

CABINET

MINUTES AND DECISION RECORD

14 December 2009

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

Present:

The Mayor (Stuart Drummond) - In the Chair

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

Officers: Paul Walker, Chief Executive
Nicola Bailey, Director of Child and Adult Services
Dave Stubbs, Director of Neighbourhoods and Regeneration
Andrew Atkin, Assistant Chief Executive
Mike Ward, Chief Financial Officer
Peter Devlin, Chief Solicitor
Alison Mawson, Assistant Director, Community Safety and Protection
Chris Hart, Planning and Commissioning Manager
Geoff Thompson, Head of Regeneration
Richard Waldmeyer, Team Leader Policy Planning and Information
Tom Britcliffe, Principal Planning Officer
John Smalley, Principal Environmental Health Officer
Julian Heward, Assistant Public Relations Officer
David Cosgrove, Democratic Services Team

125. Apologies for Absence

None.

126. Declarations of interest by members

None.

127. Confirmation of the minutes of the meeting held on 30 November 2009

Confirmed.

128. Formal Response to the Executive's Initial Budget and Policy Framework Consultation Proposals for 2010/11 (*Scrutiny Coordinating Committee*)

Type of decision

Non-key.

Purpose of report

To provide the formal response of the Scrutiny Co-ordinating Committee in relation to the Executive's Initial Budget and Policy Framework Consultation Proposals for 2009/10.

Issue(s) for consideration by Cabinet

At a meeting of the Scrutiny Co-ordinating Committee held on 16 October 2009, consideration was given to the Executive's Initial Budget and Policy Framework Consultation Proposals for 2010/11. At that meeting it was agreed that, as in previous years, each of the Standing Scrutiny Forums would consider the budget proposals covering the service areas within their remit. Given the recent restructure of departments within the Council, and creation of the Regeneration and Neighbourhoods Department and Child and Adult Department, presentations were also be given by Directors to provide an overarching view of the general risks facing their departmental budgets and key policy issues for this year. Members' comments and observations were subsequently fed back to the meeting of the Scrutiny Co-ordinating Committee held on 27 November 2009 to assist in the formulation of the Committee's formal response. Details of the individual comments of each of the scrutiny meetings were set out in the report. The report also set the proposed programme of meetings for the consideration of the Executive's finalised budget proposals for 2010/11.

Decision

That the formal response of the Scrutiny Co-ordinating Committee be noted.

129. Service Planning Update for 2010/11: Proposed Outcomes (*Chief Executive*)

Type of decision

Budget and Policy Framework.

Purpose of report

To enable Cabinet to discuss the proposed outcomes to be used as the framework for developing departmental plans and the Corporate Plan for

2010/11.

Issue(s) for consideration by Cabinet

The Finance and Performance Portfolio Holder reported on the detailed the changes made to the Council's Service Planning Framework for 2010/11 and included the list of proposed outcomes for discussion. The proposed outcomes form part of the Council's overall service planning and budget arrangements, which for reporting purposes is part of the Council's Budget and Policy Framework. The Council's Corporate Plan is drawn from the Service Planning Framework, and this is a key document that sets out the Council's priorities and contribution to achieving the Community Strategy aims. The Corporate Plan is developed in conjunction with the Local Area Agreement (LAA) to ensure the outcomes included in the LAA were embedded in the Council's Corporate Plan.

It was commented that while there were detailed targets on child poverty within several of the outcomes set out in the framework, it would be appropriate to include a specific outcome on child poverty itself to highlight it as a priority for council.

Decision

1. That the proposed Corporate Plan Outcomes, as submitted, be approved.
2. That an additional outcome for tackling Child Poverty in Hartlepool be formulated for inclusion in the Service Planning Framework for 2010/11.

130. Building Schools for the Future (BSF) Information and Communications Technology (ICT) Procurement of Managed Service (*Director of Child and Adult Services*)

This item was published by way of separate extract on 14 December 2009.

Type of decision

Key Decision – Test (i) and (ii) apply.

