risk Register over the last twelve months. A number of

other potential risks have also been identified as part of the review and are in the process of being evaluated. These will be considered by departments and at the next meeting of the Corporate Risk Management Group. The outcome will be reported back to the Corporate Management Team and the Performance Portfolio Holder.

Cabinet Members referred to the new risks identified, some of which were described as an 'opportunity/risk', and questioned where an opportunity became a risk. The Assistant Chief Executive indicated that in cases such as Building Schools for the Future there was a great opportunity to be had for the town in terms of very significant investment in secondary schools. However, that opportunity came with risks to the Council in the development of those proposals and the management of the scheme and investment. The opportunity and the risks had to be weighed against each other and where risks were identified, they needed to be mitigated as far as possible.

Cabinet Members commented that 'Affordable Housing' had been identified as a risk, but should the right policy be established by the Council, this could be seen as an opportunity for Hartlepool. The Deputy Mayor indicated that the Risk Management Group would look at that potential in more detail.

Decision

That the Strategic Risk Register and the Risk Management Strategy be approved.

63. Analysis of Performance Indicators 2006/07 (*Assistant Chief Executive*)

Type of decision

Non-key.

Purpose of report

To inform Cabinet of the Council's performance against the set of Performance Indicators for 2006/07, highlight the positive messages that emerge, and identify areas of concern for consideration by Cabinet.

Issue(s) for consideration by Cabinet

The Deputy Mayor indicated that the report provided information about the Council's performance in 2006/07, and looked at a number of different aspects of performance: -

- Key Performance Indicators (KPIs) – analysis of how the KPIs identified in the 2006/07 Corporate Plan have performed.
- Performance over time – looking at how performance over a two year period
- Target setting – how the Council has performed in relation to the targets set at the beginning of 2006/07.

There were a total of 384 PIs collected in 2006/07, made up of 159 BVPIs, 60 LPIs and 181 LAA PIs (the LAA PIs included 10 BVPIs and 6 LPIs and are not counted twice). However, not all of the PIs can be included in the analysis detailed in the report. For example those indicators that were not collected in 2005/06 can not be included when calculating the number of indicators that have improved in 2006/7

Generally the analysis is positive, with over 72% of the KPIs and over 58% of all PIs improving in 2006/07. This is similar to the position in 2005/06 when 70% of the KPIs and over 64% of all PIs improved. Almost 50% of the KPIs have shown an improvement in each of the last two years, down from around 55% at the same time last year. This consistent improvement reinforces the comment from the recent corporate inspection under CPA which identified “performance and the rate of improvement is amongst the best in the country”.

Over 86% of KPIs and almost 74% of all PIs either improved or stayed the same in 2006/07. These figures compare favourably with the corresponding figures of 74.5% of KPIs and 72.3% of all PIs that either improved or stayed the same in 2005/06.

The report considers a two year period and compares 141 indicators, including 39 KPIs, with almost 50% of KPIs (19 indicators) and over 42% of all PIs showing an improvement in each of the last 2 years. Less than 10% of all indicators (14 indicators) and less than 3% (1 indicator) of KPIs have deteriorated in each of the last 2 years. These indicators are shown in appendix 2 of the attached report.

Almost 85% of all KPIs and 81% of all PIs either achieved the target that had been set for 2006/07 or failed to meet the target by less than 10%. However, this meant that over 15% of KPIs and almost 20% of all PIs failed to achieve the target by over 10%.

Cabinet Members indicated that they understood that central government was proposing to reduce the number of performance indicators that local authorities were required to collect and collate. The Assistant Chief Executive indicated that this was understood to be the case, with the number of targets being reduced to around two hundred, though the timescales for this had not been formalised.

Cabinet Members were concerned that some of the statistics told one story while the feedback from the public told another. The public frequently complained that the recycling service was not working well and streets were not as clean as before. The Assistant Chief Executive indicated that many of the PIs were mandatory and the Council was regularly monitored and measured on its performance against these statutory PIs. There was also an element of monitoring which was within the authority's control through the Corporate Plan and the departmental plans. These figures revealed what departments were doing and were reported to Portfolio Holders on a quarterly basis. This gave Portfolio Holders an opportunity to question what

a department was doing and influence change in if needed.

There was also concern expressed at the significant reduction in the figures for Council assisted job creation. It was explained that these figures reflected where the Council had played a significant part in the growth of an existing business, in the attraction of inward investment or in helping a new start-up. These figures did tend to fluctuate year to year and were particularly influenced in 2006/07 by a decline in large-scale inward investment enquiries, which had also affected other parts of the Tees Valley.

Decision

That the report be noted and that the action to monitor and improve performance through quarterly reporting to Cabinet of the Corporate Plan and to Portfolio Holders of the Departmental Plans highlighting appropriate issues be agreed.

J A BROWN

CHIEF SOLICITOR

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