

CABINET

MINUTES AND DECISION RECORD

6 September 2010

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

Present:

The Mayor, Stuart Drummond - In the Chair

Councillors: Jonathan Brash (Portfolio Holder for Performance Portfolio Holder)
Robbie Payne (Deputy Mayor) (Finance and Procurement Portfolio Holder),
Pam Hargreaves (Regeneration and Economic Development Portfolio Holder),
Gerard Hall (Adult & Public Health Services Portfolio Holder).
Cath Hill (Children's Services Portfolio Holder),
Hilary Thompson (Culture, Leisure and Tourism Portfolio Holder),

Also Present: Councillors Dr George Morris and Ray Wells.

Officers: Paul Walker, Chief Executive
Chris Little, Chief Finance Officer
Peter Devlin, Chief Solicitor
Joanne Machers, Chief Customer and Workforce Services Officer
Nicola Bailey, Director of Child and Adult Services
Dave Stubbs, Director of Regeneration and Neighbourhoods
Joanne Smithson, Head of Performance and Partnerships
Damien Wilson, Assistant Director (Regeneration and Planning)
Tom Britcliffe, Principal Planning Officer
Ian Bond, Ecologist
Alistair Rae, Public Relations Manager
James Walsh, Scrutiny Support Officer
David Cosgrove, Democratic Services Team

42. Apologies for Absence

Councillor Peter Jackson (Transport and Neighbourhoods Portfolio Holder).

43. Declarations of interest by members

The Mayor, Stuart Drummond and Councillor Robbie Payne declared a prejudicial interest in Minute no. 49.

44. Confirmation of the minutes of the meeting held on 16 August 2010

Confirmed.

45. Hartlepool Local Sites Review *(Director of Regeneration and Neighbourhoods)*

Type of decision

Budget and Policy Framework.

Purpose of report

To inform Cabinet of a recent review of Hartlepool's non-statutory nature conservation and geological sites and to propose changes to the list of those sites as recorded in the 2006 Hartlepool Local Plan. The report summarised the process of a review of non-statutory nature and geological conservation sites and recommends a number of such sites for designation in the Local Development Framework.

Issue(s) for consideration by Cabinet

The Mayor reported that the Council had undertaken a review of its non-statutory nature conservation sites. In parallel with this, the local geology group (Tees Valley RIGS) had undertaken a review of non-statutory geological sites. The review process has followed guidance produced by DEFRA in 2006 in their publication "Local Sites: guidance on their Identification, Selection and Management." The review had been overseen by the Tees Valley Local Sites Partnership. The partnership includes representation from all five Tees Valley unitary authorities, all of which had carried out their own Local Sites review.

There are 39 nature conservation sites and one geological conservation site currently listed in the 2006 Hartlepool Local Plan. Of the nature conservation sites, eight did not meet any of the current criteria therefore were proposed for de-designation. Certain of the other sites were amalgamated as they were adjacent to each other and had similar interest features. A further 15 new sites were identified as meeting the criteria. There were now 43 sites proposed for designation as Local Wildlife Sites. A further five geological sites have been identified bringing the total to six. The full list of Local Sites and further information on each of them could be found on the Council's website under Ecology.

Decision

That Cabinet endorses the findings of the Local Sites review and the amendments to the list of non-statutory nature conservation sites and that the amendment to the Local Development Framework be forwarded to Council for approval.

46. Core Strategy Preferred Options Report *(Director of Regeneration and Neighbourhoods)*

Type of decision

Budget and Policy Framework.

Purpose of report

To notify Cabinet of feedback from the public consultation on the Core Strategy Preferred Options Report, to highlight changes in national planning policy which will impact on the preparation of the Core Strategy and to seek guidance on next steps including the possible revisiting of the Preferred Options Stage.

