

# **CABINET**

## **MINUTES AND DECISION RECORD**

19 September 2011

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

### **Present:**

The Mayor, Stuart Drummond - In the Chair

Councillors: Jonathan Brash (Housing and Transition Portfolio Holder)  
Pam Hargreaves (Transport and Neighbourhoods Portfolio Holder),  
Gerard Hall (Adult and Public Health Services Portfolio Holder).  
Cath Hill (Culture, Leisure and Tourism Portfolio Holder),  
Peter Jackson (Regeneration, Economic Development and Skills  
Portfolio Holder),  
Chris Simmons (Children's Services Portfolio Holder),

Also Present: Councillors Allan Barclay and Kevin Cranney  
Resident Representative John Maxwell

Officers: Nicola Bailey, Acting Chief Executive  
Andrew Atkin, Assistant Chief Executive,  
Peter Devlin, Chief Solicitor  
Dave Stubbs, Director of Regeneration and Neighbourhoods  
Graham Frankland, Assistant Director, Resources  
Damien Wilson, Assistant Director, Regeneration and Planning  
Caroline O'Neill, Assistant Director, Performance and Achievement  
Jill Harrison, Assistant Director, Adult Social Care  
John Mennear, Assistant Director, Community Services  
Juliette White, Integrated Youth Support Service  
Amy Waller, Principal Housing Regeneration Officer  
Julian Heward, Assistant Public Relations Officer  
David Cosgrove, Democratic Services Team

### **87. Apologies for Absence**

Councillors Robbie Payne (Deputy Mayor) (Finance and Procurement Portfolio Holder), and Hilary Thompson (Performance Portfolio Holder).

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

Councillor Hall declared a personal interest in minute 92 "Community Asset Transfer – Community Centres.

Councillor Simmons declared a personal interest in minute 92 "Community Asset Transfer – Community Centres.

## **89. Falcon Road Consultation Results** *(Director of Regeneration and Neighbourhoods)*

### **Type of decision**

Non-key decision.

### **Purpose of report**

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

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

The Transport and Neighbourhoods Portfolio Holder reported that this issue had been first raised in 2006 by the residents of Falcon Road who had requested the closure lining their road to Throston Grange Lane. Cabinet had in 2008 agreed to the closure of the road though discussion continued to find a suitable compromise between the wishes of the residents of Falcon Road to close the road and the wider residents of the area who wished to keep the road open. Traffic calming measures had been implemented and details of traffic surveys within the report showed that this had largely failed to reduce the amount of traffic using Falcon Road as a link between Throston Grange Lane and Merlin Way.

The Portfolio Holder indicated that the over-riding response from the residents of Falcon Road was for a closure of the link to Throston Grange Lane. The Falcon Road residents could be enhanced by the closure, removing the majority of traffic from the road. However, other residents would have to extend their journeys via Hart Lane to access Merlin Way.

The Portfolio Holder acknowledged that both sides of the argument had valid reasons for their particular stance on this issue. However, the Portfolio Holder considered that the residents of Falcon Road suffered directly the adverse effects of the through traffic on a daily basis and therefore supported the closure of the link to Throston Grange Lane.

The Mayor indicated that a number of residents were in attendance at the meeting and one, Mr Culley, had contacted him in advance of the meeting requesting the opportunity to address cabinet members. Mr Culley, a resident of Falcon Road, spoke in support of the proposed closure and referred to the survey statistics which showed there had been very little difference to the through traffic on Falcon Road following the introduction of the traffic calming measures. Mr Culley also considered that any statement that there had been no accident so n Falcon Road since 2008 were incorrect, he was aware of fourteen separate accidents, one of which was serious incident involving a motorcyclist. For the residents of Falcon Road the issue was as much about planning as traffic safety; the road was simply not designed for the amount of traffic that was using it. Mr Culley commented that whenever he had discussed the issue with the Mayor and

officers of the authority, it had always been indicated that if no solution could be found to drastically reduce the through traffic in Falcon Road then the road would be closed. He asked that that now be done.

Another resident, Mrs O'Connelly, spoke against the closure indicating that while the road may have been badly planned that was simply the way it was. There had been one or two instances on the road but it was safe to use as the traffic calming measures had reduced speeds through the road. The area was one of the biggest housing estates in the town and if there was a closure of Merlin Way there would be huge traffic problems. There were already traffic problems on Hart Lane. There were also concerns at the access for emergency vehicles. If there was any documentation to show that the estate had been designed in any other way, no one had produced them.

