

CABINET

MINUTES AND DECISION RECORD

15 August 2011

The meeting commenced at 9.15 am in the Civic Centre, Hartlepool

Present:

The Mayor, Stuart Drummond - In the Chair

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

Also Present Councillors:

Marjorie James, Chair of Scrutiny Co-ordinating Committee
Chris Simmons, Vice Chair of Scrutiny Co-ordinating Committee
Stephen Akers-Belcher, Chair of Health Scrutiny Forum
Stephen Thomas, Chair of Neighbourhood Services Scrutiny Forum
Kevin Cranney, Carl Richardson and Angie Wilcox

Officers:

Paul Walker, Chief Executive
Andrew Atkin, Assistant 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
Louise Wallace, Assistant Director, Health Improvement
Alastair Smith, Assistant Director, Transport and Engineering
Damien Wilson, Assistant Director, Regeneration and Planning
Diane Martin, Principal Economic Development Officer
Dennis Hancock, Principal Engineer
Matthew King, Principal Planning Officer
Alastair Rae, Public Relations Manager
Joan Stevens, Scrutiny Manager
James Walsh, Scrutiny Support Officer
Elaine Hind, Scrutiny Support Officer
Angela Armstrong, Principal Democratic Services Officer

60. Apologies for Absence

Apologies for absence were received from Councillor Peter Jackson.

61. Declarations of interest by Members

Councillor Pamela Hargreaves declared a personal interest in minutes 65, 67, 68, 70 and 72.

Councillor Jonathan Brash provided a personal explanation and reasons which confirmed that he did not have an interest in minute 70.

62. Minutes of the meeting held on 1 August 2011

Received.

63. Scrutiny Investigation into 'Connected Care' – Action Plan *(Director of Child and Adult Services)*

Type of decision

Non key.

Purpose of report

To agree an Action Plan in response to the findings and subsequent recommendations of the Health Scrutiny Forum's investigation into 'Connected Care'.

Issue(s) for consideration by Cabinet

At the Cabinet meeting of 4 July 2011 (reconvened on 7 July 2011), Members considered the Final Report from the Health Scrutiny Forum into 'Connected Care' and made the following decision:-

“That the recommendations....of the Health Scrutiny Forum following its investigation into 'Connected Care' be approved and adopted”

However, in relation to the proposed Action Plan, Cabinet Members made the following recommendation:-

“That the Action Plan in response to the recommendations of the Health Scrutiny Forum's investigation into 'Connected Care' be deferred for further consideration.”

The Portfolio Holder for Adult and Public Health Services presented the

report which provided a brief background information into the 'Connected Care' scrutiny investigation and a revised proposed Action Plan attached at Appendix A in response to the Scrutiny Forum's recommendations. The Portfolio Holder commented that connected care was an excellent model which had been developed in the Owton Ward for the benefit of Hartlepool residents and confirmed that this success had been endorsed by various Government ministers as well as through an independent evaluation that had been undertaken.

It was noted that the Adult and Community Services Scrutiny Forum were currently undertaking an investigation into Reablement Services which covered a wide area across health and social care with the aim of reducing dependency on long term services and encouraging independent living. It was highlighted that the Primary Care Trust had provided funding to support the provision of Reablement Services and this included the connected care model.

During the discussions all Members fully supported the roll out of connected care to other areas of the town whilst emphasising the importance of ensuring the full involvement of local residents and organisations who were aware of the particular needs in those areas. However, the expertise and experience gained by the organisations that spear headed connected care in the Owton Ward would be key to supporting the further success of this model as it was rolled out to other areas of the town.

