

PLEASE NOTE VENUE

CABINET AGENDA



Monday 6th November 2006

at 9:00 a.m

**in Conference Room 3, Belle Vue Community Sports and Youth Centre,
Kendal Road**

MEMBERS: CABINET:

The Mayor, Stuart Drummond

Councillors Hargreaves, Hill, Jackson, Payne, Tumilty and R Waller

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

To receive the Record of Decision in respect of the meeting held on 23 October 2006
(already circulated)

4. BUDGET AND POLICY FRAMEWORK

No items

5. KEY DECISIONS

5.1 CSCI Inspection of Services for People with Learning Disabilities – *Director of Adult and Community Services*

6. OTHER ITEMS REQUIRING DECISION

6.1 Draft Thoroughfare Policy – *Director of Neighbourhood Services*

PLEASE NOTE VENUE

7. ITEMS FOR DISCUSSION / INFORMATION

No items

8. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

No items

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

9. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

- 9.1 Call-in of Decision - Salary Deductions for Industrial Action – *Scrutiny Co-ordinating Committee* (para 4)

CABINET REPORT

6th November 2006



Report of: Director of Adult and Community Services

Subject: CSCI INSPECTION OF SERVICES FOR PEOPLE WITH LEARNING DISABILITIES

SUMMARY

1. PURPOSE OF REPORT

1.1 To report on the recent CSCI inspection of services for people with learning disabilities and to update Cabinet on the planned timetable associated with the overall process.

2. SUMMARY OF CONTENTS

2.1 The report outlines the inspection process and the post-inspection process.

The results of the inspection are embargoed until presented to Cabinet on the 6th November 2006.

3. RELEVANCE TO CABINET

3.1 To inform Cabinet of the outcome of the LD Inspection. To provide an action plan which details how Adult and Community Services intends to address the CSCI recommendations.

4. TYPE OF DECISION

4.1 Key test (i) and test (ii).

5. DECISION MAKING ROUTE

5.1 Cabinet.

6. DECISION(S) REQUIRED

- 6.1 Cabinet are asked to note the report. The CSCI inspection report and findings will be presented to Cabinet on 6th November 2006 by the CSCI Inspector.

The final results will be presented at this time; as will the Councils action plan detailing strategies to address the inspection recommendations.

Report of: Director of Adult and Community Services

Subject CSCI INSPECTION OF SERVICES FOR PEOPLE WITH LEARNING DISABILITIES

1. PURPOSE OF REPORT

- 1.1 To report on the results of the recent CSCI inspection of services for people with learning disabilities and the summary of inspection findings. To update members on the next steps in the process.

2. BACKGROUND

- 2.1 CSCI carried out a two week fieldwork inspection from 27th June 2006 to 7th July 2006, of Hartlepool's services for people with a learning disability.

Hartlepool Borough Council volunteered for the inspection of LD services. The Adult and Community Services welcomed the opportunity to have an objective view of the quality of the services, and to consider the areas in need of prioritisation, development and improvement.

- 2.2 The inspection team consisted of a lead inspector, support inspector and a learning disabled inspector.

The social work assessment team, in-house day services provision and a number of key projects were inspected, as well as a cross sample of case files being tracked.

People using services and their families, staff and managers of all levels were interviewed. A wide range of stakeholders across external agencies were also interviewed. Carers and social workers received a pre-inspection questionnaire.

3. THE INSPECTION RESULTS

- 3.1 The final results are embargoed until Cabinet meeting on 6th November 2006.

- 3.2 There were key areas identified as priority for development and outlined in a set of recommendations.

- 3.3 The finalised inspection report will be presented to the Cabinet meeting on 6th November 2006 and will be accompanied by an improvement plan setting out the Council's strategies to address the recommendations.

An embargoed advance copy of the final report will be forwarded by the CSCI to the local MP one week before this Cabinet meeting.

4. COMMUNICATING THE RESULTS AND RESPONDING TO THE RECOMMENDATIONS

- 4.1 Everyone who took part in the inspection process will receive a hard copy of the Inspection Report. The result will be shared with all service users, family carers, staff and managers and all external partners. The improvement plan will be a working document that is monitored and reviewed for progress alongside Disability Service Plan, and its progress will be formally monitored by the Business Relationships Inspector.

5. FINANCIAL IMPLICATIONS

- 5.1 In order to respond effectively and resource the implementation of some of the recommendations a budget pressure has been put forward in 2007/2008 budget strategy.

6. DECISION REQUIRED

- 6.1 Cabinet to note the report and to receive the detail at 6th November 2006 Cabinet meeting.

CABINET REPORT

6 November 2006



Report of: Director of Neighbourhood Services

Subject: DRAFT THOROUGHFARE POLICY

SUMMARY

1. PURPOSE OF REPORT

To approve the Draft Thoroughfare Policy which has been subject to consideration by the Neighbourhood Services Scrutiny Forum at its meeting on the 24 October 2006, in accordance with Cabinet's Scrutiny Referral.

2. SUMMARY OF CONTENTS

This report will provide details of the views expressed by the Neighbourhood Services Scrutiny Forum and seek approval of the Draft Thoroughfare Policy.

