

# **CABINET**

## **MINUTES AND DECISION RECORD**

14 August 2006

### **Present:**

Councillors: Pam Hargreaves (Children's Services Portfolio Holder),  
Robbie Payne (Finance Portfolio Holder),  
Peter Jackson (Performance Management Portfolio Holder),  
Victor Tumilty (Culture, Leisure and Transportation Portfolio Holder),  
Ray Waller (Adult and Public Health Services Portfolio Holder).

Officers: Paul Walker, Chief Executive  
Andrew Atkin, Assistant Chief Executive  
Nicola Bailey, Director of Adult and Community Services  
Dave Stubbs, Director of Neighbourhood Services  
Adrienne Simcock, Director of Children's Services  
Paul Briggs, Education Consultant  
Mike Ward, Chief Financial Officer  
Stuart Green, Assistant Director (Planning and Economic Development)  
Alistair Rae, Public Relations Officer  
David Cosgrove, Principal Democratic Services Officer

### **34. Appointment of Chair**

In the absence of the Mayor and Deputy Mayor, Councillor R. Waller was elected Chair for this meeting.

### **35. Apologies for Absence**

The Mayor, Stuart Drummond and Councillor Cath Hill.

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

Councillor Peter Jackson declared a personal interest in Minute No. 38.

### **37. Confirmation of the minutes of the meeting held on 31 July 2006**

Confirmed.

**38. Update on the Development Brief for the Former Fairground at Seaton Carew** (*Director of Regeneration and Planning Services*)

**Type of decision**

Non-key.

**Purpose of report**

To inform the Cabinet of the progress on the Seaton Carew Development Brief and to report feedback from the public consultation that took place. Particular emphasis was given to the response from Seaton Carew Golf Club which suggested undertaking a joint development by including a portion of the golf club's land with the Council owned development site. Endorsement is sought to pursue negotiations with the Golf Club and to draw up an agreement to market the land jointly.

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

Cabinet endorsed the draft Development Brief for public consultation last summer and a four week consultation process took place in August/September 2005. Twelve detailed responses were returned and a summary of the representations made were included in the report. As part of the response Seaton Carew Golf Club expressed interest in including some of their land as a combined development site. Council Officers saw benefits in creating a potentially more marketable development site by providing a more extensive frontage onto The Front/Tees Road as well as facilitating the club's continued development. The Director of Regeneration and Planning Services, therefore, sought endorsement from cabinet to explore this matter further.

Members welcomed the proposal but asked if the problems with flooding that had been experienced in this area were to be addressed as part of any potential development. The Assistant Director (Economic Development and Planning) confirmed that the development brief would draw attention to the need to address drainage issues. It was also suggested that any revised brief should also be referred to the Planning Committee as well as Cabinet.

**Decision**

1. That officers are authorised to pursue negotiations with Seaton Carew Golf Club with the aim of drawing up an agreement to market the combined sites through a revised development brief.
2. That any revision to the development brief should also be referred to the Planning Committee.

### **39. School Provision for Hartlepool: Potential Major Capital Development** *(Director of Children's Services)*

#### **Type of decision**

Non-key.

#### **Purpose of report**

To provide information to Cabinet on the key features and potential implications of the Primary Capital Programme (PCP) and Building Schools for the Future (BSF) programmes; to seek approval to inform Partnerships for Schools (PFS) that Hartlepool wishes to be a Wave 5 Authority for BSF; to seek approval to prepare a formal submission to be a Wave 5 BSF Authority; and to seek approval to establish a Project Board, Stakeholder Board and Project Team in order to prepare and implement BSF.

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

The Children's Services Portfolio Holder outlined the key elements of the following major issues which were set out in detail in the Director of Children's Services report.

#### Primary Capital Programme

The Primary Capital Programme (PCP) is due to begin in 2008-09 and run for 15 years. The key aim of the programme is to rebuild, remodel or refurbish at least half of all primary schools. Funding will be determined in accordance with a formula, based on deprivation and pupil numbers. Early indications are that Hartlepool might expect to receive £4million to £5million in the first tranche of funding and that a number of further tranches would follow, throughout the lifetime of the programme. With the approval of Cabinet, an expression of interest to be a pilot authority has been submitted and the outcome is awaited.

