

CABINET

MINUTES AND DECISION RECORD

16 April 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)

Officers: Paul Walker, Chief Executive
Andrew Atkin, Assistant Chief Executive
Dave Stubbs, Director of Neighbourhood Services
Nicola Bailey, Director of Adult and Community Services
Adrienne Simcock, Director of Children's Services
Peter Scott, Director of Regeneration and Planning Services
Steve Hilton, Assistant Public Relations Officer
Charlotte Burnham, Scrutiny Manager
Denise Wimpenny, Principal Democratic Services Officer

Also Present:

Caroline Tyrrell and Steve Nicklin, Audit Commission
Councillors John Marshall and Geoff Lilley
Councillor Jane Shaw, Vice-Chair of Scrutiny Co-ordinating Committee

234. Apologies for Absence

Apologies for absence were received from Councillor Ray Waller.

235. Declarations of interest by Members

None.

236. Confirmation of the minutes of the meeting held on 2 April 2007

Confirmed subject to the following amendment:-

Minute No 230 – Grant – Belle Vue Community Sports and Youth Centre

It was agreed that the following decision be amended to read:-

- (i) That a grant to Belle Vue Community Sports and Youth Centre of £23,750 for 2007/08, be approved.
- (ii) That the outside body appointment process, be reviewed.

237. Tees Valley Joint Minerals and Waste Development Plan Documents: Key Issues and Alternative Options Report *(Director of Regeneration and Planning Services)*

Type of decision

Budget and Policy Framework

Purpose of report

To deal with the preparation of a joint Minerals and Waste Development Plan Documents by the Joint Strategy Unit, on behalf of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils. Specifically the report seeks approval of the Key Issues and Alternative Options Report for issue as public consultation documents for the statutory period 21 May to 30 June 2007.

Issue(s) for consideration by Cabinet

The Director of Regeneration and Planning Services reported on the background to the key issues in relation to the initial preparation of the Tees Valley Joint Minerals and Waste Development Plan Documents (DPDs). The report identified issues affecting minerals and waste development and provided spatial planning options for dealing with these. Public consultation would allow communities, organisations and businesses to have their say on what options should be used in the Tees Valley to deal with minerals and waste issues, identify any further issues and options to be put forward for consideration on how to deal with such further issues.

Publication of the Key Issues and Alternative Report was a statutory requirement under the Planning and Compulsory Purchase Act 2004. The report was timetabled to be published for the required 6 week public consultation period 21 May to 30 June 2007 and was a key milestone in the Hartlepool Local Development Scheme (LDS). Publication of the Preferred Options Report in February 2008 for a further statutory 6 week public consultation was the next key milestone.

A Sustainability Appraisal (SA) Scoping Report of all of the issues and options currently identified would accompany the Key Issues and Alternative Options Report and would be used to assess the performance of the options against baseline conditions identified within the SA Scoping Report.

In response to a Member query in relation to the preferred options report, the Director of Regeneration and Planning Services provided clarification.

Decision

That the Tees Valley Minerals and Waste Key Issues and Alternative Options report and accompanying Sustainability Appraisal scoping report be noted and approved for issue for public consultation for the statutory period.

238. Formal Response to the Authority's Draft Corporate Plan 2007/08 *(Scrutiny Co-ordinating Committee)*

Type of decision

None

Purpose of report

To provide a formal response of the Scrutiny Co-ordinating Committee in relation to the Authority's Draft Corporate Plan for 2007/8.

Issue(s) for consideration by Cabinet

The Vice-Chair of the Scrutiny Co-ordinating Committee presented the formal response of the Scrutiny Co-ordinating Committee in relation to the proposed key objectives of the draft Corporate Plan for 2007/08. The Scrutiny Co-ordinating Committee and the four Scrutiny Forums had considered the draft content of the Corporate Plan in greater detail this year which had proved to be successful. Whilst the Overview and Scrutiny Committees raised a number of questions in relation to specific areas of the draft Corporate Plan, Members supported the proposed objectives and actions for inclusion in the 2007/08 Corporate Plan. A number of specific comments made by the Forums were outlined in Section 3 of the report.

Decision

That the formal response of the Scrutiny Co-ordinating Committee in relation to the draft Corporate Plan including the additional comments, be received.

