

# CABINET

## MINUTES AND DECISION RECORD

4 October 2012

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

### **Present:**

The Mayor, Stuart Drummond - In the Chair

### **Councillors:**

John Lauderdale (Adults and Public Health Services Portfolio Holder)  
Paul Thompson (Finance and Corporate Services Portfolio Holder)

Also Present: Malcolm Walker, John Maddison and Helen Lamb - Mayor's Advisory Panel

### **Officers:**

Andrew Atkin, Assistant Chief Executive  
Chris Little, Chief Finance Officer  
Alyson Carman, Legal Services Manager  
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  
Steve Hilton, Public Relations Officer  
Amy Waller, Principal Housing and Regeneration Officer

## **70. Apologies for Absence**

An apology for absence was submitted on behalf of Cath Hill (Children's and Community Services Portfolio Holder).

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

None.

## **72. Minutes of the meeting held on 18 September 2012**

Confirmed.

## **73. Medium Term Financial Strategy (MTFS) 2013/14 to 2016/17** *(Corporate Management Team)*

### **Type of decision**

Non-key

### **Purpose of report**

To update the MTFS and to enable Cabinet to determine the draft budget consultation proposals for 2013/14.

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

The Finance and Corporate Services Portfolio Holder referred to previous reports to Cabinet which provided details of the significant financial challenges facing the Council in 2013/14 and future years arising from continued reductions in Government funding for Councils, changes to the overall system for funding Local Authorities, the need to fund significant additional one-off local financial risks, including forecast redundancy/early retirement costs arising from the implementation of budget cuts and income risks from the re-localisation of Business Rates.

The report provided background information on the economic position and outlook and the impact on the amount of money available for public services. It had become increasingly clear that the impact of the recession and banking crisis had had a deeper and longer impact on public sector finances in both the UK and around the world.

For local authorities the funding cuts detailed in the 2010 spending review were amongst the highest in the public sector at 28% over 4 years up to 2014/15. The Chancellor had indicated that spending cuts would continue beyond the current 4 year spending review into 2015/16 and 2016/17.

It was anticipated that local authorities would face further grant cuts in 2015/16 and 2016/17 when the next government Spending Review was announced. Based on an analysis of the available national information further cuts in the order of 10% and 15% could not be ruled out over the two years (2015/16 and 2016/17). For Hartlepool this equated to between £4m and £6m.

With regard to the local financial position, as reported previously, the front loading of Government grant cuts in 2011/12 and 2012/13 had had the greatest impact on councils which were more reliant on Government grant to fund local services. Comparisons were outlined in the report which highlighted the scale of the gross spending power reductions.

In relation to indicative Council Tax increases 2013/14 and 2014/15, it was anticipated that these would be set at a lower level than those applied for 2012/13 as the Government were frustrated by the number of authorities increasing Council Tax just below the trigger point. In view of these factors

Cabinet determined in June 2012 to reduce the indicative Council Tax increases to 2.5% for the next two years.

As reported in June the initial budget forecasts had also been updated to reflect a number of changes in local planning assumptions, which increased the budget deficit by £0.56m in 2013/14 and £0.880m in 2014/15 as detailed in the report

In terms of strategy for managing the revised forecast budget deficits for 2013/14 and 2014/15, the report summarised the measures taken to balance the budget over the last 2 years and the significant challenges facing the Council in 2013/14 and 2014/15 to reduce spending further. Given the scale of the budget deficits there was not a single solution to the financial challenges facing the Council and a range of measures would need to be pursued.

A key area where significant savings could be made was in relation to collaboration with other authorities. Collaboration savings, whilst difficult to achieve, would help protect front line services. Details of progress made to date in relation to investigation of potential collaboration opportunities was set out in the report. It was noted that collaboration would not solve the budget deficits facing the Council over the next two years. A range of other measures were also being explored to provide the basis for a savings programme for the next two years. These measures alongside proposed collaboration savings were summarised in an appendix attached to the report.

In summary for the period 2013/14 to 2016/17 the Council was facing an overall budget gap of £18.8m to £20.8m.

The financial and national risks were detailed in the report and covered a range of issues including the implications of local grant cuts and business rate re-localisation, the potential impact on Hartlepool and how these risks could be managed. A number of other risks which would impact on the Council's budget were outlined and included the impact of school funding reform and the implications of the Police Reform and Social Responsibility Act .