Cabinet discussed the options set out in the report which were -

Option 1 – Keep the road open.

Option 2 – Road closure at Throston Grange Lane.

Option 3 – Road closures at Falcon Road/ Moorhen Road, and Merlin Way/ Lapwing Road junctions.

Option 4 – Road closures at junctions of Merlin Way/ Lapwing Rd, Merlin Way/ Moorhen Rd and Merlin Way/ Goshawk Road.

Option 5 – As Option 4, but with Goshawk Road remaining open.

Cabinet Members considered that it was clear that the road was not designed to take the amount of traffic that was using it to and from Throston Grange Lane. The residents were suffering anxiety and distress from the levels of traffic and if it was closed there may be anxiety and distress caused to those who could no longer use the route. However, it was suggested that cabinet should take the solution that alleviated the most anxiety and distress and that was to the residents of Falcon Road.

There were, however, concerns at the potential increase in traffic on Hart Lane which already had its own issues. Preventing large vehicles using Falcon Road may be one further solution that could be considered. Other Members considered that similar bans in other areas had made little difference as enforcement was difficult without the Police being there continuously. Cabinet Members did express the view that measures had already been implemented at great expense and the traffic numbers had not reduced.

The Mayor expressed his extreme concern that approving this closure would set a precedent that would bring forward a large number of other closures around the town supported by local residents. This could in his opinion lead to a town full of blocked roads and volumes on other roads that simply could not be sustained. Traffic volumes had increased across the town and this area was no different. On the point of stopping heavy goods vehicles using Falcon Road, the Mayor indicated his support for such a ban being introduced.

The Mayor considered that a major point for him in supporting the road remaining open was a house fire in 2008 where this road had been used as an access point in dealing with a severe house fire and saving the life of a resident. The Mayor did not believe that the other roads in the area would cope with the impact of this closure and considered therefore that the road should remain open. Cabinet Members did support the view on access by emergency vehicles but did feel this could be done through removable bollards, as used in other areas. Cabinet Members did also consider that there would be no precedence set as any road closure, as this one, would have to be dealt with on its own merits.

In looking at the options set out in the report most Cabinet Members suggested that Option 2 was the only option that could be supported. It was questioned as to whether a one-way order on the link road had been considered. The Director of Regeneration and Neighbourhoods indicated that it had been considered unofficially. There was concern that a one-way order could increase speeds in Falcon Road. The reference to banning heavy goods vehicles would be difficult to enforce as these orders were difficult to enforce anywhere in the town and relied largely on self-enforcement.

Cabinet Members considered that the other options set out in the report may actually cause greater problems than the one that was attempting to be alleviated and the majority supported the introduction of Option 2. The Mayor indicated his disappointment with the decision and found it hard to correlate with the outcome of the consultation exercises.

### **Decision**

That Falcon Road be closed at its junction with Throston Grange Lane and that the Chief Solicitor be authorised to progress the necessary legal notices.

## **90. Minutes of the meeting held on 30 August 2011**

The Transport and Neighbourhoods Portfolio Holder commented that in relation to Minute No 77 "Progress to date on the Development of Connected Care Services in Hartlepool" the minute did not reflect fully her recollection of the discussion. The Portfolio Holder considered that Cabinet had agreed -

- That four people are appointed to the board of Who Cares NE from both the central and north areas of Hartlepool and that the appointees be approved by Cabinet,
- That once the new Board was established, the commissioning arrangements for the delivery of the contract would be reviewed,
- That the contract be restricted to the SAIL service, Navigators and handyperson service,
- That Cabinet receives reports from the Board of Who Cares NE on an annual basis,

- That the action plan reflects the above recommendations.

The Adult and Public Health Services Portfolio Holder indicated that he had been advised that the latest date for the signing of the contract for Connected Care was 1 October and there could be significant consequences of delaying the signing beyond that date. The Mayor considered that the Board needed to be reflective of the three areas in which the services were being rolled out.

Subject to the amendments detailed above, the minutes were confirmed.

