

# CABINET AGENDA



**Monday 24<sup>th</sup> October 2005**

**at 10:00 a.m.**

**in the Council Chamber**

**MEMBERS: CABINET:**

The Mayor, Stuart Drummond

Councillors Fortune, Hill, Jackson, Payne and R Waller

Also invited:

Councillor Clouth - Chair of Adult and Community Services and Health Scrutiny Forum

Councillor Cranney - Chair of Neighbourhood Services Scrutiny Forum

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To receive the Record of Decision in respect of the meeting held on 10<sup>th</sup> October, 2005 (previously circulated)

**4. BUDGET AND POLICY FRAMEWORK**

- 4.2 None

**5. KEY DECISIONS**

- 5.1 Financial Management System – *Chief Financial Officer*  
5.2 Anhydrite Mine – *Director of Neighbourhood Services/Director of Regeneration and Planning*

## **6. OTHER ITEMS REQUIRING DECISION**

- 6.1 National Police Service Restructure – *Chief Executive*
- 6.2 Local Area Agreements – *Chief Executive*
- 6.3 Ombudsman's Report re Briarfields – *Chief Solicitor*
- 6.4 Kendal Road Traffic Regulation – *Director of Neighbourhood Services*

## **7. ITEMS FOR DISCUSSION**

None

## **8. ITEMS FOR INFORMATION**

None

## **9. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

- 9.1 Final Report – Investigation into 'Alcohol Abuse and Young People' – *Adult and Community Services and Health Scrutiny Forum*  
To be presented by Councillor Clouth, Chair of Adult and Community Services and Health Scrutiny Forum
- 9.2 Final Report – 'Civic Centre – Capital Maintenance Programme 2005/06 to 2007/08' – *Neighbourhood Services Scrutiny Forum*  
To be presented by Councillor Cranney, Chair of Neighbourhood Services Scrutiny Forum

## **EXEMPT ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be 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 referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

## **10. CONFIDENTIAL KEY DECISIONS**

- 10.1 None

## **11. OTHER ITEMS REQUIRING DECISION**

- 11.1 Doctors Surgery at the Headland – (para 9) - *Director of Neighbourhood Services*

## **CABINET REPORT**

24th October 2005



**Report of:** Chief Financial Officer

**Subject:** New Financial Management System

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### **SUMMARY**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to secure approval for the acquisition of a new financial management system. The new system will support the changes necessary to move the authority forward, improve the way the Council delivers services and assist in the achievement of future efficiency savings.

#### **2. SUMMARY OF CONTENTS**

- 2.1. The report provides details of the linkages of this development to the challenges faced by the Council, the future Budget Strategy, Gershon Efficiency Savings, the Council's ICT Strategy, the Council's e-Procurement Strategy and The Way Forward. It also demonstrates how this development will assist in the delivery of the service transformation and process re-engineering that the Council is committed to achieving.

#### **3. RELEVANCE TO CABINET**

- 3.1. Cabinet received a report of the Chief Financial Officer on 6<sup>th</sup> June 2005 which set out the budget strategy and linkages to other strategies and work programmes. This was supplemented by an Integrated ICT Strategy reported to Cabinet on 6<sup>th</sup> July which outlined the ICT developments that would be necessary to deliver the challenges of improved customer service, more efficient administrative arrangements and more flexible working practices.

#### **4. TYPE OF DECISION**

- 4.1. Key decision – Test 1 Applies

#### **5. DECISION MAKING ROUTE**

- 5.1. The decision will be made by Cabinet.

**Report of:** Chief Financial Officer

**Subject:** New Financial Management System.

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## **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to inform Cabinet of the result of a competitive market testing process to identify the most appropriate financial management system to meet the Council's corporate requirements. The report seeks approval to the acquisition of a financial management system to support the changes necessary to move the authority forward, improve the way the Council delivers services and assist in the achievement of future efficiency savings.

## **2. FINANCIAL MANAGEMENT SYSTEM LINKAGES TO OTHER STRATEGIES**

- 2.1. The Council's budget strategy requires the balancing of the Council's policy objectives within the constraint of likely available resources. Current forecasts indicate a significant funding gap for 2006/7 which will necessitate a review of priorities, taking account of information derived from the consultation exercises completed last year and taking forward the Zero Based Budget review process.
- 2.2. The Gershon Review means the Council has to meet an annual efficiency target of £1.1m p.a. of cashable savings and £1.1m p.a. of non cashable savings. Whilst the Council is satisfied it can deliver the required efficiency savings in the current year, Cabinet has already been acquainted with the need to have a robust Efficiency Strategy to ensure the achievement of efficiency targets for 2006/7 and 2007/8.
- 2.3. The Way Forward report to Cabinet in March 2004, outlined the key challenges facing the Council and stressed that an integrated and resourced ICT Strategy was needed to underpin the future development of the authority. ICT investment and the re-engineering of working practices and processes are central to the delivery of efficiencies required by Gershon and to assist in future budget setting. The ICT Strategy reported to Cabinet in July this year outlined how ICT will;
- support changes in working practices,
  - affect how the Council interacts with its customers,
  - determine where and how staff are able to carry out their duties, and,
  - influence what the Council's future accommodation requirements will be.
- 2.4. The replacement of the Financial Management System (FMS) will enable the achievement of e-procurement process efficiencies, improve information management processes, facilitate home working, support contact centre operations, provide the opportunity to deliver substantial efficiency gains through the re-engineering of front and back office operations, and the replacement of multiple systems within one integrated product. A business case has reviewed this area and anticipates realistic achievable savings in excess of £3 million over a five year period.

### **3 BUSINESS ISSUES FACED BY THE COUNCIL**

- 3.1. The Council is faced with a number of issues and challenges, ranging from the recommendations of the Gershon Report, compliance with legislative requirements, meeting e-Government targets, the pursuit of improved service delivery in a more efficient way and meeting targets set by key performance indicators.
- 3.2. The Gershon Report highlighted the need for local authorities to adopt more effective information management practices so as to deliver tangible cost and efficiency savings. The FMS project in conjunction with Business Process Re-engineering (BPR) will facilitate significant business improvements and savings. These are primarily in the areas of e-procurement process efficiencies, improved information management processes, debt collection and payment processes, and integrated project costing.
- 3.3. The Council's e-Procurement strategy identifies improvements to the way the Council buys goods and services as a key factor in meeting the modernising agenda facing local government. The FMS project is integral to this by;
- Improving the efficiency and effectiveness of procurement activity by standardising procedures and implementing e-Procurement systems.
  - Supporting the delivery of customer services.
  - Improving interaction with businesses.
- 3.4. Process efficiencies will be achieved through the automation of the order to pay process, enhanced requisition ordering processes and the automated matching of invoices and supplier payments. This will be integrated with the EDRM System to replace the circulation of paper invoices with electronic images, thereby improving invoice payment performance monitored by Statutory Performance Indicator BVPI8. It will also support the introduction of e-ordering and e-invoicing procedures.
- 3.5. Improved information management processes will be provided by linkages to both the Corporate EDRMS and Workflow system, and also from utilising the embedded workflow resident within the FMS system. This will enable greater process transparency together with improved productivity from implementing automated alerts and notifications to prompt actions, for example order or invoice authorisation. In addition improved budgeting and reporting functions will enhance management information and the reporting and analysis capabilities.

### **4 PROJECT BENEFITS**

- 4.1. In delivering a corporate FMS system, the community will benefit in a number of ways.

#### **Citizen Benefits**

- Support the Council's approach to electronic service delivery and the delivery of information electronically to the public

- Improve responsiveness and quality of services provided to local people
- Provide the delivery of accurate and up to date information and improve the use of information in service planning
- Enable and enhance partnership working
- Improve ways of communicating and consulting with local people

4.2. The financial management system will also provide organisational and staff benefits:

Organisational benefits:

- Support the Council's drive to internal efficiency
- Improve financial transparency and accountability
- Enhance budgetary control processes
- Improve statutory BVPI performance
- Standardise procurement processes
- Improve remote access to information
- Integrate the routing of electronic documents and records
- Improve integration of existing processes
- Consolidate of IT systems
- Reduce corporately the volume of paper processed

Staff Benefits:

- Assist staff to maintain the Council's service standards in the face of increasing demands for activity and information
- Facilitate remote and home-working
- Enhance employee empowerment

## **5 FINANCIAL MANAGEMENT SYSTEM PROCUREMENT**

- 5.1. The Council approached Northgate Information Solutions (NIS) to undertake a procurement exercise to meet its current and future long-term requirements for a corporate financial management system. NIS have completed a formal competitive market test and tender process to select the most suitable solution and the final proposal which was reported to Partnership Board on 11<sup>th</sup> October is attached at Appendix A ((This item contains exempt information under Schedule 12A Local Government Act 1972, namely terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services (paragraph 9)).
- 5.2. In determining the preferred supplier for the FMS, a cross-departmental officer team has worked closely with Northgate. This joint group was responsible for firstly determining the five short-listed companies and then for subsequently evaluating responses to the Invitation to Tender document, supplier product presentations and the undertaking of other Council reference site visits to establish the preferred solution.
- 5.3. The overall project incorporates the implementation of a new FMS and the first stages of the introduction of a corporate Storage Area Network (SAN). The

majority of SAN costs relate to advanced costs for phase 2 of the EDRMS project, phase 1 of which has been approved.

- 5.4. Commonality exists between the SAN and FMS projects in terms of Hardware requirements and therefore the costs of the SAN have been included within this report. The costs identified are split between the FMS and EDRMS projects to explicitly show the SAN costs attributable to each area. These are shown in Appendix B. (This item contains exempt information under Schedule 12A Local Government Act 1972, namely terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services (paragraph 9))
- 5.5. The FMS project is split into 3 distinct phases. Phase 1, with a planned go-live date of 1<sup>st</sup> April 2006, will involve the implementation of the following core modules:
- General Ledger
  - Accounts Payable
  - Accounts Receivable
  - Purchasing
  - Integrated Reporting
  - Bank Reconciliation and Cashbook
- 5.6. Phase 2 involves the implementation of e-procurement and is scheduled to go-live on 1<sup>st</sup> October 2006. This phase will also provide for integration with the Contact Centre and enable supplier and customer portal access to their balances. At this stage the costs of this phase are uncertain, therefore the estimated costs are included within Appendix B but funding requirements are excluded.
- 5.7. The uncertainty relates to work currently being undertaken by the North East Centre of Procurement Excellence (NECPE). This is a pilot project investigating a collaborative approach to e-procurement and accessing e-marketplaces between North East councils using a standardised web portal. Until this work is complete in 2006, the Council is not in a position to accurately estimate costs. When the work is concluded and a more accurate estimate can be determined, a separate report will be submitted to Cabinet to consider the funding requirements for this phase.
- 5.8. Phase 3 involves the implementation of job costing and stores modules within the integrated system and is scheduled to go-live on 1<sup>st</sup> April 2007. This will enable the Council to cease using the current job costing system (Uniclass) and will provide direct savings in addition to productivity benefits.
- 5.9. Transitional costs of £100,000 shown in Appendix B will be incurred whilst both the existing system and the new FMS are running in parallel. After the transitional period direct savings will be made, these are earmarked for the ongoing costs of the new SAN technology. Further direct savings are expected in this area, these are to be addressed through phase 2 of the EDRMS project.

## 6 COSTS AND FUNDING

- 6.1. The overall cost of the project is estimated at £840,000. This estimate is provided by the Council's IT provider, Northgate Information Systems, who have finalised these costs. This figure excludes the cost of interfaces and data migration that are still being assessed. Future costs arising in these two areas will be met from existing budgets/provisions.
- 6.2. These overall project costs have been processed within a business case and indicate 5-year savings in excess of £3 million. Funding for the project is proposed from the following sources:

<b>Funding Source</b>	<b>Amount</b>
Investment Fund	£143,000
IEG	£69,000
Neighbourhood services – Project Costing	£30,000
CODA Earmarked Funds	£97,000
EDRMS	£85,000
<b>Total</b>	<b>£424,000</b>

- 6.3. Appendix B indicates a requirement for £265,500 towards capital costs and £125,000 towards transitional costs. Therefore the total request for funds from the Way Forward reserve is £390,500. This includes the balance to fund one-off costs and the transitional costs referenced in Section 5.9 above.

## 7 RECOMMENDATION

- 7.1. Members are requested to:

- Approve the acquisition of a new FMS and the proposed source of funding; and
- Authorise the Chief Financial Officer and the Assistant Chief Executive to conclude the necessary funding and contractual arrangements.



# CABINET REPORT

24 October 2005



**Joint Report of:** Director of Neighbourhood Services and Director of Regeneration and Planning

**Subject:** ANHYDRITE MINE – ONGOING INVESTIGATION

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## SUMMARY

### 1. PURPOSE OF REPORT

- 1.1 To inform Cabinet on the current position in respect of the anhydrite mine-workings investigation including reference to planning applications.
- 1.2 To inform Cabinet of the Consultants recommendations for further investigation and monitoring work in order to formulate a clearer long-term understanding of the mine.
- 1.3 To seek Cabinet's view regarding the available options for progressing this work.

### 2. SUMMARY OF CONTENTS

- 2.1 A short history and background of the Anhydrite Mine operations including details of the investigations already carried out and the recommendation for further investigation work to assess stability of the workings and their potential zone of influence.

### 3. RELEVANCE TO CABINET

- 3.1 The Council own the majority of the land under which the mine is situated.

### 4. TYPE OF DECISION

- 4.1 It is a key decision. Test (i) applies.

**5. DECISION MAKING ROUTE**

5.1 Cabinet on 24 October 2005.

**6. DECISION(S) REQUIRED**

6.1 That Cabinet agree to the need to continue the investigation of the anhydrite mine and request Council to approve inclusion of costs of up to £780,000 in the capital programme as a departure from the budget and policy framework.

**Joint Report of:** Director of Neighbourhood Services and Director of Regeneration and Planning

**Subject:** ANHYDRITE MINE - ONGOING INVESTIGATION

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**1. PURPOSE OF REPORT**

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- 1.2 To inform Cabinet of the Consultants recommendations for further investigation and monitoring work in order to formulate a clearer long-term understanding of the area.
- 1.3 To seek Cabinet's view regarding the available options for progressing this work.

**2. BACKGROUND**

- 2.1 A short history of the mine and its operation is as follows:
  - (i) The mine was worked over a period of time between 1923 and 1930 when the mine was abandoned.
  - (ii) The mine was worked at four levels between 32m and 62m below ground with tunnel drives at right angles on a square grid pattern over the whole area to win the anhydrite rock. (As shown in the plan contained in appendix 1)
  - (iii) To maximise rock production these levels were possibly broken through in some areas leaving 'rooms' 29m high by 6m wide running the length of the drives. In all areas the roof slab and pillars support the 30m deep overburden soil. The roof slab is approximately 1.5m thick and the pillars originally about 10m square and 6m high.
  - (iv) Since it was decommissioned the mine will have been flooded with a combination of ground water and seawater which could cause erosion.
  - (v) In 1948 the Borough Council purchased the land bounding the majority of the 'footprint' of the workings below ground.

- (vi) Since 1948, the Council has attempted to obtain funding support from various central government funding regimes to carry out detailed investigation of the extent, location, condition, potential for collapse, and subsequent extent of damage and zone of influence of the workings.
  - (vii) Following a successful application to English Partnerships for funding under the Land Stabilisation Programme, Bullen Consultants were commissioned in 2000 (under competitive tender) to provide specialist geotechnical consultancy services to:
    - identify and review existing relevant data;
    - carry out a site investigation to enable a preliminary assessment to be made regarding the condition and rate of deterioration of the workings;
    - present conclusions and/or recommendations for further work.
- 2.2 Bullens produced a desk study report in September 2000 which provided the basis for planning the site investigation. They further produced a Geotechnical Interpretative Report in May 2001 based on the data obtained from the preliminary site investigation. This report concluded that from the preliminary investigation the mine did not appear to be in danger of immediate collapse and the mine plans appeared to be of reasonable accuracy. Additionally, it concluded that provided further investigation is carried out to confirm assumptions made, it may be possible to demonstrate that the mine is, and is likely to, remain stable.
- 2.3 In order to provide support for an application for funding for the above, Bullens wrote a Geotechnical Risk Assessment Report in February 2002 which provided details describing the information required to confirm the assumptions made and recommended further investigation to determine:-
- the geometry and composition of the crown pillars, roof and mine boundary in critical areas to complete the assessment of stability;
  - the level and chemical composition of the minewater;
  - the geotechnical properties of the overburden soil present above the mineworkings.
- 2.4 The report went on to develop risk zones showing the areas that could be affected in the unlikely event of a collapse of part of the mine workings.

2.5 The government body that is responsible for the Land Stabilisation Programme is English Partnerships. Bullens Geotechnical Risk Assessment was reported to English Partnerships together with an application to cover the cost of the further investigation and consultancy work. This application was made in 2004 and tailored toward the requirements of the funding regime following detailed protracted negotiations between English Partnerships, their consultant White Young Green, the Council and Bullens. English Partnerships advised in their formal response that whilst the submission met the technical criteria, all available funding had been allocated to other projects up to 2006 when the funding regime is due to end.

2.6 The timescale has been further elongated due to English Partnerships uncertainty surrounding the provision of central government funding for the regime post 2006. Even if the funding regime is continued at present levels there are 11 local authorities in this predicament and English Partnerships have advised that they will attempt to prioritise approvals as funds become available, but could provide no timescale for future funding availability.

2.7 The further investigations proposed by Bullens are:

- drilling, sampling and testing the roof slab and overburden soils;
- undertaking an accurate survey of the cavity with emphasis placed on the critical areas;
- undertaking micro seismic monitoring to listen to any activity occurring anywhere within the mine;
- sample, test and analyse the groundwater chemistry.

The consultants recommend that all of these elements are necessary to provide a comprehensive indication of the nature of any risk. Officers, however, are taking further advice particularly on the micro seismic monitoring element of this.

2.8 In addition to the above, the report found that the mineshaft was filled with unconsolidated material. The report therefore recommended that a concrete cap be provided to the mineshaft.

2.9 Following the proposed further site investigation an interpretative report would be prepared which would:

- assess the extent and condition of the mine;
- evaluate the risks from the mineworkings in the light of current and future land use;

- evaluate the need for further monitoring;
- provide costed options for any remediation should it be advised.

### **3. PLANNING ISSUES**

- 3.1 Recently, two planning applications for extensions to properties in Vincent Street and Brunel Close have been received. Another application for the redevelopment of the Britmag works has also been received. All of these are outside the site of the mine itself but still possibly fall within a zone that the mine workings could influence.
- 3.2 As a consequence of these applications further advice has been sought from Bullens. They suggest that they cannot provide a definitive view at this stage.
- 3.3 Given this advice it is the planning officers' view that it would be premature to determine these applications until further investigations into long-term ground stability have been concluded. Officers will seek the applicants' agreement to defer the consideration of the applications.
- 3.4 This adds weight to the need to establish the nature and extent of any risks that may be associated with the former mine workings.

### **4. OPTIONS**

- 4.1 Letters have been sent to both English Partnerships and DEFRA with copies sent to the Member of Parliament urging that the Land Stabilisation Programme is continued so that the Council can benefit from it.
- 4.2 The options available are:
- that the Council waits (as indicated in paragraph 2.6 above) to be prioritised, but there has been little encouragement from government sources that any funding is imminent or that this scheme would be given the highest priority, or
  - that the Council progresses the investigation and mineshaft capping (as described in paragraph 2.7 and 2.8) independently of central government at an estimated cost of up to £780k including fees (a breakdown of potential costs is shown in Appendix 2). At the time of writing the report officers are still challenging some of these costs and a verbal update will be given at the meeting if it is available. Competitively tendering the site investigation work plus mineshaft capping and awarding the consultancy work through existing arrangements could achieve this further investigation. If approval was given to this option, contract documentation can be prepared and the site investigation tendered and awarded with a start on site early January 2006. Preliminary outputs of the investigation would therefore be expected in June 2006.

- 4.3 Progressing this option would mean the Council bearing the full cost of the work and as yet there is no budget allocation whatsoever for this expenditure. A decision to incur expenditure on further investigation at a cost such as that outlined in this report would be a departure from the Council's budget and as such would need to be referred to the Council for approval for inclusion in the capital programme.
- 4.4 Once the investigation has been undertaken it is thought that there would be little opportunity for claiming retrospective funding from English Partnerships should finance become available although officers are pursuing this with English Partnerships and DEFRA.

## **5. FINANCIAL OPTIONS**

- 5.1 The costs of undertaking further investigation works will be phased over this financial year and 2006/07, with the majority of costs falling in 2006/07. For practical reasons it is necessary to secure funding for the whole of these costs within the capital programme to enable a contract to be awarded. There are two options for funding these costs:
- Option 1 – Use Prudential Borrowing – this option would increase the Council's revenue costs by approximately £70,000 per year from 2007/08;
  - Option 2 – Use Reserves – as part of the Scrutiny Co-ordinating Committee's review of reserves it has been suggested that the Coast Defences Reserve of £1.598m may not be needed. A final decision on whether this reserve needs to be maintained will depend on the outcome of the Coastal Defences strategy report which will be completed shortly. If these resources are not needed for Coastal Defences the Scrutiny Co-ordinating Committee has suggested that these resources be transferred to the General Fund. These resources could then be used to either support the revenue budget, or to meet one off costs, such as the cost of investigating the Anhydrite Mine.
- 5.2 Whilst Option 2 will avoid an additional unbudgeted revenue pressure from 2007/08 it is not the optimum use of the Council's financial reserves in the current financial climate. In addition, using these resources will reduce the Council's case for seeking retrospective funding from the Government if additional funding becomes available. Therefore, it is proposed that the cost of these works be funded from Prudential Borrowing. In the event that the Council's overall financial position improves Prudential Borrowing could be repaid to reduce ongoing revenue costs.

