

Chief Executive's Department
Civic Centre
HARTLEPOOL

6 September 2011

The Mayor (Stuart Drummond)

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barday, Brash, Cook, Cranney, Fenwick, Fleet, Fleming, Gibbon, Griffin, Hall, Hargreaves, Hill, Ingham, Jackson, James, Lauderdale, Lawton, A E Lilley, G Lilley, Loynes, Maness, A Marshall, J Marshall, J W Marshall, McKenna, Dr. Morris, Payne, Preece, Richardson, Robinson, Rogan, Shaw, Shields, Simmons, Sirs, Sutheran, Tempest, Thomas, H Thompson, P Thompson, Turner, Wells, Wilcox and Wright.

Madam or Sir

You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY 15 September, 2011 at 7.00 pm in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

A handwritten signature in black ink that reads 'N. Bailey'.

N Bailey
Acting Chief Executive

Enc

COUNCIL AGENDA



15 September 2011

at 7.00 pm

in the Council Chamber

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 Council meeting held on 4 August 2011 (copy attached) and the Extraordinary Council meetings held on 25 August 2011 (to follow) and 9 September (to follow) as a correct record.
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.
 - (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given.

8. To deal with any business required by statute to be done.
 - (i) Special Urgency Decisions – No special urgency decisions were taken in respect of the period April 2011-June 2011.
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;
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) Food Law Enforcement Service Plan 2011/12
 - (b) Proposals for departures from the budget and policy framework
 - (i) Delivery Of The Church Square Masterplan
 - (ii) Purchase of premises in the Central Regeneration Area and Sale of Land at Tanfield Road adjoining Stranton Cemetery
14. To consider any motions in the order in which notice has been received.
 - (a) Hartlepool Borough Council supports Barnardo's campaign to cut children free from sexual exploitation and will continue to take the necessary steps to protect the children of Hartlepool from this form of abuse.

Signed by:

Councillor Simmons
Councillor C Akers-Belcher
Councillor S Akers-Belcher
Councillor James
Councillor Wilcox

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

COUNCIL

MINUTES OF PROCEEDINGS

4th August 2011

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

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

COUNCILLORS:

Aiken	C Akers-Belcher	S Akers-Belcher
Barclay	Brash	Cook
Fenwick	Fleet	Fleming
Gibbon	Griffin	Hall
Hargreaves	Hill	Jackson
James	Lauderdale	Lawton
A Lilley	G Lilley	Loynes
Maness	A Marshall	J Marshall
J W Marshall	McKenna	Dr. Morris
Payne	Preece	Robinson
Rogan	Shields	Simmons
Sirs	Tempest	Thomas
H Thompson	P Thompson	Turner
Wells	Wilcox	Wright

OFFICERS:

Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Joanne Machers, Chief Customer and Workforce Services Officer
Chris Little, Chief Finance Officer
Dave Stubbs, Director of Regeneration and Neighbourhoods
Caroline O'Neill, Assistant Director, Child and Adult Services,
Alastair Smith, Assistant Director, Regeneration and Neighbourhoods
Joan Stevens, Scrutiny Manager
Alastair Rae, Public Relations Manager
Denise Wimpenny, David Cosgrove, Democratic Services Team

Prior to commencement of the main business, the Chair welcomed the Chief Solicitor to the meeting following his recent absence.

36. APOLOGIES FOR ABSENT MEMBERS

The Mayor, Stuart Drummond and Councillors Cranney, Ingham, Shaw and Sutheran

37. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

39. PUBLIC QUESTION

None

40. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 23rd June 2011, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

Further to minute 22, the Performance Portfolio Holder referred to the letter which had been circulated updating Members on the free school meal situation and advised that he was happy to answer Member questions on the subject.

42. 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

(i) Question from Councillor Preece to Chair of Health Scrutiny Forum

‘Individual Members of the Forum, including some who are newly appointed, have been widely accused of complicity in the decision to close Hartlepool Hospital’s A and E Department taken by North Tees and Hartlepool NHS Foundation Trust. Will you please explain the Health Scrutiny Forum’s role in any discussions that preceded implementation of the Trust’s decision.’

The Chair of the Health Scrutiny Forum responded that this had been well documented both within the local and regional media and also within Council minutes and documents. The Chair provided details of when this issue had been considered together with the various stages in the process.

Prior to the first supplementary question, Councillor Preece stated that he had not had the opportunity to contribute to this issue. Councillor Preece asked whether the Chair would agree that this question was considerably wider than a matter of access for Hartlepool patients and their relatives. Hartlepool General was still one of the largest employers in the town and concerns were expressed that the continuing reduction in services would have a detrimental impact on Hartlepool’s economy. In response, the Chair welcomed the question regarding the wider issues in terms of long term sustainability and highlighted that all Members had been given the opportunity to contribute. The Chair urged all Councillors to utilise this opportunity to review and monitor these changes to service provision and determine how to ensure health services were sustainable in the town.

In a second supplementary question, Councillor Preece questioned what was happening to any democratic influence in decisions made by unelected bodies and requested that this issue be considered as part of the monitor and review process. Whilst the Chair acknowledged the need for change, the limited powers of Elected Members in relation to decisions of the Health Trust were highlighted.

During the debate that followed it was proposed that:-

“This Council is absolutely opposed to any reduction in existing services at the University Hospital of Hartlepool site until the proposed new Hartlepool Hospital is fully implemented. We, therefore, call upon the Health Scrutiny Forum to continue to review, monitor and challenge the Hospital Trust’s commitment to deliver sustainable health services from the University Hospital of Hartlepool site.

Additionally, we call upon Health Scrutiny Forum to facilitate a series of meetings, involving Health Service professionals, in delivering their work programme via a roadshow, within the community, affording ALL residents the opportunity to actively participate whilst raising awareness of the true facts regarding the delivery of hospital services including the reconfigured Accident and Emergency and Minor Injury services.”

In a lengthy subsequent debate, Members debated issues raised in the question and above proposal including some concerns regarding the consultation process and the impact the closure of this department had placed on the community. The Chair of the Health Scrutiny Forum expressed his disappointment regarding the low level of public participation during the consultation process and work of the Health Scrutiny Forum prior to the closure and emphasised that the concerns raised had not been highlighted at the Health Scrutiny Forum meetings. The importance of the Council's commitment to work with Health providers in ensuring the provision of sustainable health care services was highlighted.

Whilst disappointment was expressed regarding the closure of the accident and emergency department, the health and safety reasons for this decision were acknowledged by the majority of Members. Members discussed the pending introduction of Health and Wellbeing Boards and the impact on future health decisions.

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken in relation to the recommendation:-

Those in favour of the recommendation:

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barclay, Brash, Cook, Fenwick, Fleet, Fleming, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Lauderdale, Lawton, A E Lilley, G Lilley, Loynes, Maness, A Marshall, J Marshall, J W Marshall, McKenna, Dr. Morris, Payne, Preece, Richardson, Robinson, Rogan, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson, Turner, Wells, Wilcox and Wright

Those against the recommendation:

None

The vote was carried.

(ii) Question from Councillor G Lilley to Chair of Council

'Given that the closure of Hartlepool University Hospital A&E Department occurred against the wishes of the majority of the people of Hartlepool - and (it would appear), against the wishes of the majority of Hartlepool and East Durham Councillors, will you as Chairman of the Council call an extraordinary Council meeting (as matter of urgency) where the full issue of loss of hospital based A&E services can be debated.'

The Chair queried if the questioner still wished to pursue his question in light of the resolution unanimously agreed by Council in relation to 42 (b)(i) above to which Councillor G Lilley confirmed he did.

RESOLVED – that an Extraordinary meeting of Council be held prior to the next scheduled ordinary meeting of Council.

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

None

Minutes of the meetings of Cleveland Police Authority held on 16th February 2011, 24th February 2011, 15th April 2011 and 26th May 2011 and the meetings of the Cleveland Fire Authority held on 25th March 2011 were submitted.

43. BUSINESS REQUIRED BY STATUTE

- (i) Report on Special Urgency Decisions

No special urgency decisions had been taken in respect of the period April 2011-June 2011.

44. ANNOUNCEMENTS

None

45. 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

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

None

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

- (i) Overview and Scrutiny Annual Report 2010/11

In accordance with the Constitution, the Chair of the Scrutiny Co-ordinating Committee presented the Authority's Overview and Scrutiny Annual Report for 2010/11 to Council (booklet had been circulated separately), which outlined how the Overview and Scrutiny Function had developed and highlighted the key areas of work which had been undertaken by each of the Scrutiny Forums over the past year.

The Chair of Scrutiny Co-ordinating Committee thanked the Scrutiny Manager and her team, on behalf of Scrutiny Members, for their support over the previous year. Thanks were also expressed to Resident Representatives and members of the public who had participated in scrutiny investigations.

RESOLVED – That the report be noted.

(ii) Petition to Council – ‘Hear ‘n’ Hartlepool’

A report was submitted which informed Members of the receipt of a petition containing the requisite number of signatories (more than 1,500) to trigger a debate in Council. The Council had formally adopted a Petition Scheme 10th June 2010 and had also issued a ‘Guidance Note – Duty to Respond to Petitions’ to accompany the adopted scheme.

Members were advised that the Council had received a petition containing approximately 1600 signatures and a statement of the subject matter which the petitioners, as submitted through the petitioner organiser, wished the Council to debate, namely;

‘Many residents are suffering, distressed and alarmed by the state of affairs within the council evidenced by good and bad publicity, leaks from within the council, media coverage and generally, the word on the street. Enough is Enough!’

We: "Hear 'n' Hartlepool" are asking Full Council to support a public inquiry into HBC Executive and Management so that informed choices can be made into action and accountability as previous research is known to have flaws and so may be invalid.

Please embrace this opportunity to empower local people in making a local impact!’

The report set out details of the process in respect of Council considering the petition and the possible steps the Council could choose to take in response to a petition.

The above petition had been submitted to the Council by Christine Blakey, Lead Petitioner, who was in attendance at the meeting. In accordance with the Council’s Petition Scheme, the lead petitioner presented the petition to Council. As there were no questions of clarification for the lead petitioner the Deputy Mayor responded in the absence of the Mayor. The Deputy Mayor reported that having considered the contents of the petition, it was recommended that no action be taken.

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken in relation to the recommendation:-

Those in favour of the recommendation:

Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Brash, Cook, Fenwick, Fleet, Griffin, Hall, Hargreaves, Hill, Jackson, James, Lauderdale, Lawton, Loynes, Maness, A Marshall, J W Marshall, McKenna, Dr. Morris, Payne, Richardson, Robinson, Rogan, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson, Turner, Wells and Wilcox

Those against the recommendation:

Aiken, Fleming, Gibbon, A E Lilley, G Lilley, J Marshall, Preece and Wright

The vote was carried.

RESOLVED – that no action be taken.

48. REPORT FROM THE EXECUTIVE

- (a) Proposals in relation to the Council's budget and policy framework
 - (i) Adoption of the Tees Valley Joint Minerals and Waste Development Plan Documents

The report sought approval to adopt the Tees Valley Joint Minerals and Waste Development Plan Documents (DPDs) which would guide future minerals and waste development in Hartlepool for the next 15 years.