Clarification was sought on the current financial implications of the contracts mentioned in the action plan. The Director of Child and Adult Services confirmed that prior to finalising any contract, the local authority undertakes a series of accreditation checks including finance and risk assessments of the organisation that is due to be awarded the contract. In the case of Who Cares NE these checks had highlighted that the local authority would be left at financial risk if the contract had been awarded as proposed as the required financial assurances could not be provided. Members were asked to note that Counsel's advice on contractual issues was being sought. However, a Member highlighted that the unavailability of the required information was in no way a reflection on the organisation proposed to deliver the contract as it was often the case with relatively new organisations that were unable to provide financial information for over three years. In response to a question from a Member, the Director of Child and Adult Services confirmed that the Directors of Who Cares North East were from local organisations and this would be expanded to include other Directors from other relevant local areas as appropriate. The details of the membership of Who Cares North East could be provided should Members request.

The Director of Child and Adult Services confirmed that a further report was being prepared for cabinet to update on the future plans for connected care contracts. In addition, the scrutiny action plan would also be strengthened to recognise that rolling out the connected care model to other areas of the town would bring together existing services specific to those local

communities. A Member referred to a number of questions raised previously including accountability and governance of the community interest company Who Cares NE which needed to be answered before the roll out of connected care took place and it was suggested that to aid Members' consideration of the issues, the answers to these questions be incorporated within the report to be submitted to the next meeting of Cabinet.

A Member requested that clarification be provided on the contract procedure rules and possible exemptions to these rules. It was agreed that the information be circulated to members after the opinion of counsel had been sought.

Members were concerned that the funding of £650k over 2 years had been made available by the Primary Care Trust and needed to be utilised to ensure that local people receive the services they need. The Director of Child and Adult Services indicated again that the assurances required through the technical accreditation within contract procedure rules was prevented the awarding of the contract to Who Cares NE at this point. A Member noted that one suggestion was that the local authority administer the funding to ensure that these services were rolled out via Who Cares NE. The Director of Child and Adult Services confirmed that discussions were ongoing with the Primary Care Trust in relation to the contractual issues for connected care and to identify short to medium term solutions to ensure this funding was utilised effectively. Members were reminded that the local authority had a responsibility with the PCT to ensure that reablement services were in place and as such a solution must be developed to ensure the roll out of these services was implemented.

Decision

- (i) That consideration of the action plan be deferred to the next meeting of Cabinet.
- (ii) That a further report be submitted to the next meeting of Cabinet including the clarification requested above in relation to a way forward for the delivery of connected care. .

64. Matters arising from the Minutes of the meeting on 1 August 2011

The Chief Executive referred to minute 59 of the meeting held on 1 August 2011 and provided a copy of the report considered at that meeting.

During the discussions that followed there was concern expressed by Members at committing to a contract for one isolated post with another local authority when a restructure of the Chief Executive's Department may provide a higher level of savings and it was noted that Members had suggested this restructure previously. It was further suggested the proposal to share the Head of HR post with Darlington Borough Council be rejected.

The Chief Executive responded that the number of chief officer posts has already been reduced from 31 to 17/18. As part of this proposal and the proposed ICT and Revenues and Benefits contract, the current duties and responsibilities of the Chief Customer and Workforce Services Officer would be restructured across the Chief Executive's Division. It was also suggested by Members that a wider debate on the possibility of shared arrangements with other local authorities be held at Cabinet level.

It was noted that the proposal to share a Head of HR Post was the result of the Assistant Director, Human Resources at Darlington retiring and this was an opportunity to save a substantial amount of money through collaboration with another neighbouring local authority. However, Members reiterated that was only the start of the necessary savings and that further opportunities for savings should be continuously explored.

There was additional concern expressed at the potential detrimental effect on this local authority at sharing a post and whether working between two authorities would put an increased strain on the officer concerned. The Chief Executive responded that a report on the wider potential of sharing services with other local authorities had been commissioned and would be finalised in the next few weeks. Members were asked to note that approximately half of the current duties of the Chief Customer and Workforce Services Officer would be redistributed across the remaining Chief Executive's Department which would result in half of the post holder's time being available to Darlington as part of the sharing arrangements. In relation to an increased strain on the officer concerned, the Chief Executive indicated that there was an increased strain on all officers working for the local authority in view of the recent budgetary and staffing reductions. In particular he expressed concerns about the long hours being worked, and the heavy workloads of all chief officers, as a consequence of the reduction in numbers, but pointed out that he is well aware of the Council's duty to its employees, as a responsible employer.