Cabinet members were of the view that the replacement/redevelopment of Jesmond Road Primary School should be seen as a high priority scheme for the authority should funding become available.

#### Building Schools for the Future: Waves 4-6

The Building Schools for the Future (BSF) programme was launched by the Department for Education and Skills (DfES) in February 2003. Hartlepool Borough Council has been informed that its indicative funding for BSF is approximately £90 million, of which £9.25 million is intended for Information and Communications Technology (ICT) development. Coupled with Primary Capital Programme potential income, this suggests that investment in Hartlepool schools over the coming years could be well in excess of £100 million.

Hartlepool Borough Council has received formal confirmation that it is to be in Wave 4, Wave 5 or Wave 6 of the 15 wave programme. All Waves 4-6 authorities must inform PFS by 15<sup>th</sup> September 2006 whether they intend to apply to be in Wave 4, Wave 5 or Wave 6. The main criterion for allocation

to a wave has become readiness to deliver. By 13<sup>th</sup> October 2006, all Waves 4-6 authorities must make a “Readiness to Deliver” submission to DfES and PFS. The content of this submission is heavily prescribed.

There are risks which need to be considered when evaluating which Wave to apply for. On the one hand, it is desirable to apply for early inclusion in the programme to enable poor quality buildings to be repaired/replaced. On the other hand, there are significant risks in being over-ambitious about Hartlepool's capacity to deliver the required preparation for admission to the earliest available Wave of the programme. It was recommended that Hartlepool applies to be a Wave 5 authority. This was reasonably early in the programme, but would provide a more reasonable, though still challenging, period for preparation.

#### Building Schools for the Future: Governance and Leadership

The Local Government Association (LGA) has established 4ps as local government's project delivery specialist. 4ps officers are employed by LGA and provide free support and advice in the form of hands-on project support, gateway reviews, skills development and best practice know-how. Officers of the Children's Services Department have met with the Local Project Director of 4ps on a number of occasions in recent weeks. The firm advice from 4ps is that, in order to demonstrate Hartlepool's potential readiness to be a Wave 4 or Wave 5 authority, a Project Board, Stakeholder Board and Project Teams should be established as soon as possible.

Cabinet was invited to approve the establishment of the Project Board, Stakeholder Board and the Core and Extended Project Teams and to agree the outline memberships set out in the report. A more detailed remit for these groups would be submitted to the next Cabinet meeting. Members commented that they considered that elected members should play a greater role than that set out in the outline memberships and indicated that there should be Councillors involved in the Stakeholder Board. Cabinet also felt that the Children's Services Portfolio Holder should be a designated member of the Project Board.

#### The Costs of involvement in BSF

Advice from 4ps suggests that the total cost to the Authority, over the lifetime of the project, could be in excess of £2 million. Much of this potential cost can be attributed to the engagement of specialist external advisers and would be dependent on procurement methodologies. Advice from 4ps makes it clear that authorities embarking on the BSF process have no real option other than to engage external advisers, at considerable expense.

Cabinet was concerned at the extent of these costs and the potential timescales in which they would be incurred. It was reported that the costs were likely to be incurred over a six year period with the major costs falling towards the end of the decade. The costs estimates did need to be considered as a “cautious estimate” provided by 4ps and would relate largely to the engagement of consultants. The costs of the employment of a

Project Manager were also included in this sum. The Director of Children's Services stated that she had discussed the employment of the Project Manager with the Head of Property Services and Procurement who had confirmed that the authority did not have the experience of managing such a significant capital project, which, as reported earlier, could be in excess of £100m. It would, therefore, be essential to employ a project manager with the appropriate background to ensure the success of the scheme.