Purpose of report

To inform members of the outcome of the stages of the Invitation to Participate in Dialogue (IPD), the outcome of the final stage of the process Invitation to Submit Final Bids (ITSFB), the evaluation of final bids and the moderation process.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Children's Services reported that Hartlepool is a Wave 5 authority in the BSF programme and had recently received approval from Partnerships for Schools (Pfs) for the Outline Business Case submitted in December 2008. This allowed the Local Authority to proceed to the procurement phase of the project, with government funding. An integral component of the BSF programme was Information and Communications Technology (ICT).

As part of this process the Local Authority advertised the ICT Managed Service contract via the Official Journal of the European Union on 2nd March 2009 and a tender route following the timetable set out in the report had been followed. This process was set out in detail in the report including details of the various discussions and decisions taken at the appropriate points of the process. The process had now reached that stage where two final bids were received, which were subsequently opened at the Contract Scrutiny meeting on the 9th November and made available to the evaluation team. The evaluation team was the same as used at Stages 1 and 2 of the process, as detailed within the report, with the exception of the BSF Strategy Manager.

The evaluation process took place from the 9th November and concluded on the 1st December. All of the evaluations were collated and the results presented to a moderation meeting on the 2nd December. Agreement as to the successful bidder was reached at this meeting. Details of the recommendation of the panel were set out in Appendix 1 to the report. The appendix contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Portfolio Holder indicated that one potential new risk at this stage was that of a challenge from the non-successful bidder. It was, considered, that the processes undertaken were exceptionally thorough and robust and the authority would be confident in rebuffing any such claim

Decision

1. That Cabinet notes the outcomes of the IPD and ITSFB Stages of the process as reported.
2. That Cabinet approves progression to the next stage of the process, namely financial close with the selected bidder named in the exempt section of the report.

131. Hartlepool Strategic Housing Land Availability Assessment (SHLAA) *(Director of Regeneration and Neighbourhoods)*

Type of decision

Key Decision – Test (ii) applies.

Purpose of report

To inform the Cabinet that a draft Hartlepool's Strategic Housing Land Availability Assessment (SHLAA) has been prepared, to explain its likely implications for Hartlepool, and to seek authority to publish the draft document for public consultation.

Issue(s) for consideration by Cabinet

The Mayor reported that the SHLAA was a report, prepared in accordance with national and regional planning policies and guidance, which identified and assessed potential future development sites to ensure that there would be enough land available to continuously meet an area's housing needs over a fifteen year timescale and starting in 2009-2010. Specifically there was a long term requirement to increase the supply of housing in order to meet growing demand and ensure sustainable communities in places where people want to live.

By itself, the assessment did not allocate any sites for development and the inclusion of a particular site did not in any way mean that it would be granted planning permission or allocated for development. It was, however, an important document which would be used as a critical part of the evidence base for the Local Development Framework setting out how Hartlepool will plan and distribute new housing provision over the coming years.

Cabinet welcomed the document and congratulated the officers involved in its preparation. Members did question the numbers of houses that needed to be built on average each year in the town to meet the regional development targets. It was highlighted that the table within the document did set out the housing figures but, in accordance with the requirements of the guidance on the preparation of the Assessment, these figures had to reflect build rates from 2004 and recognised the small shortfall in Hartlepool to date.

Decision

That the draft Strategic Housing Land Availability Assessment (SHLAA) be approved for publication for a period of eight weeks public consultation.

132. North East Regional Loans Scheme for Private Sector Housing Improvements *(Director of Regeneration and Neighbourhoods)*

Type of decision

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

Purpose of report

To seek agreement to entering into the North East Home Loan Partnership and for that purpose to sign an agreement (a Memorandum of Understanding) with the other regional housing authorities, and to align Hartlepool's financial assistance policy for housing improvement with the North East Private Sector Housing Renewal Financial Assistance Policy.

Issue(s) for consideration by Cabinet

The Mayor reported that Local authorities had the flexibility to provide a range of financial assistance to improve housing conditions in the private

sector. The assistance was funded by a Single Housing Investment Pot (SHIP) allocation to the Council through the Government Office for the North East and the North East Housing Board (NEHB). Because of the flexibility around the provision of financial assistance for private housing improvement, Authorities have introduced a mixture of grants and loans with different eligibility criteria and financial amounts to tackle a range of issues.