239. Corporate Plan (BVPP) 2007/08 – Part 1 *(Assistant Chief Executive)*

Type of decision

Budget and Policy Framework

Purpose of report

To enable Cabinet to discuss the objectives and actions proposed for inclusion in the Council's Corporate (Best Value Performance) Plan for 2007/8.

Issue(s) for consideration by Cabinet

The Performance Management Portfolio Holder advised that the Corporate Plan would be produced in two parts. Part 1 described the Council's overall aims, contributions to the Community Strategy aims and organisational development policies, attached at Appendix A. Part 2 would continue to contain the detailed supporting information relating to performance statistics which the Council was required to publish including the Best Value Performance Indicators (BVPIs) for 2006/07 and targets for 2007/08, 2008/09 and 2009/10. This information was currently being collected as part of the normal performance indicator collection process which would be presented to Cabinet and Scrutiny Co-ordinating Committee in May/June for consideration. Details of the proposed timetable for consideration of Parts 1 and 2 was included in the report.

A Member suggested that the positive CPA feedback in relation to political leadership and Elected Members be included within Part 1 of the Corporate Plan.

A Member pointed out that the level of paperwork generated was excessive and efforts should be made to reduce this. Whilst Members supported this view, it was highlighted that those Members who preferred to work from paper copies should be able to do so. The Assistant Chief Executive added that arrangements were currently being implemented, as part of the civic suite refurbishment works, scheduled for completion in November, to include wireless connectivity. This would enable Members to access papers via laptops whilst in meetings. Members would be given any assistance required with training and support to enable them to take advantage of this opportunity.

Decision

- (i) That Part 1 of the Corporate Plan 2007/08, be approved.
- (ii) That the comments of Scrutiny Co-ordinating Committee be included in the Corporate Plan as outlined in Section 3 of the report.

- (iii) That parts 1 and 2 be received at a meeting of the Cabinet on 14 May 2007.
- (iv) That the positive CPA feedback in relation to political leadership and Elected Members be included in Part 1 of the Corporate Plan.

240. Audit Commission Annual Audit and Inspection Letter 2005/06 *(Assistant Chief Executive/Chief Financial Officer)*

Type of decision

Non-key

Purpose of report

To inform Cabinet of the outcome of the Audit Commission Audit and Inspection Letter 2005/06.

Issue(s) for consideration by Cabinet

The Audit Commission's Annual Audit and Inspection Letter 2005/06 attached to the report summarised the conclusions and significant issues arising from the Audit Commission's recent audit and inspections of the Council. The Inspection Letter included the Council's rating in relation to the new CPA process as well as judgements regarding the Council's performance and direction of travel, opinion on the Council's accounts and governance issues.

The Audit Manager gave a brief overview of the key issues. A number of areas of success were highlighted which included an excellent CPA result, value for money and improvements on use of resources. Members attention was drawn to the minor areas for improvement as detailed within the Inspection Letter. These included the need to improve work with the voluntary sector, strategic procurement and business process re-engineering, delegation arrangements for planning and clarity in relation to the status and function of the Administration Group.

A Member suggested that Cabinet examined each of the areas for improvement individually and highlighted that work in relation to business process re-engineering had already commenced.

Members discussed the issues referred to above including delegation arrangements for planning to which officers provided clarification.

Members agreed that the positive outcomes of the report had shown that the Council was improving well with very minor weaknesses that required attention.

Decision

That the contents of the report and the Annual Audit and Inspection Letter 2005/06, be noted.

241. Tees Valley Unlimited (*Chief Executive and Director of Regeneration and Planning Services*)

Type of decision

Non-key

Purpose of report

To consider in more detail certain issues associated with the proposed governance arrangements for Tees Valley Unlimited.

Issue(s) for consideration by Cabinet

A report on the governance arrangements for Tees Valley Unlimited was considered at the Cabinet meeting on 5 March and deferred for a further report, a copy of which was attached at Appendix 1. Concerns raised at the meeting included the reference to delegation of powers, the involvement of the private sector especially in the Chair having a casting vote, the potential for the body to concentrate resources in the centre of the Tees Valley and the potential for this to be a first step to the creation of a Tees Valley local authority.

