

# **REGENERATION SERVICES COMMITTEE AGENDA**



**Monday 4 September 2017**

**at 2.00 pm**

**in Committee Room B,  
Civic Centre, Hartlepool**

**MEMBERS:** REGENERATION SERVICES COMMITTEE

Councillors S Akers-Belcher, Cook, Cranney, Lindridge, Loynes, Moore and Thompson

**1. APOLOGIES FOR ABSENCE**

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

**3. MINUTES**

- 3.1 Minutes of the meeting held on 17 July 2017 (*previously circulated and published*)

**4. BUDGET AND POLICY FRAMEWORK**

None.

**5. KEY DECISIONS**

- 5.1 Renewal of the Longhill & Sandgate Business Improvement District (BID) – *Assistant Director, Economic Growth and Regeneration*
- 5.2 Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2016-2031) – *Director of Regeneration and Neighbourhoods*
- 5.3 Housing Services Policy Reviews – *Assistant Director, Economic Growth and Regeneration*



**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Hartlepool Daymark Project – *Assistant Director, Economic Growth and Regeneration*
- 6.2 Food Law Enforcement Service Plan 2017/18 – *Interim Director of Public Health*

**7. ITEMS FOR INFORMATION**

- 7.1 Tees Valley Investment Fund – Expressions of Interest – *Assistant Director (Economic Growth and Regeneration)*

**8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

**EXEMPT ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

**10. ITEMS REQUIRING DECISION**

- 10.1 Heugh Gun Battery Museum – *Assistant Director, Economic Growth and Regeneration (Para 3)*

**11. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**FOR INFORMATION:**

Date of next meeting – Friday 15 September 2017 at 3.00 pm in the Civic Centre, Hartlepool



# REGENERATION SERVICES COMMITTEE

4 September 2017



**Report of:** Assistant Director (Economic Growth and Regeneration)

**Subject:** RENEWAL OF THE LONGHILL & SANDGATE  
BUSINESS IMPROVEMENT DISTRICT (BID)

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key decision (test (ii) – Forward Plan Reference No. RN06/17.

## 2. PURPOSE OF REPORT

2.1 To provide background information on the Longhill & Sandgate Business Improvement District (BID) and to seek authorisation to engage in pursuing a re-ballot for the renewal of the current BID.

## 3. BACKGROUND

3.1 A Business Improvement District (BID) is a partnership arrangement through which local authorities and the local business community can take forward schemes which will benefit the local community, subject to the agreement of non-domestic ratepayers within the detailed BID area, who will then finance the scheme through a levy on their rates.

3.2 The Longhill & Sandgate BID has been running since 1<sup>st</sup> April 2008. The first five year BID ended on 31<sup>st</sup> March 2013 and this was renewed for a further five years from 1<sup>st</sup> April 2013. The current BID is therefore due to end on 31<sup>st</sup> March 2018.

3.3 The BID levy is currently used to fund the revenue costs of monitoring and maintaining the 17 camera CCTV system installed throughout the Longhill & Sandgate Industrial Estates.

3.4 The BID partnership consists of the Longhill & Sandgate Business Association, the Borough Council and Hartlepool Police.

3.5 As per the BID regulations covered by Part four of the Local Government Act 2003, (2003 C.26), the proposals for the BID will be put to a postal ballot to

all businesses on the Longhill & Sandgate Industrial Estates in November 2017. The ballot has to meet two tests to be accepted:

1. A simple majority of those voting in the ballot must vote in favour.
2. Those voting in favour must represent a majority by rateable value of the hereditaments (rateable properties) of those voting.

This 'dual key' mechanism is intended to ensure that a small number of large businesses cannot force through a measure that small businesses do not support and vice versa.

- 3.6 Through consultation with Longhill & Sandgate Business Association it is proposed that the BID levy would be 1.5% of the rateable value of all hereditaments in the BID area. There are also two thresholds set to this levy, a minimum payment threshold of £50 and a maximum payment threshold of £1,500.
- 3.7 Hartlepool Borough Council is currently the accountable body for the BID and has the role of collecting the levy from businesses, holding the money collected, arranging payments of invoices on expenditure as approved in accordance with the overall BID purpose and agreement and the BID Partnership.

#### **4. PROPOSALS**

- 4.1 It has been agreed by the Executive of the Longhill & Sandgate Business Association to pursue a renewal of the current BID for a further 5 years which will:
- Ensure the existing estates wide CCTV system remains operational.
  - Provide a reactive security response service to incidents picked up by the CCTV Monitoring Centre.
  - Provide a regular estate wide environmental cleansing service.
- 4.2 There has been a recent consultation exercise undertaken with the businesses on the Longhill & Sandgate Industrial Estates area that highlighted that:
- The provision for safety and security of the estates is still top priority.
  - The general environment requires improvement i.e. litter.
- 4.3 Cleveland Police have reported a steady decline in business crime across the estates. The CCTV system has helped police the estate more effectively and acted as a crime deterrent.
- 4.4 Approval is being sought for the Council to continue as a Partner in the BID, including the development of the new BID proposals.

- 4.5 The process for renewing the BID involves a number of steps that have to be taken as identified in the proposed timetable below.

31/08/17	Business Plan finalised detailing what the renewal BID aims to undertake, and how it will be achieved
August to November	There will a period of comprehensive communication to the businesses of Longhill and Sandgate informing them of the detail of the business plan and an opportunity to provide formal feedback.
04/09/17	A report will be presented to Committee (including the completed business plan proposal) that will serve as the formal proposal notification to HBC and the Secretary of State informing of the intention to undertake a renewal BID and the necessary ballot.
09/10/17	Formal notice to ballot published in the local press and in direct mail to the businesses.
30/10/17	Ballot papers sent out to businesses
30/11/17	Actual ballot day

## 5. RISK IMPLICATIONS

- 5.1 Without a formal BID arrangement the ongoing funding of the system and services would most likely have to be met from voluntary contributions by the businesses located on the estate. This provides a number of potential issues:

- The full operating costs may not be met leading to the ultimate demise of the system.
- Experience of these types of systems previously is that voluntary contributions are difficult to collect and tend to 'dry up' over a period of time, again leading to the demise of the system.
- The Business Association is currently an unincorporated body and therefore responsibility for the finances of the BID, and as a consequence, for the maintenance of the CCTV system, lie with the Council's Economic Regeneration Team. Should alternative arrangements be required this will mean a complete change to the governance procedures of the Business Association.

## 6. FINANCIAL CONSIDERATIONS

- 6.1 The income generated from the current BID levy is about £65,000 per annum collected from about 328 businesses that are based in the BID area.
- 6.2 The reduction of the BID levy for 2018-2023 as agreed by the Longhill & Sandgate Business Association Executive will mean that the income from the proposed BID levy is estimated at £55,000 from about 338 businesses that are currently based in the BID area.

- 6.3 The income and expenditure for the proposed five year of the BID is shown in the table below with estimates based on current figures adjusted for inflation over the 5 years.

	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	Total £000
<b>INCOME</b>						
BID levy	55,000	55,000	55,000	55,000	55,000	275,000
<b>EXPENDITURE</b>						
Monitoring	27,000	28,000	29,000	30,000	31,000	145,000
Maintenance	5,300	5,800	6,300	6,800	7,400	31,600
Transmission	12,800	12,800	12,800	12,800	12,800	64,000
Electricity	300	400	500	600	700	2,500
CCTV upgrades	3,000	3,000	3,000	3,000	3,000	15,000
IT, Billing and Recovery	5,000	5,200	5,400	5,500	5,700	26,800
Security Response Service	2,800	2,900	2,900	3,000	3,100	14,700
Environmental Cleansing Service	11,200	11,500	11,800	12,200	12,400	59,100
<b>TOTAL</b>	67,400	69,600	71,700	73,900	76,100	358,700
<b>Balance</b>	(12,400)	(14,600)	(16,700)	(18,900)	(21,100)	(83,700)

- 6.4
- 6.5 The Revenues service covers the operation of a specific IT database, the costs associated with sending out bill reminders etc as well as recovery action for non payers. The Revenues Team have confirmed that their service charge for the new BID to operate from April 2018 will be the same as that for the current BID. These costs amount to £5,000 adjusted yearly for inflation and will be covered by the income for the BID levy.
- 6.6 The identified monitoring costs of £27,000 per annum plus an increment of £1,000 per annum has been agreed by the CCTV Monitoring Centre who will be delivering the CCTV monitoring service.
- 6.7 Although the table above shows that the estimated expenditure exceeds the expected income over the proposed five year period there is a current surplus in the BID funds of £150,000. Therefore the BID has enough money to cover the continuation of the CCTV system as well as the reactive security response, environmental cleansing service and any unexpected costs.
- 6.8 Any additional surplus generated in 2018-2023 will be held for contingency purposes to fund any additional projects as identified by the Longhill & Sandgate Business Association within the constraints of the BID.
- 6.9 If the ballot is no then the surplus will be used to continue with the operation of the CCTV system as funds allow.

## **7 LEGAL CONSIDERATIONS**

- 7.1 The Council will continue to be a partner in the Longhill & Sandgate BID Partnership and also continue to act as the accountable body for the Longhill & Sandgate BID Partnership.
- 7.2 The Longhill & Sandgate BID Partnership is an unincorporated entity with no legal status. It does however have its own agreed formal constitution.

## **8. CONSULTATION**

- 8.1 The Longhill & Sandgate Business Association consulted with local businesses via a survey which sought their opinions on issues such as crime and safety, environment, marketing and communications. The results of the survey highlighted the main areas of concern as shown in 4.2.

Hartlepool Police have been consulted and still fully support the BID in assisting its role to prevent and reduce crime.

Council sections such as Finance and the CCTV Monitoring Centre have been consulted in terms of resource implications and the cost of the services provided to the Longhill & Sandgate BID.

## **9. CHILD AND FAMILY POVERTY**

- 9.1 There are no child and family poverty implications relating to this report.

## **10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 There are no equality and diversity considerations relating to this report.

## **11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 11.1 The CCTV system covers the Longhill & Sandgate Industrial Estates area and has had a major impact on reducing levels of crime, vandalism and anti social behaviour. It has also assisted the Police in providing evidence for successful convictions in court cases.
- 11.2 The Longhill & Sandgate BID would continue to assist directly in reducing crime in the area.

## **12. STAFF CONSIDERATIONS**

- 12.1 Support provided by the Councils Rates and Recovery section who have provided services i.e. Court summons over the lifetime of the project so far has been agreed at a cost to the BID of £5,000 per annum.
- 12.2 The Economic Regeneration Team will provide in kind secretariat support including arranging meetings, general administration including the payment of invoices as the accountable body.

## **13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 There are no asset management considerations relating to this report.

## **14. RECOMMENDATIONS**

- 14.1 Committee is asked to agree and authorise continuing discussions with businesses and internal Council sections with a view to completing the business plan and undertaking the renewal ballot with Hartlepool Borough Council as a Partner on the BID Board.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 The CCTV system provides security to over 300 businesses that enables them to trade successfully in the town without the worry of crime and anti-social behaviour. The estate is also the largest in Hartlepool with businesses covering a range of sectors and providing opportunities for local job seekers.
- 15.2 The current BID has successfully operated with a collection rate of 94.7% per annum. This has funded the day to day operation of the CCTV system together with improvements to the system where required.
- 15.3 Whilst the CCTV system and additional services is clearly for the benefit of the businesses based on the Longhill & Sandgate Industrial areas, the proximity of these estates to the Town Centre and its surrounding residential areas means that the system also benefits wider Community Safety issues.
- 15.4 The renewal of the BID means that all businesses paying non domestic rates on the estate pay a proportion of the costs towards the upkeep of the system.
- 15.5 Without a formal BID arrangement the ongoing funding of the system and services would most likely have to be met from voluntary contributions by the businesses located on the estate. This provides a number of potential issues:



- The full operating costs may not be met leading to the ultimate demise of the system.
- Experience of these types of systems previously is that voluntary contributions are difficult to collect and tend to 'dry up' over a period of time, again leading to the demise of the system.
- The Business Association is currently an unincorporated body and therefore responsibility for the finances of the BID, and as a consequence, for the maintenance of the CCTV system, lie with the Council's Economic Regeneration Team. Should alternative arrangements be required this will mean a complete change to the governance procedures of the Business Association.

