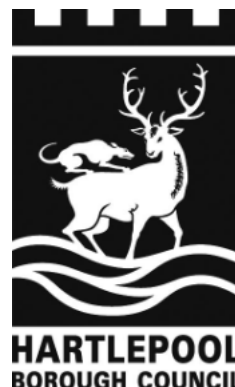


# CABINET AGENDA



**Monday 19 September 2011**

**at 9.15 a.m.**

**in the Council Chamber,  
Civic Centre, Hartlepool.**

MEMBERS: CABINET:

The Mayor, Stuart Drummond

Councillors Brash, Hall, Hargreaves, Hill, Jackson, Payne and H Thompson.

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

To receive the Record of Decision in respect of the meeting held on 30 August 2011  
(previously circulated)

**4. BUDGET AND POLICY FRAMEWORK**

No items

**5. KEY DECISIONS**

- 5.1 Raby Road Corridor – General Vesting Declaration (GVD) – *Director of Regeneration and Neighbourhoods*
- 5.2 Community Asset Transfer – Community Centres – *Director of Child and Adult Services & Director of Regeneration and Neighbourhoods*

**6. OTHER ITEMS REQUIRING DECISION**

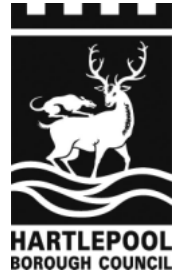
- 6.1 Response to Open Public Services White Paper – *Assistant Chief Executive*
- 6.2 Falcon Road Consultation Results – *Director of Regeneration and Neighbourhoods*
- 6.3 British Youth Council ASDAN Councillor Shadowing Award – *Director of Child and Adult Services*

**7. ITEMS FOR DISCUSSION/INFORMATION**

- 7.1 Alternative Education – *Director of Child and Adult Services*

## **CABINET REPORT**

19th September 2011



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** RABY ROAD CORRIDOR – GENERAL VESTING DECLARATION (GVD)

---

### **SUMMARY**

#### **1. PURPOSE OF REPORT**

To seek authorisation from Cabinet to implement the Borough of Hartlepool (Land at Perth, Hurworth and Gray Streets, Tumbull Street (Nos. 47 to 68), West Hartlepool Rovers Amateur Quoits Club Grainger Street, Grainger Street (Nos. 1 to 21) Raby Road (Nos. 144 to 160 (even)) and No. 40 Brougham Terrace, North Central Hartlepool) Compulsory Purchase Order 2010 (“the CPO”) by means of making a General Vesting Declaration and taking all related steps.

#### **2. SUMMARY OF CONTENTS**

The report provides an update of the current position in relation to the Raby Road Corridor housing regeneration site. The report includes details of the CPO process including the making of a General Vesting Declaration and update on development proposals for the scheme and human rights considerations.

#### **3. RELEVANCE TO CABINET**

The report has strategic relevance across a range of Portfolios and is key to the Community Safety and Housing Portfolio.

#### **4. TYPE OF DECISION**

Forward Plan Key Decision RN76-11 Key Test 1

#### **5. DECISION MAKING ROUTE**

Cabinet 19<sup>th</sup> September 2011.

**6. DECISION(S) REQUIRED**

That Cabinet approve the making of a General Vesting Declaration in respect of all outstanding interests and new rights over land pursuant to the Borough of Hartlepool (Land at Perth, Hurworth and Gray Streets, Turnbull Street (Nos. 47 to 68), West Hartlepool Rovers Amateur Quoits Club Grainger Street, Grainger Street (Nos. 1 to 21) Raby Road (Nos. 144 to 160 (even)) and No. 40 Brougham Terrace, North Central Hartlepool) Compulsory Purchase Order 2010 (“the CPO”) and authorise the Chief Solicitor to take all appropriate steps.

**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** RABY ROAD CORRIDOR – GENERAL VESTING DECLARATION (GVD)

---

**1. PURPOSE OF REPORT**

- 1.1 To seek authorisation from Cabinet to implement the Borough of Hartlepool (Land at Perth, Hurworth and Gray Streets, Tumbull Street (Nos. 47 to 68), West Hartlepool Rovers Amateur Quoits Club Grainger Street, Grainger Street (Nos. 1 to 21) Raby Road (Nos. 144 to 160 (even)) and No. 40 Brougham Terrace, North Central Hartlepool) Compulsory Purchase Order 2010 (“the CPO”) by means of making a General Vesting Declaration and taking all related steps.

**2. BACKGROUND**

- 2.1 Members have received a number of reports over recent years in respect of the above CPO.
- 2.2 On 11 January 2010 Cabinet resolved to make the CPO and also authorised officers to take all necessary steps in relation to the CPO. In due course the CPO was made. Objections were received to it and a Public Inquiry was held on 15 – 17 February 2011.
- 2.3 On 12 May 2011 the Secretary of State for Communities and Local Government confirmed the CPO without modification. The statutory Notice of Confirmation was subsequently published in the local press on 20 May 2011 and notice served on parties affected by the Order.

**3. IMPLEMENTATION OF THE CPO**

- 3.1 Once a CPO has been confirmed and becomes operative an acquiring authority may then exercise the compulsory purchase power (subject to any challenge to its validity and suspension of the Order by the High Court). An acquiring authority has up to three years from the confirmation of a CPO in which to proceed to acquire the CPO land by means of General Vesting Declaration (“GVD”).
- 3.2 There are two procedures by which an acquiring authority may implement a CPO: either by means of notices to treat followed by notices of entry; or by means of General Vesting Declaration (“GVD”). The former approach results in each plot being individually conveyed to

the Council. A GVD in contrast conveys title to all the land contained within it and enables an acquiring authority to obtain title to land without having first to be satisfied as to the vendor's title or to settle the amount of compensation. Circular 06/2004 therefore acknowledges that a GVD can be particularly helpful where owners are unknown "or the authority wishes to obtain title with minimum delay in order, for example, to dispose of the land to developers".

- 3.3 The Council has powers to make a GVD under the Compulsory Purchase (Vesting Declaration) Act 1981.
- 3.4 It should be noted that a GVD will not be effective against some interests in land, such as certain minor tenancies. There are specific statutory procedures which must be followed in such instances. In this instance for the reasons more fully set out below it is appropriate to implement the CPO by means of a GVD, together with the necessary procedures in respect of any interests against which a GVD is ineffective.
- 3.5 Notice of Intention to make a GVD must first be given to all persons with an interest in the land affected. Thereafter a GVD is made and it results in the land included within it being transferred to the Council on a given date which must be at least 28 days after its making.
- 3.6 Owners of property acquired by the GVD are entitled to compensation. Moreover, they are entitled to apply for an advance payment of compensation based on 90% of the Council's estimate of compensation on the vesting date. If agreement as to compensation cannot be reached claimants are entitled to refer the question of compensation to the Upper Tribunal –Lands Chamber (formerly the Lands Tribunal).
- 3.7 Funding of the acquisition of Order Land has to date been supported by a range of public sector resources, including Single Housing Investment Pot (SHIP), Housing Market Renewal Fund (HMRP) and English Partnership / Homes and Communities Agency funding. In particular the acquisitions are to be funded in part from the £16.6m HMRP and SHIP allocations for 2008-11 and in part from the EP/HCA funding allocated specifically for the Order Land. Acquisition of the site is therefore not dependent upon private sector funding.
- 3.8 A further report on the financial position will be brought to members on 10<sup>th</sup> October 2011 as part of the 2012/13 budget report. It will update members as to the financial position including valuation assumptions both in the light of the valuation arbitration decision and prevailing market conditions.

#### **4. PURPOSE OF THE CPO**

- 4.1 The CPO was made under Section 226(1)(a) of the Town and Country Planning Act 1990 (the “1990 Act”). The Council considered that acquiring the Order Land would facilitate the carrying out of development, redevelopment or improvement on the Order Land. In considering whether to exercise such power the Council has also had regard to Section 226(1A) of the 1990 Act and considered that the proposed redevelopment will promote and/or improve the economic, social and environmental well-being of the Council's administrative area.
- 4.2 More specifically the purpose of the CPO was for the regeneration of the area and housing market restructuring by the provision of new housing and the CPO was made to enable the bringing forward of a housing development scheme in line with the Council's housing market renewal strategy and Development Plan and Local Development Framework.
- 4.3 The purpose for which the CPO was made was set out in detail in the Statement of Case which the Council submitted in support of the Order pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and in the evidence given at Public Inquiry.
- 4.4 The Secretary of State in confirming the CPO by letter of 12 May 2011 agreed with his Inspector's conclusions that the proposal to demolish and redevelop the site is a proportionate response to the matters identified in a range of studies; would accord with development plan policy; would be likely to improve the economic, social and environmental well-being of the area; and that “there are no other means to achieve the purposes for which the Council is seeking to acquire the land”.
- 4.5 In considering whether to implement the CPO, whether by means of a GVD or otherwise, the Council has had regard to the recent decisions in *R(on the application of Iceland Foods Ltd) v Newport City Council* and *R(on the application of Argos) v Birmingham City Council* (insofar as the latter has thus far been reported), in which it was held that a GVD should only be made for the purpose authorised by the CPO. In this instance the purpose underpinning the proposed implementation of the CPO by means of a GVD remains consistent with the purpose for which the CPO was made, namely the regeneration of the area and housing market restructuring by the provision of new housing.

## **5. DEVELOPMENT PROPOSALS**

- 5.1 The Council's preferred developer is Keepmoat. A developer selection process commenced in July 2010. Interested developers were asked to submit pre-qualification questionnaires including details of financial standing, previous experience, capacity and general approach to the redevelopment proposals.

- 5.2 The Council and HCA scrutinised the Keepmoat offer and following interview and minor amendments to the proposed layout and specifications Keepmoat was formally appointed as the Council's preferred developer for the scheme.
- 5.3 In addition to working with officers in promoting the CPO Keepmoat has prepared a scheme in accordance with development and design guidance, including the Raby Road Corridor Design Guide and the Development Brief.
- 5.4 A proposed site layout for the redevelopment of the Order land has been discussed with the Council and HCA in their roles as landowner, putative landowner and funder respectively. The layout is acceptable to both the Council and HCA in that regard.
- 5.5 Keepmoat have also had informal, pre-application discussions with the Council in its capacity as Local Planning Authority. These discussions have been held expressly without prejudice to the formal decision of the Council in the event that an application is submitted. Nonetheless, the informal indications were that the proposed scheme is compliant with key policy indicators and would be likely to receive a favourable officer recommendation subject of course to appropriate planning conditions.
- 5.6 The Regional Land Director of Keepmoat attended the Public Inquiry and gave evidence in support of the Council's CPO most particularly in providing details of the proposed scheme and its viability and deliverability.
- 5.7 On 2 August 2011 Keepmoat submitted a full planning application for the demolition of existing dwellinghouses and erection of 83 dwellinghouses and associated works.
- 5.8 It is presently anticipated that the planning application will be considered by Planning Committee later this year.

## **6. HUMAN RIGHTS**

- 6.1 The Human Rights Act 1998 enables individuals to invoke rights contained in the European Convention on Human Rights. The main articles of the Convention which are important in circumstances where the Council is considering utilising compulsory purchase powers are Article 8 – right to respect for private and family life and home – and Article 1 of the First Protocol – the right to protection of property. Both are qualified rights that are capable of being overridden in appropriate circumstances.
- 6.2 In deciding whether or not to confirm the CPO the Secretary of State considered the question of interference with human rights and agreed



with his Inspector's conclusion that "the public benefit in progressing the scheme would outweigh the private loss and would justify the interference with the human rights of those affected. In short, a compelling case for acquisition in the public interest has been made".

- 6.3 In this instance it is considered that the interference with human rights proposed is in accordance with law, pursues a legitimate aim, namely the redevelopment of land in accordance with Housing Market Renewal objectives, and is both necessary and proportionate. A fair balance has been struck between the general public interest and individuals' rights. It is important to note that compensation is payable together with other loss payments where relevant criteria are met.
- 6.4 As regards Article 8 rights, in balancing the individual rights affected against the public rights, it is considered that interference with individual rights is justified given the need to acquire land for purposes of redevelopment in the public interest.
- 6.5 In respect of Article 1 First Protocol rights, it is considered that interference with property rights is justified given the benefit to the public interest by acquiring land for redevelopment, particularly taking into account the legal right to compensation for property taken and rights extinguished under the CPO.

## **7. RECOMMENDATIONS**

- 7.1 That Cabinet approve the making of a General Vesting Declaration in respect of all outstanding interests and new rights over land pursuant to the Borough of Hartlepool (Land at Perth, Hurworth and Gray Streets, Turnbull Street (Nos. 47 to 68), West Hartlepool Rovers Amateur Quoits Club Grainger Street, Grainger Street (Nos. 1 to 21) Raby Road (Nos. 144 to 160 (even)) and No. 40 Brougham Terrace, North Central Hartlepool) Compulsory Purchase Order 2010 ("the CPO") and authorise the Chief Solicitor to take all appropriate steps.

## **8. CONTACT OFFICER**

Nigel Johnson  
Housing Services Manager  
Bryan Hanson House  
Hanson Square  
Hartlepool  
01429 284339  
[Nigel.johnson@hartlepool.gov.uk](mailto:Nigel.johnson@hartlepool.gov.uk)

# CABINET REPORT

19<sup>th</sup> September 2011



**Report of:** Director of Child & Adult Services & Director of Regeneration and Neighbourhoods

**Subject:** COMMUNITY ASSET TRANSFER – COMMUNITY CENTRES

---

## SUMMARY

### 1. PURPOSE OF REPORT

To seek approval to:

- 1) Undertake Community Asset Transfers for both the West View & Jutland Road Community Centres.
- 2) Dispose of Throston Community Centre either by sale or lease.

### 2. SUMMARY OF CONTENTS

The report reviews progress to date in line with the approved timetable following the decision to seek to transfer community assets to bona fide community organisations in line with the Council's Community Asset Transfer Policy. The shortlisted groups have submitted business plans for the running of both West View & Jutland Road Community Centres, these are included in summary within the report alongside the approved scoring criteria which provides detailed evidence to support the recommendations. The process undertaken confirms that the policy and evidence based submissions undertaken by the parties is robust and forms a quality methodology and process for any other future Asset Transfer proposal.

The timetable is on course to ensure that the current temporary 9 month funding period approved by Council as part of the 2011/12 budget setting process will be achieved.

**3. RELEVANCE TO CABINET**

The recommendations in the report have implications for the community.

**4. TYPE OF DECISION**

Key decision, Test (ii), reference number CAS92/11.

**5. DECISION MAKING ROUTE**

Cabinet on 19<sup>th</sup> September.

**6. DECISION(S) REQUIRED**

- 6.1 Cabinet is requested to approve the Community Asset Transfer of West View Community Centre on a joint basis to West View Project and West View Advice & Resource Centre.
- 6.2 Cabinet is requested to approve the Community Asset Transfer of Jutland Road Community Centre to Owton Fens Community Association (OFCA).
- 6.3 Cabinet confirm, in the absence of any expression of interest, that Throston Community Centre is closed as soon as improvements to the library are completed and that the property/site is marketed by the Estates & Asset Manager for lease/sale for an alternative use.
- 6.4 Throston Library is confirmed as the retained property and that planned improvements to ensure the building is fit for purpose and meets statutory requirements are undertaken using approved capital resources.
- 6.5 That Owton Manor Community Centre and Burbank Community Centre be removed from consideration for 'asset transfer' at the current time but future transfer be considered should circumstances permit.

