

# **CABINET**

## **MINUTES AND DECISION RECORD**

23 June 2008

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

**Present:**

The Mayor (Stuart Drummond) - In the Chair

Councillors: Pam Hargreaves, Deputy Mayor,  
Gerard Hall, Adult and Public Health Services Portfolio Holder.  
Peter Jackson, Neighbourhoods & Communities Portfolio Holder,  
Victor Tumilty, Culture, Leisure and Tourism Portfolio Holder,

Also Present: Councillor Jane Shaw, Chair of Children's Services Scrutiny  
Forum

Officers: Paul Walker, Chief Executive  
Andrew Atkin, Assistant Chief Executive  
Peter Scott, Director of Regeneration and Planning  
Adrienne Simcock, Director of Children's Services  
Dave Stubbs, Director of Neighbourhood Services  
Nicola Bailey, Director of Adult and Community Services  
Graham Frankland, Head of Procurement, Property and Public  
Protection  
Alistair Smith, Head of Transportation  
John Potts, Principal Policy Officer  
Richard Smith, Solicitor  
James Walsh, Scrutiny Support Officer  
David Cosgrove, Principal Democratic Services Officer

### **30. Apologies for Absence**

Councillors Cath Hill (Children's Services Portfolio Holder) and Robbie  
Payne (Finance and Efficiency Portfolio Holder).

### **31. Declarations of interest by members**

None.

### **32. Confirmation of the minutes of the meeting held on 9 June 2008**

Confirmed.

### **33. Falcon Road – Traffic Management** *(Director of Neighbourhood Services)*

#### **Type of decision**

Non-key.

#### **Purpose of report**

To seek approval for the proposed traffic management measures in relation to Falcon Road.

#### **Issue(s) for consideration by Cabinet**

The Director of Neighbourhood Services reported that Falcon Road is one of three accesses to the Bishop Cuthbert / Middle Warren estate. As the estate has expanded the volume of traffic using the road has increased, and residents of Falcon Road requested that it be closed to through traffic. During surveys it was found that 85% of the vehicles using Falcon Road were using it as a through road. Some residents have claimed that it was originally planned for Falcon Road to be closed, however, no evidence has been found to support this.

A consultation exercise was carried out in June 2007, where feedback was requested in relation to the possible closure of Falcon Road at Moorhen Road, and Lapwing Close at Merlin Way, to prevent traffic “rat running” through the estate. Results were as follows:-

- 22 responses (18.8%) in favour of the closures.
- 89 responses (76.1%) against the closures.
- 6 responses (5.1%) agreed there was a problem but were against the proposal to close the roads.

From the consultation a large number of people had suggested an alternative option of closing Falcon Road at Throston Grange Lane, rather than the two closures detailed above. A second phase of consultation then took place to seek further views, with updated results as follows:-

- 36 responses (26.8%) in favour of the closure.
- 94 responses (70.2%) against the closure.
- 4 responses (3%) agreed there was a problem but were against the proposal to close the road.

While the reasons for the closure request could be appreciated; it is a narrow road with junction radii not ideal for the present volume of traffic, traffic calming is already in place, and the speed of traffic does not appear to be an issue. The main negative impact of closing the road would be the displacement of traffic onto adjacent roads, particularly Hart Lane, which is already congested at certain times of the day. The effect on roads closer to the town centre, such as Hart Lane near to Sacred Heart School, also needed to be considered. People travelling from the town and Marina areas

would be likely to use Hart Lane rather than the A179 dual carriageway, as some do at present. These are the residents' main objections, along with the associated inconvenience and longer journey times from having to access the estate via an alternative route.

A petition has also been received from the shops and health facilities at Hart Lane/ Wiltshire Way, objecting to the closure on the grounds of expected loss of trade from Bishop Cuthbert residents, who when faced with a longer journey round would be likely to choose to visit the new shopping facilities at the northern end of the estate adjacent to the A179, instead.