3. RELEVANCE TO CABINET

This policy will be instituted town wide.

4. TYPE OF DECISION

Non key.

5. DECISION MAKING ROUTE

Cabinet.

6. DECISION(S) REQUIRED

That the issues raised by the Neighbourhood Services Scrutiny Forum (paragraph 3.1 refers) be taken into consideration and the adoption of the Draft Thoroughfare Policy, as outlined in **Appendix A**, approved.

Report of: Director of Neighbourhood Services

Subject DRAFT THOROUGHFARE POLICY

1. PURPOSE OF REPORT

- 1.1 To approve the Draft Thoroughfare Policy which has been subject to consideration by the Neighbourhood Services Scrutiny Forum at its meeting on the 24 October 2006, in accordance with Cabinet's Scrutiny Referral.

2. BACKGROUND INFORMATION

- 2.1 Members will recall that at the last meeting of Cabinet held on the 9 October 2006 consideration was given to the establishment of a policy relating to requests for the restriction of pedestrian access on public thoroughfares (**Appendix A** refers).
- 2.2 In doing so Cabinet agreed (min 90 refers) to formally refer the draft policy to the Authority's Overview and Scrutiny Function for immediate consideration. In accordance with this request notification of the referral was considered by the Scrutiny Co-ordinating Committee at its meeting on the 20 October 2006 and redirected to the Neighbourhood Services Scrutiny Forum for consideration at their meeting on the 25 October 2006.

3. THE VIEWS OF THE NEIGHBOURHOOD SERVICES SCRUTINY FORUM

- 3.1 At the meeting of the Neighbourhood Services Scrutiny Forum held on the 25 October 2006 the Forum agreed to endorse the adoption of the Draft Thoroughfare Policy taking into account the following comments:-
- i) That despite the views of certain sections of the public as to the effectiveness of making reports, publicity should be undertaken to encourage people to report any instances of anti-social behaviour to the Police;
 - ii) That consultation needs to be robust under the policy and be targeted at a much wider segment of the community than in the past; and
 - iii) That the Scrutiny Forum reviews the effectiveness of the policy within one year of its approval by Cabinet.

4. RECOMMENDATION

- 4.1 That the issues raised by the Neighbourhood Services Scrutiny Forum (paragraph 3.1 refers) be taken into consideration and the adoption of the Draft Thoroughfare Policy, as outlined in **Appendix A**, approved.

CABINET REPORT

9 October 2006



Report of: Director of Neighbourhood Services

Subject: THOROUGHFARE POLICY

SUMMARY

1. PURPOSE OF REPORT

To establish a policy relating to requests for the restriction of pedestrian access on public thoroughfares.

2. SUMMARY OF CONTENTS

This report will provide details of various methods of restricting/preventing pedestrian access to public highways/thoroughfares and recommendations as to how requests for such should be addressed.

3. RELEVANCE TO CABINET

This policy will be instituted tomorrow.

4. TYPE OF DECISION

Non key.

5. DECISION MAKING ROUTE

Cabinet on 9 October 2006.

6. DECISION(S) REQUIRED

Determination of a policy in respect of requests to close public thoroughfares.

Report of: Director of Neighbourhood Services

Subject: THOROUGHFARE POLICY

1. PURPOSE OF REPORT

- 1.1 To establish a policy relating to requests for the restriction of pedestrian access on public thoroughfares.

2. BACKGROUND

- 2.1 On a regular basis requests are received, from various sources, for the closure of thoroughfares across the town. These can range from minor footpath links on former housing estates to strategic footpaths that provide access from significant housing conurbations to leisure, retail and health facilities.

- 2.2 There are currently five options available for the closure, or restriction of access to a public highway, these being:

- **Section 116 Highways Act 1980-** this legislation enables the Council to apply to a Magistrates Court for the stopping-up of a highway on the grounds that it is unnecessary. This is generally used in situations such as those encountered on former housing estates where problems of anti-social behaviour are being experienced (“flying bedrooms”), and where several other equally commodious routes are generally available should the application be successful and the footpath permanently removed. The Head of Technical Services has delegated powers to refer such applications to a Magistrates Court.

- **Countryside and Rights of Way Act 2000-** This method of restricting access would require an approval from the Secretary of State to designate the area in question as being subject to high levels of crime. This is a long protracted process that results in an area being designated as a “high crime area”, which it is presumed that residents would not want as it would likely devalue their properties and is thus not an appropriate means of restricting access in a urban situation.

- **Road Traffic Regulations Act 1984 Sections 1 and Schedule 9 Part IV-** This is the legislation currently used for the installation of alleygates to back streets in the town. Gates are erected for the purpose of improving the amenity of an area and cannot be used in situations where anti-social behaviour is the prime concern.

- **Town and Country Planning Act 1990-** This method of closure is used as part of the planning process where it is necessary for a public highway to be stopped-up to facilitate a new development.