Issue(s) for consideration by Cabinet

The Mayor reported on the consultation exercise carried out and the responses received to the Core Strategy Preferred Options Report. Since the Preferred Options document was published for consultation, there has been a change in Government and the new coalition has made a number of policy pronouncements with regard to planning. One of the most significant so far is the decision to abolish the Regional Spatial Strategy (RSS). Local authorities, therefore, no longer need to take account of the policies within the RSS.

The Mayor thanked the officers involved in the consultation exercise. The majority of the proposed changes were set out in section 4 of the report, including reference to the RSS and that there was now no need to reflect the regional housing numbers in the local document. This did now require a local review of new housing targets. The areas of potential new development – South Western Extension (Claxton/Brierton/Eaglesfield Road), Victoria Harbour, Wynyard Business Park, Tunstall Farm, Quarry Farm and Affordable Housing – were addressed in detail in the report with commentary on the consultation responses received from the statutory undertakings and the general public, and the views of the planning officers.

The Mayor had some significant concerns with the preferred options report as it stood after the consultation exercise. The report had been drafted at a time when Building Schools for the Future was still expected to happen in Hartlepool and the Regional Spatial Strategy housing targets were set and a new hospital was definitely going to be built. The new government had changed the political landscape significantly and the Mayor considered that it may be prudent to take a step back and re-consult on a document that was more in tune with the current circumstances. Such a re-consultation would also give the Council the opportunity to relook at the sites for development and the proposed number of new homes for the borough that was more in tune with the needs of Hartlepool. It was commented that the previous target set through the RSS of 395 new homes each year in the borough had been extremely difficult to achieve. The Mayor also stated that the changes in the ownership of the Victoria Harbour site and their wish to concentrate on industry rather than redevelopment changed matters

significantly. PD Ports had indicated informally that they would like to look at some small housing development sites, though the Mayor considered that this should be resisted. Victoria Harbour needed to be addressed in terms of a wider 'master plan' and not through piecemeal development.

If another consultation exercise was undertaken, and in order to address some of the comments on the 'visibility' of the previous consultation, it had been proposed that all those residents on the bounds of an area proposed for new development would be informed of the process by letter. Some of the proposed sites could change in terms of numbers and size or even removal. The Mayor commented that it would be essential to revisit the proposed new development areas. The development proposals for the Southwestern edge of the town would have to take account of the new situation with schools in that area. A development plan may incorporate a primary school to accommodate the number of households but that primary needed to have a secondary school in the area with the capacity to accommodate its pupils. Officers did indicate in the meeting that detailed school number forecasting was to be undertaken with officers in the Child and Adult Services department and these could be included in the revised document for consultation.

Cabinet Members indicated that it was important that the document was right in terms of future development as it would set the benchmark for the next fifteen to twenty years. It had to be acknowledged that with the removal of the Victoria Harbour site, the town could only extend outwards into the surrounding countryside. The change in the school situation also had to have increased weight in the new consultation.

Cabinet discussed in detail the concerns that it had with the issues surrounding the potential new development sites. These included the access and phasing of any development in the Southwestern area, the affects on the town centre of any new development, issues surrounding flooding, whether any sites should be removed or densities reduced and clarification of some of the concerns expressed by residents around affordable housing. Through this debate Cabinet made the following comments / conclusions in terms of the matters it would wish to see included / reflected in the new consultation document –

- The inclusion of affordable housing in new developments needed to be promoted a benefit for local people in providing houses that new starters could afford in their neighbourhoods.
- Affordable housing didn't need to be provided within in the development approved, i.e. executive housing developments at Wynyard for example could fund an element of housing improvement in town centre areas.
- The density of the Tunstall Farm proposal should remain at 60 houses/hectare.
- Consideration should be given to reducing the density of the Quarry Farm proposal to reduce some of the traffic concerns.
- Flooding amelioration had to be an integral part of any proposal and should be available for viewing by residents during the consultation

process.

