

CABINET

MINUTES AND DECISION RECORD

7 July 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),
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),

Also Present:

Councillor Jonathan Brash, former Chair of Adult and Community
Services and Health Scrutiny Forum
Councillor Jane Shaw, Chair of Children's 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
Peter Devlin, Chief Solicitor
Mike Ward, Chief Financial Officer
Wally Stagg, Organisation Development Manager
Joanne Smithson, Head of Community Strategy
Derek Gouldbum, Urban Policy Manager
Joan Chapman, Principal Strategy Development Officer (e-
Government)
James Walsh, Scrutiny Support Officer
Laura Starrs, Scrutiny Support Officer
Angela Hunter, Principal Democratic Services Officer

44. Apologies for Absence

None.

45. Declarations of interest by Members

None.

46. Confirmation of the minutes of the meeting held on 23 June 2008

Confirmed.

47. Final Report – Sustainability of Externally Funded Community Initiatives in Schools (*Children's Services Scrutiny Forum*)

Type of decision

Non-key.

Purpose of report

To outline the findings and conclusions of the Children's Services Scrutiny Forum's investigation into 'Sustainability of Externally Funded Community Initiatives in Schools'.

Issue(s) for consideration by Cabinet

The Chair of the Children's Services Scrutiny Forum presented the findings and conclusions of the Forum's investigation into Sustainability of Externally Funded Community Initiatives in Schools. During the investigation, it was highlighted that young people did not want to use community based initiatives that were located in schools. Members of the Scrutiny Forum commended the Independent Sports Consultant who was engaged as part of this investigation and a joint Steering Group between Children's Services Department and the Adult and Community Services Department was to be established to explore the Consultant's recommendations.

Cabinet welcomed the report and thanked the Children's Services Scrutiny Forum for their thorough investigation.

Decision

That the recommendations of the Children's Services Scrutiny Forum, as set out below, be endorsed:

- (a) That a joint Steering Group between the Children Services Department and the Adult and Community Services Department be established to further explore the proposed recommendations of the Independent Sports Consultant, commissioned specifically as part of this investigation;

- (b) That all schools that currently operate community initiatives undertake a three year financial forecast and business plan of the viability of each facility that outlines charging policies, usage levels and scheme objectives;
- (c) That pending the outcome(s) of the joint Steering Group (recommendation (a) refers) immediate consideration be given to providing assistance to those schemes that are likely to encounter future sustainability issue; and
- (d) That the findings of this investigation be brought to the attention of school governing bodies to raise awareness of the issue and the proposed way forward.

48. Scrutiny Investigation into Sustainability of Externally Funded Community Initiatives in Schools – Action Plan *(Director of Children's Services)*

Type of decision

Non-key.

Purpose of report

To agree an Action Plan in response to the findings and proposed recommendations of the Children's Services Scrutiny Forum's investigation into Sustainability of Externally Funded Community Initiatives in Schools.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Children's Services reported that the Children's Services Scrutiny Forum had concluded its investigation into the Sustainability of Externally Funded Community Initiatives in Schools. The overall aim of the investigation was to gain an understanding of the key issues involved in sustaining externally funded community initiatives in schools and suggest areas for improvement. The Scrutiny Forum made a series of recommendations, which were endorsed by Cabinet, this report included an action plan to address those recommendations.

Decision

That the Action Plan in response to the recommendations of the Children's Services Scrutiny Forum's into the Sustainability of Externally Funded Community Initiatives in Schools be approved.

49. Final Report – Withdrawal of Emergency Care Practitioners Service at Wynyard Road Primary Care Centre *(Adult and Community Services and Health Scrutiny Forum)*

Type of decision

Non-key.

Purpose of report

To outline the findings and conclusions of the Adult and Community Services and Health Scrutiny Forum's investigation into the Withdrawal of Emergency Care Practitioners (ECP) Service at Wynyard Road Primary Care Centre.

Issue(s) for consideration by Cabinet

Councillor Jonathan Brash, former Chair of the Adult and Community Services and Health Scrutiny Forum presented the findings and conclusions of the Forum's investigation into the Withdrawal of Emergency Care Practitioners Service at Wynyard Road Primary Care Centre. The report was for submitted for Cabinet to endorse as the recommendations lay mainly with an external body in the NHS. The former Chair of the Adult and Community Services and Health Scrutiny Forum was pleased to report that Hartlepool PCT had accepted all the recommendations as a result of the failure of the ECP Service at Wynyard Road.

Cabinet welcomed the report and thanked the Adult and Community Services and Health Scrutiny Forum for their thorough investigation.

