

# CABINET

## MINUTES AND DECISION RECORD

24 May 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 & Procurement Portfolio Holder)  
Pam Hargreaves (Regeneration and Economic Development Portfolio Holder)  
Gerard Hall (Adult and Public Health Services Portfolio Holder)  
Cath Hill (Children's Services Portfolio Holder)  
Peter Jackson (Transport and Neighbourhoods Portfolio Holder)  
Jonathan Brash (Performance Portfolio Holder)  
Hilary Thompson (Culture, Leisure and Tourism Portfolio Holder)

### Also Present:

Councillor Stephen Akers-Belcher (Chair of Neighbourhood Services Scrutiny Forum)  
Councillor J Marshall (Ward Councillor for St Hilda)  
Graeme Yull (Environment Agency)  
Jerry Hopkinson (Managing Director, PD Ports)

### Officers:

Paul Walker (Chief Executive)  
Andrew Atkin (Assistant Chief Executive)  
Peter Devlin (Chief Solicitor)  
Chris Little (Chief Finance Officer)  
Joanne Smithson (Head of Performance and Partnerships)  
Nicola Bailey (Director of Child and Adult Services)  
Dave Stubbs (Director of Regeneration and Neighbourhoods)  
Louise Wallace (Assistant Director of Public Health)  
Alison Mawson (Assistant Director, Community Safety and Protection)  
Sylvia Pinkney (Public Protection Manager)  
Nigel Johnson (Housing and Regeneration and Policy Manager)  
Adrian Hurst (Principal Environmental Health Officer)  
Paul Hurwood (Climate Change Officer)  
Alastair Rae (Public Relations Manager)  
Joan Nominton (Scrutiny Manager)  
Laura Starrs (Scrutiny Support Officer)  
Angela Hunter (Principal Democratic Services Officer)

## **244. Chair's announcement**

The Mayor welcomed Councillor Jonathan Brash (Portfolio Holder for Performance) and Councillor Hilary Thompson (Portfolio Holder for Culture, Leisure and Tourism) to their first meeting of Cabinet as Executive Members.

## **245. Apologies for Absence**

None.

## **246. Declarations of interest by Members**

None.

## **247. Minutes of the meeting held on 10 May 2010**

Received.

## **248. Final Report into the Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas** (*Neighbourhood Services Scrutiny Forum*)

### **Type of decision**

Non-key.

### **Purpose of report**

The purpose of the report was to outline the findings and conclusions of the Neighbourhood Services Scrutiny Forum's investigation into the 'Possible Environmental Impact of Dust Deposits on the Headland and Surrounding Areas'.

### **Issue(s) for consideration by Cabinet**

The Chair of the Neighbourhood Services Scrutiny forum presented a report which outlined the overall aim of the scrutiny investigation, terms of reference, methods of investigation, findings, conclusions and subsequent recommendations. The Chair took the opportunity to thank all the residents involved for their attendance at the meetings and for their very valuable contribution to the investigation.

A representative from PD Ports addressed Cabinet and confirmed that

regular reviews of activity within the port were undertaken with the whole management team and health and safety and the environment were the key items of discussion and were taken very seriously. With regard to the future of the port in Hartlepool, the growing market of off-shore energy was being examined as this was viewed as a tremendous regeneration opportunity for the town. Reassurance was given that PD ports operated to a very high standard and would continue to do so rectifying any evidence based issues that arise, however there was concern that 'perceived' problems may stand in the way of any development and regeneration opportunities.

Councillor John Marshall, St Hilda Ward Councillor, read out a prepared statement on behalf of the residents of the area affected. It highlighted what the residents felt was a lack of progress in removing the dusty cargoes away from a residential area and called for the Council to pursue a statutory nuisance case against PD Ports. In addition, the results of recent tests undertaken were requested.

