

CABINET

MINUTES AND DECISION RECORD

10 December 2007

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

Present:

The Mayor (Stuart Drummond) - In the Chair

Councillors: Gerard Hall (Adult and Public Health Services Portfolio Holder).
Robbie Payne (Finance and Efficiency Portfolio Holder),
Peter Jackson (Neighbourhoods and Communities Portfolio Holder),
Victor Tumilty (Culture, Leisure and Tourism Portfolio Holder),

Also Present: Councillor Jane Shaw, Vice-Chair, Scrutiny Coordinating Committee.

Officers: Andrew Atkin, Assistant Chief Executive
Dave Stubbs, Director of Neighbourhood Services
Peter Scott, Director of Regeneration and Planning Services
Adrienne Simcock, Director of Children's Services
Alan Dobby, Assistant Director (Support Services)
Mike Ward, Chief Financial Officer
Joanne Smithson, Head of Community Strategy
Pam Twells, Principal Supporting Peoples Officer
Alistair Rae, Public Relations Officer
David Cosgrove, Principal Democratic Services Officer

145. Apologies for Absence

Councillors Pam Hargreaves (Performance Portfolio) and Cath Hill (Children's Services Portfolio Holder)

146. Declarations of interest by members

None.

147. Confirmation of the minutes of the meeting held on 26 November 2007

The Mayor indicated that in respect of Min. 141 "Schools Transformation: Review of Project Board and Project Board" and indicated that there appeared to be some confusion as to the appointments

to the Project Board. The Mayor confirmed that the appointments were: - himself, the Deputy Mayor, the Children's Services Portfolio Holder, the Finance and Efficiency Portfolio Holder, the Chair of Scrutiny Coordinating Committee, the Chair of Children's Services Scrutiny Forum, the Chair of Neighbourhood Services Scrutiny Forum and one member appointed by Council.

The minutes were then confirmed.

148. Minutes of the meeting of the Emergency Planning Joint Committee held on 7 November 2007

Received.

149. Income from Non-Residential Social Care *(Director of Adult and Community Services)*

Type of decision

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

Purpose of report

To propose a replacement to the existing charging arrangements for non-residential social care services based on modern practice and principles.

Issue(s) for consideration by Cabinet

The Adult and Public Health Services Portfolio Holder users of home care services are charged under the Council's 'Fairer Charging' Policy. The Policy was set in 2002, in line with government guidance, and has been reviewed and update at regular intervals since. It states that there will be an hourly charge, but only up to a weekly amount that each user is assessed as being able to pay. It is now necessary to review the manner in which people contribute towards the cost of their care, to make it more consistent and equitable, and more suitable for self-directed care.

There were three broad options for a new charging policy, and these were outlined as follows:

i) Stop charging for services

This would meet many of the principle tests, but not 'efficiency' or 'policy'. There could be a saving from not employing those assessing and collecting non-residential charges. However, income from home care alone is currently over £800,000 per annum, and to replace this income with service cuts would threaten services themselves. In addition, national policy expects that services will be co-funded by the individual and the state.

ii) Extend existing charges system

In order to be consistent and equitable the Fairer Charging hourly rate would have to be applied to all services, but with people now using funds for

equipment, transport, health and leisure options etc it would be difficult to devise an acceptable way of doing this. The Department of Health has recognised the need for change and is suggesting a review of National Fairer Charging policies.

iii) Means tested contribution

Guidance now being developed by the Department of Health (DoH) for use in relation to Individual Budgets implementation is to calculate a financial allocation or budget for the individual based on their needs, and require a contribution towards this sum based on their means. This option seemed to give the best fit to all of the principles to be applied, and was therefore recommended as the way forward.

The report detailed the proposed consultation that was to be carried out and Cabinet members considered it was essential that when consultation with services users was undertaken, it included some examples of how the changes would affect 'typical' service users. There was concern at the potential for service users who had been receiving free services for quite some time now being asked to contribute for their care. One Cabinet Member proposed that no charges should be made for the services. It was highlighted that the cost of collecting the charges was currently around £150,000 and the DoH had an expectation that service users would be charged. It was intended that the new charging policy would lead to a similar amount of money being collected from service users, though there would obviously be some people having to make a contribution towards their care where they hadn't previously. However, there would also be some service users that would contribute less. For those that would contribute more, it was envisaged that there would be some transitional protection arrangements.

Decision

1. That in principle the Council replaces existing non-residential charges with a unified contribution towards care funding, regardless of what support is purchased from that funding.
2. That service users and other key groups be consulted on aspects of how the proposed contribution might be calculated and that the consultation include some examples to aid service users.
3. That Cabinet and Scrutiny also have an opportunity to discuss these issues.
4. That the results of the consultation exercise, and of discussions with Members and other agencies, be brought back to Cabinet for decision, along with a draft implementation plan.