The Department for Communities and Local Government (DCLG) is emphasising the need to use resources more efficiently and effectively to help more people and to stretch the capacity of public resources. Authorities have been encouraged to provide assistance in the form of loans where possible, to move away from home owners' reliance on non-repayable grant and recycle increasingly limited Government funding. Hartlepool had already gone part of the way towards loans, having introduced a 70% grant/30% loan and subsequently 50% grant/50% loan, the grant being non-repayable after five years following completion of the works and the loan portion to be repaid when the property changes ownership.

Many other regions had already put in place loan schemes for their local housing authorities. In order to progress and support the introduction of loans in this region, officers from each Council have been working together on an informal basis as the 'North East Home Loans Partnership'. The Partnerships activities have been supported by NEHB, and funded by DCLG. The Partnership had developed a loans scheme which would align the way in which local authorities provided financial assistance for private sector housing repairs, improvements, and adaptations. The objective of the loans scheme is to create a self sustaining loan fund through the repayment of loans, and ultimately to attract private sector leverage in the future.

The Mayor indicated his reticence at moving from a grants based system towards one based on loans. The grants were previously directed towards those in most need where loans would be on ability to pay back. Officers indicated that there were similar schemes working well in other regions and the scheme for the North East had been developed from the best of those. It was highlighted that the objective of the loans scheme was to create a more self sustaining fund through the recycling of loan repayments and potentially attract private sector leverage in the future.

Members questioned if Sunderland City Council taking the lead role on the scheme would affect the use of local businesses for work to Hartlepool homes. It was indicated that any work would be commissioned locally. There was a strong view against the scheme voiced in the meeting by a Cabinet Member who considered the move away from grants to loans would penalise those most in need of improvements. The concern was also expressed that not being part of the scheme in the new financial year would lead to Hartlepool missing out on additional funding.

After debating the matter, Cabinet reluctantly agreed to join the proposed North East Home Loans Partnership while maintaining its view that the movement of funding from grants to loans could be seen as a retrograde step affecting those families in most need.

Decision

1. That Cabinet agrees to Hartlepool Borough Council joining the North East Home Loans Partnership and signing the Memorandum of Understanding to enable participation in the loans scheme,
2. That the NE Private Sector Housing Renewal Financial Assistance Policy be adopted, and
3. That an Assignment Contract be entered into with the successful Loans Administrator to enable the Council to use the services of the Loans Administrator.

133. Partnering Arrangements for Services Provided by Housing Hartlepool at the Community Monitoring Centre (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non-key.

Purpose of report

To provide Cabinet Members with an outline of the proposed partnering arrangements with Housing Hartlepool for CCTV monitoring, emergency planning arrangements and out-of-hours services.

Issue(s) for consideration by Cabinet

The Mayor reported that at the meeting on 26th January 2009, Cabinet had approved in principle the negotiation of a partnering arrangement with Housing Hartlepool to cover CCTV monitoring, emergency planning arrangements and out-of-hours services. Since that time, Housing Hartlepool has decided to change its monitoring centre arrangements, and officers have taken advantage of the opportunity to upgrade the monitoring equipment, to provide a 'video wall' set-up. This is more efficient than the previous monitoring set-up and affords space for monitoring a greater number of cameras, thus enabling the partnering arrangement to generate new business.

As agreed previously, the partnering arrangement will cover a five year period, commencing on 1st April 2010, with a potential to extend the arrangement for two years (two separate 12 month extensions). The proposed pricing structure for the services were detailed in the confidential element of the Cabinet report of 26th January 2009 and were set out in the confidential Appendix to the report. The appendix contained exempt information under Schedule 12A Local Government Act 1972 (as amended by Local Government (Access to Information (Variation) Order 2006) namely, paragraph 3, "Information relating to financial or business affairs of any particular person including the authority holding that information".

Decision

That the partnering arrangements, outlined within the report, specifically the 'profit sharing' arrangements, be approved.

134. Draft National Policy Statement for Nuclear Power Generation (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non-key.

Purpose of report

To advise Cabinet that the Government has published for public consultation a series of National Policy Statements, including a National Policy Statement for Nuclear Power Generation nominating a site in Hartlepool as a suitable location for the deployment of a nuclear power station by the end of 2025.