A Member noted that it was inevitable that sharing posts with other local authorities would be the way forward but that this would be through innovative ways of working. The Mayor informed Members that he had met with the Leader of Darlington Borough Council and during the discussions it was suggested that as well as the regular reviews of this joint arrangement that would be programmed in throughout the duration of the agreement, that a 'break out' clause be written into the agreement to ensure that either party can remove themselves from the agreement at any time should they feel it necessary. It was also suggested that Cabinet Members from both local authorities should meet at the earliest opportunity to explore the potential of working together in other areas. The Chief Executive confirmed that the report summarised the position along with the identified risks and was not intended to provide full details of the contract arrangements.

There was concern expressed by a Member that some of the schools that 'buy back' the Human Resources services may suffer from reduced support from HR. The Chief Executive confirmed that the advice currently provided

to schools as part of the 'buy back' service would continue and that when asked, the vast majority of schools had indicated that they were happy with the level of service currently provided.

A Member commented that there had been a suggestion that the proposal to share the Head of HR post be rejected and that a restructure of the Chief Executive's Department be undertaken. It was further suggested that both the proposal to share the post and a restructure of the Chief Executive's Department could be undertaken. During the discussions that followed it was noted that a report would be submitted to a future meeting of Cabinet that would provide details of the work undertaken to date on the feasibility of shared working with other local authorities. The Chief Executive indicated that in view of the impending retirement of the post holder at Darlington, a decision on whether or not to share the Head of HR post was now required to enable contractual arrangements to be put in place.

It was noted that Members had to make some difficult decisions in the last 12 months, including making people redundant but ultimately, Members priority was to protect services for the residents of the town to the best of their ability. It was inevitable that there would be redundancies but Members did try to identify savings that had the least impact on employees in the first instance. The proposal to share the Head of HR post with Darlington would not impact on the services provided to the residents of the town and may even generate further savings through the reallocation of duties and responsibilities or additional shared working.

The Chief Executive emphasised the difficult budgetary situation facing the local authority with savings in total of £7.5m required from next year's budget.

A discussion ensued on potential savings that could be identified through restructuring the Chief Executive's Department. The Assistant Chief Executive declared an interest and left the meeting during these discussions.

In relation to the suggestion to reject the proposal, an amendment was suggested that the report be deferred to the next meeting of Cabinet. This amendment was accepted.

Decision

That the report examining the partnership with Darlington Borough Council for Joint Head of HR role be deferred to the next meeting of Cabinet.

The Assistant Chief Executive rejoined the meeting.

65. Food Law Enforcement Service Plan 2011/12 (*Director of Regeneration and Neighbourhoods*)

Type of decision

Budget and Policy Framework

Purpose of report

To consider the Food Law Enforcement Service Plan for 2011/2012 which was a requirement under the Budget and Policy Framework.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Adult and Public Health Services presented the report which set out details of Hartlepool's Food Law Enforcement Service Plan 2011/12. The plan was a requirement of the Food Standards Agency and formed the basis on which the Authority may be monitored and audited to verify whether the service provided was effective in protecting the public. The plan set out the Council's aims in respect of its food law service. Whilst focussing on 2011/12, it also identified longer term objectives as well as a review of performance for 2010/11.

The Portfolio Holder added that the Plan had been considered by the Neighbourhood Services Scrutiny Forum and he was not aware of any issues identified by the Forum. The Director of Regeneration and Neighbourhoods confirmed that whilst a number of questions had been asked by Members of the Scrutiny Forum, there were no issues of concern raised.

Decision

The Food Law Enforcement Service Plan was recommended to Council for approval.