## **16. BACKGROUND PAPERS**

- 16.1 There are no background papers relating to this report.

## **17 APPENDIX 1 - GEOGRAPHICAL AREA OF THE BID**

- 17.1 The area of the Longhill & Sandgate BID encompasses:

- to the north - Burbank St/Moreland St
- to the east - Middlesbrough/Newcastle railway line
- to the south - the boundary of the industrial estate
- to the west - the A689 Belle Vue Way

The actual area is shown in the map below.

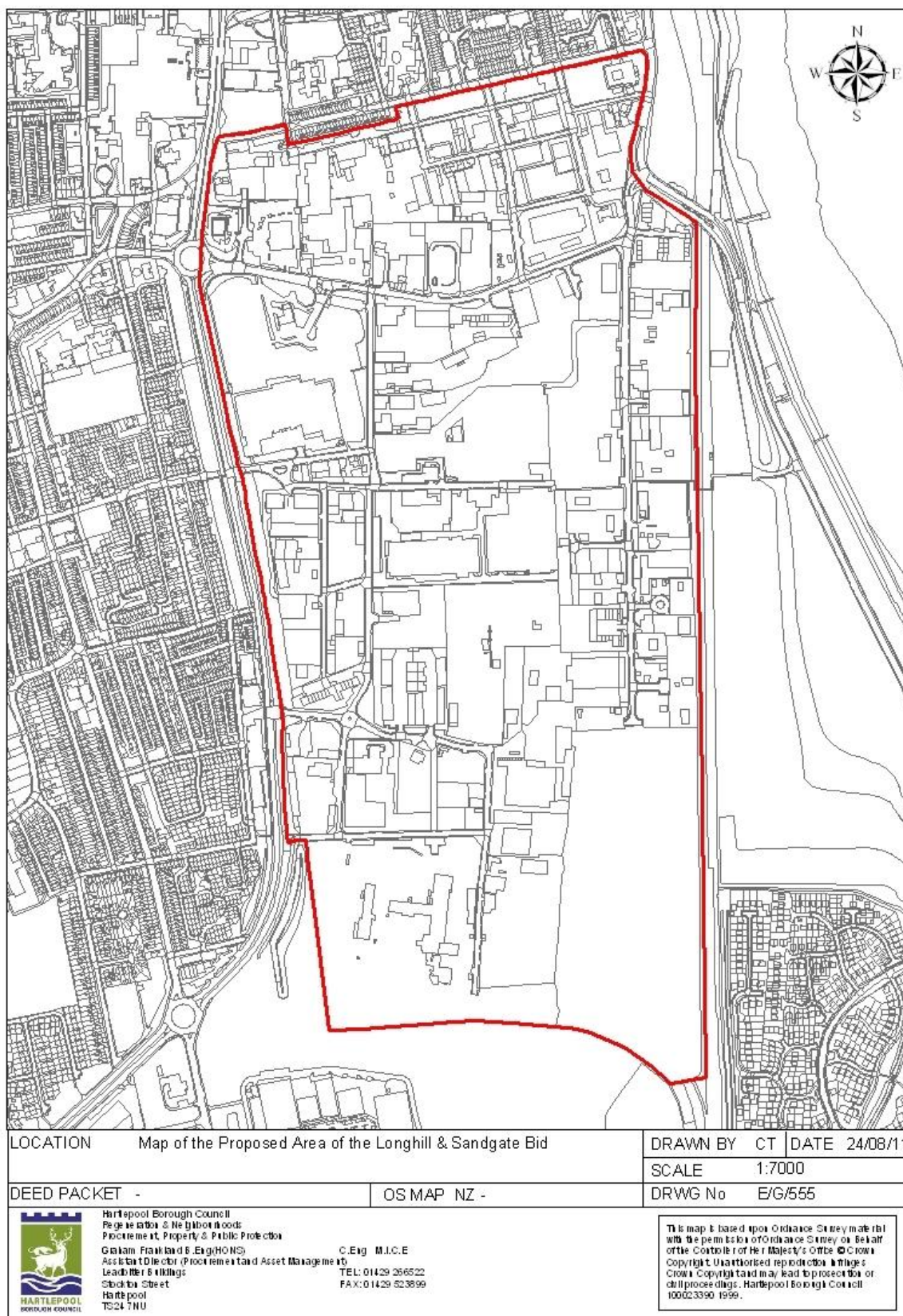
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## GEOGRAPHICAL AREA OF THE BID



# REGENERATION SERVICES COMMITTEE

4<sup>th</sup> September 2017



**Report of:** Director (Regeneration & Neighbourhoods)

**Subject:** NEIGHBOURHOOD PLANNING (HARTLEPOOL  
RURAL NEIGHBOURHOOD PLAN 2016 – 2031)

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 Key decision (test (ii) – Forward Plan Reference No. RN09/17.

## 2. PURPOSE OF REPORT

- 2.1 To consider the recommendations outlined in the Rural Plan examiner's report following the independent examination of the submitted final draft of the Rural Neighbourhood Plan in line with the Neighbourhood Planning Regulations 2012 (as amended).
- 2.2 To confirm that the Rural Plan, as modified by the examiner's recommendations, can proceed to referendum and to consider the extent of the referendum area as informed by the examiner's conclusions.
- 2.3 To note that the Local Planning Authority (LPA) must undertake duties in relation to modifying the Rural Plan (as per the examiner's recommendations) and arranging the referendum.

## 3. BACKGROUND

- 3.1 Neighbourhood Planning was introduced under the Localism Act 2011. It is intended to give local people greater ownership of plans and policies that affect their local area, and to provide communities with the opportunity to develop a community-led framework for guiding the future development, regeneration and conservation of an area.
- 3.2 Once 'made', a Neighbourhood Plan will become part of the formal planning process and must be in general conformity with national planning policy (National Planning Policy Framework) and the Local Authority's Development Plan (the Hartlepool Local Plan 2006 and the emerging Local Plan).

- 3.3 To date, over 280 Neighbourhood Plans have been ‘made’ after a simple majority vote at referendum. Once ‘made’ the plans become part of the development plan for the area.
- 3.4 In accordance with the Localism Act 2011 and Neighbourhood Planning Regulations 2012 (as amended), the LPA has a statutory obligation to fulfil a number of duties throughout the development of a Neighbourhood Plan, which include:
- Providing technical assistance, support and guidance to the Parish Council or Neighbourhood Forum. This can include sharing evidence and information on planning issues, providing advice on national and local planning policies, assisting with consultation and facilitating communication with external partners;
  - Formally publicising the proposed Neighbourhood Plan boundary and statement of suitability submitted by the Parish Council or Neighbourhood Forum. During this time, representations from interested parties can be made to the LPA in relation to the boundary and / or the Group undertaking the Plan development; all of which must be considered when formally designating the boundary at the end of the statutory consultation period;
  - To validate the Neighbourhood Plan before arranging an independent examination (to be undertaken by a suitably qualified individual) and neighbourhood referendum; and
  - Should a simple majority vote be gained at referendum, the LPA has a statutory obligation to ‘make’ the Neighbourhood Plan.
- 3.5 Revised arrangements for claiming financial support for neighbourhood planning have been in place since April 2016 and are as follows:
- For all areas: LPA’s can claim £20,000 once they have set a date for a referendum following a successful examination.
- Additional funding is available in certain areas:
- Area Designation: LPA’s can claim £5,000 for the first five neighbourhood areas designated. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas designated in previous years).
- Forum Designation: LPA’s can claim £5,000 for the first five neighbourhood forums they designate.
- Business Areas: LPA’s can claim a further £10,000 once they have set a date for a referendum following a successful examination.
- 3.6 There have been various grant support programmes available to support communities in neighbourhood planning, comprising direct support and grant payments with the current programme launched in April 2015 and

effective until March 2018 worth £22.5 million, comprising the following elements.

- *Technical Support:* a range of technical support packages are provided by AECOM to groups facing more complex issues developing their Neighbourhood Plan.
- *Grant Payments:* up to £9,000 per Neighbourhood Plan area towards the costs incurred by a group preparing a Neighbourhood Plan or Order. Groups facing a range of complex issues are able to apply for further support from the programme.

#### 4. HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

- 4.1 In May 2011, Hartlepool was successful in securing £20,000 from DCLG to develop and produce a Neighbourhood Plan for the rural area of Hartlepool. The Hartlepool Rural Plan Working Group publicly consulted on their Neighbourhood Plan boundary in October / November 2012 in line with the statutory requirements as outlined within the Neighbourhood Planning Regulations (General) adopted in April 2012 (as amended). No written representations or objections were submitted to the LPA as part of this consultation process.
- 4.2 The Rural Plan Working Group is supported by the Community Safety and Engagement and Planning Policy Teams throughout their neighbourhood planning journey. The group received funding and professional support through DCLG to develop the Rural Plan. The first draft of the plan was considered by Regeneration Services Committee on 12 March 2015 and the group widely consulted upon it between May and July 2015. Following this, the group amended the plan, incorporating, where appropriate, comments received.
- 4.3 The group submitted the final draft Rural Plan along with the associated documents to the Council in August 2016. The submitted version of the Rural Plan was validated by Regeneration Services Committee on 16 November 2016. The Council then publicised the Rural Plan and its associated documents for an eight week period between 20 February and 17 April 2017 in line with Regulation 16 of the Neighbourhood Planning Regulations 2012 (as amended). At the request of Regeneration Services Committee, this followed the Local Plan publication stage consultation period which ended on 3 February 2017.
- 4.4 During the publication period, the Council appointed an independent examiner, John Slater BA (Hons), DMS, MRTPI of John Slater Planning Ltd in agreement with the Hartlepool Rural Plan Working Group to undertake the examination of the Rural Plan. The purpose of the independent examination is to test whether or not the draft neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). The plan, associated documents and all of the representations received during the publicity period were sent to the examiner. The examination

commenced in late April and was completed in early July 2017. The examiner confirmed that a public hearing was not required as part of the examination process.

- 4.5 Under the terms of the Neighbourhood Planning legislation, an examiner is required to make one of three possible recommendations in his report to an LPA, that a plan should:

- proceed to referendum on the basis that it meets all the legal requirements;
- proceed to referendum if modified or;
- not proceed to referendum on the basis that it does not meet all the legal requirements.

In this report, which was submitted to the Council on 4 July 2017, the Rural Plan examiner has recommended a number of changes to the plan to ensure that it delivers sustainable development and has proper regard to national policy and guidance. The examiner's overall conclusions are that the plan, if amended in line with his recommendations, meets all the statutory requirements including the basic conditions test. Also in his report, the examiner has recommended to the Council that the Rural Plan, as modified by his recommendations, should now proceed to referendum. The report to Hartlepool Borough Council on the Examination of the Hartlepool Rural Neighbourhood Plan is attached for consideration by Regeneration Services Committee at **Appendix 1**.

- 4.6 The Council must now decide what action to take in response to each of the examiner's recommendations outlined in the report. Although the examiner's recommendations are not binding, clear reasons would need to be given for departing from them. If an LPA proposes to make a decision which differs from that recommended by an examiner, it must notify the qualifying body, anyone whose representation was submitted to the examiner and any consultation body that was previously consulted of their proposed decision (and the reason for it) and invite representations for a period of eight weeks.
- 4.7 The Council's Planning Services Team has reviewed the examiner's report and is satisfied with the recommendations. A table displaying the examiner's recommendations along with comments made by the Planning Policy Team, where appropriate, is attached at **Appendix 2**. The recommended changes to the policies in the plan can be seen clearly in the document attached at **Appendix 3**.

