

CABINET

MINUTES AND DECISION RECORD

7 September 2009

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

The Mayor (Stuart Drummond) - In the Chair

Councillors: Gerard Hall (Adult Services Portfolio Holder)
Cath Hill (Children's Services Portfolio Holder)
Peter Jackson (Transport and Neighbourhoods Portfolio Holder)
Victor Tumilty (Culture, Leisure and Tourism Portfolio Holder)

Also in attendance:

Councillor Chris Simmons, Chair of Adult and Community Services
Scrutiny Forum
Louise Wallace, Acting Director of Public Health
Khalid Azam, Director of Children's Services, Hartlepool Primary Care
Trust
Deborah Gibbon, Teenage Pregnancy Co-ordinator

Officers: Paul Walker, Chief Executive
Andrew Atkin, Assistant Chief Executive
Mike Ward, Chief Financial Officer
Chris Little, Assistant Chief Financial Officer
Joanne Machers, Chief Personnel Officer
Alyson Caman, Legal Services Manager
Dave Stubbs, Director of Regeneration and Neighbourhoods
Nicola Bailey, Director of Child and Adult Services
Derek Gouldbum, Urban Policy Manager
Joan Wilkins, Scrutiny Manager
Helen Williams, Planning Officer
Steve Hilton, Public Relations Officer
Angela Hunter, Principal Democratic Services Officer

50. Apologies for Absence

Apologies for absence were received from Councillors Pamela Hargreaves and Robbie Payne.

51. Declarations of interest by Members

Councillor Gerard Hall declared a personal interest on minute 55.

52. Minutes of the meeting held on 24 August 2009

Received.

53. Call-In of Cabinet Decision: Business Transformation (Programme Board and Asset Management Arrangements) (Scrutiny Co-ordinating Committee)

Type of decision

Non-key.

Purpose of report

To report the outcome of the Scrutiny Co-ordinating Committee meeting on 25 August 2009 at which consideration was given to the call-in of the following decisions taken by Cabinet on 13 July 2009:

Minute no 19 – Business Transformation – Quarterly Programme Update

- (ii) That the Programme Board be amended in light of recent portfolio changes to delete the Performance Portfolio and to include an additional Cabinet Member to be determined at a later date.
- (iii) That consideration be given to changing the times of the Business Transformation Board meetings to maximise Member attendance.

Minute no 21 – Business Transformation – Asset Management

- (ii) That the Portfolio Holder for Finance and Performance continue with delegated authority for decisions in relation to the disposal of land and buildings.

Issue(s) for consideration by Cabinet

Minute no 19 – Business Transformation – Quarterly Programme Update

The Chair of the Adult and Community Services Scrutiny Forum presented a report which outlined Members' concerns in relation to the make up of the Programme Board. The Committee had felt that the absence of Members from other political groups on the Programme Board was unreasonable. Concern was also expressed that back bench Members could feel excluded from the Business Transformation (BT) decision making process and Members were mindful of the negative effect this could have on the

passage of BT decisions through the process, ie potential for 'call-ins'. It was suggested that the Programme Board be amended to remove the individual member previously added to the membership and include the Chair of Scrutiny Co-ordinating Committee, the Leaders of each political group and the Leader of the Administrative Group. In addition, it was suggested that ways of further ensuring the reciprocal flow of BT information with back bench Members be explored.

The Committee could find no grounds to request Cabinet reconsider decision (iii).

Minute no 21 – Business Transformation – Asset Management

Whilst the Committee acknowledged that the delegation of Portfolio Holder responsibilities sat within the remit of the Mayor, clarification was sought to the process undertaken through the Programme Board and Cabinet for consideration of the decision route for the disposal of property. During the discussions at the Committee meeting, it was agreed that the wording of the recommendations to the Programme Board and Cabinet could have been improved to better reflect the right of the Mayor to delegate Portfolio Holder responsibilities and that the request for a 'view' rather than a 'decision' would have been more appropriate in this case.

Members welcomed assurances from the Mayor that whilst the formal agreement of a Portfolio Holder was the conclusion of a process, there would be ample opportunity throughout the decision making process to have input from other cabinet colleagues, officers and other Members of the Council.

The Mayor indicated that he was more than happy to give further consideration to the membership of the Programme Board and added that group leaders would be invited to join the Board.

Decision

That all group leaders be invited to join the Business Transformation Programme Board.

54. Draft Review of the Statement of Community Involvement *(Director of Regeneration and Neighbourhoods)*

Type of decision

Budget and Policy Framework

Purpose of report

- To advise Cabinet that a Review of the Statement of Community Involvement (SCI) had been prepared and made available for public consultation
- To seek approval for a formal six week publication period and if no fundamental changes were requested then the SCI can be adopted.

