

CABINET

MINUTES AND DECISION RECORD

11 January 2010

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

Present:

The Mayor (Stuart Drummond) - In the Chair

Councillors: Robbie Payne (Deputy Mayor) (Finance & Performance Portfolio Holder),
Pam Hargreaves (Regeneration and Economic Development Portfolio Holder),
Gerard Hall (Adult 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)
Andrew Atkin (Assistant Chief Executive)
Alyson Caman (Legal Services Manager)
Nicola Bailey (Director of Child and Adult Services)
Dave Stubbs (Director of Regeneration and Neighbourhoods)
Adrian Hurst (Principal Environmental Health Officer)
Nigel Johnson (Housing Regeneration Co-ordinator)
Julian Heward (Public Relations Officer)
Angela Hunter (Principal Democratic Services Officer)

148. Apologies for Absence

None.

149. Declarations of interest by Members

None.

150. Minutes of the meeting held on 22 December 2009

Received. In relation to minute 146, Members requested that it be acknowledged that during the discussions at the meeting, different options in relation to the Youth Offending Service had been suggested by the Portfolio Holders for Regeneration and Economic Development and Children's Services.

151. Minutes of the Emergency Planning Joint Committee held on 25 September 2009

Received.

152. Housing Market Renewal Programme 2008-11 *(Director of Regeneration and Neighbourhoods)*

Type of decision

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

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 Tumbull 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 part of Blake Street and Hart Lane as per Appendix 3.

Issue(s) for consideration by Cabinet

The Mayor presented a report which provided an update of progress in relation to the incremental programme of Hartlepool's Housing Market Renewal Programme with specific reference to the above sites. The report included background information relating to previous decisions taken by Cabinet, the policy context, financial management and risk issues and human rights considerations. The report provided recommendations on how to take forward each individual site, including a recommendation 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.

It was noted that one of the first sites to be redeveloped under the Housing Market Renewal Programme, Trinity Square was fully developed with the Chester Road site well under way despite the current housing market, with

the acquisition of properties by negotiation with individual owners progressing well.

In relation to Site 1, it was highlighted that the West Hartlepool Rovers Amateur Quits Club had expressed the view that they hoped to see the Club's site included within the boundary of the scheme. Officers were requested to continue discussions with the Club to ascertain the sustainability of the Club including the membership, in order to confirm the way forward.

Members were asked to note that the planning application for Site 2 the Belle Vue site, would be considered at a Planning Committee later in the week.

In view of the fact that Site 3 would require funding from either future Government funding programmes or innovative partnership measures, Housing Hartlepool's front line Regeneration Team were actively managing this site to ensure that the physical conditions of the area would not negatively impact on the progress achieved. It was noted that should the purchase of the remaining 6 properties be secured, as highlighted in the shaded area on appendix 3, there would be strong merit from a visual/regeneration perspective as well as a management point of view in clearing this whole block for future redevelopment. Cabinet was therefore requested to authorise officers to pursue opportunities to acquire by agreement all of the properties within this identified part of the site, as highlighted in the shaded area in appendix 3.

The Housing Regeneration Co-ordinator outlined the compulsory purchase order (CPO) considerations whilst highlighting the need to achieve sustainable communities. It was noted that in addition to compensating persons for the value of their property which may be compulsory acquired, legislation also made provision for additional compensation including that known as loss payments. These payments include Home Loss Payments to persons displaced from their place of residence and Basic Loss Payments, which were payable to persons whose interests in land were compulsorily acquired.

It was noted that the same process had been followed in relation to the Trinity Square site and others and Members noted that the way the Council had always approached this issue had been with the best interests of everyone involved.

There were representatives from Thomas Stephenson in attendance, commercial consultants who were representing a number of owners within the Perth Street area, and they had requested the opportunity to address Cabinet. A representative from Thomas Stephenson addressed Cabinet and proposed an amendment to the recommendations.

In response to a request for clarification on the loss payments, the Housing Regeneration Co-ordinator confirmed that the Council could pay a

discretionary payment, an additional 7.5% of the payment made for any property to any non-residential owners as a basic loss payment once the resolution to make a CPO was made. Payment of Basic Loss would become mandatory once the formal processes of serving the CPO were enacted. The code of guidance also provides that other reasonable costs should be considered by the Council. For example, if a person wished to purchase another investment property within a year of the compulsory purchase of their property, reasonable costs for doing so could be claimed from the Council.

A Member questioned whether the purchase agreements for the properties already purchased would be revisited with the same terms and conditions? The Housing Regeneration Co-ordinator confirmed that previous agreements of sale would not be revisited as they were purchases by agreement.

A ex-resident from the Gray Street area was in attendance and requested the opportunity to address Cabinet. He noted that his property was within the Perth Street area scheme and he had sold his property to the Council by agreement a year ago, he had moved into a shared equity property and was really pleased with the whole process undertaken.

It was confirmed that during negotiations with residents, the North Central Regeneration Steering Group and Hartlepool Revival had the best interests of the residents at the forefront of those negotiations, with virtually all residents being in a better situation at the completion of the process. Members were pleased to hear the positive views of the way the whole process had worked from the resident in attendance.