The Director of Regeneration and Neighbourhoods confirmed that the results had been received and circulated to residents. A representative from the Environment Agency was in attendance and provided further detail on the analysis. In conclusion, it was noted that the analysis indicated that the level of contaminants in the water did not pose a risk to aquatic life, although the level of material present on the surface did have the affect of reducing the visual amenity value of the water.

In response to a question, the Director of Regeneration and Neighbourhoods confirmed that testing would continue through the investment in new mobile and static equipment. This would be installed over the next couple of months after further consultation with the residents on the possible location for such equipment.

The Chair of Neighbourhood Services Scrutiny Forum confirmed that the monitoring of the health implications from the operation of the site would continue through the Health Scrutiny Forum with the involvement of the Executive Director of Public Health for NHS Tees, Prof Peter Kelly. The Mayor asked that Cabinet Members be kept up to date with developments on an infomal basis initially.

The recommendations were accepted with the exception of the request for a statutory nuisance claim to be pursued. It was noted that this request was against professional advice backed up with a further recommendation that the Council lobby the Member of Parliament for Hartlepool and Secretary of State for the Environment to change the statutory nuisance law. However, it was noted that this issue be revisited in 6 months time in view of the new monitoring arrangements to be put in place. It was noted that The Mayor and Director of Regeneration and Neighbourhoods were planning on meeting various port operators to discuss their plans for the future operation of the sites within the Headland area.

The residents were again thanked for the valuable contribution to the

investigations undertaken by the Neighbourhood Services and Health Scrutiny Forums and the investment in monitoring equipment for the area was welcomed.

### **Decision**

(1) That the recommendations of the Neighbourhood Services Scrutiny Forum's investigation into the 'Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas' as set out below, be approved and adopted:

(a) That the Council write to the Environment Agency outlining the residents concerns highlighted throughout this investigation;

(b) That the Council lobby the Member of Parliament for Hartlepool and the Secretary of State for the Environment for changes to the statutory nuisance law to better reflect residents problems, as for example those being experienced by the residents of the Headland;

(c) That the Council work with the:-

(i) the Environment Agency and Van Dalen to review and improve Van Dalen's Dust Management Procedures to minimise emissions from the site; and

(ii) the Environment Agency and PD Ports to enhance their dust suppression arrangements

(d) That the Council facilitate discussions with Van Dalen to reinstate the informal agreement made between Van Dalen and residents on a maximum height for the scrap metal;

(e) That the Council explores with the relevant companies the option of moving the scrap metal and all the cargoes; and provides an update to Cabinet on the discussions which have been undertaken within three months;

(f) That the Council carries out intense investigation and monitoring to collect evidence of dust deposits;

(g) That the Council, in relation to monitoring:-

(i) consult with residents to identify a suitable location for the new monitoring station;

(ii) that given residents concerns regarding the effectiveness of the evidence received from Petri dishes they ceased to be used and alternative methods of collecting samples be explored;

- (iii) that residents be encouraged to carry out their own monitoring and continue to report their findings back to the Council and Environment Agency; and
  - (iv) produce a guide for residents on sampling including the most effective ways to collect samples
- (h) That the Council produce a document in consultation with residents that clarifies the remit and contact details for all the relevant organisations;
- (i) That residents of the Headland and surrounding areas be kept up to date on the progress of all recommendations; and
- (j) That Members of the Neighbourhood Services Scrutiny Forum and residents be invited to attend the meeting of the Health Scrutiny Forum when it considers the additional information which has been requested from Professor Kelly.
- (2) That Cabinet Members be kept informed, initially on an informal basis, of the monitoring undertaken and any developments on this issue.

**249. Action Plan – Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas** (*Director of Regeneration and Neighbourhoods*)

**Type of decision**

Non-key.

**Purpose of report**

To agree an Action Plan in response to the findings and subsequent recommendations of the Neighbourhood Services Scrutiny Forum's investigation into the 'Possible Environmental Impact of Dust Deposits on the Headland and Surrounding Areas'.

