

CABINET

MINUTES AND DECISION RECORD

20 February 2012

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)
Pamela 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)
Hilary Thompson (Performance Portfolio Holder)

Also Present:

Councillors Rob Cook (Chair of General Purposes Committee) and Ray Wells, Members of Scrutiny Co-ordinating Committee

Officers:

Nicola Bailey, Acting Chief Executive
Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Dave Stubbs, Director of Regeneration and Neighbourhoods
Damien Wilson, Assistant Director, Regeneration and Planning
Denise Ogden, Assistant Director, Neighbourhood Services
Jill Harrison, Assistant Director, Adult Social Care
Joan Stevens, Scrutiny Manager
Julian Heward, Public Relations Officer
Angela Armstrong, Principal Democratic Services Officer

234. Apologies for Absence

Apologies for absence were received from Councillor Robbie Payne, Portfolio Holder for Finance and Procurement and Councillor Chris Simmons, Portfolio Holder for Children's Services.

235. Declarations of interest by Members

Councillor Hilary Thompson declared a personal interest in 242 and Councillors Jonathan Brash, Gerard Hall, Pamela Hargreaves and Peter Jackson declared personal interests in minute 238.

236. Referral Response – Delivery of Support to Members and to the Council, Executive, Non Executive and Scrutiny Functions (*Scrutiny Co-ordinating Committee*)

Type of decision

Non key.

Purpose of report

To outline the Scrutiny Co-ordinating Committee's formal response to the referral from Cabinet, on the 7 November 2011, in relation to issues around the delivery of support to Members and to Council, Executive, Non Executive and Scrutiny functions.

Issue(s) for consideration by Cabinet

The report outlined the Scrutiny Co-ordinating Committee's formal response to the referral from Cabinet on the 7 November 2011 in relation to issues around the delivery of support to Members and to Council, Executive, Non Executive and Scrutiny functions.

Cabinet on the 7 November 2012 made a series of decisions in relation to the delivery of support to Members and to Council, Executive, Non Executive and Scrutiny functions. In accordance with the wishes of Cabinet, decisions 1(i) to 1(vi) were referred to the Scrutiny Co-ordinating Committee for consideration. In addition to this, following publication of the decision record for this meeting, all of the decisions made in relation to this issue (i.e. decisions 1(i-vi), 2 (i-viii) and 3 i-ii) were subject to Call-in.

In response to a request for clarification, the Scrutiny Manager confirmed that the Call-in relating to the decisions taken by Cabinet on the 7 November 2011 had been considered and concluded by Cabinet on the 5 December 2011. In concluding its consideration of the Call-in, Cabinet had agreed to extend the referral originally made to scrutiny (i.e. decisions 1(i) to 1(vi)) to include all of the decisions taken on the 7 November in relation to this issue. It was the outcome of the extended referral that was being presented to Cabinet for consideration at today's meeting.

Cabinet considered the responses from Scrutiny Co-ordinating Committee as follows:

1 (i) – That the Constitution be reviewed annually through the Monitoring Officer and that the Constitution Committee be abolished, following the 2012 elections.

Whilst it was noted that Members of the Constitution/General Purposes Working Group felt strongly that to only review the Constitution annually was not acceptable, Cabinet considered that to constantly be reviewing the Constitution was a drain on officer and Member resources. The Monitoring Officer confirmed that the Department for the Environment, Transport and the Regions guidance indicated that local authorities should individually determine how their Constitution was reviewed either through a Committee or an appropriate officer. It was pointed out that Hartlepool was unique in operating a Constitution Committee.

In response to concerns regarding the absence of Elected Member input as part of the revised process, the Monitoring Officer confirmed that any changes to the Constitution would be submitted to Council for approval prior to implementation. Given that this would address concerns regarding Elected Member involvement, Cabinet reaffirmed its decision.

1 (ii) – That the functions of the Standards Committee be extended to include monitoring attendance of Members at induction and training sessions.

During the course of the referral Members had highlighted that Member attendances were already recorded, audited and published on an annual basis and that any additional monitoring would be a further drain on resources. Cabinet supported this view and agreed that the current system of recording, auditing and publishing Members' attendances was sufficient. The importance of Members' attending induction and training sessions was, however, highlighted and it was suggested that more effective ways of delivering these sessions be explored.

