

CABINET

MINUTES AND DECISION RECORD

24 OCTOBER 2005

Present:

The Mayor (Stuart Drummond) - In the Chair

Councillors: Stanley Fortune (Finance Portfolio Holder),
Peter Jackson (Performance Management Portfolio Holder),
Robbie Payne (Culture, Housing and Transportation Portfolio Holder),
Ray Waller (Adult & Public Health Services Portfolio Holder).

Officers: Paul Walker, Chief Executive
Andrew Atkin, Assistant Chief Executive
Mike Ward, Chief Financial Officer
Tony Brown, Chief Solicitor
Ian Parker, Director of Neighbourhood Services
Ian McMillan, Acting Director of Adult and Community Services
John Mennear, Acting Assistant Director of Adult and Community Services
Stuart Green, Assistant Director (Planning and Economic Development)
David Cosgrove, Principal Democratic Services Officer
Angela Hunter, Principal Democratic Services Officer

Also present: - Councillors Clouth, Cook, Cranney, Griffin, Kennedy, Preece, Shaw, Tumilty, D Waller and M Waller.

Representing Cleveland Police Authority; -
Councillor D McLuckie, Chairman
Mr Sean Price, Chief Constable
Mr Joe McCarthy, Chief Executive

108. Apologies for Absence

Cath Hill (Children's Services Portfolio Holder)

109. Declarations of interest by members

The Mayor and Councillor Payne declared a private and personal interest in Minute No.116 "Kendal Road – Traffic Regulation Orders".

110. Confirmation of the minutes of the meeting held on 10 October 2005

Received.

111. National Police Service Restructure (*Chief Executive*)

Type of decision

Non-key.

Purpose of report

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 requested, as part of the consultation, that they be provided with the opportunity to address Cabinet and the Chief Constable Sean Price, Chief Executive Joe McCarthy and Chairman of Cleveland Police Authority Councillor McLuckie were present at the meeting.

Issue(s) for consideration by Cabinet

Mr Price and Mr McCarthy gave a presentation to the meeting on the Government's proposed restructuring of the police service in England and Wales. The presentation outlined the issues raised by Her Majesty's Inspector of Constabulary (HMIC) in their report "Closing the Gap", a review of the fitness for purpose of the current structure of policing in England and Wales. HMIC suggested that smaller forces do not adequately meet the requirements to deliver effective protective services.

Councillor McLuckie informed Members that as well as seeking options for restructuring, the government had also now indicated that it would wish to see a preferred option being put forward by each Police Authority. The four options for restructuring outlined in the presentation were: -

- ? Tees Valley City Region
- ? Cleveland Police current structure
- ? Amalgamation with Durham Constabulary
- ? Amalgamation with Northumbria Police and Durham Police, creating a regional police force.

It was acknowledged that with the very tight time scales set by the government, consultation with all appropriate stakeholders was very difficult. Mr Price indicated that this was the twenty-eighth meeting receiving this presentation.

The preferred option put forward by Cleveland Police was the Tees Valley

City Region police force. This proposal built upon the government's own strategy "The Northern Way". This would effectively provide an amalgamation of the Cleveland force and the South Durham BCU (Basic Command Unit). This would give an area with a population of 875,000 people with significant economic assets such as Teesport, the heavy industrial complexes and the Hartlepool Nuclear Power Station. The force would have 2485 Police Officers and a further 1069 Police Staff.

Cleveland Police was now the most improved Police Force in the country with crime down 8%, house burglary down 29.7% and financial reserves up to £7.1m in 2004/05. Two of the four command areas in the Force had also been awarded beacon status. Detection rates were also extremely high with a detection rate in Hartlepool of 40% compared with the national rate which was nearly half that.