Issue(s) for consideration by Cabinet

The Mayor reported that the Department of Energy and Climate Change had published for public consultation a suite of six National Policy Statements (NPSs) on energy related issues, one of which (Draft National Policy Statement for Nuclear Power Generation: EN-6) set out the need for nuclear power in the country's energy mix and included Hartlepool as a potential suitable location for a new nuclear power station.

The consultation period for responding to the NPS documents closes on 22nd February 2010 and the report proposed a way forward for the Council's contribution to the consultation process. In particular, the report provided a brief overview of the NPS documents, including specifically the contents of the Nuclear Power Generation NPS, and suggested some measures the Council may wish to take to help publicise the consultation and help inform its own response to the Government.

The Mayor indicated that he had stated at previous meetings that the Council should lead the consultation in Hartlepool, so any comments on the documents were submitted as the town's view. Cabinet suggested that such consultation should make specific inclusion of the schools and colleges in the town so that the views of the young people in Hartlepool were a particular feature. The Mayor commented that this could also be facilitated through a Cabinet meeting during the consultation period in one of the town's secondary schools.

Decision

1. Cabinet noted that the Government was undertaking a consultation process until 22nd February 2010 on the Nuclear Power Generation (EN-6) and other energy-related National Policy Statements.
2. Cabinet noted that Hartlepool was included amongst a list with nine other sites elsewhere in England and Wales within the NPS as a

suitable potential location for deployment of a new nuclear power station by the end of 2025.

3. Cabinet approved the proposed way forward in terms of measures the Council may wish to take to publicise the consultation and help inform its own response to the Government.
4. That the intention to report back to Cabinet in February, 2010 to enable a formal response to the consultation to be made be noted.

135. Local Development Framework Annual Monitoring Report 2008/2009 (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non-key.

Purpose of report

To seek the approval of the draft Local Development Framework Annual Monitoring Report 2008/09 for submission to the Government Office for the North East, subject to final editing to be approved by the Portfolio holder.

Issue(s) for consideration by Cabinet

The Mayor reported that planning legislation required that local authorities prepare an Annual Monitoring Report by the end of each calendar year. A report had been prepared covering the period 1 April 2008 and 31 March 2009. The Annual Monitoring Report assessed the implementation of the programme for preparation of Local Development Documents contained in the Local Development Scheme. The Annual Monitoring Report also assessed existing planning policies contained in the adopted Hartlepool Local Plan 2006. The report set out the progress of house building from 2004 and projected completions up to 2021 and compared this to the housing requirement set out in the Regional Spatial Strategy (July 2008).

Decision

That approval be given, in principle, to the draft Annual Monitoring Report 2008/2009 for submission to Government Office for the North East subject to final editing to be approved by the Portfolio Holder prior to submission.

136. Tees Valley Regeneration Committee Ltd (*Chief Executive*)

Type of decision

Non-key.

Purpose of report

Cabinet at its meeting on 19 October 2009 Cabinet received a report concerning Tees Valley Regeneration (TVR) being wound up as a company by the end of March 2010. Whilst endorsement the new arrangements for taking forward the work on inward investment and regeneration currently undertaken by TVR post March 2010, Cabinet had requested a further

report to identify aspects of TVR's performance since its inception in April 2002 and the report submitted fulfilled that request.

Issue(s) for consideration by Cabinet

The Chief Executive reported that Urban Regeneration Companies, such as TVR, are limited-life organisations expected to make a discernable difference to an area within a few years. Government usually requires a mid term review after five or six years but in the case of TVR the review was instigated by its shareholders (the five Tees Valley local authorities, ONE North East and English Partnerships – now the Homes and Communities Agency). The mid term review of TVR was undertaken by the European Institute for Urban Affairs, and a copy of their report, completed in June 2009, was submitted for members' information.

In response to questions of where the costs associated with TVR were now allocated, the Chief Executive stated that the remaining staff would be incorporated into the Tees Valley Joint Strategy Unit (JSU). A number of staff had already left reducing the impact, but the opportunity was being taken to review the JSU at this time. The accommodation used by TVR was on a lease from ONE North East and would be emptied.

Funding would now be subject to bids to ONE North East and the Homes and Communities Agency. In Hartlepool it was expected that the Victoria Harbour scheme funding bids would be widened to the Victoria Quays extending the area that an application could be based upon to improve the financing potential.

