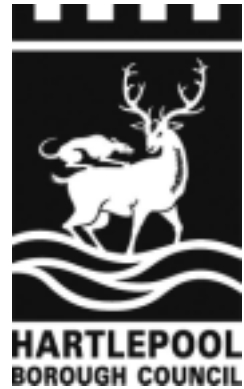


# **CABINET AGENDA**



**Monday 6<sup>th</sup> April 2009**

**at 9.00 am**

**in Committee Room B,  
Civic Centre, Hartlepool**

MEMBERS: CABINET:

The Mayor, Stuart Drummond

Councillors Hall, Hargreaves, Hill, Jackson, Payne, and Tumilty

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
  - 3.1 To receive the Record of Decision in respect of the meeting held on 24 March 2009 (previously circulated)
4. **BUDGET AND POLICY FRAMEWORK**

No items
5. **KEY DECISIONS**

No items

**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Stranton Fire Station Development, Huckelhoven Way / Stockton Street – *Director of Neighbourhood Services and Director of Regeneration and Planning*
- 6.2 Mental Capacity Act 2005 – Deprivation of Liberty Safeguards – *Director of Adult and Community Services*
- 6.3 Business Transformation – Corporate Restructure – *Chief Executive*

**7. ITEMS FOR DISCUSSION / INFORMATION**

- 7.1 Update Report – The Strategic Siting Assessment Process for New Nuclear Power Stations in the UK and Other Related Issues – *Director of Regeneration and Planning Services*

**8. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

None

## **CABINET REPORT**

6<sup>th</sup> April 2009



**Report of:** Director of Neighbourhood Services and  
Director of Regeneration and Planning

**Subject:** STRANTON FIRE STATION DEVELOPMENT,  
HUCKLEHOVEN WAY / STOCKTON STREET

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### **SUMMARY**

#### **1. PURPOSE OF REPORT**

To seek Cabinet approval to the sale of land at Hucklehoven Way / Stockton Street to Cleveland Fire Brigade for the redevelopment of the Stranton Fire Station.

#### **2. SUMMARY OF CONTENTS**

The report outlines Cleveland Fire Brigade's Property Development Programme via a substantial Private Finance Initiative (PFI) procurement and highlights the requirement for additional land for the redevelopment of the Stranton site. Planning and valuation issues in relation to a potential sale and development are discussed.

#### **3. RELEVANCE TO CABINET**

The Cleveland Fire Brigade provide key services to the community with future development requiring a sale of land at a prominent town centre location.

#### **4. TYPE OF DECISION**

Non Key.

#### **5. DECISION MAKING ROUTE**

Cabinet 6<sup>th</sup> April 2009.

**6. DECISION(S) REQUIRED**

That Cabinet approves the sale of land at Hucklehoven Way / Stockton Street to Cleveland Fire Brigade subject to the terms and conditions outlined in the report.

**Report of:** Director of Neighbourhood Services and  
Director of Regeneration and Planning

**Subject:** STRANTON FIRE STATION DEVELOPMENT,  
HUCKLEHOVEN WAY / STOCKTON STREET

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## **1. PURPOSE OF REPORT**

- 1.1 To seek Cabinet approval to the sale of land at Hucklehoven Way / Stockton Street to Cleveland Fire Brigade for the redevelopment of the Stranton Fire Station.

## **2. BACKGROUND**

- 2.1 Cleveland Fire Brigade has been successful in bidding for a large sum of Private Finance Initiative (PFI) money to modernise their buildings. Together with the Durham Fire Brigade they have been awarded approximately £60million (from a national pot of £130m) to undertake these vital works, with £40m of that to be invested across the Tees Valley. They are currently working up a detailed business case to set out how they propose that this funding would be used.
- 2.2 The Fire Brigade have expressed their desire to modernise the 3 facilities within Hartlepool. They have stated that they propose to rebuild their Headquarters at **Queens Meadow**, with the new building also incorporating other facilities which are currently located in Thornaby and Grangetown. They are also proposing to knockdown and rebuild the station on the **Headland**, probably with the new building having a smaller footprint and looking to accommodate other complimentary uses such as community facilities on site.
- 2.3 In terms of their **Stranton** site, they have said that this facility needs replacing with an upgraded facility which is fit for modern purposes and incorporates community facilities. They have stressed the important role they can play in working with communities to help cut crime, improve safety and promote healthier lifestyles.
- 2.4 As part of the business case they have to put forward a preferred site for Stranton and two back up sites should there be any problems with the preferred site.

## **3. STRANTON SITE**

- 3.1 The Council have worked with the Fire Brigade to look at five potential sites along the A689 and up to Marina Way, including the Fire

Brigade's preferred option of their current Stranton site and the green space immediately to the north.

- 3.2 The Fire Brigade have since assessed these sites against an emergency response system to see which are suitable and have discounted two of these sites (land north of Tees Bay Retail Park and an adjacent site on the western side of Brenda Road) as they do not meet the requirements in terms of this critical criterion. Another site (Anchor Mills) was considered too small, and the fifth site to the West of Marina Way (north of to the new Focus at Highpoint Retail Park) was not considered to have good enough pedestrian access.
- 3.3 Officers are currently working with them to try and identify two other sites which could be included as back up sites.
- 3.4 Cleveland Fire Brigade has approached the Council about the availability and likely cost of the green space to the north of their current Stranton site (the attached plan in **Appendix 1** shows ownership details). The Fire Brigade feel that their current site, and approximately half of this area of open space, offers the best option for the redevelopment of this fire station. They are proposing to build a modern, high specification facility on this site which would incorporate their fire appliances, office space, community facilities, gym and some other uses. They see this development as critical in their proposals to rejuvenate their facilities within the town and to ensure they strengthen their links with the community.

#### 4. **PLANNING POLICY CONSIDERATIONS**

- 4.1 The area of open land which the Fire Brigade are interested in purchasing from the Council is a key green space identified at policy GN3 of the Hartlepool Local Plan, which indicates that planning permission will only be given for developments which relate to the use of the land as open space, subject to various amenity considerations. The site is located to the south of the main town centre (Policy Com 1).
- 4.2 It is felt that a high quality development of a new fire station, incorporating a high quality of hard and soft landscaping, on this key approach to town (Policy GEP7 - Frontages of Main Approaches) and in this deprived ward may be acceptable in planning policy terms (despite the loss of the open space). In this instance, given the critical importance of the Fire Brigade, their locational requirements in terms of emergency response times and a lack of other acceptable areas of land for this facility the development has merit. The development would need to be treated as a departure from the Development Plan, with the Fire Brigade needing to incorporate some form of replacement green space within their development by way of compensation.

- 4.3 From a Planning Policy viewpoint it is considered appropriate to consider allowing the loss of the protected open space as the proposed development is of vital importance to the town. This would be on the basis that any development that comes forward is of a particularly high standard in design terms given its prominent location of a key approach into the town. Any development would have to seek planning permission.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 Financial information can be found at confidential **Appendix 2**.

**This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

## **6. RECOMMENDATIONS**

- 6.1 That Cabinet approves the sale of land at Hucklehoven Way / Stockton Street to Cleveland Fire Brigade subject to the terms and conditions outlined in the report

## **7. CONTACT OFFICER**

David Dockree  
Acting Estates Manager  
Stockton Street  
Hartlepool  
TS24 7NU

Tel: 01429 523386  
E-mail: [david.dockree@hartlepool.gov.uk](mailto:david.dockree@hartlepool.gov.uk)

Matthew King  
Principal Planning Officer  
Bryan Hanson House  
Hanson Square  
Lynn Street  
Hartlepool  
TS24 7BT

Tel: 01429 293899  
E-mail: [matthew.king@hartlepool.gov.uk](mailto:matthew.king@hartlepool.gov.uk)



6





# CABINET REPORT

6 April 2009



**Report of:** Director of Adult and Community Services

**Subject:** Mental Capacity Act 2005 - Deprivation of Liberty Safeguards

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## SUMMARY

### 1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of the new provisions in the Mental Capacity Act 2005 Deprivation of Liberty Safeguards (MCA DOLS) that come into force on the 1<sup>st</sup> April 2009 and how these will be implemented locally.

### 2. SUMMARY OF CONTENTS

- 2.1 This report explains the statutory framework for making decisions about care and treatment for people who lack capacity to consent and need to be deprived of their liberty for their own safety and in their best interests.
- 2.2 The report will inform cabinet how Hartlepool Borough Council staff will implement the Mental Capacity Act 2005 Deprivation of Liberty Safeguards (MCA DOLS).

### 3. RELEVANCE TO CABINET

- 3.1 Legal requirement to implement the new provisions within the Mental Capacity Act 2005 Deprivation of Liberty Safeguards.

### 4. TYPE OF DECISION

Non key.

**5. DECISION MAKING ROUTE**

Cabinet – 6 April 2009.

**6. DECISION(S) REQUIRED**

Cabinet is asked to:

- Note the report
- Agree the adoption of the procedures outlined
- Agree the proposed delegation of authority for authorising DOLS.

**Report of:** Director of Adult and Community Services

**Subject:** Mental Capacity Act 2005  
Deprivation of Liberty Safeguards

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## **1. PURPOSE OF REPORT**

- 1.2 The purpose of this report is to identify the new provisions in the Mental Capacity Act 2005 Deprivation of Liberty Safeguards that come into force on the 1<sup>st</sup> April 2009.
- 1.3 This report will explain the statutory framework for making decisions about care and treatment for people who lack capacity to consent and need to be deprived of their liberty for their own safety and in their best interests.
- 1.4 The report will inform cabinet how Hartlepool Borough Council staff will implement the Mental Capacity Act 2005 Deprivation of Liberty Safeguards (MCA DOLS).

## **2. BACKGROUND**

- 2.1 The MCA DOLS were introduced to prevent breaches of the European Convention on Human Rights. The European Court of Human Rights in its October 2004 judgement in the case of *HL v United Kingdom* held that an autistic man who lacked capacity to consent to hospital admission had been deprived of his liberty which was not in accordance with law, and he had no right of appeal to a court.
- 2.2 The MCA DOLS set out standard procedures and paperwork together with a code of practice that should be followed when it is necessary to deprive someone of their liberty.

## **3. WHO WILL BE COVERED BY DEPRIVATION OF LIBERTY SAFEGUARDS?**

- 3.1 The MCA DOLS apply to people in hospitals and care homes who meet all of the following criteria. A person must:
- be aged eighteen or over;
  - have a mental disorder ;
  - lack the capacity to consent to where their treatment and/or care is given;
  - need to have their liberty taken away in their own best interests to protect them from harm.

#### **4. WHAT IS DEPRIVATION OF LIBERTY?**

- 4.1 There is no simple definition of deprivation of liberty and it depends on the specific circumstances of each individual case. Account must be taken of a wide range of factors arising in a particular case such as the type, duration, effects and manner of implementation of the measure in question.
- 4.4 Despite this lack of clarity case law from both Europe and the UK have identified a number of factors where deprivation of liberty has been proven.
- restraint was used to admit a person to a hospital or care home when the person is restricting (should this be resisting) admission;
  - medication is given forcibly, against a patient's will;
  - staff exercise complete and effective control over the care and movements of a person for a long period of time;
  - staff taking all decisions on a person's behalf, including choices relating to assessments, treatments, visitors and where they can live;
  - hospital or care home staff taking responsibility for deciding if a person can be released into the care of others or allowed to live elsewhere;
  - when carers requested that a person be discharged to their care, hospital or care home staff refused;
  - the person was prevented from seeing friends or family because hospital or care home staff restricted access to them;
  - the person loses autonomy because they are under continuous supervision and control.
- This list is not exclusive; other factors may arise in the future in particular cases.

#### **5. HOW DO THE MCA DOLS PROTECT PEOPLE?**

- 5.1. The MCA DOLS introduce a standard process that hospital and care homes (Managing Authorities) and local authorities and PCTs (Supervisory Bodies) must follow before they deprive a person of their liberty.
- 5.2 If people do need to be deprived of their liberty in their own best interests, then MCA DOLS protect them by providing:
- a representative to act for them and protect their interests;
  - rights of challenge to the Court of Protection against unlawful deprivation of liberty;
  - rights for their deprivation of liberty to be reviewed and monitored on a regular basis.

#### **6. WHAT CHANGES DO THE MCA DOLS INTRODUCE?**

- 6.1 The MCA DOLS make it lawful for people to be deprived of their liberty, based on a rigorous, standardised assessment and authorisation process and the identification of a representative to support those who are subject to MCA DOLS.

## 6.2 Requests for Assessment

- 6.2.1 Managing Authorities have to apply to the supervisory body to deprive someone of their liberty. Anyone with a concern can also apply to the supervisory body to ask for an assessment of whether a deprivation of liberty is occurring. There are standard forms and letters for these purposes.
- 6.2.2 Authorisations to deprive a person of their liberty should be obtained in advance except in circumstances where the need is urgent. In an emergency Managing Authorities can issue themselves an urgent authorisation, for seven days whilst simultaneously applying for a standard authorisation. The assessments must be completed before the expiry of the urgent authorisation. If there are exceptional reasons for doing so, a supervisory body may extend the duration of an urgent authorisation for a further seven days.
- 6.2.3 Where a request is made to deprive an individual using a standard authorisation without an urgent authorisation the supervisory body has up to twenty one days to complete all necessary assessments.

## 6.3 Assessment

- 6.3.1 When a supervisory body receives a request for deprivation of liberty or to consider an unauthorised deprivation of liberty they must complete or commission six assessments to establish whether the person meets the eligibility requirements, these are as follows:
- Age assessment* – the person is aged 18 or over
  - No refusals assessment* – receiving an authorisation would not conflict with a valid decision from an attorney or deputy, and it is not for treatment that would conflict with a valid advance decision by the person.
  - Mental capacity assessment* - the person lacks capacity to decide whether to be admitted to, or remain in, the hospital or care home
  - Mental Health assessment* – the person is suffering from a mental disorder
  - Eligibility assessment* – the person is eligible unless they are:
    - detained under the Mental Health Act 1983,
    - subject to a requirement under the Mental Health Act 1983 that conflicts with the authorisation being requested e.g. Guardianship Order requiring them to live somewhere else
    - objecting to being in hospital for the purpose of treatment of a mental disorder, and they meet the criteria for detention under the Mental Health Act 1983.
  - Best interest assessment* – to establish whether there is a deprivation of liberty, and if there is, whether it is:
    - in the best interests of the person to be subject to the authorisation;
    - necessary in order to prevent them coming to harm
    - a proportionate response to the likelihood of them suffering harm and the seriousness of that harm.

