

CABINET

MINUTES AND DECISION RECORD

18 August 2008

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillors: Gerard Hall (Adult and Public Health Services Portfolio Holder),
Cath Hill (Children's Services Portfolio Holder),
Robbie Payne (Finance & Efficiency Portfolio Holder),
Peter Jackson (Neighbourhoods & Communities Portfolio Holder),
Victor Tumilty (Culture, Leisure and Tourism Portfolio Holder),

Officers: Paul Walker (Chief Executive),
Andrew Atkin (Assistant Chief Executive)
Dave Stubbs (Director of Neighbourhood Services)
Nicola Bailey (Director of Adult and Community Services)
Adrienne Simcock (Director of Children's Services)
Peter Devlin (Chief Solicitor)
Chris Little (Assistant Chief Financial Officer)
Joanne Machers (Chief Personnel Officer)
Sue Johnson (Assistant Director, Children's Services)
Graham Frankland (Head of Procurement, Property and Public Protection)
Joanne Smithson (Head of Community Strategy)
John Potts (Principal Policy Officer)
Alastair Rae (Public Relations Officer)

77. Appointment of Chair

In the absence of the Mayor and Deputy Mayor, Councillor Cath Hill was elected as Chair for the duration of the meeting.

78. Apologies for Absence

Apologies for absence were received from The Mayor, Stuart Drummond and Councillor Pamela Hargreaves, Deputy Mayor.

79. Declarations of interest by Members

None.

80. Confirmation of the minutes of the meeting held on 4 August 2008.

Confirmed.

81. Food Law Enforcement Service Plan 2008-2009
(Director of Neighbourhood Services)

Type of decision

Budget and Policy Framework

Purpose of report

To consider the Food Law Enforcement Plan 2008/09.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Adult and Public Health presented the report which set out details of Hartlepool's Food Law Enforcement Service Plan 2008/09. The plan was a requirement of the Food Standards Agency and formed the basis on which the Authority may be monitored and audited to verify whether the service provided was effective in protecting the public. The plan set 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 were asked to note that the introduction of the Tees Valley Food Hygiene Award Scheme on 1 April 2007 had been well received with over 100,000 hits on the website.

A Member referred to the issue of staff shortages referred to in the report and questioned what measures were put in place to deal with this. The Head of Procurement, Property and Public Protection informed Members that a recent advertisement for an Environmental Health Officer vacancy had resulted in an encouraging response. The Council had also implemented a training and development scheme in order to further develop and retain current employees.

Clarification was sought by a Member on how businesses not reaching the required standards were identified. The Head of Procurement, Property and Public Protection indicated that statutory inspections were undertaken, but any complaints reported to the Division would be investigated.

Decision

The draft Food Law Enforcement Service Plan 2008/09 was recommended

for approval by Council at its meeting on 18 September 2008.

82. Proposal to Discontinue the Additionally Resourced Facility at Jesmond Road Primary School

Type of decision

Key Decision – Test (ii) applies.

Purpose of report

The purpose of this report was to inform Members of the outcomes of the publication of the statutory notice to discontinue the additionally resourced facility at Jesmond Road Primary School and to determine the next stage of action. The facility provided up to 10 places for children aged 5-7 years with a range of learning and associated behavioural difficulties.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Children's Services presented a report which provided background information about the consultation on special educational needs issues which had taken place as part of the Building Schools for the Future Programme. The report included information about the additionally resourced facility at Jesmond Road Primary School and the Statutory Notice for the proposal to discontinue the additionally resourced facility. Members were asked to note that during the 6 week notice period, no responses to the Statutory Notice had been received.

Decision

- (i) The outcomes of the statutory notice period relating to the proposal to discontinue the additionally resourced facility at Jesmond Road Primary School for children aged 5-7 years with a range of learning and associated behavioural difficulties were noted.
- (ii) The discontinuance of this facility with effect from 31 August 2008 was approved.

83. Local Government White Paper – Communities in control – Real People, Real Power *(Chief Executive)*

Type of decision

Non-key.

Purpose of report

To provide Cabinet with an overview of the recently published White Paper “Communities in Control – Real People, Real Power.

