

# **FINANCE AND PERFORMANCE PORTFOLIO DECISION RECORD**

23 March 2010

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

## **Present:**

Councillor Robbie Payne (Finance and Efficiency Portfolio Holder)

Officers: Andrew Atkin, Assistant Chief Executive  
Chris Little, Assistant Chief Financial Officer (Corporate Finance)  
David Hart, Strategic Procurement Manager  
Dale Clarke, Estates Manager  
David Dockree, Temporary Estates Manager  
Philip Timmins, Estates and Valuation Officer  
Philip Hepburn, Parking Services Manager  
Rob Smith, Senior Regeneration Officer  
Wally Stagg, Organisational Development Manager  
Kenny Wardhaugh, Senior Job Analyst  
Sarah Bird, Democratic Services Officer

## **145. Empty Shops Fund 'Ship in a Shop' Project** *(Senior Regeneration Officer)*

### **Purpose of Report**

To inform the Portfolio Holder of the Empty Shops Fund and seek approval to use a vacant shop unit within Middleton Grange Shopping Centre for the 'Ship in a Shop' initiative.

### **Type of Decision**

The report detailed how the Authority was one of 57 Authorities to receive £52,631 from the Department for Communities and Local Government to address empty shops in town centres. The Regeneration and Economic Development Portfolio Holder on 27 November 2009 had approved the principle of the development of a number of projects for the Empty Shops fund.

One project planned to run from 6 April until 27 August 2010, comprising of a number of elements designed to increase the footfall to Middleton Grange Shopping Centre, temporarily bring a vacant shop unit back into use for 6 months and provide activities in the lead up to the Tall Ships Event, was a 'ship in a shop'. This will involve the construction of a glass and steel ship by a local artist, a community art

gallery and an information centre where voluntary and public sector organisations will be able to promote their services. The former Jonathan James unit on level one had been identified as the location for the project. Middleton Grange Shopping Centre had offered to waive costs for the duration of the project subject to the project paying utility costs. A license agreement would be signed between the Middleton Grange Shopping Centre and the Authority for the use of the unit for 6 months.

The Portfolio Holder asked who would be funding the renovations to the shop and was informed that this would be from the grant monies received and that the premises would be reinstated once the project ceased.

The Portfolio Holder asked whether funding could be used to regenerate premises in York Road and was informed that some shop units there had been identified for regeneration.

### **Decision**

The Portfolio Holder:-

- Approved the use of a vacant shop unit within Middleton Grange Shopping Centre for the Multi-Use Drop-in “Ship in a Shop” Initiative
- Provided consent for a licence agreement to be completed with PPG Metro, the owners of Middleton Grange Shopping Centre, for the use of the unit for 6 months.

## **146. Wesley Square Car Parking Arrangements** *(Parking Services Manager)*

### **Purpose of Report**

The purpose of the report is to seek approval to rationalise the land ownership and car parking arrangements within Wesley Square in order to reduce conflicts of interest with surrounding users.

### **Type of Decision**

Non key.

### **Issues for Consideration**

The report outlined the complex land ownership within Wesley Square and detailed the existing roles and responsibilities for the permit parking scheme in the Square. The issues created by the current parking arrangements set up with an agreement between Hartlepool Borough Council, Jomast, the Grand Hotel and the Hartlepool Mail set

up in the 1990s were highlighted and a proposal to rationalise these arrangements by reducing the Council's responsibility for parking management and enforcement was put forward.

Currently a number of bays were leased by the Authority from Jomast (as shown in appendix 1 of the report) and it was proposed that this lease be relinquished in order to allow JOMAST to take on the responsibility for the enforcement of parking restrictions. Appendix 2 of the report showed land in Wesley Square within HBC's ownership. It was proposed to grant a licence to allow the Grand Hotel and Hartlepool Mail to enforce parking restrictions on their allocated bays within this area. A further recommendation was put forward that a licence be granted in order that Jomast could enforce parking restrictions on the roadways within the square in order that the parking bays are not blocked in.

