

# CABINET

## MINUTES AND DECISION RECORD

6 April 2009

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

### **Present:**

The Mayor (Stuart Drummond) - In the Chair

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

Also Present: Councillor G Lilley and E Jeffries (Unison).

Officers: Paul Walker, Chief Executive  
Andrew Atkin, Assistant Chief Executive  
Mike Ward, Chief Financial Officer  
Peter Devlin, Chief Solicitor  
Nicola Bailey, Director of Adult and Community Services  
Adrienne Simcock, Director of Children's Services  
Peter Scott, Director of Regeneration and Planning Services  
Dave Stubbs, Director of Neighbourhood Services  
Stuart Green, Assistant Director (Planning and Regeneration)  
Graham Frankland, Head of Procurement, Property and Public Protection  
Alan Dobby, Business Transformation Manager  
Matthew King, Principal Planning Officer  
Steve Hilton, Public Relations Officer  
David Cosgrove, Democratic Services Officer

### **251. Apologies for Absence**

None.

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

Councillor Payne declared a personal interest in Minute No.254 as a member of the Cleveland Fire Authority.

**253. Confirmation of the minutes of the meeting held on 24 March 2009**

Confirmed.

**254. Stranton Fire Station Development, Huckelhoven Way / Stockton Street** (*Director of Neighbourhood Services / Director of Regeneration and Planning Services*)

**Type of decision**

Non-key.

**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.

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

The Neighbourhoods and Communities Portfolio Holder reported that 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 to undertake these vital works, with £40m of that to be invested across the Tees Valley.

Cleveland Fire Authority (CFA) were currently preparing a detailed business case to set out how they propose that this funding would be used. The CFA have expressed their desire to modernise the three facilities within Hartlepool. The CFA has stated that it proposes to rebuild the Headquarters at Queens Meadow, with a new building also incorporating other facilities which were currently located in Thornaby and Grangetown. The CFA were also proposing to knockdown and rebuild the fire station on the Headland, with the new building having a smaller footprint with other complimentary uses such as community facilities potentially on the site.

In terms of the Stranton site, the CFA have stated that the station needs replacing with an upgraded facility which was fit for modern purposes and incorporating community facilities. The CFA has stressed the important role they can play in working with communities to help cut crime, improve safety and promote healthier lifestyles.

In order to accommodate the proposed redevelopment of the Stranton site, an area of open land was required at the Huckelhoven Way / Stockton Road junction. The CFA are interested in purchasing part of this area from the Council, as shown on a plan appended to the report. This land is a key green space as 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 Com1). Officers considered that a high quality development of a new fire station, incorporating high quality 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). The CFA had considered options for the relocation of the fire station and details of these were set out in the report.

Details of the financial consideration for this area of land were set out in an exempt appendix to the report. The appendix contained 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). Members were advised at the meeting that the valuation set out in the appendix had been reduced by approximately one third following discussions with the CFA. Some Cabinet Members did question the necessity to make the valuation of the land confidential. The Chief Solicitor stated that the value the Council placed on any land was commercially sensitive.

A Cabinet Member suggested that the Council should seek community services from the CFA to the value of the land rather than request a cash payment. These services could be directed towards community fire safety and diversionary activities with young people. The Mayor suggested that it may be more appropriate to ring-fence the capital received from the sale of the land to carry out similar activities within the Council or through the Safer Hartlepool Partnership.

Concerns were expressed at the vehicular access for the site which was currently from Warwick Place. There was already a primary school and the Post Office sorting office accessed from that road and a supermarket had recently received planning permission to be built on the land next to the sorting office that would also be accessed from Warwick Place. The traffic issues in Warwick Place were already a concern and the additional community facilities at the fire station would only add to these. It was stated that the traffic issues would be considered as part of the planning process. Assurances were also sought that the importance of the open space had been fully considered, and these were given by officers.

### **Decision**

1. That the sale of land at Huckelhoven Way / Stockton Street to Cleveland Fire Brigade subject to the terms and conditions outlined in the report and updated at the meeting be approved.
2. That the capital receipt received from the sale of the land be ring-fenced to fund community activities around fire safety.

## **255. Mental Capacity Act 2005 – Deprivation of Liberty Safeguards** (*Director of Adult and Community Services*)

### **Type of decision**

Non-key.

### **Purpose of report**

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 1st April 2009 and how these would be implemented locally.

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

The Adult and Community Services Portfolio Holder explained 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. The Portfolio Holder also indicated how Hartlepool Borough Council staff will implement the Mental Capacity Act 2005 Deprivation of Liberty Safeguards (MCA DOLS). The report detailed who would be covered by deprivation of liberty safeguards, what deprivation of liberty was, who was protected by the new safeguards and what the safeguards had introduced, including how assessments would be undertaken and who could call for them, and representation for people subject to the regulations. The Portfolio Holder amended the recommendation at the meeting to seek delegated authority to the Director of Adult and Community Services.

