

CABINET

MINUTES AND DECISION RECORD

9th December 2005

Present:

The Mayor (Stuart Drummond) - In the Chair

Councillors: Stanley Fortune (Finance Portfolio Holder),
Robbie Payne (Culture, Housing and Transportation Portfolio Holder)(In attendance from minute number 152 onwards),
Ray Waller (Adult and Public Health Services Portfolio Holder).

Also

Present: Councillor George Morris

Officers: Paul Walker, Chief Executive
Andrew Atkin, Assistant Chief Executive
Nicola Bailey, Director of Adult and Community Services
Peter Scott, Director of Regeneration and Planning Services
Tony Brown, Chief Solicitor
Chris Little, Assistant Chief Financial Officer (Corporate Finance)
John Mennear, Acting Assistant Director (Community Services)
Stuart Green, Assistant Director (Planning and Economic Development)
Ralph Harrison, Head of Public Protection and Housing
Ann Laws, Team Leader (Policy Planning & Info)
Joan Wilkins, Principal Democratic Services Officer
Alastair Rae, Public Relations Officer

146. Inquorate Meeting

The Mayor noted that the meeting was inquorate and indicated that, as permitted under the Local Government Act 2000 and the Constitution, he would exercise his powers of decision in accordance with the wishes of the Members present, as indicated in the usual way. The Mayor confirmed each of the decisions set out in minute numbers 149, 150 and 151 below.

147. Apologies for Absence

Apologies for absence were received from Councillors Cath Hill (Children's Services Portfolio Holder) and Peter Jackson (Finance and Performance Management Portfolio Holder).

148. Declarations of interest by Members

None.

149. Confirmation of the minutes of the meeting held on 23rd November 2005

Confirmed.

150. Statement of Community Involvement (SCI) *(Director of Regeneration and Planning Services)*

Type of decision

Budget and Policy Framework.

Purpose of report

To seek approval for changes to the Statement of Community Involvement (SCI) arising from consultations on the draft document.

Issue(s) for consideration by Cabinet

Further to minute number 30, of the meeting held on 6th July, the Director of Regeneration and Planning Services outlined details of the public consultation exercise undertaken in relation to the draft Statement of Community Involvement (SCI). The exercise took place over a period of three months (end July to end October) and resulted in receipt of responses from 29 bodies, groups and individuals, the majority of which were in support of the draft document.

A summary of the comments received and suggested amendments to the SCI was provided. Details were also provided of a proposed response to the consultation exercise and approval sought for the following amendments to the SCI, formulated on the basis of the information provided:

- i) Addition of a sub-title clarifying that the SCI related to a means of consulting the community in respect of planning matters;
- ii) Addition of simplified versions of Tables 1 and 2 illustrating the process for the preparation of planning documents to be set beside Table 1 which stated how and when the Council would be consulting the community in this respect;
- iii) Inclusion of the Hartlepool Access Group as a key contact and replacement of the HVDA with the Community Network as the key contact for voluntary groups;

- iv) Incorporation of the information in Appendix 6 (Useful Contacts) into section 9 of the main part of the SCI; and
- v) Inclusion in Appendices 4 and 5 of additional bodies as consultees – also the addition in Appendix 4 of the list of 'other consultees' as set out in Annex E of PPS12.

Decision

- i) That the amendments to the Statement of Community Involvement (SCI), as outlined above, be approved.
- ii) That the Regeneration and Liveability Portfolio Holder be authorised to agree the detail of the proposed amendments.

151. Responses to the Proposed Modifications to the Hartlepool Local Plan (Director of Regeneration and Planning Services)

Type of decision

Budget and Policy Framework.

Purpose of report

To outline representations received following the publication of the Proposed Modifications to the Hartlepool Local Plan and seek approval for further, relatively minor, modifications to be publicised before the formal adoption of the Local Plan.

Issue(s) for consideration by Cabinet

The Director of Regeneration and Planning Services indicated that, further to minute number 55, of the meeting of Council held on 15th September 2005, proposed modifications to the Hartlepool Local Plan were made available for public inspection from the 30th September 2005 to the 10th November 2005. This resulted in receipt of 66 representations from 31 individuals and bodies relating to the proposed modifications and the Council's intention not to modify the plan in accordance with certain of the recommendations in the Inspector's Report. Details of the representations made were outlined in the report and attention drawn to:

- Support received in relation to the proposed modifications to delete Briarfields as a low-density housing site and identify the former allotments as a protected green space.

- The main objections to the proposed modifications and the Council's decision not to modify the plan in accordance with the Inspector's recommendations.
- The addition of a number of relatively minor modifications to the Plan identified to improve the quality of the policies and ensure that they conform as far as possible to government guidance.
- The view that objections relating to retail issues did not warrant further modifications to the Plan.