### **Decision**

The Portfolio Holder:-

- Approved the surrender of the lease for the car parking bays identified on appendix 1 of the report in order to reduce Hartlepool Borough Council's responsibility for car parking in Wesley Square given the issues that the current arrangement present.
- Approved the granting of a licence to the Grand Hotel and Hartlepool Mail to undertake enforcement in their allocated bays that would be retained by Hartlepool Borough Council.
- Approved the granting of a licence in order that Jomast can enforce parking restrictions on the roadways within Wesley Square in order that the access to parking bays is not blocked by other vehicles.

## **147. Car Parking VAT – Legal Costs** *(Assistant Chief Financial Officer (Corporate Finance))*

### **Purpose of Report**

To seek approval to contribute towards Car Parking VAT legal costs.

### **Type of Decision**

Non key.

### **Issues for Consideration**

The report outlined the background to the legal case involving off street car parking income and VAT and the request for local

authorities to contribute to the legal costs of the case. Hartlepool Borough Council was one of a number of Authorities with an interest in this case and if the case was won, it could mean that local authorities could reclaim VAT on car parking income of a substantial amount. The proposed contribution could be funded from a windfall income obtained from assisting a care home provider obtain VAT refunds.

### **Decision**

The Portfolio Holder authorised the use of the windfall income generated from assisting a care home obtain a VAT refund, to make a contribution of £10,000 towards the car parking VAT legal appeal of the case involving 'HMRC vs The Isle of Wight & Others'.

## **148. Single Status Agreement Appeals** *(Organisational Development Manager)*

### **Purpose of Report**

To provide an update on progress on appeals received and obtain ratification of Appeal Panel outcomes in respect of high priority appeals.

### **Type of Decision**

Non key.

### **Issues for Consideration**

The report provided a background to the Appeals Procedure together with an update on the progress of appeals received and requested ratification of Appeals Panel outcomes in respect of high priority appeals. Since the last Portfolio meeting the Appeals Panel had met on 3 occasions and agreed outcomes, subject to ratification in respect of 23 appeals (relating to 36 jobholders). Details of the individual appeals were outlined in a 'not for publication' appendix attached to the report.

**This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the individual.**

The ongoing additional financial impact for the Council at the maximum of the Pay Band (including employer's costs) was £2,165.

### **Decision**

The Portfolio Holder noted the progress made and ratified the Appeals

Panel Outcomes in respect of Council employees as detailed in the 'Not For Publication' schedule attached to the report.

## **149. Community Asset Management Transfer Policy** (Estates Manager)

### **Purpose of Report**

To provide a draft Community Transfer Policy based on current national good practice guidelines and to seek approval to enter into further consultation to develop the policy further prior to formal adoption by the Council.

### **Type of Decision**

Non key.

### **Issues for Consideration**

The report outlined the principles of Community Asset Transfer which was being promoted by Central Government following the Quirk Review in May 2007. The draft policy set out the Council's approach to managing a pro-active policy to encourage suitable transfers and enable sustainable social enterprise.

The Council was actively working with Community organisations to make best use of property resources and a number of transfers had been approved. However, the proposed policy should be endorsed and put into place to cover all future transfers. The Council's approach to Community Asset Transfer was to derive the widest public value that could be achieved in relation to delivering social outcomes for the local community, the council and for third sector organisations. Assets could be considered in four main ways:-

- Concessions – transfers at less than best market value where there were limited future opportunities.
- Procurement with concession – transfers at less than best market value as part of a partnering arrangement
- Sale – at market value
- Procurement – transfer of non surplus property at market value as part of the delivery of council services by a third party

Up to now, the asset transfers which had taken place had been dealt with on a case by case basis. The draft policy outlined the basis on which future assets and applications would be assessed. This included the asset being offered to a number of potential interested parties and any subsequent applications being evaluated. Eligible community and voluntary sector groups would be assessed on good governance and management experience and a good business case.