## **6. LAND OWNERSHIP ISSUES**

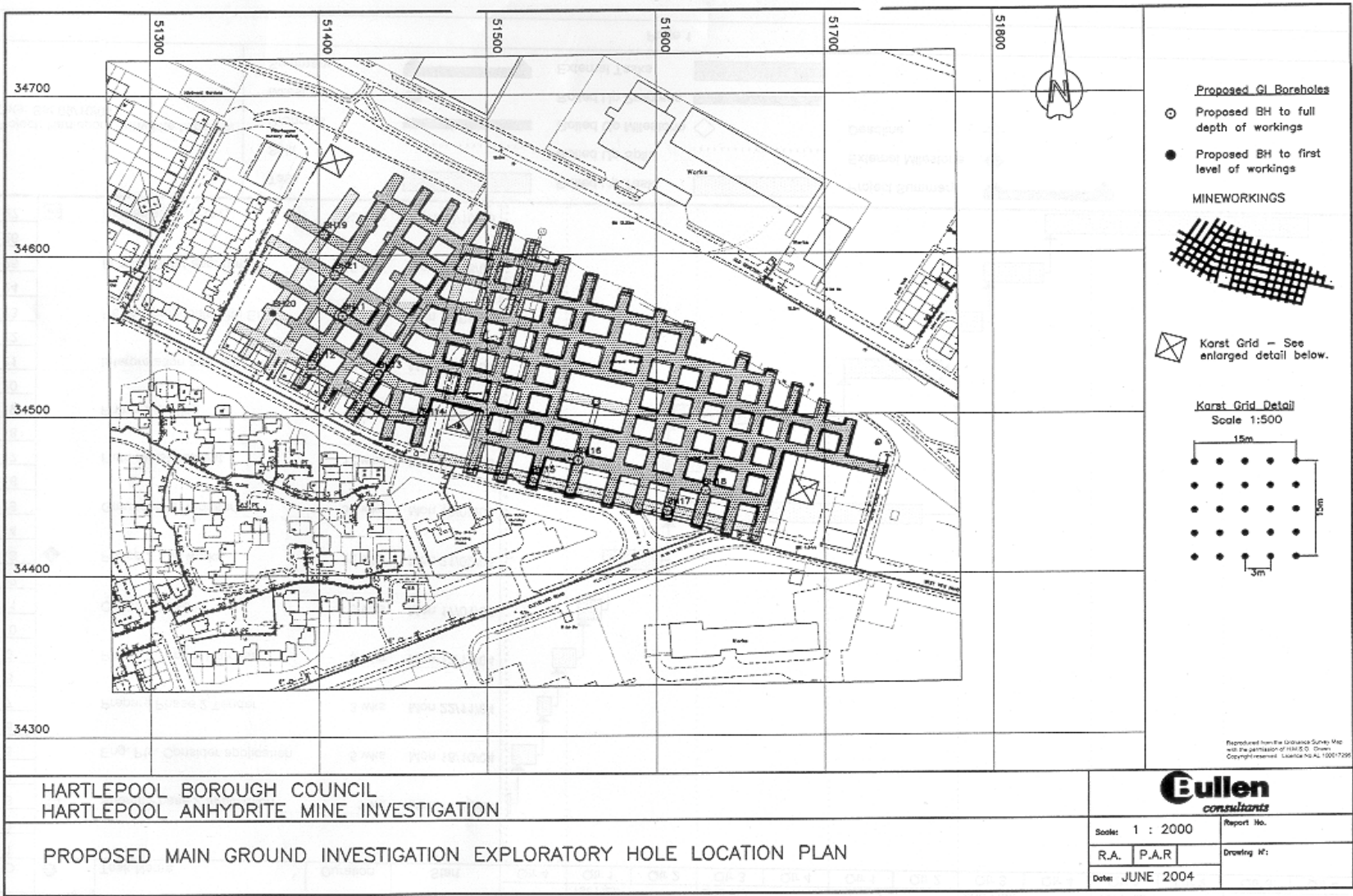
- 6.1 The Chief Solicitor confirms that, as the owners of the land where the mine lies, the Council are responsible for any necessary maintenance or repair (excluding parts of the mine lying beneath a small number of properties which were acquired by private owners some years ago). Additionally, the Council's ownership is subject to the rights of support to adjacent land i.e. the Council are responsible to ensure that the support to adjacent land is not removed e.g. by the subsidence of the Council owned land. There is, therefore, a rightful expectation that the Council will seek to take such steps as are necessary to ensure the stability of the Council land to the extent that adjacent land could be affected by collapse of the Council land. It is also the case that the risk zones (see paragraph 2.4) include public roads and services.

## **7. RECOMMENDATION**

- 7.1 That Cabinet agree to the need to continue the investigation of the anhydrite mine and request Council to approve inclusion of costs of up to £780,000 in the capital programme as a departure from the budget and policy framework.



APPENDIX 1 – MINEWORKINGS LAYOUT PLAN



## APPENDIX 2 - BREAKDOWN OF ESTIMATED BUDGET COSTS FOR ANHYDRITE MINE PROPOSED SITE INVESTIGATION

Capping Mineshaft	£15k
Drilling boreholes, sampling and testing	£300k
Sonar surveying of workings	£100k
Groundwater sampling, testing and chemical analysis	£40k
Micro seismic monitoring of the rock formation	£160k
External consultancy fees (contract procurement site supervision, results interpretation, and report preparation)	£76k
HBC fees (management of external consultancy contract procurement)	£25k
Contingencies	<u>£64k</u>
Total	<u>£780k</u>

**NOTE:** These estimates do not include any future monitoring or remediation costs as referred to in paragraph 2.9 which may prove to be required as a result of the above investigation.

# CABINET REPORT

24 OCTOBER 2005



**Report of:** Chief Executive

**Subject:** National Police Service Restructure

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## SUMMARY

### 1. PURPOSE OF REPORT

To provide the opportunity for representative of the Cleveland Police Authority to address the meeting in respect of the Restructuring of the police force in England and Wales.

### 2. SUMMARY OF CONTENTS

The Government has recently announced a major restructuring of the police service in England and Wales. The timescales for the review are initially very restrictive, with the timescale for the provision of initial views being recently moved forward from the end of November 2005 to the end of October 2005. Cleveland Police Authority have requested, as part of the consultation, that they be provided with the opportunity to address Cabinet.

Representatives will attend the Cabinet meeting to present the background and options for restructuring.

### 3. RELEVANCE TO CABINET

This is a strategic issue for the authority

### 4. TYPE OF DECISION

Non-key.

### 5. DECISION MAKING ROUTE

Cabinet – 24 October 2005.

### 6. DECISION(S) REQUIRED

Cabinet are recommended to indicate their views on the potential options for restructuring.

**Report of:** Chief Executive

**Subject:** National Police Service Restructure

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**1. PURPOSE OF REPORT**

To provide the opportunity for representative of the Cleveland Police Authority to address the meeting in respect of the Restructuring of the police force in England and Wales.

**2. BACKGROUND**

The Government has recently announced a major restructuring of the police service in England and Wales (see letter and enclosures attached as Appendix 1). The timescales for the review are initially very restrictive, with the timescale for the provision of initial views being recently moved forward from the end of November 2005 to the end of October 2005. Cleveland Police Authority have requested, as part of the consultation, that they be provided with the opportunity to address Cabinet.

Representatives will attend the Cabinet meeting to present the background and options for restructuring.

**3. DECISION(S) REQUIRED**

Cabinet are recommended to indicate their views on the potential options for restructuring.



Police Headquarters  
Ladgate Lane  
Middlesbrough  
TS8 9EH

Chair:	Cllr Dave McLuckie	Tel: 01642 301446
Chief Executive:	Mr J McCarthy BA(Hons), IPFA	Tel: 01642 301291
		Fax: 01642 301495
Chief Constable:	Mr S Price QPM BSc(Hons) MSt(Cantab)	Tel: 01642 301215

Mr Paul Walker,  
Chief Executive  
Hartlepool Borough Council  
Civic Centre  
HARTLEPOOL  
TS24 8AY



28 September 2005

Dear Paul

You will no doubt be aware that the Government has recently announced a major review of the structuring of the police service in England and Wales. This follows the recent publication of a report from Her Majesty's Inspectorate of Constabulary which concluded that the current structure of 43 forces was no longer 'fit for purpose.'

The Home Secretary has clearly indicated that he supports the conclusion in the HMIC report that the establishment of 'strategic' forces offers the best way forward and he expects the review to result in a significant reduction in the number of forces.

The Government has set a very tight timescale for the review, with initial options being submitted to the Home Office by the end of October and final proposals by 23 December 2005. The Home Secretary has indicated the importance of engaging local partners in the process and clearly we see the views of our local authorities as particularly important.

The Police Authority has already established a 'Fit for the Future' group which will guide the preparation of our response to the Government. At this stage, whilst obviously no final decisions have been taken, the Authority is clear that any future force structure must have at its heart the Tees Valley conurbation—a position which I hope your Authority would support.

Given the timescale we are anxious to begin consultations as quickly as possible and I know that Alan Brown, formerly Crime Reduction Director with

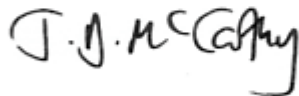
Government Office North East who is now working as a consultant with the Authority, has already made arrangements to begin a programme meetings with yourself and other Authority Chief Executives. In the first instance, we will be attending the meeting of the Tees Valley CEOs planned for Wednesday 5 October 2005.

Our Chair, Councillor Dave McLuckie, is also anxious to meet with elected members to discuss the potential options and gain their views on how best we can ensure that we protect and enhance standards of policing for our local communities. We will be in touch to discuss possible dates and arrangements for meetings.

I attach, for your information, a copy of the letter from the Home Secretary, sent to all Chief Police Officers and Chairs of Police Authorities, setting out his views on the HMIC report and the process to be followed. The full HMIC report can be found on website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) under "What's New" – the report is dated 16 September 2005.

Please do not hesitate to contact me if you require any further information.

Yours sincerely



JD McCarthy  
Chief Executive



Sean Price  
Chief Constable



# APA circular



Police Authority Circular 52/2005

22 September 2005

To Chief Executives/Clerks to Police Authorities  
Copy sent direct to Chairmen and Treasurers

## Police Force Structures

Provides a copy of the Home Secretary's letter setting out the parameters and process for developing options for force restructuring, together with an APA Guidance package for authorities.

### Contacts:

Fionnuala Gill (☎ 020 7664 3167 – email: [fionnuala.gill@lga.gov.uk](mailto:fionnuala.gill@lga.gov.uk))

Ian Barnes (☎ 020 7664 3178 – email: [ian.barnes@lga.gov.uk](mailto:ian.barnes@lga.gov.uk))

Cat McIntyre (☎ 020 7664 3185 – email: [cat.mcintyre@lga.gov.uk](mailto:cat.mcintyre@lga.gov.uk))

Dear Colleague

1. I attach at **Annex A** the letter from the Home Secretary setting out the process and parameters for developing options for force restructuring **by 23 December 2005**.
2. As you will see there are two key phases:
  - **By end October** – identify a shortlist (2/3) of the most promising options for change within each region – the Home Office expect this to include at least one option for strategic forces within the region. Regional HMIs will support this process
  - **By 23 December**, produce a final report with the preferred option for change.
3. A central team, lead by John Giffard and including APA representation, is being put in place to support and challenge the work being undertaken locally. This will be overseen by a Steering Group, which will also include APA representation.
4. Each authority and force has been asked to provide the Home Office with a lead contact point for dealing with this issue. It would be helpful if you could at the same time notify the APA Secretariat here of the nominated contact point.
5. The APA is ready to do all it can to assist police authorities take this work forward over the next three months and beyond. **Annex B** identifies key actions and issues which authorities will need to address locally, plus at **Annex C** summary of the work being undertaken nationally by the APA to support the process, such as development of governance models for strategic authorities.

## APA Executive Link Members

6. The APA Executive has nominated a link member for each region (see below) to act as a source of support and advice to authorities. Executive link members, myself and other secretariat staff are more than happy to attend any authority or regional meetings or discussions, if we can be of assistance in anyway. Please contact Cat or Ian here who will help organise contacts with link members.

Eastern	Robert Chambers
East Midlands	Bob Jones/Peter Holland
London	Lord Harris
North East	Mark Burns-Williamson
Yorkshire & Humber	Mark Burns-Williamson
North West	Robert Chambers
South East	Peter Holland
South West	Bertie Woolnough/Moira Hamlin/Brian Greenslade
Wales	Brian Greenslade/Moira Hamlin
West Midlands	Bob Jones

## Key APA Dates

7. We are making the following arrangements for all authorities to meet to discuss progress and developments over the next three months:
- **6 October 2005 – APA Neighbourhood Policing Conference, Leeds**  
This will include sessions to discuss/develop APA policy on future accountability and governance structures at both strategic and BCU/CDRP level. (Further details available from the Secretariat)
  - **19 October 2005 – APA Plenary, Cardiff**  
The main Plenary meeting will now at **10am** (Groups to meet at 9am): the afternoon session (12.30-3.30pm/4pm) will be devoted to discussing future structures including governance etc.
  - **7 December 2005, London (11-4pm)**  
We will reconvene the Chairs' and Chief Executives' Summit to discuss progress and developments.

This issue will also, of course, feature in the programme for the APA Annual Conference on 23/24 November. *Please do make a note of these dates in your diary: we will provide further details as soon as possible.*

8. If you have any queries, please do not hesitate to get in touch with Ian, Cat or myself.



**Fionnuala Gill**  
**Executive Director**





**HOME SECRETARY**  
2 Marsham Street, London SW1P 4DF  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Chief Officers in England and Wales  
Chairs of Police Authorities in England and Wales

22 SEP 2005

## **POLICE FORCE STRUCTURES**

At the 'Chiefs and Chairs' event on Monday, I undertook to write to you setting out in more detail the process to be followed between now and the end of December for developing options for force restructuring.

As I said on Monday, I believe that Denis O'Connor has produced a coherent and persuasive report which clearly charts the way ahead. The report is unambiguous in its conclusion that the establishment of strategic forces offers the best long term business solution. I wholeheartedly share this view. As I said on Monday, whilst I do not want to preclude completely the exploration of other options, the burden of proof will be with the proponents of such alternatives to demonstrate that they can deliver the same or better outcomes as the strategic force option in terms of enhanced capacity and capability in the provision of protective services, economies of scale and commensurate efficiency savings, and clarity of responsibilities and governance.

I know that many of you will already be engaging in discussion with neighbouring forces and authorities as to how to take this work forward. It is important however that, at least initially, no options for force restructuring are closed off. I would ask therefore that over the next 5 weeks you explore, on a regional basis, the options available and seek to narrow these down to the most promising ones by the end of October. It is very important that, from this very first stage of the process, you engage also with the other criminal justice agencies through your local Criminal Justice Board and local government partners so that the pros and cons for them of any particular option can also be taken into consideration.

Sir Ronnie Flanagan has kindly agreed that the regional HMIs will provide some co-ordination and support for this early part of the process. Your HMI will be in touch with you shortly to arrange an early meeting at regional level to take forward the initial examination of the options. I should hasten to add that this is without prejudice

to any bi-lateral or tri-lateral discussions between forces and authorities which are already taking place or which may develop as the options are narrowed down.

I would want your local discussions to be informed by the set of nationally determined criteria set out in HMIC's report. These are reproduced with some refinement and amplification in the attached annex. I fully recognise that there can be tensions between some of these criteria. Any options will need to be weighed against the criteria in the round and assessed for their overall impact, cost and practicality. I am clear that any proposals put to me by the end of the year must be ones that design in capacity and resilience to deliver, through an integrated framework, both protective services and neighbourhood policing to national standards and in the quickest possible timescales.

I would ask that by the end of October you submit to the Department a short list of options which you think are suitable for more detailed examination over the following four weeks. This initial report should contain an outline cost-benefit analysis of the long list of options together with an assessment of each against the national criteria. During November I would want you to conduct further critical analysis of the short-listed options so that by the end of that month you are in a position to submit preliminary recommendations which can then be refined and finalised for incorporation in a final report to be submitted to me by 23 December.

A timeline for this phase of the work through to the end of December, together with the deliverables at each stage, is set out in the attached table.

As I indicated on Monday, this work will be co-ordinated and supported by a central team headed by John Giffard. As well as providing central support for the work being undertaken locally (including the provisions of professional advice), John's team will act as a critical friend, externally reviewing the options presented. The central team will provide a template for the cost-benefit analysis of the options to facilitate like for like comparisons.

The central team (which will include representation from other CJS agencies) is being assembled and will be fully in place over the next fortnight or so. Contact details will be provided shortly. In the interim should you have any queries on the process mapped out above you can contact either Charles Goldie (tel. 020 7035 3512, email: [charles.goldie@homeoffice.gsi.gov.uk](mailto:charles.goldie@homeoffice.gsi.gov.uk)) or James Evison (tel.: 020 7035 1944, email: [james.evison1@homeoffice.gsi.gov.uk](mailto:james.evison1@homeoffice.gsi.gov.uk)). I would be grateful if you would ensure that John's team is regularly kept appraised of progress and is fully engaged in the exploration and analysis of the options for restructuring.

To oversee the restructuring programme, I have asked Leigh Lewis to establish and chair a steering group to include representatives of ACPO, the APA, CJS agencies and Government departments. I have asked Leigh to report to me frequently on progress.

I am, of course, also aware that a number of forces currently have, or will shortly have, chief officer vacancies and the Authorities concerned would normally be considering setting in train arrangements for filling them. However, given the prospect of new strategic forces being established over the next 18 to 30 months, I

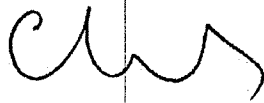
would ask that Authorities discuss their succession plans with Sir Ronnie Flanagan before taking any steps to recruit a new chief officer. I will then be asking Sir Ronnie for his professional advice as to whether it would be sensible for a given Authority to move forward with the recruitment of a new chief constable at this time or whether it would be better to defer such a recruitment until the restructuring options for the region in question have been put forward.

I am conscious that the publication of Denis's report last week, and my announcement of the next steps on Monday, will have given rise to a number of questions from your staff. I am sure that you will be communicating to them Denis's findings and the process I have now set in train. In the coming weeks and months it will be important to ensure that a clear and consistent message is communicated to all those likely to be directly affected by restructuring. The central team will include a communications advisor who will be able to support your own internal communications teams in keeping your staff informed.

I recognise too that the timetable I have set out is a challenging one. I sensed, however, from Monday's event that there is broad agreement that we need to move as swiftly as possible to respond to the challenges set out in HMIC's report. As I said on Monday, I want this process to be designed, owned and led by the Service. I hope the parameters I have outlined in this letter will ensure that there is a coherence to the locally-led discussion and analysis of the options, which ensures that the interests of national stakeholders, in particular CJS agencies, are fully taken into consideration.

Finally, of course, I am mindful that for any complex organisation, such as the Police Service, any process of restructuring will lead to some inevitable uncertainty. Nonetheless, the overriding priority during this period of change must be for all of our existing forces, working in partnership with CDRPs and LCJBs, to continue to bear down on crime and anti-social behaviour and ensure that communities have the quality of service that they have the right to expect. I look to you as the leaders of the service to ensure that this overriding priority is maintained.

I look forward to receiving your firm proposals for restructuring by the end of December.



CHARLES CLARKE



**FORCE RESTRUCTURING: EVALUATION OF OPTIONS SEPTEMBER-  
DECEMBER 2005**

<b>Period</b>	<b>Action forces/authorities</b>	<b>by</b>	<b>Deliverables</b>
19 September to end September	Establish review teams		Notify Home Office of lead contacts in force and Authority
October	In conjunction with other forces & authorities in the region, and CJS and local government partners, identify options for restructuring; undertake initial analysis of options and produce short list. Initial work to be co-ordinated and supported in each region by HMIC and subsequently by central team.		Report to Home Office setting out initial analysis of options, including against national criteria and identifying short-list of options for further examination in next phase.
November	Work up detailed cost-benefit analysis of short-listed options and identify preferred option.		Report to Home Office setting out analysis to date of each option and draft proposals.
December	Validate and refine preferred option; commence implementation planning		Submit final report to Home Office by 23 December setting out full cost-benefit analysis of each of short-listed options, the preferred option, the rationale for the recommendation and initial implementation plans.

## DESIGN CRITERIA FOR FORCE RESTRUCTURING

The following are a range of factors which need to be considered in considering the options for restructuring to meet the gap in protective services identified in the HMIC report.

- **Size** – to what extent do the proposals for restructuring create units of sufficient size (the HMIC report gave an indicative figure of a minimum of 4000 officers or 6,000 total staff) to provide the necessary capacity and resilience in the provision of protective services to meet both current and future demands for such services?
- **Mix of capability and reduction in risk** – to what extent do the prospective partnerships bring together forces with complementary strengths in addressing volume crime and the provision of protective services? To what extent will they enable performance in relation to both to be improved?
- **Criminal Markets** – to what extent do the proposals take cognisance of the underlying criminal markets and patterns of cross-border criminality in the areas concerned?
- **Geography** – to what extent do the proposals recognise and take account of particular challenges posed by the geography of the proposed force area and the transport links and working patterns within it?
- **Co-terminosity** – to what extent do the proposals respect established political and partners boundaries or, alternatively, support the case for the realignment of the boundaries of other partner agencies so that the benefits of co-terminosity can be preserved? The very strong starting presumption will be that any new force areas should not subdivide an existing force area between two or more new forces and that new force areas should not cross government office regional boundaries (it follows that very compelling arguments would need to be submitted in support of any merger proposals which went contrary to these presumptions).
- **Identity** – to what extent do the proposals build on strong historical or regional identities?
- **Clarity of command and control and accountability** – to what extent are the proposed governance arrangements for any new entity clear and unambiguous?
- **Performance** – to what extent do the proposals for restructuring minimise any risks to current performance during the transitional period and support further improvements in performance over the medium term? (Assessments under this heading should be made against the statutory performance indicators.)

- **Costs and efficiency** – to what extent will the proposals minimise the costs of change and maximise efficiency savings?