Following consideration of the report Cabinet Members queried the implications of the proposed designation of the Briarfields site on any future use/development. Members were advised that the intention was for the former allotment area to be classified as a key green space and that the remainder of the site would be treated as 'white land'. The allocation of the majority of the Briarfields site as 'white land' meant that if a development proposal was put forward for the site, including the open field area, but excluding the former allotment site, it would not be a departure from the Local Plan. As such there would be no planning policy presumption against the marketing of the site for redevelopment. However, should the former allotment area be designated as a key green space (as in the current Local Plan drafting) any proposal for the development of that site would be a departure from the Local Plan and need to be dealt with accordingly. This would mean that any planning application for residential development of the former allotments site would be referred to the Government Office for the North East and might be called in for determination by the Secretary of State rather than by the Council as the Local Planning Authority.

Whilst Members noted that representations were generally in favour of the retention of the site as a green space, and the reinstatement of the allotments, concern was expressed regarding the uncertainty of resources available to achieve this given the current position in respect of the budget settlement, the need for a continuing supply of low density housing and the economic development regeneration benefits for the town. Members, therefore, questioned the procedure necessary to remove the former allotment site from the current draft Local Plan policy relating to key green spaces. Officers advised that such a revision would need to be treated as a further modification of the Plan and would be subject to the six week public consultation period. Officers drew attention to the risk of delay resulting from such a procedure and the likely need to review the Plan further in the light of responses to the publicity period. Attention was also drawn to the potential for the Local Plan process to be affected by the extension requirements for Strategic Environmental Assessment, with considerable further delays, if adoption of the Plan is not achieved by July, 2006.

Concern was also expressed regarding the need for confirmation of the outcome of recent discussions between the Portfolio Holder and allotment holders on the 6th December. It was confirmed that the purpose of this

meeting had been to decide what the allotment holders want and in terms of this look at the design of the site and costs. A report on this was to be brought back to Cabinet in January and it was acknowledged that the viability of any proposals for the reinstatement of the site would be dependent upon the outcome of the budget process in February.

After considering various options related to modification of the Plan, Members indicated the desire to leave the former allotments site unallocated in the Local Plan, in the interests of keeping future options open.

Decision

That Council be recommended to:-

- a) Agree the responses to representations as referred to in this report, with the exception of those relating to Briarfields.
- b) Approve the proposed further modifications, as outlined in the report, and the addition of a further modification to delete the former Briarfields allotments site from policyGN 3, Protection of Key Green Space Areas:
- c) Authorise the Regeneration and Liveability Portfolio Holder to agree the final drafting of the responses and Further Modifications.

Councillor Robbie Payne (Culture, Housing and Transportation Portfolio Holder) joined the meeting at this point. The meeting was quorate from this point on.

152. Food Law Enforcement Service Plan 2005-06 (Director of Neighbourhood Services)

Type of decision

Budget and Policy Framework.

Purpose of report

To seek consideration of the Food Law Enforcement Plan, as required under the Budget and Policy Framework.

Issue(s) for consideration by Cabinet

The Director of Neighbourhood Services sought consideration of an updated version of the Food Law Enforcement Plan revised to reflect

performance in 2004/05. A copy of the Food Law Enforcement Plan 2005/6 was circulated and a summary provided of the main issues contained within it.

As required under the Budget and policy Framework Cabinets views were sought on the revised Plan prior to its submission to Council. During consideration of the Plan Cabinet Members highlighted the pressure placed on the service by staff shortages, as a result of vacancies and maternity leave, and the need to address the issue through the provision of increased numbers of Environmental Health Officers. It was suggested that this should be considered as part of the budget process.

Decision

That the Food Law Enforcement Service Plan for 2004/05 be submitted to Council for approval.

153. Feasibility Study For “H20” Centre *(Director of Adult and Community Services and Director of Regeneration and Planning Services)*

Type of decision

Key Decision (Test i and ii apply).

Purpose of report

To seek consideration of a Feasibility Study of a major new water based leisure facility for Hartlepool.

Issue(s) for consideration by Cabinet

The Director of Adult and Community Services and Director of Regeneration and Planning Services submitted a joint report outlining the background to the proposal for the creation of a major new water based leisure facility in Hartlepool. To assist Cabinet an executive summary of the Feasibility Study undertaken by Capita Symonds was provided and details of the research and consultation process undertaken as part of the process outlined in the report. Details were also provided of the key findings of the consultation process and the following possible options identified for the way forward:-

- Option 1 – Mill House Leisure Centre Refurbishment
- Option 2 – Centre rebuild on existing Mill House site
- Option 3 – New build at Victoria Harbour

Of these option the Consultants recommended that option 3 (new build at Victoria Harbour) should be pursued by the Council and details of the work undertaken, financial implications of the proposal and the proposed way

forward were detailed in the report.

Following consideration of the information provided Cabinet Members expressed their support for the proposed facility and the proposals outlined in the report. Clarification was, however, sought as to the possible implications of a change of ownership of the proposed site at Victoria Harbour in relation to obtaining the required section 106 agreement. Members were assured that section 106 agreements were attached to the land and not affected by a change of ownership. Members were also advised that officers were aware of no intention from the possible new owners of the site to change arrangements.

Decision

- i) That the Consultants give a full presentation to Council Members on the conclusions of the Feasibility Study.
- ii) That the findings of the Feasibility Study be approved as the basis for a wider programme of public consultation.
- iii) That consideration be given at a future meeting to the most appropriate way forward, following the outcome of the public consultation exercise.

