

FINANCE AND PERFORMANCE PORTFOLIO DECISION RECORD

8 January 2010

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Robbie Payne (Finance and Efficiency Portfolio Holder)
Officers: Peter Devlin, Chief Solicitor
Mike Ward, Chief Financial Officer
Dale Clark, Estates Manager
David Dockree, Temporary Estates Manager
Colin Bolton, Building Consultancy Manager
Neil Harrison, Strategic Commissioner, Working Age Adults
Philip Timmins, Estates and Valuation Officer
James Cuthbert, Estates and Valuation Surveyor
Paula Bass, Revenues Manager
David Hart, Strategic Procurement Manager
Linda Wright, Senior Planning Officer
John Morton, Assistant Chief Financial Officer (Audit, Revenues & Benefits)
Ian Merritt, Head of Commissioning and Children's Trust
Sarah Bird, Democratic Services Officer

91. Regulation of Investigatory Powers Act, 2000 – *Chief Solicitor*

Type of Decision

Non key.

Purpose of Report

To inform the Portfolio Holder of the outcome of an inspection on 6 October 2009 through the Office of Surveillance Commissioners (OSC) to review the Council's management of covert activities

Issues for Consideration

On 6 October 2009 an Inspector of the OSC reviewed the Council's management of covert activities in relation to the Regulation of Investigatory Powers Act (RIPA) 2000. The recommendations from this were:-

- That training material be amended to enhance understanding of the

timing and nature of reviews in accordance with paragraphs 4.21 and 4.22 of the Covert Surveillance Code of Practice

- That the quality assurance function within the Legal Services Division was enhanced to improve the quality and standard of the applications and authorisations for directed surveillance.

The Council's response to these recommendations was outlined in the report and a letter had been sent to the Inspector informing him of the measures which had been put in place by the Authority to address the issues raised.

Decision

The Portfolio Holder formally confirmed acceptance of the recommendations as made through the OSC Inspection report dated 6 October 2009.

92. Community Asset Management Transfer Policy – *Estates Manager*

Type of Decision

Non key.

Purpose of Report

To highlight the Government's policies to promote the concept of community asset transfer to communities and seek approval to the key policy areas to be addressed in the development of Hartlepool Borough Council's Asset Transfer Policy.

Issues for Consideration

The Government had been promoting the concept of asset transfer to communities to further develop active communities and viable community based enterprises. This was further emphasized in the Quirk Report of May 2007. Pressures on local authority finance had focussed attention on the opportunity for the voluntary sector/community groups to deliver services in a more cost effective manner whilst at the same time developing active communities.

The report explained the concept of asset management and the benefits for community groups. The Policy would form part of the asset management plan and the Council, where appropriate, would include the option of community management or ownership where the disposal was likely to contribute to the economic social or environmental wellbeing of its area. The completed policy would be reported back to the Portfolio Holder in March 2010.

The Portfolio Holder asked whether provisos would be included in the new policy to prevent the new asset holders being unable to continue maintaining buildings. The Estates Manager explained that the new policy would require a more detailed offer on the premises including a sustainable business plan and differed from the old policy which offered buildings on a first come first served basis.

Decision

The Portfolio Holder acknowledged the requirement for the Council to develop a Community Asset Transfer Policy as part of the Asset Management Planning process and provided authority for a draft to be prepared in conjunction with the voluntary sector for further consideration by the Portfolio Holder in March 2010.

93. Contract Renewal – Servicing and Maintenance of Kitchen Equipment – *Building Consultancy Manager*

Type of Decision

Non key.

Purpose of Report

To request the Portfolio Holder's confirmation of the decision to obtain competitive tenders for the servicing and maintenance of all commercial kitchen equipment in schools and other Council establishments and to advise the Portfolio Holder of the potential procurement route.

Issues for Consideration

The report discussed how the contract was required to ensure that kitchens remained operational in particular for the delivery of schools meals and to comply with Health and Safety legislation. In 2009 the contract for the servicing and maintenance of gas and electrical equipment expired although it was extended with the current provider whilst documentation and arrangements for the new contract were being prepared. The In House provider had declined to undertake this work because of existing commitments.