The Chief Executive presented the report which addressed the above issues. The report of the recent Peer Assist Review Group offered the Tees Valley authorities the possibility of a sub regional funding allocation which would enable the Tees Valley and not the regional agencies to decide on projects to fund in the Tees Valley subject to a Multi Area Agreement agreed with Government. A joined up and co-ordinated approach from all Tees Valley authorities could assist in the securing of resources from regional bodies. Private sector involvement was something that the Government was keen to strengthen, details of which was outlined in the report together with the potential benefits to the people of Hartlepool.

There was no clear alternative to the proposed arrangements and the risk of not securing the future support from regional programmes would be very high if Hartlepool was not part of the Tees Valley Unlimited and there would be a considerable danger that Hartlepool would become marginalised with limited funding allocation.

Discussion ensued in relation to the potential costs and contribution from the private sector to which the Chief Executive provided details. A Member expressed concern in relation to the possibility of the authority being marginalised, the suggestion of a private sector Chair and the delegated power arrangements to unelected quangos. Whilst some Members had similar concerns it was acknowledged that this was a result of the changing

nature of local government. A lengthy discussion then followed in relation to the issue of unelected quangos, the make up of the partnership and the advantages and disadvantages of a rotating political Chair. Members suggested that six monthly reviews of the performance of Tees Valley Unlimited be undertaken, the outcome of which to be reported to Cabinet. Members considered that there should be no delegation of powers from the Council to Tees Valley Unlimited. There was no consensus on whether there should be a revolving political Chair and the Mayor expressed the view that he would prefer an independent Chair. One Member expressed a preference for a 10 person leadership Board. Details of the set up arrangements of the Board were also requested.

Decision

- (i) That the proposed governance arrangements for Tees Valley Unlimited, be approved subject to this not involving delegation of powers from the Council.
- (ii) That six monthly reviews be undertaken, the outcome of which to be reported to Cabinet.
- (iii) That a report outlining set up arrangements be provided to Cabinet reflecting the degree to which their concerns had been adopted.

242. Member Requests for Information (*Chief Executive*)

Type of decision

Non-key

Purpose of report

To consider the extent to which officers are expected to respond to individual Councillors requests for information and assistance which they seek in pursuing their own interests and research.

Issue(s) for consideration by Cabinet

The report summarised specific cases for which the Chief Executive considered a disproportionate amount of time was being requested. Cabinet was requested to determine how they wished officers to proceed and determine whether they wished to redirect resources to support individual Councillor requests.

Following approval by the Mayor, Councillor John Marshall was in attendance at the meeting and following Cabinet's approval, this issue was discussed in open session.

Councillor Marshall provided detailed information on the reasons for pursuing his requests for information, one of which was a public safety issue and went on to give details of an exchange of correspondence

between himself, the Chief Solicitor and the Chief Executive. Councillor Marshall felt that the amount of officer time in dealing with his requests had not been excessive.

Councillor Marshall left the meeting

In response, the Chief Executive advised that this was an issue regarding the amount of officer time and resources that was devoted to addressing Councillor Marshall's concerns. Hundreds of staff hours had been expended in attempts to satisfy requirements. Members were advised of the background to the Chief Solicitor's decision to draw a line under these requests. Details of the type of information requests were also provided. Members were advised that if the matter was to be further pursued, resources would need to be redirected to support these requests and other priorities would suffer as a result.

A Member queried Councillors access to information rights to which the Chief Executive provided clarification. Members discussed at length Members rights to information and questioned whether the beach related complaints and enquires should have been considered by the General Purposes Committee. Members supported Members rights to information as well as Officer's rights to highlight if information had previously been provided. The potential difficulties being placed on junior members of staff to resist inappropriate requests from Members were highlighted.

Following a lengthy discussion Members were satisfied that answers had been provided, however, did not consider that this was a decision which required Cabinet approval. Members considered that the Officer/Member Protocol provided the Chief Executive with the appropriate level of authority to properly deal with such issues.

Decision

That the principles set out in the Officer/Member Protocol, be endorsed.

J A BROWN

CHIEF SOLICITOR

PUBLICATION DATE: 20th April 2007