Members were advised that the Joint Tees Valley Minerals and Waste DPDs set out the spatial planning framework for guiding the development of minerals and waste facilities and operations. They had been prepared jointly by the five Tees Valley authorities. The Council had approved the 'publication' versions of the DPDs in August 2010 following which representations were invited on the soundness of the documents. Approval was also given to submit these documents to the Secretary of State. These final versions were "submitted" to the Secretary of State in November 2010.

An examination in public had been held in February 2011 and hearings had taken place on the 8th, 9th and 23rd of February. The Inspectors report had been received on the 16th May 2011 and the non-technical summary was included in the report. This endorsement allowed the Tees Valley Authorities to adopt the DPDs without further delay. The Tees Valley Authorities were now taking the DPDs through their democratic systems to seek endorsement to adopt. The Authorities had to adopt on the same day and a preliminary date of the 15th September had been set. To meet the regulations the adoption of the DPDs would be advertised in the press and an Adoption Statement sent to the Secretary of State and to those individuals and organisations who had requested one.

At a meeting held on Thursday 7th July 2011 Cabinet had agreed to recommend to Council to adopt the Tees Valley Minerals and Waste DPDs in so far as they relate to the Borough of Hartlepool.

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken in relation to the recommendation:-

Those in favour of the recommendation:

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barclay, Brash, Cook, Fenwick, Fleet, Fleming, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Lauderdale, Lawton, A E Lilley, G Lilley, Loynes, Maness, A Marshall, J Marshall, J W Marshall, McKenna, Dr. Morris, Payne, Preece, Richardson, Robinson, Rogan, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson, Turner, Wells and Wilcox

Those against the recommendation:

None

Those abstaining from voting process

Councillor Wright

The vote was carried.

RESOLVED - That the Tees Valley Minerals and Waste DPDs be adopted in so far as they relate to the Borough of Hartlepool.

- (b) Proposal for Departure from the Budget and Policy Framework
- (i) Delivery of the Church Square Masterplan

The report provided Council with details of Cabinet's proposed variations to the approved 2011/2012 Budget and Policy Framework and Cabinet's request to vire the uncommitted balance of the capital Major Regeneration Projects budget of £390,000 for this scheme.

A detailed report, a copy of which had been circulated, had been considered by Cabinet on 1st August 2011 outlining the background and context of the Church Square Masterplan and details of the proposed first phase of works including funding, consultation and delivery arrangements.

The Regeneration and Economic Development Portfolio Holder sought Council's approval to defer this item of business to the next meeting of Council to allow Members additional time to consider this issue and sought further approval that no recorded vote be taken in relation to this decision.

RESOLVED –

- (i) That consideration of the report be deferred for consideration at the next Ordinary Council meeting.
- (ii) That no recorded vote be taken in relation to this decision.

(ii) Jackson's Landing Project

The report provided Council with details of Cabinet's proposed variations to the approved 2011/2012 Budget and Policy Framework to use Prudential Borrowing to purchase Jackson Landing to facilitate the onward sale and redevelopment of this site. Jacksons Landing was identified as a prominent building on a strategically important site identified within the Council's Central Investment Regeneration Framework. The building was also identified within the Mayor's key derelict building and untidy land listing. The site was currently occupied by a former retail outlet building. The building had been derelict for over 5 years with no interest in the building being forthcoming despite extensive marketing.

It was noted that Scrutiny Coordinating Committee had considered reports on 25th March & 3rd June 2011 setting out a range of options to facilitate the regeneration of Jacksons Landing through intervention by the Council. The Scrutiny Coordinating Committee had been very supportive of the proposal to take a proactive lead to purchase and facilitate redevelopment for the wider economic regeneration benefits of the town and were unanimous in their support at their last meeting on 3rd June 2011. Members had acknowledged that the Council would need to move quickly and were of the view that purchasing the site was the most appropriate way forward.

Members were advised that the proposal approved by Cabinet for Council consideration was the purchase and onward sale of Jackson's Landing. It was considered that this would provide the best opportunity to achieve the Council's ambitions and maximise the economic development and financial returns to the Council. The timescale to achieve this including securing planning permission would take up to 12 months and therefore a decision had to be taken to proceed with the acquisition without the comfort of a 'back to back' deal, but in the knowledge that increasing market interest exists, particularly by residential developers. This arrangement would include safeguards to ensure the successful developer completed the agreed development within a specified time period, or if this is not achieved the site reverts to the Council and the capital receipt paid is retained by the Council. As a backstop position the land could be sold for this use at a price in excess of that to be paid by the Council.

The business case for the purchase and onward sale option had identified a potential financial risk from the timing of the sale and purchase, as the purchase will take place in 2011/12 and the sale is not expected to be completed until 2012/13. This position is manageable. There is a greater financial risk if the onward sale is delayed beyond 2012/13, or is not achieved and this would result in unbudgeted revenue costs as detailed in paragraph 1.5 of Appendix A. which contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that information).

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken in relation to the recommendation:-

Those in favour of the recommendation:

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barclay, Brash, Cook, Fenwick, Fleet, Fleming, Griffin, Hall, Hargreaves, Hill, Jackson, James, Lauderdale, Lawton, Loynes, Maness, A Marshall, J W Marshall, McKenna, Dr. Morris, Payne, Preece, Richardson, Robinson, Rogan, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson, Turner, Wells and Wilcox

Those against the recommendation:

Councillors Gibbon, A E Lilley, G Lilley, J Marshall and Wright.

The vote was carried

RESOLVED – That Cabinet's proposals be approved as follows:-

- a) To use Prudential Borrowing to purchase Jacksons Landing to facilitate the onward sale and redevelopment of this site;
- b) To note that if the previous recommendation is approved the capital programme and approved Prudential Borrowing indicators will be amended to include this scheme as detailed in paragraph 1.2 of Appendix A which contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that information.
- c) To note the potential revenue commitments if the onward sale of Jackson's Landing is delayed, or a sale is not completed as detailed in paragraphs 1.5 to 1.9 of Appendix A;
- d) To note that the onward sale is expected to generate a net capital receipt, after repayment of the Prudential Borrowing used to finance the purchase of Jackson's landing. Proposals for using these resources will need to be developed as part of the 2012/13 budget process and will need to address capital risks facing the Council, such as Housing Market Renewal costs.

49. MOTIONS ON NOTICE

None

50 GENERAL PURPOSES COMMITTEE

Members were reminded that at the last meeting of Council, it was noted that Councillor Gibbon had resigned from the General Purposes Committee. No replacement Member was appointed at the last Council meeting. Members

were, therefore, requested to consider further whether they wished to appoint to the vacancy.

RESOLVED – That Councillor James be appointed to the General Purposes Committee.

51 TRUSTS WORKING GROUP

A number of nominations had been made at the last Council meeting in respect of the above Working Group. As agreed, Independent Councillors had been contacted on an individual basis to seek expressions of interest. As a result of that correspondence, Councillor J Marshall had advised of his interest in the Independent Councillor vacancy on the Working Group.

RESOLVED – That Councillor J Marshall be appointed to the Independent Member position on the Trusts Working Group.

52. DECISION OF CABINET – 18th JULY 2011 - DEPARTMENT FOR WORK AND PENSIONS – WORK PROGRAMME

As required by Rule 18 of the Overview and Scrutiny Procedure Rules, the Assistant Chief Executive reported that, at the meeting on 18th July 2011, Cabinet had considered a report entitled "Department of Work and Pensions – Work Programme". Cabinet had decided that the decision was urgent due to the commercial timescale and competitive framework for the delivery of the Department of Work and Pensions Work Programme Contract. Therefore, in the absence of a quorum, the Mayor had decided that in accordance with Rule 18 the decision should not be subject to the call in procedures. The Chair of the Scrutiny Co-ordinating Committee had been consulted and had agreed that the decision was urgent.

RESOLVED – That the report be noted.

53. APPOINTMENTS TO JOINT COMMITTEES AND OTHER OUTSIDE BODIES

Further to the nominations to Joint Committees and other Outside Bodies which had been agreed at the Council meeting on 23 June 2011, Council was requested to consider the following issues.

North East Regional Employers Organisation

Unfortunately, due to an error, Council had been requested to appoint four Members to the North East Regional Employers Organisation (NEREO). There were, however, only three places available to the Council on NEREO, one Member of which was also then nominated to the Executive Body of NEREO.

At the Council meeting on 23 June 2011 Members had appointed Councillors Brash, Lawton, Rogan and Loynes to the Organisation. Councillor Lawton has indicated that she wished to withdraw her nomination allowing for the three

remaining names to go forward. Council was requested to nominate one of the three members to the Executive Body of NEREO.

RESOLVED –

- (i) That Councillors Brash, Rogan and Loynes be confirmed as the Council's representatives on the North East Regional Employers Organisation
- (ii) Councillor Brash be appointed to the Executive Body of NEREO.

Hartlepool Credit Union

At Annual Council on 26 May 2011 Councillors C Akers-Belcher, Ingham James and Simmons had been nominated to the Credit Union. Councillor Ingham had indicated that he did not wish to proceed in taking up a place with the Credit Union. Council was, therefore, requested to nominate an alternative Member.

RESOLVED – That Councillor Ged Hall be appointed to the vacancy on the Hartlepool Credit Union to replace Councillor Ingham.

Tees Valley Health Scrutiny Joint Committee

Council was informed that at its meeting on 4 July 2011 the Health Scrutiny Forum had appointed Councillors Stephen Akers-Belcher, Sheila Griffin and Geoff Lilley as the Forum's representatives to the Tees Valley Health Scrutiny Joint Committee for 2011/12

RESOLVED – That the item be noted.

Schools Admissions Forum

Council was informed that at its meeting on 19 July 2011 the Children's Services Scrutiny Forum had appointed Councillors Fleet, Griffin, Ingham, Simmons and Wells as the forum's representatives to the Schools Admissions Forum.

RESOLVED – That the item be noted.

54. CHIEF EXECUTIVE

Following consideration by the Council Working Group on 20th June, 18th July and 25th July, the following proposal was submitted for the consideration of the Council:-

'The retirement of the current post holder presents not only a significant challenge to the Council, but also a real opportunity to find an alternative (and potentially much less costly) solution for the Executive Leadership of this Council.

Members recognise the considerable pool of expertise, experience, talent and vision that exists in the current Corporate Management Team. Members also very much support the notion of staff development and succession planning and the culture of 'growing our own staff'. Members are keen to ensure the continuity and consistency of service that will reassure Members and residents that 'business as usual' is the order of the day.

Members are aware that with a smaller workforce and considerably fewer elected Members, careful thought will need to be given to how Hartlepool Borough Council is led (both democratically and administratively). With this in mind, Members are minded to recommend putting a temporary arrangement in place, as a holding operation, to allow sufficient time to be given for careful consideration of potential restructuring and the future leadership of the paid service. Members are determined to be fully involved at all stages of this process so that they can be satisfied that the ultimate solution is efficient, cost effective and, most important of all, one that will best fit the uniqueness of our town.

