



Chief Executive's Department
Civic Centre
HARTLEPOOL

30th November, 2009

The Mayor (Stuart Drummond)

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

Madam or Sir,

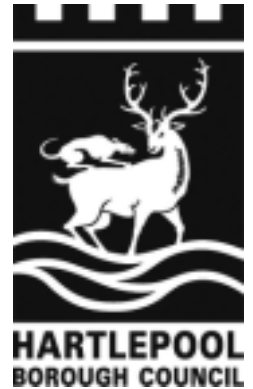
You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 10th December, 2009 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

P Walker
Chief Executive

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COUNCIL AGENDA



Thursday 10 December 2009

at 7.00 p.m.

in the Council Chamber, Civic Centre, Hartlepool

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 29 October 2009 and the extraordinary meeting of Council held on 5 November 2009, as a correct record (copies attached).
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 meeting of the Cleveland Fire Authority held on 25 September 2009 are attached.
- 8. To deal with any business required by statute to be done.
- 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.
- 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;
 - (i) Report of Licensing Committee – Gambling Act 2005 (copy attached)
 - (ii) Report of Constitution Committee (to follow)
- 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
 - (i) Statement of Community Involvement 2009 (copy attached)
 - (ii) Transport Assessment and Travel Plans Supplementary Planning Document (copy attached)
 - (iii) Food Law Enforcement Service Plan 2009/10 (copy attached)
 - (b) Proposals for departures from the budget and policy framework
 - (i) Hartlepool College of Further Education – Confirmation of Council Contribution (copy attached)
- 14. To consider any motions in the order in which notice has been received.
- 15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary (copy attached)

EXEMPT ITEM

16. Local Government (Access to Information) Act 1985

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, namely 'information relating to the financial or business affairs of any particular person (including the authority holding that information)'.

17. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary (report to be available immediately prior to the commencement of meeting).

COUNCIL

MINUTES OF PROCEEDINGS

29th October 2009

The meeting commenced at 7.00 pm in the Civic Centre, Hartlepool

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Aiken	C Akers-Belcher	S Akers-Belcher
Allison	Atkinson	Barker
Brash	Coward	Fleet
Fleming	Flintoff	Gibbon
Griffin	Hall	Hill
Jackson	James	Laffey
Lauderdale	A Lilley	G Lilley
London	A Marshall	McKenna
Dr. Morris	Payne	Preece
Rogan	Simmons	Thompson
Tumilty	Turner	Wright
Young		

Officers: Paul Walker, Chief Executive
Dave Stubbs, Director of Regeneration and Neighbourhoods
Peter Devlin, Chief Solicitor
Jill Harrison, Assistant Director of Commissioning
Joan Wilkins, Scrutiny Manager
Julian Heward, Public Relations Officer
Laura Starrs, Scrutiny Support Officer
Amanda Whitaker/Jo Wilson, Democratic Services Team

Prior to the commencement of business, the Chairman welcomed Councillor Thompson to her first Council meeting, since her election to the Council.

46. APOLOGIES FOR ABSENT MEMBERS

Councillors R Cook, Cranney, Fenwick, Hargreaves, Plant, Shaw, Sutheran and Worthy.

47. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

49. PUBLIC QUESTION

None

50. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 17th September 2009, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None

52. 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

None

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

None

53. BUSINESS REQUIRED BY STATUTE

(i) Report on Special Urgency Decisions

The special urgency decision taken in the period July to September 2009, as outlined in the agenda, was noted.

54. ANNOUNCEMENTS

The Chairman referred to Councillor Plant not being able to attend meetings due to her illness and suggested that a card be sent to her on behalf of the Council.

55. 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

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

(i) Report of Constitution Committee

(a) Ward Surgeries and the 'Purdah' Period

Council at its meeting on 30th July 2009 had referred the above item back to the Constitution Working Group and Constitution Committee for further consideration upon the budget implications identified within the report and publicity in relation to the conduct of Ward Surgeries.

Members of the Working Group and Committee had requested that a separate budgetary cost centre be established for Ward Surgeries and Ward Newsletters. Members had suggested also that the guidance included in the Ward Newsletters be enhanced to provide more detail on what services can be provided by the Members Services Team. Funding for Ward Surgeries was included within the Civic functions budget head and subject to regular budget monitoring. It was therefore recommended that a new cost centre be set up to include budgetary provision for the hire of premises in the amount of £3,000 and printing costs in the amount of £2,000. This budget was on the basis that Ward Surgeries be utilised for hire of premises for up to 12 surgeries per year.

Members of the Constitution Working Group and Committee had initially requested a report concerning the pre-election or "Purdah" period and its relationship with the holding of Ward Surgeries. The Council report set out the current policy of the Council and a number of statutory provisions and

Government issued guidance, governing how candidates, Officers and the Council itself can act and use Council resources and facilities during this period. Such information had focussed upon the legal and ethical considerations that Members should generally be aware of and be alert to, during this period. This incorporated and affected Members involvement in Council events during this pre-election period and the arrangement for publicity for those events.

The Committee had noted that costs were borne by the Council in relation to the hire of rooms etc., in addition, there were some indirect costs which related to staff time in making and facilitating such arrangements. For ward newsletters, an amount of £2000 was available for the production of 4 newsletters per ward per year based on a single sheet of A4 size paper printed in black ink only. No budget provision was included for the delivery of ward newsletters as it was assumed that Members would distribute the newsletters personally. Attached to the report was a draft copy of the enhanced guidance that would be included in future copies of the Members' Induction Pack. Once adopted by Council, the guidance would also be issued to existing Elected Members. It would also appear, that a convention/practice had arisen that no Ward Surgeries would be arranged during an election period ie, again, for the avoidance of doubt that relating to an issue of notice of election to the date of poll. The Chief Solicitor had had the benefit of seeing some initial instructions sent to Counsel by the then Chief Solicitor which indicated although it appeared that several factors could be involved, it was not clear on what basis this "moratorium" had been adopted.

Following detailed consideration of the issues contained in this report, the Constitution Committee had made the following recommendations to Council:-

- (i) That in the year where a current Member stands for re-election, they should not participate in any ward surgeries held during the pre-election (purdah) period.
- (ii) That up to 12 surgeries may be held in each ward per year.
- (iii) That on occasions when only 1 of the 3 ward Councillors wished to hold a ward surgery, then this be allowed.
- (iv) That the Hartlepool Mail and other media sources be approached to promote dates of all ward surgeries.
- (v) That the budget provision included in the new cost centre (£3,000 for the hire of premises and £2,000 for printing) be noted.
- (vi) The Guidance appended to the report be approved.

RESOLVED – That the recommendations of the Constitution Committee, as set out above, be approved subject to the heading included in Appendix A being amended from 'Procedure for Ward Newsletters' to 'Guidance for Ward Newsletters'

(b) Honorary Freeman and Alderman – Nomination Process

The nomination process relating to the nomination and election of Honorary Freeman and Alderman were recently considered by Constitution Working

Group and Constitution Committee. The nomination process as agreed was appended to the report.

RESOLVED - That the process relating to the nomination and election of Honorary Freeman and Alderman as shown in Appendix B of the report be agreed

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

None

58. 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

(i) Local Authority Bid for Social Housing Grant for the Development of Affordable Housing – Round 2

A report submitted on behalf of the Executive provided Council with details of Cabinet's proposed variations to the approved 2009/2010 Capital Programme and Prudential Borrowing Limits to support a bid to the Homes and Communities Agency for Social Housing Grant.

Members were advised that in May 2009 the Homes and Communities Agency (HCA) had launched a £50m scheme that allowed Local Authorities to bid for Social Housing Grant (SHG) to develop affordable housing. The funding was available over the next two years on the basis of two bidding opportunities the first of which was 31st July, 2009 and the second, October, 2009. The Council had been successful with its bids submitted on the 31st July, 2009. Two schemes were successful and would provide 45 units of affordable housing in Hartlepool, owned by the Council.

At its meeting on 19th October, 2009 Cabinet had approved a scheme of up to 43 units at the remaining land at Charles Street, potentially 18, units at land at Kipling Road, potentially 20 units and at land behind St Marks Church, Clavering, potentially 5 units. These sites met the majority of the criteria agreed by Cabinet for the disposal of land for affordable housing development. The ownership of the land would, however, be retained by the Council. Issues relating to how the management would be undertaken and reviewed would be covered by the service level agreement/memorandum of understanding.

It was noted that the HCA grant would fund 50% of the construction costs and it was suggested that the remaining 50% be funded using the Council's Prudential Borrowing powers. The detailed financial modelling indicated that the annual repayment costs of using Prudential Borrowing, ongoing management and maintenance would be covered by the rental income. The Council would have to fund the cash flow costs of this development as the HCA grant draw down was in two phases. The Council would also need to fund the interest element of the Prudential Borrowing costs until properties are completed and let. This amount could either be funded from additional investment income if this exceeded the approved budget or rolled up within the schemes revenue costs to be met from future rent income.

RESOLVED – That the proposal to use up to £2.9m of Prudential Borrowing to match fund the bid for £2.9m HCA Social Housing Grant be approved together with the resulting amendments of the approved Capital Programme and Prudential Borrowing Limits. This Prudential Borrowing only to be used if the bid for HCA Social Housing Grant is successful.

59. MOTIONS ON NOTICE

- (i) *“This Council calls upon the government to guarantee that the jobs of soldiers in the Territorial Army and other service reservists will be held open for them on their safe return from deployment on active service.”*

Signed *Councillor T Rogan*
Councillor C Simmons
Councillor MA James
Councillor S Akers Belcher
Councillor C Akers Belcher
Councillor J Brash

RESOLVED – (i) That the Motion be approved.

(ii) That the Chairman write to the Prime Minister to convey the views of the Council as set out in the Motion and that a letter be sent to other Local Authorities urging them to support the Motion and to convey their support to the Prime Minister.

(ii) “This Council celebrates the exceptional GCSE results obtained by the young people of Hartlepool in the Summer Examinations 2009 which were the most improved results in the country. Furthermore, this Council congratulates the teachers, governors, parents and most of all the young people themselves who achieved this spectacular result.”

Signed *Councillor C Simmons*
Councillor S Akers Belcher
Councillor C Akers Belcher

Councillor J Brash
Councillor T Rogan

RESOLVED – (i) That the Motion be approved.
(ii) That the Chairman write to the Chairs of the Governing Bodies of all the Secondary schools in the Borough to convey the views of the Council as set out in the Motion.

60. ANNUAL REPORT ON TREASURY MANAGEMENT ACTIVITY AND ACTUAL PRUDENTIAL INDICATORS FOR 2008/09

The Chief Executive reported that as part of the annual Budget and Policy Framework process Council had approved the overall Treasury Management Strategy and associated prudential indicators on 12th February 2008. The report provided details of the economic background for 2008/09, the Council's Capital Expenditure and Financing in respect of that period, the Treasury Position at 31st March 2009 together with details of the Regulatory Framework, Risk and Performance.

RESOLVED – That the report be noted.

61. APPOINTMENTS TO JOINT COMMITTEES AND OTHER OUTSIDE BODIES

A number of nominations to Joint Committees and other Outside Bodies were agreed at the Annual Council meeting and at the meeting of Council held on 30 July 2009. Since those meetings, Council was requested to note a change to the 'executive' appointment on Hartlepool Revival Board – Mayor had replaced the Regeneration and Economic Development Portfolio Holder.

RESOLVED – That the report be noted.

.62. CONSTITUTION WORKING GROUP CONSTITUTION COMMITTEE

The Chief Executive reported that he had been advised that Councillor Allison had resigned from the above Meetings due to work commitments. A replacement member of the administrative group was sought.

RESOLVED – That Councillor A Lilley replace Councillor Allison on the Constitution Working Group and on the Constitution Committee.

63. TALL SHIPS BOARD

The Chief Executive reported that as part of the annual appointments to outside bodies, Councillor John Marshall had been appointed to the Tall Ships Board.

However, he had recently resigned from this appointment the Tall Ships Board. This was an executive appointment and the Deputy Mayor, Councillor Robbie Payne had requested nominations for this position. In order to maintain political proportionality, one nomination was sought from either the Administrative Group or the Independent Members to fill this position.

RESOLVED – That the administrative Group be permitted additional time to consider their nomination.

64. DIRECTOR OF REGENERATION AND PLANNING SERVICES

The Chief Executive highlighted to Members that Peter Scott was retiring at the end of November. Members took the opportunity to pay tribute to Peter's professional achievements and to his personal qualities. Members expressed their thanks for Peter's work over the years and asked that their best wishes be conveyed to Peter, who was not present at the meeting.

The meeting concluded at 7.40 p.m.

C RICHARDSON

CHAIRMAN

EXTRAORDINARY COUNCIL

MINUTES OF PROCEEDINGS

5th November 2009

The meeting commenced at 7.00 pm in the Civic Centre, Hartlepool

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Aiken	C Akers-Belcher	S Akers-Belcher
Allison	Atkinson	Barker
Brash	Coward	Cranney
Fleet	Fleming	Flintoff
Gibbon	Griffin	Hall
Hargreaves	Hill	Jackson
James	Laffey	Lauderdale
A Lilley	G Lilley	London
A Marshall	McKenna	Dr. Morris
Preece	Rogan	Simmons
Thompson	Tumilty	Turner
Wallace	Wistow	Wright
Young		

Officers Paul Walker, Chief Executive
Dave Stubbs, Director of Regeneration and Neighbourhoods
Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Alastair Rae, Public Relations Manager
Amanda Whitaker, Angela Hunter and Jo Wilson – Democratic Services Team

65. APOLOGIES FOR ABSENT MEMBERS

Councillors S Cook, R Cook, Cranney, Fenwick, Payne, Plant, Shaw, Sutheran and Worthy.

66. DECLARATIONS OF INTEREST FROM MEMBERS

None

67. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

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 the paragraphs below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 68.- report of Civic Honours Committee - Nominations for Election as Freeman of the Borough and for Alderman of the Borough (Para 2)

68. REPORT OF CIVIC HONOURS COMMITTEE

Nominations for Election as Freeman of the Borough and for Alderman of the Borough

Council considered nominations submitted by the Civic Honours Committee in respect of the award of the titles of Honorary Freeman/Honorary Alderman of the Borough of Hartlepool.

The meeting concluded at 7.50 p.m.

C RICHARDSON

CHAIRMAN



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON FRIDAY, 25 SEPTEMBER 2009

PRESENT:	CHAIRMAN: Councillor Porley – Middlesbrough Council
	HARTLEPOOL BOROUGH COUNCIL: Councillor Flintoff
	MIDDLESBROUGH COUNCIL:- Councillors Clark, McTigue, Rogers
	REDCAR AND CLEVELAND BOROUGH COUNCIL:- Councillors Briggs, Cooney, Dunning, Forster, Ovens
	STOCKTON ON TEES BOROUGH COUNCIL:- Councillors Cherrett, O'Donnell, Salt, Stoker, Woodhead
	PROPER OFFICERS:- Legal Adviser, Treasurer
	FIRE BRIGADE OFFICERS:- Chief Fire Officer, Director of Corporate Services, Director of Community Protection, Director of Technical Services and Head of Planning and Democratic Services
	AUDIT COMMISSION: Gavin Barker –Senior Audit Manager
APOLOGIES FOR ABSENCE:	Councillors Brash, Lilley, Payne (Hartlepool) Councillors Brunton, Thompson (Middlesbrough) Councillor Fitzpatrick (Redcar & Cleveland) Councillors Beall, Patterson (Stockton on Tees)

The Chairman wished to place on record the Authority's thanks to Councillor Andrew Larkin and welcomed Councillor Ross Patterson's appointment to Cleveland Fire Authority

- 65. DECLARATIONS OF MEMBERS INTEREST**
It was noted that no declarations of interest were submitted to the meeting, although Councillor Dunning declared an interest at Minute 70.2.1.
- 66. MINUTES**
RESOLVED - that the Minutes of the Cleveland Fire Authority Meeting held on the 31 July 2009 be confirmed.
- 67. MINUTES OF COMMITTEES**
RESOLVED - that the Minutes of the Executive Committee held on 11 September 2009, Policy Committee held on 11 September 2009 and the Tender Committee held on 28 August 2009 be confirmed.
- 68. TO RECEIVE COMMUNICATIONS RECEIVED BY THE CHAIRMAN**
The Chairman informed Members that no communication had been received since the last meeting

69. REPORTS OF THE CHIEF FIRE OFFICER

69.1 CFA Annual Report 2008/2009

The Chief Fire Office sought Members' views regarding the draft Cleveland Fire Authority Annual Report 2008/2009.