150. New Look Area Agreement (LAA) 2008/11 – Proposed Outcome and Targets Framework (*Head of Community Strategy*)

Type of decision

Key Decision – test (ii) applies.

Purpose of report

To agree the proposed outcome and target framework for the new Local Area Agreement (LAA) 2008/11 as the basis for negotiations with Government Office North East (GONE).

Issue(s) for consideration by Cabinet

The Mayor reported that Hartlepool's current LAA was agreed by the Cabinet in February 2006 and was signed off by Government in March 2006. 2007/08 is the second year of the current agreement that is due to come to a close at the end of March 2008 and will be replaced by the new LAA. Work to prepare the new LAA started in early 2007 following the Department for Communities and Local Government (CLG) announcement that set out a strategy for developing the new arrangements. Further information on the new LAA arrangements and recent guidance notes issued by CLG are available on the LAA section of the Hartlepool Partnership Website (www.hartlepoolpartnership.co.uk).

Guidance indicates that up to 35 Improvement Targets need to be identified that will be informed by existing LAA targets, Community Strategy Priorities, Government Office knowledge of areas and the outcome of the 2007 Spending Review that detailed the latest Public Service Agreements and the 198 National Indicators that replace the Best Value reporting regime. The proposed targets will need to be negotiated and will ultimately be designated by Secretary of State and be subject to upward reporting to Government. These proposed targets should be ambitious but realistic and must be derived from the National Indicator Set. Appendix 1 to the report set out the proposed Improvement Targets and Outcomes for the new LAA.

The report went on to outline the negotiation that would be required on the targets set in the LAA and that Hartlepool had requested GONE that it should be involved in an early sign off arrangements so that the new LAA will be in place by April 2008. Government has established a sign off date in June 2008 for new LAAs. Within the LAA a number of funding streams have been brought together into a single 'non-ringfenced' Area Based Grant which the Partnership Board has responsibility for allocating and agreeing with Hartlepool Borough Council. In agreeing the targets for inclusion in the LAA, partners will need to consider how the delivery of these priorities will be resourced from mainstream and other resources available and how they will be able to demonstrate their contribution. The Comprehensive Spending Review announced a third round of reward grant that will relate to performance against the LAA. The details of the arrangements and amount of funding available will be outlined by Government in the coming weeks.

and it is hoped the arrangements will be finalised in January 2008. A progress update on the negotiations on the Improvement Targets will be presented to Cabinet in early 2008.

Cabinet was concerned at the cost of the administration of the Partnership and how much the other partner organisations contributed to that element of the costs. The Mayor agreed that consideration should be given to the other partner organisations making financial contributions towards the administration of the Partnership. The Chief Financial Officer commented that as the area based grant was non-ringfenced, the authority would have the ability to top slice the allocation. The Head of Community Strategy indicated that Internal Audit were to review the administration of the Partnership. A Cabinet Member requested that the financial arrangements for the Partnership be the subject of a report to a future meeting.

Decision

That the proposed Outcomes and Improvement Targets for the new LAA be approved and that responsibility be delegated to the Assistant Chief Executive and the Head of Community Strategy, in consultation with the Mayor, to negotiate with relevant lead officers and Government Office on the improvement targets for the new LAA

151. Choice Based Lettings (*Director of Regeneration and Planning Services*)

Type of decision

Key Decision – test (ii) applies.

Purpose of report

To agree the Council's approach to choice based letting and involvement or otherwise in the Tees Valley sub-regional choice based lettings system. This report provides background information on Choice Based Lettings a modern transparent method of letting rented property. The report updated progress with the development of the sub-regional scheme within the Tees Valley and provided an appraisal of the options available to Hartlepool. This matter had been considered by a working party and a summary of its consideration and recommendations was included in the report. The report sought consideration of the options for the implementation of a sub-regional scheme and to confirm whether the Council would implement Choice Based Lettings in Hartlepool through the sub regional scheme.

Issue(s) for consideration by Cabinet

The Neighbourhoods and Communities Portfolio Holder reported that Choice Based Lettings (CBL) is the term used to describe a new approach to the allocation of social rented housing, replacing traditional systems. Available properties are advertised with a wide range of potential relevant information about the dwelling, its features, external and internal views, financial data and neighbourhood facilities, which can help potential tenants to assess the suitability of properties to their needs and preferences.

