



Chief Executive's Department
Civic Centre
HARTLEPOOL

15th October 2007

The Mayor (Stuart Drummond)

Councillors Akers-Belcher, Allison, Atkinson, Barker, Brash, Clouth, R W Cook, S Cook, Coward, Cranney, Fenwick, Fleet, Fleming, Flintoff, Gibbon, Griffin, Hall, Hargreaves, Henery, Hill, Jackson, James, Johnson, Kaiser, Laffey, Lauderdale, A E Lilley, G Lilley, London, A Marshall, J Marshall, Dr. Morris, Payne, Plant, Preece, Richardson, Rogan, Shaw, Simmons, Sutheran, Tumilty, Turner, Wallace, Wistow, Worthy, Wright, and Young.

Madam or Sir,

You are hereby summoned to attend a meeting of COUNCIL to be held on THURSDAY, 25th October, 2007 at 7.00 p.m in the Main Hall, Hartlepool College of Further Education, Stockton Street, Hartlepool to consider the subjects set out in the attached agenda.

Members are requested to note the change in venue of the meeting.

By order
P Walker
Chief Executive

Enc

PLEASE NOTE VENUE

COUNCIL AGENDA



Thursday 25th October 2007

at 7.00 pm

**in the Main Hall,
Hartlepool College of Further Education,
Stockton Street, Hartlepool (main College entrance)**

1. To receive apologies from absent members.
2. To receive any declarations of interest from members.
3. To deal with any business required by statute to be done before any other business.
4. To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 10.
5. To approve the minutes of the meeting of the Council held on 13th September 2007 (copy attached) as a correct record.
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.
 - (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given. Minutes of the meetings of the Police Authority held on 26th July 2007 and the Fire Authority held on 27th July 2007 are attached.

PLEASE NOTE VENUE

8. To deal with any business required by statute to be done.
 - (a) Report on Special Urgency Decisions in respect of the period January–March 2007, April-June 2007 and July-September 2007 (copies attached)
9. To receive any announcements from the Chair, the Mayor, members of the Cabinet or the head of the paid service.
10. To dispose of business (if any) remaining from the last meeting and to receive the report of any scrutiny forum or other committee to which such business was referred for consideration.
 - (a) Alteration to Council Procedure Rules Relating to Members' Questions (Report of the Constitution Committee – report stood adjourned at the Council meeting on 13 September 2007 (copy attached)
11. To receive reports from the Council's committees and working groups other than any overview and scrutiny committee and to receive questions and answers on any of those reports;
 - (a) Licensing Policy – Licensing Act 2003 (Report of the Licensing Committee) (copy attached)
12. To consider any other business specified in the summons to the meeting, including consideration of reports of the overview and scrutiny committees for debate and to receive questions and answers on any of those items;
13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework

Food Law Enforcement Service Plan 2007/08 (Report of The Executive) (copy attached)
 - (b) Proposals for departures from the budget and policy framework

2007/08 Prudential Borrowing Limits and Capital Programme (Report of The Executive) (copy attached)
14. To consider any motions in the order in which notice has been received.
 - (a) "This Council debates whether or not the position of Elected Mayor is the most suitable method of Government for Hartlepool Borough Council."

Signed:

Councillor George Morris

Councillor John Marshall

Councillor Edna Wright

Councillor Stephen Allison

Councillor John Lauderdale

PLEASE NOTE VENUE

(b) "Hartlepool Borough Council would like to recognise and draw attention to the outstanding work carried out by the former District Commander of Hartlepool Police Steve Ashman and the enhancement to public safety in Hartlepool his work has delivered.

His direct approach and willingness to engage and inform the public has without doubt contributed to the enormous success of the introduction of Neighbourhood Policing, that has improved the lives of so many in the town, and Hartlepool Borough Council pays tribute to Steve Ashman's role in this success.

The Council further calls on Mr Ashman's successor, Superintendant Andy Summerbell, to take special account of this immense contribution and ask that he build upon this work so as to ensure that the huge improvements in policing that have led to record reductions in crime here in Hartlepool are continued."

Signed:

Councillor Mick Johnson
Councillor Robbie Payne
Councillor Gerald Wistow
Councillor Jane Shaw
Councillor Jonathan Brash

(c) "As much of the growing legislative burden placed on Hartlepool Council originates from the European Union Government then Hartlepool Council call upon Gordon Brown as the British Prime Minister to let the British people decide via a referendum on whether our country should remain within the European Union. Hartlepool Council also calls upon Ian Wright as the Member of Parliament for Hartlepool to do all in his power to promote the holding of such a referendum."

Signed:

Councillor Stephen Allison
Councillor George Morris
Councillor Geoff Lilley
Councillor Alison Lilley
Councillor John Marshall

15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary (copy attached)

COUNCIL

MINUTES OF PROCEEDINGS

13 September 2007

The meeting commenced at 7.00 pm in the Town Hall, Hartlepool

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Akers-Belcher	Allison	Atkinson
Barker	Brash	Clouth
R W Cook	Coward	Cranney
Fenwick	Fleet	Fleming
Flintoff	Gibbon	Griffin
Hall	Hargreaves	Henery
Jackson	James	Johnson
M P Laffey	Lauderdale	A Lilley
G Lilley	London	A Marshall
Dr. Morris	Payne	Plant
Preece	Rogan	Shaw
Simmons	Sutheran	Tumilty
Turner	Wallace	Wistow
Wright	Young	

OFFICERS:

Tony Brown, Chief Solicitor
Nicola Bailey, Director of Adult and Community Services
Adrienne Simcock, Director of Children's Services
Dave Stubbs, Director of Neighbourhood Services
Andrew Atkin, Assistant Chief Executive
Chris Little, Assistant Chief Financial Officer
Alistair Rae, Public Relations Officer
Denise Wimpenny, Principal Democratic Services Officer
David Cosgrove, Principal Democratic Services Officer

44. APOLOGIES FOR ABSENT MEMBERS

Councillors S Cook, Hill, J Marshall, Kaiser and Worthy

45. DECLARATIONS OF INTEREST FROM MEMBERS

Councillors Barker, Brash and Wallace declared a personal and non-prejudicial interest in relation to minute number 50.

46. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS

None.

47. PUBLIC QUESTIONS

None.

48. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 26 July 2006 having been laid before the Council.

Minute No 33 to be amended to read as follows:-

In relation to Minute 24 - Members referred to the concerns raised in relation to life expectancy rates for the Borough. Members indicated that this comment should have stated that "this should be a major priority for the Executive in the next twelve months" rather than greater emphasis be given to addressing these issues.

RESOLVED - That the minutes be confirmed subject to the above amendment.

The minutes were thereupon signed by the Chairman.

49. QUESTIONS FROM MEMBERS OF THE COUNCIL ON THE MINUTES OF THE PREVIOUS MEETING OF THE COUNCIL

None.

50. QUESTIONS FROM MEMBERS OF THE COUNCIL

(a) Questions to Members of the Executive about recent decisions of the Executive

None

- (b) Questions to Members of the Executive and Chairs of Committees and Forums, for which Notice has been given

The Chairman drew attention to the number of questions on the agenda and invited the Council to agree that a limit of 12 minutes should be allocated for each question. This was agreed

1. Councillor Allison to the Mayor, Stuart Drummond

“In the submission of the Tall Ships Race it was said, “Hartlepool understands that a significant budget will be required to cover the costs of the visit by the Tall Ships’ Race.” However nowhere in the information made available to me is there any indication of what a “significant budget” would actually be. Could you inform this council of the total level of council spending anticipated over the period up to and during the race and the budgeted breakdown spend in each key area eg How much is anticipated for personnel costs, construction costs, administration, hospitality for crews, marketing, insurances etc.

The Mayor responded by stating that the total budget for the Tall Ships event continued to evolve as the Workstream Task Groups investigated Hartlepool solutions to the demands posed by the 2010 Tall Ships event.

Each port is different, both in terms of ship berthing arrangements, site configuration and event management. Furthermore we are faced with decisions on the scale of delivery as each host port will seek to undertake its event in an individual manner.

A considerable amount of research has been undertaken over the last twelve months to determine accurate cost estimates, this has been immeasurable helped with our close contacts with previous host ports eg Newcastle, Gateshead, Waterford, Liverpool and the experience of others elsewhere in Europe.

Members will appreciate that there is a significant difference between the total gross cost of the event and the actual net cost to Hartlepool Borough Council. The reality is that we must be prepared to secure as much funding as possible from as many sources as possible and this cannot easily be done in the public domain when we should be negotiating from a position of strength, not weakness.

As the event is of regional significance the cost will be offset by a variety of regional and sub-regional grant support, sponsorship and trading income.

Whilst the Council had approved a budget contribution of £800k towards the cost of the event, everyone would be working hard to reduce the call on the Council’s own resources so that monies could either be released for other purposes or to support a bigger events programme to maximise the exposure Hartlepool and Tees Valley receives from the Tall Ships visit.

In a supplementary question, Councillor Allison asked *“if the Mayor had any idea how much this would cost? The Mayor stated that the current gross cost estimate was £2,285,000, however this figure was constantly changing.”*

In the subsequent debate a Member expressed concern that the Council had entered into an event that was open ended without full details of the exact costs and queried if grant funding was secured whether the monies could be redirected to support other services. The importance of ensuring the event was a huge success as well as the need to maximise the level of sponsorship and grant income was highlighted.

2. Councillor G Lilley to Portfolio Holder for Performance, Councillor P Hargreaves

“Recent data released under the freedom of information act shows great variation in levels of attendance at meetings by Councillors.

With this in mind do you consider there needs to be a return to the fair, transparent and appropriate system whereby all allowance payment are calculated pro-rata to attendances. What is the process to instigate this fundamental improvement in Councillors emoluments”

In response, the Performance Portfolio Holder stated that Members Allowances were governed by the following legislation and the level of allowances were considered by the Independent Remuneration Panel:-

Section 100 of the Local Government Act 2000, provides a power to the Secretary of State to make provisions over allowances. The Local Authorities (Members’ Allowances) (England) Regulations 2003, so provides that each Local Authority must provide a scheme for the payment of a “basic allowance” in respect of each year to each Member. This allowance must be the same for each Member. The only caveat to that is where a Member is suspended or partially suspended or has to be paid on pro rata basis, because they took up office after 1st April, in a particular year. In addition, the “special responsibility allowance” has a similar connotation, and there is also the travelling etc, allowances for meetings attended etc.

In a supplementary question, Councillor G Lilley asked the Portfolio Holder *“whether the figures relating to Members’ attendances at meetings could be included in the Best Value Performance Indicators that are published in March each year.”*

In response, the Performance Portfolio Holder gave details of her own personal attendance figures for the previous four months of which only a very small number of meetings were recorded. The Portfolio Holder considered that recording and publishing the figures was not a good idea as they were simply an indication of a Member’s presence at a meeting and not their role or contribution. The resource implications of maintaining such a system would also be prohibitive in terms of the benefit gained.

3. Councillor S Allison to the Mayor, Stuart Drummond

“MP’s have recently criticised fortnightly bin collections as inappropriate for urban areas and that there was no proof it increased recycling. Hartlepool Council however is pressing ahead with fortnightly bin collections and to the dismay of some residents these are soon to be introduced to St Hilda Ward. Does the Mayor have any hard, quantitative evidence that he can bring to this Council that shows fortnightly bin collections have resulted in an increase in recycling in Hartlepool.”

The Mayor advised that MP’s had recently criticised fortnightly bin collections as inappropriate for urban areas. Whilst this may be strictly true in that individual MPs for whom it was an issue in their constituencies before the Council elections may well have criticised alternate weekly collections (AWCs), the Government had not established a position on AWCs nor had any of the political parties. The evidence did not suggest alternate weekly collections was the only way to boost recycling but equally experiences from authorities in both the UK and abroad suggested that such schemes could work well and contribute to significantly higher recycling rates, provided they were well designed and implemented.

Since the introduction of alternate weekly collections in Hartlepool the amount of waste recycled from the kerbside collection service has increased from 1.29 kg per household per week to 3.10 kg per household per week.

Overall our performance has improved substantially. In 2004/2005 before alternative weekly collections were introduced 19.1% of all household waste was recycled and composted, whereas today this has increased to 38% with only two thirds of the town on the new system. With regard to how alternate weekly collections has increased recycling, I can advise that the four alternate weekly collection rounds has averaged at 50%.

In a supplementary question Councillor Allison reported *“that the House of Commons Refuse Collection report indicated that there were no links between alternate weekly collections and recycling. He queried whether there was any evidence to suggest that other recycling schemes contributed to the waste hierarchy to reduce, reuse, recycle and dispose as alternate weekly collections were not popular and what measures were in place to address this.”*

In response, the Mayor acknowledged that whilst there had been some complaints in relation to alternate weekly collections, generally positive feedback had been received with regard to the recycling scheme.

In a subsequent debate Members recognised the benefits of recycling and alternate weekly collections as well as the need, as a Council, to educate residents on the importance of recycling. Waste spillage and the adverse effects this had on the appearance of the town and local communities was discussed together with the need for more effective methods of recycling paper.

4. Question from Councillor G Lilley to the Chair of the Adult and Community Services and Health Scrutiny Forum, Councillor Brash

"I remind this council that their amended and agreed resolution of the full council meeting of February 8th with the general intention of protesting the shock central government announcement that Hartlepool Hospital was to close and specifically to halt/prevent the further migration of employment opportunities and services from Hartlepool to Stockton.

Can you please explain what the 'Adult and Community Services and Health Scrutiny Forum' and 'Scrutiny Coordinating Committee' have done over the last 7 months to resist any further migration of both jobs and services out of the town to Stockton and fight any downgrading of services at University Hospital Hartlepool?"

In response, Councillor Brash confirmed that Scrutiny Co-ordinating Committee had fulfilled its role in respect of the referral on 9 February 2007. This was achieved by re-directing the referral to the Adult and Community Services and Health Scrutiny Forum who had assumed responsibility for delivering upon the referral.

As a Member of the Adult and Community Services and Health Scrutiny Forum you will be aware that the Forum has pro-actively engaged in every debate surrounding the hospital and health services in general. This ranges from regular meetings with the Chief Executive of the hospital, representing the interests of Hartlepool at regional health scrutiny meetings and working in partnership with our counterpart health scrutiny forum in Easington to ensure that we look after the needs of all users of Hartlepool hospital. It is fair to say that the Health Scrutiny Forum has recognised that health services are evolving. Hospitals will get smaller and more services will be based in the community, closer to resident's homes. Therefore we have agreed to actively engage in a programme of work called 'pathway to healthcare'. This piece of work is being undertaken by the Acute Trust and the PCTs and I believe that it is a great opportunity for scrutiny to engage in a debate that seeks to plan how all health services (not just the hospital) will be delivered in Hartlepool. I am keen to ensure that these services are delivered in ways that are appropriate to the 21st century and in first class facilities.

This piece of work will take the NHS approximately seven years to complete and therefore the health scrutiny forum must be involved at all key stages to allow Hartlepool to influence the future development of health services across the life-span of the project. Over the last seven months we have built up an understanding of the issues facing the NHS and Hartlepool residents, we have established a network of associates, and are currently working with the Director of Strategic Service Development to establish a programme for engagement that will enable the health forum to influence every aspect of the design and delivery of the pathway to healthcare agenda at key points, including any migration of jobs and services. I am confident that this will ensure, as stated in the original Council resolution, that 'health services in Hartlepool are both maintained and indeed improved.