RESOLVED – that the Annual Report for 2008/2009 be approved.

69.2 Operational Assessment Peer Review Outcomes

The Director of Community Protection outlined the key outcomes of the IDeA Operational Assessment Peer Review, which forms part of the Performance Framework. The report highlighted three areas of notable practice; Home Fire Safety Assessments, the Fire Engineering Academy and the Fire Support Network. He confirmed that the Strategic Management Team will consider each of the key recommendations within the report and any remedial actions identified will be fed into the Brigade's improvement plans and monitored under the Authority's performance management arrangements.

RESOLVED:

- (i) that the outcome from the Operational Assessment Peer Review as outlined in the IDeA's report be noted.**
- (ii) That the Strategic Management Team will consider each of the key recommendations within the report and any remedial actions identified will be fed into the Brigade's improvement plans and monitored under the Authority's performance management arrangements.**

69.3 Efficiency Strategy 2009/10 – 2013/14

The Director of Corporate Services outlined the six key elements which are aligned to the Brigade's Efficiency Strategy. She reported that these elements are interlinked and include both the processes required to implement and deliver efficiencies and the activities that need to be undertaken to determine where the efficiencies could be made. It was reported that the strategy will be delivered via a five year Action Plan that identifies the specific actions, initiatives and projects and that the action plan will be monitored as part of the Brigade's improvement planning arrangements.

RESOLVED:

- (i) that the current forecasted efficiencies at Appendix 1 of the report be noted.**
- (ii) that the Brigade's Efficiency Strategy 2009/10-2013/14 (Appendix 2) be approved.**

69.4 Draft response to the consultation exercise on In-Service Management for the Fire and Resilience Programme (Fire Circular 40/2009)

The Chief Fire Officer advised Members that CLG are consulting on these proposals, specifically which body should manage the functions of the Fire and Resilience Programme and whether the same body should be responsible for both the service contracts and the national assurance role. He outlined the 4 options to Members and Members agreed that the proposed response as outlined at Appendix 1 be approved.

RESOLVED – that the Authority’s response as detailed at Appendix 1 be approved.

69.5 Chief Fire Officer’s Information Pack – September 2009

- 69.5.1 Fire and Rescue Service Circulars
- 69.5.2 National Joint Circulars
- 69.5.2 NE Regional Management Board Meeting – 24 July 2009

RESOLVED – that the report be noted.

70. REPORTS OF THE DIRECTOR OF CORPORATE SERVICES

70.1 LGA Fire Services Management Committee

The Director of Corporate Services informed Members that Councillor Forster had been invited to join the LGA Fire Services Management Committee.

RESOLVED – that Councillor Forster’s membership of the LGA Fire Services Management Committee be agreed.

70.2 Corporate Governance Information Pack

- 70.2.1 North East Charter on Member Development
- 70.2.2 Standards Committee
- 70.2.3 Fire Improvement Group – Merseyside Fire & Rescue Service 10th Anniversary Dinner

Councillor Dunning declared a non pecuniary interest in the North East Regional Employers Organisation reported at 70.2.1.

RESOLVED – that the report be noted.

71. REPORT OF THE LEGAL ADVISER

71.1 Business Report – CFA Appointments 2009/10

The Legal Adviser informed Members of Councillor Larkin’s resignation and Councillor Ross Patterson’s appointment to the Authority. Members agreed that Councillor Patterson be appointed to the Policy and Executive Committees.

RESOLVED – that Councillor Ross Patterson be appointed to the Policy and Executive Committees.

72. REPORT OF THE TREASURER

72.1 Final 2008/2009 Statement of Accounts and Audit Commission Annual Governance Report

The Treasurer advised Members of the delays in finalising the Accounts due to the late issue of a revised Pension report by the pension scheme actuary, which had resulted in a large number of adjustments. These changes whilst material in accounting terms had no net impact on the Authority's cash position or the level of reserves previously reported. Amended pages 5,6,31,32,37,38,39,40,45 and 46 were tabled at the meeting.

Mr Barker confirmed that the Audit had been difficult but commended the Officers involved in producing the Accounts both at Cleveland Fire Authority and Hartlepool Borough Council. He reported that Cleveland Fire Authority had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2009. Mr Barker reported that the Annual Governance Report was a very positive one and he would be issuing an audit report which included an unqualified opinion on the Financial Statements and advised Members of the Value for Money conclusion and Use of Resources scores.

Councillor Dunning queried the methodology regarding the calculation to ascertain the Governing the Business scores. Mr Barker explained that the KLOE's were weighted and as a Level 2 was achieved for KLOE 2.2 Data Quality, the score was rounded down.

The Chief Fire Officer added that the report was very positive and referred to the quote that the Authority 'has used the Rising to the Challenge tool to demonstrate that compared to other services it is 'delivering more for less' through a risk based approach to delivering efficiencies and to highlight areas for further improvement.'

After considering the matters raised in the report, taking note of the adjustments to the financial statements (outlined at Appendix 2), the Value for Money Conclusion and Use of Resources scores, Members approved the letter of representation.

RESOLVED:

- (i) that the report be noted**
- (ii) that any actions recommended in the Annual Governance Report be implemented by the Chief Fire Officer and Treasurer**
- (iii) that the Final 2008/2009 Statement of Accounts, which incorporates the changes agreed with the Auditor be approved**

72.2 Treasury Management Annual Report

The Treasurer reported that as part of the annual budget and policy framework process Members had approved the overall Treasury Management Strategy and associated Prudential Indicators for 2008/2009 on 25 January 2008. He explained that this has been an exceptional year for Treasury Management due to the downturn in the economy, coupled with increased counterparty credit risk which had presented the authority with challenges not normally encountered.

72.2 Treasury Management Annual Report (cont)

The Treasurer stated that the Authority is currently reviewing its arrangements in light of documents produced by the Audit Commission, CIPFA and the Parliamentary Select Committee following the fallout from the credit crunch and the collapse of the Icelandic Banks.

The Treasurer commented that in accordance with the approved Treasury Management Strategy, the Authority has taken a proactive approach to managing cash investments and debt and that the Authority has reduced its level of long term borrowing by repaying £1.5m PWLB debt. He reported that as from February 2009, the Authority has been pooling its investment funds with Hartlepool Borough Council which had enabled the Authority to spread its investment over a wider range of counterparties and therefore reduce the risk of a significant financial loss.

The Treasurer confirmed that the Authority has complied with all the relevant statutory and regulatory requirements and that there are no specific issues to bring to Members' attention.

RESOLVED – that the report be noted.

73. VERBAL BRIEFING ON THE NE FIRE CONTROL COMPANY BOARD

Councillor Forster informed Members that the AGM of the NE FireControl Company Board had been scheduled to take place that morning but had been inquorate and another date was now being arranged for 5 October 2009.

RESOLVED – that the report be noted.

74. REPORT OF THE CHAIR OF AUDIT & GOVERNANCE COMMITTEE Information Pack

- 74.1 Performance Report 2009/2010 – 1st Quarter
- 74.2 1st Quarter (April-June) National Indicator Fire Related Target Report 2009/2010
- 74.3 4th Quarter User Satisfaction Report 2008/2009
- 74.4 Progress against Revenue & Capital Budgets 2009/2010
- 74.5 Proposed Value for Money Indicators – Corporate Services
- 74.6 Proposed Corporate Performance Indicator Suite
- 74.7 Strategic Management Team: Constitution & Terms of Reference
- 74.8 Reports of the Audit Commission: Good Governance Arrangements/Equality & Diversity
- 74.9 Annual Efficiency Statement – Backward Look 2008/09 and Forward Look 2009/2010

The Chair of the Audit & Governance Committee informed Members that sickness levels had been scrutinised at the meeting and following a review by the SMT, a report would be presented to a future Audit & Governance Meeting.

**74. REPORT OF THE CHAIR OF AUDIT & GOVERNANCE COMMITTEE
Information Pack (cont)**

Councillor Dunning expressed a concern at sickness levels. The Chief Fire Officer stated that this issue has already been highlighted by SMT and the Leadership Forum and is a high priority for the Brigade.

RESOLVED – that the report be noted.

75. LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) (VARIATION ORDER) 2006

RESOLVED - “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 the paragraphs below of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006”.

Minute No 77- paragraphs 1 and 4

Minute No 78 - paragraphs 1, 3 and 4

Minute No 79.1- paragraph 3

Minute No 80.1- paragraph 3

Minute No 81.1- paragraph 5

Paragraph 1– namely information relating to any individual

Paragraph 3 – namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 4 – namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority”

Paragraph 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

76. CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority meeting held on 31 July 2009 be confirmed.

77. CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of the Executive Committee held on 11 September 2009, the Policy Committee held on 11 September 2009 and the Tender Committee held on 28 August 2009 be confirmed.

78. REPORT OF THE CHIEF FIRE OFFICER

78.1 Uniform Clothing and Personal Protective Equipment Review

The Director of Technical Services provided Members with an update on the review.

79. REPORT OF THE CHIEF FIRE OFFICER AND TREASURER

79.1 PFI Outline Business Case

The Chief Fire Officer updated Members on the PFI Outline Business Case.

80. REPORT OF THE LEGAL ADVISER

80.1 Outcome of Mediation/Civil Proceedings – Fatal Fire at St David’s Nursing Home

The Legal Adviser updated Members on the outcome of the mediation hearing.

**COUNCILLOR PETER PORLEY
CHAIRMAN**



Report of: Licensing Committee

Subject: GAMBLING ACT 2005

1. PURPOSE OF REPORT

- 1.1 To invite Council to consider the adoption of a Statement of Licensing Principles (a Gambling Policy) that details the principles the Council will apply when exercising its licensing functions under the Gambling Act 2005.
- 1.2 To invite Council to consider the passing of a 'No Casino' resolution.

2. BACKGROUND

- 2.1 The Gambling Act 2005 came into force in 2007 and transferred a range of licensing responsibilities from the Gaming Board and local Magistrates Courts to local authorities and the newly formed Gambling Commission.
- 2.2 Licensable activities that fall within local authority control include bingo halls, betting shops, amusement arcades and casinos.
- 2.3 The Gambling Act 2005 requires licensing authorities to publish, every three years, a statement of the principles that they propose to apply in exercising their functions under the Act.
- 2.4 Hartlepool's first Statement of Licensing Principles was published in January 2007 and, as such, a new Statement must be published no later than January 2010.
- 2.5 A draft Statement has been prepared that meets the requirements of the Act's statutory guidance and follows closely a best practice document produced by the Local Authority Co-ordinating Body for Regulatory Services (LACORS). The draft Statement is attached as **Appendix 1**.
- 2.6 The Gambling Act also provides an opportunity for licensing authorities to adopt a resolution not to issue casino licences.

- 2.7 A 'No Casino' resolution was passed in 2007 but the matter must be specifically reconsidered each time a new Statement of Principles is adopted.
- 2.8 The draft Statement of Principles was considered by Licensing Committee on 29th July and 21st October 2009.

3. PROPOSALS

- 3.1 The Licensing Committee has recommended the adoption of a Statement of Licensing Principles as detailed in **Appendix 1**.
- 3.2 The Licensing Committee has also recommended that the Statement contains a resolution not to issue casino licences. 'No Casino' resolutions are expressly permitted by virtue of s166 of the Gambling Act which states that in passing such a resolution an authority may 'have regard to any principle or matter'.
- 3.3 The Licensing Committee consider that a 'No Casino' resolution is appropriate as a casino may provide an environment that may harm vulnerable persons who may gamble beyond their means.
- 3.4 The Statement was considered by Cabinet on 16th November 2009 and Cabinet indicated that other than the 'No Casino' resolution, the Statement of Licensing Principles was endorsed. Cabinet did feel, however, that the 'No Casino' resolution could not be endorsed and should be specifically debated by Council.
- 3.5 Formal adoption of the Statement of Licensing Principles and a 'No Casino' resolution are non-executive functions and approval by full Council is required.

4. RISK IMPLICATIONS

- 4.1 The Gambling Act requires licensing authorities to publish a Statement of Licensing Principles every three years and, as the current Statement is due to expire, the new Statement must be formally adopted before January 2010 in order to comply with the authority's statutory obligations.

5. RECOMMENDATIONS

- 5.1 That Council considers and determines its policy in relation to Casino's to be included in the Statement of Licensing Principles.
- 5.2 That, subject to the determination of the Casino policy, Council approve the draft Statement of Principles as detailed in **Appendix 1**.

6. CONTACT OFFICER

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STATEMENT OF PRINCIPLES
Gambling Act 2005
(To be Published January 2010)



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This Statement of Licensing Principles was approved by Hartlepool Borough Council on 10th December 2009.

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 3rd Edition, published May 2009.

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

2. Introduction

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, Sedgefield 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).

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Hartlepool Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is contained in Appendix I.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

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Our consultation took place between 19th July and 18th September 2009 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments is available by request to: Principal Licensing Officer, Hartlepool Borough Council, Civic Centre, Hartlepool, TS24 8AY or via the Council's website at: www.Hartlepool.gov.uk/licensing.

The policy was approved at a meeting of the Full Council on 10th December 2009 date and was published via our website on 11th December 2009. Copies were placed in the public libraries of the area as well as being available in the Town Hall.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Principal Licensing Officer
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

Ian.Harrison@Hartlepool.gov.uk

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

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The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.Hartlepool.gov.uk/licensing

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.19. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department at the Civic Centre, Hartlepool.

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority

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will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the

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licensing department, Hartlepool Borough Council, Civic Centre, Hartlepool, TS24 8AY. Our risk methodology is also available upon request.

8. Licensing authority functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 12) and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

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- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

7.25:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino

- an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

(iv) Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

(vi) Duplication with other regulatory regimes - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - **This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is**

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conducted in a fair and open way as this will be addressed via operating and personal licences.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices

indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos (Hartlepool Council adopted a No Casino Resolution in 2007. Whether the resolution will be retained will be discussed by the Council during and following the conclusion of the consultation process)

This licensing authority has passed a 'no casino' resolution on the basis that whilst it recognises that gambling can be an enjoyable and harmless activity for many, it believes that a casino may provide an environment that may harm vulnerable persons who may gamble beyond their means.

Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

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This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Travelling Fairs

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

8. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

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In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

9. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

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There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

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This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

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There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices:

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority

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will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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PART D

SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED UNDER THE GAMBLING ACT

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (where appropriate)		X	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

CONTACT DETAILS/ADVICE & GUIDANCE

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

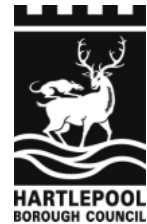
The Licensing Team
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel No: 01429 523354
Fax No: 01429 523308
Email: licensing@hartlepool.gov.uk
Web Site: www.hartlepool.gov.uk/licensing

CONSULTATION

The following organisations were consulted prior to the publication of this Gambling Policy. Consultation was carried out between 19th July and 18th September 2009.

Local licensed premises
Local premises engaged in gambling activities
Local Parish Councils
Local Licensing Solicitors
GAMCARE
Gamblers Anonymous
National Institute for Health and Clinical Excellence
Mencap
Sompriti
The Salvation Army
Hartlepool Mencap
Hartlepool CAB
Hartlepool Magistrates Court
Hartlepool Primary Care Trust
Association of British Bookmakers
The Bingo Association
Remote Gambling Association
Responsibility in Gambling Trust
BACTA
British Pub and Beer Association
NSPCC
National Association of Local Councils
Working Men's Club and Institute Union
Federation of Licensed Vituallers Association
Hartlepool Licensees Association
Internet Gambling, Gaming and Betting Association
Camerons Brewery
Rubicon Pastimes
Mason Organisation Limited
Arthur Turner Limited
Ladbrokes Betting & Gaming Limited
All Responsible Authorities detailed under the Gambling Act



Report of: Constitution Committee

Subject: PROVISION OF COPIES OF REPORTS TO OVERVIEW AND SCRUTINY

1. PURPOSE OF REPORT

To give consideration to the proposed amendment of the Constitution Committee to Part 4 of the Access to Information Procedure Rules, paragraph 28, further to a report from the Constitution Working Group and access to reports, where relevant to their area of work by the Chairs of the Scrutiny forums. The report highlighted concerns that had been raised by the Chair of the Scrutiny Co-ordinating Committee in relation to the provision of copies of reports to Overview and Scrutiny.