The Best interest Assessor may also attach conditions such as contact with family and friends

- 6.3.3 Regulations set out who can be assessors, which cover such things as qualifications, skills and training indemnity and insurance. There must be at least two assessors and best interest assessments and mental health assessments must be completed by different assessors. All must be adequately insured.
- 6.3.4 In Hartlepool assessments a), b) and f) will be completed by Social workers who have had additional training as Best Interest Assessors, assessments c), d) and f) will be commissioned from S12 Doctors who have experience of working with people with mental health problems and have completed the MCA DOLS e Learning package.
- 6.3.5 If any of the assessments conclude that the person does not meet the criteria for an authorisation to be issued, the Best Interest Assessor must recommend the request for authorisation is declined.
- 6.3.5 If all of the assessments conclude that the person meets the criteria for an authorisation to be issued, the Best Interest Assessor must recommend the request for authorisation is approved, they will need to recommend:
- the period of time the person should be deprived (maximum twelve months)
  - Any conditions that need to be attached to the deprivation

#### 6.4 Identifying a Representative

- 6.4.1 Before a Relevant Person's Representative (RPR) is appointed an Independent Mental Capacity Advocate (IMCA) can offer support to the person being assessed under the MCA DOLS if they have no family members or friends to support them during the assessment.
- 6.4.2 The MCA DOLS make provision for every person deprived of their liberty to have a RPR who will represent them in and be consulted on; all matters connected their deprivation of liberty.
- 6.4.3 If all assessments conclude that the person meets the criteria for an authorisation to be issued then the Best Interest assessor will need to recommend an RPR. The RPR will usually be a family member or friend but can also be a paid representative, where the person has no family members or friends to fulfil the role.

#### 6.5 Authorisation Process

- 6.5.1 If any of the assessments conclude that the relevant person does not meet the qualifying requirement, the supervisory body cannot issue a deprivation of liberty authorisation. The supervisory body must record its decision (a standard form is available) and notify:
- the managing authority
  - the person assessed
  - any IMCA involved

- any RPR involved
- anyone consulted by the Best Interest Assessor as part of their assessment

6.5.2 If all the assessments are positive, the supervisory body must issue a standard deprivation of liberty authorisation. This should be for as short a time as possible as and no longer than the time period recommended by the Best Interest Assessor. The supervisory body can change recommendations made by the Best Interest Assessor however the Best Interest Assessor will need to be contacted if recommendations are changed.

6.5.3 All standard authorisations must be in writing and included the purpose of the deprivation and its duration and any conditions. The supervisory body must record its decision (a standard form is available) and notify:

## 6.6 Appointing a Representative

6.6.1 The Best Interest Assessor can recommend a Representative or a paid representative will need to be identified for people without friends or family. The supervisory body must invite the representative to confirm in writing that they are willing to be appointed. If the person agrees to be the representative, the supervisory body must formally appoint them in writing.

6.6.2 Supervisory bodies must keep written records of the appointment of the RPR (a standard form is available for this.) The following people will need to be notified of the appointment:

- the RPR
- the person assessed
- the managing authority
- any attorney or deputy
- anyone consulted by the Best Interest Assessor as part of their assessment

## 7. **PARTNERSHIP WORKING**

7.1 Hartlepool Borough Council will be working closely Hartlepool PCT.

- All referrals and other MCA DOLS requests for health and social care will be received by the Hartlepool Borough Council Duty Team.
- A MCA/DOLS lead post has been jointly funded by Hartlepool Borough Council and Hartlepool PCT.
- Social Workers and Nurse Assessors have been trained as Best Interest Assessors.
- A section 75 partnership under the National Health Services Act 2006 is being developed so that the Local Authority and the PCT will be able to carry out functions on others behalf.



- The integrated Adult Commissioning Team (jointly appointed Assistant Director of Adults Commissioning and Joint Strategic Commissioners for Older People, Working Age Adults and Mental Health) will be signatories on the MCA DOLS forms on behalf of both supervisory bodies.

## **8. MONITORING AND REPORTING ARRANGEMENTS**

Quarterly monitoring will take place to review the number of referrals and authorised DOLS, as well as assessing impact on Best Interest Assessors and other members of staff.

Information will be reported to the Adult & Public Health Portfolio holder on a quarterly basis.

## **9. RECOMMENDATION**

- 9.1 It is recommended that this report is noted, and that the procedures outlined are adopted. This includes delegated powers for authorising deprivation of liberties being assigned to the integrated Adult Commissioning Team.

# CABINET REPORT

6<sup>th</sup> April 2009



**Report of:** CHIEF EXECUTIVE

**Subject:** BUSINESS TRANSFORMATION –  
CORPORATE RESTRUCTURE

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## SUMMARY

### 1. PURPOSE OF REPORT

This report is to progress the recommendations from the Cabinet report of the 26<sup>th</sup> January 2009 with particular reference to the restructure of the authority.

### 2.0 BACKGROUD TO TRANSFORMATION

Cabinet has received a number of reports on the Business Transformation programme. These reports have determined the need for the programme, the rationale underpinning it and intended outcomes, the programme structure and the component parts of the programme. Cabinet also agreed (at the meeting of the 26<sup>th</sup> January) a number of business cases for implementation and the projected efficiencies.

The programme is underpinned with a rationale for efficiencies, and also identifies that Hartlepool Borough Council is aiming to be an organisation which can:

- Maintain and continue to improve service performance
- Make more efficient and effective use of its resources, people, buildings etc
- Deliver services in a responsive manner
- Maximise the extent to which services are delivered directly to the user, and
- Minimising the number of “transactions” or hand offs to achieve this.

The Transformation programme comprises business cases for management structures, transactional services, non transactional services, asset management, service delivery options and customer services. Cabinet has received and agreed the business cases for all of these with the exception of customer services which will form a

separate report for Cabinet for consideration at a meeting in late April or early May.

Business Transformation provides the opportunity to deliver the benefits identified in the approved business cases including

- identifying and delivering greater synergies in services,
- holistic (or corporate) approaches to those issues which can be more effectively managed and delivered to the whole organisation,
- the removal of any barriers to service performance and efficiency which are a result of structural factors,
- sharing strengths, skills and expertise across the organisation
- the redesign and integration of systems and processes to be more effective.

This report primarily addresses a number of the recommendations in respect of the restructure but also provides a brief update for Cabinet on those other elements of the programme.

### **3.0 CURRENT STRUCTURE**

The structure agreed in 2005 has been adapted to meet some of the changing requirements placed on the authority since its implementation. The financial and performance pressures faced by the authority have continued to mount, so the structure needs to be as efficient and effective as possible.

The current structure has the following Chief Officer posts; 1 x Chief Executive, 4 x Directors, 24 x Chief Officers (plus the Emergency Planning Officer which is a post supporting the former Cleveland authorities)

Since 2005 the financial constraints upon local government have progressively increased, and the efficiency targets have gradually hardened. For example, the original Gershon target was two and a half percent per annum, half of which was cashable. Since 2005 the standards against which the Council's performance is judged have been increasingly expressed in terms of outcomes for people and for the town. The Council has maintained and improved its performance record against these standards. More broadly the national and local expectations of the Council have also increased, and in response we have looked for ways of increasing effectiveness without adding to costs.

As part of the Programme we are therefore seeking a departmental structure which includes simpler and more consistent management, enables savings in management costs, aligns associated functional areas, strengthens key functional areas by pooling experience and knowledge, and which encourages more holistic approaches to people and to places. It must also maximise budget and operational flexibility,

and ensure that we have the capacity and culture to continually develop and adapt.

#### **4.0 STRUCTURE CONSIDERATIONS**

The decisions taken by Cabinet at the meeting of 26<sup>th</sup> January 2009 provide for the progressing of the structure proposals. The first stage in this process is the determination of the overall structures and groupings of services into divisional structures in each of the departments. This report provides this information.

The determination of Chief Officer functional structures will be undertaken after the appointment of the two Directors, and will be considered by Cabinet. In order that the new structures deliver the efficiency targets outlined in the Management Structures business case they will be developed within a cash envelope which takes as its basis the current cost base of the authority and applies efficiency targets from the business case.

There are a number of principles that have been taken into account in relation to the proposals. Whilst those identified below are not exhaustive they are indicative of the considerations.

- The need to create a structure that supports delivery of outcomes.
- Recommending change where it will add value
- Providing a managed transition period to minimise disruption
- Reflecting internal and external policy drivers, placing the authority in a position to meet needs in an effective manner
- Providing appropriate spans of control, particularly at Heads of Service level.
- Enabling departments and individuals to manage outcomes and risks.
- Maximising funding, in particular by promoting budget flexibility.
- Delivering the efficiency savings attributable to the restructure (as a minimum)
- Releasing capacity.
- Incorporating clear accountabilities.
- Addressing aspirations for the type of organisation Hartlepool Borough Council wishes to be.

In relation to the restructure, and in broad terms the management and operational arrangements for the Council, it is important to ensure that the benefits of these organisational arrangements are maximised.

#### **5 OPTIONS FOR CONSIDERATION**

Detailed in Section 7 in the main report are proposed structures for the authority which takes account of those principles detailed above. Section 8 in the main report includes a number of areas where more

than one option is put forward for consideration. There are many potential options available in restructuring an organisation as complex as a local authority.

## **6 PROPOSED CORE STRUCTURE**

The proposed core structure for the three departments of the authority is shown in the main report at a departmental and functional level.

The proposals in respect of the People department take a phased approach over the course of a year to enable a number of current developments and risks in respect of some key service areas to be addressed. The structures are set out in the following sections in the main report

- 7.2 Place Department
- 7.4 People Department (year 1)
- 7.6 People Department (year 2)
- 7.8 Chief Executives Department

Where there is considered to be more than one option for the future location of a particular function, or functions, these are included in section 8 of the main report

The main changes for the Place Department in the structure in the main report are as follows :

- The combining of the Housing and Regeneration functions (currently in the Regeneration and Planning Department)
- The inclusion of Parks, Playing Fields and Countryside (currently part of Community Services in Adult and Community Services (NB with the exception of Summerhill and Grayfields as identified above), Building Maintenance and Logistics (current part of Property, Procurement and Public Protection in Neighbourhood Services Department) within the Neighbourhood Services grouping.
- The creation of one support services function for the department

The main changes for the People Department in the structure in the main report are as follows :

- The inclusion of Public Health functions (currently Neighbourhood services) in the Adult Social Care grouping
- Schools Transformation becomes both a strategy and a commissioning role (Procurement is part of the functional grouping for consideration in section 8.2)
- The creation of one Support Services function for the department

The main changes for the People Department between Year One and Year Two shown in the in the main report are as follows :

- The removal of the Targeted Services Grouping. Prevention Services will move to the Children's Social Care grouping. The move of Connexions, the Youth Service, SGV, Education, Psychology, Play and Children's Centres areas to the Schools grouping.

The main changes for the Chief Executive's Department in the structure in the main report above are as follows :

- Member's Services and Elections and Land Charges (currently Human Resources division) form part of Legal Services grouping
- Registrars (currently Corporate Strategy division) form part of Human Resources grouping
- Transactional Services is part of the Finance grouping

The structures outlined in the main report have taken into account the principles identified in section 5.2 in the main report. A range of opportunities for the closer alignment of related functions have been identified, ensuring that potential internal and external policy drivers are taken into account, whilst still managing the potential risk of wholesale, and potentially unnecessary, change.

There are numerous potential configurations of services for a local authority with a service base as diverse as a unitary authority such as Hartlepool. The proposals outlined in the sections maintain service performance, manage potential risk, ensure this is not a process of change for change sake, and will provide a stable base for the management of the overall Transformation Programme. They are therefore recommended to Cabinet.

The proposals outlined in the report for the overall structure of the Council will provide for a Chief Officer Structure as follows 1 x Chief Executive, 2 x Directors, 20 x Chief Officers (plus the Emergency Planning officer). The original proposals presented to Cabinet were based on a reduction of 2 x Directors, and 2 x Chief Officers; this proposal provides for a minimum reduction of 2 x Directors and 4 x Chief Officers.

## **7 OPTIONS FOR CONSIDERATION**

In addition to those proposals for the core structure identified above there are a range of functional areas which, through consideration by Corporate Management Team, have been identified as having more than one possible location within the new structure. The potential options and the associated benefits are outlined in detail in section 8 of the main report but in summary include ;

**Procurement, Property and Assets function**

In relation to the location of the function in the new structure it could be delivered from the Chief Executives department or the Place department as a distinct functional grouping, operating in either location as a corporate function. Further consideration is given to this in section 8 of the main report

**Community Strategy / Sustainable Communities**

The Community Strategy division currently forms part of the Regeneration and Planning Department. Through the consideration of the structure it has been identified that there are two potential options for the location of a revised function (or elements of it), with differing benefits attributable to these models.

One option is that Community Strategy (or Sustainable Communities) would form a division of the Place Department with an alternative option being that elements of Community Strategy (or Sustainable Communities) would form part of the Corporate Strategy division in Chief Executive's Departments and Planning and Economic Development and Housing and Regeneration divisions in the Place Department. Further detail on this is given in section 8 of the main report

**Drugs Action Team**

The Drugs Action Team (DAT) currently forms part of the Community Safety Division in Regeneration and Planning Department. There are two potential options for the location of the function.

One option is that the DAT remains as part of the Community Safety and Prevention grouping in the Place Department with the alternative being that it would form part of the Adults Commissioning grouping in the People Department with the alternative option being that the DAT.

**Youth Offending Service**

The Youth Offending Service (YOS) currently forms part of the Community Safety Division in Regeneration and Planning Department. Through the consideration of the structure it has been identified that there are two potential options for the location of the function with differing benefits attributable to these models.

One option is that the YOS remains as part of the Community Safety and Prevention grouping in the Place Department with the alternative being that it would form part of the Children's Social Care grouping in the People Department with an alternative being that the YOS.

## 8.0 IMPLEMENTATION PROCESS

The report to Cabinet on 26<sup>th</sup> January established the outline timetable for the implementation of the departmental restructure and the wider Management Structures Business Case.

The development of the proposals incorporated within this report are the first stage in this process. The high level functional analysis of Directorates will allow the finalisation of Job descriptions and Person Specification for the new Directors and for the recruitment process to commence. The detail of the proposed process is included in section 9 of the main report.

The posts of Directors of People and Place have been submitted to Monitoring of Vacancies panel, in line with Council procedure, on 11<sup>th</sup> March 2009 and were approved. The determination of the Member Appointment Panel for the recruitment process for these posts is scheduled to go to Council on 16<sup>th</sup> April 2009 and the remuneration for the posts will be subject to external assessment (as agreed at Cabinet on 26<sup>th</sup> January). The conclusion of this is due to be considered by Cabinet on 22<sup>nd</sup> June 2009 to allow the recruitment process to progress as outlined above.

The structures identified will be revisited after Directors have been appointed and this will be undertaken in line with the principles agreed as part of the business case and this report (as agreed in the Cabinet Report of 26<sup>th</sup> January 2009). Based upon the proposals identified in this report, there are a significant number of roles where the change in responsibilities is not significant. As part of a managed process of change it is proposed, in line with existing custom and practice in the council, that after the review of structures by the new Directors, Chief Officers are “slotted in” to posts where appropriate. The remaining posts would be filled by Appointments Panels.

## 9.0 FINANCIAL IMPLICATIONS

The Management Structures Business Case included target savings from the corporate restructure of £265K for the reduction of two Director posts, and a minimum of £145K for a reduction in Assistant Director posts (ie two fewer posts for Support Services).

The proposals included in this report provide for the projected reduction of two Directors (£265K) but the likely reduction in the number of Chief Officers has increased from 2 to 4 (increasing the saving from £145K to £320K). The net value of the saving will depend ultimately on the divisional structures approved and the assessment of salaries in line with the remuneration strategy.



