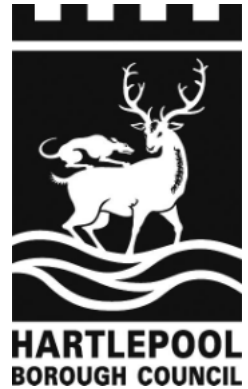


# CABINET AGENDA



**Monday, 11 January 2010**

**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 22 December (previously circulated)
- 3.2 To receive the Record of Decision in respect of the meeting of the Emergency Planning Joint Committee of 25 September 2009

**4. BUDGET AND POLICY FRAMEWORK**

No items.

**5. KEY DECISIONS**

- 5.1 Housing Market Renewal Programme 2008-11 – *Director of Regeneration and Neighbourhoods*

**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Asset Management Capital Investment, Essential Property Works, Phase 2 –  
*Director of Regeneration and Neighbourhoods*
- 6.2 Extending the 'Out of Hours Noise Service – *Director of Regeneration and Neighbourhoods*

**7. ITEMS FOR DISCUSSION**

No items.

**8. ITEMS FOR INFORMATION**

No items.

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

No items.

# **EMERGENCY PLANNING JOINT COMMITTEE**

## **MINUTES AND DECISION RECORD**

25 September 2009

The meeting commenced at 12 noon at Police Headquarters, Ladgate Lane,  
Middlesbrough

### **Present:**

Councillor Barry Coppinger, Middlesbrough Borough Council (In the Chair)  
Councillor Terry Laing, Stockton Borough Council  
Councillor Dave McLuckie, Redcar and Cleveland Borough Council

Denis Hampson, Chief Emergency Planning Officer  
Sarah Bird, Democratic Services Officer

### **13. Apologies for Absence**

The Mayor, Stuart Drummond

### **14. Declarations of Interest**

None.

### **15. Minutes of the meeting held on 17 July 2009**

Confirmed.

### **16. Progress Report – Performance Indicators – Chief Emergency Planning Officer**

#### **Purpose of Report**

To inform the Joint Committee of the progress being made towards achieving the performance indicators set down in the 2009/10 Annual Plan of the Cleveland Emergency Planning Unit.

#### **Issues for Consideration**

The report detailed the progress made towards achieving the performance indicators previously set in order to monitor and review progress and performance.

There are a total of 21 performance indicators for 2009/10 and it is anticipated that all indicators will be achieved either in full or part by 31 March 2010. However, much will depend on how quickly new staff joining the Emergency Planning Unit (EPU) settle into their role and contribute to the work of the EPU. Staff retention continues to create long term planning issues as three staff had left the EPU over the past three months.

Performance Indicator 3 had arisen as a result of the Buncefield recommendations. Plans for the Tall Ships Race 2010 were progressing as hoped.

### **Decision**

Members noted the report.

## **17. Review of the Cleveland Emergency Planning Unit** – *Chief Emergency Planning Officer*

### **Purpose of Report**

To inform Members of the Emergency Planning Joint Committee that the Chief Emergency Planning Officer has carried out a review of the Cleveland Emergency Planning Unit.

To seek endorsement of the recommendations made in the review and in particular support the continuation of the EPU in its present format.

To inform Members that the review has been forwarded to the four Chief Executives and is anticipated that it will be considered at a meeting of the Tees Valley Chief Executives' Group.

### **Issues for Consideration**

The EPU was last reviewed in 2002 and resulted in the creation of the current Emergency Planning Joint Committee which has an executive function with each authority being represented by a senior elected member, who is either a portfolio holder or Cabinet member.

The review has been performed by the Chief Emergency Planning Officer in consultation with partners using a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis tool which has demonstrated the many strengths and opportunities for consistency and efficiencies that the EPU provides. Any areas of perceived weaknesses focus around the working together of the local authority and emergency services personnel, the growing workstreams being undertaken by staff including those in relation to pipeline regulations and reservoirs and corporate ownership of the function.

The EPU had achieved Beacon Status in 2007/2008 and is seen by



others outside of the area as the model that should be followed. The structure of the unit is supported by members of the Cleveland Local Resilience Forum and industrial partners involved in respect of the Control Of Major Accident Hazards (COMAH), Pipeline Safety and Nuclear Planning legislation. Cleveland EPU has earned a credible reputation locally, regionally and nationally. Evidence demonstrates that the centralised Cleveland unit places the critical mass of resources, skills experience and expertise in the right place.

The review strongly supported the present format and management structure of the EPU for the four local authorities together with its co-location alongside the emergency planning functions of the emergency services. The structure could be further enhanced by the movement of the Emergency Planning Officer for the Primary Care Trusts into the co-located unit. The review also supported the continuation of the political overview through the present Emergency Planning Joint Committee structure as well as that the present management structure should remain unaltered. There was an increase in audit and accountability and a reliance on performance indicators being used. However because the EPU would need to vacate their existing site due to the Cleveland Fire Brigade replacing some of their current buildings, a multi-agency project group should be established in order to find suitable accommodation. There would be a number of other members of staff to accommodate as Cleveland Police wished to amalgamate their contingency staff who looked after royal visits and similar, with the Emergency Planning Unit.

Discussion took place in relation to the relocation of the Unit as the proposed rental by the Fire Authority was cost prohibitive. The Chief Emergency Planning Officer would form a project group with estates managers to look for suitable accommodation. All agreed that a central site in the area would be more suitable for the Unit. Councillor McLuckie suggested that Police Headquarters may be suitable for consideration.

### **Decision**

Members noted that the review was being considered by the Chief Executives' Group.

Members supported the continuation of the Cleveland Emergency Planning Unit in its present format.

Members endorsed the recommendations of the review.

## **18. Civil Contingencies Act – Expectations and Indicators of Good Practice – Chief Emergency Planning Officer**

### **Purpose of the Report**

To inform Members of the document by the Cabinet Office entitled 'Expectations and Indicators of Good Practice Set' which has the aim of clarifying what is expected of Local Authorities as a Category 1 responder in relation to their duties under the Civil Contingencies Act (CCA) and the Resilience Capabilities Programme.

To inform Members that the document will provide a framework for assessment which in the future can be used by regulatory bodies, but also provide a means by which Local Authorities and Local Resilience Forums may perform a self assessment of their emergency planning and resilience activities.

To consider how the Joint Committee, on behalf of the Local Authorities, will take forward the Cabinet Office requirements as set out in the document which is split into two parts, first dealing with the legislative requirements of the Civil Contingencies Act, whilst the second part focuses on results from the 2008 Resilient Capabilities Survey and efficiencies. It can be envisaged that this second part will feed the input into the next survey which will be required to be completed in 2010.

### **Issues for Consideration**

The report focussed on how the Chief Emergency Planning Officer intended to ensure that the Local Authorities met the requirements of the Civil Contingencies Act and its auditing process. The EPU would undertake the role of ensuring that requirements were met although others including the emergency services would need to supply evidence and support to this. The Chief Emergency Planning Officer, as part of his co-role as the Local Resilience Forum Manager would work jointly with other emergency planning and resilience managers/officers to ensure that there was a joined up approach to ensure that the expectations and performance indicators were met through the Local Resilience Forum.

It was proposed that this work would be undertaken over the next 2 years by the Chief Emergency Planning Officer utilising the Local Resilience Working Group, the Cleveland Media Emergency Forum and Local Resilience Forum sub groups to progress the functions required to complete the expectations set. The Chief Emergency Planning Officer would bring progress reports to future meetings of the Joint Committee.

The Act gave the Government powers to put in a monitoring inspection framework so it was likely that inspections would begin. There was a necessity to undertake the work but this would be undertaken in 'bite size chunks' as there were no resources available to appoint a member of staff to deal with this.

### **Decision**

Members endorsed the proposals in the report.

## **19. Expectations and Indicators of Good Practice – Humanitarian Assistance – *Chief Emergency Planning Officer***

### **Purpose of the Report**

To provide evidence of how the Cleveland Emergency Planning Unit is meeting the requirements of the duties in respect of Humanitarian Assistance planning, training and exercises.

### **Issues for Consideration**

Members were reminded of the multi-agency Humanitarian Assistance Training Day held in March 2009 which brought together many of the agencies who have a role to play in providing post incident support to those affected by a major emergency. It was acknowledged that this had been a successful event, attended by a wide range of partners and members of the voluntary sector.

The work already undertaken and that being undertaken, provides ample evidence that Cleveland is meeting its expectations of the Civil Contingencies Act in respect of Humanitarian Assistance planning.

### **Decision**

Members endorsed the evidence produced.

Members agreed that the evidence demonstrated that the indicator in respect of Humanitarian Assistance was being adequately met.

Members acknowledged the huge amount of effort by members of the Emergency Planning Unit (Local Authority and Police) that went into ensuring the multi-agency training day was successful.

## **20. Swine Flu – Chief Emergency Planning Officer**

### **Purpose of the Report**

To update Members of the Emergency Planning Joint Committee on the present situation in respect of swine flu.

### **Issues for Consideration**

The Chief Emergency Planning Officer updated Members on the current status of swine flu in the North East which had moved from the containment to the treatment phase. The group most affected was the 5 – 24 age group and not the over 65s as expected. A 'flu director' had been appointed by the Primary Care Trust. The Chief Emergency Planning Officer explained how a Unique Reference Number (URN) would be given to those contacting the National Pandemic Flu Service and this would be used to obtain anti-viral prescriptions from Primecare in Thomaby which was currently the only anti-viral collection point in use in the area. Other premises had been identified if necessary. It was envisaged that a vaccination programme would commence in October 2009 aimed initially at health care workers.

### **Decision**

Members noted the contents of the report.

## **21. Water Rescue Capability Register – Chief Emergency Planning Officer**

### **Purpose of Report**

To inform Members of the Emergency Planning Joint Committee that the Cleveland Emergency Planning Unit had produced a Water Rescue Capabilities Register which was one of the major recommendations of the Pitt Review following the serious flooding in the summer of 2007.

To inform Members that the register met recommendation 4 of the Pitt Interim Review that stated

*“The Review recommended the urgent review of current local arrangements for water rescue to consider whether they are adequate in light of the summer’s events and their community risk registers”*

To inform Members that the Register will sit alongside the Adverse Weather Protocol together with the Floor Response Plans which were currently being revised to conform to new guidelines issued by DEFRA.

### **Issues for Consideration**

The Chief Emergency Planning Officer outlined how this register sat alongside the flood response plans and outlined the capabilities and responsibilities of various organisations that can provide resources and equipment to assist with the response to a major flooding event. He explained that those areas which were most likely to flood were known by the unit, but it would be unlikely that preventative work could be done on these areas as it was cost prohibitive.

### **Decision**

Members noted the report.

## **22 Reported Incidents/Cleveland Communications Strategy – Chief Emergency Planning Officer**

### **Purpose of Report**

To inform members of the Emergency Planning Joint Committee of the incidents reported, severe weather and flood risk warnings received and communications strategy faxes received and dealt with by the Cleveland Emergency Planning unit. The report covered the period between 1 July 2009 and 11 September 2009.

### **Issues for Consideration**

There had been a total of 18 warnings relating to adverse weather conditions received during the period. Several of the messages relating to rainfall related to that which had occurred on the afternoon of Friday 17 July 2009 when a number of roads across the area were affected by surface water flooding and houses were flooded at Guisborough and Ormesby High Street. The Unit had been made aware that this extreme rainfall was expected during which time the Fire Brigade had dealt with over 200 calls for assistance. There is an adverse weather protocol which usually resulted in the opening of a command room at Police HQ to co-ordinate the response but on this occasion the Control Room had not followed the protocol. Members expressed concern that the protocol had not been followed on this occasion.

During the period there had been 40 'blue' faxes in relation to unexpected alarms sounding which could be heard off site, excessive flaring, small releases of chemicals or unexpected fumes or smoke from chimneys or plants. Of these 40, 10 were received and dealt with by the duty Emergency Planning Officer outside of normal office hours.

There had been 12 incidents of note which were outlined in the report. A couple of these related to tanker spillages which had affected roads in

the area. The Chief Emergency Planning Officer said that persistent offenders had been identified and would be spoken to regarding bad practice.

**Decision**

Members noted the report.

The meeting concluded at 1.00 pm.

CHAIRMAN

# CABINET REPORT

11 January 2010



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** HOUSING MARKET RENEWAL PROGRAMME  
2008-11

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## SUMMARY

### 1. PURPOSE OF REPORT

To update Cabinet on the Housing Market Renewal (HMR) programme in Hartlepool on three sites highlighted below, and to seek agreement to the proposed delivery methods for each site, including the making of a compulsory purchase order in relation to Site 1.

Site 1 – **The Raby Road Corridor/ Perth Street Area Site** - Hurworth, Perth, Gray Streets and numbers 47 to 68 Turnbull Street, numbers 1 to 21 Grainger Street, numbers 144 to 160 evens Raby Road, plus 40 Brougham Terrace as per **Appendix 1**.

Site 2 – **Belle Vue** – parts of Borrowdale Street, Patterdale Street, Kathleen Street, Windermere Road and Brenda Road as per **Appendix 2**.

Site 3 – **The Carr/Hopps Street Site** - Carr, Hopps, Richardson, Jobson, Rodney Streets and parts of Blake Street and Hart Lane as per **Appendix 3**.

### 2. SUMMARY OF CONTENTS

The report provides an update of progress in relation to the incremental programme of Hartlepool's Housing Market Renewal programme with specific reference to three priority sites. The report includes background information relating to previous decisions taken by Cabinet, the policy context, financial management and risk issues and human rights considerations. The report provides recommendations on how to take forward each individual site including a recommendation as to use statutory Compulsory Purchase Order powers to enable full site assembly on the Raby Road Corridor/ Perth Street Area site identified as Site 1 in the report.

### 3 RELEVANCE TO CABINET

This project has strategic relevance across a range of Portfolios, including areas of housing, neighbourhoods, regeneration and finance.

### 4 TYPE OF DECISION

Key. Tests (i) and (ii) apply.

### 5 DECISION MAKING ROUTE

Cabinet meeting on 11<sup>th</sup> January 2010.