2. BACKGROUND INFORMATION

Members will be aware that paragraph 28 of the Access to Information Rules provides for the Chair of Scrutiny Co-ordinating Committee (SCC) to be provided with all reports to be considered by an individual decision-maker as follows:-

28 Provision of copies of report to overview and scrutiny

All reports to be considered by an individual decision maker will be given to the Chair of the Scrutiny Co-ordinating Committee and made publicly available as soon as practicable after they have been given to an individual decision maker.

It was also noted by the Working Group that this had been common practice for some years. In order to add some clarity to paragraph 28 and to avoid the repetition of a recent situation where there had been a delay in the provision of reports to the Chair of Co-ordinating Committee it has been suggested that paragraph 28 should be amended.

In addition to the above it was also recommended that executive reports should be provided to the Chair of the relevant Scrutiny Forum as well as the Chair of the Scrutiny Co-Ordinating Committee. Again, in order to ensure that a fair and open process is maintained throughout the decision making

process and in order to allow Scrutiny Forum Chairs the opportunity to raise any issues they might have prior to any decision making taking place.

The following amendment is proposed:-

28 Provision of copies of reports to the Chair of Overview and Scrutiny

All reports submitted to the Executive or individual members of the Executive shall be given to the Chair of the Scrutiny Co-ordinating Committee and the Executive Member(s) at the same time and thereafter made publicly available as soon as practicable after they have been given to the Executive Member(s) and the Chair of Scrutiny Co-ordinating Committee.

The amendment will ensure procedural fairness through the provision of reports, specifically under paragraph 28 to the Chair of Scrutiny Co-ordinating Committee, ensuring the dissemination of reports is not prohibited by, for example, officers wishing to advise or appraise the Chair firstly on the contents of the report.

3. RECOMMENDATION

That the suggested amendment to the Constitution, as detailed above, in relation to paragraph 28 of the Access to Information Procedure Rules be approved.



Report of: Executive

Subject: STATEMENT OF COMMUNITY INVOLVEMENT 2009

1. PURPOSE OF REPORT

1.1 This report requests Council to adopt the Statement of Community Involvement.

BACKGROUND

2.1 The Statement of Community Involvement (SCI) is one of the documents to be produced under the current planning system, established by the Planning and Compulsory Purchase Act 2004.

2.2 It sets out how the Council intends to involve the community and other interested stakeholders in the current planning system and provides standards for involving the community in all the different stages of the planning policy process and in the determination of planning applications.

2.3 The first Hartlepool SCI was adopted in October 2006. Central Government guidance (PPS12) which Hartlepool Borough Council has to follow was updated and published in June 2008. The Government guidance made reference to the SCI and what should be incorporated into it to help engage the public, developers and any other interested party in the development of their local area.
Consequently the current SCI, adopted in 2006 needs to be reviewed and updated to take account the new guidelines from central Government. A draft review was prepared and was subject to public consultation which gave the community an opportunity to influence the document. It ran from 1st April 2009 until 1st June 2009.

2.4 227 consultation letters were sent out to a variety of agencies including, statutory undertakers, developers, neighbouring local authorities, Cleveland Constabulary, English Heritage, Natural England, community groups and local interest groups.

- 2.5 A public notice was published in the Hartlepool Mail on 1st April 2009, a display was put up in Hartlepool Central Library and staffed nine times throughout the consultation period. Information leaflets, copies of the draft SCI, questionnaires and question boxes were placed in all branch libraries through the duration of the consultation period. The SCI and accompanying information were available to view at Bryan Hanson House, The Civic Centre and the Council's website.
- 2.6 A report along with leaflets and questionnaires was given to the 'Talking to Communities' Forum. Presentations were given at each of the Neighbourhood Consultative Forums, leaflets, copies of the SCI draft and questionnaires were available and an officer was on hand to answer any questions. A report was presented to the Hartlepool Partnership for information and comments, and an invitation for officers to speak to a variety of groups and meetings across the Borough was made.
- 2.7 16 Responses in total were received from the public, other agencies and Council departments.
- 2.8 Cabinet agreed on 7th September 2009 to the document being subject to a formal publication period of 6 weeks, from 17th September to 29th October 2009.
- 2.9 17 Response were received in total from the public, local business and other agencies. Many of the respondents were supportive of the document and offered their continuous help through the production of further Local Development Framework (LDF) documents.
- 2.10 Minor alterations were made to the document in relation to changes of addresses; the Planning Policy consultation database was also updated.
- 2.11 Other significant changes were as follows:
- Section 5, further explanation has been given in relation to Sustainability Appraisals and Strategic Environmental Assessments and the evidence gathering process.
 - Section 6, further information has been added in relation to when those who made representations to a proposal will be informed of the decision.
 - Section 6, a sentence was added to inform developers that they should directly consult Durham Tees Valley Airport in relation to wind turbine applications.
 - Section 6, a sentence was added explaining that some agencies` comments have significant bearing on the determination of planning applications. Depending on the nature of the proposal, developers are encouraged to engage with appropriate statutory consultees at an early stage to discuss their development.
- (See appendix 1 to view the publication draft of the SCI).

3. RECOMMENDATIONS

That the Council adopt the Statement of Community Involvement 2009

4. BACKGROUND PAPERS

4.1 Cabinet Report 9th March 2008.

4.2 Cabinet Report 7th September 2009.

5. CONTACT OFFICER

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Report of: Executive

Subject: **TRANSPORT ASSESSMENT & TRAVEL PLANS
SUPPLEMENTARY PLANNING DOCUMENT**

1. PURPOSE OF REPORT

1.1 This report requests Council to adopt the Transport Assessment & Travel Plans Supplementary Planning Document .

2. BACKGROUND

2.1 The Planning and Compulsory Purchase Act which came into force in 2004 introduced new types of planning documents which together will make up a Local Development Framework.

2.2 The Local Development Framework (LDF) will comprise a portfolio of Local Development Documents which will together deliver the planning strategy for the Hartlepool area and express the Community Strategy in spatial terms. The LDF will eventually replace the policies in the Hartlepool Local Plan that was adopted in April 2006. In the interim all the Local Plan policies were initially saved until April 2009, and following a review late last year, relevant policies will now be saved until April 2012 and these will continue to form the basis of planning policy for the Borough.

2.3 The Local Plan includes a range of objectives which seek to support sustainable development. An important element in securing sustainable development is to encourage a choice of transport options which are safe, efficient, clean and fair. These objectives are translated into specific policies which seek to minimise the need to travel and to improve accessibility by providing real alternatives to the private car.

2.4 The Supplementary Planning Document (SPD), which will become part of the Local Development Framework, provides guidance on how the Borough Council will implement the Hartlepool Local Plan Policy Tra20 relating to Transport Assessments and Travel Plans to further the objective to secure measures to reduce the need for private car travel in new developments.

- 2.5 The SPD explains the various broad categories of Transport Assessments and emphasises the need to discuss with the Council the level most appropriate to any proposed development. In particular discussions should be undertaken at an early stage in the planning application process. It explains the distinction between Transport Assessments, Transport Statements for smaller scale developments and Travel Plans which set out the measures to be implemented particularly once the development is in use (**see Appendix 1**).
- 2.6 The SPD was subject to public consultation (31st August 2007 until Friday 12th October 2007), formal responses were received, mostly in support of the content and aims of the SPD. Some respondents sought changes to part or parts of the document, the changes were approved by Cabinet on 7th January 2008.
- 2.7 The report to Cabinet on 7th January 2008 informed that the SPD was subject to a Habitats Regulations Assessment (HRA) screening process which would enable the Planning Authority to ascertain that the SPD would not adversely affect the integrity of any European protected nature conservation site. It was agreed that a scoping report for an Appropriate Assessment be undertaken and made available for public consultation prior to the adoption of the SPD as amended.
- 2.8 The Appropriate Assessment was published on the Council's website on 5th March 2009 and letters were sent to Natural England, The Highways Agency, The Environment Agency and English Heritage, informing them of the completion of the Appropriate Assessment and requesting their comments.
- 2.9 The report to Cabinet on 20th April 2009 informed members that the Habitats Regulations Assessment scoping report had been completed and published for a 21 day period and that one letter of support was received in that period. Members were requested to recommend to Council that the SPD be adopted.
- 2.10 Correspondence from Natural England in May 2009 stated that the Habitats Regulations Screening report was not sufficient to indicate that the guidance given in the SPD would not adversely affect the integrity of a European protected site.
- 2.11 The Habitats Regulations Assessment screening report was re-assessed and submitted to Natural England who agreed the alterations in September 2009.
- 2.12 Following this process of consultation and screening, it is considered that the Transport Assessment and Travel Plans SPD would not adversely affect the integrity of any European protected nature conservation sites.

3. RECOMMENDATIONS

That the Council adopt the Transport Assessment and Travel Plans Supplementary Planning Document.

4. BACKGROUND PAPERS

- 4.1 Cabinet Report 7th January 2008.
- 4.2 Cabinet Report 20th April 2009.

5. CONTACT OFFICER

- 5.1 Helen Williams
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Appendix 1



HARTLEPOOL LOCAL DEVELOPMENT FRAMEWORK

TRANSPORT ASSESSMENTS AND TRAVEL PLANS
SUPPLEMENTARY PLANNING DOCUMENT



December 2009

Text extracts can be made available in Braille, talking tapes and large print, on request. If you would like information in another language or format, please ask us.

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.
(Arabic)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।
(Bengali)

ئەگەر زانیاریت بە زمانیکی که یا بە فۆرمیکی که دەوی تکایه داوامان لی بکه
(Kurdish)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔
(Urdu)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे
(Hindi)

Jeżeli chciałoby Państwo uzyskać informacje w innym języku lub w innym formacie,
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(Cantonese)

FOREWORD

This Supplementary Planning Document is the first to be prepared under the new spatial planning system – the Hartlepool Local Development Framework, introduced in the Planning & Compulsory Purchase Act 2004.

The document promotes good practice in support of the Council's vision for sustainable development. It gives guidance additional to that set out in the Hartlepool Local Plan with regard to transport and accessibility by encouraging a choice of transport options for new development which are safe, efficient, clean and fair. The guidance seeks to minimise the need to travel and to improve accessibility by providing real alternatives to the private car.

The document encourages developers to take account of transport issues at an early stage in the preparation of development proposals and describes what measures should be taken to achieve the transport objectives through the implementation of Travel Plans.



Transport Assessments and Travel Plans Supplementary Planning Document

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1 Introduction

Purpose of the Supplementary Planning Document

- 1.1 The Hartlepool Local Plan, adopted in April 2006, includes a range of objectives which seek to support sustainable development by giving a choice of transport options which are safe, efficient, clean and fair. These objectives are translated into specific policies which seek to minimise the need to travel and to improve accessibility by providing real alternatives to the private car.
- 1.2 This Supplementary Planning Document, which will become part of the Hartlepool Local Development Framework,¹ provides guidance on how the Borough Council will implement the Hartlepool Local Plan policies (set out in Appendix 1) relating to Transport Assessments and Travel Plans which seek to secure measures to reduce the need for private car travel in new developments.
- 1.3 The Travel Plans document has been subject to a Sustainability Appraisal and a screening report under the Habitats Regulations 2000 (HA) to ensure that any significant adverse effects on the environment have been identified. In the case of the Habitats Regulations the possible impacts on internationally protected conservation sites (European Sites) have been carefully assessed.
- 1.4 Current government guidance encourages discussions at an early stage in the formulation of development schemes prior to the submission of any planning application. Consequently, developers who intend to bring forward proposals for development should have regard to the advice in this document as it sets out requirements at both the early stage and through measures which might be included at the issue of planning permission and during implementation of the proposals.
- 1.5 Travel Plans and Transport Assessments are required for all major development proposals that will generate significant additional journeys in accordance with the provisions of Department for Transport Circular 02/2007 and the requirements in the Guidance on Transport Assessment (GTA) published in March 2007. These will demonstrate that the strategic road network will be no worse off as a result of the development.

What are Transport Assessments and Transport Statements?

- 1.6 A **Transport Assessment** is a comprehensive and systematic process that sets out at an early stage, transport issues relating to a proposed development and identifies what measures will be taken to deal with the anticipated transport impacts of the scheme. Such measures may include the preparation and implementation of Travel Plans. The Assessment highlights how it is intended to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and

¹ The Local Development Framework comprises a portfolio of spatial planning documents and will ultimately replace the Hartlepool Local Plan

public transport. The Transport Assessment will be submitted alongside a planning application. Failure to submit a Transport Assessment where one is needed would mean that a planning application may not be validated and thus not be considered.

- 1.7 In some cases, the transportation issues arising out of the development proposals may not require a full Transport Assessment to inform the process and identify suitable mitigation measures. A simplified or basic report in the form of a **Transport Statement** may be sufficient. A Transport Statement is appropriate when a proposed development is expected to generate relatively low numbers of trips or traffic flows and would have only a minor impact on transport.
- 1.8 Table 1 at the end of Section 2 below sets out indicative thresholds for developments likely to require Transport Assessments or Transport Statements.

What are Travel Plans?

- 1.9 A **Travel Plan** is a package of measures to assist in managing the transport needs of an organisation. The main objective of a Travel Plan is to provide incentives for users of a development to reduce the need to travel alone by car to a site. A successful Travel Plan will enable greater travel choice, reduce dependency on the private car and widen the means of accessibility for visitors and staff. Therefore the key to a Travel Plan is influencing travel behaviour, whilst achieving a shift towards increased use of sustainable travel modes e.g. walking, cycling, public transport, train or car sharing for one or two days a week.
- 1.10 Travel plans are more appropriately viewed in terms of a process rather than as a one-off document and should contain a package of measures to encourage alternative and more sustainable modes of transport to be used for commuting, schools journeys and business trips.

Policy Context

- 1.11 The main national, regional and local policy documents relevant to the subject matter of this Supplementary Planning Document are as follows:
- 1.12 **Planning Policy Statement 1 (PPS1)** sets out the Government's key principles for delivering sustainable development including the need to address the causes and potential impacts of climate change, for example by reducing the need to travel by private car.
- 1.13 **Planning Policy Guidance Note 13 (PPG13)** emphasises the link between planning and transport policy. The objectives of PPG13 are to integrate planning and transport at the national, regional and local level to promote more sustainable transport choices. They help promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and seek to reduce the need to travel, especially by car. The Government considers that a Transport Assessment and Travel Plan should

be submitted alongside planning applications that are likely to have significant transport implications. Transport Assessments are normally produced by developers and are used by decision makers in the planning process, to determine whether developments are acceptable in transport terms.

- 1.14 **The Regional Spatial Strategy (RSS) for the North East** provides a long term strategy for the spatial development of the region and identifies the priorities for transport investment. It incorporates the Regional Transport Strategy (RTS) to ensure the integration of land use and transport planning. The RSS sets out four main themes, under which the locational strategy is developed:
- delivering economic prosperity and growth,
 - creating sustainable communities,
 - conserving, enhancing and capitalising on the region's natural and built environment, heritage and culture, and
 - improving connectivity within and beyond the region.
- 1.15 Policy 54 of the RSS requires that travel plans seeking to maximise travel by public transport, cycling and walking should be prepared for all major development proposals that will generate significant additional journeys. At prestige employment sites (including Wynyard) and regional Brownfield mixed use developments (including Victoria Harbour) consideration should be given to developing a co-ordinated approach for the whole site.
- 1.16 **Hartlepool's Local Transport Plan (LTP)** describes the long-term strategy for the Borough and sets out a programme of transport improvements to be delivered over the period 2006-2011 to address identified transport problems. These improvements will contribute towards delivering the shared priorities for Local government and achieve the long-term vision for Hartlepool. This will be achieved by the following aims:
- to promote social inclusion by ensuring that everyone can **access** the key services and facilities that they need;
 - to improve the overall **safety** and security of the transport system for everyone;
 - to ensure that traffic **congestion** does not hinder continued economic growth and regeneration;
 - to reduce the environmental impact of transport on **air quality**, noise and climate change.
- 1.17 The promotion and implementation of Travel Plans contributes towards all of these aims, particularly delivering accessibility and tackling congestion. The LTP includes a wide range of local targets by which the success of the plan will be judged. These include access to local facilities by public transport, area wide traffic flows, cycling trips and bus and rail patronage.