**Issue(s) for consideration by Cabinet**

The report provided brief background information into the 'Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas' Scrutiny Investigation and provided a proposed Action Plan by way of appendix in response to the Scrutiny Forum's recommendations.

Details of the discussions on this item were included as part of the previous item as detailed within minute 248.

### **Decision**

The Action Plan attached at Appendix A in response to the recommendations of the Neighbourhood Services Scrutiny Forum's investigation into the 'Possible Environmental Impact of Dust Deposits on the Headland and Surrounding Areas' was approved.

## **250. Interim Report and Action Plan – Dust Deposits on the Headland** *(Health Scrutiny Forum)*

### **Type of decision**

Non-key.

### **Purpose of report**

To outline the findings, conclusions and action plan of the Health Scrutiny Forum's investigation into 'Dust Deposits on the Headland'.

### **Issue(s) for consideration by Cabinet**

The Interim Report outlined the overall aim of the scrutiny investigation, terms of reference, methods of investigation, findings, conclusions and subsequent recommendations. The Action Plan, attached by way of Appendix, outlined the agreed recommendations in response to the Scrutiny Forum's investigation.

Details of the discussions on this item were included as part of a previous item as detailed within minute 248.

### **Decision**

That the Interim Report and Action Plan were noted in response to the recommendations of the Health Scrutiny forum's investigation into 'Dust Deposits on the Headland'.

## **251. Final 2009/10 Outturn Strategy** *(Chief Finance Officer)*

### **Type of decision**

Budget and Policy Framework

### **Purpose of report**

To enable Members to finalise the 2009/10 Outturn Strategy.

### **Issue(s) for consideration by Cabinet**

The Portfolio Holder for Finance and Procurement presented the report which provided a summary of the initial outturn strategy approved in February 2010 and outlined details of the actual revenue outturns for 2009/10. The report informed Members that the overall outturn was better than previously reported. The main changes related to the level of corporate and departmental underspends being higher than previously reported and additional one- off benefits.

Clarification was sought on the total spend to date on Building Schools for the Future. The Chief Finance Officer estimated that around £2m had been spent to date with a similar amount of expenditure in the future, although part of the future spend could be capitalised. Confirmation of the spend to date and estimated future expenditure would be forwarded to Cabinet Members.

In response to a Member's question on the risk to the second payment of the LPSA Reward Grant, the Chief Finance Officer confirmed that this was a small risk that had been identified with any decision to withdraw this payment being required through parliament. Members discussed the budgetary implications of the new Government's priorities on the Council's prudential borrowing and capital schemes.

### **Decision**

- i) The report was noted.
- ii) The proposals to allocate the VAT refund and additional LPSA 2 Revenue Reward Grant, total value £0.494m, to fund one-off Brierton site costs and Dyke House Transport costs were approved.
- iii) The proposals to allocate the LPSA 2 Capital Reward Grant to fund one-off Building Schools for the Future costs were approved.
- iv) The proposal to create specific reserves as detailed in paragraph 3.9 was approved.
- v) The transfer of the net underspend of £0.180m to the new Strategic Risk Reserve was noted.

## **252. Empty Homes Strategy 2010-2015** *(Director of Regeneration and Neighbourhoods)*

### **Type of decision**

Key Decision – Test (ii) applies.

### **Purpose of report**

To advise Cabinet of the development of a strategy to bring long term empty homes back into use, to seek approval of this draft strategy 2010-2015 (attached at Appendix 1) and action plan for 2010/11 (attached at Appendix 2) and determine the priority streets and individual properties for commencement of action.

### **Issue(s) for consideration by Cabinet**

The Mayor presented the report which provided the context within which the Empty Homes Strategy had been developed. The report contained information relating to the local issues and the reasons for implementing a Strategy in Hartlepool. The report also considered the incentive and enforcement tools that were available to the Council. The report referred to a framework of measures for bringing long-term private sector empty homes back into use. The draft Strategy, Action Plan and Diversity Impact Assessment were attached by way of Appendix.