66. Youth Justice Strategic Plan 2011-12 (*Director of Child and Adult Services*)

Type of decision

Non key.

Purpose of report

To present the Youth Justice Strategic Plan to Cabinet for approval in accordance with the Council's Budget and Policy Framework.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Children's Services presented a report which detailed the legislative framework which required the production of a Youth Justice Strategic Plan. A final draft Plan was attached at Appendix 1 for approval by Cabinet. The Plan met the requirements of the Youth Justice Board and outlined the service priorities for 2011/12 which build on those agreed in 2010/11.

A Member sought clarification on the breakdown of the statistics into all age groups, including young people, for alcohol and links to crime. The Director of Child and Adult Services confirmed that that level of detail was available should Members request it.

Decision

The Youth Justice Strategic Plan 2011/12 was recommended to Council for approval.

67. Open Public Services White Paper (*Assistant Chief Executive*)

Type of decision

Non key.

Purpose of report

To brief Cabinet on the Open Public Services White Paper and to ask Cabinet to consider whether they wish to submit a response to the consultation questions posed in the White Paper and set out in Appendix 1.

Issue(s) for consideration by Cabinet

The Assistant Chief Executive presented a report which summarised the key elements of the Open Public Services White Paper and outlined those areas of particular relevance to the Local Authority.

A discussion ensued on the content of the White Paper and the five

principles set out to guide the design and delivery of public services for the future. It was noted that the professionalism and expertise of local government officers prevented things going wrong through licensing, the care quality commission and enforcement. Members did not support the proposals contained within the White Paper and felt very strongly that the excellent public services that were currently delivered by the local authority should be highlighted.

A Member questioned the definition of neighbourhoods and the Assistant Chief Executive confirmed that there were a number of areas where the regulations and technical detail was yet to be provided. It was suggested that the response should include reference to any areas with a population below 100k being classed as a neighbourhood authority.

Decision

- (i) The report and publication of the Open Public Services White Paper were noted.
- (ii) That the Assistant Chief Executive prepare a response to the consultation questions posed in the White Paper based on Members comments noted above.

68. 20's Plenty Traffic Calming Measures – Outcome of Town-Wide Consultation (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non key.

Purpose of report

To advise on the outcome of the recent town-wide consultation on the implementation of a 20's Plenty scheme across the town, and make proposals on the way forward as a result.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Regeneration and Economic Development presented the report which contained a brief history of the 20's Plenty Scrutiny process to date together with the outcome of the recent town-wide consultation. It was noted that as a result of the consultation, 62 responses were received. Of these, 18 specifically referred to a request by residents in the area for the scheme to be extended to include Warrior Drive (not originally identified as one of the roads to be subject to a 20 mph limit). Of the remaining responses, 35 were against the introduction of a town-wide

20 mph speed limit, whilst the other 9 supported it.

In view of the level of responses received, Members were generally of the view that this scheme should not be implemented on a town wide basis. However, Members continued to support the introduction of 20 mph around schools. In addition to this, should any specific community request that the introduction of a 20 mph be introduced in their area, as the residents of the Warrior Drive area had, this would be considered on its own merits.

Decision

- (i) That due to the low and negative response to the consultation exercise over the introduction of a town-wide 20 mph speed limit, officers continue to work with Members to identify more localised areas in which the speed limit could be introduced.
- (ii) That the introduction of 20 mph speed limit on Warrior Drive be considered in line the consultation responses received from residents in that area.

69. Local Infrastructure Plan (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non key.

Purpose of report

To seek Cabinet approval to the draft Local Infrastructure Plan which forms part of the Core Strategy evidence base.

Issue(s) for consideration by Cabinet

The Mayor presented the report which explained the purpose of the Local Infrastructure Plan (LIP), outlined the main elements of the Plan which was attached as an appendix to the report, and sought approval to the content of the Plan which was to be used as a basis for consultation with statutory consultees and key stakeholders.