### 6 DECISION(S) REQUIRED

Cabinet is recommended to:

- a) Resolve to make Compulsory Purchase Orders in respect of:-
  - Site 1 – The Raby Road Corridor/ Perth Street Area Site - Hurworth, Perth, Gray Streets and numbers 47 to 68 Turnbull Street , numbers 1 to 21 Grainger Street, numbers 144 to 160 evens Raby Road, plus 40 Brougham Terrace as per **Appendix 1**;
  - pursuant to section 226 1 (a) of the Town and Country Planning Act 1990, as amended by Section 99 of the Planning & Compulsory Purchase Act 2004, to progress redevelopment and having regard to s266 (1A) considering that the redevelopment and improvement is likely to contribute to the achievement of promotion of or improvement of economic, social and environmental well-being;
  - that the appropriate officer, Chief Solicitor or Director of Regeneration and Neighbourhoods be authorised, in the event that no relevant objections are made or remain outstanding, to confirm the Compulsory Purchase Order.
- b) Authorise the Chief Solicitor to publish and serve all necessary notices consequent on the making of the Orders, and submit the Orders to the Secretary Of State for Communities and Local Government for Confirmation; and to take any other steps, whether expressly required by statute or otherwise, in connection with the making and submission of the orders.
- c) Authorise, subject to the confirmation of the Secretary of State for Communities and Local Government, the Chief Solicitor to publish and serve all necessary notices, consequent upon confirmation, including any steps necessary to take possession of or title to the



land, whether by way of General Vesting Declaration or Notices to Treat or entry or otherwise;

- d) Authorise the Director of Regeneration and Neighbourhoods to seek Ministerial consent to stop up the Highways on the development sites in accordance with the provisions of Section 247 and/or Section 251 of the Town & Country Planning Act 1990.
- e) Note that all future purchases by agreement of properties and interests in properties within the lands identified within **Appendix 1** are to be made under section 227 of the Town and Country Planning Act 1990, for inclusion in the regeneration scheme.
- f) Note that the acquisition of the lands in **Appendix 1** will facilitate the redevelopment on and in relation to the land, and that the redevelopment of the land will contribute to the improvement to the economic, social and environmental well-being of the area.
- g) Note that the acquisition of all interests in that area of land which are not already in the ownership of the Council will facilitate the carrying out of its physical and environmental regeneration.
- h) Approve the appropriation of all land within Site 1, that is currently held by the Council for non-planning purposes, for planning purposes pursuant to S122 Local Government Act 1972 and/or Town & Country Planning Act 1990.
- i) Note that basic loss payments to landlords will become payable as set out within the appropriate legislation but in the interest of expediting the scheme, approve the payment of basic loss payments immediately, using powers of discretion.
- j) Note that the selection process to secure a preferred developer partner in respect of the Raby Road Corridor/ Perth Street Area site 1 is being progressed, and that Members will receive a further report regarding this in due course.
- k) Agree on the Belle Vue site 2, for officers to enter into dialogue with the remaining twenty three owners to achieve sales by agreement from all owners on this site.
- l) Note progress on the Carr/Hopps Streets site 3, and authorise officers to negotiate acquisition by agreement on all of the remaining properties within the sub-zone identified in paragraph 3.11 in order to facilitate clearance, and to continue dialogue with Housing Hartlepool and Endeavour HA regarding options for the future delivery of the whole site.

**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** HOUSING MARKET RENEWAL PROGRAMME  
2008-11

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## **1. PURPOSE OF REPORT**

- 1.1 To update Cabinet on the Housing Market Renewal (HMR) programme in Hartlepool on three sites highlighted below, and to seek agreement to the proposed delivery methods for each site, including the use of Compulsory Purchase Order legislation in relation to Site 1.

Site 1 – The Raby Road Corridor/ Perth Street Area Site - Hurworth, Perth, Gray Streets and numbers 47 to 68 Turnbull Street, numbers 1 to 21 Grainger Street, numbers 144 to 160 evens Raby Road, plus 40 Brougham Terrace as per **Appendix 1**.

Site 2 – Belle Vue – parts of Borrowdale Street, Patterdale Street, Kathleen Street, Windermere Road and Brenda Road as per **Appendix 2**.

Site 3 – Carr, Hopps, Richardson, Jobson, Rodney Streets and parts of Blake Street and Hart Lane as per **Appendix 3**.

## **2. BACKGROUND**

- 2.1 Over recent years, Members have received a series of reports on progress in respect of the development and implementation of the HMR agenda, in Hartlepool. This approach has reflected national, regional and sub-regional policies and has sought to respond to specific Hartlepool priorities identified through comprehensive research and consultation. Scheme delivery has also taken account of levels and availability of public funding to support the delivery of the programme and the associated conditions attached to those funds. As a result Hartlepool has successfully secured the assembly of 3 key sites as part of the incremental programme of work, and their disposal for redevelopment. One of these sites (Trinity Square) has now been fully redeveloped and the other two are under development.
- 2.2 The most recent reports to Cabinet on 5<sup>th</sup> February 2007, 28<sup>th</sup> April 2008 and 24<sup>th</sup> November 2008, have focussed on the delivery of Phase 2 of the incremental programme and have been set within the context of the current financial spending period 2008 to 2012 and the associated indicative resources. At its meeting on the 28<sup>th</sup> April 2008 Cabinet agreed the approach to spending the resources available over this period from the Department of Communities and Local Government, via

Housing Market Renewal Funding (HMRF) and the North East Housing Board, from the Single Housing Investment Pot (SHIP), together with the additional funding from the Homes and Communities Agency (HCA) which was inherited as a 'legacy' from the former English Partnership (EP) agency.

- 2.3 The agreed approach has been to focus on three further sites within the core HMR areas of west central and north central Hartlepool the delivery of which it was considered to be achievable within the short to medium term. These sites are identified above as the Raby Road Corridor/ Perth Street Area (Site 1 – **Appendix 1**), Belle Vue (Site 2 – **Appendix 2**) and Carr/Hopps Streets (Site 3 – **Appendix 3**). In selecting these sites Cabinet was aware that, although there were not sufficient resources available within the current 4 year programme to fully deliver all three schemes, there was a reasonable prospect of further resources being made available in the period beyond March 2011 to allow these sites to be delivered. In order to manage these resources, however, and to ensure that the Council and its partners are not exposed to unmanageable levels of financial risk, Cabinet agreed to prioritise the delivery of the Raby Road Corridor/ Perth Street Area scheme. This decision was taken in the context of the HCA legacy funding, referred to above, being specifically allocated towards this scheme, with associated conditions requiring the 'full' delivery of this site. Cabinet therefore authorised officers to pursue acquisition 'by agreement' of all properties within Site 1. In respect to the other two sites (2 and 3), it was decided that the remaining resources should be prioritised towards acquisition by agreement of owner occupied properties only at that stage.
- 2.4 The housing market context is worthy of mention at this point as it illustrates Hartlepool's strong track record in this area in maintaining delivery and successfully managing re-development, despite challenging times in housing markets both nationally and locally.
- 2.5 Programmes are being delivered within the context of Central Government's housing and regeneration agenda, and the need for Housing Market Renewal (HMR) programmes to be developed regionally, sub-regionally and locally, effectively addressing the challenges presented by low and changing demand, which have led to the creation of obsolete housing across large areas of Northern England in recent years.
- 2.6 Locally, the problem of low and changing demand creating obsolete housing, most particularly in some of the older terraced housing in the areas to the west and north of the town centre, has been a worsening problem for Hartlepool. In response, the Council has given priority within both successive Housing Strategies and the Local Development Plan/Planning Policy Framework to seek to deal effectively with these issues in a sensitive, coherent and managed fashion, through a combination of selective demolition, clearance and redevelopment, and housing improvement. The overall objectives are effectively to rejuvenate

and regenerate these areas and achieve better balanced local housing markets by addressing those areas suffering with the most acute levels of housing vacancy and associated problems, and to help ensure these parts of the town have a sustainable future by facilitating the development of new, good quality, modern homes with contemporary features, high design and build standards, to replace obsolete stock that is being cleared.

- 2.7 The New Deal for Communities (NDC) Community Housing Plan was completed in mid-2003, following an extensive community consultation process during the period 2001-2002, and proposed selective housing clearance and redevelopment in discrete areas within the area covered by the NDC regeneration initiative. This was adopted in 2003 and in 2008, it was updated to reflect changes in the housing market across central Hartlepool.
- 2.8 The Dyke House and Jackson Housing Regeneration Study was completed on behalf of the Council by Nathaniel Lichfield & Partners during 2003. The main findings flowing from this study, with particular reference to a number of streets that were showing the most acute housing stress in terms of the high level of dwelling vacancy and associated problems, were the subject of extensive public consultation during 2004. Nathaniel Lichfield & Partners incorporated the main findings from this public consultation into an overall North Central Hartlepool (NCH) Master Plan.
- 2.9 The NCH Master Plan was revisited in 2006/7 and following further extensive consultative work with residents, which involved visits to all residents in areas affected by regeneration, the updated plan was adopted by Cabinet in 2007. Further detailed consultation work has been carried out with those potentially affected, both on an individual basis and community-wide and this has continued throughout the process.
- 2.10 Additional technical work has been progressed as part of a commission to review the 'Financial Modelling and Implementation Framework'; a consortium team comprising consultants Deloitte MCS Ltd, Nathaniel Lichfield and Partners and Dickinson Dees LLP have undertaken this work. This work reaffirmed the approach taken by the Council and its partners, including Housing Hartlepool, towards site prioritisation in terms of policy justification and key drivers, viability, delivery and managing community engagement and expectations as being an appropriate way forward.
- 2.11 Members have previously agreed to all front line work in association with the delivery of HMR being brought together under one delivery team. This was achieved in 2008 when former staff from Hartlepool Revival became employees of Housing Hartlepool, and Housing Hartlepool's Regeneration Team took over the full role of front line delivery of day to day management of the HMR programme. The result of the merger of the two delivery teams has been very successful, notably in the Belle

Vue area where delivery of the scheme is progressing through a partnership between the Council, Housing Hartlepool and New Deal for Communities, where a demolition programme on half of the site is underway. The team acts as the key interface with local communities in areas where significant redevelopment will be progressed; they manage the relocation process for residents within the areas, manage the acquired stock and associated security and decommissioning arrangements as well as supporting broader neighbourhood management and community safety activity. The expanded team has enabled dedicated officers to be assigned to each scheme which in turn has enabled the development of closer relationships with the communities affected.

### 3. CURRENT POSITION

- 3.1 In general, acquisition of property by negotiation with individual owners within the areas proposed for redevelopment has progressed very well with a majority of owner occupiers across the three sites having sold their property to the Council or have agreed to sell. Negotiations are continuing with remaining owners, in efforts to ensure that as many properties as possible can be acquired by agreement. This accords with current best practice and procedural guidance set out by Government in respect of programmes such as this, and reflects the approach taken by the Council in respect of previous HMR CPO schemes.
- 3.2 The current position on each of the three sites is set out below, together with proposals for how delivery on each individual site can be taken forward and progressed within the context of the currently available funding for this activity within Hartlepool.
- 3.3 **The Raby Road Corridor/ Perth Street Area- Site 1.** Of the total 199 residential properties on the site, 77 have been acquired by agreement and a further 11 are at 'agreed sale' position with the Council. Overall 94% of owner occupiers on the scheme have sold their properties to the Council or agreed sale only three owner occupiers have not agreed to sell by agreement to date. The remaining properties are non-resident owners, who either let their properties to tenants, or bought as an investment and the properties remain empty. This level of agreed acquisition is similar to that experienced on previous sites. As indicated above, whilst discussions will continue, to try to secure further acquisitions by agreement, however in order to facilitate site assembly and redevelopment it is considered appropriate to utilise compulsory purchase powers at this time.
- 3.4 One of the terms of the funding agreement with the Homes and Communities Agency (HCA) referred to above, which Members agreed on the 24<sup>th</sup> November 2008, was that the Council would consider using its powers of compulsory purchase, if required, to secure the full site, by March 2010. As a partner in this scheme the HCA are keen to see the programme move forward and delivery at it current pace be maintained.

It is therefore recommended that Cabinet considers using this statutory power to facilitate progress.

- 3.5 Members should note that if a resolution is passed and a CPO made then, subject to claimants meeting the qualifying criteria, this may trigger the mandatory payment of basic loss payments to non-resident owners. Until then basic loss payments are discretionary. Members are additionally requested to consider the option of making such discretionary basic loss payment to qualifying persons immediately following upon passing of the resolution recommended within this report and in advance of the formal making of a CPO.
- 3.6 The West Hartlepool Rovers Amateur Quilts Club is located in the south east corner of the site and the HCA have expressed a view that they would hope to see the Club's site included within the boundary of the scheme. In regeneration terms this is an important aspect of the scheme, as this corner would be a key frontage and entrance point to the new site as re-provision on the site is started and in terms of the planning and overall renewal agenda for the area it will help create a hub for change in the wider Raby Road Corridor/ Perth Street Area and the entrance to the Town from the North. The Club has been consulted on the proposals for the site a range of discussions have been undertaken with members of the management committee of the Club. The Club has instructed an agent to work on their behalf although to date no clear resolution has been taken by the Club as to how members would like to take matters forward. Inclusion of the Club site within the scheme has been identified from the outset as a key component of the regeneration of the area which will provide frontage and provide enhanced opportunities for quality design and layout of the intended housing redevelopment. Members are therefore, asked to note the proposed inclusion of the Club site in the programme and the use of statutory powers of compulsory purchase, should they need to be applied to acquire the Club.
- 3.7 **Belle Vue – Site 2.** Working in partnership with Housing Hartlepool, over 80% of the properties on this site have been acquired by negotiation with owners. Four further properties have sales 'agreed'. There are twenty three properties (all with non resident owners) which remain to be purchased. Many of these owners have contacted the Council asking if we are able to purchase their properties by agreement, however, because of the previous resolution to focus on acquiring from owner occupiers only on this site, these have not been acquired to date. It may now be appropriate for Members to consider allowing officers to enter into dialogue with the remaining twenty three owners to achieve sales by agreement from all owners on this site.
- 3.8 Working in partnership with Housing Hartlepool and NDC, a selection process was undertaken last year to identify a 'preferred developer partner' to help deliver this scheme and help bridge the funding gap that was identified at that time towards the delivery of the whole scheme. Frank Haslam Milan (FHM) was appointed as preferred developer and

they have been working on potential partnering funding models to help take this forward. Agreement has been reached with Housing Hartlepool to redevelop the part of the site in Housing Hartlepool's ownership and opportunities to advance the acquisition and redevelopment of the remainder of the site, comprising properties at the southern end of Borrowdale Street and Patterdale Street and specified properties in Brenda Road, Kathleen Street and Windemere Road continue to be explored.

