

CABINET

MINUTES AND DECISION RECORD

12th April 2006

Present:

The Mayor (Stuart Drummond) - In the Chair

Councillors: Peter Jackson (Finance and Performance Management Portfolio Holder),

Robbie Payne (Culture, Housing and Transportation Portfolio Holder),

Ray Waller (Adult and Public Health Services Portfolio Holder).

Officers: Paul Walker (Chief Executive)
Andrew Atkin (Assistant Chief Executive)
Tony Brown (Chief Solicitor)
Ian Parker (Director of Neighbourhood Services)
Nicola Bailey (Director of Adult and Community Services)
Stuart Green (Assistant Director (Planning and Economic Development))
Mike Ward (Chief Financial Officer)
Dave Stubbs (Head of Environmental Management)
Julian Heward (Public Relations Officer)
Joan Wilkins (Principal Democratic Services Officer)

226. Apologies for Absence

Councillors Stanley Fortune (Policy Co-ordination Portfolio Holder) and Cath Hill (Children's Services Portfolio Holder).

227. Declarations of interest by members

None.

228. Minutes of the meeting held on 29th March 2006

Received.

229. Joint Waste and Minerals Local Development Framework (Director of Regeneration and Planning Services)

Type of decision

Budget and Policy Framework

Purpose of report

To seek approval for the preparation of a joint Minerals and Waste Local Development Framework by the Joint Strategy Unit, on behalf of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils.

Issue(s) for consideration by Cabinet

The Director of Regeneration and Planning reported that under the new planning system, unitary authorities were required to prepare minerals and waste development plan documents (DPDs). Whilst Hartlepool's Local Plan included policies for waste they did not satisfy all of the European requirements and it was suggested that the Tees Valley Joint Strategy Unit (JSU) co-ordinate the preparation of this work on behalf of the five unitary Tees Valley Authorities.

With each of the Tees Valley Borough Councils at different stages of preparing new Local Development Documents a separate Minerals and Waste Local Development Framework (LDF) was to be developed comprising of a Core Strategy DPD and a Minerals and Waste (Site Allocations) DPD. Joint working arrangements had been set up for the preparation of the adopted Tees Valley Structure Plan and it was proposed that a similar arrangement be made for the preparation of the Minerals and Waste (Site Allocations) DPD. It was also suggested that owing to the specialist nature of the subject a consultant be engaged to assist with the preparation of the Minerals and Waste (Site Allocations) DPD.

Details of costs, estimated to be in the region of £165,000, to be split between the five Tees Valley authorities and the proposed timetable were outlined in the report. During consideration of the report Members sought an assurance that costs could be met from within the departmental budget and were assured that a budget entry had been included for this purpose.

Decision

- i) The content of the report was noted.
- ii) The principle of the Joint Strategy Committee taking responsibility for the initial preparation of a Joint Minerals and Waste Local Development Framework (LDF) on behalf of Hartlepool Borough Council and the other four unitary Tees Valley Authorities was endorsed.

230. Public Conveniences (Director of Neighbourhood Services)

Type of decision

Key decision (Tests i and ii apply)

Purpose of report

To provide information to enable the formulation of a policy in respect of public convenience provision.

Issue(s) for consideration by Cabinet

The Director of Neighbourhood Services submitted a report advising Cabinet of the absence of a sustainable policy in respect of public conveniences and the subsequent deterioration of buildings, equipment and the service in general over the years.

With the current budget for public conveniences set at £110K (£55,000 – wages for Clock Tower attendants, £20,000 – Mobile attendant, £13,000 – £13,000 - York Road contract and £22,000 – Repairs and maintenance). In relation to the repairs and maintenance element of the budget it was highlighted that annual repair bill always exceeded the budget allocated and that with prolonged inadequate maintenance and increasing vandalism even the reduced level of service couldn't be maintained using current resources. Details of the condition of public conveniences within the north, central and south areas of the town were provided and consideration sought of proposals for the way forward.