**Report of:** Director of Child and Adult Services & Director of Regeneration and Neighbourhoods

**Subject:** COMMUNITY ASSET TRANSFER – COMMUNITY CENTRES

---

**1. PURPOSE OF REPORT**

1.1 To seek approval to:

1) Undertake Community Asset Transfers for both the West View & Jutland Road Community Centres.

2) Dispose of Throston Community Centre either by sale or lease.

**2. BACKGROUND**

2.1 The Government has been promoting the concept of asset transfer to communities to further develop active communities and viable community based enterprises through a number of different initiatives since 2003. In 2006 a report from the ODPM recommended the need to promote more widely the benefits of and opportunities for community ownership and management of land and property assets. This was further emphasised in the Quirk Review – ‘Making Assets Work’ – in May 2007.

2.2 The Council in conjunction with Hartlepool People were successful in attracting investment in the Hartlepool People Centre for the purposes of such a transfer.

2.3 Pressures on local authority finance have focused attention on the opportunity for the voluntary sector/community groups to deliver services in a more cost effective manner whilst at the same time developing active communities.

2.4 The principle of community asset transfer in these circumstances is aligned to the agenda within the Government's Localism Bill.

2.5 The Council's Community Asset Transfer policy provides guidance as to which groups are eligible for consideration. This seeks to ensure that groups are appropriately constituted, have the capacity, experience, knowledge and resources to effectively manage and maintain the properties as well as being able to deliver quality local services within the community of Hartlepool. The policy sets guidelines for the process to be followed by the Council in undertaking the evaluation and selection procedure and the need for due

diligence in this process. It is critical that successful organisations have the capacity and capability to give every confidence that a long term future can be expected. It is in no-one's interest that a transfer is completed which cannot be sustained though it is appreciated that there are no absolute guarantees. Risks will need to be considered, however the policy seeks to minimise these through the selection process contained in the Asset Transfer Policy.

- 2.6 The Council has worked closely with representatives from Community Matters who have been instrumental in developing and encouraging such asset transfers on a national and regional basis. They highly commend Hartlepool Borough Council's approach to the transfer of Hartlepool People's Centre and are confident that we have the track record to successfully implement further Asset Transfers. An essential element of the process is evaluation and selection – this is critical to effectively identify credible partners. The community properties were clearly identified and the timetable – referred to below – allowed for a minimum marketing period of 6 weeks to determine 'expressions of interest'. During this period interested groups were required to complete the pre-VISIBLE quality standard online assessment developed by Community Matters and submit the outcome report as part of the expression of interest application. Full details of pre-VISIBLE can be downloaded from [www.visiblecommunities.org.uk](http://www.visiblecommunities.org.uk)
- 2.7 The conclusion to this Asset Transfer process is critical to achieve the identified budget savings held over from 2011/12 and to contribute to the additional efficiencies required for the 2012/13 budget. The express intent is to seek suitable established community organisations with experience and capacity for management and development of services from within transferred properties. To achieve this it is proposed that all the premises available are offered on a long term lease however the freehold is recommended to remain with the Authority as part of its asset base.
- 2.8 The approved timetable for action was based on the principles of clear decision making, allowing appropriate time for interested parties to express their interest with supplementary information via *pre-visible* which sought to assist in the short listing of viable prospective groups. Shortlisted groups then have a period to develop and conclude their full proposal and business case which leads to an evaluation which will be assisted by reference to any accreditation achieved e.g. Community Matters '*visible*' standards. The timetable approved at Cabinet on the 9<sup>th</sup> May 2011 was as follows:
- 9<sup>th</sup> May 2011 Cabinet – to agree the Community Asset Transfer schedule and process. **(Achieved)**
  - 18<sup>th</sup> May 2011 - Advertise for expressions of interest (including the requirement to complete 'pre-visible), *allowing 6 weeks*. **(Achieved)**
  - 24<sup>th</sup> June 2011 - Return of all expressions of interest. **(Achieved)**
  - 4<sup>th</sup> July 2011 - Agree shortlist of successful expressions of interest. **(Achieved 7<sup>th</sup> July)**
  - 11<sup>th</sup> July 2011 - Issue requests for submission of Full proposal & Business case, *allowing 6 weeks*. **(Achieved)**

22<sup>nd</sup> August 2011 – Return of all submissions, *allowing 3 weeks for evaluation. (Achieved)*

**19<sup>th</sup> Sept – Cabinet to consider recommendations**

September 2011 – All parties advised of decision made and rationale behind the decision, *allowing 12 weeks for completion of transfer agreement.*

1<sup>st</sup> January 2012 – Target date to complete Asset transfer and handover to Community organisation.

#### **4 ASSESSMENT OF APPLICATIONS**

- 4.1 Following the widespread local advertising and the opportunity to attend a public meeting with relevant officers of the Council in May, a number of organisations made contact and expressed their interest. The number of valid completed ‘pre-VISIBLE’ submissions per property were as follows:

**West View Community Centre** – West View Advice & Resource Centre and West View Project submitting a joint interest.

**Jutland Road Community Centre** - OFCA

**Throston Community Centre** – no submissions

**Burbank Community Centre** – Who Cares NE

**Owton Manor Community Centre** - OFCA

- 4.2 From the outset it was determined that both Burbank and Owton Manor would be ‘market tested’ to determine interest but it was acknowledged that the TUPE implications of the current staffing complement would make these venues difficult to conclude as viable ‘asset transfers’ at the current time. The applicants were duly informed and these were not pursued. It is of course possible that changing circumstances could allow the exercise to be repeated at some point in the future and it is encouraging that some interest has already been expressed. In respect to Throston Community Centre, this attracted no interest whatsoever – this is most disappointing, but this will be addressed later in the report.

- 4.3 West View Community Centre attracted a joint bid from West View Advice & Resource Centre and West View Project, these organisations are described as follows:

***West View Advice and Resource Centre (WVARC)*** was established in 1983 and is a registered charity and a company limited by guarantee. In 2001 the centre gained the Community Legal Service Quality Mark for its advice services. The core purpose of the centre is the provision of advice. Advice on issues such as debt, housing benefit, disability benefits and welfare rights is provided. WVARC meets a clearly identified need, strengthening communities through increasing financial resources within family environments to provide lifestyle opportunities. Through the provision of a benefits advice service ensuring information and support is available to over 2,000 residents, assisting in the economic regeneration of the town. The provision of a resource centre offers a much needed support to the residents of West View and the surrounding area. The centre is fully

*resourced, offering residents the use of a fully equipped computer suite, training and a venue for vocational and non-vocational courses.*

The Pre-visible outcome report has also been submitted. The report showed that West View Advice and Resource Centre had achieved 100% in all of the categories listed in the assessment.

**West View Project** was established in 1980 and is established as a community interest company and a licensed adventure activity provider and has in addition to its main centre a water sports centre at Hartlepool Marina. West View Project currently operates a range of projects to support young people, motivate children and adults and allow access to adventure activity for as many people as possible. The project currently works with young people and adults from 8 to 25 years old and its services are used by individuals, groups and statutory services from Hartlepool and across the Tees Valley and East Durham. The project employs a combination of youth workers and activity trained workers, along with support staff to assist in activity delivery. The projects main client groups are young people from deprived backgrounds often facing social problems, those who under-perform in mainstream education, young people with behavioural, emotional and social difficulties and those who simply wish to take part in activity in a group setting.

The Pre-visible outcome report has also been submitted. The report showed that West View Project had achieved 100% in all of the categories listed in the assessment.

West View Advice and Resource Centre and West View Project are working in partnership to submit an expression of interest for West View Community Centre in order to sustain and further develop what they see as an essential community resource. The organisations see this as an opportunity to develop a formal partnership to assist them in their long term goals, to become less dependant on grants and develop their sustainability through income generation from the operation and management of an open and accessible community centre.

#### 4.4 Jutland Road Community Centre attracted a bid from OFCA (Owton Fens Community Association) this organisation is described as follows:

**OFCA** was established in 1985 by members of the local community to provide, promote and develop local opportunities for disadvantaged groups and individuals living in the South West of Hartlepool and other disadvantaged wards in the. OFCA is a registered charity which runs several projects in order to support initiatives that benefit people suffering from a multitude of social and economic problems. OFCA is a grass roots organisation familiar to most residents who have confidence in its ethos and aims. Initial barriers are eliminated since OFCA are seen to be more approachable, friendly and independent, able to identify the need of the individual and empathise with its client group. The main ethos of the organisation is to build the capacity of disadvantaged communities, groups

*and individuals through the provision of resources and support, education, advice and information to empower individuals and community/voluntary organisations to become stakeholders in their own communities. OFCA maintains a grass roots commitment whilst attempting the instigation of any new and ambitious projects to achieve sustainable regeneration and recognises that to fulfil its vision working in partnership with the local community, other organisations and agencies is the key to unlocking a communities potential.*

The Pre-visible outcome report was submitted as part of the Expression of Interest. The report showed that OFCA had achieved 100% in all of the categories listed in the assessment.

- 4.5 In line with the approved timetable the two valid applications were then requested to enter into the business plan submission stage. It is noted that with only one expression of interest per property there was no requirement for a short-listing exercise - this had effectively been done by demanding that the pre-VISIBLE submission was undertaken at the first entry point in the process. One ineligible bid was received for West View CC, this was in the form of a short letter, no detail and arrived after the specified deadline. The pre selection procedure has, we believe, proven to be an excellent method of naturally sifting serious contenders from speculative submissions. It should be recognised that the current submitting organisations have spent considerable time in diligently preparing their bids, this being quite an onerous task.
- 4.6 The approved selection process included the Community Asset Transfer Tool to assess the submissions; this is used at Stage 5 in the process to broadly evaluate the suitability of the proposal at the business plan stage. The detail of the scoring mechanism is provided on page three of **Appendix 1** and **Appendix 2**, each submission has commentary which seeks to provide a full and frank description of each organisation (against the Guidance criteria) with specific reference to the Deliverability, Benefits and Value for Money that each bidder can provide in the opinion of the scoring assessors. Both organisations score 195 from a possible 250 total which helps to determine the recommendation that each proposal: **represents a very good use of the asset**. It is recommended that the asset transfer is approved.

## 5. FINANCIAL CONSIDERATIONS

- 5.1 The successful transfer of the identified properties by the 1<sup>st</sup> January will secure the savings to be achieved within the Policy & Budget framework in reference to the Library and Community Resources savings targets identified for 2011/12. This will give the ability to have a smooth transition between management of the two centres and will avoid any inconvenience to the current user groups within each property. The West View Branch Library will also formally close at this point too, but discussions will continue to determine the practicality of book repositories/drop off service should this prove to be a workable option.



- 5.2 In the report to Cabinet on the 9<sup>th</sup> May it was resolved to offer the Throston Community Centre for asset transfer and to retain the Throston Library as an operational building. In parallel with the current process, estimate costings have been prepared for the creation of a public accessible toilet within the Library and ancillary improvements to allow for small group facilities to co-use the Library during opening hours and also out of hours during the weekly day of closure and evenings. Sufficient budget to cover staffing and associated operational costs for this community resource are also allowed for. This will improve the role of the Library which is seen as being at the heart of the local community. It is acknowledged that the full role of a community centre cannot be undertaken due to space limitations but this building can secure its role as an effective 'vibrant library and hub of the community'. The budget required for the essential physical improvements are already catered for within the asset transfer and budget process. The Throston Community Centre should now be re-considered for advert for lease or sale on the open market, should this prove to be unattractive the building may then need to be considered for demolition and the site marketed or retained as green space. Provided the Throston Community Centre is able to be closed within the current financial year, upon completion of the improvements to the Library building, then again, the savings targets for the current year and those of 2012/13 will be able to be achieved.
- 5.3 Following a successful asset transfer process it is acknowledged that we cannot predict the future stability or longevity of the selected groups, the Council's financial position will be protected through appropriate lease clauses covering restitutions of use or reversion clauses to cover circumstances such as – bankruptcy, corruption the benefits of transfer not being realised or the groups seeking to withdraw. The recommended acceptance of the two community asset transfer applications is based, not only on the business case submission but on the longstanding history of the two groups and their effectiveness within the community at large to date.
- 5.4 It is satisfying to note that provided all goes well, then the community centres will not only remain in full use but have the potential to expand and develop significant community support programmes from property located in the heart of the individual communities. A nominated officer will also act as 'first point of call' for the groups should they wish to discuss the ongoing running of the community centres.

## **6. RECOMMENDATIONS**

- 6.1 Cabinet is requested to approve the Community Asset Transfer of West View Community Centre on a joint basis to West View Project and West View Advice & Resource Centre.
- 6.2 Cabinet is requested to approve the Community Asset Transfer of Jutland Road Community Centre to Owton Fens Community Association (OFCA).

- 6.3 Cabinet confirm, in the absence of any expression of interest, that Throston Community Centre is closed as soon as improvements to the library are completed and that the property/site is marketed by the Estates & Asset Manager for lease/sale for an alternative use.
- 6.4 Throston Library is confirmed as the retained property and that planned improvements to ensure the building is fit for purpose and meets statutory requirements are undertaken using approved capital resources.
- 6.5 That Owton Manor Community Centre and Burbank Community Centre be removed from consideration for 'asset transfer' at the current time but future transfer be considered should circumstances permit.

Contact Officer: John Mennear, Assistant Director, Community Services

**Hartlepool Borough Council**

**Community Asset Transfer Evaluation Tool**

**West View Community Centre**



## Community Asset Transfer Evaluation Tool

<b>Name and Address of Asset</b>	West View Community Centre
<b>UPRN / UBRN</b>	
<b>Status of Asset (as Per Asset Register)</b>	
<b>Current Use</b>	Community Centre
<b>Ward</b>	Brus
<b>Asset Transfer Applicant</b>	West View Advice & Resource Centre & West View Project Both groups completed Pre-visible assessment score 100% in all categories.
<b>Proposed Terms Of Transfer</b>	Freehold / <u>Leasehold</u> Market Value / <u>Discounted</u>

<b>Final Score And Recommendation</b>	<b>195</b> - Recommendation – transfer asset (West View Community Centre) – represents a very good use of the asset
<b>Completed By</b>	Susan Rybak, Graham Jarritt, Dale Clarke, John Mennear
<b>Date Completed</b>	25 <sup>th</sup> Aug 2011
<b>Date of Review By Asset Management Group</b>	
<b>Cabinet Date</b>	19 <sup>th</sup> Sept 2011
<b>Decision</b>	
<b>Decision And Feedback Given To Applicant</b>	

### Evaluation Mechanism

The following evaluation tool is used to assess asset transfer proposals by community and voluntary sector (COMMUNITY) organisations. It may also be used to evaluate proposals for shorter term leases to COMMUNITY organisations. The tool may be adapted on a case by case basis as appropriate.

