

# **CABINET**

## **MINUTES AND DECISION RECORD**

6<sup>th</sup> November 2006

### **Present:**

The Mayor (Stuart Drummond) - In the Chair

Councillors: Cath Hill, Deputy Mayor

Peter Jackson, Performance Management Portfolio Holder

Robbie Payne, Finance Portfolio Holder

Ray Waller, Adult and Public Health Portfolio Holder

### **Also Present:**

Councillor G Hall, Chair of Neighbourhood Services Scrutiny Forum

Edwin Jeffries, Malcolm Sullivan and Steve Williams, Unison Representatives

Alan Watson, CSCI Inspection Team

### **Officers:**

Paul Walker, Chief Executive

Adrienne Simcock, Director of Children's Services

Tony Brown, Chief Solicitor

Dave Stubbs, Director of Neighbourhood Services

Nicola Bailey, Director of Adult and Community Services

Stuart Green, Assistant Director of Planning and Economic Development

Liz Bruce, Head of Learning Disability, Adult and Community Services Department

Neil Harrison, Disability Inclusion Manager, Adult and Community Services Department

Steve Hilton, Public Relations Officer

Joan Wilkins, Scrutiny Support Officer

Angela Hunter, Principal Democratic Services Officer

Denise Wimpenny, Principal Democratic Services Officer

## **103. Apologies for Absence**

Apologies for absence were received from Councillors Pam Hargreaves and Victor Tumilty.

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

Councillor Robbie Payne declared a personal and prejudicial interest in minute 109.

## **105. Confirmation of the minutes of the meeting held on 23<sup>rd</sup> October 2006**

Confirmed.

## **106. CSCI Inspection of Services for People with Learning Disabilities** *(Director of Adult and Community Services)*

### **Type of decision**

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

### **Purpose of report**

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.

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

The Director of Adult and Community Services introduced a representative from the CSCI Inspection Team who reported that a two week fieldwork inspection had been carried out of Hartlepool's services for people with a learning disability from 27<sup>th</sup> June 2006 to 7<sup>th</sup> July 2006. There were key areas identified as priority for development and they were outlined within the recommendations. An improvement plan which set out the Council's strategies to address the recommendations, was presented to Members.

Members attention was drawn to the fact that the inspection had been very well organised by a very effective team who had made the inspectors feel very welcome. A good response had been received from all service users and carers involved with the inspection process. The Inspectors acknowledged that improvement would be achieved when the Council's action plans were implemented together with the recommendations from the inspection report.

The inspection was generally very positive with a real commitment being displayed from Managers to improve the Learning Disability Service. However, the following were some areas of concern highlighted within the report:

- Partnership working between the Council and their health partners was not as advanced as would be expected and better integration should be achieved.
- The Council's Plan for Commissioning was still in its draft form.
- Warren Road Centre required modernisation as some aspects were no longer in line with modern thinking.
- A number of carers had requested more practical services to be made available.
- The advocacy service provided for learning disabilities could be developed further.

A discussion followed in which Members felt that changes were required to the Learning Disability Service in order to provide a more efficient and modern service. However, it was acknowledged that this needed to be done in a sensitive way along with consultation with service users and carers. Whilst it was noted that the PCT was currently undergoing changes through the reconfiguration process, it was recognised that partnership working was being achieved with joint appointments implemented. The Inspector accepted that change was a constant but that it was the way change was managed and whether this was done in a positive way that was important.

The Director of Adult and Community Services informed Members that once the action plan was formally agreed by the CSCI, it would be monitored on a 3 monthly basis through the normal performance monitoring meetings with CSCI. Certain aspects of the action plan will be reported back either to Cabinet such as the Commissioning Strategy with formal updates being reported to the Portfolio Holder on a six-monthly basis or by exception.

### **Decision**

The report was noted.

## **107. Draft Thoroughfare Policy** *(Director of Neighbourhood Services)*

### **Type of decision**

Non-key.

### **Purpose of report**

To approve the Draft Thoroughfare Policy which had been subject to consideration by the Neighbourhood Services Scrutiny Forum at its meeting on 24<sup>th</sup> October 2006 in accordance with Cabinet's scrutiny referral (minute 90 refers).

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

The Chair of the Neighbourhood Services Scrutiny Forum informed Cabinet that the Scrutiny Forum had considered Cabinet's referral at its meeting on 25<sup>th</sup> October 2006. At this meeting, the adoption of the Draft Thoroughfare Policy was endorsed, although Cabinet were requested to take account of 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.

A discussion followed in which Members felt that the implementation of a sensible policy was the best way forward, but that the underlying problem of anti-social behaviour should be tackled also.

The Neighbourhood Services Scrutiny Forum was thanked for their quick examination of this referral.

## **Decision**

- i) That the guidelines identified in 3.9 of Cabinet's report of 6<sup>th</sup> November 2006 for any applications received by the Council for the gating or closure of thoroughfares due to anti-social or criminal activities be approved with immediate effect.
- ii) That any gating orders schemes currently being investigated should fall in line with this policy.
- iii) That the Neighbourhood Services Scrutiny Forum re-examine this policy 12 months from implementation.