**Proposed options will need to demonstrate not only how the proposed arrangements outperform current ones, but also how they would outperform alternative options. We will write to you shortly with more detail on the methodology we will use to assess these options.**

RE-STRUCTURING

Police Authority Check-List  
September 2005

Key Actions for Authorities

1	<b><i>Establish with force, current capacity and capability in respect of the protective services</i></b>	<p>HMIC has sent each Chief Officer an individual assessment from HMIC of its capacity and capability and authorities will wish to ensure they have sight of this.</p> <p>The protective services as defined in the 'Closing the Gap' are:</p> <ul style="list-style-type: none"> <li>➤ Counter terrorism and extremism;</li> <li>➤ Serious organised and cross border crime;</li> <li>➤ Civil contingencies and emergency planning;</li> <li>➤ Critical incident management;</li> <li>➤ Major crime (homicide);</li> <li>➤ Public order; and</li> <li>➤ Strategic roads policing.</li> </ul> <p>In particular, the review of current performance in these areas should take into account what the implications would be of amalgamating those services with those of neighbouring authorities within the same Government Office region.</p>
2	<b><i>Establish with force, likely impact and effects on other aspects of policing including on level 1 capacity</i></b>	<p>Whilst the HMIC report 'Closing the Gap' highlights concerns around the protective services and suggests strategic forces as a means of addressing these concerns, police authorities will wish to take a more holistic view and determine the implications for other aspects of policing. In considering options for change, authorities may wish to take account of levels 1 or possibly 3.</p>
3	<b><i>Engage Local Communities</i></b>	<p>As the representatives of local communities within the tripartite structure it is important that police authorities have an accurate picture of the views of their communities in relation to any proposed amalgamation or merger. In engaging communities in this debate authorities should seek to develop a better understanding of what issues local communities would wish to see taken into account as part of the process. This will allow authorities to start to work with their respective forces to mitigate some of the concerns that local people might have, for example remoteness of accountability</p>

		arrangements. Further guidance is enclosed at Appendix A.
<b>4</b>	<b><i>Engage Staff Associations</i></b>	<p>Authorities should seek out the views of their staff associations (Police Federation, Unison, Police Superintendents' Association, Black Police Association, British Association of Women Police, Gay Police Association), as they are likely to want to make representations on behalf of their members who will clearly be affected by the process.</p> <p>Police authorities should not overlook their own staff in this process, as the changes in structure are likely to affect police authority staff as much as those under the direction and control of the chief constable.</p> <p>Having heard these representations, authorities will wish to work with their respective forces and proposed partners to address the concerns expressed.</p>
<b>5</b>	<b><i>Engage with other partners</i></b>	Engage with and consider the implications to other partners of the various options including community safety and the wider criminal justice system, i.e. Local Criminal Justice Board, CDRPs, local authorities, CPS, Unified Courts Service, Prison Service, NOMS, DAT, YOT, PCTs and Fire and Rescue Service.
<b>6</b>	<b><i>Meet Regionally to consider how options for change will be developed in line with Appendices B and C.</i></b>	<p>Authorities within each region will need to keep in close contact in the period leading up to the submission of proposals to the Home Secretary.</p> <p><i>The APA Regional Link Executive Member and/or Secretariat Staff are available to attend meetings, as required.</i></p> <p><i>Please ensure that Ian Barnes at the APA Secretariat (<a href="mailto:ianbarnes@lga.gov.uk">ianbarnes@lga.gov.uk</a> 020 76643178) is informed of the dates of any regional meetings so that we can assist wherever possible.</i></p>
<b>7</b>	<b><i>Provide Copies of Submissions to the APA</i></b>	In order to provide the highest quality of support to local police authorities it is important that we have as complete a picture as possible of the discussions that will be taking place across the country. As your thinking develops it would be helpful if you would keep the APA Secretariat informed. This can then be fed into John Giffard's team and the emerging APA position. It will also allow us to seek external advice if you encounter obstacles locally.



### GUIDANCE FOR AUTHORITIES IN ENGAGING COMMUNITIES

Police authorities have a clear role in representing the views of communities in relation to local policing. It is therefore important that police authorities consult, engage and inform communities about any significant changes to their local police service. As the debate around re-structuring policing is likely to continue for some months, police authorities will quickly want to put in place appropriate mechanisms to engage with their communities. Below are some principles and advice authorities may wish to consider when planning and carrying out this activity.

#### Managing Expectations

Understandably, authorities may have concerns about restructuring and will wish to seek and listen to the views of communities as part of developing the options for change locally. However, it is important that any consultation carried out is realistic and done in a way that manages expectations, not raises or damages them.

In achieving this, developing good relationships with local media is key, as this is likely to be the mechanism the majority of local people hear about any plans to restructure. It is therefore important that any information the local media has in relation to practicalities and likely impact of local restructuring is as accurate as possible and presented in a way that does not unduly cause anxiety.

Police authorities may therefore wish to consider providing regular media briefings over the coming months in order to provide factual information about **why** restructuring is being proposed, **timescales** being considered as they emerge, and the **impact** this is likely to have on local communities.

Authorities may wish to take a similar approach with local partners and stakeholders, e.g negotiating regular briefings with key organisations, individuals or groups to provide accurate and up-to-date information as this agenda develops.

#### Understanding Local Concerns

Authorities are encouraged to consult local communities on this agenda. Authorities will wish to make use of existing mechanisms where possible but may also wish to consider organising specific meetings or opportunities to engage local people in dialogue.

Authorities will wish to ensure that they engage as fully as possible with all sections of their communities, since views may vary and, in particular that they engage with all minority and other interest groups such as black and minority ethnic communities, who may have well-established contacts and access at force level and may have concerns at whether this may continue at a strategic force level.

Police authorities will wish to seek to understand what the views and concerns of local communities are in relation to any merger or restructuring that may happen. Understanding any anxieties and concerns communities have can help shape the information provided.

For example, if the authority carries out consultation to help understand the concerns of communities, responses and feedback can be provided through regular media briefings, therefore the information being provided is being directly shaped by the concerns and queries being raised by the public.

In their submission to the Home Secretary, authorities may also wish to specifically make reference to the views and concerns raised by local communities through any consultation carried out, and be able to demonstrate a clear understanding of these issues.

### Reassuring Communities

Police authorities also have a role in reassuring their local communities. This can be done partly by providing accurate information in terms of the practicalities involved and the *intended* implications and benefits, whilst explaining that there will clearly be lessons to be learnt throughout the process. There are two particular areas authorities may wish to consider emphasising in the context of these discussions:

#### a) Neighbourhood Policing

Despite any restructuring or mergers, the implementation of neighbourhood policing will be fundamental in providing policing services at the most local level. Police authorities may wish to re-enforce the principles behind this agenda (e.g providing a service that identifies, understands and responds to local concerns, a neighbourhood policing team in every area by 2008, additional PCSO's). Authorities may wish to emphasise that any restructuring will not distract from this agenda.

#### b) Local Governance

In order to manage expectations, police authorities may wish to be clear that restructuring may not necessarily be a totally smooth transition; some difficulties may occur and there may be lessons to be learnt. However, what is crucial is that taxpayers continue to receive an effective and efficient police service, and where issues arise, they are identified and dealt with quickly and effectively – police authorities may wish to emphasise to local communities that a great deal of work will be done to ensure that effective and appropriate governance and accountability arrangements are in place at all levels throughout the police service, and the APA will be working with police authorities and other national bodies to ensure police authorities continue to have a key role in holding the police to account in a way that is responsive to the needs of communities.

### Further Support

The APA facilitates a National Community Engagement Network for police authority staff. The APA secretariat will be in touch with the Network shortly to recommend a method to ensure good practice from around the country is readily and consistently shared to assist police authorities in consulting communities on this issue promptly and effectively.

### **Issues for Authorities to Consider**

Whilst authorities will not need to have resolved the issues listed below prior to making their submission to the Home Secretary, it would be prudent to have considered how such issues might be tackled in the event of a merger or amalgamation.

The list below should also be borne in mind when considering prospective partners for merger or amalgamation. If, following analysis, amalgamation or merger of the two organisations would result in significant compatibility issues, other partners may need to be pursued or the implications (likely to be financial) should be made clear in the submission to the Home Secretary.

### ***Human Resources***

Terms and conditions for police staff  
Shift patterns for officers  
Chief officer severance packages  
Training  
Regional allowances (if applicable, and where allowances vary within region)  
PDR arrangements  
Delivery of Initial Police Learning and Development Programme  
Use and powers of PCSOs

### ***IT and Infrastructure Harmonisation***

CHC – the need to confirm with agreed Call Handling Standards by April 2006  
Single Non-Emergency Number  
ICT Programmes:

- Airwave
- Mobile information and data
- Police Custody and Case – are current and proposed systems compatible?

Intelligence and crime recording systems – are extant systems interoperable? Will significant reinvestment be required?  
Local Area Networks (LAN) – are capabilities similar or will infrastructure investment be required, albeit simply to meet new networking requirements?

### ***Finance Issues***

Estates  
Budgets  
Precepting – should authorities build in some contingency for 2006/07?  
Pensions  
Procurement – how long should contracts be let for in the current environment?  
Financial delegation policies  
Payroll systems  
Area cost adjustments and the funding formula

### ***Equality and Diversity***

Are the proposals likely to have a differential impact on any group on the basis of race, faith, gender, sexuality or disability?

### Key Principles Agreed at Summit

At the APA Summit on 8 and 9 September the following principles were agreed upon in relation to any reconfiguration. The submissions to the Home Secretary will wish to be cognisant of these principles:

1. Requirement for a well-argued business case for change.
2. Robustness and appropriate resourcing of new structural arrangements.
  - a. Development of robust performance monitoring arrangements for protective services
3. Local accountability and involvement – processes, funding and arrangements.
  - a. Co-terminosity with other local public services
  - b. Need to be able to respond to local pressures
  - c. Accountability at all levels – force, BCU and CDRP
  - d. Chief officers to be accountable to and appointable by the police authority
4. Good governance within the context of a tripartite structure.
  - a. Clear accountability mechanisms
  - b. Balance within the structure
5. Effective and efficient delivery of service – outcomes for the public/ internal systems.
  - a. Links between levels 1,2 and 3
6. A quality police service for all.
  - a. Avoiding a postcode police service
  - b. Policing by consent and cooperation

# Police service strength in England and Wales at 31 March 2005

Figures obtained from Home Office RDS report 12/05

## REGION K TOTALS

### North East

7515·3324

### North West

19511·9812

### Yorkshire and the Humber

12790·7424

### East Midlands

9438·5623

### West Midlands

13855·7047

### Eastern

10902·7281

### London

31954·16466

### South East

16675·10905

### South West

10808·6881

### Wales

7613·3982

## ABBREVIATION KEY

**City** City of London

**MPA** Metropolitan

**Mersey** Merseyside

**Gtr Man** Greater Manchester

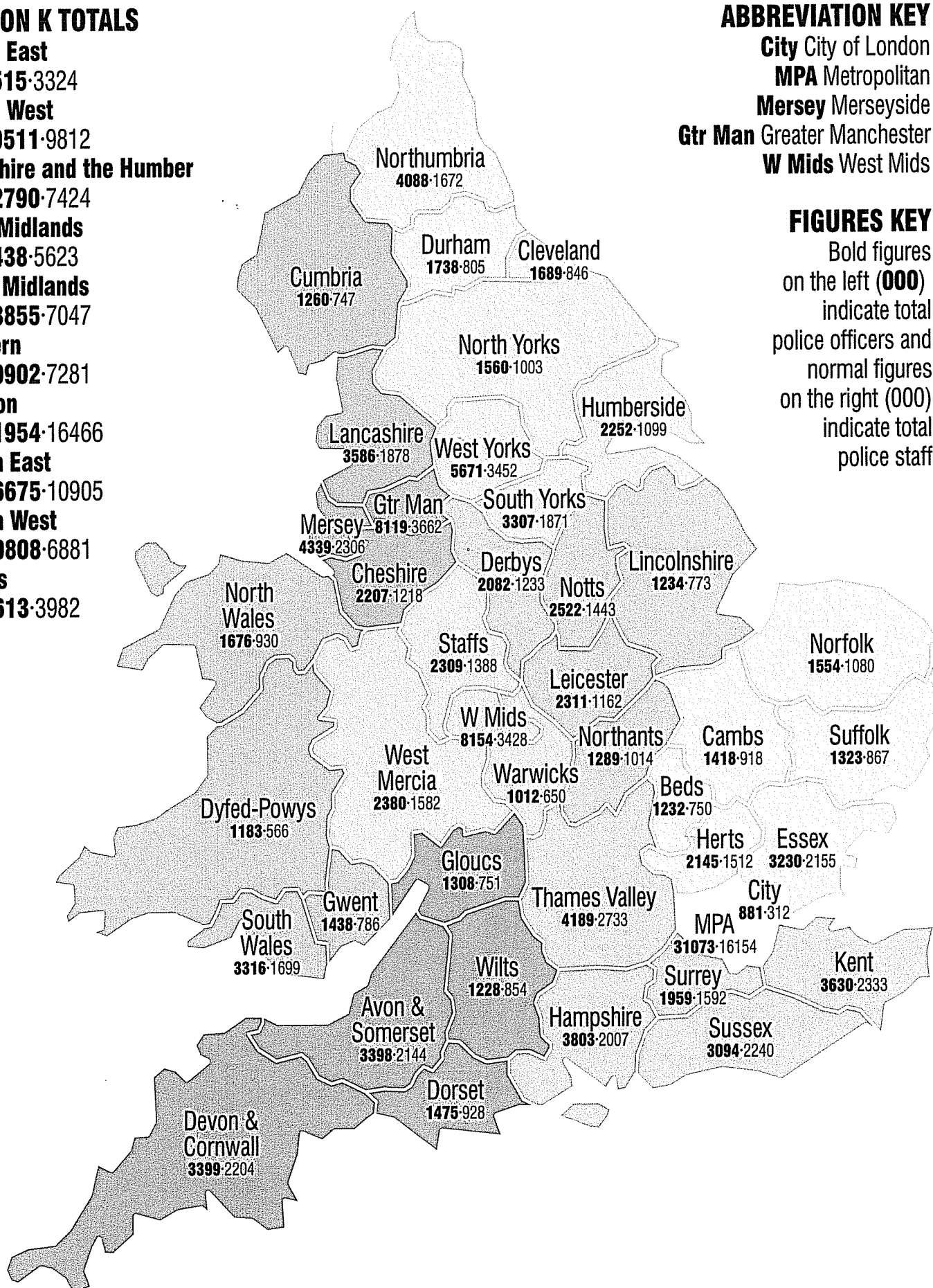
**W Mids** West Mids

## FIGURES KEY

Bold figures on the left (000)

indicate total police officers and normal figures on the right (000)

indicate total police staff



**Action being undertaken by the APA**

**Key Actions for APA**

- Collaboration Group (to be renamed Reconfiguration Group) will continue to meet monthly as follows: 5 October, November, 7 December  
The Group's work plan around supporting authorities in driving the agenda forward, for example by attending regional meetings. Develop a central resource following feedback from each region to help shape future APA discussions.
- Engage with key partners at national level, e.g. ACPO, Local Government Association, Home Office, Office of Criminal Justice Reform, Police Federation, Police Superintendents' Association, Unison, Black Police Association, Gay Police Association and British Association of Women Police.
- Development of models for Strategic Authorities and other potential governance/accountability arrangements. We believe that police authorities have a crucial role to play in shaping the governance arrangements in a policing environment of strategic forces. This is not only in relation to governance at strategic force level, but also at BCU and CDRP level. Over the coming months we will be using a number of key events (e.g. Annual Conference, Special Plenary Session, Accountability Pilots Network, Summit2, and Neighbourhood Policing Conference) to update authorities on emerging thinking around how such accountability and scrutiny arrangements might look, and providing opportunities to input and shape that agenda.

**APA Secretariat  
September 2005**

# CABINET REPORT

24 OCTOBER 2005



**Report of:** Chief Executive

**Subject:** Local Area Agreements

---

## SUMMARY

### 1. PURPOSE OF REPORT

To provide Cabinet with the initial submission made to Government Office for the North East (GO-NE) in respect of the development of a Local Area Agreement (LAA) for Hartlepool.

### 2. SUMMARY OF CONTENTS

Hartlepool has been successful in being awarded the opportunity to negotiate a Single Pot LAA for the town. The development of LAA's as a mechanism for managing local service provision is currently being rolled out to all local areas. Hartlepool is one of four authorities, of the recently announced forty allocated to commence on 1 April 2006, which is classed as Single Pot. The Government anticipates all local authorities working through LAAs by April 2007.

An outline submission was submitted at the end of September (attached as appendix 1). Cabinet are asked to consider the initial submission made to GO-NE and to discuss the proposals, which are included to determine the approach to be taken.

### 3. RELEVANCE TO CABINET

This is a strategic issue for Cabinet

### 4. TYPE OF DECISION

Non Key

### 5. DECISION MAKING ROUTE

Cabinet 24 October 2005

### 6. DECISION(S) REQUIRED

Cabinet are asked to:-

- i) indicate their views on the proposals included in the submission which has been made to GO-NE and provide guidance on the approach to be followed.

**Report of:** Chief Executive

**Subject:** Local Area Agreements

---

## **1. PURPOSE OF REPORT**

To provide Cabinet with the initial submission made to Government Office for the North East (GO-NE) in respect of the development of a Local Area Agreement (LAA) for Hartlepool.

## **2. BACKGROUND**

Hartlepool has been successful in being awarded the opportunity to negotiate a Single Pot LAA for the town. The development of LAA's as a mechanism for managing local service provision is currently being rolled out to all local areas. Hartlepool is one of four authorities, of the recently announced forty allocated to commence on 1 April 2006, which is classed as Single Pot. The Government anticipates all local authorities working through LAAs by April 2007.

The issue is of strategic importance to the Council and the Town. Whilst current Government policy is driving the provision and management of services to a regional or sub regional basis the LAA offers the opportunity to enhance local accountability, management and provision and ensure that services are best placed to deliver according to local (town) needs. Council has recently expressed the view in relation to the reorganisation of the PCT that it strongly endorses the continuation of a co-terminus PCT, whilst national policy is contrary to this. The negotiation of the LAA offers the opportunity to reinforce this message and emphasises the provision of locally accountable service provision.

An outline submission was submitted at the end of September (attached as appendix 1). Cabinet are asked to consider the initial submission made to GO-NE and to discuss the proposals, which are included to determine the approach to be taken.

## **3. DECISION(S) REQUIRED**

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- i) indicate their views on the proposals included in the submission which has been made to GO-NE and provide guidance on the approach to be followed.





hartlepool**partnership**

# **Hartlepool**

## **Local Area Agreement**

### **Position Statement**

**September 2005**

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# 1. Introduction

This report describes the good progress that has been made since the summer announcement of our successful application to join round 2 of Local Area Agreement (LAA) development and the award of single pot status.

Hartlepool's case for a single pot LAA was based on a number of factors: the unique geographic and organisational circumstances within the unitary authority area; the record of delivery by local agencies; an integrated strategy based on clear priorities; an elected Mayor and effective partnership arrangements including a strong local strategic partnership (LSP) chaired by the local MP with the elected Mayor as vice chair and including an accredited performance management framework (PMF). In many respects this compact, sustainable and distinctive community is a microcosm of the region.

Our view is that the level of trust between central government and local agencies that Hartlepool's track record has created provides a tremendous opportunity to transform the relationship between the Council, its partners and government, and this will present challenges to all concerned to operate in new ways.

If anything the pace of public sector reform is set to quicken. These reforms include: the proposed structural changes to Police Forces, PCTs, Learning and Skills Councils; the continuing progress on reform of children's services; changes to the role of LEAs and their relationship with schools; and the potential changes to local authority funding, now being considered by the Lyons' Review within the context of the future role of local government and its overall functions.

All carry the potential to bring significant change to local governance and service delivery.

In our view they also bring significant opportunities with, potentially, a strong fit with the expectations of LAA policy and Hartlepool's vision for its LAA of establishing simplified and streamlined local governance arrangements in which local agencies have the freedom and flexibility to get on and deliver economically, efficiently and effectively in a manner that suits local circumstances focussed on and for the people of the town. In the context of the public sector reform agenda we think LAAs provide a platform for developing locality based governance with enhanced democratic oversight of services in Hartlepool.

This report outlines the freedoms and flexibilities on performance management, capital funding and regional funding and arrangements that would enable us to achieve an integrated approach to meeting the needs of Hartlepool and improving its services.

## 2. Progress to date

### 2.1 Context

A small team has been established to co-ordinate the development of the LAA, led by the Chief Executive and bringing together the Assistant Chief Executive, the Director of Regeneration and Planning Services, the Head of Community Strategy, the Principal Strategy Development Officer and a National Graduate Trainee.

Monthly meetings have been established with colleagues from the Government Office for the North East (GONE) where progress is discussed, issues are debated and outline freedoms and flexibilities explored.

The Hartlepool Partnership has received regular updates on progress and the Chief Executive and other senior officers have had meetings to discuss the Hartlepool LAA with key partners.

Work has progressed on the LPSA and the clarification received in August that Hartlepool would be able to negotiate with GONE has been welcomed.

Early discussions with the Community and Voluntary Sector, conducted through the Community Network, have been important in providing early input to the development of an outcome framework and raising awareness of the Hartlepool LAA throughout the sector.

The Community Strategy team is undertaking a mapping exercise in relation to outcomes, indicators and targets as a precursor to establishing the outcome framework later in the year.

As a key part of the process of preparing the LAA, the Chief Executive has met with partner agencies to establish joint working arrangements and ensure the LAA is taken forward in an inclusive way. An outline of these discussions is described in the following section.

### 2.2 Outcome of initial discussions with partners

- Hartlepool Primary Care Trust

Hartlepool Borough Council is co-terminus with Hartlepool Primary Care Trust. This has proved extremely valuable in facilitating a common purpose and alignment of policy, new initiatives such as the nationally recognised “connected care” and service provision honed to local circumstances. The Council and the Trust have made significant strides in joint working including the joint appointment of a Director of Public Health and integrated Health and Social Care teams for older people and mental health. Both organisations are keen to use the LAA to further this joint working and reinforce the community and public health agenda for national priorities with a strong local dimension.

- **One North East (ONE)**

The Chief Executive and the Director of Regeneration and Planning Services have had very positive meetings with the Chief Executive of ONE and senior officers of the Agency to discuss the challenges posed by the LAA approach. The perspective of the emerging LAA in Hartlepool was discussed and how it might evolve to challenge existing practice in economic development and regeneration. It was agreed that an ongoing direct dialogue at a senior level would continue throughout the establishment and development of the Hartlepool LAA.