The tool is used at Stage 5 of the asset transfer process to broadly evaluate the suitability of the proposal.

#### Scoring

Each section is scored out of 25. Scores should be applied as follows.

0	Unacceptable to the Council
5	Requires significant improvement to be acceptable to the Council
10	Requires minor improvement to be acceptable to the Council
15	Acceptable to the Council for this stage of the process but with identifiable shortcomings which may be improved
20	Represents a very good response
25	Represents an excellent response

N.B. Scoring 0 or 5 for the sections indicated in the table overleaf will result in immediate failure of the application.

#### Overall Score

The scores are totalled. The maximum overall score is 250. The score determines the recommendation as follows:

Score	
0-50	Proposal is unacceptable
51-100	Proposal requires significant improvement to be acceptable to the Council
101-150	Proposal requires minor improvement to be acceptable to the Council
151-200	Proposal represents a very good use of the asset
201+	Proposal represents an excellent use of the asset

## SUMMARY OF OVERALL PROPOSALS

Details of use and circumstances	Specify relevant details.
Is the asset currently occupied?	The asset is currently used as an HBC community centre.
How is the asset currently used?	Several voluntary/community/ other agencies use the centre on a daily/weekly/monthly basis. Bookings are made via Hartlepool Connect.
Is the condition of the asset known?	A pack of information was provided to interested parties regarding the condition of the asset at the beginning of the asset transfer process.
Is the asset suitable and/or sufficient for its current use?	The asset does comply with DDA. The asset is suitable and sufficient for its current use.
Is there any other organisation affected by the ownership of the asset?	Not applicable.
Does the Council have any plans for the asset?	If the asset transfer does not go ahead due to government spending cuts the asset is scheduled to be closed at the end of December 2011.
Are there any other circumstances directly relevant to potential transfer?	Not applicable.

**1. DELIVERABILITY**

<b>Assessment Criteria</b>		<b>Score each section out of 25</b>	<b>Comments</b>
<b>Governance</b>  See 1.1	Governance Proposals  <ul style="list-style-type: none"> <li>▪ Inclusivity</li> <li>▪ Track Record</li> <li>▪ Constitution</li> </ul>	20	See attached notes.
<b>Robustness and Business Plan</b>  See 1.2	Assessment of organisation in relation to:  <ul style="list-style-type: none"> <li>▪ Viability of business plan</li> <li>▪ Detailed, cost proposals</li> <li>▪ Amount of capital funding for project (secured, conditional, speculative)</li> <li>▪ Amount of revenue funding for project (secured, conditional, speculative)</li> <li>▪ Professional team / support</li> <li>▪ Delivery Programme</li> </ul>	15	See attached notes.
<b>Planning and design</b>  See 1.3	Assessment of whether:  <ul style="list-style-type: none"> <li>▪ Proposal is acceptable in accordance with current planning policy</li> <li>▪ Planning permission likely to be (or has been granted)</li> <li>▪ Design is accessible: equality of access regardless of age, disability, ethnicity, or social grouping.</li> </ul>	20	
<b>Total score out of 75</b>		55	

**2. BENEFITS**

	Assessment Criteria	Score each section out of 25	Comments
<b>Contribution to Our Plan</b>  See 2.1	Assessment of how well the proposals contribute to Our Plan Priorities / Themes / Objectives	20	Contributes to key objectives 1 2 3 7
<b>Contribution to neighbourhood priorities</b>  See 2.2	Assessment of how the proposals fit with neighbourhood priorities such as:-  Complementing or duplicating existing services or activity in a locality Fill a gap in provision locally Improvement to local services	20	Maintain existing services, provide new services - key objectives 2.2
<b>Community benefits</b>  See 2.3	Assessment of proposals in relation to:-  Community Empowerment Promoting a sustainable community and voluntary sector	25	Key objective 2.3
<b>Equal Opportunities and Diversity</b>  See 2.4	Assessment of the potential to make a positive impact in accordance with our Diversity and Equality Statement.	15	See attached notes.
	<b>Total score out of 100</b>	80	



### 3. VALUE FOR MONEY

	Assessment Criteria	Score each section out of 25	Comments
<b>Value for Money</b> 3	Assessment of how the proposals will:-  Present an opportunity for a 'non-operational' asset to be used. Represent the best use of the asset particularly in the medium to long-term	25	Potentially excellent value – see attached notes.
<b>Economic development and social enterprise</b>  See 3.1	Assessment of how the proposals will improve the economic and social offer in the locality.	20	See attached notes.
<b>Financial Implications</b>  See 3.2	Assessment of the financial implication of the transfer in relation to:-  Repair and Maintenance Budgets – clarification required Disposal Cost – Market Value or Discounted Continued Council commitment to the asset Create efficient savings Opportunity Costs Funding commitments Release of restrictive covenants	15	
	<b>Total score out of 75</b>	60	

## Additional Guidance

Questions / areas to consider when evaluating each proposal

### 1 Deliverability

#### 1.1 Governance

- Does the organisation have a constitution?  
*Both West View Advice & Resource Centre (WVARC) and West View Project (WVP) have a constitution/governing document.*
- Is the organisation a registered charity?  
*WVARC is a registered charity no 1084632.*
- Is the organisation a registered company?  
*WVARC is a company limited by guarantee.  
WVP is a Community Interest Company no 06157306.*
- How long has the organisation been established?  
*WVARC was established in 1983.  
WVP was established in 1980.*
- How is the organisation managed?  
*WVARC has a manager who also acts as company secretary.  
WVP has a General Manager who is a volunteer and the Chair of the board and a Development/Training Manager.*
- How is the organisation governed?  
*WVARC has a board of trustees with 7 directors.  
WVP has a board of trustees with 12 directors.  
The Manager of WVARC and the General Manager of WVP sit on the board of the other group.*
- Does the organisation have an Equal Opportunities policy?  
*Both groups have an Equal Opportunities Policy.*
- Does the organisation have insurance?  
*Both groups have insurance – the amount of cover needs checking as £5m is required.*
- Does the organisation have an annual report?  
*Both groups have an annual report.*
- Does the organisation have audited annual accounts?  
*Both groups have annual audited accounts we have received the last 3 years of annual accounts.*
- Is there a supporting statement available from 2 referees?

**Appendix 1**

*Two supporting statements have been provided one from Housing Hartlepool and one from Hartlepool Voluntary Development Agency. Both in support of the asset transfer.*

**1.2 Robustness and Business Plan**

- Capacity of recipient to manage asset - *What level of expertise in facilities management exist within the potential recipient? What is the capacity of the recipient to take on ownership and management effectively?*  
*Both groups currently manage an asset and have done for in excess of 20 years. Both groups own the property they are currently working from. Working together the groups should have sufficient capacity to take on the community centre.*
- Potential for the asset to become a financial liability for recipient – are the costs of running and maintaining the facility known and are they understood by the potential recipient? Have they got a business plan that sets out how they plan to use the asset?  
*Both groups have been provided with a pack of information including the running costs of the building. Information was also provided regarding future cyclical maintenance requirements. Both groups have submitted a business plan setting out how they plan to use the community centre and how they plan to increase use of the facility in order to increase income.*  
*Both groups are anticipating receiving grant aid from the Community Pool to contribute towards running costs in the 2012/2013 financial year. Assumptions have been made in relation to other funding streams.*
- Capacity of recipient to deliver promised services/outcomes – is there a robust business plan in place? Has the potential recipient got a track record in this area? Does the potential recipient have sufficient capacity to deliver what they propose?  
*Both groups have a proven track record of service delivery. A supporting statement has been received from Housing Hartlepool demonstrating that WVARC have delivered their contractual obligations for the last four years. Both groups have been successful in securing contracts for service delivery from a number of agencies. Both groups have submitted a business plan demonstrating the need for increased income generation and details of how they propose to increase income, service delivery and use of the centre by Hartlepool residents. Working together the groups should have the capacity to deliver what they propose in the business plans.*
- Potential for ongoing Council liability – what are the implications of the transfer in terms of maintenance and health and safety? Are responsibilities clear? What are the insurance arrangements?  
*If the transfer of the asset goes ahead the lease which will be put in place will be a full repairing lease and the group will be responsible for the Health and Safety of the building. Both groups are aware of the*

**Appendix 1**

*responsibilities involved with taking on an asset including the maintenance costs. Both groups have insurance in place – checks to be made to ensure that sufficient cover is in place.*

- Does the organisation have the necessary expertise to take on the asset (now and in the future)?  
*Working in partnership WVARC and WVP should have the necessary expertise in terms of asset management, management of staff and fundraising, to take on the asset now and in the future. Both groups are well known in the area and have a proven track record for service delivery. Working in the West View area already the groups have a reputation amongst local residents which should enable them to attract volunteers to assist with the delivery of services and they should have local knowledge regarding the services that are needed in the area. Both groups are well versed in securing funding through contracts and grants in order to sustain service delivery. Both groups have a pro-active board of directors who support the bid for the transfer of the community centre.*

**1.3 Planning and Design**

- Conflict with other legal, regulatory constraints - Is the asset a listed building? What are the implications of this? Are there any other regulatory or planning constraints that affect the asset or an area that includes the asset?  
*Not applicable.*

**2 Benefits of Transfer****2.1 Contribution to Our Corporate Plans**Priority theme – Lifelong Learning & Skills

Key objectives:

1. Improve educational achievement among young people.
2. Increase the number of young people in education, employment or training through improved engagement.
3. Safeguard our children and young people.  
*WVP is an independent youth centre working mainly with young people from the most deprived areas of Hartlepool. WVP works with children and young people from nursery school age up to sixth form. Most are socially excluded and have multiple needs. They may have come through the 'cared for' system, have been or are in danger of being excluded from school, demonstrate challenging behaviour or come from disrupted family backgrounds. WVP provides numerous activities for children/young people and provides a safe haven to allow them to be involved in activities and to develop their potential.*

Priority theme – Health & Care

## Appendix 1

Key objectives:

4. Reduce health inequality
  5. Transform services for adults and older people
- The health services that are currently delivered in the centre will continue to be delivered including the baby clinic and the Health Trainer.

### Priority theme – Strengthening Communities

Key objective:

6. Tackle anti-social behaviour and reduce criminal damage  
*WVP works with children/young people many of whom have multiple needs.*
7. Re-design our services to improve neighbourhood delivery in disadvantaged communities  
*WVARC offers community facilities within the community for use by local residents/groups. A dedicated advice and information is provided at the centre and at outreach facilities across the town.*

**Appendix 1**Priority theme – Jobs & the Economy

## Key objectives:

8. Tackle worklessness and poverty  
*WVARC provide an advice and information service for the benefit of Hartlepool residents. Welfare benefit applications made on behalf of local residents. The large majority of the claims are successful but the exact value of the successful claims is not known because clients do not report back.*
9. Deliver improvements in our towns and villages
10. Create a regeneration blue print for the whole Borough
11. Reduce our carbon footprint
12. Grow our tourism potential to deliver economic and cultural opportunities
13. Promote an integrated, efficient public transport system

Priority theme – Business Improvement

## Key objective:

14. Deliver our top 10 business improvement projects.

**2.2 Contribution to Neighbourhood Priorities**

- Improve or safeguard a service that would other wise be lost  
*If a community group does not take on the management of West View Community Centre then, due to cuts in government spending, the centre will close in December 2011. WVARC and WVP are in a position to develop the range of activities currently provided in the centre.*
- Present an opportunity to deliver specific council priorities (Sustainable Community Strategy or LAA)  
*Both WVARC and WVP are delivering services which complement the services currently delivered by HBC.*

**2.3 Community Benefits**

- Create a more direct connection between the asset and local people  
*WVARC and WVP have both operated in the West View community for many years. Both groups are aware of the needs of the local community and potentially have the resources to be able to reach out to the community in order to deliver the services that the local community need.*
- Enable the local community to respond to local issues  
*Both groups currently give their service users the opportunity to respond to local issues. Already based in the West View area the groups are aware of the nuances of the local community.*
- Strengthen local identity

**Appendix 1**

*Both groups have the resources, contacts and capacity to work with the local community to strengthen local identity in the West View area.*

- Provide a means for local citizens and groups to access additional resources  
*Both groups have a proven track record of providing a means for individuals and groups to access additional resources. Both groups have a great deal of experience of fundraising working independently and as part of a local consortium.*
- Improve capacity/sustainability of an organisation (e.g. by being able to borrow against the asset, or create a revenue stream from the asset)  
*The transfer of WVCC to WVARC and WVP will mean that any income generated will go to the groups. Additional services will be provided in the centre with a view to increasing income to cover the running costs of the building.*
- Add value by creating opportunities for individual organisations to work together, for example using the asset as a 'hub'  
*The proposal is for WVARC and WVP to work together using the community centre as a 'hub' and for the groups to develop services for the benefit of all parts of the community.*
- Potential loss of existing community services –what are the implications of the transfer of the asset in relation to current service provision and community facilities? Does the transfer create any risk to continued provision in the longer term? Can appropriate safeguards be identified that would maintain the asset for community benefit ( e.g. restricting use, modification and/or sale of the asset)  
*The business plans of WVARC & WVP demonstrate that the existing community services apart from the Library Service will still be delivered if the asset transfer goes ahead. Any lease between the groups and HBC will include a clause safeguarding the asset for community benefit.*

**2.4 Equal Opportunities and Diversity**

- Potential to disadvantage particular individuals or impact negatively on the local community or communities of interest.  
*There is no evidence to suggest that the transfer of the asset will disadvantage particular individuals or impact negatively on the local*
- Potential for a negative impact on community cohesion – what is the potential impact of transfer on the local community? Are there existing tensions affecting the community?  
*There is no evidence to suggest that the transfer will have a negative impact on community cohesion. Hopefully the transfer will have a positive impact on the local community and they will use and become involved with the services that will be delivered from the centre if the asset transfer goes ahead. The closure of the building will have a negative impact on the local community.*
- Capture of asset by unrepresentative/extremist minority – are there safeguards in place in the short, medium and long term that will prevent the asset from being used to the detriment of the wider community?

**Appendix 1**

*A lease will be put in place safeguarding the asset for community use.*

- Transfer contravenes State Aid Rules – Is there any potential that the transfer could distort competition and effect trade between EU member states?  
*The asset transfer process was advertised in the local press thereby allowing all voluntary/community sector groups in the town to make a bid for an asset.*

**3 Value for Money****3.1 Economic development and social enterprise**

- Bring additional investment into Hartlepool (e.g. through grants unavailable to the Council)  
*Voluntary/community sector groups can access grants that local authorities cannot access. This funding could be used to deliver new and improved services for the benefit of the local community as a whole.*
- Improve existing economic activity within the local area.  
*WVARC and WVP have over 20 years of experience of working with the local community and delivering projects which will improve the existing economic activity within the local area.*
- Encourage social enterprise.  
Current business model – not applicable.