Issue(s) for consideration by Cabinet

The report provided an overview of the recently published White Paper and summarised a number of the key issues which had been structured around the following themes:

- The case for people and communities having more power
- Active citizens and the value of volunteering
- Access to information
- Having and influence
- Challenge
- Redress
- Standing for office
- Ownership and control

Also attached to the report for information by way of Appendix were copies of the Executive Summary of the White Paper and a briefing document produced by the Local Government Association (LGA). Members were asked to note that due to the complexity of the proposals, further reports would be submitted to Cabinet on the implications of the White Paper as the proposals were clarified.

A Member commented that the public do feel disengaged and it was encouraging that the intention of this White Paper was to engage more people in the democratic process.

Decision

- (i) The report and appendices were noted.
- (ii) A Members’ seminar be scheduled on the proposals included in the White Paper.
- (iii) That further reports be submitted on the implications and potential actions in response to the White Paper as proposals were clarified.

84. New Local Agreement – Delivery and Improvement Plan 2008/09 *(Head of Community Strategy)*

Type of decision

Non-key.

Purpose of report

To agree the annual Delivery and Improvement Plan (DIP) for the new Local Area Agreement (LAA).

Issue(s) for consideration by Cabinet

The report confirmed that Local Authorities had a statutory duty to prepare a LAA in partnership with the Local Strategic Partnership. The report presented the annual Delivery and Improvement Plan that would help to deliver the Community Strategy and provide a strong platform to achieve the targets set out in the LAA and ensure action was taken to tackle the key challenges. The Delivery and Improvement Plan was attached at Appendix 1 and Members were asked to note that a six month review and end of year report on the LAA would be submitted to Cabinet as part of the monitoring arrangements.

Decision

The Local Area Agreement Delivery Improvement Plan for 2008/09 was approved and the monitoring arrangements were noted.

85. Local Involvement Networks (LINKs) *(Director of Adult and Community Services and Head of Procurement, Property and Public Protection)*

Type of decision

Non-key.

Purpose of report

To update Cabinet on the progress with procurement of the Host for the Hartlepool LINK.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Adult and Public Health presented the report which outlined the results of the LINKs procurement exercise and described the next steps in developing the Hartlepool LINK. Invitations to tender were issued to seven companies with two very competitive submissions being received. Both companies were interviewed and the contract was subsequently awarded to HVDA. Meetings had taken place with HVDA to progress the LINK operation and a start date of 1 September 2008 had been agreed. Members were asked to note that Hartlepool LINK would build on

the success already achieved by the PPI Forums.

Clarification was sought on how many people would be involved. Members were informed that a network of people would be required to examine the quality of services across different service areas including the Acute Trust, Mental Health Trust and Adult and Social Care and that this was one of the challenges faced by the HVDA. It was acknowledged that Hartlepool had a large voluntary sector and it would be envisaged that HVDA would be able to encourage participation from this sector.

In response to a Members' question the Director of Adult and Community Services indicated that the Government had provided a £99k grant to the Council to develop Hartlepool LINK following Government guidance and that further reports could be submitted to Cabinet as Hartlepool LINK was developed.

Decision

- (i) The results of the LINKs procurement exercise and next steps in developing the Hartlepool LINK were noted.
- (ii) That further reports be submitted to Cabinet as and when appropriate, outlining the progress of the development of Hartlepool LINK.

86. Replacement of Stolen Chains of Office (*Chief Personnel Officer*)

Type of decision

Non-key.

Purpose of report

To consider the options for replacing the stolen Chains of Office previously worn by the Vice-Chair and escort.

Issue(s) for consideration by Cabinet

The report detailed the options for the replacement of the stolen Chains of Office following the insurance settlement and receipt of a quotation from a specialist jeweller. The insurance settlement was not sufficient to purchase an exact replacement of the stolen Chains, however if this decision was taken, additional funding of £39,700 would need to be identified.

The Chief Personnel Officer informed Members that the Constitution Working Group, at its meeting on 15 August 2008 had expressed the view that an Alderman's medallion be used by the Vice Chair of the Council

when substituting for the Chair at Council meetings and events until such time that a decision was made on the replacement of the Chains. Members were also asked to note that should the insurance company recover the chains, the Council would be liable to refund any settlement. The Chief Solicitor added that the Constitution Working Group were aware that a neighbouring local authority did not engage in ceremonial duties and believed that this was to the detriment of that authority.

