

# NEIGHBOURHOOD SERVICES SCRUTINY FORUM AGENDA



**Wednesday 9<sup>th</sup> August 2006**

**at 2.00 pm**

**in Committee Room "B"**

MEMBERS: NEIGHBOURHOOD SERVICES SCRUTINY FORUM:

Councillors SAIlison, Brash, Clouth, R Cook, Gibbon, Hall, Henery, Lilley, Rayner, Rogan and DWaller.

Resident Representatives: Allan Lloyd and Linda Shields

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

3.1 To confirm the minutes of the meeting held on 12<sup>th</sup> July 2006 (*to follow*)

**4. RESPONSES FROM THE COUNCIL, THE EXECUTIVE OR COMMITTEES OF THE COUNCIL TO FINAL REPORTS OF THIS FORUM**

No items

**5. CONSIDERATION OF REQUEST FOR SCRUTINY REVIEWS REFERRED VIA SCRUTINY CO-ORDINATING COMMITTEE**

No Items

**6. CONSIDERATION OF PROGRESS REPORTS/BUDGET AND POLICY FRAMEWORK DOCUMENTS**

No Items

**7. ITEMS FOR DISCUSSION**

7.1 Gambling Act - *Head of Public Protection and Housing*

**Scrutiny Investigation into Hartlepool's Public Convenience Provision:-**

7.2 National and Regional Provision - *Scrutiny Support Officer*

7.3 Feedback from the Neighbourhood Forums:-

- a) Covering Report - *Scrutiny Support Officer*; and
- b) Verbal feedback from the Chairs of the Neighbourhood Forum's and other Members in attendance at the meetings.

7.4 Feedback from Site Visits:-

- a) Covering Report - *Scrutiny Support Officer*; and
- b) Verbal feedback/findings from Members of the Forum in attendance at the Site Visits.

7.5 Consideration of Options and Proposals for the Development of a Policy for Public Convenience Provision in Hartlepool - *Scrutiny Support Officer*

**8. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**FOR INFORMATION**

Date of next meeting Wednesday 20<sup>th</sup> September at 2.00pm in Committee Room B.

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

9 August 2006



**Report of:** Head of Public Protection and Housing

**Subject:** GAMBLING ACT POLICY

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### 1. PURPOSE OF REPORT

- 1.1 To consider Hartlepool Borough Council's draft Gambling Act Policy and feed back any comments as part of the Policy's consultation process.

### 2. BACKGROUND

- 2.1 The Gambling Act became law on 7<sup>th</sup> April 2005. Its purpose is to update and consolidate outdated legislation that controls gambling activities such as bingo, lotteries, slot machines, sports betting and casinos. The new law also addresses recent advances in gambling technology such as internet betting.
- 2.2 The Act is expected to take full effect on 1<sup>st</sup> September 2007 although much of the detail about its implementation, which will be contained in Regulations, has not yet been published.
- 2.3 The Act introduces a licensing framework for all gambling activities. Licences will be required for gambling operators, premises being used for gambling activities and certain personnel responsible for overseeing gambling activities.
- 2.4 Hartlepool Borough Council, as licensing authority under the Act, will be responsible for the licensing of gambling premises and the newly established Gambling Commission will take responsibility for personal licences and operators.
- 2.5 There are a number of licensing objectives that form the cornerstone of the new Act. The objectives are: -
- Preventing gambling being a source of, associated with, or supporting crime and disorder
  - Ensuring gambling is conducted in a fair and open manner
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 2.6 Applications for premises licences will be made to the local authority which must grant the application unless representations are received from either Responsible Authorities or Interested Parties.
- 2.7 Responsible Authorities are described in the Act as: -
- The licensing authority
  - The Gambling Commission
  - The Police
  - The Fire Authority
  - The local planning authority
  - Environmental Health
  - A body designated as competent for matters related to the protection of children from harm
  - HM Revenue & Customs
  - In relation to a vessel, a navigation authority, the Environment Agency, the British Waterways Board or the Secretary of State.
- 2.8 Interested Parties are individuals or businesses located sufficiently close to premises so as to be directly affected by its activities.
- 2.9 As part of its licensing functions, licensing authorities are also required to publish a statement of licensing principles (a Gambling Policy) detailing the principles that it proposes to apply when exercising its functions under the Act. This Policy must be reviewed every three years although it can be reviewed more frequently if considered necessary. The Policy must be approved by both Cabinet and full Council.
- 2.10 A draft Gambling Policy was considered by the Council's Licensing Committee on 28<sup>th</sup> June 2006 and has subsequently been distributed for consultation to a number of local and regional organisations. A copy of the draft Policy is attached as **Appendix I**.
- 2.11 To ensure the final Policy is adopted and published within statutory time limits, the closing date for consultation responses is 31<sup>st</sup> August 2006 and it is proposed that the completed Policy be taken to Cabinet in September 2006 and full Council in October 2006.
- 2.12 The proposed timetable for the implementation of the Gambling Act is attached as **Appendix II**.
- 2.12 The Gambling Policy must be published no later than 3<sup>rd</sup> January 2007.

### 3. ISSUES

- 3.1 Whilst the majority of the contents of the Statement of Principles follow national guidelines, the Licensing Committee resolved that the Policy should include a 'no casino resolution'.

- 3.2 'No casino resolutions' are permitted by virtue of Section 166 of the Gambling Act 2005 and adopting such a resolution means that a licensing authority would not give consideration to any application for a casino in Hartlepool should one be received.

#### **4. RECOMMENDATIONS**

- 4.1 Members of the forum are invited to consider the draft Gambling Policy.

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7.1  
Appendix I  
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**HARTLEPOOL BOROUGH COUNCIL**

# **GAMBLING ACT 2005 POLICY**

**STATEMENT OF PRINCIPLES**

**JUNE 2006**

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## Gambling Act 2005

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*This Statement of Principles has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.*

*Similarly, the Statement of Principles refers on a number of occasions to actions that are due to take place as part of the consultation process. Where appropriate such references will be amended or removed from the final published Statement.*

## PART A

### 1. The Licensing Objectives

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

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

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

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

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

### 2. Introduction

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

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

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

*Hartlepool Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but none of these have been listed.*

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

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

*List of persons this authority consulted:*

- *The police*
- *Social Services*
- *Local trade association*



- *Residents associations*
- *Additional consultees will be added here*

Our consultation took place between x date and x date and we followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

These documents are available via:

[<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>](http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp)

[<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>](http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf)

The full list of comments made and the consideration by the Council of those comments is available by request to:

Licensing Team  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523354

E mail: [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk)

*The policy was approved at a meeting of the Full Council on X date and was published via our website on x date. Copies were placed in the public libraries of the area as well as being available in the Civic Centre.*

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

Licensing Team  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523354

E mail: [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk):

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

### **3. Declaration**

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

#### 4. Responsible Authorities

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

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

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

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing)

#### 5. Interested parties

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

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

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15 It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required so long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered

to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

A councillor may represent the views of individuals provided he/she is not a Member of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

## 6. Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

*Should any protocols be established as regards information exchange with other bodies then they will be made available. Discussions with the Gambling Commission and LACORS as regards information exchange between the Commission and local authorities are, at the time of writing, at an early stage.*

## 7. Enforcement

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

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities will endeavour to be:

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

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

This licensing authority will also, as recommended by the Gambling Commission's Guidance for local

authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice. *LACORS is working with the Gambling Commission to produce a risk model for premises licences and this authority will consider that model once it is made available.*

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

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

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department. Our risk methodology will also be available upon request.