## 10 MANAGING THE RISKS AND REALISING THE BENEFITS

The Core proposals and structural options set out in sections 7 and 8 of the main report have been developed by the Corporate Management Team. They have taken into account factors identified in section 10, together with lessons learned from other authorities. In determining these proposals there are a range of challenges and risks for the authority to manage. These were outlined in the Cabinet report of the 26<sup>th</sup> January 2009 and include :

- Delivering efficiency savings
- Managing the change
- Service delivery
- Engagement through the change process

Of significant importance is the need to ensure that through the change process, and the resulting organisational structures and operating agreements that individual citizens and services are safeguarded. As part of the report to Cabinet on 26<sup>th</sup> January it was identified that the authority would be contacting the Department of Children, Schools and Families (DCSF) and Department of Health (DoH) in respect of the planned arrangements, as the DCFS had recently issued guidance in respect of the potential to combine the roles of Director of Adults and Children's services. As highlighted previously the guidance suggests that such a combination is not recommended without very strong justification. The planned arrangements in respect of Adult and Children's services have been supplied to DCSF and DoH, including approaches to governance, leadership, and protection of vulnerable people. A response is being actively pursued.

### 11.0 PROGRAMME UPDATE

The restructure is one part of the overall Business Transformation Programme, with links to several of the other workstreams. Attached at Appendices 1 to 4 are brief programme updates from each of these workstreams:

Management Structures	Appendix 1
Assets	Appendix 2
Non Transactional Services	Appendix 3
Transactional Services	Appendix 4

Further reports are scheduled for Cabinet, as agreed in January 2009 on energy efficiency, service delivery options, customer services, and management and workforce development.

### 12.0 CONCLUSIONS AND NEXT STEPS

The proposed functional structures identified in this report are based upon the previous decisions at Cabinet, the principles underpinning the Business Transformation programme and the efficiency targets which

have been established. Determining the structures enables a number of the decisions taken by Cabinet to be progressed, namely the appointment process for the new Directors, the review of the new Directors salaries (both agreed at Cabinet on 26<sup>th</sup> January) and upon appointment of Directors the determination of more detailed operating structures. These operating structures will have to be determined based on a reduced overall cost envelope in line with the previously agreed Business cases and associated efficiency targets.

Consideration has been given, through the determination of the proposed structures to the range of factors identified in the main report.

The restructure at a departmental level was identified to deliver savings of £410K (from Directors(2) and Assistant Directors(2)) based on these proposals it is anticipated to be £585K (from Directors(2) and Assistant Directors(4)) although this will be in two phases to take into account the proposed phased approach for the People Department.

The agreement of the overall structure for the Council is an important step in the transformation programme. It provides a number of important elements to allow the overall programme to be progressed. These include (but not exclusively so);

- The creation, through the appointment of the new Directors and the determination of the next tier of chief officers, of the management team for the authority
- A clear direction for the authority and the services provided in conjunction with an ability to manage and implement the change through the organisation and ensure there is clarity on both service provision, service development and in respect of individuals that work for the organisation
- It assists in the effective implementation of a number of other elements of the Business Transformation Programme including the following business cases; Transactional Services; Assets and Service Delivery Options.
- The focussing of the communication plans for the various elements of the overall programme and the communications relating to the programme itself.

### **13. RELEVANCE TO CABINET**

The decision relates to the overall organisational structure of the authority.

### **14. TYPE OF DECISION**

Non Key

### **15. DECISION MAKING ROUTE**

Cabinet 6<sup>th</sup> April 2009

**16. DECISION(S) REQUIRED**

Cabinet is recommended to

- Agree the overall structure of the Council as shown in sections 7.2, 7.8 and the phased approach to the implementation of the People department as shown in section 7.4 and 7.6
- Determine the structural location of the following
  - Procurement, Property and Assets is proposed to be in either Place Department or Chief Executives Department (section 8.2 in the report)
  - Community Strategy (Sustainable Communities) is proposed to be either in Place Department as a single functional grouping or in Chief Executives Department (Corporate Strategy) and Place Department (Planning and Economic Development and Regeneration and Housing) (section 8.3 in the report)
  - Drugs Action Team (DAT) is proposed to be in either Place Department (Community Safety and Prevention) or People Department (Adults Commissioning) (section 8.4 in the report)
  - Youth Offending Service (YOS) is proposed to be in either Place Department (Community Safety and Prevention) or People Department (Children's Social Care) (section 8.5 in the report)
- Note the programme updates provided as Appendices 1 to 4
- Note the recruitment process and timescales for the Directors of People and Place
- Note that further a further report will be brought to Cabinet after the appointment of Directors in respect of the functional structures and the proposed slotting in of Chief Officers

**Report of:** Chief Executive

**Subject:** Business Transformation - Corporate Restructure

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## **1.0 PURPOSE OF REPORT**

- 1.1 This report is to progress the recommendations from the Cabinet report of the 26<sup>th</sup> January 2009 with particular reference to the restructure of the authority.

## **2.0 BACKGROUD TO TRANSFORMATION**

- 2.1 Cabinet has received a number of reports on the Business Transformation programme. These reports have determined the need for the programme, the rationale underpinning it and intended outcomes, the programme structure and the component parts of the programme. Cabinet also agreed (at the meeting of the 26<sup>th</sup> January) a number of business cases for implementation and the projected efficiencies.
- 2.2 The programme is underpinned with a rationale for efficiencies, and also identifies that Hartlepool Borough Council is aiming to be an organisation which can:
- Maintain and continue to improve service performance
  - Make more efficient and effective use of its resources, people, buildings etc
  - Deliver services in a responsive manner
  - Maximise the extent to which services are delivered directly to the user, and
  - Minimising the number of “transactions” or hand offs to achieve this.
- 2.3 The Transformation programme comprises business cases for management structures, transactional services, non transactional services, asset management, service delivery options and customer services. Cabinet has received and agreed the business cases for all of these with the exception of customer services which will form a separate report for Cabinet for consideration at a meeting in late April or early May.
- 2.4 Business Transformation provides the opportunity to deliver the benefits identified in the approved business cases including
- identifying and delivering greater synergies in services,
  - holistic (or corporate) approaches to those issues which can be more effectively managed and delivered to the whole organisation,
  - the removal of any barriers to service performance and efficiency which are a result of structural factors,

- sharing strengths, skills and expertise across the organisation
- the redesign and integration of systems and processes to be more effective.

### 3.0 PREVIOUS DECISIONS OF CABINET

3.1 At the meeting of Cabinet on the 26<sup>th</sup> January 2009 the following was agreed in respect of the restructure:

- i. The restructure of the authority from 5 departments to 3 in line with the principles in section 4 of this report (of 26<sup>th</sup> January 2009), with the detailed departmental structures to be developed.
- ii. The review of the remuneration of the Directors of People and Place in line with the agreed Council Remuneration strategy to be agreed by Cabinet.
- iii. The recruitment of Directors of Place and People in line with the Council's procedures.
- iv. Development outline departmental structures by the appointed Directors, delivering the efficiencies required, to be agreed by Cabinet.
- v. The review of the current structure of the Chief Executive's department, with the development of new structures, if appropriate, to be agreed by Cabinet.

3.2 In addition to the decisions detailed above Cabinet also agreed

- i. To the continuation of the Business Transformation Team to support Directors and manage and deliver elements of the programme.
- ii. To the implementation of the Business Case proposals identified in section 5 of the report
  - a. Restructure and Management Structures:
  - b. Transactional Services
  - c. Non-Transactional Services
  - d. Asset Management
  - e. Service Delivery Options
- iii. To receive a further report on the implementation of the business case for Customer Services
- iv. To receive a report on the Service Delivery Options incorporating a programme for future years, comprising at least 4 reviews per year and service delivery principles and evaluation criteria.
- v. That the authority implement;
  - a. Restrictions on filling vacancies across the Council, with limited exemptions.
  - b. A managed process to receive expressions of interest in voluntary redundancy in line with programme timescales.
- vi. The principle of funding one-off severance costs of £3.1m on a loan basis repayable over a 5 year period from the gross savings achieved from implementing the Business Transformation

programme, and to refer this proposal to Council for approval as part of the 2009/10 budget proposals on 12<sup>th</sup> February 2009.

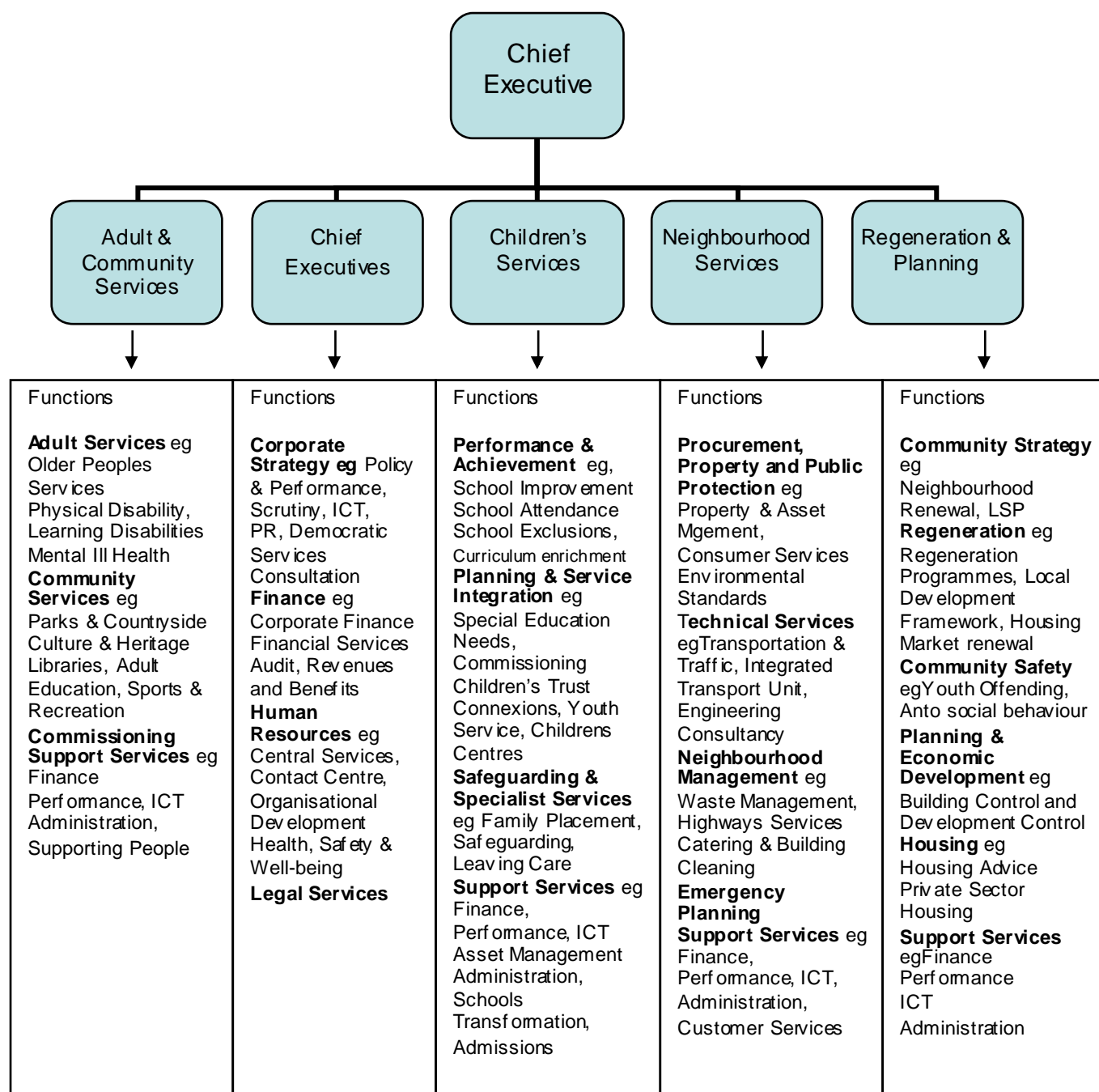
- vii. The principle of funding other one-off programme costs of £0.64m on a loan basis repayable over a 5 year period from the gross savings achieved from implementing the Business Transformation programme, and to refer this proposal to Council for approval as part of the 2009/10 budget proposals on 12<sup>th</sup> February 2009.
- viii. That proposals for a Workforce Development Programme be developed for consideration by either Cabinet or the Performance Portfolio holder to underpin the requirements of the programme
- ix. That proposals for an invest to save programme for energy efficiency be developed and submitted for consideration and approval
- x. The Communications Plan.

- 3.3 This report primarily addresses a number of the recommendations in respect of the restructure but also provides a brief update for Cabinet on those other elements of the programme.

#### **4.0 CURRENT STRUCTURE**

- 4.1 The structure agreed in 2005 has been adapted to meet some of the changing requirements placed on the authority since its implementation. The financial and performance pressures faced by the authority have continued to mount, so the structure needs to be as efficient and effective as possible.
- 4.2 As part of the report to Cabinet on 26<sup>th</sup> January 2009 an outline of the current functional groupings of the authority was provided and is included overleaf.

**NB** it is not intended that this diagram shows all of the functions and services of the authority. It is designed to be illustrative.



4.3 The current structure has the following Chief Officer posts; 1 x Chief Executive, 4 x Directors, 24 x Chief Officers (plus the Emergency Planning Officer which is a post supporting the former Cleveland authorities)

4.4 Since 2005 the financial constraints upon local government have progressively increased, and the efficiency targets have gradually hardened. For example, the original Gershon target was 2.5% per annum, half of which was cashable. The current target is 3%, fully

cashable and deducted from settlements – and this is likely to become tighter still. Alongside this there is ever closer scrutiny of use of resources as part of external corporate assessments.

- 4.5 Since 2005 the standards against which the Councils performance is judged have been increasingly expressed in terms of outcomes for people and for the town. The Council has maintained and improved its performance record against these standards. More broadly the national and local expectations of the Council have also increased, and in response we have looked for ways of increasing effectiveness without adding to costs.
- 4.6 The Business Transformation Programme was conceived largely to explore and exploit opportunities for greater efficiency and reduced overheads, and thereby to help close the budget gap over the medium term. However it is also focussed on challenging and improving effectiveness. This includes integrated working across functions, shared systems and support, and standardised and streamlined processes.
- 4.7 As part of the Programme we are therefore seeking a departmental structure which includes simpler and more consistent management, enables savings in management costs, aligns associated functional areas, strengthens key functional areas by pooling experience and knowledge, and which encourages more holistic approaches to people and to places. It must also maximise budget and operational flexibility, and ensure that we have the capacity and culture to continually develop and adapt.

## **5.0 STRUCTURE CONSIDERATIONS**

- 5.1 The decisions taken by Cabinet at the meeting of 26<sup>th</sup> January 2009 provide for the progressing of the structure proposals. The first stage in this process is the determination of the overall structures and groupings of services into divisional structures in each of the departments. This report provides this information.

The determination of Chief Officer functional structures will be undertaken after the appointment of the two Directors, and will be considered by Cabinet. In order that the new structures deliver the efficiency targets outlined in the Management Structures business case they will be developed within a cash envelope which takes as its basis the current cost base of the authority and applies efficiency targets from the business case.

