

CABINET

MINUTES AND DECISION RECORD

24th January 2006

Present:

The Mayor (Stuart Drummond) - In the Chair

Councillors: Stanley Fortune (Policy Co-ordination Portfolio Holder),
Robbie Payne (Culture, Housing and Transportation Portfolio Holder),
Ray Waller (Adult and Public Health Services Portfolio Holder)

Officers: Paul Walker (Chief Executive),
Nicola Bailey (Director of Adult and Community Services),
Ian Parker (Director of Neighbourhood Services),
Adrienne Simcock (Director of Children's Services),
Andrew Atkin (Assistant Chief Executive),
Paul Briggs (Children's Services Consultant),
Tony Brown (Chief Solicitor),
Stuart Green (Assistant Director {Planning and Economic Development}),
John Mennear (Acting Assistant Director {Community Services}),
Michael Ward (Chief Financial Officer)
Steve Hilton (Assistant Public Relations Officer)
Angela Hunter (Principal Democratic Services Officer)
Amanda Whitaker (Democratic Services Team Manager)

169. Apologies for Absence

Councillor Hill and Jackson

170. Declarations of interest by members

None

171. Minutes of the meeting held on 9th January 2006

Received

172. Children and Young People's Plan (CYPP) (Director of Children's Services)

Type of decision

Budget and Policy Framework item

Purpose of report

To consider the second draft of the Children and Young People's Plan.

Issue(s) for consideration by Cabinet

In accordance with the Children Act 2004, the Council was required to prepare and publish a Children and Young People's Plan (CYPP). A first draft of the Plan had been produced in November 2005 and a first round of consultation had taken place from mid November until mid December 2005. The outcomes of this consultation had contributed significantly to the second draft which was circulated with the report.

Subject to the approval of Cabinet, it had been agreed by the Chairs of the Scrutiny Coordinating Committee and Children's Services Scrutiny Forum that the draft Plan could be considered by Children's Services Scrutiny Forum on 7th February 2006 and 7th March 2006, with the outcomes reported orally to Scrutiny Coordinating Committee on 10th March 2006. This had been agreed by the Chairs to facilitate compliance with government requirements that the Children and Young People's Plan be in place by April 2006.

It was intended that a second round of consultation take place, over a four week period from 24th January until 21st February. This would allow the outcomes of consultation to be presented to Children's Services Scrutiny Forum on 7th March 2006. Following the meeting of Children's Services Scrutiny Forum on 7th March 2006, a third draft would be prepared and presented to Cabinet on 29th March 2006. Subject to Cabinet approval, it was intended that a final draft be presented for full Council approval on 13th April 2006.

Cabinet Members noted that the draft referred to children wanting to be more involved and highlighted the need to 'hear' the views expressed by those children. In response, Cabinet was assured that young people were at the heart of the second round of consultation. The Mayor also reminded Cabinet colleagues that a Cabinet meeting had previously been held in a school and that he would like to follow a similar format in respect of a future meeting of the Cabinet.

In response to concerns expressed about the length of the document, Members were advised that following agreement on the final document, a user-friendly summary would be produced.

Decision

The second draft of the Children and Young People's Plan was referred to Children's Services Scrutiny Forum and the timetable leading to consideration of the Plan by full Council was approved.

173. Briarfields Allotment Site (*Director of Adult and Community Services*)

Type of decision

Key Decision (test (ii) applies)

Purpose of report

To provide an update on the preferred design and costs of reinstatement of the Briarfields Allotments following further investigation of costs, as originally presented to the Cabinet meeting on 23rd November 2005.

Issue(s) for consideration by Cabinet

Prior to presentation of the report, the Mayor highlighted that the report was subject to a General Exception Notice and sought clarification that Cabinet Members were happy to consider the report.

Following the Cabinet meeting on 23rd November 2005, the Culture, Housing and Transportation Portfolio Holder had met with representatives of the Briarfields Allotments Association (BAA) to discuss the site design and options in more detail. The meeting had been held on the 6th December 2005. It had been accepted, at that meeting, that any re-establishment of an allotment site had to be of a high quality to avoid a detrimental affect on any long-term development option of the neighbouring site. Furthermore the BAA representatives had been very mindful that they did not seek to insist on elements of the design which could, by there omission, assist in reducing the cost of the overall scheme estimates. To avoid any misunderstanding it was clarified that some of these elements related to the internal layout, whilst other details were costings to provide site access to a standard that had not previously been present.