154. Implementing Electronic Government (IEG) (Assistant Chief Executive)

Type of decision

Key.(Test ii applies)

Purpose of report

To seek approval of the Implementing Electronic Government (IEG) 5 statement for submission to the Office of the Deputy Prime Minister by the 20th December 2005.

Issue(s) for consideration by Cabinet

The Assistant Chief Executive submitted a report outlining the purpose of the IEG statement in outlining the Council's current position in relation to implementing electronic government progress.

Cabinet was reminded of success over the last four years in securing funding through the successful submission of IEG statements to assist the authority in reaching the government target for making services available electronically by 2005. It was noted that whilst the fifth statement would not result in any additional funding there was a requirement to show what earlier grants had been used for and what progress had been achieved.

With failure to do this possibly resulting in the recall of some of the earlier grants all of the necessary information was included in IEG 5.

Decision

- i) That the Implementing Electronic Government (IEG 5) return be approved for submission to the Office of the Deputy Prime Minister by 20th December 2005.
- ii) That the Assistant Chief Executive be authorised, in conjunction with the Portfolio Holder, to make minor amendments in order to finalise the document prior to its formal submission to the Office of the Deputy Prime Minister.

155. Extra Care Housing for People with Learning Disabilities (Director of Adult and Community Services and Chief Financial Officer)

Type of decision

Key.(Test ii applies)

Purpose of report

To seek approval to enter into a formal arrangement for the transfer of the Department of Health Extra Care Housing Grant from Hartlepool Borough Council to the Three Rivers Housing Association (TRHA) to satisfy the Department of Health's (DH) Extra Care Housing Fund requirements.

Issue(s) for consideration by Cabinet

The Director of Adult and Community Services and Chief Financial Officer submitted a joint report outlining Hartlepool's success in securing extra care housing funding of £308,000 towards the development of shared ownership apartments, in partnership with the Three Rivers Housing Association. With payment of the grant dependent upon the submission of a signed agreement between the Council and TRHA, demonstrating the appropriate use of the grant, considerable work was being undertaken with TRHA. Details of the work undertaken so far, including the establishment of a Steering Group and public consultations, were outlined in the report with particular attention drawn to the formulation of a bilateral funding agreement by the Council to meet the requirements of the Department of Health. Within this agreement each party was to be under an obligation to provide an exemplar extra care scheme with affordable shared ownership properties. The Council would also have nomination rights to 100% of the initial sales of the housing and continued nomination rights to 75% of re-sales, with a capital contribution from the Council of £308,000. This figure would, however, be met fully by the DH grant, with the remaining capital to be raised by the TRHA.

Following consideration of the report Members expressed their support for the scheme and the proposed agreement.

Decision

That approval be give to enter into a fomal agreement for the transfer of Department of Health Extra Care Housing Grant from Hartlepool Borough Council to the Three Rivers Housing Association.

156. Social Services Performance Rating (*Acting Director of Adult and Community Services*)

Type of decision

Non key.

Purpose of report

To present the 2004/5 Performance Rating for Social Services.

Issue(s) for consideration by Cabinet

The Acting Director of Adult and Community Services submitted a report outlining the work undertaken by the Commission for Social Care Inspection in monitoring of social services in 2004/5 using performance indicators, reports from inspectors and detailed questionnaires. The National judgements and rates were only recently published and a 2 star rating given to Hartlepool's services for Children and Adults. A more detailed summary of the judgement was outlined in the report.

Cabinet Members expressed their pleasure at the achievement of the 2 star rating and were advised that this success was to be fed into the Councils CPA inspection score, with an improved plan to be based on the inspector's findings. The results of this were to be reported to the Adult and Public Health Services Portfolio Holder in due course.

Decision

The report was noted.

157. Local Public Service Agreement (LPSA) Round 1 – Final Report. (*Assistant Chief Executive*)

Type of decision

Non key.

Purpose of report

To inform Cabinet of performance against the 12 LPSA 1 targets and the amount of Performance Reward Grant (PRG) that could be claimed from Central Government.

Issue(s) for consideration by Cabinet

The Assistance Chief Executive reported that the LPSA, negotiated with several central government departments and signed early in 2003, comprised of a mixture of national and local improvement targets most of which were achieved by October 2005.

In relation to LPSA targets the maximum performance reward grant (PRG) payable was £2.56m, based on performance of 24 indicators over 12 target areas, with each target attracting up to £0.213m PRG. Of this the Council was eligible to claim £1.833 of PRG, with £1.407m to be retained by the Council and £ 0.426 to be passported to the Police and Fire Brigade for investment in activities to benefit Hartlepool. Details of each of the 12 targets, of which 7 were achieved, 2 missed and 3 partially met, were outlined in the report and Members advised that the targets not met were those already identified as high risk and as being out of the Councils control. It was also highlighted that the level of achievement was broadly in line with other Local Authorities.

Members emphasised that the securing of £1.8m of reward grant was a significant achievement and suggested that this success should be celebrated.

Decision

The report was noted

J A BROWN

CHIEF SOLICITOR

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