With all the above in mind, Members recommend the creation of a temporary post of 'Acting Chief Executive'. The principal responsibility of the post holder will be to ensure the concept and delivery of 'business as usual' until the ultimate decision about the appropriate replacement of the role of Chief Executive is made. The temporary arrangements will achieve, in their entirety, (including backfilling) an absolute minimum net savings target of £70,400 in this financial year. *This will be made possible by paying the legal minimum level of temporary honoraria across the whole arrangement **including backfilled posts***. Should it prove necessary to continue with the temporary arrangement past the end of the current budgetary period a pro rata saving should be achieved for the duration of the extension. The terms, conditions and salary of the post should reflect the responsibility of the role to be played, and be based on the salary of the substantive post plus an appropriate temporary honorarium and be agreed by full Council. The temporary arrangement will cease upon the permanent appointment of a Chief Executive or alternative.

Applications for the post should be ring fenced to appropriately experienced and qualified officers of Hartlepool Borough Council and the successful applicant appointed by the Appointments Panel agreed by Council and their decision subject to Council approval where no well-founded objection has been made by any member of the executive.

A further recommendation is that backfilling should be minimised and, where this proves to be necessary, work should be allocated by the Acting Chief Executive to appropriately qualified and experienced staff in as cost effective manner as possible with the proviso that any temporary appointment at Director or Assistant Director level will be subject to current appointment process and practice by an Appointments Panel and any additional payments to Chief Officers in relation to acting up will be approved by the Performance Portfolio Holder.'

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken in relation to the recommendation:-

Those in favour of the recommendation:

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barclay, Brash, Cook, Fenwick, Fleet, Fleming, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Lauderdale, Lawton, A E Lilley, G Lilley, Loynes, Maness, A Marshall, J W Marshall, McKenna, Dr. Morris, Payne, Preece, Richardson, Robinson, Rogan, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson, Turner, Wells, Wilcox and Wright

Those against the recommendation:

J Marshall

The vote was carried.

RESOLVED – That the recommendations of the Council Working Group, as set out above, be agreed.

The meeting concluded at 8.18 p.m.

CHAIR

EXTRAORDINARY COUNCIL

MINUTES OF PROCEEDINGS

25 August 2011

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

PRESENT:-

The Vice-Chairman (Councillor S Akers-Belcher) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

C Akers-Belcher	Barclay	Brash
Cook	Cranney	Fenwick
Fleet	Gibbon	Hall
Hill	Jackson	Lawton
Loynes	A Marshall	J Marshall
J W Marshall	Dr. Morris	Preece
Robinson	Rogan	Shaw
Shields	Simmons	Sutheran
Tempest	Thomas	H Thompson
Turner	Wells	Wilcox
Wright		

OFFICERS:

Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Joanne Machers, Chief Customer and Workforce Services Officer
Julian Heward, Public Relations Team
Denise Wimpenny, Angela Armstrong, Democratic Services Team

55. APOLOGIES FOR ABSENT MEMBERS

Councillors Aiken, Griffin, Hargreaves, Ingham, James, A Lilley, G Lilley, Maness, McKenna, Payne, Richardson, Sirs and P Thompson

56. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

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

(i) Report of Appointments Panel

In the absence of the Chair of the Appointments Panel, the Mayor informed Council of the Panel's proposed appointment to the post of Acting Chief Executive and requested Council's approval of this appointment.

At its meeting on 23 June 2011, Council had established an Appointments Panel to recruit a replacement for the Chief Executive, who was due to retire on 31 August 2011. Council had confirmed at a subsequent meeting on 4 August to make a temporary appointment of Acting Chief Executive and Head of Paid Service. The Panel had met on two occasions to determine the job description and person specification, agree a process for selection and to make an appointment. and the process adopted had followed standard personnel good practice for such an appointment. Following the interview process on 17 August 2011, the Appointments Panel had agreed unanimously to the appointment of Nicola Bailey, the Council's current Director of Child and Adult Services.

Before the appointment could be made there was a statutory requirement for full Council to approve the appointment. No objections had been received from Cabinet Members.

The Mayor took the opportunity to welcome Nicola Bailey and convey the Council's support and best wishes in relation to her new role. Those sentiments were endorsed by Councillor Simmons on behalf of the Labour Group.

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken in relation to the recommendation:-

Those in favour of the recommendation:

The Mayor, Stuart Drummond, Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Brash, Cook, Cranney, Fenwick, Fleet, Gibbon, Hall, Hill, Jackson, Lawton, Loynes, A Marshall, J W Marshall, Morris, Robinson, Rogan, Shields, Simmons, Tempest, Thomas, H Thompson, , Turner, Wells, Wilcox and Wright

Those against the recommendation:

None

Those abstaining from voting process

Councillor J Marshall

The vote was carried.

RESOLVED – That the appointment of Nicola Bailey, to the post of Acting Chief Executive and Head of Paid Service, be approved, on a temporary basis, until the permanent appointment of a Chief Executive or alternative.

59. ANNOUNCEMENTS

The Vice-Chair of Council reported that an Extraordinary Meeting of Council would be held on Thursday 8 September at 7.00 pm in the Council Chamber to discuss the closure of the accident and emergency unit at the University Hospital of Hartlepool.

The meeting concluded at 7.06 pm.

CHAIR



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

Subject: FOOD LAW ENFORCEMENT SERVICE PLAN
2011/12

1. PURPOSE OF REPORT

- 1.1 To present the draft Food Law Enforcement Service Plan for 2011/12, 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 2011/12 is attached as **Appendix 1** and takes into account the guidance requirements.
- 2.5 The plan has previously been considered by Cabinet on 18th July 2011, Neighbourhood Services Scrutiny Forum on 27th July 2011 and Cabinet on 15th August 2011.

3. THE FOOD LAW ENFORCEMENT SERVICE PLAN

3.1 The Service Plan for 2011/12 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 Wellbeing, Community Safety, Environment, Culture and Leisure and Strengthening Communities).

(iii) Legislative Powers and Other Actions Available:

Powers to achieve public safety include programmed inspections of premises, appropriate registration/approval, 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 2010/11.

4. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

4.1 During 2010/11 the service completed 100% of all programmed food hygiene inspections planned for the year. As a result of prioritising resources in this area and additional work generated by the Tall Ships Event we were unable to achieve the targets set in respect of food standards and feeding stuffs inspections. In total 199/248 (80%) of food standards inspections were achieved and 13/47(27.7%) of feeding stuffs inspections. The outstanding inspections will be added to the programme for 2011/2012.

4.2 A significant amount of resource went into the planning stage leading up to the Tall Ships Event to ensure that it ran as smoothly as possible. Prior to the event, liaison took place with partner agencies including the HSE, Police, Defra and other local authorities to ensure that we were prepared to respond to any matters of evident concern.

- 4.3 Officers carried out advisory visits to nearly 100 existing traders to discuss the potential impact on their businesses and how potential problems could be overcome. During the event a total of 112 inspections and 16 revisits were undertaken on the Tall Ships site and surrounding Marina area, with a further 20 inspections undertaken at the Headland Carnival, which was also taking place. As the event went without any major hitches thankfully no formal enforcement action was necessary.
- 4.4 A total of 227 microbiological samples were taken during 2010/11, of which 44 were regarded as unsatisfactory; mainly due to high bacterial counts. Only 6 of these results related to food samples; 5 of which were resampled and reported to be satisfactory. A significant number of wiping cloths sampled were found to be unsatisfactory (13/19). This trend has been mirrored across the region. Advice was given to the food business operators and a guidance note is currently being prepared by the Health Protection Agency.
- 4.5 Relatively few food standards samples failed to meet statutory requirements (13/178); with the majority of failures relating to labelling declarations. Advice was given to the businesses concerned and where appropriate referrals were made to the Home Authority.
- 4.6 On 1st 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.
- 4.7 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 after 12, 24, 36 and 48 months:

No. of Stars	Number of Premises (1/4/07)	%	Number of Premises (1/4/08)	%	Number of Premises (1/4/09)	%	Number of Premises (1/4/10)	%	Number of Premises (1/4/11)	%
5	24/759	3%	85/762	11.1%	163/721	22.6%	237/709	33.4%	289/718	40.2%
4	155/759	20%	217/762	28.5%	233/721	32.3%	205/709	28.9%	200/718	27.9%
3	226/759	30%	294/762	38.6%	237/721	32.9%	195/709	27.5%	152/718	21.2%
2	262/759	35%	137/762	18.0%	65/721	9%	60/709	8.5%	62/718	8.6%
1	60/759	8%	26/762	3.4%	17/721	2.4%	12/709	1.7%	13/718	1.8%
0	32/759	4%	3/762	0.4%	6/721	0.8%	0/709	0%	2/718	0.3%

- 4.8 Whilst the number of premises awarded 3 stars and above is similar to the previous year (89.3% compared to 89.8% in 2009 -10) it is pleasing to note that there has been a significant increase in the proportion of 5 star ratings (a 6.8% increase from 2009 -10).
- 4.9 As at the 1st April 2011, 94% of businesses in the borough were “Broadly Compliant” with food safety requirements (in 2008-09 the figure was 89.3%, and in 2009-10 it was 91.5%). For food standards 94% of businesses achieved broad compliance (in 2008-09 the figure was 93.3% and in 2009-10 it was 96.3%). We aim to concentrate our resources on carrying out interventions at those businesses which are deemed not to be ‘broadly compliant’ (those achieving 2 stars or less). In the current financial climate we anticipate that it may become increasingly difficult to secure improvements and will where necessary take enforcement action.
- 4.10 In November 2010, The Food Standards Agency launched a national Food Hygiene Rating Scheme (FHRS) however in spite of incentives being offered there were very few early adopters of the scheme. One of the main reasons why Hartlepool, in common with other councils, have chosen not to migrate to the FHRS scheme is that under this system, food premises will receive a higher rating than they did under our existing scheme. This could mean that some premises given three stars would receive a rating of four under the new system without improving their performance. Also under the new FHRS system there is a requirement to offer re-inspection for free, which has a manpower implication.
- 4.11 The FSA is currently undertaking a review of how food safety regulations are enforced in the UK and has announced that it is currently pursuing a programme of work to introduce legislation which will require local authorities to adopt the FHRS scheme. Whilst we support the idea of a national scheme, as our current scheme is working very successfully and there would be resource implications to change, we have no plans to migrate to the FHRS at this time.
- 4.12 During 2010/11 no Hygiene Emergency Prohibition Notices were served on businesses however an offer of a voluntary closure was accepted and officers worked with the business to ensure that food safety was not compromised. A total of 6 Hygiene Improvement Notices were served; these were issued in respect of two businesses to ensure compliance with food safety legislation. No prosecutions or Simple Cautions were undertaken.
- 4.13 During 2011/12 there are 360 programmed food hygiene interventions, 269 programmed food standards inspections and 31 feed hygiene inspections planned. (The number of premises liable for inspection fluctuates from year to year as the programme is based on the risk rating applied to the premises which determines the frequency of intervention). An estimated 80 re-visits and 70 additional visits to new/changed premises will be required during the year.

- 4.14 During 2011/12 resources remain challenging. The Public Protection section lost 21% of its overall budget in 2010/11 as part of a Service Delivery Option review and efficiency savings and the service is anticipating further cuts (expected to be in the region of 10%) during 2011/12. Although so far we have not lost any additional posts which directly enforce food legislation due to the implications of previous losses of posts within the section we are having to distribute the workload amongst the remaining workforce to ensure that we make best use of our resources. We anticipate further pressures on the budget in subsequent years.
- 4.15 We will review and update our premises database to ensure it is accurate and reliable so that we can target our resources effectively.