In a supplementary question, Councillor G Lilley queried *if his statement “to fight to save the hospital is a lost cause” was this his view or that of the Labour Group.*

In response Councillor Brash stated that scrutiny forums are non-political arenas and clarified that his comments in a recent scrutiny meeting were “the fight to save the hospital was over”. Councillor Brash referred to the petition signed on the Prime Minister’s website to which a response had recently been published, an extract of which was provided.

In a second supplementary question, Councillor G Lilley asked *“if the term urgent used in the resolution of 8 February 2007 had been forgotten.”*

Councillor Brash indicated that the pathways to healthcare document would end the uncertainties for health services in the town and it was important to engage in this positively.

In the subsequent debate Members commented on the importance of securing a new hospital site as close to Hartlepool as possible and ensuring provision of the best possible health services in the town.

5. Question from Councillor Akers-Belcher to the Portfolio Holder for Culture, Leisure and Tourism, Councillor Tumilty

“Could the Portfolio Holder for Culture, Leisure and Tourism comment on whether the recent ban on allotment fires between the months of April and September has been a success and how such a ban is being policed and has any action been taken against any allotment plot holders in cases of a breach.”

The Portfolio Holder reported that the recent ban on allotment fires between the months of April and September was a long term measure and it was too early to judge the initiative a success or failure at this stage. However, to date since the ban was introduced two warnings had been issued to tenants who had ignored the rules and lit a fire. Any further breach of allotment rules would result in a notice to quit being issued to those tenants. These tenants were reported to us by fellow tenants who were observing the ban. In the formulation of the rules all allotment associations were consulted and all were in support of the new rules. Long term enforcement of the ban would be a combination of routine checks on allotment sites by Council officers as well as the receipt of information from fellow tenants and local residents. Two sites had recently received skips to remove any unwanted rubbish to reduce the need to burn excess waste and we would be working alongside other allotment associations to ensure that the management of the fire ban was effective.

In a supplementary question, Councillor Akers-Belcher advised *“that in a recent resident survey 72% of the residents surveyed would like to see an all year ban on allotment fires. Will you take into consideration resident’s views and would you give your commitment to an all year round ban?”*

Councillor Tumilty stated that prior to a town-wide ban being considered this issue should be further debated with residents from all wards of the town.

In a second supplementary question, Councillor Akers-Belcher asked *“if the Portfolio Holder shared the concerns of the Rift House and Rossmere Councillors and Labour Group colleagues regarding the difficulties faced by allotment holders to dispose of waste in a proper manner and would he be prepared to support funding for this purpose.”*

Whilst Councillor Tumilty expressed his support for the correct disposal of waste, funding could not be guaranteed.

In the debate that followed Members commented on the recent complaints regarding allotment fires and sought assurances that adequate arrangements would be made to ensure waste was disposed of in an appropriate manner to address concerns of illegal dumping. A Member suggested that the rights of allotment holders as well as the safety of residents be examined further. Some Members supported the provision of skips for allotment holders, however, concerns were expressed if this was to be a free service.

c) Questions to the appropriate Members on Police and Fire Authority issues, for which notice has been given.

There were no questions relating to Police and Fire Authority issues.

Minutes of the meeting of the Cleveland Police Authority held on 14 June 2007 were circulated.

51. BUSINESS REQUIRED BY STATUTE

None.

52. ANNOUNCEMENTS

The Mayor sought nominations from two Members to serve on the Children's Partnership for submission to the Mayor direct for consideration.

53. TO DISPOSE OF BUSINESS (IF ANY) REMAINING FROM THE LAST MEETING AND TO RECEIVE THE REPORT OF ANY SCRUTINY FORUM OR OTHER COMMITTEE TO WHICH SUCH BUSINESS WAS REFERRED FOR CONSIDERATION.

None.

54. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES AND WORKING GROUPS

(1) Alteration to Council Procedure Rules Relating to Members Questions -

Report of Constitution Committee

The report invited Council to approve amendments to the Councils Procedure Rules 11.2(vi)(b) and 14.3 – The Constitution Committee proposed that in rule 11.2(vi)(b) of the Council procedure rules, which reads -

“Not more than 1 hour shall be devoted by Council to the answering of questions under this rule provided that the Chairman may in his discretion extend the time. Any questions remaining unanswered shall (unless the member who gave notice of the question has indicated that the question should be answered in writing) be dealt with at the next ordinary meeting of Council. The first unanswered question of each member being accorded priority no. 1 and subsequent questions accorded priority in the sequence allocated by the member”

the words “1 hour” should be substituted by the words “1 hour 30 mins”; and

That, in rule 14.3 of the Council procedure rules, which reads –

“Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech by the mover of a motion or an amendment may exceed 10 minutes, and no other speech may exceed 5 minutes without the consent of the Council.”

the words “5 minutes” should be substituted by the words “4 minutes”.

RESOLVED – That the matter stand adjourned to the next meeting of Council for full debate in accordance with Council Procedure Rule 24.2.

55. TO CONSIDER ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS OF THE MEETING

None

56. REPORT FROM THE EXECUTIVE

(a) Proposals in relation to the Council’s budget and policy framework

None.

(b) Proposal for Departure from the Budget and Policy Framework

None.

57. MOTIONS ON NOTICE

Consideration was given to the following Notices of Motion:-

- (i) "The fight against crime in Hartlepool must be maintained and intensified, especially on behalf of the most vulnerable in our society.

Hartlepool needs a local police force that understands and is responsive to, local needs and demands and with a local command based within the town.

We also note that fear of crime can be worse in many respects for people and communities than actual crime itself, and call upon our police force to recognise this in their operational planning.

We also call upon Cleveland Police to ensure that all uniformed police officers actively police our streets, and spend as little time as possible on paperwork and bureaucracy.

Signed Councillor S Wallace
 Councillor P Hargreaves
 Councillor C Richardson
 Councillor M Johnson
 Councillor J Brash"

Members acknowledged the major improvements in the performance of Cleveland Police force over recent years. Cleveland Police were now one of the top performing forces in the country. Members also commented on the improvements made to the fire and ambulance service. Neighbourhood Policing had contributed to the reduction in overall crime in the town, however, Members expressed concern that anti-social behaviour remained a problem as well as the fear of crime. There was a clear need for a balance between organised crime and small neighbourhood issues. It was hoped that in future less time would be spent on paperwork and bureaucracy and more time spent by uniformed police officers actively policing the streets of Hartlepool.

It was proposed that the contents of the motion and comments of Members be outlined in a letter to Cleveland Police.

Motion put and agreed

- (ii) "This Council congratulates the Children's Services Department , all teaching staff, parents and young people on their outstanding achievements this year at KS2, KS3, GCSE and A level and calls upon this Council to commend the Labour Government for its investment in education since 1997 that has contributed to these achievements.

Signed Councillor P Hargreaves
 Councillor C Richardson
 Councillor S Wallace
 Councillor M Johnson
 Councillor J Brash

Amendment moved and seconded -

“The motion be amended to read:

This Council congratulates the Children’s Services Department, all teaching staff, parents and young people on their outstanding achievements this year at KS2, KS3 GCSE and A Level.

Amendment put and lost

It was proposed that the outstanding achievements of the children in Hartlepool be acknowledged in accordance with the motion.

Motion put and agreed.

In accordance with Council Procedure Rule 17.5 the following Councillors requested that their vote in support of the motion be recorded:-

Councillors, Akers-Belcher, Brash, Clouth, R W Cook, Cranney, Fenwick, Fleet, Griffin, Hall, Hargreaves, Jackson, James, Johnson, A Marshall, Payne, Richardson, Shaw, Simmons, Sutheran, Wallace and Wistow

In accordance with Council Procedure Rule 17.5 the following Councillors requested that their abstention be recorded:-

Councillors Allison, A Lilley and G Lilley

58. APPOINTMENTS PANEL

Members were advised of the Assistant Director vacancy (Safeguarding and Specialist Services) in the Children’s Services Department.

The Vacancy Monitoring Panel considered the post at its meeting on 29 August 2007, when approval was given to the post being filled. Council was, therefore, requested to approve membership of the Appointments Panel. In line with the Officer Employment Procedure Rules the Panel would consist of eight members, as follows:-

The Mayor
The Chairman of the Council
3 Labour Group nominations
1 Administrative Group nomination
1 Liberal Democrat Group nomination
1 Conservative Group nomination

Also, as identified in the Officer Employment Procedure Rules, Council was also requested to reflect the gender balance of the Council when nominating to the Panel. It was suggested, therefore, that Council nominate three female Councillors to the Panel. Council was requested to approve the establishment of the Appointments Panel and nominate members accordingly.

RESOLVED –

That the following nominations be agreed:-

Councillors Griffin, Hargreaves and Shaw – Labour
 Councillor A Lilley – Administration
 Councillor E Wright – Liberal Democrat
 Councillor Young - Conservative

59. ANNUAL REPORT ON THE TREASURY MANAGEMENT ACTIVITY AND ACTUAL PRUDENTIAL INDICATORS FOR 2006/2007

The Chief Solicitor reported that as part of the annual Budget and Policy Framework process Council approved the overall Treasury Management Strategy and associated Prudential indicators in February 2006 and a number of amendments were approved by Council during 2006/2007 to address changing circumstances. The report provided a review of the actual treasury activity for 2006/2007 and the actual Prudential Indicators for 2006/2007.

The report included a summary of capital activity, how the activity was financed, the impact on the Council's indebtedness for capital purposes, the Council's overall treasury position including borrowing and investment activity, the reporting of the required prudential indicators, interest rate movements and regulatory and risk considerations.

A Member requested that the following information be provided to all Members of the Council in relation to the Council's advisor's together with an opportunity to comment on this issue at a future meeting.

- (i) how the Council's advisor's are appointed;
- (ii) cost to the Council;
- (iii) methods of advice to the Council;
- (iv) recommendations on how that advice is considered.

RESOLVED –

- (i) That the report be noted.
- (ii) That the above information be provided to all Members of the Council together with the opportunity to discuss this issue at a future meeting.

60. HMS TRINCOMALEE TRUST

Members were advised that as part of the Council's annual appointment process to outside bodies, Mr Douglas Ferriday was appointed to the above Trust as a Council representative. Due to ill health, Mr Ferriday had resigned from the Trust with effect from 3 August 2007. The Trust were keen to retain

the current level of nominees and Council were therefore requested to nominate a replacement.

RESOLVED –

That Councillor Laffey be appointed to the Trust.

61. CLEVELAND COLLEGE OF ART AND DESIGN

The Chief Solicitor reported that the Council currently appointed a representative to the Cleveland College of Art and Design for a three year term which was due to be reconsidered in September 2007. Cleveland College of Art and Design had requested that the Council's current nomination, Mrs Gwynneth Hanson, be extended for a further 3 years given her education and public service background in Hartlepool. Council were therefore requested to consider this request.

The Chief Solicitor stated that the extension was for a period of one year and not three years as set out in the report.

RESOLVED –

- (i) That Gwynneth Hanson's appointment be extended for one year.
- (ii) That in relation to all outside body representatives appointed by the Council who were members of the public, (ie not elected Members) they be requested to provide a written update report on their role at least once each municipal year.

62. APPOINTMENT TO COMMITTEES AND FORUMS

The Chief Solicitor reported that he had been informed that the Labour Group wished to nominate Councillor Griffin to the membership of the Neighbourhood Services Scrutiny Forum to replace Councillor Wistow.

RESOLVED – that the change in membership of the Neighbourhood Services Scrutiny Forum be approved.

C RICHARDSON

CHAIRMAN

CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Thursday 26 July 2007 in the Members Conference Room at Police Headquarters.

PRESENT: Councillors Barker, Kirton, Lanigan, Lowes, McLuckie and Pearson OBE

Magistrate Members
Mr Cox JP, Mr Fisher JP and Mr McGrory JP

Independent Members
Miss Andrews-Mawer, Mr Coombs, Mr Hanif and Mr Illingworth TD

OFFICIALS: Mr McCarthy, Mrs Llewellyn and Mrs Leng (CE)
Mr Price, Mr Bonnard, Mr Pickard and Mrs Hall (CC)
Mrs Andrews – Audit Commission

54 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Coppinger, Mr Race MBE, Councillor Tumilty and Councillor Wallace.

55 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

56 **QUESTION TIME**

No questions were received from the public.

57 **CRIME FIGURES**

The Chief Constable provided Members with a verbal update on the end of year Crime Figures which showed that the amount of overall recorded crime in the Cleveland Force area fell by five percent in the 12 months to the end of March compared to a fall of two per cent in England and Wales as a whole and in the North East Region.

58 **BUDGET MONITORING REPORT TO 31 MAY 2007**

The Assistant Chief Officer Finance and Commissioning reported the progress against delivery of the revenue budget 2007/08.

7 (c) (i)

The position to date and the year-end forecast were shown at Appendix A of the report.

ORDERED that:-

1. the content of the report be noted.

59

CAPITAL MONITORING REPORT TO 31 MAY 2007

The Chief Constable reported the progress against delivery of the capital programme for 2007/08.

ORDERED that:-

1. the contents of the report be noted
2. the carry forward of the following schemes be approved:-
 - £431k in respect of Airwaves Equipment Replacement
 - £2,700k to fund the Mobile Working Project
 - £9k in respect of Fleet Replacement 'fit out costs'.
3. the bring forward of £119k in respect of Hartlepool Custody Refurbishment from 2008/09 to 2007/08.

60

TREASURY MANAGEMENT TO 31 MAY 2007

The Assistant Chief Officer Finance and Commissioning updated Members on the status of the Authority's investments and borrowing for 2007/08. This was part of the process introduced by the Authority to maintain prudent financial management.

ORDERED that:-

1. the contents of the report be noted.

61

EXEMPTIONS TO FORCE STANDING ORDERS

7 (c) (i)

The Assistant Chief Officer Finance and Commissioning presented the quarterly report which detailed the exemption requests to Force Standing Orders. Details of each request were included in Appendix A to the report.

ORDERED that:-

1. the Force Standing Orders had been waived and the details of the exemptions were included in Appendix A be noted.

62

LONG TERM FINANCIAL PLAN 2007/2011 UPDATE

The Assistant Chief Officer Finance and Commissioning updated Members on the Long Term Financial Plan for the years 2008/09 to 2010/11 which was approved by members at their meeting on 23 February 2007.

ORDERED that:-

1. the contents of the report be noted.
2. the Chair and Chief Executive be authorised to make the appropriate response to any future consultation on changes to the Grant Funding methodology.

63

FROM SUCCESS TO EXCELLENCE – PANEL TERM OF REFERENCE

The Chief Executive presented this report which fulfilled the recommendation agreed at the Police Authority Annual General Meeting. The recommendation had required Panel Chairs and Vice Chairs work up the full remit / terms of reference at the earliest opportunity and report these back to the main Police Authority.

ORDERED that:-

1. the Panel Terms of Reference attached at Appendix A to the report be agreed.
2. any future amendments / alterations / developments

7 (c) (i)

to the Terms of Reference could only occur with agreement of the Panel Chair in consultation with the Chair of the Authority, Chief Executive and Chief Constable be agreed.

3. the meeting timetable attached at Appendix B to the report be agreed and that all future meetings would take place in the Members Conference Room at Police Headquarters be noted.
4. the Committee Structure and Terms of Reference would be reviewed in April 2008.
5. the membership of the Standards Panel detailed at Appendix C be noted.

64

POLICE DATA QUALITY REVIEW

The Audit Commission presented the results of their audit of data quality at Cleveland Police Authority.