- The planning process had to resist developers seeking changes to housing density and development plans after initial approval.
- There needed to be fairness applied across the town – what was applicable to one green-field site had to apply to the others.
- Piecemeal development of Victoria Harbour and Wynyard should to be resisted.
- The relationship between Wynyard and Hartlepool needed to be strengthened and promoted.
- The North Burn site north of the original Samsung development site at Wynyard should be removed from the preferred options sites as it was unlikely to be developed over the period of the plan.

After detailed discussions Cabinet agreed that it would be in the council's best interests to undertake a further consultation exercise. It was indicated that this would be for an eight-week period commencing in November. The Mayor indicated that the revised document would need to contain the amendments discussed at this meeting as well as the feedback from the first consultation. The revised document should also be discussed at further informal Cabinet meetings prior to the commencement of the second consultation period.

Decision

That a re-consultation exercise on a the Preferred Options document be undertaken following the development of a revised document incorporating the comments reported / discussed at this meeting.

47. Review of Parking Charges (*Director of Regeneration and Neighbourhoods*)

Type of decision

Key Decision tests (i) and (ii) applies. Forward Plan reference Number RN23 / 10.

Purpose of report

To examine and review the current level of permit and pay and display parking charges.

Issue(s) for consideration by Cabinet

The Director of Regeneration and Neighbourhoods reported on the current tariff charges and explained the recent changes to tariff structures / measures introduced to support business regeneration. In addition the report examined the implication of a projected budget under-recovery and set out options for possible charge increases.

Three options were set out in the report for cabinet's consideration. A revised tariff structure (no increase in overall charge), a 10p increase and revised tariff structure and a 20p increase and revised tariff structure. Comparative figures for parking in other neighbouring local authority areas

were also set out in an appendix to the report.

Cabinet discussed the options for price increases, though were mindful of increasing charges during the current economic situation. The Director commented that with the increase in VAT due in January, prices would have to rise in any event; the proposed increases would incorporate that change. Cabinet was concerned that the potential income from car parking could be seen to be simply too high, rather than charges being too low.

The Director indicated that there would be a further report to Cabinet reviewing car parking, which would include some of the issues raised at the meeting, such as charging for disabled parking spaces and student parking.

Decision

1. That Parking Charges increase by 10p per hour and that the extension of the hourly parking charge banding to additional car parks, following the success of the 12 month trial, also be implemented as detailed in Appendix A to the report
2. That the subsidy of the “free after 4pm” parking initiative at strategic sites close to Middleton Grange Shopping Centre be continued.

48. Inquorate meeting

Having declared a prejudicial interest in the following item, the Mayor, Stuart Drummond and Councillor Robbie Payne (Deputy Mayor) left the meeting during the consideration of the report. However, the departure of the Mayor and Deputy Mayor from the meeting left the meeting inquorate and unable to make a decision on the matter.

49. Community Pool 2010/2011 – Belle Vue Community Sports and Youth Centre *(Director of Child and Adult Services)*

Type of decision

Non-key.

Purpose of report

The purpose of this report is to advise and seek approval for the level of grant award to Belle Vue Community Sports and Youth Centre from the Community Pool for 2010/2011.

Issue(s) for consideration by Cabinet

The report outlined an application for funding from Belle Vue Community Sports and Youth Centre. Officers recommended that an award of £22,603 was approved as a contribution to the core costs of the group.

Decision

That the matter be deferred until such time as a quorum of Members could be maintained in order to reach a decision on the matter.

The Mayor, Stuart Drummond and Councillor Payne (Deputy Mayor) rejoined the meeting.

50. Quarter 1 – Corporate Plan and Revenue Financial Management Report 2010/2011 (*Corporate Management Team*)

Type of decision

None – the report was for Cabinet's information only.

Purpose of report

To inform Cabinet of the progress made towards achieving the Corporate Plan 2010/11 outcomes through planned actions and performance indicators and to provide details of the Council's 2009/10 Revenue Outturns.