**3.2 Financial Implications**

- Lack of value for money - Are the opportunity costs understood? Are the potential benefits clear and supported by a strong business case? Do the benefits exceed the costs?  
*The transfer of the community centre will mean that the centre will remain open for the benefit of the local community. The groups were provided with a pack of information at the beginning of the process detailing the running costs of the centre. The potential benefits to the community are huge and the groups have produced a strong business case for the transfer of the centre.*
- Conflict with other funders - Is there any funding associated with the asset where conditions on its use or ownership may apply?  
*Not applicable.*



**Hartlepool Borough Council**

**Jutland Rd Community Centre**

**Community Asset Transfer Evaluation Tool**



### Community Asset Transfer Evaluation Tool

<b>Name and Address of Asset</b>	Jutland Rd Community Centre
<b>UPRN / UBRN</b>	
<b>Status of Asset (as Per Asset Register)</b>	
<b>Current Use</b>	Community Centre
<b>Ward</b>	Rossmere
<b>Asset Transfer Applicant</b>	Owton Fens Community Association - completed Pre-visible assessment score 100% in all categories. Registered with Charities Commission – fully compliant.
<b>Proposed Terms Of Transfer</b>	Freehold / <b>Leasehold</b> Market Value / <b>Discounted</b>

<b>Final Score And Recommendation</b>	<b>195</b> – Recommendation - transfer asset (Jutland Rd Community Centre) to Owton Fens Community Association.
<b>Completed By</b>	Susan Rybak, Graham Jarritt, Dale Clarke, John Mennear
<b>Date Completed</b>	25 <sup>th</sup> Aug 2011
<b>Date of Review By Asset Management Group</b>	
<b>Cabinet Date</b>	19 <sup>th</sup> Sept 2011
<b>Decision</b>	
<b>Decision And Feedback Given To Applicant</b>	

## 5.2 Appendix 2

### Evaluation Mechanism

The following evaluation tool is used to assess asset transfer proposals by community and voluntary sector (COMMUNITY) organisations. It may also be used to evaluate proposals for shorter term leases to COMMUNITY organisations. The tool may be adapted on a case by case basis as appropriate.

The tool is used at Stage 5 of the asset transfer process to broadly evaluate the suitability of the proposal.

#### Scoring

Each section is scored out of 25. Scores should be applied as follows.

0	Unacceptable to the Council
5	Requires significant improvement to be acceptable to the Council
10	Requires minor improvement to be acceptable to the Council
15	Acceptable to the Council for this stage of the process but with identifiable shortcomings which may be improved
20	Represents a very good response
25	Represents an excellent response

N.B. Scoring 0 or 5 for the sections indicated in the table overleaf will result in immediate failure of the application.

#### Overall Score

The scores are totalled. The maximum overall score is 250. The score determines the recommendation as follows:

Score	
0-50	Proposal is unacceptable
51-100	Proposal requires significant improvement to be acceptable to the Council
101-150	Proposal requires minor improvement to be acceptable to the Council
151-200	Proposal represents a very good use of the asset
201+	Proposal represents an excellent use of the asset

# SUMMARY OF OVERALL PROPOSALS

Details of use and circumstances	Specify relevant details.
Is the asset currently occupied?	The asset is currently used as an HBC community centre.
How is the asset currently used?	Several voluntary/community groups use the centre on a weekly/monthly basis. Bookings are made via Hartlepool Connect.
Is the condition of the asset known?	A pack of information was provided to interested parties regarding the condition of the asset at the beginning of the asset transfer process..
Is the asset suitable and/or sufficient for its current use?	The asset does comply with DDA. The asset is suitable and sufficient for its current use.
Is there any other organisation affected by the ownership of the asset?	Not applicable.
Does the Council have any plans for the asset?	If the asset transfer does not go ahead due to government spending cuts the asset is scheduled to be closed at the end of December 2011.
Are there any other circumstances directly relevant to potential transfer?	Not applicable.

**1. DELIVERABILITY**

<b>Assessment Criteria</b>		<b>Score each section out of 25</b>	<b>Comments</b>
<b>Governance</b>  See 1.1	Governance Proposals  <ul style="list-style-type: none"> <li>▪ Inclusivity</li> <li>▪ Track Record</li> <li>▪ Constitution</li> </ul>	20	See attached notes.
<b>Robustness and Business Plan</b>  See 1.2	Assessment of organisation in relation to:  <ul style="list-style-type: none"> <li>▪ Viability of business plan</li> <li>▪ Detailed, cost proposals</li> <li>▪ Amount of capital funding for project (secured, conditional, speculative)</li> <li>▪ Amount of revenue funding for project (secured, conditional, speculative)</li> <li>▪ Professional team / support</li> <li>▪ Delivery Programme</li> </ul>	15	See attached notes.
<b>Planning and design</b>  See 1.3	Assessment of whether:  <ul style="list-style-type: none"> <li>▪ Proposal is acceptable in accordance with current planning policy</li> <li>▪ Planning permission likely to be (or has been granted)</li> <li>▪ Design is accessible: equality of access regardless of age, disability, ethnicity, or social grouping.</li> </ul>	20	
<b>Total score out of 75</b>		55	

**2. BENEFITS**

	Assessment Criteria	Score each section out of 25	Comments
<b>Contribution to Our Plan</b>  See 2.1	Assessment of how well the proposals contribute to Our Plan Priorities / Themes / Objectives	20	See attached notes.
<b>Contribution to neighbourhood priorities</b>  See 2.2	Assessment of how the proposals fit with neighbourhood priorities such as:-  Complementing or duplicating existing services or activity in a locality Fill a gap in provision locally Improvement to local services	20	See attached notes.
<b>Community benefits</b>  See 2.3	Assessment of proposals in relation to:-  Community Empowerment Promoting a sustainable community and voluntary sector	20	See attached notes
<b>Equal Opportunities and Diversity</b>  See 2.4	Assessment of the potential to make a positive impact in accordance with our Diversity and Equality Statement.	15	See attached notes.
	<b>Total score out of 100</b>	75	

**3. VALUE FOR MONEY**

	<b>Assessment Criteria</b>	<b>Score each section out of 25</b>	<b>Comments</b>
<b>Value for Money</b>	Assessment of how the proposals will:-  Present and opportunity for a 'non-operational' asset to be used. Represent the best use of the asset particularly in the medium to long-term	25	See attached notes.
<b>Economic development and social enterprise</b>  See 3.1	Assessment of how the proposals will improve the economic and social offer in the locality.	20	See attached notes.
<b>Financial Implications</b>  See 3.2	Assessment of the financial implication of the transfer in relation to:-  Repair and Maintenance Budgets Disposal Cost – Market Value or Discounted Continued Council commitment to the asset Create efficient savings Opportunity Costs Funding commitments Release of restrictive covenants	20	
	<b>Total score out of 75</b>	65	

## Additional Guidance

Questions / areas to consider when evaluating each proposal

### 1 Deliverability

#### 1.1 Governance

- Does the organisation have a Constitution?  
*OFCA has a governance document.*
- Is the organisation a Registered Charity?  
*OFCA is a registered charity no 519172*
- Is the organisation a Registered Company? *No, but aiming to be a Community Interest Company*
- How long has the organisation been established?  
*OFCA was established in 1985 and became a registered charity in 1987.*
- How is the organisation managed?  
*OFCA has a management committee and paid staff*
- How is the organisation governed?  
*OFCA has a management committee and paid staff*
- Does the organisation have an Equal Opportunities policy?  
*OFCA has an Equal Opportunities policy.*
- Does the organisation have insurance?  
*OFCA has insurance. £5m required.*
- Does the organisation have an Annual Report?  
*OFCA produces an annual report every year.*
- Does the organisation have audited Annual Accounts?  
*Three years accounts received still waiting for March 2011.*
- Is there a supporting statement available from 2 referees?  
*Not provided - requested 24.8.11*

#### 1.2 Robustness and Business Plan

- Capacity of recipient to manage asset - *What level of expertise in facilities management exist within the potential recipient? What is the capacity of the recipient to take on ownership and management effectively?*



*OFCA currently manages a number of buildings and has done so for in excess of 20 years. The group has a track record in the management of facilities.*

- *Potential for the asset to become a financial liability for recipient - Are the costs of running and maintaining the facility known, and are they understood by the potential recipient? Have they got a business plan that sets out how they plan to use the asset?*  
*OFCA was provided with a pack of information including the running costs of the building. Information was also provided regarding future cyclical maintenance requirements. OFCA has submitted a business plan setting out how the community centre will be used and how the usage of the facility will be increased in order to increase income. OFCA is anticipating receiving a grant from the Community Pool to contribute towards running costs in the 2012/2013 financial year. Assumptions have been made in relation to other funding streams.*
- *Capacity of recipient to deliver promised services/outcomes - Is there a robust business plan in place? Has the potential recipient got a track record in this area? Does the potential recipient have sufficient capacity to deliver what they propose?*  
*OFCA has a proven track record of service delivery. The business plan submitted by OFCA demonstrates the need to increase income generation and how the group proposes to increase income, service delivery and use of the centre by Hartlepool residents. OFCA has demonstrated that the group has the capacity to deliver a number of projects and is experienced in fundraising to cover the running costs of a building. OFCA will also be able to call on a team of volunteers to help run the activities the group is proposing to deliver.*
- *Potential for ongoing Council liability - What are the implications of the transfer in terms of maintenance and health and safety? Are responsibilities clear? What are the insurance arrangements?*  
*If the transfer of the community centre goes ahead the lease that will be put in place will be a full repairing lease and the group will be responsible for the Health and Safety of the building. OFCA are aware of this. The responsibilities in relation to the management of the asset have been made clear from the outset. OFCA has insurance in place - checks to be made to make sure that the group had sufficient cover.*
- *Does the organisation have the necessary expertise to take on the asset (now and in the future)?*  
*OFCA should have the necessary expertise in terms of management, management of staff and fundraising to take on the asset now and in the future. OFCA are well known in the Rossmere area and should be able to attract volunteers to assist with the delivery of services and they should have local knowledge in relation to the services that are needed in the area. OFCA is well versed in securing funding through contracts, and grants in order to sustain service delivery. OFCA has a pro-active management committee who supports the bid for the transfer of the community centre.*

### 1.3 Planning and Design

- Conflict with other legal, regulatory constraints - *Is the asset a listed building? What are the implications of this? Are there any other regulatory or planning constraints that affect the asset or an area that includes the asset?*  
*Not applicable.*

## 2 Benefits of Transfer

### 2.1 Contribution to Our Corporate Plans

#### Priority theme – Lifelong Learning & Skills

Key objectives:

1. Improve educational achievement among young people
  2. Increase the number of young people in education, employment or training through improved engagement
  3. Safeguard our children and young people
- OFCA's aims and objectives are to help all individuals, groups and organisations realise their full potential, supporting opportunities in education, lifelong learning and training. OFCA will achieve this by: providing quality information, advice, guidance and support to help unemployed, unwaged and low waged link into employment or training; provide a range of training opportunities to support the promotion of self confidence, motivation and skills development amongst local residents; working in partnership with a range of agencies to provide accredited training opportunities; signpost local individuals and groups to appropriate specialist agencies to further their objectives and development; assisting individuals and groups to access resources, support, advice and information and funding.*

#### Priority theme – Health & Care

Key objectives:

4. Reduce health inequality
  5. Transform services for adults and older people
- OFCA's aims and objectives are to ensure access to quality health, social care and support services and help improve the life expectancy and well-being of the community. OFCA will achieve this by: supporting the development of local groups to address health related issues; working in partnership with Connected Care, the North Tees and Hartlepool Health Trust, Tees Health and other agencies to promote and develop activities and events on health issues; acting as an advocate on behalf of disadvantaged communities, groups and individuals on environmental matters; developing links and partnerships to develop new health and sports initiatives; developing the local promotion of healthy activities for all ages and both sexes.*

#### Priority theme – Strengthening Communities

Key objective:

6. Tackle anti-social behaviour and reduce criminal damage

7. Re-design our services to improve neighbourhood delivery in disadvantaged communities

*OFCA's aims and objectives are to empower individuals, groups and communities and increase the involvement of citizens in all decisions that affect their lives. OFCA will achieve this by helping local groups to identify both the needs of their local communities and also identifying the ways for them to develop programmes to meet these needs; identifying and producing an information base of good practice and making it available to local groups, organisations and individuals; providing advice and information and resources on a range of issues and problems affecting the local community; assisting communities, groups and individuals to access funding from trusts and other appropriate sources to develop their projects and sustain their own viability.*

Priority theme – Jobs & the Economy

Key objectives:

8. Tackle worklessness and poverty
9. Deliver improvements in our towns and villages
10. Create a regeneration blue print for the whole Borough
11. Reduce our carbon footprint
12. Grow our tourism potential to deliver economic and cultural opportunities
13. Promote an integrated, efficient public transport system

*OFCA's aims and objectives are to develop a more enterprising, vigorous and diverse local economy that will create more employment opportunities for local people. OFCA will achieve this by helping groups and individuals of disadvantaged communities identify education and training initiatives that will increase their skills and future employability; providing one to one advice and information to assist local people wishing to set up in self-employment, community businesses and not for profit initiatives; signposting local residents for additional assistance to other providers of enterprise development schemes to enhance both start-ups and sustainability; supporting the development of social enterprises that will create local employment; providing training in partnership with other agencies to improve local peoples aspirations.*

Priority theme – Business Improvement

Key objective:

14. Deliver our top 10 business improvement projects.  
*Not applicable.*

**2.2 Contribution to Neighbourhood Priorities**

- Improve or safeguard a service that would otherwise be lost?  
*If a community group does not take on the management of Jutland Rd Community Centre then, due to cuts in government spending, the centre will close in December 2011. OFCA is in a position to develop the range of activities currently provided in the centre and make links with the local community to ensure that the service provision is relevant.*
- Present an opportunity to deliver specific council priorities (for example from the Sustainable Community Strategy or LAA)  
*OFCA is currently delivering services which complement the services currently delivered by HBC. If the asset transfer is approved OFCA could utilise the facility in order to work with HBC to deliver specific council priorities for the benefit of the local community.*

**2.3 Community Benefits**

- Create a more direct connection between the asset and local people.  
*OFCA has operated in the Owton and Rossmere area for many years.*

*OFCA is aware of the needs of the local community and is planning to do a local survey to update the information they have on the Rossmere area. OFCA has the potential to be able to reach out to the community in order to deliver the services that the local community need.*

