

# CABINET

## MINUTES AND DECISION RECORD

8 January 2007

The meeting commenced at 9.00am in the Avondale Centre, Hartlepool.

### **Present:**

The Mayor (Stuart Drummond) - In the Chair

Councillors: Cath Hill (Deputy Mayor),  
Pam Hargreaves (Children's Services Portfolio Holder),  
Peter Jackson (Performance Management Portfolio Holder),  
Ray Waller (Adult and Public Health Services Portfolio Holder).

Officers: Paul Walker, Chief Executive  
Andrew Atkin, Assistant Chief Executive  
Tony Brown, Chief Solicitor  
Mike Ward, Chief Financial Officer  
Alistair Rae, Public Relations Officer  
Nicola Bailey, Director of Adult and Community Services  
Adrienne Simcock, Director of Children's Services  
Paul Briggs, Assistant Director (Resources and Support Services)  
Dave Stubbs, Director of Neighbourhood Services  
Alan Coulson, Engineering Manager  
David Cosgrove, Principal Democratic Services Officer

### **142. Apologies for Absence**

Councillors Robbie Payne (Finance Portfolio Holder) and Victor Tumilty (Culture, Leisure and Transportation Portfolio Holder).

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

None.

### **144. Confirmation of the minutes of the meeting held on 18 December 2006**

Confirmed.

## **145. Corporate Plan (BVPP) 2007/08 – Proposed Objectives** *(Assistant Chief Executive)*

### **Type of decision**

Budget and Policy Framework.

### **Purpose of report**

To enable Cabinet to discuss the objectives proposed for inclusion in the Council's Corporate (Best Value Performance) Plan for 2007/08.

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

The Performance Management Portfolio Holder stated that the report proposed the objectives for each of the nine community strategy aims and the council's organisational development priorities. The purpose of the plan is to describe the Council's priorities for 2006/7, including how weaknesses would be addressed, opportunities exploited and better outcomes delivered for local people.

The production of the Corporate (Best Value Performance) Plan by 30 June each year is a statutory requirement. The Scrutiny Co-ordinating Committee will consider the proposed Council objectives at its meeting on 19 January 2007. Cabinet will be given further opportunities to consider the Corporate Plan as further progress is made. Final approval of the Plan will be by Council in June 2007.

In response to Members questions, the Assistant Chief Executive commented that there were departmental plans below the strategic Corporate Plan that set out the individual section/team plans that detailed the specific day-to-day operational issues.

### **Decision**

That the proposed objectives for inclusion in the Corporate Plan 2007/08 be approved for consideration by Scrutiny Coordinating Committee on 19 January 2007.

## **146. Building Schools For The Future – Stage 2 Consultation** *(Director of Children's Services)*

### **Type of decision**

Key Decision – test (ii) applies.

### **Purpose of report**

The report sought Cabinet approval to undertake a second stage of Building Schools for the Future (BSF) consultation based on options agreed by the BSF Project Board.

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

The Children's Services Portfolio Holder reported that at its meeting on 25th

September 2006, Cabinet approved the launch of the first stage of consultation in preparation for BSF and agreed in principle the outline of the Stage One consultation document. The final approval of the Stage One consultation document was delegated to the Portfolio Holder for Children's Services. Stage One consultation began on 26th September 2006 and continued until 3rd November 2006. The scope and outcomes of BSF Stage One Consultation were reported to Cabinet on 20th November 2006. Cabinet noted the outcomes of the first stage of consultation and approved the preparation of the second stage of consultation.

At a meeting on 11 December 2006, the BSF Project Board agreed three options for second stage BSF consultation. These were:

Option 1: The status quo - six schools all rebuilt or remodelled to current size.

Option 2: Modified status quo - six schools, capacities reduced to 5,550 (a reduction of 1000).

Option 3: Reduced schools – five schools, revised partner primary schools.

In a five-school model, it is suggested that Brierton would be the school to close, for reasons of demography, suitability, condition and performance. Each of the remaining five secondary schools would be allocated a group of partner primary schools, allocations made on a balance of geographical proximity and an attempt to balance the comprehensive make-up of each secondary school's intake.