It was recommended that the scheme would be procured via a partnering/tender process in accordance with the Council's contract procedure rules. It was proposed that this would commence immediately to ensure the contract would be in place by April 2010 for a period of 2 years with an optional 1 year extension.

The Portfolio Holder asked for further details in relation to the workload of the In-House team and was informed that the team were currently working on the Brierton and Dyke House decants, Havelock Centre and Civic

Centre Refurbishment and did not have the manpower to complete the servicing of the kitchen equipment. The Portfolio Holder asked whether more staff could be taken on and was informed that two more gas fitters had been employed recently. The Portfolio Holder asked what partners would be considered and was informed that this would be advertised and a Pre Qualification Questionnaire issued. The Portfolio Holder asked whether small businesses would be eligible and it was clarified that they would be considered under the same rules as other businesses, and would need to provide financial details. The Portfolio Holder expressed concern that smaller, new business would be prevented from applying for this contract if they were unable to provide previous year's accounts. The Building Consultancy Manager said that he would take advice from finance, legal and health and safety departments as it was a requirement to comply with these standards.

Decision

The Portfolio Holder confirmed the decision to proceed with the tender exercise and agreed to enter further discussions with the Buildings Consultancy Manager regarding the procurement process.

94. Sustainable Timber Procurement Policy – Strategic Procurement Manager

Type of Decision

Non key.

Purpose of Report

To inform the Portfolio Holder of the work undertaken within the Council to implement the North East Purchasing Organisation (NEPO) sustainable timber procurement policy which was currently in the process of being adopted region-wide.

Issues for Consideration

This policy had been developed in collaboration with the North East Regional Improvement and Efficiency Partnership (RIEP), NEPO, and Collaboration North East. Hartlepool Borough Council officers had been active in embedding this policy including attendance at a recent training event.

By adopting this policy HBC were declaring that all timber and wood derived products should be purchased from independently verifiable, legal and sustainable sources. Since the development of the policy the council had taken a number of actions both retrospective and proactive. Existing and future timber suppliers have to be able to demonstrate that they meet the obligations the policy places upon them. The Corporate Procurement Unit would monitor the number of Council contracts which conform to the

policy and highlight and respond to any timber procurement activity which did not comply with this.

Decision

The Portfolio Holder agreed to the Council's adoption of the Sustainable Timber Procurement Policy.

95. Automated Customer Service – Chief Financial Officer

Type of Decision

Non key.

Purpose of Report

To seek approval to a proposal to pilot the implementation of a 24 hour automated self service facility for handling Council tax, Business Rates and Benefits service requests.

Issues for Consideration

The report outlined the types of enquiries that could be dealt with via an automated customer service system.

The key benefits of this were described as :-

- An improved level of customer service and access to information 24 hours a day
- Ensuring a consistent high quality customer service
- Provision of cost saving opportunities by reducing the need for skilled officers to spend time responding to frequently asked questions (FAQs) and/or performing simple repetitive tasks
- Provision of the ability to quickly and easily update information in a single and co-ordinated way and have access to external technical support in managing and maintaining the accuracy of information
- Link closely with the Council's business transformation programme which fostered arrangements to encourage customer channel shifting and the introduction of more efficient and effective ways of delivering services

A pilot scheme was proposed using one off set up costs and hosting charges for a six month pilot of £19,083 which could be funded from earmarked finance reserves. Should the service be implemented by early March then publicity material about the new service could be issued with

the annual council tax bills at no cost. An example of the publicity flyer used by other authorities was attached to the report as an appendix. The annual cost of the service would be in the region of £17,000.

