

CABINET

MINUTES AND DECISION RECORD

23 January 2012

The meeting commenced at 9.15 am at St Hild's School, Hartlepool

Present:

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 and Economic Development and Skills Portfolio Holder)
Chris Simmons (Children's Services Portfolio Holder)
Hilary Thompson (Performance Portfolio Holder)

Officers: Nicola Bailey, Acting Chief Executive
Peter Devlin, Chief Solicitor
Dave Stubbs, Director of Regeneration and Neighbourhoods
Chris Little, Chief Finance Officer
Damien Wilson, Assistant Director, Regeneration and Planning
Graham Frankland, Assistant Director, Resources
Louise Wallace, Assistant Director of Health Improvement
Steve Hilton, Public Relations Officer
Caroline O'Neill, Assistant Director, Performance and Achievement
Denise Wimpenny, Principal Democratic Services Officer

209. Appointment of Chair

Following an announcement that the Mayor had been delayed, it was agreed that Councillor Cath Hill, Culture Leisure and Tourism Portfolio Holder be appointed as Chair.

Councillor Hill took the Chair

210. Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Robbie Payne (Deputy Mayor) (Finance and Procurement Portfolio Holder).

211. Declarations of interest by Members

None at this point in the meeting. However the Mayor declared a personal interest later in the meeting (Minute 217 refers).

212. Minutes of the meeting held on 9 January 2012

Confirmed.

213. Presentations/Question and Answer Session

Students from St Hild's school were in attendance at the meeting and delivered presentations in relation to the following issues:-

- Votes for 16
- King Oswy Drive and Road Safety
- Animal Welfare
- Promoting Hartlepool

Following the conclusion of the presentations, Cabinet Members responded to a number of questions raised by students from the school.

214. Local Development Framework – Annual Monitoring Report 2010/11 (*Director of Regeneration and Neighbourhoods*)

Type of decision

Budget and Policy Framework

Purpose of report

To report sought approval of the draft Local Development Framework annual Monitoring Report 2010/11 for submission to the Secretary of State for Communities and Local Government, subject to final editing to be approved by the Community Safety and Housing Portfolio Holder

Issue(s) for consideration by Cabinet

It was reported that the Annual Monitoring Report, attached at Appendix 1, assessed the implementation of the programme for preparation of Local Development Documents contained in the Local Development Scheme. The Annual Monitoring Report also assessed existing planning policies contained in the adopted Hartlepool Local Plan 2006 together with a number of indicators including business development, vacancy rates, house completions and projected completions, minerals and waste, quality of life, conservation and design. The assessment confirmed that the majority of key milestones were reached during the period, details of which were provided, as set out in the report.

In order to meet the deadline for submission to the Secretary of State by 31 December, the Mayor, as Portfolio Holder for Planning, had previously agreed this be sent to the Secretary of State.

A Member expressed some concern regarding the proposal to omit the brownfield target requirement on housing developments and highlighted the need to develop brownfield sites as a priority.

Decision

That the draft Annual Monitoring Report 2010/11, for submission to the Secretary of State for Local Government, be endorsed subject to final editing to be approved by the Community Safety and Housing Portfolio Holder prior to submission and approval by Council.

215. Core Strategy Publication Document *(Director of Regeneration and Neighbourhoods)*

Type of decision

Budget and Policy Framework

Purpose of report

The present the draft Core Strategy Publication document and seek authorisation to consult in line with statutory requirements, prior to submitting the final document to the Secretary of State for Communities and Local Government.

Issue(s) for consideration by Cabinet

The report set out the background to the preparation of the Core Strategy, referring to the detailed report which had been considered by Cabinet in September. The report outlined the next steps towards adoption of the plan which would include consultation on the draft Publication Document, submission to the Secretary of State, the holding of an Examination in Public and then formal adoption, subject to the plan being deemed to be 'sound'.

The draft Publication Document, attached as an appendix to the report, highlighted the key policy issues that were addressed in the document. The report sought authority to consult on the draft and delegate authority to make minor amendments if required as a result of a Habitats Regulations Assessment and Sustainability Appraisal of the document.