The Director indicated in the report that there were eight options for tackling the situation in Falcon Road and these ranged from doing nothing to creating a new access road for the estate. The options that were viable and would result in some resolution for the residents of Falcon Road involved at a minimum introducing a HGV ban on the road or some form of road closure to stop the problem completely.

The Neighbourhoods and Communities Portfolio Holder, Councillor Peter Jackson, made a presentation to Cabinet detailing the issues faced by the residents of Falcon Road and his reasoning for supporting a closure. Councillor Jackson also indicated that he was the ward councillor for the area.

The Neighbourhoods and Communities Portfolio Holder indicated that based on the appropriate design criteria, Falcon Road had not been designed or constructed to deal with the numbers of vehicles using it. The design criteria for an estate road of 5.5m width, as Falcon Road, suggested a maximum vehicle rate per day of 300. Falcon Road had been surveyed and was being used by around 2500 vehicles per day.

A map showing the results of the consultation showed that the residents of Falcon Road were almost all in favour of the closure. Those in favour of keeping the road open tended to live in the roads around the estate who would be most inconvenienced by having to use alternative routes.

The Portfolio Holder indicated that some of the residents claimed that they had been misinformed by the developer about a series of developments that were supposed to happen in the locality and residents of Falcon Road appeared to have been told that the road would be closed. Photographs showing the extent of the traffic problems, including the queues that regularly developed were displayed. There had been no reported accidents to the Police, though residents did report that there had been a number of accidents causing vehicle damage and one resident had had a garden wall reconstructed three times due to vehicle damage. Large lorries and HGV's were using the route causing significant problems and there was evidence that the road was suffering damage due to the high volume of traffic. Traffic surveys showed that residents were suffering a vehicle passing their home every 12 seconds during weekdays.

The Portfolio Holder for Neighbourhoods and Communities considered that the quality of life of the residents of Falcon Road needed to be put first and he believed that closing Falcon Road to through traffic was essential in achieving that.

Cabinet discussed the issue in some detail. The option of constructing a new access was considered but discounted due to the high costs. The options of closing the road to through traffic were discussed, particularly at what point the road should be closed. There was general agreement that a closure at the Falcon Road / Throston Grange Lane junction would be the simplest and most viable solution. The Mayor expressed his concern at a possible closure and was of the opinion that alternative measures, including an HGV ban and further traffic calming, could provide a solution. The Mayor was also concerned at creating a precedent that other areas may wish to follow leading to closed estates, though other Cabinet Members did not share this point of view.

The Mayor questioned what recourse the objectors would have if the closure was approved. It was unclear at the meeting whether objectors would have an opportunity to appeal to the Magistrates Court if the closure was made utilising the public notices that had been posted to date. Any potential closure may still require further advertisement and therefore involve an opportunity for the consideration of objections. Officers indicated that the situation would be clarified to residents by letter by the end of the week.

#### **Decision**

That Falcon Road be closed to through traffic by means of a road closure order affecting the junction of Falcon Road with Throston Grange Lane and that the Chief Solicitor be authorised to pursue the necessary order(s) to effect the closure.

**In accordance with Council Procedure Rule 17.5, Councillor Jackson requested that his vote in favour of the above resolution be recorded.**

### **34. Transportation Links to Hospital Services and Neighbourhood Services Transport Provision** *(Neighbourhood Services Scrutiny Forum)*

#### **Type of decision**

Non-key.

#### **Purpose of report**

The purpose of this report is to outline the findings and conclusions of the Neighbourhood Services Scrutiny Forum's investigation into Transportation Links to Hospital Services and Neighbourhood Services Transport Provision.

### **Issue(s) for consideration by Cabinet**

On behalf of Councillor Akers-Belcher, Chair of the Neighbourhood Services Scrutiny Forum, Councillor Jane Shaw presented the findings of the forums investigation into Transportation Links to Hospital Services and Neighbourhood Services Transportation Provision.