A Member sought clarification on the consultees referred to in the report. The Principal Planning Officer confirmed that this was statutory consultees such as the Highways Agency, Natural England and other key stakeholders such as British Telecom and utility providers as well as other local authority departments.

Decision

The draft Local Infrastructure Plan was approved.

70. Hartlepool Shadow Health and Wellbeing Board

(Director of Child and Adult Services)

Type of decision

Non-key.

Purpose of report

The report was intended to inform Cabinet of the policy background of the NHS reform that required each Council to establish a Health and Wellbeing Board. The paper highlighted the issues associated with this and made recommendations as to how to establish a shadow board.

Issue(s) for consideration by Cabinet

The Portfolio for Adult and Public Health Services presented a report which outlined the policy background requiring areas to establish Health and Wellbeing Boards; the remit of the board and issues in establishing a board including membership. The report also proposed a terms of reference for the Board and governance arrangements as well as a timetable for implementation. The Portfolio Holder welcomed more local democratic involvement in health matters to enable elected Members to have a real role in defining how health services were provided in Hartlepool.

A discussion ensued on the Board's power to discharge executive functions of the Council. The Assistant Director, Public Health confirmed that these proposals formed part of the NHS reforms and further detailed guidance was expected. It was confirmed that these proposals were for a shadow board with the full arrangements being implemented in 2013. This would enable a critical look at how the arrangements would be implemented whilst keeping the pathfinder status on track. The Director of Child and Adult Services confirmed that the Health and Wellbeing Board would discharge the local authority's well being powers and membership would include officers from the local authority and NHS and elected Members. In addition to this it was suggested that there would likely be an element of local determination in relation to exercising executive functions.

There was some concern at the accountability of unelected representation on the Board and that the responsibility of elected Members may be diluted. It was therefore suggested by a Member that as the Board would be subject to overview and scrutiny, executive Members should form the

elected Member representation on the Board. It was suggested that all recommendations be approved with the exception to 6.9 which refers to amendments to the Constitution. The Chief Executive confirmed that the Constitution would need to be amended to formally reflect the terms of reference for the Shadow Board. Members were of the view that once further detailed guidance was produced, a report could be submitted to Constitution Committee as and when necessary.

Decision

- (i) It was noted that the Health and Wellbeing Boards would be able to 'discharge executive functions of the Local Authority.
- (ii) In view of the Board's responsibility to discharge executive functions of the Local Authority, only Executive Members be appointed to the Board, with the Elected Mayor as Chair of the Board for the first year.
- (iii) The development of the Shadow Health and Wellbeing Board in light of the reviewed of the Local Strategic Partnership arrangements.
- (iv) The proposed terms of reference were noted and the shadow Health and Wellbeing Board be established by the end of September 2011 and be supported by Democratic Services.
- (v) That a further report be received in respect of the establishment of the formal Health and Wellbeing Board when the requirements had been fully established and full guidance was available.
- (vi) That the potential constitutional implications of establishing a Health and Wellbeing Board be referred to Constitution Committee as and when more guidance was made available.

71. PFRA – Preliminary Flood Risk Assessment Report (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non-key.

Purpose of report

To present the Preliminary Flood Risk Assessment (PFRA) report for Hartlepool produced in compliance with the Flood Risk Regulations 2009.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Finance and Procurement presented a report which provided the background to the Flood Risk Regulations and summarises the conclusions of the PFRA. It was noted that the next steps would be to accept the findings of the PFRA and forward the completed report to the Environment Agency who will review and send to Europe to comply with

the Regulations. Members were informed that the PFRA cycle would commence again in 2016 and the importance was noted of maintaining accurate records of flooding events in Hartlepool.

In response to a question from a Member, the Principal Engineer in attendance confirmed that it was hoped that funding could be secured through the Surface Water Management Plan for any areas with a high flood risk within the town.