The Core Strategy sets the strategic planning framework for the Borough over the next 15 years and would impact across a number of portfolios.

In response to a request for clarification, the Assistant Director stated that there was an opportunity to amend the document following consultation.

A Member referred to letters of concern from Fens Residents Association and Greatham Parish Council regarding the future housing proposals for the South West extension emphasising the need to protect the green wedge. These concerns were supported by another Cabinet Member emphasising

the importance of keeping Greatham safe, protecting rural areas and the need to consider the impact of turbines on the landscape. Following discussion, it was suggested that these concerns be considered as part of the consultation process.

In the lengthy debate that followed on the most appropriate sites for housing development, some Members raised strong concerns that no areas, with similar circumstances, should be excluded from development. Reference was made to the extensive debate on this issue at the Cabinet meeting in September when it was agreed that the South West Extension (Claxton) be supported as an area for housing development taking into account concerns relating to traffic access and housing mix. The Assistant Director outlined the implications of a change in decision at this stage in the process.

At this point in the meeting the Mayor joined the meeting and apologised for the delay in arrival. Councillor Hill vacated the Chair and the Mayor took the Chair

Given the advice provided and the extensive debate on this issue at a previous meeting, Members were of the view that the decision taken by Members in September in relation to the strategy document should not be amended.

Decision

- (i) That the draft Core Strategy Publication document be approved for consultation purposes, subject to minor editing.
- (ii) That the Assistant Director of Regeneration and Planning, in consultation with the relevant Portfolio Holder, be authorised to make any minor amendments resulting from the recommendations of the Sustainability Assessment and Habitats Regulations Assessment.
- (iii) Subject to no substantive changes being required to the document following consultation, officers be authorised to submit the Core Strategy to the Secretary of State for Communities and Local Government for independent examination.
- (iv) The comments of Members, as outlined above, be fed into the consultation process.

216. Property Acquisition/Development Strategy *(Director of Regeneration and Neighbourhoods/Chief Finance Officer)*

Type of decision

Key – tests (i) and (ii) applies

Purpose of report

To seek approval to a proactive approach to the acquisition and development of land and property, where this provides the opportunity to add economic, social and regeneration value.

To seek Cabinet approval for the purchase of the former Ambulance Station at Briarfields.

Issue(s) for consideration by Cabinet

The report described the Council's current disposal strategy which was contributing to the Medium Term Financial Strategy. It went on to outline areas where acquisition and development may be considered in cases that directly supported the Council's corporate objectives without increasing financial risk.

The requirement for Cabinet and Council to approve business cases in each case was outlined together with evaluation criteria that needed to be considered and an analysis of risk. In addition to considering individual business cases, an assessment had also been undertaken of the overall level of projects being undertaken and funded on a temporary basis from capital receipts to ensure overall financial risk was managed and sufficient capital receipts were achieved to meet expenditure commitments relating to one-off strategic costs. The report included a business case for the purchase of the Ambulance Station adjacent to the Council's Briarfields development site.

It was noted that the business case for the purchase of the Ambulance Station site met the criteria as set out in 2.6 of the report as detailed below:-

- Additional capital value would be released from the Council's Briarfield's site
- The marriage value provided a return in excess of target investment
- A significant development site would be brought forward under the full control of the Council without a 3rd party owner being involved
- A single planning approval process would be achieved
- The site would be developed to improve the local environment including the restoration of a vacant and derelict building
- The purchase would have a positive impact on achieving the capital receipts target of £4.5m to meet identified shortfalls as part of the Medium Term Financial Strategy

In response to a query regarding the level of funding required to support the purchase, Members were referred to the terms that had been provisionally agreed with the Ambulance Service, as set out in a confidential appendix to the report. The Chief Finance Officer added that there would be no requirement for additional borrowing to finance the purchase. The Mayor commented on the importance of strategies of this type to assist with the Council's difficult budgetary situation.