- 1.18 **The Hartlepool Local Plan** (2006) contains specific policies relating to Transport Assessments and Travel Plans (policies Tra19 and Tra20) and the general policy (GEP9) on Developer Contributions – these are set out in full in Appendix 1. In addition the need for Travel Plans is highlighted in the policies relating to the development of the major employment sites (policies Ind1 to Ind4).

Outline of the Supplementary Planning Document

- 1.19 The following sections of this supplementary planning document set out guidance on when Transport Assessments or Transport Statements and Travel Plans may be required to be prepared as part of the planning application process. Section 3 highlights the need for developers to enter into discussions with the Council early in the process. In the preparation of proposals developers, in order to ascertain any requirements the Council may have regard to assessing the transport implications of their schemes and to identify the measures to ameliorate these and thus to enable appropriate amendments which would satisfy planning requirements. The final three sections of this document provide guidance on the preparation of Transport Assessments, Transport Statements and Travel Plans.

2. When are Transport Assessments / Transport Statements and travel plans required?

2.1 This section of the Supplementary Planning Document provides some guidance on thresholds and other aspects of proposed developments which are likely to lead to the requirement for the preparation of Transport Assessments (including Transport Statements) and Travel Plans. Table 1 at the end of the section sets out the indicative thresholds which the Council will have regard to in respects of both levels of Transport Assessment and also travel plans.

Transport Assessments/Transport Statements

2.2 As noted in the Introduction to this guidance, Transport Assessments and the more basic Transport Statements (for developments having a less significant effect on travel patterns) set out the transport issues relating to a proposed development and identify measures to deal with the anticipated transport impacts.

2.3 The Hartlepool Local Plan seeks to ensure that Transport Assessments are submitted at the initial development stage (policy Tra19²). The need for, and the level of, formal Transport Assessment will be determined in consultation between the developer and the Borough Council and, where the development might affect the wider Strategic Road Network (SRN), the Highways Agency. Accordingly, pre-application discussions should be held with the Local Planning Authority to determine whether a Transport Assessment or a Transport Statement is required (see section 3). With respect to any development which could impact upon the A19 trunk road, the Highways Agency (in accordance with Circular 02/2007) would require to be consulted upon any application for development that would cause a material impact on the Strategic Road Network.

2.4 As a guide, Table 1 at the end of this section sets out indicative thresholds for developments which may require the submission of either a Transport Assessment or a Transport Statement. The land use classes referred to in the table are in accordance with those of the Town and Country Planning (Use Classes) Order 1987 as amended, although not all uses are specified particularly with regard to mixed use development. The thresholds are based upon scenarios which would typically generate 30 two-way peak hour vehicle trips^[1]. Whilst there is no suggestion that 30 two-way peak hour vehicle trips would, in itself, cause a detrimental impact, it is a useful point of reference from which to commence discussions.

2.5 The thresholds are for guidance purposes and should not be read as absolutes. In some circumstances, a Transport Assessment may be appropriate for a smaller development than suggested by the thresholds in Table 1. In others, a Transport Statement may be appropriate for a larger development than suggested by these thresholds - for example, where there

² See Appendix 1

is an extant permission for one form of development, but an alternative development that involves a smaller projected transport impact is now proposed.

- 2.6 Further, there are quantitative and qualitative matters related to a proposed development and its location that need to be taken into account in assessing its transport implications and in deciding whether or not a Transport Assessment or Transport Statement will be required. In general, Transport Assessments are likely to be required for developments which are:
- are not in conformity with the development plan;
 - generate 30 or more vehicles movements in any hour;
 - generate 100 or more vehicle movements per day;
 - are likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people;
 - generate significant freight or HGV movements per day;
 - are proposed in a location where the local transport infrastructure is inadequate e.g. substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provisions;
 - are proposed in a location within or adjacent to an Air Quality Management Area (AQMA)³.
- 2.7 There may be other factors which would lead to the need for a Transport Assessment or Transport Statement to be prepared, thus it is very important that contact is made with the Council early in the process of drawing up a development proposal – see Section 3.

Travel Plans

- 2.8 The Borough Council has an obligation to assess the transportation impact of all development proposals to ensure that they can satisfactorily be integrated into the transport network. Planning Policy Guidance Note 13 requires the submission of Travel Plans alongside planning applications that will have significant transport implications. Travel Plans provide, together with Transport Assessments, the mechanism for assessing and managing access to sites and can help improve accessibility, both to and from the site, and to local amenities and services.
- 2.9 Travel plans are strategies for managing multi-modal access to a site or development, focusing on promoting access by sustainable modes. They can assist in reducing traffic congestion, widening accessibility, and reducing air pollution. A Travel Plan should contain a package of measures to encourage alternative and more sustainable modes of transport to be used for commuting, schools journeys and business trips. These may include travel by bus, rail, bicycle, motorcycle, walking or car sharing.

³ There are currently (2007) no Air Quality Management Areas in Hartlepool.

2.10 There are five levels of Travel Plan as follows:

- **Travel Plan Framework:** an interim travel plan to be used where outline planning consent is being sought and where the end-users are unknown. The Travel Plan Framework, based on predicted data, should specify measures to be implemented before the occupation of the development as far as possible and include a framework and timetable for the final and approved travel plan, based on more accurately predicated data. In the case of a speculative development that will be occupied under leasehold arrangements the approach is to secure from the developer a commitment, in principle, to the eventual implementation of a Travel Plan by eventual occupiers. In respect of freehold arrangements, the final implementation of a Travel Plan would be the responsibility of the end occupier and the process of negotiating a Travel Plan may need to be undertaken at a later stage;
- **Minimalist Travel Plan:** to be used for small-scale developments where the end user is known and where the transport implications are not substantial, but are nevertheless important to control. Minimalist plans involve the commitment to a range of soft measures such as marketing and promotion of sustainable travel options, sometimes referred to as 'Smarter Choices';
- **Measures Travel Plan:** this involves developing a comprehensive Travel Plan containing a range of measures or actions to be provided within an agreed timetable. The advantage of identifying and implementing measures gives the developer more certainty in terms of conditions and/or obligations to be met. The disadvantage is that the measures may not fully achieve any of the desired modal split / shift targets;
- **Outcomes Travel Plan:** this involves developing a comprehensive Travel Plan that relates to defined and agreed sets of targets or outcomes. They are different from a Measures Travel Plan, as they focus their attention on specific outcomes and they allow more flexibility in the choice of actions to achieve modal shift or modal split targets. This approach is used when there is less confidence in the effectiveness of measures to achieve a mode shift. Outcomes Travel Plans require the agreement of sanctions if targets are not met. Where the desire is to achieve a modal shift the Travel Plan must include a range of actions that will be effective in achieving targets, to avoid remedies or sanctions;
- **Area Wide Travel Plans:** Numerous small developments on one site may individually not require a travel plan, but together the cumulative transport implication means an Area Wide Travel Plan will be required for the entire site. This will require each occupier, and new occupiers, to prepare and implement subsidiary Travel Plans as appropriate to their particular use and travel characteristics. It should be administered by an agent of the developer / site manager.

2.11 Developers have an important role to play in encouraging sustainable travel and will be required to submit a Travel Plan with all applications likely to generate significant amounts of travel. Policy Tra20 of the Hartlepool Local Plan⁴ states that Travel Plans should be prepared for all major developments and other developments likely to lead to an increase in travel. The Local Plan includes a table setting out thresholds for some types of major development. However, government guidance on thresholds for all use classes has been published since the Local Plan was prepared. This supplementary planning document therefore uses the more recent government advice on thresholds for Travel Plans as it is more comprehensive and also relates to the preparation of Transport Assessments.

2.12 Travel Plans may also be required in other circumstances such as:

- for smaller developments comprising jobs, shopping, leisure and services which would generate significant amounts of travel in, or near to, air quality management areas, and in other locations where there are local initiatives or targets set out in the Development Plan or Local Transport Plan (LTP) for the reduction of road traffic, or the promotion of public transport, walking and cycling. This particularly applies to offices, industry, health and education uses.
- proposals for small to medium extensions to existing businesses which would result in an increase in the number of employees or visitors. Over time the transport impacts of an original use can change substantially. In these circumstances the introduction of a Travel Plan may allow organisations to reassess the costs and benefits of their existing travel patterns.
- proposals for a site where there are a number of users (at the time of application) and which is not already implementing a Travel Plan.
- where a Travel Plan would help address a particular local traffic problem associated with a planning application, which might otherwise have to be refused on local traffic grounds

2.13 Thus whilst Travel Plans are usually produced as a response to the identification of issues within Transport Assessments or Transport Statements, this is not always the case.

2.14 The scope and content of a Travel Plan will relate to the unique circumstances of a development site and should be the subject of discussions with the Borough Council early in the process of preparing a development scheme (see Section 3 paragraphs 3.7 - 3.9).

⁴ See Appendix 1

Table 1: Indicative Thresholds for Transport Assessments/Transport Statements and Travel Plans
(Areas are gross floor space)

<u>Land Use</u>	<u>Use/Description of Development</u>	<u>No Assessment</u>	<u>Transport Statement</u>	<u>Transport Assessment/Travel Plan</u>
A1 Food Retail	Retail sale of food goods to the public – Food Superstores, Supermarkets, Convenience Food Stores.	<250 sqm	>250 <800 sqm	>800 sqm
A1 Non-food Retail	Retail sale of non-food goods to the public; includes Sandwich Bars (Sandwiches or other cold food purchased and consumed off the premises); Internet Cafés.	<800 sqm	>800<1,500 sqm	>1,500 sqm
A2 Financial & Professional Services	Financial Services – Banks, Building Societies and Bureau de Change, Professional Services (Other than Health or Medical Services) – Estate Agents & Employment Agencies, Other Services – Betting Shops, Principally where services are provided to visiting members of the public.	<1,000 sqm	>1,000<2,500 sqm	>2,500 sqm
A3 Restaurants and Cafés	Restaurants and Cafés – Use for the sale of food for consumption on the premises. Excludes Internet Cafés (now A1).	<300 sqm	>300<2,500 sqm	>2,500 sqm
A4 Drinking Establishments	Use as a Public House, Wine-Bar or other Drinking Establishment.	<300 sqm	>300<600 sqm	>600 sqm
A5 Hot Food Takeaway	Use for the sale of hot food for consumption on or off the premises.	<250 sqm	>250<500 sqm	>500 sqm
B1 Business	(a) Offices other than in use within Class A2 (Financial & Professional Services) (b) Research and Development - Laboratories, Studios (c) Light Industry	<1,500 sqm	>1,500<2,500 sqm	>2,500 sqm
B2 General Industrial	General Industry (Other than Classified as in B1), The Former “Special Industrial” Use Classes, B3 – B7, are now all encompassed in the B2 Use Class.	<2,500 sqm	>2,500<4,000 sqm	>4,000 sqm
B8 Storage or Distribution	Storage or Distribution Centres – Wholesale Warehouses, Distribution Centres & Repositories.	<3,000 sqm	>3,000<5,000 sqm	>5,000 sqm
C1 Hotels	Hotels, Boarding Houses & Guest Houses, Development falls within this class if “no significant element of care is provided”.	<75 Bedrooms	>75<100 Bedrooms	>100 Bedrooms

<u>Land Use</u>	<u>Use/Description of Development</u>	<u>No Assessment</u>	<u>Transport Statement</u>	<u>Transport Assessment/Travel Plan</u>
C2 Residential Institutions - Hospitals, Nursing Homes	Used for the provision of residential accommodation and care to people in need of care.	<30 Beds	>30<50 Beds	>50 Beds
C2 Residential Institutions - Residential Education	Boarding Schools and Training Centres.	<50 Students	>50<150 Students	>150 Students
C2 Residential Institutions - Institutional Hostels	Homeless shelters, accommodation for people with learning difficulties and people on probation.	<250 Residents	>250<400 Residents	>400 Residents
C3 Dwelling Houses	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	<50 units	>50<80 units	>80 units
D1 Non-residential Institutions	Medical & Health Services – Clinics & Health Centres, Crèche, Day Nursery, Day Centres & Consulting Rooms (not attached to the Consultants or Doctors house), Museums, Public Libraries, Art Galleries, Exhibition Halls, Non-residential Education and Training Centres, Places of Worship, Religious Instruction & Church Halls.	<500 sqm	>500<1,000 sqm	>1,000 sqm
D2 Assembly & Leisure	Cinemas, Dance and Concert Halls, Sports Halls, Swimming Baths, Skating Rinks, Gymnasiums, Bingo Halls & Casinos. Other Indoor and Outdoor Sports and Leisure Uses not involving motorised vehicles or firearms.	<500 sqm	>500<1,500 sqm	>1,500 sqm
Others	For example: Stadium, Retail Warehouse Clubs, Amusement Arcades, Launderettes, Petrol Filling Stations, Taxi Businesses, Car/Vehicle Hire Businesses & the Selling and Displaying of Motor Vehicles, Nightclubs, Theatres, Hostels, Builders Yards, Garden Centres, PO's, Travel and Ticket Agencies, Hairdressers, Funeral Directors, Hire Shops, Dry Cleaners	Discuss with appropriate highway authority	Discuss with appropriate highway authority	Discuss with appropriate highway authority

3.

PRE-APPLICATION DISCUSSIONS

3.1 The Borough Council strongly encourages developers to discuss proposed schemes prior to submitting planning applications. Pre application discussions

can help ensure that the application process runs more smoothly as any problems may be resolved prior to submission. Failure to address any problems may delay the planning process or could lead to a refusal. Such discussions should cover a range of environmental matters and other considerations which are relevant to the proposals. The possible effect of a development on the local transport network would form an important part of any such pre-application discussions. The previous section gives guidance on the circumstances when Transport Assessments or Statements and Travel Plans may be required.

- 3.2 Where development is likely to have a material impact on the Strategic Road Network it will be important to liaise with the Highways Agency at an early stage. The coverage and the detail of the Transport Assessment need to be agreed with the Highways Agency.

Transport Assessments / Statements

- 3.3 Where developments are likely to have some transport implications, these must be assessed. The precise scope and detail of such an assessment will vary depending on the site location, the scale and the nature of the development. As noted previously, there are two levels of Transport Assessment:
- Transport Statement – should be used for a development which has relatively small transport implications;
 - Transport Assessment – should be used for a development which has significant transport implications.
- 3.4 There may be a need to include specific assessment of environmental impacts that could arise out of an incremental rise in transport related noise, air quality or other pollutions as a result of development proposals. Consideration of other impacts might include those affecting biodiversity and geodiversity, and impacts on soil and water. The aim will be to identify potential breaches of statutory thresholds and mitigation measures to address such impacts.
- 3.5 A pro-forma for the identification of basic information on proposed schemes has been developed, completion of which would assist pre-application discussions. This pro-forma can be found at Appendix 2.
- 3.6 The key issues to be addressed during any pre-application consultations include the following:
- planning policy context of the development proposals;
 - catchments or study area for the proposed development;
 - assessment years - year of opening and horizon year(s);
 - assessment of public transport capacity, walking/cycling capacity and the road network capacity;

- person trip generation and trip distribution methodologies and/or assumptions;
- measures to promote sustainable travel;
- mitigation measures (where applicable) – scope and implementation strategy,

3.7 In preparing a Transport Assessment the following considerations will be relevant:

a) **Encouraging Sustainable Access**

- ***Reducing the need to travel, especially by car*** – reducing the need for travel, reducing the length of trips, and promoting multi-purpose or linked trips by promoting more sustainable patterns of development and more sustainable communities that reduce the physical separation of key land uses;
- ***Improving sustainable transport choices*** - by making it safer and easier for people to access jobs, shopping, leisure facilities and services by public transport, walking, and cycling;
- ***The accessibility of the location*** -the extent to which a site is, or is capable of becoming, accessible by non car modes, particularly for large developments which involve major generators of travel demand;
- ***Other measures which may assist in influencing travel behaviour*** - achieving reductions in car usage (particularly single occupancy vehicles), by measures such as car sharing / pooling. High Occupancy Vehicle lanes and parking control;

b) **Managing the existing network**

- ***Making best possible use of existing transport infrastructure*** - for instance by low cost improvements to the local public transport network and using advanced signal control systems, public transport priority measures (bus lanes), or other forms of Intelligent Transport Systems to improve operations on the highway network. It should be noted that the capacity of existing public transport infrastructure and footpaths is finite, and in some areas overcrowding already exists;
- ***Managing access to the highway network*** - taking steps to maximise the extent to which the development can be made to 'fit' within the available capacity by managing access from developments onto the highway network;

c) **Mitigating residual impacts**

- ***Through improvements to the local public transport network, and walking and cycling facilities*** – for example, by extending bus routes and increasing bus frequencies,

designing sites to facilitate walking and cycling and developing links to the wider rights – of - way network and cycle routes.