5. RECOMMENDATIONS

- 5.1 It is recommended that Council approves the draft Food Law Enforcement Plan 2011/12.

6. CONTACT OFFICER

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Public Protection Manager
Bryan Hanson House

Telephone Number: 523315

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Hartlepool Borough Council

Food Law Enforcement Service Plan 2011/12

FOOD SERVICE PLAN 2011/12

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INTRODUCTION

This Service Plan details how the food law service will be delivered by Hartlepool Borough Council. The food law service covers both food and feed enforcement.

The 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 2011/12, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2010/11 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and has been subject to Portfolio Holder approval.

1 SERVICE AIMS AND OBJECTIVES

1.1 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
- the effective delivery of its food law service so as to secure appropriate levels of public safety in relation to food hygiene, food standards and feeding stuffs enforcement.

In its delivery of the service the Council will have regard to directions from the Food Standards Agency (FSA), Approved Codes of Practice, the Regulators' Code of Compliance and other relevant guidance.

1.2 Links to Corporate Objectives and Plans

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 Plan
- Regeneration and Neighbourhoods Departmental 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, called Hartlepool's Ambition, looks ahead to 2020 and sets out its long-term vision and aspirations for the future:

'Hartlepool will be an ambitious, healthy, respectful, inclusive, thriving and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential.'

This Food Law Service Plan contributes towards the vision and the Council's 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 Wellbeing

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

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 Regeneration and Neighbourhoods 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 Commercial Services team has a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

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.

2 BACKGROUND

2.1 Profile of the Local Authority

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.

In August , Hartlepool welcomed an estimated 800,000 visitors for the finale of the prestigious 2010 Tall Ships' Races; an internationally acclaimed annual competition held every summer in European waters. The 4 day event provided a rare chance to get ‘up close and personal’ with 60 of the world’s most impressive sailing vessels with the Tall Ships Village offering an amazing variety of attractions, including live bands, street theatre, a folk festival and a World Market, where a range of exotic foods were available.

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 853¹ food establishments in Hartlepool, all of which must be subject to intervention to ensure food safety and standards are being met.

2.2 Organisational Structure

Hartlepool Borough Council is a democratic organisation. It comprises of 48 elected Councilors who are responsible for agreeing policies about provision of services and how the Council's money is spent. The key decision making body is the Cabinet. Members of the Cabinet are appointed by the elected Mayor, and each has a portfolio of responsibility for particular services that the Council provides.

The Portfolio Holder for Adult & Public Health Services provides political oversight for food law enforcement. The Management Organisation is led by the Chief Executive. The Council is made up of three Departments:

Chief Executive's
Child & Adult Services
Regeneration & Neighbourhoods

The food law service is delivered through the Regeneration & Planning Division of the Regeneration & Neighbourhoods Department.

2.3 Scope of the Food Service

The Council's Commercial Services team is a constituent part of the Regeneration & Planning Division and is responsible for delivery of the food service. The food service covers both food and feed enforcement.

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;
- 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.

¹ This figure includes a number of low risk premises which fall outside the intervention programme i.e. which have no inspectable risk (NIR).

Effective performance of the food law service necessitates a range of joint working arrangements with other local authorities and agencies such as the Food Standards Agency (FSA), Health Protection Agency (HPA), HM Revenue & Customs (HMRC), 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 legislation;
- water sampling; including both private and mains supplies & bathing water;
- port health and
- provision of assistance for animal health and welfare inspections, complaint investigation and animal movement issues.

2.4 Demands on the Food Service

The Council is responsible for 853 food premises within the borough mostly comprising retailers, manufacturers and caterers. The food businesses are predominantly small to medium sized establishments and the majority of these are liable to food hygiene and food standards inspections.

In addition there are 88 registered feed businesses for which the Council is the enforcing authority.

The delivery point for the food enforcement service is at:

Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Telephone: (01429) 266522
Fax: (01429) 523308

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. Contact can be made via Hartlepool Housing's Greenbank Offices on (01429) 869424.

2.5 Enforcement Policy

The Council has signed up to the Enforcement Concordat and has in place a Food Law Enforcement Policy, which was approved by the Adult & Public Health Services Portfolio Holder on 21 March 2005.

This policy has recently been revised and incorporated into the Public Protection Enforcement Policy; which is scheduled to be approved by the Adult & Public Health Services Portfolio Holder in June 2011.

3 SERVICE DELIVERY

3.1.1 Interventions Programme

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 2009.

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.

The Code allows local authorities to choose the most appropriate action to be taken to drive up levels of compliance with food law by food establishments. In so doing it 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.

3.1.2 Broadly Compliant Food Establishments

The Code established 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 2011, 94% of businesses in the borough were "Broadly Compliant" with food safety requirements (in 2008-09 the figure was 89.3%, and in 2009-10 it was 91.5%). For food standards 94% of businesses achieved broad compliance (in 2008-09 the figure was 93.3% and in 2009-10 it was 96.3%). We aim to concentrate our resources to increase our current rate by the end of 2011/12 however given the current financial climate this will be extremely challenging.

Since April 2008 local authorities are required to report the same information to the National Audit Office under National Indicator 184.

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.

3.2 Service Delivery Mechanisms

3.2.1 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 overleaf:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Premises
A	6 months	2
B	12 months	37
C	18 months	274
D	24 months	203
E	36 months or other enforcement	205
Unclassified	Requiring inspection/risk rating	0
No Inspectable Risk (NIR)		132
Total		853

Food Standards:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	2
B	24 months	132
C	36 months or other enforcement	585
Unclassified		2
No Inspectable Risk (NIR)		132
Total		853

Feed Hygiene

Risk Category	Frequency of Inspection	No of Premises
A	12 months	0
B	24 months	21
C	60 months	43
Unclassified		24
Total		88

The intervention programme for 2011/12 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	2
B	12 months	35
C	18 months	161
D	24 months	89
E	36 months or alternative enforcement strategy	41
Unclassified		32
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:

On 1 January 2006 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 given to the Commercial Services team to enforce this legislation. The service has 52 primary producers. Targets have been set for Councils to inspect 25% of farms classified as high risk and 2% of low risk premises. We currently do not have any high risk premises.

Food Standards:

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	2
B	24 months	63
C	36 months or alternative enforcement	154
Not classified		50
Total		269

Feed Hygiene :

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	0
B	24 months	16
C	60 months	0
Unclassified		15
Total		31

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 2011/12, 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 quarterly to the Adult & Public Health Services Portfolio Holder as part of the Regeneration & Neighbourhoods Department plan update and recorded on Covalent.

Port Health

Hartlepool is a Port Health Authority although currently no food or feed enters the port. Work in relation to imported food control can therefore ordinarily be accommodated within the day-to-day workload of the service, however if circumstances were to change whereby food or feed was imported/exported additional resources would be required which would have an effect on the programmed inspection workload and other service demands.

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.

3.2.2 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 food premises inspections will be generated for new food businesses during 2011/12.

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.

From 1 January 2006 feed businesses were required be approved or registered with their local authority under the terms of the EC Feed Hygiene Regulation (1831/2003).

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.

3.2.3 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 Leeds. 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 (HPA), 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 2011/12. 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	20
Environmental Complex	25
Certification	15

A sampling programme is produced each year for the start of April. The sampling programme for 2011/12 includes national and regional surveys organised by Local Government Regulation (LGR) and the 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 2011/12

<p>April 2011</p> <p>Re-samples from previous Sandwich Shop Survey</p>	<p>May 2011</p> <p>LGR/HPA Cleaning Standards Survey</p> <p>Local Hot Cabinet Survey</p>	<p>June 2011</p> <p>LGR/HPA Cleaning Standards Survey</p> <p>Local Hot Cabinet Survey</p> <p>Local Mayonnaise Based *RTE Foods Survey</p>
<p>July 2011</p> <p>LGR/HPA Cleaning Standards Survey</p> <p>Local Hot Cabinet Survey</p> <p>Local Mayonnaise Based RTE Foods Survey</p> <p><i>**LGR/HPA Reactive Study tbc</i></p>	<p>August 2011</p> <p>LGR/HPA Cleaning Standards Survey</p> <p>Local Hot Cabinet Survey</p> <p>Local Mayonnaise Based RTE Foods Survey</p> <p><i>**LGR/HPA Reactive Study tbc</i></p>	<p>September 2011</p> <p>LGR/HPA Cleaning Standards Survey</p> <p>Local Hot Cabinet Survey</p> <p>Local Mayonnaise Based RTE Foods Survey</p> <p><i>**LGR/HPA Reactive Study tbc</i></p>
<p>October 2011</p> <p>LGR/HPA Pennington 3 Survey</p> <p>LGR/HPA Imported Meats Survey</p>	<p>November 2011</p> <p>LGR/HPA Pennington 3 Survey</p> <p>LGR/HPA Imported Meats Survey</p>	<p>December 2011</p> <p>LGR/HPA Pennington 3 Survey</p> <p>Local Cream Cakes Survey</p>
<p>January 2012</p> <p>LGR/HPA Pennington 3 Survey</p> <p><i>**LGR/HPA Reactive Study tbc</i></p> <p>LGR/HPA Herbs and Spices Survey</p>	<p>February 2012</p> <p>LGR/HPA Pennington 3 Survey</p> <p><i>**LGR/HPA Reactive Study tbc</i></p> <p>LGR/HPA Herbs and Spices Survey</p>	<p>March 2012</p> <p>LGR/HPA Pennington 3 Survey</p> <p><i>**LGR/HPA Reactive Study tbc</i></p>

* RTE = Ready to Eat Foods

Composition and Labelling Sampling Plan 2011/12

MONTH	TEST	SAMPLES
April	Floral origin of honey	12
May	Sodium declaration of canned vegetables Labels of above products	12 12
June	Added water in cooked meats Labels of the above products	6 6
July	Fish species from local fish and chip shops	15
August	Feed sampling – Mycotoxins	2
September	Meat content of pies from local suppliers	3
October	Feed sampling – Statutory Statement Meat content of pies from local suppliers	2 3
November	School meals survey	6
December	ABV – alcohol in restaurant Spirit testing	15
January	Sugar profile of jams and preserves Labels of the above products	12 12
February	Joint sampling – meat species	10
March	Feed sampling - supplements	2

Total samples = 130

Feeding Stuffs

At present feeding stuffs sampling is being 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 sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments. It is planned that six animal feedingsuffes samples will be taken; two of which will be taken as part of a regional sampling programme.

Together with four other members of the North East Trading Standards Authorities (NETSA) Feed Group we have also submitted a regional bid for funding from the FSA to sample feedstuff as part of the National Co-ordinated Risk-Based Food and Feed Sampling Programme 2011-12. We aim to take samples of any imported feed entering local ports of entry between April to August 2011 and/or samples of feed which has been dried on farm.

Feeding stuffs Sampling Plan 2011/12

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

3.2.4 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.

3.2.5 Provision of advice and information to food/feed businesses

It is recognised that for most local food businesses contact with an officer of the service provides the best opportunity to obtain information and tailored 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 food 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 35 such advisory visits will be carried out during the year.