It was reported that the corporate arrangements for data quality had been assessed as good. The performance management framework was excellent as was the quality of user satisfaction surveys assessed.

The Authority had maintained its compliance with the correct closure of incidents in line with NCRS but a number of failures with reclassification had reduced the overall assessment from Excellent to Good. Members were unhappy with this reclassification and requested that their concerns be raised at the highest level within the Audit Commission.

ORDERED that:-

1. the report be noted.
2. the Audit Commission be made aware of Members concerns in relation to the reclassification and the impact that this had on the overall assessment for Cleveland Police Authority.

65

MINUTES OF THE POLICE AUTHORITY ANNUAL GENERAL MEETING HELD ON 14 JUNE 2007

7 (c) (i)

ORDERED that the minutes of the Police Authority Annual General Meeting held on the 14 June 2007 were approved and signed by the Chair as a true and accurate record.

APPEALS PANEL – 14 JUNE 2007

ORDERED that the following minutes of the Appeals Panel held on 14 June 2007 were submitted and approved.

APPEALS PANEL

A meeting of the Appeals Panel was held on Thursday 14 June 2007 in the Members Conference Room at Police Headquarters.

PRESENT: Miss P Andrews-Mawer (Chair)
Mr E MCox JP
Mr C Coombs

OFFICIALS: Mrs C Hunter – Personnel Adviser for Police Authority (CE)

Mr D Bradley

Superintendent Duffy
Appellant

66 **APOLOGIES FOR ABSENCE**

No apologies were received

67 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

68 **EXCLUSION OF PRESS AND PUBLIC**

ORDERED that the press and public be excluded from the meeting pursuant to Section 100A(4) of the Local Government Act 1972, excluding the press and public from the Meeting under Paragraph 1 of Part 1 of Schedule 12A to the Act.

The Members of the panel heard and considered an appeal application against the decision of the re-grading panel.

The appellant appeared personally before the panel supported by a work colleague.

Cleveland Police's Management case was represented by Mr D Bradley.

The panel had regard to the appeals procedure.

ORDERED as follows:

7 (c) (i)

1. The Panel upheld the Appeal. The post will be re-graded PO 13 to PO 15.

69

EXCLUSION OF PRESS AND PUBLIC

ORDERED that pursuant to Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 1 of Part 1 of Schedule 12A to the Act.

70

ESTATES REPORT

The Assistant Chief Officer Finance and Commissioning presented the Estates Report to Members.

ORDERED that the recommendations be agreed.

71

STRATEGIC ROADS POLICING FACILITY – WYNYARD PARK

The Chief Executive presented the Strategic Roads Policing Facility – Wynyard Park to Members.

ORDERED that the recommendations be agreed.



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON

FRIDAY, 27 JULY 2007

PRESENT:	CHAIRMAN: Councillor Mrs Brenda Forster – Redcar & Cleveland
	HARTLEPOOL BOROUGH COUNCIL: Councillors Cook, Henery, Payne
	MIDDLESBROUGH COUNCIL:- Councillors Clark, Ismail, Jones, Porley, Williams
	REDCAR AND CLEVELAND BOROUGH COUNCIL:- Councillors Briggs, Cooney, Dunning
	STOCKTON ON TEES BOROUGH COUNCIL:- Councillors Dixon, Kirton, Stoker, Woodhead
	AUTHORITY OFFICERS:- Deputy Clerk, Treasurer
	FIRE BRIGADE OFFICERS:- Executive Director
APOLOGIES FOR ABSENCE	Councillor Marshall (Hartlepool) Councillors Ovens, Fitzpatrick (Redcar & Cleveland) Councillors, O'Donnell, Roberts, (Stockton), Councillor Pearson, (Middlesbrough)

The Chairman expressed her congratulations on behalf of the Authority to Ian Hayton on being awarded the Queens Fire Service Medal.

Councillor Forster thanked everyone for sponsoring her on the Boundary 500 Motorcycle Challenge. She informed members that she had completed the challenge and had raised a total of £758.

The Chairman welcomed Councillor Woodhead back to the Authority.

37. DECLARATIONS OF MEMBERS INTEREST

It was noted no declarations of interest were submitted to the meeting.

38. MINUTES

RESOLVED - that the Minutes of the Annual Meeting held 01 June 07 and the Minutes of the Special Meeting held on 08 June be confirmed.

39. TO CONFIRM THE MINUTES OF COMMITTEES

RESOLVED - that the Minutes of The Executive Committee held on 29 June 2007, the Minutes of The Policy Committee held on 06 July 2007 and the Minutes of the Standards Committee held on 17 July 2007 be confirmed.

**40. TO RECEIVE REPORTS OF THE CHIEF FIRE OFFICER
REGIONAL MANAGEMENT BOARD MEETING 15 JUNE 2007**

40.1 RMB – Fire Control Project Update

The Executive Director provided an update on progress with regard to the Regional Fire Control Centre Project and referred Members to the CFA meeting on 8th June, where members had voiced concerns and sought further clarification. These concerns had now been resolved and the letter signed and returned to Angela Smith, MP (see Executive Meeting minutes of (29/6/07). The Executive Director also advised Members that the formal signing of the contract triggered the release of key information on the project and the next version of the Business Case, proposed Cost Apportionment Model, and the National Functions are also scheduled for imminent release.

RESOLVED:

- i) That the report be noted
- ii) That Members supported a regional seminar to discuss the RCC business case with the National Team
- iii) That Members endorsed the RMB's recommendation to defer responding to the CLG Governance report until further clarification is forthcoming.
- iv) That further reports be received as appropriate

40.2 RMB Reports for Information

RESOLVED: That the following minutes and reports be noted

- i) Minutes of 13/4/07
- ii) Liaison visit by Peter Betts CLG
- iii) Membership of the Board
- iv) Dates, time and Venue of future meetings
- v) NEFRA Collaboration PFI Project: - update

**41. REPORTS OF THE EXECUTIVE DIRECTOR
41.1 EQUALITY SCHEME 2007 – 2010**

The Executive Director, informed Members that the Policy Committee had considered the Equality Scheme and recommended its approval. He reported that the scheme meets the changes in legislation, policy, guidance and procedure, and covers all six strands of equality issues. He advised Members that the Authority were being evaluated in August against Local Government Standards for Equality and Diversity and were hoping to achieve "level 3"

Councillor Dunning sought further information regarding the present CFA Disability Target Guide and the Executive Director agreed to forward this information.

RESOLVED: that Members approved the Equality Scheme 2007 – 2010.

41.2 The Mo Mowlam Memorial Fund

Councillor Cooney declared a non prejudicial interest.

The Executive Director informed Members that a request had been received from Redcar and Cleveland Borough Council regarding the making of a contribution to the Mo Mowlam Memorial Fund. Councillor Clarke reported that although he had greatly admired Mo Mowlam, he did not feel it appropriate for the Authority to make a donation and agreed with the Authority policy of not making donations. Members agreed to follow Authority policy and not make a donation, but suggested that Members make their own personal donations if they wished to do so.

RESOLVED - that the Authority do not make a donation and that individual Members make a personal donation if they wish to do so.

41.3. INFORMATION PACK July 2007

- 41.3.1** Fire and Rescue Service Circulars
- 41.3.2** National Joint Circulars
- 41.3.3** Employers Circulars
- 41.3.4** United Kingdom Firefighters Memorial Trust
- 41.3.5** Expression of Appreciation from Chief Inspector P Veitch
- 41.3.6** Letter of Thanks from Gus O'Donnell
- 41.3.7** Letter of Thanks and Appreciation from Mrs Boagey

The Executive Director drew members attention to the three letters of appreciation detailing the outstanding work our firefighters are doing within the community which demonstrated how the crews go above and beyond the call of duty.

Members agreed that letters of appreciation be sent to the relevant stations.

RESOLVED:

- i) That the report be noted
- ii) That the chairman send letters of appreciation to the crews involved in the English Martyrs School bus crash, and the flooding incidents.

42.1 "Firelink" Chief Fire Officers Response to the Individual Detailed Design Specification (IDDS) issued by Firelink for comment

The Executive Director appraised Members of the receipt of the consultation document in respect of the "Firelink" project, which is an important investment in radio communications bringing improved resilience and inter-operability within the service and with other emergency services and, as such, will play an important part in making sure each Fire and Rescue Service (FRS) can respond to priority incidents. He reported that current radio systems are the responsibility of individual FRS which has lead to differences in the type and nature of existing systems across the country and limited the level of inter-operability. The Executive Director reported that, in general, the technical issues within the Individual Detailed Design Specification (IDDS) of the Firelink project are satisfactory, but there are a number of associated issues which will be influential in achieving an acceptable level of performance. The following 3 issues, Officers in Charge having hand held radios; a facility for the driver to communicate from the back of the pumps and officers having car provision communication, have or may be classed as optional extras. He reported that these are all classed as essential standard elements within Cleveland Fire Authority and informed

Members that if these 3 items were classed as “extras” the potential financial consequences would be an increase in the revenue budget from £52,000 to £290,000 (Appendix 2 refers). The Executive Director reported that the CLG have stated on numerous occasions that additional” costs attributable to the move to Firelink will be funded through New Burdens, (w hich is where additional costs are supplemented by a grant).

Members discussed this issue at great length and agreed that as the Authority have these 3 systems in currently in place they should be covered within the new system as standard and not extras, and therefore covered by the New Burdens money. Members agreed that the new system should enhance not decrease the current system in place.

RESOLVED:

- (i) That the report be noted
- (ii) That a letter be sent to CLG asking that the 3 standard items be included within the New Burdens money.

43. REPORTS OF THE PERFORMANCE SCRUTINY CHAIR

43.1 Performance Scrutiny Committee – Forward Work Programme (FWP)

The Chair of the Performance Scrutiny Committee outlined the Performance Scrutiny Forward Work Programme for 2007/8. He informed Members that the FWP would remain flexible to enable referrals throughout the year.

RESOLVED - That the Performance Scrutiny Committee Forward Work Programme 2007/08 be approved.

43.2 CFA Corporate Risk Register

The Chair of the Performance Scrutiny Committee informed Members that the Performance Scrutiny Committee had scrutinised the 2007-2008 Cleveland Fire Authority Corporate Risk Register and found no issues of concern.

RESOLVED:

- i) That the report be noted.
- ii) That the CFA Corporate Risk Register and Active Business Planning process be approved and used in the business planning process.
- iii) That the Performance Scrutiny Committee scrutinise the Corporate Risk Register on a quarterly basis.

43.3 Chairs Information Pack – July 2007

The Chair of the Performance Scrutiny Committee outlined the following reports that were presented to the Performance Scrutiny Committee meeting on 13 July 2007 and informed Members that no areas of concern had been identified.

- 43.3.1** Progress Against Revenue & Capital Budgets 2007/2008 – Appendix A
- 43.3.2** Annual Performance Review 2006/2007 – Appendix B
- 43.3.3** Annual Efficiency Statement – Backward Look 2006/2007 – Appendix C

RESOLVED - that the reports be noted

44. REPORT OF THE CLERK TO THE AUTHORITY
Clerk's Information Pack

- 44.1 Delegated Powers – Executive Committee Meeting of 29/6/07
44.2 Fire & Rescue Conference 2007

RESOLVED - that Members noted the reports

45. REPORT OF THE LEGAL ADVISER
Code of Conduct

The Treasurer on behalf of The Legal Advisor invited the Authority to adopt the revised model code of conduct. He advised Members of the main changes within the Code.

RESOLVED:

- i) That the revised Code of Conduct with the addition of the preamble incorporating the ten general principles of Public Life, but omitting para 12 (2) of the model code be approved.
- ii) That the Deputy Clerk advertise the new Code of Conduct and undertake all other necessary action incidental to its adoption.

46. ANY OTHER BUSINESS

The Chairman referred Members to discussion on Local Area Agreements (LAA) that had taken place at the informal briefing meeting and Members agreed that a Member Reference Group be established with 3 members from each Local Council. Nominations were sought and agreed.

Councillor Kirton reported that the Stockton Deputy Chief Executive had offered to discuss the LAA with the members and Officers of the Fire Authority. Members agreed to accept this offer and agreed a meeting should be arranged as soon as possible.

RESOLVED –

- i) That a Member Reference Group be established with the terms of reference to be drawn up and presented to the next Cfa meeting
- ii) That the Membership of the Member Reference Group be as follows:-
 - Hartlepool - Councillors Cook, Henery and Payne
 - Middlesbrough - Councillors Jones, Porley and Clark
 - Redcar & Cleveland - Councillors Briggs, Dunning and Cooney
 - Stockton on Tees - Councillors Kirton, Woodhead and O'Donnell
- iii) That a meeting with the Deputy Chief Executive of Stockton Borough Council be arranged as soon as possible.

47. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Members are requested to pass the following resolution:-

“That under Section 100 (A) (4) of the Local /Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act namely information relating to any individual”

48. CONFIDENTIAL MINUTES

The Chairman referred to the Members Allow ance report which contained the requested Fire and Rescue Authority’s comparative information. Members reported that at no time had comparative information been sought with the Police Authorities.

RESOLVED - that the confidential Minutes of the Executive Committee Meeting on 29 June 2007 be confirmed.

**COUNCILLOR MRS BRENDA FORSTER JP
CHAIRMAN**

ITEM 8 (a)

REPORT ON SPECIAL URGENCY DECISIONS
IN RESPECT OF THE PERIOD FROM JANUARY TO MARCH, 2007

MEMBERS FROM WHOM CONSENT WAS OBTAINED	SUMMARY OF EXECUTIVE DECISION TAKEN	DECISION TAKER
NIL		

Total Number of Special Urgency Decisions Taken during the Period January to March 2007 - Nil

ITEM 8 (a)

REPORT ON SPECIAL URGENCY DECISIONS
IN RESPECT OF THE PERIOD FROM APRIL TO JUNE, 2007

MEMBERS FROM WHOM CONSENT WAS OBTAINED	SUMMARY OF EXECUTIVE DECISION TAKEN	DECISION TAKER
NIL		

Total Number of Special Urgency Decisions Taken during the Period April to June 2007 - Nil

ITEM 8 (a)

REPORT ON SPECIAL URGENCY DECISIONS
IN RESPECT OF THE PERIOD FROM JULY TO SEPTEMBER, 2007

MEMBERS FROM WHOM CONSENT WAS OBTAINED	SUMMARY OF EXECUTIVE DECISION TAKEN	DECISION TAKER
NIL		

Total Number of Special Urgency Decisions Taken during the Period July to September 2007 - Nil

COUNCIL
25 October 2007



Report of: CONSTITUTION COMMITTEE

Subject: ALTERATION TO COUNCIL PROCEDURE RULES
RELATING TO MEMBERS' QUESTIONS

1. PURPOSE OF REPORT

The purpose of this report is to invite the Council to consider an alteration to the rules relating to Members' Questions

2. BACKGROUND

At their meeting on 24th August 2007, the Constitution Committee considered a report of the Chief Solicitor relating to an item within the work programme of the Constitution Committee arising from concerns expressed by the Chairman of the Committee. The Chairman was concerned that the Constitution provisions relating to member debate following the answering of a question and supplementary questions give rise to a level of debate which could lead to a question later on the agenda not being reached within the time allotted under rule 11.2. Similarly extensive debating of question issues could result in their being insufficient time to deal adequately with other agenda items before the time allotted for the Council meeting as a whole. The concerns related equally to 'Questions about recent decisions of the executive' (under rule 11.1) and 'Questions on notice at full Council' (under rule 11.2)

Members agreed that it was important that there should be a balance between the provision of debating time in relation to questions asked, and providing a reasonable prospect that all relevant questions are dealt with, without relying on extension of time resolutions. The Committee felt that it would be unacceptable or impracticable to set a predetermined limit on, e.g. the number of speeches in a debate on a question, or to remove altogether the debating of issues arising from questions. Nor did the Committee agree a suggestion that the commencement time of Council could be brought forward to 6.30 p.m. However, they did consider that there would be benefit in reducing the time of speeches in the debating sessions relating to questions to 5 minutes and also extending the time for questions under rule 11.2 from 1 hour to 1hr 30 mins.