Decision

- (i) Cabinet noted the contents of the report and the benefits of a proactive acquisition/development strategy in appropriate situations was acknowledged.
- (ii) The proposal to actively consider suitable opportunities and submit to Cabinet and Council for approval, as part of the Medium Term Financial Strategy, be approved.
- (iii) That Council consent be obtained for the provision of funding to support acceptable business cases.
- (iv) That the business case for the purchase of the Ambulance Station at Briarfields, to enhance the Council's adjacent development site, be approved and submitted to Council for approval as part of the budget and policy framework.

217. Police and Crime Commissioners and Police and Crime Panels (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non-key

Purpose of report

To inform Cabinet of the introduction of the Police Reform and Social Responsibility Act 2011

Issue(s) for consideration by Cabinet

The Mayor presented the report which provided background information to the new Police Reform and Social Responsibility Act 2011. The report included details of the legal powers and duties of the Police and Crime Commissioners, qualifications for serving as Police and Crime Commissioners (PCC) as well as various requirements of the Act.

Members were advised that the Act required the establishment of a Police and Crime Panel of at least 12 and maximum of 20 but funding was only available for 12. At least 10 would be councillors and the rest co-optees, with a minimum of 2 co-optees. It was intended that these would be in place prior to the November 2012 elections. Elected Mayors would automatically take one of the places for their authority. The Police and Crime Panel would provide a check and balance against the performance of the PCC, details of which was set out in the report.

The Chief Constable would retain responsibility for operational matters. If the Police and Crime Panel sought to scrutinise the PCC on an operational matter, the Chief Constable or other officers may need to attend alongside the PCC to offer factual accounts and clarity. The accountability of the Chief Constable would be to the PCC and not to the Police and Crime Panel. The establishment of PCCs was intended to allow the Home Office to withdraw from day to day policing matters, allowing local communities to hold the police to account.

The report included details of the direction and control of a Chief Constable
It was proposed that the initial composition of Cleveland Police and Crime Panel be as follows:-

- a) Hartlepool Borough Council – 2 Elected Members
- b) Middlesbrough Borough Council – 3 Elected Members
- c) Redcar and Cleveland Borough Council – 3 Elected Members
- d) Stockton on Tees Borough Council – 4 Elected Members

Ten of the Elected Members would be direct nominees of individual local authorities and the remaining two would need to be co-opted by the original ten.

At this point in the meeting the Mayor declared a personal interest in this item of business.

Reference was made to the proposed composition of the Panel and concerns were expressed regarding Hartlepool's low level of representation of two Members. Members were of the view that representation should be equitable across the four local authorities. A Member queried what guidelines were in place in relation to representation to which the Mayor advised that the guidance stated that it was a matter for local authorities to determine the level of representation and the proposed composition had been calculated based on population figures. With regard to the proposal for Stockton to act as lead Authority for the Cleveland Police and Crime Panel, a Member suggested that should a similar opportunity arise, consideration should be given to Hartlepool undertaking the lead role.

Decision

- (i) Cabinet noted the contents of the report.
- (ii) That the proposed composition of Cleveland Police and Crime Panel be reconsidered to reflect a fairer balance across all local authorities (3 Members per local authority).
- (iii) That the proposal for Stockton to act as Lead Authority in respect of the Panel, be approved.

218. Draft Hartlepool Public Health Transition Plan *(Acting Chief Executive)*

Type of decision

Non-key

Purpose of report

To present to Cabinet the draft Transition Plan for transferring the statutory responsibilities for Public Health from NHS Hartlepool to Hartlepool Borough Council by April 2013

Issue(s) for consideration by Cabinet

The Adult and Public Health Services Portfolio Holder presented the report which provided a policy update regarding the future of Public Health and the Transition Plan to implement the policy. The Plan, attached at Appendix 1, highlighted the key issues, actions, timescales, responsible officer and progress. The plan was a joint plan with NHS Hartlepool and had to be submitted in draft form for approval to the Regional Director of Public Health by 27 January 2012. Members were referred to the timescales for implementing the Plan, as set out in the report and were reminded that all PCTs must have completed the formal handover of public health responsibilities to local authorities by the end of March 2012.

A Member commended the Assistant Director of Health Improvement and NHS Hartlepool in relation to progress made on the Transition Plan to date.