## 8. Licensing Authority functions

Licensing Authorities are required under the Act to:

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

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

*(A definitive list of licensable activities has been requested from the Gambling Commission and will be placed here once provided)*

## PART B PREMISES LICENCES

### 1. General Principles

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

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

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

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

***Definition of "premises"*** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:

- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or

should, be prohibited under the Act.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

***Location*** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This licensing authority shall expect any licence applicant to give due consideration to any areas sensitive in relation to children. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

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

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

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

**Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become

concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

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

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

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

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

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

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

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

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

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

***Door Supervisors*** - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. This licensing authority may detail specific requirements for door supervisors working at casinos. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

## 2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable



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

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

### **3. (Licensed) Family Entertainment Centres:**

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

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

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

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

### **4. Casinos**

Hartlepool Borough Council has resolved **not** to issue casino premises licences. This resolution shall have effect from the 31<sup>st</sup> January 2007 and shall remain effective for three years or until it is

revoked by a further resolution.

## 5. Bingo premises

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

18.4 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

## 6. Betting premises

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

## 7. Tracks

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

This authority will therefore expect the premises licence applicant to demonstrate suitable

measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

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

*Gaming machines* - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

*Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

*Condition on rules being displayed* - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

*Applications and plans* - This licensing authority awaits regulations setting-out any specific

requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

This licensing authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **8. Travelling Fairs**

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

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

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

## **9. Provisional Statements**

This licensing authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

(a) which could not have been raised by objectors at the provisional licence stage; or

(b) which is in the authority's opinion reflect a change in the operator's circumstances.

This authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

## 10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

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

## PART C

### Permits / Temporary & Occasional Use Notice

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

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

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

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

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

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

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

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

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

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

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

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

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

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

### **3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))**

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

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

- (a) that they understand the limits to stakes and prizes that are set out in Regulations; and that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

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

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day

the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

#### 4. Club Gaming and Club Machines Permits

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

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

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

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

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

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



has been cancelled.

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

## **5. Temporary Use Notices**

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

## **6. Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## PART D

## SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED UNDER THE GAMBLING ACT

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

**CONTACT DETAILS/ADVICE & GUIDANCE**

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

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

Tel No: 01429 523354  
Fax No: 01429 523308  
Email: [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk)  
Web Site: [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing)

*(Additional contact details will be provided here as appropriate)*

**Appendix II**

# GAMBLING LICENSING

## PROPOSED TIME TABLE FOR ADOPTION

May 06	Government Guidance published
June 06	LACORS model Statement of Principles published
28 June 06	Draft Statement of Principles presented to Licensing Committee
July/August 06	Full consultation, including Neighbourhood Services Scrutiny
Sept 06	Report to Cabinet (provisional)
Oct 06	Report to Council (provisional)
3 <sup>rd</sup> Jan 2007	Gambling Statement of Principles formally published
1 <sup>st</sup> Feb 2007	First day for applications to be made
1 <sup>st</sup> Sep 2007	Act takes effect

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

9 August 2006



**Report of:** Scrutiny Support Officer

**Subject:** SCRUTINY REFERRAL: HARTLEPOOL'S PUBLIC  
CONVENIENCE PROVISION – NATIONAL AND  
REGIONAL PROVISION

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### 1. PURPOSE OF REPORT

- 1.1 To provide Members of the Neighbourhood Services Scrutiny Forum with background information on national/regional public convenience provision and further information as sought during the Forum's previous meeting on the 12 July 2006.

### 2. BACKGROUND INFORMATION

- 2.1 As Members will be aware Cabinet on the 12 April 2006 was asked to consider options and proposals for the development of a policy for the provision of public conveniences in Hartlepool. Prior to making a decision Cabinet referred consideration of the various options and proposals to Scrutiny, with a prescribed timescale for submission of a response by September 2006. Views on the options and proposals were also sought from the Neighbourhood Consultative Forums and details of the views expressed are outlined in a report to be considered later on the agenda.
- 2.2 The Neighbourhood Services Scrutiny Forum on the 12 July approved the Aim, Terms of Reference and Timetable for its consideration of the options and proposals and received a short presentation from the Head of Environmental Management on the level and condition of convenience provision in Hartlepool. A number of possible questions were identified in the 'Setting the Scene' and details of responses to each are outlined in **Appendix A** to assist Members.
- 2.3 To further assist Members in consideration of the options and proposals details of national and regional provision are provided in sections 4 and 3 of this report.

### 3. NATIONAL PROVISION

- 3.1 The provision of public conveniences by local authorities is one of the longest established discretionary (no statutory) municipal services in England and Wales and the Public Health Act only gives authorities the power to install 'public sanitary conveniences'.
- 3.2 Most public conveniences in towns and cities are between 50 and 100 years old. Over the past 10 years the total number of public conveniences in England and Wales has dropped from 10,000 to 5,500 due to rising maintenance costs, often hastened by poor hygiene, vandalism, drug abuse or other inappropriate behaviour.
- 3.3 Pressure is, however, being placed upon the Government by campaign groups, such as the British Toilet Association, to make the provision of public conveniences a statutory requirement and the Local Government Minister, Phil Wodas, recently gave a speech at a seminar 'Public Toilet provision – The Way Forward'.
- 3.4 During the course of his speech the MP acknowledged that a problem exists with the decline over the last fifty years of publicly provided toilets and indicated that whilst he did not see legislation to make public convenience provision statutory as the way forward. He did, however, recognise the need for a national strategy and gave a commitment that work would be undertaken to formulate one.
- 3.5 The MP also drew attention to the negative affect which a lack of provision and poor maintenance can have on tourism and the need to look at how provision could be increased through perhaps the introduction of charging, the involvement of the private sector (by increasing access to commercial premises) and the inclusion of public toilets in planning applications. An example of one of these being a Community Toilet Scheme operated between Richmond upon Thames Council and local businesses. Under this scheme the public has access to the businesses' toilet facilities in return for an annual contribution towards maintenance costs from the Council.
- 3.6 The seminar at which the MP spoke was organised by the British Toilet Association (BTA) and the intention was to receive a presentation at this meeting from a representative from the group. Whilst this has not been possible a statement has been requested from the group which will be circulated prior to the meeting.

### 4. REGIONAL PROVISION

- 4.1 In looking at the situation regionally Members at the previous meeting identified a number of well provided conveniences in Stockton, Darlington and South Shields and Members suggested that how these facilities are provided should be looked at. As Stockton and Darlington are within the Tees Valley a comparison of services with the other authorities in the Tees Valley has been

undertaken, a summary of which is detailed at 4.2. A site visit has also been undertaken to visit conveniences in Stockton and details of this will be discussed later in the meeting.

#### 4.2 Tees Valley Comparison

	STOCKTON BC	DARLINGTON BC	REDCAR AND CLEVELAND BC	M'BORO BC
i) Number of public conveniences. Has the number of conveniences reduced?	Seven. The number of conveniences has reduced by four over the last ten years, with one new convenience provided.	Seven (One manned and six unmanned). The number of conveniences has reduced by two over recent years.	14 (Up to 2004 reduced - re-opened 2 since 2005 and close another)	Aside from a small amount of provision in Parks the Authority relies on Shopping Centres and other such facilities for provision.
ii) Have facilities been improved recently?	Yes, with the aid of a Capital bid.	Yes, with the aid of a Capital bid.	Yes, with a Capital Bid (200K – Following survey by British Toilet Association)	N/A
iii) Maintenance budget. Is it sufficient to cover maintenance and staffing costs?	£ Awaiting Figure. Yes.	£ Awaiting Figure. Yes.	£9,300 No (always overspent)	N/A
iv) Are any partnership arrangements in place in terms of provision of facilities and funding?	No. All facilities are funded by the Local Authority.	No. All facilities are funded by the Local Authority.	No. Whilst good idea Councils need to look at their own buildings as well as. Need to advertise.	The Authority relies on Shopping Centres and other such facilities for the provision of toilets.