3. PROPOSALS

3.1 That, in rule 11.2(vi)(b) of the Council procedure rules, which reads -

“Not more than 1 hour shall be devoted by Council to the answering of questions under this rule provided that the Chairman may in his discretion extend the time. Any questions remaining unanswered shall (unless the member who gave notice of the question has indicated that the question should be answered in writing) be dealt with at the next ordinary meeting of Council. The first unanswered question of each member being accorded priority no. 1 and subsequent questions accorded priority in the sequence allocated by the member”

the words “1 hour” should be substituted by the words “1 hour 30 mins”; and

3.2 That, in rule 14.3 of the Council procedure rules, which reads –

“Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech by the mover of a motion or an amendment may exceed 10 minutes, and no other speech may exceed 5 minutes without the consent of the Council.”

the words “5 minutes” should be substituted by the words “4 minutes”.

4. RECOMMENDATION

That the amendments proposed by the Constitution Committee be approved and the Constitution be amended accordingly

Members should note that, by the operation of Council Procedure Rule 24.2 any motion to accept the recommendation of the Constitution Committee must, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.



Report of: Licensing Committee

Subject: LICENSING POLICY – LICENSING ACT 2003

1. PURPOSE OF REPORT

- 1.1 To consider the adoption of a revised Licensing Policy detailing how the Council proposes to discharge its licensing functions under the Licensing Act 2003.

2. BACKGROUND

- 2.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of its licensing policy every three years.
- 2.2 The first statutory three year period began on 7th January 2005 and as such a new policy must be published no later than 6th January 2008.
- 2.3 A revised licensing policy has been prepared that closely follows guidelines issued by the Local Authorities Co-ordinating Body for Regulatory Services (LACORS) and which complies with guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 2.4 The proposed licensing policy which is attached as Appendix I was published for consultation during August and September 2007 and was considered by the Licensing Committee on 19th September 2007.
- 2.5 The Licensing Committee considered whether the licensing policy should continue to include a 'special policy' that places unique controls over an area where it is believed there is an impact on the licensing objectives caused by a concentration of licensed premises in that area.
- 2.6 The current special policy area covers Victoria Road, York Road and surrounding residential streets.

- 2.7 The Committee considered evidence submitted by Cleveland Police in support of retaining the current special policy and a representation from a local solicitor who suggested it should be removed.
- 2.8 Committee was satisfied that the current special policy should be retained in order to continue the promotion of the Act's licensing objectives.

4. RECOMMENDATIONS

- 4.1 That Council adopt the Licensing Policy as detailed in Appendix I with effect from 1st January 2008.



HARTLEPOOL BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

2008

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1. INTRODUCTION

1.1 This policy statement is based on the provisions of the Licensing Act 2003 and has taken full account of the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for the Department of Culture, Media and Sport (DCMS).

1.2 This policy will apply for a period of three years from 1st January 2008. It will be kept under review and revised/amended if considered appropriate to support the licensing objectives. Any policy changes or revisions will be subject to consultation.

The Borough of Hartlepool

1.3 Much of the borough is residential in nature although there are predominantly commercial areas in parts of the town centre that contain a large number of entertainment and leisure venues. The number of public houses, nightclubs, restaurants and takeaways, particularly in the town centre area, has increased in recent years. Part of this increase has been due to the tourism/entertainment based uses arising from the regeneration initiatives for the town centre and the Marina.

1.4 Hartlepool Borough Council, acting as the licensing authority for the Licensing Act, recognises the benefits to Hartlepool of a thriving service economy and wishes to promote, wherever possible, a town that meets and exceeds the requirements of its residents and visitors. However, the licensing authority recognises that certain types of licensed premises, particularly those offering alcohol and/or music, may have a detrimental impact on those who live nearby through the escape of noise or the actions of patrons both on and off the premises.

1.5 The licensing authority intends to seek a balance between the needs of residents and local businesses by using this Licensing Policy, and other strategies, to promote and encourage well-managed, neighbour friendly licensed premises that represent a positive addition to life in Hartlepool.

Legal Background to this Policy Statement

- 1.6 Hartlepool Borough Council, acting as the licensing authority, is able to grant or reject applications for the sale of alcohol, the provision of entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime, disorder and public nuisance will be attached to licences where appropriate. However, the ability of licensing authorities to grant licences and attach conditions is limited by provisions in the Act, Regulations made under the Act and by guidance from the Secretary of State. The licensing authority must have regard to the guidance and will deviate only where there are justifiable reasons for doing so.
- 1.7 In formulating this policy document the licensing authority has had regard to the provisions of the European Convention on Human Rights, recognising that everyone has the right to respect for his/her home and private life and that every person is entitled to the peaceful enjoyment of his/her possessions (including a licence).
- 1.8 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which will be incompatible with a convention right. The licensing authority will endeavour to ensure that any licensing decision does not cause a breach of a convention right.
- 1.9 The licensing authority in taking into account the provisions of the Crime & Disorder Act 1998 will also have regard to the likely effect of the exercise of their functions on crime and order in their area and do all they can to prevent such crime and disorder.

2. PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose

- 2.1 The licensing policy has four main purposes:
- To reinforce to elected Members on the Licensing Committee, the boundaries and powers of the local authority, and to provide them with parameters under which to make their decisions.
 - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within the area. (Note however that each case will be examined on an individual basis.)
 - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs will be addressed.
 - To support decisions made by the licensing authority when these decisions are challenged in a court of law.

Scope

- 2.2 The Act is concerned about the supply and sale of alcohol, the provision of certain entertainment and late night refreshment.
- 2.3 Activities that require a licence under the Licensing Act 2003 and covered by this policy include:
- Retail sale of alcohol
 - Supply of hot food or drink from a premise from 23.00 to 05.00 hours
 - Supply of alcohol or provision of regulated entertainment to club members or guests
 - Provision of entertainment listed below (known as regulated entertainment) to the public or section of the public or club members or with a view to profit:
 - Performances of a play
 - Exhibition of a film
 - Indoor sporting events
 - A boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances
 - Provision of facilities for making music
 - Provision of dancing facilities
- 2.4 The scope of the policy covers new applications, renewals where appropriate, transfers and variations of licences and certificates including where applicable temporary events notices. It will also include review of licences and certificates which may lead to the revocation of a licence or certificate.

3. TYPES OF LICENCES

Personal Licences

- 3.1 A personal licence will be granted where an applicant:
- a) is aged 18 or over
 - b) possesses an accredited licensing qualification
 - c) has not forfeited a personal licence in the last 5 years
 - d) has not been convicted of a relevant offence

- 3.2 The licensing authority will, however, reject any application where the applicant fails to meet a), b) or c).
- 3.3 Where an applicant has an “unspent” relevant conviction, the police may oppose the application. If such an objection is lodged a licensing hearing will be held. Where no such application is received from the police, the licensing authority will grant the licence.
- 3.4 At a hearing the licensing authority will consider carefully whether the granting of a licence will be in keeping with the promotion of the crime and disorder objective. Considerations will include the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The licensing authority will only grant the application if it is satisfied that doing so will promote this objective.
- 3.5 Reason(s): Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. The holder of a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a known criminal will, in many cases, undermine rather than promote the crime and disorder objective.

Premises Licences and Club Premises Certificates

- 3.6 An application for a premises licence or club premises certificate must consist of:
- an application form, in the prescribed format, detailing the licensable activities and proposed operating hours
 - an operating schedule
 - a plan of the premises to which the application relates
 - the appropriate fee
- 3.7 If the licensable activities include the sale of alcohol a consent form from the individual agreeing to be the premises supervisor will also be required (not required for club premises certificates).
- 3.8 The application must be advertised in the prescribed manner.

4. LICENSING PRINCIPLES

General

- 4.1 In carrying out its licensing functions the authority will promote the licensing objectives set out in the Act. These are:
- **the prevention of crime and disorder;**
 - **public safety;**
 - **the prevention of public nuisance; and**
 - **the protection of children from harm.**
- 4.2 To achieve these objectives the authority will use its full range of powers and consider all relevant responsibilities including its planning controls, transport controls and crime and disorder policies. The authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.
- 4.3 In determining a licence application the overriding principle adopted by the licensing authority will be that each application will be determined on its individual merits.
- 4.4 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol and/or the provision of regulated entertainment from certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).
- 4.5 In general a reference in this policy to a licence will include a club premises certificate.
- 4.6 The licensing authority recognises in following the Guidance and Regulations, that discretion in deciding licence applications is very limited.

Duplication

- 4.7 So far as possible, this Policy is not intended to duplicate existing legislation and regulatory regimes that are already placed on employers and operators, e.g. Health and Safety at Work etc. Act 1974. Conditions in respect of public safety will be attached to licences only if they are considered necessary for the promotion of the licensing objectives. However, it is likely that there may be duplication with regard to the imposition of some planning conditions.

Licence Conditions

- 4.8 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted relevant authorisations.

Conditions should be specifically tailored to the premises and activities to be undertaken, with a view to ensuring the the licensing objectives are achieved. 'Standard' conditions may be inappropriate in respect of certain premises.

- 4.9 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 4.10 The licensing authority will not impose blanket standard conditions. Licence conditions will be tailored to the individual application to help promote the licensing objectives. Where appropriate, conditions from the DCMS standard "pool" of conditions will be used. Licence conditions will not be imposed where it is considered that other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 4.11 In the spirit of openness, transparency and reasonableness, licensing authority officers will seek to discuss proposed conditions in advance with the applicant and/or representative with the aim of achieving a mutually agreeable level of protection to the public and fulfilment of the licensing objectives.

Alcohol Harm Reduction

- 4.12 The licensing authority recognises that for most people alcohol represents an enjoyable addition to well-balanced social activities. However, there is increasing concern that for some people alcohol misuse is leading to self harm and social nuisance.
- 4.13 In determining licence applications, the licensing authority will have regard to the Government's Alcohol Harm Reduction Strategy and commends to all applicants the Portman Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are

packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

Protection of Children

- 4.14 Whilst the protection of children from harm is a primary licence objective, the licensing authority will not normally impose conditions restricting or prohibiting the admission of children to licensed premises, believing this should remain a matter of discretion for the licence holder and has taken account of the view of DCMS that the use of licensed premises by children should be encouraged. However, conditions designed to protect children will be imposed where necessary.
- 4.15 The licensing authority will not impose any licence conditions requiring the admission of children to licensed premises.
- 4.16 Examples of premises where the introduction of additional controls are likely to be necessary are:
- Where entertainment or services of an adult or sexual nature are commonly provided.
 - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
 - Where there is a known association with drug taking or dealing.
 - Where there is a strong element of gambling on the premises.
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 4.17 In such circumstances, additional conditions may be imposed where considered necessary for the prevention of harm to children. These may include: -
- Limitations on the hours when children may be present
 - Age limitations
 - Limitations on the parts of premises to which children will be given access
 - Requirements for accompanying adults
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 4.18 Where the exhibition of films is permitted, the licensing authority will impose a condition requiring the exhibition of films to be limited to only those age groups recommended by either the British Board of Film Classification or the licensing authority. For such films, licensees must indicate in their operating schedules how such action will be assured. Only in exceptional cases will

variations of this general rule be granted by the licensing authority and then only with appropriate safeguards.

- 4.19 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the Licensing authority will, provided adequate notice has been given, classify the films concerned. Information regarding such classifications will be available for inspection at the Civic Centre, Victoria Road, Hartlepool. To achieve consistency and the protection of children the licensing authority will use the guidelines published by the BBFC.
- 4.20 In connection with the protection of children from harm, the licensing authority will provide details of which body is responsible for such matters. Details of licence applications, where relevant, should be forwarded to this nominated body for examination.
- 4.21 Where there is provision of entertainment specifically for children (e.g. a children's disco) the licensing authority will require the presence of sufficient adults to control the entertainment and the access and egress of the children to ensure their safety.
- 4.22 Where it is the intention of the licensee to offer responsibility for the supervision of children as part of a licensable activity, the licensing authority may require licensees to take appropriate measures to ensure the suitability of employees for such purposes – this may involve employees providing a Criminal Records Bureau Disclosure. Even where not specifically required by the licensing authority, all licensees are encouraged to ensure that only suitable staff are allowed to work with children.

Designated Premises Supervisors

- 4.23 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 4.24 Because of this the licensing authority expects that the designated premises supervisor (DPS) for a licensed premise will be able to demonstrate that they are in day to day control of the premises, playing an active role in its operation through a regular personal presence.

Licensing Hours

- 4.25 The licensing authority recognises that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at fast food outlets, taxi ranks and other sources of

transport which lead to disorder and disturbance. Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

- 4.26 Whilst zoning will not be adopted, the licensing authority will impose stricter conditions with regard to noise control in areas which have denser residential accommodation.

Live Music, Dancing & Theatre

- 4.27 The licensing authority recognises that traditional cultural activities such as music and dancing should be encouraged as part of a wider cultural strategy. Account should be taken of the need to encourage and promote entertainment such as live music, dancing and theatre for the wider cultural benefits of communities generally.
- 4.28 Only conditions considered necessary, proportionate and reasonable for the promotion of the licensing objectives will be attached to licences for activities of this nature. The authority will avoid measures that may deter live music, dancing and theatre by imposing unjustified indirect substantial costs. The licensing authority will closely monitor the impact of licensing on such activities and, where a negative impact can be identified, will re-visit the Licensing Policy with a view to investigating how the situation might be reversed.

Enforcement

- 4.29 Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat and the Council's Licensing Enforcement Policy.
- 4.30 In particular, regard will be had to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:
- Targeting - i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
 - Consistency - i.e. similar approaches in similar circumstances to achieve similar ends.
 - Transparency - i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
 - Proportionality - i.e. action taken should be proportional to the risk presented.

- 4.31 The authority will establish protocols with the local police and the fire brigade on enforcement issues to avoid duplication and to provide for the most efficient deployment of council, police and fire officers in respect of inspection of licensed premises and the enforcement of licensing law.
- 4.32 Furthermore the policy of the Council will be a light touch inspection regime for well managed and maintained premises with a targeted and increased inspection and enforcement regime for “high-risk” premises and those suspected of not being operated within the terms and conditions of the licence.

Integration of Strategies and Other Policies

- 4.33 Hartlepool Borough Council fully recognises and endorses the value of good relations between persons of different racial groups. The licensing authority recognises the obligations placed upon it by the Race Relations Act 1976 (as amended) and will ensure that this Policy promotes race equality and the elimination of unlawful discrimination.
- 4.34 The Council will integrate its various strategies to achieve consistency and transparency in the achievement of the licensing objectives.
- 4.35 Arrangements for reporting to local authority transport committees will be made to ensure transport strategies take account of the need to quickly disperse people from busy town centre areas to reduce the potential for nuisance and disturbance.
- 4.36 Arrangements will be made for the reporting of Hartlepool's employment situation and the needs of the local tourist economy to the licensing committee to ensure that these issues are taken into account when licensing matters are being considered.
- 4.37 Licence conditions will reflect local crime prevention strategies and input from the local Crime and Disorder Reduction Partnership.