In conclusion, the Council had already faced a 20% (£10.2 million) cut in the main revenue grant over the last two years and many of the measures implemented over the last two years to balance the budget could not be repeated. The balancing of the budget for 2013/14 and future years would become significantly more challenging and required more difficult decisions. Making cuts in the order of £18.8m to £20.8m from a budget of £91m would be extremely challenging, fundamentally change the Council and need careful management.

It was recommended that Cabinet referred the report to Scrutiny Co-ordinating Committee together with the report considered on 3 September 2012 and seek views on the following specific consultation proposals:-

- Proposed indicative Council Tax increases for 2013/14 and 2014/15 of 2.5%;
- The proposal to phase the use of the £0.727m set aside within the 2011/12 outturn strategy to offset the loss of the 2012/13 Council Tax Freeze grant in 2013/14 over two years, £0.348m in 2013/14 and £0.379m in 2014/15 to support the budget strategy summarised in paragraph 6.19;
- The proposed pressures to be funded in 2013/14 detailed in Appendix A;
- The proposed strategy for managing changes in Education funding arising from the Government's Academy programme as detailed in paragraph 8.20;
- The proposed strategy for managing Financial Risks summarised in paragraphs 8.28 to 8.30 and detailed in the report considered by Cabinet on 3<sup>rd</sup> September 2012 – 'Strategy for Managing Financial Risks';
- The proposed strategy for managing residual PCT funding detailed in paragraph 9.

Given the budgetary challenges facing the Council, as set out in the report, the Mayor emphasised the importance of the budget taking priority above all other issues and took the opportunity to encourage all Members to participate in the process.

In the discussion that followed further emphasis was placed on the seriousness of the budgetary situation highlighting that projects that Ward Members had previously supported would no longer be an option. The implications of protecting services was discussed as well as the importance of Members identifying solutions as to where additional savings could be achieved.

Concerns were expressed regarding the disproportionate impact on Councils like Hartlepool with greater dependency on Government grant and the importance of continuing to lobby central government in relation to this issue was highlighted.

The Mayor referred to the benefits of widening the consultation process beyond that of the business sector and trade unions and sought feedback as to what other additional groups should be consulted. The Mayor was keen to receive input from all groups, including the Young People's Group who were currently contributing to the youth service scrutiny investigation. The Mayor indicated that Cabinet would welcome discussions with groups of this type. In response to a request for clarification, the Chief Finance Officer provided details of the consultation timetable.

## Decision

- (i) That the report be noted.
- (ii) That the report be referred to Scrutiny Co-ordinating Committee to commence the 2013/14 budget process and seek views on the issues detailed in the report and the specific consultation proposals, as detailed above.

## 74. **Hartlepool Youth Investment Project** (*Director of Regeneration and Neighbourhoods*)

### Type of decision

Key - tests (i) and (ii) apply - Forward Plan Reference No RN 28/12

### Purpose of report

The purpose of this report is to raise awareness and seek approval to implement the Hartlepool Youth Investment Project.

### Issue(s) for consideration by Cabinet

The Assistant Director, Regeneration and Planning provided background information in relation to the outcome of the Regeneration and Planning Services Scrutiny Forum's investigations into Youth Unemployment. As of June 2012, Hartlepool had the third highest rate of youth unemployment in the country for 18-24 year olds. Whilst significant progress had been made at a local level through enhanced partnership working and implementation of key strategies to reduce the number of young people aged 16-18 who were NEET, there was still further work to do.

Members were referred to Government Policy changes, the aim and objective of the Hartlepool Youth Investment Project as well as the actions required to implement the project as set out in the report. It was noted that a number of milestones that would contribute to the completion of the actions, outlined in Appendix 1, had already commenced due to the requirement of relevant organisations or strategic groups to complete their statutory duties or contractual requirements.

The report included details of targets for the project, timescales, progress to date, the next steps as well as risk, financial, legal and staffing considerations.

A Member pointed out that the targets appeared to be challenging and questioned whether the targets were achievable given the training and supervision pressures placed on employers as a result. Whilst the Assistant Director acknowledged that the targets were challenging, it was envisaged that the targets could be achieved as a result of intensive work

with employers and partnership working. The links to funding opportunities were also noted. The importance of effectively publicising the project with potential employers was highlighted as well as the need to explore championing and leadership opportunities.

**Decision**

That the implementation of the Hartlepool Youth Investment Project, be approved.

**75. Community Cohesion Framework 2012-2015** (*Director of Regeneration and Neighbourhoods*)

**Type of decision**

Key (test ii applies) Forward Plan reference number RN68/11

**Purpose of report**

The purpose of the report is to seek Cabinet endorsement of the Community Cohesion Framework.