	STOCKTON	DARLINGTON	REDCAR AND CLEVELAND	M'BORO
v) Are attendants employed?	Yes, but only the facility in the town centre facility is permanently staffed.	Yes	No.	N/A
vi) Do you charge for the use of any of your conveniences?	Yes. Have a coin operated facility.	No.	No.	N/A
vii) What has been the most significant factor in reducing ASB and vandalism?	Use of: - attendants; - a good working relationship with the Police.	Use of: - attendants; - anti vandal finishes i.e. stainless steel; - A good working relationship with the police and Community Wardens.	Use of: - devised notice saying under CCTV (even though not)	N/A
viii) When are public conveniences open and cleaned?	Open six days a week. 9am to 5pm with extra provision for special events (5pm to 8pm).  Facilities cleaned three times a day where not staffed and throughout the day where there is an attendant.	Open seven days a week. 7am to 7pm.  Facilities cleaned throughout the day on a rolling programme.	At this time a year open 9 hrs a day. In Redcar the sea front on facility is open 8.30am to 8.45pm.  Opening extended for special events.  Cleaned 2/3 times a day.	N/A



- 4.3 In relation to facilities in South Shields, South Tyneside Council has indicated that all of its toilets are staffed by attendants, although the opening of facilities on the sea front is seasonal from April to September, between 2pm and 7pm. Permanent conveniences are open 9am to 5pm and all are cleaned at least twice a day.

## 5. RECOMMENDATIONS

- 5.1 The Neighbourhood Services Scrutiny Forum is requested to consider the information detailed within this report to assist in the determination of its response to Cabinet on the options and proposals put forward for the development of a policy for public convenience provision in Hartlepool.

**Contact Officer:-** Joan Wilkins – Scrutiny Support Officer  
Chief Executive's Department - Corporate Strategy  
Hartlepool Borough Council  
Tel: 01429 523647  
Email: joan.wilkins@hartlepool.gov.uk

## BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- (i) Report of the Scrutiny Support Officer entitled 'Scrutiny Referral – Hartlepool's Public Convenience Provision – Scoping Report presented to the Neighbourhood Services Scrutiny Forum held on 12 July 2006.
- (ii) Report of the Director of Neighbourhood Services entitled 'Public Conveniences' to Cabinet on the 12 April 2006.
- (iii) Minute number 230 of Cabinet held on the 12 April 2006.
- (iv) Phil Woolas MP – speech to the 'Public Toilet Provision – The Way Forward' Seminar – 19 July 2006

	Operational Questions	
(a)	Is there a statutory requirement for Local Authorities to provide public conveniences? If yes, is there a minimum level of provision and standard of repair?	There is no statutory requirement for Local Authorities to provide public conveniences.  Whilst the British Toilet Association has achieved some success in raising the profile of toilet provision with Government the group has so far been unsuccessful in lobbying for it to become a statutory requirement.
(b)	How many public conveniences are there in Hartlepool and how does this compare to numbers in previous years?	Seventeen – Reduced over time.
(c)	Does the authority have a criterion against which the need for public conveniences and their location is assessed?	No.
(d)	Does the authority have a policy for dealing with vacant buildings following the closure of conveniences to prevent those becoming magnets for vandalism and anti-social behaviour?	Yes. Boarding up and marketing. Eventual demolition.
(e)	What are the main factors resulting in the closure of conveniences or reduction in opening hours?	Cost, ASB and Vandalism.
(f)	Do you feel that the level and condition of public convenience provision in Hartlepool is detrimental to the town's image and its attractiveness as a tourist destination?	Not the level but certainly the condition.

	<b>Operational Questions</b>	
(g)	Is there a budget for the cleaning of public conveniences?	A small budget.
(h)	Would the use of Mobile Toilets be practical?	No. These facilities are as, if not more, vulnerable to vandalism. They would, however, have to form the basis of additional provision for specific events such as the Tall Ships.
(i)	Can public conveniences ever be really vandal proof?	Not totally. Use of appropriate materials can make it easier to repair vandalism, i.e. remove graffiti, but it cannot be totally prevented.
(j)	<b>Health and Safety/Equality Questions</b>	
(k)	What is your view of the current level of provision, the condition of buildings and levels of cleanliness?	What is adequate? The condition of nearly all buildings is poor as is cleanliness.
(l)	Do our public conveniences comply with current health and safety legislation and will there be any implications as a result of the Disability Discrimination Act 1995?	They do not and yet there will be.
(m)	How does the Council through its public convenience provision provide for disabled residents and those with young families?	Three have disabled access and two with baby changing facilities.

	<b>Public Convenience Provision In the Future Questions</b>	
(n)	What do you feel are the main areas of concern for service users?	Safety and Cleanliness.
(o)	In your view where should public conveniences be positioned, when should they be opened and should attendants be provided?	In the “tourist” areas of town opened during daytime hours at lease. Attendants are too expensive and vulnerable.
(p)	How do you see public convenience provision in the future?	As seen in the report.
	<b>Financial Issues</b>	
(q)	How much would it cost to:  (i) Bring existing public conveniences up to an acceptable standard? (ii) Replace all conveniences with new facilities?	(i) £500,000 (ii) £4 million
(r)	Has partnership working, sponsorship and charging for the use of facilities been explored as a way of funding the provision of public conveniences?	No.

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

9 August 2006



**Report of:** Scrutiny Support Officer

**Subject:** SCRUTINY REFERRAL: HARTLEPOOL'S  
PUBLIC CONVENIENCE PROVISION –  
FEEDBACK FROM THE NEIGHBOURHOOD  
CONSULTATIVE FORUMS

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### 1. PURPOSE OF THE REPORT

- 1.1 To advise the Forum of the outcome of discussions at the Neighbourhood Consultative Forums on the 14, 15 and 16 June 2006 regarding public convenience provision in Hartlepool and the proposals referred by Cabinet for consideration.

### 2. BACKGROUND INFORMATION

- 2.1 Members will recall that at in addition to referring consideration of options and proposals for the development of a policy for the future provision of public conveniences in Hartlepool to scrutiny Cabinet also sought the views of the Neighbourhood Consultative Forums.
- 2.2 Details of the options and proposals for the development of a policy were considered by the Neighbourhood Consultative Forums on the 14 June 2006 (North), 15 June 2006 (Central) and 16 June 2006 (South). Following consideration of a presentation from the Head of Environmental Management various comments were made and extracts of the minutes for each of the Neighbourhood Forum meetings are provided in **Appendix A** for Members information.
- 2.3 In addition to the minutes extracts provided invitations have also been extended to the Chairs of each of the Neighbourhood Consultative Forums to attend today's meeting to provide Members with a first hand view of the Neighbourhood Forums views on the proposals.

### **3. RECOMMENDATION**

That the Forum note the views expressed by each of the Neighbourhood Consultative Forums and take into consideration the issues raised during the formulation of its response to Cabinet.

**Contact Officers:** - Joan Wilkins – Scrutiny Support Officer  
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### **BACKGROUND PAPERS**

The following background paper was used in the preparation of this report:-

- (i) Report of the Scrutiny Support Officer entitled 'Scrutiny Referral: Hartlepool's Public Convenience Provision – Scoping Report' presented to the Neighbourhood Services Scrutiny Forum on 12 July 2006.
- (ii) Minutes of the Neighbourhood Consultative Forums on the 14 June 2006 (North), 15 June 2006 (Central) and 16 June 2006 (South).

## **MINUTE EXTRACT**

### **North Neighbourhood Consultative Forum**

**14 June 2006**

#### **5. PUBLIC CONVENIENCES**

The Head of Environmental Management presented a report detailing a proposed policy in respect of public convenience provision. Members were given information on the current condition of public conveniences around Hartlepool, including budget information and the results of previous public consultations on the issue. A series of proposals were then submitted to the Forum for consideration. In the Central area these were as follows:

- Albert Street Car Park – to be closed
- Ward Jackson Park – current facilities to be demolished. The café toilets to be made available to the public during opening hours and consideration given to an extension of opening hours
- Burn Valley Gardens – upper facility to be closed, lower facility to be maintained
- Stranton Cemetery – adequate heating to be introduced, together with routine and planned maintenance.
- Hartlepool Maritime Experience - consideration to be given to possible closure, refurbishment or continuation of current limited use.