The details of the three options to be considered at Stage Two were made public, following the Project Board meeting of 11 December 2006. It was felt that it was important to ensure that those who could potentially be most affected by the detail of the options, especially those closely associated with Brierton School, should find out about the detail of the options directly after the Project Board meeting. A second stage consultation document is currently being prepared and the outline was presented as Appendix 1 to the report. The document would be discussed further at a meeting of the Project Board on 11 January, 2007 and the Portfolio Holder requested that officers be delegated authority to amend the layout of the consultation document following that meeting.

One of the issues raised by The Portfolio Holder that she considered should be brought more to the fore in the consultation document was the arrangements relating to the 'special educational needs' village on the Brierton site. Cabinet Members commented that such an approach would also need to be discussed in detail with the carers of such children to ensure this was what they wanted. Concern was also expressed at the lack of reference to utilising schools sites not only as educational centres but also as centres for the community. Facilities such as Brierton Sports Centre and the City Learning Centre at Dyke House were highlighted, as was the lack of such facilities at High Tunstall.

Officers indicated that the consultation exercise would be similar to stage

one but with some additions. As well as additional consultation with the primary schools, consideration was given to a 'roadshow' consultation using non-school venues such as the Middleton Grange shopping centre.

**Decision**

1. That a second stage of consultation on the Building Schools for the Future programme be undertaken, based on three options agreed by the BSF Project Board.
2. That Cabinet approves, in principle, the outline of the Stage Two consultation document and delegates final approval to the BSF Project Board.

**147. Coronation Drive – Contaminated Land - Update**  
(Director of Neighbourhood Services)

**Type of decision**

Key Decision – test (i) applies.

**Purpose of report**

The report updated Cabinet on the progress made since the previous report on 13 March 2006 and requested approval to proceed with the proposed way forward.

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

The Mayor reported that an application had been made to DEFRA on 16th May 2006 for funding to carry out remediation and reinstatement. Running alongside DEFRA's consideration of the application, the Council began working on Contractor procurement and looking at survey work required prior to commencement of remediation work.

An advertisement for Contractors expressions of interest for remediation work was placed in the local and European Journals. A large number of applications were received, these have been evaluated, and a select list of tenderers has been compiled by the Head of Technical Services.

Survey work consisting of a detailed ground survey, a photographic record, an external structural survey and a horticultural survey of all properties was undertaken during August – October 2006. In order to record sufficient detail, a scanned survey was undertaken for each property by specialist contractors with the external structural survey, horticultural survey and photographic record being undertaken by HBC staff. From this, each resident will be given a pack containing all of the above information that will detail the current condition of their property and the existing layout of garden areas. These packs are currently being compiled for each individual property and it is intended that residents will 'sign off' the packs as a condition record prior to commencement of the remediation works.

Following detailed further consultation with DEFRA regarding the

remediation proposals, verbal approval was received from DEFRA in September 2006 (with written approval expected shortly after, but as yet this has not been received) for the Council to proceed with implementing the work. Apparently, the long delay is due to the fact that this is one of the first applications to be processed by DEFRA under their new guidelines and it is taking time to go through their new procedures. At the time of writing this report DEFRA have verbally agreed:-

- to fund the survey work described above;
- to fund further site investigation work in order to develop and finalise the most practicable remediation procedure;
- that the Council would tender the remediation work and then submit an updated funding application for the proposed remediation with actual costs from the competitive tender process, to inform the final DEFRA approval.

Following advice from the Council's Development Control Section, a planning application detailing the proposed remediation was submitted at the end of November 2006. Current indications are that this will be considered at a Planning Committee in January 2007.

The Mayor, the M.P and Council Officers are scheduled to attend a Residents Meeting on Wednesday 3rd January 2007 at the Staincliffe Hotel. The Residents Packs will be ready for distribution in January 2007 and approval was sought for these to be sent out.