Issue(s) for consideration by Cabinet

The report set out at **Appendix 1** a revised Statement of Community Involvement (SCI) which was deemed necessary to review and update following new government guidance Planning Policy Statement 12 (Creating Strong and Prosperous Communities Through Local Spatial Planning).

The process involved in the development of and consultation on the SCI were highlighted and approval is sought for the adoption of the final version of the document.

16 Responses in total were received from, the public, other agencies and Council departments. The main changes to the SCI stemming from consultation relate to:

- Advice from Sport England to alter Appendix Four in relation to the three tiers of consultation
- Greater emphasis throughout the document on the importance of public Involvement in planning for the future of the borough
- Update to the list of consultees
- Alterations to chapter 6 in relation to planning applications
- Chapter 10 alterations to contact information

Members were asked to note that the SCI along with the adoption statement and consultation statement will be published for a six week period to allow for formal representations to be made. If there were no fundamental changes to the SCI requested, it would be adopted following full endorsement by full Council in October 2009.

A Member sought clarification on how public involvement would be encouraged over the six week period. The Urban Policy Manager indicated that a statutory notice would be placed in the Hartlepool Mail inviting people to express comments and it was noted that during the earlier consultation, leaflets were distributed which explained the whole process.

Reference was made to page 20 of the appendix and clarification was sought on how widely consultation would be undertaken. The Urban Policy Manager explained that the onus was on developers and applicants to undertake pre-application consultation and they were actively encouraged

to do this. In relation to local authority consultation, the Development Control Manager would take a view on each individual application and would usually ensure the consultation was undertaken wider than the level that would be expected to achieve the widest possible involvement of local residents as appropriate.

It was suggested that when major developments were planned, additional guidance be given to developers encouraging consultation with local residents. In addition to this, it was also suggested that Members of Planning Committee be informed about major developments prior to the consideration at Committee, without asking them to form a view, to enable them to be aware in advance of the meeting of any issues that may be of concern to residents. The Urban Policy Manager confirmed that there was a fairly well established process in place in relation to consultation on planning applications with residents and Members but would ensure that the above comments were forwarded to the Development Control Manager.

Decision

That the revised Statement of Community Involvement (SCI) be approved for formal public consultation and in the event that no fundamental changes were requested, and subject to endorsement by full Council, the SCI be formally adopted.

55. Valuing People Now – Transfer of Learning Disability Social Care Funding and Commissioning from the NHS to Local Government *(Director of Child and Adult Services)*

Type of decision

Key decision – Test (i) applies.

Purpose of report

To inform Cabinet of progress with the Department of Health (Gateway Reference: 9906) Valuing People Now: Transfer of Responsibility for the Commissioning of Social Care for Adults with a Learning Disability from the NHS to Local Government and Transfer of the Appropriate Funding.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Adult and Public Health Services presented a report which provided information to Cabinet Members on the agreed transfer as of 31 March 2009 and to provide an update on the 30 June 2009 transfer position and outstanding issues for further negotiation. The Local Authority as of 31 March 2009, agreed with Hartlepool Primary Care Trust (PCT) to

accept a transfer of £1,482,840. Areas still requiring agreement include any transfer of capital funding associated with former long stay hospital funding and agreement on annual inflationary uplift for 2009/10 & 2010/11.

Members were asked to note that the PCT would concentrate on health care and in Hartlepool, the main affect of this would be on six individuals who were supported through campus accommodation. The individuals in question had quite complex needs and through this transfer, the local authority would ensure that their needs under mental health, social care and learning disabilities were met in full.

Clarification was sought on whether the transfer included enough funding to provide for learning disability social care. The Director of Child and Adult Services confirmed that the funding agreed was based on the current funding per person for the previous two years and the projected needs and she was comfortable that this amount was adequate. Members were asked to note that should an individual's needs change, they would be assessed under the continuing health care guidance and any additional funding required would be met through the PCT and health care.

Decision

- (i) The contents of the report was noted.
- (ii) The implementation of the transfer and recommendations were supported.

56. Teenage Pregnancy Presentation *(Director of Health Improvement)*

Type of decision

None.

Purpose of report

The purpose of the presentation is to raise awareness of:

- The challenges in achieving the local teenage pregnancy target ;
- The briefing on teenage pregnancy for lead members of Children's services.

Issue(s) for consideration by Cabinet

The Acting Director of Public Health and Teenage Pregnancy Co-ordinator gave a detailed and comprehensive presentation which highlighted the importance of the teenage pregnancy strategy, the goals of the strategy, the

local context and performance against 2010 targets. A summary of the teenage pregnancy briefing for lead Members was attached as Appendix A. It was noted that the policy would be refreshed next year and Members were encouraged to take ownership of the policy and heighten its profile.