The Portfolio Holder expressed reservations about the service and initially said that he would prefer the £17,000 cost to be used to provide another member of staff to answer queries. It was pointed out that this system would allow routine queries to be answered on a 24 hour basis and that during office hours, callers could be transferred to an operator if the caller so wished. There was also an opportunity to develop a similar service through the Council's website. The Portfolio Holder asked that the Key Number Options be simplified for ease of use. The Portfolio Holder asked how much a call would cost and was informed that it depended on the length of the call, but a simple query currently took approximately 4 whereas a more complex one could take ten to fifteen minutes. It was pointed out that staff would still be available to answer complex queries.

The Portfolio Holder asked how the pilot would be evaluated and was informed that the company could provide information on what point in the call the caller had asked to be transferred to an operator.

Decision

The Portfolio Holder approved the implementation of a six month pilot automated service for Revenues and Benefits Services, the cost to be funded from earmarked Finance reserves.

The Portfolio Holder asked that he be provided with details of the information that would be listed on the hotkeys and that a target of 50% of calls being dealt with on the automated system should be reached for the pilot to be deemed a success.

96. Council Tax Base 2010/11 – Chief Financial Officer

Type of Decision

Non key.

Purpose of Report

To seek approval to the calculated Council tax Base for 2010/11 which would be used for council tax billing purposes

Issues for Consideration

The Council was required by law to calculate its Council Tax Base for the forthcoming year, and inform the major precepting authorities and local precepting authorities before 31 January 2009. The Council Tax Base was expressed as the number of band D equivalent.

In the current economic climate it would not be unreasonable to expect bad debts to increase which would normally lead to an increase in the non collection level currently set at 1.5%. However, the in year collection of Council Tax was continuing to improve.

The good work of the Revenues Manager was acknowledged as in the time she had been in post, collection rates had increased consistently year on year for the past 6 years. The quality of work of the department was excellent and last year the Authority had been joint top performing district in the Cleveland area.

The Portfolio Holder asked that all other Members be made aware of the agreement of the council tax base.

Decision

The Portfolio Holder approved a Council Tax Base for 2010/11 of 27,781.5 and

Approved a Council Tax Base for those Parishes capable of levying a precept upon the Council's General Fund:

Brierton	12.1	Greatham	669.9
Claxton	15.5	Hart	296.1
Dalton Piercy	105.0	Newton Bewley	32.5
Elwick	421.1	Headland	1005.1

97. Legal Services Division – Re-accreditation to the Law Society's Lexcel, Practice Management Standard – Chief Solicitor

Type of Decision

Non key.

Purpose of Report

To inform the Portfolio Holder as to the re-accreditation of the Council's Legal Services Division against the Law Society's Lexcel, Practice Management Standard.

Issues for Consideration

In December 2003, the Council's Legal Services Division attained accreditation to the Law Society's Lexcel standard for a period of three years, subject to satisfactory compliance through annual maintenance visits.

On 6 and 7 November 2006, the Division was successfully assessed against the Lexcel standard (report to Portfolio Holder on 27 November 2006 refers). A further assessment in addition to the yearly annual maintenance visits since 2006, took place over the period 9 and 10 November 2009.

In the report there was one 'minor non-compliance' which had since been clarified to the assessor and Law Society's satisfaction, three 'areas for improvement' which had been noted within the Division and fifteen 'areas of good practice'. Following this assessment, the Division had been recommended for continued accreditation by the Law Society to the Lexcel, Practice Management Standard.

The Portfolio Holder asked that the legal services division be congratulated on their good work.

Decision

The Portfolio Holder noted the contents of the report.

98. Provision of Specialist Social Care Training and Development – Head of Commissioning and Children's Trust

Type of Decision

Non key.

Purpose of Report

To update the Portfolio Holder on the progress made regarding the procurement of training and development for specialist social care and to provide feedback following the work completed in relation to the arrangements for the sub lots not covered by the existing framework.

Issues for Consideration

The proposal to establish a framework agreement for the provision of training and development had been agreed by the Performance Portfolio Holder on 25 July 2008 and the outcome of the tender exercise had been reported to the Contract Scrutiny Committee on 2 March 2009. Additional evaluation involving a further assessment of the relevant Organisation's occupational competencies and expertise was required for Specialist Social Care categories. Following evaluation 3 providers were successful and met the requirements of the agreed criteria and the results of this additional evaluation process had been reported to the Contract Scrutiny Committee on 28 September 2009.