On 1st April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. Initially each business was awarded a provisional star rating which reflected the risk rating given at the time of the last primary inspection. Since then businesses have been re-inspected and their risk and star rating reviewed in accordance with our intervention programme. The business' current 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. The service has made a commitment to work with businesses to improve their rating, in particular those awarded less than 3 stars.

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.

3.2.6 Investigation of Food / Feed Complaints

The service receives approximately 36 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.

3.2.7 Investigation of Cases of Food Poisoning and Outbreak Control

Incidents of food related infectious disease are investigated in liaison with the North East 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 Services) or an EHO, will liaise with the local Consultant in Communicable Disease Control and, where necessary, the North East 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.

It is estimated that between 100-150 food poisoning notifications are received each year, a large proportion of which are confirmed cases of Campylobacter. As relatively little benefit has been demonstrated from the investigation of individual sporadic cases of Campylobacter only those who are food handlers or live/work in a residential care home will now be routinely investigated.

Any cluster or outbreak identified by the HPA or Environmental Health will be investigated following the agreed outbreak investigation arrangements. In the event of any major food poisoning outbreak a significant burden is likely to be placed on the service and this would inevitably impact on the performance of the inspection programme.

3.2.8 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 Public Protection Manager ensures that a timely and appropriate response is made to each alert.

Out of hours contact is arranged through Hartlepool Housing's Greenbank Offices, 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, it is estimated that the service is likely to be notified of 50 food alerts, product recalls or withdrawals during 2011/12, 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 which may have an effect on the programmed inspection workload and other service demands.

3.2.9 Complaints relating to Food/Feed 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 failure in the management of food/feed safety, or regulatory non-compliance.

Based on the number of complaints in 2010/11 it is estimated that approximately 21 such complaints will be received in 2011/12.

3.3 Complaints Against Our Staff

Anyone who is aggrieved by the actions of a member of staff is encouraged, in the first instance, to contact the employee's line manager. Details of how and who to make contact with are contained in the inspection report left at the time of an inspection.

Formal complaints are investigated in accordance with the Council's corporate complaint procedure.

3.4 Liaison Arrangements

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

- Tees Valley Heads of Public Protection Group
- Tees Valley Food Liaison Group
- Tees Valley HPA/Local Authority Sampling Group
- Tees Valley Public Health Group
- North East Public Protection Partnership
- North East Trading Standards Liaison Group, which incorporates the
- 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, the Health Protection Agency, Defra / Animal Health, OFSTED and the Care Quality Commission.

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

3.5 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.

4 RESOURCES

4.1 Financial Resources

The annual budget for the Consumer Services section in the year 2011/12 is:

	£ 000.0
Employees	513.3
Other Expenditure	142.1
Income	(34.4)
Net Budget	621.1

This budget is for all services provided by this section including Health & Safety, Animal Health, Trading Standards and resources are allocated in accordance with service demands. The figures do not include the budget for administrative / support services which are now incorporated into the overall budget.

4.2 Staffing Allocation

The Director of Regeneration & Neighbourhoods has overall responsibility for the delivery of the food/feed law service. The Assistant Director Regeneration & Planning has responsibility for ensuring the delivery of the Council's Public Protection service, including delivery of the food/feed law service, in accordance with the service plan.

The Public Protection 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 management of the service.

The resources determined necessary to deliver the service in 2011/12 are as follows:

1 x 0.20 FTE Public Protection Manager (with responsibility also for Health & Safety, Licensing, Trading Standards & Environmental Protection)

1 x 0.35 FTE Principal EHO (Commercial Services)(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 Public Protection Manager has responsibility for planning service delivery and management of the Food Law service, Health & Safety at Work, Licensing, Public Health, Water Quality, Trading Standards, Animal Health & Welfare, Environmental Protection and I.T. as well as general management responsibilities as a member of the Regeneration & Planning 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 Technical Officer (Food) 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 intervention programme as well as the delivery of all other aspects of the feed law service.

Administrative support is provided by Support Services based within the Regeneration & Neighbourhoods department.

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

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

4.3 Staff Development

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.

4.4 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.

5. 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.

6 REVIEW OF 2010/11 FOOD SERVICE PLAN

6.1 Review against the Service Plan

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 2010/11.

This service plan will be reviewed at the conclusion of the year 2011/12 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 Public Protection Manager to carry out that review with the Assistant Director Regeneration & Planning.

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.

6.2 Performance Review 2010/11

This section describes performance of the service in key areas during 2010/11.

6.2.1 Intervention Programme

Our target is to complete 100% of the inspection programme for food hygiene, food standards and feeding stuffs. These are extremely challenging targets.

During the year we successfully completed all planned food hygiene inspections, however as a result of prioritising resources in this area and the additional work generated by the Tall Ships Event, we were unable to achieve our targets in respect of food standards and feeding stuffs inspections; 80% of food standards inspections were achieved and 27.7% of feeding stuffs. The outstanding inspections (none of which are high risk) will be added to the programme for 2011/12.

We met our 2 working day response time for all complaints.

6.2.2 Registration and Approval of premises

Premises subject to approval were inspected and given relevant guidance.

6.2.3 Advice and Enforcement in relation to the Tall Ships Event

In addition to the programmed work discussed above a significant amount of resource went into the planning stage leading up to the Tall Ships Event to ensure that it ran as smoothly as possible. Prior to the event, liaison took place with partner agencies including the HSE, Police, Defra and other local authorities to ensure that we were prepared to respond to any matters of evident concern.

Officers carried out advisory visits to nearly 100 existing traders to discuss the potential impact on their businesses and how potential problems could be overcome.

Throughout the 4 day event EHOs and support staff worked a rota system so that we always had experienced personnel on site to tackle problems as they arose. This approach seemed to work well throughout the event. In particular contact with the companies operating the catering operations on site proved invaluable, establishing working links including the presence of a gas safety engineer on site for the whole weekend.

With over 100 separate food stalls on site, gas safety was a major issue, while ensuring good food hygiene practices was also vitally important. An event like this could be ruined by a food poisoning or safety incident, so a constant presence on site was considered essential.

In total 112 inspections and 16 revisits were undertaken on the Tall Ships site and surrounding Marina area, with a further 20 inspections undertaken at the Headland Carnival, which was also taking place. As the event went without any major hitches thankfully no formal enforcement action was necessary.

6.2.4 Food Sampling Programme

The food sampling programme for 2010/11 has been completed. The microbiological results are as follows:

Results for Microbiological Sampling Programme 2010/11

<u>Bacteriological Surveys</u>	Total no. of samples	Number of Samples	
		Satisfactory	Unsatisfactory
<u>Take Away Premises Survey</u>			
Premises visited:	11		
Rice	15	14	1
Cloths	9	5	4
<u>Follow Up Butchers Survey</u>			
Premises visited:	3		
Meat	5	5	0
Sw abs	4	3	1
Cloths	1	0	1
<u>Imported Honey Survey</u>	6	6	0
<u>Local Mobile Survey</u>			
Premises visited:	7		
Food	13	13	0
Sw abs	7	3	4
<u>LACORS / HPA Pennington Study</u>			
Premises visited:	7		
Sw abs	18	9	9 *
Cloths	3	1	2
<u>Local Ice Cream Survey</u>			
Premises visited:	6		
Ice cream	7	7	0
Swabs	6	2	4*
<u>Salmonella in Fresh Herbs</u>	30	30	0
<u>Local Survey of Sandwich Shops</u>			
Premises visited:	19		
Sandw ich fillings	39	34	5*
Sw abs	40	33	7*
Cloths	6	0	6*
LACORS / HPA Survey of Listeria in RTE Food	18	18	0
Total	227	183	44

* Re-sampled and found to be satisfactory.

The results of the food sampled as part of this years sampling programme were generally satisfactory, however those of the environmental samples were disappointing.

Two surveys, the takeaway food and butchers survey were continued on from last year. A significant number of wiping doths taken from takeaway premises were found to be unsatisfactory. This trend has been mirrored across the region. Advice has been given and a guidance note is currently being prepared by the Health Protection Agency.

The Pennington study, local ice-cream survey and sandwich shop survey produced similar poor results relating to cloths and swabs. Advice was again given relating to cloth use and reminders given relating to cleaning practices. Sandwich fillings were sampled in the sandwich shop survey. Investigations into the poor results indicated that the most likely cause was due to mayonnaise not being refrigerated or poor food handling practices.

The composition and labelling results are shown below:

Results for Food Standards Sampling Programme 2010/11:

Nature of Sample	Reason for Sampling	Satisfactory	Unsatisfactory
Cooked Meats	Added Water	6	
	Labelling	6	
Tinned Meals	Fat / Total sugars	10	2
	Labelling	12	
*Honey (Formal)	Moisture/Sugars / Labelling	6	
*Imported Chicken	Added Water / Salt	4	
*Crab Meat (Formal)	Cadmium content	2	
Local Ham Sandwiches	Reformed Meats	19	
Local Pork Sausage	Meat Content	6	
Tinned Fruit	Mercury, Lead, Cadmium	11	1
	Labelling	12	
Breakfast Cereal Bars	Sodium content	12	
	Labelling	12	
Gluten Free Products	Gluten Products	12	
	Labelling	11	1
Sweet Mince meat	Fats / Sugars	4	2
	Labelling	6	
Takeaway Meals	Meat Species	8	2
Ready Meals	Fish Content	4	2
	Labelling	6	
Bottled Mineral Water	Declared Minerals /Nitrate / Nitrite Content	9	3
Totals:	191	178	13

* The Authority participated in a FSA funded survey, in conjunction with other North East Authorities, to sample food originating from outside the EU (Honey, Chicken and Crab Meat were sampled).

Overall there were relatively few food standards samples which failed to meet statutory requirements. Locally produced takeaway meals were sampled for meat species and two lamb dishes were found to contain beef. Advice was given to the businesses concerned.

Other follow up work carried out in respect of failures to comply with composition and Food Labelling Regulations 1996 involved resampling products or referral to the Home Authority for further investigation.

Routine sampling of animal 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 other service demands and the temporary absence of a member of staff during the year.

6.2.5 Food Inspection

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

6.2.6 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 team has continued to offer tailored advice and information on request with 35 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.

6.2.7 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.

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 after 12, 24, 36 and 48 months:

No. of Stars	Number of Premises (1/4/07)	%	Number of Premises (1/4/08)	%	Number of Premises (1/4/09)	%	Number of Premises (1/4/10)	%	Number of Premises (1/4/11)	%
5	24/759	3%	85/762	11.1%	163/721	22.6%	237/709	33.4%	289/718	40.2%
4	155/759	20%	217/762	28.5%	233/721	32.3%	205/709	28.9%	200/718	27.9%
3	226/759	30%	294/762	38.6%	237/721	32.9%	195/709	27.5%	152/718	21.2%
2	262/759	35%	137/762	18.0%	65/721	9%	60/709	8.5%	62/718	8.6%
1	60/759	8%	26/762	3.4%	17/721	2.4%	12/709	1.7%	13/718	1.8%
0	32/759	4%	3/762	0.4%	6/721	0.8%	0/709	0%	2/718	0.3%

Whilst the number of premises awarded 3 stars and above is similar to the previous year (89.3% compared to 89.8% in 2009 -10) it is pleasing to note that there has been a significant increase in the proportion of 5 star ratings (a 6.8% increase from 2009 -10) .

