

# **CABINET**

## **MINUTES AND DECISION RECORD**

13 March 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: Andrew Atkin, Assistant Chief Executive  
Mike Ward, Chief Financial Officer  
Tony Brown, Chief Solicitor  
Peter Scott, Director of Regeneration and Planning Services  
Nicola Bailey, Director of Adult and Community Services  
Alistair Smith, Head of Technical Services  
Alan Coulson, Engineering Manager  
Ian Jopling, Transportation Team Leader  
Chris Hart, Drug Strategy Coordinator  
Steve Hilton, Assistant Public Relations Officer  
David Cosgrove, Principal Democratic Services Officer  
Angela Hunter, Principal Democratic Services Officer

### **206. Apologies for Absence**

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

### **207. Declarations of interest by members**

None.

### **208. Confirmation of the minutes of the meeting held on 27 February 2006**

Confirmed.

**209. Final Second Local Transport Plan** *(Director of Neighbourhood Services)*

**Type of decision**

Key decision (test ii applies)

**Purpose of report**

To give consideration to the draft final second Hartlepool Local Transport Plan (LTP).

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

The Transport Act 2000 made it a statutory requirement for local transport authorities to produce and implement a LTP that takes account of Government guidance. The current Hartlepool LTP covers the five year period from 2001 to 2006. The final second LTP for the period 2006 to 2011 must be submitted to the Government by 31st March 2006. Hartlepool's provisional second LTP for the period 2006-2011 was submitted to the Government in July 2005 and included draft strategies, transport schemes, implementation programme and targets. Since this date, the provisional Plan has been further developed to take account of the confirmed allocation of capital funding and consultation on proposed transport improvements.

Work was still on-going in finalising the detail of the final second LTP and a copy of the Draft Executive Summary was submitted as an appendix to the report in accordance with the Government's Full Guidance on Local Transport Plans Second Edition (December 2004). A copy of the full draft plan had also been made available to Members.

**Decision**

That the draft final second Hartlepool Local Transport Plan be approved and that the Director of Neighbourhood Services be authorised to approve the final text version of the Plan for submission to the Government by 31st March 2006.

**210. Coronation Drive – Contaminated Land Update and Application to DEFRA Covering Remediation Costs** *(Director of Neighbourhood Services)*

**Type of decision**

Key decision (test ii applies).

**Purpose of report**

The report updated Cabinet in respect of progress made since the previous report of 6th September 2005 and sought approval for the Director of Neighbourhood Services to apply to DEFRA for support covering the remediation costs, if required.

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

The report updated Cabinet on the actions and meetings that had taken place since the previous report on 6th September 2005. This included details of the residents meeting held at the Staincliffe Hotel on 17th November 2005, and the meetings between the Council's consultants and Vizards Tweedie, the consultants representing the potential class A persons, held this month.

Members were concerned with the potential legal costs should the matter end up in the High Court. The Chief Solicitor indicated that should the Council be successful in any court action, it could reasonably expect that it would receive an award of costs. There was also concern at the possibility of claw-back of funding from DEFRA. The Chief Solicitor stated that should DEFRA award grant to the Council to undertake the remediation works and the Council was successful in obtaining remediation costs from the 'Class A Persons', then there may be a legitimate request for 'claw-back'. If the Council was unsuccessful in obtaining costs from the 'Class A Persons' it was unlikely that DEFRA would request claw-back. The Mayor clarified that even if grant from DEFRA was obtained, the Council would still be pursuing the 'Class A Persons'. The Mayor asked if officers were sure the correct 'Class A Persons' were being pursued. The Engineering Manager commented that the technical and legal advice that the Council had from the independent advisors was that they were pursuing the correct people. It would, however, ultimately be for the Court to decide.

### **Decision**

1. That the progress made be noted.
2. That the Director of Neighbourhood Services be authorised to apply to DEFRA for Grant to the value of up to £4.5m, should this be required, and to further research the concept of the Council having the power to carry out the remediation work in default.
3. That should the application for Grant be approved by DEFRA, a further report to be submitted to Cabinet requesting approval to carry out the remediation by tendering the works, utilising a select list procedure.