- 5.2 There are a number of factors that have been taken into account in relation to the proposals. Whilst those identified below are not exhaustive they are indicative of the considerations.

- The need to create a structure that supports delivery of outcomes.



- Recommending change where it will add value
- Providing a managed transition period to minimise disruption
- Reflecting internal and external policy drivers, placing the authority in a position to meet needs in an effective manner
- Providing appropriate spans of control, particularly at Heads of Service level.
- Enabling departments and individuals to manage outcomes and risks.
- Maximising funding, in particular by promoting budget flexibility.
- Delivering the efficiency savings attributable to the restructure (as a minimum)
- Releasing capacity.
- Incorporating clear accountabilities.
- Addressing aspirations for the type of organisation Hartlepool Borough Council wishes to be.

In relation to the restructure, and in broad terms the management and operational arrangements for the Council, it is important to ensure that the benefits of these organisational arrangements are maximised.

5.3 Experience elsewhere has shown that the number of departments can be reduced without necessarily affecting performance levels or quality of service. Although change on the scale proposed will involve considerable challenges, I am confident that the associated risks can be managed (see section 11). There is no one best practice model, rather there are many models, each tailored to the perceived needs of the area served, the size and nature of the local authority, relationships with other agencies, and Council priorities.

5.4 Programme Board is due to receive this report on 1<sup>st</sup> April, and their views on the options will be available to Cabinet at this meeting.

## **6.0 OPTIONS FOR CONSIDERATION**

6.1 There are many potential options available in restructuring an organisation as complex as a local authority. Detailed in Section 7 below is a proposed structure for the authority which takes account of those principles detailed above. Section 8 below includes a number of areas where more than one option is put forward for consideration.

## **7.0 PROPOSED CORE STRUCTURE**

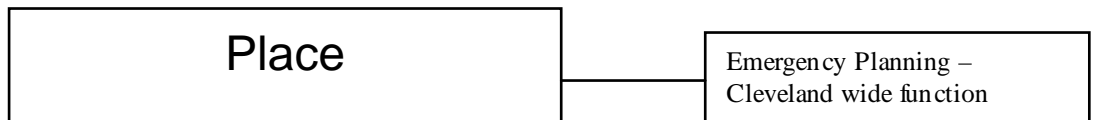
7.1 The proposed core structure for the three departments of the authority is shown below at a departmental and functional level.

The proposal in respect of the People department takes a phased approach over the course of a year to enable a number of current developments and risks in respect of some key service areas to be addressed. The structures are set out in the following sections

- 7.2 Place Department
- 7.4 People Department (year 1)
- 7.6 People Department (year 2)
- 7.8 Chief Executives Department

Where there is considered to be more than one option for the future location of a particular function, or functions, these are not included in the diagram below but are identified in section 8 of the report

## 7.2 Place Department



Support Services	Technical Services	Neighbourhood Services	Community Safety & Protection	Planning & Economic Development	Housing & Regeneration
Administration	Traffic & Transport Services	Neighbourhood Management	Community Safety Policy	Spatial Planning (Local Development Framework and Integrated Regional Strategy)	Regional/Sub Regional Engagement Boards(Tees Valley Joint Strategy Unit etc)
Financial management & Resources	Highways Services	Neighbourhood Forums	Crime and Disorder Reduction Partnership	Strategic Transport Policy (Local Transport Plan)	Multi Area Agreement (MAA)
Departmental ICT	Engineering	Waste Management	Contest /Prevent	Development Control	Regeneration Programmes e.g.Single Programme & Homes and Communities Agency
Workforce Dev, Human Resources & Diversity	Consultancy	Client services (building cleaning, catering & school grounds)	Anti Social Behaviour Unit	Building Control	Town wide Regeneration & Major Projects
Service Development	Integrated Transport Unit	Environmental Services – Street Cleaning and Grounds Maintenance	Drugs intervention	Landscape & Conservation	Housing Strategy & Partnership
Performance Management and Management Information	Car Parking	Environment Partnership	Community Cohesion	Economic Development (Business Support, Enterprise & Employability)	Housing Options (Advice & Support)
		Parks, Play ingfields, allotments & Countryside (excludes Summerhill and Grayfields)	Public Protection	Training	Affordable housing Special Needs
		Building Maintenance		Economic Forum	Private Housing ( Grants/Loans & Enforcement)
		Logistics			Housing Market Renewal
		Neighbourhood Action Teams			

7.3 The main changes for the Place Department in the structure above are as follows :

- The combining of the Housing and Regeneration functions (currently separate divisions in the Regeneration and Planning Department)
- The inclusion of Parks, Playing Fields and Countryside (currently part of Community Services in Adult and Community Services (NB with the exception of Summerhill and Grayfields as identified above), Building Maintenance and Logistics (currently part of Property, Procurement and Public Protection in Neighbourhood Services Department) within the Neighbourhood Services grouping.
- The creation of one support services function for the department

## 7.4 People Department (Year 1)

<p style="text-align: center;"><b>People Year 1 Structure</b></p>
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Schools	Community Services	Commissioning (Joint Funded Post with PCT)	Adult Social Care (Joint Funded Post with Foundation Trust)	Children's Social Care	Resources and Support Services	Targeted Services (transitional)
Primary Strategy Secondary Strategy 14-19 Strategy Schools Transformation Strategy Social Inclusion / Vulnerable Pupils E-Learning National Strategies / Curriculum Governor Support	Sports and Recreation inc. school swimming pools/ Tuition and Youth Facilities Museum, Heritage, Strategic Arts and Events Libraries Adult Education Tall Ships Grayfields / Summerhill	Supporting People Strategic commissioning for adults (inc Health) Strategic commissioning for children (linked to Health) 14-19 commissioning Departmental workforce development and training inc multi-agency training Children's Trust / CYPP Health and Wellbeing Partnership	Integrated Adult locality teams Disability Adults Mental Health Adults Adults Safeguarding Adults Safeguarding Board Operational services inc primary care Day opportunities and Domiciliary care Public Health functions	Children's social care teams Children's safeguarding Social care provision (children's): – Family resource bases – Exmoor Grove – Star Centre Disability team Family Placement and Children Looked After Local Safeguarding Children's Board	Financial management (financial ass & appointments hip) Performance Management / Management Information Departmental ICT (incl Contact Point, ICS, Carefirst) Departmental administration Schools Transformation Commissioning School admissions Departmental issues e.g. complaints (incl social care), diversity, communications	Connexions Youth Service Extended Schools, Children's Centres and Early Years Play strategy Special educational Needs & Educational Psychology Prevention services

## 7.5 The main changes for the People Department in the structure above are as follows :

- The inclusion of Public Health functions (currently Neighbourhood services) in the Adult Social Care grouping
- Schools Transformation becomes both a strategy and a commissioning role (Procurement is part of the functional grouping for consideration in section 8.2)
- The creation of one Resources and Support Services function for the department

## 7.6 People Department (Year 2)

<h2 style="margin: 0;">People Year 2 Structure</h2>
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Schools	Community Services	Commissioning (Joint Funded Post with PCT)	Adult Social Care (Joint Funded Post with Foundation Trust)	Children's Social Care	Resources and Support Services
Primary Strategy  Secondary Strategy  14-19 Strategy  Schools Transformation Strategy  Social Inclusion / Vulnerable Pupils  E-Learning  National Strategies / Curriculum  Governor Support  <b>Connexions</b>  <b>Youth Service</b>  <b>Special educational Needs &amp; Educational Psychology</b>  <b>Play strategy</b>  <b>Extended Schools, Children's Centres and Early Years</b>	Sports and Recreation inc. school swimming pools/ Tuition and Youth Facilities  Museum, Heritage, Strategic Arts and Events  Libraries  Adult Education  Tall Ships	Supporting People  Strategic commissioning for adults (inc Health)  Strategic commissioning for children (linked to Health)  14-19 commissioning  Children's Trust / CYPP  Health and Wellbeing Partnership  Departmental workforce development and training inc multi-agency training	Integrated Adult locality teams  Disability Adults  Mental Health Adults  Adults Safeguarding  ASCB  Operational services inc primary care  Day opps and Dom care  Public Health Functions	Children's social care teams  Children's safeguarding  Social care provision (children's): – Family resource bases – Exmoor Grove – Star Centre  Disability team  Family Placement and Children Looked After  Local Safeguarding Children's Board  <b>Prevention Services</b>	Financial management (financial ass & appointeeship)  Performance Management / Management Information  ICT dept. function (incl Contact Point, ICS, Carefirst)  Departmental administration  Schools Transformation Commissioning  School admissions  Departmental issues e.g. complaints (incl social care), diversity, communications

7.7 The main changes for the People Department between Year One and Year Two shown in the structure above are as follows :

- The removal of the Targeted Services Grouping. Prevention Services will move to the Children's Social Care grouping. The move of Connexions, the Youth Service, SGV, Education, Psychology, Play and Children's Centres areas to the Schools grouping (*shown in italics above*).

7.8 Chief Executive's Department

### Chief Executive

Corporate Strategy	Human Resources	Legal	Finance
Policy & Performance Consultation E-Government / ICT Public Relations Business Transformation Scrutiny Democratic Services	Human Resources Advisors Human Resources Operations Health, Safety & Wellbeing Organisational Development Diversity Customer Services Contact Centre Registrars	Legal Elections Land Charges Member services	Benefits Means Tested Services Revenues Audit Fraud Revenues Payments Transactional Services Accountancy Financial Management (Corporate)

7.9 The main changes for the Chief Executive's Department in the structure above are as follows :

- Member's Services and Elections and Land Charges (currently Human Resources division) form part of Legal Services grouping
- Registrars (currently Corporate Strategy division) form part of Human Resources grouping
- Transactional Services is part of the Finance grouping

7.10 The structures outlined in the sections above have taken into account the principles identified in section 5.2 above. A range of opportunities for the closer alignment of related functions have been identified, ensuring that potential internal and external policy drivers are taken into account, whilst still managing the potential risk of wholesale, and potentially unnecessary, change.

- 7.11 There are numerous potential configurations of services for a local authority with a service base as diverse as a unitary authority such as Hartlepool. The proposals outlined maintain service performance, manage potential risk, ensure this is not a process of change for change sake, and will provide a stable base for the management of the overall Transformation Programme. They are therefore recommended to Cabinet.
- 7.12 The proposals outlined in the report for the overall structure of the Council will provide for a Chief Officer Structure as follows 1 x Chief Executive, 2 x Directors, 20 x Chief Officers (plus the Emergency Planning officer) excluding any additional impact from the options included in section 8 of this report. The original proposals presented to Cabinet were based on a reduction of 2 x Directors, and 2 x Chief Officers; this proposal provides for a minimum reduction of 2 x Directors and 4 x Chief Officers.
- 7.13 The report to Cabinet on 26<sup>th</sup> January provided for the development of these structures to enable the process for the recruitment of Directors to be commenced.

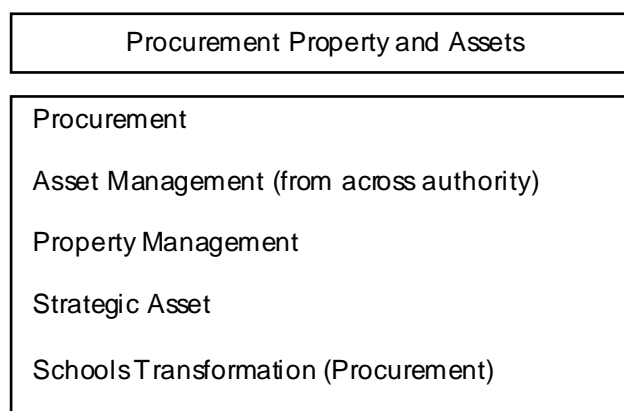
## **8.0 OPTIONS FOR CONSIDERATION**

- 8.1 In addition to those proposals for the core structure identified above there are a range of functional areas which, through consideration by Corporate Management Team, have been identified as having more than one possible location within the new structure. The potential options and the associated benefits are outlined below;

### **8.2 Procurement, Property and Assets**

- 8.2.1 The current arrangements within the authority for Commissioning and Procurement, Asset Management, Project and Programme Management and Associated Consultancy Services are fragmented and this has been identified in previous reports to Cabinet. The Business Case for Non Transactional Services (part of the report to Cabinet on 26<sup>th</sup> January) identified a need within the authority to strengthen these arrangements and the proposal was for the development of a corporate function, aligning many of these functional areas within one unit. In addition, the Schools Transformation Programme has, entered a new phase which is primarily concerned with procurement and delivery following the approval of the Outline Business Case (OBC).
- 8.2.2 In relation to the location of the function in the new structure it could be delivered from the Chief Executives department or the Place department as a distinct functional grouping, operating in either location as a corporate function.

- 8.2.3 There is therefore merit in grouping together several corporate elements in the unit which revolve around maximising use of physical resources. This is shown below



- 8.2.4 The two elements of commissioning and procurement are being drawn together in Use of Resources considerations (as part of the Comprehensive Area Assessment) for 2009. As the Council develops “commissioner” and “provider” arrangements (in areas beyond Children’s / Adults Services) intelligent client, commissioning and contract management roles need to be provided for in any new structure.

- 8.2.5 Any Procurement “Centre of Excellence” within the authority needs to consider aspects of the procurement cycle to maximise the benefits to the authority and minimise expenditure. These include:-

- Analysis of third party spend
- Categorisation of spend
- Sourcing team / category management
- Supplier relationship management
- Procurement processes
- Advice, guidance and compliance
- Catalogue management )
- Transactional services )Linked to Finance
- E – procurement )

The category management approach is being developed regionally and nationally, and we need to pursue it locally. The procurement unit would lead in some categories, and support in others e.g. where there is service leadership.

- 8.2.6 Construction procurement and project management is delivered by Consultancy Services on behalf of Clients. Education works are a significant element and there is therefore merit in including some of the consultancy services in a single corporate unit (this will be explored in detail as part of the development of detailed structures at the next stage). There is also an integral link with Children’s Services asset management, including Schools Transformation (BSF / PCP), that



must be considered within the Corporate unit. The proposals included in this report would provide for Schools Transformation to retain the commissioning role within People Department.

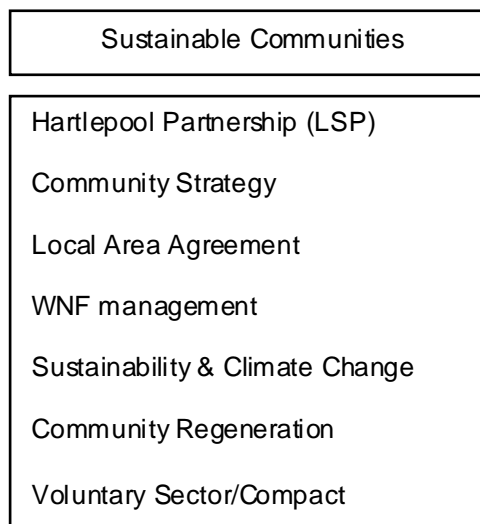
8.2.7 Asset Management would include the strategic elements of estates and valuations and property management, including a centralised maintenance planning and commissioning team. Delivery of building maintenance, minor / major works would be part of an Facilities Management 'provider' arm elsewhere in the structure.

