

# CABINET

## MINUTES AND DECISION RECORD

19 October 2009

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

### **Present:**

The Mayor (Stuart Drummond) - In the Chair

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

Officers: Andrew Atkin (Assistant Chief Executive)  
Nicola Bailey (Director of Child and Adult Services)  
Peter Scott (Director of Regeneration and Planning Services)  
Paul Briggs (Assistant Director, Child and Adult Services)  
Peter McIntosh, Children's Services  
Hannah Watkins, Placement Officer  
Graham Frankland (Head of Procurement, Property and Public Protection)  
Julian Heward (Public Relations Officer)  
Denise Wimpenny (Principal Democratic Services Officer)

### **79. Apologies for Absence**

None.

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

The Children's Services Portfolio Holder declared a prejudicial interest in Minute No 88 as Chair of the Schools Transformation Project Board and highlighted her intention to leave the meeting during consideration of this item of business.

**81. Minutes of the Meeting held on 5 October 2009**

Received.

**82. Minutes of the meeting of the Emergency Planning Joint Committee held on 17 July 2009**

Received.

**83. Affordable Housing Development Plan Document Preferred Options Document** (*Director of Regeneration and Neighbourhoods*)

**Type of decision**

Budget and Policy Framework

**Purpose of report**

To seek approval of the Preferred Options document of the Hartlepool Affordable Housing Development Plan Document for consultation purposes.

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

The Mayor referred to Cabinet's approval of a Preferred Options paper on Affordable Housing for consultation on 1 September 2008.

Public consultation was undertaken during October 2008 on the Affordable Housing Development Plan Document (DPD). However, due to fundamental changes in the housing market and experience of other Local Authorities elsewhere in the country an Affordable Housing Economic Viability Assessment was undertaken to consider the impact that various policy options would have on the residual land values and the viability of seven indicative development sites within the Borough.

It had been necessary to prepare a new Preferred Options document to incorporate the findings of the Economic Viability Assessment. Therefore, the document represented a further public consultation stage in the production of the Affordable Housing DPD that would form part of the Hartlepool Local Development Framework.

The Preferred Options document sets out for comment preferred policy options for each of the main issues highlighted in previous consultation documents in terms of the delivery of affordable housing and justification for the Preferred Options.

The consultation of the Preferred Options would be in accordance with the adopted Statement of Community Involvement and would last for eight weeks from Friday 30<sup>th</sup> October 2009 until Monday 4<sup>th</sup> January 2010.

In the light of responses to the consultation and of the Sustainability Appraisal of the options and any additional options put forward, a preferred policy would be developed in the form of a Publication Document for further consultation in April 2010.

In the discussion that followed Members emphasised the importance of providing affordable housing and the benefits to the community and were pleased to note the shared ownership options.

**Decision**

- (i) That the Affordable Housing DPD Preferred Options document for the Affordable Housing DPD be approved for consultation purposes subject to minor editing and updating if necessary.
- (ii) That delegated powers be granted to the Director of Regeneration and Neighbourhoods to approve the associated Sustainability Appraisal Report and Habitats Appropriate Assessment for consultation within the same period.

**84. Planning Obligations Supplementary Planning Document** (*Director of Regeneration and Neighbourhoods*)

**Type of decision**

Budget and Policy Framework

**Purpose of report**

To approve the Planning Obligations Supplementary Planning Document (SPD) for public consultation. This SPD would form part of the Local Development Framework.

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

The Mayor presented the report which provided background information including the purpose of the SPD, details of previous consultation, general principles regarding planning obligations covering issues such as relevant policy background, types of obligations and thresholds. The specific obligations were key priorities to the Council, as set out in the SPD, attached at Appendix 1. These included:-

- Affordable Housing
- Open Space, Outdoor Sport/Recreation and Play Facilities
- Built Sports Facilities
- Green Infrastructure
- Highway Infrastructure
- Community Facilities
- Community Safety
- Training and Employment
- Public Art

Members were referred to the financial implications, public consultation arrangements and the next steps as set out in the report. The Mayor requested that community safety and neighbourhood management be included as part of the consultation process.

