

PERFORMANCE MANAGEMENT PORTFOLIO DECISION RECORD

3rd October, 2005

Present:

Councillor Peter Jackson (Performance Management Portfolio Holder)

Officers: Peter Spires, Registration Service Manager
Peter Turner, Principal Strategy Development Officer (Best Value & Performance Management)
Liz Crookston, Principal Strategy & Research Officer
Kerry Trenchard, Strategy & Performance Officer
Graham Frankland, Head of Property & Procurement
Steve Carroll, Estates & Asset Manager
Keith Lucas, Property Manager
David Cosgrove, Principal Democratic Services Officer

51. Implementation of the Civil Partnership Act 2004 (Assistant Chief Executive)

Type of decision

Non-key.

Purpose of report

The report outlined the requirements of the Civil Partnership Act 2004 and sought permission to prepare the administrative procedures required by the Act. The report also sought permission to introduce additional non-statutory civil celebratory ceremonies to accompany the statutory formation of Civil Partnerships.

Issue(s) for consideration by Portfolio Holder

The Civil Partnership Act 2004 introduced the status of Civil Partnership, a new legal relationship, which could be formed by two people of the same sex. It gave same sex couples the ability to obtain legal recognition for their relationship. Couples who form a civil partnership would have a new legal status – that of “civil partner”. The legislation would come into force on the 5th December 2005. The report went on to set out how the services were being introduced locally and it was indicated that civil partnership ceremonies would be introduced alongside those ceremonies already offered in Hartlepool,

provided by the Register Office, in partnership with Civil Ceremonies Limited. The ceremonies could only be held at the Registry Office, Raby Road, Hartlepool, or one of the premises approved by the Council for marriage and/or civil partnerships. The report also indicated that the charges would be exactly as those already set for other civil celebratory services that involved only a single member of staff. The three band rates were:-

Monday to Friday during office hours	£130.00
Monday to Friday outside office hours and Saturday	£185.00
Sunday and Bank Holidays	£215.00

Decision

- (i) That the Principal Strategy Development Officer (Best Value and Performance Management) and the Registration Service Manager/Superintendent Registrar are appointed as the nominated contact Officers (Policy).
- (ii) That the Registration Service Manager/Superintendent Registrar be appointed as the nominated contact Officer (Operational).
- (iii) That the Register Office, Raby Road, Hartlepool be the head office for dealing with Civil Partnerships.
- (iv) That the Superintendent Registrar and all deputy Superintendent Registrars be authorised to take notices of, and to officiate at the formation of, Civil Partnerships.
- (v) That the introduction of Civil Partnerships ceremonies by the Registration Service in partnership with Civil Ceremonies Limited be approved.

52. Browning Avenue Baptist Church, Kingsley Avenue, Hartlepool (*Head of Procurement and Property Services*)

Type of decision

Non-key.

Purpose of report

To obtain approval to the sale of the freehold reversion of the site at the corner Kingsley Avenue/Browning Avenue.

Issue(s) for consideration by Portfolio Holder

The trustees of Browning Avenue Baptist Church hold the land at the corner of Kingsley Avenue and Browning on a lease for a term of 99 years with effect from 16th May 1958. The Council has been recently approached by the

trustees to request that they be permitted to purchase the reversionary interest in the land. Trustees were given terms of the disposal of the land, which was subsequently agreed. The details of the terms agreed for the disposal were set out in appendix 2 to the report. The appendix contained exempt information under schedule 12a of the Local Government Act 1972, namely terms proposed to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services (paragraph 9).

Decision

That the disposal of the land at the corner of Kingsley Avenue/Browning Avenue as detailed the plan submitted as appendix 1 to the report, to the trustees of Browning Avenue Baptist Church, be approved in the terms reported.

53. Energy Management - Energy Saving fund (*Head of Procurement and Property*)

Type of decision

Non-key.

Purpose of report

To inform the Portfolio Holder of the ongoing implementation programme of Energy Saving Fund Projects.