The remainder of the currently identified specialist social care training would be procured based on individual/group training courses for the

duration of the training procurement framework only (and be incorporated in the framework replacement arrangements) All procured training would follow a predetermined process which complied with the contract procedure rules.

Once training budgets had been confirmed for 2010/2011 the remaining specialist social care training would be procured on an individual/group course basis in line with the mapping exercise completed.

The Portfolio Holder asked whether it was likely that there would be cuts in the training budget and was informed that most of the budget was provided by partners on the safeguarding board.

Decision

The Portfolio Holder noted the report.

99. Professional Status Achievement – Estates Manager

Type of Decision

Non key.

Purpose of Report

To inform the Portfolio Holder of the recent achievement by James Cuthbert, Valuation Assistant within the Estates Team of the professional member of the Royal Institute of Chartered Surveyors (RICS).

Issues for Consideration

The report outlined the success of the Council's mentoring, coaching and development arrangements for the development of in-house professional staff within the Estates Section.

Decision

The Portfolio Holder acknowledged and congratulated the significant success which had been achieved by James Cuthbert in the Estates Section in achieving a Corporate Membership of the Royal Institute of Chartered Surveyors.

100. Restrictive Covenants Affecting Council Assets – Temporary Estates Manager

Type of Decision

Non key.

Purpose of Report

To update the Portfolio Holder since the previous report presented to the 5 November 2009 meeting.

Issues for Consideration

The report outlined the background to restrictive covenants and confirmation of an inter-departmental co-ordinated approach.

Disciplines are now in place between the Planning Teams and the Property Services Team to ensure that any Planning application was highlighted and appropriate action taken.

In the case of current land sales procedure, the Property Services Team now protect the interest of the Council by the imposition of claw back provisions to ensure that the Council shared in any future increases in land value as a result of a change of planning policy. This was considered a more workable policy than the traditional restrictive covenant route.

Clarification was sought on whether land transferred to foundation schools could have similar provisions. It was thought that this would be difficult to impose as Central Government was the ultimate arbiter in relation to statutory transfers. The Portfolio Holder asked whether this could be looked into.

Decision

The Portfolio Holder noted the current position.

101. Local Government (Access to Information) (Variation) Order 2006

Under Section 100 (A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) order 2006

Minute 102 – Land at Sandgate Industrial Estate – this item contains 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)

Minute 103 – 19 St Columba's Parish Centre, Dryden Road - this item

contains 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)

Minute 104 – Courts Building, Victoria Road - this item contains 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)

Minute 105 – Rockhaven, 36 Victoria Road - this item contains 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)

Minute 106 – Sale of Garage Land at Victoria Place - this item contains 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)

Minute 107 – Rating Revaluation – Appointment of External Advisors - this item contains 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)

Minute 108 – Support for Businesses - this item contains 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)

Minute 109 – Minute 109 – Belle Vue Way/Ladysmith Street - this item contains 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)

Minute 110 – Land at corner of Tower Street and Surtees Street - this item contains 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)

Minute 111 – Surestart North, Hindpool Close - this item contains 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)

Minute 112 – Tender for a Printing and Mailing Service for Local Taxation Demands and Benefit Notifications - this item contains 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)

102. Land at Sandgate Industrial Estate (para 3) - Estates and Valuation Officer

Type of Decision

Non key

Purpose of Report

To consider a request to dispose of an area of verge.

Issues for Consideration

The history of the proposal and the financial implications were outlined.

Decision

This is contained within the exempt section of the minutes

103. 19 St Columba's Parish Centre, Dryden Road (para 3) - Temporary Estates Manager

Type of Decision

Non key.

Purpose of Report

To seek Portfolio Holder approval to the lease terms set out.

Issues for Consideration

The terms of the lease were set out.