- **Through minor physical improvements to existing roads** – It may be possible in some circumstances to improve the capacity of existing roads by relatively minor physical adjustments such as improving the geometry of junctions etc. within the existing highway boundary;
- **Through provision of new or expanded roads** - It is considered good transport planning practice to demonstrate that the other opportunities above have been fully explored before considering the provision of additional road space such as new roads or major junction upgrades.

3.8 Consideration of these matters should take place at an early stage in the process of preparing a development proposal, so that work on developing the Transport Assessment can help inform, and be informed by, discussions about the location of the site and the scale and mix of uses proposed. Sections 4 and 5 provide guidance on the content of Transport Assessments and Transport Statements.

Travel Plans

3.9 Section 2 sets out the thresholds over which developments will be required to produce Travel Plans and notes that there are other instances where Travel Plans may be required. Developers are thus encouraged to consult with the Borough Council at an early stage, before submission of a planning application, to determine whether a Travel Plan is required. Travel Plans should not be considered as an isolated component of the process, instead they should be recognised and considered as part of the pre-application process.

3.10 It is critical for planning officers and developers to know when a Travel Plan is required as the preparation of a Travel Plan can be a material consideration in the determination of planning applications. The weight to be given to a Travel Plan in a planning decision will be influenced by the extent to which it materially affects the acceptability of the development proposed and the degree to which it can be lawfully secured. The granting of planning permission may be dependant on the production of a satisfactory Travel Plan prior to occupation of the development and creating a successful Travel Plan may take some time. Early consultation is important as it may influence the design of any final scheme and may have resource implications that should be identified early on in the development of the scheme.

3.11 The level of Travel Plan will be determined in consultation between the developer and the relevant authorities. Section 6 provides further information on preparing Travel Plans.

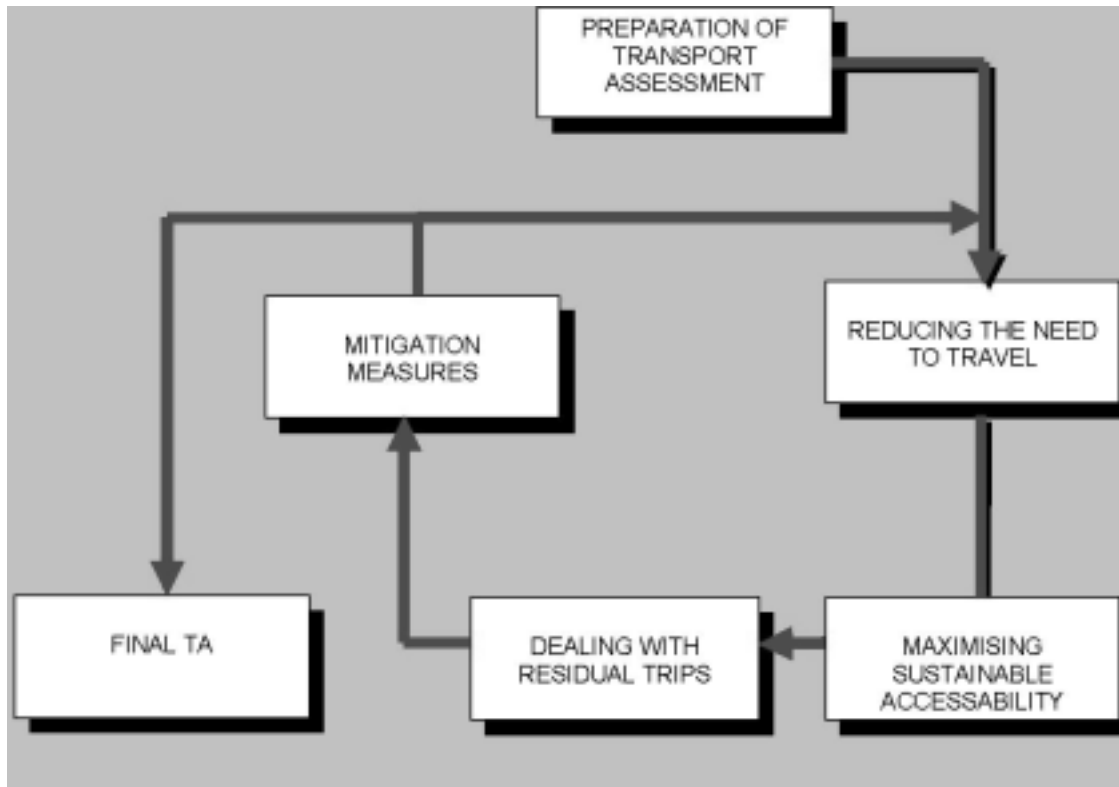
3.12 For all developments with a material impact on the Strategic Road Network, the supporting Travel Plan should be forwarded to the Highways Agency for review and agreement.

4. PREPARING A TRANSPORT ASSESSMENT AND MITIGATION PLAN

Introduction

- 4.1 A detailed Transport Assessment will be required where a proposed development is likely to have significant transport and related environmental impacts on the study area. The study area for a proposed development should be determined in discussion between the developer and the Borough Council. It will generally depend on the type and scale of the development, and early consultations with the Borough Council will assist in defining its extent. A description of the study area should include reference to the site location, the local transport network and relevant transport features.
- 4.2 Wherever pre-application consultation identifies a need for a Transport Assessment, it is good practice to agree, as part of the pre-application consultation, the preparation of a scoping study before the Transport Assessment is begun. A scoping study should identify the issues the assessment will address, the methodologies to be adopted, additional supporting data required, and the extent of the assessment area. An agreed scoping study will help to reduce the potential for misunderstandings about the form of the Transport Assessment and avoid abortive work. It does not preclude varying the assessment to reflect the findings of survey results or more detailed analysis. However, it is recommended that any significant variations are agreed with the appropriate authorities⁵ during the development of the Transport Assessment.
- 4.3 A Transport Assessment should address the following issues in an iterative manner as illustrated in Figure 4.1:
- **Reducing the need to travel, especially by car** - ensure, at the outset, that thought is given to reducing the need to travel by a careful consideration of the types of uses (or mix of uses) and the scale of development to promote multipurpose or linked trips.
 - **Sustainable accessibility** - promote accessibility by all modes of travel, in particular public transport, cycling and walking; assess the likely travel behaviour or travel pattern to and from the proposed site; and develop appropriate measures to influence travel behaviour.
 - **Dealing with residual trips** – provide accurate quantitative and qualitative analyses of the predicted impacts of residual trips from the proposed development and ensure that suitable measures are proposed to manage these impacts.
 - **Mitigation Measures** – ensure as much as possible that the proposed mitigation measures discourage avoidable physical improvements to highways and promote innovative and sustainable transport solutions.

⁵ The appropriate authorities are the Local Planning Authority, the Local Highway Authority and, if there are likely to be traffic impacts on the Strategic Road Network, the Highways Agency.

Figure 4.1: Typical Assessment Process

- 4.4 An iterative approach may be necessary where initial work on a Transport Assessment indicates that revisions may be necessary to the proposed development, or to the approach taken to the issues in paragraph 4.3 above. The iterative approach ensures that the stages of the assessment are not approached in isolation, but that the full implications of each stage are considered and revisions made to either the development proposal or to any of the measures considered at the other stages. Where revisions are made, their implications in turn are considered across the whole proposal. The final outcome is a Transport Assessment that improves the development proposal to achieve the optimum sustainability.

What should be covered in a Transport Assessment?

- 4.5 The principal matters to be included in a Transport Assessment are:
- introductory facts and background data including the policy framework, the existing position with respect to the proposal site and baseline transport data, an assessment of the capacity of the existing public transport infrastructure and the cycle, footway and road networks, and full details of the development proposal; and
 - an appraisal of the impact of the proposed development.

Where the assessment confirms that a development will have material impact on the highway network, measures to mitigate such effects will need to be

agreed prior to the granting of planning permission.

4.6 Introductory Facts and Background Data

- **full details of the development proposal** including its size, scale and phasing, hours of operation where applicable, and proposed access and servicing arrangements and parking strategy together with any traffic impacts of site construction works.
- details of the **planning and transport policy framework** as it affects the development proposal, indicating how the proposal will help to deliver the aims and objectives of the development plan (the North East Regional Spatial Strategy and the Hartlepool Local Plan⁶), and how it responds to relevant Government planning policy guidance and statements.
- details of the **existing site conditions** including existing and permitted land uses in the vicinity and existing access considerations;
- **basic transport information** on existing travel patterns and facilities, traffic flows and accident history, together with:
 - an assessment of the capacities of the existing public transport infrastructure and of the cycle and footway and road networks;
 - traffic forecasts;
 - an analysis of accident records and other safety considerations.

Such assessments will help to inform the later stages of the Transport Assessment process in respect of determining modal split, travel plan objectives and, in appropriate cases, what enhancements, if any, are required to the public transport, local cycleway and footpath and road networks, as part of an overall mitigation package. These assessments should be undertaken using the appropriate analytical tools and methodologies as agreed with the relevant authorities.

In undertaking the above assessment, the assessment year(s) in respect of capacity analysis for the transport network should be consistent with the size, scale and completion schedule of the proposed development, and that of other major developments in the vicinity of the site, as well as planned improvements to the transport system. The appropriate horizon assessment year should be agreed with the relevant authorities during pre-application consultations.

4.7 Appraisal of the Impact of the Development - this involves an assessment of the development proposal's impact on:

- **the environment** – including its impact in terms of noise, the emission of greenhouse gases, effects on biodiversity and geodiversity and on important nature conservation and historic sites, and on the townscape

⁶ Under the new planning system introduced in the 2004 Planning and Compulsory Purchase Act, the 2006 Hartlepool Local Plan will remain as part of the Development Plan until at least April 2009.

generally, and on physical fitness and journey ambience. Any potential environmental impact that would breach a statutory limit should be addressed;

- **safety** – including the potential for traffic accidents and perception of personal insecurity;
- **economy** – including impact on regeneration initiatives, journey times, user costs and the various costs of the development;
- **accessibility** – including access to the transport system and to the local area in terms of the beneficial or detrimental effect on the wider community using accessibility modelling techniques.
- **Integration** – including the potential for the integration of different modes of transport, the relationship of the proposal with wider Government initiatives (e.g. on environmental sustainability and health), and with local, regional and national planning policies, and the effects on social inclusion/exclusion.

The analysis period should reflect the person trip generation characteristics of the proposed development as well as conditions on the adjacent transport system. It should be related to known and anticipated peak patterns of demand for both the transportation system and development-generated trips.

- 4.8 The Borough Council has developed a checklist against which the contents of a Transport Assessment are checked. This is set out in Appendix 3.

Mitigation Measures

- 4.9 The information provided at the pre-application stage and in the Transport Assessment will be reviewed by the local highway authority and/or the Highways Agency, as appropriate, with the aim of determining the type and scope of mitigation measures to be provided. This process will be undertaken in conjunction with the Local Planning Authority.
- 4.10 Typically, mitigation could be required where the proposed development is likely to impact adversely upon the transportation system and/or result in breaches of statutory environmental limits.
- 4.11 Where mitigation is proposed, and following agreement on the scope of mitigation to be provided, the relevant authorities will require or recommend that either appropriate conditions be attached to any planning permission that may be granted and/or a planning obligation⁷ should be agreed. The conditions or obligations should specify the improvements that will be required

⁷ A planning obligation (or Section 106 agreement) is a legal agreement attached to the approval of a planning permission through which the applicant and others with a legal interest in the land agree to undertake or pay for additional works or adhere to restrictions which could not be dealt with by planning condition alone. A separate mechanism for providing highway improvements to the Strategic Highway Network is via a Section 278 agreement under the Highways Act as detailed in Circular 02/2007.

to accommodate the proposed development's trips by all modes and should also ensure the safety of all road users, including non-motorised users or vulnerable users. Conditions or obligations may require that necessary mitigation measures be completed before work on the development site itself commences if construction traffic is a major issue, or before first occupation of units on the site.

- 4.12 In all cases, the transport mitigation plan or package of measures should focus on maximising sustainable accessibility to the development. At the outset, the mitigation plan should consider measures such as:
- improvements to development site layout to facilitate walking and cycling as well as accessibility to the local public transport infrastructure;
 - improvements to walking and cycling provisions in the vicinity of the development site; and
 - improvements to the local public transport network
- 4.13 If the mitigation measures require physical improvements to the highway network, the developer should ensure that in any design of mitigation works, appropriate design guides and parameters are used. Road Safety Audits will be likely to be required for all development related highway works and when produced, should be conducted in compliance with the relevant standards.
- 4.14 In respect of the strategic road network, proposed mitigation measures should provide capacity that is comparable to the general capacity of that part of the network, and not for example, seek to produce a junction with significantly more capacity than the surrounding strategic road network.

5. PREPARING A TRANSPORT STATEMENT

- 5.1 The information provided in the pro-forma at the pre-application stage of a development proposal will normally determine whether a more basic form of Transport Assessment (i.e. Transport Statement) will be required rather than a more detailed Transport Assessment. This will be the case where a proposed development has some, but less significant, transport implications.
- 5.2 A Transport Statement should set out the transport issues relating to a proposed development site (existing conditions) and details of the development proposals (proposed development) but like a full Transport Assessment it must demonstrate that the development is acceptable in terms of accessibility, congestion and potential for sustainable travel to the site.
- 5.3 The Borough Council has developed a checklist against which the contents of a Transport Statement are checked. This is set out in Appendix 4.
- 5.4 **Existing Conditions** - the developer should provide a full description of:
- i. existing site information – describing the current physical infrastructure and characteristics of the site and its surroundings, including existing, permitted or potential uses of the site and other land in the vicinity and existing access arrangements; and
 - ii. baseline transport data – background transport data and current transport infrastructure details, including a qualitative description of the travel characteristics of the existing site and existing public transport provision, a description and functional classification of the highway network in the vicinity of the site and an analysis of the injury accident records.

The above information should be accurately established to assist in the understanding of the context of the development proposal.

- 5.5 **Proposed Development** - the developer should also provide a full description of the proposed development within the Transport Statement including details of the development, the layout of the site and access to it, travel movements in the vicinity of the site, sustainable transport provision, parking strategy, and the transport impacts of site construction and freight movement.
- 5.6 **Proposed Mitigation Measures** – a brief description of proposed mitigation measures should be provided that could be incorporated to help address any transport issues that may arise from the development.
- 5.7 However, not all proposed developments that are considered to require a Transport Statement would necessarily need all of the above matters to be considered. Therefore, it is important that the scope of the Transport Statement is agreed at the pre-application discussion stage between the developer and the Borough Council.

6. PREPARING A TRAVEL PLAN

6.1 Travel Plans will be unique to any site and there is no standard format or content. In general Travel Plans should have measurable outputs, and should set out the arrangements for monitoring the progress of the plan, as well as the arrangements for enforcement in the event that agreed objectives are not met. They might be designed for the applicant only, or be part of a wider initiative involving other developments in the area. The different levels of Travel Plan are set out in paragraph 3.3 above.

6.2 The following general steps are recommended when developing a Travel Plan:

STEP 1 – Introduction and Existing Site Information

6.3 This is an essential part of preparing a Travel Plan for assessing transport facilities on the site and transport links to it. This information should be accurately established to understand the context of the development proposal. In general, the following information will be required:

- the context for the development and reference to national guidance set out by DfT, regional policies in the Regional Spatial Strategy (RSS) and the Regional Transport Strategy, together with local policies for transport.
- any requirements imposed through the planning process
- details on the type and size of the development in terms of number of employees, car parking spaces, (if known);
- an assessment of the current transport situation - using the findings from the Transport Assessment (if undertaken);
- details of proposed development in relation to the surrounding transport system and site access arrangements;
- consideration for the accessibility to the site and access to key services for employees.

STEP 2 – Baseline Transport Data

6.4 Transport data that will be required will include information on existing public transport provision, a qualitative description of the travel characteristics of the existing site, including pedestrian/cyclist movements and associated facilities, and an analysis of local travel behaviour.