Members commented on the need to utilise open space for recreation and play facilities for children.

**Decision**

- (i) That the Planning Obligations SPD be approved, for public consultation.
- (ii) That delegated powers be granted to the Director to approve the Sustainability Appraisal and appropriate Assessment Scoping Report for this SPD prior to the consultation event.

**85. Older People's Housing, Care and Support Strategy**  
*(Director of Child and Adult Services and Director of Regeneration and Neighbourhoods)*

**Type of decision**

Key – test (ii)

**Purpose of report**

To seek Cabinet's approval of the Older People's Housing Care and Support Strategy and agreement to implement the recommendations of the Strategy.

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

The Adult and Public Health Portfolio Holder reported on the background to the strategy, the role of Peter Fletcher Associates (PFA) in the development of the strategy as well as the key elements and recommendations of the Older People's Housing Care and Support Strategy as detailed in the report.

With regard to the recommendations, the report had 21 recommendations in total as outlined in Appendix 1 of the report covering issues in nine major areas:-

- commissioning and planning processes,
- information and advice,
- building planning and development,
- specialist accommodation system,
- integrated teams,
- specific user groups,
- floating support and other services,
- funding
- preventative and low level support.

Significant progress had been made against a number of the recommendations set out in the Strategy, a brief summary of which was included in the report. Whilst several of the recommendations listed in the Strategy had been actioned, further progress had been constrained by structural changes in stakeholder organisation and uncertainty over future public sector funding.

#### **Decision**

- (i) That the Older People's Housing Care and Support Strategy, be approved.
- (ii) That the recommendations of the Strategy be implemented.

### **86. Third Local Transport Plan (LTP3) (Director of Regeneration and Neighbourhoods)**

#### **Type of decision**

Key – tests (i) and (ii)

#### **Purpose of report**

To seek approval for the project plan for the development of the Third Local Transport Plan (LTP3).

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

The Transport and Neighbourhoods Portfolio Holder provided background information to the development of the Third Local Transport Plan, the framework of the agreed split of responsibilities with the Tees Valley Joint Strategy Unit (JSU) on the development of the City Region Transport Strategy and the five authorities leading on the development of their individual LTP3s as set out in the report.

The report included details of the Government's long-term Transport Strategy, Delivering a Sustainable Transport System (DaSTS), the five goals for transport, the sixteen city and regional network challenges which covered transport objectives at both the city region and local transport level. Over the coming weeks one of the first tasks for developing LTP3 within the Tees Valley would be to establish whether each of the sixteen challenges were a city regional priority, a local priority or both.

The implementation plan within the City Region Transport Strategy would be based upon the Regional Funding Allocation (RFA) investment programme, the Tees Valley Area Action Plan and any emerging local schemes that could be delivered at a sub-regional level.

The proposed methods of consultation together with the next steps in the process and timescales were provided, as outlined in the report. As part of the process a Strategic Environmental Assessment (SEA) would be undertaken. This would be commissioned by the Local Authorities and

completed by an independent organisation. The outcomes of this Assessment would inform the production of the final document.

**Decision**

- (i) That the methodology for the development of the LTP3, as detailed in the report, be approved.
- (ii) That the methods of consultation, as detailed in the report, be approved.
- (iii) That the intention to carry out a Strategic Environmental Assessment and Diversity Impact Assessment(DIA) as part of the development of LTP3, be noted.
- (iv) A draft LTP3 be submitted to Cabinet in October 2010 and the final document submitted in March 2011 for comment.

**87. Building Schools for the Future – Transport of Students from Dyke House Sports and Technology College to the Former Brierton School Site – 2010-2012** (*Director of Child and Adult Services*)

**Type of decision**

Key – tests (i) and (ii)

**Purpose of report**

To seek approval for a temporary and exceptional amendment to the Council's Home to School Transport Policy. This is in order:

- a) that the majority of students attending Dyke House Sports and Technology College between autumn 2010 and summer 2012 can be transported to the former Brierton School site without unreasonable financial burden on their families;
- b) that standards can be made throughout this period, for example by ensuring that attendance rates remain high.