- Enable the local community to respond to local issues.  
*OFCA facilitates local response to local issues, with the expansion of service provision into the Rossmere area OFCA will be in position to work with a relatively untapped community and attract a pool of volunteers from the local community to support the work OFCA is doing.*
- Strengthen local identity.  
*OFCA has the resources, contacts and capacity to work with the local community to strengthen local identity in the Rossmere area.*
- Provide a means for local citizens and groups to access additional resources.  
*OFCA has a proven track record of providing a means for individuals and groups to access additional resources. OFCA has a great deal of experience of fundraising working independently and as part of a local consortium.*
- Improve capacity/sustainability of an organisation (e.g. by being able to borrow against the asset, or create a revenue stream from the asset).  
*The transfer of Jutland Rd Community Centre to OFCA will mean that any income generated in the centre will go to OFCA. Additional services will be provided in the centre with a view to increasing current levels of income in order to cover the running costs of the building and provide additional services.*
- Add value by creating opportunities for individual organisations to work together, for example using the asset as a 'hub'.  
*OFCA has the resources, contacts and capacity to encourage other groups to work alongside OFCA to use the community centre as a 'hub' in order to develop services for the benefit of all parts of the community.*
- Potential loss of existing community services - What are the implications of the transfer of the asset in relation to current service provision and community facilities? Does the transfer create any risk to continued provision in the longer term? Can appropriate safeguards be identified that would maintain the asset for community benefit (e.g. restricting use, modifications and/or sale of the asset)  
*The transfer of the community centre to OFCA would mean that the centre would remain open for the benefit of the community as a whole. OFCA are planning to enhance service provision. OFCA has the resources, contacts and capacity to reach out to the local community. If a voluntary sector group does not take on the management of the centre, the centre is scheduled to close at the end of December due to government spending cuts. If the transfer goes ahead a lease will be put in place which will include a clause safeguarding the asset for community benefit*

## **2.4 Equal Opportunities and Diversity**

- Potential to disadvantage particular individuals or impact negatively on the local community or communities of interest.  
*There is no evidence to suggest that the transfer of the asset will disadvantage particular individuals or impact negatively on the local community or communities of interest.*
- Potential for a negative impact on community cohesion - *What is the potential impact of transfer on the local community? Are there existing tensions affecting the community?*  
*There is no evidence to suggest that the transfer will have a negative impact on community cohesion. Hopefully the transfer will have a positive impact on the local community and they will use and become involved with the services that OFCA plan to deliver. The closure of the building will have a negative impact on the local community especially young people who currently use the centre on a regular basis. The Rossmere area has high levels of unemployment and the problems associated with this.*
- Capture of asset by unrepresentative / extremist minority - *Are there safeguards in place in the short, medium and long-term that will prevent the asset from being used to the detriment of the wider community?*  
*A lease will be put in place safeguarding the asset for community use.*
- Transfer contravenes State Aid rules - *Is there any potential that the transfer could distort competition and affect trade between EU Member States?*  
*The asset transfer process was advertised in the local press and on HBC's web site thereby allowing all voluntary/community sector groups in the town to make a bid for an asset.*

### **3 Value for Money**

#### **3.1 Economic development and social enterprise**

- Bring additional investment into Hartlepool (e.g. through grants unavailable to the Council)  
*OFCA is in a position to access grants/funding that local authorities cannot access. This funding could be used to deliver new and improved services for the benefit of the local community as a whole.*
- Improve existing economic activity within the local area  
*OFCA has over 20 years experience of delivering projects which set out to improve the economic activity of an area.*
- Encourage social enterprise  
*OFCA is currently running a project which provides advice and information to enable individuals and groups from deprived areas to develop business ideas. The service offers accessible, information, advice and guidance, development and support, training mentoring and links towards achieving sustainable self employment and community enterprise initiatives.*

#### **3.2 Financial Implications**

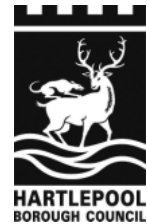
- Lack of value for money - *Are the opportunity costs understood? Are the potential benefits clear and supported by a strong business case? Do the benefits exceed the costs?*

*The transfer of the community centre will mean that the centre will remain open for the benefit of the local community. OFCA was provided with a pack of information at the beginning of the process detailing the running costs of the community centre. The potential benefits to the community are huge and OFCA has produced a strong business case for the take over of the centre and the work they are planning to do to bring the centre back into the centre of the community.*

- Conflict with other funders - *Is there any funding associated with the asset where conditions on its use or ownership may apply?*  
*Not applicable.*

# CABINET REPORT

19<sup>th</sup> September 2011



**Report of:** Assistant Chief Executive

**Subject:** RESPONSE TO OPEN PUBLIC SERVICES WHITE PAPER

---

## SUMMARY

### 1. PURPOSE OF REPORT

- 1.1 To provide Cabinet with a draft response to the Government Open Public Services White Paper.

### 2. SUMMARY OF CONTENTS

- 2.1 At their meeting on 15 August Cabinet received a summary of the White Paper and agreed that it wished to send a response.
- 2.2 The proposed response is based on comments Cabinet made at their meeting on 15th August 2011 and comments from senior officers.

### 3. RELEVANCE TO CABINET

The report outlines government proposals which will affect how the council operates in the future.

### 4. TYPE OF DECISION

Non-Key Decision

### 5. DECISION MAKING ROUTE

Cabinet 19<sup>th</sup> September 2011

### 6. DECISION(S) REQUIRED

Cabinet is asked to

- i) Comment on the proposed response to be sent to Government.
- ii) Delegate authority to the Assistant Chief Executive to finalise the response in the light of comments made in conjunction with the Mayor.



**Report of:** Assistant Chief Executive

**Subject:** RESPONSE TO OPEN PUBLIC SERVICES WHITE PAPER

---

**1. PURPOSE OF REPORT**

- 1.1 To provide Cabinet with a draft response to the Government Open Public Services White Paper.

**2. BACKGROUND**

- 2.1 The Open Public Services White Paper was published in July 2011 and sets out how the government intends to reform public services over the next few years. The White Paper is not attached to this report but the link to the document is <http://www.cabinetoffice.gov.uk/sites/default/files/resources/open-public-services-white-paper.pdf> and a copy of the document has been left in the Members Suite. Within the White Paper the government states that their intention is to tackle the unfairness and inefficiencies that they believe still exist within the public sector. It is also noted that it is the Government's belief that giving people more control over the public services they receive, and opening up the delivery of those services to new providers, will lead to better public services for all.
- 2.2 There is a listening period from July to September 2011 during which the Government will seek responses from members of the public and the public, private and voluntary sectors to the questions that they pose in the White Paper. The consultation questions are included as **appendix 1**. A website has been established where responses can be made and also where events on the White Paper will be advertised: [www.openpublicservices.cabinetoffice.gov.uk](http://www.openpublicservices.cabinetoffice.gov.uk)
- 2.3 In November 2011 the Government will set out how their departments will take forward ideas to implement open public services over the remainder of this Parliament. Then from April 2012 Government departments will publish regular progress reports.

**3. CONCLUSION & NEXT STEPS FOR THE COUNCIL**

- 3.1 Overall, the White Paper sets out a direction for the future of public services without being clear at this stage of the detailed mechanisms and regulations to achieve this. The reforms that are set out will further push councils to become commissioning organisations rather than providers. In addition

Council's will also be managers and regulators of markets as they will retain final accountability.

- 3.2 The pace of change and what the landscape of public service provision will look like in 2-3 years time is unclear indeed given the approach it is probably unknowable. There is little reference to prospective legislation in the White Paper apart from the suggestion that Government will explore legislation to enshrine an overarching right to choice in individual services. This would clearly define in law those rights that are already set out in existing pieces of legislation (for example, the Education Reform Act 1988), as well as providing a framework for extending this to any new areas considered appropriate.
- 3.3 Set out in section 4 is a draft Cabinet response for you to consider. In particular you may wish to add responses to Questions 6 and 15. which refer explicitly to elected office-holders and individuals.

6. What is the appropriate role for elected and unelected office-holders in championing individuals' ability to exercise choice and ensure accountability from service providers?

15. What further potential is there to decentralise central government commissioning to locally elected individuals and authorities?

#### 4. PROPOSED RESPONSE

- 4.1 The proposed response is set out below. Where the response links to one the consultation questions listed in Appendix 1 this is indicated e.g. (Q1)

Hartlepool Council does not support the proposals as they are currently set out. The proposals contain a significant number of issues and considerations which the Authority feels it has already implemented or is actively considering e.g. particularly around community engagement, devolved budgets and helping groups to deliver service commissioning. We as an authority have always been open to responding to such initiatives. A real concern remains that the main motivation is in reducing the cost to the public purse rather than improving the delivery of services.

The Government provides little evidence, either that the public wants choice, in the manner proposed, rather than a high-quality universal service, or that the private sector will produce better results. Right to choice is meaningless if services provided are poor quality. It is the view of this Council that the Government should pause, listen and rethink this approach and the inherent requirement to legislate for this change.

In our view local authorities and Hartlepool in particular, are already

well placed to deliver the Government's principles (Q1). Hartlepool has been an enthusiastic exponent of the use of personal budgets. The Council has helped nearly 4,000 vulnerable people to continue to live at home and it has made excellent progress on increasing the number of people controlling their own care and support through the use of personal care budgets. This includes a significant increase in uptake within mental health services following targeted work in this area. We have undertaken a Personal Health Budget pilot project in partnership with the Health Service and this is also making excellent progress. The first personal health budgets were available from April 2010. We will continue to seek ways of expanding this approach to service delivery.

In the regeneration field, the move away from reliance on the public purse is already well underway. Hartlepool is working more closely with the private sector e.g. at Seaton Carew to deliver regeneration. We are well used to working on partnership; this represents a shift in emphasis to involve closer and in some cases more formal interactions through joint ventures and development partnerships.

We think that Hartlepool and other councils have a key role to play in ensuring that choice can be delivered in a joined up way that is accountable to the user and the tax-payer and that maximises efficiencies and provides capacity to support individuals in exercising choice.

The biggest threat (Q2) to the poorest, social mobility and fair access to public services comes from the Government's fiscal plans. This cannot be ignored in the context of the changes proposed. Hartlepool residents live in an area which is in the top 25 of deprived local authorities but have suffered the greatest reduction in grant of 8.8%. This disproportionate budgetary affect is counter to the stated desire in the proposals and the need to ensure that those most at need in communities are effectively supported. Whilst Government needs to set the overall fiscal plan it is the view of this Council that the distribution of grant reductions to local authorities should be reviewed in the light of the impact on at need communities and devise a fairer sharing of the burden.

For choice to work it relies on communities and individuals having the information, skills and knowledge to understand the implications of their choices. We fear it will be the poorest in communities with the greatest need who are least able to of taking advantage of choice. Our experience of implementing personal budgets shows that a high level of initial consultation and support is required to achieve successful outcomes.

In terms of accountability (Q4, 5, 6 and 7) we find it difficult to envisage how some of the Government's ideas could work without increasing red tape, costs and bureaucracy. It is accepted that the Government have abolished inspection regimes, National Indicators and the Place Survey

which to a large degree aimed to satisfy their aim of putting data in a standardised form into the public domain. The Government White Paper now appears to be accepting the need for some of these arrangements to provide key data such as satisfaction measures.

There needs to be some mechanism for ensuring consistency in quality and delivery of service. There is reference to this in the Paper, but in practice it may be difficult to achieve as there are potentially a lot more and greater range providers with different levels of competency. The government's focus is on payment by results but this does not necessarily guarantee quality of service. Indeed this may affect quality of service as providers aim to achieve targets. This in turn could make it difficult for service users to identify which services are available and what are the best options for them. Accountability across an increasingly diverse range of service providers will rely heavily on the availability of key information and data appropriately analysed and interpreted.

We hope the Government does not believe that the numerous Internet sites for rating everything from teachers and doctors, hotels and restaurants and ebay transactions provide a suitable model for sensitive services sometimes used by extremely vulnerable people. In our view any new forms of accountability must operate alongside, not in competition with, the exercise of local democratic accountability. Oversight and Scrutiny already plays a key role and is likely to be even more essential in a more diverse provide environment. O&S functions must have capability to hold all types of provider to account.

A means of providing redress when services are below standard will be challenging in an environment of increasing provider diversity. The Ombudsmen provide a means of doing this albeit one that is resource intensive for both service providers and Ombudsmen.

In terms of neighbourhood service provision (Q8-13): Hartlepool is a small unitary council, population 91,000. We have parish councils for outlying villages and within the town operate on a north, south, central neighbourhood basis. For a number of years we have devolved budgets to the three neighbourhood areas to facilitate local improvements in line with local wishes developed through neighbourhood forums and neighbourhood action plans developed through community organisations on the ground. The greatest threat to extending this approach is the Government's plans for "fiscal consolidation".

We appreciate that much detail remains to be developed, the proposals as they stand do not provide sufficient technical detail to understand the actual impact. This Council's fear is that the Whitehall approach will result in greater bureaucracy and fragmentation. For example, many types of council, including Hartlepool, have invested in contact centres to improve customer contact. Fragmentation of service delivery could make such arrangements unviable.

In our view local authority areas below a certain population, say 100,000, should be classed as a neighbourhood authority and given the freedom to develop their own approach to the delivery of neighbourhood services. This provides for an area to determine clear and practical arrangements that reflect the needs of local communities without these arrangements being imposed as part of a top down hierarchy which seems to run contrary to the concept of “localism”. Overall this Council is disappointed in the role envisaged for existing democratically elected bodies and individuals and in many ways it seems to be actively disenfranchising these arrangements in favour of a market driven economy.

Hartlepool would like to see opportunities for more local areas to implement whole place community budget approaches. Hartlepool has demonstrated on numerous occasions the benefits of working in partnership. Further progress on the joining up of budgets and services can improve services and deliver value for money and government needs to make faster progress in this area.

Establishing new neighbourhood councils, assuming neighbourhoods wish to take on these responsibilities, would require substantial support and advice in relation to governance, finance, community development and legal matters. This capacity building would need to be commissioned and paid for. This support would be essential if these councils are to become properly accountable bodies. Councils could have a significant role in supporting local groups and communities, particularly in helping them understand the scope, parameters and implications of what they can do and in helping them with technical preparations such as Local Development Orders. There does however need to be a continued commitment to these initiatives in order to maintain the momentum over the longer term and some cases to allow capacity to be built up. If not properly supported groups may not survive the transition. Many of the groups that will be expected to deliver services are currently focussed on trying to survive and may not be in a position to take on extra commitments. Would a failing neighbourhood council be wound up subject to intervention and if so by whom?

In terms of commissioned services and increasing diversity (Q14-19): Hartlepool feels it has already made significant progress. Hartlepool currently operates a mixed economy of provision involving both the voluntary and private sector in the delivery of services.

In a number of respects the Council fears the implementation of the ideas in the White Paper will be negative and increase risks to the people relying on critical services. The proposals risk fragmentation and centralisation making it more difficult to establish accountability and evaluate value for money while increasing systemic risks, for example as with Southern Cross.

In encouraging competition amongst providers, particularly in the community sector but also elsewhere there is the danger that the cooperation that has developed previously will be lost as providers compete for contracts. It will be important not to lose service development opportunities by too strong a commissioner / provider split. We are not clear how the conflict / confusion between the White Paper's localist approach and the Government's shared services / economies of scale agenda can be reconciled.

Accountability and risk management will be essential. The commissioning authority is open to risk for poor performance and will bear the burden if the supplier gets into operational or financial difficulties. Addressing these risks will require close work with the supplier base, maintenance of a "qualified" provider list and monitoring (possibly more than at present if the provider base diversifies).

The scope to extend the commissioning approach will depend upon the market of suppliers available. Trading Standards and Environmental Health do not currently have such a market but Birmingham's recent expansion of its Illegal Money Lending Team to other authorities may be seen as an example of how any authority could assume responsibility of a service delivered anywhere in the country.