It is anticipated that compilation of the tender documentation will be complete in January 2007 and approval was sought to tender the remediation scheme using the select list. The tender documentation will be tailored toward a "like for like" reinstatement of all areas whereby, where practicable, all areas will be returned to their original condition and layout with hedges, bedding plants, patios, paths, rockeries, sheds, greenhouses etc being re-established on completion. It must be emphasized that, as yet, this "like for like" reinstatement (whilst included in the DEFRA funding application) has not been approved and it is extremely unlikely that it will be. It was indicated by officers at the meeting that should the DEFRA funding not cover the like-for-like reinstatement, the 'Class A' polluters would be pursued for the additional monies. This would only be, due to the wording of the legislation, on a 'without prejudice' basis.

The return of tenders is anticipated in February / March 2007 and it was likely that the revised full remediation application could be submitted to DEFRA in late February / early March 2007 with a tentative commencement date in April / May 2007. DEFRA have been advised of these timescales. Following this process, a further report will be submitted to Cabinet detailing committed finance to the scheme and highlighting any shortfalls to enable members to determine how they wish to proceed with financial provision and engaging the successful Contractor.

Members were concerned that residents knew the timescales involved in

completing the works and suggested that this be included in the residents packs. Officers indicated that it was intended to include indicative timetables in the packs for those elements that the Council had control over. However, much relied on DEFRA approving the funding for all, or most likely, a significant proportion of the works (short of like-for-like). Until that happened, the Council would have no idea of the short-fall in funding.

The Mayor commented that while it was slowly, the matter was moving forward. The Mayor indicated that a meeting with residents scheduled for early January be deferred until after the residents had received their packs. Councillor R Waller stated that as a member of the Planning Committee, he had not yet seen the report on the application or reached any view on that application at this stage.

### **Decision**

1. That Cabinet note the progress made.
2. That the Cabinet authorises the Director of Neighbourhood Services to:-
  - (a) distribute the residents packs
  - (b) tender the remediation scheme
  - (c) explore all available funding avenues for additional financial support
3. That the Cabinet notes that a further report will be submitted detailing committed contributions to the scheme to enable members to determine how they wish to proceed with financial provision and engaging the successful Contractor.

## **148. Public Conveniences** (*Director of Neighbourhood Services*)

### **Type of decision**

Key Decision – tests (i) and (ii) apply.

### **Purpose of report**

To make recommendations to the Cabinet in respect of future public convenience provision following the recommendations of the Neighbourhood Services Scrutiny Forum.

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

The Director of Neighbourhood Services reported that Cabinet, at its meeting on 12th April 2006, agreed a series of recommendations subject to a full report being submitted to the Neighbourhood Services Scrutiny Forum. This was done and the Forum met in August of this year to consider the Cabinet's referral. Scrutiny's findings were reported to Cabinet on 25th September 2006 when it was agreed that a final report should be submitted to Cabinet outlining: -

- i) The final implications of each of the proposals contained within the

Neighbourhood Services Scrutiny Forum report and the additional suggestions made by Cabinet members.

- ii) The overall financial package required for the implementation of the Forums recommendations, including the additional suggestions made by Cabinet

The additional suggestions made by Cabinet at that time were:-

- i) Opening times - Concern was expressed regarding the opening times of public conveniences across the town and the fact that some facilities were closing as early as 3.15pm. Members were of the view that in tourist areas conveniences needed to be open at appropriate times. Particular attention was drawn to the need for facilities on the Headland to be open.
- ii) The Clock Tower - Concern was expressed regarding longer-term proposals for the closure of facilities at the Clock Tower in Seaton Carew, particularly in light of the possibility of efforts being made to secure funding to bring the whole building up to standard.
- iii) Upper Burn Valley facilities - It was suggested that the reopening of the facility in the Upper Burn Valley site for the use of the Allotment Association be looked into.
- iv) Old Seaton Bath's site - Concern was expressed regarding the implications of the closure of facilities in terms of public health and the distance between public conveniences along the Coastal Arc. It was suggested that the public convenience at the old Seaton Baths site should be open all year round. Concern was also expressed regarding the feasibility of an arrangement with the owners of the new bistro on the adjacent site for use of their toilets by the public.