## 5. RISK IMPLICATIONS

- 5.1 Any consultation required throughout the Neighbourhood Planning process will be delivered in adherence with the local Voluntary and Community Sector (VCS) Strategy and Statement of Community Involvement (SCI) for a period of eight weeks, which goes beyond the statutory requirement period for Neighbourhood Plans. As such, the process accommodates the

Neighbourhood Planning Regulations (General) adopted in April 2012 (as amended) which stipulates a minimum six week consultation period.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 Neighbourhood Plans will be subject to an independent examination and referendum, both of which the LPA has a duty to arrange and fund. As outlined in Sections 3.5 and 3.6, a funding programme currently exists to support Local Authorities in meeting legislative duties in relation to Neighbourhood Planning. It is anticipated that this funding stream will support the statutory duties of the Local Authority in terms of the independent examination and referendum.
- 6.2 Members are reminded that significant additional Government Grant cuts will be made over the period 2017/18 to 2019/20. By 2019/20 this means Government funding will have been cut for 9 years. In addition, the Government's current policy in relation to Council Tax, including the Social Care precept, is increasing the proportion of the overall budget funded from Council Tax. An update of the Medium Term Financial Strategy was submitted to the Finance and Policy Committee on 9<sup>th</sup> January 2017 and informed Members that the Council faces a gross budget deficit over the next three year of £20.8m. The implementation of corporate savings, forecast Council Tax increases, housing growth and increased Better Care Funding reduces this to £8.8 million over the next three years, which equates to 10% of the 2016/17 budget. Detailed savings proposals totaling approximately £6.6m were approved by Finance and Policy Committee on 9<sup>th</sup> January 2017, which means the Council still needs to make further savings of £2.2m over the next three years. This figure may increase if existing budget pressures cannot be managed by reducing demand for demand led services. Any additional budget pressures that are created will increase the level of budget cuts which will need to be made and will need to be referred to the Finance and Policy Committee for consideration.

## **7. LEGAL CONSIDERATIONS**

- 7.1 Neighbourhood Planning Regulations: General and Referendum (as amended) came in to force on 6 April 2012 and 3 August 2012 respectively and are now law. As outlined in Section 3.4, the Local Authority will have a duty to adopt the Neighbourhood Plan should a simple majority vote be gained at referendum. Once 'made' it will form part of the Development Plan for the borough and the Neighbourhood Plan will have legal status.
- 7.2 The Rural Neighbourhood Plan is deemed to be in general conformity with national planning policy and the Hartlepool Local Plan 2006 and emerging Local Plan, currently being examined with an anticipated adoption in 2018.

## **8. CONSULTATION**

- 8.1 As well as extensive and robust consultation undertaken by the Rural Plan Working Group during the development of the Rural Plan, the Council publicised the submitted version and associated documents for a period of eight weeks between 20 February and 17 April 2017. All representations received during this period were forwarded on to the examiner.

## **9. CHILD AND FAMILY POVERTY**

- 9.1 There are no child and family poverty implications relating to this report.

## **10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 Equality and diversity will be considered through the associated consultation frameworks, and an Equality and Diversity Impact Assessment will be completed prior to the statutory consultation period on the first draft of the Neighbourhood Plans.

## **11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 11.1 There are no Section 17 implications in relation to Neighbourhood Planning.

## **12. STAFF CONSIDERATIONS**

- 12.1 As outlined in Section 3.4, the LPA has a statutory obligation to provide technical assistance, support and guidance to the Parish Council or Neighbourhood Forum, formally publicise and designate the boundary, validate the plan before organising an independent examination and referendum.

## **13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 There are no asset management considerations associated with this report.

## **14. RECOMMENDATIONS**

- 14.1 Regeneration Services Committee is asked to consider and accept the recommendations outlined in the report to Hartlepool Borough Council on the Examination of the Hartlepool Rural Neighbourhood Plan.



- 14.2 To confirm that the Rural Plan, as modified by the examiner's recommendations, can proceed to referendum and to consider the extent of the referendum area as informed by the examiner's conclusions.
- 14.3 To note that a further update report along with the plan incorporating the examiner's recommendations and arrangements in relation to the holding of a referendum will be brought back to the Regeneration Services Committee for notification.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 Hartlepool Borough Council is implementing Neighbourhood Planning Policy in line with the Localism Act 2011 and the Neighbourhood Planning Regulations 2012 (as amended).
- 15.2 The Localism Act requires that the independent examiner considers whether the area for any Neighbourhood Plan referendum should extend beyond the neighbourhood area to which the draft plan relates. The examiner has concluded in his report that it is not necessary to extend the referendum area beyond the Rural Plan designated boundary. The LPA is required to make a decision on the referendum area informed by the independent examiner's conclusions.

## **16. BACKGROUND PAPERS**

- 16.1 Regeneration Services Committee (12 March 2015) – Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2015 – 2030).
- 16.2 Planning Committee (21 September 2016) – Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2016 – 2031).
- 16.3 Regeneration Services Committee (16 November 2016) - Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2016 – 2031).

## **17. CONTACT OFFICER**

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# Hartlepool Rural Neighbourhood Plan 2016-31

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## **Submission Version**

A Report to Hartlepool Borough Council on the Examination of the  
Hartlepool Rural Neighbourhood Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

[johnslaterplanning@gmail.com](mailto:johnslaterplanning@gmail.com)

4<sup>th</sup> July 2017

## Contents

	Page
Introduction	3
The Examiner's Role	3
The Examination Process	5
The Consultation Process	5
Regulation 16 Consultation	7
The Basic Conditions	7
Compliance with the Development Plan	8
Compatibility with EU Obligations and Human Rights Legislation	8
The Neighbourhood Plan: An Overview	9
The Neighbourhood Plan Policies	11
The Referendum Area	27
Summary	28

## Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the 2006 Hartlepool Local Plan and eventually the Hartlepool Local Plan 2016-31 when it is finally adopted. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by a Rural Plan Group which was appointed to undertake the plan's preparation on behalf of the 4 parish councils that cover the plan area, namely Dalton Piercy, Elwick, Greatham and Hart and the Parish meeting at Newton Bewley. Elwick Parish Council has agreed to be the Qualifying Body and all the respective parishes have confirmed their support for Elwick Parish Council to act in that role. That satisfies the legislative requirements which requires that there is a single "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Hartlepool Rural Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Hartlepool Borough Council, the Local Planning Authority for the neighbourhood plan area.

## The Examiner's Role

I was formally appointed by Hartlepool Borough Council in March 2017, with the agreement of the Hartlepool Rural Plan Group on behalf of the Qualifying Body, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 38 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head

of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Hartlepool Borough Council, and all the Parish Councils and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified.
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries covered by the Hartlepool Rural Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has it been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Hartlepool Borough Council, for the Hartlepool Rural Neighbourhood Plan on 18<sup>th</sup> December 2013.

I can also confirm that it does specify the period over which the plan has effect, namely the period from 2016 up to 2031.

The Plan does not refer to any “excluded development” such as minerals and waste matters or nationally significant projects.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Elwick Parish Council as a parish council is a qualifying body under the terms of the legislation, which has been agreed should act as the lead authority on behalf of the 5 parishes.

## **The Examination Process**

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing.

I carried out an unaccompanied visit to the Hartlepool area and in particular the main villages in the Plan area as well as spending time travelling around the surrounding countryside between the 8<sup>th</sup> and 9<sup>th</sup> May 2017. I saw all the sites referred to in the Plan and walked through a number of the villages.

Following my visit, I had a number of questions that I put to the Steering Group as well as the Borough Council. These are available on the respective websites as is the combined response which I received, via the Borough Council, on 2<sup>nd</sup> June 2017.

## **The Consultation Process**

The genesis of the idea of preparing a neighbourhood plan for Hartlepool's rural hinterland began in the summer of 2011 through the engagement of the Hartlepool planners with the local councillor and also via the parishes working together in response to the then emerging local plan.

The Rural Plan Working Group was set up at the end of 2011. A neighbourhood area was initially designated by Hartlepool Borough Council in November 2011 but that was later ratified following a process review on 18 December 2013. This is the formal designation that the plan's coverage is based on.

Preparing a neighbourhood plan across such a large area, containing a number of individual settlements must have presented challenges that the working group had to grapple with, with different avenues of communication and variety of venues covering the various communities.

Early work in the plan was assisted by Professor Colin Haylock, the then President of the Royal Town Planning Institute who conducted a “place check walkabout” in each village.

The initial public consultation in May / June 2012 took place with invitations having been circulated to each community inviting attendance at the various sessions. It appears that these events were not particularly well attended so a follow-up survey was carried out in October 2012 which generated a 40% response rate. This allowed the Working Group to draw up the vision, aims and objectives of the Plan.

In March 2014, following a Working Group development day, letters were sent to all Parish Councils seeking invitations for the group to attend village events to publicise the plan and offer the opportunity for public engagement.

The next round of consultation took place in September / October 2014 through a publicity campaign and attendance at the above village events and questionnaires were distributed which generated a 10% response rate.

The Pre-Submission Version of the plan was circulated to all parish councils in April/May 2015 prior to the Regulation 14 Consultation that took place between May and July 2015. This included the letters sent to all households and a housing needs survey questionnaire. The group produced a video which was shown at events and relevant local groups and stakeholders were consulted. The consultation period was extended by an additional two weeks.

A comprehensive analysis of the responses has been prepared along with the working group's response. This has been submitted as part of the examination documentation. I have seen how the plan has been amended as a result of the responses made.

I am satisfied that the public and relevant stakeholders have had ample opportunities to contribute to the neighbourhood plan process.



## **Regulation 16 Consultation**

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over an 8-week period between 20<sup>th</sup> February 2017 and 17<sup>th</sup> April 2017. This consultation was organised by Hartlepool Borough Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 13 individual representations were received. Responses were received from Historic England, Natural England, Hartlepool Borough Council, the Environment Agency, Network Rail, the Coal Authority, Hartlepool Civic Society, National Farmers Union- North East, The Campaign for the Protection of Rural England, 2 planning consultancies - I D Planning and Barton Wilmore, one local resident and a local farmer.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

## **The Basic Conditions**

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?

- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

### **Compliance with the Development Plan**

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Hartlepool Local Plan adopted in April 2006. This is now a somewhat dated document but it contains in Chapter 15 policies that deal with the rural areas. There are no housing proposals which are pertinent although Policy Rur1 provides for what is described as an “urban fence” to prevent the spread of development in to the countryside. Policy Rur3 deals with village envelopes being established for Hart, Greatham, Elwick, Dalton Piercy and Newton Bewley. Policy Rur6 protects local facilities in the villages and Rur7 is a criterion based policy dealing with Development in the Countryside. Rur12 is a restrictive policy setting out the presumption against housing in open countryside except in certain cases whilst Rur13 deals with the reuse of rural buildings.

Work is well underway on the preparation of the replacement Local Plan following the withdrawal of an earlier version of a Local Plan in 2013. The current version is the Consultation Document which was published in December 2016. I am advised that the examination is likely to be held later this year with the adoption programmed in for 2018. As the plan has not been tested at examination I can only give its proposals limited weight but it is clear that there has been close working between the Rural Plan Working Group and the Hartlepool planners.

I have found no strategic policies in the adopted Local Plan which are in any way undermined or compromised by the policies in this Neighbourhood Plan and this element of basic condition is met.

### **Compliance with European and Human Rights Legislation**

Hartlepool Borough Council carried out a Screening Opinion on the Submission Draft Version of the Plan and produced a report dated August 2016 which concluded that it is unlikely that there will be any significant effects upon the environment arising from the Plan and a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental

Assessment of Plans and Programmes Regulations 2004” would not be required. I do note that Historic England in their Regulation 16 consultation response state that they agree with that conclusion, but disagree with the reason for the Council coming to that decision. In my view, that does not affect the basic condition test, which is compliant with European legislation.

The District Council, as competent authority, also carried out at the same time, a screening opinion under the Habitat Regulations. The assessment concluded that the Plan will not likely have a significant effect on the European sites which are Teesmouth and Cleveland Coast Special Protection Area and Ramsar site, Durham Coast SAC, Northumbria Coast SPA and Ramsar site, Castle Eden SAC and Thrislington SAC.

I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

The preparation of the Hartlepool Rural Neighbourhood Plan has been an ambitious project covering a number of parishes. Its primary focus is on the countryside and villages that surround the town of Hartlepool. The plan has faced the challenge of delivering a future planning framework for the villages and the countryside, yet at the same time preparing additional planning guidance for urban extensions on the western edge of town, which extend into the neighbourhood area. Whilst it may have been logical to have excluded these new urban areas from the designated rural plan area, I suspect that the plan group have been forced to respond to developments that have not necessarily been under their control. This has resulted in some cases to a lack of clarity in the policy wording, such as the housing figure in Policy H1 which is to satisfy the needs of the villages and the rural areas rather than the overall housing needs of the Hartlepool area.

