

CABINET

MINUTES AND DECISION RECORD

30th April 2007

The meeting commenced at 9.00 a.m. at the Avondale Centre,
Dyke House, 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),

Victor Tumilty (Culture, Leisure and Transportation Portfolio
Holder

Officers: Paul Walker, Chief Executive
Andrew Atkin, Assistant Chief Executive
Adrienne Simcock, Director of Children's Services
Nicola Bailey, Director of Adult and Community Services
Dave Stubbs, Director of Neighbourhood Services
Joanne Machers, Chief Personnel Officer
Julian Heward, Assistant Public Relations Officer
Jonathan Wistow, Scrutiny Support Officer
Dave Thompson, Principal Engineer
Denise Wimpenny, Principal Democratic Services Officer

Also Present:

Councillor Jane Shaw, Vice-Chair of the Scrutiny Co-ordinating
Committee

243. Apologies for Absence

Apologies for absence were received from Councillors Robbie Payne and Ray Waller.

244. Declarations of interest by Members

None.

245. Confirmation of the minutes of the meeting held on 16 April 2007

Confirmed.

246. Withdrawal of European Structural Funding to the Voluntary Sector within Hartlepool – Scrutiny Referral (*Scrutiny Coordinating Committee*)

Type of decision

Non-key

Purpose of report

To outline the findings and conclusions of Scrutiny Coordinating Committee's investigation into the Withdrawal of European Structural Funding to the Voluntary Sector within Hartlepool.

Issue(s) for consideration by Cabinet

The Vice-Chair of the Scrutiny Co-ordinating Committee presented the report and findings of the Committee's investigation into the withdrawal of European Structural Funding to the Voluntary Sector within Hartlepool.

Decision

That the recommendations of the Scrutiny Co-ordinating Committee as set out below be endorsed and regular update reports be provided to Cabinet in relation to the progress of the working group:-

- (a) That a working group comprised of representatives from the Council (both Elected Members and Officers), the Community and Voluntary Sector, partners from the LSP and other external representatives (depending on the issues under discussion) be established with particular focus on:-
 - (i) Developing an ongoing approach to respond to the loss of European Funding locally and the consequences this would have on the CVS and in doing so focusing on such issues as, for example: sustainability, the community pool criteria and developing a partnership based approach to responding to the consequences of a reduction in European Funding.
 - (ii) A response be produced to this issue that would enable the Authority to lobby the local MP, National Government, GONE and ONE about these changes.

247. Adoption of the Coast Protection Shoreline Management Plan (SMP2) River Tyne to Flamborough Head *(Director of Neighbourhood Services)*

Type of decision

Key Decision – test ii applies.

Purpose of report

To seek adoption of the Coast Protection Shoreline Management Plan SMP2 and to inform Cabinet of the options and recommendations contained in the Plan and associated potential risks and financial implications.

Issue(s) for consideration by Cabinet

The Culture, Leisure and Transportation Portfolio Holder reported that following the publication of government guidelines a Shoreline Management Plan (SMP) was originally produced for the length of coastline from Seaham to Saltburn. The original Plan was adopted by the Council in 1999.

The major recommendation for Hartlepool Borough Council which emanated from the original SMP was the production of a Strategy Study for the area from North Sands to Newburn Bridge. This Strategy Study was completed in January 2006 and reported to Cabinet in February 2006. The plan consisted of 3 volumes, details of which were outlined in the report. Appendix 1 contained extracts from the non-technical summary of the Plan for the Hartlepool area including plans for the Hartlepool coastline. Final copies of the Plan would be available in the Central Library and Bryan Hanson House. The key issues considered when determining long-term coastal management were set out in the report together with the key principles detailed in the SMP2.

The dominant policy for the Hartlepool coastline was to “Hold the Line”. It was likely that the Council would be faced with the need to invest more revenue in ongoing maintenance with the potential for a significant increase should a failure in defences occur. The recommended SMP2 Action Plan for Hartlepool was included in Appendix 1 to the report although it should be noted that the majority of the recommended actions would not attract DEFRA funding. Adoption of the Plan did not commit the Council to the recommended SMP2 Action Plan and its financial implications. The outcomes which were eligible for DEFRA grant funding were summarised and costed in the report.

Discussion ensued in relation to the likelihood of a tidal surge and the arrangements in place to deal with this. Members were advised that most of the coast was fairly well protected in accordance with Environment Agency standards.