During consideration of the report Cabinet, Members expressed deep concern regarding the condition and level of public convenience provision across the town, in particular facilities on the Marina. In recognition of the importance of the issue Members were of the view that the issue should be referred to scrutiny for consideration and a report presented back to Cabinet in September 2006, in time for the next budget process. In considering the detail of the referral it was agreed that scrutiny should be asked to:-

- i) Express a view on the options and proposals outlined in the report.
- ii) Look at where public conveniences are needed across the town to enable Cabinet to make an informed decision.
- iii) Identify the cost of replacing all public conveniences with new facilities and the cost of bringing existing conveniences up to an acceptable standard to enable a comparison to be made by Cabinet.

It was also suggested that the options and proposals contained within the report be put out for consultation to the three Neighbourhood Consultative Forums, the Headland Parish Council, Residents Associations and the Access Group.

Decision

- i) That the public convenience issue, as outlined above, be referred to scrutiny, with a report back to Cabinet in September 2006, in time for the next budget process.
- ii) That scrutiny be asked to:-
 - Express a view on the options and proposals outlined in the report.
 - Look at where public conveniences are needed across the town to enable Cabinet to make an informed decision.
 - Identify the estimated cost of replacing all public conveniences with new facilities along with the cost of bringing existing conveniences up to an acceptable standard to enable a comparison to be made by Cabinet; in time for the 2007/08 budget setting process.
- iii) That the options and proposals contained within the report be put out for consultation to the three Neighbourhood Consultative Forums, the Headland Parish Council, Residents Associations and the Access Group.

231. Alternate Weekly Collections (Director of Neighbourhood Services)

Type of decision

Key decision (Tests i and ii apply)

Purpose of report

To recommend the introduction of the alternate weekly collection scheme to the whole of the town.

Issue(s) for consideration by Cabinet

The Director of Neighbourhood Services report that whilst Hartlepool was achieving its 2005/6 targets for recycling, if the authority was to contribute towards the national targets of 30% plus, some challenges lay ahead. With the success of voluntary kerbside recycling collection schemes totally dependent upon public participation options to encourage recycling were being looked at.

One such option being piloted in the South Forum Area was an alternative recycling and residual waste collections, which left residents with no option but to recycle. Cabinet was advised of the success of the pilot with 89% of users satisfied or very satisfied with the service and 86% thought that the service was easy to use. The conclusions reached were that:

- The most feasible and cost effective method of operating a dual bin scheme would be to use the existing bin for residual waste and procure new bins for garden waste, and a container for plastic bottles and cardboard.
- The second bin would be primarily used for garden waste, but there would be an option to also use it for food waste depending as and when legislation came into force and securing a suitable composting outlet.
- The multi-material scheme should expand to include plastic bottles and cardboard.
- The in-house service provider should continue to operate the bin collection rounds.
- A dedicated helpline be set up to deal with the volume of calls that will be received in the initial months of the scheme.
- Communication awareness officers (door steppers) are fundamental to the success of the scheme undertaking home visits informing residents of the scheme and help reduce any misunderstandings.
- Containers should be delivered one month in advance enabling residents to get used to the idea.

Given the positive outcome of the pilot consideration was sought of a proposal for the extension of the scheme across the town and details of the financial implications of the proposal outlined in the report. It was highlighted that the extension of the scheme would assist the Council in was to achieve its 30% recycling target for 2010/11 and that there was only one other option available to help achieve this. This would be to negotiate with the waste disposal contractor regarding mechanical separation on the front end of the Energy from Waste Plant, with a view to removing heavy inorganics i.e. metals and compostable materials.

Following consideration of the options available Members expressed support for the extension of the pilot scheme in the South Forum Area and emphasised the importance of ensuring that residents were aware of arrangements for the collection of the bins and what could be put in each, to prevent contamination. Members were advised that as part of the scheme stickers were put on contaminated bins and that a three stickers and your out system was operated. It was also noted that residents living in street houses would not be provided with recycling bins velcro, weighted, bags were to be provided.