Issue(s) for consideration by Cabinet

The Performance Portfolio Holder reported that overall performance was good, and in line with expectations at the start of the municipal year with all but one of the actions and 75% of Key Performance Indicators (KPIs) being judged as either on or above target. Tables 1 and 2 in the report summarised progress as at 30th June 2010, for each Portfolio Holder's responsibilities. More detail on performance for each portfolio was set out within the report. The Portfolio Holder highlighted that a date change to the completion of action RND OD002 "Agree a regional, sub-regional and local strategy in collaborative procurement" from 31 July to 29 October 2010 was requested.

The Finance and Procurement Portfolio Holder reported on the first financial management report for 2010/11 which reminded Members that the main issue affecting the Council's financial position in the current year was the Government decision to cut in-year grants. The proposed strategy for managing this position was approved by Council in August. This included allocating the forecast centralised estimates under-spend of £0.5m to help manage this position in the current year.

At this stage there were no other specific issues to bring to Cabinet's attention. The financial position would continue to be managed carefully for the remainder of the year. The next financial management report would be based on actual expenditure for the first six months of the financial year and will include details of forecast outturns for the year.

Decision

1. That the date change to action RND OD002, as reported, be approved.
2. That the report with regard to performance and revenue monitoring be noted.

51. Capital and Accountable Body Programme Outturn Report 2009/2010 (*Chief Finance Officer*)

Type of decision

None – the report was for Cabinet's information only.

Purpose of report

To provide details of the Council's overall Capital outturn for 2009/2010 and the Spending Programmes where the Council acts as the Accountable Body.

Issue(s) for consideration by Cabinet

The Finance and Procurement Portfolio Holder reported on the detailed outturn reports for Capital for each Portfolio along with an outturn for the spending programmes where the Council acts as the Accountable Body.

Decision

That the report be noted.

52. Quarter 1 – Capital and Accountable Body Programme Monitoring Report 2010/11 (*Chief Finance Officer*)

Type of decision

None – the report was for Cabinet's information only.

Purpose of report

To provide details of progress against the Council's overall Capital budget for 2010/2011 and the spending programmes where the Council acts as the Accountable Body for the period to 30th June, 2010.

Issue(s) for consideration by Cabinet

The Finance and Procurement Portfolio Holder reported on the detailed monitoring information for each Portfolio up to 30th June, 2010.

Decision

That the report be noted.

53. Revenue Outturn Report 2009/2010 (*Chief Finance Officer*)

Type of decision

None – the report was for Cabinet's information only.

Purpose of report

To provide details of the Council's overall Revenue Outturn for 2009/2010.

Issue(s) for consideration by Cabinet

The Finance and Procurement Portfolio Holder reported on the final outturn position for 2009/2010. Previous monitoring reports integrated both performance information and budget monitoring information. A report on performance against Performance Indicators for 2009/2010 would be presented to Cabinet in September 2010. This Revenue Outturn report would be referred to Scrutiny Co-ordinating Committee on 3rd September, 2010. This arrangement will ensure that Scrutiny Co-ordinating Committee is provided with details of the final outturn as soon as practical.

Decision

That the report be noted.

54. Health White Paper: Equity and Excellence: Liberating the NHS (July 2010) *(Director of Child and Adult Services)*

Type of decision

Non-key.

Purpose of report

The purpose of this report is to present to the Cabinet a summary paper of the Health White Paper: Equity and Excellence: Liberating the NHS (July 2010).

Issue(s) for consideration by Cabinet

The Adult and Public Health Services Portfolio Holder reported that the NHS White Paper is radical and far reaching in how it will transform the current arrangements for commissioning, providing, performance managing and holding to account National Health Service (NHS) services. It was also hugely significant to the Local Authority as it placed a requirement on the Council to assume new responsibilities in relation to health services, public health and health improvement.