Some of these issues are due to the fact that the neighbourhood plan has been prepared in the absence of an up-to-date local plan. The Hartlepool Rural Plan has been prepared in parallel to the emerging Hartlepool Local Plan. However, it is evident that there has been close collaboration between the Rural Plan Working Group and Hartlepool planners. There appears to be a general consensus between the two parties as to the overall anticipated level of housing need required for the villages.

The plan is well written, is based on the clear analysis of the issues and has been informed by public engagement. There is a clear vision for the area. I have had to recommend some changes to the plan's policies to ensure that they have had a

proper regard to Secretary of State policy and advice. This is to ensure that the plan meets the basic conditions.

Perhaps the most radical change I have had to make is with regard to the affordable housing threshold. Government policy has changed back and forth over the lifetime of the plan's preparation in respect of allowing commuted payments on schemes between six and ten units. This follows the Court of Appeal decision in respect of the case of Secretary of State v West Berkshire DC and Reading BC.

The other major area where I had to make changes is to restrict the ability of planning obligations to seek financial contributions to various projects. In the absence of a Community Infrastructure Levy scheme, the ability to pool developer contributions is now much more restricted than previously would have been the case. These are now restricted in law<sup>1</sup> both in terms of when they can be sought and also how many contributions can be collected.

Another general comment is that a neighbourhood plan policy must be a policy for the development and use of land. Its purpose is primarily for the determination of planning applications. In a number of places the policy is worded to seek to prioritise spending, whether it be on community infrastructure or transport improvements. That is a budgetary, not land-use planning decision and I have had to recommend that some of the prioritisation of schemes should be moved to a clearly identified, non-development plan part of the neighbourhood plan.

My recommendations are aimed at ensuring neighbourhood plan policy meets basic conditions. They are restricted to the wording of the development plan policy itself. It will be necessary for the plan's authors to revise the text of the justifications and other supporting information to ensure that the plan reads as a coherent development plan document, with a robust justification for the policies. Some parts of the text can also be updated to reflect changes since the submission version was drafted.

I also wish to refer to some other presentational issues. I was initially provided with an A3 version of the Proposals Map. For an area as extensive as the plan area, this is too small and it is impossible to identify proposals and constraints, as they affect individual properties with any confidence. I was provided with an enlarged version of the plan, of a comparable size to the Local Plan's Proposals Map and that should be the size of the plan which is provided with the printed version of the neighbourhood plan.

I have also made recommendations regarding changes to boundaries on the proposals map regarding Village Envelopes / Development Limits. I would also point out that some of the allocations, particularly along the boundary of the Plan Area and

Hartlepool include designations which continue across the plan boundary. A neighbourhood plan can only contain policies and proposals for the area within the designated neighbourhood area. Accordingly, these proposals covering land outside the plan boundary need to be removed from the Proposals Map.

## **The Neighbourhood Development Policy**

### **Policy GEN1 - Village Envelopes**

The policy's title and the wording of the policy refers to "Village Envelopes". However, the key to the Proposal Map shows the blue dashed line as "Development Limits". This not only defines the settlement boundaries of the five villages but also seeks to establish the limit of development along the edge of Hartlepool's urban area. In the case of the latter, I do not consider that the term "Village Envelope" is an appropriate description as it is to mark the urban area and as such the description could be misleading. I consider "Development Limits" to be a much clearer description and I propose to recommend its use in preference to "Village Envelope".

I note that in the majority of cases, the proposed settlement boundaries follow the same lines as that used in the emerging Hartlepool Local Plan. However, there are two situations, where I have some comments to make.

When I visited the village of Elwick, I viewed the allocation site at North Farm from the public footpath. The Development Limit wraps around that site, which is of course totally appropriate. However, immediately to the east of the allocation site there is a field located behind a row of five properties at the eastern entrance to the village. This field is shown as being within the settlement boundary. I could see no logic to its inclusion, as it does not follow the built-up edge of the village nor is it a proposed housing site, but to my mind offered an attractive piece of countryside and the setting to the village. If the line was to remain in the proposed position, no doubt, this field would be vulnerable to a non-allocated housing scheme, which would be difficult to resist as it would comply with policy. I suspect that the reason the site was included within the neighbourhood plan was to follow the boundaries set by the emerging local plan. I did raise this site in my Initial Comments. The Borough Council has now advised me that it will be proposing, in the next version of the emerging local plan, to draw the settlement boundary more tightly around the properties and hence will be excluding that field. That change would be consistent with the conclusions I came to when I viewed this site and I will be recommending accordingly.

The second boundary issue that I wish to address, relates to the land to the west of the village of Hart. The proposed Development Limit does not coincide with the one shown on the emerging local plan in that it excludes the housing site proposed in the

draft local plan- Glebe Farm. I will discuss the inclusion or otherwise of that site under Housing Policy H1. However, to follow the logic of the boundary, if that site were to be allocated in this plan then the Development Limit boundary needs to reflect that change.

I also need to discuss the drawing of the settlement boundary along the western edge of the Hartlepool urban area. In most parts, the boundary has been drawn so as to follow the eastern boundary of the Rural Plan area. I appreciate that this may not be the intention to allow for the expansion of the town up to that line. I would speculate that the purpose of drawing the development limit line to coincide with the plan area is to prevent the expansion of the town into the rural area, i.e. that it should not extend westwards into the plan area beyond the development limit as shown. However, by setting a limit to development, this may have unexpected consequences or at least, it creates uncertainty as to the status of the land on the opposite side of the line. Along much of its length, the drawing of the boundary is not necessary as the land within the plan area is protected by its inclusion within the Green Gap. I believe that it will be clearer in terms of the neighbouring land to define the limits of development only to include those parts of the plan area on the edge of Hartlepool where new development is proposed to extend into the plan area, specifically in the South West Expansion Area but also in two other locations where the plan area boundary does not coincide with the proposed Development Limit, to the south of the A179 adjacent to the plan area boundary and on the south side of Elwick Road immediately to the west of the plan boundary.

With the eventual adoption of the new local plan, this will establish a coherent settlement boundary for Hartlepool which is not required to follow the neighbourhood area boundary.

A final point is that I note that in a number of areas the Development Limit boundary as drawn is slightly set in from the area boundary. I imagine that this was done so the line can be read with clarity, however it does create a gap which could indicate that development could be acceptable within the small margin between the settlement boundary and the neighbourhood plan area boundary. My recommendation regarding the treatment of where the boundaries coincide will resolve that issue.

### *Recommendations*

Replace in the title and text of the policy “Village Envelopes” with “Development Limits”.

Amend the Development Limit boundary on the east site of Elwick Village to exclude the field to the north of the properties on the north side of Elwick Road.

Amend the Development Limit boundary on the western side of Hart Village so as to include Glebe Farm, the boundary of which should follow the same line as proposed by Policy HSG8 of the emerging Hartlepool Local Plan.

Remove the Development Limit boundary line along the western side of Hartlepool wherever the Development Limit boundary coincides with the Plan Area boundary.

## **Policy GEN2 – Design Principles**

This is a very comprehensive policy but I have some concerns regarding specific criteria contained within the policy.

In terms of criterion 2, the policy does not define what would constitute a design which “scores highly”. I believe that it will be helpful for an applicant to have to demonstrate how the scheme relates to the stated criteria, but it is not appropriate to set a particular score or be above a certain threshold to be approved. The criteria set down in Appendix 4 will help decision-makers assess the design qualities of a proposed development.

In terms of criterion 6, this requires the use of the “highest standards of energy efficiency”. Not only is what constitutes “the highest standards” not defined but it also deals with an issue that can no longer be covered by a neighbourhood plan policy according to Government advice. The Secretary of State in a Written Statement to the House of Commons dated 25 March 2015, stated that “neighbourhood plans should not impose additional technical standards or requirements to the construction, the internal layout or performance of new dwellings”. This matter is now covered by Building Regulations in terms of energy performance. As such I do not consider that this policy is consistent with basic conditions, having regard to the Secretary of State guidance and advice.

Similarly, issues of accessibility as referred to in criterion 8, are dealt with by the Building Regulations. The same statement to the House of Commons issued the following guidance “in cases of very specific and clearly evidenced housing accessibility needs, where individual household requirements are clearly outside the new national technical standards, the local planning authorities may ask for specific requirements outside of the access standard, subject to overall viability considerations”. I have seen no evidence to specifically justify any enhanced requirements over and above the requirements set out in the Building Regulations in respect of the Hartlepool Rural Plan area.



The Environment Agency has objected to the wording of criterion 9 as it does not properly reflect their concern regarding the management of surface water *into* fluvial water. I support their suggestion.

I am unclear as to how a planning application will show how “safety and security” has been taken into account, as set out in criterion 10. These are not matters usually covered by planning policy, beyond the usual matters of highway safety, designing out crime, proximity to hazardous installations etc. I find that as written, the policy is too vague and imprecise and it cannot be used with confidence by any decision maker. I will be recommending that this criterion is removed.

The policy to avoid the best and versatile agricultural land being used is not a design principle, it is a locational criterion.

The requirements of applicants to have to submit a Design Criteria Checklist is not something that a development plan policy can actually require. The information which is to be submitted with the planning application is set out within a Council’s Local Validation Checklist. I will be removing that element as this is already covered to some extent by criterion 2 in any event.

In terms of the final requirement, LPAs have their own consultation arrangements, to ensure the applications are screened to ensure that those which have implications for archaeology, receive appropriate consultation responses. It is not necessary to put this as a requirement of development plan policy.

#### *Recommendations*

In criterion 2 replace “highly with” with “against”

Delete criterion 6

Delete criterion 8

In criterion 9 replace “including” with “into”

Delete criterion 10

Delete criterion 12

Re-number accordingly

Remove the final two paragraphs of the policy

### **Policy H1- Housing Development**

I detect a certain ambiguity throughout the plan with regard to the relationship



between the planning of development in the villages in the rural area and the proposals for the enlargement of Hartlepool, particularly at the South West Expansion Area, part of which also lies within the plan area. The emphasis through this particular policy is the identification of housing sites in the rural areas to meet the needs of the villages. The housing figure of 170 units quoted under this policy, of which 87 are identified, appears to support this view. The South West Expansion Area is a strategic allocation within the emerging local plan, covered by draft Local Policy HSG4 and will provide approximately 1260 dwellings. Although the plan does not make it clear, I am assuming that the figure of *approximately* 170 dwellings to be accommodated in the plan area, excludes the housing proposed in the South West Extension and the other two locations on the edge of Hartlepool, as the figures bear no relationship to those quoted. I propose to make that clear in my modifications which I will be recommending to this policy.

I am of the view that the figure of 170 should be a *minimum* figure. The NPPF calls for a significant increase in house building in the UK. To set a figure as either a maximum figure, or indeed as an approximate figure could frustrate the delivery of additional homes which could legitimately come forward and for which there is an undoubted need. I will therefore propose the changing of *approximately* to *at least* 170 new homes. Whilst commenting on the drafting of policy, I do not consider it appropriate for individual site allocations to be expressed as *maximum* figures in terms of how much development each site could yield. That will to a large extent depend upon the form and mix on any development being promoted. For example, a site for 12- five bedroom houses could deliver a greater number of 1,2 or 3 bedroom units. I therefore propose changing *maximum* to *approximate* to allow for flexibility.

I also do not believe that the use of the phrase in the policy “Permission *may* be granted” offers the level of certainty that a neighbourhood plan should be giving if it is to be seen to be planning positively for the area. I will recommend the change to “*will* be granted”.

Turning to the individual site allocations, I looked at all the sites during my visit to the plan area. However, whilst the policy refers to two settlements where no sites are identified in the policy, Dalton Percy which is given an allowance of 10 through infill and Newton Bewley, which does not have a figure attached, but which is said to deliver infill development. As these are not site allocations, I propose to delete them from the table but instead will insert a general policy presumption in favour of infill development within the development limits of any of the villages, beyond the allocated sites.