Applicants are more proactively involved than in traditional systems and are more empowered and can bid for the dwellings they would like to within a range of true matches to their needs. A member working party had intensively considered the proposals and their recommendations were embodied in the report the need for further member involvement during the introduction of the scheme to refine and correct any issues that may arise was discussed.

The report set out in detail the proposal to establish a Tees Valley Sub-Regional CBL scheme, with the potential for an extension into the south Durham area in the future. Councillor Shaw, the Vice-Chair of Scrutiny Coordinating Committee and a member of the working group that had been considering the introduction of Choice Based Lettings in Hartlepool indicated that the scheme had considerable benefits for existing and future tenants. The scheme operated in Middlesbrough was very impressive and its implementation in Hartlepool would be welcomed. The key issue was, however, that 'local influence' must be maintained within the scheme. Cabinet Members discussed this issue in some depth and agreed that while a Tees Valley CBL scheme was indeed an attractive development, the ability for Hartlepool residents to maintain access to the housing they wanted within their town was a key feature. The options appraisal set out in the report indicated that a timescale for the implementation of the CBL scheme in Hartlepool for Summer 2008 was too optimistic and Autumn 2008 was more likely.

The importance of the joint allocation policy document attached to the report as appendix 1, which would be subject to public consultation over the next twelve weeks, and the need to encourage comments was emphasised.

The Mayor indicated that like others, he had had some concerns at first about this scheme, particularly as the housing waiting list in Hartlepool was already long. However, the service improvement to existing and future tenants was to be welcomed. During the debate, Cabinet Members referred to the awaited report on the implementation of a Private Landlords Registration Scheme. Cabinet was informed that the report on the scheme was likely to be brought to Cabinet, initially a briefing meeting, in the new year. After giving detailed consideration to the issues highlighted in the report, Cabinet supported the proposals.

Decision

1. That the implementation of Choice Based Lettings in Hartlepool be approved as part of the Tees Valley Scheme subject to the matters raised in section 6E of the report.
2. That a further report on the joint allocation policy document be presented to Members following the conclusion of extensive public consultation
3. That work be undertaken with Housing Hartlepool to develop appropriate joint local arrangements and refocus staff resources to

ensure the smooth implementation of Choice Based Lettings throughout Hartlepool and subject to the outcome of the budget review the establishment of a housing options centre.

152. Sustainable Modes of Travel Strategy (*Director of Neighbourhood Services*)

Type of decision

Non-key.

Purpose of report

To consider and approve the Sustainable Modes of Travel Strategy.

Issue(s) for consideration by Cabinet

The Neighbourhoods and Communities Portfolio Holder reported that the amended Education (School Information) (England) Regulations 2002 came into force on 1st June 2007 requiring Local Authorities to publish their sustainable modes of travel strategy on websites by the 31st August 2007, or as soon as practical. Hartlepool Borough Council published a draft strategy in time for this deadline, to enable the Local Authority to undertake consultation before publishing the final document. The Local Authority is legally required to publish its updated Sustainable Modes of Travel Strategy by the 31st August each year. A copy of the full strategy document was attached to the report for Cabinet's approval.

Decision

That the Sustainable Modes of Travel Strategy be approved and that the document be published on the Council's website to discharge the legal requirements of the Education and Inspections Act 2006.

153. Outcome of Ballot to Establish a Business Improvement District (BID) for Longhill and Sandgate Industrial Estates (*Director of Regeneration and Planning Services*)

Type of decision

Non-key.

Purpose of report

To inform Cabinet of the outcome of the postal ballot undertaken for the establishment of a BID for the Longhill and Sandgate Industrial Estates.

Issue(s) for consideration by Cabinet

The Mayor reported that following the reports to Cabinet on 11 June and 17 September 2007 a ballot for the establishment of a BID for the Longhill and Sandgate Industrial Estates had been held, which was administered by the Electoral Reform Services (ERS). From the business rating list supplied by the Council, ERS sent out a total of 198 ballot papers to eligible voters.

There were a total of 57 ballot papers returned to ERS by the deadline (29% turnout).

For the Longhill and Sandgate BID ballot to be successful it had to meet two tests: 1 - a majority (51%) in number of those voting must be in favour of the proposal; and 2 - there must be a majority in the proportion of the aggregate rateable value of those voting. In both cases there was an overwhelming majority. Of the total votes that were submitted 81% voted in favour of the proposed BID and this represented 94% of the aggregate rateable value of those businesses that had voted.