Appended to the report was the final layout proposal for the new Briarfields Allotment site in terms of the following:

- The site provides for twelve plots
- A 2.4m high steel perimeter fence
- Internal hedge planting to partially screen the site
- Compacted pathways to perimeter and central alleyway
- New water supply with 3 water taps
- Inclusion of an integral secure compound for parking and potential lock-up container.

The site remained in the preferred location, in the South East corner of the site, bounded on the East by a public footpath and the South by a shelter belt of Corsican Pine trees and a public footpath. The BAA had specifically stated that no access roadway was required (existing grass track would suffice), the compound surface would be left as a strimmed turf surface and that no internal plot fencing would be provided. A series of marker posts would suffice for plot demarcation and allow allotment officers / BAA tenants to determine any future incursion disputes. The quality of the steel fence would remain for strength and security, however the proposed black powdercoating would be deleted. This would mean the fence appearance would be a galvanised finish which would weather to a light silver grey; no future painting to the fence was anticipated nor intended.

The agreed design and layout details had allowed a revised cost estimate to be determined. Discussions between the Officers preparing the scheme and the BAA representatives had clarified misunderstandings which had arisen as to the basis of the cost estimates. It was reported, therefore, that the current cost estimate for the site identified on the appendix (a large scale drawing was available at the Cabinet Meeting) was £75,000.

The cost estimates would be subject to a tender process and final cost could not be guaranteed, however the above figure included a contingency of 10%. However it was noted that it would be unsafe to make any assumption at this stage that this 12 site allotment provision could be delivered for less than £75,000.

The existing budget did not include provision to meet the capital costs of the current proposal. Therefore if Members wished to implement the scheme the capital costs would need to be funded from prudential borrowing. Members were reminded that Scrutiny Co-ordinating Committee had recently completed a review of the Council reserves. This review had confirmed that the Councils reserves were largely committed and reserves could not be used to fund this expenditure. If the capital costs were to be funded from prudential borrowing the resulting revenue costs would need to be funded from within the overall budget from 2006/2007. This would increase the level of savings required to balance the 2006/2007 budget. Details of the revenue costs were summarised as follows:

	<u>Capital Cost</u>	<u>Revenue Cost p.a.</u>
Provision at Briarfields	£75,000	£7,000

As this development was outside the Budget and Policy Framework the provision of Prudential Borrowing would require the approval of Council.

The implementation of this scheme via the tender process, the appointment of a successful contractor and the completion of the site work would all follow the outcome of a planning application for allotment re-instatement. The timescale to achieve this meant that the allotment completion would be unlikely until early summer 2006 at the earliest.

Following presentation of the report Officers responded to concerns expressed by the Culture, Housing and Transportation Portfolio Holder which included the following:-

- Planning application – Officers clarified that the works proposed involved development which required statutory planning permission.
- Tender process – Following advice received from the Chief Solicitor that the Council was able to have the proposed work carried out by its in-house workforce, the Director of Neighbourhood Services undertook to discuss this with the relevant Officers in the Adult and Community Services Department.

Views were expressed in favour of the re-instatement of the allotments and reference was made to previous decisions of the Cabinet and Council.

The Mayor, supported by Councillor Fortune, was of the view that the recommendation included in the report, to consider the approval of Briarfields allotments at an estimated cost of £75,000, should be refused and revisited when the budget process was complete and when further information was known in relation to equal pay claims.

Councillor. Payne maintained that the Mayors proposal was contrary to an earlier decision of the Cabinet to reinstate the allotments as early as possible. The Chief Solicitor expressed his understanding that the earlier decision was an 'in principle' decision only and was subject to determination of the costs of re-instatement, but the earlier minutes could be obtained and examined if necessary. It being agreed that the matter be put to the vote, the vote was taken. The votes being equal, the Mayor exercised his casting vote

Decision

The recommendation for implementation of purpose designed 12 plot allotment site at Briarfields, at an estimated cost of £75,000 was rejected and was to be reconsidered when the Council's budgetary position was known.