There is one village site which is proposed to be allocated in the emerging Local Plan but which is not allocated in the neighbourhood plan. This relates to land on the opposite side of the road from Nine Acres - the allocation site at Hart – namely Glebe

Farm. The Rural Plan Group stated that the former site had been chosen to meet the housing needs of Hart. It appears that the Glebe Farm site was added to a later version of the draft local plan and in their response, they state that they are seeking to ensure that the villages should expand through gradual incremental growth rather than a scale of new housebuilding that causes villages “to explode”. Their stated aim is to maintain strong community cohesion. My view is that this additional site, which is likely to deliver approximately 20 units, is just as suitable a site for residential development as Nine Acres and whilst it may be closer to the A179, there is similar depth of buffer land between existing properties in Hart and that main road. I do not see how an additional 20 homes would result in the loss of community cohesion but indeed could help sustain local facilities and services. The Borough Council argue in their response, that whilst it is a relatively modest proposal in terms of the housing supply, the site is assessed as deliverable and is part of its declared five-year housing land supply. If it were no longer to be considered suitable for housing, it could put pressure on other sites on the edge of villages to maintain the five-year housing supply. The Hartlepool planners have stated that this is the strategic policy allocation, in terms of the basic conditions. I must point out that the basic conditions test is general conformity with the strategic policies of the **development plan**; note that this is not the *emerging* plan. My conclusion is that the Glebe Farm site will assist in the delivery of sustainable development within the rural area by contributing to the meeting of housing needs for the Rural Plan area as a whole.

I am not satisfied that the evidence contained in the latest statement of housing need is sufficiently robust to be the sole determinate as to the acceptability of a proposal. I will be recommending substituting “should be in line with” by “to have regard to the latest evidence of housing need” so that other factors can also be taken into account.

#### *Recommendations*

Replace “approximately” with “a minimum of” in the first paragraph and add at the end after “2031” “excluding the dwellings built on the new developments on the western edge of Hartlepool’s urban area”,

In the second paragraph replace “may” with “will”.

In the table in the third column heading replace “Max” with “Approx.”

Delete all in the row entitled “Dalton Piercy” and “Newton Bewley” and insert another row entitled “Hart” and insert “Glebe Farm” with an approximate figure of 20 dwellings.

Add a new paragraph after the table “There will be a general presumption in favour of residential development on non-allocated sites within the Development Limit of the villages provided the proposal is of an appropriate scale and accords with other plan policies”

In the final paragraph replace “be in line with” by “have regard to”

## **Policy H2 - Affordable Housing**

I have a number of comments regarding this policy and its relationship to the basic conditions test.

1.The policy requires applications for five or more units to provide affordable housing. Following the Court of Appeal’s judgement in respect of the Secretary of State v West Berkshire DC and Reading BC, the Secretary of State has reintroduced advice regarding planning applications having to deliver affordable housing. Advice in the online Planning Practice Guidance, is that in rural areas such as this plan area which are designated under Section 157 of the Housing Act “local planning authorities may choose to apply a lower threshold of or five or less.” It goes on and states “affordable housing and tariff style contributions should be sought from development of between 6 and 10 units in the form of cash payments which are commuted until after completion of the units within the development (Paragraph 031 Ref ID 23b – 031–20161116)

I have not seen any compelling evidence as to why the particular circumstances of Hartlepool’s rural parishes have such a social housing requirement or viability considerations that requires a departure in approach from that set out in Secretary of State advice. The only reference is in paragraph 8.44 of the Plan which states that “given the small number of housing sites in each village it is unlikely to be feasible to use commuted sums to deliver additional affordable housing therefore on-site provision is the preferred method of delivery.”

I do note that in the rest of the Borough, the draft local plan is proposing a threshold of 15 units. Therefore, the reduced threshold is already set at a lower figure. I will be recommending a revision of the policy to allow the option of commuted sums on schemes of between 6 and 10 units, as well as the option of on-site provision, but with the requirement that the commuted sum should be used to deliver affordable housing which is provided within the plan area.

2.The second element of policy starts out by setting out the affordable housing need for the whole of Hartlepool Borough. This extends beyond the plan area and therefore cannot be incorporated within a neighbourhood plan and this information should be moved to the supporting text.

3. There are several elements where there is a requirement for affordable housing to remain affordable in perpetuity. This goes beyond the normal remit of what a development planning policy can deliver. Occupiers of social housing have statutory

rights in law which a policy or indeed a Section 106 Agreement can override. The only possibility of Right to Buy provisions being withdrawn is if development is on a rural exception site, which could be provided in the plan area under the provision of Policy H3. Similarly, the use of affordable housing receipts is not a planning policy consideration.

#### *Recommendations*

In criterion 1 replace “five” with “six”. And replace all text after “dwellings” with “For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area”.

In criterion 2 delete the first sentence of the policy.

Delete criterion 5

#### **Policy H3 - Rural Exception Homes for Local Needs**

I have no concerns about this policy which accords with the approach set out in the NPPF.

#### **Policy H4 - Housing in the Countryside**

I have no objections to this policy from the point of view of the basic conditions test.

#### **Policy H5 - Housing Development on the Edge of Hartlepool**

This policy builds upon and is additional to draft Local Plan Policy HSG4. Firstly, I need to be satisfied that the neighbourhood plan policy does not seek to frustrate the delivery of the emerging local plan’s strategic allocation of the site. I do have some doubts as to the ability of the neighbourhood plan to influence this development as I understand that the planning consent has been granted and a master plan agreed. I do however have to address the plan as submitted.

I have a number of detailed points to make on the proposal. In terms of the overall density, the neighbourhood plan was for about 25 dwellings per hectare (or less). The caveat “or less” is not mentioned in the local plan that refers to *approximately* 25 dwellings per hectare. To build at a lower density would mean that the development would not deliver the amount of development that was expected. This will affect the delivery of sustainable development, in terms of meeting the overall housing needs of the area.

I appreciate the public has concerns regarding the traffic implications of these major development sites. Rather than being specific about identified improvements from the villages to the junctions with the A19, A179 and the A689 and traffic restraints in the villages including traffic calming, it would be better for measures to be based on empirical evidence and modelling that will be established by a Transport Assessment which could take account of the total extent of development in terms of scale and character and location. To require specific improvements without evidence, merely based on public concerns, would be speculative. I will be proposing amendments to criterion 9 accordingly.

I do not believe this is the best approach to set a threshold of 450 homes which is based on the population of Greatham, as the benchmark for requiring community facilities. That is an arbitrary figure and I believe the appropriate guidance is already set out in emerging local plan– Policy HSG4- criterion 3.

#### *Recommendations*

In criterion 3 delete “or less”.

In criterion 9 delete “includes” and insert “should include mitigation measures identified by Transport Assessments which may include”.

Delete the last sentence of criterion 11.

### **Policy EC1 – Development of the Rural Economy**

This is a positive approach to economic development. I do have a number of small concerns. It could be suggested that the policy around the provision of live work units and small scale businesses suggests that proposals will be supported anywhere within the plan area. I recommend that the correct principle should be that they will be permitted within existing development limits.

The requirements for new livery businesses to be responsible for maintenance of existing equestrian routes/bridleways is too onerous as this imposes maintenance responsibilities on the public rights of way network which cannot be solely put down to the new equestrian business.

#### *Recommendations*

In criterion 3 insert at the end “within the development limits of the villages”

In the second paragraph replace “provision and maintenance” with “existence or provision of”

## **Policy EC2 – Retention of Shops, Public Houses and Community Facilities**

I have some concerns that there is an ambiguity in the wording of the policy. In criterion 1 - it refers to “at least one other similar facility” existing in the village. What is not clear is whether it refers to one of the three types quoted in the policy, a village shop or a public house or a community building, or whether the test is whether there is another shop in the village or another pub or community building. I am assuming that the latter is what the policy is seeking to secure in line with the NPPF and I propose to make that clear through an amendment to the policy.

### *Recommendation*

In criterion 1 insert after “facility”, “of that type”

## **Policy EC3 – Former RHM site to the South of Greetham Station**

This policy has raised a significant objection and important and relevant consultation responses. In particular, representations have been made on behalf of the site owners, Darnham Ltd, promoting a mixed use based on a residential development. I have also received comments from Network Rail, which I shall refer to in my comments.

There are number of factors that must be considered in terms of this allocation.

1. Firstly, whilst the buildings on the site have all been demolished, I still consider that the site can be described as previously developed land as defined in the glossary of the NPPF. This is land which was previously occupied by a permanent structure. From my visit to the site I do not consider the site qualifies for the dispensation from that definition, by being “land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”. One of the NPPF’s Core Planning Principles (para 17) is “to encourage the effective use of land by reusing land which has been previously developed (brownfield land) provided that it is not of high environmental standard”. The reuse of brownfield sites for residential development is supported by Local Plan Policy HSG4 and is also referred to in the neighbourhood plan. That could in itself justify development lying outside the existing settlement pattern, which was a concern of the Borough Council in its response to my Initial Comments, subject to the necessary infrastructure being put in place.

2. The Neighbourhood Plan Group point to the poor environmental quality of the site. However, I have seen no evidence that shows that residential development is ruled out in terms of proximity to polluting industry, safety hazards or contaminating land uses. Similarly, I do not have sufficient comfort, based on evidence, that residential



development is suitable in this location and so should be promoted on this brownfield site. In the absence of evidence, I am therefore proposing to adopt a precautionary approach, in terms of my examination of the neighbourhood plan and will not be supporting the representation from ID Planning which urges me to recommend that the list of acceptable uses should include a residential component.

3. In terms of the proposed uses set out in the policy, “community and leisure uses” are promoted. This could cover a wide range of possible uses, but it specifically quotes three elements to be included. One is a park-and-ride facility linked to the reopening of Greatham Station. I am working on the basis that a park-and-ride facility could only proceed if the station were to be reopened. I understand that it was closed in the 1980s. I have been advised that there are no plans from Network Rail or the train operating companies to rebuild a station at this location. I would be surprised if a park-and-ride facility in isolation would provide sufficient patronage to justify a new station, in isolation. I have seen no coherent transport strategy that promotes park-and-ride as a solution to a particular problem. Park-and-ride tends to be used in locations where there is a major constraint on town centre parking or congestion and where adopted relies upon an accompanying car parking pricing policy, to encourage people not to park in a central location but to intercept visitors before they reach the town and then transfer to the bus or train. Without a viable business case, there is no incentive for the train companies to invest in all the associated facilities associated with a new station or justify any revisions to the timetable by providing stopping trains that would offer a realistic frequency of service that would be attractive to users of park-and-ride, thereby offering a realistic choice for visitors to Hartlepool against other options, such as driving into the town centre.

Whilst a neighbourhood plan can be aspirational, there should be a realistic possibility that the policy or proposal, which the community supports, will be delivered. The opposition of Network Rail and the total absence of support from train operating companies, convinces me that the reopening of the station is unlikely to take place within the plan period and without a new station, a park-and-ride facility does not make sense. I also detect a conflict inherent in the policy, between the aspiration for, on the one hand to attract cars to drive through Greatham village to park and catch the train, yet at the same time not to generate a “significant increase in traffic movements through the village”.

I accept that, in principle, a solar energy installation could be an appropriate use of this site, and that this could help fund a visitor centre which is part of the mitigation strategy to support the nearby European sites. I note the concerns of Network Rail based on a national policy to remove, wherever possible, such crossings or reduce risks associated with their use but I do not consider that this scale of usage over the level crossing would be likely to cause such a level of traffic so as to create such

insurmountable problems for train operating companies, especially compared to the level of activity when the former industrial buildings were occupied.

*Recommendations*

In the first paragraph insert “possibly” after “uses”

Delete criterion 1 and renumber.