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

The Children's Services Portfolio Holder presented the report which provided background as to why it was necessary to base Dyke House Sports and Technology College students and staff at the former Brierton School site in order to facilitate the transformation of the current Dyke House buildings.

The report addressed issues around the transportation of Dyke House Sports and Technology College pupils to the former Brierton School site to enable building work to take place on the Dyke House site between autumn 2010 and summer 2012 under Hartlepool's Building Schools for the Future (BSF) programme.

Details of the number of pupils currently registered at Dyke House Sports and Technology College, their current journey to school in miles, the number of pupils receiving free transport together with transport costs per annum were included in the report.

Members were provided with information relating to the Council's statutory duty to provide free home to school transport for all families living more than three miles from school and for families living between two and three miles from school if they were on low incomes, as detailed in the report.

The report also detailed the rationale behind making a temporary and exceptional extension of entitlement to free transport for a limited group of pupils. It was proposed that a temporary and exceptional amendment be made to the Council's Home to School Transport Policy that would have the effect of providing transport free of charge to all Dyke House Sports and Technology College pupils attending the former Brierton School site between autumn 2010 and summer 2012 and whose home address was more than two miles from the Brierton School site when measured by safe walking route.

It was proposed that home to school transport should not be provided for pupils living less than two miles from the Brierton School site unless special circumstances apply, such as lack of safe walking route or pupils identified with significant medical conditions or other significant additional needs.

Members were provided with details of the outcome of the consultation process as well as financial considerations, as set out in the report.

Discussion ensued on the importance of safety and the need to have regard for individuals' special circumstances when considering these applications. The Assistant Director provided clarification on the process for dealing with individuals' special circumstances.

### **Decision**

Cabinet authorised a temporary and exceptional amendment to the Council's Home to School Transport Policy. This amendment would enable transport to be provided free of charge to Dyke House Sports and Technology College pupils whose home address was more than two miles from the Brierton School site when measured by safe walking route. This amendment would be temporary and would relate only to those Dyke House pupils attending the former Brierton School site between autumn 2010 and summer 2012.

**PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS  
THE CHILDREN'S SERVICES PORTFOLIO HOLDER LEFT THE  
MEETING IN ACCORDANCE WITH HER EARLIER DECLARATION OF  
INTEREST**

## **88. Primary Capital Programme – The Future Organisation of Primary Education in Seaton Carew**

*(Director of Child and Adult Services)*

### **Type of decision**

Key – tests (i) and (ii)

### **Purpose of report**

To inform members of the outcomes of consultation on the future organisation of primary education in Seaton Carew.

To request members to decide in principle whether Holy Trinity Church of England Primary School:

- a) should have its own maintained nursery unit
- b) should increase in size from 210 places to 315 places\*

*(\* This would mean an increase from 30 pupils in each year group to 45 pupils in each year group; or from 1 form entry to 1.5 form entry)*

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

The Assistant Director presented the report which outlined the key purpose of the Primary Capital Programme, details of the outcome of the consultation process on the future organisation of primary education in Seaton Carew, views from the Schools Transformation Stakeholder Board and recommendations from the Schools Transformation Project Board.

Following on from Stage Two, Cabinet decided that the first scheme to be funded from the Primary Capital Programme should be the replacement of the Jesmond Road Primary School on a new site. Cabinet identified a shortlist of five additional schools for early investment:

- Barnard Grove Primary School
- Rossmere Primary School
- St Aidan's Church of England Primary School
- St Cuthbert's Roman Catholic Primary School
- West View Primary School

Cabinet authorised further work on developing potential schemes for these schools and identified a further four schools where significant issues were identified, but where there was no clear way forward at that time:

- Holy Trinity Church of England Primary School
- Seaton Carew Nursery School
- Owton Manor Primary School
- Sacred Heart Roman Catholic Primary School



In relation to Stage Three of the consultation which took place between November 2008 and February 2009. On February 23<sup>rd</sup> 2009 Cabinet decided that:-

- The capacity of certain schools should be reduced
- Rossmere Primary School should be remodelled
- Seaton Carew Nursery School should continue to be maintained

In coming to its decision on Seaton Carew Nursery School members took into consideration the request from the governing body of Holy Trinity Church of England Primary School to have its own thirteen place nursery unit, to have an increase of primary places from 210 to 315 and to have their school re-built. Members decided to confirm the continuation of Seaton Carew Nursery School to remove the uncertainty that existed within the Seaton Carew community. Cabinet requested further exploration of the issues in relation to the future organisation of primary education in Seaton Carew, specifically in relation to two questions:

- Should Holy Trinity Church of England Primary School have its own maintained nursery unit?
- Should Holy Trinity Church of England Primary School increase in size from 210 to 315 places?