1 (iii) – That the General Purposes (Appeals and Staffing) Committee become a stand alone committee with a fixed membership

The Chair of General Purposes Committee was in attendance and confirmed that the Committee had developed a system to identify the availability of Members to participate in Appeals and Staffing Committees and this had proven to be effective. In addition to this, all Members of General Purposes Committee received training on all aspects associated with Appeals and Staffing issues. Therefore Scrutiny Co-ordinating Committee did not support the above recommendation. Cabinet confirmed that the recommendation would maintain the consistency of fully trained Members for appeals and staffing issues whilst streamlining the process and reaffirmed its original decision.

1 (iv) – That the remaining General Purposes Committee functions be combined with the functions of the Audit Committee to form one expanded "Operations Committee" with exclusively backbench membership

The response from Scrutiny Co-ordinating Committee indicated that the General Purposes Committee should continue to operate as currently with

no reduction in membership. However, the Committee had recommended that further discussion on the audit and governance arrangements be undertaken in the forthcoming municipal year. The importance of the local authority having a Constitution in place prior to the commencement of the forthcoming municipal year was reiterated. Cabinet considered that the original proposal would strengthen the role of back bench Members in robust audit and governance arrangements for the local authority and would also achieve the aim of reducing the number of Committees in view of the impending reduction in Members. Cabinet reaffirmed its original decision.

1 (v) – That the Contract Scrutiny Committee be abolished and the functions relating to the contracts/tenders be undertaken by the Executive.

The Scrutiny Co-ordinating Committee's response concurred that the Contract Scrutiny Committee should be abolished but that the functions of opening and recording of tenders could be undertaken through a sub committee of the Audit Committee or through two individuals (officer/elected member) to be determined. In relation to the governance and monitoring arrangements relating to the issuing of contracts and the subsequent procurement policy arrangements, Members were reminded that the monitoring of contracts and procurement function were Executive functions. Cabinet reaffirmed its original decision with the inclusion of the provision that the Audit Committee should have the ability to consider a contract for detailed examination should it not be performing and report their findings to the relevant Portfolio Holder where appropriate.

1 (vi) – That the number of Scrutiny Forums be reduced from six to four through the merging of Neighbourhood Services and Regeneration and Planning Services Scrutiny Forums and Health Scrutiny Forum to be combined with Adult and Community Services Scrutiny Forum to reflect the Council's new public health role

Scrutiny Co-ordinating Committee considered that in view of the projected workload and additional responsibility to be placed on the local authority in relation to public health, the five Scrutiny Forums should continue as they currently stand, with a reduced membership of 5/6 Members appointed to each Scrutiny Forum depending on the requirements of proportionality. In addition to this, the Chair, Vice Chair and one other Member from the Scrutiny Forums be appointed to Scrutiny Co-ordinating Committee to enable the full participation of back bench and cross party Members with the Chair appointed by Council resulting in a membership of 16 Members on Scrutiny Co-ordinating Committee. Whilst Cabinet acknowledged the important role Scrutiny played in the decision making process of the local authority, in view of extended health scrutiny responsibilities (around the Health and Wellbeing Board and the transfer of Public Health responsibilities to the local authority) and the reducing number of Members, it was considered that the original Cabinet proposal would enable scrutiny to undertake a more efficient and effective role within the resources available. Cabinet did not feel that this proposal would in any way inhibit

the role of scrutiny and reaffirmed its original decision.

2 (i) – That Members’ Seminars be deleted from the council diary and replaced with ad hoc briefing/training sessions, to be organised following identification of issues by Members/Officers and be held immediately in advance of meetings of full Council.

Whilst Scrutiny Co-ordinating Committee supported the removal of diaried Members’ Seminar, it was considered that the scheduling of the ad hoc briefing/training sessions needed further discussion. Cabinet supported this view and reaffirmed its decision, with the need for further consideration to be given to the appropriate scheduling of ad hoc briefing/training sessions.

2 (ii) – That the introduction of Task and Finish/Working Groups be monitored to ensure they are resourceable

Scrutiny Co-ordinating Committee responded that additional Task and Finish/Working Groups were already scheduled around the Council Annual Diary, Members and Officers diaries to ensure they are resourceable. It was considered that any additional monitoring of this would put a further strain on officer resources. Cabinet reiterated that the whole point of the review of delivery of support to Members and the Council was to streamline processes and all Members should continue to be mindful of this when arranging Task and Finish/Working Groups.