## **Policy EC4 – Service Stations and Travel Related Development**

I noted from my site visit that there are already established facilities on both sides of the A19. I consider that all the proposed uses would be appropriate at the strategically important transport facility. I do however consider that it is unreasonable to expect improved or enhanced facilities not to give rise to an intensification of use of the access roads. To have that as a constraint would be a disincentive to invest in new facilities. I am conscious of the advice in Paragraph 32 of the Framework that states “development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe”. Whilst consultation will be required with Highways England it should not be a prerequisite of policy that the support of a statutory consultee to a planning application, must be given. That would usurp the role of the local planning authority or indeed a Planning inspector to determine the planning application/appeal. I will therefore propose to delete that part of the policy.

It is unnecessary to require proposals to comply with all *necessary* policies of this plan as a planning application must have regard to all *relevant* policies in the development plan.

*Recommendations*

Delete the first sentence of the second paragraph.

Delete the final paragraph.

## **Policy T1 - Improvements to the Highway Network**

A neighbourhood plan policy must be a policy “related to the use and development of land”. A neighbourhood plan sets out planning policies that will be used to determine planning applications (PPG para 002 reference ID 41–0 02–20140306). It goes on to recognise that “neighbourhood planning can inspire local people and businesses to consider other ways to improve the neighbourhood than through the development and use of land. They may identify specific actions or policies to deliver these improvements. Wider community aspirations than those related to the use and development of land can be included in the neighbourhood plan but actions dealing with non-land-use matters should be clearly identified”.



I consider that this policy as written, does not relate to development proposals. In fact, the policy is offering support to the highway authority, not the planning authority, to authorise the securing of various highway improvements. As far as I can tell the measures set out in criteria 1 - 3 and 6 are matters that do not constitute development under the terms of Section 55 of the Planning Act or are permitted development under Part 10 of the Town and Country Planning (General Permitted Development) Order 2015. This will likely be dealt with under highway not planning legislation, especially if the works take place within or adjacent to highway land.

However, development proposals which, if it can be shown through appropriate Transport Assessments, to require contributions to be made to any of these improvements, then it is appropriate for the policy to reflect that, subject to complying with the legal tests for planning obligations.

#### *Recommendation*

Replace the first sentence with “Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation”

### **Policy T2 - Improvements to Public Transport**

Again, I am not convinced that that this is a policy for the development and use of land. This is more a call to train operating companies or Network Rail to invest in a new railway station and to stop their trains at Greatham. That is not really a land use policy. If the policy were to be worded that planning permission would be granted for the rebuilding the station, that will be a planning policy. However, the indications from the Network Rail’s Regulation 16 consultation response is that this is unlikely to take place. Furthermore, the requirements imposed in particular by criterion 1, that the station “would not result in an increase in road traffic”, would only be deliverable if access to the station was to be restricted to residents of Greatham only. Similarly, the requirements to have a new bus service and park-and-ride plus new routes to employment sites as a requirement on the new station would not assist its deliverability.

The support for reopening Hart railway station cannot be incorporated in the development plan element of the document, as it is a policy related to land outside the neighbourhood area. The expression of support can be included as a Community aspiration.

The final part of the policy relates to supporting local bus services via planning obligations. A planning obligation can only be used as a reason to grant planning

permission if its provisions meet all three tests set out in paragraph 204 of the NPPF, namely that the financial support required to assist bus services is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind. I do not consider that the neighbourhood plan is envisaging a level of development that would justify the provision of new bus services or support of existing services.

I therefore conclude that this policy does not meet basic conditions and I am accordingly recommending that the policy be deleted.

*Recommendation*

That the policy be deleted.

**Policy T3 - Improvements and the Extension of the Public and Permissive Rights of Way Network.**

The first paragraph of the policy is appropriate to land use planning. The rest of the policy is an expression of the priority to be given to improvements to the rights of way network. This is basically as drafted, a budgetary consideration, not a land-use policy i.e. it is seeking to establish priorities for spending. However, it is possible for the new and improved routes to be identified in the plan as these can be achieved through the development of this land. The improvement of pavements is a highway management not a planning issue. Highway signage and other street furniture again come outside the province of planning control. These matters can however still be contained within the plan as community aspirations.

*Recommendation*

Insert at the end of the first paragraph “and where justified by and shown to be directly related to specific development proposals, financial contribution will be sought towards the following schemes.”

Delete the second sentence.

Delete the last two paragraphs of the policy.

**Policy C1- Safeguarding and Improvement of Community Facilities**

I have no issues with the first two paragraphs on this policy. I do not consider that a neighbourhood plan should be establishing spending priorities, which is a matter for the Borough Council or the relevant parish council.

I have received a representation from North Hart Farm objecting to their agricultural buildings being shown as Community Buildings. The Working Group confirm that this was a cartographical error and I will recommend that it be removed from the Proposals Map as an error.

I believe that the land at the Ghyll in Elwick does meet the criteria to justify designation as local green space. However, the policy, as written, does not actually establish how planning applications relating to that land will be viewed. I will therefore be using the approach set out in the NPPF as the basis of my recommendation to provide clarity in terms of what the designation seeks to achieve.

I do not consider that it is appropriate to seek contributions from all housing developments towards facilities in the rural area unless it can be shown that there is a direct relationship between the specific facility and the proposed development. That is to bring it in line with Secretary of State policy re planning obligation and the Community Infrastructure Regulations. Again, it needs to be noted that only 5 pooled contributions can be made to any particular project.

#### *Recommendation*

Insert at the end of paragraph 4 - "Development will not be permitted on this land other than in very special circumstances, for example, it is essential to meet specific necessary infrastructure needs and it can be demonstrated that there are no reasonable alternative sites available."

In the final paragraph delete "rural area" and replace all subsequent text with "settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development."

Delete the designation of the farm buildings at North Hart Farm at Hart as community buildings from the Proposals Map.

### **Policy NE1 – Natural Environment**

I consider that this policy is a criterion based policy which is based on the advice set out in the NPPF. I have no comments to make on it.

### **Policy NE2 – Renewable and Low Carbon Energy.**

I have no comments to make on this policy which I believe will deliver sustainable development.

### **Policy HA1 - Protection and Enhancement of Heritage Assets**

I am concerned that the first part of the policy relates to “the Rural Plan Working Group working alongside Hartlepool Borough Council to support and encourage investment in heritage assets.” It is not a question of identifying which bodies will support investment in all historic assets but instead should relate, through the policy to planning proposals which invest in historic assets throughout the rural area being supported.

#### *Recommendation*

Delete the first paragraph and replace with “Planning applications will be supported which ...”

### **Policy HA2 – Protection and Enhancement of Conservation Areas.**

I have no comments regarding compliance with the basic conditions.

### **Policy HA3 – Protection and Enhancement of Listed Buildings**

Again, I have no comments regarding compliance with the basic conditions.

### **Policy HA4 – Protection and Enhancement of Locally Important Buildings**

I understand that preparation of the list of locally important buildings, which are, in parlance of the NPPF, called non-designated heritage assets has been compiled by Hartlepool Borough Council.

The test of planning policy in respect of these properties, according to the NPPF, is that the harm to importance of the property should be weighed against the public benefits arising from the development. I propose to amend the policy to bring more closely aligned to the approach promoted by the Secretary of State. The requirement to have a scheme for redevelopment in place can only be achieved by the imposition of a planning condition, which presumes a consent for the redevelopment to be in place. There is no statutory protection to prevent the demolition of a non-listed building, unless it is a building in a conservation area”.

#### *Recommendation*

After “Locally Important Building” delete “particular regard will be had” and insert “the effect of the application on the significance of the following”.

Replace the final paragraph with “A balanced judgement will be made having regard to the scale of any harm or the loss and the significance of the heritage asset.”

## **Policy PO1- Planning Obligations- Contributions towards Meeting Community Infrastructure Needs**

As previously mentioned, a neighbourhood plan policy cannot dictate spending priorities. It can only provide guidance as to how planning applications are to be determined. Therefore, a policy can only deal with developer contributions which are made under the planning obligation. Not only are these required to meet the test of Paragraph 201 of the NPPF but also, as I have already highlighted only five pooled contributions can be made towards any one project. That is a requirement laid down by Regulation 122 of the Community Infrastructure Levy Regulations 2010. Contributions therefore can only be collected towards any of the schemes set out in the policy, if there is a direct relationship to that development. I therefore do not consider that it is appropriate to list all projects in the policy, but these projects can however be set out in the non-land-use policy section of the Plan which could be included in an Appendix or by colour coding the sections so that it is clear that it is not to be taken as development plan policy which can guide the spending decisions of the respective parish councils as well as the Borough Council. I will be recommending changes to the first part of the policy to bring in the Secretary of State advice.

### *Recommendation*

Replace the first paragraph and the list of projects with “Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.”

## **The Referendum Area**

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. I did actively consider whether the residents of housing estates that lie adjacent to the Plan’s allocation of development sites under Policy H5 adjacent to the Hartlepool urban area should be included. However, I appreciate that these sites have already been promoted by the emerging Local Plan and in many cases consents have already been granted. I have therefore concluded that it is not necessary to extend the referendum area beyond the boundary. Therefore, I can confirm that the area of the Hartlepool Rural Neighbourhood Plan as designated by Hartlepool Borough Council on 18<sup>th</sup> December 2013, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

The Rural Plan Working Group are to be congratulated for producing a well-focused and locally distinctive neighbourhood plan. It really is an impressive document.

I have had to make a number of changes to the wording of the policies and have made recommendations regarding the Development Limits of settlements and the urban area and have added one development allocation at Hart. I have also had to recommend how the plan seeks planning obligations, ensuring that they are sought where the obligation is required to make a development acceptable in planning terms and is directly related to the particular development. All the changes are required to ensure that the plan delivers sustainable development and has proper regard to national policy and guidance.

I have had to recommend the removal of one policy related to the reopening of Greatham Railway Station which the Group may describe as an aspirational policy but which I am firmly of the view, is non-deliverable, and its inclusion as a plan proposal would be contrary to national guidance.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**I am therefore delighted to recommend to Hartlepool Borough Council that the Hartlepool Rural Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

4<sup>th</sup> July 2017

# Hartlepool Rural Neighbourhood Plan

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## Addendum Sheet

My report to the Hartlepool Borough Council on the Examination of the Hartlepool Neighbourhood Plan contains the following error.

- In the Regulation 16 Consultation section on page 6 it refers to 13 representations having been received. In fact, only 12 representations were received to that particular consultation and no representations were submitted by Hartlepool Borough Council.

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

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10<sup>th</sup> July 2017

**Hartlepool Rural Neighbourhood Plan: Examiner's Recommendations**

Report Page Number(s):	Policy:	Examiner's Recommendation(s):	Planning Services Comments:
11-13	GEN1 – Village Envelopes	Replace in the title and text of the policy 'Village Envelopes' with 'Development Limits'.	n/a
		Amend the Development Limit boundary on the east site of Elwick Village to exclude the field to the north of the properties on the north side of Elwick Road.	n/a
		Amend the Development Limit boundary on the western side of Hart Village so as to include Glebe Farm, the boundary of which should follow the same line as proposed by Policy HSG8 of the emerging Local Plan.	Planning Policy supports the inclusion of the Glebe Farm site within the rural plan.
		Remove the Development Limit boundary line along the western side of Hartlepool wherever the Development Limit boundary coincides with the Plan Area boundary.	n/a
13-14	GEN2 – Design Principles	In criterion 2 replace 'highly with' with 'against'.	n/a
		Delete criterion 6.	The Council still has measures in place to ensure that the information in criterion 6 is achieved, therefore there are no concerns regarding deleting this criterion.
		Delete criterion 8.	The Council still has measures in place to ensure that the information in criterion six is achieved, therefore there are no concerns regarding deleting this criterion.
		In criterion 9 replace 'including' with 'into'.	n/a
		Delete criterion 10.	The Council still has measures in place to ensure that the information in criterion 10 is achieved, therefore there are no concerns regarding deleting this criterion.
		Delete criterion 12.	The Council and national policy have measures in place to protect different land grading. There are no concerns regarding deleting this criterion
		Re-number accordingly.	n/a