A lengthy debate took place in which Members discussed the fact that whilst the teenage pregnancy strategy had received regional and national recognition, it did not appear to have the desired impact within the town with the number of teenage pregnancies increasing. It was acknowledged that the current target was challenging and there was concern that increasing this target by the suggested 5% would have a negative effect on the fantastic work that was already being undertaken. During the discussions it was suggested that more innovative and radical ways of tackling this issue should be explored and some suggestions made by the Partnership Board at a recent meeting were already being examined.

A Member suggested that involving young inspectors would be an innovative way of exploring the issue further as they would look at it from a completely different perspective to officers and Members and this may help get to the root cause of the issue and possible solutions.

Decision

- (i) The presentation was noted.
- (ii) Members welcomed the idea of using more innovative and radical ways of tackling this issue, including the possibility of young inspectors becoming involved to explore the root cause of teenage pregnancies.

57. Quarter 1 Capital and Accountable Body Programme Monitoring Report 2009/10 *(Chief Financial Officer)*

Type of decision

None.

Purpose of report

To provide details of progress against the Council's overall Capital budget for 2009/2010 and the spending programmes where the Council acts as the Accountable Body for the period to 30th June, 2009.

The report considered the following areas: -

- Capital Monitoring
- Accountable Body Programme Monitoring

Issue(s) for consideration by Cabinet

The report was an integrated comprehensive document and provided a summary followed by a section for each Portfolio where more detailed information was provided.

The Portfolio Holder sought clarification on the issue of Blakelock Centre demolition costs and how this would be effected by the subsequent disposal of the site. The Director of Neighbourhoods and Regeneration indicated that this would be a net receipt and the Chief Financial Officer offered to provide the Portfolio Holder with further information.

Decision

The report was noted.

58. Capital and Accountable Body Programme Outturn Report 2008/2009 *(Chief Financial Officer)*

Type of decision

None.

Purpose of report

To provide details of the Council's overall Capital outturn for 2008/2009 and the Spending Programmes where the Council acts as the Accountable Body.

The report considered the following areas: -

- Capital Monitoring
- Accountable Body Programme Monitoring

Issue(s) for consideration by Cabinet

The report provided detailed outturn reports for Capital for each Portfolio along with an outturn for the spending programmes where the Council acted as the Accountable Body. The report followed the format adopted for previous reports, which allowed each Portfolio Holder to readily review the outturn for their area of responsibility.

Decision

The report was noted.

59. Year End – Corporate Plan and 2008/2009 Revenue Outturn Report *(Corporate Management Team)*

Type of decision

Non-key.

Purpose of report

To inform Cabinet of: -

- the progress made towards achieving the Corporate Plan
- the Council's overall Revenue Outturn for 2008/2009.

Issue(s) for consideration by Cabinet

The report described progress towards achieving the actions within the Corporate Plan using the traffic light system of Green, Amber and Red. The report provided an overview of Council performance, with separate sections providing more detailed information for each Portfolio Holder to consider.

The detailed revenue outturn covered the following areas:-

- Overview of 2008/09 Revenue Outturn
- Outturn against Departmental, Corporate and High Risk Budget Areas.
- Detailed Outturns by Portfolio
- Outturn Position on Efficiency Saving Targets Identified in the 2008/09 Budget Strategy
- Revenue Contributions towards Capital Expenditure
- School Balances as at 31 March 2009
- Key Balance Sheet Information

The Chief Financial Officer added that there were no significant differences between the draft revenue outturn report, which Members had already had sight of, and the final revenue outturn report. Members' attention was drawn to the fact that the anticipated overspend of £2.6m had been reduced through various actions and was now £1.6m.

Decision

The report was noted.

60. Treasury Management Outturn 2008-2009 (*Chief Financial Officer*)

Type of decision

None.

Purpose of report

The report provided a review of the Treasury Management activity for 2008/2009 and the outturn Prudential Indicators for this period.

Issue(s) for consideration by Cabinet

The report covered the following:

- The economic background for the year;
- The Council's capital expenditure and financing in 2008/09;
- The Council's overall treasury position, including borrowing and investment activity;
- The regulatory framework, risk and performance considerations, including compliance with key prudential indicators.

The Chief Financial Officer added that various draft guidance was being produced, one of which was to raise awareness of treasury management, hence the submission of this report. Section 3 of the report was highlighted and included a summary of the economic factors affecting 2008/09 with the first half of the year being stable with little change and the second half of the year having significant change through the fall in interest rates. Members were asked to note that various actions had been taken by the Chief Financial Officer through his delegated powers to change the lending criteria and these had been reported to Council.

It was noted that although the Council had slightly more debt than at the beginning of the year due to the fall in the level of interest, the cost of borrowing had also fallen. This had resulted in the net position improving significantly which had generated an underspend helping to provide funding for the Building Schools for the Future project and the forthcoming Tall Ships Race. A report would be submitted to Council in due course.

Decision

The report was noted.

The meeting concluded at 10.00am.

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 11 September 2009.