Concern was expressed at the amount of work involved in Empty Property Management against the benefits to be achieved and the enforcement powers in the Council's control were questioned. The Assistant Director (Community Safety and Protection) informed Members that there were a range of powers available to the Council from basic action in terms of statutory nuisance for public health matters up to compulsory purchase orders. It was noted that an officer would be employed specifically to produce a policy and procedures around Empty Property Management as this option had not been used before.

There were maps displayed in the meeting that identified empty properties within the town and clarification was sought on what analysis had been undertaken to ensure that the areas to be targeted made a difference to residents in the area. The Assistant Director confirmed that a detailed analysis would be undertaken for each property to determine the appropriate course of action and the options available were detailed in the report.

A discussion ensued on the options available to Members and although Members were supportive of the Empty Homes Strategy, they requested

further information on how this strategy linked to the regeneration strategy for the specific areas involved to enable either priority areas or specific properties to be targeted in line with the options available. Details of the financial implications of the options available for each area were also requested. It was suggested that this Strategy be looked at in conjunction with the Selective Licensing Scheme.

Members were keen that one of the key driving forces of this Strategy was to ensure that the misery brought into resident's lives with problems streets was dealt with.

### **Decision**

- (i) The adoption and publication of the draft Empty Homes Strategy 2010 – 2015 contained at Appendix 1 was approved.
- (ii) The use of incentive and enforcement measures for bringing homes back into use was endorsed.
- (iii) The adoption of the Empty Property Assessment Form to prioritise actions for individual properties was agreed.
- (iv) The supporting Action Plan for 2010/11 contained at Appendix 2 was approved.
- (v) The Diversity Impact Assessment contained at Appendix 3 was noted.
- (vi) The principle of intervention in the single empty home scenario outlined in paragraph 6.2, if the street was considered to have a 'high demand' for accommodation was supported.
- (vii) The consideration on a case by case basis, of homes which have been empty for more than 5 years, using a combination of enforcement and persuasion, as appropriate, to bring homes back into use, as outlined in paragraph 6.3 was supported.
- (viii) To enable the appropriate option to be prioritised for commencement of street-based action to be determined, the following information was requested:
  - (a) Further information to be presented to Cabinet detailing how this Strategy linked to the Regeneration Strategy for the areas involved.
  - (b) That the financial implications of the options available be presented to a future meeting.

**253. Tees Valley Climate Change Strategy and Implementation Plan** (*Director of Regeneration and Neighbourhoods*)

**Type of decision**

Key Decision – Test (ii) applies.

**Purpose of report**

The present and seek approval for the Tees Valley Climate Change Strategy and Implementation Plan, in order that Cabinet adopts the Strategy and local implementation plan for Hartlepool.

**Issue(s) for consideration by Cabinet**

The Portfolio Holder for Neighbourhoods and Communities presented the report which introduced the Tees Valley Climate Change Strategy and implementation plan, explained the challenges and benefits that they will bring about and outlined the main elements within the documents.

In response to a Member's question about funding, the Climate Change Officer indicated that there were opportunities to apply for additional funding and these were being pursued where appropriate.

**Decision**

**254. New Flood Risk Management Legislation** (*Director of Regeneration and Neighbourhoods*)

**Type of decision**

Non-key.

**Purpose of report**

- To update Cabinet regarding implementation of the Flood Risk Regulations (2009) and Floods and Water Management Act (2010) following a previous reported dated 19 October 2009 and to discuss the key recommendations specifying increased roles and responsibilities to Local Authorities in future flood risk management.

- To inform Cabinet of a successful bid for grant of £65k made to the Environment Agency/Defra and the intended benefits to be drawn from this.

### **Issue(s) for consideration by Cabinet**

The Director of Regeneration and Neighbourhoods presented a report which provided an update on both the Flood Risk Regulations (2009) and Floods and Water Management Act (2010) and described key features and implications on the Council. The report further discussed the requirement for a Surface Water Management Plan (SWMP), funding and financial considerations and the next steps towards delivering challenging objectives for 2010/11.