- **Section 129A to 129G Highways Act 1980 (Gating Orders)-** This is new legislation written into the Highways Act 1980 by the Clean Neighbourhoods and Environment Act 2005. This legislation allows highways to be gated due to crime and anti-social behaviour and also for the gates to be locked at prescribed times of the day and/or days of the week.

2.3 Over the past several months there has been an increase in the number of requests received from members of the public, often supported by petitions, for the restriction of access along public footpaths due to anti-social behaviour activities that are allegedly taking place on, or are due to, a particular path. Each request has been investigated and consultation exercises have been undertaken with residents in the immediate area, the results of which have been reported to the Portfolio Holder for decision.

2.4 At present there is no policy relating to how Officers should respond to such requests and each has been referred to the Portfolio holder for decision as to what course of action should be taken. A policy would enable Officers to respond to requests without recourse to Portfolio on every occasion, thus saving resources and enabling definitive responses to be given to those making the request much more quickly.

3. CONSIDERATION OF ISSUES

3.1 The Local Transport Plan (LTP) and the Hartlepool Local Plan 2006 both contain policy statements relating to pedestrian facilities. Policy Tra8 in the Local Plan states:

Proposals for residential development should, where appropriate, provide for safe and convenient pedestrian routes to link new housing to local facilities and amenities.

3.2 The closure of strategic pedestrian footpaths on existing estates is contradictory to the ethos that the Authority is trying to establish by the introduction of this policy for new developments.

3.3 The LTP also contains strategies that encourage the use of alternative means of transport to the car, walking and cycling being just two of these. The closure of some footpath links can result in more car usage due to the fact that alternative routes can be substantially longer, resulting in the need for some people with mobility difficulties to use their cars to reach local facilities to which they would have previously walked.

- 3.4 The Government, however, have recognised that anti-social behaviour can affect the standard of living and quality of life of many people and have thus provided local authorities with a means of tackling the problem by the introduction of new legislation through the Clean Neighbourhoods and Environment Act 2005. This legislation allows a council to erect gates on public highways that have a history of anti-social behaviour and/or crime and for these gates to be able to be locked at prescribed times.
- 3.5 The legislation provides guidance as to when a gating order can be considered, this being when a council are satisfied that:
- *premises adjoining or adjacent to the highway are effected by crime or anti-social behaviour;*
 - *the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and*
 - *it is expedient to make the order for the purposes of reducing crime or anti-social behaviour.*
- 3.6 Circumstances that must be taken into consideration when deciding whether it is expedient to make an order include-
- *the likely effect on the occupiers of premises adjoining or adjacent to the highway;*
 - *the likely effect of making the order on other persons in the locality; and*
 - *in the case where a highway constitutes a through route, the availability of a reasonably convenient alternative route.*
- 3.7 It is recognised that anti-social behaviour can have a huge impact on the quality of life of residents who live close to the area where it takes place. The Neighbourhood Management Teams, in all three Forum areas, work very closely with the Police, the Council's Anti-social Behaviour Unit and Community Safety Section to address issues of anti-social behaviour as and when they arise. The actions taken can include increasing police presence through the deployment of PCSO's to "hot" areas, Problem Orientated Policing designation (POP), whereby the police look at an area with a view to identifying a substantive problem, understanding the nature of the problem and developing a tailor-made response to each situation, or the installation of CCTV cameras on a temporary or permanent basis.
- 3.8 The alleygating of back streets is covered by an approved policy and works very well in most circumstances, as back streets do not constitute strategic walking routes.

3.9 Due to the increased instances of applications for the closure or gating of more strategic pedestrian routes it is important to establish guidelines relating to how the Council should address these, and in this respect the following is recommended;

- Any applications received should initially be directed to the relevant Neighbourhood Manager for investigation.

- The Neighbourhood Manager will investigate the situation, in liaison with the Police and anti-social behaviour unit to establish the extent of the problem, through available criminal and disorder evidence and appropriate actions, (other than gating or closure at this time), will be identified and initiated by the Neighbourhood Manager in conjunction with the Police, the Anti-Social Behaviour Unit and the Community Safety Problem Solving section. At this stage the applicants for the closure will be advised that closure will not be considered until all alternative options have been thoroughly investigated and recommendations have been received from all agencies that this is the only possible solution to the problem.

- If there is strong evidence and the problem persists, and it is recommended by the Police that a closure is the only remaining option, the NMT will undertake a full consultation with all stakeholders, including residents in the immediate vicinity and those residents who will be affected by the closure appropriate, resident associations, access groups and Council Officers (including those in the Transportation and Planning sections) to determine the extent of support for any proposed closure.

- A report will then be submitted to Portfolio Holder by the Head of Technical Services detailing the results of the consultation and a decision will be sought as to whether the proposed gating or closure should proceed.

4. FINANCIAL IMPLICATIONS

4.1 The cost of any actions required will be met from current Neighbourhood Services budgets.

5. RECOMMENDATIONS

5.1 That the guidelines identified in 3.9 of this report be approved for any applications received by the Council for the gating or closure of thoroughfares due to anti-social or criminal activities.

5.2 Any gating orders schemes currently being investigated should fall in line with this policy