## **108. 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 involved 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 109 – Call-In of Decision - Salary Deductions for Industrial Action (Para 4 – namely, Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.)

Trade Union Representatives were, however, permitted to remain.

## **109. Declarations of Interest**

Councillor Robbie Payne, left the meeting.

In response to an enquiry from a member, the Chief Solicitor expressed the view that the business on the agenda was not such as would give rise to a prejudicial interest for a member of whom a relative was employed by the authority.

## **110. Call-In Decision – Salary Deductions for Industrial Action** (*Scrutiny Co-ordinating Committee*)

### **Type of decision**

Non-key.

### **Purpose of report**

To present the findings of the Scrutiny Co-ordinating Committee following its consideration of the 'Call-In' request relating to part (iii) of Cabinet's decision on Salary Deductions for Industrial Action. (Cabinet meeting minute no 78 refers).

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

At its meeting on 13<sup>th</sup> October 2006, Scrutiny Co-ordinating Committee considered the call-in notice received and Members agreed that the reasons as set out in the Call-In Notice would form the basis of the Committee's consideration of the decision. At this meeting, a number of documents were provided relating to Cabinet's decision, supplemented by verbal evidence from the Deputy Mayor and key officers and a written submission by the Performance Management Portfolio Holder.

Members felt that the evidence provided had failed to satisfy the concerns of the Local Joint Consultative Committee and emphasis was placed upon the unreasonableness of the decision taken and the importance of setting a clear salary deduction rate to ensure that employees know what the potential financial implications would be of their participation in future industrial action.

Scrutiny Co-ordinating Committee felt strongly that there should be a consistent policy established for both waged and salaried employees with no ad-hoc decisions being made. It was also emphasised that Trade Union involvement was important for any future decisions involving wage/salary deductions. Scrutiny Co-ordinating Committee suggested that a view on a policy for the level of salary deductions for industrial actions be formulated by the Joint Trade Union Consultative Committee, with input from three Cabinet Members and three Scrutiny Co-ordinating Committee Members. However, the Chief Solicitor advised that it would not be an appropriate route for this decision. Members discussed their previous decision and felt it appropriate to reconsider the implementation of a policy for salary deductions for any future industrial action. It was suggested that a Cabinet Working Group be formed to examine this issue which should include Scrutiny Committee Members and Trade Union Representatives. The Chief Solicitor emphasised that it would be important that he and the Chief Personnel Officer had the opportunity to advise the Cabinet on the issue outside the hearing of Trade Union Representatives.

Upon being permitted to speak a Trade Union Representative referred to the decision taken as to deductions from wages of staff who took part in the recent one day strike (Minute 78 part (i)).

Councillor Ray Waller declared a personal and prejudicial interest in this item and left the meeting.

At this point, it was noted that the meeting was not quorate. The Mayor indicated that (as permitted under the Local Government Act 2000 and the Constitution) he would exercise his powers of decision and that he would do so in accordance with the wishes of the Members present, indicated in the usual way. Each of the decisions thereafter set out in the decision record were confirmed by the Mayor accordingly.

The Mayor agreed that a Trade Union representative could address Cabinet regarding the decision in September in relation to the deduction rate for 29<sup>th</sup> March 2006 and any other action relating to the LGPS dispute.

The Trade Union representative had forwarded additional background information to Cabinet Members regarding salary deductions due to industrial action, although the officers involved had not received this. The Trade Union representatives referred to a decision made by Cabinet in July 2002 with regard to a previous dispute, and were of the understanding that this agreement would be effective for subsequent disputes. Members were of the view however, that this decision only referred to that particular dispute and no policy had been established at that time.

Members were reminded that the Call-In only referred to recommendation iii) and that the implementation of the remaining two recommendations i) and ii) were implemented once the call-in period had expired and were still on-going (minute 78 refers).

The Chief Personnel Officer advised that the implications of reconsidering this decision to deduct 1/5<sup>th</sup> would involve recalculating and reprocessing deductions already implemented. Members were informed that any deductions already made as a result of this decision, had been allocated to the General Fund in line with Members' wishes, this would also be affected if this decision was reconsidered. On this basis, Members felt that this process should continue whilst any further discussions took place.

Members felt that there was a need to revisit the decisions taken on 25<sup>th</sup> September 2006 taking on board the comments made by the Scrutiny Co-ordinating Committee and were happy to receive any further supporting documentation the Trade Unions or Officers felt would be relevant.

### **Decision**

- 1) Cabinet agreed:
  - a) That the establishment of a policy for future deductions from pay in response to strike action be referred to a Cabinet Working Group to include also Scrutiny Co-ordinating Committee Members and Trade Union Representatives, and
  - b) That the decisions taken at Minute 78(i) and (ii) be reviewed by Cabinet at their meeting on 20<sup>th</sup> November 2006.

**J A BROWN**

**CHIEF SOLICITOR**

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