- **Tees Valley Learning and Skills Council**

Discussions with the Chief Executive of the Tees Valley Learning and Skills Council indicate that the organisation will support the LAA process in principle.

- **Cleveland Police**

Meetings with representatives of Cleveland Police have established a lead within the force at Chief Superintendent level that will provide a focus for future discussions. It is proposed that the existing Safer and Stronger Communities Fund (SSCF) agreement will be dissolved and the outcomes and associated indicators incorporated into the Hartlepool LAA. There is a major opportunity to develop new arrangements at the Basic Command Unit level of the unitary authority as well as at neighbourhood level to provide services which will be explored as part of the Hartlepool LAA in the context of emerging proposals for reorganisation.

- **Community and Voluntary Sector**

The Head of Community Strategy has held regular meetings with the Hartlepool Community Network to discuss the development of the Hartlepool LAA. A workshop for the sector was held in mid September providing an opportunity for representatives to ask questions of those leading the process as well as enabling the sector to feed into the preparation of an outcome framework through a series of themed workshops. Evaluation from the event found it to be well received and participants welcomed the opportunity for early involvement in the process. Much of the discussion focused on the Government decision to cut funding for Community Networks and Community Chests making strategic discussions on outcome frameworks and future funding particularly important and challenging. Feedback from the workshops will be fed into Theme Partnerships as they prepare outcome frameworks.

## **2.3 LPSA progress**

A revised LPSA proposal was submitted to ODPM in March 2005 prior to the clarification received in August that the Council would be able to negotiate with GONE. Initial informal comments on the proposals were received from ODPM and since then work has continued on revising the proposals.

A revised proposal has already been sent to GONE for consideration. Further, more detailed, negotiations with GONE will commence to ensure that the LPSA can be agreed, delivering ambitious and stretching targets in identified key areas.

The LPSA proposal centres around three key areas that have been identified both by the Council and the Local Strategic Partnership as priorities for action, namely Jobs and the Economy, Health and Care, and Community Safety. The proposed targets aim to stretch performance in specific aspects of these key areas to ensure that key improvements and better services are provided for the people of Hartlepool.

## **2.5 The proposed structure of the LAA**

Hartlepool's proposal, given its single pot status, the existing well regarded performance management framework and track record of achievement, is that the LAA should be structured to reflect the Community Strategy. The Partnership agreed at its meeting in September to structure the LAA in line with these seven themes:

- Jobs and the Economy
- Lifelong Learning and Skills
- Health and Care
- Community Safety
- Environment and Housing
- Culture and Leisure
- Strengthening Communities

These themes are more comprehensive than the four blocks identified for non-single pot authorities in the LAA programme overall. The seven themes provide alignment with established priorities in the Community Strategy and provide the flexibility to accommodate the new cross cutting agendas such as children's services. These themes are however not intended to be rigid blocks but rather a convenient and locally appropriate structure to organise activity, accountability and performance management. Cross cutting issues will be emphasised and the outcomes and expenditure will be presented as a single entity single pot.

We are seeking flexibility to allocate resources to priorities, opportunities for working across organisational boundaries to deliver co-ordinated approaches to deliver the outcomes sought by our community. Our suggested freedoms and flexibilities are what we think is needed to deliver that agenda.

The LAA outcome framework will draw significantly from the Partnership's Community Strategy and the existing Performance Management Framework. The Partnership's Theme Partnerships will work to establish outcome frameworks for each of the Themes of the Community Strategy and indicators and resources will be aligned accordingly.

Detailed discussion of outcome frameworks will take place through the Partnership's Theme Partnership structure during October and November

As the broader public reform agenda progresses the outcome framework will need to be reviewed to reflect new circumstances. For example as Police reform rolls out, the local governance arrangements for community and neighbourhood policing.

## **3. Proposed Performance Management Arrangements**

### **3.1 Establishing a performance management framework for the LAA**

The Hartlepool Partnership has carried out considerable work in the last two years to develop a Performance Management Framework to oversee the implementation of the Community Strategy and the Neighbourhood Renewal Strategy. The framework clearly sets out priorities, indicators to monitor progress and targets to assess performance.

The current approach is well regarded. The framework was validated by the Audit Commission as meeting national Core Requirements and in the recent Government Office for the North East Annual Review the Partnership received Green ratings for both Partnership Working and Improvement Planning elements of the assessment process. The existing framework therefore provides a sound basis for achieving the Government's aim to streamline, simplify and integrate existing performance management arrangements into one area based framework.

Locally progress has already been made towards the Government's aims. In April 2005 the Partnership concluded a Safer and Stronger Communities Fund (SSCF) agreement that brings together ODPM and Home Office funding streams aimed at tackling crime, anti-social behaviour and drugs, empowering communities and improving the condition of streets and public spaces, prioritising the most disadvantaged neighbourhoods. This first year of SSCF (2005/06) is transitional as it brings together funding streams with delivery plans attached. Guidance on taking SSCF agreements forward published recently by ODPM, states that areas may need to substantially review their SSCF to take account of LAA developments. We will need to renegotiate the community and voluntary sector indicators and targets as their funding has been significantly cut. As part of the Hartlepool LAA it is proposed that from April 2006 the SSCF is dissolved and the required outcomes incorporated into the new LAA.

At its September meeting, the Hartlepool Partnership set out its aspiration that the LAA performance management arrangements and the NRU LSP Performance Management arrangements could be brought together, into one process reporting annually in summer/autumn. This is a further objective of the Hartlepool LAA.

Progress to bring together performance management frameworks was outlined at the recent Northern Sounding Board. This is welcomed and Hartlepool is keen to work to accelerate this development. We would therefore wish to formally express an interest in working with central government and the Government Office for the North East to bring together Performance Management arrangements for the Neighbourhood Renewal Fund/Hartlepool Partnership and the Local Area Agreement to achieve our common aim of having a single unified area based performance management framework for Hartlepool, building on the sound framework already in place. The objective is that a single simplified and concise framework will give sufficient feel for direction of travel without unnecessary inefficient and indigestible detail.

## **4. Freedoms and Flexibilities**

The Council and its key partners consider that the Hartlepool LAA will bring significant opportunities to establish simplified and streamlined local governance arrangements in which local agencies have the freedom and flexibility to get on and deliver for the people of the town. In the longer-term context of the public sector reform agenda it is considered that the LAA will provide a platform for developing locality based governance with enhanced democratic oversight of services in Hartlepool. The potential to enhance local democratic accountability for the provision of public services is a major development which would ensure a continued local focus on achievement within regional or sub regional frameworks. Whilst this is not an immediate freedom or flexibility it is a longer term aspiration for the LAA in Hartlepool and is a matter we would wish to progress with GONE as part of the negotiation process.

The inclusion within the LAA of special and mainstream funding in the single pot will be sought where there are clear local advantages to be secured.

The emerging areas where freedoms and flexibilities will be required are as follows:

### **4.1 Performance Management Framework**

At present the numerous uncoordinated performance management arrangements create an unnecessary burden for an area where there is confidence in the local agencies ability to deliver.

The freedoms and flexibilities sought as part of the LAA are to:

- structure the agreement around the seven Community Strategy themes;
- submit the Hartlepool Partnership Performance Review in July 2006 rather than as currently required in April 2006;



- dissolve the current Safer and Stronger Communities Fund agreement and incorporate the required outcomes into the LAA; and
- work with central government and the Government Office for the North East to bring together Performance Management arrangements into a single unified area based performance management framework for Hartlepool. The level of detail and timescales for reporting to be related to the risk and principles of streamlining, simplifying and integrating.

The objective is that there will be a single simplified and concise framework giving sufficient feel for direction of travel without unnecessary and indigestible detail.

## **4.2 Capital funding**

At present there are numerous sources of capital funding made available to a locality through a variety of public sector agencies, with different timescales and approval requirements. This can create less than optimal use of funds. The freedom and flexibility sought through the LAA is the creation of a co-ordinated public sector capital funding regime. This would permit a more strategic approach to capital spending. Flexibility of timing and project scheduling would create opportunities for joint working and co-ordinated investment across agencies, leading to improved outcomes through joined up government. The LAA performance management and outcome framework would provide the discipline and accountability to ensure value for money is achieved against agreed outcomes.

## **4.3 Regional funding**

The ongoing regionalisation of organisational structures, strategy and provision of funding presents a number of challenges and opportunities. If integrated, effective and efficient services are to be achieved within a single pot arrangement then there is a strong argument to establish more direct routes to provide the framework to plan and deliver services at the unitary authority level where accountability for progress towards improving the conditions in the community largely rests through for example ODPM and the NRU.

As part of the Hartlepool LAA it is proposed that this will be explored and key partners challenged as part of the LAA process. Where practicable, both commissioning and provision should operate at a unitary authority level i.e. coterminous with Hartlepool Borough Council boundaries, even where regional or sub regional bodies are or become established. This would enable local circumstances to be properly reflected in arrangements with services and programmes closer to the communities affected.

The freedom and flexibility sought is a direct allocation of resources to Hartlepool as a single pot authority rather than through intermediaries such as sub-regional partnerships. This would be based upon an assessment of needs and opportunities, delivery record (implicit in single pot status) and

clearly agreed outcomes over a multi year period. This would be negotiated within the wider agreed regional and sub-regional policy and overall funding resource envelopes. This approach would apply to a range of health, training, community safety, housing, transport and economic development funding.

In addition the contribution of key partners at regional and sub-regional levels to the outcome trajectories necessary to achieve reduced gaps between local and national conditions in line with Government policy would need to be more explicit and transparent. The impact of regional and sub-regional initiatives and programmes on Hartlepool's priority outcomes should be quantified and evaluated at the unitary level by key partners through their decision and monitoring arrangements. The potential for this will be also be explored through challenges to key partners through the LAA process.

## 5. Timetable

### 5.1 Outline timetable to complete the LAA

The key milestones are:

Milestone	Date
Interim submission to GONE	End of September
Theme Partnerships complete detailed discussion of outcome frameworks	End of November.
Update to GONE	End of November
Hartlepool Partnership/Cabinet consider draft agreement	February 2006
Agreement signed off	March 2006

## 6. Contact Details

The lead Officer for the Local Area Agreement is:

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Tel. 01429 284161, e-mail [Joanne.smithson@hartlepool.gov.uk](mailto:Joanne.smithson@hartlepool.gov.uk)

The lead Officer for the LPSA is:  
Andrew Atkin, Assistant Chief Executive  
Tel 01429 523003, e-mail [Andrew.atkin@hartlepool.gov.uk](mailto:Andrew.atkin@hartlepool.gov.uk)

Additional information on Hartlepool Borough Council can be found at [www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)

Further information about the work of the Hartlepool Partnership can be found at [www.hartlepoolpartnership.co.uk](http://www.hartlepoolpartnership.co.uk)

# CABINET REPORT

24<sup>th</sup> October, 2005



**Report of:** Chief Solicitor

**Subject:** OMBUDSMAN'S REPORT RE BRIARFIELDS

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## SUMMARY

### 1. PURPOSE OF REPORT

To place before the Cabinet a report of the Local Government Ombudsman and to invite the Cabinet to determine action to be taken in response

### 2. SUMMARY OF CONTENTS

The report includes the Ombudsman's report and comments on the report and upon the recommendations of the Ombudsman

### 3. RELEVANCE TO CABINET

The actions criticised by the Ombudsman were executive functions determined by the Cabinet

### 4. TYPE OF DECISION

None key

### 5. DECISION MAKING ROUTE

Cabinet 24th October 2005.

### 6. DECISION(S) REQUIRED

To determine the Council's response to the Ombudsman's Report

**Report of:** Chief Solicitor

**Subject:** OMBUDSMAN'S REPORT RE BRIARFIELDS

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## **1. PURPOSE OF REPORT**

The purpose of this report is -

- (a) to comply with the requirements of the Local Government Act 1974
- (b) to inform Cabinet of the receipt of a report of the Local Government Ombudsman which makes a finding of maladministration causing injustice in respect of Briarfields Allotments, and
- (c) to invite the Cabinet to determine steps it proposes to take in response to the report.

## **2. OMBUDSMAN'S REPORT**

- 2.1 There is appended (Appendix 1) a copy of the report of the Local Government Ombudsman in relation to a complaint on behalf of an association of allotment tenants about the way they were forced to vacate their allotments by the Council in autumn 2003; the actions of the Council which led to their eviction; and the failure to provide them with a suitable allotment site.
- 2.2 The Ombudsman's finding was that there was a conflict here between the Council's duty to make adequate allotment provision and she concludes the way the Council pursued this sale was flawed. In particular it did not establish the likelihood of a successful planning application before taking any firm action – which was maladministration. The Ombudsman concludes that, as a direct result of that maladministration, association members lost their allotments – leading some to give up, some to move to (for them) inferior allotments and the disruption of long established friendships. The report concludes that maladministration took place and that injustice was caused to the allotment holders.
- 2.2 Although the report avoids identifying the allotments in question and the individuals involved, these details are now in the public domain and this report will, therefore, not rely on fictitious names and sites.
- 2.3 Section 31 of the Local Government Act 1974 provides that the report shall be placed before the authority, who shall consider the report and, within 3 months (or such longer period as may be agreed with the Ombudsman) shall notify the Ombudsman of the action which the authority have taken or propose to take. The section makes provision for the Ombudsman to issue a further report in the event that the authority fail to notify their proposals within the time provided, or if the Ombudsman is not satisfied with the proposals.

2.4 The report is lengthy and detailed. The background is well known to members of the Council generally, having been the subject of reports to relevant boards, the Cabinet, and the Planning Committee over a considerable period of time. It does not, therefore, appear necessary to enter into a detailed description of the circumstances giving rise to the complaint or an analysis of the report. However, there are some aspects which, in fairness to the members and officers involved in the project, should be made.

- Disposal of the "Briarfields" house and adjacent land was identified as an opportunity to generate a significant capital asset. It was considered that the inclusion of Briarfields allotments in the disposal was advisable, both to remove a feature which could impact adversely on the sale of the main site, and to increase the amount of land marketed. The objections of the allotment holders (not initially identified as an 'Association') were quickly made known and readily understood and were given due consideration. The allotment holders had and took the opportunity to present their objections in a variety of Council forums. However, it was considered that the benefits to the Council's capital programme by the generation of the anticipated capital receipt outweighed the inconvenience to the allotment holders. Recognising the needs of the allotment holders, considerable efforts were made to identify a site (adjacent to Burn Valley) which best met the wishes of the allotment holders by way of an alternative to their preference to remaining at Briarfields. The cost involved in preparing the Burn Valley Site - in the order of £140,000) was approved. In the event, an objection on behalf of the Briarfields Association led to the rejection of planning permission for the Burn Valley site. The withdrawal or suspension of the notices to quit was not considered to be consistent with the timely and effective marketing of the Briarfields site, in due course.
- As recognised by the Ombudsman, the Council acted properly in exercising their asset management functions. It is also the case that the project was undertaken in an open manner, with due consideration to the desire to provide the allotment holders with a suitable alternative site. Consent from the Secretary of State for the disposal of the allotment land, necessary under allotment legislation, was granted. On the vacation of the allotments by the allotment holders, compensation - which was increased from the statutory amount initially offered - was made available to them.
- In coming to the conclusion of maladministration, the Ombudsman comments *"This complaint arose out of a conflict between these responsibilities. No criticism attaches to the Council for looking to raise money to fund the services it provides to the community it serves. However, the way in which the Council pursued this aim in this instance was flawed."* She continues: *"It seems to me that in this case the Council decided, as landowner, to sell the land in question here without first establishing the likelihood of a successful planning application. .... The failure by the Council, initially and before it took any firm action, to consider the question of whether planning permission would be granted amounts to maladministration."*

- In this respect, it is the case that the merits of the proposals in planning terms were considered with the Development Control Manager. It is relevant to note that (as is recorded in the Ombudsman's report) a planning application for the Briarfields site was pursued and was initially deferred for a variety of reasons. Further investigation of the issues concerning the Planning Committee was undertaken and followed by a report to the Planning Committee addressing each of the concerns raised to the satisfaction of the Development Control Manager, and recommending the grant of planning permission. In the event, Planning Permission for the new site was refused; it is relevant to note that an objection was submitted by the Allotment Association.

- 2.5 Overall, whilst the Ombudsman recognises the fact that, in relation to the disposal of Briarfields and the allotments, the Council were exercising a number of roles - financial, asset management, allotments and planning - and makes a point of stating that there is no criticism attaching to the Council for seeking to raise funds, the report fails to recognise the efforts made, in good faith, over a significant period of time, to meet the allotment holders' requirements. Nor does the Ombudsman appear to have given any consideration to officers' understanding that the planning objection submitted in respect of the Burn Valley site was submitted to the surprise of the Association as a whole, the Ombudsman having had contact with only one of the Association's members. The report also pays no regard to the efforts made by the Council to keep separate the executive roles of asset management and allotments from the Council role of planning - whilst at the same time ensuring, by consultation with planning officers, that the proposals were generally acceptable in planning terms.
- 2.6 The Ombudsman's recommended remedy is that:- *"The Council should, without delay, give serious thought to the re-establishment of Meadowfields as an allotment site, in consultation with association representatives (the complainant says 14 association members would like to return). Priority for new holdings should be given to those who previously held allotments there."*

*In addition the Council should pay the complainant £250 for his time, trouble and expense in pursuing the complaint"*

- 2.7 Later, in the report's conclusion, the Ombudsman comments that the Council *"should also repeat its compensation offers of £200 to [the complainant] and to his fellow association member who initially refused it."*
- 2.8 Taking each of the elements of the Ombudsman's recommendations:-

(a) Reinstatement of the allotments - Steps which comply with the Ombudsman's recommendation regarding consideration of the reinstatement of the allotments have already been put in place. At their meeting on 6th October 2005 in accepting the Inspector's recommendations in the review of the Local Plan, the Cabinet called for a report on the re-instatement of the Briarfields Allotments. The Acting Asst Director ( Cultural Services ) will report shortly to Cabinet upon the issues relevant to re-instatement.

(b) £250 to the complainant & re-offer of compensation - The Cabinet invited to consider these payments.

- 2.10 A decision as to (b) above, together with the intention earlier expressed by Cabinet to consider reinstatement of the allotments, will thus enable a response to be given to the Ombudsman for the purposes of s.31 Local Government Act 1974.

**3. RECOMMENDATION**

That Cabinet consider the Council's response to the Ombudsman's report.

# **Report**

on an investigation into  
complaint no 03/C/16787 against  
Hartlepool Borough Council

**31 August 2005**



**Investigation into complaint no 03/C/16787  
against Hartlepool Borough Council**

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## **Key to names used**

Mr Pine	=	Complainant
Meadowfields	=	Allotments tenanted by Mr Pine and others
Meadow Home	=	A nearby property
The Paddock	=	A nearby area of grassland
Otherfields	=	Proposed, alternative allotments site
Townfields	=	Existing, alternative allotments site
Officer A	=	Allotments Officer
Officer B	=	Senior Community Services Officer
Officer M	=	Senior Community Services Manager
Officer P	=	A Planning Policy Officer
Councillor X	=	A Councillor
Councillor Y	=	A Councillor

## **Report Summary**

### **Leisure and Recreation**

The complainant complains on behalf of an association of allotment tenants about the way they were forced to quit their allotments ('Meadowfields') by the Council in autumn 2003; the actions of the Council which led to that eviction; and the failure to provide them with a suitable allotment site.

Their allotments were situated next to a site which had been identified in the 1994 Hartlepool Local Plan as a site for executive housing. By 1996 Council officers were considering also trying to sell the allotments for executive housing. Then only two out of thirty-two plots were vacant. The Council stopped filling vacancies in 1996, which it acknowledges was an error – however, it did authorise this in 1999. In 2001 the Secretary of State gave conditional consent to the sale but the conditions included provision of a replacement site nearby and the need to get planning permission for housing at Meadowfields. Such permission was refused in July 2002 yet the Council pressed ahead and issued notices to quit that autumn and dropped its plans to provide a replacement site (the one identified had also been refused planning permission), instead offering tenants individual vacancies on other allotments. In 2005 a Government Planning Inspector concluded the Council should drop its proposal in the emerging new Local Plan to designate Meadowfields (and two adjacent sites) for housing.

The Ombudsman does not criticise the Council for seeking to sell land to raise money to fund other services. However, there was a conflict here with its duty to make adequate allotment provision and she concludes the way it pursued this sale was flawed. In particular it did not establish the likelihood of a successful planning application before taking any firm action – which was maladministration. As a result it allowed the site to deteriorate so that by the time it served the notices to quit, it appeared it had ample justification to do so (for at least half the plots were uncultivated and the site had a run-down appearance). The Ombudsman concludes that, as a direct result of that maladministration, association members lost their allotments – leading some to give up, some to move to (for them) inferior allotments and the disruption of long established friendships.

### **Finding**

Maladministration causing injustice.

**Recommended remedy**

The Council should, without delay, give serious thought to the re-establishment of Meadowfields as an allotment site, in consultation with association representatives (the complainant says 14 association members would like to return). Priority for new holdings should be given to those who previously held allotments there.

In addition the Council should pay the complainant £250 for his time, trouble and expense in pursuing the complaint.

## Introduction

1. Mr Pine complains on behalf of the Meadowfields Allotment Association (MAA) about the way that the Council dealt with the Meadowfields allotments (Meadowfields) and, in particular, that it:
  - (a) in 1996 wrongly decided not to re-let vacant plots;
  - (b) failed properly to consider evidence from the Association about flaws in an ecologists' report about the presence or otherwise of bats on the allotments;
  - (c) unreasonably served notices on Association members to quit their allotments despite failing to meet any of the three conditions imposed by the Secretary of State when giving consent to sell the land;
  - (d) subsequently failed properly to consider requests/resolutions to suspend the notices to quit; and
  - (e) failed to provide the Association with a suitable replacement allotments site.