The report also recommended that all Council owned buildings should provide, wherever possible, public toilet facilities. Additionally town centre landlords should be encouraged to make their facilities open to the public. Details of the consultation process were given.

A St Hilda Ward Councillor requested that the building on the Pilot Pier be used as a lifeguard station instead of being knocked down. This was noted by DS.

### **Central Neighbourhood Consultative Forum**

**15 June 2006**

#### **10. PUBLIC CONVENIENCES**

The Head of Environmental Management presented a report detailing a proposed policy in respect of public convenience provision. Members were given information on the current condition of public conveniences around Hartlepool, including budget information and the results of previous public consultations on the issue. A series of proposals were then submitted to the Forum for consideration. In the Central area these were as follows:

- Albert Street Car Park – to be closed
- Ward Jackson Park – current facilities to be demolished. The café toilets to be made available to the public during opening hours and consideration given to an extension of opening hours
- Burn Valley Gardens – upper facility to be closed, lower facility to be maintained
- Stranton Cemetery – adequate heating to be introduced, together with routine and planned maintenance.

## MINUTE EXTRACT

## 7.3(a) Appendix A

- Hartlepool Maritime Experience - consideration to be given to possible closure, refurbishment or continuation of current limited use.

The report also recommended that all Council owned buildings should provide, wherever possible, public toilet facilities. Additionally town centre landlords should be encouraged to make their facilities open to the public. Details of the consultation process were given.

The Vice-Chair requested that the consultation on Ward Jackson Park provision be particularly thorough.

Resident Representative Bob Farrow asked if any newly-built facilities would be as high a specification as possible. The Head of Environmental Management confirmed they would be built to national standards and include baby-changing facilities and disabled provision.

The Chair asked that any comments on the proposals be forwarded to the Head of Environmental Management.

### South Neighbourhood Consultative Forum

16 June 2006

#### 9. PUBLIC CONVENIENCES

The Head of Environmental Management presented a report detailing a proposed policy in respect of public convenience provision. Members were given information on the current condition of public conveniences around Hartlepool, including budget information and the results of previous public consultations on the issue. A series of proposals were then submitted to the Forum for consideration. In the South area these were as follows:

- Former Baths Site – Seaton Carew – demolition of the existing facility and erection of a new facility
- Clock Tower – Seaton Carew – carry out only essential maintenance prior to erection of new facilities
- Rocket House – Seaton Carew – to demolish existing facilities and build a new facility adjacent to the site
- Seaton Carew Park – no action to be taken other than essential maintenance
- Rossmere Park – to maintain and improve the facilities

The report also recommended that all Council owned buildings should provide, wherever possible, public toilet facilities. Additionally town centre landlords should be encouraged to make their facilities open to the public. Details of the consultation process were given.

Councillor David Young asked that the new facilities at the Rocket House be up-to-date (with changing facilities and foot showers) and permanently staffed. The Head of Environmental Management said this could be considered but would be very costly. It was proposed that the premises be cleaned several times a day.

Councillor Ann Marshall queried the lack of costings in the report. The Head of Environmental Management directed the forum to a report submitted to Cabinet on 12<sup>th</sup> April 2006 which had a full breakdown of costs. He had been reluctant to give specific



**MINUTE EXTRACT**

**Appendix A**

cost details as they would be covered by the current budget and had wanted the issues to be debated rather than the costs.

Resident Allison Lilley asked if the police were currently using the Rocket House. The Head of Environmental Management explained that there were some maintenance issues and they were currently not using the building.

Councillor Mike Turner accepted the recommendations on the Clock Tower and Rocket House but asked that the premises on Coronation Drive be demolished only when they were certain to be rebuilt. The Head of Environmental Management explained this was a decision for Cabinet.

Resident Representative Iris Ryder commented that of the four Seaton toilets only one was in use. The Head of Environmental Management said the Seaton Carew baths facilities were open during the day and in the summer months. Mrs Ryder said she hoped the movement of the Clock Tower facilities was not a precursor to the loss of its listed building status. The Head of Environmental Management confirmed this would not happen.

Councillor Steve Gibbon asked what the security provisions would be. The Head of Environmental Management said the use of blue lights had been questioned by the Disabled Access Group but the Drug Enforcement Team felt they were an ineffective deterrent. This issue was still under consideration.

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

9 August 2006



**Report of:** Scrutiny Support Officer

**Subject:** SCRUTINY REFERRAL: HARTLEPOOL'S  
PUBLIC CONVENIENCE PROVISION –  
FEEDBACK FROM SITE VISITS TO  
CONVENIENCES IN HARTLEPOOL AND  
STOCKTON

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### 1. PURPOSE OF THE REPORT

- 1.1 To facilitate a discussion amongst Members of this Forum in relation to the Site Visits to conveniences in Hartlepool and Stockton to observe and compare service provision.

### 2. BACKGROUND INFORMATION

- 2.1 Members will recall that at the meeting of this Forum on 12 July 2006, the Terms of Reference and Potential Areas of Inquiry/Sources of Evidence were approved by the Forum for this scrutiny investigation.
- 2.2 In accordance with the approved timetable a Site Visit was made to conveniences in Hartlepool on the 20 July 2006 to observe the level and condition of service provision in Hartlepool. Sites visited were:
- Thorpe Street
  - Pilot Pier
  - The Lighthouse
  - Ward Jackson Park
  - Stockton Street
  - Seaton Baths
  - The Clock Tower

2.3 During the course of the visits those Members present:-

- i) Expressed a view that the closure of the Thorpe Street and Pilot Pier conveniences could be justified in light of their poor condition.
- ii) Acknowledged the contentious nature of proposals for the demolition of the Ward Jackson Park convenience and closure of the Clock Tower site. Whilst it was felt that the Clock Tower was not a bad facility attention was drawn to its poor condition.
- iii) Highlighted the need if Hartlepool was to be promoted as a tourist attraction to provide facilities at Seaton as well as the Marina. Attention was drawn to the walk along the sea front from Seaton to the Marina and the lack of conveniences on the Marina. It was, however, noted that facilities were available in the Maritime Experience although it was felt that improved signage was needed.
- iv) Suggested that there should be a stipulation for the provision of conveniences as part of planning applications.
- v) Concern was expressed that with the new Marina development the Headland and Seaton could be neglected.
- vi) Expressed a view that even if there was no statutory requirement for the provision of public conveniences, facilities should be provided at tourist sites i.e. the Headland, Seaton and the Marina.
- vii) Highlighted the problem with disabled access at some sites and the inability for some sites to be adapted to improve access.
- viii) Discussed the value of partnership working and suggested that this should be looked into in relation to the Seaton Baths site and the adjacent Wine Bar development and proposed facility on the old Rocket House site.

2.4 It was intended to also visit conveniences in Scarborough to provide a comparison with another Local Authority, however, difficulties in identifying a convenient time for the visit with Scarborough Borough Council has meant that this was not possible within the prescribed timescale for the investigation.

2.5 As an alternative in order to provide a comparison with another Local Authority it is proposed to visit public conveniences in Stockton and arrangements of this visit are in the process of being finalised. Feedback from the visit will be provided at the meeting.

### **3. RECOMMENDATION**

3.1 That Members of the Forum discuss their findings from the Site Visits with focus on:-

- i) The level, condition and location of provision in Hartlepool;
- ii) How Hartlepool Borough Council might benefit from the adoption/adaptation of practices or procedures operated by Stockton Borough Council in the provision of its public conveniences.