As identified in the BID business plan the Longhill & Sandgate BID will fund the monitoring, maintenance and updating of the CCTV system that is being installed. The installation of the CCTV system for the two estates will be funded by Hartlepool NDC for £149,000 and HBC Community Safety Capital Grants Scheme for £31,200. A further £85,000 has been agreed through a Section 106 planning agreement with Tesco and their proposal to expand their store on the Longhill Industrial Estate. It has been agreed that the BID levy will be 2% of the rateable value per annum of all hereditaments in the proposed BID area. (The list of ratepayers will be determined and monitored by the Councils rates section). There will be two thresholds set to this levy, a minimum payment threshold of £100 per annum and a maximum payment threshold of £1,500 per annum. The BID is expected to run for 5 years starting from 1st April 2008 until 31st March 2013.

Cabinet Members questioned if the CCTV cameras to be installed would be used to prevent the frequent fires that were being set in some of the premises, particularly on Friday evenings. These fires were causing particular problems for nearby residents. The Director of Neighbourhood Services reported that action in relation to these fires was already being taken and officers had been working in conjunction with the Environment Agency on this issue for some time.

Decision

1. That the positive outcome of the postal ballot to establish a BID for the Longhill and Sandgate Industrial Estates be noted.
2. That the development work needed to implement the Longhill and Sandgate BID including formalising the Management Board for the BID be authorised.

154. Schools Transformation: BSF Strategy for Change: Part One (*Director of Children's Services*)

Type of decision

Non-key.

Purpose of report

To request Cabinet to approve the submission of Part One of the BSF

Strategy for Change.

Issue(s) for consideration by Cabinet

The Director of Children's Services reported that Hartlepool was admitted to the national Building Schools for the Future Programme as a Wave 5 Authority on 30th October 2007. The main tasks for the next year are to prepare and submit a Strategy for Change in two parts (December 2007 and May 2008) and an Outline Business Case (October 2008). The deadline for submission of Strategy for Change Part One, imposed by Partnerships for Schools (PfS) is 25th December 2007.

A draft Strategy for Change Part One was submitted as Appendix 1 to the report. In preparing this draft, advice and guidance has been received from Partnerships for Schools (PfS), the Department for Children Schools and Families (DCSF) and 4ps. The length of the document and the headings of the main sections are prescribed in written guidance issued by PfS.

A series of amendments to some of the detailed targets in the draft strategy were highlighted at the Cabinet meeting. These amendments related to the expected A*-C GCSE grades for some of the secondary schools in the town and were more 'aspirational' than originally proposed. There were also amendments to expected numbers of children progressing to post 16 education.

Decision

1. That the amendments to Part One of the Authority's Strategy for Change suggested by the Schools Transformation Project Board, and outlined to Cabinet, be approved.
2. That submission of Part One of Strategy for Change be approved.

155. Local Development Framework: Annual Monitoring Report 2006/07 *(Director of Regeneration and Planning Services)*

Type of decision

Non-key.

Purpose of report

To seek approval of the third Local Development Framework Annual Monitoring Report (2006/2007) for submission to the Government Office for the North East.

Issue(s) for consideration by Cabinet

The Mayor reported that one of the documents to be produced under the new planning system established by the Planning and Compulsory Purchase Act was the Annual Monitoring Report (AMR). The AMR reviews progress made on the implementation of the Local Development Scheme (the programme for the preparation of planning documents) and assesses the effectiveness of current planning policies.

The AMR finds that the Local Development Scheme would need to be reviewed to revise the timetables for the preparation of the Planning Obligations and the Transport Assessments and Travel Plans Supplementary Planning Documents and to include a new Development Plan Document on Affordable Housing and a new Supplementary Planning Document on design matters.

The Mayor highlighted that the local development scheme should contain more strategic planning guidance in relation to the Victoria Harbour site.

Decision

That the Local Development Framework Annual Monitoring Report 2006/07 be approved for submission to the Government Office for the North East.

156. Town Centre Management (*Director of Regeneration and Planning Services*)

Type of decision

Non-key.

Purpose of report

The report sought Cabinet's views on revised Town Centre Management proposals following discussions with the Portfolio Holders for Regeneration and Liveability and Neighbourhoods and Communities.

Issue(s) for consideration by Cabinet

The Mayor reported on the background to the Town Centre Management proposal, referring to a previous report to Cabinet in July 2007, where Cabinet had expressed several concerns and requested that further discussions take place with the Portfolio Holders for Regeneration and Liveability and Neighbourhoods and Communities. Since the previous Cabinet meeting, officers have carried out further investigations to assess the impact of a Town Centre Management group on the remit of existing groups, and had also considered the implications of the ending of the New Deal for Communities programme. In addition discussions have taken place with the Portfolio Holders for Regeneration and Liveability and Neighbourhoods and Communities around possible alternatives to the originally proposed structure, taking account of the concerns previously raised about the number of meetings officers and members are currently involved in.