8.2.8 As part of the Chief Executive's department there are benefits in recognising assets and procurement and commissioning as a corporate resource and function (in this case the determination of the extent to which consultancy services would form part of this unit would need to be considered). As part of a Place department there is the potential for alignment of these functions (operating as a commissioner) with many of the current provider functions in the proposed Place department. The Council's assets i.e. buildings and land form a significant part of the town as a place and the linking of the strategy and management of these assets with development and regeneration activities in the Place department could make the improvement of places and communities easier to achieve.

### 8.3 Community Strategy / Sustainable Communities

8.3.1 The Community Strategy division currently forms part of the Regeneration and Planning Department. Through the consideration of the structure it has been identified that there are two potential options for the location of a revised function (or elements of it), with differing benefits attributable to these models.

8.3.2 One option is that Community Strategy (or Sustainable Communities) would form a division of the Place Department and would incorporate the following;

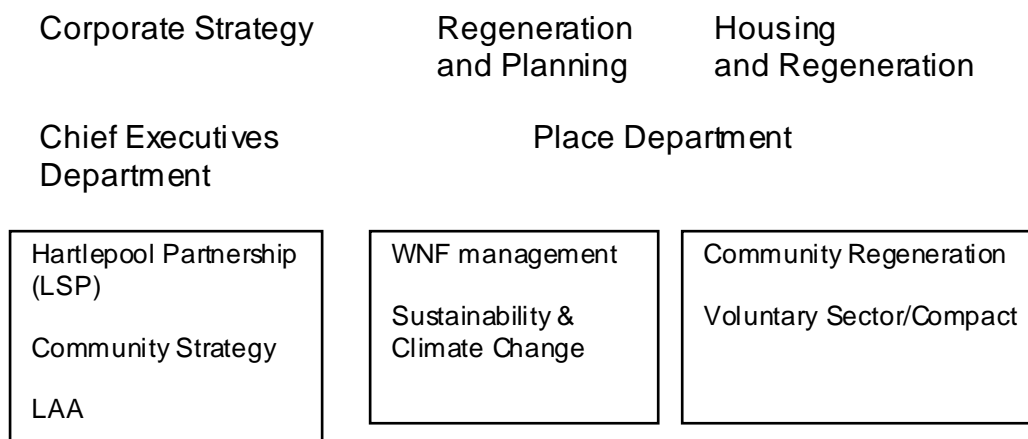


### 8.3.3 The rationale for this incorporates the following

- The location alongside other strategic planning and regeneration activities would effectively maintain arrangements that have resulted in exemplary performance and assessments of Hartlepool Local Strategic Partnership (LSP), the Community Strategy and related outcomes as recognised in all inspections since 2002.
- The close relationships and linkages with other community wide planning activities and processes beyond the direct delivery or responsibility of the Council such as the Local Transport Plan (LTP) and the Economic Development Strategy etc would be maintained helping efficiency and effectiveness. It would also help to ensure close alignment and integration with statutory spatial planning as required in statutory guidance.
- The location of the community strategy functions in the Place department would also help to maintain and strengthen relationships and influence with the regional and sub-regional agenda building on the need to link the Sustainable Community Strategy with key regional strategies and agencies ( e.g. The Integrated Economic and Regional Spatial Strategy, the Homes and Communities Agency and Regional Development Agency). It would also assist with influencing and engaging with the Tees Valley City Region arrangements and the Multi Area Agreement (MAA) which is focussed on economic development, regeneration, planning, housing and transport.
- It would maintain and strengthen relationships to the regeneration, neighbourhood renewal and neighbourhood management functions, recognising regeneration as the core aim of Hartlepool's Sustainable Community Strategy and that neighbourhood renewal is a core role of LSPs (National Strategy for Neighbourhood Renewal).
- Location in a Place department with a significant focus on a range of strategic partnerships may avoid any perception of dominance by one partner and encourage partners to buy in, feel joint ownership and reach consensus, while maintaining and developing strong local authority leadership.
- The Sustainable Community Strategy would be more efficiently integrated into the sustainability agenda for example through Strategic Environmental Assessments and it would facilitate the incorporation of housing strategies and homelessness strategies in the community strategy as indicated in statutory guidance

### 8.3.4 An alternative option is that elements of Community Strategy (or Sustainable Communities) related to Hartlepool Partnership (LSP), the

Community strategy and the LAA would form part of i) the Corporate Strategy grouping in Chief Executives Department and the other elements would form part of ii) the Planning and Economic Development grouping and iii) the Housing and Regeneration groupings in the Place department as shown below;



8.3.5 The rationale for such a change incorporates the following ;

- The Community Strategy, the Council's Corporate plan and the targets agreed as part of the LAA are closely aligned, with the Council using the Community Strategy objectives as the framework for planning. Performance management is therefore also closely aligned. Strengthening these arrangements may prove beneficial for the Authority and its dealings with partners when Comprehensive Area Assessment (CAA) is rolled out.
- The integration of the management arrangements for the Council's democratic processes with those for the Local Strategic Partnership, in conjunction with the governance arrangements relating to these management arrangements, provides the opportunity for enhanced and streamlined processes.
- The Council's community leadership role could be further enhanced by alignment with the Chief Executive's department.
- The alignment of the functions identified to form part of the Place Department, would enhance the provision and planning for these elements as part of a broader and more directly integrated agenda.

## 8.4 Drugs Action Team

8.4.1 The Drugs Action Team (DAT) currently forms part of the Community Safety and Prevention Division in Regeneration and Planning Department. There are two potential options for the location of the function.

8.4.2 One option is that the DAT remains as part of the Community Safety and Prevention grouping in the Place Department. The rationale for retaining this arrangement includes the following ;

- Maintaining the DAT as part of the community and prevention services grouping would maintain and enhance the synergies between the various enforcement, supportive and preventative initiatives and services and a range of other partners operating in Community Safety and Prevention including the Anti Social Behaviour Unit, the PCT, the Police, Probation, the Voluntary Sector and others especially the Drugs Intervention Programme (DIP).
- This helps to maintain a single strategic focus and critical mass of community safety and prevention functions and services.
- It enables the current relationships and operating arrangements in respect of the Safer Hartlepool Partnership (CDRP) (which is a statutory partnership) to be maintained to enable it to meet the responsibilities placed upon it to reduce crime, disorder and substance misuse.
- There is a strong relationship between crime and drugs misuse and the alignment of related functions in one unit is beneficial in service delivery and policy terms balancing prevention, support and sanctions.
- The current multi agency services and operational arrangements are seen to be very effective and maintaining this function in it's current location provides the opportunity to build on current operations, services and relationships to further improve these whilst maintaining the flexibilities and effectiveness of the function.
- It would provide for maintained and enhanced links to the Housing Support and Advice function in particular in respect of the development of accommodation / floating support options
- Community Safety is a key theme in the Sustainable Community Strategy and is a high priority and important consideration for local people. Maintaining the current location of this function with other community safety and prevention functions would support the continuation of the established policy lead approach.

8.4.3 An alternative option is that the DAT would form part of the Adults Commissioning grouping in the People Department. The rationale for such a change incorporates the following ;

- DAT is a planning and commissioning function and sits and operates across traditional organisational boundaries incorporating both the PCT and the Council. Incorporated within the Adults

Commissioning function in the People Department are a range of other strategic commissioning functions which are linked directly to peoples needs.

- There has been significant progress in aligning and integrating commissioning and provision of services between the PCT and the Council. This arrangement would be significantly enhanced by joint working with the PBC Account Manager, and would enable this function to take forward issues relating to primary care prescribing and GP input to services, including Enhanced Services.
- It would ensure stronger links with the Teeswide commissioning function in respect of specialist primary care provision, including contract for Intrahealth service, pharmacy services around supervised consumption and needle exchange, access to dental provision etc.
- Through location in this function there is potential to create better links to Mental Health Commissioning in respect of services such as Dual Diagnosis and the links, in a service perspective, between drugs and mental health issues.
- It would provide for enhanced links to the Supporting People function in particular in respect of the development of accommodation / floating support options

## **8.5 Youth Offending Service**

8.5.1 The Youth Offending Service (YOS) currently forms part of the Community Safety and Prevention Division in Regeneration and Planning Department. Through the consideration of the structure it has been identified that there are two potential options for the location of the function with differing benefits attributable to these models.

8.5.2 One option is that the YOS would remain as part of the Community Safety and Prevention grouping in the Place Department. The rationale for this includes the following ;

- This would maintain and further enhance the strong and developing synergies between the various community safety preventative and enforcement services and other partners operating in Community Safety and Prevention including the Anti Social Behaviour Unit, Children's Services, the Police, Probation the voluntary sector and others. It would enable continued building on innovative and family based initiatives.
- The YOS forms a substantial proportion of the community safety and prevention functions and helps to maintain a single strategic focus and critical mass of community safety and prevention functions and services.

- It enables the current relationship and operating arrangements in respect of the Safer Hartlepool Partnership (CDRP) (which is a statutory partnership) to be maintained to enable it to meet the responsibilities placed upon it to reduce crime, disorder and substance misuse.
- The new Police and Crime Bill will place a duty on CDRPs to reduce to reduce reoffending including youth reoffending
- The current operational arrangements are seen to be very effective and maintaining the Youth Offending Services in it's current location provides the opportunity to build on current operations, services and relationships to further improve and integrate these, providing a crucial balance between prevention, support and sanctions whilst maintaining the flexibilities and effectiveness of the function.
- Community Safety and Prevention is a key theme in the Community Strategy and is a high profile and important consideration for local people and communities. Maintaining the current location of the YOS service with other community safety and prevention services would support the continuation of a policy lead approach. and the critical mass of the function with YOS forming a substantial proportion of the functions of the current division.
- Relationships with housing advice and support services and employment and training initiatives would be enhanced.
- The YOS is accountable to the Youth Justice Board a non departmental public body.

8.5.3 An alternative option is that the YOS would form part of the Children's Social Care grouping in the People Department. The rationale for such a change is ;

- It gives clear access to integrated services without the need for external organisation protocols. Whilst the current arrangement work effectively, there is scope for further improvement. The synergies offered by this function being part of the Children's Social Care grouping will be based around maximising the benefits from the fact that most young people involved with YOS will be known to what were previously Children's Services (now People Department) functions.
- It provides the opportunity to enhance the links for staff from the YOS into systems of support with a children/young people focus rather than a crime and anti social behaviour focus, in conjunction with the underlying message that young people are young people first and potential offenders second.

- The requirements of the 'Think Family' reforms will necessitate a need to ensure that elements of provision are more integrated and ensure that the focus of YOS clearly incorporates the family as well as the young person.
- It provides the opportunity to build on the current strategy and provision to provide the opportunity to further integrate a number of related policy strands including youth crime, positive activities for young people, NEET (Not in Education, Employment or Training) reduction and targeted youth services.
- YOS forms part of the inspection regime for Children's Services through the Annual Performance Assessment (APA) and there are a number of elements which form part of the statutory role for the Director of Children's services and aligning these provides for strengthened governance arrangements.

## 9.0 IMPLEMENTATION PROCESS

9.1 The report to Cabinet on 26<sup>th</sup> January established the outline timetable for the implementation of the departmental restructure and the wider Management Structures Business Case.

9.2 The development of the proposals incorporated within this report are the first stage in this process. The high level functional analysis of Directorates will allow the finalisation of Job descriptions and Person Specification for the new Directors and for the recruitment process to commence.

9.3 For the recruitment process for the new directors the key stages and timeline are as follows:

Draft Job Descriptions and Person Specifications	24 <sup>th</sup> April
External evaluation of salaries	8 <sup>th</sup> May
Cabinet consider Directors' salaries	22 <sup>nd</sup> June
Expressions of interest in VR/ER	June 09
Appointments Panel decide recruitment process	29 <sup>th</sup> June
Advertisement for Directors' posts	13 <sup>th</sup> July
Directors' shortlisting, if required	late July
Directors' Selection by Appointments Panel	early August
Assistant Directors/Chief Officers slot in / appointment (where necessary)	November 2009
Directors designate assume control of new Dept	November 2009

9.4 The posts of Directors of People and Place have been submitted to Monitoring of Vacancies panel, in line with Council procedure, on 11<sup>th</sup> March 2009 and were approved. The determination of the Member Appointment Panel for the recruitment process for these posts is scheduled to go to Council on 16<sup>th</sup> April 2009 and the remuneration for the posts will be subject to external assessment (as agreed at Cabinet

on 26<sup>th</sup> January). The conclusion of this is due to be considered by Cabinet on 22<sup>nd</sup> June 2009 to allow the recruitment process to progress as outlined above.

- 9.5 The structures identified will be revisited after Directors have been appointed and this will be undertaken in line with the principles agreed as part of the business case and this report (as agreed in the Cabinet Report of 26<sup>th</sup> January 2009). Based upon the proposals identified in this report, there are a significant number of roles where the change in responsibilities is not significant. As part of a managed process of change it is proposed, in line with existing custom and practice in the council, that after the review of structures by the new Directors, Chief Officers are “slotted in” to posts where appropriate. The remaining posts would be filled by Appointments Panels.
- 9.6 Further tiers of management will be designed within cost envelopes and design guidelines by Directors and Chief Officers, and recruited to in the established way. There will be opportunities for Voluntary Redundancy and early retirement as part of the process but, as agreed previously by Cabinet, the agreement to these must facilitate and form part of the achievement of the objectives for the Business Transformation Programme (in conjunction with other established protocols). It is envisaged that this process will be undertaken in line with the timescales and phases for the overall restructure to ensure it is closely aligned.
- 9.7 As part of the programme it has already been agreed that the authority will look toward redeployment and retraining where possible. It is proposed that those not appointed are redeployed if possible and this will be explored as part of the implementation process.
- 9.8 Work has begun on re-visiting the Council's Human Resources policy and procedure documents in relation to redeployment and redundancy, early retirement, and related topics. The purpose is to ensure that the policies and procedures are co-ordinated and provide an effective approach to implementing the transformation programme.
- 9.9 Although it is unlikely that there will be any major change in direction it would be helpful to make sure that the documents are firstly robust and secondly very clear and easy to apply in the course of implementing both the corporate restructure and the wider transformation programme. Any changes to policy will of course be subject to member agreement and formal consultation with the trade unions in the usual way.
- 9.10 Trade Union representatives are regularly briefed on the Programme, and information has been broadcast to the wider workforce both directly via the intranet, e-mails, Newslines etc, and cascaded through management channels. Communication will increase significantly as



the Programme gathers momentum over the coming weeks. A Members seminar is scheduled for 30<sup>th</sup> April.

- 9.11 Most non-managerial posts will be largely unaffected, apart from support services staff, where the departmental changes and creation of corporate teams will mean change and some reduction in posts, as previously agreed in other workstreams. These changes were identified in the report to Cabinet on 26<sup>th</sup> January and the business case identified target savings for these changes in addition to those at Director / Chief Officer level. In some cases interim structures may be required.