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### **BACKGROUND PAPERS**

The following background paper was used in the preparation of this report:-

(i) Report of the Scrutiny Support Officer entitled 'Scrutiny Referral: Hartlepool's Public Convenience Provision – Scoping Report' presented to the Neighbourhood Services Scrutiny Forum on 12 July 2006.

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

9 August 2006



**Report of:** Scrutiny Support Officer

**Subject:** SCRUTINY REFERRAL: HARTLEPOOL'S PUBLIC CONVENIENCE PROVISION – CONSIDERATION OF OPTIONS AND PROPOSALS FOR THE DEVELOPMENT OF A POLICY FOR PUBLIC CONVENIENCE PROVISION IN HARTLEPOOL

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### 1. PURPOSE OF REPORT

- 1.1 To seek consideration of the options and proposals for the development of a policy for public convenience provision in Hartlepool and formulate a response to the referral for submission to Cabinet in accordance with the prescribed timescale.

### 2. BACKGROUND INFORMATION

- 2.1 The Neighbourhood Services Scrutiny Forum has over the course of two months received evidence from various sources and undertaken site visits to observe the condition and location of public conveniences in Hartlepool and Stockton.
- 2.2 Taking into consideration all of the information provided the Forum is now asked to formulate a response in relation to the options and proposals for the development of a policy for the provision of public conveniences in Hartlepool as outlined in the report considered by Cabinet on the 12 April 2006. A copy of the report is enclosed at **Appendix A**, however, for quick reference a summary of the proposals is outlined below.

### 2.3 PROPOSALS

- 1) Close the Thorpe Street, Pilot Pier and Rocket House facilities and secure them in aesthetic materials.
- 2) Build a new facility adjacent to the old Rocket House site and close the Clock Tower site.

- 3) Carry out only essential maintenance to Clock Tower facility to keep them functioning until the new facilities are up and running.
- 4) Refurbish and upgrade the Lighthouse (Heugh Battery) facilities.
- 5) Consider what, if any, maintenance ought to take place to the Albert Street facility or whether it ought to be closed prior to any future land sale.
- 6) Consider the building of a new facility at the former Seaton Baths site, with closure and demolition of the existing facility.
- 7) Take no action in respect of the Seaton Park facilities other than essential maintenance. The new facilities at the Rocket House are in close proximity.
- 8) Demolish and make good the site at the Ward Jackson Park facilities. The toilets at the café to be made available to all public during opening hours. Consider extending the café opening hours to accommodate need.
- 9) Maintain and improve the facilities at Rossmere Park.
- 10) Demolish and make good the site in the Upper Burn Valley.
- 11) Maintain the Lower Burn Valley facility.
- 12) Introduce adequate heating, together with routine and planned maintenance to the Stranton Cemetery main facility.
- 13) Maintain existing facilities at West View Cemetery.
- 14) Consider the options in respect of the Hartlepool Maritime Experience.
- 15) In the light of the increased revenue costs, it is recommended that this building be either completely refurbished to make it as anti-vandal proof as possible, or closed and marketed, or continue with its current limited use.
- 16) It is also recommended that all Council owned buildings should provide, wherever possible, toilet facilities for the public. In addition, town centre landlords need to be encouraged to make their facilities available to the public during normal, now extended, opening hours.
- 17) It is recommended that full consultation take place on these proposals, with the three Forums, the Headland Parish Council, resident associations, the access group and, if felt appropriate, the Neighbourhood Services Scrutiny Forum.

2.4 During the course of discussions at the previous meeting various issues were discussed. Members may as part of their response to the referral wish to

make additional suggestions to Cabinet and to assist in this some of the issues previously raised include:-

- i) Whether public conveniences should continue to be provided by Hartlepool Borough Council;
- ii) The possible need to review opening hours;
- iii) The possible need for the identification of alternative ways of funding. Perhaps charging or partnership working. (2000 MORI poll indicated that 38% of respondents would be prepared to pay 10p to use a facility, 26% would pay 20p and 23% would be prepared to pay anything);
- iv) The lack of available information in relation to the usage of conveniences;
- v) The possibility of using CCTV cameras outside public conveniences;
- vi) The possible inclusion of a requirement within planning applications for the provision of public conveniences.

### 3. RECOMMENDATIONS

- 3.1 The Neighbourhood Services Scrutiny Forum is requested to express a view in relation to the options and proposals for the development of a policy for the provision of public conveniences in Hartlepool and formulate a response for submission to Cabinet by the September deadline.

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### BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- (i) Report of the Scrutiny Support Officer entitled 'Scrutiny Referral – Hartlepool's Public Convenience Provision – Scoping Report presented to the Neighbourhood Services Scrutiny Forum held on 12 July 2006.
- (ii) Report of the Director of Neighbourhood Services entitled 'Public Conveniences' to Cabinet on the 12 April 2006.
- (iii) Minute number 230 of Cabinet held on the 12 April 2006.

# **CABINET REPORT**

**12 April 2006**



**Report of:** Director of Neighbourhood Services

**Subject:** PUBLIC CONVENIENCES

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## **SUMMARY**

### **1. PURPOSE OF REPORT**

To provide information to Members to enable them to formulate a policy in respect of public convenience provision.

### **2. SUMMARY OF CONTENTS**

A comprehensive, detailed analysis of all public conveniences throughout the Borough, with recommendations regarding their future and proposals to invest in new facilities.

### **3. RELEVANCE TO CABINET**

This is a matter that affects all the population of Hartlepool and visitors.

### **4. TYPE OF DECISION**

Key decision (tests (i) and (ii) apply).

### **5. DECISION MAKING ROUTE**

Cabinet on 12 April 2006.

### **6. DECISION(S) REQUIRED**

To determine a policy in respect of public convenience provision throughout the Borough in light of recommendations contained within the report.



**Report of:** Director of Neighbourhood Services

**Subject:** PUBLIC CONVENIENCES

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## 1. PURPOSE OF REPORT

- 1.1 To provide information to members to enable them to formulate a policy in respect of public convenience provision.

## 2. BACKGROUND

- 2.1 It is fair to say that over a long period of time the Council has not developed a sustainable policy in respect of public conveniences and, following officer recommendations, has determined, in the main, various closures with the occasional new facility being provided.

- 2.2 Various departments of the Council have, at one time or another, been given the responsibility of managing public conveniences and in 2003 Neighbourhood Services took over responsibility for public conveniences not associated with parks or the Historic Quay.

- 2.3 The current budget for public conveniences is £110K made up as follows:

	£
Wages for Clock Tower attendants	55K
Mobile attendant	20K
York Road contract	13K
Repairs and maintenance	22K

- 2.4 As members are aware, the York Road facility has been removed but, as the contract still had several years to run, there was no saving in 2005/06.
- 2.5 Because of the condition of the toilets the annual repair bill always exceeds the budget and, therefore, there is always an overspend.
- 2.6 In general, due to low budget provision, the buildings and service have not been maintained to the appropriate standards.
- 2.7 As a result, the condition of the buildings, the equipment, and the service in general, has deteriorated over the years to such an extent that facilities in some sites have had to be restricted, minimised or closed.

- 2.8 However, due to the prolonged inadequate maintenance and the ever-increasing vandalism, even the reduced service cannot be maintained using the current resources.
- 2.9 One of the greatest problems common to all facilities is the problem of vandalism and anti-social behaviour. This problem is of a lesser extent at the Clock Tower due to the presence of attendants. However, even here recent acts of anti-social behaviour are a major cause of concern.
- 2.10 Only the facilities at the Lighthouse, Middlegate, Albert Street car park, and the Clock Tower sites, provide disabled persons facilities. These, however, are below the required standards, particularly at the Clock Tower. None of the facilities provide adequate babychanging facilities.
- 2.11 The facilities at Thorpe Street, Pilot Pier and Seaton Baths are not connected to the main drainage system due to their low level or the absence of a drainage system in their locality. Thorpe Street is connected to a septic tank, the Pilot Pier and Seaton Baths sites are connected to cesspits. Northumbria Water is responsible for the Pilot Pier cesspit, while the Council is responsible for emptying of the cesspit at Seaton Baths. All other facilities are connected to the main drainage system.
- 2.12 It is estimated that a realistic annual maintenance figure would be £50K which would allow for reactive and planned maintenance.