A discussion ensued in which the merits of replacing the Chains were considered including the fact that the Chains were part of Hartlepool's heritage and whether any additional funding to the settlement should be provided. Clarification was sought on the difference from the insurance settlement and the cost of replacing the chains. The Chief Personnel Officer indicated that the difference was mainly due to the associated craftsmanship involved in the production of an exact replacement of the Chains, which was a difficult cost to predict. The Chief Executive informed Members that it was difficult to foresee the exact valuation for the replacement of this type of artefact without regular valuations but added that this would be a costly exercise.

Decision

- (i) That new Chains of Office be commissioned for the settlement agreed with the Council's insurers.
- (ii) That if new Chains of Office could not be commissioned within this agreed cost, a further report be submitted to Cabinet.

87. Revenue Outturn Report 2007/08 *(Chief Financial Officer)*

Type of decision

None – for information only.

Purpose of report

To provide details of the Council's overall Revenue Outturn for 2007/08.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Finance and Efficiency presented a report which provided the detail outturn position for 2007/08 and followed on from the Outturn Strategy report submitted to Cabinet on 27 May 2008.

As indicated in the Outturn Strategy report there were overspends on departmental budgets and an underspend on corporate budgets, mainly owing to higher investment income. In overall terms there was a net

contribution to General Fund balances of £0.790m. It was confirmed that this contribution increased general fund balances above the minimum prudent level of 3% and it was reported that there was some headroom for unforeseen items of £0.944m, as considered at a previous meeting.

However, owing to the restricted timescale for preparing the 2007/08 outturn, the review of General Fund balances excluded the commitments against this reserve approved by Cabinet and Council in February 2008 for various one-off issues identified during the 2008/09 budget process. These items total £0.154m. It was noted that when account was taken of these items the net headroom was reduced from £0.944m to £0.790m. This position was reflected in the monitoring report for the current year.

Submitted as detailed appendices to the report were a summary revenue outturn report to 2008 by department, details of high risk budget areas by department, progress against savings/increased income targets and the revenue outturns by Portfolio.

This report would be referred to Scrutiny Co-ordinating Committee on 19 September 2008 and this arrangement would ensure that Scrutiny Co-ordinating Committee was provided with details of the final outturn as soon as practical.

Decision

The report was noted.

88. NRF, Capital and Accountable Body Programme Outturn Report 2007/08 *(Chief Financial Officer)*

Type of decision

None – for information only.

Purpose of report

To provide details of the Council's overall Capital outturn for 2007/08, the Neighbourhood Renewal Fund (NRF) and the Spending Programmes where the Council acts as the Accountable Body. The report considered the following areas:

- NRF
- Capital Monitoring
- Accountable Body Programme Monitoring

Issue(s) for consideration by Cabinet

The Portfolio Holder for Finance and Efficiency presented a report which set out detailed outturn reports for capital for each Portfolio along with outturns for the Neighbourhood Renewal Fund (NRF) and the spending programmes where the Council acted as Accountable Body. The report followed the format adopted for the previous reports where outturns were reported by Portfolio Holder to enable Portfolio Holders to readily review their area of responsibility.

Members were asked to note that in terms of NRF spending there was a favourable variance of some £60,900 which will be carried forward to 2008/09. Capital expenditure on the Council's own capital programme was managed within the requirements of various funding rules. Expenditure of £14.7m was rephased to 2008/09 together with the resources to fund these costs.

This report would be referred to Scrutiny Co-ordinating Committee on 19 September 2008 and this arrangement would ensure that Scrutiny Co-ordinating Committee was provided with details of the final outturn as soon as practical.

Decision

The report was noted.

89. Quarter 1 – Revenue Financial Management Report 2008/09 *(Corporate Management Team)*

Type of decision

None – for information only.

Purpose of report

To inform Cabinet of the progress against the Council's own 2008/09 Revenue Budget for the period to 30 June 2008.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Finance and Efficiency presented a report which set out the financial position for the Council's revenue budget and built on the initial update reported to Cabinet on 9 June 2008.