The Portfolio Holder was assured that the policy set out that there were only certain types of properties that were appropriate for Community Asset Management transfer and a decision would be made early on in the process to determine whether a property was suitable.

It was clarified that the policy proposed that if a property was deemed suitable then it would be offered to all interested parties and it was not guaranteed that the current occupants would be successful in obtaining the transfer of the building. All interested parties would be evaluated in order to obtain the best outcome for the community and the Local Authority, although it was likely that a group already operating and delivering services would be in a better position to demonstrate suitability. The Portfolio Holder commended the work of the officers thus far in producing the policy which was due to go out for consultation. A further report would be brought to the Portfolio Holder in due course.

### **Decision**

The Portfolio Holder acknowledged the requirement for the Council to develop a Community Asset Transfer Policy as part of the Asset Management Plan and endorsed the draft policy attached to the report as Appendix 1 and granted approval for detailed consultation to be undertaken.

## **150. Commissioning and Procurement Strategy 2010 – 2011** *(Strategic Procurement Manager)*

### **Purpose of Report**

To provide an update and seek endorsement of the Commissioning and Procurement Strategy for 2010 – 2011.

### **Type of Decision**

Non key.

### **Issues for Consideration**

The report highlighted the background and significance of the strategy, its key objectives and links with the Community Strategy, Business Transformation and value for money.

Appendices to the report outlined the key strategic commissioning and procurement objectives as well as the Corporate Procurement Group Action Plan for the Authority's procurement team. The Strategic objectives for this strategy have remained the same as previous years. The strategy picked up on new priorities affecting the Authority

as well as rolling over those which had not been concluded from the previous year. The main priorities were the transition to a category management approach and the securing of savings. All of the actions would be legally compliant and in the interests of Best Practice.

The Portfolio Holder asked that there was transparency in procurement processes and highlighted an application made by a local firm in which a yes/no answer to a question had been required, but there was no facility to elaborate on this answer which had led to the firm being marked down in the evaluation process. The Strategic Procurement Manager agreed to address this issue. The Portfolio Holder commended the work of the department in the production of the document.

### **Decision**

The Portfolio Holder endorsed the Commissioning and Procurement Strategy for 2010 – 2011.

## **151. Local Government (Access to Information (Variation) Order 2006**

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

Minute 152 – Former Adult Training Centre, Warren Road – This item contains exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) (Para 3)

Minute 153 – Agricultural Land at Seaton Dunes, Seaton Common - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) (Para 3)

Minute 154 – Community Drop-In centres, 11 Mansepool Close and 122 Northgate - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) (Para 3)

**152. Former Adult Training Centre, Warren Road (Para 3)** *(Estates Manager)*

**Purpose of Report**

To update the Portfolio Holder in connection with the lease of the premises and to seek approval for re-negotiated terms.

**Type of Decision**

Non key.

**Issues for Consideration**

The report outlined previous arrangements agreed with the leaseholder and highlighted proposed changes.

**Decision**

This was detailed in the exempt section of the minutes.

**153. Agricultural Land at Seaton Dunes, Seaton Common (Para 3)** *(Temporary Estates Manager)*

**Purpose of Report**

To seek approval of the provisional terms of the lease.

**Type of Decision**

Non key.

**Issues for Consideration**

The report outlined the background to the land and provisional terms agreed.

**Decision**

This was outlined in the exempt section of the minutes.

**154. Community Drop-In Centres, 11 Mansepool Close and 122 Northgate (Para 3)** *(Estates and Valuation Officer)*



**Purpose of Report**

To seek approval to take 2 shop units on licence for the purposes of Community Drop-In Centres.

**Type of Decision**

Non key.

**Issues for Consideration**

The report highlighted the background and current recommendations.

**Decision**

This was detailed in the exempt section of the minutes.

The Portfolio Holder asked that as much information should be available to the public domain as possible with regard to future reports.

The meeting concluded at 10.46 am.

**P J DEVLIN**

**CHIEF SOLICITOR**

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