Decision

The conclusion of the PFRA that although Flood Risk Areas do exist within Hartlepool, there were no Flood Risk Areas within Hartlepool which were of National significance was noted and Officers were authorised to forward the PFRA to the Environment Agency.

72. Department for Work and Pensions – New Funding Opportunities 2011 *(Director of Regeneration and Neighbourhoods and Director of Child and Adult Services)*

Type of decision

Non key.

Purpose of report

To inform Cabinet of three new funding opportunities to tackle worklessness, which were being made available by the Department of Work and Pensions (DWP).

Issue(s) for consideration by Cabinet

The Portfolio Holder for Regeneration and Economic Development presented the report which outlined new DWP funding streams that may offer opportunities for the Council and the Hartlepool Works consortium to develop and implement new employability programmes, supporting non economically active residents. The brief for each of the following funding opportunity was outlined in the report:

- Flexible Support Fund
- Innovation Fund
- ESF Support for Families with Multiple Problems

Members were fully supportive of applying for any funding that supported people to gain employment and a reassurance was sought that all necessary arrangements would be in place and where appropriate the

community and voluntary sector involved to ensure that as much funding as possible was secured.

The Assistant Director, Regeneration and Planning confirmed that all possible opportunities to secure external funding were always pursued but that one of the biggest problems securing ESF funding was the match funding element. The Chief Executive confirmed that ESF funding had been suspended for a while as there were concerns that organisations may not be able to secure match funding, especially in view of recent Government cuts affecting local authorities who were the main providers of match funding. However, the Government were currently exploring alternatives to match funding criteria.

The Portfolio Holder noted with interest the Government's review of the match funding criteria. Members were informed that there appeared to be lots of different funding initiatives being launched to try and stimulate innovation and the Economic Team were working very hard to create and submit bids to ensure as much external funding was secured as possible.

It was noted that there would be subsequent reports submitted to gain Cabinet approval to deliver any successful bids for the three funding opportunities outlined in the report. These decisions were likely to be key decisions subject to the outcome of the bidding process.

Decision

The report was noted.

73. Southern Cross Healthcare (*Director of Child and Adult Services*)

Type of decision

For information only.

Purpose of report

To provide Cabinet with an update in respect of Southern Cross Healthcare following the recent announcement that the company had suspended trading of its shares on the stock market and intends to work with its landlords to manage the transfer of all of its care homes to alternative care operators.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Adult and Public Health Services presented a

report which provided some background information on Southern Cross, the impact in Hartlepool of its decision to cease operations and how the Council will work with Southern Cross and its landlord to ensure a smooth transition to a new care operator for Elwick Grange Care Home. The Portfolio Holder noted that the issues with Southern Cross had been well documented and the priority now was to ensure that the transition to a new care operator did not affect residents of Elwick Grange.

A Member sought clarification on the reference in the report to the fact that the local authority had suspended new placements to Elwick Grange until sustained improvement was demonstrated. The Director of Child and Adult Services confirmed that a moratorium had been issued for Elwick Grange for approximately 18 months as a result of an inspection report and regular contract monitoring prior to the recent problems faced by Southern Cross. When the decision to implement a moratorium was taken, the Portfolio Holder, residents and their families were informed. This was regularly reviewed and would be lifted once the local authority was reassured about the quality of service offered to the residents and a record of improvements had been consistently implemented. There was some concern that Members who represented the Ward that Elwick Grange was situated in had not been informed of these issues. The Director of Child and Adult Services suggested that a quarterly report could be submitted to the relevant Portfolio Holder highlighting any action, such as moratoriums that had been put in place. However, Members were asked to note that such actions may only be taken for minor breaches which were quickly resolved and the moratorium removed. Members were reassured that any instances of moratoriums being instigated for serious issues such as safeguarding were already informally reported to the Portfolio Holder.

Decision

The report was noted.

The meeting concluded at 11.51 am

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 19 August 2011