2.13 Viewpoint 1000 Survey

The latest survey showed the following results:-

- (a) Nearly half of all respondents had not used any Council owned public conveniences in the last 12 months
- (b) Of the respondents who expressed an opinion over 70% felt that there should be more Council owned conveniences across the town
- (c) Nearly a third of Viewpoint 1000 members who had used the Council owned conveniences said that the condition and standard was poor
- (d) 60% of Viewpoint 1000 members felt that the Council should commit more financial resources to improve the standard or the number of public conveniences

2.14 Parks, Historic Quay and Cemeteries

In the parks there are public conveniences in Ward Jackson, Seaton, Rossmere and Bum Valley. In addition, Adult & Community Services are also responsible for the Hartlepool Maritime Experience toilets. Neighbourhood Services is responsible for the facilities at Stranton and West View Cemeteries.

## 2.15 Current condition of all public conveniences

The provision of public conveniences in each of the Forum Areas is as follows:

In the North there are five sets of toilets: Thorpe Street, the Lighthouse, the Pilot Pier, Middlegate Bus Station and West View Cemetery.

In the Central Forum area there is the public convenience in the Albert Street car park, together with facilities in Ward Jackson, Bum Valley, Stranton Cemetery and the Hartlepool Maritime Experience.

In the South there are five current facilities: the former baths site, the Clock Tower, the Rocket House, Seaton Park and Rossmere Park.

## 3. **NORTH FORUM AREA**

### 3.1 Thorpe Street and Pilot Pier:

The condition of the facilities at the Thorpe Street and Pilot Pier sites is extremely poor, therefore their immediate closure is proposed. Part of the closure would consist of disconnection of services and the bricking up of the doors and window openings.

### 3.2 Middlegate:

The condition of the Middlegate facilities is moderate to poor, nevertheless, with adequate maintenance resources they could have remained. However, now the decision has been made in respect of the Town Square development, the toilets have been closed. New facilities are being provided as part of the Town Square Scheme.

### 3.3 Lighthouse (Heugh Battery):

The condition of the Lighthouse (Heugh Battery) facilities is moderate to reasonable, although essential maintenance, some upgrading and refurbishment work is required. The facility has hand-washing and disabled facilities.

### 3.4 West View Cemetery:

The condition of the facilities is poor and very basic, although they are currently functional, and in need of maintenance.

It is recommended that the current arrangements continue. It is also recommended that essential maintenance be carried out to bring the facilities to the required standards, and for provisions to be made for adequate future maintenance.

Consideration needs to be given to the long-term level and extent of the service.

#### **4. CENTRAL FORUM AREA**

##### **4.1 Albert Street car park:**

The condition of the facilities at Albert Street car park is of moderate standard, although essential maintenance and upgrading is required. In addition, these facilities have seen acts of anti-social behaviour and staff are constantly removing hypodermic needles from within the block.

In addition the land upon which the facility stands is the subject of discussions with the College of Further Education with a view to disposal of the site.

##### **4.2 Ward Jackson Park:**

These facilities are both male and female, without hand-washing facilities or disabled person facilities.

Whilst still operational, the overall condition of the building and the fixtures and fittings is poor.

##### **4.3 Burn Valley Gardens:**

There are two sets of conveniences in Burn Valley, upper and lower.

The upper facility is closed and has been for a number of years. The main reasons being the high costs of vandalism and serious anti-social behaviour. Users of the gardens and nearby residents also requested closure.

The condition of the fabric of the building is extremely poor.

The use of the lower facility is restricted to users of the bowling green and club members. Therefore the facilities are only used during the outdoor bowling season.

The facilities are without hand-washing or disabled facilities and are restricted to male use as the female toilet is used for storage.

The condition of the building and facilities is very poor.

##### **4.4 Stranton Cemetery:**

The main public conveniences are situated within the crematorium building. There is also an external open roof structure housing a urinal, near the crematorium at the centre of the cemetery.

The condition of the facilities at the crematorium is reasonably good, although the facilities would benefit from some essential maintenance and improvements.

#### 4.5 Hartlepool Maritime Experience:

These facilities are greatly under-used. They only open during Easter and August Bank Holidays when there is a fair in the car park, the two days of the Maritime Festival and, occasionally, when other special events take place.

The building is designed to be manned by an attendant and the number of cubicles is high compared to modern anti-vandal public conveniences. There are disabled and hand-washing facilities but no baby changing facility.

Although the building is relatively new, the overall condition of the building shows signs of prolonged neglect and lack of adequate maintenance.

As a result, a considerable number of the building elements, equipment, fixtures and fittings are in extremely poor condition and many would need replacing.

The roof has a number of open holes. Roof tiles are missing and many are loose. It also appears that the roof has no roof tile underfelt.

There are numerous cracks to walls, which suggest movement and settlement.

A number of windows are heavily decayed and in need of extensive repairs or replacement. This is mainly due to lack of maintenance.

Many of the equipment, fixtures and fittings are in need of replacement. For example, the taps and soap dispensers need replacing due to the oxidation of the chrome finish and the corrosion of the metal parts.

There are signs of dampness to the walls due to roof leaks and rain penetration. As a result the plaster and wall paint is peeling off.

There has been no external painting since the building was built. As a result the external doors, handrails, windows and other external painted surfaces are in very poor condition and some may need replacing.

The frost protection heaters in the service duct also need replacing due to extensive corrosion.

## **5. SOUTH FORUM AREA**

### **5.1 Former Baths Site - Seaton Carew:**

There are both male and female facilities on this site with hand-washing facilities but no disabled or babychanging facility.

The general condition of the building and facilities is poor, with the roof being a particular cause for concern.

### **5.2 Clock Tower - Seaton Carew:**

The condition of the facilities at the Clock Tower is moderate to poor. Although they are currently operational, nevertheless extensive and essential maintenance and refurbishment works are required.

Due to the building being listed, the extensive structural problems and the difficulties associated with split-level of the site, combined with the layout restrictions, create severe technical, economical and operational limitations. For these reasons the long-term viability of the facilities is questionable in their present layout and the current economic climate.

### **5.3 Rocket House - Seaton Carew:**

The condition of the building and facilities is extremely poor and beyond economic repair. At the moment the facilities are not operational.

### **5.4 Seaton Carew Park:**

For the last two years the public conveniences in Seaton Carew Park have been closed. This came about as a result of the continuous heavy vandalism, the high activity of anti-social behaviour and the installation of high level lockable security fence around the bowling club complex, thus creating a lockable endosure.

As a result, access to the endosure was restricted only to the members of the bowls club and the park's personnel.

It is worth noting that, since the new arrangements were introduced, the rate of vandalism and anti-social activities to the bowls pavilion complex were reduced by more than 95%.

Both dis used/closed public conveniences (Gents and Ladies) are now used by the parks section as stores.

These end sections, forming the public conveniences, are in poorer condition than the centre section occupied by the bowling club.

The bowling club look after their part of the building well. They keep the site clean and tidy. They have decorated the internal of the building as well as the front external elevation. They also removed the window boards. In addition they have hung external flower baskets. Generally they have greatly enhanced and improved the outlook of the building.

Within the bowling club building there are separate toilet facilities for gents and ladies, however there are no disabled facilities.

#### 5.5 Rossmere Park:

There are both ladies and gents provision but no disabled or hand-washing facilities.