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

The Assistant Director for Neighbourhood Services presented the report which advised that the Community Cohesion Framework had been developed by the Safer Hartlepool Partnership over a number of months with input from stakeholders, service providers and service users. Background information in relation to the development of the framework was provided as outlined in the report. The first draft of the Community Cohesion Framework had been agreed as a consultation document by the Community Safety and Planning Portfolio Holder on 18 November 2011.

Details of the consultation process were included in the report. All of the comments received through the various consultation routes had been considered to develop the final draft of the Community Cohesion Framework, attached at Appendix 1. Taking into account both national and local factors, the proposed Community Cohesion Framework for Hartlepool identified a complex interplay of factors that were likely to lead to poor cohesion in neighbourhoods, including social and economic deprivation. The framework identified those communities in Hartlepool which would remain vulnerable to poor cohesion. The framework outlined the vision for cohesion.

With regard to governance arrangements, it was reported that progress against the Community Cohesion Framework would be overseen by a number of groups/partnerships. Work was currently ongoing to develop the action plan that would deliver the objectives of the framework and would be used by the Public Confidence and Cohesion Group to monitor progress against the framework.

The importance of considering cohesion issues when taking financial decisions was highlighted.

### **Decision**

That the Community Cohesion Framework, attached at Appendix 1, be endorsed.

## **76. Leasing of Land to a Wind Turbine Developer for the Erection of Wind Turbines on Land at Brenda Road**

*(Director of Regeneration and Neighbourhoods)*

### **Type of decision**

Key tests (i) and (ii) apply – Forward Plan Reference No RN18/12

### **Purpose of report**

To outline the potential for the erection of wind turbines on Council owned land at Brenda Road, and to highlight the potential income which can be generated together with the establishment of an annual community benefit fund. To gain Cabinet's views on the selection of a developer, and finally to gain Cabinet's approval to undertake a competitive tender process to identify the developer that can offer the most desirable deal.

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

The Assistant Director for Neighbourhood Services presented the report which included the background to the public sector's role in meeting challenging renewable energy targets. The Council had been approached by Partnerships for Renewables (PfR) in 2009 with a proposal to lease land from the Council with the intention of erecting wind turbines on that land.

The Council had since undertaken some market testing with other developers as part of a market testing/feasibility study exercise to establish what other options were available. Basic informal investigations into a number of sites owned by the Council had been undertaken which resulted in one of the sites, off Brenda Road, being chosen for further investigation as being the most appropriate due to neighbouring land uses, wind speeds and lack of large obstructions.

A report had been considered at a Joint meeting of the Community Safety and Housing and Finance and Performance Portfolio Holders in November 2009. The next step was for the Council to sign an exclusivity agreement with the developer. However, the project was placed on hold following a review of the Tees Valley Climate Change Strategy and various other changes as outlined in the report. The original proposal put forward by PfR had been revisited along with a number of other organisations to provide indicative proposals for the development. Proposals had been received from the following organisations, details of which were provided in section 4 and in a confidential appendix to the report:-

- Partnerships for Renewables (PfR)

- Wind Direct
- Eolus
- Enertrag

Members were referred to the planning and ecology considerations, risk implications, legal and asset management considerations as outlined in the report.

In the discussion that followed the financial and environmental benefits as well as the risk implications of the proposals were considered. Members were supportive of the proposals in principle given the potential financial benefits and were keen to ensure that the project delivered benefits to the local community. The Mayor commented on the need to consider the long term strategic opportunities including the potential to work with energy providers with a view to reducing energy bills for customers. The importance of ensuring maximum efficiency of any new turbines erected was highlighted.

With regard to the consultation process, Members were of the view that communication with and perception of the community was key acknowledging concerns which may arise. To alleviate such concerns, it was suggested that the advantages of the proposals should be widely publicised and assurances should be given that a final decision had not been taken on the issue.

### **Decision**

- (i) That approval be granted to officers to pursue this project.
- (ii) That the views of Cabinet, in relation to the proposals received, as detailed above, be noted.
- (iii) That approval be granted to officers to progress a competitive tender process to identify the developer that could offer the best deal regarding income to the Council and local community benefits.

**77. Notification to Renew the Longhill and Sandgate Business Improvement District (BID)** *(Director of Regeneration and Neighbourhoods)*

**Type of decision**

Key test (ii) applies – Forward Plan Reference No RN21/12

**Purpose of report**

To give formal notification to Cabinet of the intention to undertake the necessary ballot for the renewal of the Longhill and Sandgate Business Improvement District (BID)

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

The report provided background information relating to the Longhill and Sandgate Business Improvement Bid and the proposal to pursue a renewal ballot to extend the current Bid for a further five years. The process to renew the Bid would involve a number of steps as set out in the report.