Decision

That the recommendations of the Adult and Community Services and Health Scrutiny Forum, as set out below, be endorsed:

- (a) That as part of the 'Momentum: Pathways to Healthcare' consultation programme, Hartlepool PCT and the Council discuss / debate plans for the future Community based settings that are proposed for the Town e.g. More GPs, different models of rapid response services;
- (b) That Hartlepool PCT not only keeps this Forum updated of the Development of Integrated Urgent Care Provision in Hartlepool', but also that the plans for such a service are more rigorously communicated to both overview and scrutiny and the wider public, to give a clearer indication of proposals from the outset;

- (c) That the creation of a formal set of protocols on consultation be debated between the PCT and the Forum to:-
 - (i) Promote the real improvements in health services in Hartlepool; and
 - (ii) Foster the improved links with Hartlepool PCT, that have developed in the intervening period between the closure of the ECP Service at Wynyard Road and the conclusion of this Forum's investigation.

50. Community Strategy (*Head of Community Strategy*)

Type of decision

Budget and Policy Framework

Purpose of report

To agree the final Community Strategy, *Hartlepool's Ambition*, attached at appendix 1, for submission to Council.

Issue(s) for consideration by Cabinet

The Mayor presented a report which provided a brief summary of the review process undertaken for the Community Strategy and Neighbourhood Renewal Strategy. The report also included responses to the comments made as a result of the consultation undertaken, from statutory agencies, individuals and Scrutiny Co-ordinating Committee at their meeting on 14 March 2008.

The Community Strategy would be delivered through the Local Area Agreement (LAA), this being a three year agreement based on the Community Strategy that set out the priorities for the local area. At its meeting on 29 May 2008, Council adopted the Local Area Agreement for 2008-2011 and the Council's contribution to the delivery of the Local Area Agreement was included within the Corporate Plan, supported by Departmental and Section Plans.

Decision

- (i) That the final Community Strategy, *Hartlepool's Ambition*, be approved for submission to Council.
- (ii) That responsibility be delegated to The Mayor, in consultation with the Head of Community Strategy, to undertake minor drafting amendments (including the completion of the Glossary of Terms and List of Abbreviations) before submission to Council.

51. Corporate Equality and Diversity Scheme (2008-2011) and the Corporate Equality Plan (2008-2011) (Chief Personnel Officer)

Type of decision

Key Decision – Test (ii) applies

Purpose of report

To obtain the Cabinet's endorsement of the Corporate Equality and Diversity Scheme for 2008-11 and the Corporate Equality Plan for achieving Level 4 of the Equality Standard for Local Government (BVPI 2a) by March 2011.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Performance presented a report which provided details on the Council's Corporate Equality and Diversity Scheme 2008-11 and corporate equality actions planned to achieve Level 4 of the Equality Standard for Local Government by March 2011. Both the Scheme and action plan were attached by way of appendix. It was noted that the Council had made progress in undertaking or completing the actions identified in the action plan. During the next three years, further detailed actions to supplement the Level 4 action plan would be identified and included in the Departmental and Service Plans and would be monitored via standard performance management arrangements.

Decision

- (i) The draft Corporate Equality and Diversity Scheme 2008-11 as set out in Appendix A was endorsed.
- (ii) The action plan for achieving Level 4 of the Equality Standard for Local Government by March 2011 as set out in Appendix B was endorsed.

52. ICT Provision – Future Arrangements *(Assistant Chief Executive)*

Type of decision

Non-key.

Purpose of report

To report to Members on progress to date and the next stage of the work leading up to the end of the current contract for ICT provision in 2011.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Performance presented a report which identified that in June 2008, a report was agreed by Cabinet which approved the processes and timescales for Phase 2 of the work leading up to the end of the current provision of ICT support to the Council, and a high level Statement of Requirements for the authority which would determine future support arrangements. This report built on that report and provided information on the more detailed Statement of Requirements, as agreed in the last Cabinet report, and further evaluation carried out. It also provided details of the evaluation criteria and processes to be used for the final evaluation stage.

The key points to note were:

- The project was progressing according to the plan
- The 11 delivery models that Cabinet agreed to carry forward from stage 1 have been evaluated against the 2nd stage Statement of Requirements and it was recommended they were reduced to 5. These would be the subject of more detailed investigation during 2008
- Work was progressing on identifying the process to be followed, and resources required during phase 3, although this would in part be dependant upon the conclusions to phase 2.

In addition to the above, the authority also had the option of extending the current arrangements for 2 years until 2013. Members were asked to note that although this option would need to be given consideration, it should only ever be an interim arrangement with the longer term options still needing to be evaluated.

It was noted that a series of seminars had been arranged for HBC staff and management with separate seminars for Members to provide information on the process and capture the business needs of the Authority. Members were asked to note that soft market testing would be undertaken to help the

project team evaluate the feasibility of the project, best approach to delivering it and any risks that may be involved. Although it had been identified that soft market testing would require a reasonably significant amount of resources, it was recommended as good practice and would provide additional information to feed into the 3rd stage evaluation. The timescale and key decision points were detailed in the report and Members were informed that a further report would be submitted to Cabinet in December 2008 to present a potential delivery model.