The abolition of the Primary Care Trusts (PCTs) and the Strategic Health Authorities was creating great concern as the duty for commissioning services was to be passed to General Practitioners (GPs) who had indicated that they were not particularly happy with this transfer. The transfer to the local authority of the duty in relation to public health improvement may not in itself be unwelcomed, but it did need to come with the appropriate finance to carry out the function. The Portfolio Holder was also concerned at the potential loss of the excellent joint working between the council and the PCT through the joint appointments and teams that had been developed over recent years.

The Portfolio Holder also had concerns for the future of the NHS as the white paper referred to a Public Health Service. There was also expected to be a further white paper in the near future on Adult Care Services.

The Portfolio Holder drew Cabinet's attention to the report submitted by the Chair of the Health Scrutiny Forum on the white paper and thanked the Chair of the Forum and the Chair of the Scrutiny Coordinating Committee for holding a joint meeting so quickly to determine a scrutiny response to the white paper. The comments set out in the report encapsulated much of the Portfolio Holders own comments and it was suggested by Cabinet members that the scrutiny comments should be utilised in drawing together a joint response to the white paper. It was also suggested that time allowing, consultation with local stakeholders should be undertaken in advance of the response being forwarded to government. The Director of Child and Adult Services commented that the closing date for the submission of comments to the government was 11 October. The Director also indicated that the Tees Health Scrutiny body was also considering a response to the white paper.

Decision

That the Adult and Public Health Services Portfolio Holder be authorised to prepare a joint response with the Chair of the Health Scrutiny Forum and the Director of Child and Adult Services with any appropriate comments from Stakeholders for submission to government.

55. Responding to the White Paper: Equity and Excellence: Liberating the NHS (July 2010) and Liberating the NHS: Local Democratic Legitimacy in Health Consultation (Chair of Health Scrutiny Forum)

Type of decision

Non-key

Purpose of report

To provide Cabinet with the comments of the Members of the Scrutiny Coordinating Committee and Health Scrutiny Forum in relation to the White Paper 'Equity and Excellence: Liberating the NHS' and the consultation document 'Liberating the NHS: Local Democratic Legitimacy in Health'.

Issue(s) for consideration by Cabinet

Members of the Scrutiny Co-ordinating Committee and Health Scrutiny Forum jointly met on 27 August 2010 to formulate a response to the White Paper 'Equity and Excellence: Liberating the NHS' and the consultation document 'Liberating the NHS: Local Democratic Legitimacy in Health'.

The statement set out in the report would be utilised by Scrutiny Members as their response direct to the Government, the Tees Valley Health Scrutiny Joint Committee, Hartlepool LINK and any other relevant bodies seeking Scrutiny's views in relation to the White Paper 'Equity and Excellence: Liberating the NHS' and the consultation document 'Liberating the NHS: Local Democratic Legitimacy in Health'.

Decision

That the report be noted and utilised in the preparation of a joint response to government as agreed in Minute 54.

56. Travel Efficiency Plan (*Director of Regeneration and Neighbourhoods and Chief Customer and Workforce Services Officer*)

Type of decision

Key decision. Test (i) applies. Forward Plan reference CE 37/10.

Purpose of report

To advise Members of a travel efficiency plan which consists of changes to the payments to staff and Elected Members who use their private vehicles for Council business and a salary sacrifice scheme for employees and members for car leasing that accrues savings in employer costs and to seek Cabinet's decision on the proposed travel efficiency proposals.

Issue(s) for consideration by Cabinet

The Performance Portfolio Holder reported that a report was considered by Cabinet on 10 March 2010 regarding the car allowance review. Cabinet agreed to delay the required savings until 2011/12 on the basis that the Council had made financial provision for a pay award in 2010/11 which was not required given that the Local Government Employers' Organisation made no offer of a pay award for 2010/11. Negotiations have continued and options for Cabinet's consideration were set out in the report. The Portfolio Holder highlighted that the changes would not affect the vast majority of staff.