Members questioned if Hartlepool Local Involvement Network (LINK) would be responsible for providing representation for people subject to the safeguards. The Director of Adult and Community Services indicated that the Mental Capacity Advocacy Service would provide that service. LINK would be expected to look at the processes rather than individual cases.

### **Decision**

That the report be noted, and that the procedures outlined be adopted and implemented from 1 April 2009, with the power for authorising deprivation of liberties being delegated to the Director of Adult and Community Services, Assistant Director of Commissioning and Assistant Director - Operations.

## **256. Business Transformation – Corporate Restructure** (*Chief Executive*)

### **Type of decision**

Non-key.

### **Purpose of report**

The report progressed the recommendations from the Cabinet report of the 26th January 2009 with particular reference to the restructure of the authority.

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

The Assistance Chief Executive outlined the principal issues within the report and highlighted those issues that required Cabinet to make a determination of the location of a number of service areas within the new structure. The determination of Chief Officer functional structures would be undertaken after the appointment of the two Directors, and would be considered by Cabinet. In order that the new structures deliver the efficiency targets outlined in the Management Structures business case they would be developed within a cash envelope, which took as its basis, the current cost base of the authority and applies efficiency targets from the business case.

There were a number of principles that had been taken into account in relation to the proposals. Whilst those identified were not exhaustive they were 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 were maximised.

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. Where there was considered to be more than one option for the future location of a particular function, or functions, these were included in section 8 of the report. The service areas concerned were: -

Procurement, Property and Assets function  
Community Strategy / Sustainable Communities  
Drugs Action Team  
Youth Offending Service

These were dealt with in detail within the report together with the options for

their future location.

The posts of Directors of People and Place had been submitted to Monitoring of Vacancies panel, in line with Council procedure, on 11th 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 16th April 2009 and the remuneration for the posts will be subject to external assessment (as agreed at Cabinet on 26th January). The conclusion of this is due to be considered by Cabinet on 22nd June 2009 to allow the recruitment process to progress as outlined above.

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 (i.e. two fewer posts for Support Services). The proposals included in the report provided for the projected reduction of two Directors (£265K) but the likely reduction in the number of Chief Officers had increased from two to four (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.

The restructure was one part of the overall Business Transformation Programme, with links to several of the other work streams. Submitted as Appendices 1 to 4 with the report were brief programme updates from each of these work streams: Management Structures, Assets, Non Transactional Services and Transactional Services.

Cabinet considered the report in detail and held a lengthy discussion on the issues raised and, in particular, the recommendations in relation to the location of service areas. During this debate the following principal issues were raised -

- Staff consultation on the proposed structure and how that was to be undertaken. It was indicated that a protocol existed that had been discussed and approved by the Trade Unions for such consultation and that would be utilised.
- The location of the Youth Offending Service (YOS). Cabinet discussed the options put forward in the report. There were views that the YOS should be located within the People department alongside Children's Services as many of the young people dealt with by the YOS would already be known to the social workers within Children's Services. There was a contrary view that the service should remain under the Safer Hartlepool Partnership (Community Safety and Prevention Division). The services under the Partnership had received excellent reports through review and it was considered that the close links with groups and services already developed should be maintained.
- The location of the Drugs Action Team (DAT). Cabinet considered that the service should remain under the Safer Hartlepool Partnership (Community Safety and Prevention Division) as at present as changes to, or breaking up the service, could have a significantly adverse affect

- on an excellent service.
- Members questioned the location of Schools Transformation (Procurement) under the Procurement, Property and Assets Service. It was indicated that it was specifically the procurement element of the process, which would be based on the specific requirements of the Resources and Support Services division.
  - With the greater efficiency in the management of assets by the centralisation under a Procurement, Property and Assets Service would the reduction in on-costs lead to overheads being reduced across the board? It was indicated that there should be a consequent reduction in costs. Cabinet Members questioned the location of Procurement, Property and Assets Service under the Chief Executive's department rather than the Place department. It was indicated that the consolidation of all assets in a centrally managed location would lead to reduced costs and enhance the ability to manage assets. Service units would still operate within the various buildings but, as an example, a librarian running a branch library was not the right person to have to manage the installation of a new roof on the building; their focus must be on the service.
  - The post of Head of Housing Services. This post had not been filled; had the costs been included in the current proposals and where had the costs been accounted for over the past two years? The savings had been accrued as part of the savings the authority needed to make each year on the salaries budget.
  - Would the use of external advisors be limited? It was indicated that there had been the option to use external advisors to do much of the Business Transformation Programme work but Cabinet had backed the use of a small in-house team as the preferred option. There was a need for some external advice in the future, as there had been in the past months but this would be kept to an essential minimum.
  - There were year one and two structures for the People department; was such a staged process required for the other two departments? It was indicated that the structures would be developed further once the Director appointments had been made. Further reports on structures would be brought to Cabinet at that stage.
  - With the changes to structures and the centralisation of services, could internal invoicing be reduced or even ended? There would always be a need to properly account for on-costs and while it was hoped that some of these changes would bring significant savings, recharges could not be avoided without the transfer of budgets to departments to cover the costs of the services currently recharged. That would then need to have very accurate estimates of the budget required allocated to departments. Recharging allowed for greater accuracy and therefore lowers costs.
  - The use of Managers without technical experience in some area was questioned. The use of staff with excellent management skills, though not necessarily the technical background in certain areas was a significant principal within the proposals put forward by KPMG. Highly skilled and technically qualified staff were frequently promoted to managerial posts, where the management of a team or service area hindered their technical role. Utilising staff with excellent management