6.5 A baseline survey should be undertaken to collect such data on current transport methods and also to find out which incentives to adopt and the alternative modes that would be acceptable and likely to be most effective. Proposed questions within the survey need to be submitted to the Borough Council prior to carrying out the survey. The method of conducting the survey will be up to the developer, however an attempt should be made to ensure maximum return. For example, offering entry into a prize draw for participants has proved successful.

- 6.6 In respect of a new development, there should be a commitment to conduct an employee travel survey six months after occupation, to establish mode share of commuter travel.
- 6.7 When an occupier is new to the area, or where travel patterns are unknown, data from the 2001 Census should be used to set a baseline. Alternatively, the Transport Assessment may contain an estimate of trip generation and mode split. In this instance this data should be included within the Travel Plan. It is essential that the methodology used in determining trip generation and mode split is transparent and logical.
- 6.8 In cases where existing development sites are being extended, current travel patterns should be surveyed to provide baseline data. For expansion of existing developments this should be undertaken at the earliest opportunity, although where completely new development is involved this should be undertaken six months after the opening of the development. The assessment of the results will lead on the choice of measures likely to be most effective in achieving the targets.

STEP 3 – Setting Targets

- 6.9 The Travel Plan should set clear objectives reflecting its broader goals, and ensure that it meets any planning requirements of the Borough Council and of the Highways Agency.
- 6.10 Targets correlating to these objectives should be established. They should be SMART (Specific, Measurable, Achievable, Realistic and Timed). Targets will vary according to the particular circumstances of the site and will depend to a large extent on existing travel patterns, local transport infrastructure and the availability of parking on or near to the site. For new developments with an unknown end user, targets will need to reflect the development.
- 6.10 Targets will be monitored and in the event that they prove to be inappropriate there will be scope to set new targets following the first review of the Travel Plan, usually after six months.

STEP 4 - Drafting the Travel Plan

- 6.11 The Travel Plan can then be drawn up and relevant measures included, based on the survey data, an audit of existing conditions and the type of Travel Plan required. The different levels of Travel Plan are defined in paragraph 3.3 above. In the case of a speculative development that will be disposed of to a freehold occupation, the approach is to bind successors in title to the implementation of a Travel Plan. To these ends an interim Travel Plan (Travel Plan Framework) should be agreed with the applicant, the developer, or their agent, before planning application is determined. The developer will be responsible for passing the requirement for a Travel Plan onto the occupier whether the occupier rents, leases or buys all or part of the development.

STEP 5 - Submission and Approval of the Travel Plan

6.12 Travel Plans are an integral part of the planning application process. The submission of Travel Plans and their approval are a part of the iterative process of demonstrating how developments do not unduly increase car usage. The travel plan framework should be in place prior to use and occupation of the new development.

6.13 The Travel Plan will be need to be approved in writing by the Borough Council. The developer is required to submit 4 paper-based copies and an electronic version should also be provided.

6.14 The Borough Council will use the checklist at Appendix 5 to assess Travel Plan Frameworks which will be required where end users are unknown.

6.15 Travel Plans will be secured by either planning condition(s) and/or planning obligations (Section 106 agreements) attached to the planning permission. Hard measures, such as the provision of bus shelters, cycle storage facilities and improved pedestrian access, will normally be secured by way of a planning condition. Other measures within the Travel Plan, which can include for example car parking management, the phasing of works, the appointment of a Travel Plan Coordinator, survey and monitoring arrangements, will usually be dealt with by way of a Section 106 Agreement.

6.16 In general, Travel Plan Frameworks and Minimalist Travel Plans will be secured by planning condition, whilst Measures, Outcome and Area-wide Travel Plans will be secured by Section 106 Agreements.

STEP 6 – Implementation and Management of the Travel Plan

6.17 Implementation of the Travel Plan includes a series of appropriate measures that the developer is committed to undertake over the next three years to achieve associated targets, including both demand restraint and positive incentives, to use sustainable transport modes.

6.18 As noted above, in the case of speculative development, where end users are unknown, an agreed Travel Plan Framework will bind the developer to passing on the requirement for a Travel Plan to subsequent occupiers of the development. Where occupiers are known, but are new to the area, the agreed Travel Plan should be implemented within six months of the occupation of the site. Where an existing occupier is extending on site, any new Travel Plan associated with a permission to extend should be implemented on, or shortly after, occupation on the new site extension.

6.19 An important aspect of implementation is the appointment of person/s from within the organisation responsible for the success and running of the Travel Plan, known as the **Travel Plan Coordinator**. This appointment will usually be required as part of the agreed Travel Plan. The post needs to be of sufficient seniority to undertake tasks such as chairing steering groups. The appointment does not to be a new one but instead, it may be a case of extending the job profile of an existing employee. The Council must be informed as soon as the post holder changes. The Local Authority will ensure

that there is support and commitment to the development of the travel plans process from its initial stages onwards.

- 6.20 The role of the Travel Plan Coordinator will be to manage the implementation of the Travel Plan, liaise with the Council and provide monitoring information as agreed. The role will include:
- overseeing the development and the implementation of the Travel Plan
 - obtaining and maintaining support from senior managers, staff and union representatives in the promotion of the travel plan;
 - implementing an effective branding and promotional campaign to promote the Travel Plan to all employees;
 - setting up and coordinating a Travel Plan Steering Group;
 - acting as a point of contact for the Travel Plan and keeping staff informed with up to date information;
 - organise workshops and induction seminars to educate existing and new staff;
 - arrange for travel surveys to be undertaken by all employees at agreed intervals;
 - returning agreed monitoring data to the Council.

STEP 7 – Monitoring and Review

- 6.21 A monitoring arrangement should be agreed between the developer and the Borough Council.
- 6.22 The occupier will monitor and review the workings of the Travel Plan annually and submit a written report to the Council, at a mutually agreed date.** Any revision to the Travel Plan required as a result of monitoring should be done in conjunction with Borough Council.
- 6.23 Monitoring is necessary to assure the Council that the aims and actions in the Travel Plan continue to be realised at the target dates. If this is not the case a revised plan will need to be submitted for approval and it shall be open to the Council to suggest reasonable ways of improving the effectiveness of the plan.

Enforcement

- 6.24 The implementation and enforcement of initiatives within the Travel Plan is essential. Travel plans, without effective implementation of initiatives, run the danger of becoming a paper exercise which only plays lip service to sustainable transport objectives. Travel Plans should therefore set out arrangements for enforcement where agreed objectives are not met.
- 6.25 If, during the course of implementing the Travel Plan, there is a disagreement between the occupier and the Council over whether the targets are being met, then an arbitrator shall be approached. The arbitrator should be competent

in legal matters and acceptable to both parties. The outcome of any arbitration shall be binding to both parties. Costs would be shared equally between the two parties.

6.26 To ensure that agreed measures are delivered and that any failure to deliver outcomes can be remedied, it will be normal practice to include sanctions within the Section 106 Agreement relating to the Travel Plan. Sanctions can take a number of forms for example:-

- payments to the Council to implement previously agreed measures;
- specified works that are expected to remedy the failure to achieve outcomes; and/or
- specified payments to the Council to achieve the agreed outcome e.g. the implementation of a car parking zone around the development.

APPENDIX 1: RELEVANT LOCAL PLAN POLICIES

Policies of the Hartlepool Local Plan which are most relevant to this Supplementary Planning Document are as follows:

Policy Tra20: TRAVEL PLANS

Travel plans should be prepared to accompany proposals for major developments and other developments likely to lead to an increase in travel.

Consideration will be given to the use of planning conditions and/or legally binding agreements to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Policy GEP9: DEVELOPER CONTRIBUTIONS

The Borough Council will, where appropriate, seek contributions from developers for the provision of additional works deemed to be required as a result of the development. Contributions may be required for:

- ◆ highway and infrastructure works,
- ◆ improvements to public transport and the pedestrian and cycleway network,
- ◆ the layout and maintenance of landscaping and woodland planting,
- ◆ the layout and maintenance of open space and play facilities,
- ◆ the provision of neighbourhood parks,
- ◆ works to enhance nature conservation features,
- ◆ additional measures for street cleansing and crime prevention,
- ◆ the acquisition and demolition of surplus housing stock,
- ◆ the rationalisation of retail facilities; and
- ◆ any other community facilities deemed necessary by the local authority as a result of the development.

Contributions may necessitate developers entering into legal agreements with the Borough Council

APPENDIX 2:

PRE APPLICATION DISCUSSION FORM



This form is designed to assist in pre-application discussions on proposed developments. Completion of this form is voluntary

Developer/Agent Details

Name:	Company:
Address:	
Telephone:	Facsimile:
Email:	

Development Details

Brief Description (Including existing site use):	
Location:	
Address (if known)	
Size (eg., GFA, No. of Units)	
Opening Year(s):	

Please tick the applicable box from the questions below.

YES NO

(i) Is the development Residential with more than 50 units?

(ii) Is the development Non-residential with a GFA of over 500 sqm?

(iii) Is the development likely to generate over 30 vehicle trips per hour?

(iv) Is the development likely to generate over 10 HGVs a day?

Signed:

Date:

The completed form should be sent to:

**Sustainable Travel Officer
Department of Neighbourhood Services
Bryan Hanson House
Hanson Square
HARTLEPOOL
TS24 7BT**

<p>5 Road Network Assessment</p>	<ul style="list-style-type: none"> • An assessment should be made of the available vehicular capacity on the road network in the vicinity of the site to establish the potential impact from the development. • This assessment should include recent counts (normally surveyed within the last 3 years) for peak period turning movements at critical junctions. • Traffic data should reflect normal traffic flow conditions on the transport network in the vicinity of the site. It should also take account of holiday periods, typical weather conditions, tourist areas etc. 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>6 Safety Considerations and Accident Analysis</p>	<ul style="list-style-type: none"> • Identify any significant highway safety issues and provide an analysis of the accident history of the area for recent years. • Accident records should be compared with local average accident rates, or where SRN is involved, it is recommended that appropriate national statistics are used in comparison. • Road Safety Audit should be undertaken for any proposed change to the existing highway layout as a result of any mitigation measures proposed. 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>7 Development Trip Generation</p>	<ul style="list-style-type: none"> • The first step in quantifying the impact of the proposed development on the transportation system is to provide an estimate of the person trips (for all modes) that are likely to be generated by the development. 	<p><input type="checkbox"/></p>

<p>8 Appraising the Impact of the Proposed Development</p>	<ul style="list-style-type: none"> • Impact on the environment, including noise, atmospheric pollution of differing kinds, impacts on countryside, wildlife, biodiversity, geodiversity, ancient monuments and historic buildings. • Impact on accessibility with concerns to the ability by which people can reach different locations and facilities by different modes. 	<p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>
<p>9 Travel Plans</p>	<ul style="list-style-type: none"> • It is difficult to be too prescriptive in the scope and content of a Travel Plan. The findings from the Transport Assessment will be used to identify the current transport situation and determine the type of Travel Plan to be submitted along with the planning application. 	<p style="text-align: center;"><input type="checkbox"/></p>
<p>10 Mitigation Measures</p>	<ul style="list-style-type: none"> • A description of the proposed mitigation measures should be included that could be incorporated to help address any transport issues that have arisen in relation to data collected. • Any mitigation measures should be discussed with council officers before the submission of any application. 	

	<ul style="list-style-type: none"> • Existing public transport provision, including frequency of services, location of bus stops/train stations, park & ride facilities. • A description and functional classification of the highway network in the vicinity of the site. • An analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent three-year period or five-year period if the proposed site has been identified as within a high accident area. 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>4 Proposed Development</p>	<ul style="list-style-type: none"> • Plans and drawings showing the proposed site layout, particularly the proposed pedestrian and vehicular access points into the site. • The proposed land use. • The scale of development such as numbers of residential units and/ or gross floor area (GFA), subdivided by land use where appropriate. • The main features (design layout and access points) of the development. • The person trip generation of the proposed development and distribution of trips across mode. • A qualitative and quantitative description (based on recent site observations) of the travel characteristics of the proposed development, including pedestrian and cyclist facilities/movements, in the vicinity of the site. • Proposed improvements to site accessibility via sustainable modes of travel such as provision/enhancement of footpath and cycle path linkages, public transport improvements, and servicing arrangements where 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

	<p>appropriate.</p> <ul style="list-style-type: none"> • A proposed parking strategy¹ and internal vehicular circulation (including number of spaces, parking accumulation, parking layout in relation to other site elements, ratio of operational to non-operational spaces, method of car park operation, overspill parking considerations, disabled parking, motorcycle parking, cycle parking, taxi drop-off points). • Residual vehicular trip impact. • The transport impacts of site construction. • The transport impacts of freight or service operations. • If the site of the proposed development has a current use or an extant planning permission with trip patterns/volumes, the net level of change that might arise out of the new proposals should be set out. 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
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<p>5 Mitigation measures</p>	<ul style="list-style-type: none"> • A description of the proposed mitigation measures should be included that could be incorporated to help address any transport issues that have arisen in relation to data collected. • Any mitigation measures should be discussed with council officers before the submission of any application. 	
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The above requirements are not exhaustive and there may be a need for supplementary information which takes account of local conditions as well as other material considerations. It is important that the scope of the TS is agreed at the pre-application discussion stage between the developer and appropriate authorities.

¹ In conjunction with the parking layout and provision, the car parking strategy will demonstrate how car parking will be managed and will deal with issues such as reserved areas for disabled and car sharing scheme members.

APPENDIX 5: KEY COMPONENTS TO BE INCORPORATED INTO A TRAVEL PLAN FRAMEWORK



To be used where outline-planning consent is being sought and where the end-users are unknown. (This provides a structure for the initial framework travel plan and supplementary travel plan to be developed within a given timescale)

Section		
1 Introduction	<ul style="list-style-type: none"> • Sets the context for the development and makes reference to local policies for transport. • Includes any requirements imposed through the planning process. 	<input type="checkbox"/> <input type="checkbox"/>
2 Development Site Information	<ul style="list-style-type: none"> • Details on the type and size of the development in terms of number of employees, car parking spaces, (if known). • Using the findings from the Transport Assessment (if undertaken) to assess the current transport situation. • Should include a site location plan that shows the proposed development in relation to the surrounding transport system and site access arrangements. • Consideration should be made for the accessibility to the site and access to key services for employees. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3 Baseline Transport Data	<ul style="list-style-type: none"> • Analysis of local travel behaviour to provide baseline data and an estimate of new demand arising from the development. • As this is a new development, commitment to conduct an employee travel survey six months after occupation, to establish mode share of commuter travel. • A qualitative description of the travel characteristics of the existing site, including pedestrian/cyclist movements and associated facilities. • Existing public transport provision, including frequency of services, location of bus stops/ train stations and park and ride facilities should also be considered. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

<p>4 Objectives, Targets and Indicators</p>	<ul style="list-style-type: none"> • Sets clear objectives reflecting the broader goals of the Travel Plan and will ensure the Plan will meet any planning requirements. • Targets should correlate to objectives and be SMART (Specific, Measurable, Achievable, Realistic and Time-bound) and should relate to particular circumstances of the site. • When an occupier is new to the area, or where travel patterns are unknown, data from the 2001 census should be used to set a baseline or where available, TRICS data. • Six months after occupation of the development, a travel survey will need to be conducted to provide more accurate data. 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>5 Implementation</p>	<ul style="list-style-type: none"> • Includes a series of appropriate measures that the developer is committed to undertake over the next three years to achieve associated targets, including both demand restraint and positive incentives, to use sustainable transport modes and the appointment of a Travel Plan coordinator. 	<p><input type="checkbox"/></p>
<p>6 Management of the Travel Plan</p>	<ul style="list-style-type: none"> • Outlines the management of the plan to ensure its longevity beyond the initial period of operation, including the role of the Travel Plan Coordinator and commitment to the establishment of a Corporate Steering Group. • Proposed methods of communication with employees e.g. Focus Groups / Intranet etc. Includes proposals for a marketing and promotion strategy identifying key milestones e.g. launch of the Travel Plan. 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>7 Monitoring and Review</p>	<ul style="list-style-type: none"> • Clearly identifies a designated person who is responsible to oversee the implementation of the Travel Plan, including responsibility for managing the travel plan. • Clarifies how performance will be measured e.g. criteria for monitoring and review . • Makes reference to timescale for completing the baseline survey, appointments of the Travel Plan Coordinator and a monitoring and review framework. 	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>



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

Subject: FOOD LAW ENFORCEMENT SERVICE PLAN 2009/10

1. PURPOSE OF REPORT

1.1 To present the draft Food Law Enforcement Service Plan for 2009/10, 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 2009/10 is attached as **Appendix 1** and takes into account the guidance requirements.