Decision

This was set out in the exempt section of the minutes.

104. Courts Building, Victoria Road (para 3) - Temporary Estates Manager

Type of Decision

Non key.

Purpose of Report

To update the Portfolio Holder in connection with the existing lease of the building.

Issues for Consideration

The report set out the terms of the proposed re-arranged lease of the premises.

Decision

This was contained within the exempt section of the minutes.

105. Rockhaven, 36 Victoria Road (para 3) - Temporary Estates Manager

Type of Decision

Non key.

Purpose of Report

To update the Portfolio Holder with regard to the potential sale of the property.

Issues for Consideration

The report indicated the current position.

Decision

This was outlined in the exempt section of the minutes.

106. Sale of Garage Land at Victoria Place (para 3) - Estates and Valuation Surveyor

Type of Decision

Non key.

Purpose of Report

To consider a request to dispose of an area of land at Victoria Place.

Issues for Consideration

The report outlined the history of the proposal and also the financial implications of the proposal.

Decision

This was contained within the exempt section of the minutes.

107. Rating Revaluation – Appointment of External Advisors (para 3) - Estates and Valuation Officer

Type of Decision

Non key.

Purpose of Report

To inform the Portfolio Holder of the results of the competitive procurement process in relation to the appointment of external rating advisors.

Issues for Consideration

The report outlined the results of the competitive process and recommendations in relation to the appointment of a firm of rating advisors.

Decision

This was outlined in the exempt section of the minutes.

108. Support for Businesses (para 3) – Chief Financial Officer

Type of Decision

Non key.

Purpose of Report

Following a report submitted to Cabinet in August detailing the Council's proposals to support local businesses through the current economic

recession, this report sought the Portfolio Holder's approval to award hardship relief via the Business Rates scheme to 2 local businesses currently experiencing financial difficulties brought about by the current economic climate.

Issues for Consideration

The report initially provided background to the Council approach to collecting business rate debts and the new principles adopted in light of the current economic climate. The report then detailed requests for financial support from 2 local businesses whose orders and sales had deteriorated significantly as a result of the recession. Finally the report set out proposals for support, specifically designed to assist the businesses through this difficult trading period.

Decision

This was outlined in the exempt section of the minutes

109. Belle Vue Way/Ladysmith Street (para 3) - Temporary Estates Manager

Type of Decision

Non key.

Purpose of Report

To inform the Portfolio Holder of terms agreed for the release of a restrictive covenant.

Issues for Consideration

The report set out the agreed terms.

Decision

This was contained within the exempt section of the minutes

110. Land Corner of Tower Street and Surtees Street (para 3) - Temporary Estates Manager

Type of decision

Non key.

Purpose of Report

To inform the Portfolio Holder of the terms of a licence agreed for the

temporary occupation of the land.

Issues for Consideration

The report set out the terms as agreed

Decision

This was contained within the exempt section of the minutes.

111. Surestart North, Hindpool Close (para 3) – Estates and Valuation Officer

Type of Decision

Non key.

Purpose of Report

To inform the Portfolio Holder of a letting of part of the Surestart North premises to a private nursery.

Issues for Consideration

The report outlined the circumstances and details of a recent letting of part of the Surestart North premises to a private nursery.

Decision

This was outlined in the exempt section of the minutes.

112. Tender for a Printing and Mailing Service for Local Taxation Demands and Benefit Notifications (para 3) – Revenues Manager

Type of Decision

Non key.

Purpose of Report

To advise the Portfolio Holder of the outcome of the tender exercise previously approved by the Portfolio Holder in September to formalise the Council's print and mailing arrangements for local taxation demands and benefit notifications.

Issues for Consideration

The report provided a brief background to this tender opportunity and went

on to describe the tender process. It detailed the pre-qualification questionnaire and invitation to tender criteria and summarised the result of the evaluation exercise.

Decision

This was outlined in the exempt section of the minutes.

The meeting concluded at 11.50 am

P J DEVLIN

CHIEF SOLICITOR

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