

CABINET

MINUTES AND DECISION RECORD

25 June 2012

The meeting commenced at 9.30 am in the Civic Centre, Hartlepool

Present:

The Mayor, Stuart Drummond - In the Chair

Councillors: Cath Hill (Children's and Community Services Portfolio Holder)

John Lauderdale (Adults and Public Health Services Portfolio Holder)

Paul Thompson (Finance and Corporate Services Portfolio Holder)

Also present:

Councillor Marjorie James, Chair of Scrutiny Co-ordinating Committee

Councillor Christopher Akers-Belcher, Chair of Children's Services

Scrutiny Forum

Malcolm Walker, Programme Director, NDC

Officers:

Nicola Bailey, Acting Chief Executive

Andrew Atkin, Assistant Chief Executive

Chris Little, Chief Finance Officer

Peter Devlin, Chief Solicitor

John Morton, Assistant Chief Finance and Customer Services Officer

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

Louise Wallace, Assistant Director, Health Improvement

David Hart, Strategic Procurement Manager

Julian Heward, Public Relations Officer

Angela Armstrong, Principal Democratic Services Officer

14. Apologies for Absence

None.

15. Declarations of interest by Members

None.

16. Minutes of the meeting held on 11 June 2012

Received.

17. Core Strategy Schedule of Changes Document

(Director of Regeneration and Neighbourhoods)

Type of decision

Budget and Policy Framework

Purpose of report

To present to Cabinet a requirement for a Schedule of Changes (see Appendix 1) to the Core Strategy Publication Document and seek authorisation to consult on these changes in line with statutory requirements, prior to the Core Strategy Examination in Public (EIP) hearing held by the Secretary of State for Communities and Local Government.

Issue(s) for consideration by Cabinet

The report provided the background to the progression of the Core Strategy. It was noted that the National Planning Policy Framework (NPPF), published on 27 March 2012 proposed to dramatically simplify the planning system and the resulting changes must be reflected in any emerging Core Strategies. A draft copy of the proposed Schedule of Changes necessary to Hartlepool's Core Strategy was attached to the report.

The Assistant Director, Regeneration and Planning confirmed that in view of the Planning Policy for Traveller Sites which was published alongside the National Planning Policy Framework (2012), Hartlepool Borough Council was required to identify appropriate Gypsy and Traveller sites to ensure that there was sufficient provision of such sites to meet the identified needs. It was highlighted that in 2009 a survey jointly commissioned by the Tees Valley Authorities had identified that Hartlepool needed to allocate six sites on a needs arise basis and this had been used as an evidence base for the allocation of the proposed sites identified in the report. However, it was noted that Darlington had subsequently commissioned an individual review which had suggested a reallocation of sites.

During the discussions that followed, Members had concerns that allocating a number of sites would send out a confusing message about the long term viability to develop those sites, especially the proposed woodlands and community development at the Golden Flatts site. The Assistant Director, Regeneration and Planning indicated that the number of sites proposed provided a balanced view of options to be presented to the Planning Inspector, although the option to direct the Inspector to what was considered the most appropriate site was available.

Members were concerned that the proposal to allocate several sites in the town for use by gypsies and travellers would cause unnecessary angst and worry for residents. It was acknowledged that there was a well known site at the rear of Brenda Road that was used by gypsies and travellers on a regular but short term basis and it was proposed that this should be the only site identified within the Core Strategy.

It was noted that the Highways Agency had raised objections to the allocation of the North Burn site as a future high quality employment site indicating it was unsustainable and undeliverable and would have a significant impact on the Strategic Road Network. However, the Assistant Director, Regeneration and Planning indicated it may be premature to remove the North Burn site from the Core Strategy as the issues raised were not insurmountable.

The Assistant Director, Regeneration and Planning confirmed that the proposed changes to the Core Strategy would be published for an 8 week period with the pre inquiry round scheduled to take place at the end of August. This would enable the Inspection to be completed at the beginning of October with the conclusion reported back to Cabinet in December/January.

Decision

- (i) The changes deemed necessary to make the Core Strategy compliant with National Policy were acknowledged with the exception that the only site to be identified for use by gypsies and travellers was the site at the rear of Brenda Road.
- (ii) The consultation of the Schedule of Changes for the Core Strategy Schedule, subject to minor editing, was approved.

18. Hartlepool Borough Council/Housing Hartlepool Partnership Agreement *(Director of Regeneration and Neighbourhoods/Director of Child and Adult Services)*

Type of decision

Key Decision Test (i) and (ii) applies – Forward Plan reference RN 102/11.