### **Decision**

- (i) The report was noted.
- (ii) Officers were authorised to award a contract for specialist consultancy support using the Environment Agency's Strategic Flood Risk Management Framework 2 (SFRMF2).

## **255. Business Transformation – Quarterly Programme Update** (*Chief Executive*)

### **Type of decision**

Non-key.

### **Purpose of report**

To provide a recap on the programme, to update on progress on the Programme since January 2010 and to provide an outline of forthcoming activity.

### **Issue(s) for consideration by Cabinet**

The Assistant Chief Executive presented the report which provided an overview of the current status of the programme and forthcoming reports which will be considered by Cabinet. In providing this review and forward plan it was the intention of the report to provide sufficient information for the overall monitoring of progress of the Programme, against the originally established timescales.

In addition, the report included an update in respect of both financial and risk related issues. Although the financial information was, at this stage,

limited due to the previously discussed intended savings profiles, it was the intention that these monitoring reports provide up to date information in relation to both savings achieved and the costs incurred for future meetings.

A discussion ensued on the implications of the forthcoming budget announcement from Central Government and it was confirmed that a number of areas within the business transformation programme had been put on hold pending this announcement. It was suggested that a meeting be scheduled with Cabinet Members and officers to discuss the implications of the forthcoming announcement and to review the position in relation to progressing the business transformation programme. The Assistant Chief Executive confirmed that arrangements were currently being put in place to facilitate these discussions.

The Chief Executive added that it was timely to review the position of business transformation in view of the change in Cabinet membership and possible changes in Central Government priorities.

### **Decision**

- (i) The progress made to date on the implementation of the programme and forthcoming reports to Cabinet included in the report were noted.
- (ii) A meeting be scheduled with all Cabinet Members and appropriate officers to review the current position of the business transformation programme and discuss the way forward.

## **256. Business Transformation – Service Delivery Options Review Programme Report** *(Assistant Chief Executive)*

### **Type of decision**

Non key.

### **Purpose of report**

To provide to Cabinet the delivery plans for a number of the year two reviews which form part of the Service Delivery Options (SDO) review programme.

### **Issue(s) for consideration by Cabinet**

The Assistant Chief Executive presented the report which contained the delivery plans of a number of the Year Two Service Delivery Options (SDO) reviews previously agreed as part of year two of the programme for this element of the Business Transformation programme and outline timescales for these first reviews. It was noted that all Service Delivery Options were

designed to deliver £1.2m as part of the 2011/12 Medium Term Financial Strategy, increasing to £2m in total.

It was noted that the options reports referred to in paragraph 6 were the reports referred to in minute 255 and were on hold pending the forthcoming Government announcements.

### **Decision**

The scope, inclusions and timescales for the reviews were noted.

## **257. National Support Team Recommendations Childhood Obesity - Presentation** *(Director of Child and Adult Services)*

### **Type of decision**

For information.

### **Purpose of report**

To introduce to the Cabinet a presentation on the National Support Team (NST) recommendations regarding childhood obesity in Hartlepool.

### **Issue(s) for consideration by Cabinet**

The Director of Public Health gave a comprehensive and detailed presentation which covered the following areas:

- Local strengths
- Potential good and innovative practice
- 11 themes with recommendations
- Next steps

It was noted that the joint working arrangement between the local Primary Care Trust and Local Authority through joint officer appointments was a unique opportunity to get the public health message across and should be built upon, especially through further publicity of the issues being addressed, particularly in relation to the prevention agenda and the benefits derived from that.

A discussion ensued on the importance of enabling children to play and be active and the fact that the installation of play equipment in various locations across the town should be applauded and further encouraged. A plea for more tolerance and respect across the generations was made. The benefits of children attending the local authority owned Carlton Camp were

also discussed and the Director of Child and Adult Services indicated that revenue generating initiatives were being explored to enable the sustainability of this excellent facility.