Issue(s) for consideration by Portfolio Holder

The Energy Saving Fund was established in 2001 in respect to the Climate Change Levy which was also introduced in the same year as a levy on carbon fuel use. In 2005/06 a sum of £16,000 was available to implement schemes under the project. Full details of the proposed schemes for 2005/06 were set out in appendix A to the report, and included the extension of the building management system controls at the Municipal Buildings, internal lighting controls in Bryan Hanson House and external lighting controls at Leadbitter Buildings. The estimated cost of implementing these projects was £15,655. The annual savings were estimated at £3,700, representing a return on investment of 25%. After the payback period all future savings will be available to inform a review of the relevant properties' annual operating costs.

Decision

That approval be given to the three schemes as part of the Energy Management Saving fund for 2005/06:-

Municipal Buildings - Building Management System Controls
Bryan Hanson House - Internal Lighting Controls
Leadbitter Buildings - External Lighting Controls

54. Land at Middleton Road/Marina Way (*Head of Procurement and Property*)

Type of decision

Non-key.

Purpose of report

To obtain authority to proceed with a proposed exchange of land at the Middleton Road/Marina Way junction.

Issue(s) for consideration by Portfolio Holder

The Council owns a strip of land on Marina Way as a result of the A179 extension scheme. The land has always, since that time, been enclosed within the former Seymour Engineering site. Planning permission has been granted for the redevelopment of the Seymour site as non-food retail units. The developer has requested that the strip of land that is in the ownership of the Council, but included in the redevelopment site, is transferred to him in exchange for an alternative strip of land on the Middleton Road frontage. These areas of land were shown on drawing number E/S/450 attached to the report. The land exchange would allow the developer to achieve a better site layout for the new development and would allow the Council greater control of the highway frontage on Middleton Road and would also assist in the allocation of a proposed new bus lay-by when the existing site entrance was closed. It was reported that the costs of the proposed exchange would be met by the developer.

Decision

That Officers authorised to complete the necessary legal documentation for the proposed land exchange.

55. Former Lynn Street Day Centre (*Head of Procurement & Property Services and Acting Director of Adult & Community Services*)

Type of decision

Non-key.

Purpose of report

To obtain Portfolio Holder approval to the demolition of the former Lynn Street Day Centre.

Issue(s) for consideration by Portfolio Holder

The Lynn Street Day Centre closed in November 2001 as part of the modernisation of day services for people with a learning disability. Since that time alternative uses for the building have been sought, however the building on the site was no longer fit for purpose and required demolition. Whilst the

building had been secured and boarded-up, vandalism was still a constant problem and there was a potential for the building to become unsafe and dangerous.

A budget estimate of £120,000 had been provided for the demolition, funded from the Adult and Community Services revenue budget. However this will be subject to a formal tendering process. The demolition of the building was necessary in advance of any redevelopment of the site in order to remove any danger through an unsafe building and the cost of this should be reflected in any future redevelopment scheme.

Decision

That approval be given to the demolition of the former Lynn Street Day Centre and subsequent clearance of the site and that Officers be authorised to proceed with the necessary documentation subject to costs being finalised.

56. Green Energy (*Head of Procurement and Property Services and Head of Public Protection*)

Type of decision

Non-key.

Purpose of report

To detail a position statement on the Borough Council's use of electricity from renewable sources.

Issue(s) for consideration by Portfolio Holder

The Hartlepool Partnership has signed the Declaration on Climate Change (the Nottingham Declaration) and as part of this Declaration the Council is committed to make a significant reduction in greenhouse gases from its operations and to take a lead within the Borough.

A report to the meeting of the 5th September 2005 advised that currently the only Borough Council property to be powered by Green Energy was the Civic Centre and that this accounted for 10% of the Council's total electricity consumption and achieved the Council's 2010 target. It was determined that the target needed to be revised and this process has been commenced. It was also reported that due to the very advantageous fixed price terms of the contract for the supply of electricity to the Sub 100KW sites that any change to Green Energy would mean losing the fixed price aspect of this contract for the majority of the Borough Council's properties.

Negotiations have taken place with the supply company on this stance and an agreement has been reached which enforces the commitment to and facilitates the change of Green Energy that the existing prices will be held until the expiration of the current contract in March 2007. There is an additional

cost associated with the purchase of Green Energy but this is mostly offset as properties purchasing it are exempt from payment of the Climate Change Levy. The exception being those schools with charitable status who are already exempt from the Climate Change Levy.

