

# CABINET

## MINUTES AND DECISION RECORD

19 March 2007

The meeting commenced at 9.00 a.m. in the Civic Centre, Hartlepool

### **Present:**

The Mayor (Stuart Drummond) - In the Chair

Councillors: Cath Hill (Deputy Mayor),

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

Tony Brown, Chief Solicitor

Mike Ward, Chief Financial Officer

Joanne Machers, Chief Personnel Officer

Adrienne Simcock, Director of Children's Services

Dave Stubbs, Director of Neighbourhood Services

Stuart Green, Assistant Director of Planning and Economic Development

Paul Briggs, Assistant Director (Resources and Support)

Joanne Smithson, Head of Community Strategy

Adrian Hurst, Principal Environmental Health Officer

Alistair Rae, Public Relations Officer

Chris Hart, Planning and Commissioning Manager

Angela Hunter, Principal Democratic Services Officer

Denise Wimpenny, Principal Democratic Services Officer

### **Also Present:**

Councillor Stephen Akers-Belcher

Edwin Jeffries, Secretary of Hartlepool Joint Trade Unions Committee

Malcolm Sullivan, Chair of Hartlepool Joint Trade Unions Committee

**205. Apologies for Absence**

None.

**206. Declarations of interest by members**

None.

**207. Confirmation of the minutes of the meeting held on 5 March 2007.**

Confirmed.

**208. Community Strategy and Neighbourhood Renewal Strategy** (*Head of Community Strategy*)

**Type of decision**

Budget and Policy Framework

**Purpose of report**

To agree the revised Community Strategy, *Hartlepool's Ambition*, as a second draft on which a Strategic Environmental Assessment will be carried out.

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

The Mayor referred Members to the consultation arrangements and role of the Sustainable Community Strategy as outlined in the report.

The 1<sup>st</sup> draft of a revised Community Strategy & Neighbourhood Renewal Strategy was published in September 2006. The Strategy built on the 2002 Strategy and set out a revised policy framework for Hartlepool. A wide range of responses were received as part of this consultation including feedback from residents, Theme Partnerships, public bodies and statutory consultees. The results of this consultation have guided the preparation of this second draft.

The consultation showed broad support for the Strategy and support for the vision was high at over 90%. Where there was disagreement with the vision, feedback included:

- Readability – views that the vision was too long, wordy and difficult to remember
- Deliverable – was the vision achievable in the timescale
- Reference to specific areas of service delivery e.g. more police, environmental quality, development of specific skill sectors.

In relation to the priority aims, respondents were asked what if any

improvements or changes they would make. A broad range of comments were received, both in relation to the aims of the Community Strategy and the issues and priorities of the Neighbourhood Renewal Strategy. Details of appraisals to be carried out were also set out in the report.

#### **Decision**

That the second draft of the Community Strategy and Neighbourhood Renewal Strategy be agreed.

## **209. Buildings Schools for the Future: Stage Two Consultation** *(Director of Children's Services)*

#### **Type of decision**

Key decision (tests i and ii)

#### **Purpose of report**

1. To inform members of the outcomes of the second stage of consultation in preparation for the Building Schools for the Future (BSF) programme.
2. To request members to authorise the formulation of a proposal to discontinue Brierton Community School with effect from 31<sup>st</sup> August 2009 and to ask the BSF Project Board to prepare the appropriate consultation and other arrangements, as required, prior to publication of a formal statutory notice.
3. To request members to authorise further exploration of a possible co-location of Catcote Secondary Special School and Springwell Primary School on a single site with shared facilities, during the period of preparation of the BSF 'Strategy for Change.'

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

The Portfolio Holder for Children's Services presented the report which provided a summary of the outcomes of the second stage consultation process in preparation for Building Schools for the Future, reports on discussions from the Stakeholder Board and Project Board and recommendations regarding the next issues which needed to be addressed and the processes to be followed.

The Council had been informed by Government that, on the basis of its "Readiness to Deliver" submission of October 2006, the Authority was to be admitted to the BSF programme in 2007 as a Wave 5 Authority. Hartlepool's status as a Wave 5 Authority was dependent on adhering to the timescale indicated in the submission. The Council indicated to Government that it expected to have made decisions about the number and size of secondary schools for BSF investment by the end of summer 2007.

The total amount of BSF funding available to spend on Hartlepool schools

was likely to be between £80 million and £90 million, of which approximately £9 million would be earmarked for spending on Information and Communications Technology (ICT) equipment and infrastructure.

The Government expected authorities preparing for BSF implementation to project pupil numbers for ten years into the future and plan accordingly. Hartlepool secondary schools currently educated approximately 6,500 secondary age pupils. Demographic projections provided to Hartlepool Borough Council by the Tees Valley Joint Strategy Unit predicted a fall of approximately 1,000 secondary age pupils over the ten year planning period. It seemed evident that BSF would require planning for a reduction in pupil places in schools, if the Authority's "Strategy for Change" was to be approved by the Minister. Submission of the Strategy for Change was the first formal stage of the BSF process and it was likely that Hartlepool would be required to make this submission in the Spring of 2008.