We have used procurement as a means to achieve sustainability aims. Government should ensure any revisions to procurement procedures give weight to sustainability issues.

The Council believes that the professionalism and expertise of local government officers play a key role through commissioning, licensing and enforcement in minimising risks to vulnerable people. There is a danger that in seeking to regulate the open commissioning approach, defining a list of services it sees suitable for commissioning and establishing standardised accountability mechanisms Government will reintroduce bureaucracy and stifle innovation. A truly localist and decentralised approach would give Councils the responsibility to decide which services are suitable for commissioning and how they go about doing it.

In our view Government proposals could lead to a dangerous mixture of fragmentation and centralisation of service provision posing increased risks to the quality of service. We fear the control measures necessary to manage new arrangements inevitably will mean more bureaucracy and cost. Departmentalism at a central government level has historically frustrated joined up working at a local level, there is no indication in the proposals how this will be addressed.

Roles and responsibilities across the public sector must be clearly defined and complementary. Broadly we believe that councils (and other local bodies) should be responsible for directly providing services to the public and be accountable at a locality level as it is now. In

contrast, the role of central government should be to set policy and regulatory frameworks rather than deliver services. Too much central government policy activity complicates and adds costs and confusion to the task of delivering services.

The White Paper recognises that local government is the most efficient part of the public sector and the most reforming and innovative. Therefore central government should actively seek to decentralise services from central government to locally elected authorities.

In many respects there is insufficient detail in the White Paper for effective consultation. The evidence base is very limited. The White Paper does not make clear the pace of change and what the landscape of public service provision will look like in 2-3 years time. There is little reference to prospective legislation in the White Paper apart from the suggestion that Government will explore legislation to enshrine an overarching right to choice in individual services. We think there would be more support for an overarching right to high quality services.

Therefore there should be further consultation undertaken in accordance with the appropriate protocols when the Government sets out how their departments could take forward ideas to implement open public services over the remainder of this Parliament (The White paper suggests proposals will be published in November).

To properly undertake the consultation into account we propose, it will be necessary to delay the implementation of the proposals. The White Paper says that from April 2012 Government departments will publish regular progress reports; this leaves insufficient time to take account of any further consultation.

## 5. RECOMMENDATIONS

Cabinet is asked to

- i) Comment on the proposed response to be sent to Government.
- ii) Delegate authority to the Assistant Chief Executive to finalise the response in the light of comments made in conjunction with the Mayor.

## 6. BACKGROUND PAPERS

- Cabinet report 15<sup>th</sup> August 2011 Item 6.1
- [Open Public Services White Paper \(July 2011\)](#)

**7. CONTACT OFFICERS**

Andrew Atkin  
Assistant Chief Executive  
Tel: 01429 523003  
Email: [Andrew.atkin@hartlepool.gov.uk](mailto:Andrew.atkin@hartlepool.gov.uk)



**Appendix 1****Open Public Services White Paper - Questions for Consultation**

During the consultation period July - September 2011 the Government would welcome views on the following:

**Chapter 3 – Individual Services**

1. How best, in individual services and on a case-by-case basis, can we ensure that people have greater choice between diverse, quality providers?
2. Consistent with the Government's fiscal plans, what further opportunities exist to target funding to help the poorest, promote social mobility and provide fair access to public services?
3. Are there additional areas where personal budgets would be appropriate and could existing initiatives on personal budgets be accelerated?
4. How can the principle be implemented that providers (from whichever sector) who are receiving public money for individual services should collect satisfaction data in a standardised form to enable comparison and put it into the public domain?
5. How can we ensure that people are aware of, and can exercise, their right to choice effectively in specific services, through choice champions, choice prompts, data and a possible new role for Ombudsmen?
6. What is the appropriate role for elected and unelected office-holders in championing individuals' ability to exercise choice and ensure accountability from service providers?
7. How can we ensure that our approach to opening public services protects and enhances accountability rather than dispersing it?

**Chapter 4 – Neighbourhood Services**

8. What is the scope for neighbourhood councils to take greater control over local services?
9. What help will neighbourhood councils need to enable them to run any services devolved to them?
10. What would make it easier to establish new neighbourhood councils in areas where local people want them?
11. Do additional checks and balances need to be created to ensure proper financial control?
12. How can we improve the delegation and financial framework for neighbourhood councils?
13. How do we ensure appropriate accountability for services run by communities to ensure that those not involved directly are not disadvantaged?

**Chapter 5 – Commissioned Services**

14. What is the scope to extend and/or deepen the commissioning approach across public services?
15. What further potential is there to decentralise central government commissioning to locally elected individuals and authorities?
16. To which areas should we apply the open commissioning policy?
17. What else can government do to overcome any traditional boundaries between public service providers, which get in the way of solutions to people's needs?

- |  |
|--|
| 18. How can we ensure that commissioners and providers are best held to account?   |
| 19. What new skills and training will commissioners need? <input type="checkbox"/> |

### Chapter 6 – Ensuring Diversity of Provision

- |  |
|--|
| 20. How can we stimulate more openness and innovation in public services through new types of provision?   |
| 21. What more could we do to support and catalyse new enterprises (e.g. mutuals) spinning out from the public sector?                                |
| 22. Where and how should we extend autonomous status for public sector providers?  |
| 23. How do we ensure a true level playing field between providers in different sectors?  |
| 24. How can we create new, more diverse types of provider out of public sector bodies?   |
| 25. How can we best enable external investors and public service providers (from all sectors) to combine their resources to improve public services? |
| 26. How could we best achieve our goal for more back-office services in central government to be provided independently and flexibly?                |
| 27. How should government regularly review the barriers to entry and exit for providers?   |
| 28. How can we ensure continuity of services, in particular for the most vulnerable users?   |

## **CABINET REPORT**

### **19<sup>th</sup> September 2011**



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** FALCON ROAD CONSULTATION RESULTS

---

#### **SUMMARY**

##### **1 PURPOSE OF REPORT**

To give the results of the recent consultation exercise in relation to the different options for Falcon Road, and seek a final decision on whether some form of closure should be implemented or not.

##### **2. SUMMARY OF CONTENTS**

The report details the different options, their likely implications, and the outcome of the consultation.

##### **3. RELEVANCE TO CABINET**

The decision may affect the primary road network.

##### **4. TYPE OF DECISION**

Non-key decision.

##### **5. DECISION MAKING ROUTE**

Cabinet – 19<sup>th</sup> September 2011.

##### **6. DECISION REQUIRED**

Cabinet's decision requested.

**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** FALCON ROAD CONSULTATION RESULTS

---

**1. PURPOSE OF REPORT**

- 1.1 To give the results of the recent consultation exercise in relation to the different options for Falcon Road, and seek a final decision on whether some form of closure should be implemented or not.

**2. BACKGROUND**

- 2.1 In 2006, the first representations were made by residents of Falcon Road, seeking that the road be closed to through traffic. Following the first consultation, however, there was found to be a significant majority of people in favour of keeping the road open.
- 2.2 In June 2008, Cabinet took the decision to close Falcon Road at its junction with Throston Grange Lane. Since that time, discussions have taken place with residents (of both viewpoints) to consider potential alternatives and to seek to find an acceptable compromise. As part of this process, the following measures have been implemented:-
- An HGV ban has been introduced on Falcon Road.
  - A restriction has been placed on all Council vehicles using the road, other than those accessing the road for operational reasons.
  - The temporary speed humps on Merlin Way, at the northern end of the estate, have been removed to make access more attractive at this point.
  - Additional traffic calming on Falcon Road, Moorhen Road and Lapwing Road has been installed.
  - Speed cushions have been introduced on Merlin Way to reduce vehicle speeds, and also discourage through traffic to and from Falcon Road.

### 3. CONSIDERATION OF ISSUES

- 3.1 Surveys have been carried out several times since this issue arose to determine the number of vehicles passing through the road, with the results shown below:-

	Total Vehicles	Thru Vehicles	%age Thru
11/1/07 (7.30-9.30am)	308	254	82%
14/10/08 (7.30-9.30am)	414	347	84%
14/10/08 (3.30-5.30pm)	517	318	61%
11/3/09 (7.30-9.30am)	420	350	83%
11/3/09 (3.30-5.30pm)	500	318	64%
20/1/10 (7.30-9.30am)	446	368	82%
20/1/10 (3.30-5.30pm)	538	345	64%
23/3/11 (7.30-9.30am)	390	339	87%
23/3/11 (3.30-5.30pm)	538	368	68%

PM peak hour figures shaded for ease of reference.

- 3.2 These results show a slight increase in the volume of traffic using Falcon Road over the years, along with the number of vehicles cutting through the estate.
- 3.3 The decrease in the AM peak figures from 2010 to 2011 can be attributed to the most recent traffic calming schemes, on Merlin Way, Falcon Road, Moorhen Road and Lapwing Road.

#### 4. OPTIONS

- 4.1 All potential closure options along with the option for the road to remain open were detailed, and every property on the Middle Warren/ Bishop Cuthbert estate was then consulted for their views.
- 4.2 **OPTION 1 - Keep the road open** – This would be agreeable to the vast majority of people who have previously responded to one or more phases of the consultation, but would obviously not be favoured by Falcon Road residents.
- 4.3 **OPTION 2 - Road closure at Throston Grange Lane** – Would necessitate residents using Hart Lane, when travelling to and from the town centre area.
- 4.4 **OPTION 3 – Road closures at Falcon Road/ Moorhen Road, and Merlin Way/ Lapwing Road junctions** – Allows some residents direct access towards the town centre without having to use Hart Lane, but also gives a longer route when heading for the A19 via Hart village.
- 4.5 **OPTION 4 – Road closures at junctions of Merlin Way/ Lapwing Rd, Merlin Way/ Moorhen Rd and Merlin Way/ Goshawk Rd** – Allows more residents direct access towards the town centre without having to use Hart Lane, and keeps the whole of the estate to the east of Merlin Way accessed from Falcon Road, without permitting access to through traffic. In the event of a closure going ahead this would be the best option in traffic management terms, as it would give a more even distribution of traffic across the three estate accesses.
- 4.6 **OPTION 5 – As Option 4, but with Goshawk Road remaining open** – Would have similar impact to Option 4, but would still allow a route through for people wishing to use it, although not as direct as Falcon Road.

#### 5. CONSULTATION

- 5.1 Letters were sent out in July 2011, with the responses shown in **Appendix 1**.
- 5.2 The results show an overwhelming response in favour of keeping the road open, with 90% of the forms returned indicating this preference. Closing the road would inevitably see a large number of formal objections to the legal advertising notice which would be required.

#### 6. FINANCIAL IMPLICATIONS

- 6.1 Option 1 obviously has no cost implication. Based on an average estimated cost of £5,000 per closure, this gives figures of £5,000 for option 2, £10,000 for options 3 & 5, and £15,000 for option 4.

**7. RECOMMENDATION**

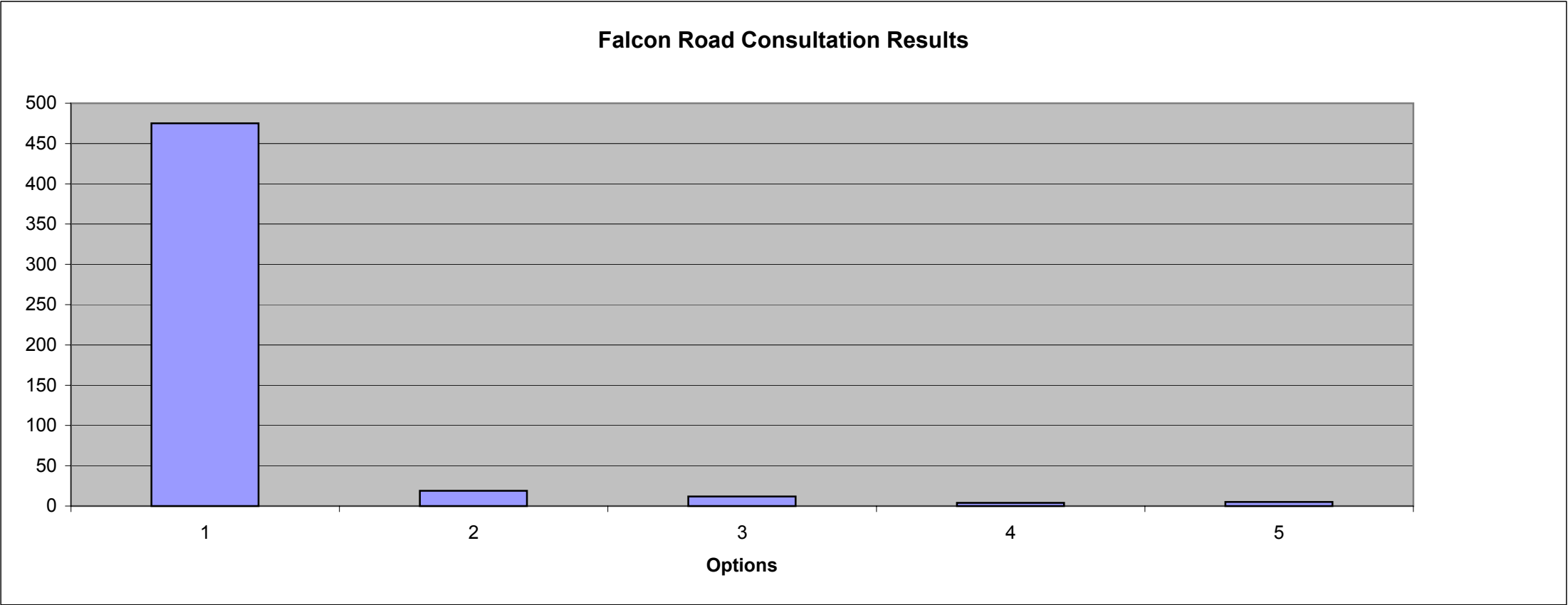
- 7.1 Cabinet's decision requested.

**8. CONTACT OFFICER**

- 8.1 Alastair Smith, Assistant Director (Transportation and Engineering)  
Regeneration and Neighbourhoods  
Hartlepool Borough Council  
Telephone Number: 523802  
Email: [alastair.smith@hartlepool.gov.uk](mailto:alastair.smith@hartlepool.gov.uk)

Option 1	Option 2	Option 3	Option 4	Option 5	Closure No Preference	Replies
475	19	12	4	5	12	527

Total wanting some form of closure - **52**



- Option 1

Option 2

Option 3

Option 4

Option 5
- Keep the road open

Close at Throston Grange Lane

Close at north end of Falcon Rd and Lapwing Rd

Close at Merlin Way junctions with Lapwing Rd, Moorhen Rd and Goshawk Rd

As Option 4, but leave Goshawk Rd open



# **CABINET REPORT**

**19 September 2011**



**Report of:** Director of Child and Adult Services

**Subject:** BRITISH YOUTH COUNCIL ASDAN COUNCILLOR SHADOWING AWARD

---

## **SUMMARY**

### **1. PURPOSE OF REPORT**

The purpose of this report is to outline the current position in respect to the active involvement of young people in strategic decision-making across the town. Within this, there is an opportunity for Hartlepool young people to be included in working towards the British Youth Council (BYC) ASDAN (Award Scheme Development and Accreditation Network) Councillor Shadowing Award; as part of future developments within the participation element of the Hartlepool Youth Offer.