As it is now considered viable to purchase Green Energy for all sites the process is in place to encourage Directors, Services and Property Managers to purchase Green Energy. If all Council properties used Green Energy the annual saving in CO2 emissions would be 5250 tonnes. The cost of purchasing Green Energy for the Council's property based on 2004/05 consumption would be £10,000. This represents only 1.6% of the total annual expenditure on electricity. The need to offset additional cost by good housekeeping will therefore be very important.

Decision

- (i) That the progress to date be noted.
- (ii) That the process of offering the supply of Green Energy to all properties with the aspiration of 100% of the Council's electricity consumption being from renewable sources be endorsed.
- (iii) That an education and guidance programme to encourage energy saving be supported.

57. Review of Strategic Risk Register *(Assistant Chief Executive)*

Type of decision

Non-key,

Purpose of report

To inform the Portfolio Holder of the current position with regard to the Council's Strategic Risk Register.

Issue(s) for consideration by Portfolio Holder

A review of the Council's Strategic Risk Register had been undertaken by the Corporate Risk Management Group and subsequently the Corporate Management Team. Following this review there were now 25 strategic risks identified across the Authority, up from 22. A copy of the update Strategic Risk Register was submitted as appendix 2 of the report.

Since the last review in May 2005, the number of red/red risks had been reduced from 7 to 5. Red/red risks were of particular importance to the Council given that their impact/likelihood had not been sufficiently mitigated by the control measures put in place today. The 5 red/red risks were:-

Increased demand for adult services.
Lost of key staff/insufficient numbers of staff to match a service delivery.
Sustainability of grant fund services/projects.
Flu pandemic.
Future equal pay claims.

The Council was constantly striving to seek improvements in the control measures of these red/red risks, for example a recruitment strategy had been agreed to help reduce the risk of losing key staff.

Three new risks had been added to the register and these were:-

Contaminated land - red/amber.
Flu pandemic - red/red.
Lost of Council reputation due to internal and external factors - red/amber.

Three of the risks within the register had also been amended during the recent review. All of the amended risks have received a reduction to the risk rating due to increased control measures or a reduction in the risk itself. Details of these amendments were set out in full within the report.

Continual monitoring of all the risks within the register was being undertaken and it was highlighted that particular areas of work covered the strategic risks currently split across the Adult and Community Services and Children's Services departments. Both departments were currently looking into dividing these risks between themselves and developing the necessary control measures. The Strategic Risk Register would continue to be reviewed on a quarterly basis by the Corporate Risk Management Group with the findings of these reviews being reported to the Corporate Management Team and subsequently to this Portfolio.

Decision

That the review of the Council's Strategic Risk Register and amendments to the register be noted.

58. Viewpoint - Citizens' Panel Results *(Assistant Chief Executive)*

Type of decision

Non-key.

Purpose of report

To inform the Portfolio Holder of the result from the sixteenth phase of Viewpoint, Hartlepool Borough Council's Citizens' Panel.

Issue(s) for consideration by Portfolio Holder

The latest Viewpoint survey was carried out in May 2005 using a self-

completion questionnaire returned via the Royal Mail postal system. The questionnaire was sent out to all active members of the panel, 1,118 individuals, with 805 questionnaires being returned; a response rate of 68.8%.

The questionnaire sought Viewpoint members' views and opinions on: -

- crime and anti-social behaviour issues in their local area – this section had been developed in conjunction with the Cleveland Police Authority,
- the Council's Youth Services Team, and
- the potential for the extension of Community Warden powers.

It was also reported that there would be a refresh of the Viewpoint Panel, with a third of the panel (400 members) being refreshed during October 2005. Efforts would also be made to recruit school-leavers aged 17 to 18 who had just come onto the electoral register.

In order to evaluate the use of Viewpoint within the Council, a review of the use of Viewpoint information had been undertaken. It was also planned that this would be a regular process in future years. Departments would be contacted between 12 to 18 months after they had used Viewpoint to ask what had been done with the information and how helpful they had found it. This time period was set to allow time for departments to act on the information collected through Viewpoint.

In August 2005 a short questionnaire had been sent to lead officers who had included questions in Viewpoint phases 9-11 (October 2002-September 2003). Departments were asked whether they found the results from Viewpoint appropriate and whether they would like to receive information in the future in electronic format, paper-based or both. All officers who had responded indicated that they had found the results appropriate for their needs and that they would use Viewpoint again. Whilst the initial consultation exercise had provided some useful information, it had become clear that there would need to be meetings held with the appropriate lead officers on a one-to-one basis to further explore the use that was being made of Viewpoint results.