There were obvious advantages to the Tees Valley City Region Force. It had strong sub-regional support and all of the preceding consultation meetings with stakeholders had shown strong support for the option. Strong public support was also anticipated based on the overwhelming rejection of the North East Regional Assembly. There was no cultural affinity between the Tees Valley and Tyneside and the proposal built upon the foundations of the Northern Way which was strongly supported by the Office of the Deputy Prime Minister (ODPM). It would also minimise disruption to one of the country's most improved forces and would allow the successful introduction of the volume crime model to be extended out into the South Durham area. The proposed new force would also provide significant coterminosity throughout the region and three of the nine CDRP's (Crime and Disorder Reduction Partnership) awarded Beacon Status would be within one force area.

It was acknowledged that there were disadvantages. Cleveland currently punched above its weight with regard to protective services scoring "Good" in HMIC baseline assessment. The force would not be coterminous with the Durham County Council boundaries.

Following the presentation there was an open question and answer session with both the Cabinet Members and the other Councillors present. The issues raised covered the following areas together with the responses from the Cleveland Police representatives.

What arrangements would there be for governance of the new force?

It was, at this moment, anticipated that the governance arrangements would be similar to those now, though the government had given no indication. Both Durham and Northumbria were supporting a regional force and if such a force were implemented and the authority established on the basis of the current guidance, that could effectively mean that there could be no 'elected' representative on the new authority from the current Cleveland Force area.

What advantage to the people of Hartlepool would there be through a

Tees Valley Force? There was considerable concern that if there was a regional force, this area could be significantly disadvantaged through reduced resources. The BCU's in a regional force would be extremely large and for this area it would be based at Middlesbrough; Hartlepool would lose its BCU. Cleveland Police were also piloting ward and neighbourhood policing where control was being given to the local Commander.

This proposal would mean taking over a largely rural area to the west of Cleveland, would this impact adversely on the funding for areas such as Hartlepool? Cleveland Police Force's experience of finances over recent years puts us in a very good position to look at the financing of other areas. There would of course be significant set up costs for any new force. The government was talking of the savings that could be made through larger force areas but had not acknowledged the set up costs that would need to be met. Durham Police would disappear under any of the proposals being put forward in this region. There was concern at the size of a regional force area, stretching from Berwick to Staithes and across to the Cumbrian border, and how that could relate to local policing issues. The issue of governance of such an area was also of immense concern, particularly as the Cleveland area could end up with no representative on a regional police authority. Presently Hartlepool itself could call upon two elected representatives to the Cleveland Police Authority.

There was concern that this was yet a further step towards regionalisation through the back door. The Chief Constable indicated that the larger the force the more remote from local people and local issues the police became. Cleveland Police had a unique situation with its BCU's, industrial risks etc. that needed to be built upon so those good practices could be shared and not lost. Two of the areas potentially being promoted for a regional Police Force Headquarters were at Washington or Ponteland. How could a high-risk incident be managed from a command base at Ponteland?

Why the option of retaining the Cleveland Force was not being put forward? Councillor McLuckie indicated that the Authority had to be realistic and choose the best option it could win with. The City Region followed an already defined path of central government and would also leave the Cleveland Force intact. There were nineteen forces around the country with fewer than 2000 officers. Cleveland was the second largest of those yet it was compared on a daily basis with a group of Police Forces significantly larger on service delivery.

The Mayor in closing the debate thanked the representatives from Cleveland Police Authority for their presentation and input to the meeting. From the comments made by Members at the meeting the Mayor considered that Hartlepool Borough Council should indicate a resounding "No" to a regional police force. There was significant concern at how a regional force would be governed and the funding that would come to Hartlepool under such system. Some Members of Cabinet considered that they would have wished to see the Cleveland Force remain but considered that a Tees Valley City Region Force was more likely to succeed and

therefore in the best interests of the people of Hartlepool. The Mayor considered it was a priority that the Hartlepool BCU be retained and that local people be involved in its governance.

Decision

1. That in light of their being no option for the retention of the current Cleveland Constabulary, Hartlepool Borough Council supports the proposal put forward by Cleveland Police Authority for the establishment of a Tees Valley City Region Police Force based on the Cleveland and south Durham County areas.
2. That Hartlepool Borough Council states its total opposition to a Regional Police Force due to the significant adverse effects such a proposal would have on the people of Hartlepool.
3. That under any new structure, arrangements be put in place to ensure that Councillors and local people are involved in the governance of neighbourhood and community policing within Hartlepool.