The Mayor made a general comment in relation to all Scrutiny investigation reports indicating that in future it would be helpful to have some indication of the financial implications of the recommendations being made to Cabinet. Often the recommendations approved fed through into budget pressures considered during the budget process and it would assist if Members were aware of how some of the pressures had arisen.

Members noted that some of the recommendations required action in external organisations. Cabinet was informed that the recommendations (g) to (j) had already been presented to the Hartlepool Primary Care Trust and the North Tees and Hartlepool NHS Foundation Trust and responses from them were expected.

Members also commented on the bus service between the Hartlepool and North Tees Hospitals and sought assurances that its use was being monitored and encouraged. Officers indicated that meetings were held monthly with the Trust on the operation of the service.

### **Decision**

That the recommendations of the Neighbourhood Services Scrutiny Forum, following its investigation into Transportation Links to Hospital Services and Neighbourhood Services Transportation Provision, as set out below, be approved (recommendations (a) to (f)) and noted (recommendations (g) to (j)):

#### Hartlepool Borough Council

- (a) That consideration is given to extending the Authority's current concessionary travel scheme to cover free bus usage for carers accompanying disabled people;
- (b) That the Council works in partnership with neighbouring Local Authorities, the local PCTs and Foundation Trusts to produce a 'User's Guide for Transport to Healthcare' that provides useful information on public transport available to health care locations and concessionary care schemes available;
- (c) That the Council further promotes the use of established community transport schemes in operation locally, including maximising efficiencies through the proposed Integrated Transport Unit, to enable people who are unable to use, or have difficulty to access public transport;

- (d) That the Council explores opportunities to secure the long-term operation of the Health Bus Service, that currently operates between the University of Hartlepool and University Hospital of North Tees sites;
- (e) That the Council explores opportunities of developing a social enterprise scheme with the third sector to improve access to healthcare services;
- (f) That the current bus service timetable information provided in Hartlepool be further improved such as timetables at bus stops and travel information at healthcare sites;

#### Hartlepool PCT

- (g) That the Hartlepool PCT rolls out a communication programme that ensures all front line staff are made fully aware of the Hospital Travel Cost Scheme and how its is administered;
- (h) That the Hartlepool PCT ensures that the Hospital Travel Cost Scheme is more widely publicised to patients and the public with information on the scheme in particular the eligibility criteria being made readily available in a variety of locations;
- (i) That to ensure that the Hospital Travel Costs Scheme runs effectively together with easier access to healthcare premises, that Hartlepool PCT works with the Council in the identification and development of local and integrated transport strategies; and

#### North Tees and Hartlepool NHS Foundation Trust

- (j) That the North Tees and Hartlepool NHS Foundation Trust works with Hartlepool Borough Council and affected neighbouring authorities in assessing the accessibility of any proposed new hospital site.

### **35. Transportation Links to Hospital Services and Neighbourhood Services Transport Provision** *(Director of Neighbourhood Services)*

#### **Type of decision**

Non-key.

#### **Purpose of report**

To agree an Action Plan in response to the findings and subsequent recommendations of the Neighbourhood Services Scrutiny Forum's investigation into 'Transportation Links to Hospital Services and Neighbourhood Services Department Transport Provision'.

#### **Issue(s) for consideration by Cabinet**

The report provided brief background information into 'Transportation Links

to Hospital Services and Neighbourhood Services Department Transport Provision' Scrutiny Investigation and set out a proposed Action Plan in response to the Scrutiny Forum's recommendations. It was noted that recommendations (g)-(i) in the Action Plan had been agreed with Hartlepool Primary Care Trust (PCT) and recommendation (j) had been agreed with North Tees and Hartlepool NHS Foundation Trust.

**Decision**

That recommendations (a)-(f) of the Action Plan be approved in response to the recommendations of the Neighbourhood Services Scrutiny Forum's investigation into 'Transportation Links to Hospital Services and Neighbourhood Services Department Transport Provision'.

**36. Access to Recreation Activities for Children and Young People in Hartlepool** (*Children's Services Scrutiny Forum*)

**Type of decision**

Non-key.