A Member questioned when a decision would be taken in relation to the possibility of extending the arrangements with the existing ICT provider. The Assistant Chief Executive confirmed that in October 2008 a way forward would be identified with a report being submitted to Cabinet for consideration. It was noted that if an extension to the current arrangements was agreed, some parts of the process within Phase 3 would be deferred until an appropriate point in the extension period.

Clarification was sought on the budget implications for the process. The Assistant Chief Executive indicated that the current budget covered expenditure until the end of March 2009. The financial implications of the procurement process were not included within that budget and were currently being calculated.

Decision

- (i) The progress to date on Phase 2 of the project was noted.
- (ii) The framework Statement of Requirements (Appendix A) as a strategic statement of what the authority requires from ICT support and as the basis for further more detailed evaluation was agreed.
- (iii) The reduction of options for future support from 11 models to 5 for further investigation was agreed.
- (iv) Further reports would be received as follows:
 - a. The outcome of any discussions with Northgate with regard to any potential extension to existing arrangements
 - b. Final SOR, final stage evaluation, initial recommendation and identification of any other information required to enable final decision to be made on the delivery model to be followed. This would not be a decision on a provider.
 - c. Decision on option to pursue and agreement on process and funding for Phase 3
 - d. October 2011 – completion of Phase 3. Further detail and financial implications for Phase 3 would be the subject of a future Cabinet report once the outcomes of Phase 2 were known.
- (v) The further evaluation of those options identified in Appendix B and section 4 of the report was agreed.

53. Heugh Gun Battery – Extension of Bridging Finance Facility *(Chief Finance Officer and Director of Regeneration and Planning Services)*

Type of decision

Non-key.

Purpose of report

The report requested approval to extend a previously agreed and currently operating “bridging finance” facility for the Heugh Gun Battery Trust Ltd to include an additional revenue element.

Issue(s) for consideration by Cabinet

The report referred to a previous decision of Cabinet to provide a “bridging finance” facility in respect of a Heritage Lottery grant for the Heugh Gun Battery which was being developed as a visitor attraction as part of the North Hartlepool Single Regeneration Budget (SRB) programme.

The report submitted to Cabinet previously related to a capital grant approval, but due to an oversight did not include an element of revenue grant which had also been awarded to the Trust. The current report sought to rectify the situation by requesting approval to extend this “bridging finance” facility to include the revenue grant, which amounted to £78,000 over two years.

Decision

The extension of the existing “bridging finance” facility for the Heugh Gun Battery Trust Ltd to include the additional revenue element as outlined in the report was agreed.

54. Affordable Rented Social Accommodation – Policy for the Disposal of Council Land *(Director of Neighbourhood Services and Director of Regeneration and Planning Services)*

Type of decision

Non-key.

Purpose of report

To seek Members' views on a policy for the disposal of Council land at undervalue for the purposes of affordable rented social accommodation.

Issue(s) for consideration by Cabinet

The report highlighted the background to the general principles and Government's drive in relation to the provision of affordable housing and the specific housing needs of Hartlepool. Criteria for the potential disposal of land at undervalue were proposed and included:

- Planning criteria
- Affordable housing criteria
- Development agreement criteria
- Capital receipt criteria

The report identified that the requirements related to the disposal of land otherwise than at the best consideration reasonably obtainable. The Local Government Act 1972 general disposal consent 2003 moves the requirements for authorities to seek specific consent from the Secretary of State for any disposal of land not at the best consideration obtainable where the disposal fulfils certain criteria. This means that specific consent is not required for the disposal of any interest in land which the authority considers will help to secure the promotion or improvement of the economic, social or environmental well-being of its area or any persons resident or present in its area. The report noted that the sale of land for the purposes of social rented and other forms of affordable housing meets the requirement of the consent. Details of the terms of this consent were included within the report. Members were asked to consider the high priority of housing need and the Council's financial position, but also the need to maximise capital receipts to fund the future Capital Programme of the Council, which in particular addresses the maintenance and improvement of its assets.