Members were advised that there would continue to be two thresholds set to this levy, a minimum payment threshold of £100 and a maximum payment threshold of £1,500. The Bid would only proceed if the formal renewal ballot was successful and met the two tests, details of which were set out in the report. The estimated income and expenditure for the proposed five year of the Bid was provided as detailed in the report

**Decision**

Cabinet accepted the report as formal notification to pursue a ballot for the renewal of the Bid for the Longhill and Sandgate Industrial Estates area.

**78. Review of Community Safety CCTV Provision** *(Director of Regeneration and Neighbourhoods)*

**Type of decision**

Although it was highlighted on the agenda as a key decision - Key tests (i) and (ii) applies – Forward Plan Reference No RN3/12 the Assistant Director explained that the key decision relating to Community Safety CCTV Provision internal review had been taken earlier in the year and the item had remained in the forward plan pending the conclusion of the review. This element of the report was the final part of that item and was for information purposes only.

**Purpose of report**

To present to Cabinet the refreshed Hartlepool Borough Council Closed Circuit Television (CCTV) Strategy and Protocols 2012-2015

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

The Assistant Director for Neighbourhood Services presented the report which provided background information relating to reasons for the need to refresh the existing CCTV Strategy, details of the new national regulatory framework, new technological developments, why there was a need for CCTV in Hartlepool as well as service delivery and performance developments. It was noted that grant funding sources that had previously helped to support the growth and maintenance of Council CCTV systems were no longer available.

Members were referred to the strategic objectives of the 2008 strategy, the key strategic objectives of the refreshed CCTV Strategy 2012 including the monitoring arrangements, as set out in the report.

In response to a query as to whether there was scope to accommodate any requests for new cameras, the Assistant Director for Neighbourhood Services advised that two requests had been received which had been placed on hold pending the completion of the review. It was envisaged that some cameras could be relocated and any broadband savings could be utilised for this purpose.

#### **Decision**

That the contents of the report, be noted.

### **79. Empty Homes Scheme – Progress and Expansion Including Outcome of HCA Empty Homes Cluster Fund Bid** (*Director of Regeneration and Neighbourhoods and Chief Finance Officer*)

#### **Type of decision**

Key tests (i) and (ii) apply – Forward Plan Reference No RN23/12

#### **Purpose of report**

To enable Cabinet to:

- (i) consider the business case for extending the current Empty Property Purchasing Scheme, following a successful bid for additional Homes and Community Agency (HCA) funding; and
- (ii) subject to Cabinet approval of this recommendation to refer the proposals to Council on October 18<sup>th</sup> 2012 for approval.

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

The Director of Regeneration and Neighbourhoods reported on the background to the development of a business case for the Empty Property Purchasing Scheme, approved by Cabinet and Council in March 2012 respectively.

It was reported that the Council had been successful in its bid for HCA

funding to expand the Empty Homes Scheme. To access this funding the Council needed to provide match funding using the original Business Case approved in March 2012, which would provide an overall scheme delivering 100 properties, compared to the Council's initial local scheme of 48 properties.

In relation to progress to date, valuations had been carried out on 47 properties of which 17 were in the process of being acquired and 14 offers were awaiting a decision from the owner. The average estimated total cost of these properties being acquired and refurbished was £52,000 which was within the business case target of £55,000. Refurbishment works were underway on the first 3 properties.

In order to comply with HCA funding conditions and expectations, the Council needed to complete these properties by March 2014 which was a challenging deadline. Therefore, to ensure this timescale could be achieved the planned review of the original business case could not be completed after the completion of 24 units.

This report therefore assessed the implications and risks of expanding the scheme using the HCA grant funding and recommended that this could be achieved without increasing risk to the General Fund.

Members were pleased to note the success and benefits of the scheme.