**Purpose of report**

The purpose of the report was to outline the findings and conclusions of the Children's Services Scrutiny Forum's investigation into 'Access to Recreation Activities for Children and Young People in Hartlepool'.

**Issue(s) for consideration by Cabinet**

The Chair of the Children's Services Scrutiny Forum, Councillor Jane Shaw, presented to Cabinet the findings and recommendations of the forum's investigation into 'Access to Recreation Activities for Children and Young People in Hartlepool'.

The Mayor commented on the recommendation in relation to Pods and suggested that as well as the support of young people and residents, their installation also needed political support. Cabinet Members also highlighted the link between this report and the item in relation to PPG Open Spaces Assessment later on the agenda.

The Mayor highlighted the work being undertaken through the Safer Hartlepool Partnership which built upon the work undertaken by pupils at St Hild's School, in developing a list of all the various activities that were available for young people. Cabinet also raised some minor concerns in relation to the free transport provision recommendation. Officers indicated that this was being investigated and a report to the Portfolio Holder was expected in the near future on the options that could be available.

**Decision**

That the recommendations of the Children's Services Scrutiny Forum's following its investigation into 'Access to Recreation Activities for Children and Young People in Hartlepool', as set out below, be approved: -

- (a) That a process be implemented to ensure that young people are fully supported to participate in the future development and provision of recreation activities in Hartlepool;
- (b) That as part of any planned future recreation activities consideration be given to the use of 'pods' and youth shelters, with the close involvement of young people, and other stakeholders, throughout the process from location / selection of structure to Planning application;
- (c) That an action plan be produced that explores ways of addressing the barriers to accessing recreation activities for young people, as outlined in Section 9 of the report;
- (d) That further work be undertaken to increase the marketing of recreation activities to target all young people, and their families across Hartlepool;
- (e) That, in recognition of the availability of transport as a barrier to access, the introduction of free bus passes to young people be supported and the practical feasibility of such a scheme explored, including the suitability of existing routes and timetables to meet young people's needs; and
- (f) That the Local Authority works in partnership with organised groups to ensure that they are fully aware of the funding / assistance available to them, and how it can be accessed, to improve their long term sustainability.

### **37. Access to Recreation Activities for Children and Young People in Hartlepool** *(Director of Children's Services)*

#### **Type of decision**

Non-key.

#### **Purpose of report**

To agree an Action Plan in response to the findings and subsequent recommendations of the Children's Services Scrutiny Forum's investigation into 'Access to Recreation Activities for Children and Young People in Hartlepool'.

#### **Issue(s) for consideration by Cabinet**

The report provided brief background information into 'Access to Recreation Activities for Children and Young People in Hartlepool' Scrutiny Investigation and provides a proposed Action Plan in response to the Scrutiny Forum's recommendations.

#### **Decision**

That the Action Plan in response to the recommendations of the Children's



Services Scrutiny Forum's investigation into 'Access to Recreation Activities for Children and Young People in Hartlepool' be approved.

**38. PPG17 Open Space Assessment** (*Director of Regeneration and Planning*)

**Type of decision**

Key Decision.

**Purpose of report**

To inform Members of the findings of the PPG17 Open Space Assessment that has recently been completed by Capita Symonds and to seek endorsement to the proposed standards identified in the Assessment.

**Issue(s) for consideration by Cabinet**

The Mayor reported that the Open Space Assessment was a statutory piece of work the Local Authority was required to undertake by the government (under Planning Policy Guidance Note 17) and would act as part of the evidence base in the development of the Local Development Framework. The report outlined the key findings of the Assessments and informed Cabinet of how this information would be used in the future to help guide development of open space in the Borough.

In parallel with the assessments taking place, the consultants undertook a community needs study. This involved 1500 randomly selected households across the town being sent a questionnaire seeking their views on public open spaces within the Borough. This was augmented by discussion groups with residents, officers and stakeholders as well as a questionnaire being sent to the various sports clubs within Hartlepool.