Decision

That the report and the result of the sixteenth Viewpoint survey be noted.

59. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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 paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985.

Minute 60 - Land adjacent to Corus Works, Brenda Road, Hartlepool (para. 9
"The terms proposed or to be proposed to the authority in the course of

negotiations for a contract for the acquisition or disposal of property or the supply of goods and services.)

Minute 61 - Former Store, Mainsforth Terrace, Hartlepool (para. 9 “The terms proposed or to be proposed to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods and services.)

Minute 62 - Land at Groves Street/Durham Street, Hartlepool (para. 9 “The terms proposed or to be proposed to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods and services.)

60. Land adjacent to Corus Works, Brenda Road (*Head of Procurement and Property Services*)

Type of decision

Non-key.

Purpose of report

To report on the outcome of the recent marketing of the land adjacent to the Corus Works on Brenda Road.

Issue(s) for consideration by Portfolio Holder

The Head of Procurement and Property Services reported that six sealed bids had been received and were opened by the Contract Scrutiny Panel on 12th September 2005. Details of the bids received which ranged from £15,000 to £320,000 and the proposed uses were set out in the report. Offer number 6 in the sum of £320,000 was the highest bid received and proposed that the site be used for a pipe-stocking distribution centre, wind-break and sports area. As the site was so large and due to the planning implications involved, the highest bidder had been contacted in writing and requested to provide further information regarding the scheme. It was likely that the bidder and the Senior Estates Surveyor would then meet with the Council's Development Control Manager to establish the suitability of this use. It was also likely that planning approval would need to be received before the Chief Solicitor could be instructed in the disposal of the site.

Decision

That approval be given to offer number 6 received in the sum of £320,000 subject to the satisfactory outcome of negotiations with the bidder on the suitability of use and planning approval.

61. Former Store, Mainsforth Terrace (*Head of Procurement and Property Services*)

Type of decision

Non-key.

Purpose of report

To report the outcome of the recent marketing of the former store on Mainsforth Terrace.

Issue(s) for consideration by Portfolio Holder

The Head of Procurement and Property Services reported that 11 sealed bids for the former store on Mainsforth Terrace had been received and opened by the Contract Scrutiny Panel on 5th September 2005. Details of the bids received which ranged from £5,000 to £35,600 and the proposed uses were set out in the report.

Offer number 5 in the sum of £35,600 was the highest received and proposed that the site be used as a new and used car sales showroom. This was considered a viable use for the site, although appropriate planning consent would be required. The Chief Solicitor had been instructed to complete the transfer of the land subject to a covenant stating that planning permission must be received within six months of the transfer, and the development must be commenced within twelve months. The initial view of the Development Control Manager was that the proposed use may be acceptable.

Decision

That approval be given to disposal of the site in the sum of £35,600 subject to a covenant stating that planning permission must be received within six months of the transfer and development must be commenced within twelve months.

62. Land at Groves Street/Durham Street (*Head of Procurement and Property Services*)

Type of decision

Non-key.

Purpose of report

To consider a request for a transfer of land at Groves Street/Durham Street.

Issue(s) for consideration by Portfolio Holder

The report set out in detail the long history in relation to the request from the resident from 140 Durham Street for the transfer the small area of land to the rear of the property into his ownership. The history of this request had been

complicated due to the enclosure of an untitled piece of land by the neighbouring property owner to the south and the more recent construction work for the new Headland Surgery on a site to the north of the property.

The area of land subject to this request was approximately 72m² (86 square yards) and details of the unrestricted value (housing) and a restricted value (garden) were set out in the report. The Portfolio Holder considered that in light of the long history of this matter and the proposed use by the owner of 140 Durham Street, the land should be offered at the restricted (garden) valuation set out in the report. The purchaser would also be required to bear the Council's reasonable legal costs.

Decision

- (i) That the area of land as detailed in the report be offered to the owner of 140 Durham Street at the restricted use valuation as reported.
- (ii) That subject to the acceptance of the proposal, officers be authorised to completed the appropriate legal documentation.

J A BROWN

CHIEF SOLICITOR

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