During the course of discussions issues were raised in relation to:

- Health hazards. Members were assured that there had been no evidence of health hazards being created by the pilot. Emphasis was placed upon the importance of education in terms of what's placed in bins.
- The importance of publicity and communication on the effectiveness of a town wide scheme.

- Concern was expressed that 30% of south area resident were unhappy with the scheme. It was, however, highlighted that for some residents it was never going to work and that a full matrix of the survey results showed that whilst there had been mistakes there was nothing that couldn't be solved. A copy of the full matrix was to be provided.
- The benefit of the installation of recycling pots over conventional litter bins in prominent areas and public buildings.

Decision

- i) The rolling-out of the alternative weekly collection scheme across the Borough over the next 12 to 18 months was approved.
- ii) That a report on the possible installation of recycling pots instead of litter bins in prominent areas and public buildings be presented to either Cabinet or the Mayor's portfolio.

232. 2005/2006 Outturn Strategy (Chief Financial Officer)

Type of decision

Non-key

Purpose of report

To enable Members to finalise details of the 2005/2006 Outturn Strategy.

Issue(s) for consideration by Cabinet

Further to minute no. 203 of the meeting held on the 27th February 2006, the Chief Financial Officer reported that detailed work to finalise the 2005/06 budget was now underway. Whilst there were a number of issues which were dependent upon the receipt of information from organisations at this stage it was anticipated that the final underspend on corporate budgets would be £1.85m, an increase of £0.45m on the previously reported figure. Details of the factors contributing to the increased underspend were outlined in the report along with the following additional commitments, which it was suggested be funded from the underspend on corporate budgets

National graduate development trainee - £20,000

Sale of Shopping Centre Pension Liability - £70,000

Refuse Shuffle Service - £60,000

Feasibility work at the Friarage Manor House - £20,000

Stock transfer diseconomies of scale - £140,000

Taking into consideration these additional commitments and those previously approved by Council the uncommitted corporate underspend was to be £0.484m and it was suggested that this amount be earmarked for unfunded (Phase 2) Equal Pay costs. If approved this would leave approximately £0.5m unfunded Equal Pay costs to be paid in 2007/2008. Other issues identified related to Seaton Carew Coastal Protection and the repair of storm damage, with a cost from General Fund reserves of £60,000 and the writing out of former Housing Revenue Account (HRA) tenant arrears and associated HRA bad debt provision from the statutory accounts.

The Chief Financial Officer sought consideration of the issues outlined above to enable the final accounts to be finalised before the statutory deadline on the 30th June 2006. Whilst the final outturn would not be known until detailed work to close the 2005/6 accounts had been completed it was not anticipated that there wouldn't be any significant changes to the forecast outturn detailed in this report. Should, however, the position change it was suggested that any additional resources be earmarked to assist manage the 2007/2008 budget.

Following consideration of the report Members expressed concern regarding the increase in the underspend figure, especially given the increase in Council Tax levels and the request for each department to identify savings. Attention was also drawn to the need for Council and not officers to decide how the underspend was allocated and the saving made as a result of the recent day of industrial action. It was highlighted that payments were not due to be deducted from salaries until the end of April and would be included in the 2006/7 monitoring report. Members requested that this figure be clearly identified for inclusion in the General fund.

In relation to the identification of a specific reserve to fund Equal Pay costs Members drew attention to the concerns already expressed by scrutiny and suggested that the £484,000 go into the general fund reserve with an understanding that there would be a cost in the future. In response to this the Chief Financial Officer indicated that the £484,000 was to be used to fund agreements already signed (phase 2) and that despite this there would be an anticipated shortfall of £500,000 for agreements not yet signed.