## **10.0 FINANCIAL IMPLICATIONS**

- 10.1 The Management Structures Business Case included target savings from the corporate restructure of £265K for the reduction of two Director posts, and a minimum of £145K for a reduction in Assistant Director posts (ie two fewer posts for Support Services).
- 10.2 The proposals included in this report provide for the projected reduction of two Directors (£265K) but the likely reduction in the number of Chief Officers has increased from 2 to 4 (increasing the saving from £145K to £320K). The net value of the saving will depend ultimately on the divisional structures approved and the assessment of salaries in line with the remuneration strategy.
- 10.3 There will be further savings from other tiers of management and from restructured support services. The review of the tiers of management is the fundamental part of the Management Structures business case with an overall projected saving of £1.85m pa (including the departmental restructure). As part of the implementation of this business case it is envisaged that some management posts will be replaced by technical/professional posts without management responsibility. The determination of the detailed new operating structures, following on from decision of the overall departmental structures and groupings will be undertaken, as identified earlier within pre determined cost envelopes taking into account the savings required as part of the business case. This provides for a robust framework within which to achieve these savings.

Provision has been made for one-off severance costs from this business case, and other implementation costs on a minor scale.

## **11.0 MANAGING THE RISKS AND REALISING THE BENEFITS**

- 11.1 The Core proposals and structural options set out in sections 7 and 8 have been developed by the Corporate Management Team. They have taken into account factors identified in section 10, together with lessons learned from other authorities. In determining these proposals there are a range of challenges and risks for the authority to manage.

These were outlined in the Cabinet report of the 26<sup>th</sup> January 2009 and include :

- 11.1.1 Delivering efficiency savings – The approach to achieving efficiency savings that has been in place for a number of years is not sustainable in the future. Significant additional pressures on the base budget of the authority, through a range of factors, such as increasing costs of care and the likely increase by central government of the efficiency targets expected from local authorities further reinforce the need for a new approach.
- 11.1.2 Managing the change - Delivery risks for the programme can be controlled and minimised by use of piloting, phasing, and use of external expertise. Another test will be the effectiveness of management in complex individual change projects, and in a major transformation programme.
- 11.1.3 Service delivery - The management and delivery of services with very tight resources does mean that significant change can exacerbate existing risks. The management of these risks through an overall programme is crucial if potential impacts are to be managed effectively. The risks on service delivery extend across the organisation but given the limited nature of any options in respect of the change required will have to be subject to rigorous management rather than having the potential for an alternative course of action.
- 11.1.4 Engagement through the change process - The Business Transformation Programme set out major changes in organisational structure, vision and culture, and controlling the change management risks involved will require clear and consistent leadership from Members and senior management, full engagement from middle management, and the involvement of the unions and workforce..
- 11.1.5 Of significant importance is the need to ensure that through the change process, and the resulting organisational structures and operating agreements that individual citizens and services are safeguarded. As part of the report to Cabinet on 26<sup>th</sup> January it was identified that the authority would be contacting the Department of Children, Schools and Families (DCSF) and Department of Health (DoH) in respect of the planned arrangements, as the DCFS had recently issued guidance in respect of the potential to combine the roles of Director of Adults and Children's services. As highlighted previously the guidance suggests that such a combination is not recommended without very strong justification. The planned arrangements in respect of Adult and Children's services have been supplied to DCSF and DoH, including approaches to governance, leadership, and protection of vulnerable people. A response is being actively pursued.
- 11.1.6 Included in the previous Cabinet report was a predicted Diversity Impact Assessment (DIA) for the programme. The restructure of the

Council and the associated programme elements offer both a positive and potentially negative aspect to the diversity impact. The main tenets of the programme are to maximise the potential positive impacts whilst minimising the negative impacts. The predicted DIA will be kept under review and updated as the programme elements are developed.

## **12.0 PROGRAMME UPDATE**

- 12.1 The restructure is one part of the overall Business Transformation Programme, with links to several of the other workstreams. Attached at Appendices 1 to 4 are brief programme updates from each of these workstreams:

Management Structures	Appendix 1
Assets	Appendix 2
Non Transactional Services	Appendix 3
Transactional Services	Appendix 4

- 12.2 A Project Manager has been recruited on a time limited basis, and the overall programme is broadly on schedule. A review of the timetable and savings projection will be brought to a Cabinet meeting in June.
- 12.3 Further reports are scheduled for Cabinet, as agreed in January 2009 on energy efficiency, service delivery options, customer services, and management and workforce development.

## **13.0 CONCLUSIONS AND NEXT STEPS**

- 13.1 The proposed functional structures identified in this report are based upon the previous decisions at Cabinet, the principles underpinning the Business Transformation programme and the efficiency targets which have been established. Determining the structures enables a number of the decisions taken by Cabinet to be progressed, namely the appointment process for the new Directors, the review of the new Directors salaries (both agreed at Cabinet on 26<sup>th</sup> January) and upon appointment of Directors the determination of more detailed operating structures. These operating structures will have to be determined based on a reduced overall cost envelope in line with the previously agreed Business cases and associated efficiency targets.
- 13.2 This is the first stage of implementing a complex and far reaching change programme. We are taking a managed approach to this as has been stated on a number of occasions previously.
- 13.3 The restructure proposals, including those other areas for consideration by Cabinet provides the basis from which to determine more detailed operating structures and the realisation of the efficiencies from the business case agreed by Cabinet.

- 13.4 Consideration has been given, through the determination of the proposed structures to the range of factors identified in 5.2 above and including; the need to create a structure that supports delivery of outcomes; recommending change where it will add value; to provide for a managed period of change minimising disruption; reflecting internal and external policy drivers placing the authority in a position to meet need in an effective manner; enabling departments and individuals to manage outcomes and risks; delivering the efficiency savings attributable to the restructure (as a minimum); to be capable of addressing the aspirations for the type of organisation Hartlepool Borough Council wishes to be.
- 13.5 The restructure at a departmental level was identified to deliver savings of £410K (from Directors(2) and Assistant Directors(2)) based on these proposals it is anticipated to be £585K (from Directors(2) and Assistant Directors(4)) although this will be in two phases to take into account the proposed phased approach for the People Department.
- 13.6 The agreement of the overall structure for the Council is an important step in the transformation programme. It provides a number of important elements to allow the overall programme to be progressed. These include (but not exclusively so);
- The creation, through the appointment of the new Directors and the determination of the next tier of chief officers, of the management team for the authority
  - A clear direction for the authority and the services provided in conjunction with an ability to manage and implement the change through the organisation and ensure there is clarity on both service provision, service development and in respect of individuals that work for the organisation
  - It assists in the effective implementation of a number of other elements of the Business Transformation Programme including the following business cases; Transactional Services; Assets and Service Delivery Options.
  - The focussing of the communication plans for the various elements of the overall programme and the communications relating to the programme itself.
- 13.7 The structure proposals, in many instances suggest only minor changes to the groupings of functions that Chief Officers are already accountable for. It is suggested that wherever it is appropriate that Chief Officers are slotted into the comparable roles. It is intended that such an approach is carried through to the implementation of structures to be considered as part of the broader management structures business case. The potential slotting in of Chief Officers will be the subject of a separate report when the Directors have been appointed and the appointees have had the opportunity to further develop these proposals.

## 14.0 Recommendations

### 14.1 Cabinet is recommended to

14.1.1 Agree the overall structure of the Council as shown in sections 7.2, 7.8 and the phased approach to the implementation of the People department as shown in section 7.4 and 7.6

### 14.1.2 Determine the structural location of the following

- Procurement, Property and Assets is proposed to be in either Place Department or Chief Executives Department (section 8.2 in the report)
- Community Strategy (Sustainable Communities) is proposed to be either in Place Department as a single functional grouping or in Chief Executives Department (Corporate Strategy) and Place Department (Planning and Economic Development and Regeneration and Housing) (section 8.3 in the report)
- Drugs Action Team (DAT) is proposed to be in either Place Department (Community Safety and Prevention) or People Department (Adults Commissioning) (section 8.4 in the report)
- Youth Offending Service (YOS) is proposed to be in either Place Department (Community Safety and Prevention) or People Department (Children's Social Care) (section 8.5 in the report)

14.1.3 Note the programme updates provided as Appendices 1 to 4

14.1.4 Note the recruitment process and timescales for the Directors of People and Place

14.1.5 Note that further a further report will be brought to Cabinet after the appointment of Directors in respect of the functional structures and the proposed slotting in of Chief Officers

## Background Papers

Cabinet reports of

26<sup>th</sup> January 2009 – Business Transformation Programme

15<sup>th</sup> September 2008 – Business Transformation Programme

11<sup>th</sup> February 2008 – Business Transformation Programme

**Contact Officer – Andrew Atkin (Assistant Chief Executive);  
(01429 523003); [andrew.atkin@hartlepool.gov.uk](mailto:andrew.atkin@hartlepool.gov.uk)**

## **CORPORATE RESTRUCTURE/MANAGEMENT STRUCTURES WORKSTREAM UPDATE MARCH 09**

The vision for this work stream is for the Council to have management structures which are sustainable in terms of capability and capacity to deliver a high performing council, whilst freeing up resources for service delivery and front line services.

The preparation stage for this work stream is now well underway.

In addition to the functional structure considerations of the new departments that Cabinet will determine, progress has also been made in the following areas:

### **Preparation for the recruitment of the new Directors**

A detailed plan is in place for the recruitment exercise of the new Directors. The Monitoring of Vacancies Panel at their meeting on the 11<sup>th</sup> March gave approval for the new posts to be established.

The Appointment Panel for the recruitment of Directors will be considered at the Council meeting on the 16<sup>th</sup> April.

Once Cabinet have determined the functional structure considerations, Job Descriptions and Person Specifications will be drafted which will enable the Local Government Employers Organisation to evaluate the new roles. Cabinet will consider Directors pay in June.

The appointment panel will also be asked to determine the recruitment process in June, and the intention is for Directors Designate to be appointed during early August.

### **Review of HR Policies and Procedures**

An External Advisor is undertaking a review of the HR Policies and Procedures to ensure that they are appropriate for the implementation of this work stream and the Business Transformation programme as a whole.

### **Framework of the new Management Structures**

Guidance is currently being drafted to assist the Director Designate with regard to the design of the management structures of the new Departments, including the preferred number of tiers and the range of spans of control.

### **Overall Progress - Amber**

The delivery plan for this workstream remains on schedule.

**BUSINESS TRANSFORMATION ASSET MANAGEMENT ELEMENT  
WORKSTREAM UPDATE MARCH 09**

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**RATIONALISE COUNCIL ADMINISTRATIVE BUILDINGS - AMBER**

The new accommodation strategy includes the adoption of hot desking based on 4 employees to 3 workstations, on the principle that “*work is an activity not a place*”. The pilot has commenced on level 3, east wing. Space for 36 workstations (44 employees) is unallocated and discussions with Assistant Directors regarding which services could transfer to this area have commenced. Level 3 North wing refurbishment is scheduled for completion October 2009. This provides the authority with the opportunity to consider which services should reside where. eg. the departments of ‘People’ and ‘CEX’ could be based at the Civic Centre and ‘Place’ in BHH and Church Street Offices/Depot.

**CENTRALISATION OF ASSET AND PROPERTY MANAGEMENT - AMBER**

The asset management business case was based on adopting a strategic approach to asset management, i.e. centralisation. The objective being to ensure the authority gets the most out of its assets, ensure data gaps in the councils Asset Management plan i.e. condition, suitability, annual running and maintenance costs and valuations are filled, and to get move away from a departmental silo approach to property management. Work to progress this element of the asset management business case has commenced and the central finance team have identified departmental budgets and spend per property. Work is currently being undertaken identifying employees involved in property management. Once this information has been collated clarification discussions with Directorates will be arranged regarding the transfer of resources to create an Asset and Property Management Unit.

**REDUCE SURPLUS PROPERTY AND LAND - AMBER**

Work has commenced on this element of the programme, identifying those properties which are achievable to realise financial benefits to the authority within the current economic climate. This element will form a significant part of new centralised property and asset management team. Benefits realised will be captured as per the overall business transformation benefits realisation model. The Service Delivery Options business case identified Council owned buildings located in the community as an area for review during 2009/10. Analysis of building maintenance costs has been carried out; further work is required regarding usage of buildings to ascertain whether we are getting value for money.

**INVEST TO SAVE ENERGY INVESTMENT PROGRAMME - AMBER**

There are a number of opportunities for the Council to improve energy efficiency through new technology and good housekeeping. An “Invest to save” scheme of £150,000 over five years identifying projects within the Council to improve its energy efficiency is currently being developed. Funding opportunities are a possibility; an expression of interest has been submitted to Salix. An application has also been submitted to be part of the Carbon Management Programme, and if successful, will enhance the authority’s likelihood of obtaining Salix funding.





## **NON-TRANSACTIONAL SUPPORT SERVICES WORKSTREAM UPDATE MARCH 09**

### **ICT Restructure Project - Amber**

Departments are working together to assess how to improve the planning and delivery of development projects, and how to streamline ICT support. This is scheduled to be considered by CMT in May, and reported to Programme Board and Cabinet in June.

There is scope for interim changes to be implemented from July, with new arrangements coming in with the new departments from November.

The target savings are £10,000 in 2009/10, and £35,000 in a full year. It is not yet clear what the actual savings may be. However, the more significant potential benefits would be in obtaining better value from past and future ICT investments. The budgeted costs are £30,000 for any severance costs.

### **ICT Infrastructure Project – Amber**

We are investigating opportunities to benefit from modernisation of our ICT infrastructure, including server hardware, network, and common software tools. This work is still at an early stage.

The target savings, which would need to be arranged in consultation with Northgate, are £30,000 pa from 2010/11.

### **Corporate Procurement Unit Project – Amber**

Departments are working together to assess how to establish a centre of procurement excellence, within existing budgets. This is scheduled to be considered by CMT in May/June, and by Board and Cabinet in June

There is scope for interim changes to be implemented from July, with new arrangements coming in with the new departments from November.

The target savings are £10,000 in 2009/10, and £35,000 in a full year. It is not yet clear what the actual savings may be. However the more significant potential benefits would be in obtaining better value from spending budgets. The budgeted costs are £30,000 for any severance costs.

### **Other Projects - Amber**

The specific procurement improvements are in hand. Work is scheduled to begin soon on income maximisation. The proposed improvement networks for various areas are under development. Planning has started on devising internal Service Delivery Agreements.

## **TRANSACTIONAL SUPPORT SERVICES WORKSTREAM UPDATE MARCH 2009**

### **HR / Payroll Project - Amber**

Project has commenced and progress is on target with the project plan. Some issues need to be determined relating to interfacing with the SIMS (schools) system, and communications links set up which could give rise to increased set-up costs. Key implementation dates are the end of March for the migration of posts, and mid-May for employee details. The parallel running of existing and replacement system remains on schedule for June and July, with the new system being used exclusively from that point forward.

Arrangements are in place for the transfer of 4-weekly payrolls to monthly pay during April. Transfer of weekly paid staff to monthly pay in keeping with the Single Status Agreement requires the formal agreement from the Trade Unions.

### **Income Receipting Project – Amber**

The project kick-off meeting was held on 9<sup>th</sup> March. The project is split into two phases. Phase 1 covers the upgrade of the existing income management software and the introduction of a secure bureau service (AIM upgrade). Phase 2 covers the introduction and roll-out of browser based software for the receipt of credit and debit card payments. The project plan has been amended to reflect the combination of system set-up arrangements for both phases. Implementation dates for the end of September for Phase 1 and the end of October for Phase 2 have been agreed.