## 5.2 APPENDIX 2

		Remove the final two paragraphs of the policy.	n/a
14-17	H1 – Housing Development	Replace ‘approximately’ with ‘a minimum of’ in the first paragraph and add at the end after ‘2031’ ‘excluding the dwellings built on the new developments on the western edge of Hartlepool’s urban area’.	A need of 170 dwellings has been established; this need is a minimum and will be delivered through the sites listed below and any other windfall sites. There are no concerns regarding the wording changes.
		In the second paragraph replace ‘may’ with ‘will’.	n/a
		In the table in the third column heading replace ‘max’ with ‘approx’.	n/a
		Delete all in the row entitled ‘Dalton Piercy’ and ‘Newton Bewley’ and insert another row entitled ‘Hart’ and insert ‘Glebe Farm’ with an approximate figure of 20 dwellings.	Planning Policy supports the inclusion of the Glebe Farm site within the rural plan.
		Add a new paragraph after the table ‘there will be a general presumption in favour of residential development on non-allocated sites within the Development Limit of the villages provided the proposal is of an appropriate scale and accords with other plan policies.’	n/a
		In the final paragraph, replace ‘be in line with’ with ‘have regard to’.	n/a
17-18	H2 – Affordable Housing	In criterion 1, replace ‘five’ with ‘six’ and replace all text after ‘dwellings’ with ‘For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area.’	n/a
		In criterion 2 delete the first sentence of the policy.	n/a
		Delete criterion 5.	n/a
18-19	H5 – Housing Development on the Edge of Hartlepool	In criterion 3, delete ‘or less’.	n/a
		In criterion 9, delete ‘includes’ and insert ‘should include mitigation measures identified by Transport Assessments, which may include’.	n/a
		Delete the last sentence of criterion 11.	n/a
19	EC1 – Development of the Rural Economy	In criterion 3 insert at the end ‘within the development limits of the villages.’	n/a
		In the second paragraph, replace ‘provision and maintenance’ with ‘existence or provision of’.	n/a
20	EC2 –	In criterion 1, insert after ‘facility,’ ‘of that type’.	n/a

	Retention of Shops, Public Houses and Community Facilities		
20-22	EC3 – Former RHM site to the South of Greatham Station	In the first paragraph, insert 'possibly' after 'uses'.	n/a
		Delete criterion 1 and re-number.	n/a
22	EC4 – Service Stations and Travel Related Development	Delete the first sentence of the second paragraph	n/a
		Delete the final paragraph.	n/a
22-23	T1 – Improvements to the Highway Network	Replace the first sentence with 'Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation.'	n/a
23-24	T2 – Improvements to Public Transport	That the policy be deleted.	The Council has measures in place to improve public transport across the borough, including the rural area.
24	T3 – Improvements and the Extension of the Public and Permissive Rights of Way Network	Insert at the end of the first paragraph 'and where justified by and shown to be directly related to specific development proposals, financial contribution will be sought towards the following schemes.'	n/a
		Delete the second sentence.	n/a
		Delete the last two paragraphs of the policy.	The Council and Parish Council's have measures in place to seek improvements to signage, seating and litter.

24-25	C1 – Safeguarding and Improvement of Community Facilities	Insert at the end of paragraph 4 – ‘Development will not be permitted on this land other than in very special circumstances, for example, it is essential to meet specific necessary infrastructure needs and it can be demonstrated that there are no reasonable alternative sites available.’	n/a
		In the final paragraph, delete ‘rural area’ and replace all subsequent text with ‘settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development’.	n/a
		Delete the designation of the farm buildings at North Hart Farm at Hart as community buildings from the Proposals Map.	n/a
26	HA1 – Protection and Enhancement of Heritage Assets	Delete the first paragraph and replace with ‘Planning applications will be supported which ....’	n/a
26	HA4 – Protection and Enhancement of Locally Important Buildings	After ‘Locally Important Building’ delete ‘particular regard will be had’ and insert ‘the effect of the application on the significance of the following’.	n/a
		Replace the final paragraph with ‘A balanced judgement will be made having regard to the scale of any harm or the loss and the significance of the heritage asset.’	n/a
27	PO1 – Planning Obligations – Contributions towards Meeting Community Infrastructure Needs	Replace the first paragraph and the list of projects with ‘Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation if necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.’	n/a



# Hartlepool Rural Neighbourhood Plan 2016 – 2031

## Examination Policy Changes

Based on draft submitted to Hartlepool B. C. August 2016

Red text = changes/new text

**POLICY GEN1 - VILLAGE ENVELOPES Development Limits**

Within the Village Envelopes Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

In the countryside outside the Village Envelopes Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

**POLICY GEN 2 - DESIGN PRINCIPLES**

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
2. how the design of new housing scores highly against with the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. ~~how the design incorporates the highest standards of energy efficiency;~~
7. 6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;
8. ~~how the development has been made accessible to people with limited mobility;~~
9. 7. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water including into fluvial water;

10. ~~how the design ensures that safety and security has been taken into account;~~
11. ~~8.~~ how the design ensures that homes are flexible to meet the changing needs of future generations, ~~and~~
12. ~~how the agricultural grading of land has been taken into account.~~  
~~Development should avoid areas of best and most versatile agricultural land and those areas classed as Grade 1, 2 and 3A in the Agricultural Land Classification.~~

~~Applicants will be required/encouraged to submit a completed Checklist as set out in Appendix 4.~~

~~An archaeological assessment of the site should be carried out prior to any decision being made on any proposed development.~~

## POLICY H1 - HOUSING DEVELOPMENT

To assist in meeting the Borough's housing needs the rural plan area will accommodate approximately a minimum of 170 new dwellings by 2031, excluding the dwellings built on the new developments on the western edge of Hartlepool's urban area.

Permission may will be granted for further new homes on the following sites:

Village	Site Name/ windfall	<u>Max</u> <u>Approx</u> Number allocated	Planning permission
<del>Dalton Piercy</del>	<del>Infill only</del>	<del>10</del>	<del>n/a</del>
Elwick	North of North Farm/ Potters Farm (43 and 44)	25	25 additional dwellings considered over the 14 already approved.
Greatham	Between Hill View and Saltaire Terrace (106)	12	
Greatham	Mellanby Lane	5	
Greatham	Garden rear of 15 High Street	6	
Greatham	Grove House Nursery	6	
Hart	Eastern part of Nine Acres (eastern part 3)	23	
<del>Hart</del>	<del>Glebe Farm</del>	<del>20</del>	
<del>Newton Bewley</del>	<del>Infill only</del>	<del>NA</del>	
TOTAL		87	

(Note: site numbers refer to HBC SHLAA numbers)

There will be a general presumption in favour of residential development on non-allocated sites within the Development Limit of the villages provided the proposal is of an appropriate scale and accords with other plan policies.

**New housing development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should ~~be in line with~~ have regard to the latest evidence of housing need applicable at the time.**

**POLICY H2 - AFFORDABLE HOUSING**

1. Affordable housing will be required in applications for residential development that consist of a gross addition of ~~five~~ six or more dwellings ~~(or 0.4 hectares). These include residential new build, renewal of lapsed unimplemented planning permissions, changes of use and conversions. For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area.~~
2. ~~The affordable housing need within the Borough equates to 144 new dwellings per year.~~ Developers will be required to deliver 18% affordable housing in a bid to contribute to the delivery of this. The affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the economic viability of the development and the most up-to-date evidence of housing need, aspiration and the local housing market. The affordable homes provided must be of a tenure, size and type to help meet identified local housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently for longer.
3. Market and affordable homes on sites should be indistinguishable and achieve the same high design quality.
4. It is expected that affordable housing will be delivered through on-site provision and where appropriate, be pepper-potted throughout the development. However in certain circumstances it will be acceptable for provision to be made off-site, preferably within the same village, where:
  - applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site; and/or
  - Hartlepool Borough Council and the Parish Council is satisfied that off site provision will benefit the delivery of affordable housing in the Rural Plan area.
5. ~~Units provided shall remain affordable for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.~~
6. Other than in exceptional circumstances all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.
7. Where the scheme's viability may be affected, such that an adequate amount of affordable housing cannot be provided, developers will be expected to provide viability assessments which will be submitted as an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.



**POLICY H3 - RURAL EXCEPTIONS HOUSING FOR LOCAL NEEDS**

Rural Exceptions affordable housing will be supported as an exception to other policies concerning the countryside, to meet locally identified affordable housing need, subject to all of the following criteria being met:

- 1. Sites should adjoin the village envelope;**
- 2. Proposals must be for small schemes of 10 dwellings or fewer. Any such developments must be appropriate in scale, design and character to the locality;**
- 3. A thorough site options appraisal must be submitted to demonstrate why the site is the most suitable one. Such an appraisal must demonstrate why the need cannot be met within the urban fence or village envelope;**
- 4. In all cases, proposals for rural exceptions housing schemes must be supported by an up-to-date Housing Needs Survey that identifies the need for such provision within the village or group of villages;**
- 5. Occupancy will be restricted, in perpetuity, to a person in housing need and resident or working in the relevant village, or who has other strong links with the relevant locality in line with the community connection criteria, both initially and on subsequent change of occupancy. This could include Self Build;**
- 6. The locality to which the occupancy criteria are to be applied is taken as the parish (or any adjoining rural parish), unless otherwise agreed with Hartlepool Borough Council and the relevant parish council;**
- 7. To ensure that, in the future, a property is let or sold to a person who either lives locally or has strong local connections, it is expected that a 'cascade' approach to the locality issue appropriate to the type of tenure will be adopted. Thus, first priority is to be given to those satisfying the occupancy criteria in relation to the village or adjoining village or group of rural villages.**

**Cross Subsidy**

- 8. Proposals must consist in their entirety of affordable housing that will be retained in perpetuity. In exceptional circumstances, proposals that intend to include an element of market housing, or plots for open market sale, may be acceptable, if they meet all of the above criteria, along with the criteria below:**
  - a. Such proposals will be permitted only where it can be demonstrated that the site would not be viable, as a rural exception site, without cross subsidy. The developer will be required to submit an open book viability assessment to be carried out by Hartlepool Borough Council. In such cases:**

- i. The Council will not accept aspirational land value as justification for allowing a higher proportion of market value units;
- ii. The assessment must show that the scale of the market housing component is essential for the successful delivery of the rural exception affordable housing scheme and that it is based on reasonable land values as a rural exception site and must not include an element of profit;
- iii. The majority of the development must be for rural exception affordable housing; and
- iv. No additional subsidy is required for the scheme.

**NO CHANGE TO POLICY H3**

**POLICY H4 HOUSING IN THE COUNTRYSIDE**

Outside village envelopes, new housing will be supported only in exceptional circumstances:

1. where it is essential for a person employed in agriculture, forestry, or other use requiring a countryside location and where it is essential for the worker to live permanently at or near the place of work; or
2. where it would re-use existing rural buildings and where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; or
3. for the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces; or
4. for new housing of an exceptional quality or innovative design that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area.

Proposals for new housing development and the reuse of existing buildings should pay particular attention to design and landscape character so as to preserve and enhance the character and distinctiveness of the countryside.

With respect to foul sewage, the first presumption must be to provide a system of foul drainage discharge into public sewer. Only, where having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local authority that connection to a public sewer is not feasible, should non-main foul sewage disposal solutions be considered.

New housing is required to be sensitive to the heritage assets of the area. Building conversions are required to avoid extensive alteration, rebuilding or extension. In respect of both it is necessary to have regard to the impact proposals may have on the significance of any heritage assets, but it is especially the case in respect of the latter, where the building in question may itself be a heritage asset, designated or otherwise.