## **211. Safer Hartlepool Partnership – Annual Adult Drug Treatment Plan 2006/07** *(Head of Community Safety and Prevention)*

### **Type of decision**

Non-key.

### **Purpose of report**

To consider the Safer Hartlepool Partnership Drug Treatment Plan for 2006/07, that needs to be submitted to the National Treatment Agency (NTA) by 23rd March 2006.

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

The Mayor reported that the Safer Hartlepool Partnership is responsible for the local implementation of the Governments' 10 year drug strategy and all associated monitoring requirements. An annual Adult Drug Treatment Plan was required by 23rd March and would be a key performance-monitoring tool. The Plan contains a summary of the local drug situation, a self-assessment of local services against the national service framework, an illustration of financial investment and comprehensive action plans for service development and improvement. The Mayor considered that the work undertaken by the Drug Action Teams had been very successful over the last year and he commended the plan to the Cabinet.

### **Decision**

Cabinet confirmed its support to the Safer Hartlepool Partnership Adult Drug Treatment Plan 2006/07 and approved its submission to the National Treatment Agency.

## **212. Hartlepool Borough Council's Response to the Strategic Health Authority's Consultation on PCT Re-configuration** (*Chief Executive*)

### **Type of decision**

Non-key.

### **Purpose of report**

To provide Cabinet with the opportunity to comment on the draft responses from the Tees Valley Authorities and Hartlepool Borough Council to the Primary Care Trust (PCT) reorganisation proposals.

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

The proposals for the reorganisation were being consulted on at the moment. The deadline for responses is 22 March 2006. Council, Cabinet and Scrutiny had all considered this matter. Responses to the consultation were to be submitted by the Adult and Community Services and Health Scrutiny Forum (as a statutory consultee in the process and as part of the Joint Tees Valley Health and Social Care Scrutiny Forum) and a joint response from all Tees Valley Local Authorities (set out at Appendix 1 to the report).

Cabinet Members had very recently received the draft Hartlepool Borough Council response to the consultation. The Assistant Chief Executive apologised for the late circulation of this document, though the drafting of it had only been completed a couple of days prior to the meeting. The HBC response set out the Council's detailed response to the consultation taking into account the comments made by members of the council at the various meetings that have discussed the issue since the consultation process was commenced. The consistent view expressed by Members was that coterminosity between the Council and the PCT was essential to the future

success of partnership arrangements. Cabinet Members supported this view and commented that it was essential that Hartlepool retain its PCT to ensure operational effectiveness through 'joined up' services with the Council to the benefit of the local community. Coterminality was a fundamental requirement to ensure that this could happen.

Cabinet Members were also concerned at the level of debt being carried by the PCT's and how this was going to be managed following this re-configuration process. Cabinet requested that a comment highlighting this concern be included in the response.

Cabinet also highlighted its concern at the options being put forward by the SHA and was very critical of the options, which were considered not to be viable. The Assistant Chief Executive indicated that one of the fundamental points raised in the Council's response was that the consultation was flawed, as essentially only one option had been put forward, though 'dressed up' to look like two separate options.

The Mayor proposed an amendment to the fourth recommendation submitted with the report and stated that the Tees Valley response only be supported as long as it was broadly in line with the views contained within the HBC response. This was supported by Cabinet.

#### **Decision**

1. That the draft response to be submitted by Hartlepool Borough Council be approved subject to 2, 3 and 4 below.
2. That comment be included in the response relating to the levels of debt within the Primary Care Trusts in the Tees Valley.
3. That the Chief Executive be delegated authority to make any minor changes required prior to submission.
4. That the joint submission on behalf of the Tees Valley local authorities be supported subject to the finalised document being broadly in line with the response being submitted by this Council.

**J A BROWN**

**CHIEF SOLICITOR**

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