- 3.9 A planning application has been submitted for the full site and this is currently being assessed by the Council's Development Control section and will go to Planning Committee in early 2010. A redevelopment scheme has been submitted to the HCA under its Kick Start Programme, via a bidding process, which if successful should provide the funding security to deliver the whole scheme. Decisions on Kick Start applications are anticipated January 2010. Whilst not wishing to prejudice the formal Kick Start assessment process, the HCA have indicated informally that they are keen to support the redevelopment of this part of Belle Vue. Delivery timescales are critical in relation to achieving Kick Start and extending the facility to purchase from non resident owners in this area would help achieve progress. The approved Growth Point programme will provide additional funds towards the delivery of the HMR scheme which will help to reduce final risk around this site.
- 3.10 **The Carr/Hopps Streets – Site 3.** Members previously agreed that purchases in this area could be made from owner occupiers where this could be achieved by agreement but due to funding availability acquisition from non-resident owners has not been pursued. So far of the total 188 residential properties within the site, 55 have been acquired and a further 13 agreed sales have been made with owner occupiers wishing to sell.
- 3.11 The site and wider area, as with all three sites, is being actively managed by the Housing Hartlepool front line Regeneration Team, including day to day management of properties and associated work with other agencies and sections of the Council. This is working well and residents have reported satisfaction with this process noting an increased feeling of well being in the area. It is important to ensure, however, that the physical conditions of the area do not negatively impact on this achievement, particularly as further funding will be required either from future Government funding programmes or innovative partnership measures to deliver this scheme in full. Within the acquisitions that have been achieved so far, there is a block of 34 properties bounded by Carr, Hopps, Richardson and Jobson Streets, where only 6 properties remain to be purchased (shaded on **Appendix 3**). One of these is owner occupied, whilst several of the other owners have approached the Council seeking to sell by agreement. If acquisition of all of these properties can be secured, there would be strong merit from a visual/regeneration perspective as well as a management point of view,

in clearing this whole block in preparation for future redevelopment. Cabinet is therefore requested to authorise officers to pursue opportunities to acquire by agreement all of the properties within this identified part of the site.

- 3.12 The overall delivery of Site 3 is likely to require funding from future Government housing regeneration programmes. What these will be and the levels of resources involved are currently uncertain but they are likely to be associated with innovative and partnership approaches to delivery. Such approaches are currently being encouraged and will be developed through the 'Single Conversation' consultation process with the HCA so it is important that the Council and its local partners give early consideration to such opportunities in order to stay at the forefront of HMR delivery within the region. In relation to Site 3, Housing Hartlepool and Endeavour HA, (who own property within the area) have both expressed an interest in being involved in some kind of special purpose delivery vehicle or joint venture arrangement, which together with gap funding from the HCA may be one option that can be progressed for this site. Officers have had initial scoping meetings and are looking at the legal position of the Council in becoming involved in this type of approach. Members are requested to agree to officers continuing to explore options for alternative delivery methods in association with these two RSL's.
- 3.13 Representation has been made to the Council on the approach taken to delivering the HMR programme on the Raby Road Corridor/ Perth Street Area site 1, by a commercial property consultant acting on behalf of a number of individual owners of property on site 1. A full copy of the representation is attached at **Appendix 4**. The responses to the three questions that have been made in the representation are as follows:
- a) Hartlepool Borough Councils approach to the delivery of this programme is fully compliant with all government guidance, advice and best practice in these matters. Purchase by agreement has been pursued in all cases on site 1; this process is a repeat of the same process followed on two other sites assembled by the Council from 2003 until 2007. On these sites which were eventually the subject of two independent public inquiries both Inspectors commented positively on the delivery of the programmes, finding the process to be sound, with particular emphasis on the early use of buying by agreement from non-resident owners.
  - b) The Cabinet decision on the 28<sup>th</sup> April 2008 was that "Cabinet agreed to the use of resources as set out in the report to progress acquisitions by agreement in the Perth Street area and to agree that the remaining resources were prioritised to purchase from owner occupiers in wider Carr/Hopps Street and Belle Vue".
  - c) The Council has been purchasing property by agreement at market value. RICS qualified valuers independent of the Council's Estates Department have been used given their particular expert knowledge of the local housing market. It is common practice for Councils to use



external valuers in such circumstances. In any event the Council's Estates Department monitors and moderates work undertaken and on occasion advice may also be taken from the District Valuer. Going forward it is appropriate and necessary for an experienced valuer to be used if there is the prospect of valuations being determined by the Lands Tribunal. In such circumstances it should be noted that in addition to their professional obligations expert witnesses also have obligations to the Tribunal.

#### 4. PLANNING AND POLICY CONSIDERATIONS

- 4.1 Housing market restructuring has been and continues to be particularly important in matching supply and demand. In overall terms, the programme will involve a reduction in stock numbers particularly in the older terraced areas but will also help achieve improvements in the standards of public and private sector stock alongside other support and regulation measures. The replacement of the existing stock with new, lower density dwellings which are suitable for modern day living and which match current aspirations and have high levels of environmental sustainability will be a major outcome. The need to tackle the problems of low demand housing areas where housing is obsolete is recognised in existing and emerging statutory development plans and confirmed in more recent Government, regional and sub-regional strategies.
- 4.2 **National guidance** on housing policy is currently set out in Planning Policy Statement (PPS3) which sets out the Government's objectives for housing in terms of needs, quality and location. Hartlepool's individual circumstance, as an area with a relative over-supply of smaller and lower value homes, however, puts it in a contrary position with regard to interpretation of national policy aims. Within Hartlepool there is less of a need to take steps to encourage the building of such homes and more a need to replace sub-standard and obsolete properties that don't meet modern day aspirations. Thus a more locally specific policy developed in response to the individual economic and social needs of the region is more relevant.
- 4.3 **The North East of England Plan, Regional Spatial Strategy** to 2021 (RSS) takes account of the Northern Way's strategy for housing growth and development and recognises the need for improvement, replacement and clearance of some existing properties suffering from, or at risk of low demand, concurrently with a increase in additional dwellings. In particular policy 28.5 identifies the need of Local Authorities to identify and develop specific strategies and programmes in liaison with stakeholders and local communities, for each housing market restructuring area, including :-
  - a) improvements to existing properties,
  - b) reductions in vacancy rates, and
  - c) Increasing the level of demolitions and replacement, in areas of older high-density development, at lower densities where this would

improve the living environment and quality of life, and achieve a better mix of dwelling type, size and tenure.

- 4.4 **The Tees Valley Sub-Regional Housing Strategy (2007)** provides an assessment of the housing market in the Tees Valley and specifically within Hartlepool. The Strategy provides recommendations and actions under key themes of: reducing the number of obsolete houses; building quality new homes that meet modern aspirations; improving the dwellings in the vicinity of housing market renewal initiatives. The Strategy supports the principle of housing market renewal within the Tees Valley and aims to provide more sustainable and aspirational housing stock within the sub-region. The Sub-Regional Strategy is currently being reviewed and updated but the strategic objectives continue to reflect the priorities of balancing housing markets, balancing market weakness and replacing areas of market failure with high quality housing.
- 4.5 **The Hartlepool Local Plan** was adopted in 2006 and its policies were automatically saved for the 3 years up to 13<sup>th</sup> April 2009. The Secretary of State has issued a Direction which saved most of the Local Plan policies beyond 13<sup>th</sup> April 2009. The Local Plan aims to provide in a sustainable manner wider opportunity and choice and a better mix in the size, type and location of housing than is currently available. The plan highlights the issue of the imbalance between housing supply and demand and takes a holistic approach to redress the imbalance through the identification of areas for new housing and by tackling the problems of low demand housing areas. In this respect it gives a high priority to the improvement of the existing housing stock and to the enhancement of the local environment as part of overall environmental, social and economic initiatives targeting areas of high deprivation including West Central Hartlepool (saved policy Hsg1). It also gives priority to housing regeneration in the West and North Central and other areas through co-ordinated programmes to include demolition, redevelopment, property improvement and environment and street enhancement works (saved policy Hsg3). The Local Plan together with the RSS remains the formal development plan for the town until policies under the new Local Development Framework are in place.
- 4.6 **The Emerging Hartlepool Local Development Framework (LDF)** which includes the Core Strategy Issues and Options report 2007 provides a background on the Hartlepool housing market; taking into consideration the evidence set out in the Hartlepool Strategic Housing Market Assessment (SHMA) 2007, the Tees Valley Strategic Housing Market Assessment (TVSHMA) 2008 and the Hartlepool Affordable Housing Economic Viability Assessment (EVA) 2009; the report details the important issues within the Borough which will set the framework for planning policy in the future. The report recognises the importance on continuing the housing market renewal strategy to meet the town's housing needs in appropriate and sustainable locations and in balancing supply and demand in the central area of Hartlepool. An option in this

report suggests that the Council continues to focus housing development in the key regeneration areas, which includes sites 1-3 of the Hartlepool Housing Market Renewal Strategy. The report also supports the continuation of the HMR programme as it aims to improve overall private sector stock condition to provide sustainable mixed communities. The report is the first stage in a process of developing the Core Strategy Document which once adopted will replace the Local Plan as key strategic planning document for the town, the dialogue within is based firmly on a raft of housing based evidence. The Core Strategy Preferred Options report will be presented to Cabinet for consideration and consultation early in 2010.

- 4.7 The restructure and balancing of the housing market is also consistent with the Hartlepool Neighbourhood Renewal Strategy (2002) and the Hartlepool Sustainable Communities Strategy. These documents were reviewed and combined in May 2008 under the Community Strategy and Neighbourhood Renewal Strategy 2008. The Sustainable Communities Strategy has been prepared in line with the Local Government Act 2000 and related statutory guidance. The strategy embraces 8 key themes each supported by inter- agency theme partnerships. Under each theme, there are identified objectives, outcomes and improvement measures. The housing theme includes objectives relating to balancing housing supply and demand, improving housing quality and meeting housing needs of vulnerable people. The strategy includes a number of cross cutting themes including neighbourhood renewal. The neighbourhood renewal priority areas identified in the strategy incorporate the priority HMR sites.
- 4.8 Site specific plans for the 3 priority sites have also been progressed via the North Central Hartlepool Master Plan Update, produced by Nathaniel Lichfield, and the revised New Deal for Communities Housing Plan as set out at Section 2 of this report above. In addition to this, detailed financial modelling work was completed by Deloitte, Dickenson Dees and NLP in the form of a financial modelling and implementation framework which is also detailed above.

## **5 COMPULSORY PURCHASE CONSIDERATIONS**

- 5.1 The use of the Councils statutory powers of Compulsory Purchase is only being proposed for Site 1, the Raby Road Corridor/ Perth Street Area site. As stated earlier in this report other delivery mechanisms are presently being considered for the other two sites.
- 5.2 In considering whether or not to make a Compulsory Purchase Order, the Council as acquiring authority must satisfy itself that it has had due regard to: the relevant statute; relevant Government guidance; and all other relevant considerations, including human rights issues.
- 5.3 Section 226(1)(a) of the Town and Country Planning Act 1990 as amended authorises a local authority to acquire land compulsorily “if the

authority think that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land”. Additionally, an authority should not exercise the power unless they think that the development or improvement “is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area”. The promotion of redevelopment schemes to effect housing market restructuring, sustainable communities and environmental improvement are considered to fall within the ambit of Section 226(1) (a). In order to exercise the power the Council must also have regard to s266 (1A) of the Act. Having had regard to it, it is considered that the redevelopment and improvement is likely to contribute to the achievement of promotion of or improvement of economic, social and environmental well-being. In addition, regard has been had to ODPM Circular 06/04 including in respect of the encouragement of the promotion of sustainable development and, at appendix 4 paragraph 11 of the Circular, the promotion of better balanced housing markets.

- 5.4 Regard has been had to government guidance on the appropriate use of compulsory purchase powers as set out in ODPM circular 06/04 and in particular to Appendix A thereof in respect of compulsory purchase pursuant to Section 226 of the Town & Country Planning Act 1990. It is considered that the Council’s approach to Site 1 is consistent with Government guidance, in particular in that the compulsory acquisitions are in accordance with Community Strategy and can be justified in the public interest.
- 5.5 Members’ attention is drawn to paragraph 11 of Appendix A of ODPM Circular 06/04 which states, inter alia:-  
*“The re-creation of sustainable communities through better balanced housing markets is one regeneration objective for which the Section 226(1) (a) power might be appropriate. For example, it is likely to be more appropriate than a Housing Act power if the need to acquire and demolish dwellings were to arise as a result of an oversupply of a particular house type and/or housing tenure in a particular locality. A greater diversity of housing provision may be needed to ensure that neighbourhoods are sustainable in the long term, and improved housing quality and choice may be necessary to meet demand... In urban areas experiencing market renewal problems, the outcome may be fewer homes in total.”*
- 5.6 The North Central Hartlepool area, including the Raby Road lands comprising site 1 in this report, has been subject to extensive housing market and regeneration assessment and analysis over the past decade. The bringing forward of proposals for regeneration of this area represents the next steps in the Council’s Housing Market Renewal Strategy.

- 5.7 The problems faced within the North Central Hartlepool area are to an extent a microcosm of those faced within the wider Hartlepool area, as identified within the Hartlepool Housing Aspirations Study and through the Hartlepool Housing Regeneration Strategy. There is a collapse in demand, in some streets and in particular for private sector terraced housing, leading to falling prices, decline in owner-occupation, and growing levels of voids and abandonment.
- 5.8 The Raby Road Corridor/Perth Street Area Site 1 area was one of the areas identified in the HMRS where demand for housing has collapsed or declined significantly. Raby Road/Perth Street was therefore designated priority Area B by the Regeneration Strategy. Thereafter a master planning approach was undertaken in respect of the priority areas. It was recognised at that time that whilst not all of the priority areas would necessarily be capable of immediate regeneration, nonetheless it was important to identify key areas for intervention thereby establishing a medium-long term platform for securing resources.
- 5.9 A range of intervention options was considered under the auspices of the North Central Hartlepool Steering Group. Priority Areas A and B were considered to be those experiencing the most severe concentration of socio-economic problems associated with housing market failure. Consultation was carried out with residents. In the Raby Road/Perth Street Priority Area B 49% of residents considered that the thinning option would assist in solving the area's problems. 74% considered that comprehensive redevelopment would do so.
- 5.10 The master plan recommended that regeneration of the North Central Hartlepool area be taken forward by promoting comprehensive redevelopment of Priority Areas A and B focused around the central hub of the crossroads of Raby Road, Chester Road and Brougham Terrace. Priority Area A was taken forward first. The site was assembled following extensive acquisition by agreement with the remaining properties being acquired compulsorily. That scheme has been implemented. The redevelopment of the Raby Road/Perth Street site is therefore a continuation of an established master planning approach to the North Central Hartlepool Area and is complementary to the redevelopment of Priority Area A (now known as the Headway Site). Key steps have therefore already been taken to effect a step change in perception of the North Central Area and the creation of a more sustainable community. The assembly for redevelopment of the Raby Road/Perth Street site will further contribute to the achievement of those objectives.
- 5.11 It is considered that the Council's approach to promoting a greater diversity of housing provision and communities that are sustainable in the long term through the appropriate use of compulsory purchase is consistent with this guidance.