At present the facilities are operational, however, the overall condition of the building and the fixtures and fittings is very poor.

### 6. OPERATION & MAINTENANCE

6.1 The daily operational management and cleaning of the public conveniences, not including those in the parks, is limited to 3 hours per day including travelling time.

6.2 Every morning, starting at 7.30 am, an operative attends each facility in turn and opens, cleans, fills up the soap and toilet paper dispensers, checks the facilities and reports any obvious defects. At about 3.00 pm the operative begins his round to close the facilities. This level of service is inadequate.

6.3 Apart from some very basic maintenance, e.g. replacement of toilet seats, etc, the facilities do not receive the required maintenance nor do they have a planned maintenance programme.

6.4 The parks facilities are usually opened/closed and cleaned by the parks operatives. Also the facilities are opened during the park's opening hours.

#### 6.5 Attendants service:

Only the facilities at the Clock Tower has full-time attendants. There are two attendants, male and female

The facilities are usually open at 10.00 am until 7.00 pm (Wednesday 6.30 pm). There are some variations during the summer and school holidays

Lunchtime is 1.5 hours. During lunchtime there are no washing facilities as these are located in the attendant's room

## 7. COSTED OPTIONS

- 7.1 For public conveniences not associated with Parks - see **Appendices 1–3**.
- 7.2 For public conveniences associated with Parks - see **Appendices 4 and 5**.
- 7.3 For cemeteries - see **Appendix 6**.
- 7.4 Hartlepool Maritime Experience - see **Appendix 7**.

## 8. PROPOSALS

- 8.1 Close the Thorpe Street, Pilot Pier and Rocket House facilities and secure them in aesthetic materials.  
**Cost: £4,500**
- 8.2 Build a new facility adjacent to the old Rocket House site and close the Clock Tower site.  
**Cost: £228,500**
- 8.3 Carry out only essential maintenance to Clock Tower facility to keep them functioning until the new facilities are up and running.  
**Cost: £1,500**
- 8.4 Refurbish and upgrade the Lighthouse (Heugh Battery) facilities.  
**Cost: £6,000**
- 8.5 Consider what, if any, maintenance ought to take place to the Albert Street facility or whether it ought to be closed prior to any future land sale.  
**Cost: £8,000**
- 8.6 Consider the building of a new facility at the former Seaton Baths site, with closure and demolition of the existing facility.  
**Cost: £233,000**
- 8.7 Take no action in respect of the Seaton Park facilities other than essential maintenance. The new facilities at the Rocket House are in close proximity.  
**Cost: £5,000**
- 8.8 Demolish and make good the site at the Ward Jackson Park facilities. The toilets at the café to be made available to all public during opening hours. Consider extending the café opening hours to accommodate need.  
**Cost: £6,000**
- 8.9 Maintain and improve the facilities at Rossmere Park.  
**Cost: £50,000**
- 8.10 Demolish and make good the site in the Upper Burn Valley.  
**Cost: £6,000**



- 8.11 Maintain the Lower Burn Valley facility.  
**Cost: £10,000**
- 8.12 Introduce adequate heating, together with routine and planned maintenance to the Stranton Cemetery main facility.  
**Cost: £5,000**
- 8.13 Maintain existing facilities at West View Cemetery.  
**Cost: £1,500**
- 8.14 Consider the options in respect of the Hartlepool Maritime Experience.
- 8.15 In the light of the increased revenue costs, it is recommended that this building be either completely refurbished to make it as anti-vandal proof as possible, or closed and marketed, or continue with its current limited use.
- 8.16 It is also recommended that all Council owned buildings should provide, wherever possible, toilet facilities for the public. In addition, town centre landlords need to be encouraged to make their facilities available to the public during normal, now extended, opening hours.
- 8.17 It is recommended that full consultation take place on these proposals, with the three Forums, the Headland Parish Council, resident associations, the access group and, if felt appropriate, the Neighbourhood Services Scrutiny Forum.

## 9. OVERALL COST OF PROPOSALS

- 9.1 £565,000 + £30,000 provisional sum, together with:

Hartlepool Maritime Experience options	£15,000 (Capital)
or	£100,000 - £200,000 (Capital)
plus added revenue costs of	£50,000

- 9.2 If the Cabinet decided to accept these recommendations, then the capital costs would total between £595,000 and £795,000.

The current revenue budget could be reduced by the cost of the two full-time employees at the Clock Tower and the refurbishment works funded through prudential borrowing and financed from this saving over a 20 year period.

At the lower end of the possible costs, this would leave some revenue to fund proper and adequate cleaning, as well as essential maintenance.

**10. RECOMMENDATIONS**

- 10.1 Cabinet are asked to give their views on the options and proposals contained in the report
- 10.2 Cabinet is recommended to approve that full consultation is undertaken on the options and proposals as described in paragraph 8.17.

## **BACKGROUND PAPERS**

Public Conveniences Condition Surveys Report - 2004

Public Conveniences Condition Surveys Report - Rocket House

Parks - Public Conveniences Report

Copies of which are available in the Members' Library

Letters relating to the termination of the Maintenance Agreement in relation to the York Road APC

## Appendix 1

Schedule showing estimated costs to:

- (a) Close the Thorpe Street, Pilot Pier and the Rocket House facilities
- (b) Carry out essential and backlog maintenance to the remainder of the facilities over the next 12 months, and bring these to the minimum acceptable standards

### Estimated Costs:

Item	Site	Description of work	Cost
1	Thorpe Street	To close (mothball) the facilities	£1,500
2	Pilot Pier	To close (mothball) the facilities	£1,500
3	Rocket House	To close (mothball) the facilities	£1,500
4	Lighthouse (Heugh Battery)	Maintenance	£6000
5	Seaton Baths	Maintenance	£24,000
6	Clock Tower	Maintenance	£28,000
7	Provisional sums	Provisional sums	£1,500
8	<b>Total</b>		<b>£64,000</b>

### Advantages:

- 1 Minimum maintenance costs
- 2 Minimum disruption during maintenance works
- 3 Early completion of works can be achieved
- 4 Brings facilities to the minimum acceptable standards
- 5 Provides breathing space to seek long-term solutions

### Disadvantages:

- 1 Does not address the underlying problems
- 2 Does not provide for medium or long-term improvements
- 3 Does not address the access for disabled persons' requirements
- 4 Does not address the baby changing facilities requirements
- 5 In some cases it can be seen as wasted resources

## Appendix 2

Schedule showing estimated costs to:

- (a) Close the Thorpe Street, Pilot Pier and Rocket House facilities
- (b) Carry out essential and backlog maintenance to the remainder of the facilities over the next 12 months and bring these to the minimum acceptable standards
- (c) Carry out some improvement work to Seaton Baths and Clock Tower, including the provision of disabled facilities at the Seaton Baths site

### Estimated Costs:

Item	Site	Description of work	Cost
1	Thorpe Street	To close (mothball) the facilities	£1,500
2	Pilot Pier	To close (mothball) the facilities	£1,500
3	Rocket House	To close (mothball) the facilities	£5,000
4	Lighthouse (Heugh Battery)	Maintenance	£5,000
5	Albert Street Car Park	Maintenance	£7,000
6	Seaton Baths	Maintenance & Improvements	£70,000
7	Clock Tower	Maintenance & Improvements	£90,000
8	<b>Total</b>		<b>£180,000</b>

### Advantages:

- 1 Relatively low maintenance costs
- 2 Acceptable level of disruption during maintenance works
- 3 Relatively early completion of works can be achieved
- 4 Addresses some of the highlighted problems
- 5 Improves and brings facilities up to more acceptable standards
- 6 Provides longer breathing space to seek long-term solutions

### Disadvantages:

- 1 Does not address all the underlying problems
- 2 Does not provide long-term solution of the highlighted problems
- 3 Does not completely address the access for disabled persons requirements
- 4 Does not completely address the baby changing facilities requirements
- 5 Does not provide long-term solutions to some of the underlying problems
- 6 Spend may not provide value for money