In light of the suggestions made for the inclusion of monies in the General Fund some concern was expressed regarding previous criticism of the level of the Council's reserves and as a query raised as to whether this could lead to further criticism from the Inspector. The Chief Financial Officer indicated that this was about risk and that it would be good practice to set up an earmarked reserve for issues the Council knows are coming. Should substantial amounts be accrued in the General Funds the Council could leave its self-open to further criticism. With this in mind Members agreed that if the £484,000 was to be going out of the specific reserve quickly then they would be happy for it not to go into the General Fund in this instance.

Decision

- i) The report was noted.
- ii) The proposals outlined in paragraphs 3.2 and 3.3 of the report relating to the following were approved and referred to Council for approval:
 - National graduate development trainee
 - Refuse Shuffle Service
 - Feasibility work at the Friarage Manor House
 - Stock transfer diseconomies of scale
- iii) The proposal outlined in paragraph 3.2 of the report relating to the 'Sale of Shopping Centre Pension Liability' was approved and referred to Council with the request that the funding be transferred into the General Fund Reserve with an understanding that there could be a potential cost in the future.
- iv) The Chief Financial Officer was authorised to complete the necessary accounting entries in relation to the HRA, as detailed in paragraph 5.2 of the report.
- v) That deduction from salaries as a result of the recent day of industrial action be included in the 2006/7 monitoring report, with the figure to be clearly identified for inclusion in the General Fund Reserve.

233. Final Report – 'Second and Third Tier Officer Salary and Grading Review' Scrutiny Referral (Scrutiny Co-ordinating Committee)

Type of decision

Non-key

Purpose of report

To advise Cabinet of the Scrutiny Co-ordinating Committee's 'holding' response in relation to the Second and Third Tier Officer Salary and Grading Review Scrutiny Referral following the unavailability of the financial information on 7 April 2006.

Issue(s) for consideration by Cabinet

The Director of Neighbourhood Services reported on behalf of the Chair of the Scrutiny Co-ordinating Committee that the Committee had, due to the unavailability of financial information, deferred submission of its formal response to the Second and Third Tier Officer Salary Grading Review. Information relating to the financial implications on departmental staffing budgets was to be made available to the Committee in June 2006 following consideration of which a formal response was to be made.

Given that the prescribed timescale for completion of the Scrutiny Referral was the 12 April 2006 Cabinet was asked to agree a further extension to the prescribed timescale for the undertaking of the Referral.

Decision

- i) Cabinet noted that the Scrutiny Co-ordinating Committee was unable to present their formal response in respect of the Second and Third Tier Officers Salary and Grading Review, in light of the outstanding financial information to be made available to the Committee during June 2006.
- ii) Cabinet agreed an extension of the prescribed timescale (currently 12 April 2006) for the undertaking of this Scrutiny Referral.

234. Local Government Access to Information

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 it involves the likely disclosure of exempt information as defined in the paragraphs detailed 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 235 - Equal Pay (Para's 3,4 and 5 - Information relating to the financial or business affairs of any particular person (including the authority holding the information) (para 3), information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority (para 4) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5)).

Minute 236 – Tees Valley and South Durham NHS Lift Project – Town Centre Site (Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

235. Equal Pay (Chief Personnel Services Officer, Chief Solicitor and Chief Financial Officer) (Para's 3,4 and 5)

Type of decision

Key decision (Test i applies)

Purpose of report

To advise Cabinet of the status of current pay claims and seek a decision on the options for resolving them.

Issue(s) for consideration by Cabinet

Details of Cabinet's discussions are set out in the 'Not for Publication' section of the decision record.

Decision

Details of Cabinet's decision is set out in the 'Not for Publication' section of the decision record.

236. Tees Valley and South Durham NHS Lift Project – Town Centre Site (Director of Neighbourhood Services) (Para 9)

Type of decision

Key decision (Tests i and ii apply)

Purpose of report

To seek approval for the proposed disposal of land.

Issue(s) for consideration by Cabinet

Details of Cabinet's discussions are set out in the 'Not for Publication' section of the decision record.

Decision

Details of Cabinet's decision is set out in the 'Not for Publication' section of the decision record.

J A BROWN

CHIEF SOLICITOR

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