He says that, as a result, members have lost their allotments or had to transfer to inferior individual allotments; they have been forced out earlier than necessary; they have not been provided with a suitable replacement site that can accommodate all of their members; some of them have lost sheds, greenhouses, raised beds etc; their social lives have been adversely affected; and they have been put to unnecessary time and trouble pursuing their complaints with the Council and with me.

2. For legal reasons, the names used in this report are not the real names of the people and places concerned<sup>1</sup>.
3. An officer of the Commission has visited the complainant and relevant sites, has examined the Council's files and has interviewed officers of the Council.
4. An opportunity has been given for the complainant and the Council to comment on a draft of this report prior to the addition of the final conclusion.

## Background

5. The relevant Council-owned area is made up of three elements:

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<sup>1</sup> Local Government Act 1974, section 30(3)

- (a) Meadowfields, which comprised 32 mature plots on a secluded site of about 1 hectare (2.5 acres). It is separated from the nearest road by the other two elements below. The tenants left by the end of 2003 and the site was cleared. No development has taken place;
  - (b) Meadow Home, a large detached property (with gardens) of about 0.7 hectares (1.7 acres) formerly used as a residential home and now used for office accommodation; and
  - (c) The Paddock, grassland totalling about 1.4 hectares (3.5 acres), being the remainder of the area.
6. In a report for a meeting in September 2000 Meadowfields was described by a Council officer who had visited that July as:

“exceptional” and “a delightful setting.”

In a report for a meeting in July 2002 another Council officer wrote:

“Some of the area looks rather run-down and the allotment fencing is unattractive.”

## **Legal and Administrative Background**

### **Planning Decisions**

7. When determining planning applications the Council as the local planning authority has to have regard to its Local Plan and determinations should be made in accordance with the plan unless material considerations indicate otherwise<sup>2</sup>.
8. Central Government guidance<sup>3</sup> is that account may be taken of policies in emerging development plans, the weight to be attached to such policies increasing as successive stages of the adoption process are reached. More specifically it states:

“where a plan has been deposited but no objections have been lodged to relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted (or approved) and replace those in

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<sup>2</sup> Town and Country Planning Act 1990, section 54A, as inserted by the Planning and Compensation Act 1991, section 26

<sup>3</sup> PPG 1, paragraph 48

the existing plan. The converse may apply if there have been objections to relevant policies.”

## **Planning Policies**

9. The Hartlepool Local Plan was adopted in May 1994. The Paddock site was allocated in the Local Plan for small-scale and high quality executive housing.<sup>4</sup> The adjacent Meadowfields and Meadow Home sites were unallocated but shown as lying within the ‘urban fence’. The commentary to this policy included that:

“The Structure Plan ... requires that there should also be provision for small scale, high quality, low density housing in Cleveland “to assist regeneration efforts on Teesside ...”

10. Housing Policy Ho7 in the Local Plan stated that proposals for residential development on land within the urban fence would normally be approved provided certain criteria were met, including that:

“(i) The land is not allocated in the Local Plan for another purpose and does not involve the loss of Public Open Space or Playing Fields.”

11. The Chapter in the Local Plan entitled “Recreation and Leisure” stated:

“Regard has been had to the following Local Plan objectives in particular in drawing up the policies and proposals for leisure and recreation:

B3 to encourage the provision of sport, recreational, leisure and cultural developments to cater for all sections of the community.”

Neither the chapter nor the policies within it referred to allotments.

12. In a Local Plan Issues Report published in January 1999 the possibility of extending the Paddock housing site was raised<sup>5</sup>. The Council gave as its main reason the need to ensure a continued supply of high quality low density executive housing to compete with similar developments in locations outside of Hartlepool and encourage investment in the local economy.

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4 Policy Ho5, page 59

5 At paragraph 7.10 on page 33

13. In March 2000 Central Government issued Planning Policy Guidance Note 3 (PPG3) about Housing. Among other things it advised that the Government was committed to maximising the re-use of brownfield sites for housing development, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.<sup>6</sup> Allotments are excluded from the definition of brownfield sites.<sup>7</sup>
14. In the Local Plan Deposit Draft published in March 2001 it was proposed to extend the Paddock housing site “by including additional land around (Meadow Home house) and (Meadowfields)”<sup>8</sup>. Eleven formal objections to this proposal were received.
15. In the Local Plan Revised Deposit Draft published in August 2003 that proposal (and objections) remained.<sup>9</sup>
16. In the Local Plan Deposit Draft published in March 2001 it was proposed to add a new Green Network Policy GN3.<sup>10</sup> This stated that development on key green space areas listed (which included “d. ALLOTMENTS”) and shown on the proposals map (which Meadowfields was not - as it was shown as a housing site [see paragraph 14]) will be strictly controlled. It went on:

“Planning Permission will only be given for developments which relate to the use of land within these key green spaces ..... subject to there being no significant adverse impact on:

- i. The visual and amenity value of the area, or
- ii. The character of the locality, or
- iii. Facilities for sport or other formal or informal recreation, or
- iv. The continuity of the Green Network and its links to the countryside, or
- v. Areas of wildlife interest.”

Eleven formal comments on this proposal were received. All either supported the proposal or suggested its extension. One suggested extending it on the proposals map to include Meadowfields. Officer B, a senior officer in the Community Services Department, welcomed the protection of allotments in general and said allotments should be provided where demand exists.

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6 PPG3, paragraph 22

7 PPG3, Annex C

8 At paragraph 7.44 on page 95 and Policy Hsg4 on page 97

9 At paragraph 7.44 on page 114 and Policy Hsg 9(A) on page 116



17. In the Local Plan Revised Deposit Draft published in August 2003 that proposal (as amended slightly by two additions) remained.
18. In July 2002 Central Government issued Planning Policy Guidance Note 17 (PPG17) about Planning for Open Space, Sport and Recreation. Among other things PPG17 said councils should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities<sup>11</sup>. It also stated:

“Existing open space, sports and recreational buildings should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements<sup>12</sup>.”

Allotments are included in PPG17’s definition of open space<sup>13</sup>.

19. On 25 November 2002 in the House of Lords, the Minister of State at the Office of the Deputy Prime Minister responded to a question expressing concern about the pressure on councils to grant permission to develop allotment sites. He assured the Lords that Ministers would look at the situation regarding statutory allotments (like Meadowfields - which the Council treated as being statutory) which require ministerial permission for sale (see paragraph 23) and he stated the Government’s commitment to the development of brownfield land<sup>14</sup>.

## **Allotments**

20. If a council is of the opinion that there is a demand for allotments in its area, it has a duty to provide a sufficient number of allotments and to let them to its residents who desire them<sup>15</sup>.
21. A council may terminate a statutory allotment tenancy (which the Council accepts these were) by twelve months or longer notice to quit expiring on or before 6 April or on or after 29 September in any year<sup>16</sup>. Compensation for crops and manure is normally payable<sup>17</sup>, as is compensation (normally one year’s rent) for disturbance<sup>18</sup>.

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10 At page 164

11 PPG17, paragraph 1

12 PPG17, paragraph 10

13 PPG17, ANNEX paragraph 2(vii)

14 Hansard, columns 562 & 563

15 Small Holdings and Allotments Act 1908, section 23(1)

16 Allotments Act 1922, section 1(1)(a) (as amended by Allotments Act 1950, section 1)

17 Allotments Act 1922, section 2(1) & (3)

18 Allotments Act 1950, section 3

22. A Central Government report into Allotments in 1969 extolled the virtues of allotments and recommended that councils continue to provide them<sup>19</sup>.
23. A council cannot sell land used for statutory allotments without the consent of the Secretary of State and such consent shall not be given unless the Secretary of State is satisfied that adequate provision will be made for allotment holders displaced by the action of the council or that such provision is unnecessary or not reasonably practicable<sup>20</sup>.
24. In 2001 the then Department for Transport, Local Government and the Regions issued a booklet entitled “Allotments: a plot holders’ guide”. It explained that, before granting consent the Secretary of State will first want to be satisfied of certain conditions, including that:
- the allotment is either not necessary or surplus to requirements;
  - the Council has taken the number of people on the waiting list into account; and
  - the Council has actively promoted and publicised the availability of allotment sites<sup>21</sup>.
25. The Department also explained that if the application was successful, and allotment holders are displaced:
- “the (council) is expected to provide one or more suitable alternative sites which should not normally be more than three-quarters of a mile from the centre of demand<sup>22</sup>.”

## Investigation

### 1996 to 1999

26. By summer 1995 the Council was already considering selling Meadowfields (see paragraph 115). The Council’s new Social Services Department was responsible for Meadow Home. It indicated that it saw Meadow Home as having a limited life as a residential home. This prompted a review of the area.

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<sup>19</sup> Departmental Committee of Inquiry into Allotments Report, paragraphs 649-660

<sup>20</sup> Allotments Act 1925, section 8 (as amended)

<sup>21</sup> At page 12

<sup>22</sup> At page 12

27. Three senior officers prepared a report for a meeting of the Council's Co-coordinating Group on 13 August 1996. They referred to "the Meadowfields site". Appendix 1 of the report explained that this term covered all three elements listed in paragraph 5. The officers reported that:

"The presence of these allotments is seen as a major obstacle to the successful marketing of the existing [Paddock] and the maximisation of capital receipts to the Council."

28. The Council says it recognised that Meadowfields was in an area of executive housing development and could raise significant capital for the Council. It says it was acknowledged that the allotments would have a significant depressing effect on the Meadow Home and Paddock sites if they were not included as part of the development. It says, as the allotments are to the rear of Meadow Home, any development there would have the effect of enclosing the allotments in very close proximity to housing. It says this would not be beneficial to either the tenants or to the occupiers of the housing.
29. In April 1996 31 of the 32 plots were tenanted, another became vacant later in the year. Sometime during 1996 the Council stopped filling vacancies on the site (although a waiting list was maintained). In 2000 it acknowledged that this was an error, although the practice continued because of the decision to sell Meadowfields (see paragraph 43).
30. Mr Pine says that not only did the Council stop filling vacancies, it did not keep the vacant plots in good condition and repaired the fences tardily and only after repeated reminders. He says that, as a result, incidences of assault, theft and vandalism increased. The Council says repairs were undertaken to fencing and the water supply, and pest control and the removal of fly-tipped litter were carried out.
31. The Council said in April 2004 that Meadowfields had been steadily deteriorating for years. It acknowledges that none of the £76,000 capital investment for its allotments gained in 1999-2000 was put into Meadowfields because the Council hoped that the site would only have a short life. It says maintenance was continued but major replacement or improvement would have been seen as a waste of money. It says the £76,000 was obtained following a best value review which identified £224,000 worth of repairs. It says it was decided to use the £76,000 to address the worst repairs and make the biggest impact. It says Meadowfields tenants were told that, were the site to be retained, then improvements would be required and the Council would seek to effect these subject to available funding once the position was clear.

32. Officer A, the officer currently responsible for managing the Council's allotments, says that between 1996 and 1999 six people requested plots at Meadowfields. On the one hand Officer A suggests that some of those six may have also applied for (and got) plots on other allotment sites; on the other hand the complainant suggests that potential applicants may have been dissuaded by the threat to the site.

### **Start of Negotiations with Tenants**

33. On 6 August 1999 the Community Services and Safety Board considered a report about whether allotments provision at Meadowfields should continue. By this time 23 of the plots had tenants, although one was neglected. The report noted that seven people on the waiting list had indicated a preference for Meadowfields. It also noted that:

“The overall occupancy rates of 98% in Hartlepool are amongst the highest in the country. The national average is 85%. We could not, therefore, argue that the site is surplus to allotment requirements.”

“Given the high level of occupancy and a waiting list of 102 (at 23<sup>rd</sup> June 1999), then it would be necessary to provide an alternative site for all the allotments...not just existing allotment holders. The cost of this has been estimated at £140,000.”

34. However, the report also noted that:

“The site is ... suitable residential development (sic). It currently features in the local plan as an executive housing site.”

This statement was ambiguous because the preceding paragraph both referred to the Co-ordinating Group's identification of 'the Meadowfields site' as one for disposal (see paragraph 27 - in which Meadowfields was clearly identified as one part of 'the Meadowfields site') and also referred to Meadow Home and the Paddock as making “a very attractive parcel of land for development”.

35. The report contained no proper analysis of the prospects of gaining planning permission to develop Meadowfields. It described Meadowfields as representing “a major obstacle to the successful marketing of the existing vacant land and the maximisation of capital receipts.” The Council says the Board's remit was to oversee the allotments service and the associated property management. It says undertaking an analysis of the prospects of obtaining planning permission could well have been seen as taking on the role of the local planning authority and possibly prejudicing the

Council's position in determining any eventual planning application. It says its description of Meadowfields above was an appropriate reference, in that the Board was legitimately considering the asset management implications related to the Council's capital receipts programme. The Council says it was at this meeting that the (proper) executive decision not to re-let vacant plots was taken.

36. Officer B says that the 102 figure above probably did not refer to 102 people but to 102 applications - which could, for example, include seven applications by one person for seven different allotments.
37. The Board resolved that the Council be recommended to open discussions with the holders of the allotments regarding the possible sale of the land, and that further examination of the alternative provision for allotments be looked into.
38. On 26 August Officer M, a senior Community Services Manager, wrote to the tenants of the allotments to inform them of the Board's decision. At an initial meeting of officers, councillors and tenants on 16 September 1999, the tenants made clear their wish not to move and said that, if they had to move, it should be together.
39. On 5 November 1999 officers from several departments met at Otherfields, a site identified by the Council as a possible alternative allotments site. It is part of a hilltop field on the boundary of one of the town's major parks about one quarter of a mile from Meadowfields. It is surrounded by trees on the Eastern and Northern boundaries, which Mr Pine accepts provide good wind cover. The Council describes the other two boundaries as being surrounded by "a tall mature hedge". Mr Pine says they are surrounded by dead and poorly maintained trees with significant gaps between their trunks. Although several other alternative sites were considered, these were eventually dismissed and Otherfields became the Council's proposed alternative site for the Meadowfields tenants. The Council says the MAA agreed it was the best available alternative site.
40. Between August 1999 and summer 2002 the Meadowfields tenants were involved in many meetings and written consultations to do with the proposed sale and move. Throughout that period there is evidence that the tenants co-operated in all of this reluctantly and clearly wanted to remain at Meadowfields. For example, on 20 June 2000 21 tenants signed a letter to Officer M outlining their arguments as to why the Meadowfields allotments should remain.

## **Sale Proposal Agreed**

41. On 6 September 2000 a further report was presented to a meeting of the Community Services and Safety Board. It explained the tenants' wish to remain at Meadowfields but stated:

“The current situation is, however, intolerable. There are approximately 16 worked allotments, meaning that half are unworked.”

The report referred to a review of allotments within the Borough and the subsequent implementation plan which had led to the elimination of an overall waiting list for allotments and an identification of a surplus of 51 allotments. No occupancy information was given, rather the report stated that Hartlepool had 28 allotment plots per 100 households compared to the national average of 15. Again the report contained no analysis of the prospects of gaining planning permission to develop the allotments site. Appended to it was a copy of the 6 August 1999 report. The Council says its comments in paragraph 35 also apply here.

42. The minutes of the meeting record that Officer M:

“indicated that Officers were aware of the potential hurdle to be negotiated in the process and had no intention of requesting allotment holders to vacate their sites until it was clear that the process for selling the allotment land could be completed.”

Members of the Board recorded their concern at the proposal and their sympathy for the tenants. The Chairman recorded his personal desire for retaining the allotments but stated that this was outweighed by the Council's needs for extra (money) which could help promote other schemes for the benefit of local residents. The Council says the quote above was stated at the time in all good faith, as there was no reason to expect there would be difficulties over such a long period of time.

43. The Board recommended (and the Council subsequently agreed):
- (a) inclusion of Meadowfields in the Meadow Home site sale;
  - (b) notices to quit be served on the tenants;
  - (c) they be transferred to Otherfields;
  - (d) a Section 8 application be made to the Secretary of State (see paragraph 23); and

- (e) planning applications for change of use of the Meadowfields site and establishment of the Otherfields site be submitted.
44. On 6 and 10 October 2000 the Community Services and Safety Board and the Resources Board respectively decided to apply to the Secretary of State to be allowed to sell Meadowfields. Again it appears that the report to the Boards contained no analysis of the prospects of gaining planning permission to develop the allotments site. The Council says it is important to be clear that these reports were primarily about allotment provision.

### **Section 8 Application to Secretary of State**

45. In January 2001 the Council submitted its Section 8 application to the Secretary of State. In the application it explained its intention to make suitable alternative adequate provision for the displaced tenants at Otherfields. It explained its financial reason for the proposal. It said that only 20 out of 33 plots were being worked but did not clearly mention that it had stopped accepting new tenants since 1996 (although it did include as an appendix to its application the report to the 6 September 2000 Community Services and Safety Board which acknowledged its earlier error). Rather, it stated that “The re-letting of plots has been halted since the prospect of disposal was raised.” In the introduction to its application the report stated that this disposal was recommended in September 2000. It stated that it anticipated that a maximum of 18 tenants would choose to transfer to Otherfields although later in the report it did explain that many of the tenants did not wish to move. It stated that there were 79 vacant plots out of 1084 within the borough and an overall waiting list of 37.
46. The Council stated in its application that the proposal to develop Meadowfields for housing conformed in general to the Local Plan. It did not address PPG3 advice about brownfield development. The Council acknowledges not addressing PPG3 advice about brownfield development but says the Section 8 procedure is clearly a separate consent procedure to the planning process and is not directly subject to the various planning policy guidance documents. It points out that the Secretary of State’s approval was conditional upon the necessary planning permissions being granted.
47. On 17 September 2001 the Secretary of State gave conditional consent for the sale. The three conditions he imposed were as follows:
- (a) provision of a replacement site at Otherfields;
  - (b) planning permission granted for that replacement site and the site to be laid out in accordance with that permission; and

(c) planning permission for the housing development of Meadowfields.

48. On 30 September 2001 Mr Pine wrote to Officer B and stated that he and his fellow tenants had decided unanimously to continue the fight to save the allotments.

## **Bats**

49. In a letter of 20 June 2000 the tenants brought to the Council's attention the presence of bats at Meadowfields. Bats are a protected species<sup>23</sup> and it is an offence to disturb their roosting sites.
50. In response the Council commissioned an ecological assessment of Meadowfields. An independent consultant reported in November 2000. She reported that during two visits to Meadowfields on 22 and 23 November the weather was cold and, as the visits were outside of the bird-breeding season, she could not compare the list of birds recorded with the list provided by the tenants. She commented that she thought it was unlikely that the sheds and similar buildings on the site or the nearby trees would house bat roosts. She said bats feeding over the area were likely to be roosting in either nearby houses or older trees near the site.
51. In December 2001 the Planning Committee decided that further investigation was required.
52. As a result a further survey was carried out by the consultant between 21.30 and 22.50 on 23 June 2002. She reported that while there was bat activity in the area, no bats were detected emerging from Meadowfields.
53. At a meeting with Officers B and M on 27 November 2002 the tenants raised concerns about the consultant's study and report. Mr Pine says that the officers did listen to part of their accounts of their own observations of bats but, when they began to criticise the consultant's report, Officer M indicated her unwillingness to continue the meeting and he was forced to move to another agenda item. Officers B and M refute this allegation and say they recall discussing bats for at least 10 minutes during the meeting.
54. Mr Pine says that, when the consultant did visit in summer, he was present. He says she had got lost and arrived late at the site. He says this was important because bats are to be seen for only a short period, just before nightfall and her late arrival greatly lessened the chance of her making successful observations. He says her investigation was superficial and restricted because she could not visit some of the locked

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23 By the Wildlife and Countryside Act 1981



allotments because the tenants had not been asked to leave their allotments open. He says she did not notice bat boxes installed on the site (he does not explain why he did not point these out to her and, anyway, these were on trees on the edge of the site which were themselves protected from felling). He says she did not mention in her report that it was an unusually cold evening, which would have made it more likely that the bats would remain in their roosts. He says that one of the MAA's members is an amateur bat expert and refers to sightings by him but does not report that any roosts were found by him or other MAA members.

55. The Council says that, when it eventually cleared the allotments, its own ecologist was present to ensure that respect for this protected species was observed but, in the event, no bats were found.

### **Planning Refusals**

56. On 19 December 2001 the Planning Committee deferred consideration of an outline planning application (with officer recommendations to approve) for housing on the allotments site due to the need for further information about the following issues:

- (a) the presence of bats on the site;
- (b) the planning status of the land - whether it was brownfield or greenfield;
- (c) the possible existence of a right of way;
- (d) trees around the site; and
- (e) traffic issues arising from the proposed development.

Further deferrals took place on 23 January and 20 February 2002.

57. In a report to the Council's Strategy Board on 27 March 2002 two senior officers reported that:

“The sale of [Meadow Home/Meadowfields] and timing of the actual receipt has a critical impact on the Capital Programme.”

The Board reaffirmed its commitment to dispose of the whole site (including the allotments) according to a timetable which included serving termination notices on the tenants on 30 September.

58. The Council says that by the spring of 2002 it understood that agreement had been reached with the allotment holders that Otherfields was specified to their satisfaction.

It says, given the negotiations that had taken place, the officers involved were then surprised when the MAA objected to the planning application for Otherfields without any warning. However, the records suggest that the allotment holders had made clear that they would resist a move by all means possible and that they had only very reluctantly engaged in discussions about Otherfields.

59. On 17 June Officer M wrote the following memorandum to the Chief Executive:

“I have now had chance to look at the detail of (Meadowfields) allotments and the Secretary of State letter.

My view would be that we can go for planning permission on [Otherfields] development. Give the tenants 12 months notice from the 29<sup>th</sup> Sept. Move them off [Meadowfields] after the 29<sup>th</sup> Sept 2003. Then apply for planning permission on [Meadowfields]. Assuming success sell the land. I do not think the Secretary of State’s letter precludes this approach.

There is one difficulty in all of this. I was asked by the Allotment holders if we would move them before planning permission was obtained on [Meadowfields]. I said no because at the time this was the approach we were taking. I did not expect the difficulties with planning. This is recorded in the minutes of the Sept 2000 Leisure and Community Safety committee. These minutes were included in the submission to the Secretary of State. To go back on this would create a rumpus but as long as we do it openly then I think we could weather the storm.