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 to secure compliance.

In November 2010, The Food Standards Agency launched a national Food Hygiene Rating Scheme (FHRS) however in spite of incentives being offered there were very few early adopters of the scheme (only 29 local authority partners had signed up meaning that the results of only 15,013 of the 406,398 inspected food premises in the UK were being displayed).

At the same time 124 councils (including Hartlepool) were displaying ratings for 149,067 outlets on the rival commercial website www.scoresonthedoors.co.uk In addition rather than adopting the FHRS scheme a further 17 London boroughs had opted to keep their own website. Both use a five-star rating system, which the FSA has dropped claiming it is misunderstood by the public.

By 16 May, 90 councils in England had signed up to the FHRS (only three of which are in the North East or London), this compares with 126 councils on the Scores on the Doors rating system. An additional 34 councils were also running their own scheme independently.

One of the main reasons cited as to why councils have chosen not to migrate to the FHRs scheme is that under the FHRs system, food premises will receive a higher rating than they did under the old system. This could mean that some places given three stars will receive a rating of four under the new system without improving their performance.

Also under the new FHRs system there is a requirement to offer re-inspection for free, which has a manpower implication. There have also been concerns raised about the lack of public awareness of the FHRs scheme and the opinion that the website is not as user friendly as the Scores on the Doors website which has been running for several years.

Despite numerous discussions having taken place between the FSA and representatives of the Scores On the Doors User Group no agreement has been reached. The FSA is currently undertaking a review of how food safety regulations are enforced in the UK and has announced that it is currently pursuing a programme of work to introduce legislation which will require local authorities to adopt the FHRs scheme.

Whilst we support the idea of a national scheme, as our current scheme is working very successfully and there would be resource implications to change, we have no plans to migrate to the FHRs at this time.

6.2.8 Complaints

During the year the service dealt with 8 complaints relating to the condition of food premises and/or food handling practice. In addition, 7 complaints were received regarding unfit or out of condition food or extraneous matter and 5 complaints concerning the composition or labelling of food items. One complaint was received regarding animal feeding stuffs.

Investigations into the above were undertaken within our target of 2 working days.

6.2.9 Food Poisoning

The service received 148 notifications of food borne illness during the year, this figure was significantly higher than the previous year (100 notifications were received during 2010/11). The majority (123) of these notifications related to cases of *Campylobacter*; all of which appeared to be sporadic (isolated) cases. *Campylobacter* is the most common bacterial cause of food poisoning in England and Wales. National data shows that while the incidence of *Salmonella* infections has steadily declined since the late 1990s those caused by *Campylobacter* are showing an upward trend.

6.2.10 Food Safety Incidents

The Service received 51 food alerts, product withdrawal and recall notices from the Food Standards Agency during the year. All food alerts requiring action were dealt with expeditiously. No food incidents were identified by the Authority that required notification to the Food Standards Agency.

6.2.11 Enforcement

During 2010/11 no Hygiene Emergency Prohibition Notices were served on businesses however an offer of a voluntary closure was accepted and officers worked with the business to ensure that food safety was not compromised.

A total of 6 Hygiene Improvement Notices were served; these were issued in respect of two businesses to ensure compliance with food safety legislation. No prosecutions or Simple Cautions were undertaken.

6.2.12 Improvement Proposals/Challenges 2010/11

The following areas for improvement/challenges were identified in the 2010/11 Food Service Plan.

1. We aim to visit all established food businesses which may be affected by the Tall Ships event beforehand to offer advice. We also aim to inspect all food vendors trading as part of the Tall Ships Event and Headland Carnival.
2. Resources challenging. The section lost 3 posts due to budget pressures during 2008/09. Although none of these posts directly enforced food legislation their workload has had to be distributed to the remaining workforce. Allocating targets for 2010/11 with existing resources will be extremely challenging with the additional workload associated with the Tall Ships Event.

In total officers carried out advisory visits to nearly 100 existing traders prior to the Tall Ships Event and a further 112 inspections and 16 revisits during it, with a further 20 inspections being undertaken at the Headland Carnival, which was taking place at the same time. This work placed a significant demand on resources.

3. Review the Food Enforcement Policy and produce a summary.

The Food Enforcement Policy was revised and has been incorporated into the Public Protection Enforcement Policy, which is scheduled to be approved by the Adult & Public Health Services Portfolio Holder in June 2011.

7. Key Areas for Improvement & Challenges 2011/12

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 2011/12.

1. Resources remain challenging. The Public Protection section lost 21% of its overall budget in 2010/11 as part of a Service Delivery Option review and efficiency savings and the service is anticipating further cuts (expected to be in the region of 10%) during 2011/12.

Although so far we have not lost any additional posts which directly enforce food legislation due to the implications of previous losses of posts within the section we are having to distribute the workload amongst the remaining workforce to ensure that we make best use of our resources. We anticipate further pressures on the budget in subsequent years.

Whilst officers attained the 100% target to complete all food hygiene inspections it was not possible to complete all planned food standards and feeding stuffs inspections. The outstanding inspections will be added to the inspection programme for 2011/12.

2. We will review and update our premises database to ensure it is accurate and reliable so that we can target our resources effectively.



Report of: Executive

Subject: DELIVERY OF THE CHURCH SQUARE
MASTERPLAN

1. PURPOSE OF REPORT

1.1 To provide Council with Cabinet's proposed variations to the approved 2011/2012 Budget and Policy Framework and to defer consideration of Cabinet's request to vire the £390,000 uncommitted balance of the capital Major Regeneration Projects budget, for the delivery of the Church Square Masterplan, until the results of the public consultation are available.

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 A detailed report was considered by Cabinet on 1st August 2011 outlining the background and context of the Church Square Masterplan and details of the proposed first phase of works including funding, consultation and delivery arrangements. Cabinet sought Council approval to vire the £390,000 uncommitted balance of the Capital Major Regeneration Projects Budget for the scheme.

3.2 At Council on the 4th August 2011 it was resolved that the report be deferred for consideration at the September Ordinary Council meeting.

3.3 A public consultation exercise is currently being undertaken for the Church Square Masterplan. It is therefore proposed that the decision to vire the uncommitted balance of the Capital Major Regeneration Projects Budget is deferred until the results of the public consultation are available.

4. PROPOSAL

4.1 Council is requested to:

- i) Defer consideration of Cabinet's request to vire the £390,000 uncommitted balance of the capital Major Regeneration Projects Budget for the delivery of the Church Square Masterplan, until October's Ordinary Council meeting.

CABINET1st August 2011

Report of: Director of Regeneration and Neighbourhoods

Subject: DELIVERY OF THE CHURCH SQUARE
MASTERPLAN

SUMMARY**1. PURPOSE OF REPORT**

The purpose of the report is to update Cabinet on the progress of the Church Square Masterplan and to enable Cabinet to seek Council approval to vire funding for the delivery of the first phase of the scheme.

2. SUMMARY OF CONTENTS

The report outlines the background and context of the Church Square Masterplan and sets out details of a proposed first phase of works including funding, consultation and delivery arrangements.

A detailed report was considered by the Regeneration and Economic Development Portfolio Holder on the 22nd July 2011. This report details the same information for Cabinet's consideration.

The report seeks approval for the funding of the project from the Council's Unsupported Prudential Borrowing Programme and the Major Regeneration Projects revenue budget.

3. RELEVANCE TO CABINET

Cabinet is responsible for seeking approval of budget virements from Council.

4. TYPE OF DECISION

Key- Test (i) applies. Ref: RN64/11

5. DECISION MAKING ROUTE

Cabinet 1st August 2011 and Council 4th August 2011.

6. DECISION(S) REQUIRED

Cabinet is requested to:

- i) Note the report;
- ii) Approve the proposed funding arrangements as detailed in section 7 and seek Council approval to vire the uncommitted balance of the capital Major Regeneration Projects budget of £390,000 for this scheme.

Report of: Director of Regeneration and Planning

Subject: DELIVERY OF THE CHURCH SQUARE
MASTERPLAN

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to update Cabinet on the progress of the Church Square Masterplan and to enable Cabinet to seek Council approval to vire funding for the delivery of the first phase of the scheme.

2. BACKGROUND

- 2.1 Church Square is one of the most important public spaces within the town centre. The area is undergoing a transformational change, which is being driven by a number of strategic projects.
- 2.2 The largest of these schemes is the £51m+ redevelopment of Hartlepool College of Further Education. The design of the building and quality of the associated public space is setting a benchmark for future development within the area. The new building will help to enhance the image of the area, which includes Stockton Street, a key gateway route into the town centre.
- 2.3 Cleveland College of Art and Design is currently undertaking a comprehensive expansion of their Hartlepool campus involving the acquisition and conversion of the Municipal, Leadbitter and Archive Buildings, in addition to the re-modelling of their existing Church Square premises. The resulting impact is that Cleveland College of Art and Design is now the principal user of Church Square, with College buildings located both in and around the Square. The associated increase in student numbers, partly as a result of the relocation of the College's Higher Education course provision to Hartlepool, will result in a greater pedestrian usage of the Square.
- 2.4 A further project that highlights the increasing importance of Church Square is the recently completed, multi-million pound Hartlepool Transport Interchange, which provides a modern sustainable transport hub and an attractive starting point for visitors arriving into the town.
- 2.5 Church Square currently presents a poor quality image and an environment that is not in keeping with the nature and aspirations of its new surroundings. Its current form does not reflect the recent investment within the area or promote connectivity between the individual sites, which should be one of its key functions.

- 2.6 There are a number of issues that need to be resolved in order for Church Square to function effectively and to provide a campus environment for the educational uses that now dominate the Square. The main issue is the intensive vehicular use of the Square which has become increasingly incompatible with the increased number of students and the areas enhanced campus role.
- 2.7 The creation of the Transport Interchange has resulted in Church Square becoming an increasingly important node as visitors pass through here to reach the town centre. There is therefore a need and an opportunity to create a more positive impression upon arrival to the town, complementing and adding value to the Grade II listed Christ Church and Municipal Buildings.
- 2.8 Given the competitive nature of the higher education sector a high quality campus environment can be an additional selling point to prospective students. Cleveland College of Art and Design has expressed how important the improvements to Church Square are in helping them to attract additional students to the town, therefore improving their long term sustainability, in addition to providing a high quality environment for their existing students.

3. **WIDER ECONOMIC BENEFITS**

- 3.1 The creation of a strong educational hub which attracts students to the centre of Hartlepool is likely to attract additional student amenities such as coffee shops. These types of activity will help to address some of the vacant and derelict buildings within the area. In the longer term student accommodation could potentially be provided within the area.
- 3.2 The enhancement of the public realm is identified as a priority in the “Central Area Investment Framework”, the regeneration strategy for the central area of Hartlepool. The re-modelling of Church Square is a key component in the creation of an “Innovation and Skills Quarter”, a specialist town centre quarter that aims to attract private sector investment and support new and small businesses, particularly those within the creative industries sector. The Church Square project also complements Middleton Grange Shopping Centre’s investment proposals and the Council’s plans to create a specialist incubation centre for businesses within the creative industries sector on the Crown House site, linking to the activities of both College’s. The quality of the local environment has been identified as an important factor that will drive forward the regeneration of the area and help to attract further private sector investment.
- 3.3 The Church Square Masterplan therefore provides the opportunity to add value to and complement a number of large-scale investment projects in order to provide wider regeneration opportunities, helping to change the perception of this key part of the town.