The Neighbourhood Services Scrutiny Forum recommendations were set out in the report and they totalled between £397,000 and £568,000.

Since completion of the report, a further investigation had revealed that the facilities on the Town Moor site require investment of £8,500 whilst the facilities at Friar Terrace are considered adequate. Built into the original proposals was a revenue saving of £55,000 in respect of the Seaton Clock Tower attendants wages and it was proposed to use this revenue saving to fund the prudential borrowing required for all of the proposals. In addition cleaning of the public convenience is now being undertaken by the Building Cleaning Service to a much higher standard and frequency.

In respect of Cabinet's four issues outlined in the report; -

- i) Throughout the democratic process, it was always the intention to ensure public conveniences are open to the public between the hours of 8.00am and dusk.
- ii) The clock tower facility is, at the moment, far too expensive to refurbish but if monies are made available in the future then consideration will be given to completely upgrade these facilities which will cost approximately £90k. This does not take into account structural works

to the roof etc. that will be needed.

- iii) The Assistant Director (Community Services) is currently negotiating with the Burn Valley Allotment holders in respect of the upper Burn Valley Facilities.
- iv) Proposals in respect of the old Baths Site are outlined above.

Members were concerned at the proposal to demolish the toilet block on the Historic Quay as growing numbers of tourists were now visiting the town, with coaches regularly stopping at the historic quay. It was suggested that if these facilities were to be demolished, access to the Historic Quay facilities needed to be provided from outside. Officers highlighted that the building itself was in a very poor state and the facilities inside would need to be attendant controlled to prevent vandalism if opened permanently. Mothballing the facilities would cost around £2000 per year and make them available for use during the Maritime Festival, though would not address the condition of the building.

Cabinet discussed the provision of facilities in Seaton Carew, particularly the refurbishment or replacement of those on the former swimming pool site. Discussions centred on the refurbishment or replacement of the facilities. If the facilities were to be replaced, it was suggested that they incorporate some additional small retail facilities that could be leased to offset the costs. Cabinet members were of the view that in light of the costs, refurbishment would be the more cost effective choice. The toilets in Seaton Park were also discussed as a Cabinet Member considered that better facilities should be provided in the park when it was used by so many families with young children.

#### **Decision**

1. That the conveniences at the former Seaton Baths site should be refurbished.
2. The Historic Quay toilet blocks should be demolished.
3. That further discussions should be held with the Burn Valley Allotment holders in respect of the upper Burn Valley site.

## **149. Local Government White Paper and Local Government Bill (Chief Executive)**

#### **Type of decision**

Non-key.

#### **Purpose of report**

To provide Cabinet with an overview of the Local Government White Paper and Local Government Bill and to suggest a series of Members' seminars.

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

The Chief Executive reported that the two appendices to the report were



summaries provided by the Local Government Association (LGA), which related to the White Paper and Local Government Bill. There were a number of matters considered in the documents, many of which are permissive powers and these were briefly outlined in the report. There are a range of potential implications for the Local Authority and partner organisations in these proposals and powers. Given that a number are permissive there will need to be further detailed consideration given to their relative merits in the context of other arrangements that may already be in place in Hartlepool. There are a number of duties identified in the bill where currently it was not clear if there would be resources made available to support them.

Whilst the Local Government Bill does clarify a number of issues, the delay of the Lyons Inquiry into Local Government with its potential findings does not assist in the identification of a clear path for development in the medium term.

There was some concern expressed at the government's indication that the directions in the Bill should be actioned before it received Royal Assent. Members suggested that the seminar programme needed to commence as soon as possible and the seminars should be held at times that would enable the majority of Members to attend. The Chief Executive highlighted that with many of the government's funding streams ending at the end of the 2007/08 financial year, new Local Area Agreements would need to be in place to continue some services beyond 1st April 2008.

#### **Decision**

1. That Cabinet notes the report and the information incorporated in the appendices;
2. That Cabinet agree to a series of seminars being established for all elected members;
3. That Cabinet agree to receive further reports dealing with the implications of the White Paper and Local Government Bill.

**J A BROWN**

**CHIEF SOLICITOR**

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