### **2. SUMMARY OF CONTENTS**

The importance / relevance of young people's involvement in strategic decision-making, and snapshot of the current position. Information relating to the BYC ASDAN accredited Councillor Shadowing Award.

### **3. RELEVANCE TO CABINET**

Cabinet members are informed and can make a decision about the value of the programme in relation to further involving Hartlepool's young people in the democratic system.

### **4. TYPE OF DECISION**

Non Key

**5. DECISION MAKING ROUTE**

Cabinet meeting on 19 September 2011.

**6. DECISION(S) REQUIRED**

Cabinet is recommended to give their support to the involvement of young people in shadowing the work of elected members to help the young people gain a better understanding of the democratic system. This has the potential to support young people achieve additional qualifications in particular the British Youth Council ASDAN Councillor Shadowing Award.

**Report of:** Director of Child and Adult Services

**Subject:** BRITISH YOUTH COUNCIL ASDAN COUNCILLOR  
SHADOWING AWARD

---

## **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to outline the current position in respect to the active involvement of young people in strategic decision-making across the town. Within this, there is a request for approval from Elected Members to move forward with the British Youth Council ASDAN Councillor Shadowing Award; as part of future developments within the participation element of the Hartlepool Youth Offer.

## **2. BACKGROUND**

- 2.1 The coalition government recognises the need, importance and benefits of involving young people in decision-making opportunities, and there is increasing emphasis placed upon developing these structures in line with community-based service delivery and active citizenship. In this way it is envisaged young people will continue to have an active role in shaping the services they want and deserve.
- 2.2 Giving young people the opportunity to influence decision making directly and enabling them to lead change, fosters positive relationships with communities, encouraging local ownership and ensures services are best placed to meet their needs. Services become responsive, flexible and ultimately more cost-effective as a result. Young people develop new skills and understanding, including employability skills and raised aspirations; as well as receive rewards, accreditation and recognition.
- 2.3 On a broader scale, effective involvement of young people in decision-making ensures national policies and local services are best configured to meet needs - young people want policies and services which listen and respond to their views.
- 2.4 At present there are a number of mechanisms that seek to involve young people at different levels / stages of decision making in Hartlepool. It is important to maintain and develop such opportunities in order to maximise young people's interest and engagement; certainly a 'one size fits all approach' fails to interest the broader range of young people, risking tokenistic responses as a result. The newly expanded Young Inspectors and Youth Advisory team will act as coordinators of wider involvement and

participation opportunities with continued emphasis upon under-represented groups ensuring that their voice is heard and responded to (**APPENDIX 1**).

- 2.5 We have a number of young people represented on the Children Services Scrutiny. They have undertaken their own investigation into social networking as a media for involving young people and the protocols of this Local Authority strategy is almost completed. They are currently working on the E safety Charter as part of that project. The young people have now identified their own new investigation for September around the impact of transport reductions.
- 2.6 A new opportunity has arisen for young people wishing to find out more about the democratic process. The **Local Councillor Shadowing Award** from the British Youth Council (BYC) is an ASDAN accredited programme. The benefits of this programme include an understanding of contributions made by Councillors and young people alike to the decision-making process. Young people can find out more about their local communities and by shadowing a Councillor for 10 hours a week over a six week period, there is opportunity for a sharing of aspirations and concerns in local neighbourhoods. This programme will expand and enhance current arrangements whereby young people attend scrutiny and inform decision-makers on findings of their own investigations / inspections, and where decision-makers find out what is important to young people.
- 2.7 Outcomes of the programme include effective cross-generational work, with mutual appreciation and understanding of each other, thereby breaking down negative perceptions. This will help society and communities understand young people's viewpoint and will build the capacity of young people to take a far greater role in the shaping of community services in the future.

### **3. RECOMMENDATIONS**

- 3.1 Cabinet is recommended to approve the participation of Hartlepool young people in the British Youth Council ASDAN Councillor Shadowing Award

### **4. APPENDICES**

- 1) Background to the Participation element of the Hartlepool Youth Offer
- 2) Background to the Young Inspectors and Youth Advisory Team

### **5. CONTACT OFFICER**

Helen White, Participation Manager, Integrated Youth Support Service (Youth Service), Child and Adult Services

## **YOUNG PEOPLE'S PARTICIPATION 2011 / 12**

### **BACKGROUND**

The OFSTED survey inspection programme of 2009 sought to evaluate the impact of Integrated Youth Support in Hartlepool, and reported that *“young people’s active involvement in shaping decisions at a local level is outstanding”*. The investigation found that youth participation is both mature and embedded well;

***“Young people contribute responsibly to strategic developments scrutinise grants and determine expenditure. They have opportunities to monitor the quality of activities and are enabled to influence the design of their local neighbourhood projects”.***

At present there are a number of mechanisms that seek to involve young people at different levels / stages of decision making. It is important to maintain and develop such opportunities in order to maximise young people’s interest and engagement; certainly a ‘one size fits all approach’ fails to interest the broader range of young people, risking tokenistic responses as a result.

The Coalition Government recognises the need, importance and benefits of involving young people in decision-making opportunities, and there is increasing emphasis placed upon developing these structures in line with community-based service delivery and active citizenship. In this way it is envisaged young people will continue to have an active role in shaping the services they want and deserve.

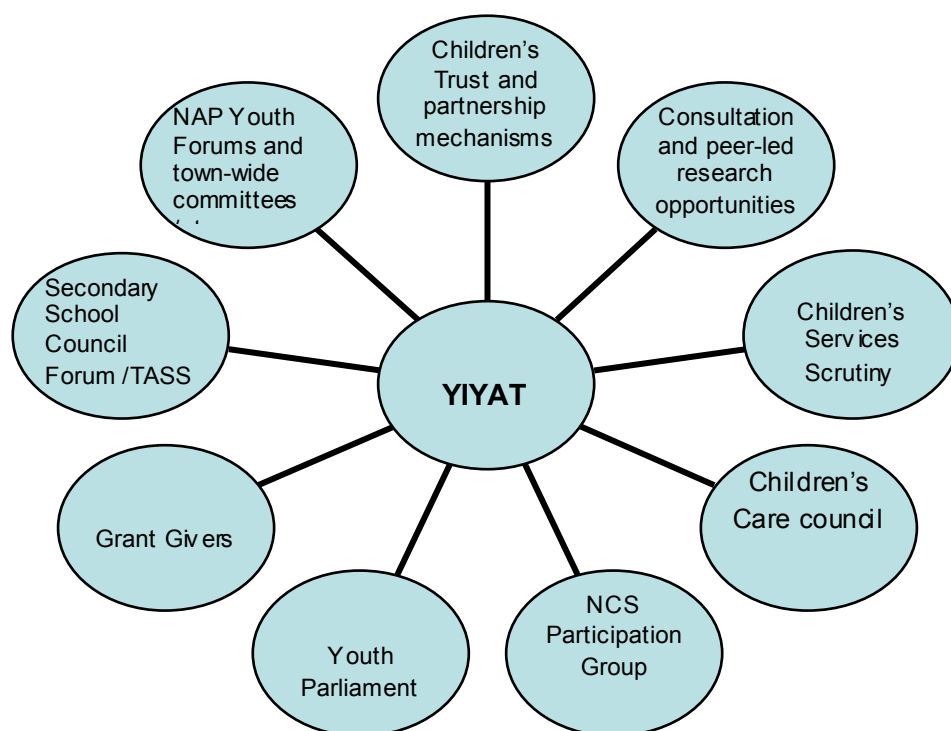
Giving young people the opportunity to influence decision making directly and enabling them to lead change, fosters positive relationships with communities, encouraging local ownership and ensures services are best placed to meet their needs. Services become responsive, flexible and ultimately more cost-effective as a result. Young people develop new skills and understanding, including employability skills and raised aspirations; as well as receive rewards, accreditation and recognition.

*“Young people should be directly involved in local decisions about services and opportunities that affect them and their local area. All young people should be able to play a positive and active role in their communities and wider society e.g. through volunteering opportunities”.*

**Youth Policy Statement, Department for Education  
July 2011**

The following diagram (*non-exhaustive*) represents the formal decision-making young people’s structures that are adult initiated and young people led. When taken together these structures form the framework for the delivery of the local Participation Strategy in so much as they provide the fundamental channels for children and young people to have a voice at strategic town-wide decision-making level and ultimately impact upon local operation and change. These groups are non time limited, thereby offering the opportunity for young people to develop and move through the groups, enabling new young people to join, so many rather than a few young people get the benefits of getting involved in groups of this kind. The representation of young people at Children’s Trust / partnership and

scrutiny level indicates the commitment at all levels to giving young people a genuine influence in strategic decision making.



These mechanisms form the basis of the updated participation strategy (*in draft*), which in turn enables the on going informal methods carried out by a multitude of partners seeking to encourage children and young people to participate and get involved in shaping local decisions, to flourish. Having the formal established mechanisms for ongoing decision making does not mean that other groups developed as a recognised need from young people, are any less vital in instigating change. The challenge is to ensure these groups are adequately engaged, resourced and supported, so that their opinions and views also feed into the wider decision-making arenas and that links are made with the formal structures. The strategy is underpinned by the *Hear by Right* quality framework for young people's involvement.

It is proposed that the newly expanded Young Inspectors and Youth Advisory team (YIYAT) act as coordinators of wider involvement and participation opportunities with continued emphasis upon under-represented groups ensuring that their voice is heard and responded to.

The Young Inspectors national programme aim was to work alongside local authorities across England to give disadvantaged and marginalised young people greater influence over the services in their area (**see background information Appendix 2**). The Youth Advisory arm of the programme has arisen in response to increasing demands for young people to be involved in further work to improve services / delivery for young people. The Youth Advisory Team is ideally placed to respond to town-wide requests or developments for young people's positive contribution. The 'Youth Advisory Team' will be the name for a holistic approach in both signposting existing decision-making groups/ committees/ forums to new decision-making opportunities, as well as engaging priority disadvantaged young people whose voices are most often not heard.

This approach has the flexibility and capacity to respond to new developments of community ownership, commissioning of services and budgetary monitoring of community-led projects, thus realising the vision of the big society, so that young people are at the

heart of service delivery. This will ensure services are not only *designed for*, but will be *designed by* young people. There is further potential that young people employed as young advisors / inspectors could enable and / or contribute to a clear set of commissioning priorities, as demonstrated in other Local Authority areas across the country.

A further benefit of young people being involved under the Youth Advisory banner is that they are offered the opportunity to become a Young Inspector, and are paid for their contribution. Services working with the most disengaged and marginalised groups have a referral route into the programme for individuals who are interested in inspecting the services they access. In this way the programme will support skill development, aspirations and confidence of the most vulnerable young people, impacting positively on government commitments to reduce teen pregnancy rates, drug and alcohol use, NEET, anti-social behaviour, youth offending etc; through positive and sustained engagement in volunteering.

The Youth Advisory Team offers the route for a wide variety of representation and decision-making opportunities. From those who become involved due to a specific interest or concern (e.g. *Rossmere skate park group*), through to groups such as the Youth Parliament who, by their very nature, are interested in a variety of community and political issues and whose involvement tends to be regular over a greater period of time.

## **DIVERSITY AND EQUALITY**

All projects engaged through the participation strand of the youth offer aim to give disadvantaged and under represented groups a voice. For example; the Young Inspectors Team are **all** harder to reach young people:- one full group of Young Inspectors are LDD, there is also 2 young offenders, one looked after, one young mum, one young person in hostel accommodation, 2 LGBT young women, and the rest categorised as NEET and/or experiencing emotional, behavioural, financial or family difficulties

## **RESOURCE IMPLICATION / INCOME GENERATION**

Meaningful involvement of young people in decision-making requires significant planning, time, effort and sustained support, even more so in the case of disengaged or harder to reach groups. This also includes practical support, such as travel expenses, subsistence, recognition and reward.

Coordination of the participation strategy which underpins the developments proposed is through the Participation Manager of the Integrated Youth Support Service. This ensures that young people's voices on matters that concern them continues to be integral to the governance and development of provision within the local authority, partners and commissioned services so that organisations are responsive, flexible and shaped by the needs of young people that utilise them. Therefore no specific resource implications relating to staffing, impact upon current developments.

The YIYAT model is generating income via an emerging social enterprise approach. The work of the YIYAT young people is expanding into commissioned evaluation / research, contribution to training and delivery of consultation. Paid work includes:

- *You're Welcome* conference
- *You're Welcome* training for health professionals
- NCS Evaluation

- Adolescent Task and Finish Group Project Consultation
- Tees wide sexual health conference
- Regional Youth Work Unit, Youth Engagement Conference

## **RISK**

In this time of austerity there is increasing risk that the services able to support and build the capacity of young people to fully participate in decision-making activities is cut back extensively, which could be expensive in the long run in both human and economic terms. Failure to engage young people in the design, delivery and evaluation of services could result in poorly targeted services that do not reflect the needs or wants of young people.

There is a need to engage a wide variety of young people and partners, with diverse range of experience, and consider the barriers such as timing, location, transport, confidence etc. In this way we can avoid reliance on small numbers of young people resulting in tokenistic and ineffective decision-making.

We need to be honest and open with young people, respecting views and opinions with the mutual understanding that not all suggestions can or will lead to change. This risk can be managed by the effective training, support and capacity building offered to young people throughout the involvement in the participation offer.

We need to ensure young people are given feedback effectively and appropriately as often young people complain they are consulted on numerous issues but are never given feedback about what their views achieved / changed.



## **BACKGROUND TO THE YOUNG INSPECTOR AND YOUTH ADVISORY TEAM**

In September 2009, Hartlepool Youth Service was successful in gaining funding to run the Youth4U – Young Inspectors programme:

*Recognising that Involving children and young people in the design and delivery of services they use or which affect them leads to more effective services; The Young Inspectors programme was rolled out nationally by the Look, Listen, Change consortium, funded by the Department for Children, Schools and Families (DCSF). Hosted by the NCB, the Look, Listen, Change consortium includes the British Youth Council (BYC), KIDS, and the National Centre for Excellence in Residential Childcare (NCERCC) and the Council for Disabled Children (CDC). The consortium aim was to work alongside local authorities across England to give disadvantaged and marginalised young people greater influence over the services in their area.*

*The national Young Inspectors programme funding came to an end in March 2011, however due to its success (see NCB Evaluation report), many local authorities have decided to sustain the programme. Indeed in Hartlepool, a decision was made to continue (and expand provision in new areas), embedding the programme into the heart of the work of the Participation Team of the Integrated Youth Support Service, Hartlepool Borough Council.*

### **Progress of the Programme and Successes**

Locally we have recruited, trained and supported over 35 young people (to date), to investigate and assess how local services are involving young people, and have made recommendations for improvements. Currently, there are five groups of young Inspectors, each with differing needs and abilities, representing a diverse range of young people; one group are solely LDD young people. Another group include LDD young people, as well as those with specific behavioural issues and looked after young people. Included within the groups are LGBT young people, a young mum and those involved with the YOS.