## **91. Raby Road Corridor – General Vesting Declaration (GVD)** *(Director of Regeneration and Neighbourhoods)*

### **Type of decision**

Key Decision, Test (i) applies. Forward Plan ref. - RN76-11

### **Purpose of report**

To seek authorisation from Cabinet to implement the Borough of Hartlepool (Land at Perth, Hurworth and Gray Streets, Turnbull Street (Nos. 47 to 68), West Hartlepool Rovers Amateur Quois 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.

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

The Mayor reported that the making of a General Vesting Declaration was part of the legal processes required to progress the redevelopment of this area of the town. Full consultation had been undertaken and there were now already around 50% of the properties empty, though that in itself was causing issues for the remaining residents which were being addressed. Cabinet Members questioned the process of reaching agreed valuations for the properties which officers indicated would be circulated to them.

### **Decision**

That the making of a General Vesting Declaration be approved 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 Quois 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 that the Chief Solicitor be authorised to take all appropriate steps.

## **92. Community Asset Transfer – Community Centres**

*(Director of Child and Adult Services & Director of Regeneration and Neighbourhoods)*

### **Type of decision**

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

### **Purpose of report**

To seek Cabinet approval to undertake Community Asset Transfers for both the West View and Jutland Road Community Centres and the disposal of Throston Community Centre either by sale or lease.

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

The Assistant Director, Community Services reported that successive governments had been promoting the concept of community transfer since 2003 and the current government was highlighting it again through the Localism Bill.

The Council's Community Asset Transfer policy provided guidance as to which groups are eligible for consideration. This sought to ensure that groups were appropriately constituted, had 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 set 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 was critical that successful organisations had the capacity and capability to give every confidence that a long term future can be expected. It was in no-one's interest that a transfer was completed which could not be sustained though it was appreciated that there were no absolute guarantees. Risks would need to be considered, however the policy sought to minimise these through the selection process contained in the Asset Transfer Policy.

The Council had 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 were confident that we had 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 conclusion to this Asset Transfer process was 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 was to seek suitable established community organisations with experience and capacity for management and development of services from within transferred properties. To achieve this it was proposed that all the premises available were offered on a long term lease, however, the freehold was

recommended to remain with the Authority as part of its asset base.

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 (a quality standard online assessment developed by Community Matters) per property were as follows: -

West View Community Centre – West View Advice and 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

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.

The report included background to the West View Advice and Resource Centre and West View Project groups. The Pre-visible outcome report had been submitted which showed that West View Project had achieved 100% in all of the categories listed in the assessment.

Similar detail was supplied on OFCA (Owton Fens Community Association). 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.

The detail of the scoring mechanism was provided on page three of Appendix 1 and Appendix 2, each submission had commentary which sought 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 could 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.

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

repositories/drop off service should this prove to be a workable option.

In the report to Cabinet on the 9th May it was agreed 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. This will improve the role of the Library which is seen as being at the heart of the local community. 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.

Cabinet welcomed the proposed arrangements for the West View and Jutland Road Community Centres but acknowledged that the financial situation would be as hard for community based groups as it was for the public and private sectors. If the groups were to fail what would the situation be regarding the buildings. The Assistant Director indicated that the proposals for the two centres were based on lease arrangements, initially on a ten-year basis but this could be extended. This protected the council's freehold of the properties. There would also be 'break clauses' in the lease to allow both sides an opportunity to review.

Cabinet Members supported the reported proposals but did question the future of the Throston Community Centre and the timetable for its marketing. Officers indicated that the council would be looking for some reuse of the building as it was generally in a reasonable condition. Any marketing would likely take place over the next few months.

### **Decision**

1. That the Community Asset Transfer of West View Community Centre be approved on a joint basis to West View Project and West View Advice and Resource Centre.
2. That the Community Asset Transfer of Jutland Road Community Centre be approved to Owton Fens Community Association (OFCA).
3. That, in the absence of any expression of interest, Throston Community Centre is closed as soon as improvements to the library are completed and that the property/site is marketed by the Estates and Asset Manager for lease/sale for an alternative use.
4. That 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.
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.



### **93. Response to Open Public Services White Paper** (Assistant Chief Executive)

#### **Type of decision**

Non-key.

#### **Purpose of report**

The report provided Cabinet with a draft response to the Government Open Public Services White Paper.