Following the vote Cllr Payne requested that his vote against the decision, and the concerns he expressed, be recorded. He then left the meeting and advised that his resignation from the Cabinet would be forthcoming.

174. Inquorate Meeting

As a result of Councillor Payne leaving the meeting, the Mayor noted that a quorum was not present. As permitted under the Local Government Act 2000 and the Constitution, the Mayor advised that he would exercise his power of decision and would be doing so in accordance with the wishes of the Members present.

175. Consultation on Community Care Eligibility Criteria (Director of Adult and Community Services)

Type of decision

Key Decision (test (i) applies)

Purpose of report

To seek Member views on undertaking consultation on raising eligibility criteria for adult community care services.

Issue(s) for consideration by Cabinet

The report detailed the possibility of a growing budget gap for the period 2006-08 and subsequent years. Raising eligibility criteria for adult community care services was one option which Members' could consider when reviewing potential efficiency savings and when setting a budget for 2007-08.

Cabinet was advised on the legal requirement on the Council to consult when considering changes to eligibility criteria before service reductions could be made to people with community care needs. The implications of raising eligibility criteria were highlighted and through case examples the likely impact of raising the current criteria was illustrated. A plan and a timetable for a consultation, which was recommended, were detailed.

Appended to the report were details of Hartlepool's current eligibility criteria together with details about the way in which the eligibility framework categorises the seriousness of the risk to independence or other consequences if needs were not addressed and case examples.

Also submitted was a summary of the legal framework for implementing changes, detail of the proposed consultation exercise and a list of proposed consultees.

It was proposed that the consultation take place over a 12 week period beginning in June 2006 with the results reported back to Cabinet before a final decision was taken on the level of eligibility for the financial year 2007-08.

Cabinet Members recognised the need to protect the most vulnerable and highlighted that the consultation needed to be carried out sensitively. The Mayor advised that he was happy to agree to the commencement of the consultation process but was concerned that decisions, on this issue, be not made purely on financial grounds.

Decision

Cabinet authorised consultation on changing the threshold for eligibility criteria for Community Care services from moderate and above to substantial and above.

176. Annual Monitoring Report 2004/2005 (*Director of Regeneration and Planning Services*)

Type of decision

Non Key

Purpose of report

To seek endorsement of the Annual Monitoring Report 2004/2005.

Issue(s) for consideration by Cabinet

One of the documents to be produced under the new planning system established by the Planning and Compulsory Purchase Act 2004 was the Annual Monitoring Report (AMR). The AMR reviewed progress made on the implementation of the Local Development Scheme (the programme for the preparation of planning documents) and assessed the effectiveness of current planning policies.

A copy of the first AMR, in respect of 2004/05, was appended to the report. The document had been submitted to the Government Office at the end of December 2005 and would be placed on the Council's website.

Decision

The Annual Monitoring Report 2004/2005, as submitted to the Government Office, was endorsed.

177. Arrangements for an Area Tourism Partnership for the Tees Valley (*Director of Regeneration and Planning Services*)

Type of decision

Non Key

Purpose of report

To explain new proposals for the formation of an Area Tourism Partnership (ATP) for the Tees Valley, as part of the new delivery mechanism for tourism activity within the region.

Issue(s) for consideration by Cabinet

As previously reported to Cabinet, OneNorth East had taken on strategic responsibility for tourism from April 2003 and had developed a revised structure for tourism support and promotion, to promote effectiveness and reduce duplication. It was intended that the revised structure would be operational by April 2006 and would be known as Tourism Network NorthEast. It would comprise of five core organisations: the Regional Tourism Team and four independent ATPs.

The report set out the role of the ATP's in each of the 4 sub-regions, proposed management and operational details, local authority support in terms of financial commitment and officer time. The provisional proposed budget of the Area Tourism Partnership was also detailed together with an outline of consultation arrangements.

The Mayor advised that the details of the proposed governance arrangements were currently under discussion with One NorthEast and remained to be finalised.

Decision

- (i) The proposed arrangements for the formation of an Area Tourism Partnership, for the Tees Valley, was approved
- (ii) The proposals were endorsed and ongoing Local Authority financial support was confirmed.

J A BROWN

CHIEF SOLICITOR

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