2 (iii) – That task and finish groups be conducted in public, except where the information being discussed is exempt under the Local Government (Access to Information) (Variation) Order 2006.

Advice had been received by the Scrutiny Co-ordinating Committee that Task and Finish Groups were not subject to Access to Information Provision Rules and were therefore private meetings of Members and officers. The Scrutiny Members present confirmed that Task and Finish Groups could be held at short notice, when matters or urgency arise. Whilst the benefits of holding such meetings were discussed, the importance of openness and transparency was reiterated. In view of this it was suggested that the Chairs of the Groups should have the discretion, along with the wishes of the collective membership of the group, whether the Task and Finish Groups should be public or private. With this proviso, this proposal was supported by the Scrutiny Members present, however, the Mayor emphasised that all meetings of Task and Finish Groups should be held in public unless exceptional circumstances prevailed. Cabinet reaffirmed its original decision, with the inclusion of a proviso that a Chair would have the discretion to hold the meeting in private should it be deemed necessary and be the view of the collective membership of the Group.

2 (iv) – That Committee/Forum/Group Chairs be advised of their responsibility in ensuring that only those additional meetings that are unavoidable are called in light of the additional workload the number of additional meetings over and above the agreed Council diary are

creating

Scrutiny Co-ordinating Committee confirmed that Members were fully aware of the additional workload that extra meetings incurred both for officers and Members. Therefore additional meetings are only called as and when necessary. Cabinet noted this response.

2 (v) – That a ‘freeze’ to be introduced in respect of attendance at conferences where conference costs are incurred. In exceptional circumstances that attendance at conference is justified, the Member attending the Conference is required to feedback to all Members of the Council in both written and verbal form.

Scrutiny Co-ordinating Committee referred to the differentiation between conferences Members were invited to attend as appointed Council representatives, as opposed to specific individual requests from Members to attend ad hoc conferences. The Scrutiny Members present reinforced the need for an approved list of conferences/seminars and supported the view that attendance at conferences and seminars should be in exceptional circumstances and be restricted to no more than one Member with feedback provided to all Members. The Chief Executive confirmed that the Corporate Management Team had put in place arrangements to ensure that staff did not attend any conferences/seminars where a cost was incurred unless it was exceptional circumstances such as the loss of an external grant for non-attendance. It was noted that a lot of information from conferences and seminars can be accessed electronically either free or at a fraction of the cost of attendance.

Cabinet reaffirmed its decision, with the inclusion of the provision that in exceptional circumstances where attendance at conferences / seminars is justified, no more than one Member should attend and upon their return feedback. Also, that the creation of an Approved Conferences List be explored in conjunction with the review of Outside Body Appointments.

2 (vi) – That a review of Members’ accommodation be undertaken involving all Councillors based on the principle of need.

Scrutiny Co-ordinating Committee supported a review of Members’ accommodation and suggestions were made for the relocation of non Executive and Executive Members collective space to within the Civic Suite. Cabinet noted these views and reaffirmed its decision.

2 (vii) – That further consideration be given to improving Members’ ICT with the aim of reducing costs and simplifying its use and that all Councillors be encouraged to utilise the systems available to them.

Scrutiny Co-ordinating Committee supported this recommendation and looked forward to an effective solution being identified. Cabinet received the Scrutiny Co-ordinating Committee’s views and reaffirmed its decision.

2 (viii) – That the practice of producing summary sheets for reports cease as soon as practicable and that appendices to reports are not customarily printed but available electronically, on request and in the Members’ Library.

Cabinet noted that the Scrutiny Co-ordinating Committee supported this recommendation and reaffirmed its decision.

3 (i) – That the size of all committees/forums established/reappointed after May 2012 reflect the reduction in the overall size of Council.

Scrutiny Co-ordinating Committee considered that a pro rata reduction in committees/forums in line with the reduction in Elected Members was unworkable and that each individual committee/forum should be examined separately and on their own merits and required functions. Cabinet accepted the Scrutiny Co-ordinating Committee’s response and confirmed that a pro rata reduction had not been suggested. However, if the number of meetings were reduced there would be less requirement for the need to reduce memberships of those meetings.

Cabinet reaffirmed its decision, with the inclusion of a provision that this would not be done on a pro rata basis.

