

CABINET

MINUTES AND DECISION RECORD

1 October 2007

The meeting commenced at 9.00 am in the Avondale Centre, Dyke House, Hartlepool

Present:

The Mayor (Stuart Drummond) - In the Chair

Councillors: 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
Nicola Bailey, Director of Adult and Community Services
Adrienne Simcock, Director of Children's Services
Dave Stubbs, Director of Neighbourhood Services
Peter Scott, Director of Regeneration and Planning Services
Tony Brown, Chief Solicitor
Graham Frankland, Head of Procurement and Property Services
Paul Briggs, Assistant Director, Children's Services
Joan Chapman, Principal Strategy Development Officer (E Government)
Steve Hilton, Assistant Public Relations Officer

93. Apologies for Absence

Councillor Pamela Hargreaves, Performance Portfolio Holder

94. Declarations of interest by members

The Mayor, Stuart Drummond declared a personal and non-prejudicial interest in minute number 103 by virtue of his links with Hartlepool Football Club; the Chief Solicitor advised that the interest would not amount to a prejudicial interest so long as consideration was limited to the appointment of a committee to deal with the business.

95. Confirmation of the minutes of the meeting held on 17 September 2007

Confirmed.

96. Hartlepool Rights of Way Improvement Plan *(Director of Adult and Community Services)*

Type of decision

Key Test II

Purpose of report

- (i) Consider, approve and adopt the Rights of Way Improvement Plan (the Plan) as one of its corporate strategies and plans.
- (ii) Agree for the Plan to be reviewed at intervals of no more than every ten years, as laid out in the Countryside and Rights of Way Act 2000, with a realistic review period of every five years.

Issue(s) for consideration by Cabinet

The Culture, Leisure and Tourism Portfolio Holder presented the report which contained information relating to the reasons for the required development and production of the plan as laid out in the afore-mentioned act.

The Plan comprised of two main elements:-

- **An Assessment** - the extent to which local rights of way meet the present and likely future needs of the public had been assessed.
- **The Statement of Action** - addressed the identified issues and outlined strategic actions that would be used to bid for resources.

The aims of the plan were:-

- Provision of a wide range of improvements to the local rights of way network.
- Making sure that improvements were diverse and that they included small scale projects as well as long-term improvements.
- Creation of access for a wider range of users including

people with disabilities.

- Reduction or removal of barriers to access through improved information sharing and promotion.
- Removal and replacement of physical barriers to existing and potential users who would like to access more of the network in both urban and rural areas.

Appendix 1 provided an executive summary which included the scope of the plan, how the rights of way improvement plan had been developed, the way forward together with a vision statement.

With regard to objectives, the plan provided a long-term strategy to create a network of routes to suit everyone's needs and would enhance co-operation between neighbouring authorities. This would be in addition to improving the existing network to incorporate new legislation and successive guidance.

The Plan reflected the needs of the community by ensuring it encompassed the priorities and objectives of existing policies, details of which were included in the report.

During the production of the plan wide and thorough consultation had taken place. Responses received from this stage of the consultation process were positive from all sections of the community.

Decision

- (i) That the Rights of Way Improvement Plan, be approved and adopted as one of its corporate strategies and plans.
- (ii) That the Plan be reviewed at intervals of no more than every ten years, as laid out in the Countryside and Rights of Way Act 200, with a realistic review period of every five years.

97. Indoor Leisure Facility Strategy *(Director of Adult and Community Services)*

Type of decision

Key Test II

Purpose of report

For Cabinet to consider a draft Indoor Leisure Facility Strategy for Hartlepool that incorporates future needs in the public, voluntary and private sectors.

The Strategy also includes a consideration of facility and management procurement options for the future funding of the capital costs involved

Issue(s) for consideration by Cabinet

The Culture, Leisure and Transportation Portfolio Holder reported that the Council's stock of sports and leisure facilities had evolved over a long period of time. Some were coming towards the end of their lives and others were in need of significant investment. Some were not located in areas of greatest need and the current positioning and quality of these facilities contributed to a relatively low level of penetration and usage. Further background information was provided as outlined in the report.

The Strategy had been prepared by Consultants in partnership with the Regeneration and Planning Department as well as the Children's Services Department. It considered:-

- (i) the existing stock of indoor sports and leisure facilities in Hartlepool, including swimming pools;
- (ii) the positioning and quality of these facilities in terms of geographical spread, local requirements and residents expectations;
- (iii) the opportunities presented by the BSF initiative for the development of school sports facilities to be made available to the community;
- (iv) facility and management procurement options for the funding of the likely capital costs involved for the future development of facilities.

A PPG17 assessment for Open Spaces, Play and Outdoor Sports provision was being completed separately by Capita Symonds and was designed to specifically complement the Indoor Leisure Facility Strategy.