I have discussed with (another officer) and he is of the same view. I think we need to check with Govt office if their view is the same and that we do not have to follow the order of the permission letter. (The other officer) agrees we need to check this. [Officer B] has been in touch with DETR. We should have the answer today. I would be surprised if it disagreed with our view.

We of course take the risk that [Meadowfields] does not get planning permission. We will have created even more allotments and will be unable to use the land for anything else. I think we would have to decide what undertaking we would give the allotment holders in these circumstances ...”

The Council says this memorandum was part of a much longer on-going discussion concerning Meadowfields and what could be the alternative proposals. It says this fragment of that discussion is not the full information and should not be exaggerated.

60. On 3 July the Planning Committee refused planning permission for the proposed developments at both Meadowfields and Otherfields.
61. The Council says it understands the tenants' objections to the application for Meadowfields but it could not understand their objections to the Otherfields application. Yet Mr Pine says those objections were predictable - if the Otherfields application was unsuccessful then, in the tenants' eyes, the Secretary of State's conditions could not be met and the Council would be unable to sell Meadowfields.
62. In the report to the Committee PPG3 was referred to but its presumption that brownfield sites should be developed before greenfield sites (which it acknowledged this was) was not. The report stated factors relevant to the application/PPG3 were:
- (a) the site is within the urban fence as defined in the adopted Local Plan;
  - (b) the site is proposed for low density executive housing (and can be conditioned as such). The supply of an attractive range of executive housing is seen as an important factor in attracting and retaining investment in the town with the associated economic and social benefits;
  - (c) it lies immediately adjacent to an allocated executive housing site (The Paddock) which has been agreed through the full Local Plan procedure and adopted. The housing and allotments are seen as mutually incompatible;
  - (d) the site is close to public transport with access to jobs, shops, services;
  - (e) the infrastructure including utilities and social facilities such as schools appear to have capacity to absorb the development.

This part of the report concluded:

“Having regard to all of the above there are no policy objections in principle to the development of this windfall site for low density housing.”

The Council says the brownfield sites presumption was a well-known principle of national guidance with which the Committee would have been familiar.

63. The reason for refusal given about the Meadowfields application was as follows:

“The application site is in use as allotments, a Greenfield open land use. The site is not allocated for housing purposes in the adopted Hartlepool Local Plan and that Plan and the need for further low density housing are currently the subject of

review. In these circumstances it is considered that this development would result in the loss of the allotments contrary to Planning Policy Guidance Note 3: Housing and in particular the presumption against the development of Greenfield sites including allotments and the principles of the Hartlepool Local Plan.”

64. The reason for refusal given about the Otherfields application was as follows:

“It is considered that allotments in this location would not be of keeping and detrimental to the visual amenities of the [Otherfields] green wedge contrary to Policies Gen1 and En1 of the adopted Hartlepool Local Plan.”

65. Officer P, a Planning Policy Officer, says that at this time the only planning policies which held any weight were those in the 1994 adopted Local Plan. He says the relevant emerging local plan policy (see paragraph 14) had no weight because there were lots of objections to it outstanding.
66. On 28 July the tenants formed the Meadowfields Allotment Association (MAA). The Council says it had accepted prior to this that Mr Pine was acting as the spokesperson for the tenants. However, it says Officer M is aware of some surprise expressed by one or two allotment holders that an objection had been placed on their behalf to the planning application for Otherfields. It says that, at a meeting between Officers B and M and the tenants in autumn 2002, the tenants expressed disappointment regarding the failure to obtain planning permission for Otherfields. It says the tenants initially did not believe that an objection had been submitted by the MAA.

### **Cabinet Decision to Serve Notices to Quit**

67. On 27 August 2002 the Council’s Cabinet considered a report about Meadowfields in light of “the recent refusals of planning permission and changes in Planning Policy Guidance with respect to open land space”. The report stated that, because of the adoption of new executive arrangements, the Chief Solicitor was of the view that the executive could challenge a planning refusal. The report also addressed planning issues and made the following points:
- (a) as Meadowfields is not an allocated housing site in the Local Plan, Policy Ho7 needs to be considered. Allotments were not, under the terms of Planning Policy Guidance applicable at the time, classed as “open space”, thus it was not considered that development of the allotments would represent a departure from the Local Plan;

- (b) in relation to PPG3 and the presumption that brownfield sites should be developed before greenfield sites, the report to the Planning Committee indicated that permission should be granted, in particular that it would facilitate the development of a larger site allocated for housing;
  - (c) the emerging Local Plan was reaffirming the need for low density housing provision in the interests of the town's economic regeneration and identified Meadow Home/Meadowfields as one of the allocations to make that provision;
  - (d) since the planning decisions a new version of PPG17 had been issued. This included allotments within the definition of "open space"; and
  - (e) councils are required by the new PPG17 to undertake assessment of need for the various types of open space and audits of existing provision, the use made of it and opportunities for new provision. Existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements (whether as allotments or for other uses) etc.
68. However, in relation to points (a) and (c) above, the report did not address the Planning Committee's conclusion that development at Meadowfields would be contrary to the principles of the Local Plan; and it did not mention either the outstanding objections to the Meadowfields allocation under Policy Housing 4 or the emerging Policy GN3 (see paragraphs 14 and 16 to 17) and wrongly stated that "the position emerging to date does add some weight to the case for planning permission to be granted".
69. About point (c), the Council points out that an earlier Cabinet report was referred to and it says that report had clearly acknowledged objections to the allocation of Meadowfields for low density housing. It says Policy GN3 was not considered relevant because it did not include Meadowfields and no representations had been received in response to the Local Plan consultation processes seeking to have Meadowfields included in that policy. In fact the local Civic Society had made just such a representation in May 2001.
70. The report conceded that the new Guidance created a stronger presumption in principle against building on allotment sites. The report suggested that there was time to carry out an open space assessment before the six month time limit for appealing against the planning decision(s) was reached.
71. The report discussed the options for serving notice on the tenants but stated:
- "It should be appreciated that, unless the open-space assessment referred to above was first concluded, service of

notice could present the appearance that the Council was pre-judging the outcome of the assessment. However, service of notice would not prevent the Council from extending the occupancy of the current tenants thereafter or even withdrawing notice, if it were desired to do so.”

72. The report did not refer to Officer M’s undertaking at the September 2000 Community Services and Safety Board (see paragraphs 42 and 59).
73. Officers suggested five options for consideration. Only one (separate sale of the Meadow Home site) did not involve service of notice on the tenants to quit by 29 September. No option was suggested to pursue and secure planning approval for Meadowfields before serving notices to quit. No option involving service and then suspension of notices to quit was suggested.
74. Minutes of the Cabinet meeting record that Members noted that relocation of the tenants to existing allotment sites would represent a significant saving in respect of the cost of preparation of a new site at Otherfields. Cabinet decided (amongst other things) to:
  - (a) serve notices to quit on the tenants, as from 29 September;
  - (b) offer tenants alternative allotments in existing sites where vacancies exist;
  - (c) not pursue a new site at Otherfields;
  - (d) have an independent consultant carry out an open space assessment; and
  - (e) apply to the Secretary of State for a revised permission to sell Meadowfields, excluding any reference to an alternative site at Otherfields.
75. The Council says that in October 2002 it envisaged being able to market the site by October 2003.
76. On 4 October notices to quit were served on the tenants with a final date for quitting of 13 October 2003.
77. Mr Pine says that this decision was so irrational that no reasonable person could have come to such a conclusion because:
  - even by the Council’s own timetable, the land could not possibly be used for building until October 2004;
  - it was contrary to an assurance given to the gardeners earlier (see paragraph 42);

- it was a failure to care for the interests of the allotment gardeners; and
- it caused an unnecessary loss of revenue (allotment rents).

On the last point the Council says the income at the time was only £10 per plot per year, although that was a reduced rent (reflecting the uncertainty surrounding Meadowfields).

78. The Council says it recognised that approval was not a foregone conclusion. However, it argues that it was not unreasonable to enforce the notices to quit before being clear that the sale process could be completed. The Council's Chief Solicitor says waiting until all the steps necessary for disposal of the site had been taken before proceeding to take possession by serving the necessary notices to quit would have been at odds with a planned process for disposal and would have prejudiced the ability of the Council to obtain the best return on a disposal. He says there would always be concern about how long it would take to obtain possession in the face of fierce resistance and that would have an impact, potentially significant, on the interest in the site shown by prospective developers.
79. The Council says that the consent and conditions laid down by the Secretary of State relate to the disposal of allotment land and have no relevance at all to termination of tenancies. It says the point at which the Secretary of State's conditions were required to be satisfied was on disposal of the land, not on any preliminary step such as service of notice to quit.

### **MAA Proposal to Suspend Notices**

80. On 17 November 2002 Mr Pine wrote to Officer M and proposed that the Notices to Quit be suspended and the tenants be allowed to remain until the Secretary of State's conditions were satisfied and a sale had been agreed. He said that, at such time, the tenants would immediately vacate their plots.
81. At a meeting with tenants on 27 November Officer M denied that the Council had changed its policy on group transfer and offered two sites where the tenants could be moved together. However, these subsequently were rejected by the tenants - one lay well outside the three-quarters of a mile limit from the centre of demand (see paragraph 25) and the tenants did not want to move to the other (Townfields) because of perceived problems with vandalism (vindicated when, in May 2004, Townfields tenants presented a petition to the Council expressing deep concern for the future of Townfields and saying "What we have now resembles a war zone ..."). The Council says the centre of demand can be interpreted in two ways: Meadowfields itself or

where the current tenants lived. The Council says 53% of tenants lived more than three quarters of a mile from Meadowfields.

82. On 12 December Officer M wrote to the tenants and responded to the proposal to suspend the notices to quit. She stated that:

- (a) it was too early to speculate as to situations which may arise in 2003 and the situation would be kept under review;
- (b) there may be situations where the Council would defer action on the notices and these were likely to depend on the progress made in relation to other issues and these have not yet been fully explored;
- (c) there was no point in suspending the notices as they had been issued and suspension might only delay the Council's objective to sell the land; and
- (d) there may be an extension of the notice after 13 October 2003.

She did not ask Mr Pine to confirm in writing the tenants' offer immediately to vacate the site (if the Notices to Quit were suspended) as in paragraph 80.

83. The Council says that Officer M invited all tenants to agree to MAA's proposal that tenants would offer to vacate the site when the sale was confirmed. It says:

"This was never provided and it was therefore assumed agreement between the allotment holders could not be obtained."

Officer M says her invitation was made orally at a meeting with Mr Pine. She says she asked Mr Pine to confirm this, either orally or in writing but Mr Pine did not come back to her – so she assumed he was unable to obtain unanimous agreement.

Mr Pine says he does not recall any such oral request and points out that unanimous agreement was not necessary, as tenants not agreeing would not have their notices to quit suspended.

84. The Mayor subsequently considered the tenants' proposals and, in the light of informal consultation with his Cabinet colleagues, he decided there was nothing to be gained by suspending or postponing the notice to quit.
85. On 3 April 2003 Mr Pine sought support from the Central Neighbourhood Consultative Forum for his proposal to suspend the notices. This is a local area consultation forum attended by local councillors, officers and community representatives which is open to the public and which discusses a wide range of issues relevant to that particular area. It may make recommendations for the Council



to consider. Mr Pine says that a unanimous resolution by the Forum that the notices to quit be suspended was suppressed by not being recorded in the minutes of the meeting.

86. The minutes of that meeting record that Councillor X suggested that the Chief Solicitor write to Mr Pine explaining the legal situation pertaining to the notices. The minutes of the 12 June meeting record that Mr Pine raised the question of an inaccuracy in the minutes of the 3 April meeting and the Chair apologised if the minute was inaccurate and assured him that his comments had been recorded and the minute amended accordingly. Mr Pine says that, as at 31 May 2005, the minute had still not been amended.
87. Councillor X says that, at the 3 April meeting, he moved and Councillor Y seconded a resolution to be sent to the Council via the Chief Solicitor “that allotment tenants be granted a twelve month tenancy, on an annual basis, until such time that a planning application is approved for the development of the site. The ‘Notice to Quit’ should only be issued after the proper planning application is accepted.” Councillor X says that the resolution was agreed unanimously at the meeting. Councillor X says that he has discussed the matter with Councillor Y, who concurs absolutely with his recall of events at the 3 April meeting.
88. The resolution was not initially acted upon by the Council and on 16 June an officer e-mailed Officer B that it was probably her fault. She asked Officer B to provide a response to the next forum meeting on 7 August. On 17 June Officer M wrote to Mr Pine and told him that, following informal consultation of the Cabinet, “the position is that there is no reason to suspend the Notice to Quit at this time”. She did not give any reasons for her answer.
89. The Council says that a resolution of a consultative forum does not compel the Cabinet/Council to do anything. It says that an informal Cabinet discussion took place concerning whether there was a desire to re-consider but it did not wish to change the decision. It recognised that the allotments had deteriorated and this was causing problems for the Council and for the tenants and the position was likely to have worsened with increasing length of time. Also the Chief Solicitor advised that the Council would be required to re-issue the notice for 12 months, as there could be a legal challenge to a shorter period.
90. The Council agreed in April 2004 that it may have been possible to have granted a further year to terminate in October 2004, as by then it was clear that the sale would not take place before this, but it says that this was not clear in October 2003. The Council says that in October 2003 it envisaged being able to sell the site sometime after June 2004 but possibly not till 2005.

91. The Council says Cabinet was clear that it did not wish for an encumbrance if the Secretary of State did provide for the sale of the land. It says Members of Cabinet were present when the issues were raised on three separate occasions and on each occasion Members determined to continue with their course of action.
92. The Council's Chief Solicitor says whether or not extra time should be afforded by suspension would be judged on the feasibility of continuing to keep the allotments open having regard to the number of tenants remaining at that time, balanced against the cost of keeping the allotments open. He says he does not consider the detriment suffered by virtue of the lost income would outweigh the benefits achieved by having an unoccupied site well in advance of any marketing exercise.
93. On 9 August 2003 Mr Pine submitted a formal complaint to the Council on behalf of the MAA about this affair. The Chief Executive provided a written response to the complaint on 27 August. On 4 September Mr Pine replied and asked for the MAA's complaint to be reviewed by Cabinet Members. On 30 September the relevant portfolio holder wrote to Mr Pine and explained that he saw no purpose in putting his complaint before an Appeal Panel of Members as he felt that the Chief Executive had fully investigated the complaint and had provided an appropriate and fair response (including apologies where relevant).
94. On 1 October 2003 the Chairman of the Forum wrote to Mr Pine and apologised for the error in the minutes. He explained that, although not dealt with as a referral from the Forum, the proposal to suspend the notices had been considered informally by the Cabinet on 17 June.
95. On 24 November 2003, in a letter to the Government Office for the North East, Officer B said that only 13 plots had been in cultivation during 2003 and:

“As a consequence, management of this site has been difficult, with problems ranging from weeds to vandalism and theft. In view of this, it was decided not to extend or suspend the notice to quit ...”

### **Compensation**

96. By 12 October 2003 17 plots were still tenanted. The Council initially offered 13 of the tenants (where it considered there was evidence of cultivation in 2003) between £25 and £45 compensation each. Some tenants protested that that was an insult and in December the Council increased its offer to £200 each. Of those 13 tenants, one died and £200 was paid to his estate, 10 accepted the offer and 2 (including Mr Pine) rejected it. Only 3 of the tenants transferred to other allotments; the majority gave up allotment gardening. The Council says it considers that, having regard to the

general level of cultivation etc the offer of £200 each was fair to the point of generosity.

97. Mr Pine queries why the second offer was not calculated according to the assets of individual allotments (as he says the first offer was). He says the MAA enquired about the sums paid for the transfer of allotment assets in Hartlepool and found the assets of a well equipped allotment are transferred for £300 - £400.
98. The site at Meadowfields was eventually cleared of all buildings and vegetation by the Council. The Council says the site was only cleared as a result of asbestos being found and a decision made on Health and Safety grounds to clear it. It remains a cleared site. Mr Pine says much unnecessary damage was done and that only the allotment or allotments containing asbestos need have been cleared.

### **PPG17 Reports**

99. In May 2004 consultants produced two reports for the Council: an audit of Council owned allotments in line with PPG17 and a report on the impact of disposal of Meadowfields and how the assessment criteria to Section 8 consents are met.
100. In the audit report the consultants reported, among other things:
  - (a) allotment associations were almost totally unanimous in their belief that physical conditions at the allotments were poor; particular difficulties were experienced across a range of areas, but notably in relation to vandalism and theft;
  - (b) the Townfields site suffers from persistent and heavy vandalism;
  - (c) including those by now cleared at Meadowfields, the Council has 1089 plots;
  - (d) provision is among the highest in the country: 1.1 acres per 1000 population compared to a figure of 0.5 recommended in the Thorpe Report of 1969; and 28 plots per 1000 households compared to the national average of 15;
  - (e) current occupancy rate, excluding Meadowfields, is 93.8% - a relatively static figure with little change over recent years. There are currently 63 vacant plots;
  - (f) in both quantitative and qualitative terms there are sufficient allotments for Meadowfields to be considered as surplus to requirements; and
  - (g) if levels of occupancy are to be maintained there is a need to carry out improvements across several sites.

101. Audit report recommendations included that:

- Meadowfields should be disposed of;
- disadvantaged and minority groups should be targeted to increase their usage of allotments and reduce under-occupancy;
- 39 vacant plots at Townfields and 14 vacant plots on the other site offered (see paragraph 81) should be put to alternative use; and
- flooding and water-logging on two other sites need to be addressed to reduce vacancies/potential vacancies.

102. Mr Pine points out that, when you deduct the 53 vacant plots on two other sites recommended for alternative use and the plots on two more sites vacant due to flooding/water-logging, the number of names on the waiting list (49 as at 25 May 004) exceeded the number of available allotments. Thus he says there was, and continues to be, an unmet demand for allotments in Hartlepool.

103. The consultants' report about the disposal of Meadowfields said, among other things:

- (a) Meadowfields, just prior to site clearance, was visually unappealing with the preponderance of unlet plots giving an untidy appearance;
- (b) in October 2003 there were only 17 registered tenants, of which seven had not cultivated their plots for some time;
- (c) the possibilities of a group move to Townfields or the other site were rejected by the tenants;
- (d) that there was no waiting list for Meadowfields and for the last few years plots have not been re-let when they have become vacant.

The consultants also discussed relevant planning considerations.

104. However, in relation to those four issues/points:

- (a) no consideration appears to have been given that this resulted from the Council's no relettings practice since 1996 and that several tenants gave up in the year to October 2003;
- (b) again the factors above do not appear to have been considered;
- (c) no mention is made of the vandalism problems at Townfields and the distance to the other site; and

- (d) the report described the no relettings practice as being “for the last few years”, when in fact it had gone on for eight years.

105. Also significant gaps in the discussion about planning considerations were apparent, for example no reference to emerging policy GN3, the principles of the adopted Local Plan and consideration of what other brownfield sites were still available for housing development.
106. The Council says that, given that this second consultants’ report was essentially aimed at addressing the application to the Secretary of State for disposal, it was not considered essential for the report to make detailed reference to planning considerations.
107. The consultants concluded that Meadowfields could be disposed of without adverse impact on allotment or open space provision in the town.

#### **Secretary of State’s Consent**

108. On 11 June 2004 the Council submitted to the Secretary of State the amended application for the disposal of Meadowfields. Its submission included the two reports referred to above.
109. On 25 October the Secretary of State gave unconditional consent to the disposal.

#### **Planning Inspector’s Report on the Emerging Local Plan**

110. A Central Government Planning Inspector held a public local inquiry into new and outstanding objections to the Council’s Revised Deposit Draft during 2004. In her report published on 19 January 2005 the Inspector concluded that, even excluding the allotments, this is predominantly a greenfield site the allocation of which for housing could materially prejudice the development of brownfield land elsewhere within the urban area. She commented that:

“The thrust of national and regional guidance is that development should be concentrated on recycled urban land<sup>24</sup>.”

111. The Inspector recommended that the whole area (The Paddock, Meadow Home and Meadowfields sites) be deleted from the plan and suggested that The Paddock and

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24 At paragraph 7.18 on page 66.

Meadow Home sites only be included in a ‘shopping list’ of possible sites that may be introduced at a later phase of the plan<sup>25</sup>.

112. The Inspector commented that the findings of a recent Council audit and assessment of allotment provision in Hartlepool indicated a strong local demand for allotments. She went on:

“Against this background I consider that this land remains viable for allotment use ... From the plans provided with the audit, it seems to me that removal of the [Meadowfields] site would lead to a significant gap in allotment coverage.”

113. The Planning Inspector’s recommendations are not binding on the Council but the Council must demonstrate reasonable grounds for any decisions not to adopt the Inspector’s recommendations<sup>26</sup>. The Council is currently considering these recommendations.

### **Claimed Injustice**

114. Mr Pine says he has lost a very important part of his life. He says that after he retired he spent a lot of time at the allotments and in summer he would visit every day. Another MAA member, who has accepted an allotment elsewhere, describes Meadowfields as “idyllic” and “the best sheltered allotments in town”. Mr Pine has provided a list of 14 members of the MAA who would like to return to Meadowfields. He suggests that a suitable remedy for the complaint would be to reinstate the allotments.

### **The Council’s Response**

115. The Council says it considers the following background information is also relevant:

“During 1988 & 1989, a public consultation exercise was undertaken as part of the Park Conservation Area Guidance Statement. As part of the consultation process the County Valuer asked whether [the Council] would consider a joint sale of the County Council owned [Paddock] and [Meadowfields].

A report was made to [the Council’s] Leisure Services Committee on 7<sup>th</sup> March 1989 stating that the Director of Leisure would not oppose a sale of [Meadowfields]. At that

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<sup>25</sup> At paragraph 7.18 on page 67.

<sup>26</sup> Town and Country Planning (Development Plan) Regulations 1999, regulation 27.

time [the committee] refused to agree to the disposal of [Meadowfields] ...