Purpose of report

To request Cabinet approval to enter into a Partnership Agreement with Housing Hartlepool for the provision of a range of services to residents.

Issue(s) for consideration by Cabinet

The report provided the background to the original Service Level Agreements (SLAs) in place with Housing Hartlepool to deliver a number of services including the provision of CCTV monitoring, contact points for the Council's emergency call-out, emergency planning, community alarms monitoring for older/vulnerable residents along with telecare.

As the SLA's and contracts were coming to an end, a number of options were identified for the potential delivery of these services and they were detailed in the report. It was envisaged that the governance arrangements of the partnership agreement would be through the establishment of a Partnership Board including Council and Housing Hartlepool representatives in equal numbers.

The Director of Regeneration and Neighbourhoods informed Members that the Chair of the Cleveland Fire Authority had indicated that there may be an alternative service provision from within the Fire Authority that was worthy of consideration. Whilst Members were happy to receive alternative proposals, it was recognised that a significant amount of work had been undertaken to progress the partnership agreement with Housing Hartlepool. However, Members were minded to agree the partnership arrangements with Housing Hartlepool as detailed in the report, subject to the exploration of the Cleveland Fire Authority proposals. It was suggested that a report be submitted to the next meeting of Cabinet outlining the CFA proposals.

Decision

- (i) That the potential to enter into a partnership agreement to facilitate the deliver of a range of services to the residents of Hartlepool as detailed in the report, with the Cleveland Fire Authority be explored and reported to the next meeting of Cabinet.
- (ii) That subject to the findings of the above, Cabinet were minded to approve the proposal that Hartlepool Borough Council enter into a Partnership Agreement with Housing Hartlepool, on the basis detailed in the report, to facilitate the deliver of a range of services to the residents of Hartlepool.

19. Chief Executive Arrangements (*Chief Finance Officer and Chief Solicitor*)

Type of decision

Non key.

Purpose of report

To advise that the temporary arrangements put in place to cover the Chief Executive vacancy were due to expire on 30 June 2012 and to recommend an extension of the current arrangements until full consideration of the options available were completed and the subsequent decision implemented.

Issue(s) for consideration by Cabinet

The background to the current arrangements was detailed in the report. It was proposed that the arrangements previously agreed by Council on 27 October 2011 be extended until the end of August 2012 to enable full considerations of the options available and any subsequent decision to be implemented. The financial implications of the proposal were detailed in the report.

It was noted that a report was to be submitted to the General Purposes Committee later in the day to enable Members to consider the alternative options. It was suggested that the findings from that Committee be reported to Cabinet at soon as practicable to ensure this issue was progressed expediently.

Decision

- (i) The current temporary arrangements to cover the Chief Executive vacancy and agreed backfilling arrangements be extended until the end of August 2012 and/or full consideration of the options available were completed and the subsequent decision implemented.
- (ii) That the findings of the General Purposes Committee held 25 June 2012 be reported to Cabinet to inform the decision making process.
- (iii) That a further report setting out the options available be submitted to Council.

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

Type of decision

Non key.

Purpose of report

Following on from the Cabinet report on the 20th February 2012, this report provided further background information to explain what the Community Infrastructure Levy (CIL) was and what the implications of CIL were, timescales involved in the preparation of CIL and further consideration to issues regarding viability testing which were vital to inform the development of a CIL charging schedule. Examples of some of the other Authorities nationally who have adopted or were working towards the adoption of CIL were considered, looking at elements of best practice and advice which was emerging from the Planning Advisory Service (PAS) on the development of CIL. Taking into account the information covered in the report Cabinet approval was therefore sought to appoint consultants to undertake viability testing on a range of types of development. This external advice was considered vital to give the CIL an independence it needed to be considered robust. The results of viability testing would 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 report provided the background to the introduction of the CIL. A schedule of information on currently adopted CIL charging schedules was included within the report. It was noted that there was far more scope to set a higher levy due to the viability of schemes in certain markets, especially in the London and south east area. The Assistant Director, Regeneration and Planning highlighted that the CIL would improve development management performance, due to the fact that whilst section 106 agreements would still be needed for affordable housing (and potentially site specific requirements) the time consuming negotiations over section 106 obligations would be a thing of the past.

