

FINANCE AND CORPORATE SERVICES PORTFOLIO DECISION RECORD

21 November 2012

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Paul Thompson (Finance and Corporate Services Portfolio Holder)

Officers: Peter Devlin, Chief Solicitor
Catherine Grimwood, Performance and Partnerships Manager
Wally Stagg, Organisational Development Manager
Dale Clarke, Estates and Asset Manager
Lisa Anderson, Information and Consultation Officer
Denise Wimpenny, Principal Democratic Services Officer

33. Office of Surveillance Commissioners Inspection Report *(Chief Solicitor)*

Type of decision

Non-key

Purpose of report

To advise the Portfolio Holder as to the outcome of an inspection undertaken through the Office of Surveillance Commissioners (OSC) on 9 July 2012 in respect of the management of covert surveillance activities.

Issue(s) for consideration by Portfolio Holder

On 9 July 2012 an Inspector of the OSC reviewed the Council's management of covert activities in relation to the Regulation of Investigatory Powers Act (RIPA) 2000. The recommendations from this were:-

1. Establish a central record of authorisations in spreadsheet format
2. Reorganise RIPA management
3. Raise RIPA awareness within the Council
4. Reduce the number of authorising Officers and ensure all are suitably

changed

5. Establish a corporate RIPA training programme and ensure the issues highlighted in this report are addressed
6. Amend the Corporate Policy and Procedure document
7. Ensure that Elected Members are kept informed of RIPA usage

The Council's response to these recommendations was outlined in the report and it was proposed that a letter be sent to the Inspector informing him of the measures which had been put in place by the Authority to address the issues raised. Copies of the inspection report and the Council's policy and procedures document on directed surveillance and covert human intelligence sources were appended to the report for the Portfolio Holder's attention.

The Chief Solicitor highlighted the need to provide further training for officers involved in surveillance activity which may include Elected Member involvement.

In response to the Portfolio Holder's request for clarification, the Chief Solicitor outlined the potential reasons for the recommendations. The Portfolio Holder was pleased to note the suggested approach and progress made to date in discharging the recommendations.

Decision

- (i) That the contents of the report and appended documentation in conjunction with the recommendations made through the Office of Surveillance Commissioner's Inspection Report, be noted and supported.
- (ii) That the Office of Surveillance Commissioners be informed as to the action undertaken by the Borough Council in discharging the recommendations contained within the inspection report.

34. Single Status Agreement Appeals (*Organisational Development Manager*)

Type of decision

Non-key

Purpose of report

To obtain ratification of Appeals Panel outcomes in respect of appeals arising from the implementation of the Single Status Agreement.

Issue(s) for consideration by Portfolio Holder

The Organisational Development Officer presented the report which provided background information relating to implementation of the Appeals Procedure together with an update on progress of appeals arising from the Single Status Agreement. Ratification was sought of Appeals Panel outcomes in respect of reconsidered appeals arising from the change in the appeals process.

Details of outcomes of appeals previously ratified together with a summary of outcomes relating to revisited appeals were set out in the report. In relation to appeals received subsequent to the implementation of the single status agreement, the Organisational Development Manager highlighted that there were 8 outstanding appeals which it was envisaged would be considered by the Appeals Panel around Easter 2013. The appeals procedure to be followed was similar to the procedure which applied in respect of appeals arising from the implementation of the Single Status Agreement although the composition of the Appeals Panel would change, details of which were set out in the report and were due to be considered further at Constitution Committee.

The Portfolio Holder was referred to a schedule of Appeal Outcomes of individual appeals for ratification, attached as a confidential appendix to the report. **The appendix contained exempt information under Schedule 12A Local Government Act 1972, namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1).**

The Portfolio Holder stated that he wished to further pursue information contained within the confidential appendix. In view of this, it was agreed that discussions be held in private session. Details of discussions were set out in the exempt section of the minutes.

35. 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 the discussion on the previous item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information relating to a particular employee, former employee or applicant to become an employee of the Council.

34. Single Status Agreement Appeals (*Organisational Development Manager*)

Details of discussions were set out in the exempt section of the minutes.

Decision

- (i) That progress to date be noted.
- (ii) That the Appeals Panel Outcomes in respect of Council Employees, as detailed in a confidential appendix to the report be ratified with the exception of one employee which was deferred, further details of which was set out in the exempt section of the minutes.

Prior to consideration of the following item of business the meeting returned to open session.

36. 38th Phase of Viewpoint – Citizen's Panel Results (*Assistant Chief Executive*)

Type of decision

Non-key – for information only

Purpose of report

- I. To provide an explanation of why the topics included in Viewpoint 38 were included and what departments plan to do with the results
- II. To inform the Portfolio Holder of the results of the 38th phase of Viewpoint that was distributed to panel members in June 2012
- III. To inform the Portfolio Holder of feedback from previous phases of Viewpoint

Issue(s) for consideration by Portfolio Holder

The Portfolio Holder was provided with background information relating Viewpoint, Hartlepool Borough Council's citizens' panel together with the various topics from the previous phases of Viewpoint as well as statistical information relating to the use of Viewpoint by department together with the number of topics covered up to and including Viewpoint 38.