Decision

- (i) That the draft Transition Plan, be approved.
- (ii) That the final version of the Transition Plan be considered at the Cabinet meeting on 5 March 2012, prior to submission to the Regional Director of Public Health on 16 March 2012.

219. Announcement/Adjournment of Meeting

Due to time constraints relating to availability of the venue, the Mayor announced that the meeting would adjourn and reconvene immediately upon Cabinet's return to the Civic Centre to consider the remaining business.

The Mayor expressed his thanks to the students for their presentations and input to the meeting.

The meeting stood adjourned at 11.10 am

**Upon being reconvened on Monday 23 January at 11.40 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 and Economic Development and Skills Portfolio Holder)

Chris Simmons (Children's Services Portfolio Holder)
Hilary Thompson (Performance Portfolio Holder)

Also present:

Councillor Marjorie James, Chair of Scrutiny Co-ordinating Committee
Councillors Cook, Griffin, Loynes, Preece, Tempest and Wells

Officers:

Nicola Bailey, Acting Chief Executive
Peter Devlin, Chief Solicitor
Dave Stubbs, Director of Regeneration and Neighbourhoods
Chris Little, Chief Finance Officer
Damien Wilson, Assistant Director, Regeneration and Planning
Graham Frankland, Assistant Director
Louise Wallace, Assistant Director of Health Improvement
Steve Hilton, Public Relations Officer
Caroline O'Neill, Assistant Director, Performance and Achievement
Joan Stevens, Scrutiny Manager
Denise Wimpenny, Principal Democratic Services Officer

220. Call in of Decision – Strategy For Bridging The Budget Deficit 2012/13 – ICT, Revenues and Benefits *(Scrutiny Co-ordinating Committee)*

Type of decision

Non-key

Purpose of report

To report the outcome of the Scrutiny Co-ordinating Committee meeting on 20 January 2012 at which consideration was given to the Call-in of the above decision taken by Cabinet on 19 December 2011 (minute no 194 refers)

To refer the decision taken by Cabinet on 19 December 2012 (minute no 194 refers) back to Cabinet for further consideration.

Issue(s) for consideration by Cabinet

The Mayor invited the Chair of Scrutiny Co-ordinating Committee to present the report in open session to facilitate transparency and to allow the press and public to remain in the meeting. The Chair of Scrutiny Co-ordinating Committee raised concerns regarding this suggestion on the basis that this would limit the information the Chair could share with Cabinet and suggested that the report should be presented and considered in closed session.

Following a lengthy discussion on the most appropriate method of consideration and a request for the Chief Solicitor's advice in this regard, the Chief Solicitor provided clarification on the access to information rules

indicating that if the author of the report felt constrained in presenting their views in open session, then as a precautionary measure, the matter should be considered in private session.

Further details of discussions were set out in the exempt section of the minutes.

221. Local Government (Access to Information) (Variation) Order 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting during part of the discussion on the previous item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

220. Call in of Decision – Strategy For Bridging The Budget Deficit 2012/13 – ICT, Revenues and Benefits *(Scrutiny Co-ordinating Committee)*

Further to discussions, as set out in the exempt section of the minutes, the meeting returned to open session whereupon the Mayor concluded discussions by reiterating the reasons for the decision, as detailed in the exempt section of the minutes and emphasised Cabinet's responsibility in ensuring a robust financial strategy was in place to address the difficult budgetary decisions faced by the Council. Cabinet's views were sought as to whether the decision made in December should be reaffirmed or modified.

Whilst Members were of the view that the decision should be reaffirmed in view of the current financial position, Members wished to place on record that the decision taken by Cabinet in December had not been taken lightly.

Decision

- (i) That the previous decision of Cabinet (minute 194 refers) in relation to the Strategy for Bridging the Budget Deficit 2012/13 - ICT, Revenues and Benefit Services be reaffirmed and Cabinet's decision be reported to a future meeting of Scrutiny Co-ordinating Committee.
- (ii) The recommendations of Scrutiny in relation to the level of profit share, the need for provision of services in localised/community

locations and provision of a free local contact telephone number be further explored with the provider.

The meeting concluded at 12.58 pm.

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 27 JANUARY 2012