Young people are engaged via range of organisations and avenues including voluntary and community projects, YOS, detached youth work and Connexions Personal Advisors, to name just a few. The young inspectors take part in intensive two-day training in preparation for any inspection, and are expected to complete reports following the inspection process.

Inspectors undertake ASDAN accreditation, which equates to approximately 0.5 of a GCSE. To date there have been 22 Inspections of services in Hartlepool, including those as part of the *You're Welcome Verification Standard* for health services.

Most recently, five young Inspector's were picked to take part in national training to become young Inspector trainers. This is particularly noteworthy considering that for 18 places and over 300 young inspectors engaged nationally, Hartlepool obtained over a quarter of the places on this sought after training opportunity. Those Young trainers have now delivered workshops at conference level as part of our You're Welcome involvement, and have undertaken consultation work.

The Hartlepool Young Inspectors have also been part of the national development process of the National Citizen Service and as a result have met and worked with Safe in Tees

Valley. Hartlepool Young inspectors have been commissioned by Safe in Tees Valley to evaluate the Tees wide National Citizenship Pilot 2011. The Young Inspectors programme will complement the National Citizen Service Tees Valley Pilot by ensuring that the focus of young people in the design, delivery and evaluation of the programme remains key. Moreover, the involvement of Inspectors would facilitate quality assurance by scrutinising the approach taken across all four local authority areas of delivery and completing a robust evaluation report.

### **What next?**

*Involving children and young people in the design and delivery of services they use or which affect them leads to more effective service. All organisations and agencies that provide services to children and young people should have systems in place to support the involvement of children and young people in the design and delivery of services.*

*The citizenship, volunteering and participation of young people in service design and delivery is high on the agenda for the present coalition government and there is great potential to further develop the reach and scope of opportunities within this project.*

The Young Inspectors programme will now become the Young Inspectors and Youth Advisory Team (YIYAT) and will remain young person led. The Youth Advisory arm will engage more young people into consultative, participatory and decision-making opportunities, and coordinate current areas of participation work across the town. These may be short or longer term and do not necessarily require the level of commitment that a Young Inspector role requires. Young people as part of the Youth Advisory team (as individuals or via an existing group) may aspire to become a paid Inspector and therefore undertake training to take on this role.

Social enterprise models are currently being explored in order to support / sustain the programme longer term; therefore we are asking organisations / departments wishing to access the service to consider resources where ever possible. This may be in the form of rewards and incentives for the young Advisors or indeed commissioning for larger more labour intensive areas of work, such as strategic management contribution, recruitment and selection, town-wide consultations with young people etc.

For more information please contact;

**Helen White, Participation Manager**

Integrated Youth Support Service (Youth Service), Windsor Offices, Unit 24, Middleton Grange Shopping Centre, Hartlepool, TS24 7RJ

[Helen.white@hartlepool.gov.uk](mailto:Helen.white@hartlepool.gov.uk)

01429 284044

Or

**Andy Facchini, YIYAT Co-ordinator**

Integrated Youth Support Service, Child & Adult Services, Brinkburn Youth Club, Blakelock Road, Hartlepool, TS25 5PF

[Andrew.facchini@hartlepool.gov.uk](mailto:Andrew.facchini@hartlepool.gov.uk)

(01429) 261427

# **CABINET REPORT**

**19 September 2011**



**Report of:** Director of Child and Adult Services

**Subject:** ALTERNATIVE EDUCATION

---

## **SUMMARY**

### **1. PURPOSE OF REPORT**

The purpose of this report is to update Cabinet on the Government policies which influence provision of alternative education at key stage 3 and 4 and inform them how these policies are implemented by Hartlepool secondary schools, special schools and the Pupil Referral Unit and the implications for future provision.

### **2. SUMMARY OF CONTENTS**

The report details Alternative Education provision within Hartlepool.

### **3. RELEVANCE TO CABINET**

The provision of high quality alternative education supports young people to participate in pre 16 education and aids them to make successful transition to post 16 education, employment or training preventing them from becoming Not in Education Employment and Training (NEET).

### **4. TYPE OF DECISION**

Non-key decision.

### **5. DECISION MAKING ROUTE**

To be considered by Cabinet.

### **6. DECISION(S) REQUIRED**

Cabinet are asked to note the contents of this report.

**Report of:** Director of Child and Adult Services

**Subject:** ALTERNATIVE EDUCATION

---

## **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to update Cabinet on the Government policies which influence provision of alternative education at key stage 3 and 4 and inform them how these policies are implemented by Hartlepool Secondary Schools; Special Schools and the Pupil Referral Unit and the implications for future provision

## **2. BACKGROUND**

- 2.1 Alternative education is used to support vulnerable young people who for various reasons are unable to attend main stream education provision. The provision of alternative education is governed by a number of key documents which provide guidance on how this provision should be commissioned and managed. These are: Back on Track (October 2009), Commissioning Alternative Provision, Guidance for LA's and Schools (October 2009), Wolf Review of Vocational Education (March 2011) and the Wolf Review of Vocational Education, Government Response (May 2011).

After reviewing the guidance in these documents alternative education in Hartlepool can be currently divided into three different categories of provision. Which are as follows:

### **Category 1**

**Alternative education commissioned by secondary schools and special schools**, who purchase provision from alternative education providers such as colleges, work based training providers and the third sector. This provision is quality assured by the local authority to ensure it complies with the guidance and can be inspected as part of a school or Pupil Referral Unit Ofsted inspection.

### **Category 2**

**Alternative education managed and delivered by secondary and special schools**. This provision is on either the school site or in separate buildings. This internal provision is not subject to quality assurance by the local

authority but is the responsibility of the governing body and is inspected by Ofsted.

### **Category 3**

**The Pupil Referral Unit** which manages education and training for young people who are either permanently excluded from mainstream provision or at risk of exclusion who are receiving support packages from PRU staff, which in some instance includes provision with alternative education providers. All pupils are offered full time educational provision of 25 hours per week, the quality of which is monitored by the Secondary Behaviour & Attendance Partnership and the Management Committee for the Pupil Referral Unit. This provision was inspected by Ofsted in January this year and was judged to be good overall with outstanding practice in partnership working.

## **2.2 Guidelines and the Legal Frame Work for the Provision of Alternative Education**

While each of three categories of provision are separate and subject to different guidelines and accountabilities there are key principles which schools and providers should adhere to. These are clearly set out in Back on Track (October 2009) and the Commissioning Alternative Provision (Guidance for LA's and schools – October 2009).

### **Back on Track Guidelines - October 2009**

- That we should start from what will work best for each young person taking account of his or her different needs and in consultation with parents and carers.
- That we should secure a core educational entitlement for all young people in alternative provision.
- That there should be better planning and commissioning of alternative provision both at an area level and for the individual.
- That local authorities should be held to account for outcomes from the alternative provision they deliver or commission.
- That there should be better professional support for those working in the sector and better accommodation and facilities.
- That there should be better partnership working between alternative provision, other parts of the education sector and other agencies and services working with young people to facilitate early intervention and ensure an integrated approach to meeting the young person's needs.
- That we must learn from the best and support innovation.

### **Commissioning Alternative Provision Guidance for LA's and schools – October 2009**

- Planning and commissioning of alternative provision should assume full-time education unless this is not appropriate for any individual, e.g. a pupil with a medical condition.
- Such full-time provision does not need to be with just one provider; commissioners may decide on a mix of provision from different providers and in some instances a pupil may spend part of the week in their mainstream school and part in some kind of alternative provision.
- Commissioners must ensure that private providers are registered with the DCSF as independent schools, where it is appropriate. (see below)
- Local authorities and schools should not offer contracts to any provider which should actually be registered as an independent school but is not registered as such. Any provider which operates in these circumstances is acting unlawfully. Currently, Section 172 of the Education Act 2002 defines an independent school as any establishment which provides full time education for five or more pupils of compulsory school age or one or more such pupils with a statement of special educational needs or who is in public care (within the meaning of Section 22 of the Children Act 1989) and is not a school maintained by a Local Education Authority or a non-maintained special school.

However, this requirement is likely to change as a result of forthcoming legislation to the effect that any institution which provides education to one or more pupils for: (the local authority is not aware of any changes).

- at least 12.5 hours a week for 28 weeks during an academic year at the end of which the pupil is under 12 years old; or
- At least 15 hours a week for at least 28 weeks during an academic year at the end of which the pupil is aged 12 or over must register as an independent school.

## **Hartlepool Approach to Implementing the Guidelines**

### **Category 1 Provision**

To support the Hartlepool secondary schools, specials schools and the Pupil Referral Unit to meet the guidelines set out in the documentation, Hartlepool Local Authority has worked closely with the 11-19 Partnership to develop a robust quality assurance system. The procedures developed are used by the local authority to monitor the quality of the provision by providers of alternative education, including colleges, work based training providers and the third sector who provide the category 1 provision.

In developing the quality assurance system the 11-19 Partnership has considered all the aspects of good practice and advice contained in the documentation to ensure the commissioning model complies with the guidance. Each provider of alternative education has a rigorous quality assessment prior to their approval as a provider of alternative education which includes a health and safety assessment, CRB check and public and employer liability. In addition the local authority 11-19 team ensure that providers comply with the guidelines; this includes the monitoring of

provision to ensure that each pupil has an individual pupil learning plans (ILP) which has been agreed by parents or carers, a service level agreement (SLA) which covers the length of provision, attendance information, copy of the timetable and the costs, the provision of free schools meals and personal protective equipment (PPE) while on site.

To support the quality assurance process and the monitoring of alternative education placements the Hartlepool 11-19 Partnership has developed a database to collate and monitor information on the cost of provision, pupil attendance, curriculum provision and learning outcomes.

Analysis of the database indicated that in 2010 -11 there were 158 pupils who received some form of alternative education provision which was provided by 13 providers. The cost of this programme was £ 390,932.25. Outcomes of pupils achieving level 1 and level 2 are awaited.

## **Category 2 Provision**

This provision is provided by the Hartlepool secondary schools and special school. The provision is based in the school (learning support unit) or in an offsite facility. These facilities are used by schools to provide first day cover for young people who may have been given a short term exclusion or young people who are unable to cope in a main stream classroom. This work has developed over a number of years and has been supported by several initiatives including the training of learning mentors, specialist training in behaviour and attendance and the development of social emotional and learning programmes (SEAL). Funding to support this provision is co-ordinated through the Behaviour and Attendance Partnership. To support young people who have behavioural, social and emotional difficulties (BESD), the local authority has worked with Catcote Business and Enterprise College to establish a specialist unit at the school. This was developed in May 2008 following the reorganisation of the Access to Learning Service, previously based on the Brierton Campus. Provision is managed internally by schools and is the responsibility of the school governing body.

## **Category 3 Provision**

### **The Role of Pupil Referral Units**

The legal remit and primary purpose of PRU's, under section 19 of the Education Act 1996, is to provide education to children and young people of compulsory school age who, on account of illness, exclusion or for other reasons, are unable to attend a maintained (i.e. mainstream or special) school. PRU's provide for a very diverse range of pupils, many with complex behavioural, social, emotional and difficulties (BESD). In addition to pupils who have been excluded from mainstream schooling for medical reasons, PRU's may cater for school-aged mothers and pregnant schoolgirls, school refusers, school phobics and young carers, and pupils who are awaiting

placement at a maintained school. Many of the children attending PRUs will have been permanently excluded or be 'at risk of exclusion. Despite the often-challenging nature of their pupils, PRU's are expected to offer a balanced and broadly based curriculum, including English, mathematics, science, PSHE, ICT and careers education and guidance.

According to this legal remit, PRU's should focus either on maintaining pupils in their mainstream schools through outreach work, or on getting them back into a mainstream school as quickly as possible.

In Hartlepool the PRU was re-organised in May 2008 in response to a poor Ofsted Inspection and the requirements of the Secondary Behaviour & Attendance Partnership and now provides the following:

#### **A) In/Outreach Service**

This is preventative provision for KS3 students who have been identified 'at risk of permanent exclusion' by secondary schools. Each school has access to two full time planned places each half term and works with the PRU staff to agree and implement an appropriate, planned curriculum and social/emotional provision for each individual pupil. This includes clearly defined entry and exit strategies and support and links with other agencies. All students who access this provision remain on the role of their school and return at the end of the planned intervention. Some students need to access this provision more than once in an academic year to prevent permanent exclusion.

Alongside this outreach service the PRU provision for permanently excluded pupils is co-located and managed to allow for flexible provision and value for money, it comprises:

#### **B) PRU Provision**

This is educational provision for permanently excluded pupils in Key Stages 2-4 and commences from day 6 of the head teacher's decision to permanently exclude the pupil. All permanently excluded students should be re-integrated into another school within eight weeks. The PRU ensures students are supported throughout this process and that all the LA's statutory requirements in relation to their educational provision during this time are met. These students are placed on role in the PRU until they have been re-integrated into another school.

### **3. RECOMMENDATIONS**

- 3.1 That the 11-19 Partnership considers the Ofsted best practice report on Alternative Education June 2011 and ensures that the Hartlepool Quality Assurance system complies with the guidance.



- 3.2 The recommendation ensures that the local authority, schools, special school, Pupil Referral Unit and providers of alternative education are adhering to current legislation and follow best practice.

#### **4. CHANGES TO THE LOCAL AUTHORITY DUTY**

- 4.1 In addition to the minor recommendations contained in the in the Wolf Review, which relate to the teaching of vocational education, from September 2011 the local authority will need to provide full time alternative provision for non-excluded pupils.
- 4.2 The department has now made a Commencement Order (SI 2011, No 1100) which will bring this duty into force with effect from September 2011. From this date, local authorities must ensure that all children who fall within scope of section 19 of the 1996 Act receive full-time education unless reasons that relate to their medical condition mean that this would not be in their best interests. This new requirement will have implications for possible increased capacity within the Home and Hospital Service and the Pupils Referral Unit (PRU), however we have always operated as close to this as possible as a matter of good practice and it is anticipated the current provision should be able to meet the new requirements.

#### **5. RISK IMPLICATIONS**

- 5.1 That the local authority fails to meet its statutory responsibilities in respect of pupils who access alternative education and that they do not have the support they require to make successful transition into post 16 education and training.

#### **6. BACKGROUND PAPERS**

Back on Track - October 2009

Commissioning Alternative Provision Guidance for Local Authorities and schools - October 2009

Ofsted report on Alternative Education - June 2011

#### **7. CONTACT OFFICERS**

Tom Argument

Child and Adult Services –11-19 Advisor

01429 287366 email [tom.argument@hartlepool.gov.uk](mailto:tom.argument@hartlepool.gov.uk)

Mark Smith

Child and Adult Services - Head of Integrated Youth Support Services

01429 523405 email [mark.smith@hartlepool.gov.uk](mailto:mark.smith@hartlepool.gov.uk)

Zoe Westley  
Child and Adult Services - Head of Social and Education Inclusion  
01429 287349 email [zoe.westley@hartlepool.gov.uk](mailto:zoe.westley@hartlepool.gov.uk)