skills to undertake that role would free up technical staff to do the work they were qualified to do. It was not intended that this would happen to the extent suggested by KPMG. Larger authorities were able to implement this principal to a much greater extent as it generally required more staff; Hartlepool would use it only where it would create the greatest efficiencies. Cabinet members were concerned that this could affect the Council's principle of 'growing our own'. It was considered that this would not be the case; the Council had very successful internal programmes for developing its staff.

- Would the savings predicted be affected by the external assessment of salaries? The total savings predicted within the report based on the reduction of two director posts and four Chief Officer posts would, currently, give savings of around £580,000 in a full year. Salary reviews and indeed pay rises, may affect this figure, but not substantially.
- Clarification was sought on whether any of the proposed recommendations would make a difference to the number of jobs to be lost. Members were asked to note that the recommendations would not make any difference to the number of jobs to be lost as identified within the report.

Cabinet then moved to debate each of the recommendations in turn and made the decisions as set out below.

### **Decisions**

1. That the overall structure of the Council as set out 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 of the report be approved.
2. That Cabinet determines that the structural location of the services / sections considered within the report are as follows
  - (a) That Procurement, Property and Assets is located in the Place Department as set out in section 8.2 of the report.
  - (b) That Community Strategy (Sustainable Communities) is located in the Chief Executives Department (Corporate Strategy Division) and Place Department (Planning and Economic Development Division and Regeneration and Housing Division) as set out in section 8.3 of the report.
  - (c) That the Drugs Action Team (DAT) is located in the Place Department (Community Safety and Prevention Division) as set out in section 8.4 of the report.
  - (d) That the Youth Offending Service (YOS) is located in the Place Department (Community Safety and Prevention Division) as set out in section 8.5 of the report.
3. That the programme updates set out in Appendices 1 to 4 of the report be noted.
4. That the recruitment process and timescales for the Directors of People and Place be noted and that Council be informed that Cabinet members



wish to be involved in the appointment process.

5. That further reports be brought to Cabinet after the appointment of Directors in respect of the functional structures and the proposed slotting in of Chief Officers.
6. That staff consultation on the proposed structures be in line with the protocols already agreed with the Trade Unions.

## **257. 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)*

### **Type of decision**

None – the report was for Cabinets' information only.

### **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 next stages in the process towards development of the Nuclear National Policy Statement (NPS).

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

The Mayor reported that at its meeting on 14th November 2008 Cabinet considered and agreed to respond to the consultation document issued by the Department for Business Enterprise and Regulatory Reform (BERR) on the Strategic Siting Criteria for New Nuclear Power Stations in the UK (Minute 142 refers). The Government had subsequently announced the publication of its response to the SSA consultation, details of which were briefly summarised in the report, including the final criteria for determining the suitability of sites for new nuclear power stations. The report also referred to a consultation exercise on statutory consultees for National Policy Statements. Cabinet noted that local authorities were proposed to be included among the statutory consultees.

Officers were 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 would be reported to Cabinet as appropriate. An internal cross-departmental Officer Group was also being established to help coordinate activities as the SSA process moves forward. Following approaches by the Office for Nuclear Development (OND), the intention was 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 would help ensure an adequate and timely supply of information was obtained as progression occurs through the SSA process and enable further consultations, where

considered relevant, to be responded to.

The Mayor commented that he believed that the Council should commence its own consultation process on developing a Hartlepool view as to whether 'we' supported an application being made to site a new nuclear power station in Hartlepool. If the view was in favour of such a development, then should any of the currently favoured sites fail to move forward, Hartlepool could step in as a viable alternative. Cabinet also considered that Members seminars should be held as part of the consultation following discussion between the appropriate Portfolio Holders.

**Decision**

1. That the report be noted, and that the intention to respond to the latest consultation on statutory consultees for National Policy Statements be approved and
2. That Member Seminars on Nuclear Power issues be established when deemed appropriate.

The meeting concluded at 11.30 a.m.

**P J DEVLIN**

**CHIEF SOLICITOR**

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