### **Decision**

- (i) That the revised business case and risk assessment detailed in the report, be approved.
- (ii) Cabinet approved the proposal to use the scheme approved in March 2012 to match fund the Homes and Communities Agency grant and to approve a total budget of £5.640m consisting of:
  - The original approved funding of £2.630 identified as part of the Councils original self financed scheme, of which £1.315m had already been approved;
  - HCA funding of £2.695m;
  - An additional amount of £0.165m to fund the additional 3 properties in order to meet the overall target of 100 properties
  - A contingency of £0.150m
- ii) That the additional amounts detailed in (ii) of £0.165m and £0.150m using Prudential Borrowing, to be funded from additional rental income generated from expanding the scheme using the HCA grant, be approved.
- iii) It was noted that a separate report for using the remaining Prudential Borrowing enabled by the additional rent income from expanding the scheme using HCA funding would be

- submitted when this scheme was complete.
- iv) That the recommendations be referred to Council for approval and amendment of the approved Capital Programme and Prudential Borrowing limits.

## **80. Community Energy Collective Switching** (*Director of Regeneration and Neighbourhoods*)

### **Type of decision**

Non-key

### **Purpose of report**

To outline the operation and benefits of a Community Energy Collective Switching Scheme and to seek Cabinet's approval to explore the scheme further.

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

The Assistant Director for Neighbourhood Services presented the report which provided background information in relation to the development of a Community Energy Collective Switching Scheme. It was common for a third party organisation to administer the scheme and would have two main options regarding 'acquiring energy:-

- a) The organisation may work with energy suppliers to gain its members a better deal; or
- b) It may buy wholesale energy direct, cutting out the regular energy suppliers and selling energy direct to its members at a better price.

The report included the options available to Hartlepool as well as details of how the scheme may work.

The introduction of a collective switching scheme for Hartlepool Borough Council would present a number of benefits including:-

- Reduction in fuel poverty for residents.
- Increase in disposable income for residents, some of which would be re-circulated in the local economy.
- A small income for the Council from commission for each household signing up. In the South Lakeland example, the third party provider, iChoosr, gained an income from the energy supplier of 40 Euros per household, 10 Euros of which was passed on to the local authority.

In response to queries raised by Members, the Assistant Director for Neighbourhood Services provided clarification in relation to staffing arrangements to co-ordinate the scheme, who would benefit from the scheme and provided assurances that the benefits would be explored for

all residents of the town who may be suffering fuel poverty.

With regard to the options available in terms of ‘acquiring’ energy, the need to explore option b) selling energy direct to its members at a reduced price, was emphasised, the benefits of which were outlined. In exploring the scheme further, it was highlighted that a robust business case was required and should include the advantages and disadvantages of both options as well as the cost of collection arrangements.

#### **Decision**

That officers be authorised to explore the scheme further.

## **81. Localism Act 2011 – Community Right to Challenge** (*Director of Regeneration and Neighbourhoods*)

#### **Type of decision**

Non-key

#### **Purpose of report**

The purpose of this report is to advise Cabinet of progress in developing solutions to address the ‘Community Right to Challenge’ implications identified in the Assistant Chief Executive’s Cabinet report of the 6<sup>th</sup> August 2012, ‘LOCALISM ACT 2011 – LATEST POSITION’ and to offer potential solutions for analysis and consideration.

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

The Director of Regeneration and Neighbourhoods advised that the following implications were identified for consideration and action in a previous report to Cabinet:-

- (i) Consideration around opening up a “window of opportunity”
- (ii) Procedures and protocols required to deal with “challenges”
- (iii) Review of the constitution/contract procedure rules in light of the Act.

Members were provided with details of progress made in developing solutions for analysis/review by Cabinet to address the Community Right to Challenge, as set out in the report. In a random sweep of Council websites and local liaison different approaches were evident, a summary of which was provided. It was highlighted that ‘windows of opportunity’ had been more widely adopted across Councils, the pro’s and con’s of which were included in the report.

As well as establishing the existence, or otherwise, of a window of opportunity the Council needed to implement a process to deal with challenges received in the most efficient manner. A proposed process had been adapted from Gateshead Council’s which was currently being assessed by Cabinet, details of which were set out in the report and a

flowchart, attached at Appendix 2, provided further details of the proposed process.

With regard to the necessary changes to constitution/contract procedure rules in light of the Act, there were a number of changes which would be made to support compliance with the Act, as set out in Appendix 3 to the report.

Members were referred to the risk, financial and legal considerations as well as staffing considerations as outlined in the report.

Cabinet considered the pro's and con's of introducing a window of opportunity to enable greater management of an unpredictable situation or prepare for a challenge under the Act and, following discussion, did not consider any benefit in adopting this approach and were of the view that it was likely that those who were seriously interested in taking on a Council run service would already be well aware of the legislation, regardless of whether the opportunity was advertised or not.