These dates are later than those included within the original project timeline (May and August respectively) but are dependent upon Capita and HBC resource availability. The overall completion of this program element still remains March 2010.

### **Re-engineer & Standardise Support Services – Amber**

The phased introduction of upgraded budgetary control reports and the roll-out of web access to the Integra financial management are both progressing according to plan. The upgrade of the Integra system server was also completed on time. These provide the foundations to support a number of the proposed changes for transactional and support services.

Limited progress has been made to date in relation to the support services review and the creation of service delivery arrangements. This is owing to available resources being concentrated on the set up of the HR payroll system. The recent appointment of the business transformation project manager provides additional support in this area and will enable progress to be made over the next quarter.

### **Administrative Staff - Amber**

The review of administrative staff is closely linked to both the review of management structures and the corporate restructure. As such, no progress was scheduled for this area to this point.

# CABINET REPORT

06 April 2009



**Report of:** DIRECTOR OF REGENERATION AND PLANNING SERVICES

**Subject:** UPDATE REPORT – THE STRATEGIC SITING ASSESSMENT PROCESS FOR NEW NUCLEAR POWER STATIONS IN THE UK AND OTHER RELATED ISSUES

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## SUMMARY

### 1. PURPOSE OF REPORT

To inform Cabinet of the Government response to the Strategic Siting Assessment (SSA) criteria consultation for New Nuclear Power Stations in the UK and to give an update on the latest developments and the next stages in the process towards development of the Nuclear National Policy Statement (NPS).

### 2. SUMMARY OF CONTENTS

The report summarises the Government response to the SSA consultation, which includes (a) the final SSA criteria for identifying and assessing sites which are strategically suitable for the development of new nuclear power stations by the end of 2025 and (b) guidance to nominators who wish to nominate a site - EDF Energy having recently announced its intention to nominate land next to the existing Hartlepool Power Station - and (c) the next stages of the SSA and Nuclear NPS process up to (and beyond) 2010 where, amongst other things, developers applying for planning consent will be subject to the consultation requirements put in place by the Planning Act 2008.

**3. RELEVANCE TO CABINET**

The Executive has responsibility for matters deemed to be sensitive which are non key decisions.

**4. TYPE OF DECISION**

Non - key

**5. DECISION MAKING ROUTE**

Cabinet 6<sup>th</sup> April 2009

**6. DECISION REQUIRED**

That the contents of the report be noted, including the intention to respond to the latest consultation on statutory consultees for National Policy Statements and establish Member Seminars on Nuclear Power issues when deemed appropriate.

**Report of:** DIRECTOR OF REGENERATION AND PLANNING SERVICES

**Subject:** UPDATE REPORT – THE STRATEGIC SITING ASSESSMENT PROCESS FOR NEW NUCLEAR POWER STATIONS IN THE UK AND OTHER RELATED ISSUES

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## **1. PURPOSE OF REPORT**

- 1.1 To inform Cabinet of the Government response to the Strategic Siting Assessment (SSA) criteria consultation for New Nuclear Power Stations in the UK and to give an update on the latest developments and next stages in the process towards development of the Nuclear National Policy Statement (NPS).

## **2. BACKGROUND**

- 2.1 At its meeting on 14<sup>th</sup> November 2008 Cabinet considered and agreed to respond to the consultation document issued by the Department for Business Enterprise & Regulatory Reform (BERR) on the Strategic Siting Criteria for New Nuclear Power Stations in the UK (Minute 142 refers).
- 2.2 The Government has subsequently announced the publication of its response to the SSA consultation, details of which are briefly summarised in the main body of this report, including the final criteria for determining the suitability of sites for new nuclear power stations. Further information on the Government Response to the SSA is available at [www.berr.gov.uk/whatwedo/energy/sources/nuclear/consultations/closed-response/page47749.html](http://www.berr.gov.uk/whatwedo/energy/sources/nuclear/consultations/closed-response/page47749.html)
- 2.3 This then starts the process where industry can nominate sites for potential new nuclear power stations – nominations for which are due by 31<sup>st</sup> March 2009. EDF Energy has recently announced its intention to nominate land next to the existing Hartlepool Power Station. A public exhibition / consultation meeting on the Hartlepool nuclear site nomination took place on Wednesday 11<sup>th</sup> March, 2009 to allow members of the public to ask questions about the proposals.

- 2.4 All of the nominations for sites for new nuclear power stations will be published by the Government for public comment on April 15<sup>th</sup> 2009. The window for public comments will then be open for one month until 14<sup>th</sup> May 2009. Further information on the SSA process and details of how to comment on nominations are available at [www.nuclearpowersiting.decc.gov.uk](http://www.nuclearpowersiting.decc.gov.uk)
- 2.5 Over and above the SSA consultation procedures, the Government has embarked upon fundamental reform of the development consent system for major infrastructure projects – which includes new nuclear power stations – and this featured within the 2007 Planning White paper and subsequent Government legislation arising from this in what became the Planning Act 2008.
- 2.6 Under the 2008 Planning Act a new single consent regime has been introduced which, amongst other things, establishes a new independent body, the Infrastructure Planning Commission (IPC), to take over responsibility for considering and deciding on individual applications. Decisions will be based primarily on National Policy Statements (NPS) and the examination process will be streamlined, with questioning at hearings led by Commissioners rather than being adversarial.
- 2.7 The Government proposes that (indicative timetable early 2010) in publishing the Nuclear National Policy Statement it will have addressed the need for nuclear power and identified those sites which are strategically suitable for deploying new nuclear power stations by the end of 2025. Later this year the Government will run a full consultation on the draft Nuclear National Policy Statement and list of potential sites.

**3. SUMMARY : TOWARDS A NUCLEAR NATIONAL POLICY STATEMENT – GOVERNMENT RESPONSE TO CONSULTATIONS ON THE STRATEGIC SITING ASSESSMENT PROCESS AND SITING CRITERIA FOR NEW NUCLEAR POWER STATIONS IN THE UK**

- 3.1 In total, 83 written responses to the consultation were received including that from Hartlepool. These came from a wide range of stakeholders including companies involved in the nuclear industry, Non-Governmental Organisations (NGO's), regulators such as the Nuclear Installations Inspectorate and Environment Agency, local authorities and individual members of the public.
- 3.2 The most significant aspect of the Government response arising from the consultation is in relation to the finally agreed SSA criteria. There have been changes to the criteria on seismic risk, capable faulting, flooding, storm surge, tsunami and coastal processes, and size of site. The actual final SSA criteria are contained within this report as **Appendix 1**.

- 3.3 Government's comments on the response to the previous consultation document's questions is summarised below:

**Question 1. Do you agree that, at this time, the SSA should focus only on sites that are nominated as being suitable candidates for deploying new nuclear power stations by the end of 2025? If not, why not?**

Comments received show general support on focusing the SSA on sites that are nominated as being suitable candidates for deployment by the end of 2025, although some respondents questioned whether alternative dates would be more appropriate. There were also comments on how the SSA and Nuclear NPS relate to the Government's policy on the energy mix, the need for nuclear power and whether there was a bias towards existing nuclear sites.

**Question 2: Do you agree that the overall SSA process provides an appropriate mechanism for identifying and assessing those locations which are strategically suitable for the deployment of new nuclear power stations by the end of 2025? If not, how should the process be changed?**

**Question 3: Do you have any other comments on the practicalities of the proposed SSA process, such as the timetable for the nominations and the duration of the nomination period?**

The comments received during the consultation period generally show support for the proposals for the SSA process, which was seen as fit for purpose. There were, however, calls for more public involvement in the SSA process, and many respondents also asked for clearer guidance to nominators.

**Question 4. Do you agree that the proposed exclusionary and discretionary criteria are appropriate for the assessment of a site's suitability at a strategic level? If not, how should the criteria be changed to achieve this objective and, specifically, are there any additional criteria that should also be used? Should the classifications of any of the exclusionary, discretionary criteria, or issues for local consideration be changed?**

The Government consulted upon a range of exclusionary, discretionary and local criteria. Many respondents were content that the criteria presented an appropriate range of considerations at a strategic level. Some of the criteria attracted little comment although there were some suggestions that the way that a criterion was flagged should change or that the detail of the criterion could change, with some responses suggesting that the Government should take a more precautionary approach and classify more of the criteria as Exclusionary.

**Question 5. Do you agree that the proposed SSA is appropriate to produce a list of strategically suitable sites for the purposes of setting the framework for the Infrastructure Planning Commission's decisions? If not, how should the process be changed to achieve this objective?**

The majority of respondents answering question 5 agreed with the proposition that the proposed SSA is appropriate to produce a list of strategically suitable sites. A number of respondents, however, qualified their responses to the effect that their agreement was subject to the changes they had suggested in response to questions 1-4. Some respondents reserved their position pending further information on the SSA process and the role of the IPC.

Some respondents felt the SSA (and resulting Nuclear NPS) would result in too restrictive a framework for the IPC to take its decisions within. Others felt that the SSA and Nuclear NPS should give communities a degree of certainty about where new nuclear power stations could be built by the end of 2025, but wanted to ensure that the Government focused on strategic issues in its assessment of nominations and left the IPC to focus on local issues.

Several respondents commented on the need for the process to be robust as well as transparent and felt that effective and early engagement with local communities would be essential. In a similar vein, some respondents wanted assurance that the IPC is able to consider representations made by local communities.

There were a number of comments to the effect that decisions taken by the IPC on new nuclear power stations should also be informed by the over-arching Energy NPS and the Electricity Networks NPS. For this to be achieved, respondents felt that all three NPSs would need to be available simultaneously.

Some respondents wanted the Government to make a commitment to reviewing the SSA and Nuclear NPS in the light of experience before extending the process to sites which may be strategically suitable beyond 2025. There was also a request that the Government should be prepared to run another nominations process to ensure a reasonable number of sites is maintained in the Nuclear NPS.

- 3.4 As well as the consultation on the SSA criteria, the Government also sought views on the associated Environmental Study, which assessed the environmental and sustainability effects of siting potential new nuclear power stations in accordance with the proposed SSA criteria during the stages of construction, operation and decommissioning.



### 3.5 The environmental study posed the question:

**Do you agree with the findings of the study of the potential environmental and sustainability effects of applying the proposed SSA criteria? If not, what additional environmental and sustainability effects, if any, should be considered and how should these issues be reflected in the SSA criteria?**

Several respondents agreed with the findings of the environmental study and considered that it had identified all environmental and sustainable impacts relevant to the criteria. The majority of respondents however suggested some amendments to the criteria (and these have been covered in the response to Question 4 and reflected in the changes to the finally agreed SSA criteria detailed in Appendix 1).

### 3.6 In terms of Hartlepool's responses to the above consultation questions (see Response from Hartlepool Borough Council attached as **Appendix 2**) these appear to have been fairly influential upon the changes made to the final SSA criteria and associated SSA processes outlined within the Government response. In particular :-

- Support towards focussing on sites that are nominated as being suitable candidates for deployment by the end of 2025 (Q1)
- Recognition that there needs to be greater emphasis upon public involvement (Q2) although the timetable for nominations and the duration of the nomination period (our response to Q3) still remains fairly restrictive at an 8 week period. EDF Energy however have been able to make their Hartlepool nomination within this period.
- Acknowledgement (in Q4) of socio-economic factors such that the siting of a new nuclear power station can have an impact on employment opportunities, skills, new infrastructure, or regeneration in an area. Rather than amend the SSA criteria to accommodate socio-economic considerations however, the Government intends that the Appraisal of Sustainability for the Nuclear NPS will include such considerations.
- Acceptance of the need for greater emphasis upon public engagement and consultation (our response to Q5) for example by asking nominators to prepare a statement of community involvement and referring people to the Government-prepared public information leaflet as part of the awareness raising activities undertaken ahead of submitting their nomination.
- Acknowledgement (in additional Question on the environmental study) of socio-economic and health impacts and inclusion of these issues as a topic within the SEA Directive and as a fully integrated element of the ongoing Appraisal of Sustainability for the Nuclear NPS.

#### 4. INFRASTRUCTURE PLANNING COMMISSION (ROUTE MAP) AND CONSULTATION ON LIST OF STATUTORY CONSULTEES

- 4.1 As mentioned in the Background section to this Cabinet report, the Government via the Planning Act 2008 has embarked upon fundamental reform of the development consent system for major infrastructure projects, with a new single consent regime and independent body, the Infrastructure Planning Commission (IPC), to take over responsibility for considering and deciding on major infrastructure planning applications.
- 4.2 As part of this process a consultation is now underway (deadline for responses 20<sup>th</sup> April 2009) in relation to the list of statutory consultees which the Secretary of State must consult before designating a document as a National Policy Statement (NPS) under the Planning Act 2008. The consultation question being asked is :

**Do you agree that the draft Regulations capture the organisations which the Secretary of State should be legally obliged to consult before designating a statement as a National Policy Statement? If not, what changes would you make to the list of organisations?**

- 4.3 The proposed list of statutory consultees is contained within Tables 1&2 of the attached Statutory Instrument (**Appendix 3**) and includes Local Authorities amongst what your Officers consider to be a sufficiently comprehensive list of consultation bodies. It is therefore recommended that the Council (via the Director of Regeneration & Planning Services) responds positively on this basis.

#### 5 NEXT STEPS AND WAY FORWARD

- 5.1 Officers are continuing to liaise with the relevant personnel within EDF Energy over the nomination proposals for a new nuclear power station within Hartlepool, details of which will be brought back to Cabinet as appropriate. An internal cross-departmental Officer Group is also being established to help coordinate activities as the SSA process moves forward.
- 5.2 Following approaches by the Office for Nuclear Development (OND), the intention is also to participate as and when deemed appropriate in an interest group being established by that organisation and potentially the Local Government Association (LGA). This will help ensure an adequate and timely supply of information is obtained as progression occurs through the SSA process and enable further consultations, where considered relevant, to be responded to.

- 5.3 Given however the considerable volume of information already being experienced as the SSA procedures begin to unfold towards site nomination and development of the Nuclear NPS, a balance will need to be struck between preparing cabinet Reports on every aspect of the Nuclear Power agenda, and the need to appropriately brief Members on the implications of these from a Hartlepool perspective. On this basis the suggested way forward is to introduce Nuclear Power issues into the Member Training Programme to enable seminars to be held in support of the information dissemination processes. Details of these have yet to be finalised and will be developed further in discussion with the Mayor and Democratic Services.

## 6 DECISION REQUIRED

- 6.1 That the contents of the report be noted, including the intention to respond to the latest consultation on statutory consultees for National Policy Statements and establish Member Seminars on Nuclear Power issues when deemed appropriate.

### **Background Papers**

1. Cabinet report, 14<sup>th</sup> November 2008, Consultation Response – the Strategic Siting Assessment Process for New Nuclear Power Stations.
2. Government response to consultations on the Strategic siting Assessment process (web address referred to within this Cabinet report).