Decision

Cabinet resolved to:

a) 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 Tumbull 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, including consultation with residents, 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.
- m) To authorise Officers, keeping the West Hartlepool Rovers Amateur Quoits Club in the CPO site Boundary, to continue discussions with the Quoits Club in order to ascertain the sustainability of the Club and its membership, its wishes on being involved in the redevelopment programme and report progress back to Cabinet before the CPO is formally made on the Club site.

153. Asset Management Capital Investment – Essential Property Works – Phase 2 (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non key.

Purpose of report

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

Issue(s) for consideration by Cabinet

The Portfolio Holder for Finance and Performance Management presented a report which provided the background to previous Cabinet decisions in relation to the use of resources asset management requirement. The Chief Financial Officer had subsequently advised that the proposed scheme relating to the installation of enhanced electrical distribution system at the Maritime Experience could not be considered as Capital which therefore released £20,000 for reallocation.

The Strategic Capital and Resource Programme Team (SCRAPT) considered that the key emerging priority was for essential works to school kitchens including:

- 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

Members will recall that at its meeting on 21 September 2009, £1.025m of the available budget of £1.2m was allocated and given the deletion of the schemes at the Maritime Experience, a total of £215,000 was now available for allocation.

A Member questioned whether any of the works detailed above would be undertaken by the Council's own workforce. The Director of Regeneration and Neighbourhoods indicated that although the majority of the work would be undertaken by Council employees, there were some areas that required specialist input from external contractors.

In response to a Member's request for clarification on why the scheme could not be considered as capital expenditure, the Chief Executive commented that the definition of capital expenditure was fairly specific and enhancing an electrical system did not comply with that definition.

A Member commented on the deletion of the scheme to install an Adult Changing Facility at the Maritime Experience and the reference to an adequate facility being available at the Central Library which was some considerable distance away. The Director of Child and Adult Services confirmed that an alternative more appropriate site in the area surrounding the Maritime Experience was being explored.

Decision

- (i) The deletion of the two projects from the approved programme as outlined in the report was noted.
- (ii) 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 was approved.

154. Extending the 'Out of Hours Noise Service' (Director of Regeneration and Neighbourhoods)

Type of decision

Non key.

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.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Neighbourhoods and Communities presented a report which provided an option appraisal for extending the Out of Hours Noise Service, as requested by Members at a meeting of Cabinet on 18 May 2009.

The current service operates with a suitably qualified and experienced lead officer and an assistant and details of how the current shift system operated was included. The Environmental Protection Team consists of three full time officers with a current workload ensuring the team was working to full capacity.

The report presented with the following 5 options to be considered:

- (1) Continue with current out of hours service
- (2) Extend the current service to 4 months
- (3) Extend the current service to 3 nights for the 3 months June-August
- (4) Extend the service to 3 nights for 4 months from May to August
- (5) Extend the service to provide a full out of hours service 7 nights per week, 12 months a year.

In response to a Member's request, it was noted that the cost of providing the out of hours service on Friday and Saturday nights, 52 weeks of the year amounted to £38,328. It was acknowledged that the issue of noise was a very emotive subject which should be considered very seriously and that this additional option did not appear to be a high price to pay to achieve peace of mind for residents who suffer noise and the constant distress that it caused. It was therefore suggested that this additional option be supported and submitted to be considered as part of the budget process for 2010/11 in view of the additional expenditure required.

A Member felt it would be useful to know how frequently the service was used and what difference it made to people's circumstances. In addition, the question of where the funding would be found was also asked. The Director of Regeneration and Neighbourhoods indicated that in order to locate any additional funding, this issue would need to be included for consideration as part of the budget process for 2010/11 as previously suggested.

It was acknowledged that this was a good service to provide but it was

questioned whether this service encroached onto the responsibilities of the local police. The Principal Environmental Health Officer confirmed that the local authority was the responsible authority for noise and nuisance and that this was undertaken through working in partnership with local police.

Clarification was sought on whether the reorganisation of the service provided and changing the hours officers worked to a shift arrangement would meet the requirements of the service in a better way. The Chief Executive commented that this would require the employment of additional employees as there was a full programme of inspection and regulatory work to be undertaken during normal office hours as well as the out of hours service. The Director of Regeneration and Neighbourhoods added that an additional payment of shift allowance would also need to be paid to employees undertaking the change in hours.

A Member suggested that the proposal made to provide the out of hours service on Friday and Saturday nights, 52 weeks of the year be supported with the service provided to be monitored and a further report back to Cabinet in 12 months time to review the provision of this service.

It was acknowledged that the additional costs would fund current Members of the team undertaking overtime to provide the out of hours service on the additional Friday and Saturday nights and a Member questioned whether these funds would be better used employing an additional member of the team to cover those specific hours. Members were mindful that employees were encouraged to undertake additional training but the option of employing an additional member of the team could be explored further, as long as it proved cost effective.

Decision

- (i) That the funding requirement of £38,328 to extend the out of hours noise service provided to include Friday and Saturday nights, 52 weeks of the year be supported and considered as part of the budget process for 2010/11.
- (ii) That the provision of this service be monitored with a report submitted to Cabinet in 12 months time to enable this provision to be reviewed.

155. Minutes of the meeting held on 22 December 2009

A Member raised a query in relation to the above minutes which were received earlier on the agenda. It was noted that £70,000 had been ring fenced for the development of a skateboard park and formed part of the Rossmere scheme.

The meeting concluded at 10.05 am.

P J DEVLIN

CHIEF SOLICITOR

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