The Mayor welcomed the proposals now set out in the report, which were significantly more streamlined, and would report through the Economic Forum of the Strategic Partnership.

Decision

That the revised proposals for the establishment of a Town Centre Management partnership be approved.

157. Local Area Agreement (LAA) Quarter 2 Summary of Performance Report 2007/08 *(Head of Community Strategy)*

Type of decision

Non-key.

Purpose of report

To inform Cabinet of performance against the Local Area Agreement (LAA) 2007/08.

Issue(s) for consideration by Cabinet

The Mayor reported that Hartlepool's current LAA is a three year agreement (2006-09) based on the Community Strategy that sets out the priorities for Hartlepool and forms an agreement between Central Government (represented by GONE) and a local area represented by Hartlepool Borough Council and other key partners through the Hartlepool Partnership. The LAA is the delivery plan of the Community Strategy. The LAA includes 36 priority outcomes, structured around the seven Community Strategy Themes. Appendix 1 to the report set out a summary of progress against the Local Area Agreement Indicators and pooled funding allocations for each of the 36 LAA Outcomes.

Decision

That the report be noted.

158. Annual Review of Performance for Adult Social Care *(Director of Adult and Community Services)*

Type of decision

Non-key.

Purpose of report

To present the annual performance rating for Adults Social Care, provided by the Commission for Social Care Inspection (CSCI).

Issue(s) for consideration by Cabinet

The Adults and Public Health Services Portfolio Holder reported that there was an extensive system of monitoring by the Inspectorate, including inspections, monitoring visits, returns, and performance indicators. This array of qualitative and quantitative data is used by CSCI to produce a view on our performance for the past year, and areas to improve for the year ahead. National results were published on the CSCI website on 29 November, and details of Hartlepool's own appraisal had been made available to the Council.

Hartlepool was judged to be serving most adults well, and to have promising capacity for improvement, which equates to a 2 star rating out of

a maximum of three. This was similar to the ratings received in previous years. The suite of performance indicators shows continued good results, with most indicators banded as stable or improving, and 92% rated “acceptable” or better. Of the twenty-five banded indicators, thirteen achieved the top band, and two were given the bottom band. The Portfolio Holder commented that it had been hoped that the authority would have achieved a three star rating. The Portfolio Holder indicated that the staff within the department should be congratulated on the performance in achieving the two star rating. The Mayor supported the comment and indicated that the report from CSCI did include much good news. It appeared that the reasons for the failure to achieve three stars were more due to the presentation of the evidence and information to CSCI rather than the quality of the services provided.

Decision

That the performance assessment be noted.

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

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 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.

Min. 160 - Endeavour Home Improvement Agency (HIA) – Future Arrangements - Para. 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).

Min. 161 - Havelock Centre, Lynn Street – Community Asset Transfer - Para. 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).

160. Endeavour Home Improvement Agency (HIA) – Future Arrangements (*Director of Regeneration and Planning Services and Director of Adult and Community Services*) (Para. 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information))

Type of decision

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

Purpose of report

To consider the future of functions that were to cease to be provided by the Endeavour Home Improvement Agency (HIA) operated by Endeavour Housing Association (part of Northern Star Group) and to determine the

general approach to new arrangements to continue some of the services if practicable subject to a further report.

Issue(s) for consideration by Cabinet

The Neighbourhoods and Communities Portfolio Holder reported that the Endeavour Home Improvement Agency was to cease operations at the end of March 2008. In order to establish a smoother position of some of the key services, the report explored the reasons for the closure and suggested a way forward at least for the start to medium term.

Decision

The detailed decisions of cabinet are set out in the exempt section of the decision record.

161. Havelock Centre, Lynn Street – Community Asset Transfer (*Director of Neighbourhood Services and Director of Adult and Community Services*) (Para. 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information))

Type of decision

Non-key.

Purpose of report

To provide cabinet with further information subsequent to the report made to Cabinet on 12th November 2007 in relation to the potential asset transfer of the Havelock Centre to an alliance of voluntary sector organisations, who have established a Community Interest Company known as Healthy Communities and independent living for life (HCILL)

Issue(s) for consideration by Cabinet

The Adults and Public Health Services Portfolio Holder reported on the potential opportunity to transfer assets as outlined in the Government's "Quirk Report" by enabling a Cohort of third sector organisations to apply for a Big Lottery Grant to the Cabinet Office (Office of the Third Sector).

Decision

The detailed decisions of cabinet are set out in the exempt section of the decision record.

J A BROWN

CHIEF SOLICITOR

PUBLICATION DATE: 17 December 2007