**Contact Officer** – Geoff Thompson, Head of Regeneration, Regeneration and Planning Services, Bryan Hanson House, Hanson Square, Hartlepool. Tel. 01429 523597, e-mail [geoff.thompson@hartlepool.gov.uk](mailto:geoff.thompson@hartlepool.gov.uk).

Table 1: The final SSA criteria

Criteria related to nuclear safety				
Criteria	Status	Geographic scope <sup>15</sup>	Any change?	Reference in Form and Guide <sup>16</sup>
Flooding, tsunami and storm surge	Discretionary	UK	Flooding was previously a criterion on its own. See Chapter 4 for further information.	D1
Coastal processes	Discretionary	UK	Coastal processes was previously combined with tsunami and storm surge. See Chapter 4 for further information.	D2
Proximity to hazardous industrial facilities and operations	Discretionary	UK	No	D3
Proximity to civil aircraft movements	Discretionary	UK	No	D4
Demographics	Exclusionary	UK	No	C1
Proximity to military activities	Exclusionary and Discretionary	UK	No	C2 and D5

<sup>15</sup> See Chapter 3 for more detail on the geographical scope of the SSA and NPS

<sup>16</sup> See Annexes C and D for the Nomination Guide and Form

Criteria related to environmental protection				
Internationally designated sites of ecological importance	Discretionary	England and Wales only	No	D6
Nationally designated sites of ecological importance	Discretionary	England and Wales only	No	D7
Criterion related to societal issues				
Areas of amenity, cultural heritage and landscape value	Discretionary	England and Wales only	No	D8
Criteria related to operational requirements				
Size of site to accommodate operation	Discretionary	UK	Previously included size of site to accommodate construction and decommissioning, which is now flagged for local consideration. See Chapter 4 for further information.	D9
Access to suitable sources of cooling	Discretionary	UK	No	D10
Local criteria				
Criteria related to nuclear safety				
Seismic risk (vibratory ground motion)	Flag for local consideration	UK	Was previously an exclusionary criterion. See Chapter 5 for further information.	
Capable faulting	Flag for local consideration	UK	Was previously an exclusionary criterion. See Chapter 4 for further information.	
Non-seismic ground conditions	Flag for local consideration	UK	No	

Criteria related to nuclear safety			
Meteorological conditions	Flag for local consideration	UK	No
Proximity to civil aircraft movements	Flag for local consideration	UK	No
Proximity to mining, drilling and other underground operations	Flag for local consideration	UK	No
Emergency planning	Flag for local consideration	UK	No
Criterion related to societal issues			
Significant infrastructure / resources	Flag for local consideration	England and Wales only	No
Criteria related to operational requirements			
Access to transmission infrastructure	Flag for local consideration	UK	No
Size of site to accommodate construction and decommissioning	Flag for local consideration	UK	Was previously included in "size of site to accommodate operation". See Chapter 4 for further information.

## RESPONSE FROM HARTLEPOOL BOROUGH COUNCIL

**CONSULTATION ON THE STRATEGIC SITING ASSESSMENT PROCESS AND SITING CRITERIA FOR NEW NUCLEAR POWER STATIONS IN THE UK.**

**Question 1 – Do you agree that, at this time, the SSA should focus only on sites that are nominated as being suitable candidates for deploying new nuclear power stations by the end of 2025 ? If not, why not ?**

Yes, concentrating on sites deemed as suitable candidates for deployment by the end of 2025 is considered appropriate. A timescale of that order might well be necessary given the lead-in period that could be associated with major infrastructure projects of this nature. (This does however raise considerations for those sites where there are already existing power stations in operation but which may - as per Hartlepool - have a current planned life expectancy shorter than 2025. The SSA should clarify how the current technical, economic and feasibility considerations around the potential of life-extending such existing facilities relate to the criteria for new stations).

**Question 2 – Do you agree that the overall SSA process provides an appropriate mechanism for identifying and assessing those sites which are strategically suitable for the deployment of new nuclear power stations by the end of 2025? If not, how should the process be changed?**

No, the SSA in its current form gives insufficient attention to, and should be identifying as part of the SSA process best practice towards, effective methods of public engagement and consultation that could appropriately be used in relation to the nomination stage and subsequently the draft list of suitable sites and other aspects of the draft Nuclear NPS. Such engagement needs to be thoroughly and independently informed. (The Council and Hartlepool's Local Strategic Partnership are currently reviewing and commissioning studies examining the local economic and, in broad terms, the environmental impacts arising from the existing and potentially new nuclear power station in Hartlepool – including quality jobs / high wage employment / local employment and contract initiatives and supply chain analysis considerations. In our view this is considered highly appropriate and desirable towards informing the debate about the relative merits and / or otherwise to the local and wider sub-regional / regional economy associated with nuclear power).

**Question 3 – Do you have any other comments on the practicalities of the proposed SSA process, such as the timetable for nominations and the duration of the nomination period ?**

The timetable for nominations and the duration of the nomination period (8 weeks only) seem very restrictive, especially given the nature of the subject in question and the need to be seen to be accountable and transparent through

the SSA process. We have raised comments in Question 2 above about the need for greater emphasis upon what is deemed to be good consultation. Any single consultation event for example would require a lead in period of, say, at least 6 – 8 weeks, suggesting that a longer time period overall for nominations and consultation around these should be built into the SSA procedures.

**Question 4 – Do you agree that the proposed exclusionary and discretionary criteria are appropriate for the assessment of a site's suitability at a strategic level ? If not, how should the criteria be changed to achieve this objective and, specifically, are there any additional criteria that should also be used ? Should the classification of any of the exclusionary criteria, discretionary criteria, or issues for local consideration be changed ?**

Yes the exclusionary and discretionary criteria do seem appropriate. However, from a local authority perspective, the local criteria are also likely to prove to be particularly significant . In particular we would wish to see greater recognition of potential socio-economic impacts, especially in relation to employment and training impacts, supply chain issues, strategic fit within the regional/sub-regional/ local economy, multiple deprivation implications, any community costs and benefits (we note that these are briefly acknowledged in the environmental/sustainability study but feel that they warrant specific recognition as an important local criterion). We would welcome the opportunity to consider any new local criteria that may materialise out of this current (Stage 1) consultation process. In terms of those local criteria that are currently listed it is felt that 3.2 "Significant infrastructure / resource" warrants further clarification in terms of it's meaning and content.

**Question 5 – Do you agree that the proposed SSA is appropriate to produce a list of strategically suitable sites for the purposes of setting the framework for the Infrastructure Planning Commission's decisions? If not, how should the process be changed to achieve this objective?**

As highlighted in our response to Questions 2, 3 and 4 the SSA process needs to give far greater emphasis to public engagement and methods of public consultation, extend the time periods within the overall SSA framework accordingly to accommodate such changes, including additional emphasis upon socio-economic considerations within the overall SSA process.

**Additional Question - Do you agree with the findings of the study of the potential environmental and sustainability effects of applying the proposed SSA criteria? If not, what additional environmental and sustainability effects, if any, should be considered and how should these issues be reflected in the SSA criteria ?**

Yes, the study is generally comprehensive, but could make more of the socio-economic dimensions of sustainability.



## STATUTORY INSTRUMENTS

2009 No. XX

## INFRASTRUCTURE PLANNING

Infrastructure Planning (National Policy Statement Consultation)  
Regulations 2009

<i>Made</i>	- - - -	XXX
<i>Laid before Parliament</i>		XXX
<i>Coming into force</i>	- -	XXX

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 7 and 232(3) of the Planning Act 2008<sup>(1)</sup>, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Infrastructure Planning (National Policy Statement Consultation) Regulations 2009 and shall come into force on XXX 2009.

**Interpretation**

2. In these Regulations—

“Cadw” is the executive agency responsible for carrying out the functions vested in the Welsh Assembly Government relating to the historic environment;

“fire and rescue authority” has the same meaning as in section 1 of the Fire and Rescue Services Act 2004<sup>(2)</sup>;

“Integrated Transport Authority” has the same meaning as in section 77 of the Local Transport Act 2008<sup>(3)</sup>;

“internal drainage board” shall have the same meaning as in section 1 of the Land Drainage Act 1991<sup>(4)</sup>;

“local authority” means—

- (a) a county council, or district council, in England,
- (b) a London borough council,
- (c) the Common Council of the City of London,
- (d) the Greater London Authority,
- (e) the Council of the Isles of Scilly,
- (f) a county council, or county borough council, in Wales,
- (g) a National Parks Authority,

(1) 2008 c.29. See section 235 for the meaning of “prescribed”.

(2) 2004 c.21.

(3) 2008 c.26.

(4) 1991 c.59.

(h) the Broads Authority;

“local resilience forum” has the same meaning as in regulation 4 of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005(5);

“NPS” means national policy statement;

“police authority” has the same meaning as in the Police Act 1996(6);

“Regional development agencies” means the Regional Development Agencies established by the Regional Development Agency Act 1998(7);

“regional planning body” means a body recognised by the Secretary of State under section 2 of the Planning and Compulsory Purchase Act 2004(8);

“Strategic Health Authority” means a Strategic Health Authority established under, or continued in existence by, section 13 of the National Health Service Act 2006(9);

“statutory undertakers” has the same meaning as in section 262 of the Town and Country Planning Act 1990(10); and

“Passenger Transport Executives” has the same meaning as in section 9 of the Transport Act 1968(11).

### Consultation

3.—(1) Before designating a statement as a NPS or amending a NPS the Secretary of State shall consult the authority or person specified in column 2 of Table 1 in the circumstances specified in column 3.

(2) Before designating a statement that has policies identifying one or more locations as suitable (or potentially suitable) for a specific description of development as a NPS or amending such a NPS the Secretary of State shall consult the authority or person specified in column 2 of Table 2 in the circumstances specified in column 3.

**Table 1**

<i>Column 1; Paragraph</i>	<i>Column 2; Consultee</i>	<i>Column 3; Circumstances</i>
(a)	The Scottish Executive	All cases
(b)	The Welsh Assembly Government	All cases
(c)	The Northern Ireland Executive	All cases
(d)	Regional planning bodies	All cases
(e)	Local authorities	All cases
(f)	Strategic Health Authorities	All cases
(g)	The Local Government Association	All cases
(h)	The Association of Chief Police Officers	All cases
(i)	The Chief Fire Officers Association	All cases
(j)	The Health and Safety Executive	All cases
(k)	The Environment Agency(12)	All cases
(l)	Natural England(13)	All cases

(5) S.I. 2005 No 2042

(6) 1996 c.16.

(7) 1998 c.45.

(8) 2004 c.5.

(9) 2006 c.41.

(10) 1990 c.8.

(11) 1968 c.73.

(12) See section 1(1) of the Environment Act 1995 (c.25).

(13) See section 1 of the Natural Environment and Rural Communities Act 2006 (c.16).

(m)	Regional development agencies	All cases
(n)	The Commission for Sustainable Development	All cases
(o)	The Equality and Human Rights Commission	All cases
(p)	The Historic Buildings Commission for England <sup>(14)</sup>	Where any NPS is likely to affect historic buildings or the historic environment.
(q)	Scottish Natural Heritage	Where any NPS is likely to affect the Scottish countryside
(r)	The Countryside Council for Wales	Where any NPS is likely to affect the Welsh countryside
(s)	The Homes and Communities Agency	Where any NPS is likely to affect matters relevant to its objectives <sup>(15)</sup>
(t)	The Commission for Rural Communities	Where any NPS is likely to affect rural communities
(u)	The Maritime and Coastguard Agency	Where any NPS is likely to affect marine or coastal environment
(v)	The Marine and Fisheries Agency	Where any NPS is likely to affect the marine or coastal environment or the fisheries industry
(w)	The Highways Agency	Where any NPS relates to road or transport planning or is likely to affect road or transport planning
(x)	Integrated Passenger Authorities ("ITA") and Passenger Transport Executives ("PTE")	Where any NPS is likely to affect transport within, to or from the integrated transport area of the ITA or PTE
(y)	Transport for London	Where any NPS is likely to affect passenger transport to from or within London
(z)	The Civil Aviation Authority	Where any NPS relates to airports or which is likely to affect an airport
(aa)	The Rail Passengers Council	Where any NPS is likely to affect the rail passenger industry
(bb)	The Disabled Persons Transport Advisory Committee	Where any NPS is likely to affect access to transport for disabled people
(cc)	The Coal Authority	Where any NPS is likely to affect coal mining operations
(dd)	The Office of Rail Regulation	Where any NPS is likely to affect railways or the rail transport industry
(ee)	The Gas and Electricity Markets Authority	Where any NPS is likely to affect gas and electricity markets

<sup>(14)</sup> See section 32 of the National

<sup>(15)</sup> See section 2 of the Housing and Regeneration Act 2008 (c.17).

(ff)	The Water Services Regulation Authority	Where any NPS is likely to affect the water industry
(gg)	The Forestry Commission	Where any NPS is likely to affect the protection or expansion of forests and woodlands
(hh)	The British Waterways Board	Where any NPS is likely to affect inland waterways or land adjacent to inland waterways
(ii)	The Commission for Architecture and the Built Environment	Where any NPS contains policy which envisages the construction of a building
(jj)	The Health Protection Agency	Where any NPS includes policies relating to chemicals, poisons or radiation which could potentially cause harm to people
(kk)	Statutory undertakers <sup>(16)</sup>	Where any NPS includes policies relevant to their functions as statutory undertakers
(ll)	Cadw	Where any NPS is likely to affect historic buildings or the historic environment in Wales

**Table 2**

<i>Column 1; Paragraph</i>	<i>Column 2; Consultee</i>	<i>Column 3; Circumstances</i>
(a)	The relevant police authority	All such authorities with responsibility for some or all of the area identified in an NPS and all police authorities sharing a boundary with that or those authorities
(b)	The relevant fire and rescue authority	All such authorities with responsibility for some or all of the area identified in an NPS and all fire and rescue authorities sharing a boundary with that or those authorities
(c)	The relevant internal drainage board	All such boards with responsibility for some or all of the area identified in the NPS in any case where the NPS includes policies which

<sup>(16)</sup> See section 5(10) of the Planning Act 2008 for the meaning of “statutory undertaker”.

(d)	The relevant local resilience forum	could lead to the increased risk of flooding in an area or where an area identified in an NPS is in an area of flood risk. All such bodies with responsibility for some or all of the area identified in the NPS
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Signed by authority of the Secretary of State

Date Name  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 2 of the Planning Act 2008 provides for the Secretary of State to designate policy statements as national policy statements. These statements may set out national policy in relation to certain major infrastructure developments and for the purposes of the determination of applications for development consent under the Act. The Act sets out a number of consultation and publicity requirements necessary before a statement can be designated as a national policy statement.

These Regulations set out who the Secretary of State must consult before designating a statement as a national policy statement. Table 1 contains a list of persons and the circumstances in which they must be consulted. Table 2 contains a list of persons and the circumstances in which they must be consulted before the Secretary of State designates a statement that has locationally specific policy as a national policy statement.

An Impact Assessment has not been prepared for this consultation as the policy options do not have an additional impact on business, charities or the public sector beyond what was examined in the Impact Assessment that accompanied the Planning Bill when it was introduced in Parliament on 27<sup>th</sup> November 2007. The Impact Assessment can be found on the Communities and Local Government website (<http://www.communities.gov.uk>).