The Mayor highlighted that BSF was the opportunity to provide excellent sports facilities for schools and pointed out that the provision of pools was not included. The Assistant Director advised that swimming facilities were not recognised by the Government as essential requirements and it was intended to discuss this issue with Head Teachers and School Governors. A Member considered that it was not appropriate to utilise the BSF funding for provision of school pools/leisure facilities.

In response to the Mayor's request for urgent progress on the development of the H2O Centre, Members were advised that delays in the development were as a result of ongoing discussions with regard to the links with Victoria Harbour, the level of infrastructure required as well as the legal formalities. The Mayor agreed to seek assurances from the land owners, the funders and the Regeneration agencies in relation to the need for urgent progress on this scheme.

Decision

- (i) That the Indoor Leisure Facility Strategy, be approved.

- (ii) That officers continue to explore the management and procurement options available in order to deliver facility developments.
- (iii) The identified Action Plan within the Strategy be adopted and officers be authorised to continue to work on a range of short, medium and long term actions.

98. School Travel Pathfinder Scheme *(Director of Neighbourhood Services)*

Type of decision

Non-key

Purpose of report

To approve the submission of a formal application to put forward Hartlepool Borough Council as a potential School Travel Pathfinder authority.

Issue(s) for consideration by Cabinet

The Neighbourhoods and Communities Portfolio Holder presented the report which included background information on the Education and Inspections Act 2006 and an outline of sustainable travel initiatives, which would form the basis of the formal application.

The report included a range of optional features that would determine the nature and content of the proposal together with the most appropriate options to take forward. Details of other considerations were provided which included pupils participating in extra curricular activities, independent travel, pupils travelling along routes that parents considered unsafe, cycle hire scheme, a flat fare scheme for young people on public transport, duration of schemes and timescales. Consultation on sustainable travel issues would be undertaken as part of the development of the revised Sustainable Modes of Travel Strategy, details of which were outlined in the report.

With regard to financial implications, if Hartlepool were successful the Council would be awarded up to £200k revenue pump priming. The level of funding awarded was proportionate to the numbers of pupils on the school roll. As Hartlepool was a small authority it was anticipated the level of funding awarded would be significantly less. The funding may be awarded over two years (08/09) or provided in one instalment. This was yet to be confirmed by the DCSF. Between 2009-2012 an additional £12 million revenue funding would be spread over all of the successful Pathfinder authorities. Matched funding would be required from the Local Transport Plan and Building Schools for the Future to strengthen the application. The formal application would outline the anticipated costs of establishing the scheme and ensuring that any scheme was financially viable.

Members felt that this was an excellent opportunity and pointed out the need to look at an exit strategy for when the funding ended.

Decision

Cabinet agreed to the submission of a formal application for approval by the Department of Children, Schools and Families (DCSF) for Hartlepool Borough Council as a potential School Travel Pathfinder Authority.

99. LINKS (Local Involvement Networks) *(Director of Adult and Community Services)*

Type of decision

Key Test II

Purpose of report

To brief Cabinet of the requirement to introduce a Local Involvement Network within Hartlepool and to seek approval to explore a joint contracting arrangement with neighbouring authorities.

Issue(s) for consideration by Cabinet

The Adult and Public Health Services Portfolio Holder reported on the background to the Development of Local Involvement Networks (LINKs) to improve service user and public engagement in health and social care as detailed in the report. The new system aimed to simplify and strengthen the current system by being able to hold NHS and Social Care Commissioners to account and refer services to overview and scrutiny committees. LINKs were expected to be operational from 1 April 2008, however, this date was not definite as Royal Assent to the bill had not yet been given.

The Department of Health published two documents on 8 August 2007, details of which were provided in a briefing document attached at Appendix 1 to the report and Appendix 2 highlighted the membership of LINKs.

LINKs would have a role in:-

- (i) Promoting and supporting the involvement of people in the commissioning, provision and scrutiny of Local Health and Social Care Services.
- (ii) Obtaining the views of people about their need for, and experience of Local Health and Social Care Services.
- (iii) Enabling people to monitor and review the commissioning and provision of care services.

- (iv) Raise the concerns of local people with those responsible for commissioning, providing, managing and scrutinising services.

The roles and responsibilities of local authorities and the core responsibilities of the LINKs host organisation together with the proposed tender requirements for the Local Authority were included in the report. In view of the requirement for Local Authorities to procure a host organisation, it was proposed that there were a number of advantages for Hartlepool Borough Council to explore entering into a collaborative commissioning arrangement with neighbouring authorities.

Cabinet's approval was sought to explore and pursue this option as it was felt to be the most effective way to provide this service.