As part of the stage two consultation process, the following options were put forward for the 11-16 compulsory stage of education:-

- Option 1 – keep six secondary schools at the size they were now
- Option 2 – keep six secondary schools but make some of them smaller
- Option 3 – reduce the number of secondary schools to five by closing Brierton Community School.

In addition, the following two options for the future organisation of specialist provision for children and young people with the most acute learning difficulties and disabilities were also submitted as part of the stage 2 consultation process:-

- Option 1 – Catcote Secondary Special School and Springwell Primary School to remain on their present separate sites
- Option 2 – Catcote Secondary Special School and Springwell Primary Special School to come together on a single site, with shared facilities

Approximately 13,000 consultation documents were distributed throughout the town and approximately 600 people attended the consultation meetings at various locations in the town, details of which were provided. Responses to the Stage Two consultation had been placed on the Council's website. Some responses were collective responses which were summarised in detail in Appendix 1 and individual responses were summarised in Appendix 2.

The majority of collective responses indicated support for a five school 11-16 model and the co-location of Catcote School and Springwell School, although one collective response in particular suggested the need for more detailed exploration of admission arrangements and the concept of a Learning Village. In response to a question, the Director of Children's Services confirmed that a composite response to the consultation had not been received from Brierton School.

An analysis of the individual responses in respect of the options for the 11-16 compulsory education and the SEN provision was detailed within the report, a summary of which is outlined below.

- Responses to the 11-16 options suggested very strong support for reorganisation to a five school model, with the closure of Brierton Community School.
- Responses to the SEN options suggested strong support for further exploration of a possible co-location of Catcote Secondary Special School and Springwell Primary Special School.

Many of the questions and comments during the consultation process related to the 'mechanics' of the changes to any school configuration and the impact at pupil, parent and staff levels. Outcomes in relation to a recent BSF Stakeholder Board meeting and Project Board meeting were included in the report.

In conclusion, the consultation had produced strong support for Option 3: the closure of Brierton Community School. The consultation booklet explained the reasons why this school was named as a possible candidate for closure. Members were advised of the three main possibilities in relation to a possible closing date for Brierton School, each of which would have different implications for groups of pupils at Brierton School which were summarised in the report. A closure on 31<sup>st</sup> August 2009 would appear to achieve the optimum balance between achieving an early closure and achieving smooth transition to new arrangements.

In relation to the SEN options, the next stage would be to develop a continuing dialogue with the two special schools and all relevant stakeholders, including parents, pupils, other schools and other professionals.

The Mayor sought assurances that every effort had been made to ensure as many people as possible had been consulted and that there were sufficient responses to make a decision. Members were advised that the department had consulted with hard to reach groups, carried out road show events at supermarkets and Middleton Grange Shopping Centre. Cabinet requested that there was a need to separate the two issues within the Building Schools for the Future proposals as follows:-

- the 11—16 compulsory stage of education
- the future organisation of specialist provision for children and young people with the most acute learning difficulties and disabilities

Members discussed the possible reasons for the reduction in pupil numbers and reduction in performance at Brierton and the effects that closure may have on Year 7 admissions. It was considered that practical support for protection of pupils and parents at Brierton should be a

paramount consideration.

In relation to the SEN provision, the Director of Children's Services advised that it was recognised that there were many versions of what a learning village constituted and it was the recommendation to further explore the possibility of co-location of SEN provision.

Councillor Akers-Belcher expressed concern in relation to the impact that the announcement of the proposed closure had placed on individuals and added that closure would remove community facilities, create barriers to learning, unnecessary travelling expenses as well as the additional costs incurred by parents for new uniforms. He understood that feedback from residents had indicated that their preferred option was that of a smaller school on that site. In response, it was reported that many of the concerns raised were supported by Cabinet and it was hoped that today's meeting had provided the necessary assurances that the education of pupils in the school would be safeguarded. A consultation event had been held at Brierton in which 80 people had attended and the issues raised by parents focused mainly on how to protect the education of the children if the school did close. Members were reassured that community facilities would be incorporated into any proposals. With regard to the additional expense of uniforms, it was reported that this issue would be further explored. In relation to school size, the Assistant Director (Resources and Support) stated that the income schools received was dependent upon pupil numbers and with such small numbers it may be difficult to provide the whole curriculum. Smaller schools did not necessarily mean smaller classes.

The Assistant Director referred Members to Appendix 3 to the report and highlighted that the department was working closely with head teachers to plan how to target the Year 7 group to ensure additional support was provided. With regard to the impact on primary school children, there was a need to examine the detail of how that would work through consultation with the public and Admissions Forum.