Cabinet had also approved in principle the introduction of a salary sacrifice car lease scheme for all employees and since then officers had progressed investigations into a car lease salary sacrifice scheme within this financial year at no cost to the Council. The initial scheme considered, as used by Newcastle City Council, could not now be pursued due to restrictions in relation to the procurement element of the scheme therefore excluding other parties from participating in the contract. A revised proposal was set out in Paragraph 4 for Cabinet's consideration. The Chief Customer and Workforce Services Officer commented that she believed the option now set out in the papers for the car lease salary sacrifice scheme was a more beneficial scheme.

A Cabinet Member raised concern at some of the new proposed mileage rates being in conflict those recommended by Her Majesties Revenues and Customs (HMRC). The Chief Finance Officer commented that the higher rates of allowance were not used by the authority and all payment information was forwarded to HMRC.

Officers indicated that the provision of pool cars was still being considered. At the moment hire cars were brought in for officers travelling longer

distances when this was more economic than paying mileage allowance. The issue of carrying passengers was still being discussed as it did rely on the goodwill of the car owner and pool cars may be in the council's best interest in such circumstances. It was expected that the provision of pool cars would not incur any additional financial resources. The experience in other authorities was that savings had actually arisen through the use of pool cars. Cabinet members requested a detailed list of all officers currently in receipt of essential car user allowance. Officers indicated that would be forwarded to members and that it had also been provided to the Trade Unions as part of the negotiations process.

Of the options submitted to Cabinet, Option C, as set out in exempt appendix B to the report, should be adopted as the preferred option regarding the withdrawal of essential user lump sum allowances and the application of a single mileage rate to enable consultations with staff and the Trade Unions to be concluded. It was highlighted by the Portfolio Holder that there was specific request in relation to this set out in the exempt appendix that required Cabinet's consideration. Cabinet agreed that it would consider this matter separately to the remaining recommendations set out in the report.

In relation to the contribution to the pension fund, Cabinet questioned how this would be funded. The Chief Financial Officer indicated that any contribution to the fund, if it was required, would be funded from the savings accrued through the implementation of this new scheme. The contribution was only a possibility, though it was essential that Cabinet was aware of the potential for such a payment. The experience from other authorities was that Salary Sacrifice schemes tended to take a while to take off with staff.

Decision

1. That Cabinet approves Option C as the preferred option regarding the withdrawal of essential user lump sum allowances and the application of a single mileage rate to enable consultations to be concluded. A further report to be submitted to Cabinet to confirm the outcome of the trade union ballot.
2. Cabinet approves the introduction of a pilot of the salary sacrifice car-leasing scheme as outlined in the report.
3. Cabinet approves the proposal to earmark national insurance savings to offset the loss of car loan income and earmark pension savings to make a one-off contribution to the pension fund in 2013 if this is needed to protect the Council's financial position.
4. Cabinet to approve the proposals to earmark the pension saving to make a one-off lump sum payment to the pension fund in 2013 if this is necessary.

57. 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 2006.

Minute 58 'Travel Efficiency Plan', paragraph 3; information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

58. Travel Efficiency Plan (*Director of Regeneration and Neighbourhoods and Chief Customer and Workforce Services Officer*)

Type of decision

Key decision. Test (i) applies. Forward Plan reference CE 37/10.

Purpose of report

To advise Members of a travel efficiency plan which consists of changes to the payments to staff and Elected Members who use their private vehicles for Council business and a salary sacrifice scheme for employees and members for car leasing that accrues savings in employer costs and to seek Cabinet's decision on the proposed travel efficiency proposals.

Issue(s) for consideration by Cabinet

Cabinet considered a request submitted by the Trade Unions in respect of the changes to the payments to staff who use their private vehicles for Council business.

Decision

The decision of cabinet in relation to this request is set out in the exempt section of the minutes.

The meeting concluded at 11.45 a.m.

P J DEVLIN

CHIEF SOLICITOR

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