Decision

- (i) That the contents of the report, be noted.
- (ii) That the LINKs grant be ring-fenced to the procurement and provision of a LINKs service.
- (iii) That the collaboratively contracting commissioning arrangements be pursued in accordance with paragraph 7.1 of the report.
- (iv) That the procurement process be delegated to the Director of Adult and Community Services in consultation with the Portfolio Holder.

100. ICT Support – Future Provision *(Assistant Chief Executive)*

Type of decision

Non-key

Purpose of report

To agree the process leading up to the end of the current partnership arrangements for the provision of ICT support to the Council.

Issue(s) for consideration by Cabinet

The Assistant Chief Executive reported that in October 2001, the Council entered into a 10 year agreement with Sx3 (now Northgate) to provide the Council with telecommunications and information technology services. This agreement would come to an end in September 2011.

Northgate was the Council's largest single supplier, with an annual contract value for 2005/06 of £2.5m plus additional services, purchases etc, adding a further £2m per annum. Given the importance of this service to the Council and the amount of work needed to ensure the smooth transition, it was essential that this was properly planned to ensure that the service could continue to be provided, in whatever format was agreed, after the end

of the current contract.

The reasons for the decision to outsource the ICT service in 2001 were detailed in the report. Reviewing the current contractual arrangements, determining and agreeing the options for the future and implementing this decision was a complex package of activity. The technical, service delivery, financial and legal requirements underpinning this could not be underestimated to ensure that the implemented solution would deliver the Council's requirements and support highly effective and innovative service delivery.

There were a number of issues that must be taken into consideration during the process, details of which were outlined in the report. It was essential that this was adequately planned, managed and resourced and it should be recognised that this programme of work was in addition to the day operation of the authority and there was limited, if any, spare capacity within the organisation to accommodate this. The process would involve 3 phases, details of which were provided. The recommended programme management structure was outlined in Appendix A. Details of the communications process, key decision points and gateway reviews were included in the report.

Members were advised that whilst the programme needed to be owned and led by HBC staff, it was recognised that there was a shortfall in both the capacity and skills required to undertake a programme of work of this magnitude and importance. It was recommended that existing staff carried out the Senior Responsible Officer, Programme Manager and Workstream Lead roles in addition to their normal day to day activities. In order to facilitate this additional work, it was very likely that some degree of back-filling would be necessary to ensure normal service was maintained during this programme. This back-filling would be used to carry out some of the tasks that could not be left without having an adverse effect on the work of the authority, although the details would become clearer as Workstream Leaders developed their individual workplans. In addition, there was a need for specific skills which were not available in-house for parts of the work. The actual tasks to be undertaken would vary between the workstreams, however, examples of the type of expertise needed were benchmarking skills, technical and legal knowledge.

The estimated financial resources needed for phases 1 and 2 were £150,000 spread across the period from October 2007 to March 2009. Given the size of the contract, equating to a 10 year value of approximately £45m this expenditure was approximately 0.3% of this value.

The anticipated costs of phases 1 and 2 of this project would be funded from departmental managed underspends. Members were referred to the key timescales and recommended reporting arrangements as set out in the report.

In response to a Member's query in relation to the estimated financial

expenditure, the Assistant Chief Executive provided a breakdown of estimated costs in relation to phases 1 and 2 and pointed out that costs in relation to stage 3 could not be calculated at present as they were dependent upon decisions made at Phase 2.

Decision

Cabinet agreed :-

- (i) The need to carry out this programme of work.
- (ii) The process outlined in the report.
- (iii) The nominations for Senior Responsible Officer and Programme Manager.
- (iv) Carrying out of Office of Government Commerce (OGC) Gateway Reviews.
- (v) Timescales as outlined in the report.

101. Hartlepool Future Affordable Housing Programme (Director of Regeneration and Planning Services and Head of Procurement and Property Services)

Type of decision

Non-key

Purpose of report

To set out the process of bidding by Registered Social Landlords (RSLs) for the Housing Corporation resources to develop affordable housing and initiation and consideration of bids for Council owned land.

Issue(s) for consideration by Cabinet

The Mayor presented the report which set out the background to the process. The outcomes of the Housing Needs Assessment were outlined. As indicated in the Housing Green Paper "Homes for the Future" – more affordable, more sustainable" (2007) the Government proposed that investment in new social rented and intermediate houses was a priority and would increase substantially involving direct Government investment in social housing through the housing corporation. The Corporation was also seeking to raise standards but create efficiencies. In the Northern Region the Corporation was therefore seeking to lower the subsidy per dwelling from an average of about £62,000 per dwelling to about £51,000 per dwelling. The highly competitive nature of the bidding round was recognised.