- 5.12 It is also considered that the proposed redevelopment schemes are deliverable and viable and that there are no planning or other obstacles to the redevelopment proposed. There is considered to be a compelling case in the public interest to justify the use of compulsory purchase powers in all the prevailing circumstances.
- 5.13 There are no special categories of land within the site. It is not considered that there is any need for special procedures to be invoked.
- 5.14 There will need to be stopping up orders associated with the development. These will be promoted either pursuant to S247 or 251 of the Town & Country Planning Act 1990. In essence, such stopping up will be of existing streets and incidental highways between existing housing that is proposed to be demolished. In due course, via the development process, a new highway pattern will emerge.
- 5.15 Advice from the Council's legal advisors is that the anticipated timescale for any potential Public Inquiry would likely be 6-8 months on from the point of any resolution to make Compulsory Purchase Orders, allowing for the necessary statutory processes to be gone through and the other associated activities involved.
- 5.16 In addition to compensating persons for the value of their property which may be compulsorily acquired, legislation also makes provision for additional compensation, including that known as loss payments. Persons who are displaced from their place of residence are eligible for Home Loss Payments. Compensation by way of Basic Loss Payments are payable to persons whose interests in land are compulsorily acquired. Occupier's Loss Payments to persons who are in occupation of land that is compulsorily acquired and are payable. Persons entitled to Home Loss Payments are not entitled to these later payments which apply, for example, to persons who own but do not occupy property (e.g. investment landlords) and to commercial or business occupiers of property. Basic Loss Payments are assessed at the rate of 7.5% of the value of the claimant's interest (subject to a maximum of £75,000); Occupier's Loss Payments are assessed at 2.5% (maximum £25,000). These payments are in addition to the value of the respective interests and are mandatory when land is acquired pursuant to compulsory purchase. All such payments are subject to claimants meeting the statutory qualifying criteria.

## **6 FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS**

- 6.1 In respect of the Raby Road Corridor/ Perth Street Area Site 1 scheme, each Compulsory Purchase Order ultimately stands to be determined on its own merits. However, the Secretary Of State advises that an absence of a clear intention regarding the use of land and the resources available within a reasonable timescale may make it difficult to show conclusively that a compulsory purchase order is in the public interest. It is therefore

necessary for the Council as acquiring authority to demonstrate that there are or will be resources available to deliver the scheme. Although there is a slight risk associated with the valuation of properties within the site, including any package required to be agreed in relation to the West Hartlepool Rovers Amateur Quois Club, the Council's decision to prioritise resources towards completion of acquisitions on site 1, alongside the ring fenced HCA 'legacy' will help to ensure that there are sufficient resources to deliver this scheme.

- 6.2 In terms of future intentions, the strategy and development work which has been carried out so far provide a clear indication of what the site is to be used for. It is anticipated that existing private sector development interest will crystallise in due course with the appointment of a preferred developer and an appropriate development agreement. It would be the intention to procure a preferred developer as soon as possible in order to firm up on specific scheme details with a view to them securing a planning consent for the site, hopefully prior to any CPO enquiry.
- 6.3 Members should also note that from the date of the making of an Order (not the resolution to make the Order) there is the potential for blight notices to be served requiring the Council to acquire land. Potential liabilities in respect of land acquisition costs therefore can arise immediately from the making of an Order, since from that time, the land is 'blighted' and persons affected may be entitled to serve blight notices upon the Council as acquiring authorities.
- 6.4 There is also a risk regarding a large number of owners not wishing to sell with the additional payment of basic loss and this would mean that more properties will be gathered via the general vesting declaration on a date in the future. If agreement could not be achieved with these owners there would then be the outstanding liabilities pending any owners proceeding to Land Tribunal. However one such case from one of Hartlepool's earlier CPO acquired sites went to Land Tribunal in April 2009 and the outcome of the case was consistent with the offers the Council had been making to the owner over the preceding eighteen months.
- 6.5 Not using the Authority's statutory powers of compulsory purchase would mean that the agreement already made with HCA would not be able to be delivered, within the conditions of the agreement and the agreed timescales, and this may result in the loss of these additional funds, meaning the Council would be unable to deliver a full programme on site 1. The timescale for delivering a fully assembled site would become less certain but most likely a lot longer than if CPO powers were used. Future management of this site would then become a bigger issue leading to financial and budget pressures on the Council.

## 7 HUMAN RIGHTS ISSUES

- 7.1 The Council's Chief Solicitor has previously offered advice in respect of justifying the proposals and the use of compulsory powers in the context of the Human Rights Act 1998. The particular fundamental right that is relevant is that set out in the First Protocol, Article 1, which concerns the protection of property.
- 7.2 In relation to the protection of property, the relevant guidance notes that Article 1 contains three rules concerning the principle of the peaceful enjoyment of possessions, the deprivation of possessions and the right of the State to control the use of property in the general interest. It further notes that any measure that interferes with property rights must strike a fair balance between the demands of the wider community and the need to protect the individual's rights, i.e. such interference must be proportionate.
- 7.3 In considering this balance, a key consideration lies in the availability (or otherwise) of appropriate compensation. The Strasbourg Court has granted States considerable latitude as to what is an acceptable level of compensation, but it is the case that deprivation of property without compensation is acceptable only in exceptional circumstances.
- 7.4 In accommodating these issues the proposals within the NDC Community Housing Plan and North Central Master Plan are seen to be in the public interest because they endeavour to strike the correct balance between the demands of the community and the need to protect individual's fundamental rights. They include compensation proposals that are above the minimum levels that would ultimately be required by statute, and as such are intended to be a reasonable and acceptable offer to the individuals concerned.
- 7.5 A second consideration in this context relates to Article 8 of the Human Rights Convention, which is concerned with the Right to Respect for Privacy and Family Life and has been previously used where the actions of authorities interfere with individual's homes. As with Article 1 of the First Protocol right, Article 8 rights are qualified rights and may therefore be overridden where it is considered that the interference with these rights is proportionate and that the interference is necessary in the public interest.
- 7.6 In the light of the above therefore, notwithstanding that the Compulsory Purchase Orders will invariably effect interference with human rights (in particular in the context of enjoyment of private property), nonetheless, it can be demonstrated that the public benefit arising outweighs any private loss such that interference is proportionate and justified.



## 8 REASON FOR RECOMMENDATIONS

- 8.1 The proposed redevelopment and regeneration of these areas is considered essential to reduce the level of housing subject to low demand in these parts of the town, and is entirely in keeping with the Government's agenda for achieving sustainable communities and effective housing market restructuring and renewal, as well as sub-regional and local housing strategy and planning policy aims and objectives. Clearance of dwellings that have been subject to low demand and replacement of them with new, good quality homes with modern standards of amenity will improve the mix and overall quality of the housing offer, and hence the long term sustainability and viability, of these parts of central Hartlepool.

## 9 RECOMMENDATIONS

- 9.1 Cabinet is recommended to:

- a) Resolve to make Compulsory Purchase Orders in respect of:-

Site 1 – The Raby Road Corridor/ Perth Street Area Site - Hurworth, Perth, Gray Streets and numbers 47 to 68 Turnbull Street , numbers 1 to 21 Grainger Street, numbers 144 to 160 evens Raby Road, plus 40 Brougham Terrace as per **Appendix 1**

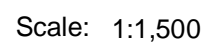
- pursuant to section 226 1 (a) of the Town and Country Planning Act 1990, as amended by Section 99 of the Planning & Compulsory Purchase Act 2004, to progress redevelopment and having regard to s266 (1A) considering that the redevelopment and improvement is likely to contribute to the achievement of promotion of or improvement of economic, social and environmental well-being;

- that the appropriate officer, Chief Solicitor or Director of Regeneration and Neighbourhoods be authorised, in the event that no relevant objections are made or remain outstanding, to confirm the Compulsory Purchase Order.

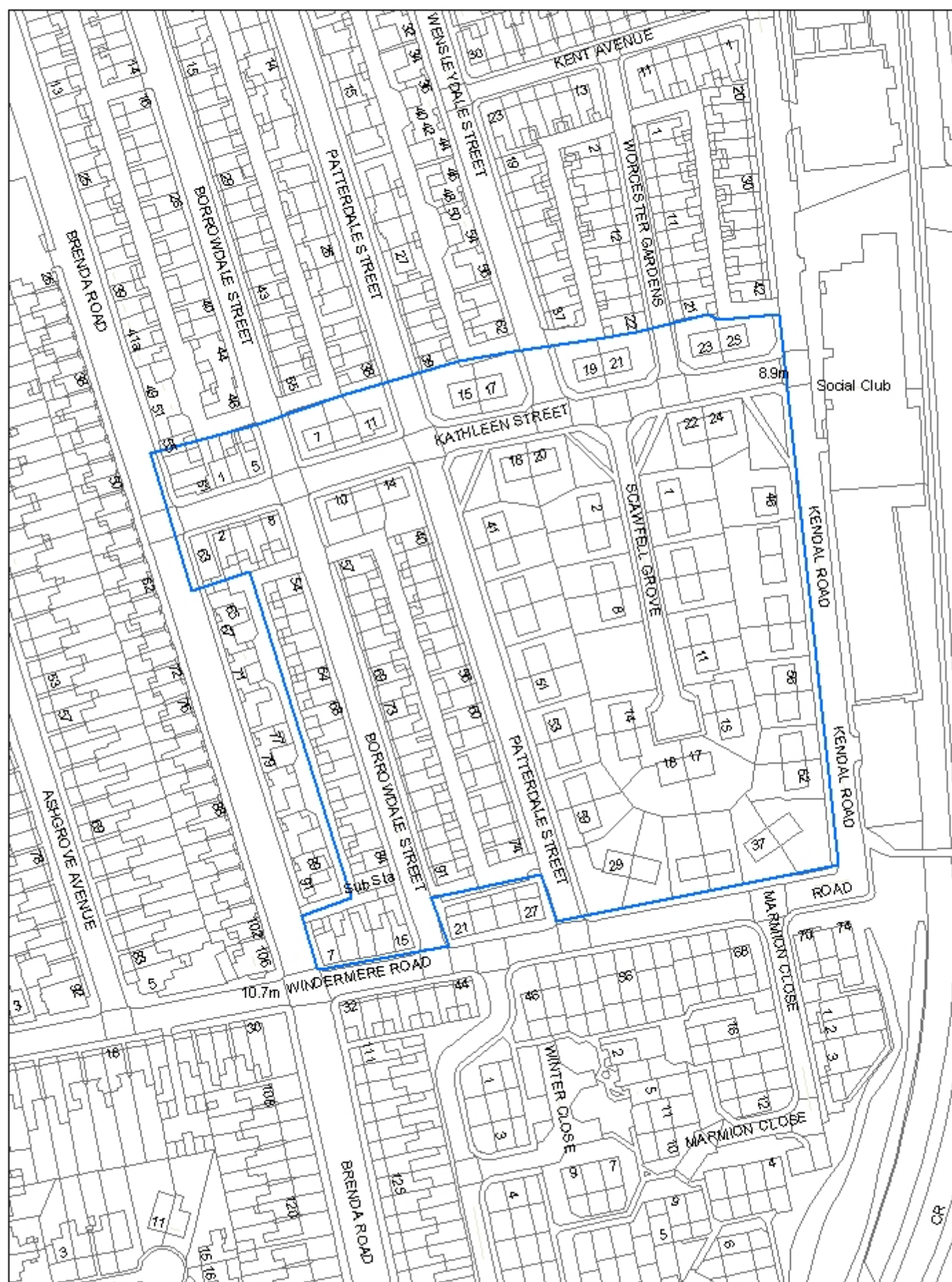
- b) Authorise the Chief Solicitor to publish and serve all necessary notices consequent on the making of the Orders, and submit the Orders to the Secretary Of State for Communities and Local Government for Confirmation; and to take any other steps, whether expressly required by statute or otherwise, in connection with the making and submission of the orders.
- c) Authorise, subject to the confirmation of the Secretary of State for Communities and Local Government, the Chief Solicitor to publish and serve all necessary notices, consequent upon confirmation, including any steps necessary to take possession of or title to the

land, whether by way of General Vesting Declaration or Notices to Treat or entry or otherwise;

- d) Authorise the Director Of Regeneration and Neighbourhoods to seek Ministerial consent to stop up the Highways on the development sites in accordance with the provisions of Section 247 and/or Section 251 of the Town & Country Planning Act 1990;
- e) Note that all future purchases by agreement of properties and interests in properties within the lands identified within **Appendix 1** are to be made under section 227 of the Town and Country Planning Act 1990, for inclusion in the regeneration scheme;
- f) Note that the acquisition of the lands in **Appendix 1** will facilitate the redevelopment on and in relation to the land, and that the redevelopment of the land will contribute to the improvement to the economic, social and environmental well-being of the area;
- g) Note that the acquisition of all interests in that area of land which are not already in the ownership of the Council will facilitate the carrying out of its physical and environmental regeneration.
- h) Approve the appropriation of all land within Site 1, that is currently held by the Council for non-planning purposes, for planning purposes pursuant to S122 Local Government Act 1972 and/or Town & Country Planning Act 1990.
- i) Note that basic loss payments to landlords will become payable as set out within the appropriate legislation but in the interest of expediting the scheme, approve the payment of basic loss payments immediately, using powers of discretion.
- j) Note that the selection process to secure a preferred developer partner in respect of the Raby Road Corridor/ Perth Street Area site 1 is being progressed, and that Members will receive a further report regarding this in due course.
- k) Agree on the Belle Vue site 2 for officers to enter into dialogue with the remaining twenty three owners to achieve sales by agreement from all owners on this site.
- l) Note progress on the Carr/Hopps Streets site 3, and authorise officers to negotiate acquisition by agreement on all of the remaining properties within the sub-zone identified in paragraph 3.11 in order to facilitate clearance, and to continue dialogue with Housing Hartlepool and Endeavour HA regarding options for the future delivery of the whole site.