2.5 The plan has been previously considered by Cabinet on the 17th August 2009 and by Neighbourhood Services Scrutiny Forum on 21st September 2009.

3. THE FOOD LAW ENFORCEMENT SERVICE PLAN

3.1 The Service Plan for 2008/09 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 2008/09.

4. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

4.1 During 2009/10 the section had a vacant environmental health officer post up until the final quarter. Steps were taken to ensure that food hygiene inspections were given priority and this allowed the service to ensure that only 2 high risk inspections were left outstanding. Only 3 other inspections were carried forward to next year's inspection programme.

4.2 A total of 417 food hygiene premises inspections were undertaken in 2008/09 this equates to 99% of all programmed inspections planned for the year. However only 156 food standards inspections were undertaken this equates to 73%. The outstanding inspections will be added to the programme for 2009 - 2010.

- 4.3 A total of 164 microbiological samples were taken, of which 5 were regarded as unsatisfactory, mainly as a result of high bacteriological counts. Of the 145 compositional/labelling samples that were taken, 7 were unsatisfactory, mainly due to labelling irregularities.
- 4.4 On 1 April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. Each business is awarded a star rating which reflects the risk rating given at the time of the last primary inspection. The star rating is made available to the public via the Council's website and the business is provided with a certificate to display on their premises.
- 4.5 The table below shows the results of the star ratings awarded to businesses at the start of the scheme on 1 April 2007, as compared with 1 year on (1 April 2008) and after 2 years (April 2009):

Number of Stars	Number of Premises (1/4/07)	% of premises	Number of Premises (1/4/08)	% of premises	Number of Premises (1/4/09)	% of premises
5 Stars	24/759	3%	85/762	11.1%	163/721	22.6%
4 Stars	155/759	20%	217/762	28.5%	233/721	32.3%
3 Stars	226/759	30%	294/762	38.6%	237/721	32.9%
2 Stars	262/759	35%	137/762	18.0%	65/721	9%
1 Star	60/759	8%	26/762	3.4%	17/721	2.4%
0 Stars	32/759	4%	3/762	0.4%	6/721	0.8%

- 4.6 It can be seen that the number of premises awarded 3 stars and above has risen significantly from 53% to 87.8%. The credit crunch is however having an impact on hygiene standards. Financial pressures as a result of the recession have resulted in some businesses failing to carry out essential maintenance / repairs, consequently there has been an increase in the number of premises receiving 0 stars. We anticipate that this trend of reduction in star ratings is likely to continue until the economic climate improves.
- 4.7 The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has written to businesses that have been awarded 2 stars or less offering advice and support. Where necessary enforcement action will be taken.
- 4.8 During 2008/09 unacceptable standards were found in 1 premise following a programmed inspection, as a result a voluntary closure of the premises was agreed. Investigations are still in progress and formal action is under consideration. In addition five Hygiene Improvement Notices were served on three other food businesses to secure improvements.
- 4.9 In March 2008 the Authority was audited by the Food Standards Agency in relation to feeding stuffs and imported food & feed control.

An action plan was drawn up to address the 5 minor areas requiring improvement. This has been implemented and approved by the Food Standards Agency.

- 4.10 During 2009/10 there are 360 programmed food hygiene interventions, 146 programmed food standards inspections and 41 food hygiene inspections planned, in addition to an estimated 80 re-visits and 70 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 and reduced resources will place an additional demand on an already heavy workload.

5. RECOMMENDATIONS

- 5.1 It is recommended that Council approves the draft Food Law Enforcement Plan 2009/10.

6. CONTACT OFFICER

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Hartlepool Borough Council

Food Law Enforcement Service Plan

2009/10

FOOD SERVICE PLAN 2009/10

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 2009-10, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2008-09 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 Durham County Council to the north and 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).

The borough contains a rich mix of the very old and the very new. Its historic beginnings can be traced back to the discovery of an iron-age settlement at Catcote Village and the headland, known locally as "Old Hartlepool" is steeped in history. On the other hand, the former South Docks area has been transformed in to a fabulous 500-berth Marina which will welcome the 2010 Tall Ships Race.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities, including the provision of food and drink outlets that include restaurants, bars and cafes. There are currently 738¹ food establishments in Hartlepool, all of which must be subject to intervention to ensure food safety and standards are being met.

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; and

¹ This figure includes a number of low risk premises which fall outside the intervention programme.

- the effective delivery of it's food law service so as to secure appropriate levels of public safety in relation to food hygiene, food standards and feeding stuffs enforcement.

In it's delivery of the service the Council will have regard to directions from the Food Standards Agency (FSA), Approved Codes of Practice, the Regulators Code of Compliance, and guidance from Local Authorities Co-ordinators of Regulatory Services (LACORS).

Service delivery broadly comprises:

- Programmed inspections of premises for food hygiene, food standards and feed hygiene;
- Registration and approval of premises;
- Microbiological sampling and chemical analysis of food and animal feed;
- Food & Feed Inspection;
- Contributing to the step change on imported food/feed control through inspection and checks of imported food/feed at retail and catering premises;
- Provision of advice, educational materials and courses to food/feed businesses;
- Investigation of food and feed related complaints;
- Investigation of cases of food and water borne infectious disease, and outbreak control;
- Dealing with food/feed safety incidents; and
- 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), Food Standards Agency (FSA), HM Revenue & Customs (HMRC), Meat Hygiene Service (MHS), Department of Environment, Food & Rural Affairs (Defra) & the Animal Medicines Inspectorate (AMI). 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.

The service is also responsible for the following:

- Health and Safety enforcement;
- The provision of guidance, advice and enforcement in respect of Smoke free enforcement;
- Water sampling; including both private and mains supplies & bathing water; and
- Provision of assistance for animal health and welfare inspections, complaint investigation and animal movement issues.

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 food business operators 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. Interventions

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

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 2007.

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 interventions so as to ensure that food and feeding stuffs are inspected in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance.

Prompted by the introduction of the Legislative and Regulatory Reform Act 2006 the Food Standards Agency (FSA) has made changes to the Food Law Code of Practice that took effect from June 2008.

The changes to the Code replaced an enforcement policy focussed primarily on inspections, with a new policy for a suite of interventions. This allows local authorities to choose the most appropriate action to be taken to drive up levels of compliance by food establishments with food law. This takes account of the recommendations in the 'Reducing Administrative Burdens: Effective Inspection and Enforcement'.

Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include:

- Inspections / Audit;
- Surveillance / Verification;
- Sampling;
- Education, advice and coaching provided at a food establishment; and
- Information and intelligence gathering.

Other activities that monitor, promote and drive up compliance with food law in food establishments, for instance 'Alternative Enforcement Strategies' for low risk establishments and education and advisory work with businesses away from the premises (e.g. seminars/training events) remain available for local authorities to use.

The revised Code also introduces the concept of 'Broadly Compliant' food establishments. In respect of food hygiene, "broadly compliant", is defined as an establishment that has an intervention rating score of not more than 10 points under each of the following components;

- Level of (Current) Hygiene Compliance;
- Level of (Current) Structural Compliance; and
- Confidence in Management/Control Systems

“Broadly Compliant”, in respect of food standards, is defined as an establishment that has an intervention rating score of not more than 10 points under the following:

- Level of (Current) Compliance
- Confidence in Management/Control Systems

Local Authorities are required to report the percentage of “Broadly Compliant” food establishments in their area to the FSA on an annual basis through the Local Authority Enforcement Monitoring System (LAEMS). The Agency will use this outcome measure to monitor the effectiveness of a local authority’s regulatory service. As at the 1st April 2009, 89.3% of businesses in the borough were “Broadly Compliant” with food safety requirements and 93.3% for food standards. We aim to concentrate our resources to increase our current rate by the end of 09/10.

Since April 2008 local authorities are required to report the same information to the National Audit Office under National Indicator 184. We are also required to report on business satisfaction rates with the service under NI 182.

The Food Law Enforcement Plan will help to promote efficient and effective approaches to regulatory inspection and enforcement that will improve regulatory outcomes without imposing unnecessary burdens. The term enforcement does not only refer to formal actions, it can also relate to advisory visits and inspections.

5. Service Delivery Mechanisms

Intervention Programme

Local Authorities must document, maintain and implement an Interventions programme that includes all the establishments for which they have food law enforcement responsibility.

Interventions carried out for food hygiene, food standards and for feeding stuffs are carried out in accordance with the Council’s policy and standard operating procedures on food/feed premises inspections and relevant national guidance.

Information on premises liable to interventions is held on the APP computerised system. An intervention schedule is produced from this system at the commencement of each reporting year.

The food hygiene, food standards and feeding stuffs intervention 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	5
B	12 months	45
C	18 months	320
D	24 months	168
E	36 months or other enforcement	180
Unclassified	Requiring inspection/risk rating	0
No Inspectable Risk (NIR)		20
Total		738

Food Standards:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	2
B	24 months	102
C	36 months or other enforcement	603
Unclassified		0
No Inspectable Risk (NIR)		20
Total		727

Feed Hygiene

Risk Category	Frequency of Inspection	No of Premises
A	12 months	0
B	24 months	35
C	60 months	21
Unclassified		27
Total		83

The intervention programme for 2009/10 comprises the following number of scheduled food hygiene and food standards interventions:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Interventions
A	6 months	7
B	12 months	42
C	18 months	168
D	24 months	75
E	36 months or alternative enforcement strategy	68
Unclassified		0
Total		360

Approved Establishments:

There are 2 approved food establishments in the borough; a fishery products establishment and a manufacturer of food ingredients. These premises are subject to more stringent hygiene provisions than those applied to registered food businesses. These premises require considerably more staff resources for inspection, supervision and advice on meeting enhanced standards.

Primary Producers

New EU food hygiene legislation applicable to primary production (farmers & growers) came into effect. On the basis that the local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility was been given to the Consumer Services Section to enforce this legislation. The service has an 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 Interventions
A	12 months	2
B	24 months	57
C	36 months or alternative enforcement	87
Not classified		0
Total		146

Feed Hygiene :

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	0
B	24 months	29
C	60 months	0
Unclassified		12
Total		41

An estimated 10% of programmed interventions relate to premises where it is more appropriate to conduct visits outside the standard working time hours. Arrangements are in place to visit 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. For the year 2009/10, the inspection programme is expected to generate an estimated 80 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 and recorded on Covalent.

Port Health

Hartlepool is a Port Health Authority however it is not a border inspection post or point of entry and therefore no food enters the port.

Fish Quay

There is a Fish Quay within the Authority's area which provides a market hall although it is not currently operational and there are associated fish processing units, one of which is an approved establishment.

Registration and Approval of Premises

Food and feed business operators must register their establishments with the relevant local authority. 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/feed business operator or type of use.

The receipt of a food/feed premises registration form initiates an inspection of all new premises. In the case of existing premises, where a change of food/feed 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 intervention, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 70 additional premises inspections will be generated for new food businesses during 2009/10.

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.

Food 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 2 premises in the Borough which are subject to approval; a fishery products establishment and a manufacturer of food ingredients.

Microbiological and Chemical Analysis of Food/Feed

An annual food/feed sampling programme is undertaken with samples being procured for the purposes of microbiological or chemical analyses. This programme is undertaken in accordance with the service's Food/Feed 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/Feed Law Enforcement Policy and associated Practice Guidance. Follow-up action is carried out in accordance with the service's sampling policy.

Microbiological analysis of food and water samples is undertaken by the Health Protection Agency's Laboratory based at Newcastle General Hospital. Chemical analysis of informal food/feed samples is undertaken by Tees Valley Measurement (a joint funded laboratory based at Canon Park, Middlesbrough) and formal samples are analysed by Durham Scientific Services, who the Authority has appointed as their Public/Agricultural Analyst.

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 2009-10.

Points are allocated as follows:

Sample type	No of credits
Food Basic	25
Food Complex	35
Water Basic	20
Water Complex	25
Dairy Products	10
Environmental Basic	25
Environmental Complex	35
Certification	15

A sampling programme is produced each year for the start of April. The sampling programme for 2009-10 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. These have regard to the nature of food/feed businesses in Hartlepool and will focus on locally manufactured/processed foods/feed and food/feed targeted as a result of previous sampling and complaints.

In 2007 the Food Standards Agency, the Local Authorities Coordinators of Regulatory Services (LACORS) and the Association of Port Health Authorities set a national target that imported food should make up 10% of the food samples taken by local and port health authorities. The service shall therefore aim to meet this target.

Microbiological Food Sampling Plan 2009-10

April Local Shopping Basket Survey	May LACORS/HPA Butchers Survey	June LACORS/HPA Butchers Survey
July Butchers Survey Imported Foods (Formal)	August Butchers Survey Ice cream Survey	September Butchers Survey (Follow up - resamples)
October LACORS / HPA Pre-Packed Sandwich Survey Survey of Locally Produced Sandwiches	November LACORS / HPA Pre-Packed Sandwich Survey	December LACORS / HPA Pre-Packed Sandwich Survey
January LACORS / HPA Pre-Packed Sandwich Survey	February LACORS / HPA Pre-Packed Sandwich Survey Take Away Premises Survey	March LACORS / HPA Pre-Packed Sandwich Survey Take Away Premises 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:

- Ready to Eat Pasta
- Salad Boxes/Ready to Eat Salad
- Chicken from Rotisseries
- Slush from Slush Puppies
- Ready to Eat Quiche
- Speciality Meats from Supermarkets
- RTEF Chilled Section Reduced Products
- Raw Diced Poultry

Composition and Labelling Sampling Plan 2009-10

MONTH	TEST	SAMPLES
April	Sugar Free Declaration of Soft Drinks	16
May	Floral Origin of Honey Labels of the above Products	12 12
June	Sodium Content of Canned Vegetables Labels of the above Products	4 4
July	Fat, Sodium & Total Sugars of Ready Meals Labels of the above Products Aflatoxins and Authenticity of Basmati Rice* Mercury, Lead and Cadmium in Fish*	6 6 10 10
Aug	Fish Content of Ready Meals Labels of the above Products	5 5
Sept	Calcium Claims on Pre-Packed Goods Labels of the above Products	12 12
Oct	Distinguishing between Mayonnaise and Salad Cream in Locally Produced Sandwiches	24
Nov	Cooked Meat Species	
Dec	Ground Nut Species Labels of the above Products	12 12
Jan	Meat Species of Minced Beef from Local Butchers	12
Feb	Saturated/Unsaturated Fat of Margarine/Low Fat Spread Labels of the above Products	15 15
Mar	Ingredients of Canned Fruit Salad Labels of the above Products	15 15

*Part of FSA Survey

Total samples = 237

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. An annual feeding stuffs sampling plan however 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.

Feeding stuffs Sampling Plan 2009/10

April - June	0
July - September	2 feed samples (statutory statements)
October - December	2 samples from grain stores for mycotoxins
January - March	2 supplements

Private Water Supplies

A local brewery uses a private water supply in its food production. Regular sampling is carried out of this supply 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/feed 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 operators to seek advice. In addition, advisory leaflets including those produced by the Food Standards Agency are made available.

In February 2006 the Food Standards Agency introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce

a documented food safety management system. Since this time significant resources have been directed towards assisting 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. The service also encourages new food/feed business operators and existing businesses to seek guidance and advice on their business. It is estimated that 30 such advisory visits will be carried out during the year.

On 1st 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/Feed and Food/Feed-Related Complaints

The service receives approximately 22 complaints, each year concerning food/feed, 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/feed 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, Hartlepool Water and Northumbrian Water.

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

It is estimated that between 70-90 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 / Feed Safety Incidents

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

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

Food and feed alert warnings are received by the service from The Food Standards Agency via the electronic mail system, and EHCNet during working hours. Several officers have also subscribed to receive alerts via their personal mobile phones.

The Principal EHO (Commercial Services) or, if absent, the Consumer Services Manager ensures that a timely and appropriate response is made to each 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 2009/10, 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.

In addition an increasing number of Allergy Alerts are being sent to local authorities. A total of 67 were received during 2008/09 many relating to

labelling irregularities by UK manufacturers who have for example omitted to declare the presence of an allergen in the food.