Cabinet authorised further public consultation on these questions, details of which were included in Section 5 and Appendices to the report.

The outcomes of the Stakeholder Board and Project Board Meetings held in September 2009 were provided, as detailed in the report. Following considerable discussion and deliberation, the Project Board, at its meeting on 29 September decided and agreed that the following two recommendations be made to Cabinet:-

- That a nursery unit should not be established at Holy Trinity Church of England Primary School, but that Holy Trinity Church of England Primary School and Seaton Carew Nursery School be strongly recommended to work closely together in a collaboration or federation
- That primary school places maintained at Holy Trinity Church of England Primary School should be increased from 210 to 315, subject to the outcomes of statutory proposals and the availability of capital resources.

Project Board asked that Cabinet be informed that consensus on both recommendations was achieved by the Board within its Terms of Reference, but that, in each case, the recommendation was not unanimous.

Cabinet were advised of the financial and legal considerations as set out in the report.

Members debated at length the recommendations of the Project Board,

outcomes of consultation meetings, the current nursery provision in the town, the advantages and disadvantages of the establishment of an additional maintained nursery unit at Holy Trinity Church of England Primary School and the impact on other schools and surplus places if an additional nursery unit were to be established. In response to Members requests for clarification, the Assistant Director provided further information on a number of issues raised.

The issue of future nursery requirements and projection figures for the future were discussed to which the Assistant Director stated that it was envisaged that population figures would remain stable, however, these figures were difficult to predict.

The Mayor queried the basis of some of the recommendations of the Board to which the Assistant Director advised that the information provided reflected the different views expressed during the consultation process. The Mayor suggested that Holy Trinity Church of England School be added to the shortlist for new builds for early investment, however, it was noted that this was dependent upon future funding. The issue of uncertainty regarding future funding and the size requirements of schools for the future was also considered. The Assistant Director acknowledged the difficulties faced by Members in reaching a decision as the report identified an even split of views. Whilst some considered that Holy Trinity should be expanded, others were against this proposal.

Following a lengthy debate and a Member's support for the establishment of a nursery unit at Holy Trinity, whilst the reasons for support were acknowledged the majority of Cabinet Members were of the view that the information available appeared to suggest that an additional nursery unit was not required and should not be established.

In relation to the Project Board's recommendation that primary school places at Holy Trinity be increased, Members unanimously agreed that primary school places at Holy Trinity should not be increased. In addition, it was also agreed that Holy Trinity Church of England School be added to the shortlist of new builds, however, there should be no increase in the size of the schools.

### **Decision**

- (i) That a maintained nursery Unit at Holy Trinity Church of England Primary School should not be established.
- (ii) That the primary school places maintained at Holy Trinity Church of England Primary School should not be increased.
- (iii) That Holy Trinity Church of England Primary School be added to the shortlist of new builds for early investment with no increase in size.

## **89. Local Authority Bid for Social Housing Grant for the Development of Affordable Housing – Round 2** *(Director of Regeneration and Neighbourhoods)*

### **Type of decision**

Key – tests (i) and (ii)

### **Purpose of report**

The purpose of the report is to set out proposals for a funding bid under the second round of Local Authority Social Housing Grant (LA-SHG) through the Homes and Communities Agency (HCA) to provide social rented housing on three schemes in Hartlepool.

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

The report presented an overview of the Governments' scheme to allow Local Authorities to bid for Social Housing Grant (SHG) for new build affordable housing units. It provided details of the bid criteria and presented proposals for potential schemes under the second bidding round following Hartlepool's success in the first bidding round announced in September 2009.