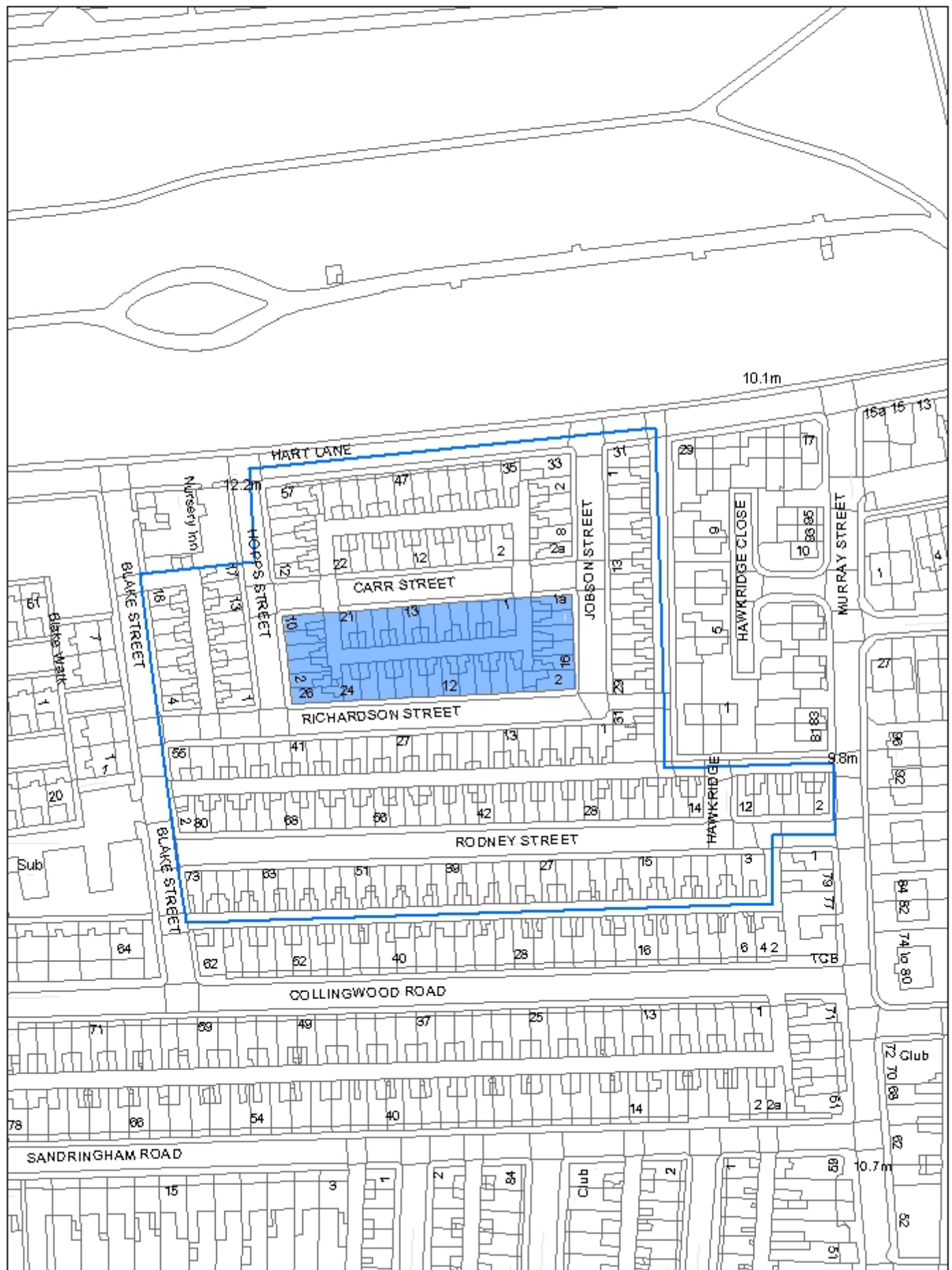
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## Appendix 2: Belle Vue Area



Scale: 1:1,500

## Appendix 3: Carr/Hopps Street Area



Scale: 1:1,500



**Thomas : Stevenson**

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Tel: 01642 713303 : Fax: 01642 711177 : Email: admin@thomas-stevenson.co.uk  
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Nigel Johnson  
Housing and Regeneration Coordinator  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

30 November 2009



Dear Nigel

**RE: NORTH CENTRAL REGANERATION AREA PHASE 2**

I refer to the above and attach for your attention self-explanatory correspondence from your colleague Dave Stubbs.

I wish to make representation to Hartlepool Borough Council executive in connection with the Housing Market Renewal programme in Hartlepool.

The representation that I wish to make is as follows:-

1. Hartlepool Council have taken an approach to the acquisition of properties in Phase II of the regeneration area that is contrary to government advice. A copy of the government advice is enclosed. Why is this the case?
2. Hartlepool Council have taken an approach to acquire the properties that is contrary to the cabinet decision of April 2008, copy enclosed. Why is this the case?
3. Hartlepool Borough Council have advised people in the local press that the acquiring authority are progressing using an independent valuer. I attach for your attention correspondence that confirms that this is not the case and that the alleged independent valuer is, acting on behalf of Hartlepool Council to acquire the premises in Hartlepool at the lowest possible price on behalf of Hartlepool Council. This would not be a problem if Hartlepool Council were following government advice and/or their own decision in accordance with Peter Devlin's advice of April 2008.



Chartered Surveyors : Commercial Property Consultants

It may be not necessary to make oral representation at the meeting if I have been afforded the opportunity to discuss this with the portfolio holder in accordance with my earlier requests. I look forward to hearing from you at your earliest convenience to clarify whether my representations are to be discussed with or without my direct oral input at the meeting.

Yours sincerely



**Paul Stevenson BSc (Hons) MRICS**  
**Email: [paul@thomas-stevenson.co.uk](mailto:paul@thomas-stevenson.co.uk)**  
**Mobile: 07811 262441**

Encl

cc: Mayor S Drummond  
Dave Stubbs – Hartlepool Borough Council

**APPENDIX 4**

Persons entitled to the benefit of an easements or restrictive covenant over or affecting the land acquired are not entitled to notice to treat but may have a right to claim compensation under s.10 CPA 1965 for depreciation in the value of their interest as a result of losing the benefit of the easement or covenant (see Section 10 Part 2).

**1.12 Mortgagees**

Ss.14-17 CPA 1965 lay down provisions governing the acquisition of land subject to mortgage. The acquiring authority may secure the release of the mortgagee's interest by paying the principal and interest due whether or not it has previously purchased the equity of redemption (the mortgagor's interest). If the value of the mortgaged land is less than the outstanding charge, the value of the land or the compensation to be paid for it must be agreed between the mortgagee and the person entitled to the equity of redemption on the one part and the acquiring authority on the other part or, in default of agreement, be determined by the LT. The amount so agreed or determined shall be paid to the mortgagee who shall then convey or release all interest in the mortgaged land to the acquiring authority. Where part only of the land subject to the mortgage is taken and that part is of less value than the outstanding mortgage, and the mortgagee does not consider the remaining land to be sufficient security for the outstanding charge or is unwilling to release the part required, the value of such part and the compensation for severance shall, failing agreement between the parties, be determined by the LT and paid to the mortgagee.

**Purchase by agreement****1.13 Sch 6 CPA 1965**

Many Acts that authorise compulsory acquisition also contain separate provisions that empower the purchase of land by agreement. It is usual for such provisions to import Pt I CPA 1965 so that compensation will be assessed in accordance with the statutory code (see Sch 6 CPA 1965). In some cases, however, s.10 CPA 1965 is specifically excluded (eg by s.227(2) Town and Country Planning Act 1990) and reference should be made to the empowering Act to find out which provisions of CPA 1965 or what other provisions are incorporated.

**1.14 With compulsory powers in the background**

In cases where an authority is purchasing land by agreement under provisions which authorise compulsory acquisition, eg. where negotiations are proceeding at the initiative of the authority in advance of the making or confirmation of the CPO, the purchase price should be assessed having regard to the statutory code of compensation.

**1.15 Other purchases by agreement**

In cases where there are no compulsory powers in the background or the statutory code is not written into the provisions that empower purchase by agreement there are no statutory rules for the assessment of compensation. Unless otherwise indicated by instructions in a specific case or type of case (see below) the consideration for the purchase will be open market value but not exceeding the amount that would have been paid in compensation under the compulsory purchase code. Examples of powers to purchase by agreement are summarised below:

Section 246(2A) Highways Act 1980	Purchase by a highway authority of land, the enjoyment of which is seriously affected by the carrying out of the works or the use of the highway to be constructed or improved.
Section 26(2) Land Compensation Act 1973	Purchase by the responsible authority of land (other than a highway) the enjoyment of which is seriously affected by the carrying out of the works or the use of the works to be constructed or improved.



- 4.2 The Financial Modelling and Implementation Framework provides indicative site assembly costs of £12.5m for Perth Street, £7.9m for Belle Vue and £9.5m for the Carr/Hopps Street area. These figures need to be treated with some degree of caution as acquisition costs are subject to market fluctuations. These costs, however, provide useful guidance in identifying options for prioritising the current budget allocations.
- 4.3 On the assumption that commitment is given to the delivery of the Perth Street site and the EP resources are accepted this would leave around £4.25 to progress acquisitions in the other two areas. The consultants have suggested that this resource be used to deliver the Belle Vue site in partnership with Housing Hartlepool ( who have made strategic commitments in relation to their properties in this area), and that alternative funding sources be explored for Carr/Hopps Street including future rounds of HMRF/SHIP funds. Based on the way this is set within the financial model, there would be insufficient resources to deliver this whole Belle Vue site plus Perth Street within the current three year programme. However, positive discussions are ongoing with Housing Hartlepool around whether additional funding might be secured and around how the value of its assets could be set within a broader redevelopment programme (possibly via an alternative treatment of acquisition costs) to allow this scheme to fully proceed. A further report in respect of this will be provided in due course when these discussions have been concluded.
- 4.4 An alternative option could be to continue the current programme of strategic intervention within both Belle Vue and Carr/Hopps Street area focussing on the acquisition by agreement of owner occupied properties. This could be accompanied (where appropriate and subject to resources) by selective purchase of other properties, to allow phased clearance of groups of properties. This approach would help demonstrate to the local communities a continued commitment to these areas and would provide evidence that the Council and its partners are committed to the long term and strategic intervention across central Hartlepool.

## 5. DELIVERY ARRANGEMENTS

- 5.1 The delivery of these sites requires a range of actions and interventions and officers will seek to build on the successful experience of the previous schemes in taking them forward. Whilst it is anticipated that a large majority of properties within the intervention areas will be acquired by agreement, it is to be expected that compulsory purchase will be required in order to fully assemble sites. Dickenson Dees have provided legal advice and support in the past and have provided additional guidance in relation to the future programme (Appendix 5). As highlighted, careful consideration of the merits of the use of compulsory purchase powers for each site needs to be developed further. For example, it will be necessary to gather information on individual ownerships and land interests on each site, so that the information can be used as part of any CPO procedure. The statutory process of declaring a

CPO area requires a formal resolution from the Council at which time specific regulations would come into force including obligations on the Council to acquire properties and make home loss and disturbance payments if owners wish to sell. Given the financial position described in Sections 3 and 4 above, it would not be appropriate to make formal resolutions on all of these sites at this point in time. These would be the subject of separate, specific reports to Cabinet at a later date.

- 5.2 In preparing a case for CPO it will be necessary to demonstrate that there is a viable replacement scheme, that there is evidence of demand from the private sector in developing the site(s) and (preferably) that planning permission is in place for such proposals. It is therefore advantageous to have a developer on board early on in the process as was the case on the first three sites. If Cabinet agree to the recommendation to progress the Perth Street site it is requested that officers be authorised to progress selection and other arrangements in partnership with key delivery partners in order to secure an appropriate private sector developer. Such selection process would seek to secure cost and time efficient terms of procurement and seek to maximum other benefits including quality of design, affordable housing and local training opportunities.
- 5.3 In relation to the other intervention sites Housing Hartlepool would be taking the lead on those sites within their ownership, and in the case of Belle Vue where they own a large proportion of the site, it would be useful to work together with the Council to consider delivery options.
- 5.4 In terms of property acquisition, the schemes will be delivered in accordance with the previously developed good practices used in the first three HMR sites in Hartlepool. All property bought will be independently valued by a Chartered Surveyor and market value will be the basis for offers, plus statutory payments. Owner occupiers/tenants would receive payment for home loss and disturbance and additional discretionary relocation assistance where applicable. A new housing relocation package of assistance has been agreed by the Regeneration and Liveability Portfolio Holder, (February 2008). The new package includes assistance up to £15,000 comprising a grant of up to £7,500 which is a charge on the property depleting over five years, and a loan repayable when the property is sold also up to £7,500 and also a further charge on the property.
- 5.5 In terms of 'on the ground' management of acquisitions and liaison within the affected communities, both Housing Hartlepool and Hartlepool Revival have had separate delivery teams, the former operating in north central Hartlepool and the latter within the NDC area. A memorandum of Understanding has been in place between the Council and Housing Hartlepool in respect of the former area. Following a recent review, prompted largely by a reassessment of likely future resources and NDC funded activities, the Hartlepool Revival staff have been subsumed within one larger housing regeneration team for central Hartlepool which will sit within Housing Hartlepool's organisational structure, with a financial contribution from NDC being made to Housing Hartlepool in respect of delivery of the remainder of the NDC Community

Housing Plan, up to 2011. This team will be the sole delivery partner of the Borough Council in terms of the frontline management and implementation of the overall housing market renewal programme, and the key interface with local communities in areas where significant potential redevelopment will be progressed, including managing the relocation process for residents in those areas, managing dwelling stock and associated security and decommissioning arrangements, as well as supporting broader neighbourhood management and community safety activity more generally. Given these changes, it would be appropriate to carry out a 'refresh' of the Memorandum of Understanding between the Council and Housing Hartlepool.