In planning terms, officers considered the redevelopment of [Meadowfields] as the best option as, were [Meadowfields] to remain, they would blight [the Paddock] site and would constrain quality executive housing. In view of the Leisure Committee's objection, [Meadowfields] was not included in the 1994 Local Plan. The boundary of the Limit to Development did however include [Meadowfields] within the urban area thus enabling it to be developed in the future.

The Housing Brief prepared in January 1995 indicated that the development of [the Paddock] should not preclude the future development of [Meadowfields].

In 1995, the County Council set in action the process to sell [the Paddock].

Following the 1996 reorganisation of local government, [the Paddock] ... came into [the Council's] ownership. In the 2001 Deposit Local Plan the whole site [including Meadow Home] was identified for housing.

In this period, to ensure the efficient management of all its assets, [the Council] was reviewing its property assets. In October 2000, [the Council] formally decided to apply to the Secretary of State to be allowed to sell [Meadowfields]."

116. Referring to paragraph 11 the Council says that other relevant 1994 Local Plan objectives should be acknowledged - particularly B1 which stated:

"to ensure that there is available throughout the plan period an adequate supply of housing land which is capable of offering in different localities, a range of house types to meet all needs."

It also points out that PPG3 refers to the need for a wide range of housing choice.

117. The Council says it is important to acknowledge that the consideration of opportunities to generate capital receipts by the disposal of assets is a wholly legitimate function of the Council. It says the efficient management of its assets in this way helps finance the delivery of services.

## Conclusion

118. The Council has a number of responsibilities which are relevant here. As a landowner it, quite properly, seeks to manage its property efficiently and it is perfectly entitled to decide that it wishes to sell land and realise a capital receipt. As the local planning authority it must consider whether a planning application accords with relevant national and local policies. It also however has a duty to make adequate allotment provision. This complaint arose out of a conflict between these responsibilities. No criticism attaches to the Council for looking to raise money to fund the services it provides to the community it serves. However, the way in which the Council pursued this aim in this instance was flawed.
119. It seems to me that in this case the Council decided, as landowner, to sell the land in question here without first establishing the likelihood of a successful planning application. The result was that it allowed the Meadowfields site to deteriorate such that by the time the Council served the notices to quit on the tenants it had, apparently, ample justification for doing so. The failure by the Council, initially and before it took any firm action, to consider the question of whether planning permission would be granted amounts to maladministration. I am satisfied that as a direct consequence of that maladministration the complainant and his colleagues suffered the loss of their allotments. (I see nothing wrong with the ecologist's report.)
120. The decision of the Council to serve notices to quit on the allotment holders, the enforcement of those notices despite an earlier undertaking not to ask allotment holders to vacate their holdings until a sale could be achieved and the failure to offer the allotment holders a reasonable alternative site to which they could move together amount to significant but avoidable injustice to the tenants of Meadowfields. Some allotment holders have simply given up, others have moved to what are, for them, inferior allotments elsewhere and long established friendships have been disrupted.
121. To remedy this injustice the Council should give serious thought to the re-establishment of Meadowfields as an allotment site (albeit possibly with fewer plots) in consultation with representatives of the Meadowfields Allotments Association with priority for new holdings being given to those who previously held allotments on the site. This should be done without delay.



122. The Council should pay Mr Pine £250 for his time, trouble and expense in pursuing his complaint. It should also repeat its compensation offers of £200 to Mr Pine and to his fellow association member who initially refused it.

**Mrs P A Thomas  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
York  
YO30 5FZ**

**31 August 2005**

# CABINET REPORT

24 October 2005



**Report of:** Director of Neighbourhood Services

**Subject:** KENDAL ROAD – TRAFFIC REGULATION ORDERS

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## SUMMARY

### 1. PURPOSE OF REPORT

To consider an objection to the traffic regulation orders for Kendal Road.

### 2. SUMMARY OF CONTENTS

This report details the information collected in relation to the objection submitted to the traffic regulation orders.

### 3. RELEVANCE TO CABINET

The objection was reported to the Culture, Housing and Transportation Portfolio Holder on 5 October 2005 who referred the matter to Cabinet due to a declared conflict of interest.

### 4. TYPE OF DECISION

Non key.

### 5. DECISION(S) REQUIRED

That the objection be noted and the scheme be approved.

**Report of:** Director of Neighbourhood Services

**Subject:** KENDAL ROAD – TRAFFIC REGULATION ORDERS

---

**1. PURPOSE OF REPORT**

- 1.1 To consider an objection to the traffic regulation orders for Kendal Road.

**2. BACKGROUND**

- 2.1 Residents of Kendal Road have previously submitted a complaint to the Ombudsman over parking difficulties in Kendal Road, since the Belle Vue Centre has been extended. The Ombudsman ruled that parking improvements in the area should be investigated and, as a result, Residents Parking was proposed for the west side, with double yellow lines suggested for the east side.
- 2.2 The Centre objected to these proposals and, as a result of this, a meeting was arranged with their representatives to discuss the scheme.
- 2.3 The proposal was then revised to retain the Residents Parking on the west side, but reduce the double yellow lines on the east side to a short section near to the Centre entrance. This would allow parking for deliveries, disabled drivers and also keep an area clear to assist people crossing to and from the centre.
- 2.4 Consultation was carried out in the form of a door-to-door survey of residents. This allowed residents the opportunity to ask questions on the proposals and have the drawings explained to them, if necessary.
- 2.5 From this consultation, out of 10 residents, 7 were in favour of the proposals, 1 refused to comment and 2 could not be contacted. These results show a clear majority of residents in favour of the proposals, which are also acceptable to the Belle Vue Centre.
- 2.6 Following the consultation, the scheme was approved by Cabinet and was then passed to the Council's Legal Section to allow them to proceed with the advertising of the order.

- 2.7 During the advertising period, an objection letter was received from a resident. The letter had a number of forms attached objecting to the order which related to the length of the double yellow lines on the east side of Kendal Road. These forms have been signed by 6 of the 10 residents, who had previously been in favour of the proposals in the door to door consultation (see **Appendix 1**).
- 2.8 To summarise, the Belle Vue Centre are understandably opposed to double yellow lines along the full length of their side of the road. Residents on the west side are catered for by the provision of Residents Permit parking on that side of the road.
- 2.9 The reason for the objection appears to be on road safety grounds, however, the short section of double yellow lines proposed will create a clear area that will assist pedestrians in crossing the road.
- 2.10 There have been no accidents recorded in the last 3 years which does not indicate a road safety problem, and the new “clear area” will also aid pedestrians wishing to cross the road. As with all schemes, the situation will be monitored and should a casualty problem develop then the area will be reviewed.
- 2.11 A plan of the area is attached at **Appendix 2**.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 The cost of advertising and implementing the order would be met from the Council’s traffic management budget.

### **4. RECOMMENDATION**

- 4.1 That the objection be noted and the scheme be approved.

16/9/05

9.35a

Mr Paul Walker,  
Chief Executive,  
Hartlepool Borough Council,  
Civic Centre,  
Hartlepool,  
TS24 8AY.

56 Kendal Road,  
Hartlepool,  
TS25 1QU.

12<sup>th</sup> September 2005

Dear Sir,

**Kendal Road, Prohibition of waiting order 2005. UN5017**

I wish to object to the implementation of the above proposed order .

The proposed parking restrictions for Kendal Road (east) will not provide an effective remedy to the acute road safety problems that I, my family and fellow residents have to endure, due to the traffic congestion generated by the Belle Vue Centre in Kendal Road.

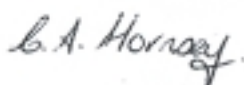
The former proposed 12<sup>th</sup> January 2005 Kendal Road Parking Scheme, which would have placed double yellow line parking restrictions along the entire length of Belle Vue Centre's Frontage and was accepted by the residents as a solution to many of the acute road safety issues in Kendal Road, have, it would appear been overruled and dismissed by the council.

If however the now proposed order is implemented against the wishes of the residents ignoring the obvious road safety issues applicable to Kendal Road, then the council must bear the consequences of any future road accidents occurring in Kendal Road as a result of the Council's in appropriate actions.

I would therefore request, that the above order is withdrawn and that the former 12<sup>th</sup> January 2005 Kendal Road Parking Scheme is implemented.

Will you please write acknowledging receipt of this letter of objection and also of the enclosed objections from fellow residents.

Yours faithfully



Mrs C A Hornsey

Mr. Paul Walker,  
Chief Executive,  
Hartlepool Borough Council,  
Civic Centre,  
Hartlepool,  
TS24 8AY.

Dear Sir,


**Kendal Road, Prohibition of waiting 2005, UN5017**

I the undersigned do object to the above proposed order.

The proposed parking restrictions for the east – side of Kendal Road on the Belle Vue Centre's frontage are totally inadequate and will fail to overcome the predominant road safety issues or provide safe pedestrian access, to the centre.

Will not deter on street double parking with all its associated risks to road safety or alleviate the acute traffic congestion in Kendal Road.

I would therefore request that this order be withdrawn and that the former proposed 12<sup>th</sup> January 2005 Kendal Road Parking Scheme, accepted by residents, is implemented.

  
.....  
.....LESLIE MASON.....  
.....  
.....58 KENDAL.....  
.....  
.....ROAD.....  
.....  
.....12.9.05.....

MR. PAUL WALKER,  
Chief Executive,  
Hartlepool Borough Council,  
Civic Centre,  
Hartlepool,  
TS24 8AY.

Dear Sir,

**Kendal Road, Prohibition of waiting 2005, UN5017**

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Will not deter on street double parking with all its associated risks to road safety or alleviate the acute traffic congestion in Kendal Road.

I would therefore request that this order be withdrawn and that the former proposed 12<sup>th</sup> January 2005 Kendal Road Parking Scheme, accepted by residents, is implemented.

E. Stokes

54 Kendal Road  
Hartlepool  
Cleveland  
TS 25 1 6U.

15.9.05.

MR. PAUL WALKER,  
Chief Executive,  
Hartlepool Borough Council,  
Civic Centre,  
Hartlepool,  
TS24 8AY.

Dear Sir,

**Kendal Road, Prohibition of waiting 2005, UN5017**

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I would therefore request that this order be withdrawn and that the former proposed 12<sup>th</sup> January 2005 Kendal Road Parking Scheme, accepted by residents, is implemented.

W. Smith  
52 KENDAL ROAD  
HARTLEPOOL  
TS24 1DU  
15.9.05  
W. Smith  
.....  
.....  
.....



Mr. Paul Walker,  
Chief Executive,  
Hartlepool Borough Council,  
Civic Centre,  
Hartlepool,  
TS24 8AY.

Dear Sir,

**Kendal Road, Prohibition of waiting 2005, UN5017**

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Will not deter on street double parking with all its associated risks to road safety or alleviate the acute traffic congestion in Kendal Road.

I would therefore request that this order be withdrawn and that the former proposed 12<sup>th</sup> January 2005 Kendal Road Parking Scheme, accepted by residents, is implemented.

J MASON  
50 KENDAL RD  
HARTLEPOOL  
TS25 1QU

Mr. Paul Waiker,  
Chief Executive,  
Hartlepool Borough Council,  
Civic Centre,  
Hartlepool,  
TS24 8AY.

Dear Sir,

**Kendal Road, Prohibition of waiting 2005, UN5017**

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I would therefore request that this order be withdrawn and that the former proposed 12<sup>th</sup> January 2005 Kendal Road Parking Scheme, accepted by residents, is implemented.

KEVIN JOSEY  
49 KENDAL ROAD  
X JOSEY 15/9/05  
.....  
.....  
.....  
.....

MR. PAUL WALKER,  
Chief Executive,  
Hartlepool Borough Council,  
Civic Centre,  
Hartlepool,  
TS24 8AY.

Dear Sir,

**Kendal Road, Prohibition of waiting 2005, UN5017**

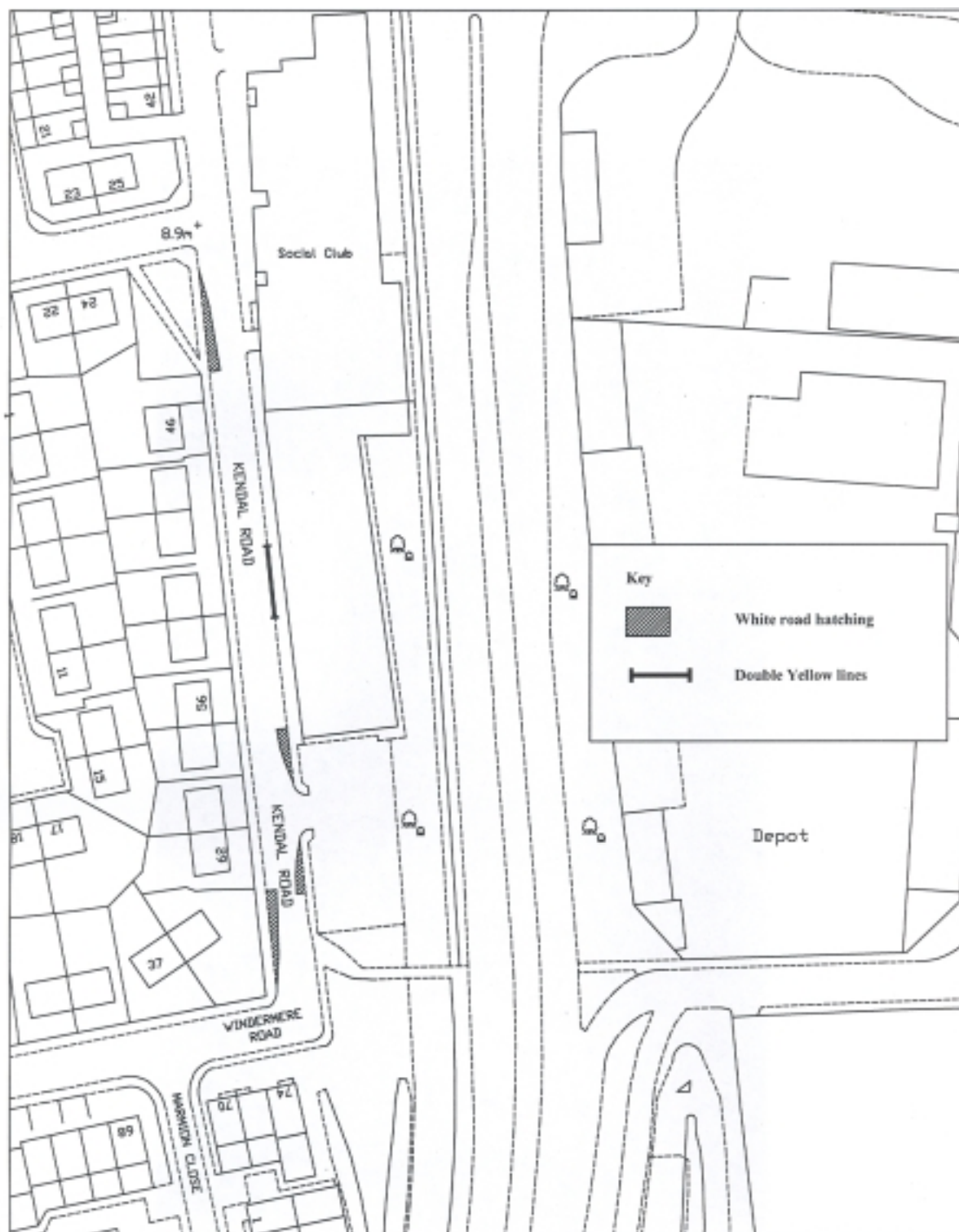
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Will not deter on street double parking with all its associated risks to road safety or alleviate the acute traffic congestion in Kendal Road.

I would therefore request that this order be withdrawn and that the former proposed 12<sup>th</sup> January 2005 Kendal Road Parking Scheme, accepted by residents, is implemented.

Shelley Hall  
62, Kendal Road  
Hartlepool  
TS25 1DU  
Shall 14-9-05



## TITLE

Kendal Road – Double yellow lines

HARTLEPOOL BOROUGH COUNCIL  
 DEPT. OF ENVIRONMENT & DEVELOPMENT  
 HEAD OF HIGHWAYS AND TRANSPORTATION: I.PARKER

DRAWN M.R.	CHECKED P.F.
SCALE 1:1000	DATE June '05
DRG. NO.	REV.

# CABINET REPORT

24<sup>th</sup> October 2005



**Report of:** Adult and Community Services and Health Scrutiny Forum

**Subject:** FINAL REPORT – INVESTIGATION INTO ‘ALCOHOL ABUSE AND YOUNG PEOPLE’

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## SUMMARY

### 1. PURPOSE OF REPORT

To present the Adult and Community Services and Health Scrutiny Forum's final report into; Alcohol Abuse and Young People.

### 2. SUMMARY OF CONTENTS

The report contains a summary of the scrutiny process undertaken by the Adult and Community Services and Health Scrutiny Forum, the key findings from the enquiry and the recommendations of the Forum in relation to Alcohol Abuse and Young People.

### 3. RELEVANCE TO CABINET

To consider the recommendations of Scrutiny in relation to this issue.

### 4. TYPE OF DECISION

NON-KEY

### 5. DECISION MAKING ROUTE

Cabinet on 24<sup>th</sup> October 2005

**6. DECISION(S) REQUIRED**

6.1 Approval of Scrutiny Recommendations as noted in the report

**Report of:** Adult and Community Services and Health Scrutiny Forum

**Subject:** FINAL REPORT – INVESTIGATION INTO ‘ALCOHOL ABUSE AND YOUNG PEOPLE’

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## **1. PURPOSE OF REPORT**

- 1.1 To present the findings from the Adult and Community Services and Health Scrutiny Forum’s investigation into Alcohol Abuse and Young People in Hartlepool.

## **2. BACKGROUND**

- 2.1 The Adult and Community Services and Scrutiny Forum (previously known as the Health and Social Care Scrutiny Forum) began its inquiry into Alcohol Abuse & Young People on the 25<sup>th</sup> January 2005. Members of the forum opted to consider Alcohol Abuse as the Forum’s first insight into Lifestyle Issues in the Borough.
- 2.2 The decision to focus on Alcohol Abuse was taken during an early scoping exercise as Members recognised the need to focus the investigation on a specific issue in order to undertake a manageable Scrutiny investigation. However, lifestyles remained a core reference point for the Forum throughout this investigation. The remaining lifestyles issues identified by the forum for future scrutiny include, Obesity, (Diet and Exercise), Smoking and Substance Misuse.
- 2.3 Members of the Adult, Community and Health Services Scrutiny Forum accepted that sensible drinking may have a positive effect on health, the forum considered the adverse consequences of the ‘booze culture’ at both a societal level and an individual level. The terms of reference governing this review were:
- the effectiveness of strategies and policies in place to combat alcohol abuse (with a particular emphasis on young people).
  - Partnership working
  - health treatment services,
  - a review of alcohol related crime and disorder,
  - the role of the alcohol industry.

- 2.4** During the course of the enquiry, the Forum has heard from a number of witnesses including, representatives from the Primary Care Trust, Hartlepool's Licensees Association, Social Services, Cleveland Police, Trading Standards, Community Safety and the Youth Service.

### **3. RATIONALE FOR THE INQUIRY**

- 3.1** The Council has a key role to play in tackling health inequalities and promoting healthy lifestyles, as to a greater or lesser extent every part of a local authorities activity has a health implication. Lifestyle issues however are not easy to tackle and the direct influence that local government can have is limited. However, it is widely accepted that councils are best placed to facilitate health promotion, which includes joining up a range of local government responsibilities and local partners across a range of different policy areas to develop an effective health partnership between the local authority, NHS and other key stakeholders. Thus, the Council in its role as a community leader can provide a democratically accountable co-ordination of services to local people and so is uniquely well placed to assist individuals in taking control of their own health in three main ways:

- Providing services that help individuals take measures to improve their own health.
- Ensuring that all council's own services and strategies make a positive contribution to well being.
- As key partners to health professionals.

### **4. METHODS OF INVESTIGATION**

- 4.1** The Adult, Community & Health Scrutiny Forum undertook an extensive investigation into the issues surrounding Alcohol Abuse and Young People in Hartlepool. Members of the Forum were keen to engage key partners in order to develop robust recommendations.
- 4.2** A variety of sources were used in order to investigate the issues thoroughly. This included, national policy guidance, engaging local partners, including licensees and young people in order to obtain complete understanding of the issues. This then enabled the Forum to develop a series of recommendations which it believes will help tackle the growing problem of Alcohol Abuse in Hartlepool.



## 5. CONDUCT OF THE INQUIRY – SUMMARY

Meeting	Date	Discussion Themes/Key Issue
1	16-11-04	- Having received an extensive briefing on a variety of lifestyle issues (smoking, substance misuse, alcohol abuse and obesity) Members agree to focus on Alcohol Abuse and Young People.
2	25-01-05	<ul style="list-style-type: none"> <li>- Report from Head of Public Protection &amp; Housing on the Underage Sales of Alcohol – Licensing Act/Trading Standards</li> <li>- Presentation from Director of Public Health and Wellbeing (PCT) on Alcohol Misuse &amp; Young People – included discussion of local services/support, sensible drinking guidelines and identification and treatment.</li> <li>- Presentation from Mental Health Team Manager on how Young people and families division of Social Services deal with alcohol abuse amongst young people.</li> <li>- The Drug Prevention Co-ordinator of Hartlepool PCT presented national and regional statistics on alcohol abuse and young people. In addition the <i>Straightline Project</i> – a pilot project run in partnership with various stakeholders was described.</li> </ul>
3	22-02-05	<ul style="list-style-type: none"> <li>- Overview of Alcohol Education within the School Setting and Youth Offending Service was presented to the forum by the Head of Community Safety.</li> <li>- The results of a confidential questionnaire into youth issues – including use/experience of Alcohol was presented to the forum.</li> </ul>
4	08-03-05	<ul style="list-style-type: none"> <li>- Report from Cleveland Police on Policing Alcohol related incidents and the night time economy in Hartlepool.</li> <li>- Discussions with Chair of Hartlepool's Licensees Association – the licensees perspective.</li> </ul>
5	19-04-05	- Progress Report & agreement to progress with further consultation with key partners.
6	28-06-05	Evidence received from Peter Carlin Page (Alcohol & Substance Misuse Co-ordinator – Sunderland PCT) on 'Sunderland Alcohol Strategy' & Best Practice
7	23-08-05	Written consultation reported and draft final report presented for consideration

## **6. KEY ISSUE**

- 6.1 Whilst Members of the Health and Social Care Scrutiny Forum wished to focus the investigation around young people (loosely defined as those under thirty), when accessing the various reports and research available in this field it was noted that the definition of 'young' varies considerably and thus it has not always been possible to adhere fully to the Forums definition.