Cumulative Impact

- 4.38 ‘Need’ which concerns the commercial demand for another premises such as a pub, restaurant or hotel, is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy. However, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority and its licensing committee to consider.
- 4.39 In determining an application the licensing authority will take into account, in the interests of public safety and the avoidance of nuisance, the cumulative effect that the existence of a saturation of premises in one area may have. A saturation of licensed premises can attract customers to the area that has an

impact on the surrounding area beyond the control of individual licence holders. In this respect, the DCMS advocates consideration of a Special Policy to respond to the unique circumstances that can be caused by a concentration of licensed premises.

The Adoption of a Special Policy

- 4.40 Where, due to the volume of licensed premises in one area, it may be ineffective to impose conditions in respect of individual premises licences, it may be necessary for the licensing authority to adopt a Special Policy. Such a policy would create a rebuttable presumption that applications for new licensed premises in a designated area would be refused. The effect of this would place the burden of proof on the applicant to demonstrate in their operating schedule that the new premises will not add to the cumulative impact in the area.
- 4.41 Such a presumption would only apply if one or more responsible authorities or interested parties made relevant representations to the licensing authority regarding a new application.
- 4.42 In all circumstances the licensing authority will consider each application on its own merits and such a policy should not be considered as absolute. A Special Policy will not be used to control opening hours in a particular area.
- 4.43 For the authority to introduce a Special Policy for any area, the following steps will be considered:-
- Identification of serious and chronic concerns from a responsible authority or representatives of residents about crime and disorder or nuisance taking account of the Crime & Disorder Act 1998.
 - Assessment of the causes.
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance is arising and is caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area.
 - Adoption of a policy about future applications from that area within the terms of the DCMS guidance.
- 4.44 Following the receipt of evidence from Cleveland Police, the licensing authority has adopted a special policy for the area identified in Appendix I. This matter is discussed in more detail in Section Six of this Policy.

Additional Measures to Tackle Cumulative Effect

4.45 The licensing authority recognises that, in addition to the adoption of a Special Policy there are a number of other mechanisms for addressing anti-social behaviour and nuisance once customers are away from the vicinity of licensed premises. These include:

- Planning Controls
- Positive measures to create a safe and clean town centre environment in partnerships with local businesses, transport operators and other departments of the local authority.
- Powers of local authorities to designate parts of the local authority areas as places where alcohol may not be consumed publicly.
- Police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

4.46 The authority supports and encourages the implementation of all such measures to help reduce anti-social and nuisance behaviour.

5. CONSIDERATIONS

General Requirements

5.1 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, (as required under the Act). The operating schedule will have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, the times during which it is proposed that relevant licensable activities are to take place and details of other times during which it is proposed that the premises are to be open to the public.

5.2 In many cases it may be helpful to all concerned for Council officers to discuss with applicants and/or their advisers a draft operating schedule before it is formally submitted, e.g. as happens with the existing One Stop Shop approach. This will help ensure it properly addresses all the issues of concern to the council. Where licensable activities include the supply of alcohol, specified information on the individual identified as premises

supervisor shall be supplied as well as whether the supply of alcohol is proposed for consumption on and/or off the premises and operational procedures.

Nuisance

- 5.3 The licensing authority will expect the operating schedule to clearly demonstrate actions intended to ensure the operation will be “neighbour friendly”. In particular, the applicant shall propose adequate practical steps to prevent disturbance to local residents. In relation to noise from within the building the licensing authority will expect the applicant to have carried out acoustic tests to ascertain whether there is sound leakage. This noise could relate not only to entertainment but also from air handling equipment or patrons. The licensing authority will expect potential noise breakout to have been addressed in practical ways such as:
- Keeping doors and windows closed and providing suitable mechanical ventilation
 - Reducing sound levels and installing a suitable noise limiting device, calibrated and set at a limit approved by Council officers, to prevent sound exceeding an appropriate level
 - Installing soundproofing measures to control noise breakout and vibration to a level acceptable to the Council.
- 5.4 The licensing authority will expect venues that attract queues to formulate a scheme to avoid disturbance to nearby residents. In some cases this may be achieved by simply ensuring that the direction of the queue is away from residential accommodation.
- 5.5 However, possible excessive noise generated by customers and/or disorder requires more rigorous action. It is important that queues formed later in the evening or in early morning are adequately supervised to keep noise/disorder to a minimum. Such action can also help stop drug dealing during the queuing process but the prime purpose will be to prevent noise and disturbance. Door supervisors will generally be expected to carry out this role, but they must be adequately trained and given clear instructions as to their duties and responsibilities – where necessary they should be adequately supervised by a suitably nominated person or persons.
- 5.6 In terms of patrons leaving the premises, particularly late at night or early in the morning, the licensing authority will expect the applicant to indicate in their operating schedule that consideration has been given to, and included where appropriate, such practical steps as:
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, etc
 - At appropriate times making announcements to the same effect.
 - Instructing door staff to ask customers leaving the premises to leave the area quietly

- Reducing the volume of music towards closing time and where appropriate playing quieter, more soothing music.
 - The availability of licensed taxis or private hire vehicles to take patrons from the premises
 - In appropriate cases door supervisors or a premises manager patrolling nearby streets periodically to assess for themselves whether there is a noise or disorder problem and how best to deal with it
 - Banning from the premises people who regularly leave in a noisy fashion.
 - Increasing outside lighting levels
 - Where there is a private forecourt, yard, etc, preventing patrons from using it for eating and drinking etc after a certain time. Planning conditions are usually imposed to restrict use after 8.00 pm or at sunset where adjacent to residential properties.
- 5.7 Reason(s): It is extremely irritating to residents disturbed by the sound of music escaping from licensed premises. Noise breakout may preclude the grant of a licence or if one has already been granted, for it to be reviewed with a view to possible revocation. It may also lead to a noise abatement notice being issued under the Environmental Protection Act. Responsible applicants and licensees will be expected to avoid the need for such action and promote the licensing objective of preventing public nuisance.
- 5.8 There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being disturbed particularly if the venue is open late at night. People leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.
- 5.9 A responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures such as those referred to above to prevent such nuisance.

Prevention of Crime and Disorder

- 5.10 The licensing authority will expect an applicant to indicate in their operating schedule the steps proposed to prevent crime and disorder such as:
- Use of CCTV both within and outside the premises
 - Metal detection and search facilities
 - Procedures for risk assessing promotions and events such as “happy hours” for the potential to cause crime and disorder, and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of licensed door supervisors and other appropriately trained staff
 - Participation in an appropriate scheme designed to ensure effective liaison with the local community

- 5.11 Reason(s): *Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant is able to demonstrate to the licensing authority the practical steps that will be taken to further this objective.*

Construction/Maintenance and Safety

- 5.12 The licensing authority will expect licensed premises to meet all legal safety requirements, but in addition wishes to promote the highest possible standards of safety for patrons and others who may be affected by a licensed premise. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, other technical standards that may be appropriate for the premises concerned.
- 5.13 The licensing authority will also expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times.
- 5.14 **Reason(s): Public safety is a fundamental licensing objective. Anyone visiting a licensed venue within the Borough of Hartlepool should expect to be visiting premises that have been constructed with high standards of safety in mind and that are well managed and maintained.**

Access for Persons with Disabilities

- 5.15 All premises are expected to provide adequate facilities and access for people with disabilities. The needs of disabled people must therefore be addressed in the operating schedule.
- 5.16 **Reason(s): Wherever practicable, persons with disabilities should not be treated in a less advantageous way. In addition, responsibilities under the Disability Discrimination Act 1995 will need to be considered and adequate facilities provided in premises where necessary.**

Publicity

- 5.17 All those affected by an application should be made aware of its existence and of the opportunity to make representations. In an attempt to ensure this is achieved, applications for a premises licence will be advertised in accordance with statutory requirements.

- 5.18 Reason(s):** The grant of a licence can have a significant impact on the lives or businesses of those living or working in the vicinity of premises for which a licence is sought. Therefore, all those likely to be affected by an application have the right to be made aware of it and of the opportunity to make representations.

Other Policies, Objectives and Guidance

- 5.19 Applicants for licences will be expected to have taken into account relevant strategies and policies such as the local crime prevention strategies, planning and transportation policies, tourism and cultural strategies in determining their operating schedules.
- 5.20 In addition to the above, applicants will also be expected to address the impact of their premises on the local community and demonstrate that matters such as the prevention and clearance of litter and other waste materials arising from the use of their premises have been considered.

Planning

- 5.21 Premises for which a licence is required must have a suitable, appropriate authorised use under planning legislation.
- 5.22 The licensing authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning consent, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should not be refused and the planning status of the premises has not yet been finalised.
- 5.23 *Reason(s):* Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that committee. Proper integration will be assured by the Licensing Committees, where appropriate, by providing regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 5.24 There is effective consultation between licensing and planning authorities with regard to their respective applications. It is important that there is consistency of approach.

Drug Awareness

- 5.25 The licensing authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed on certain venues where drug use is, or has been, taking place in order to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. Such conditions, if imposed, will take account those issues discussed in the 'Safer Clubbing Guide' issued by the Home Office. Advice will be taken from the Police and the local drugs action team before any action is taken under this paragraph.
- 5.26 The licensing authority will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within the premises and to otherwise adopt precautionary measures to address the consequences of drug misuse.
- 5.27 In particular the licensing authority will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the British Institute of Inn-keeping Awarding Body (BIAB) Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The licensing authority will also expect licensees to be following the recommendations of the book "Safer Clubbing" issued by London Drug Policy Forum and endorsed by the Home Office.
- 5.28 It is hoped that licensees will follow these recommendations on a voluntary basis as failure to do so could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the licensing authority will consider imposing licence conditions to address these recommendations.
- 5.29 Reason: The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing a tragic loss of life caused by drug abuse, overheating and other factors.

Door Supervisors

- 5.30 Whenever any persons are employed at licensed premises to carry out any regulated security activity, all such persons must be licensed with the Security Industry Authority.
- 5.31 The licensing authority may consider that certain premises require stricter supervision for the purpose of promoting the reduction of crime and disorder or other licensing objectives. In such cases, the licensing authority may

impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

- 5.32 *Reason:* Door supervisors, and others placed in a similar position, are often those first called upon to respond to issues of safety and disorder on licensed premises. The licensing authority intends to ensure that such people are equipped with the skills necessary for the discharge of this important role.

6. SPECIAL POLICY

- 6.1 The licensing authority has carefully considered the issues of alcohol related crime, disorder and nuisance in Hartlepool and is committed to working with licensees, responsible authorities and residents to reduce these incidents wherever possible. This licensing policy indicates a number of ways in which relevant bodies can work together to promote a safe and 'neighbour friendly' night time economy.
- 6.2 The licensing authority does recognise however, that there may be instances where problems of crime, disorder and nuisance do not arise because of the failings of one particular premise but rather are caused by the cumulative effect of a number of licensed premises operating within a small area.
- 6.3 Guidance published by the Secretary of State for Culture, Media and Sport allows licensing authorities to consider the issue of 'cumulative impact' and, where appropriate, to introduce a special policy to control such matters.
- 6.4 **Following the receipt of evidence of crime, disorder and nuisance from Cleveland Police the licensing authority has chosen to adopt a special policy to ensure the promotion of the licensing objectives in a specific designated area.**
- 6.5 The area to which the special policy applies can be found detailed in Appendix One.
- 6.6 The authority believes that there is sufficient relevant evidence to support the adoption of a special policy that is both appropriate and proportionate for the promotion of the licensing objectives in the area concerned.
- 6.7 A special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused, if relevant representations to that effect are received.
- 6.8 Applications for premises licences or club certificates for premises situated within the identified special policy area will be required to demonstrate in their operating schedules how the operation of their business will not add to the cumulative impact already being experienced in this area.

- 6.9 This special policy must not be regarded as absolute and the licensing authority will consider every licence application on its own merits.
- 6.10 The licensing authority may only give effect to this special policy if one or more responsible authorities or interested parties make a relevant representation concerning an application.
- 6.11 The licensing authority will regularly review the effect of this special policy and will amend or remove it where considered necessary.
- 6.12 Anyone considering making an application for either a premises licence or a club premises certificate for a premise situated within the area identified in Appendix One is advised to contact the Licensing Team at Hartlepool Borough Council for advice before making an application.

7. ADMINISTRATION, EXERCISE & DELEGATION OF FUNCTIONS

- 7.1 The licensing authority has delegated its decision-making functions to the Licensing Committee, Sub-Committees and officers in accordance with the guidance issued by the Secretary of State.
 - a. Many decisions and functions are purely administrative in nature and these will be delegated to officers in the interests of speed, efficiency and cost-effectiveness.
 - b. Detailed information regarding the delegation of functions can be found in Appendix Two.

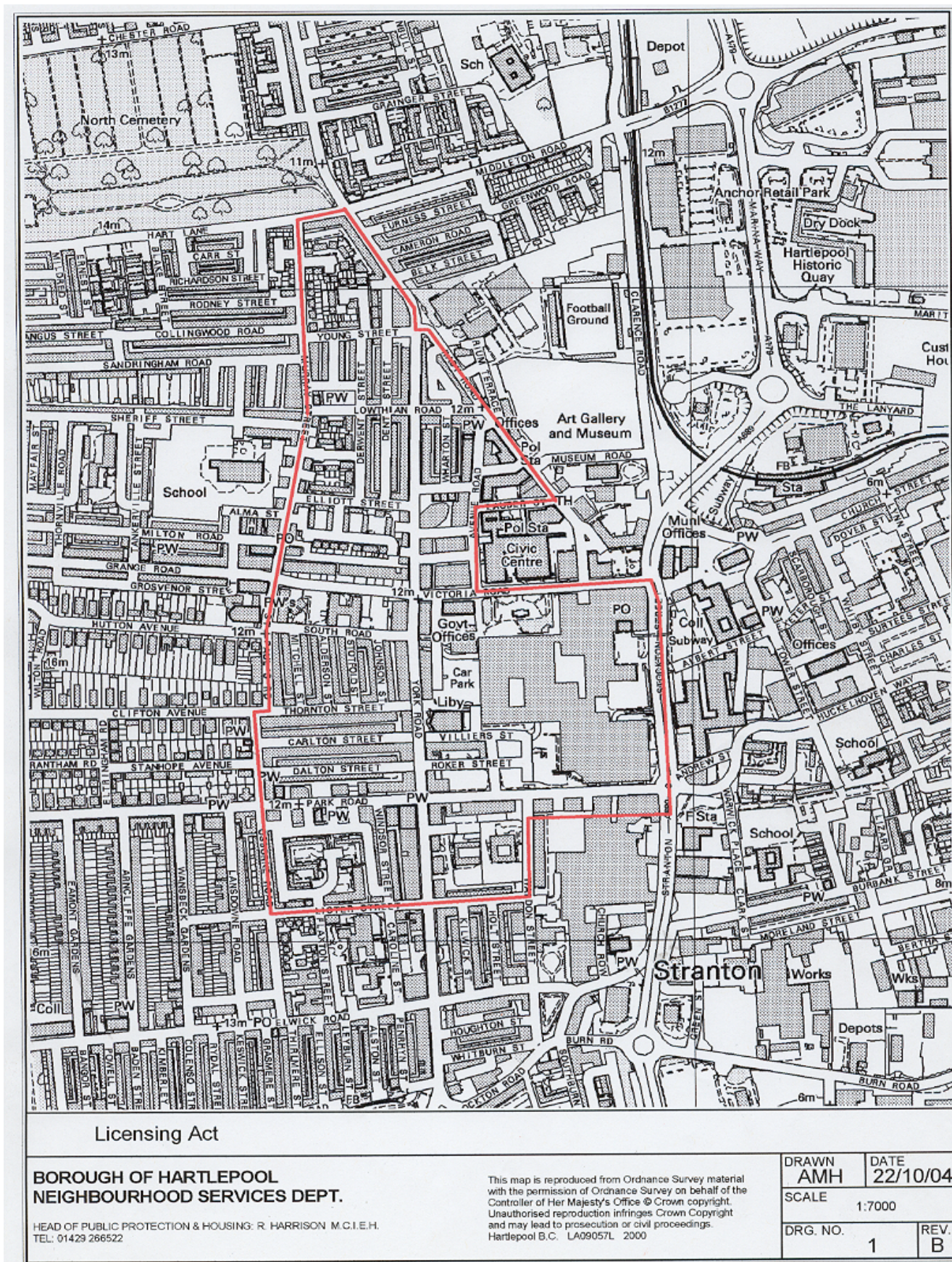
8. CONTACT DETAILS

- 8.1 Further details regarding the licensing application process, including application forms can be obtained from:

The Licensing Team
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel No: 01429 523354
Fax No: 01429 523308
Email: licensing@hartlepool.gov.uk

APPENDIX ONE – Designated Area for Special Policy



APPENDIX TWO**Delegation of Functions**

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is relevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Report of: The Executive (to be presented by the Adult and Public Health Services Portfolio Holder)

Subject: Food Law Enforcement Service Plan 2007/08

1. PURPOSE OF REPORT

To present the draft Food Law Enforcement Service Plan for 2007/08, which is a requirement under the Budget and Policy Framework, and seek Council's approval.