4. PROJECT DELIVERY

- 4.1 The Regeneration and Economic Development Portfolio Holder endorsed the preparation of a masterplan for Church Square at the Portfolio meeting on the 21st May 2010. The masterplan has been developed by the Council's Building Consultancy Team with the aim of creating an "open-campus environment" and a key focal point for the town centre.
- 4.2 The delivery of the masterplan has been divided into a number of phases to align with funding availability and deliverability. Each phase has been designed so that it can be delivered as a discrete project as and when resources allow. This report relates to the first phase of the scheme which involves structural design changes to create a core pedestrianised zone using high quality natural stone materials, re-aligning the road to provide access to Cleveland College of Art and Design's Municipal Buildings car park, expanding the grassed area outside of Christ Church and the provision of seating and tree planting. (See **Appendix 1** for plan). The first phase has been designed to be a stand-alone scheme that can be added to as and when funding becomes available. Subject to Portfolio Holder approval it is proposed to commence phase one of the works towards the end of the summer following a period of public consultation.
- 4.3 The timing of future phases of work will depend upon funding availability. Future phases (See **Appendix 1**, phase 1b) would include additional tree planting, improving pedestrian access across Tower Street to Church Street and the installation of feature railings around Christ Church, possibly involving students from Cleveland College of Art and Design in their design. Improved lighting and feature lighting would be provided which could potentially include the illumination of Christ Church and the Municipal Buildings to create a gateway feature in the evening and at night.
- 4.4 Further connectivity improvements would form future phases of work including upgrading the Stockton Street pedestrian crossing in order to promote permeability between Middleton Grange Shopping Centre, the Transport Interchange and the Marina. The Stockton Street underpass would also be closed, a proposal which is supported in principle by the owners of Middleton Grange Shopping Centre. Design work is currently ongoing to find an appropriate solution for the connectivity improvements across Stockton Street which would provide pedestrian access but minimise disruption to vehicular traffic flows.
- 4.5 Work to upgrade the point of arrival into the Town Centre along Stockton Street consisting of tree planting and the provision of gateway features would form part of later phases of the masterplan.

5. PUBLIC CONSULTATION

- 5.1 Portfolio Holder approval is sought to begin the public consultation exercise on the masterplan, seeking views on the first phase of work in particular. The consultation process will involve public “drop-in” sessions in the Christ Church Art Gallery where the plans will be on display, together further consultation with businesses and other users of Church Square. An initial consultation exercise has already taken place with businesses, the Art Gallery and College’s so that their comments could be included within the draft designs.
- 5.2 Businesses within Church Square were broadly supportive of the scheme recognising the benefits that it could bring. Some concerns were raised about the loss of parking within the square due to the further pedestrianisation of the area. These issues could potentially be addressed by providing a permit-holders only car park for shop workers on land to the rear of the Church Square shops. Additional disabled parking could be created within the existing car park to the rear of Cleveland College of Art and Design. The parking designations along Tower Street could also be explored during the public consultation exercise. A disabled bay will also be provided outside of the Art Gallery.

6. PUBLIC ART

- 6.1 The provision of public art within Church Square provides the opportunity to showcase local talent from Cleveland College of Art and Design. A number of sites have been identified for art work, including one which could accommodate a high profile gateway feature. It is proposed to devise a competition with Cleveland College of Art and Design so that art students can be involved in the process and the winning designs could be featured in the square. There are a number of opportunities for both permanent and temporary art features. The temporary features could potentially be subject to an annual competition. Hartlepool College of Further Education could potentially be involved in the fabrication of the art work.

7. FINANCIAL CONSIDERATIONS

- 7.1 It was originally anticipated that the Masterplan as a whole could be delivered in one phase utilising funding from One North East Single Programme funds alongside Council resources which had been identified as match funding. Since Single Programme funding has now ceased alternative methods of delivery have had to be investigated.
- 7.2 The first phase of the scheme has been costed at approximately £650,000. Funding of £520,000 has been identified at this stage which includes a contribution from the 2011/12 Major Regeneration Revenue

budget of £30,000 and £100,000 from Reserves earmarked for Major Regeneration Projects.

- 7.3 The overall funding also includes £390,000 which has been identified from the uncommitted Major Regeneration Project capital budgets approved under the former SCRAP arrangements (replaced from 2011/12 by the Council Capital Fund), as summarised below:-

Year	Original Allocation as per MTFS £	Funding used in previous years £	Balance Uncommitted £
2008/09	100,000	75,000	25,000
2009/10	175,000	35,000	140,000
2010/11	250,000	25,000	225,000
Total	525,000	135,000	390,000

- 7.4 The capital resources had previously been set aside as match funding for external bids. Since that time External Funding to support regeneration schemes has been scaled back and it is unlikely that this can be used to attract any match funding. Therefore, it is suggested that approval is sought to vire these resources to support the proposed Church Square scheme. These Capital Budgets are funded from Prudential Borrowing and provision for the annual repayment costs has previously been included within the revenue base budget.
- 7.5 Timing of future phases of work will depend upon funding availability and the scheme will be designed and delivered as a discrete project using the funding available at this stage (£520,000). As outlined in paragraph 4.2 and 4.3 further works will be approved as additional funding becomes available.

8. RISK

- 8.1 There is the risk that only the first phase of the scheme will be delivered due to funding availability. The first phase has therefore been designed so that it is a stand-alone project that achieves the maximum impact and provides the opportunity to incrementally add to it should additional funding become available.

9. RECOMMENDATIONS

9.1 Cabinet is requested to:

- i) Note the report;

- ii) Approve the proposed funding arrangements as detailed in section 7 and seek Council approval to vire the uncommitted balance of the capital Major Regeneration Projects budget of £390,000 for this scheme.

10. CONTACT OFFICER

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E-mail: damien.wilson@hartlepool.gov.uk

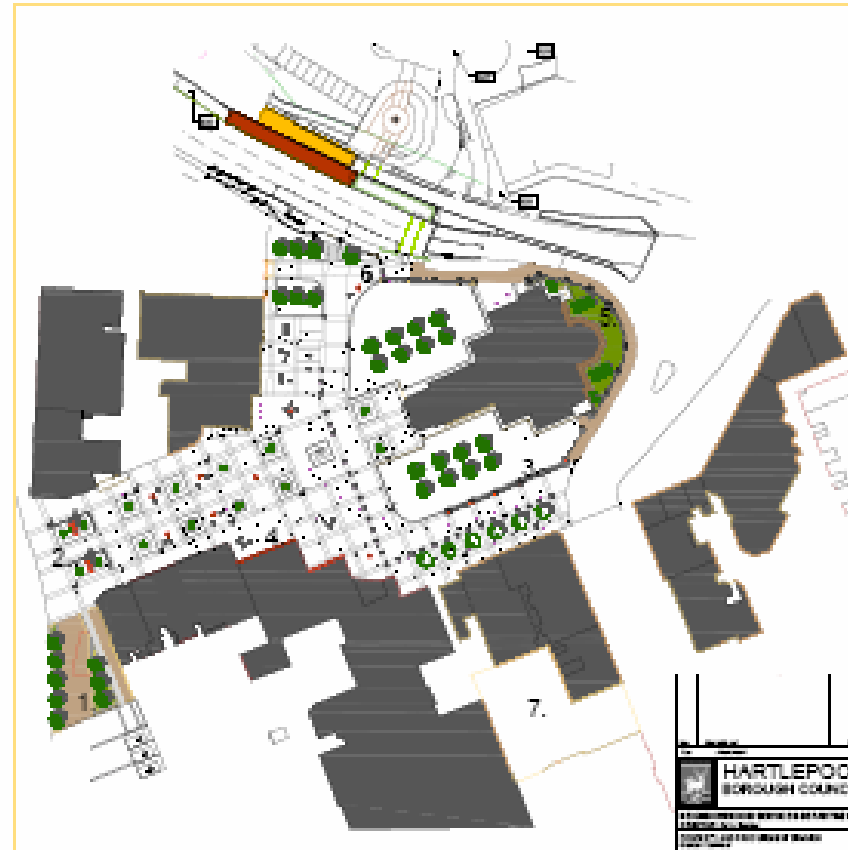
CHURCH SQUARE DESIGN STRATEGY. PHASING PROPOSALS. APPENDIX 1



PHASE 1A

- Redevelopment of the existing building and the surrounding area to create a new public square.
- The new square will be a mix of residential and commercial uses.
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- The new square will be a mix of residential and commercial uses.

- 1. Redevelopment of the existing building and the surrounding area to create a new public square.
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- 9. The new square will be a mix of residential and commercial uses.
- 10. The new square will be a mix of residential and commercial uses.



PHASE 1B

- Redevelopment of the existing building and the surrounding area to create a new public square.
- The new square will be a mix of residential and commercial uses.
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- 1. Redevelopment of the existing building and the surrounding area to create a new public square.
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- 9. The new square will be a mix of residential and commercial uses.
- 10. The new square will be a mix of residential and commercial uses.

PRELIMINARY

HARTLEPOOL BOROUGH COUNCIL	
A CONSULTATION DRAFT FOR COMMENT ON THE PROPOSED PHASING PROPOSALS FOR THE REDEVELOPMENT OF CHURCH SQUARE, HARTLEPOOL.	
Date of Issue: 15/07/2011 Date of Review: 15/07/2011 Version: 1.0 Author: [Name] Approved: [Name]	
Regeneration & High Streets	
Church Square & environs Environmental Improvements	
Church Square Proposals Phase 1A and 1B	
No:	Date:
1000	
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Report of: Executive

Subject: PURCHASE OF PREMISES IN THE CENTRAL REGENERATION AREA AND SALE OF LAND AT TANFIELD ROAD ADJOINING STRANTON CEMETERY.

1. PURPOSE OF REPORT

1.1 To provide Council with details of Cabinet's proposed variations to the approved 2011/2012 Budget and Policy Framework to use uncommitted capital receipts to purchase the former Focus DIY unit on Lynn Street. The acquisition will facilitate the release of land at Tanfield Road for sale, provide improved accommodation for staff currently located at Tanfield Road and secure a key building required to facilitate the long-term regeneration of the area.

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 The former Focus DIY unit in Lynn Street is a prominent building identified within the Central Area Investment Framework as being a necessary acquisition to facilitate the proposed regeneration of the Lynn Street area and creation of an Innovation and Skills Quarter. The building has been vacant for a number of years and is contained within the Mayor's key derelict building and untidy land listing.

3.2 Scrutiny Co-ordinating Committee fully support the proposal having considered reports on 19th August and 2nd September setting out details of the

opportunity for the Council to acquire the long leasehold interest from the current owners.