3 (ii) – The Mayor to consider the potential options for the size of the Cabinet and any associated savings in line with the parameters set out in legislation and the Constitution

As the Mayor had been unable to give an indication of the number of Executive Members likely to be appointed to Cabinet post May 2012 elections to the Scrutiny Co-ordinating Committee, Members had based their consideration of the political structure on 25 Members being available to participate in back bench committees. Cabinet noted the response and reaffirmed its decision.

Decision

After taking into account Scrutiny Co-ordinating Committee’s response to the referral, Cabinet confirmed the following to be submitted to Constitution Committee and subsequently Council:

1 (i) – That the Constitution be reviewed annually through the Monitoring Officer and that the Constitution Committee be abolished, following the 2012 elections.

1 (ii) – That the current system of recording, auditing and publishing Members’ attendances was sufficient but that more effective ways to deliver induction and training sessions for Members be explored.

1 (iii) – That the General Purposes (Appeals and Staffing) Committee

become a stand alone committee with a fixed membership

1 (iv) – That the remaining General Purposes Committee functions to combined with the functions of the Audit Committee to form one expanded “Operations Committee” with exclusively backbench membership

1 (v) – That Contract Scrutiny Committee be abolished and the functions of opening and recording of tenders be undertaken by a sub-committee of the Audit Committee or through two individuals (officer/Elected Member) to be determined. In addition to this, as well as Cabinet, Audit Committee be given the ability to ‘call-in’ a contract for detailed examination should it be considered that the contract was not performing effectively, reporting its findings to the relevant Portfolio Holder.

1 (vi) – That the number of Scrutiny Forums be reduced from six to four through the merging of Neighbourhood Services and Regeneration and Planning Services Scrutiny Forums and Health Scrutiny Forum to be combined with Adult and Community Services Scrutiny Forum to reflect the Council’s new public health role.

2 (i) – That Members’ Seminars be deleted from the council diary and replaced with ad hoc briefing/training sessions, to be organised following identification of issues by Members/Officers and be held immediately in advance of meetings of full Council.

2 (ii) – That the introduction of Task and Finish/Working Groups be monitored to ensure they are resourceable.

2 (iii) – That the Task and Finish Groups be held in public except where the information being discussed is exempt under the Local Government (Access to Information) (Variation) Order 2006. However, the Chair of the Group to have the discretion whether the meeting should be held in private should it be deemed necessary and be the collective view of the Group.

2 (iv) – That Committee/Forum/Group Chairs be advised of their responsibility in ensuring that only those additional meetings that were unavoidable were called in light of the additional workload the number of additional meetings over and above the agreed Council diary were creating.

2 (v) – That a ‘freeze’ be introduced in respect of attendance at conferences where conference costs were incurred. In exceptional circumstances that attendance at conference was justified, one Member to attend the Conference and be required to feedback to all Members of the Council in both written and verbal form. In addition, the creation of an Approved Conferences List be explored in conjunction with the review of Outside Body Appointments.

2 (vi) – That a review of Members’ accommodation be undertaken involving all Councillors based on the principle of need.

2 (vii) – That further consideration be given to improving Members' ICT with the aim of reducing costs and simplifying its use and that all Councillors be encouraged to utilise the systems available to them.

2 (viii) – That the practice of producing summary sheets for reports cease as soon as practicable and that appendices to reports were not customarily printed but available electronically, on request and in the Members' Library.

3 (i) – That the size of all committees/forums established/reappointed after May 2012 reflect the reduction in the overall size of Council, and that in doing this consideration be given to the required functions / remit of each individual committee/forum.

3 (ii) – The Mayor to consider the potential options for the size of the Cabinet and any associated savings in line with the parameters set out in legislation and the Constitution.

237. Community Infrastructure Levy (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non key.

Purpose of report

The report provided some background information to explain what the Community Infrastructure Levy (CIL) was and what the implications of CIL were, if implemented in Hartlepool. However, to inform whether CIL could be implemented in Hartlepool, work needs to be undertaken to test the viability of certain types of development and to ascertain whether they could sustain a levy being charged on them. The report sought Cabinet approval to waive Contract Procedure Rules and appoint consultants to undertake viability testing on a range of types of development. The results of this work will then be reported back to Cabinet with a recommendation as to whether CIL can be implemented in Hartlepool.

Issue(s) for consideration by Cabinet

The Mayor presented the report which explained the purpose of the CIL, looked at the possible positive and negative implications of implementing CIL including the types of infrastructure which can be funded, looked at the processes involved and outlined the work which needed to be undertaken now to inform on the viability of implementing CIL within Hartlepool.