### **Decision**

Cabinet: agreed :-

- i) to adopt the proposed process and procedure (with any amendment) to enable the effective management of challenges.
- ii) the proposed amendments to the Contract Procedure Rules to support recommendations i) .

## **82. Briefing on the Health and Social Care Bill 2012 - (Director of Child and Adult Services)**

### **Type of decision**

Non-key – for information only

### **Purpose of report**

To provide Cabinet with an overview of the Health and Social Care Bill 2012. The White Paper, Caring for Our Future: Reforming Care and Support was launched on 11 July 2012 and details the reform of adult social care. It was accompanied by a draft Care and Support Bill and a raft of other documents including a progress report on the Government's response to the Dilnott Commission recommendations regarding future funding of care and support.

The Care and Support Bill provides enabling legislation for the reforms. It will be introduced into Parliament in late 2013 with a view to completing its passage by autumn 2014. Most changes requiring legislation will be

implemented from April 2015.

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

The Assistant Director, Adult Social Care presented the report which provided background information to the Government's decision to reform the social care system. The White Paper sets out a new vision for a reformed care and support system and positioned local authorities at the heart of how care and support would work in the future, details of which were included in the report. Progress had been made over funding reform and the principles of the Dilnott Committee had been accepted. However, the Government had declined to commit to a new funding model until the spending review in 2014/15.

Local authorities would have a clear duty to incorporate preventative practice and early intervention into commissioning and this would be built into the social care and public health outcomes framework. Action to stop local authorities contracting for home care 'by the minute' would be introduced. The government had retained its target of moving all people using social care services on to a personal budget by April 2013.

The report outlined the changes to funding allocations, the next steps in the process as well as an update on the local position.

The Mayor commented on the need to be aware of additional budget pressures as a consequence of funding responsibilities transferring to the authority.

### **Decision**

- (i) That the proposed long term plans for the reform of care and support in England be noted.
- (ii) That further reports on specific issues and potential financial implications, be received in due course.

## **83. Former Leather Chemical Site – Update** *Director of Regeneration and Neighbourhoods*)

### **Type of decision**

Non-key – for information only

### **Purpose of report**

To provide an update on progress made since Cabinet on 23<sup>rd</sup> July 2012 and to specifically inform Cabinet of the:-

- Environment Agency revised inspection report and recommendations to the Council in relation to Zone 1

(Frutarom) and Zone 2 (main site).

- progress made on the site investigation and remedial works in Zone 3 (dunes area) of the site.

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

The Director of Regeneration and Neighbourhoods provided an update on progress made since the meeting of Cabinet on 23 July 2012. The Council's Technical Officer had now received the Environment Agency's revised inspection report and recommendations in relation to Zones 1 and 2 of the site, a summary of which was detailed in Section 4 of the report. The Environment Agency had advised that the pollution in the shallow groundwater was not sufficient to form a basis for determining the sites as contaminated land. Further action relating to controlled waters was not considered necessary as there were no human health issues.

The Council's Technical Officers had initiated preliminary site investigation works along a small stretch of the sand dunes area. As a precautionary measure, officers decided to fence off the small area of the dunes where the preliminary investigation works had been undertaken in order to prohibit public access in this area and this was still in operation prior to the main investigation works commencing. Quotations for the main investigation work were awaited. The Council had submitted an application to Natural England for both investigation and remedial works and had received full support to undertake the proposed works from Natural England.

Following the site investigation it was also intended that capital money be spent on upgrading the temporary clay cap previously installed along a 100m stretch of dunes. Weekly inspections to the affected area had been carried out to ensure that the pollutants were contained.

Following on from the determination process in designating Zone 3 as contaminated land, the Council's Technical Officers had contacted all potential appropriate persons and provided a written record of determination and given the opportunity to make representation. Responses from the various persons had been received and these had been forwarded to the Council's external legal expert for consideration. A further update report would be provided once this was complete. The Council had been awarded funding to maintain the temporary capping works and to undertake further investigation and an options appraisal, details of which were included in the report.

A discussion ensued on the public use of the area and Members were reassured that the remedial capping in place on the site did not pose a health and safety risk to the public.

### **Decision**

- (i) That the contents of the report, be noted.
- (ii) Cabinet noted the Environment Agency's advice that Zone 1 and Zone 2 did not meet the statutory definition of 'contaminated land', and that both respective parcels of land should not be determined under the Act;
- (iii) That the intention to present an update report to Cabinet once the further investigation and legal considerations in Zone 3 were complete, be noted.

The meeting concluded at 11.20 am.

**P J DEVLIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 10 OCTOBER 2012**