Details of this proposal were set out within the report and timescales associated with delivery were presented. Given the limited resources available from the HCA under the National Affordable Homes Programme over the next 21 months this scheme was considered to be an important opportunity to attract grant by an alternative route for affordable housing provision in Hartlepool.

The Finance and Performance Portfolio Holder congratulated the Director of Regeneration and Planning Services and his team on their success in achieving funding for social housing and the significant improvements to the area as a result.

### **Decision**

- (i) That the contents of the report, be noted.
- (ii) The proposal to pursue an application for Local Authority Social Housing Grant on the three identified schemes by the 31<sup>st</sup> October 2009 deadline, be approved.
- (iii) That the preferred option for the delivery of the scheme, as outlined in the report, be agreed subject to confirmation of viability.
- (iv) That the method of procurement detailed in paragraphs 4.11 and 4.12 of the report be agreed, including progression of discussions with Housing Hartlepool and Endeavour as the preferred developing agent for the specified sites.
- (v) That delegated authority be granted to the Community Safety and Housing Portfolio Holder to approve any changes that may occur before bid submission.
- (vi) That the proposal to fund 50% of the capital costs of this scheme

between £400,000 and £2.9m from Prudential Borrowing be approved (the amount being dependant on the outcome of the bid and the number of units successfully awarded LA-SHG and subject to further financial modelling work), subject to the resulting annual repayment costs being fully funded from rental income and to seek Council approval to amend the 2009/10 capital programme and Prudential Borrowing limits accordingly;

- (vii) It be noted that Council would have to fund the short-term cash flow costs of this development until properties were let and these costs be either funded from additional investment income if this exceeded the approved budget, or if this was not possible, rolled up within the schemes revenue costs to be met from future rent income.

## **90. Floods and Waters Bill** (*Director of Regeneration and Neighbourhoods*)

### **Type of decision**

Key – tests (i) and (ii)

### **Purpose of report**

To inform Cabinet of the background to the draft Floods and Waters Bill and discuss the key recommendations specifying increased roles and responsibilities of Local Authorities in flood risk management functions and how these may impact on service delivery.

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

The Transport and Neighbourhoods Portfolio Holder reported on the background into the origin of the Floods and Waters Bill and the Independent review commissioned by the Government and carried out by Sir Michael Pitt following the summer floods of 2007 and the increase in the insurance bill.

The key recommendations arising from the Bill including the future enhanced roles of Local Authority in flood risk management were set out in the report. The report included feedback from consultation on the draft Flood and Water Management Bill, details of Government funding in taking forward the key recommendations and the potential short and long term funding implications for the Council.

The consultation period for the draft Bill had recently closed and DEFRA would consider the responses and make any necessary amendments. The Bill would then be introduced to Parliament with possible implementation before the next General Election.

The Cabinet Office via DEFRA had written to all Local Authority Chief Executives (21 September 2009) requesting an assessment of how the Council was progressing on the implementation of Pitt in order to understand what was being done at grass roots level across all of the recommendations. The response was due by 30<sup>th</sup> October 2009.

In response to a request for clarification regarding the financial implications to the Council, Members were advised that the purpose of the report was to bring the issue of the future increased roles and responsibilities of local authorities and predicted impacts on resources and budgets to the attention of Members, however, grant funding arrangements were currently being explored with a view to ensuring the financial impact on the Council was kept to a minimum.

#### **Decision**

- (i) That the report, be noted and further update reports be awaited.
- (ii) That officers be authorised, via the Chief Executive, to respond to the Cabinet Office's letter including a specific request for additional funding to be made available for Local Authorities to carry out their increased roles and to involve the Member of Parliament in lobbying Central Government in this respect.

## **91. Tees Valley Regeneration Succession Arrangements** (Chief Executive )

#### **Type of decision**

Non-key

#### **Purpose of report**

Tees Valley Regeneration (TVR) is to be wound up as a company by the end of March 2010. This report notes and seeks endorsement to new arrangements for taking forward the work on inward investment and regeneration currently undertaken by TVR post March 2010.