- 5.6 In addition to NDC and Housing Hartlepool funding, Working Neighbourhoods Funding (WNF) will be available for 2008-09 to support front line delivery posts in the team and its continuation is subject to a programme review scheduled to take place during 2008. Should WNF funding not be available beyond this date and following a reassessment of this revised delivery structure, there may be a need to identify additional/replacement resources to support the team. Options for funding this could be the use of income towards housing market renewal from Section 106 planning agreements or alternatively from the overall HMR budget allocation.

## 6. FINANCIAL AND RISK CONSIDERATIONS

- 6.1 As detailed earlier the allocation for SHIP and HMR funding has been announced for the Tees Valley Living Partnership for 2008-11 and Hartlepool's share of this is £11.76m. The funding for 2008-09 has been confirmed at £4.25m however the funding for 2009-11 is indicative and will not be confirmed until the programme has commenced and performance has delivered against targets. This presents an element of risk to the Authority, but on previous performance the Council has always over performed and delivered all targets and this is not anticipated to be a specific problem.
- 6.2 The overall allocation of funding is significant for each of the 3 financial years 2008-11 and there is a risk attached to the ability to defray all of these resources where purchase of property is dependant on many factors including reliance on third parties (where vendors need to secure alternative accommodation), and the vagaries of the housing market. The additional English Partnerships funding is over a tighter funding period (2 years). Acceptance of the EP funding includes a commitment to achieve spend over this period. Experience from the previous programme and informal feedback on the local communities' desire to move forward suggest that the timescales can be achieved.
- 6.3 In the past the Council has been able to use temporary prudential borrowing to help manage spending and cash flow issues. . However, this does have a revenue cost to the Council because of the interest paid. In future this will need to be a call against the £1.5m included in the Medium Term Financial Strategy for budget pressures. Previously prudential borrowing was repaid from the capital receipts arising from sale of land to the developers. In future

the use of any prudential borrowing will be more complex and dependent on the flexibility of the grant funding, which is yet to be fully determined.

- 6.4 Commitment to more than the one site provides risks if future funding beyond 2011 is not forthcoming.
- 6.5 Based on the Financial Modelling and Implementation Framework the funding allocation for 2008-11 is adequate to deliver one full scheme however it is not sufficient to delivery any of the other priority areas in their entirety. Therefore the other priority schemes will have a timescale greater than the funding allocation period and currently there are no details of what would be in place post 2011. There are also a number of variables, which could also affect future funding. These include the prospect of a national election taking place in this period; a Government policy shift against funding housing market renewal and/or having a change in emphasis, which changes the way Hartlepool accesses funding. As mentioned in paragraph 3.5 risks such as these must also be balanced against the need to secure Hartlepool's long term interests in terms of delivering its long term HMR programme. Consequently the proposed way forward of committing to the full delivery of one area over the next 3 years with selective acquisitions in the other two are considered to be the most practical approach.

## **7. HUMAN RIGHTS**

- 7.1 The Chief Solicitor has offered advice in respect of justifying the proposals and the use of compulsory powers in the context of the Human Rights Act. The particular fundamental right that is relevant is that set out in the First Protocol, Article 1, which concerns the protection of property.
- 7.2 In relation to the protection of property, the relevant guidance notes that Article 1 contains three rules concerning the principle of the peaceful enjoyment of possessions, the deprivation of possessions and the right of the State to control the use of property in the general interest. It further notes that any measure that interferes with property rights must strike a fair balance between the demands of the wider community and the need to protect the individual's rights.
- 7.3 In considering this balance, a key considerations lies in the availability (or otherwise) of appropriate compensation. The Strasbourg Court has granted States considerable latitude as to what is an acceptable level of compensation, but it is the case that deprivation of property without compensation is acceptable only in exceptional circumstances.
- 7.4 In accommodating these issues the proposals within relevant master plans and supporting documents are seen to be in the public interest because they endeavour to strike the correct balance between the demands of the community and the need to protect individual's fundamental rights. They include compensation proposals that are above the minimum levels that



would ultimately be required by statute, and as such are intended to be a reasonable and acceptable offer to each of the individuals concerned.

- 7.5 A second consideration in this context relates to Article 8 of the Human Rights Convention, which is concerned with the Right to Respect for Privacy and Family Life and has been previously used to plead where the actions of authorities interfere with individual's homes. Article 8 concerns a vast range of issues and subjects, and Cabinet should note in the light of guidance from the Department of Constitutional Affairs it is considered not to be relevant in this circumstance.

## 8. **RECOMMENDATIONS**

### 8.1 Cabinet is requested to:-

- a) - Agree to the use of resources as set out in the report to progress acquisitions by agreement in the Perth Street area and to agree that the remaining resources are prioritised to purchase from the owner occupiers in wider Carr/Hopps St area and Belle Vue.
- b)- Continue to work with Housing Hartlepool to explore ways of progressing the delivery of the Belle Vue site
- c) – Authorise Officers to undertake preparatory Compulsory Purchase Order work.
- d) – Note the management arrangements and agree the refresh of the Memorandum of Understanding with Housing Hartlepool
- e) - To agree to the progression of, selection and other arrangements for establishing a suitable partnership with an interested private sector developer/developers to progress the schemes.
- f) - Note the advice received from the Chief Solicitor in respect of Human Rights Issues.
- g) - Note that further reports will be prepared for Cabinet's consideration in due course in respect of the various recommendations outlined above and also in relation to any other relevant activities and processes associated with delivering appropriate redevelopment of these sites, such as associated legal and planning procedures.



ACQ/328/2008

**LANDS TRIBUNAL ACT 1949**

*COMPENSATION – Compulsory purchase of dwelling house in Clearance Area – valuation – methodology – comparables – Land Compensation Act 1961 section 5, rule (2) - compensation awarded £49,000*

**IN THE MATTER of A NOTICE OF REFERENCE**

**BETWEEN**

**JOYCE (JULIE) RICHARDSON**

**Claimant**

**and**

**HARTLEPOOL BOROUGH COUNCIL**

**Respondent**

**Re: 17 Slater Street, Hartlepool TS26 8QJ**

**Before: P R Francis FRICS**

**Sitting at: Hartlepool County Court, Victoria Road, Hartlepool TS24 8BS**

**on**

**23 April 2009**

The claimant in person

*Ian Ponter*, instructed by Peter Devlin, Chief Solicitor, Hartlepool Borough Council, for the respondent

## DECISION

### Introduction

1. This is a decision to determine the compensation payable by Hartlepool Borough Council to Mrs Joyce (Julie) Richardson in respect of the compulsory acquisition of 17 Slater Street, Hartlepool (the subject property) under the Council of the Borough of Hartlepool (Land at Mildred Street, Ernest Street, Slater Street, Angus Street, Preston Street, Lancelot Street, Duke Street and Hart Lane West Central Hartlepool) Compulsory Purchase Order 2005 (the CPO). The CPO was made on 4 November 2005 and confirmed by the Secretary of State on 31 August 2006. A General Vesting Declaration was made on 18 January 2007 and possession was taken on 20 February 2007, which is the valuation date for the purposes of this reference.

2. The claimant, who was the freehold owner of the subject property, appeared in person and produced a witness statement of fact dated 9 April 2009, a "report" and appendices which were produced for the Tribunal and for the respondent on 4 September 2008 and a further folder of documents upon which, she said, she intended to rely. She also produced witness statements of fact from Mr Derek Allison and Miss Tracy Simpson, the latter of whom was called to give evidence. Mrs Richardson called no expert valuation evidence. Mr Ian Ponter of counsel appeared for Hartlepool and called Mr John Richard Wilson FRICS, principal of Appletons, Chartered Surveyors of Stockton on Tees, who gave valuation evidence.

### Facts

3. An agreed statement of facts was produced by the parties from which, together with the evidence, and my inspection of the location of the former property and the surrounding area immediately following the hearing, I find the following facts. The subject property comprised a mid-terrace Victorian two-storey private dwelling house located in an established and mature residential area close to the town centre, the marina, Grayfields Park and other local amenities. The accommodation, which included gas fired central heating, comprised an entrance lobby, living room, kitchen with good quality fitted units, modernised bathroom and separate wc to the ground floor and three bedrooms to the first floor. Small yard/garden area to rear. The gross internal floor area was between 62.4 and 64.5 sq m.

4. The property was acquired as an investment by the claimant in 1999, and was let and occupied throughout her period of ownership on assured shorthold tenancies, apart from 3 months in 2004 when modernisation and refurbishment was undertaken. It was agreed that compensation under rule (2) should be assessed on the basis of the freehold with vacant possession. There was no issue as to whether or not the property was in habitable condition, but Mr Wilson noted (when he eventually inspected the property internally in January 2006) that there had been evidence of water penetration through the slated roof covering that had caused damage to first floor ceiling finishes. There was also a slope to the floor of the third bedroom, and evidence of rising damp at ground floor.

5. In 2003 a partnership, known as Hartlepool New Deal for Communities (NDC), between the council, some residents, housing associations, a developer and others published a community housing plan, and set up a housing regeneration company known as Hartlepool Revival. This was to implement the regeneration of parts of the West Central Hartlepool Area (within which the subject property was located), and other similar locations where it had been agreed that demolition of existing low value and poor quality housing stock, and its replacement with new low-rise residential developments, was a desirable solution within areas of social deprivation and low values. Following the making of the CPO, a public inquiry was held at which the both claimant and Mr Wilson appeared, and it was subsequently confirmed in August 2004.

6. The Hartlepool Revival covered a considerable area and involved a number of discrete schemes, including replacement dwellings, street lighting, CCTV and street warden projects, community open spaces and parks, road improvements, traffic calming schemes and landscaping. The part affecting the subject property, which involved the demolition of 241 properties, has now been completed and comprises the development of 110 residential units in a series of culs de sac, a play area and traffic calming measures.

7. Mr Wilson was appointed by Hartlepool Revival in late 2003 to value all the affected properties, and commence negotiations for their purchase both prior to and after the confirmation of the CPO. Those negotiations (including those with the claimant) were taken over by the council's estates manager (Miss Emma Dixon) immediately after the CPO inquiry in June 2006, but reverted to Mr Wilson in February 2008 when she took maternity leave.

#### **Claimant's case**

8. Mrs Richardson said that she had originally instructed a Mr Nigel Billingsley BSc MRICS of Bruton Knowles to act on her behalf in respect of the compensation negotiations with the council, but when no agreement on value could be reached, she had agreed with him that in the light of the small amount at stake, it would not be appropriate, or economic, for him to proceed to act as her expert before the Tribunal. He had, however, produced an informal note on 1 September 2008 regarding the property, but although it did not include a valuation, she said he had given her a verbal indication that the property was worth about £64,000. Mrs Richardson said that she subsequently proceeded to undertake her own research, and produced details of comparable settlements and other relevant information in support of her claim. She had also obtained independent opinions of value from another two chartered surveyors, Mr Peter Cavey FRICS of Greig Cavey Commercial Ltd at £50,000 in May 2006 and Mr C H Burberry FRICS in October 2006 at £52,000, but neither valuation was prepared in connection with this hearing, and the authors were not called.

9. She said that her claim in the sum of £57,650 was the average of what she considered to be the best two comparables, 26 and 38 Ernest Street. These were very similar 3 bedroom terraced properties where agreement on compensation was reached at £57,150 and £58,150 respectively with the owner, Mr Allison (who confirmed the details in his witness statement, and that his properties vested in the council on the same day as the subject property, 20 February 2007). They were both affected by the same scheme, although it was accepted that



they had not been included in the original proposals. They were brought into the CPO when the prospective developer insisted that Ernest Street was essential in overall scheme design and layout terms. It was notable, she said, that Mr Wilson had failed to include these properties, which provided irrefutable support to her argument, within his own evidence produced in support of his valuation of £37,200. He had not, therefore, complied with his duty to the Tribunal to disclose all relevant facts. Whilst she accepted in cross-examination that the Ernest Street properties were in a marginally better location, being on the edge of the streets of terraced houses and overlooked bungalows opposite, she did not think that that, or the fact that they might have been newer (1930s) could possibly justify the £20,000 difference in value that Mr Wilson was suggesting.

10. Mrs Richardson also said that Mr Wilson's evidence, and his argument that a valuation of £37,200 should apply, did not take into account Miss Dixon's involvement with the scheme. His valuation was misleading in that it did not reflect the offer that Miss Dixon had made at £45,600, or the fact that he had subsequently made a settlement offer that was in excess of this sum. Furthermore, in respect of that latest settlement offer (which was not disclosed to the Tribunal), she said that it should have come from the council and not their appointed valuer.

11. Miss Dixon's offer had been derived from a figure determined under an Alternative Dispute Resolution (ADR) procedure for 4 Slater Street, which had belonged to Miss Simpson, Mrs Richardson's other witness of fact. That ADR valuation had been undertaken by a Mr Ian Straughan FRICS of Middlesbrough on joint instructions from the council and from Ms Simpson's appointed valuer, a Mr Cruddas. Mr Straughan valued the property, which was similar to the subject property but had two bedrooms, at 20 February 2007 at £48,000 "in accordance with the Compulsory Purchase Code." Mrs Richardson said that that valuation was his professional opinion and was not, as Mr Wilson had subsequently undertaken in respect of his negotiations on scheme-affected properties, a valuation calculated on the basis of a price per square metre. Mr Straughan, she said, had measured 4 Slater Street externally, and had recorded in his valuation letter a "gross external floor area of approximately 72.3 sq m." Miss Dixon, who had conducted negotiations at the time, sought to apply Mr Straughan's valuation of 4 Slater Street to the subject property on a price per square metre basis, but made the error of calculating the figure on an assumption that the 72.3 sq m referred to by him had been a gross internal measurement. This would give a value of £663.90 per sq m, and the offer of £45,600 reflected this, Miss Dixon having taken the subject property at 62.7 sq m, and added £4,000 for new boiler and fitted kitchen. A 90% advance payment had been made on that basis.