Cabinet questioned the TVR legacy for Hartlepool. The Chief Executive commented that each of the schemes had reached a point where they could be passed to local control. The current economic situation meant that while plans were in place there were no developers and investors to move them forward.

Decision

That the report be noted.

137. Quarterly Review of Strategic Risk Register (*Assistant Chief Executive*)

Type of decision

Non-key.

Purpose of report

To inform the Cabinet of the current position with regard to the Council's Strategic Risk Register.

Issue(s) for consideration by Cabinet

The Finance and Performance Portfolio Holder described the current position with regard to the Council's Strategic Risk Register following a

review by Corporate Risk Management Group (CRMG) and Corporate Management Team Support Group (CMTSG). The review involves examining risk ratings of existing risks in terms of impact and likelihood and effectiveness of control measures in place to mitigate the risk in conjunction and the identification of any new risks.

There were currently 34 risks on the Strategic Risk Register with 6 red risks, 22 amber risks and 6 green risks. The six red risks were detailed within the report together with actions and planned actions to reduce the impact or the likelihood of the risk. The risk in relation to the ICT contract had been deleted as the contract had now been extended to 2013.

Other significant issues considered in the report included the continuing restructure of the authority and the risk relating to it. The report also highlighted a recent training seminar for senior officers exploring the implications of the Health and Safety Offences Act 2008 and the Corporate Manslaughter Act 2007 and the plans for further training for other officers and elected members.

Decision

That the review and amendments to the Council's strategic risk register and actions being taken be noted.

138. Drug Needs Assessment – Emerging Issues *(Director of Regeneration and Neighbourhoods)*

Type of decision

Non-key.

Purpose of report

The report provided an update on the emerging issues from the local drug needs assessment which in turn informs the development of the Adult Drug Treatment Plan 2010/11.

Issue(s) for consideration by Cabinet

The Mayor reported that the Safer Hartlepool Partnership was responsible for the implementation of the national drug strategy. The Government's ten year drugs strategy – Drugs: Protecting Families and Communities (February 2008) required local activity to ensure fewer people use illegal substances, those that are using drugs are encouraged to lead alternative healthy lifestyles and those affected by drug misuse such as children, families and the wider community also receive support and reassurance.

Locally this was achieved by a number of initiatives including the Drug Intervention Programme (DIP) and more recently the Reduction of Reoffending Team (RoRT) working with drug using offenders; in partnership with Hartlepool Primary Care Trust there was the provision of comprehensive treatment services; increasingly joint work with Children and Adult services for family support and addressing the Hidden Harm agenda

and in conjunction with Community Safety colleagues projects that tackle community issues often linked to drug related anti-social behaviour.

Finance was provided annually from the Government with a requirement to produce an Adult Treatment Plan that confirms local activity, targets around specific initiatives and key performance indicators. Performance monitoring is undertaken by the Home Office Drug Directorate, the National Treatment Agency (NTA) and Government Office North East (GONE) who require regular reporting on the different aspects of the plans.

Concern was expressed at the lack of dedicated money for the treatment of those with alcohol problems. A specific issue with the treatment of drug addicts undergoing methadone treatment was also raised. The Mayor commented that this was a national issue and was one that needed to be tackled. The treatment of drug addicts with methadone was successful as long as the addict themselves wished to kick their habit. However, there was an issue with addicts coming out of treatment programmes still dependent on drugs. A Cabinet Member commented that there were moves towards abstinence treatment programmes but there was an issue with accommodation for such treatment. The Mayor commented that there was already a shortage of suitable accommodation for vulnerable people in the town now.

Members commented on the scrutiny investigation into alcohol abuse and how this was an issue that affected health, community safety and employers through lost working days. Members considered that through all the various funding regimes that were available, investigations should be made as to the potential of a jointly funded post being appointed to tackle alcohol problems. Officers indicated that there was the potential for such a jointly funded post through the Council, Police and Primary Care Trust.

Decision

1. That the Safer Hartlepool Partnership Adult Drug Treatment Plan 2010/11 be received and noted.
2. That the potential for a jointly funded officer post to tackle the problems of alcohol in Hartlepool utilising appropriate Council, Police and Primary Care Trust funding be pursued.

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 18 DECEMBER 2009