Decision

- (i) That the plan be adopted as Council Policy and the suggested policies, strategies and schemes be progressed subject to appropriate financial provision being available.
- (ii) That a copy of the plan be displayed in the Central Library and Bryan Hanson House.

248. Criminal Record Bureau Checks for Elected Members *(Chief Personnel Officer)*

Type of decision

Non-key

Purpose of report

To describe the current arrangements for undertaking Criminal Record Bureau (CRB) checks on all Elected Members for clarification and set out proposals for formalising the procedures in the future.

Issue(s) for consideration by Cabinet

The Performance Management Portfolio Holder reported that Elected Members had been asked to undertake a Criminal Record Bureau check to provide reassurance and security to the vulnerable members of Hartlepool's communities. To date there had been a positive response to the request with over 77% of Members having gone through or were going through the process. The exercise was still on-going as some Members had not yet made arrangements for a check to be completed for various reasons. No formal arrangements were in place, however, which clarified what would happen if an Elected Member chose not to complete a CRB check application or a trace was identified.

It was highlighted that the safety of children and vulnerable adults was paramount for Hartlepool Borough Council and therefore the Council should do everything it could to ensure the vulnerable groups in Hartlepool's communities were protected. It was important that communities had confidence that staff and the people that employed them had been properly vetted. The CRB's aim was to help organisations in the public, private and voluntary sectors, by identifying people who may be unsuitable to work with children or other vulnerable members of communities.

There were two levels of disclosure, standard and enhanced, which could only be obtained by organisations listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974. Standard disclosures were appropriate where an individual would have regular contact with children or vulnerable adults and an enhanced check where there was regular caring, training, supervisory role or sole charge of children and/or vulnerable adults. The different types of information available through the Disclosure Service

were included in the report. It was highlighted that disclosure did not guarantee an individual as being totally safe but demonstrated that the Council had acted responsibly as an organisation.

Members were advised of the current arrangements for CRB checks and the total cost if all 48 Members were checked. Although the law did not require Elected Members to be CRB checked there were some specific roles where a check would be regarded as good practice. As the roles undertaken by individual Elected Members may vary over time it would be considered prudent to CRB check all Elected Members upon election to avoid subsequent delay and potential confusion about which Members had been checked. The Council would also wish to reassure appropriate partner organisations, community groups and the public generally that Elected Members at Hartlepool Borough Council were routinely CRB checked. Only where an Elected Member had refused to be checked or a trace identified that gave serious cause for concern would the reassurance be qualified.

Such a protocol would require all current and newly Elected Members to complete a CRB check and any traces being referred to the Chief Executive, or the Monitoring Officer in his absence, for assessment regarding appropriate action. Appropriate action may include for example taking no action, advising the Mayor that allocating Portfolio Holder responsibilities was not appropriate or restricting the range of outside bodies which the Elected Members may represent the Council on. These arrangements were not intended to prevent any Elected Member from undertaking their elected role as community representative. All information received would be treated in the strictest confidence.

Members raised a number of queries with regard to the CRB checking process to which the Chief Personnel Officer provided clarification. With regard to the role of resident representatives and their involvement with the community, Members suggested that resident representatives should be CRB checked.

In relation to what reassurances should be made publicly for Members who had not been CRB checked, whilst some Members felt that this should be publicised as there may be an assumption that a check had been carried out, another Member considered that this was not necessary. The Chief Personnel Officer advised that CRB checks could not be enforced, however, Members' activities could be limited if considered appropriate.

Following further discussion regarding publication issues, the Chief Personnel Officer advised that given the sensitivity of the issue, it was not standard practice to publicise such information and consent from individuals would be required prior to publication. The Director of Children's Services added that it was potentially a criminal offence to disclose the results of CRB checks. Members commented that the proposed recommendations, as outlined in the report, provided additional security and safety for vulnerable members of the community.

Decision

- (i) That all current Elected Members, newly Elected Members and resident representatives undertake a standard CRB check each term of office.
- (ii) That the Chief Executive and the Monitoring Officer in his absence, be authorised to discuss identified traces and determine appropriate action.
- (iii) That assurances be provided publicly that a satisfactory CRB check had been undertaken only with the prior consent of individual Members and resident representatives.

J A BROWN

CHIEF SOLICITOR

PUBLICATION DATE: 5th May 2007