112. Final Report – Investigation into ‘Alcohol Abuse and Young People’ *(Adult and Community Services and Health Scrutiny Forum)*

Type of decision

Non-key.

Purpose of report

The report set out 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.

Issue(s) for consideration by Cabinet

Councillor Clouth, the Chairman of the Adult and Community Services and Health Scrutiny Forum, outlined the investigation undertaken by the scrutiny forum and focussed on the ‘Conclusions and Recommendations’ agreed by the forum as follows: -

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.

The Forum welcomes the Elected Mayor’s steps towards developing a local Alcohol Strategy for Hartlepool.

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.

The Mayor commented that Hartlepool Partnership had established a group to look at the production of a strategy to tackle alcohol related violence in the town centre. The Mayor indicated that this scrutiny report would be fed into that group.

Decision

That the Scrutiny report be received and that the Adult and Community Services and Health Scrutiny Forum be thanked for the work undertaken during its investigation.

113. Final Report 'Civic Centre – Capital Maintenance Programme 2005/06 to 2007/08 *(Neighbourhood Services Scrutiny Forum)*

Type of decision

Non-key

Purpose of report

The report set out 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.

Issue(s) for consideration by Cabinet

Councillor Cranney, Chairman of the Neighbourhood Services Scrutiny Forum outlined the investigation undertaken by the scrutiny forum. At a meeting of 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 the meeting and requested that Scrutiny should give further consideration to Schedule 2, a list of desirable although still important works. Members of the Forum considered the works included in Schedule 2 of the cabinet report, and approved the list as it stands. In addition the Scrutiny Forum 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.

Councillor Cranney added that it was the Forum's view that those works to facilities for the public should be undertaken first.

Decision

That the Scrutiny report be received and that the Neighbourhood Services Scrutiny Forum be thanked for the work undertaken during its investigation.

114. New Financial Management System *(Chief Financial Officer)*

Type of decision

Key Decision. Test (i) applies

Purpose of report

To seek Cabinet's 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.

Issue(s) for consideration by Cabinet

The Finance Portfolio holder and the Chief Financial Officer outlined the linkages from the development the new Financial Management System (FMS) 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. The report demonstrated how the new FMS would assist in the delivery of the service transformation and process re-engineering that the Council was committed to achieving.

Decision

1. That Cabinet approve the acquisition of a new FMS and the proposed source of funding
2. That the Chief Financial Officer and the Assistant Chief Executive be authorised to conclude the necessary funding and contractual arrangements.

115. Anhydrite Mine – On Going Investigation *(Director of Neighbourhood Services and Director of Regeneration and Planning)*

Type of decision

Key Decision. Test (i) applies.

Purpose of report

To inform Cabinet on the current position in respect of the anhydrite mine-workings investigation including reference to planning applications and the Consultants recommendations for further investigation and monitoring work in order to formulate a clearer long-term understanding of the mine.

Issue(s) for consideration by Cabinet

The Mayor outlined the short history and background of the Anhydrite Mine operations and reported details of the investigations already carried out by Bullen Consultants. 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.

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 investigations. 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.

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. 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. The timescale has been further elongated due to English Partnerships uncertainty surrounding the provision of central government funding for the regime post 2006.

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. 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.

Letters have been sent to both English Partnerships and DEFRA (Department of Environment, Food and Rural Affairs) with copies sent to the Member of Parliament urging that the Land Stabilisation Programme is continued so that the Council can benefit from it. The options available were, (i) that the Council waits 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 (ii) that the Council progresses the investigation and mineshaft capping independently of central government at an estimated cost of up to £780k including fees (as set out in Appendix 2 to the report).

The costs of undertaking further investigation works could be phased over this financial year and 2006/07, with the majority of costs falling in 2006/07. There were two options for funding these costs, either through Prudential Borrowing or by the use of reserves. It was 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.

There was also some concern at funding these works but not those related to the contaminated land at Seaton Carew. The Chief Solicitor stated that the two situations were very different with an independent statutory process for dealing with contaminated land.