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

The Assistant Chief Executive reported that at the meeting on 15 August Cabinet received a summary of the White Paper and agreed that it wished to send a response. Overall, the White Paper set 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 were set out would further push councils to become commissioning organisations rather than providers. In addition Council's would also be managers and regulators of markets as they would retain final accountability.

It was noted that at this time there was something of a disjoint between national policy and the fiscal decisions of central government and how those may affect a community like Hartlepool. It was also highlighted in the response how the authority had been working with other groups and organisations for some time which reflected the intention of the legislation.

Members considered the detailed response set out in the report and commented that it was an excellent response to the White Paper and Cabinet appreciation should be forwarded to the writer. Cabinet expressed its reservations at the governments push to make local authorities commissioners of services rather than providers. Members had concerns at the abilities that the private sector would have in winning contracts due to their greater experience in that role but that they may not have the same capacity of third sector providers in actually delivering the services. Members were concerned that local government's expertise in delivering universal services across the board was not being recognised.

#### **Decision**

That the submitted response to the Government's Public Services white paper be approved for submission and that authority be delegated to the Assistant Chief Executive to finalise the response in the light of comments made in conjunction with the Mayor.

## **94. British Youth Council ASDAN Councillor Shadowing Award** *(Director of Child and Adult Services)*

### **Type of decision**

Non-key.

### **Purpose of report**

The report outlined the current position in respect to the active involvement of young people in strategic decision-making across the town. Within this, there was 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.

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

The Children's services Portfolio Holder introduced the report and commented that Hartlepool already had a good track record in involving young people in decision-making and being part of this scheme could only enhance that.

The Assistant Director, Performance and Achievement outlined the background to the involvement of young people in decision making and the new opportunity that had arisen for young people wishing to find out more about the democratic process. The Local Councillor Shadowing Award from the British Youth Council (BYC) was an ASDAN accredited programme. The benefits of the programme included an understanding of contributions made by Councillors and young people alike to the decision-making process. Young people could find out more about their local communities and by shadowing a Councillor for ten hours a week over a six week period, there was an opportunity for a sharing of aspirations and concerns in local neighbourhoods. This programme would 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.

It was indicated that the young people would come forward through the Integrated Youth Service. Cabinet welcomed the scheme which would build upon the positive impact on decision-making that young people had already had through their involvement in the Children's Services Scrutiny Forum. Cabinet Members suggested that a repeat of the Cabinet meeting held last year at Hartlepool College of Further Education may also be a valuable exercise in involving young people in the decision-making processes of the authority. The Mayor indicated that he was already having discussions on such an event.

### **Decision**

That the participation of Hartlepool young people in the British Youth

Council ASDAN Councillor Shadowing Award be approved.

## **95. Alternative Education** (*Director of Child and Adult Services*)

### **Type of decision**

Non-key.

### **Purpose of report**

The report updated 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.

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

The Assistant Director, Performance and Achievement reported that alternative education was used to support vulnerable young people who for various reasons are unable to attend mainstream education provision. The provision of alternative education was governed by a number of key documents which provided guidance on how this provision should be commissioned and managed. These were: 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 were 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.

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

Hartlepool's approach to providing the three categories of alternative education were set out in the report including the In/Outreach Service and the PRU provision both of which had a focus on assisting young people make the transition from under 16 to post 16 education to avoid them from falling into the NEETs (not in education, employment or training) category.

The Mayor commented that the provision of these services was directly in response to the government commissioned reports. The direction of government policies on education and in general led the Mayor to believe that there would be increasing pressure on the alternative education provision in Hartlepool. The Assistant Director indicated that there was strong partnership working in this area in Hartlepool and while there would be challenges in the future it was believed that Hartlepool was well positioned to support those young people that required alternative education support.

The Mayor indicated that he would welcome a report to a future meeting on the detail of the authority's services around alternative education provision. Hartlepool has high youth unemployment figures and it was likely that many of the young people that come through these alternative education systems were likely to be part of that number. It was also indicated that details of who and where the services were provided should be included in the report. The Assistant Director indicated that a report would be provided that would include some case studies to highlight the services provided.

### **Decision**

That the report be noted and that a further report be provided, as requested, to a future meeting of cabinet.

The meeting concluded at 10.50 a.m.

**P J DEVLIN**

**CHIEF SOLICITOR**

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