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

TVR was set up to achieve certain regeneration and inward investment objectives. The TVR shareholders (One NorthEast, the Homes and Communities Agency and the five Tees Valley Boroughs) had indicated that TVR had been successful in working towards its objectives and that now was an appropriate time to integrate the work of TVR more closely with the wider work of Tees Valley Unlimited, which had evolved since TVR was formed. The objectives of this review were to improve both effectiveness and efficiency: to improve the delivery of regeneration in the Tees Valley, by better integration of all regeneration-related work through Tees Valley Unlimited; to accelerate and improve the quality of the delivery of physical regeneration schemes across Tees Valley; to save costs.

The TVR Business Investment and Marketing Team would be moved into the Tees Valley Unlimited arrangements, employed by Stockton-on-Tees Borough Council on behalf of the five Boroughs. Detailed arrangements for the integration of this team with other joint Tees Valley teams would be brought forward subsequently as part of a more general review of joint arrangements.

A new Tees Valley Unlimited Delivery Team would be formed to take forward not just the existing TVR regeneration projects but also to drive forward, and further raise the standard of, major complex physical regeneration projects more generally across the Tees Valley. The Delivery Team would be employed by Stockton-on-Tees Borough Council on behalf of the five Boroughs, One North East and the Homes and Communities Agency.

The costs of winding up TVR and of the new arrangements could be met within the current funding envelope for TVR, with costs reduced from 2010/11 as a result of the efficiencies of integrating TVR work with other work and of efficiencies in costs currently incurred by TVR.

The proposed arrangements created more effective arrangements for driving forward the delivery of complex physical regeneration projects and business investment in the Tees Valley, to boost the sustainable development of the City Region in line with the Tees Valley Multi-Area Agreement and with the five Sustainable Community Strategies; reflect the new arrangements previously agreed for Tees Valley Unlimited and create efficiencies, greater clarity and improved accountability by bringing functions together under Tees Valley Unlimited.

In response to concerns expressed regarding some of the one-off and residual costs associated with transferring the functions to TVU, and in particular staff retention and performance bonus payments, the Director of Regeneration and Planning Services advised that those costs had been incurred as a result of outstanding commitments and payment was required to comply with national conditions and employment law. The new arrangements would however, bring pay and conditions in line with those of Stockton Borough Council, which was the employing authority, through a job evaluation process.

In response to Members concerns regarding the proposed arrangements, Members were advised of the benefits both regionally and nationally of working sub-regionally as a group. The benefits to Hartlepool of TVR were noted and the position of the Tees Valley Strategy Unit was clarified. The process of bringing together existing sub-regional bodies in a more integrated, effective and efficient way was explained. The Mayor indicated that what was proposed was the right thing to do.

Following further discussion Members endorsed the proposed successor arrangements and requested that a further report be submitted to Cabinet with details of the bonus scheme which has operated in TVR.

### **Decision**

That the arrangements for winding up Tees Valley Regeneration and for successor arrangements for its functions as set out in the report, be noted and endorsed and a further report be submitted on the bonus scheme.

## **92. Review of Schools Transformation Project Board** *(Director of Child and Adult Services)*

### **Type of decision**

Non-key

### **Purpose of report**

To invite members to review the membership of the Schools Transformation Project Board.

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

The Children's Services Portfolio Holder presented the report which briefly summarised the history of the Building Schools for the Future Project Board that was established in August 2006, became the Schools Transformation Project Board in November 2007 and was further reviewed in November 2008. It provided Cabinet with an opportunity to review the membership of the Board in response to a reallocation of Cabinet member responsibilities and the reduction of the Council's service departments from four to two.

### **Decision**

- (i) That the Transport and Neighbourhoods Portfolio Holder be appointed to the Project Board to replace the Portfolio Holder for Finance and Efficiency.
- (ii) It was noted that the Director of Children's Services and Director of Neighbourhood Services were now recognised in the Board's Membership and Terms of Reference as Director of Child and Adult Services and Director of Regeneration and Neighbourhoods respectively.

The meeting concluded at 11.40 am.

**P J DEVLIN**

**CHIEF SOLICITOR**

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