2. BACKGROUND

- 2.1 The Food Standards Agency has a key role in overseeing local authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.
- 2.2 On 4 October 2000, the Food Standards Agency issued the document "Framework Agreement on Local Authority Food Law Enforcement". The guidance provides information on how local authority enforcement service plans should be structured and what they should contain. Service Plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency.
- 2.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.
- 2.4 A Food Law Enforcement Plan for 2007/08 is attached as **Appendix 1** and takes into account the guidance requirements.
- 2.5 The Plan was considered and endorsed by the Cabinet on 24 July and 17 September and the Neighbourhood Services Scrutiny Forum on 8 August.

3. THE FOOD LAW ENFORCEMENT SERVICE PLAN

- 3.1 The Service Plan for 2007/08 has been updated to reflect last year's performance.
- 3.2 The Plan covers the following:

(i) Service aims and objectives:

That the Authority's food law service ensures public safety by ensuring food, drink and packaging meets adequate standards.

(ii) Links with Community Strategy, Corporate Plan, Departmental and Divisional Plans:

How the Plan contributes towards the Council's main priorities (Jobs and the Economy, Lifelong Learning and Skills, Health and Care, Community Safety, Environment and Housing, Culture and Leisure and Strengthening Communities).

(iii) Legislative powers and other actions available:

Powers to achieve public safety include programmed inspections of premises, appropriate licensing/registration, food inspections, provision of advice, investigation of food complaints and food poisoning outbreaks, as well as the microbiological and chemical sampling of food.

(iv) Resources, including financial, staffing and staff development.

(v) A review of performance for 2006/07.

4. ISSUES

The main issues raised in the Plan are summarised below:

- 4.1 A total of 508 premises inspections were undertaken in 2006/07 this equates to 99% of all programmed inspections planned for the year. 213 microbiological samples and 175 compositional/labelling samples were taken, 14 of the samples were regarded as unsatisfactory, mainly as a result of high bacteriological counts and five were unsatisfactory as the labelling/composition was incorrect.
- 4.2 In February 2006 the Food Standards Agency (FSA) introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. The Tees Valley authorities, in partnership with training providers, successfully received grant funding from the FSA to deliver free training and advisory visits. These were completed by February 2007 and a total of 290 Hartlepool food businesses attended one of the Safer Food Tees Valley workshops. Since this time our resources have been directed towards continuing to assist businesses to fully implement a documented food safety management system.
- 4.3 Changes in legislation requiring food businesses to have documented management systems has resulted in 161 re-visits being carried out

during 2006/07 a dramatic increase on the previous years figure of 55. It is expected that this trend will continue in 2007/08 and it is estimated a further 340 re-visits will be required. This will further stretch our limited resources.

- 4.4 On 1 April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. Each business has been awarded a provisional star rating which reflected the risk rating given at the time of the last primary inspection. The star rating was made available to the public via the Council's website and the business was provided with a certificate to display on their premises. The service has made a commitment to work with businesses to improve their rating.

The introduction of this scheme has been well received and to date there have been over 90,000 hits on the website. This scheme has raised public expectations and will place increased emphasis on achieving our programmed inspections.

- 4.5 New EU food hygiene legislation applicable to primary production (farmers & growers) has come into effect. As local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility has been given to us to enforce this legislation. It is estimated that there are 68 primary producers based on the 2004 Agricultural Census. The database at present does not reflect this new area of responsibility and will need to be updated throughout the course of the year.
- 4.6 During 2007/08 there are 427 programmed food hygiene inspections and 144 programmed food standards inspections planned, in addition to an estimated 340 re visits and 115 additional visits to new / changed premises. Such inspections must be carried out by a small team of officers with the suitable qualifications and competencies to undertake them. The volume of inspections and the need to carry out many of them outside normal working hours will place an additional demand on an already heavy workload further increased by the introduction of smoke free legislation.
- 4.7 The Food Standards Agency is encouraging authorities to employ an alternative enforcement strategy for low risk food premises by the employment of self-assessment questionnaires (as opposed to inspection). Given that low risk food premises often involve other legislation such as the Health and Safety at Work Act, it is intended to continue to inspect such premises.

5 RECOMMENDATIONS

- 5.1 It is recommended that the Council approves the draft Food Law Enforcement Plan 2007/08.



HARTLEPOOL
BOROUGH COUNCIL

Appendix 1

Hartlepool Borough Council

Food Law Enforcement Service Plan

2007/08

FOOD SERVICE PLAN 2007/08

This Service Plan accords with the requirements of the Framework Agreement on Local Authority Food Law Enforcement, and sets out the Council's aims in respect of its food law service and the means by which those aims are to be fulfilled. Whilst focussing primarily on the year 2007-08, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2006-07 and this aims to inform decisions about how best to build on past successes and address performance gaps.

1. Background Information

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Easington District Council to the north, Sedgfield District Council to the west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

2. Service Aims and Objectives

Hartlepool Borough Council aims to ensure:

- That food and drink intended for human consumption which is produced, stored, distributed, handled or consumed in the borough is without risk to the health or safety of the consumer.
- Food and food packaging meets standards of quality, composition and labelling and reputable food businesses are not prejudiced by unfair competition.
- The effective delivery of its food law service so as to secure appropriate levels of public safety in relation to food hygiene, food standards and feeding stuffs enforcement.

In its delivery of the service the Council will have regard to directions from the Food Standards Agency (FSA), Approved Codes of Practice, the Enforcement Concordat, and guidance from Local Authorities Co-ordinators of Regulatory Services (LACORS).

Service delivery broadly comprises:

- Programmed inspection of premises for food hygiene and food standards
- Registration, licensing and approval of premises
- Microbiological and chemical analysis of food
- Food Inspection
- Provision of advice, educational materials and courses to food businesses
- Investigation of food and food-related complaints

- Investigation of cases of food and water borne infectious disease, and outbreak control
- Dealing with food safety incidents
- Promotional and advisory work

Effective performance of the food law service necessitates a range of joint-working arrangements with other local authorities and agencies such as the Health Protection Agency (HPA), Meat Hygiene Service (MHS), and the Food Standards Agency (FSA). The Council aims to ensure that effective joint-working arrangements are in place and that officers of the service contribute to the on-going development of those arrangements.

3. Policy Content

This service plan fits into the hierarchy of the Council's planning process as follows:

- Hartlepool's Community Strategy - the Local Strategic Partnership's (the Hartlepool Partnership) goal is "to regenerate Hartlepool by promoting economic, social and environmental wellbeing in a sustainable manner."
- Corporate (Best Value Performance) Plan
- Neighbourhood Services Departmental Plan
- Public Protection Divisional Plan
- Consumer Services Service Plan
- Food Law Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Consumer Services section's contribution to corporate objectives

The Council's Community Strategy sets out its vision for 'a prosperous, caring, confident and outward looking community realising its potential in an attractive environment'. This Food Law Service Plan contributes towards the vision and the Council's seven main priorities in the following ways:

Jobs and the Economy

By providing advice and information to new and existing businesses to assist them in meeting their legal requirements with regard to food law requirements, and avoid potential costly action at a later stage.

Lifelong Learning and Skills

By providing and facilitating training for food handlers on food safety as part of lifelong learning, and promoting an improved awareness of food safety and food quality issues more generally within the community.

Health and Care

By ensuring that food businesses where people eat and drink, or from which they purchase their food and drink, are hygienic and that the food and drink sold is safe, of good quality and correctly described and labelled to inform choice.

Community Safety

By encouraging awareness amongst food businesses of the role they can play in reducing problems in their community by keeping premises in a clean and tidy condition.

Environment and Housing

By encouraging businesses to be aware of environmental issues which they can control, such as proper disposal of food waste.

Culture and Leisure

By exploring ways to promote high standards of food law compliance in hotels, other tourist accommodation, public houses and other catering and retail premises.

Strengthening Communities

By developing ways of communicating well with all customers, including proprietors of food businesses whose first language is not English, and ensuring that we deliver our service equitably to all.

This Food Law Enforcement Service Plan similarly contributes to the vision set out in the Neighbourhood Services Department Plan “to work hand in hand with communities and to provide and develop excellent services that will improve the quality of life for people living in Hartlepool neighbourhoods”. Within this, the Consumer Services Section has a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

The Council has in place a Food Law Enforcement Policy, which has been revised and subsequently approved by the Adult & Public Health Services Portfolio Holder on 21 March 2005.

The Council is committed to the principles of equality and diversity. The Food Law Enforcement Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

4. Legislative Powers and Other Actions Available

From 1 January 2006, new EU food hygiene legislation has applied throughout the UK. The introduction of the new legislation was to:

- modernise, consolidate and simplify the previous EU food hygiene legislation
- apply effective and proportionate controls throughout the food chain, from primary production to sale or supply to the final consumer
- focus controls on what is necessary for public health protection
- clarify that it is the primary responsibility of food business operators to produce food safely

The Council has a wide range of duties and powers conferred on it in relation to food safety functions.

The Council must appoint and authorise inspectors, having suitable qualifications and competencies for the purpose of carrying out duties under the Food Safety Act 1990 and Regulations made under it and also specific food regulations made under the European Communities Act 1972, which include the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2006.

Authorised officers can inspect food at any stage of the production, manufacturing, distribution and retail chain. The Council must draw up and implement an annual programme of risk-based inspections so as to ensure that food and feedingstuffs are inspected in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance.

The sampling of food for the purposes of microbiological and chemical examination and analysis forms an integral part of the inspection process. It is a critical means of ensuring the microbiological and chemical safety of food, checking composition and labelling. The Food Safety (Sampling and Qualifications) Regulations 1990 provide the framework for sampling.

The inspection of food commodities again forms an integral part of the inspection process and is provided for by virtue of Sections 32 and 9 of the Food Safety Act 1990. The purpose of food inspection is to check that food complies with food safety requirements and is fit for human consumption. Section 9 also sets out provisions relating to the detention, seizure and condemnation of food.

It is recognised that whilst the inspection process is the primary means of securing compliance with food safety legislation, this can be enhanced by the provision of advice, educational materials and training courses.

The service is obliged to investigate complaints relating to the sale of food not complying with food safety requirements, or not of the nature, substance or quality demanded, or injurious to health, or unfit for human consumption, or

labelled or presented so as to mislead consumers. Similarly, the service responds to complaints alleging breaches of hygiene requirements.

The investigation of cases of food poisoning and outbreak control is a shared responsibility between the food law service and the County Durham and Tees Valley Health Protection Unit of the Health Protection Agency. Responsibility for the enforcement of measures to control food-borne disease rests with the local authority, with the Health Protection Agency having a statutory duty to designate medical officers to assist the local authority in carrying out their duties in this respect.

A national food incident warning system is in operation throughout the United Kingdom, which acts as a rapid alert system in respect of food related hazards. The food law service must ensure that any action specified by the Food Standards Agency in a food alert is undertaken promptly and in accordance with any risk assessment carried out by the Agency. If the Authority propose to take alternative action this must first be agreed with the Agency.

In addition to legislative requirements as above, local authority food law services are required to have regard to the Food Law Code of Practice and Practice Guidance which gives detailed direction to authorities on enforcement of food legislation.

There is currently a requirement to report to the Food Standards Agency annually on performance in relation to food law enforcement activities. Annual performance statistics for all authorities are now made publicly available by the Food Standards Agency and the best and worst performing councils are highlighted.

5. Service Delivery Mechanisms

Inspection Programme

Inspections carried out for food hygiene, food standards and for feeding-stuffs are carried out in accordance with the Council's policy and procedures on food premises inspections and relevant national guidance.

Information on premises liable to food law inspections is held on the ITECS computerised system. An inspection schedule is produced from this system at the commencement of each reporting year, in accordance with guidance issued by the Food Standards Agency.

The food hygiene and food standards inspection programmes are risk-based systems that accord with current guidance. The current premises profiles are shown in the tables below:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Premises
A	6 months	8
B	12 months	108
C	18 months	377
D	24 months	137
E	36 months or other enforcement	122
Unclassified	Requiring inspection/risk rating	
Total		742

Food Standards:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	
B	24 months	87
C	36 months or other enforcement	553
Unclassified		57
Total		697

The inspection programme for 2007/08 comprises the following number of scheduled food hygiene and food standards inspections:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Inspections
A	6 months	16
B	12 months	108
C	18 months	204
D	24 months	26
E	36 months or alternative enforcement strategy	0
Unclassified		
Total		427

Additional to this inspection programme there are 3 manufacturing businesses (2 fishery products establishments and a kebab manufacturer) that are subject to approval under Regulation 853/2004. These are not included in the inspection programme but instead are subject to a minimum inspection frequency in 12 months as set out in the following tables, in accordance with current guidance.

Product Specific Inspections :

	Primary Inspection	Secondary Inspections	No in Hartlepool
Meat Products	1	2	0
Minced Meat and Meat Preparation	1	2	1
Dairy Products	1	1	0
Fishery Products	1	1	2
Egg Products	1	1	0
Shellfish Purification or despatch	1	1	0

New EU food hygiene legislation applicable to primary production (farmers & growers) has come into effect. On the basis the local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility has been given to us to enforce this legislation. The service has estimated 68 primary producers based on the 2004 Agricultural Census. The database at present does not reflect this new area of responsibility and will need to be updated throughout the course of the year to reflect these premises.