A lengthy discussion took place on what the implications for the local authority would be if a levy was set taking away any element of flexibility.

The Assistant Director, Regeneration and Planning confirmed that the aim of the Government's introduction of CIL was to give developers a degree of certainty. Clarification was sought on the implications of CIL on the creation of affordable housing and bringing empty properties back into use. The Assistant Director confirmed that the creation of affordable housing would remain a Council priority but the Council would need to look at particularly viable sites to ascertain if additional contributions could become part of that development.

In response to a question from a Member, the Assistant Director, Regeneration and Planning noted that the estimated cost for the external consultants was a realistic figure based on the piece of work to be undertaken. A Member questioned whether in-house expertise could be utilised to undertake this work. The Assistant Director, Regeneration and Planning responded that the required expertise was in-house, however officers were already stretched especially in view of the ongoing public examination of the core strategy.

In view of the viability of any development being dependent on the circumstances and the climate at any particular time, the viability of developing an area could change and it was up to the developer to decide what level of risk they wished to take. Whilst the potential of the CIL was recognised, it was suggested that the expertise and skills of officers within the local authority could be relied upon therefore removing the necessity to undertake this work.

The Assistant Director, Regeneration and Planning suggested that in view of Members' concerns, further exploration of the implications of the CIL be undertaken and reported back to Members.

Decision

That the Assistant Director, Regeneration and Planning Services explore further the implications of the Community Infrastructure Levy and report back to a future meeting of Cabinet.

238. Voluntary and Community Sector Strategy (*Assistant Director, Neighbourhood Services*)

Type of decision

Key Decision – Test (i) and (ii) applied.

Purpose of report

The purpose of the report was to seek Cabinet's approval to agree the Draft Voluntary and Community Sector Strategy as a consultation document.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Housing and Transitions presented the report which outlined the background to the strategy and the process that had been undertaken to develop the draft strategy. The Portfolio Holder confirmed that all mechanisms would be utilised to undertake the proposed consultation framework. The governance arrangements for the strategy were outlined in the report. The Portfolio Holder thanked all officers and everyone involved in the compilation of this Strategy as it had been undertaken in a particularly challenging timescale.

Members were more than happy to agree the draft strategy and requested that throughout the consultation period, informal updates were provided. It was also suggested that as the majority of Members were involved in the community and voluntary sector, that they were made aware of all the mechanisms available to encourage participation in the consultation process.

Decision

- (i) The draft Voluntary and Community Sector Strategy and supporting documents as consultation documents were approved.
- (ii) That updates be provided to Cabinet on an informal basis through the consultation period.

239. Quarter 3 – Council Overview of Performance and Risk 2011/12 *(Corporate Management Team)*

Type of decision

Non key.

Purpose of report

To inform Cabinet of the progress made against the Council's 2011/12 Corporate and Departmental Plans, for the period ending 31 December 2011.

Issue(s) for consideration by Cabinet

The Portfolio Holder for Performance presented a detailed and comprehensive report which described progress made against the actions, performance indicators included in the Corporate Plan and three departmental plans for 2011/12 and risks included in the Council's risk

register.

It was highlighted that the Economic Development Strategy had been approved at the Regeneration, Economic Development and Skills Portfolio meeting on 13 February 2012.

Decision

- (i) The current position with regard to performance was noted.
- (ii) The proposed date changes to the actions included within paragraph 5.3 were approved.
- (iii) The removal of action RND 11/12 – SC03 as detailed in paragraph 5.4 was approved.
- (iv) The removal of risks RND R058, RND R074 and RND R082 as detailed in paragraph 5.10 was approved.

240. Minutes of the meeting held on 6 February 2012

Received.

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

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 242 Durham Tees Valley Airport (*Director of Regeneration and Neighbourhoods*) - This item contained exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) (para 3).

242. Durham Tees Valley Airport (*Director of Regeneration and Neighbourhoods*) This item contained exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) (para 3).

Type of decision

Non key.

Purpose of report

To update Cabinet on the recent developments at Durham Tees Valley Airport.

Issue(s) for consideration by Cabinet

Details were included within the exempt section of the minutes.

Decision

Details were included within the exempt section of the minutes.

The meeting concluded at 11.22 am

P J DEVLIN

CHIEF SOLICITOR

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