In addition, however, the Corporation also expected that local housing authorities would, where Councils owned land, make this available at below

market value or nil value. This would give such authorities a greater chance of their local housing need being met and also provide nomination rights to the authority to enable residents in housing need to be put forward for tenancies in the dwellings provided. The provision of subsidised land by Housing Authorities below market value was a clear expectation from the Housing Corporation and advice strongly suggested that the partner housing association bids were unlikely to be successful unless there was a willingness to provide land at nil value or at least substantially below market value especially where unit costs were higher (ie bungalows and larger family housing the very types of housing highlighted in the housing needs assessment). One approach already adopted in a Yorkshire area had been that the Housing Corporation would not support social housing schemes where land costs were more than £5,000 per dwelling.

Discussions had taken place with some of the locally connected housing associations in particular Housing Hartlepool, Three Rivers and Endeavour Housing Association. Housing needs and land supply information had been supplied to these Associations. Ideally Housing Associations needed a clear position on the willingness of the Council to provide land and the degree of discount that might be forthcoming. The Council, as all local authorities, were bound by Section 123 of the Local Government Act 1972 which stated that land must be sold for the best consideration reasonably obtainable. However, the provisions of the general disposal consent (England) 2003 were noted which stated that specific consent was not required for disposal at below market value where this would help to secure the promotion or improvement of the wellbeing of the area. It was considered that the sale of land for social housing schemes would be covered by this. Use of discounting of land for affordable housing had to be balanced against other needs and the financial position of the authority.

Searches of land registers and databases indicated that the overall availability of public owned land suitable for housing in Hartlepool was unfortunately very limited. There were a larger number of small sites that may be useful where an RSL had stock in the vicinity but would be relatively expensive to develop. There were only a small number of sites of a reasonable size in Council ownership that were suitable for housing development. These were identified to include cleared land at Surtees Street and Hucklehoven Way, a site on the south side of Seaton Lane and a site on the west side of Coronation Drive on the northern edge of Seaton Carew.

The approach proposed was that each of the sites identified above would be proactively considered recognising that the RSLs needed some confidence that the Council would in principle be supportive as work was required to assess the sites and prepare bids. Locally connected housing associations would therefore be asked without prejudice and subject to planning permission to indicate in writing what they would wish to develop on one or more of these sites in terms of housing mix and tenure, the level of nominations and the level of capital receipt they would be prepared to give to the Council in return. It was recognised that a number of smaller

sites may also need consideration. Proposals for each site would come forward from one or more of the locally connected housing associations. A business case would then be presented on each site identifying the benefits of the scheme proposed to meeting the housing needs of the town and the level of discount requested so that a decision could be made as to the degree of discount appropriate taking into account all material considerations. A report on each case would then be considered by the Cabinet. Identified larger parcels of Council owned land were outlined in the report and each of these sites would be proactively considered further. RSLs were being encouraged to look at their own land holdings. Most of the private land in the town that was suitable for housing development was concentrated in Middle Warren and Victoria Harbour. There was also a need to pursue any existing schemes that had not yet come to fruition.

Discussion ensued regarding the limited availability of land suitable for housing and Members highlighted possible sites for development. Concerns were expressed regarding an expectation on the authority to sell land at a substantially low market value and the difficult balance needed to take into account affordable housing needs. The Director of Regeneration and Planning Services stated that the Government considered that it was a matter for the local authority, as housing authority, to ensure that the needs of the borough were met. It was for the Council also to decide at what value land should be released. The Head of Procurement and Property Services added that a business case would be required to identify the benefits to the town with due consideration to the capital programme.

Members expressed concern relating to the number of derelict properties in the town and the number of people on the housing waiting lists. The Director of Regeneration and Planning advised that efforts were continuing to be made to address the issue of derelict buildings, and there were a number of notable successors, however, it was acknowledged that work was continuing. Some Members also supported the need to progress existing housing schemes. The site at the former St Hilds site was also discussed.

Decision

That the approach outlined in the report, be noted and endorsed.

102. Local Government Access to Information

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

Minute 103 – Para 3 (information relating to the financial or business affairs of any particular person including the authority holding that information)

103. Hartlepool United Football Club *(Head of Procurement and Property Services)*

Type of Decision

Non-key

Purpose of report

To invite Cabinet to consider an approach that had been received from Hartlepool United Football Club.

Issue(s) for consideration by Cabinet

Full details of the issues were set out in the exempt section of the minutes and decision record.

Decision

That an executive committee be established with all the necessary powers to deal with the football club's request and comprising the following members:-

Councillors Payne (Chair), Hargreaves, Jackson and Tumilty.

J A BROWN

CHIEF SOLICITOR

PUBLICATION DATE: 5 OCTOBER 2007