The Revenue Budget Monitoring report covered the following areas:-

- Progress against departmental and corporate budgets and high risk budget areas;
- Progress against Efficiency Savings Targets identified in the 2008/2009 budget strategy;
- Performance against Budget Pressures to be treated as Contingency Items;
- Progress against departmental salary turnover targets;
- Key balance sheet information.

As previously indicated, a number of issues had arisen since the 2008/09 budget was approved in February 2008 including increase in the stock of Council funds. This was partly due to the review of General Fund balances as part of last year's outturn and partly the allocation of the year 3 LABGI grant.

Members' attention was drawn to the fact that the financial risks in relation to the Tall Ships and Building Schools for the future were currently being assessed and would continue to be updated and refined over the next two years. At this stage additional funding for these areas of £2m was anticipated and it was noted that it would be prudent to set resources aside as soon as possible for these costs. It was expected that these commitments may be substantially funded from increased investment income in the current year, although the most appropriate funding route needed to be determined as part of the 2008/09 outturn strategy.

It was highlighted that the position on departmental expenditure was less positive with initial indications that these areas would overspend at the year end. A report identifying the comprehensive position would be submitted to Cabinet at the end of the next quarter. The following options for managing this position were proposed:

- carrying forward as departmental overspends against the 2009/10 or 2010/11 budget allocations; or
- by writing-off against General Fund balances in the current year.

The position would be reviewed at the end of the next quarter and include a proposed strategy in the budget proposals for referral to Scrutiny in October. In the meantime, Cabinet Members and Directors need to assess the impact of carrying overspends forward and funding from future years budget allocations.

The report highlighted that at the end of the first quarter Council Tax collection had increased slightly. However, recently the number of rejected direct debits had begun to increase and this may be indicative of wider economic problems emerging at the local level.

Decision

That the report was noted.

90. Quarter 1 – WNF, Capital and Accountable Body Programme Monitoring Report 2008/09 *(Chief Financial Officer)*

Type of decision

None – for information only.

Purpose of report

To provide details of progress against the Council's overall Capital budget for 2008/09, the Working Neighbourhoods Fund (WNF), (previously called the Neighbourhood Renewal Fund NRF) and the spending programmes where the Council acts as the Accountable Body.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Finance and Efficiency presented a report which set out the financial position at this stage, although there were no specific issues to report on the WNF or the Council's capital programme. Members' attention was drawn to the latest changes by Central Government to New Deal for Communities (NDC) revenue and capital allocations. The changes have transferred £1m from revenue to capital therefore reducing flexibility, although NDC were currently in negotiation with DCLG and GONE about this change.

Decision

That the report was noted.

91. Local Government Access to Information

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

Minute 92 – Restructuring of the Legal Services Division – Para 1 - namely

information relating to any individual and Para 2 - information which is likely to reveal the identity of an individual.

Minute 93 – Industrial Action – Salary Deductions – Para 4 - namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees, or office holders under the authority.

92. Restructuring of the Legal Services Division *(Chief Executive)*

Type of decision

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

Purpose of Report

To seek Cabinet approval to the proposed restructuring of the Legal Services Division as outlined within the report.

Issue(s) for consideration by Cabinet

The report provided details of the aims and objectives of the Legal Services Division, its structure circa local government re-organisation in 1996, its present and proposed structure. The report also contained reference to comparative structures operating within the Tees Valley Region for illustration purposes.

Decision

The decision is set out in the exempt section of the minutes.

93. Industrial Action – Salary Deductions *(Chief Financial Officer and Chief Personnel Officer)*

Type of decision

Non-key.

Purpose of Report

To seek a Cabinet decision on the arrangements for deducting pay from employees who participated in recent industrial action and to establish the

decision-making process should similar decisions be required in the future.

Issue(s) for consideration by Cabinet

The report provided background to the recent national pay dispute, a request from the Trade Unions to mitigate the impact of salary deductions on their members and proposals for undertaking the necessary payroll work this year and the decision-making arrangements should similar decisions be required in the future.

Decision

The decision is set out in the exempt section of the minutes.

The meeting concluded at 10.00 am.

PETER J DEVLIN

CHIEF SOLICITOR

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