## **7. NATIONAL CONTEXT**

### **7.1 National perspective – The facts**

- 5.9 million people in England drink above the Government's recommended daily guidelines on some occasions.
- 38% of men and 25% of women drink on 3 or more days in the week.
- 24% of children aged 11 – 15 years drink alcohol, and they drink an average of 10.5 units per week.
- Alcohol misuse is associated with 150,000 hospital admissions each year.
- Alcohol-related liver disease is responsible for over 30,000 hospital admissions each year.
- Around one-third of all accident and emergency department attendances are alcohol-related.
- During the course of peak activity on Friday and Saturday, 80% of people who attend Accident and Emergency Units have alcohol related injuries or problems.
- Between 15,000 and 22,000 deaths each year are associated with alcohol misuse.

### **7.2 National Strategy & Context – Overview**

- 7.2.1 Following on from the 1999 White Paper "Saving Lives: Our Healthier Nation" in which the Government stated it would develop a national strategy to tackle alcohol misuse, the Government published the Alcohol Harm Reduction Strategy for England (AHRSE) in 2004. This strategy attempts to co-ordinate health and crime, which are arguably the main areas of alcohol related harm.

- 7.2.2 The strategy outlined four key ways to tackle alcohol related harm, through:

- Improved and better targeted, education and communication
- Better identification and treatment of alcohol problems
- Better co-ordination and enforcement of existing powers against crime and disorder
- Encouraging the industry to continue promoting responsible drinking and to continue to take a role in reducing alcohol related harm.

- 7.2.3 The aim of the national strategy is to prevent any further increase in alcohol related harm. It recognises that the vast majority of people enjoy alcohol without causing harm to themselves or to others and that they can also gain some health and social benefits from moderate use. However, it is clear that for some people alcohol misuse is a real problem leading to health disorders and disease, crime and anti-social behaviour, loss of productivity in the workplace, and problems for those who misuse alcohol and their families (including domestic violence).
- 7.2.4 Two patterns of drinking are identified as particularly likely to raise the risk of harm - binge drinking and chronic drinking. Binge-drinkers are those who drink to get drunk and are likely to be aged under 25. They are more likely to be men, although women's drinking has been rising fast over the last ten years. Binge drinkers are at increased risk of accidents and alcohol poisoning. Men in particular are more likely both to be a victim of violence and to commit violent offences. There can also be a greater risk of sexual assault. The impacts on society are visible in, for example, high levels of attendance at A&E related to alcohol.
- 7.2.5 Chronic drinkers are more likely to be aged over 30 and around two-thirds are men. They are at increased risk of a variety of health harms such as cirrhosis of the liver (which has nearly doubled in the last 10 years), cancer, haemorrhagic stroke, premature death and suicide. They are also more likely to commit the offences of domestic violence and drink-driving.
- 7.2.6 The strategy is intended to provide a strong base for where Government should intervene and lead, whilst recognising that responsibility for alcohol misuse cannot rest with Government alone. The approach relies on creating a partnership at both national and local levels between government, the drinks industry, health and police services, and individuals and communities to tackle alcohol misuse.
- 7.2.7 It includes a series of measures aimed at achieving a long term change in attitudes to irresponsible drinking and behaviour, including:
- making the "sensible drinking" message easier to understand and apply;
  - targeting messages at those most at risk;
  - providing better information for consumers, both on products and at the point of sale;
  - providing alcohol education in schools that can change attitudes and behaviour;
  - providing more support and advice for employers; and
  - reviewing the code of practice for TV advertising to ensure that it does not target young drinkers or glamorise irresponsible behaviour.
- 7.2.8 The strategy proposes a number of measures to improve early identification and treatment of alcohol problems including:
- improved training of staff to increase awareness of likely signs of alcohol misuse;

- piloting schemes to find out whether earlier identification and treatment of those with alcohol problems can improve health and lead to longer-term savings; and
- better help for the most vulnerable – such as homeless people, drug addicts, the mentally ill, and young people – who often have multiple problems and need clear pathways for treatment from a variety of sources.

7.2.9 It also proposes a series of measures to address the problems of town and city centres that are blighted by alcohol misuse, and for closer working with the alcohol industry (manufacturers, retailers, pubs and clubs).

## **8. FINDINGS**

8.1 The evidence gathering process included both written and verbal evidence being considered by Members. Meetings took the form of witnesses attending to present their views, followed by a question and answer/debate period. Outlined below are the key findings from this enquiry:-

### **8.2 The Elected Mayor**

8.2.1 During consultation with the Mayor of Hartlepool, the Mayor indicated that as Chair of the Safer Hartlepool Partnership, one of the key objectives of the Partnership will be to tackle alcohol abuse and develop a local alcohol strategy. The strategy would co-ordinate action on alcohol abuse in Hartlepool and would be delivered in conjunction with other theme partnerships such as the Health & Care Strategy Group. Members of the Scrutiny Forum welcomed this initiative and expressed support for the Mayors lead in this regard.

### **8.3 Acute Trust**

8.3.1 North Tees and Hartlepool Acute Trust indicated that Alcohol Abuse causes enormous problems for the Accident and Emergency Department, and this is in line with national trends. Problems identified included, patients who are physically and verbally abusive to staff and on Thursday, Friday and Saturday night 90% of patients presenting have alcohol related illnesses.

8.3.2 The Trust does not code expenditure on treating alcohol related problems and therefore it is difficult to ascertain the monetary cost of alcohol abuse.

8.3.3 The Trust appeared dissatisfied with arrangements for identifying alcohol problems in A&E and indicated disappointment in the fact that the Primary Alcohol and Drugs Service (PADS) had been withdrawn by Hartlepool Drug Action Team (DAT). However, it should be noted both that this service is in operation under the Trust, and that Hartlepool DAT withdrew this service in order to replace it with a more over-arching programme of support.

- 8.3.4 The Trust works with key partners through Hartlepool Violence in the Town Centre Partnership and indicated that improvements could be made if data was shared across the partnership.

#### 8.4 Cleveland Police

- 8.4.1 The Police stated that violent crime in Hartlepool is rising and is a major concern for the Police. Violent crime, including domestic violence, accounts for the largest proportion of overall crime (21%). Over 1000 offences of violence were recorded in the last six month period of review – 515 offences were flagged ‘committed under the influence (44%) A further 168 offences were flagged ‘at licensed premises’. This indicates increasing trends but in mitigation, might suggest better use of the markers.
- 8.4.2 Local Hotspots have been identified consistently as the town centre which represents the largest percentage of overall crime and disorder in Hartlepool. The incidents of violence are heavily weighted towards the weekend – Friday, Saturday and Sunday with peak times of between 2300hrs and 0300hrs. The significant age group is 13 to 25 years old individuals. Of 990 victims, 51% were male – 49% were female.
- 8.4.3 Alcohol related vehicle collisions have risen to 8 in the last reporting period (Oct 04 – March 05). Hartlepool was the only district of the four in Cleveland to report an increase. However, the number of incidents of this nature has remained relatively constant historically.
- 8.4.4 Underage drinking is transient with young people frequenting open spaces across the borough – Throston, Seaton Carew, Headland, Summerhill, Fens, Rossmere Park are amongst the most popular destinations. Local Statistics are:

⇒ Locally, available details for the first quarter of 2004 (April to June 04) the following numbers of incidents were recorded;

*Violence in connection with licensed premises:*

Middlesbrough – 132

Stockton – 91

**Hartlepool – 79**

Redcar and Cleveland – 63

*Violence committed under the influence of an intoxicating substance:*

Middlesbrough – 324

Stockton – 255

**Hartlepool – 203**

Redcar and Cleveland – 189

- 8.4.5 Whilst the Police indicated that there is multi agency collaboration in terms of licensed premises visits, enforcement and education, and, acknowledged that stakeholders are more open and receptive to joint working and

collaboration, concern was expressed that the majority of actions thus far, in respect of alcohol misuse have been conducted in isolation and determined by respective agencies agendas

## **8.5 Community Safety**

8.5.1 During the evidence gathering session, Members of the forum were informed that the Safer Hartlepool Partnership Strategy for 2005-2008 had prioritised:

- Anti-Social Behaviour including under-age drinking – Straightline project which was a health intervention project
- Violence in town centre associated with alcohol and binge drinking.

8.5.2 The Forum also received information about the impact of Alcohol Abuse on Community Safety. Given the social acceptance of Alcohol, compared with other drugs it was regarded as potentially a greater threat.

## **8.6 Licensees Association**

8.6.1 The aim of the Licensees Association was identified as being to promote Hartlepool as a safe place for employees as well as patrons. The Forum heard that the Association regularly promoted messages about safe drinking and as a group attempt to tackle issues such as, serving under-age drinkers.

8.6.2 In relation to Alcohol Abuse, the Licensees Association expressed concern at the increasing number of cut-price drinks promotions in the Town and considered that they did not promote a safe and/or healthy drinking message to patrons.

8.6.3 Furthermore, the Association expressed concern at the growing trend among young women and alcohol abuse. This was re-iterated by Members of the Forum.

## **8.7 Youth Service**

8.7.1 During consultation with the Youth Service the Forum was able to access vital information in relation to young people and their views on alcohol. The findings presented were extremely valuable to this investigation as it identified that even with alternate choices, 70% of young people (in Hartlepool) would still choose to drink alcohol. Trends in young peoples' use of alcohol mirrored that of the culture in which they lived. Adults significantly influence the behaviour of young people, and it was established that alcohol is embedded in youth culture and therefore responses to alcohol abuse need to be sophisticated and appropriately targeted.

## **8.8 HARTLEPOOL PCT**

- 8.8.1 The Forum received input from the PCT in relation to alcohol misuse and young people. The areas included were the AHRSE Strategy, Local Services/Support, Sensible Drinking Guidelines and Identification and Treatment.
- 8.8.2 Members heard about local initiatives including the straight-line project which is being run as a pilot project in partnership with various organisations including Hartlepool Community Safety Partnership, Hartlepool Police Anti-Social Behaviour Unit, health Development Team and the Youth Offending Service. Members were pleased to note the partnership working however the Forum expressed concern that PCTs were not measured on the work that they do in relation to alcohol.

## **8.9 Trading Standards**

- 8.9.1 Members received information about the role of trading standards in tackling Alcohol Abuse. The potentially serious health and safety implications of underage alcohol sales and the inevitable link with anti-social behaviour meant that the illegal sale of alcohol to minors is considered a high priority area for the trading standards team.
- 8.9.2 The trading standards team arranges and conducts test-purchasing operations. The Forum was informed that such operations require child volunteers to enter retail premises and attempt to purchase alcohol and this must be conducted with the children's safety in mind. There are strict Home Office guidelines regarding working with children which must be adhered to.
- 8.9.3 Over the past three years nearly two hundred test purchase attempts have been made of which nearly ten percent resulted in an illegal sale of alcohol to a child.
- 8.9.4 Members expressed concern about the difficulty retailers must be faced with when determining the age of a young person. However, equally Members expressed significant concerns about rogue traders who knowingly sell alcohol to underage persons.

## **8.10 Sunderland PCT – on 'Sunderland's Alcohol Strategy' & Best Practice**

- 8.10.1 In order to develop robust recommendations Members were keen to hear from the Alcohol & Substance Misuse Co-ordinator from Sunderland PCT about their experience of developing an alcohol strategy and lessons that could be learnt.
- 8.10.2 Throughout the evidence gathering session Members were informed of the need to ensure investment was made into the partnerships to ensure that it was fully equipped to both develop and effectively implement the strategy. Members also noted the blueprint model as a possible strategy to incorporate into Hartlepool's Alcohol strategy.

8.10.3 Key Issues that emerged as central to developing an effective strategy were identified as:

- ⇒ A Lead Officer must be appointed to ensure the strategy is developed, implemented, and accounted for.
- ⇒ The strategy must focus on control, treatment and prevention.
- ⇒ Funding for developing and supporting an alcohol strategy should be sought from the Health Sector.

## 9. Alcohol Abuse & Young People

- 9.1 The Forum noted that Alcohol is the most common drug used by young people. Regular consumption of alcohol often starts early on, with 89% of children admitting to having had their first alcoholic drink by 13 years of age. Alcohol abuse among young people can often be linked to poor school achievement, unsociable behaviour, truancy, unemployment, problems with relationships and delinquency.
- 9.2 However Members of the Forum also noted that the true extent of alcohol abuse among young people is difficult to measure. Many of the surveys conducted target school children, leaving out those children absent from school for reasons such as truancy or exclusion – a sample of young people who are particularly at risk of becoming involved with alcohol and or drugs.
- 9.3 One aspect of Alcohol Abuse that the Forum recognised as a key problem was the harm to children/young people as a consequence of heavy drinkers. For instance, the AHRSE Strategy states that:
- Between 780,000 and 1.3 million children are affected by parental alcohol problems
  - Heavy parental drinking has been identified as a factor in more than half of Child Protection Cases.
  - Children of heavy/problem drinking parents have higher rates of anxiety, depression, relationship problems, and, in households where there is conflict and disruption, are more likely to develop risky drinking habits themselves. Furthermore children may become young carers for problem drinking parents and may experience isolation.
  - By age 15 young people with problem drinking parent(s) have between 2.2 and 3.9 times higher rates of psychiatric disorder as well as higher rates of social dysfunction.
- 9.4 Whilst Members noted the impact problem drinking parents have on young people the Forum regarded lifestyle as a personal factor to every family, culture and community. The Forum further considered that the move towards 24 hour licensing would need to be heavily monitored to safeguard the interests of young people and the wider community.



## **10. CONCLUSIONS & RECOMMENDATIONS**

- 10.1 During its investigation the Forum found that alcohol misuse is an increasing problem which has a lower profile than other substances liable to misuse. This report draws together evidence from a wide range of sources and reflects the issues of concern for Hartlepool.
- 10.2 The Forum welcomes the Elected Mayor's steps towards developing a local Alcohol Strategy for Hartlepool.
- 10.3 The Scrutiny Forum recommend that the Mayor in his position as Chair of the Safer Hartlepool Partnership takes forward the key issues outlined below for integration into the alcohol strategy, in the immediate future to ensure that the strategy is appropriately targeted, effective and successful.
- That the Council leads (via the Mayor) in developing the alcohol strategy and ensures that all key stakeholders are engaged in the process, including license holders.
  - That alcohol abuse prevention is given a high priority locally and that there is improved co-ordination of local support services to tackle the issue of Alcohol Abuse.
  - That a Lead Officer is appointed to develop the Alcohol strategy, and that funding for this appointment is sought externally via the Health Sector.
  - That the Blueprint Model be assessed for possible use within the Alcohol Strategy.
  - That specific measures are introduced within the Alcohol Strategy to tackle the growing trend amongst young women and alcohol abuse
  - That the Executive actively promotes local support services for people with Alcohol Problems.
  - That the Scrutiny Forum receives regular updates on progress in relation to developing an alcohol strategy.

## **11. ACKNOWLEDGEMENTS**

- 11.1 The Committee is grateful to all those who have presented evidence during the course of our enquiry. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

Elected Mayor;

Richard Sewell - Hartlepool Licensees Association

Representatives from Hartlepool PCT,  
Peter Carlin Page - Sunderland PCT,  
Tim Blades, Acting Superintendent Operations - Cleveland Police  
All Representatives from Council Departments.

**COUNCILLOR HARRY CLOUTH  
CHAIR OF ADULT AND COMMUNITY SERVICES AND HEALTH SCRUTINY  
FORUM**

October 2005

**Contact:-** Sajda Banaras – Scrutiny Support Officer  
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**BACKGROUND PAPERS**

The following background papers were consulted or referred to in the preparation of this report:-

- (i) Report of Scrutiny Support Officer entitled 'Alcohol Abuse – Progress Report held on 19<sup>th</sup> April 2005.
- (ii) Minutes of the Health and Social Care Scrutiny Forum meeting held on 28<sup>th</sup> June 2005.
- (iii) Minutes of the Adult and Community Services and Health Scrutiny Forum meeting held on the 23<sup>rd</sup> August 2005.

# CABINET REPORT

24<sup>th</sup> October 2005



**Report of:** Neighbourhood Services Scrutiny Forum

**Subject:** FINAL REPORT – ‘CIVIC CENTRE - CAPITAL MAINTENANCE PROGRAMME 2005/06 TO 2007/08’

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## SUMMARY

### 1. PURPOSE OF REPORT

To outline the recommendations of the Neighbourhood Services Scrutiny Forum in relation to the Civic Centre Capital Maintenance Programme 2005/6 to 2007/8.

### 2. SUMMARY OF CONTENTS

The report contains a brief outline of the recommendations of the Neighbourhood Services Scrutiny Forum in relation to the Civic Centre Capital Maintenance Programme 2005/6 to 2007/8.

### 3. RELEVANCE TO CABINET

Cabinet referred the item to Scrutiny for its comments on 22 July 2005.

### 4. TYPE OF DECISION

Not applicable

### 5. DECISION MAKING ROUTE

Cabinet

### 6. DECISION(S) REQUIRED

Cabinet approves the recommendations of the Neighbourhood Services Scrutiny Forum

**Report of:** Neighbourhood Services Scrutiny Forum

**Subject:** FINAL REPORT – ‘CIVIC CENTRE - CAPITAL MAINTENANCE PROGRAMME 2005/06 TO 2007/08’

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## 1. PURPOSE OF REPORT

- 1.1 To outline the recommendations of the Neighbourhood Services Scrutiny Forum in relation to the Civic Centre Capital Maintenance Programme 2005/6 to 2007/8.

## 2. BACKGROUND INFORMATION

- 2.1 At a meeting of the Cabinet held on 22 July 2005, consideration was given to the recommended areas of major works to be undertaken at the Civic Centre, the programme of maintenance works for the next three years together with the development of the Corporate Contact Centre. Cabinet approved Schedule 1 a list of essential works at this meeting and requested that Scrutiny should give further consideration to Schedule 2, a list of desirable although still important works (attached at **Appendix A**).
- 2.2 This referral was seeking advice on an item which is subject to a key decision (types i and ii) hence consideration by the Scrutiny Coordinating Committee was mandatory. The Committee considered the matter on 5 August 2005, and decided that the item fell within the remit of the Neighbourhood Services Scrutiny Forum, and consequently referred the matter to this Scrutiny Forum for further investigation.
- 2.3 On the 19 August 2005 the Neighbourhood Services considered this item with the Director of Neighbourhood Services, Head of Procurement and Property Services, Property Manager, and Chief Financial in attendance to provide evidence to the Forum in relation to this matter.
- 2.4 Members of the Forum considered the works included in Schedule 2 of the cabinet report in **Appendix A**, and approved the list as it stands. In addition Members made the following recommendations in relation to these priorities:
- That all the works in Schedule 2 appeared essential
  - Of the works on the list, those that are concerned with improving the accessibility of the Civic Centre to the public – such as Council Chamber audio conference facility upgrade – should be considered as the highest priorities.
  - Access groups, and the Council's Access Officer, must be involved in the planning of access works.
  - Additional funding opportunities should be explored to fund the works, examples of this are: possible NRF funding; the use of possible future

savings (resulting from essential works being carried out); and the possible use of improved interest rates.

- 2.5 On 5 September 2005 the Neighbourhood Services Scrutiny Forum agreed its final report, and on 30 September 2005 Scrutiny Co-ordinating Committee approved the final report for submission to Cabinet.

### **3. RECOMMENDATION**

- 3.1 That Cabinet approves the Final Report of the Neighbourhood Services Scrutiny Forum, and specifically the recommendations in section 2.4.

## **BACKGROUND PAPERS**

The following background paper was used in the preparation of this report:-

- (i) Minutes of the Cabinet Meeting held on 22 July 2005.
- (ii) Cabinet Report from 22 July 2005 – ‘Civic Centre - Capital Maintenance Programme 2005/6 to 2007/8 and Corporate Contact Centre Development’
- (iii) Neighbourhood Services Scrutiny Forum Report from 19 August 2005 – ‘Scrutiny Topic Referral from Scrutiny Co-ordinating Committee - Civic Centre - Capital Maintenance Programme 2005/6 to 2007/8’

## 9.2

### APPENDIX A

<b>SCHEDULE 2</b>			
<b>Description</b>	<b>Estimated Costs inc. Fees £</b>	<b>Comments</b>	<b>Priority</b>
Internal cracking to column details in committee rooms and upper floor toilets	0	Monitor and if necessary determine appropriate action and build into this and the Planned Maintenance Programmes	3
Install Fire Alarm Sprinkler system	170000	Improvement to building protection and risk reduction	3
Upgrade existing security and access control system	80000	Dated access control system.	3
Level 2 programmed fall pipe de-scale	45000	Fall pipes are encased within columns. Acid de scale executed 2002/2003	3
Upgrade existing toilet provision	205000	12 toilet units.	3
Removal internal doors with asbestos core and renew	70000	Improved control of on site work and risk reduction. Asbestos Management System is in place	3
Chamber automatic blind renewal	15000	Operational failures April 2004/2005.	3

## 9.2

### APPENDIX A

Chamber audio conference facility upgrade	55000	Previously requested feasibility undertaken with only a reduced project implemented 2003/2004.	3
General flooring renewal	40000	Operating satisfactorily. Could be phased programme.	3
Resurface underground car park including renewal half channels	70000	Preventative Maintenance	3
Localised external re pointing	15000	Preventative Maintenance	3
DDA Compliance e.g. Various : Doors – Toilets – Counters – Aids to Communication	10000	Areas of building open to the public need to be made suitable for and accessible to disabled people to meet the requirements of BVPI 156	2
Completion of Civic Suite Furniture and decoration refurbishment	300000	Original furniture in poor condition and decoration tired.	2
<b>TOTAL</b>	<b>1,075,000</b>		