Cabinet supported the advice of the Director that the Council should seek to be included in Wave 5 of BSF. While this would set an extremely challenging timetable for the Council it was considered to be one that could be met. Members acknowledged that the Primary Capital Fund and Building Schools for the Future would have a significant effect on the people of Hartlepool. Schools could be closed and merged as the authority sought to provide the best education facilities for the children of Hartlepool. Members considered that it was necessary to be honest and open about this with schools and parents and to highlight as soon as was practicable what the authority's plans would be under these funding regimes.

### **Decision**

1. That the information provided in the report be noted.
2. That officers are authorised to inform Partnerships for Schools (PfS), by 15th September 2006 that Hartlepool wishes to be a Wave 5 Authority for BSF.
3. That officers are authorised to work with schools and other key stakeholder partners, towards the development of a formal submission to be a Wave 5 BSF Authority. A "Readiness to Deliver" assessment document to be submitted to the Department for Education and Skills (DfES) and Partnerships for Schools (PfS) by 13th October 2006.
4. That the establishment of a Project Board, Stakeholder Board and Project Team is approved to implement BSF, in accordance with advice given by the Local Government Association advisory body, 4ps.
5. That the membership of the Stakeholder Board be revised to include elected members.
6. That the Children's Services Portfolio Holder be designated as one of the elected members appointed to the Project Board.
7. That prior to the formal appointment of the Project Board and Stakeholder Board, the Children's Services Portfolio Holder consider a report setting out, as far as possible, the detailed membership (i.e. names of individuals) of the three bodies and then report those memberships to Cabinet.

#### **40. Revenue Outturn Report 2005/06** (*Chief Financial Officer*)

**Type of decision**

None. The report was for Cabinet's information only.

**Purpose of report**

The report set out details of the Council's overall Revenue Outturn for 2005/2006.

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

The Finance Portfolio Holder reported that the final 2005/2006 Outturn Strategy was approved by Council on 15<sup>th</sup> April, 2006. The reports submitted to Cabinet are reflected in the 2005/2006 Statement of Accounts which was approved by General Purposes Committee on 31<sup>st</sup> July, 2006. Previous monitoring reports integrated both performance information and budget monitoring information. The Corporate Plan Outturn was presented to Cabinet on 3<sup>rd</sup> July, 2006. Owing to statutory deadlines for closure of the Council's accounts and the implementation of the new FMS System the outturn information was not available for this report. This report will be referred to Scrutiny Co-ordinating Committee on 15<sup>th</sup> September, 2006. This arrangement would ensure that Scrutiny Co-ordinating Committee are provided with details of the final outturn as soon as practical.

Submitted as detailed appendices to the report were the Portfolio Revenue Outturns 2005/2006, Corporate Outturns, and School Balances 2005/2006.

**Decision**

That the report be noted.

#### **41. NRF, Capital and Accountable Body Programme Outturn Report 2005/06** (*Chief Financial Officer*)

**Type of decision**

None. The report was for Cabinet's information only.

**Purpose of report**

To provide details of the Council's overall Capital outturn for 2006/2007 and the outturn for the Spending Programmes where the Council acts as the Accountable Body and Neighbourhood Renewal Fund (NRF).

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

The Finance Portfolio Holder indicated that the report set out detailed outturn reports for Capital for each Portfolio. The Finance Portfolio report also includes Accountable Body Programme spend for 2005/2006. The report followed the format adopted for the previous report and outturns are reported by Portfolio Holder, to enable each Portfolio Holder to readily review their area of responsibility.

**Decision**

That the report be noted.

**42. Quarter 1 – Corporate Plan and Revenue Budget Monitoring** *(Author)*

**Type of decision**

None. The report was for Cabinet's information only.

**Purpose of report**

The report set out the progress made towards achieving the Corporate Plan service improvement priorities (SIPs) in order to provide timely information and allow any necessary decisions to be taken; and provided details of progress against the Council's overall revenue budget for 2006/2007.

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

The Performance Management and Finance Portfolio Holders updated Cabinet on the first quarter's progress of the corporate plan and revenue budget. The report describes progress towards achieving the service improvement priorities using the traffic light system of Green, Amber and Red. The report provided an overview of Council performance, with appendices 1 to 6 providing more detailed information for each Portfolio Holder's area of responsibility.