Cabinet Members discussed the advantages and disadvantages of co-location of SEN schools and mainstream schools. The Director of Children's Services advised that this concept would be further explored.

Cabinet requested that monthly update reports be provided on the practicalities affecting children including primary school children.

Cabinet Members also discussed the advantages and disadvantages of co-location of SEN schools and mainstream schools. The Director of Children's Services advised that this concept would be further explored.

### **Decision**

1. That the outcomes of the second stage of consultation in preparation for Building Schools for the Future, be noted.

2. That the formulation of a proposal to discontinue Brierton Community School with effect from 31<sup>st</sup> August 2009 be authorised and the BSF Board be asked to prepare the appropriate consultation and other arrangements, as required, prior to publication of a formal statutory notice
3. That further exploration of the possible co-location of Catcote Secondary Special School and Springwell Primary Special School on a single site with shared facilities be authorised, during the period of preparation of the BSF 'Strategy for Change'
4. That the following two issues be reported separately in future:-
  - the 11—16 compulsory stage of education
  - the future organisation of specialist provision for children and young people with the most acute learning difficulties and disabilities

## **210. Concessionary Local Bus Travel** (*Director of Neighbourhood Services*)

### **Type of decision**

Key decision (test ii)

### **Purpose of report**

To report the current status of the Council's negotiations regarding reimbursement arrangements with local bus operators for concessionary fares from the 1<sup>st</sup> April 2007 to the 31<sup>st</sup> March 2008 inclusive.

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

The Portfolio Holder for Culture, Leisure and Transportation presented the report. Cabinet approved the principle of continuing the Tees Valley Enhanced Concessionary Travel Scheme with effect from 1 April 2007. The scheme allowed Hartlepool residents to travel free of charge on local bus services within Hartlepool and on cross-boundary journeys between Hartlepool and the boroughs of Stockton on Tees, Middlesbrough, Redcar and Cleveland.

Members were referred to Table 1 which provided a summary of the agreed expenditure for the current financial year and the most recent costs for 2007/08 negotiated with local bus operators and Table 2 which provided the proposed cost for each bus operator, which was attached by way of a confidential appendix. In view of the significant costs involved, effective monitoring of the scheme was vital. A Member expressed concern that the basic rise by one of the companies appeared excessive.

### **Decision**

1. That the revised reimbursement arrangements with local bus operators for the 2007/08 concessionary travel scheme

contained in Table 2 be approved.

2. That Cabinet be provided with an update report at the end of 2007 on the operation of the concessionary travel scheme and details of the national scheme to be implemented on 1 April 2008.

## **211. Smoke-Free Legislation** (*Director of Neighbourhood Services*)

### **Type of decision**

Non-Key.

### **Purpose of report**

1. To inform Cabinet of details of the forthcoming legal requirements with regard to the regulation of smoking in smoke-free premises, places and vehicles.
2. To seek Cabinet endorsement of the general principles of enforcement of the legislation

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

The Portfolio Holder for Adult and Public Health presented the report which sets out details of the requirements relating to smoke-free legislation with effect from 1 July 2007. It highlighted the health benefits of the legislation, an implementation strategy and various issues that may arise in relation to enforcement and education of the legislation.

Members discussed how the forthcoming smoke free legislation would be monitored and questioned whether permission was required under the licensing or planning regulations in respect of public houses allowing smoking to the front/rear of the premises. Discussion ensued in relation to the problems of enforcement of the policy and Members considered that offenders should be issued with fixed penalties. The Director of Neighbourhood Services indicated that the Government were encouraging local authorities to warn people in the first instance. If the matter resulted in court proceedings, it was likely that the court would question if people had been given a chance to change their behaviour.

### **Decision**

1. That the legal requirements and duties placed on the Council in relation to smoke-free legislation be noted.
2. That the implementation of the strategy as set out in the report be endorsed.



**212. Manor College of Technology: Consideration of Foundation Status – Statutory Notice** (*Director of Children's Services*)

**Type of decision**

Non-Key.

**Purpose of report**

To determine whether or not to submit a response to the statutory notice in respect of the change of status of Manor College of Technology from a Community School to a Foundation School.

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

The Portfolio Holder for Children's Services presented a report which provided background to the publication of the statutory notice and general information about the Foundation Status. The information submitted to the Portfolio Holder on 17 November 2006 contained a summary of the implications of Foundation Status which had subsequently been updated in light of more recent information, and was attached at Appendix 1. The issues of collaboration, the potential impact on outcomes for children, potential risks for staff and the college, potential impact on Building Schools for the Future as well as details of consultation were outlined in the report.