Cabinet Members expressed their concern at approving expenditure on these works which in their opinion should be funded by central government.

The Director of Neighbourhood Services reported that no response from DEFRA had been received to date. Cabinet considered that the government should be pressed to provide the funding for the necessary works at the mine. Cabinet agreed that the issue should be put to full Council for its consideration. The works would need to be seen in light of the other competing demands for funding.

Decision

That Cabinet approve the submission of the request for funding to continue the investigation of the Anhydrite Mine to Council at potential costs of up to £780,000. The works were not included in the capital programme and would therefore need to be seen as a departure from the budget and policy framework. Cabinet was not making any specific recommendation to Council on this matter.

116. Local Area Agreements (*Chief Executive*)

Type of decision

Non-key

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.

Issue(s) for consideration by Cabinet

The Mayor reported that Hartlepool had been successful in being awarded the opportunity to negotiate a Single Pot LAA for the town. The development of LAA's was a mechanism for managing local service provision was currently being rolled out to all local areas. Hartlepool was 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 had been submitted at the end of September (attached as appendix 1 to the report). Cabinet was asked to consider the initial submission made to GO-NE and the proposals, which were included to determine the approach to be taken.

Decision

That Cabinet supports and endorses the proposals included in the submission made to GO-NE.

117. Ombudsman's Report re Briarfields *(Chief Solicitor)*

Type of decision

Non-key.

Purpose of report

The purpose of this report was -

- (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 to invite the Cabinet to determine steps it proposes to take in response to the report.

Issue(s) for consideration by Cabinet

The Mayor indicated that appended to the report was 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.

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.

The Ombudsman's recommended remedy is that:- *"The Council should, without delay, give serious thought to the re-establishment of Meadowfields [Briarfields] 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"

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."*

The Chief Solicitor reported that a further separate report on the issue of reinstating the allotments was currently being prepared. The report before Cabinet today met the Ombudsman's requirement that the matter be dealt with by the Council within three months. Cabinet was asked to consider the Ombudsman's recommendations in relation to the payment of compensation to the former allotment holders. Cabinet supported the payment of the compensation.

Cabinet members referred to the recent discussion on this issue at Council when Members had overwhelmingly supported the reinstatement of the allotments at Briarfields. The Chief Solicitor reminded Cabinet that this was only an expression of support from Council and not a decision. Councillor R Waller complained that the ability for Council and cabinet to make decisions was frequently stifled by the Constitution and considered that the processes for taking decisions needed to be reviewed as he considered them not to be within the spirit of the Local Government Act.

Decision

- (i) That the compensation to the former Briarfields allotments holders suggested by the Ombudsman be paid at the earliest opportunity.
- (ii) That a report on the potential for reinstating the allotments at Briarfields be submitted to the next meeting of the Cabinet.

118. Kendal Road - Traffic Regulation Orders *(Director of Neighbourhood Services)*

The Mayor stated that as he and Councillor Payne had made a Declaration of Interest in this matter they could not participate in the meeting. The Mayor noted that with the absence of the Deputy mayor, Councillor Cath Hill, the meeting would then be inquorate, meaning a decision could not be made. The Mayor decided that the matter should be referred to an Executive Sub Committee consisting of Councillors Fortune, Jackson and R Waller and that they be charged with dealing with the matter at the earliest opportunity.

Decision

That the issue Traffic regulation Orders in Kendal Road be referred to an executive sub committee comprising of Councillors Fortune, Jackson and Payne for resolution at the earliest opportunity.

119. Local Government (Access to Information) Act 1985

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

Minute 120 - Doctors Surgery at the Headland (para 9 - Any 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).

120. Doctors Surgery at the Headland *(Director of Neighbourhood Services)*

Type of decision

Non-key.

Purpose of report

To consider a request for financial assistance to support the construction of the new surgery.

Issue(s) for consideration by Cabinet

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

Decision

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

J A BROWN

CHIEF SOLICITOR

PUBLICATION DATE: 2 November 2005