

FINANCE AND EFFICIENCY PORTFOLIO DECISION RECORD

9th November 2007

The meeting commenced at 10.00 a.m. at Belle Vue Community Sports and Youth Centre, Hartlepool

Present:

Councillor Robbie Payne (Finance and Efficiency Portfolio Holder)

Officers: Tony Brown, Chief Solicitor
Mike Ward, Chief Financial Officer
Graham Frankland, Head of Procurement and Property Services
Emma Dixon, Estates Manager
Jo Wilson, Democratic Services Officer

41. Treasury Management Strategy Review *(Chief Financial Officer)*

Type of decision

Non-key

Purpose of report

To provide a review of Treasury Management for 2007/2008.

Issue(s) for consideration by Portfolio Holder

The detailed report outlined the background to the current investment and Borrowing strategy and gave details on interest rates and economic outlook, borrowing strategy, investment strategy and counter party risk and prudential code monitoring. Particular attention was drawn to the suggested borrowing strategy options with Proactive Treasury Management (Option 3) considered to be the most appropriate. This was authorised by the Portfolio Holder.

Decision

That the report be noted and the borrowing and investment strategies outlined be approved,

42. Former Brus Arms Public House *(Head of Procurement and Property Services)*

Type of decision

Non-key

Purpose of report

To confirm Portfolio Holder's decision for consent under conveyances dated 27th November 1934 and 3rd June 1937.

Issue(s) for consideration by Portfolio Holder

In August 2007 planning approval was granted for the erection of 25 apartments on the site of the former Brus Arms Public House. A donation of over £30,000 was negotiated as part of a Planning Agreement, with the funds going towards housing market renewal initiatives and contribution to play facilities at King George V playing field.

As the legal transaction progressed it emerged that there were restrictive covenants contained within two conveyances dated 27th November 1934 and 3rd June 1937 which involved the Council. Details of these were provided as appendices to the report. The vendors of the site had obtained Title Indemnity Insurance to protect themselves and former owners against any claims that the Council may make for non-compliance with these covenants in the future but solicitors had also requested that Council enter into a Deed of Consent to protect future purchasers of the site or apartments. The developer would then be in a position to settle the final legal matters and bring the site back into use.

None of the covenants would carry any financial implication for the Council.

Decision

That the decision for consent under conveyances dated 27th November 1934 and 3rd June 1937 be confirmed.

43. Proposed Compulsory Purchase – 45 Lancaster Road, Hartlepool *(Head of Procurement and Property Services)*

Type of decision

Non-key

Purpose of report

To obtain Portfolio Holder approval to the proposed Compulsory Purchase of this property by the Council.

Issue(s) for consideration by Portfolio Holder

45 Lancaster Road had caused concern to the Council for a number of years due to its poor condition, particularly after a fire seven years ago rendered it uninhabitable. The owner of the property claimed it was his intention to refurbish the property and bring it back to use but despite deadlines having been set the property remained empty, boarded up and in a poor state of repair. It was considered that the best way to bring the property back into use was for the Council to acquire the property using its compulsory purchase powers with a view to selling the property to a party who gave clear evidence of their intentions to refurbish the property. As requested by the Portfolio

Holder the property had been considered for inclusion in the Tees Valley Empty Homes Scheme, however this scheme was time limited and required co-operation from the owner to sell the property at market value. Also it was considered that the condition and likely renovation costs would limit the number of properties that could be brought back to use on the scheme.

The financial implications were attached as a confidential appendix.

The Portfolio Holder asked if it would be possible for the Council to refurbish the property themselves before selling it on to a third party as this would appear to be a more efficient way of progressing. The Chief Solicitor further suggested that the Portfolio Holder give authority for the property to be purchased by agreement if this became an option.

Decision

1. That the Compulsory Purchase of the property by the Council be authorised.
2. That the Council commence refurbishment of the property prior to its sale to a third party
3. That purchase by agreement should that become an option be authorised.

44. Clock Maintenance at Greatham Parish Church *(Head of Procurement and Property Services)*

Type of decision

Non-key

Purpose of report

To advise of an application from the Greatham Parochial Church Council (PCC) Treasurer for Hartlepool Borough Council to fund the maintenance of the Greatham Parish Church Clock.

Issue(s) for consideration by Portfolio Holder

Under the Public Health Acts Amendment Act 1890 the Council has the power to maintain, repair, wind up and light any public clock although this is not obligatory and Parish Councils have the same powers. Currently the Council maintains a number of public clocks with a budget provision of £1500 per year. The PCC treasurer's initial application to Greatham Parish Council was refused. The PCC requested that the Council review the matter. They advised that the clock was overhauled and modernised within the last five years and the only requirement would be annual maintenance at a cost of around £150. This cost could be absorbed into the current year's arrangements but would need to be considered as a budget pressure in future years. Concerns were also raised that any decision could set a precedent and may lead to further applications.