The Revenue Budget Monitoring report covers the following areas:

- Progress against departmental and corporate budgets and High Risk Budget Areas;
- Progress against saving/increased income targets identified in the 2006/2007 Budget Strategy;
- Progress against departmental salary turnover targets.

**Decision**

That the report be noted.

**43. Quarter 1 – NRF, Capital and Accountable Body Programme Monitoring Report 2006/07** *(Chief Financial Officer)*

**Type of decision**

None. The report was for Cabinet's information only.

**Purpose of report**

To provide details of progress against the Council's overall Capital budget for 2006/2007 and progress against the Spending Programmes where the Council acts as the Accountable Body and Neighbourhood Renewal Fund

(NRF).

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

The Finance Portfolio Holder indicated that the report provided detailed monitoring reports for Capital for each Portfolio up to 30<sup>th</sup> June, 2006. The Finance Portfolio report also includes Accountable Body Programme spend for the same period. The report follows the format adopted for the previous report and budgets are reported by Portfolio Holder and analysed by department, to enable each Portfolio Holder to readily review their area of responsibility.

**Decision**

That the report be noted.

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

**Type of decision**

Non-key.

**Purpose of report**

To inform Executive Members of the plans to consult on raising the eligibility criteria for accessing care services (FACS).

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

The Adult and Community Services Portfolio Holder indicated that In January 2006 Cabinet agreed to consult on raising the FACS eligibility criteria to “substantial” needs. Since then the White Paper and also policy guidance has been published which urges greater investment in low level preventative resources in the community. The report brought together these two initiatives with a consultation process which asks about re-investing part of the savings from a change in eligibility into support to community based provision.

Cabinet sought assurances, which were given by the Director of Adult and Community Services, that the consultation would be tailored to meet specific audiences to ensure full inclusion of all service users, their families and residents in general. The Director commented that Local Authorities had a requirement to review the eligibility thresholds for FACS annually.. The consultation would also be referred to the Scrutiny process.

**Decision**

1. That the report be noted and be referred to Scrutiny to allow Scrutiny Members to make their views known during the consultation phase.
2. That Cabinet note that any proposals to change the eligibility criteria would come back to Cabinet in January, following 3 months formal consultation from September to mid December. These proposals may also be considered at Scrutiny.



## **45. Local Government Access to Information**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were 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 detailed below in Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 46- Tees Valley and South Durham NHS LIFT Project – Town Centre Site (Para. 3, namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

Minute 47- Review of Local Authority Governor Appointment (Para 1, namely, information relating to any individual).

## **46. Tees Valley and South Durham NHS LIFT Project – Town Centre Site** (*Director of Neighbourhood Services / Chief Financial Officer*)

**This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

### **Type of decision**

Key Decision. Tests (i) and (ii) apply.

### **Purpose of report**

To seek Cabinet approval to land transactions and consider options for funding in respect of the Town Centre NHS LIFT Project.

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

Background information on proposals for the Town Centre Site previously reported to Cabinet were included in the report. Further proposals regarding relevant land transactions are detailed together with some alternative options for Cabinet to consider.

### **Decision**

Cabinet's decisions are set out in the 'Exempt' section of the minutes and decision record.

## **47. Review of Local Authority Governor Appointment** (*Director of Children's Services*)

**This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access**

**to Information) (Variation) Order 2006) namely, information relating to any individual (para 1)**

**Type of decision**

Non-key.

**Purpose of report**

To review the decision of Cabinet of 27 February 2006 in relation to the appointment of a local authority governor.

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

At its meeting on 15 May Cabinet received a report on this matter but referred the issue back to the General Purposes Committee for its recommendations. The attached report includes the minutes and decision record of the General Purposes Committee.

**Decision**

Cabinet's decisions are set out in the 'Exempt' section of the minutes and decision record.

**J A BROWN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 19<sup>th</sup> August 2006**