3.3 The acquisition of the building provides a number of key benefits to the Council:

a) It supports the land acquisition requirements to enable the implementation of the Council's long term regeneration aspiration to redevelop the area in to an Innovation and Skills Quarter.

b) Operationally the building is essential to provide accommodation for staff currently located in substandard accommodation at Tanfield South. The purchase will negate the need for significant investment in the current outdated facilities. Additionally, as the Focus building is located adjacent to the Council's main depot, this provides substantial operational and efficiency benefits thereby improving service delivery.

3.4 Relocation from Tanfield South enables the release of 3 acres of residential development land. The projected capital receipts from the sale will cover both the purchase and alteration costs of the Focus building and provide a substantial surplus to assist the 2012/13 budget process. The net capital receipt will help fund one-off capital expenditure commitments, including Housing Market Renewals commitments. Details of these capital commitments will be reported in the 2012/13 to 2014/15 Medium Term Financial Strategy report to be referred to Cabinet and Scrutiny Co-ordinating Committee in October 2011.

3.5 The current property interests and terms are included in the confidential **Appendix 1. This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that information.**

4. PROPOSALS

4.1 Council is requested to approve Cabinet's proposals to:

a) Use uncommitted capital receipts to purchase and undertake essential works of improvement to the former Focus DIY unit on Lynn Street, within the financial estimates detailed in Appendix A.

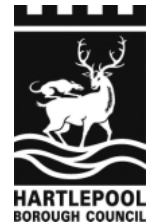
b) Approve the marketing and sale of Tanfield South. Approval of the terms of any sale to be agreed by Cabinet

c) To note that if the previous recommendations are approved the capital programme and approved Prudential Borrowing indicators will be amended accordingly and the level of uncommitted capital receipts will increase. Members will need to develop a strategy for using these

resources as part of the 2012/13 budget process to address capital risks, including Housing Market Renewal issues.

- d) To note that the onward sale of Tanfield Road South is expected to generate a net capital receipt, after repayment of the Prudential Borrowing used to finance the purchase of the former Focus DIY store. Proposals for using these resources will need to be developed as part of the 2012/13 budget process and will need to address capital risks facing the Council, such as Housing Market Renewal costs.

COUNCIL
15th September 2011



Report of: Chief Executive

Subject: BUSINESS REPORT

1. EXECUTIVE DELEGATION SCHEME

I have received notification from the Mayor of amendments to the Executive Delegation Scheme. In accordance with the requirements of the constitution, Council is given formal notification of the amendments to Part 3E of the constitution – Responsibility for Executive Functions. The consequent amendment of the executive delegation scheme consists of the deletion of the current entries and their substitution as per the attached appendix.

2. APPOINTMENTS TO COUNCIL COMMITTEES AND FORUMS

As a result of the appointment of Councillor Simmons to the Executive, Council is requested to consider appointments to vacancies on the following Committees/Forums:-

- Scrutiny Co-ordinating Committee
- Children's Services Scrutiny Forum
- Constitution Committee Member (SCC representative)
- Health Scrutiny Forum

Councillor Simmons has advised also that he wishes to resign from the Contract Scrutiny Committee. A vacancy arises, therefore, on that Committee for the consideration of Council.

Council is requested also to consider appointments to the following positions:-

- Chair of Children's Services Scrutiny Forum
- Vice Chair Scrutiny Co-ordinating Committee

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>1. Community Safety and Planning Stuart Drummond</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Community Strategy - Crime & Disorder Reduction Strategy - Development Plan - Local Transport Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Annual Drugs Treatment Plan - Building Control - Cleveland Emergency Planning Unit Annual Plan - Community cohesion policy and strategy - Hartlepool Incident Response Plan - Development Control - Planning Policy • Service Areas & Functions <ul style="list-style-type: none"> - Asylum Seekers - Building Control - Child Poverty ** - Community Safety, including prevention and enforcement of anti-social behaviour - Conservation and Ecology - Design Champion - Development Control - Drugs - Emergency Planning - Historic Environment Champion - Integrated Regional Strategy * - Local Partnerships - Planning Policy - Sustainability Champion - Sustainable Development - Tees Valley Partnership Issues

* shared with Regeneration and Economic Development

** all portfolios – Lead Children’s Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>2. Housing and Transition</p> <p>Jonathan Brash</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Housing Strategy • Other Plans & Strategies <ul style="list-style-type: none"> - Empty Homes Strategy - Housing Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Child Poverty** - Housing Market Renewal - Housing Services (Public & Private) - Projects e.g. Trusts, Joint Working, New Initiatives, Trading companies, alternative delivery* - Voluntary Sector Compact, and Strategy and Commissioning

* Joint with appropriate portfolio holder and agreed by Cabinet Members

** all portfolios – Lead Children’s Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>3. Regeneration and Economic Development and Skills</p> <p>Peter Jackson</p>	<ul style="list-style-type: none"> • Policy Framework • Other Plans & Strategies <ul style="list-style-type: none"> - Adult Learning Plan - Economic Development Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Apprenticeships - Business Support and Tourism - Child Poverty ** - Economic Assessments - Employability and Training - Engagement Boards - Enterprise Development - Integrated Regional Strategy * - Lifelong Learning and Support - Regeneration Policy - Regeneration Programmes - Regional and Sub Regional - Regional Economic Strategy - Town Centre Partnership / Steering Group - Town wide regeneration and Major Projects - Training - Urban Regeneration Company Issues - Worklessness

* Shared with Community Safety and Planning

** all portfolios – Lead Children’s Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>4. Children's Services</p> <p>Chris Simmons</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Children and Young People's Plan - Youth Justice Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Child Poverty Strategy - Children's Centres and Extended Schools Strategy - Children's Fund Plan (expires 2008) - Departmental and Divisional Plans - Education Asset Management - SEN and Disability Action Plan • Service Areas & Functions <ul style="list-style-type: none"> - 14-19 development - Access to Education - Admissions Policy - Carlton Outdoor Education Centre - Child and Adolescent Mental Health Services - Child Poverty ** - Children's Fund - Children's Trust and commissioning development. - Children's Workforce Development - Commissioning of statutory and discretionary social care services for vulnerable children, including children in need, children with disabilities, looked after children and child protection - Connexions - Directly provided social care services (children) - Early Years provision - Education policy and planning - Extended Schools and Children's Centres - Information sharing and assessment - Local Safeguarding Children Board - Looked After Children - Play and out of hours care - Raising educational achievement - School governance - Schools Transformation - Special Educational Needs - Youth Offending - Youth Service

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>5. Adult's & Public Health Services</p> <p>Ged Hall</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Commissioning Strategies for Vulnerable People • Other Plans & Strategies <ul style="list-style-type: none"> - Annual Training Plan - Disability Strategy - Food Law Enforcement Service Plan - Fuel Poverty Strategy - Health & Safety Services Plan - Mental Health Strategy - Older Persons Mental Health Strategy - Older Persons Strategy - Public Health Strategy - Supporting People Strategy - Trading Standards Service Delivery Plan • Service Areas & Functions <ul style="list-style-type: none"> - Bereavement Services - Child Poverty ** - Commissioning of Statutory and Discretionary Social Care Services for Vulnerable Adults, i.e. <ul style="list-style-type: none"> › Older People › People with Learning Disabilities › People with Mental Health › People with Physical Disabilities › People with Sensory Loss Problems - Co-ordination and development of public health response - Directly Provided Social Care Services (Adults) <ul style="list-style-type: none"> - Environmental Health - Health and Wellbeing Board - Older Persons Champion - Open Market - Protection and Vulnerable Adults - Public Health Development - Service Development / integration with Partners - Supporting People - Trading Standards

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>6. Culture, Leisure and Tourism</p> <p>Cath Hill</p>	<ul style="list-style-type: none"> • Policy Framework • Other Plans & Strategies <ul style="list-style-type: none"> - Allotment Strategy - Archaeology Forward Plan - Arts & Museums Forward Plan - Arts Strategy - Library Plan - Local Cultural Strategy - Park Management Plans - Play Facilities Strategy - Playing Pitch Strategy - Sport and Recreation Strategy - Swim Development Strategy - Tourism Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Allotments - Archaeological Service - Child Poverty ** - Community Buildings - Community Grants Pool - Cultural Services (Arts, Museums and Events) - Foreshore Services and Beach Lifeguards - Libraries and Information - Libraries Stock Management Plan - Outdoor Play Facilities - Parks and Countryside - Sports and Recreation - Tourism

** all portfolios – Lead Children’s Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>7. Performance</p> <p>Hilary Thompson</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Corporate Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Anti Fraud and Corruption Strategy - Corporate Equality and Diversity Plan - Customer Care Strategy - Equality and Diversity Scheme - HR Strategy - ICT Strategy - People Framework (incl HR & Workforce Development Strategies) - Risk Management Strategy - Workforce Development Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Benefits - Child Poverty ** - Corporate Strategy - Council Profile - Customer Services (CRM, Contact Centre) - Democratic Services - E-Champion - Equality and Diversity - Equality and Diversity Champion - General Office Services - Health & Safety - Human Resources - ICT - Performance Management including consultation and data quality - Public Relations - Registrars - Revenues - Risk Management Champion - Shared Services - Staff and Member Development (incl council apprenticeships)

** all portfolios – Lead Children’s Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>8. Finance and Procurement Deputy Mayor Robbie Payne</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Annual Capital Budget - Annual Revenue Budget • Other Plans & Strategies <ul style="list-style-type: none"> - Accommodation Strategy - Asset Management Plan - Capital Strategy - Commissioning and Procurement Strategy - Debt Recovery Strategy - Efficiency Strategy - Insurance Strategy - Treasury Management Strategy - Whistleblowing Policy • Service Areas & Functions <ul style="list-style-type: none"> - Capital Programme - Centralised Property Management - Child Poverty ** - Council Operational Depots - Consultancy Services - Efficiency Champion - Energy Management - Financial Services - Land and Property Acquisition and Disposal - Legal Services - Printing and Reprographics - Procurement Champion - Regional Procurement Strategy - Registration and Electoral Services - Services for Members - Standards and Ethics - Stores and Purchasing - Strategic Asset Management Planning - Sustainable Construction - Sustainable Procurement Champion - The Leased Estate

** all portfolios – Lead Children’s Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>9. Transport & Neighbourhoods</p> <p>Pamela Hargreaves</p>	<ul style="list-style-type: none"> • Policy Framework • Other Plans & Strategies <ul style="list-style-type: none"> - Contaminated Land Plan - Climate Change Strategy - Headland Coast Protection Strategy Study - Highway Asset Management Plan - Highway Maintenance Plan - Highway Network Management Plan - Neighbourhood Management & Empowerment Strategy - Neighbourhood Action Plans - Network Management Plan - Rights of way Improvement Plan - Shoreline Management Plan - Waste Management Strategy - Winter Maintenance Plan • Service Areas & Functions <ul style="list-style-type: none"> - Building Services - Child Poverty ** - Coastal Protection - Contaminated Land - Climate Change - Environmental Enforcement - Environmental Initiatives - Facilities Management e.g. building maintenance and cleaning - Grounds Maintenance - Highways - Horticulture - Land drainage - Neighbourhood Management - Neighbourhood Renewal - Pride in Hartlepool - Property Maintenance - Public Conveniences - Transport Services and Fleet (Vehicle Procurement and Maintenance) - Rights of Way - School transport - Strategic Transport - Traffic and Transportation - Waste Management

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