It was noted that the Local Housing Assessment 2007 had identified a shortfall of housing in Hartlepool with an estimated need at 393 homes per annum. Members were concerned that the RSL may not be able to raise the funding available to provide the 393 houses required and it was suggested that this be specifically referred to in the policy. It was noted that there was a significant lack of accommodation for the elderly within the town, and Members sought clarification on whether the RSL could be requested to provide an element of accommodation for the elderly within their social housing development. The Director of Regeneration and Planning Services confirmed that this report sought approval for the general principles and framework of a policy for future decision making in relation to affordable social housing and that each individual site would be dealt with

on its own merits when submitted for decision. Members were asked to note that the Local Housing Assessment had identified that there was a particular need for family homes as well as accommodation for the elderly and vulnerable and that innovative ways should be explored to ensure accommodation needs were met across the town. It was noted that the housing needs assessment was being refined and additional evidence identified. The Director of Regeneration and Planning Services reassured Members that the local RSLs were continuously re-examining their housing stock to ensure the most appropriate accommodation was provided for tenants and that this is being used as efficiently as possible. A Member sought clarification on whether sufficient consideration had been given to ensure adequate drainage and proper road access was included within any applications. The Director of Regeneration and Planning Services indicated that this was covered under recommendation 4.3.2(i) although this could be expanded to include compliance with normal planning and engineering requirements.

A Member suggested that all land in council ownership should be examined. A discussion ensued in relation to the timescale suggested within the criteria of a 3-years development agreement and the possibility of reducing this to a 1-year agreement. It was suggested that in some cases this period might be adjusted depending on the circumstances. The Chief Solicitor indicated that this would be unduly restrictive and the Director of Regeneration and Planning Services added that the more restrictive the criteria, the more difficult it would be to attract an RSL to develop the land. Although it was acknowledged that the criteria provided broad guidelines only for Members when considering the disposal of Council land for the development for affordable social housing, it was suggested that the criteria be subject to 6 monthly reviews by Cabinet in view of the constantly changing housing market.

Decision

The criteria for the potential approval of the sale of land at undervalue for social, rental and other affordable housing was agreed as follows:

1) Planning Criteria

- i) The site is appropriate for development for housing purposes and in compliance with normal planning and engineering requirements;
- ii) A planning brief has been prepared; or planning principles have been agreed with the RSL;
- iii) It would be advantageous if the development of the land for housing enhances the amenity of the area.
- iv) The proposal should demonstrate high standards of design, environmental standards, energy efficiency, quality and accessibility.
- v) The proposal should demonstrate good space standards and

where practicable lifetime homes standards.

- vi) The proposal should demonstrate an appropriate mix of dwelling types to meet housing needs with an element of housing for the elderly, including bungalows where appropriate and feasible.
- vii) The RSL must carry out appropriate consultation with residents and Ward Councillors and other appropriate members prior to the submission of the planning application.

2) Affordable Housing Criteria

- i) Disposal would be to an RSL.
- ii) 100% nomination rights for first and subsequent lets;
- iii) Schemes proposed should contain a substantial proportion of social rented housing.
- iv) 50% minimum lettings to a 'local connection' as part of a local lettings policy to assist in sustainability may be considered where practicable and appropriate.
- v) Good local management arrangements by an RSL should be demonstrated by the RSL concerned.

3) Development Agreement Criteria

- i) The RSL must be able to demonstrate a reasonable prospect of obtaining adequate funding to deliver the affordable housing project;
- ii) The RSL must agree that the sale is subject to securing funding;
- iii) The RSL must agree that the sale is subject to planning approval;
- iv) The RSL must agree to signing a three year development agreement or such appropriate period relating to the circumstances that would enable the Council to repurchase the land at the original price in the event of the development not commencing on site.
- v) The RSL must agree to a covenant ensuring the Council receives financial benefit in the event of the land being subsequently "sold on";
- vi) The RSL agree to targeted training / employment opportunities for local people in development and construction where appropriate; to the scale of the site;

4) Capital Receipt Criteria

- i) The land to be disposed of should be consistent with overall capital receipt policy
- ii) The level of discount is the minimum necessary to secure development of social rented housing and is not disproportionate to the value of the site concerned.
- iii) Where practicable a reduction in maintenance revenue costs will be achieved.

55. 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 56 – Hartlepool People Centre, 21 Raby Road - (paragraph 3 “Information relating to the financial or business affairs of any particular person (including the authority holding that information”))

Minute 57 – Throston Allotments Security - (paragraph 3 “Information relating to the financial or business affairs of any particular person (including the authority holding that information”))

56. Hartlepool People Centre *(Director of Neighbourhood Services)*

Type of decision

Non-key.

Purpose of report

To update Cabinet on the progress made following Hartlepool People's successful bid to the Community Asset Transfer Fund and to obtain agreement to the proposed terms for the transfer of the property.

Issue(s) for consideration by Cabinet

The report detailed the background and the proposals for the scheme.

Decision

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

57. Throston Allotments Security (*Director of Neighbourhood Services*)

Type of decision

Non-key.

Purpose of report

To request a contribution from the Cabinet Contingency Fund to an Allotment Association led scheme to improve the security of the allotment site at Throston.

Issue(s) for consideration by Cabinet

The report detailed the background and the proposals for the scheme.

Decision

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

The meeting concluded at 10.20am,

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 11 July 2008