Food Standards:

Risk Category	Frequency of Inspection	No of Inspections
A	12 months	0
B	24 months	69
C	36 months or alternative enforcement	75
Not classified		
Total		144

An estimated 10% of programmed inspections are of premises where it is more appropriate to conduct inspections outside the standard working time hours. Arrangements are in place to inspect these premises out of hours by making use of the Council's flexible working arrangements, lieu time facilities and, if necessary, paid overtime provisions. In addition, these arrangements will permit the occasional inspection of premises which open outside of, as well as during standard work time hours. The Food Law Code of Practice requires inspections of these premises at varying times of operation.

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. It is estimated that such revisits are required in over 50% of instances (some premises requiring more than one revisit to check compliance). For the year 2007/08, the inspection programme would generate an estimated 340 revisits. A number of these premises revisits will

be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

It is anticipated that consistent, high quality programmed inspections by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action.

The performance against inspection targets for all food hygiene and food standards inspections is reported monthly as part of the Neighbourhood Services Department internal performance monitoring. In addition, performance against inspection targets is reported quarterly to the Adult & Public Health Services Portfolio Holder as part of the Neighbourhood Services Department plan update.

Port Health

Although Hartlepool is a Port Health Authority it is not a border inspection post and therefore no food enters the port.

As of 15 June 2007 the Authority will be responsible for issuing Ship Sanitation Certificates, issued under the International Health Regulations 2005. The extent of this additional work has yet to be quantified.

Fish Quay

There is a Fish Quay within the Authority's area, which provides a market hall and associated fish processing units.

Alternative Enforcement Strategy for Low Risk Food Premises

From April 2005 an alternate enforcement strategy via "self assessment" may be employed for low risk food premises, i.e. those rated as food hygiene risk Categories E and food standards risk Category C, in accordance with guidance. Self-assessment usually consists of questionnaires for these businesses and a subsequent evaluation of the results of this self-assessment by officers. A percentage of those businesses returning questionnaires are visited to validate the information received, as well as businesses not responding. Inspection visits may also be made where a low risk business is the subject of complaint and where notification of change of business use or proprietorship is received. The Head of Public Protection believes that the best use of resources at this time is to continue to carry out inspections at these low risk premises. These inspections often cover other legislation such as Health & Safety at Work.

Registration and Approval of Premises

Food business operators must register their establishments with the relevant local authority in accordance with the requirement of Regulation (EC) No 853/2004. This provision allows for the service to maintain an up-to-date premises database and facilitates the timely inspection of new premises and,

when considered necessary, premises that have changed food business operator or type of food use.

The receipt of a food premises registration form initiates an inspection of all new food premises. In the case of existing premises, where a change of food business operator is notified, other than at the time of a programmed inspection, an assessment is made of the need for inspection based on the date of the next programmed inspection, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 115 additional premises inspections will be generated for new food businesses during 2007/08.

A competent authority must with some exceptions, approve food business establishments that handle food of animal origin. If an establishment needs approval, it does not need to be registered as well.

Premises which require approval include those that are producing any, or any combination of the following; minced meat, meat preparations, mechanically separated meat, meat products, live bivalve molluscs, fishery products, raw milk (other than raw cows' milk), dairy products, eggs (not primary production) and egg products, frogs legs and snails, rendered animal fats and greaves, treated stomachs, bladders and intestines, gelatine and collagen and certain cold stores and wholesale markets.

The approval regime necessitates full compliance with the relevant requirements of Regulation (EC) No 852/2004 and Regulation (EC) 853/2004.

There are 3 premises in the Borough (2 fishery products establishments and a kebab manufacturer), which are subject to approval.

Microbiological and Chemical Analysis of Food

An annual food sampling programme is undertaken with samples being procured for the purposes of microbiological and chemical analyses. This programme is undertaken in accordance with the service's Food Law Sampling Policy.

All officers taking formal samples must follow the guidance contained in and be qualified in accordance with relevant legislative requirements and centrally issued guidance, including that contained in the Food Law Code of Practice and Practice Guidance. Follow-up action is carried out in accordance with the food law service's sampling policy.

Microbiological analysis of food and water samples is undertaken by the Newcastle Laboratory of the Health Protection Agency based at the General Hospital in Newcastle, and chemical analysis of samples by Tees Valley Measurement for informal samples and by the Council's appointed food examiner at the Public Analyst Durham County Council for formal samples.

From April 2005 sampling allocations from the Health Protection Agency, which is responsible for the appropriate laboratory facilities, has been based on a credits system dependant on the type of sample being submitted and examination required.

The allocation for Hartlepool is 8,300 credits for the year 2007-08, which includes sampling of water supply in food premises and pool waters.

Points are allocated as follows:

Sample type	No of credits
Food Basic	25
Water Basic	15
Dairy Products	15
Environmental	10
Formal samples	50

A sampling programme is produced each year for the start of April. The sampling programme for 2007-08 includes national and regional surveys organised by LACORS and HPA/Local Authority liaison group.

Sampling programmes have been agreed with the Food Examiners and Tees Valley Measurement (a joint funded laboratory based at Canon Park, Middlesbrough). These have regard to the nature of food businesses in Hartlepool and will focus on locally manufactured/processed foods and foods targeted as a result of previous sampling and complaints.

A proportion of the planned sampling programme is of imported foods in accordance with guidance from the Food Standards Agency.

Microbiological Food Sampling Plan 2007-08

April Local Shopping Basket Survey	May Local Shopping Basket Survey LACORS/ HPA Fresh herb survey	June Local Shopping Basket Survey LACORS/ HPA Fresh herb survey
July Local Shopping Basket Survey LACORS/ HPA Fresh herb survey LACORS/HPA Salads & sauces from kebab takeaways	August Local Shopping Basket Survey LACORS/ HPA Fresh herb survey Pre-packed fruit & salad	September Local Shopping Basket Survey LACORS/ HPA Fresh herb survey
October Local Shopping Basket Survey LACORS/ HPA Fresh herb survey Approved premises / locally manufactured products	November Local Shopping Basket Survey LACORS/HPA Edible seeds Imported foods	December Local Shopping Basket Survey Cooked meats from butchers shops
January Local Shopping Basket Survey Products purchased over the internet	February Local Shopping Basket Survey Imported foods	March Local Shopping Basket Survey

In addition to carrying out food sampling, arrangements are in place to enable inspections linked environmental sampling to be carried out,

The products sampled as part of the shopping basket survey include:

- Pasta salads
- Pease pudding
- Cooked ham
- Butter
- Cheese spread
- Cheese
- Yoghurt sundaes
- Cream cakes
- Salad garnish
- Cooked rice
- Ready to eat fish

Composition and Labelling Sampling Plan 2007-08

MONTH	TEST	SAMPLES
April	Meat content of meat pies from local producers	3
	Chocolate Labelling	4
May	Floral origin of honey	12
June	Calcium claims on pre-packed foods (Labels of the pre-packed goods above)	8 8
July	Vitamin C in soft drinks, including drinks from Britvic (labels of the pre-packed goods above)	18 18
Aug	QUID – sandwiches concentrating on local producers pre – packed sandwiches (Labels of the pre-packed goods above)	15 15
Sept	Meat content of locally produced sausages	3
Oct	Meat species of takeaway meals	13
Nov	Spirits in Restaurants	10
Dec	Sodium in breakfast cereals (Labels of the pre-packed goods above)	12 12
Jan	Peanut proteins in takeaway meals (Imported food sampling)	12
Feb	Lead / Tin in canned fruit & vegetable (Labels of the pre-packed goods above)	3 3
Mar	Fat in ready meals (Labels of the pre-packed goods above)	18 18

Total samples = 205

Feeding Stuffs

It is planned that six informal animal feeding stuffs samples will be taken this year.

At present feeding stuffs sampling has been given a low priority due to the lack of local manufacturers and packers. Informal samples are, however, taken of packaged goods.

An annual feeding stuffs sampling plan has been drawn up to carry out informal sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments.

Feedingstuffs Sampling Plan 2007/08

April - June	0
July - September	2 Broiler Chicken Feed
October - December	2 from grain stores for mycotoxins
January - March	2 Milk replacer

Private Water Supplies

There are two premises using private water supplies in their food production, one is a brewery and the other a soft drinks manufacturer. Regular sampling is carried out of these supplies in accordance with relevant legislative regulations.

Food Inspection

The purpose of food inspection is to check that food complies with food safety requirements and is fit for human consumption, and is properly described and labelled. As such, the activity of inspecting food commodities, including imported food where relevant, forms an integral part of the food premises inspection programme. Food inspection activities are undertaken in accordance with national guidelines.

Provision of Advice, Educational Materials and Courses to Food Businesses

Following changes in relation to certified courses we are reviewing the training courses offered by the section. Where we are unable to deliver courses we will advise businesses of alternative local providers.

It is recognised that for most local food businesses contact with an officer of the service provides the best opportunity to obtain information and advice on legislative requirements and good practice. Officers are mindful of this and aim to ensure that when undertaking premises inspections sufficient opportunity exists for business proprietors to seek advice. In addition, advisory leaflets produced by the Food Standards Agency are made available to business proprietors.

In February 2006 the Food Standards Agency (FSA) introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. The Tees Valley authorities in partnership with training providers successfully received grant funding from the FSA to deliver free training and advisory visits. These were completed by February 2007 and a total of 290 Hartlepool food businesses attended one of the Safer Food Tees Valley workshops. Since this time our resources have been directed towards continuing to assist businesses to fully implement a documented food safety management system.

Guidance is also prepared and distributed to food businesses relating to changes in legislative requirements. This included sending out a newsletter to all food businesses within the borough. The service also encourages new food business proprietors and existing businesses to seek guidance and advice on their business. It is estimated that 56 such advisory visits will be carried out during the year.

On 1 April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. At this time each business was awarded a provisional star rating which reflected the risk rating given at the time of the last primary inspection. The star rating was made available to the public via the Council's website and the business was provided with a certificate to display on their premises. The service has made a commitment to work with businesses to improve their rating.

Feeding stuffs advice is available via the Council's web site.

A limited level of promotional work is also undertaken by the service on food safety, with minimal impact on programmed enforcement work.

Investigation of Food and Food-related Complaints

The service receives approximately 17 complaints, each year concerning food products, all of which are subject to investigation. An initial response is made to these complaints within two working days. Whilst many complaints are investigated with minimal resource requirements, some more complex cases may be resource-intensive and potentially affect programmed inspection workloads.

All investigations are conducted having regard to the guidance on the 'Home Authority Principle'.

The procedures for receipt and investigation of food complaints are set out in detailed guidance and internal policy documents.

Investigation of Cases of Food Poisoning and Outbreak Control

Incidents of food related infectious disease are investigated in liaison with the Durham and Tees Valley Health Protection Unit and in the case of outbreaks in accordance with the Health Protection Unit's Outbreak Control Policy.

Where it appears that an outbreak exists the Principal EHO (Commercial) or an EHO, will liaise with the local Consultant in Communicable Disease Control and, where necessary, the Director of Durham and Tees Valley Health Protection Unit, to determine the need to convene an Outbreak Control Team. Further liaison may be necessary with agencies such as the Food Standards Agency, the Health Protection Agency and Northumbrian Water.

Statistical returns are made weekly by the service to the Communicable Disease Surveillance Centre.

It is estimated that approximately 108 food poisoning notifications are received each year. Most cases are sporadic in nature and can be investigated as part of the normal day-to-day workload. It is recognised, however, that in the event of a major outbreak a significant burden is likely to be placed on the service and this would inevitably impact on the performance of the inspection programme.

Dealing with Food Safety Incidents

A national alert system exists for the rapid dissemination of information about food hazards and product recalls, this is known as the food alert warning system.

All food alerts received by the service are dealt with in accordance with national guidance and internal quality procedures.

Food alert warnings are received by the service from The Food Standards Agency via the electronic mail system, and EHCNet during working hours. The Principal EHO (Commercial Services) or, if absent, the Consumer Services Manager ensures that a timely and appropriate response is made to each food alert.

Out of hours contact is arranged through Richard Court, telephone number 01429 869424.

In the event of a serious local incident, or a wider food safety problem emanating from production in Hartlepool, the Food Standards Agency will be alerted in accordance with guidance.

Whilst it is difficult to predict with any certainty the number of food safety incidents that will arise during any 12 month period, it is estimated that the service is likely to be notified of between 60 – 80 food alerts during 2007/08, a small proportion of which will require action to be taken by the Authority. This level of work can ordinarily be accommodated within the day-to-day workload of the service, but more serious incidents may require additional resources and may have an effect on the programmed inspection workload and other service demands.

Investigation of Complaints Relating to Food Safety and Food Standards in Premises

The service investigates all complaints that it receives about food safety and food standards conditions and practices in food businesses. Initial response to any complaint is made within two working days. In such cases the confidentiality of the complainant is paramount. All anonymous complaints are also currently investigated.

The purpose of investigation is to determine the validity of the complaint and, where appropriate, to seek to ensure that any deficiency is properly addressed. The general approach is to assist the food business operator in ensuring good standards of compliance, although enforcement action may be necessary where there is failing in the management of food safety, or regulatory non-compliance.

Based on the number of complaints in 2006/07 it is estimated that approximately 56 such complaints will be received in 2007/08.

Feed Law Enforcement

From 1 January 2006 feed businesses must be approved or registered with their local authority under the terms of the EC Feed Hygiene Regulation (183/2005).

This replaces the previous arrangements (under EC Directive 95/69), as implemented by the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999, which required feed businesses to be approved or registered if they were involved in the manufacture, use or marketing of certain feed additives.

This legislation relates to nearly all feed businesses. This means, for example, that importers and sellers of feed, hauliers and storage businesses will now require approval or registration. Livestock and arable farms growing and selling crops for feed are also within the scope of the provisions of the regulation.

Liaison Arrangements

The service actively participates in local and regional activities and is represented on the following:

- Tees Valley Food Liaison group
- The local HPA/Local Authority Sampling group
- Tees Valley Public Health group
- North East Trading Standards liaison group

Home Authority Arrangements

The Authority has no formal arrangements with food businesses to act as Home Authority at the present time. The Authority is originating authority for two premises, a brewery and a soft drinks manufacturer. Regular visits are made to these premises to maintain dialogue with management and an up to date knowledge of operations.

General

The delivery point for the food law enforcement service is at:

Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Members of the public and businesses may access the service at this point from 08.30 - 17.00 Monday to Thursday and 08.30 - 16.30 on Friday.

A 24-hour emergency call-out also operates to deal with Environmental Health emergencies, which occur out of hours.

6. Resources

Staffing Allocation

The Director of Neighbourhood Services has overall responsibility for the delivery of the food law service. The Head of Public Protection has responsibility for ensuring the delivery of the Council's Environmental Health service, including delivery of the food law service, in accordance with the service plan. The Consumer Services Manager, with the requisite qualifications and experience, is designated as lead officer in relation to food safety and food standards functions and has responsibility for the day to day management of the service.

The resources determined necessary to deliver the service in 2006/07 are as follows:

1 x 0.25 FTE Consumer Services Manager (with responsibility also for Health & Safety, Licensing and Trading Standards)

1 x 0.35 FTE Principal EHO Commercial (with responsibility also for Health & Safety and Animal Health)

3 x FTE EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x 0.56 FTE Part-time EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x FTE Technical Officer Food (with requisite qualifications and experience)

The Consumer Services Manager has responsibility for planning service delivery and day to day management of the Food Law service, Health & Safety at Work, Licensing, Public Health, Water Quality, Trading Standards, Animal Health & Welfare and I.T. as well as general management responsibilities as a member of the Public Protection Management Team.

The Principal EHO (Commercial Services) has responsibility for the day to day supervision of the Food Law Service, Health & Safety at Work, Public Health, Water Quality and Animal Health & Welfare.