Decision

That the application for funding be forwarded to the South Neighbourhood Consultative Forum for possible inclusion as a Minor Works item.

45. Land adjacent to 19 Benmore Road, Hartlepool (*Head of Procurement and Property Services*)

Type of decision

Non-key

Purpose of report

To obtain Portfolio Holder approval to a proposed Deed of Rectification.

Issue(s) for consideration by Portfolio Holder

The owner of 19 Benmore Road had approached the Estates Section. He had been attempting to sell the house but it had become apparent that not all of the land occupied by this property was within their ownership. A plan was attached to the report showing the area in question. Properties immediately adjacent had parcels of land identical to this one transferred to them when their properties were purchased and it was therefore considered that there was an error in the conveyance to the owners of 19 Benmore Road and this land should have been included within the sale in 1972 under the Right to Buy.

Decision

That the Council entering into a Deed of Rectification with the owner of 19 Benmore Road be approved.

46. Land at Barford Close / Wisbech Close, Hartlepool (*Head of Procurement and Property Services*)

Type of decision

Non-key

Purpose of report

To advise Portfolio Holder on the progress of the attempt by residents to purchase land.

Issue(s) for consideration by Portfolio Holder

A report was presented to the former Performance Management Portfolio Holder on 26th February 2007. Following this meeting a planning application for the change of use of the land was presented to Planning Committee on four separate occasions before being refused on 17th September 2007. At

this meeting it was considered that there may be alternative ways to deal with the problems being experienced by residents.

The Council's policy on Public Open Space was adopted in November 2004 and states that disposal should only be considered if any problems that are being encountered cannot be solved by design. Where a request is made the acceptability of the proposed use in planning terms should be clarified by the Development Control Manager or Planning Committee. It would appear therefore that the decision to dispose of the land needed to be reconsidered in the context of the planning refusal. The residents had announced their intention to appeal against the decision to refuse planning permission.

Decision

That the previous decision made by the Performance Management Portfolio Holder on 6th February 2007 to dispose of the land be re-affirmed, subject to the result of the Planning Appeal.

47. Landlords Consent, Unit 2 Elizabeth Way, Seaton Carew *(Head of Procurement and Property Services)*

Type of decision

Non-key

Purpose of report

To obtain Portfolio Holder approval to the release of covenant to allow the erection of two retail units at Elizabeth Way, Seaton Carew.

Issue(s) for consideration by Portfolio Holder

In July 1969 the land in question was sold to Mr Cecil M Yuill Ltd subject to the restriction that no buildings be constructed on the site without the approval of the Corporation. The land is now owned by EK Investments who have approached the Council for consent to construct two retail units. Planning permission for the construction of these retail units was refused in June 2005. The applicants then appealed this decision and the proposal was approved in 2006. The financial implications were detailed within a confidential appendix to the report.

Decision

That the grant of consent be approved.

48. Proposed Licence, Drug Rehabilitation Centre, Surtees Street *(Head of Procurement and Property Services)*

Type of decision

Non-key

Purpose of report

To obtain Portfolio Holder approval to the proposed licence of part of a Council building.

Issue(s) for consideration by Portfolio Holder

The Drug Rehabilitation Centre is Council owned and services are delivered by the Safer Hartlepool Partnership. Hartlepool PCT deliver a specialist drug and alcohol services and prescribing facility from the property but they now proposed to commission a third party to deliver this service, under a Memorandum of Understanding. A licence would also need to be entered into to allow the third party provider some reassurance that rooms would be provided to them to allow the delivery of the service. This would also indemnify the Council against their use of the building. The financial implications were set up in a confidential appendix.

The Portfolio Holder commented that he was not happy that there had been no consultation on this matter with the Ward Councillors. For this reason he refused to grant authority for the granting of a licence and asked that his comments be relayed back to Hartlepool PCT.

Decision

That authority for the Council to grant a licence be refused.

49. Sale of “The Firs” Westbourne Road, Hartlepool *(Head of Procurement and Property Services)*

Type of decision

Non-key

Purpose of report

To obtain Portfolio Holder approval to the disposal of the Council owned property which has been declared surplus to operational requirements

Issue(s) for consideration by Portfolio Holder

On 22nd August 2007 a report was brought to the Portfolio Holder proposing the sale of “The Firs” which had been declared surplus to requirements by the Council’s Adult and Community Services Department. The decision was

taken to proceed with marketing which commenced for six weeks, with advertisements placed in the local press. There were 10 requests for asles particulars and three potential purchasers visited the property during the open moming. Alongside the marketing a planning application for the change of use from hostel to single dwelling had been submitted.

The financial implications were outlined in a confidential appendix.

Decision

That the disposal of The Firs at Westbourne Road be approved subject to the terms stated.

J A BROWN

CHIEF SOLICITOR

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