Cabinet wished to ensure that the admissions process was fair and that children would not be disadvantaged in any way and the Assistant Director explained the provision of the new Admissions Code of Practice. Support for schools continuing to serve their local community was expressed.

**Decision**

That no formal objection be submitted to the statutory notice in respect of the change of status of Manor College of Technology from a Community School to a Foundation School, but that governors be asked to assure themselves that a sufficiently thorough consultation process had been undertaken.

**213. Annual Drug Treatment Plan 2007/08** (*Head of Community Safety and Prevention*)

**Type of decision**

Non-Key.

**Purpose of report**

To illustrate the detail and content of Safer Hartlepool Partnership Annual Drug Treatment Plan for Hartlepool 2007/08 and seek the support of the Cabinet to the activity and performance management framework.

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

The report provided background information to the National Drug Strategy together with information on the future of the strategy. The Adult Drug Treatment Plan 2007/08 was attached at Appendix 1 to the report.

Members expressed disappointment in relation to the reduction in the Drug Intervention Programme budget and the impact this would have on the services currently provided. The Mayor agreed to write to the Government on behalf of Cabinet and the Safer Hartlepool Partnership to express these concerns.

### **Decision**

- (i) That the activity and performance management framework of the Hartlepool Adult Drug Treatment Plan for 2007/08 be received and supported.
- (ii) That the Mayor submit a letter to the Government on behalf of Cabinet and the Safer Hartlepool Partnership expressing the above concerns in relation to the reduction in the Drug Intervention Programme budget.

## **214. Corporate Assessment / Joint Area Review of Services for Children and Young People** *(Chief Executive / Director of Children's Services)*

### **Type of decision**

Non-Key.

### **Purpose of report**

To provide Cabinet with the results of the Corporate Assessment and Joint Area Review of Services for Children and Young People.

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

The publication of the results of the Corporate Assessment and Joint Area Review of Services for Children and Young People had been provided to Members direct. The Portfolio Holder for Performance Management expressed thanks on behalf of Cabinet to all staff for their contribution towards an excellent result. The Mayor requested a copy of the inspection report together with the action plans to facilitate comments. The Assistant Chief Executive advised that the report was scheduled for consideration by Council on 13 April which would allow Members to formally comment. The Chief Executive commented that feedback sessions had identified a significant amount of best practice across the authority and that this should be shared with other authorities both regionally and nationally. It was highlighted that national recognition may lead to future participation in other Government initiatives.

### **Decision**

1. That the results of the assessments be noted.
2. That further reports be received detailing improvement plans resulting from the inspections.

## **215. Nuclear Energy Issues** *(Director of Neighbourhood Services and Director of Regeneration and Planning Services)*

### **Type of decision**

Non-Key.

### **Purpose of report**

To provide information on:

1. The recommendations made to the Government by the Committee on Radioactive Waste Management (CoRWM) and the Government's response to the report;
2. An overview of NuLeaf (Nuclear Legacy Advisory Forum) and an outline of its current work programme and
3. The current position on the Government's consideration of future energy generation including the option of proposals for new nuclear build.

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

The report provided an update on three areas of policy development related to nuclear energy issues. The key points were:-

- a) the Government had accepted in large measure the recommendations of CoRWM on radioactive waste management, notably the selection of geological disposal as the best available long-term solution, but with a robust programme of interim storage in the several decades needed to plan and deliver geological disposal.
- b) the Government had also accepted CoRWM's recommendation that there should be continuing public and stakeholder engagement in developing the management approach, including the siting of facilities. The Government indicates that it is not seeking to impose a geological disposal facility for higher radioactive wastes on any community and is committed to seeking a solution based on a partnership approach with potential host communities.

- c) the Government planned further consultation on these matters in the summer of 2007.
- d) NuLeaf were also feeding into the process of developing the implementation framework for managing radioactive wastes.
- e) the Government was likely to publish a White Paper on Energy and a new consultation on the options for future energy generation in May 2007, following the High Court judgement in February which ruled that earlier consultation had been inadequate. That new consultation and the White Paper would enable the Government to make decisions on these matters in the autumn of 2007.

The Director of Planning and Regeneration referred Members to the potential environmental, economic and social well-being implications for Hartlepool of these issues and in particular pointed out that there would be opportunities to comment in response to Government consultation exercises expected later in 2007.

#### **Decision**

That the report be noted.

## **216. 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 217. – Para 4 (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) and Para 5 (information in respect of which claim to legal professional privilege could be maintained in legal proceedings).

## **217. Equal Pay Risk Update** *(Corporate Management Team)*

#### **Type of decision**

Key (test i applies)

#### **Purpose of report**

The purpose of the report is set out in the exempt section of the minutes.

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

The issues considered by Cabinet are set out in the exempt section of the minutes.

**Decision**

The decision is set out in the exempt section of the minutes.

**J A BROWN**

**CHIEF SOLICITOR**

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