### **Decision**

The presentation was noted.

## **258. Quarterly Review of Strategic Risk Register** *(Head of Performance and Partnerships)*

### **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 Head of Performance and Partnerships presented the report which described the current position with regard to the Council's Strategic Risk Register following a review by all departments and Corporate Management Team Support Group (CMTSG). The review involved 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.

The risk that any future potential ash clouds could have on the forthcoming Tall Ships Race was questioned. The Director of Child and Adult Services indicated that this had been discussed, although not in the context of the risk register, and it was reported that the volcano was subsiding in activity.

### **Decision**

The review and amendments to the Council's strategic risk register and actions being taken to manage the risks was noted.

## **259. Quarter 4 – Corporate Plan 2009/10 Monitoring Report** *(Corporate Management Team)*

### **Type of decision**

None.

### **Purpose of report**

To inform Cabinet of the progress made towards achieving the Corporate Plan Actions.

### **Issue(s) for consideration by Cabinet**

The Assistant Chief Executive presented the report which described progress towards achieving the actions within the Corporate Plan using the traffic light system of Green, Amber and Red. The report provided an overview of Council performance, with separate sections providing more detailed information for each Portfolio Holder to consider.

It was highlighted that 96% of all targets had either been achieved or had acceptable progress. The reasons for the 3% of targets not achieved and plans to ensure this was addressed were included within the report.

### **Decision**

The current position with regard to performance was noted.

## **260. Perth Street Area Housing Market Renewal Scheme – Update on Site Boundary** *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 information relating to the financial or business affairs of any particular person (including the authority holding that information) (Para 3) - (Director of Regeneration and Neighbourhoods)*

### **Type of decision**

Non-key.

### **Purpose of report**

To describe and agree the inclusion of the Rovers Quoits Club, Grainger

Street within the Perth Street area Compulsory Purchase Order boundary.

### **Issue(s) for consideration by Cabinet**

The report briefly described the progress made since the Cabinet decision of 11 January 2010 on discussions with the Rovers Quoit Club. The report provided recommendations of how the scheme should be taken forward alongside justification of these recommendations.

It was noted that Cabinet had been very supportive of retaining the Rovers Quoit Club within the scheme for development and negotiations were ongoing with the Club. However, further information on the constitutional issues of the Club, including voting rights of the members, was awaited. It was suggested that members of the Club be invited to discuss progressing this development with Cabinet Members.

Members were informed that a decision to include the Club within the site boundary for compulsory purchase orders would enable the remainder of the development to be progressed and ensure that the allocated funding from the Homes and Community Agency was received, whilst allowing negotiations to continue with the Club. It was noted that failure to progress the whole area for development could jeopardise the funding from the Homes and Community Agency for the whole regeneration scheme.

A Member did raise a number of concerns with the inclusion of the Club within the site boundary for compulsory purchase, prior to the completion of discussions with the members of the Club and the legal costs involved in what appeared to be such drawn out negotiations. The Housing and Regeneration Policy Manager indicated that legal advice had been received that required the constitution of the Club to be examined to ascertain whether all members of the club had the right to vote on whether the Club was sold or redeveloped or whether this was the responsibility of a select committee of members before this issue could be progressed further.

Councillor Payne requested that his vote against the recommendations be noted.

### **Decision**

- (i) The inclusion of the Rovers Quoits Club on Grainger Street, Hartlepool within the Perth Street Area Compulsory Purchase Order (CPO) boundary was approved.
- (ii) That officers continue negotiations with members of the Rovers Quoits Club along with the investigation of relocation proposals should this be deemed necessary.
- (iii) That members of the Club be invited to a meeting with Cabinet Members to discuss a way forward.

The meeting concluded at 11.47 am.

**P J DEVLIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 28 MAY 2010**