The EHO's have responsibility for the performance of the food premises inspection programme as well as the delivery of all other aspects of the food law service, particularly more complex investigations. In addition these officers undertake Health & Safety at Work enforcement.

The food technical officer is also responsible for inspections, as well as revisits, investigation of less complex complaints and investigation of incidents of food-borne disease.

Administrative support is provided by Support Services within Neighbourhood Services department.

All staff engaged in food safety law enforcement activity will be suitably trained and qualified and appropriately authorised in accordance with guidance and internal policy.

Staff undertaking educational and other support duties will be suitably qualified and experienced to carry out this work.

Financial Resources

The annual budget for the Consumer Services section in the year 2007/08 is:

	£000
Employees	732
Other	253.5
Support Recharges	120
Income	(166.3)
Net Budget	939.2

This budget is for all services provided by this section i.e. Health & Safety, Licensing, Trading Standards and resources are allocated in accordance with service demands.

Equipment and Facilities

A range of equipment and facilities are required for the effective operation of the food law service. The service has a documented procedure that ensures the proper maintenance and calibration of equipment and its removal from use if found to be defective.

The service has a computerised performance management system, ITECS. This is capable of maintaining up to date accurate data relating to the activities of the food law service. A documented database management procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the inspection programmes, the recording and tracking of all food activities, the production of statutory returns and the effective management of performance.

During 2007/08 we will be migrating to the Authority Public Protection computer system

Training Plans

The qualifications and training of staff engaged in food law enforcement are prescribed and this will be reflected in the Council's policy in respect of appointment and authorisation of officers.

It is a mandatory requirement for officers of the food law service to maintain their professional competency by undertaking a minimum of 10 hours core training each year through attendance at accredited short courses, seminars or conferences. This is also consistent with the requirements of the relevant professional bodies.

The Council is committed to the personal development of staff and has in place Personal Development Plans for all members of staff.

The staff Personal Development Plan scheme allows for the formal identification of the training needs of staff members in terms of personal development linked with the development needs of the service on an annual basis. The outcome of the process is the formulation of a Personal Development Plan that clearly prioritises training requirements of individual staff members. The Personal Development Plans are reviewed six monthly.

The details of individual Personal Development plans are not included in this document but in general terms the priorities for the service are concerned with ensuring up to date knowledge and awareness of legislation, building capacity within the team with particular regard to vertical directive premises, the provision of food hygiene training courses, developing the role of the Food Safety Officer, and training and development of new staff joining the team.

Detailed records are maintained by the service relating to all training received by officers.

7. Service Review and Quality Assessment

Quality Assessment

The Council is committed to quality service provision. To support this commitment the food law service seeks to ensure consistent, effective, efficient and ethical service delivery that constitutes value for money.

A range of performance monitoring information will be used to assess the extent to which the food service achieves this objective and will include on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Principal EHO (Commercial Services) will carry out accompanied visits with officers undertaking inspections, investigations and other duties for the purpose of monitoring consistency and quality of the inspection and other visits carried out as well as maintaining and giving feedback with regard to associated documentation and reports.

The Best Value Performance Indicator BV166, applicable to Environmental Health, is subject to scrutiny. The target for attainment by the service against BV166 standard, which includes the provision of written enforcement policies, planned enforcement activity and measurement of customer satisfaction levels, is 100%.

It is possible that the Food Standards Agency may at any time notify the Council of their intention to carry out an audit of the service.

Review

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2006/07.

This service plan will be reviewed at the conclusion of the year 2007/08 and at any point during the year where significant legislative changes or other relevant factors occur during the year. It is the responsibility of the Consumer Services Manager to carry out that review with the Head of Public Protection.

The service plan review will identify any shortfalls in service delivery and will inform decisions about future staffing and resource allocation, service standards, targets and priorities.

Any relevant amendments to the Council's Best Value programme will be incorporated into the service plan together with any matters identified through quality assessment audits.

Following any review leading to proposed revision of the service plan Council approval will be sought.

Performance Review 2006-07

This section describes performance of the service in key areas during 2006/07.

During 2006/07 the section has been fully staffed for the first time in a number of years. Steps were taken to ensure that inspections outstanding from the previous year (2005/06) were carried out in addition to all programmed inspections and inspections of new businesses.

Changes in legislation requiring food businesses to have documented management systems has resulted in 161 re-visits being carried out during 2006/07 a dramatic increase on the previous years figure of 55. It is expected that this trend will continue in 2007/08 with an estimated number of re-visit of 340 based on the first quarter of 2007/08. This will further stretch our limited resources.

Inspection Programme

The food premises inspection programme for 2006/07 did not quite reach the target of 100%. Due to difficulties in gaining access to certain premises 99% of Food Hygiene and Food Standards inspections were achieved. The outstanding inspections will be added to the programme for 2007/08.

Registration and Approval of Premises

Premises subject to approval were inspected and given comprehensive guidance with regard to approval requirements. .

Food Sampling Programme

The food sampling programme for 2006/07 has been completed. The microbiological results are:

Microbiological Sampling (1/4/06 31/3/07)

	Total number	Number of Samples	
	of samples	Satisfactory	Unsatisfactory
<u>Bacteriological Surveys</u>	168	159	9
Shopping Basket			
Raw Eggs	6	6	0
Ready to eat fish	21	20	1
Continental Market	5	2	3
Water Supply to mobile food vendors	7	6	1
Locally produced pies	6	6	0

The composition and labelling results are:

Food Standards Sampling (01.04.06 – 31.03.07):

Nature of Sample	Reason for Sampling	Satisfactory	Unsatisfactory
Fish Products	Pictorial / fish content	2	0
Fruit Juice	Vitamin C content	18	0
Locally produced sandwiches	Labelling regulations	0	2
Takeaway foods	Meat species	4	3
Fish	Fish species	12	0
Meat Pies	Meat content	2	0
Sandwiches	Labelling salad cream / mayonnaise	24	0
Alcoholic drinks	Alcohol content	3	0
Diet / health foods	Fat content	19	0
Imported foods	Heavy metal content	10	0
Mineral / spring water	Nitrate content	24	0
Ready meals	Salt content	20	0
Cereal bars	Calcium content	8	0
Preserves	Sugar content	24	0

Where unsatisfactory samples are identified, officers carry out follow-up work to identify the cause and take appropriate action.

The programme of feeding stuffs sampling was undertaken. Feeding stuffs has been given a low priority due to the lack of local manufacturers and packers.

Food Inspection

The service undertook no formal seizure of unfit food in the year.

Promotional Work

In February 2006 the Food Standards Agency (FSA) introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. The Tees Valley authorities in partnership with training providers successfully received grant funding from the FSA to deliver free training and advisory visits. These were completed by February 2007 and a total of 290 Hartlepool food businesses attended one of the Safer Food Tees Valley workshops. Since this time our resources have been directed towards continuing to assist businesses to fully implement a documented food safety management system.

The service was unable to provide food hygiene training during the year due to insufficient resources.

The team has continued to offer advice and information on request with 56 advisory visits to businesses being carried out during the year.

Food Hygiene Award Scheme

Development work was carried out in conjunction with the other Tees Valley authorities to introduce a Tees Valley Food Hygiene Award scheme. The scheme was based around a national pilot being undertaken by the Food Standards Agency.

In accordance with the 'Food Law Code of Practice', following every 'primary' inspection a risk rating is undertaken which is used to determine the frequency of inspection for the business. Of the seven main categories used to determine the overall rating score the following three factors are used to create a star rating:

1. Food Hygiene and Safety
2. Structure and Cleaning
3. Management and Control

These ratings are the only ones that are directly controllable by the business and are the reason they have been used to obtain the food businesses star rating.

The total score from the 3 categories is then used to derive the star rating ranging from 0 (major improvements needed) through to 5 stars (excellent).

The table below shows the results of the star ratings provisionally awarded to businesses on 1 April 2007:

Number of Stars	Number of Premises	Percentage of premises
5 Stars	24/759	3%
4 Stars	155/759	20%
3 Stars	226/759	30%
2 Stars	262/759	35%
1 Star	60/759	8%
0 Stars	32/759	4%

Complaints

During the year the service dealt with 56 complaints relating to the condition of food premises and food handling practice. In addition, 17 complaints of unfit or out of condition food, extraneous matter, mould and unsatisfactory labelling of food items were also received. These investigations have been undertaken all within our target of 2 working days; however, they have had some effect on performance of the inspection programme.

Food Poisoning

The service received 108 notifications of food poisoning during the year and investigated 3 outbreaks of infectious disease, all of which occurred in residential /nursing care homes and were found to be viral in nature

Food Safety Incidents

The Service received 68 food alerts from the Food Standards Agency during the year. All requiring action were dealt with expeditiously. No food incidents were identified by the Authority that required notification to the Food Standards Agency.

Enforcement

During 2006/07, no emergency prohibition notices were served on businesses where formal cessation of a food activity was necessary. Three improvement notices were served on businesses to ensure compliance with food safety issues. No prosecutions or formal cautions were undertaken.

Improvement Proposals 2006/07

The following areas for improvement were identified in the 2006/07 Food Service Plan.

1. To complete the process of approving / re approving relevant premises

Approvals have been granted to two establishments and the approval process is nearing completion for the third.

2. To ensure that all relevant premises are registered under food hygiene legislation

All relevant premises have been contacted and registered.

3. Review / internal audit of food quality system

This work is ongoing but has not yet been completed.

8. Key Areas for Improvement 2007/08

In addition to committing the service to specific operational activities such as performance of the inspection programme, the service planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2007/08.

1. Complete review / internal audit of food quality system
2. Produce a summary of the Food Enforcement Policy

3. Reduce the number of premises in bands 0-2 stars in food hygiene awards scheme by 5%
4. Record all food samples on the Authority Public Protection computer system

COUNCIL REPORT

25th October, 2007



Report of: Executive

Subject: 2007/2008 PRUDENTIAL BORROWING LIMITS AND CAPITAL PROGRAMME

1. PURPOSE OF REPORT

- 1.1 To provide Council with details of Cabinet's proposed variations to the approved 2007/2008 Prudential Borrowing Limits and Capital Programme in relation to Coast Protection Headland Fencing/Promenade works and the Civic Centre Refurbishment.

2. REASON FOR SUBMITTING REPORT

- 2.1 In accordance with the constitution Cabinet is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration.

3. CABINET PROPOSALS

Coast Protection – Headland Fencing and Promenade

- 3.1 At its meeting on 6th August, 2007, Cabinet were advised that various health and safety works needed to be undertaken to the Headland Promenade, including replacing railings where necessary. The cost of these works are estimated at £120,000. At that time funding for these works had not been identified, pending a review of the current year's Capital Programme and progress in achieving capital receipts.
- 3.2 A review of progress in achieving the £2 million capital receipts target has now been completed to reflect progress on the major planned disposals. This review indicates that these receipts are now becoming much more certain. In addition, a number of smaller receipts have now been completed. Taken together these two issues provide a greater degree of certainty that the £2 million capital receipts target will be exceeded, although at this stage it is not certain by how much. Therefore, it would not be inappropriate to anticipate funding the cost of these above works from capital receipts.
- 3.3 Further details of the actual capital receipts achieved during 2007/2008 will be reported later in the year within the 2008/2009 Budget and Policy Framework proposals.

Civic Centre Refurbishment

- 3.4 The Civic Centre was officially opened in 1977 and physical deterioration of the building and its components is a function of its use and the passage of time. The deterioration has been controlled to the extent that certain components were able to be maintained in an adequate condition to ensure the Civic Centre remained open. It was recognised that at some stage some components would need replacing and refurbishment works would be needed to ensure the building remains open for another 30 years.
- 3.5 Cabinet agreed that maintenance and refurbishment works to correct the situation in particular dealing with key components such as the roof, heating system and mechanical and electrical engineering services together with an assortment of general building works.
- 3.6 Cabinet also took on board the views of Scrutiny that originally unfunded works, (from Schedule 2) deemed “essential” should be brought forward using additional funding opportunities such as the possible use of savings from lower interest rates or savings from the works carried out e.g. energy savings. These works were concerned with improving the public facing part of the Civic Centre, in particular the Civic Suite.
- 3.7 Previous reports on the programme of works to be undertaken within the Civic Centre highlighted the complexity of this project and the risk of potential additional costs once works commenced owing to unknown factors. Work has been progressing on works to the roof and drainage system, which are the most difficult aspects of the project as the full extent of these works could not be established until they commenced. In practice significant additional costs have been incurred on these aspects of the project and it is not possible to accommodate these costs within the original budget of £3 million. These additional costs total £0.9 million.
- 3.8 Included in that additional cost are some items from Schedule 2 of the works, that were approved as essential but not able to be funded at that time, that have been brought forward. Such as:
- Audio-visual facilities for the Council Chamber; brought forward at Cabinet request. Timing will allow advantages from other works in the area e.g. shared scaffolding costs. The proposal is to install two projectors and display screens for improved presentation, with replacement audio system and improved hearing-aid loop system. The audio system will include remote microphones for use during Council meetings.
 - Committee Room refurbishment, brought forward at Cabinet request. Timing will allow benefits to installation costs, e.g. shared procurement costs for carpets. Proposal is to improve accessibility, replace furniture and carpets. Decoration works will also take place and will be part funded from the general maintenance budget.

3.9 There are also several items of growth not contained within the original scope of work, such as:

- Refurbishment of the roof parapet, essential works required as the extent of damage to the parapet was more than initial inspection had assessed. Intrusive structural inspection highlighted non-standard installation and potential instability. Testing showed water ingress routes to the Level 4 office area. The proposal is to utilise the roof contractor to remove the existing parapet for the full perimeter and install capping.

3.10 Members will recall that the capital costs of this project are funded from Prudential Borrowing and the revenue budget includes a provision of £0.3 million to cover the resulting repayment charges, including interest. The revenue budget was established on the basis of interest rates prevailing when the 2006/2007 budget was set.

3.11 Since that time the average interest rate on the Council's borrowing has been reduced through the Treasury Management strategy. As a result of this action the available revenue provision will support a capital cost of £3.75 million, which would cover the majority of the increased costs of this project without impacting on the revenue budget position. It is therefore suggested that Members approve the use of this budget provision to support the higher costs of this project. It is also suggested that the remaining capital shortfall of £0.15m is also funded from Prudential Borrowing and the resulting revenue cost of £12,000 be funded from the core Centralised Estimate budget.

4. PROPOSALS

4.1 Council is requested to consider the following proposals to amend the approved Capital Programme and associated Prudential Borrowing Limits:

- i) to fund Coast Protection, Headland Fencing and Promenade Works of £120,000 and to fund this amount from anticipated capital receipts;
- ii) to approve an increase in the Civic Centre refurbishment capital budget of £0.9 million and to note that the resulting repayment costs of £72,000 can be funded from interest rate savings.

COUNCIL
25 October 2007



Report of: Chief Executive

Subject: BUSINESS REPORT

RIVER TEES PORT HEALTH AUTHORITY (RTPHA)

During consideration of appointments to Outside Bodies, at the Annual Council meeting held in May, no appointments were made to the above organisation as further information was awaited.

I have recently received clarification that this Council is entitled to nominate two members and given that the RTPHA is a Board, it is not subject to proportionality regulations. Hartlepool Borough Council has the Vice Chair this year (2007/08) and the normal process is that person would become Chair next year 2008/09. It is noted that there is an SRA involved for both the Chair and Vice Chair.

Two nominations are requested from Council.