Based on the findings of the assessment and feedback from the consultations the study seeks to identify where there are shortfalls in provision compared to identified standards.

It was clear from the assessments that had taken place that in terms of the various types of open space within Hartlepool there were some examples of very good, well maintained and valued spaces, however there were also a significant number of open spaces where quality was sub-standard and needed to be improved to make them more useable and valued areas. Through endorsing the standards contained within the PPG17 Open Space Assessment, Members were illustrating their commitment to enhancing open spaces within the Borough.

The Mayor commented that in those areas where there was provision below the set standard, the Council needed to be aware of the potential gains that could be made through development schemes and/or planning gain. It was also highlighted that Hartlepool had easy access to the countryside and the coast that provided extensive open space not covered by this study. Cabinet was also reminded that there may be opportunities available under

the Primary Capital Programme to enhance some open space provision.

**Decision**

That the findings of the PPG17 Open Space Assessment be noted and the proposed standards set out within it be endorsed.

**39. Food Law Enforcement Service Plan 2008/09** *(Director of Neighbourhood Services)*

**Type of decision**

Budget and Policy Framework.

**Purpose of report**

To consider the Food Law Enforcement Service Plan for 2008 - 2009, this was a requirement under the Budget and Policy Framework.

**Issue(s) for consideration by Cabinet**

The Adult and Community Services Portfolio Holder indicated that the report sets out details of Hartlepool's Food Law Enforcement Service Plan 2008/09. The plan is a requirement of the Food Standards Agency and forms the basis on which the Authority may be monitored and audited to verify whether the service provided is effective in protecting the public. The plan sets out the Council's aims in respect of its food law service. Whilst focussing on 2008/09, it also identified longer-term objectives as well as a review of performance for 2007/08.

Members recalled from the consideration of the plan for last year that there had been concerns in relation to staff recruitment and retention. The Head of Procurement, Property and Public Protection commented that there were some issues with staff vacancies and retention but overall the performance of the Team had been very good despite those issues, as could be seen from the report.

**Decision**

That the Food Law Enforcement Service Plan for 2008 – 2009 be approved for submission to Overview and Scrutiny.

**40. Local Area Agreement (LAA) Quarter 4 Summary Of Performance Report 2007/08** *(Head of Community Strategy)*

**Type of decision**

Non-key.

**Purpose of report**

The LAA included thirty-six 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 thirty-six LAA Outcomes.

### **Issue(s) for consideration by Cabinet**

The Mayor reported that the LAA includes thirty-six 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 thirty-six LAA Outcomes. A traffic light rating system is used with detail provided for red rated indicators and expenditure. This type of reporting is often termed 'reporting by exception' highlighting where the key challenges are in achieving the outcomes and requirements of the LAA. Overall for 2007/08 the LAA grant had an under-spend of just 2.2%, well within the Government tolerance levels (5%). However, some concerns were raised regarding the under-spend of £29,121 against the Teenage Pregnancy allocation (Outcome 10) and the £35,973 Connexions under-spend (Outcome 2). This under-spend has been carried forward to the 2008/09 budget for these work areas.

### **Decision**

That the current position regard to performance and expenditure against the pooled LAA finding allocations be noted.

## **41. Departmental Structures and Efficiencies** *(Chief Executive)*

### **Type of decision**

Non-key

### **Purpose of report**

To review the Council's overall departmental structure, taking into account the need to make 3% cashable efficiency savings for each of the next three years.

### **Issue(s) for consideration by Cabinet**

The Chief Executive reported that the report briefly considers the Government's new agenda for local government; the impact this will have on the overall departmental structure of the council, the means by which the required efficiency savings can be achieved and the outline timescales for further consideration of departmental structures over the next two years.