## Appendix 3

Schedule showing estimated costs to:

- (a) Close the Thorpe Street, Pilot Pier and Rocket House facilities
- (b) Carry out essential and backlog maintenance to the Lighthouse and Albert Street facilities subject to discussions with the College of Further Education
- (c) Demolish the facilities at Seaton Baths
- (d) Build two new facilities. One at Seaton Baths and a new one at the Seaton Carew front
- (e) Facilities at Seaton Baths to incorporate a new cesspit if the existing one is not suitable

### Estimated Costs:

Item	Site	Description of work	Cost
1	Thorpe Street	To close (mothball) the facilities	£1,500
2	Pilot Pier	To close (mothball) the facilities	£1,500
3	Rocket House	To close (mothball) the facilities	£1,500
4	Lighthouse (Heugh Battery)	Maintenance	£6,000
5	Albert Street Car Park	Maintenance	£8,000
6	Seaton Baths	Demolish & Rebuild	£233,000
7	Clock Tower	To close (mothball) the facilities	£1,500
8	Seaton Carew front (Rocket House)	Rebuild new facilities	£227,000
9	Provisional sums	Provisional sums	£30,000
10	<b>Total</b>		<b>£510,000</b>

### Advantages

- 1 Improves the service considerably
- 2 Acceptable level of disruptions during maintenance works
- 3 Addresses many of the highlighted problems
- 4 Improves and brings facilities up to more acceptable standards
- 5 Improves longer term solution
- 6 Provides better value for money

### Disadvantages

- 1 Does not address all the underlying problems
- 2 Does not provide comprehensive long term solution of the highlighted problems
- 3 Does not completely address the baby changing facilities requirements

## Appendix 4

### Schedule showing estimated costs to:

- (a) Carry out repairs and limited improvement works at Rossmere Park, including the provision of basic facilities for the disabled
- (b) Carry out essential maintenance to the lower Burn Valley facilities
- (c) Carry out essential maintenance to the buildings at Seaton Park
- (d) Close (mothball) the facilities at Ward Jackson Park

### Estimated Costs:

Item	Site	Description of work	Cost
1	Ward Jackson Park	To close (mothball) the facilities	£2,000
2	Seaton Carew Park	Building Maintenance	£5,000
3	Rossmere Park	Maintenance & Improvements	£31,000
4	Lower Burn Valley	Building Maintenance	£10,000
5	Upper Burn Valley	Keep building safe	£2,000
6	<b>TOTAL</b>		<b>£50,000</b>

### Advantages:

- 1 Minimum maintenance costs
- 2 Minimum disruptions during maintenance works
- 3 Early completion of works can be achieved
- 4 Brings facilities to the minimum acceptable standards
- 5 Improves breathing space to seek long-term solutions

### Disadvantages:

- 1 Does not address all the underlying problems
- 2 Does not provide long term improvements
- 3 In view of the solution being a short term one, it can be seen by some as wasted resource

## Appendix 5

### Schedule showing estimated costs to:

- (a) Carry out complete refurbishment works at Rossmere Park, including the provision of facilities for the disabled
- (b) Carry out essential maintenance to the lower Burn Valley facilities
- (c) Carry out essential maintenance to the buildings at Seaton Park
- (d) Demolish existing facilities and make good site at Ward Jackson Park and the upper Burn Valley

### Estimated Costs:

Item	Site	Description of work	Cost
1	Ward Jackson Park	Demolish and make good site	£6,000
2	Seaton Carew Park	Building Maintenance	£5,000
3	Rossmere Park	Maintenance & Improvements	£50,000
4	Lower Burn Valley	Building Maintenance	£10,000
5	Upper Burn Valley	Demolish and make good site	£6,000
6	Provisional sums	Provisional sums	£3,000
7	<b>TOTAL</b>		<b>£80,000</b>

### Advantages:

- 1 Relatively moderate maintenance costs
- 2 Acceptable level of disruptions during maintenance works
- 3 Relatively early completion of works can be achieved
- 4 Brings facilities to decent standards
- 5 Provides medium to long-term solutions
- 6 Provides better value for money in the long term

### Disadvantages:

- 1 Does not address all problems
- 2 Due to the age and design of the buildings, further and higher maintenance costs than those associated with modern anti-vandal buildings, will continue to occur



## Appendix 6

(i) West View Cemetery

- (a) To maintain existing facilities at their present level, with minimum reactive maintenance. Estimated required budget £1,500, and thereafter an annual maintenance budget of £1,500
- (b) To improve the existing facilities by adequate reactive maintenance, including the replacement of defective items. Estimated required budget £3,000 and, thereafter, an annual maintenance budget of £1,500
- (c) To build new facilities, incorporating disabled facilities. The estimated building costs are £30,000 - £50,000. An additional annual maintenance budget of £3,000 would be required

(ii) Stranton Cemetery

- (a) Repair roof, redecorate, carry out routine maintenance, point brickwork  
Cost: £2,500
- (b) As above plus the introduction of heating and planned maintenance.  
Cost: £4,500 - £7,500
- (c) Complete refurbishment and planned maintenance.  
£7,500 - £9,500

## Appendix 7.1

### Hartlepool Maritime Experience

#### OPTION 1

To continue with the current arrangements.

#### Advantages:

None, apart from the minimum running costs

#### Disadvantages:

- 1 Extremely poor return on initial investment
- 2 Waste of valuable resources
- 3 Extremely poor public service
- 4 Further rapid deterioration of the condition of the building and fixtures and fittings would necessitate extensive and expensive repair costs

#### Costs:

Repairs	£10,000 - £15,000
Annual Maintenance Budget	£3,000

## Appendix 7.2

### OPTION 2

To carry out essential and appropriate maintenance to bring the existing facilities up to acceptable standards and to reopen them as regular public conveniences, with or without attendant service

#### Advantages:

- 1 Less expensive than the option of a complete refurbishment
- 2 Early completion with short term delays
- 3 ***With attendant*** - the attendant would provide a daily housekeeping service, on-hand assistance to users, friendlier service, minimise vandalism

#### Disadvantages:

- (i) Without attendant service (**Not Recommended**)
  - 1 Very short-term benefits
  - 2 Potentially high risk of vandalism
  - 3 High repair costs
  - 4 Continuous vandalism
  - 5 Difficult to match replaced fixtures and fittings, therefore poor appearance of facilities
  - 6 Regular disruption to the service
  - 7 High public perception of poor service
- (ii) With attendant service - High wage bill and personnel problems

#### Costs:

Repairs	£10,000 - £15,000
Annual Maintenance Budget	£3,000
Attendant's wages	£50,000

## Appendix 7.3

### OPTION 3

To carry out complete refurbishment. This will include structural modification, the reduction of cubicles and the introduction of anti-vandal measures, and to reopen the facilities on a regular basis, as public convenience without attendant's service.

#### Advantages:

- 1 Almost completely new and modern facilities
- 2 As far as practicable the new facilities, incorporating anti-vandal properties, would minimise vandalism and significantly reduce repair costs
- 3 Offer of high quality service of public conveniences
- 4 Long term benefits and good return on proposed and past capital investment

#### Disadvantages:

- 1 High initial refurbishment costs

**Note:** It should be noted that any anti-vandal measures would only reduce the extent of vandalism. Taking into account the current high anti-social problem and phenomenon of vandalism, it is anticipated that vandalism would still continue to be a major problem and a drain on scarce resources.

#### Costs:

Refurbishment costs	£100,000 - £200,000
Annual maintenance budget	£5,000
Attendant's wages	£50,000

### OPTION 4

Close the building as a public convenience and either use it for Council storage or market it.

Costs for mothballing	£2,000
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