Investigation of Complaints relating to Food/Feed Safety and Food Standards in Premises

The service investigates all complaints that it receives about food/feed safety and food standards conditions and practices in food/feed businesses. An 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/feed business operator in ensuring good standards of compliance, although enforcement action may be necessary where there is failing in the management of food/feed safety, or regulatory non-compliance.

Based on the number of complaints in 2008/09 it is estimated that approximately 30 such complaints will be received in 2009/10.

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 legislation relates to nearly all feed businesses. This means, for example, that importers and sellers of feed, hauliers and storage businesses 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:

- North East Regional Heads of Regulatory Services Group
- Tees Valley Heads of Public Protection Group
- Tees Valley Food Liaison Group
- The Local HPA/Local Authority Sampling Group
- Tees Valley Public Health Group
- North East Trading Standards Liaison Group
- North East Trading Standards Animal Feed Group

There is also liaison with other organisations including the Chartered Institute of Environmental Health, the Trading Standards Institute, LACORS, the Health Protection Agency, Defra, OFSTED and the Care Quality Commission.

Officers also work in liaison with the Council's Planning, Building Control and Licensing Sections.

Home Authority Principle / Primary Authority Scheme

The introduction of the Primary Authority Scheme in April 2009 under the provisions of the Regulatory Enforcement and Sanctions Act 2008 placed a statutory obligation on the Council to provide a significantly expanded range of Home Authority services to local businesses when requested by that business. There are opportunities for local authorities to recover costs from businesses to provide this premium service.

The Authority is committed to the LACORS Home Authority Principle, although at present there are no formal arrangements with food/feed businesses to act as a Primary Authority. The Authority does however act as Originating Authority for a brewery and a food 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/feed 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/feed law service. The Head of Procurement, Property & Public Protection has responsibility for ensuring the delivery of the Council's Environmental Health service, including delivery of the food/feed 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 2009/10 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 Procurement, Property & Public Protection Management Team.

The Principal EHO (Commercial Services) has responsibility for the day to day supervision of the Food/Feed Law Service, Health & Safety at Work, Public Health, Water Quality and Animal Health & Welfare. The Principal EHO (Commercial Services) is designated as lead officer in relation to animal feed and imported food control.

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.

Authorised Trading Standards Officers have responsibility for the performance of the feed premises inspection programme as well as the delivery of all other aspects of the feed law service.

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

All staff engaged in food/feed 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 2009/10 is:

	£000
Employees	608.8
Other Expenditure	442.4
Income	(243.5)
Net Budget	807.6

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/feed law service. The service has a documented standard operating 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, the Authority Public Protection computer system (APP). This is capable of maintaining up to date accurate data relating to the activities of the food/feed law service. A documented database management standard operating 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/feed interventions, the production of statutory returns and the effective management of performance.

Training Plans

The qualifications and training of staff engaged in food/feed 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/feed 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 approved establishments, 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.

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 2008/09.

This service plan will be reviewed at the conclusion of the year 2009/10 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 Procurement, Property & 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.

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

Performance Review 2008-09

This section describes performance of the service in key areas during 2008/09.

During 2008/09 the section was not fully staffed having a vacant EHO post up until the final quarter. Steps were taken to ensure that food hygiene inspections were given priority and this allowed the service to enable that only 2 high risk inspections were left outstanding. Only 5 inspections were carried forward to next year's inspection programme. We achieved our response times for complaints responding within 2 working days in all cases; however we did not achieve our targets for planned inspections in relation to food standards and feeding stuffs.

The section has lost 3 posts due to budget pressures during 2008/09. Although none of these posts directly enforced food legislation their workload has to be distributed to the remaining workforce this will result in extremely challenging targets in 2009/10

Inspection Programme

The food premises inspection programme for 2008/09 did not quite reach the target of 100%. Due to staff shortages 99% of Food Hygiene and 73% of Food Standards inspections were achieved. The outstanding inspections will be added to the programme for 2008/09.

Registration and Approval of premises

Premises subject to approval were inspected and given relevant guidance.

Food Sampling Programme

The food sampling programme for 2008/09 has been completed. The microbiological results are:

Microbiological Sampling (1/4/08 - 31/3/09)

Bacteriological Surveys	Total no. of samples	Number of Samples	
		Satisfactory	Unsatisfactory
Shopping Basket	51	48	3
Fresh Herbs	13	13	0
Ice	12	10	2
Deep Fried Chicken	8	27	0
Meat Pies	2	2	0
Nuts	46	46	0
Take Away Meals	12	12	0
Sandwiches	20	20	0
Total:	164	159	5

The composition and labelling results are:

Food Standards Sampling (01.04.08 – 31.03.09):

Nature of Sample	Reason for Sampling	Satisfactory	Unsatisfactory
Cereal Bars	Sodium Declaration Labelling	13 13	0
Sausages	Meat Content	3	0
Cooked Meats	Added Water Labelling	5 5	0
Fish Products	Fish Species Labelling	6 6	0
Ready Meals	Fat & Sodium Declaration	4	2
Gluten Free Products	Gluten Free Declaration	8	0
Pies	Meat Content	2	0
Take Away Meals	Peanut Free	11	1
Locally produced sandwiches	Labelling	12	0
Locally Produced Sandwiches	Refomed Meat	20	0
Juice Drinks	Vitamin C Dedaration	18	0
Margarine Spreads	Fat Content Declaration	11	1
Tinned Fruit & Vegetables	Presence of Arsenic	7	0
Imported Coffee (*FSA Survey)	Presence of Aflatoxins Labelling	2 0	0 2
Imported Flour Confectionery products (*FSA Survey)	Presence of Undeclared Peanut Protein Labelling	2 1	0 1
Totals:		138	7

* In conjunction with Middlesbrough and Stockton Borough Council the Authority received funding from the FSA to sample imported coffee and flour confectionery products.

There were relatively few samples which failed to meet statutory requirements. Several of the imported foods sampled however failed to comply with the Food Labelling Regulations 1996 (e.g. some of the products did not include a 'Best Before' date on their labels.) Advice was provided to the businesses concerned.

Feeding stuffs has been given a low priority due to the lack of local manufacturers and packers. We were unable to complete the feeding stuffs sampling programme due to staffing resources. Two samples were taken and both were found to be satisfactory.

Food Inspection

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

Promotional Work

Food safety promotion whether by advice, education, training or other means is a key part of the food team's strategy in changing behaviour and increasing compliance in businesses.

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. 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 however continued to offer advice and information on request with 30 advisory visits to businesses being carried out during the year.

A variety of information leaflets, some in foreign languages, are available. Circular letters are issued as required to inform food business operators of food safety matters relevant to their operations e.g. changes in legislation, food alerts.

Food Hygiene Award Scheme

On 1 April 2007 the Authority in conjunction with the other Tees Valley authorities launched the 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 awarded to businesses at the start of the scheme on 1 April 2007, as compared with 1 year on (on 1 April 2008) and after 2 years (on 1 April 2009):

Number of Stars	Number of Premises (1/4/07)	% of premises	Number of Premises (1/4/08)	% of premises	Number of Premises (1/4/09)	% of premises
5 Stars	24/759	3%	85/762	11.1%	163/721	22.6%
4 Stars	155/759	20%	217/762	28.5%	233/721	32.3%
3 Stars	226/759	30%	294/762	38.6%	237/721	32.9%
2 Stars	262/759	35%	137/762	18.0%	65/721	9%
1 Star	60/759	8%	26/762	3.4%	17/721	2.4%
0 Stars	32/759	4%	3/762	0.4%	6/721	0.8%

It can be seen that the number of premises awarded 3 stars and above has risen significantly from 53% to 87.8%.

The credit crunch is however having an impact on hygiene standards. Financial pressures as a result of the recession has resulted in some businesses failing to carry out essential maintenance / repairs, consequently there has been an increase in the number of premises receiving 0 stars. We anticipate that this trend of reduction in star ratings is likely to continue until the economic climate improves.

The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has written to businesses that have been awarded 2 stars or less offering advice and support. Where necessary enforcement action will be taken.

In December 2008 the Food Standards Agency confirmed it's intention to introduce a National 'scores on the doors' scheme for England, Wales and

Northern Ireland. A UK steering group has been established to ensure that the new scheme will be clear, robust and easy to use for both businesses and consumers. The scheme will have six tiers, which is consistent with the existing Tees Valley Scheme.

Complaints

During the year the service dealt with 12 complaints relating to the condition of food premises and food handling practice. In addition, 11 complaints of unfit or out of condition food, extraneous matter, mould and 5 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 61 notifications of food poisoning during the year. No outbreak investigations were conducted.

Food Safety Incidents

The Service received 68 food alerts and 67 allergy 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 2008/09, no emergency prohibition notices were served on businesses where formal cessation of a food activity was necessary however 1 voluntary closure of a food business was agreed. Five Hygiene Improvement Notices were served on businesses to ensure compliance with food safety issues. No prosecutions or formal cautions were undertaken.

FSA Audit

In March 2008 the Authority was audited by the Food Standards Agency in relation to feeding stuffs and imported food & feed control.

The final audit report contained 5 minor recommendations. An Action Plan was drawn up to address these matters. This action plan was fully implemented and has since been approved by the Food Standards Agency.

Improvement Proposals 2008/09

The following areas for improvement were identified in the 2008/09 Food Service Plan.

1. Produce a summary of the Food Enforcement Policy

Due to other priorities and resource constraints this was not completed.

2. Complete the Action Plan in relation to the FSA Audit

On 15 May 2009 the Authority received confirmation that the Agency was satisfied that the Action Plan had been fully implemented.

3. Carry out configuration of APP to enable completion of food & feed statutory returns in accordance with new guidance.

This work has been completed.

4. Implement the requirements of the revised Food Law Code of Practice, which is expected to be published in June 2008.

We have reviewed the requirements of the revised Code of Practice and are in the process of updating our standard operating procedures to reflect the changes.

8. Key Areas for Improvement & Challenges 2009/10

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 2009/10.

1. Resources challenging. The section has lost 3 posts due to budget pressures during 2008/09. Although none of these posts directly enforced food legislation their workload has to be distributed to the remaining workforce this will result in extremely challenging targets in 2009/10
2. We will continue to review and update our standard operating procedures to reflect the requirements of the revised Code of Practice and in response to the recommendations made in the Public Inquiry Report into the 2005 *E.coli* O157 outbreak in South Wales, which was published in March 2009.
3. Produce a summary of the Food Enforcement Policy.



Report of: Executive

Subject: HARTLEPOOL COLLEGE OF FURTHER
EDUCATION – CONFIRMATION OF COUNCIL
CONTRIBUTION

1. PURPOSE OF REPORT

1.1 To provide Council with details of Cabinet's proposed variation to the approved 2009/10 Capital Programme to support a funding package from the Council (and partners) towards the costs of the proposed new Hartlepool College of Further Education (HCFE).

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. Details of Cabinet's proposals are set out in the following paragraphs.

3. CABINET PROPOSAL AND BACKGROUND

3.1 Previous reports to Cabinet 04/04/05, 22/07/05, 29/10/07 and 16/11/09, have provided the detail regarding the proposed redevelopment and the disposal of the Council owned land required to accommodate the new HCFE facility. HCFE's vision has been to provide a twenty first century educational facility in order to meet future Further and Higher educational needs of Hartlepool residents.

3.2 Final funding approval for the scheme was expected in early 2009. The Learning and Skills Council (LSC), the main funder of the redevelopment scheme delayed the announcement of the outcome of the competitive process due to a re-prioritisation of their available resources. Those organisations competing for funding for their individual schemes were asked to re-submit reduced funding applications showing considerable decreases in costs and maximisation of other sources of funding to meet the reduced amount available from the LSC.

- 3.3 The original cost of the HCFE development was £63m. This cost was to be met through a combination of existing college funds, bank loans, LSC funding and a contribution from the University of Teesside.
- 3.4 Based on the revised funding criteria, HCFE submitted an application that reduced the costs associated with the scheme to £51.3m. The original quality of the scheme, the subsequent revisions to the plans, and the certainty of deliverability of the proposals and the advanced nature of the project development, convinced the LSC to conditionally support the funding application in late August 2009.
- 3.5 The reduced LSC offer of grant of £39m to the College was made on the basis that the contribution from the College be maximised and partnership support increased. HCFE have therefore substantially increased their borrowing (£9.3m) to deliver the scheme and sought a further contribution of £1.5m equally shared among partner organisations including the Council, One North East and Teesside University. The support in principle was formalised with a letter jointly signed by the parties and presented as part of the final funding submission to the LSC. The University of Teesside had also previously agreed to contribute £1.5m to the scheme.

4. PROPOSALS/FINANCIAL SUPPORT PACKAGE

- 4.1 Contributions of £500,000 from One North East and Teesside University are being sought by HCFE.
- 4.2 Cabinet approved a contribution of £500,000 at its meeting on the 16th November 2009. It was proposed that the funding could be met from a variety of sources already approved within the Authority's control including £60,000 from existing identified regeneration budgets, £191,683 from the Working Neighbourhoods Fund 2009/10 & 2010/11 allocation that has been previously agreed by the Hartlepool Skills Partnership. It was proposed the remaining £248,317 contribution would come from the Albert Street capital receipt, (£470,250).

5.0 REGENERATION BENEFITS

- 5.1 The £51.3m investment in the HCFE redevelopment scheme will deliver a very significant positive impact upon the skills development and education opportunities available to residents of the town. It will raise the profile of further and vocational education in the town and help to raise aspirations and access to and participation in higher education. The proposals will therefore help to address the considerable skills deficit in the community to the benefit of local people, the local economy and the economic regeneration of the area.
- 5.2 The proposed development would also provide major economic benefits to the town centre as the facility will provide a regional draw for students and increase the number of users. Trade from the College is crucial to the vitality

and viability of the town centre which in turn provides convenient services for potential users of the College.

- 5.3 The Council contribution to the revised redevelopment scheme has significant regeneration benefits outlined above. There are also some additional reciprocal benefits that would result from a closer working relationship between HCFE including use of new facilities and shared parking arrangements.

6.0 PROPOSAL

6.1 Council is requested to:

- a) approve a contribution of £500,000 towards the HCFE redevelopment;
- b) fund this from the use of £248,317 from the capital receipt received from the sale of Albert Street car park and £251,683 from existing regeneration budgets; and
- c) approve the resulting amendments of the approved Capital Programme.

7.0 CONTACT OFFICER

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Report of: Chief Executive

Subject: BUSINESS REPORT

1. CHILDREN'S SERVICES SCRUTINY FORUM – APPOINTMENT OF SCHOOL GOVERNOR REPRESENTATIVE

As Members are aware, there are two statutory added Member positions on the Membership of the Children's Services Scrutiny Forum for school governing body representatives from both the primary and secondary sectors. There are currently vacancies to both of these positions. A nomination has now been received for a secondary school governor. Tracey Priestman a governor at Manor College of Technology has been duly nominated to the secondary school position for a term of three years. Council's approval to the nomination is required.

The instructions of Council are requested.

2. TALL SHIPS BOARD

Members will recall that at the meeting of Council held on 29 October 2009, the Deputy Mayor, Councillor Robbie Payne requested nominations to the Tall Ships Board following the resignation of Councillor J Marshall. The Admin Group subsequently nominated Councillor Martyn Aiken to the position and the appointment has been confirmed by the Deputy Mayor.

Council is also informed that the Conservative Group had requested that Councillor David Young replace Councillor Pauline Laffey on the membership of the Tall Ships Board. The Deputy Mayor, Councillor Robbie Payne, has approved the change in appointment.

3. MEMBER ATTENDANCES AT MEETINGS

As Members are aware, the Scrutiny Coordinating Committee has established the Members Attendances Working Party to explore 'how' and 'what' members' attendances are recorded and reported. In seeking to

establish both the best way forward and the level of other attendances members undertake, the Working Group has considered options for the recording of those attendances and now wishes to explore the viability of using a 'proforma' form to allow Members to record attendances at other meetings (including outside bodies). In order to do this, the Working Group has requested that a pilot / trial exercise, utilising a template 'proforma', be undertaken during December and January with the results of the pilot to be considered by the Working Group in the formulation of its recommendations to the Scrutiny Co-ordinating Committee.

Members will have received a letter outlining the basis of the pilot / trial and the Working Group encourages all Members to participate and forms are available either on paper or electronically, to be returned to, the Members Services Office.