Following Viewpoint 37 a recruitment survey was carried out. 5200 Hartlepool residents were contacted with 220 returns, all of which were

included on the panel. A similar number were removed from the existing panel. Viewpoint 38 had been sent in June 2012 to all 1,414 active members of the panel. A response rate of 73 per cent was achieved with 1019 questionnaires being returned. The questionnaire included questions on; Emergency Planning, Central Library, Green Spaces & Communication and Consultation.

The report outlined the key findings from Viewpoint 38. The results had been reported back to the relevant departments within the Council and would be reported back to Viewpoint members via a regular newsletter. A copy of the overall report would also be placed in the members' library, in all public libraries across the Borough for public access and had been placed on the Council's website. The reasons for the inclusion of the various subjects in this edition of Viewpoint were set out in the report and appended to the report was a full statistical breakdown of the responses received. Details of departmental actions taken as a result of feedback from previous surveys relating to shopping in Hartlepool, Summerhill and domestic violence were also provided, as detailed in the report.

The Portfolio Holder referred to a recent press article where concerns had been expressed by some members of the public that the Council were not taking on board public opinion. The purpose and benefits of Viewpoint was emphasised particularly in relation to public engagement and the Portfolio Holder was keen to publicise, in a future edition of Heartbeat, how Viewpoint had influenced the shape of the Council. The Council's new Hartlepool online Panel (HOP) was highlighted by the Information and Consultation Officer as a good example of engagement and consultation that, although still in its infancy, had proved to be a very successful tool to encourage responses to online consultations.

Decision

- (i) That the contents of the report and the results of Viewpoint 38 be noted.
- (ii) That information in relation to Viewpoint, as set out above, be publicised in a future edition of Heartbeat.

37. Land at Belle Vue Way (*Assistant Director (Resources)*)

Type of decision

Non-key

Purpose of report

To report on an objection received in relation to the disposal of public open

space on the corner of Belle Vue Way and Stockton Road.

Issue(s) for consideration by Portfolio Holder

In March 2012 the Portfolio Holder approved the disposal of a small area of land at Belle Vue Way (subject to planning approval for a change of use) on the basis of a 10 year lease with a 5 year option to purchase. Following advertisement of the proposed disposal a letter of objection was received. Details of the objection were outlined within the report. The Portfolio Holder was advised that these largely related to planning considerations which would need to be addressed as part of the planning process.

Whilst the proposed disposal did involve the loss of some public open space land, there was a benefit in relation to achieving improvement to the development site and public use of the subject land was limited.

The Portfolio Holder's views were sought with regard to the proposed disposal and objections raised.

With regard to the proposed disposal, the Portfolio Holder noted the asset management considerations including the financial benefits of the proposal being a contribution to the Medium Term Financial Strategy and whilst the objections raised were acknowledged, was of the view that the objections did not outweigh the benefits.

Decision

That the objections received in relation to the disposal of public open space on the corner of Belle Vue Way and Stockton Road, be noted.

38. 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 for the following items of business on the grounds that they involved 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 39 Sale of 174 West View Road – *Assistant Director (Resources)*. This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to the financial or business affairs of any particular person (including the authority holding that information (*para 3*))

Minute 40 Potential lease of land at Gladysworthy Close and Kipling Road –

Assistant Director (Resources) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to the financial or business affairs of any particular person (including the authority holding that information (*para 3*))

39. Sale of 174 West View Road (*Assistant Director (Resources)*)

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 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 seek approval to the sale of 174 West View Road

Issue(s) for consideration by Portfolio Holder

The Portfolio Holder was advised that the Council owned 174 West View Road. Prior to April this year 174 West View Road was being leased to Cleveland Police for use as a neighbourhood Police office. However for operational reasons the police had relocated to the former West View Community Centre on Miers Avenue and the property was therefore advertised for sale. Three offers had been received at the asking price and details of the final bids were appended to the report. It was proposed that the Council sold the building to the highest bidder.

The Portfolio Holder supported the view of the Estates Manager that the highest offer represented market value and should be accepted.

Decision

The Portfolio Holder approved the sale of 174 West View Road to the highest bidder, as detailed in a confidential appendix to the report.

40. Potential lease of land at Gladysworthy Close and Kipling Road (*Assistant Director (Resources)*)

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 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

- (i) To update the Portfolio Holder in relation to the outcome of the planning application of the sites and further investigations into the potential leasing of the land.
- (ii) To seek the Portfolio Holder's views on the potential disposal of land .

Issue(s) for consideration by Portfolio Holder

The report provided background information relating to the outcome of the planning applications following an application for a change of use together with details of the outcome of discussions with the tenants and owners of the properties. Details were given within the report of the various options available to the Portfolio Holder in order to address the issues raised, further details of which were included within the exempt section of the minutes.

Decision

- (a) In relation to Gladysworthy Close it was agreed that:-
 - (i) a licence be granted to the tenant to occupy the land as shown hatched black on the plan on the condition that the tenant undertook and met the costs of the fencing works, as detailed in the exempt section of the decision, and managed the land to the satisfaction of the Council.
 - (ii) the licence continued for the period of occupation of the property by the tenant provided compliance with the covenants of the agreement.
- (b) In relation to land to the rear of Kipling Road it was agreed that:
 - (i) a ten year lease be granted to Vela, as detailed in the exempt section of decision.
 - (ii) in terms of sub-letting arrangements, the tenants be requested to relocate the boundary fence to the correct boundary line at the expiry of the agreement.

The meeting concluded at 4.50 pm.

P J DEVLIN

CHIEF SOLICITOR

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