The Chief Executive indicated that the proposals set out in the report were closely linked to the Business Transformation Process. The required efficiency savings required from the council by the government over the next few years set a very challenging target that needed to be met at all levels of the organisation. From 2009 Government inspection will broaden out from Comprehensive Performance Assessment (CPA) of local authorities, to Comprehensive Area Assessment (CAA), which will review all public sector service provision in the area and then "extract" the local authority's performance rating from the overall assessment. Local Area Agreements (LAA) are intended to be the performance basis from which

CAA will be measured. The Council has an excellent track record of delivering high quality services and continuous improvement.

At sub-regional level, in our case the Tees Valley City Region, local authorities are required to work in partnership with one another and with other public, private and voluntary sector organisations, through Multi Area Agreements (MAA). MAAs cover such issues as strategic planning, housing, transport, regeneration, learning and skills, sustainability, environment, and tourism.

Our Elected Mayor, the Chief Executive, directors and Cabinet will be required to operate at a more strategic level across the region, sub-region and the whole of Hartlepool. They must therefore adapt and change to meet the rigors of the new agenda if the interests of Hartlepool are to be best represented and the benefits which have been realised to date built upon.

The Council has already gone some way to put in place an organisational structure with the creation of our Children's Services and Adult and Community Services Departments, suitable to carry out this new agenda. We must now take this a further step forward, but bearing in mind the composition of our workforce, the national recruitment position and the need to make cashable efficiencies in conjunction with the need to ensure that the current high levels of service and achievement can be maintained. The proposal set out in the report, reducing the current five departments to three were proposed as a means of reacting to this change in inspection emphasis, regional and sub-regional governance and building upon the skills of the workforce and the excellent Directors and Assistant Directors in the Council.

These proposals would be by no means easy to implement, and would involve a number of risks. It would therefore be necessary to phase in the reduction to mitigate those risks and ensure they can be effectively managed. However, the proposed structure would produce savings of £155,000 as a minimum, over the three year period 2009/10 – 2011/12. It was more probable that this saving would be around £255,000, with annual savings of £170,000 per annum for each subsequent year. In total, for the five years from 2009/10, probable savings would be in the region of £600,000. (All these figures did allow for 27% on-costs and were net of redundancy and job evaluation costs.)

The report recommended the following actions: -

1. A reduction in the number of departments from 5 to 3 as outlined in section 4 of this report be agreed and implemented, subject to it being phased in by the Summer of 2010.
2. That reviews of the operational and management structures in each of the newly created departments be undertaken in line with the phased timescales outlined in this report.
3. The new organisational structure be reviewed in three years time –

2011/12.

4. Rockpools be now engaged to review the role of Elected Mayor and to undertake job evaluation for the chief executive and the new director posts.

Some Cabinet Members raised concerns at approving the recommendations when the report was to be submitted to Overview and Scrutiny for a wider consideration by Members. The Mayor commented that the report as it stood should be referred to Scrutiny with a requirement that their final comments be reported back to Cabinet by the end of September to allow Cabinet the opportunity to reconsider the proposals before making any decision that would impact on the budget setting process later in the year.

#### **Decision**

That the report be referred to the Scrutiny Coordinating Committee with a request that the comments of Scrutiny be reported back to Cabinet by the end of September 2008.

## **42. 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.

Minute 43 Middleton Grange Shopping Centre - Variation to Terms of Headlease to PPG Metro 500 Limited (paragraph 3 "Information relating to the financial or business affairs of any particular person (including the authority holding that information"))

## **43. Middleton Grange Shopping Centre - Variation to Terms of Headlease to PPG Metro 500 Limited (Author)**

#### **Type of decision**

Non-key.

#### **Purpose of report**

To obtain Cabinet's approval of the proposal to vary the terms of the headlease of Middleton Grange Shopping Centre (the "Shopping Centre") as discussed between Council officers and representatives of PPG Metro 500 Limited ("PPG") the headtenant of the Shopping Centre.

#### **Issue(s) for consideration by Cabinet**

This Report contains details of the matters discussed at a meeting between

Council Officers and representatives of PPG on 8 May 2008 to vary the terms of the headlease.

**Decision**

Details of the decision were set out in the exempt section of the minutes.

**P DEVLIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 27 JUNE 2008**