12. Mrs Richardson said that the error was pointed out to Miss Dixon by her and Mr Billingsley, and that had the correct measurement been used for 4 Slater Street, the price per square metre would have amounted to £739.60. She said that in assessing the value of the subject property there was no requirement for either Mr Wilson or Miss Dixon to devalue 4 Slater Street when its value had been settled using an ADR procedure. Furthermore, Mr Wilson's devaluation was based upon his own observations from when he inspected it externally in 2003 and should therefore be of no relevance as that was some 4 years before the appropriate valuation date. If, as he had said was the case, Mr Wilson (and the council) had difficulties with Mr Straughan's valuation of 4 Slater Street, Mrs Richardson wondered why he had attempted to use it to value the subject property. In cross-examination, Mrs Richardson

accepted that Mr Straughan had not referred to comparables when providing his ADR valuation, and that despite the council's subsequent request that he do so, had not provided details other than to say he had "[had] full regard to comparable evidence available to me in that area of the town." She also acknowledged that neither of the valuers who had provided her with their opinion of the value of the subject property had referred to any comparables.

13. In addition to her two main comparables, and 4 Slater Street, she listed 7 other properties within the vicinity that had been sold in the open market. These she considered proximate enough in terms of location and type to be of assistance to the Tribunal. Nos. 3 & 27 Jobson Street were similar terraced houses to the subject property (although it was not known if they were 2 or 3 bedroom units) in another part of the Hartlepool Revival scheme. They were each sold on 23 January 2007 at £45,000 but were re-sold the same day for £54,000. Similarly, 62 Rodney Street, a part of the same area of the scheme was sold on 20 April 2007 at £41,000 and immediately re-sold for £54,000. 54 and 112 Sheriff Street, which were close to the subject property, were also sold in January and February 2007 for £52,500 and £51,000 respectively with each the subject of back-to-back sales at £60,000. 191 Alma Street, which was also close to the subject property, was sold on 2 March 2007 at £61,950 and 19 Cobden Street (just outside but immediately adjacent to the Revival area) was sold for £74,000 on 26 February 2007. In cross-examination, Mrs Richardson accepted that at the time of all those sales, the scheme was already well advanced, but she did not think that it had any marked affect on values in the area, especially in Jobson Street. She said that the comparable open market evidence that she had produced was just that, and that in compensation terms in accordance with rule (2), those figures provided a reliable guide to that which should be applied to her own property.

14. Mr Wilson, on the other hand, had relied principally on the analysis of the settlement relating to 4 Slater Street together with other agreed settlements within the scheme, none of which had been tested in the open market. Those settlements were then used to justify the price to be paid for the remaining properties where the value was in dispute, despite the fact that underlying values had been rising in the surrounding areas. Mrs Richardson said that Mr Wilson's reluctance to agree comparables, and the fact that his evidence only related to the period during which he had been involved, meant that he was unable to confirm the condition of the subject property at the valuation date – it having been Miss Dixon (who no longer works for the council) who had inspected her property and 4 Slater Street at that time. Mr Wilson's evidence, she said, was incomplete and contained inaccuracies, particularly in respect of the history behind the settlement on 4 Slater Street and in connection with his reliance on indices for terraced house values in Hartlepool. For instance, she said, [home.co.uk](http://home.co.uk) showed terrace house prices averaging £72,567 in February 2007 whereas [houseprices.com](http://houseprices.com) indicated the figure at £53,775 at the same date, and not surprisingly, he used that lower figure to lend support to his views when then applying a 51% discount for the "Slater Street effect."

15. Mrs Richardson, both within her witness statement, and during oral evidence, was at pains to stress that she appreciated the difference between the parties was not great in financial terms (based upon what she was seeking and the without prejudice offer that had been received), but in her view it was a matter of principle that needed to be resolved. She had originally suggested the written representations procedure as the appropriate medium by which the reference should be determined (with each side bearing their own costs), but the council

had resolutely refused to agree, and had insisted upon a full oral hearing. She had thus, she said, been bullied into attending with the associated risks as to costs. The council had also appointed counsel to present the case, but she said she could not afford one of her own, hence her attendance in person. She said that their insistence upon an oral hearing over such a small amount was beyond her, but she was aware that there were a number of other claims still to be settled. She said that she was at a loss to understand how Mr Wilson's valuation before this Tribunal could possibly be between £18,000 and £20,000 less than the opinions of the two local surveyors whose opinion she had sought, or that there could be any justification for arguing for a figure that was £20,000 less than that offered and agreed on the Ernest Street comparables.

16. Miss Simpson was the owner of 4 Slater Street. Her statement set out in detail the background to the negotiations surrounding the sale of that property to the council, confirmed that Mr Straughan had been appointed by agreement and that his valuation was final and binding upon the parties. The property was one of three investment properties that she owned within the area that was part of the New Deal Community Housing Plan (2003). Following an approach by her to Hartlepool Revival, she received an offer of £22,750 for 4 Slater Street on 19 November 2003, which she refused. She then appointed Mr Richard Cruddas FRICS of Browns Survey & Valuation Department to negotiate on her behalf with Mr Wilson who was acting for the council. Mr Cruddas advised that he considered the value to be £25,000 but in response to his suggestion that that was an appropriate figure, Mr Wilson said (on 20 February 2004) that he "remained un-persuaded" by Mr Cruddas' evidence.

17. Miss Simpson said that as she was aware property prices were continuing to rise, she put 4 Slater Street on the market with Manners & Harrison, local estate agents, on 22 March 2004 at £28,500. The revised offer in that sum that Mr Wilson said he had made to Mr Cruddas on 2 March 2004 had never been communicated to her. She said she did receive an offer of £30,000 from a private buyer but that eventually fell through. Following some further fruitless discussions with the council during 2005 in connection with the possibility of her swapping two of her properties for one of theirs that had been acquired but was no longer needed, she said that she and Mr Cruddas attended a meeting with Emma Dixon and a Nigel Johnson from the council on 21 December 2006 to see whether an agreement could finally be reached. As the council was clearly not prepared to negotiate on her revised figure of £43,500 (the average of Mr Cruddas's opinion of its worth at that date, and another valuation by Mr Cavey), Miss Simpson said she sought, and the council agreed, to a binding ADR procedure. That produced the value for which the property was eventually sold, £48,000.

18. As to the other properties that she owned, 8 Carr Street which had originally been part of the proposed New Deal area, but was eventually not required, was sold on the open market at £36,000 on 12 January 2005. However, it was re-sold on the same day for £45,000. 12 Jobson Street was valued by Mr Wilson in May 2007, and he made an offer of £36,000. However, she said that this was refused in the light of the evidence of the prices that had been achieved for 3 & 27 Jobson Street (as recorded in Mrs Richardson's evidence), in January 2007.

**Acquiring authority's case**

19. Mr Wilson explained the methodology he had used to establish values for the many hundreds of properties that were required for the Hartlepool Revival scheme. He said that when he was first instructed, he anticipated that there would be the need for a CPO and therefore adopted an approach that ignored the effects of the proposed scheme – both positive and negative. It was expected, he said, that the redevelopment and regeneration works would have a positive effect upon the values of properties remaining within the scheme, and on the periphery. The transfer of many investor owned properties to the private, owner occupier sector, the removal of anti-social tenants and the diminution in the supply of terraced houses in the poorest and lowest value areas and their replacement with new houses at lower densities would serve to give the area a sense of renewal. Remaining older housing stock could be expected to attract improvement grants and the extensive environmental and street improvements, new parks and green spaces would transform the area in general.

20. In his view, therefore, it would have been dangerous to rely upon transactions that occurred once the scheme had come into the public domain (as indeed Mrs Richardson had done), so he examined the evidence of all sales that had occurred prior to May 2003 in streets that were to be affected and in the surrounding area. For instance, in Slater Street there had been 11 sales between December 2000 and May 2003. Being able to gain access to assess condition and to measure them, he was able to establish a price per sq m. However, properties varied considerably in terms of their condition and the amount (if any) of modernisation and repairs that had been undertaken. He therefore devised a “base value” and added sums to reflect improvements including allowances for central heating, new kitchen/bathroom fittings, quality of decoration, double-glazing and similar factors. He also deducted figures for matters of disrepair. From a basic price of £300 per sq m (prior to adjustments) applicable in early to mid 2003, Mr Wilson said he applied inflationary increases as time went on to reflect general movement in the property market. The base price became £450 per sq m by June 2006, and £500 per sq m by the valuation date.

21. As to 17 Slater Street, Mr Wilson said that he eventually gained internal access on 18 January 2006 following the claimant's request for an updated valuation, and he measured a gross internal floor area of 62.4 sq m, but in performing his calculations, he adopted Miss Dixon's recorded area of 62.7 sq m. He said that he made an offer, adjusted from the £450 psm base applicable at that time, of £30,000, but this was rejected. Subsequently, on the basis of the 4 Slater Street settlement, Miss Dixon had increased the offer to £45,600. It was only, he said, at a much later stage and following further discussions with the claimant's former surveyor, that Miss Dixon's error in misinterpreting the gross external floor area of 4 Slater Street became clear. He said that if he had seen Mr Straughan's valuation earlier, the problem of how Miss Dixon came to her figure of £45,600 for the subject property would have been “instantly clarified.” Mr Wilson said that he had inspected 4 Slater Street on 12 November 2003 and it had a gross internal floor area of 64.9 sq m. In formulating the offer of £28,500 that he had put forward to Mr Cruddas (which was the one Miss Simpson said she had never received), he said he took 64.9 sq m at £335 [base figure] to give £21,731 and added £7,000 by way of plus and minus adjustments for condition and state of repair to give £28,731 – say £28,500.



22. As to Mr Straughan's valuation of £48,000 for 4 Slater Street, Mr Wilson said he devalued that figure himself by taking that as an end value, and deducted £7,000 for "improvements etc" to give a base price of £41,000 which at 64.9 sq m gave £632 per sq m. This was, in his opinion, far in excess of the statistically correct figure which his own, substantial analysis, revealed. It was unfortunate, he said, that Mr Straughan had not asked him for input to the valuation as he would have known that, as the council's appointed valuer, he had substantial comparable evidence at his fingertips. Regarding Mr Billingsley's opinion of value for 17 Slater Street (based upon Mr Straughan's analysis of 4 Slater Street), Mr Wilson said he had taken the £663.90 sq m and multiplied it by the TOTAL SITE AREA of the subject property and then made further adjustments to give his £64,000. This was clearly incorrect.

23. Turning to his own opinion of terraced house values in Hartlepool at appropriate dates, Mr Wilson devoted several pages of his report and a number of appendices to explaining, by detailed statistical analysis, how he came to the conclusion that, at the valuation date of February 2007, the appropriate "base price" (on his adopted methodology) had risen to £500 per sq m. The source material used to gauge the affects of inflation were home.co.uk and houseprices.com. The last property sale in Slater Street (no. 23) prior to the CPO inquiry was at £35,500 in July 2006. Using his methodology, and after making allowances for double glazing and high quality fittings, that analysed out to £450 per sq m. Similar figures were being achieved in other sales in the area at that time. Statistics available from average prices achieved on properties in Hartlepool since that date indicated an increase of 7% by February 2007 (£481 per sq m), but the statistical analysis of sales and re-sales of 6 Hopps Street (a similar property only 250 metres from Slater Street), broke down to £501 per sq m. For the purposes of this exercise, he adopted £500 per sq m, and his valuation was thus:

62.4 sq m at £500 per sq m	£31,200
ADD for improvements	£8,000
DEDUCT for repairs	<u>£2,000</u>
NET addition	<u>£ 6,000</u>
	£37,200

24. Mr Wilson insisted that his approach, of analysing pre-scheme sales and applying inflationary increases to reflect the continuing rises that were taking place in the property market generally, was safe and reliable, and his adopted methodology served to exclude any effects, whether good or bad, that the scheme may have had on values in the area. It took into account also his views of the discount that needed to be applied when comparing locations like Slater Street with terrace house prices in Hartlepool in general. Conversely, the claimant's reliance upon sales that took place in 2007 (other than the obviously unreliable back-to-back sales) reflected the significantly positive effects that the scheme, which, by then was already well under way, had upon the market. He said that he stuck rigidly to his adopted methodology and did not, in undertaking broad analyses, include figures from properties where settlements, through negotiation, may have been out of line with his range of values. It was clear from all the evidence, he said, that his analysis of the value of the subject property was correct, and that undertaken by Miss Dixon based as it was on erroneous information, was wrong. Mrs Richardson had not appreciated that, historically, Slater Street had underperformed the general

Hartlepool market for terrace houses by about 30%, although she had admitted at the Public Inquiry that there was a limited market and houses in the area had been difficult to sell.

25. Regarding 26 and 38 Ernest Street, Mr Wilson said that the reason he had not included them in his analyses was because they were a totally different type of property. Being right on the edge of the scheme area with a pleasant, outward facing outlook onto bungalows, and having been built in the 1930s were of 11" cavity construction, had been re-roofed and incorporated UPVC double glazed window units. Ernest Street was significantly more valuable, historically, than Slater Street. Questioned by Mrs Richardson, Mr Wilson insisted that the price he agreed with Mr Allison was not in any way inflated to avoid the matter proceeding to the Lands Tribunal, and was entirely in line with his basis of valuation.

### Conclusions

26. On the face of it, Mr Wilson's methodology and approach appears sound, being designed, as it was, to exclude any effect that the development of the Hartlepool Revival scheme might have had on properties in the immediate area or on the periphery, either positively or negatively. I accept that the settlement on 4 Slater Street, resulting from the ADR exercise, if analysed in the way Mr Wilson demonstrated, seems to be well out of line with the general level of settlements that had been agreed on that street up to July 2006 (even allowing for price inflation) to February 2007. I also acknowledge counsel's submissions that Mr Straughan did not produce comparables to support his figure, even when requested to do so. However, the fact remains that he was appointed as an entirely independent valuer, who was local to the area and as Mr Wilson admitted, was knowledgeable and highly respected. Mr Straughan had said that he had used his knowledge of prices achieved in the area to arrive at his opinion, and acknowledged that he was assuming a "no-scheme world". His opinion, therefore, cannot in my view be completely dismissed and it is a fact that the parties (to that valuation) had agreed to be bound by it. It was a very similar property to the claimant's but had only 2 bedrooms. It was almost identical in area and, of course, was located on the same street and valued as at the same date. The figure of £48,000 was not, it would appear, arrived at upon the same basis as that adopted by Mr Wilson and it is not surprising, in my judgment, that Mr Straughan did not seek information from him. Not only was Mr Wilson not instructed at the time, but he had been (and would again become) the council's appointed valuer.