It was proposed that external consultants be appointed to carry out initial assessment of viability of all types of development in the different

geographical areas of the Borough. This would ensure an independent view would inform the development of a robust CIL. It was noted that Redcar and Cleveland were only making the charge in high value residential areas within their draft charging schedule. The Assistant Director, Regeneration and Planning indicated that it would be approximately one year from the time the viability work was complete to the implementation of a CIL, although a more detailed timetable would be reported to Cabinet should it appear viable to implement a CIL.

A Member questioned whether any proposed charges should be line with neighbouring authorities. The Assistant Director, Regeneration and Planning confirmed that there was a need to strike a balance between drawing enough money to fund any infrastructure requirements whilst ensuring the levy was not too high to make developments non-viable. It was noted that a sub-regional group were examining the implementation of CILs in view of the cross region infrastructures in place and there may be an option of pooling monies in this regard to ensure future developments go ahead. It was confirmed that the implementation of a CIL would need to be evidence based from within each local authority area to ensure the charges could be sustained.

During the discussions that followed the Assistant Director, Regeneration and Planning confirmed that there was a process of review of the implementation of CILs. However, there were concerns that the introduction of CILs could hinder the Core Strategy and future developments as there appeared to be no flexibility, especially in view of how volatile the housing market can be. It was noted that the CIL would inevitably be more successful in areas such as the London and the south east of England where the economy was more robust. However, a CIL would need to be introduced as it would become law in 2014. It was suggested that once further evidence was collated and comparative information was obtained from other neighbouring local authorities, this could be submitted to a future meeting of Cabinet for further consideration.

In response to a question, the Assistant Director, Regeneration and Planning confirmed that the Planning Inspectorate had indicated that independent consultants should be utilised to ensure an independent and sound view was sought.

Decision

The appointment of external consultants to undertake viability testing on a range of development types to illustrate whether it was viable to implement a CIL in Hartlepool was approved.

21. 2011/12 Final Outturn Position and Statutory Accounts *(Chief Finance Officer)*

Type of decision

For information only.

Purpose of report

To inform Cabinet of the 2011/12 final Outturn Position and to provide information on the Statutory Accounts.

Issue(s) for consideration by Cabinet

The report provided the background to the budget process and timetable for reporting the overall forecast position. The report highlighted the one-off financial benefits in 2011/12 identified within the forecast outturn. It was confirmed that in accordance with amendments by Council to the Constitution regarding the final outturn, the additional underspend of £0.306m had been transferred to the General Fund reserve.

It was noted that this was an very positive report highlighting how extremely good financial management by officers throughout the year had resulted in an underspend on the outturn budget. These one off underspends would be used to support the budget in future years when further difficult decisions will need to be made in view of the required budget reductions.

Decision

The report was noted and would be referred to Scrutiny Co-ordinating Committee to complete the 2011/12 financial reporting arrangements.

22. Social Fund Localisation *(Chief Finance Officer)*

Type of decision

Non key.

Purpose of report

This report provided details of a new responsibility that was being devolved by central government to local authorities in April 2013, the Discretionary Social Fund, and set out the risks, the progress on a sub regional response and a potential Hartlepool Delivery Model.

Issue(s) for consideration by Cabinet

The report set out the background to the introduction of the Social Fund and concentrated on the government's reform of the Discretionary Social Fund. Whilst the government was not being prescriptive about delivery arrangements, it was likely that the Secretary of State would write to all local authorities setting out the government's policy expectations from the transfer of responsibilities. The risks associated with the localisation of the Discretionary Social Fund were detailed in the report along with an outline

of the potential delivery model to be implemented. It was noted that further reports would be submitted to Cabinet as the model was developed.

The Chair of Scrutiny Co-ordinating Committee was in attendance and addressed the Cabinet. A number of issues were raised including the considerations around reclaimed VAT, exploration of issues relating to payment cards, whether the third sector charity involved would be based in Hartlepool or out of town and household insurance arrangements.

It was noted that there were a number of questions on the implementation of this responsibility and it was hoped that these issues would be identified through the scrutiny process. However, there were concerns at the short timescale involved.

A Member suggested that representations should be made to Central Government as it was felt that it would be a challenge for the local authority to implement the localisation of the social fund.

The Assistant Chief Finance Officer confirmed that a further more detailed report would be considered at a future meeting of Cabinet.

It was confirmed that in relation to the third sector charity involvement with emergency food help, discussions were at the very early stages and ongoing, with Middlesbrough Borough Council leading. However, Member preferences would be incorporated into those discussions.

Decision

The report was noted.

The meeting concluded at 10.27 am

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 29 June 2012