27. It is the evidence relating to the settlement that Mr Wilson agreed with Mr Allison in respect of 26 and 38 Ernest Street that most leads me to question his conclusions on the subject property. It was disappointing that Mr Wilson did not refer to them in his report and, in the knowledge that the claimant was relying upon them, did not make any attempt to provide details of how he had performed his valuation analysis which, he said, was the precise basis upon which that settlement was reached. He simply dismissed the evidence on the grounds that the properties were entirely dissimilar. Whilst it is clear that in terms of construction (being slightly newer) and condition (new roof), they might have been more attractive to the market, they were very similar in size, appearance and, particularly, location. Although the outlook might have been marginally better, and historically Ernest Street might have been a more attractive proposition in marketing terms, I tend to agree with Mrs Richardson that an £18,000 to £20,000 difference seems unsustainable.

28. I also find that I can attach no weight to Mr Wilson's reference to house price indices extracted from two websites. That was not comparable evidence that could be proven, and in any event the results were not agreed. Furthermore, the wide disparity between the two results for February 2007 must, in my view, put a large question mark over their reliability. In his long and complex analysis of sales that occurred in Slater Street between 2000 and 2003, Mr Wilson appears to treat any sale at what he considers to be higher than average prices (see 5 & 7 Slater Street) as "suspect", but gives no grounds for those views. He also dismisses a sale at auction in December 2004 (13 Slater Street) because it was purchased "unseen". That produced, on a price per sq m basis, £497. However, in the next paragraphs of his report he said that he was assessing values in mid 2004 and January 2005 at £345 psm and £425 psm respectively. He also refers in one part to Slater Street being 30% below the average for terrace house prices in Hartlepool, but in another paragraph to that discount being 51% and applies it to the lowest of the two website results to give a mathematical result.

29. Mr Wilson's analyses certainly appear to me to be somewhat self-serving, and I am not convinced that his rigid adherence to this methodology, in justifying a value of £37,200 for the subject property as at the valuation date, realistically reflects what the market would have paid. It was accepted that whilst Slater Street was one of the poorest areas of Hartlepool (hence its very inclusion in the regeneration project), the subject property was in reasonable order, centrally heated and habitable. As I have said, I am not persuaded that the difference in value between it and the two houses in Ernest Street could be anywhere near as much as Mr Wilson suggests. Doing the best that I can, and in the light of my comments above, I conclude that the correct value for 17 Slater Street in February 2007 was £49,000, that representing a discount to the Ernest Street properties of about 15%. That is also marginally more than the figure settled on 4 Slater Street, and would account for the additional bedroom. On the strength, principally, of the Ernest Street settlements I am satisfied that a figure of just under £50,000 appropriately reflects the value of the subject property at February 2007

30. I therefore determine the amount of compensation for the compulsory acquisition of 17 Slater Street, Hartlepool in the sum of £49,000. For the sake of completeness I confirm, as I indicated at the hearing, that I attach no weight to the claimant's other comparables, virtually all of which sold back-to-back on the same day. It is not for me to speculate as to why that might have been, and in any event, not only does that pose a serious question over what the market value was, but they are also all post scheme sales, and will undoubtedly have been affected by it to some extent, probably in a positive fashion.

31. This decision disposes of the issues in this reference, and will take effect once the question of costs has been resolved. A letter is enclosed setting out the costs procedure.

DATED 13 May 2009

P R Francis FRICS

## ADDENDUM

32. Submissions on costs have been received from the parties. The claimant claims her costs from the council, and points out that the Tribunal's determination exceeded both the figure that Mr Wilson was arguing for, and the offer of £45,600 made in 2007. No sealed offer has been made.

33. The council submitted that the Tribunal's determination was very significantly below the amount being claimed, and was also below the figures in both of the valuations, from local surveyors, upon which Mrs Richardson relied. It was their case that the matter had been protracted as a result of the claimant's unrealistic expectations as to value. In the circumstances, they said, the claimant should pay all the council's costs.

34. In my view, the council's half-hearted attempts to suggest the claimant pays its costs are entirely unsubstantiated. Miss Richardson clearly set out her reasoning for claiming £57,650 (as an average of two settlements she deemed comparable), and the two valuers' opinions referred to were well within a 10% normal margin of error.

35. The claimant succeeded, and in my judgment there are no circumstances that could possibly justify her being liable for any of the council's costs.

36. I determine, therefore, that Hartlepool Borough Council shall pay the claimant's costs, such costs to be the subject of a detailed assessment by the Registrar if not agree.

DATED 1 June 2009

P R Francis FRICS



# CABINET REPORT

11 January 2010



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** ASSET MANAGEMENT CAPITAL INVESTMENT -  
ESSENTIAL PROPERTY WORKS - PHASE 2

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## SUMMARY

### 1. PURPOSE OF REPORT

To seek Cabinet approval to the expenditure of the remainder of the Capital budget provided to address essential works to property.

### 2. SUMMARY OF CONTENTS

Details proposals for the allocation of the remaining available budget.

### 3. RELEVANCE TO CABINET

Council requirement for Cabinet to agree priority works required to address immediate operational requirements and specific issues within property portfolio.

### 4. TYPE OF DECISION

Non key.

### 5. DECISION MAKING ROUTE

Cabinet has delegated authority from Council to approve.

### 6. DECISION(S) REQUIRED

Cabinet is recommended to: -

- Note the deletion of two projects from the approved programme as outlined in the report, and approve the allocation of the remaining available budget of £215,000 to deal with the School Kitchen programme to replace equipment and modernise kitchen layouts including some associated building works.

**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** ASSET MANAGEMENT CAPITAL INVESTMENT -  
ESSENTIAL PROPERTY WORKS – PHASE 2

---

**1. PURPOSE OF REPORT**

- 1.1 To seek Cabinet approval to the expenditure of the remainder of the Capital budget provided to address essential works to property

**2. BACKGROUND**

- 2.1 The Medium Term Financial Strategy considered in 2008/ 9 included the pressure relating to the condition of property and the need to have a plan to reduce the backlog of required works in order to deliver upon the Use of Resources Asset Management requirement.
- 2.2 Council, at the meeting held on 12 February 2009 approved the Capital investment of £1.2m in 2009/10 to fund a range of essential works to property to address these issues and delegated authority to Cabinet to approve detailed proposals for using this amount.
- 2.3 At the Phase 1 meeting on the 21 September 2009, Cabinet approved the detailed proposals for implementation and agreed to receive a further report in due course detailing the proposed expenditure of the remainder of the budget for approval.
- 2.4 The Chief Financial Officer has subsequently advised that the proposed scheme relating to installation of enhanced electrical distribution system Maritime Experience cannot be considered as Capital and is to be deleted from the schedule, essential works are however being carried out as a Revenue Maintenance expenditure. This releases £20,000 for reallocation.
- 2.5 Additionally it has proven necessary to delete the proposed scheme at the Maritime Experience to install an Adult Changing Facility, this being due to spatial limitations but also in the acknowledgement that there is an adequate facility available at the Central Library. This releases £20,000 for reallocation.
- 2.6 The Strategic Capital and Resource Programme Team (SCRAPT) has considered the extensive asset management information available on Council property and considered that the key emerging priority is for essential works to School Kitchens.

- 2.7 The Council has responsibility under the Education (school premises regulations) 1999, section 7(b) of part II, for school kitchens from which school meals are delivered by the Council's School Meals Service.
- 2.8 A number of kitchens will be modernised to bring them up to current standards as required. This will comprise: -
- replacement equipment
  - replacement fittings, fixtures and fitted furniture
  - new ventilation and gas installations to comply with current gas regulations
  - replacement lighting and power to current standards
  - repairs to building fabric.
- 2.9 A major proportion of the existing equipment within the school kitchens in Hartlepool is of an age that it needs replacing to meet Government regulations. Whilst a high standard of cleaning and safeguarding has been maintained there are many pieces of the equipment which are approaching obsolescence.
- 2.10 Whilst work is in hand to formulate the required modernisation programme including funding proposals which will attend to these works over a number of years, there is a need to address essential works to replace equipment and modernise kitchen layouts including some associated building works.
- 2.11 Cabinet at its meeting on 21 September 2009 allocated £1.025m of the available budget of £1.2m and given the deletion of the schemes at the Maritime Experience a total of £215,000 is now available for allocation

### **3. RECOMMENDATIONS**

- 3.1 Cabinet is recommended to -
- Note the deletion of two projects from the approved programme as outlined in the report, and approve the allocation of the remaining available budget of £215,000 to deal with the School Kitchen programme to replace equipment and modernise kitchen layouts including some associated building works.

### **4. CONTACT OFFICER**

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# **CABINET REPORT**

**11 January 2010**



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

**Subject:** EXTENDING THE 'OUT OF HOURS NOISE SERVICE'

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## **SUMMARY**

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

To provide various options for the possible extension of the 'Out of Hours Noise Service' provided by Hartlepool Borough Council (HBC) and assess the potential implications for the Council.

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

This report provides a brief summary of the current 'Out of Hours Noise Service' provided by HBC, details the options for extending the service and considers the potential financial implications.

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

The issue of extending the out of hours noise service was raised at Cabinet on 18<sup>th</sup> May 2009 and members requested an options appraisal for extending the service.

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

Non-Key.

### **5. DECISION(S) REQUIRED**

That Cabinet notes the report, considers the options and makes recommendations on extending the service.

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

**Subject:** EXTENDING THE 'OUT OF HOURS NOISE SERVICE'

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**1. PURPOSE OF REPORT**

- 1.1 To provide various options for the possible extension of the 'Out of Hours Noise Service' provided by Hartlepool Borough Council (HBC) and assess the potential implications for the Council.

**2. BACKGROUND**

- 2.1 The issue of extending the out of hours noise service was raised at Cabinet on 18<sup>th</sup> May 2009 and members requested an options appraisal for extending the service.
- 2.2 The 'Out of Hours Noise Service' currently operates throughout the three month period June to August, every Friday and Saturday night between 10.00pm - 4.00am.
- 2.3 The service was initially piloted between December 2006 and January 2007. This resulted in the service being extended for three weeks in June 2007 and being further extended to its current hours of operation in 2008.
- 2.4 During the 'Out of Hours Noise Service' officers receive and respond to a number of complaints regarding noise nuisance, particularly from late night parties. It also provides officers an opportunity to monitor ongoing investigations.
- 2.5 The service operates with a lead officer who is suitably qualified and experienced supported by an assistant. On average each Lead Officer has to work an 'Out of Hours Noise Service' shift every two weeks during the three month summer period. Every shift can require on average three hours of paperwork in the office to record complaints that occurred on the shift. This is in addition to the workload each Officer has to undertake during the week. This situation works on a three month temporary basis. However, if the 'Out of Hours Service' was extended in any way staff resources would have to be reviewed.
- 2.6 Assistant Officers are recruited for the three month period on a voluntary basis. Problems have been experienced in the past in recruiting staff for this role.

- 2.7 The Environmental Protection Team is a small team of three full time officers. The current work load means that the team is working to full capacity. The current 'Out of Hours Service' is managed as it is only runs for a three month period and the team has the assistance of an additional Lead Officer from the consumer services section. Extending the service may require additional staff resources.

### **3. OPTIONS APPRAISAL**

#### **3.1 Various Options Have Been Considered for Extending The Service:**

##### **OPTION 1**

###### **Continue with the current out of hours service**

The current service operates for three months between the beginning of June and the end of August. The staff that provide this service do so on a voluntary basis and as the service is only operated over a relatively short period, the provision of the service has been manageable. This may not be the case if there is an extension to the service.

The current service can be continued within the allocated budget.

##### **OPTION 2**

###### **Extend the current service to 4 months**

The current service could be extended to cover the 4 month period from the beginning of May to the end of August. This service could not be provided within current budgets. The provision of this service could be manageable but it may be more difficult to find the staff to provide this service.

The cost of providing this service would be an additional £2152 over the current allocated budget.

##### **OPTION 3**

###### **Extend the current service to 3 nights, for the 3 Months - June to August**

The current service could be extended to include an additional night, either the Thursday or the Sunday night.

This service could not be provided within current budgets and it may be more difficult to staff. In addition to this any staff who are working the additional night (either Thursday or Sunday) will not be available for work the next day which will have operational implications for an already stretched service.

The cost of providing this service would be an additional £3748 over the current allocated budget.

#### **OPTION 4**

##### **Extend the service to 3 nights for 4 months from May to August**

The current service could be extended to include an additional night (either Thursday or Sunday) for a 4 month period. This could not be provided within current budgets. In addition to this any staff who are working the additional night (either Thursday or Sunday) will not be available for work the next day which will have operational implications for an already stretched service.

The cost of providing this service would be an additional £11728 over the current allocated budget.

#### **OPTION 5**

##### **Extend the service to provide a full out of hours service 7 night per week, 12 months of the year.**

To extend the 'Out of Hours Noise Service' to 7 nights a week, for 12 months of the year would require dedicated staff to work the Out of Hours shift. The recommended shift would operate from 8:00pm to 6:00am nightly.

Extending the 'Out of Hours Service' would require the addition of two 'Lead Officers' and two 'Assistant Officers'.

Officers have contacted Cleveland Police in order to establish the level of assistance they may be able to provide to the service. Their response is currently awaited but it is your officers view that they will probably offer the level of support they currently provide for the service. Officers will provide an update following their reply.

The funding for the addition of two Lead Officers would involve a number of considerations. A Lead Officer would be expected to be on a minimum of Band 11. Complete with the on costs for national insurance, superannuation and 30% unsocial hours payment the total cost for each of these posts would be £49459.

The funding for the addition of two Assistant Officers would involve a number of considerations. An Assistant Officer would be expected to be on a minimum of Band 9. Complete with the on costs for national insurance, superannuation and 30% unsocial hours payment the total cost for each of these posts would be £39066.

The lead officer posts would require the provision of an appropriate car user allowance. Based on an estimated annual mileage of 10000miles/year this would cost approximately £5600.

The total cost of providing this service would therefore be in the region of £182650 per annum. This would be an additional £165650 over the current allocated budget.

#### **4. RECOMMENDATIONS**

- 4.1 That the cabinet note the report, consider the options for the extension of the out of hours noise service and recommend an appropriate option to take the service forward.

#### **5. CONTACT OFFICER**

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