**NO CHANGE TO POLICY H4**

**POLICY H5 - HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL**

New housing development on the edge of Hartlepool, where appropriate, should be designed to:

1. create distinct new communities designed to instil a sense of place, with an attractive community hub, located in the centre of the development, containing a community centre, shops and other local services on a scale that meets the needs of the new community;
2. incorporate a diverse housing mix with a variety of house types, sizes and tenures;
3. provide an open and attractively landscaped development with the gross density of the development of about 25 dwellings per hectare ~~(or less)~~;
4. include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats;
5. include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats;
6. link new footpath and cycleway routes through the development to routes in the countryside, to existing adjacent communities, to schools, community facilities and the town centre;
7. retain existing farmsteads, trees, hedgerows, ditches, watercourses, and heritage assets within the development;
8. not compromise the Green Gaps between the urban area and villages;
9. address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of the new development. This includes should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well measures to discourage traffic from the new development using minor roads through the villages in the Plan area and sympathetic traffic calming where necessary. Adequate measures should be discussed as part of the application and not delegated to a condition and in some instances measures should be put in place prior to the occupation of the first dwelling in the relevant proposal.
10. avoid areas at risk of flooding and incorporate sustainable drainage measures to manage rain water run-off from the development.
11. assist in meeting Hartlepool Borough's housing need for 6000 additional homes within the next 15 years by supporting new developments on the edge of Hartlepool which take into consideration their rural fringe locations

and which do not compromise the Green Gaps, subject to design, layout, environmental and traffic impact considerations. ~~Any such new developments comprising in the region of 450 houses, whether as a single application or as the result of cumulative applications, would be expected to provide a fuller range of community facilities (this figure being based on the size of Greatham village which is able to support a range of facilities).~~

Where a developer deems a scheme's viability may be affected they will be expected to submit an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

## **POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY**

The development of the rural economy will be supported through:

1. the retention or expansion of existing agricultural and other businesses;
2. the re-use or replacement of suitable land/buildings for employment generating uses in villages and the countryside;
3. the provision of live-work units and small scale business units within the development limits of the villages;
4. the construction of well designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
5. appropriate tourism related initiatives;
6. recreation uses appropriate to a countryside location.

New livery businesses will be supported subject to the provision and maintenance existence or provision of equestrian routes/bridleways in and around the business.

New specialist retail businesses, including farm shops, garden centres and similar outlets selling goods grown or manufactured in the locality, will be supported where such developments would provide support for the rural economy, and could not reasonably be expected to locate within the village envelope or Hartlepool urban area by reason of the products sold, or their links to other uses on the site.

The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure.

Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area.

All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

## **POLICY EC2 - RETENTION OF SHOPS, PUBLIC HOUSES AND COMMUNITY FACILITIES**

The change of use or redevelopment of a village shop, public house or community building will be supported only where:

1. at least one other similar facility of that type exists within the village; and

2. it can be demonstrated by the applicant that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a business or community facility, and that it is not economically viable; and
3. there is no evidence of realistic intent from the community for the retention of the business or community facility.

Preference will be given to the premises remaining in some form of community or employment use, as long as there are no significant impacts on the rural road network, residential amenity, environment, heritage assets, including conservation areas and their settings.

All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

### **POLICY EC3 - FORMER RHM SITE TO THE SOUTH OF GREATHAM STATION**

The redevelopment of the former RHM site at Greatham will be supported for community and leisure uses, possibly to include:

1. ~~A 'Park and Ride' facility linked to the reopening of Greatham Station;~~
2. 1.A solar energy installation;
3. 2.A visitor centre with associated car parking and improved footpaths links, to inform visitors about the importance of the local environmental habitats, the heritage and archaeological importance of Greatham Creek and renewable energy.

The visitor centre should be of innovative design, suited to its location, and with high sustainability credentials. A comprehensive scheme of landscaping and environmental enhancement should form part of any proposal. Before a decision on any proposed development is made, an archaeological assessment of the site should be carried out.

Development proposals should not lead to a significant increase in traffic movements through the village, sustainable transport options will be encouraged.

Appropriate mitigation measures to address effects arising from the development on the local habitats will be required prior to any development proceeding.

**POLICY EC4 - SERVICE STATIONS AND TRAVEL RELATED DEVELOPMENT**

Land at the service stations on the A19, as identified on the proposals map, will be safeguarded for the following uses to primarily serve the travelling public:

- Petrol filling station/s with ancillary shop/s
- Premises for the sale of hot and cold food and drinks (A1 or A3)
- Vehicle recovery
- Overnight accommodation
- Parking for cars and heavy goods vehicles.

~~Proposals for new or improved facilities within the safeguarded sites shall not give rise to an intensification of use of the access roads and must have the support of Highways England.~~ Improvements to infrastructure may be necessary. Improvements to the environment and landscaping of these areas must be included in any proposals.

~~All proposals should accord with the all other necessary policies contained within this plan, particularly in relation to design and amenity. Necessary policies will be applicable depending on the proposal put forward.~~

## POLICY T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK

Support will be given to the relevant highway authority in securing the following highway improvements: Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation:

1. improvement of the A179/A19 junction
2. the dualling of the A179
3. improved village approach roads and junctions to the A179, A689 and A19
4. alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool
5. appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Plan
6. Measures that promote good driver behaviour, such as speed cameras.

The above improvements must be designed, as far as possible, to be in keeping with the rural setting.

## ~~POLICY T2 - IMPROVEMENTS TO PUBLIC TRANSPORT~~

~~The reopening of Greatham railway station will be supported provided that:~~

- ~~1. It would not result in an increase in road traffic accessing the station that would be detrimental to road safety or the quality of life in Greatham village; and~~
- ~~2. The station is served by a new car park and bus service to provide a park and ride service together with new cycle and pedestrian routes to employment sites at Queens Meadow, Graythorp and Seal Sands, Hartlepool.~~

~~The re-opening of Hart Station together with a park and ride facility will be supported.~~

~~Opportunities to support local bus services will be encouraged and secured through planning obligations.~~

## POLICY T3 - IMPROVEMENT AND EXTENSION OF THE PUBLIC AND PERMISSIVE RIGHTS OF WAY NETWORK

Improvement and extension of the public and permissive network of bridleways, cycleways and footpaths will be supported and where justified by and shown to be directly related to specific development proposals, financial contribution will be sought towards the following schemes:-



~~The following new and improved routes are prioritised:~~

1. New bridges over the A19 near Elwick and over the A689 near Greatham suitable for pedestrians, cyclists and equestrians;
2. A new traffic light controlled safe crossing point on the A689 at Newton Bewley;
3. Cycleways and footpaths from Brierton, Dalton Piercy and Elwick to Hartlepool;
4. Cycleways and footpaths linking Brierton, Dalton Piercy, Elwick, Greatham, Hart and Newton Bewley and providing direct and circular routes between the villages and the countryside;
5. A cycleway and footpath from Greatham to the Tees Road at Greatham Creek, to link into routes to RSPB Saltholme, Seal Sands, Middlesbrough via the Transporter Bridge and Graythorp;
6. A network of bridleways throughout the rural area.

~~Improvements to the pavements in the villages, including improved maintenance, will be sought to provide accessibility for people with mobility limitations and people with young children, to local shops and community facilities.~~

~~The provision of new and improved signage, seating and litter bins will be encouraged.~~

**POLICY C1 - SAFEGUARDING AND IMPROVEMENT OF COMMUNITY FACILITIES**

Community buildings, play areas, sports/recreation facilities, allotments and open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made.

Recreation and associated facilities will be supported where the proposed facilities are of a type and scale appropriate to the size of the settlement.

Priority schemes include:

1. Improvements to Dalton Piercy Village Hall
2. A new equipped children's play area at Dalton Piercy
3. New car park to serve Elwick Church and other heritage assets
4. Improvements to Greatham Community Centre.
5. Improvements to Greatham Sports Field
6. A new multi-purpose community open space with equipped play area, sports pitch, wildlife area, dog walking area and allotments at Hart.

A site at Elwick, the ghyll, shown on the Proposals Map will be designated as Local Green Space in accordance with paras 76 & 77 of the NPPF and Appendix 10. Development will not be permitted on this land other than in very special

circumstances, for example, it is essential to meet specific necessary infrastructure needs and it can be demonstrated that there are no reasonable alternative sites available.

Contributions will be sought from new housing development towards the improvement of leisure, community and recreation facilities and open spaces serving the rural area, ~~either through developing new facilities on site or contributions towards the improvement of existing facilities in the vicinity. For further information please see policy PO1~~ settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development.

## **POLICY NE1 - NATURAL ENVIRONMENT**

The rural plan will seek to protect, manage and enhance the areas natural environment.

**1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.**

- a. Development that would affect internationally important sites will be permitted only where it meets all the relevant legal requirements.**
- b. Development that would affect nationally important sites will be permitted only where it meets all the relevant legal requirements**
- c. Development which would negatively affect a locally designated site will be supported only where the reasons for the development clearly outweigh the harm to the conservation interest of the site. Where development on a locally designated site is approved, compensatory measures will be required to maintain and enhance conservation interests. In the first instance compensatory measures should be as close to the original site as possible. Compensatory measures may include biodiversity offsetting where on-site compensation is not possible.**

**2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation. Opportunities to de-culvert parts of Greatham Beck and its tributaries will be encouraged within the Neighbourhood Plan area.**

**1. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody.**

**2. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:**

- a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;**
- b. Provide screening around any non-agricultural uses;**
- c. Use a mix of local native species appropriate to the landscape character area;**

- d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.**

**No changes to this policy**

**POLICY NE2 - RENEWABLE AND LOW CARBON ENERGY**

Renewable and low carbon energy developments assist in meeting the Rural Plan area's commitment to reducing CO2. Any medium/large wind turbine proposals should be directed to High Volts or Red Gap.

1. The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure, will be supported and considered in the context of the wider environmental, economic and social benefits arising from the scheme whilst considering any adverse impacts, individually and cumulatively upon:
  - a. The surrounding landscape including natural, built, heritage (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of international, national and local importance;
  - b. The flows of groundwater to any water- dependent features within the area, including rivers, ponds, springs and abstraction points.
  - c. Residential amenity including visual intrusion, air, dust, noise, odour, shadow flicker, traffic generation, recreation and access;
  - d. The operation of air traffic operations, radar and air navigational installations and
  - e. Highway safety.
2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.
3. Given the nature of some forms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.

All proposals should accord with all other necessary policies contained within this plan, particularly in relation to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

**No changes to this policy**

## **POLICY HA1 – PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS**

~~The Rural Plan Working Group will work alongside Hartlepool Borough Council to proactively support and encourage investment in all Heritage Assets including those of archaeological importance, throughout the rural area, aiming to:~~ Planning applications will be supported which:

1. preserve and enhance their physical character and facilitate new uses for buildings at risk.
2. ensure all heritage assets including Scheduled Ancient Monuments and the ridge and furrow landscape, within the Rural Plan area are conserved or enhanced through a constructive conservation approach;
3. ensure that the distinctive character of Conservation Areas, within the Rural Plan area, is conserved or enhanced through a constructive conservation approach;
4. protect, conserve or enhance the area's Listed Buildings by preventing unsympathetic alterations, encouraging appropriate physical improvement work, supporting viable proposals to secure their re-use and restoration, and supporting the local authority's continued review and management of these assets.
5. encourage the retention of heritage assets on the List of Locally Important Buildings, particularly when viable, appropriate uses are proposed.

A list of heritage priorities within the rural area is set out in Appendix 5.

## **POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS**

In determining applications within Conservation Areas, or which affect the setting of a Conservation Area, particular regard will be given to the following:

1. The scale and nature of the development;
2. The design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed;
3. The retention of original features of special architectural interest such as walls, gateways and other architectural details;
4. The retention of existing trees, hedgerows and landscape features, with appropriate landscaping improvements incorporated into design proposals;
5. The protection of important views and vistas;
6. The location of appropriately designed car parking, landscaped in such a way as to minimise impact on the character of the area, and
7. Guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements.

Proposals for demolition within Conservation Areas will be carefully assessed in order to avoid the loss of important features and buildings, but to encourage removal of unsympathetic later additions.

Where any demolition in conservation areas is proposed, the Rural Plan will support proposals only if it can be demonstrated that:

1. The removal would help to conserve or enhance the character or appearance of the Conservation Area;
2. Its structural condition is such that it is beyond reasonable economic repair, or
3. Retention and restoration through some form of charitable or community ownership is not possible or suitable, and
4. The removal is necessary to deliver a public benefit which outweighs the removal.

**No changes to this policy**

### **POLICY HA3 - PROTECTION AND ENHANCEMENT OF LISTED BUILDINGS**

In determining applications for Listed Building Consent for alteration or partial demolition, the following criteria will be applied, where appropriate:

1. traditional materials and sympathetic designs which are in keeping with the character and special interest should be used.
2. internal features and fittings which comprise an integral part of the character and special interest of the building should be retained and re-used, and,
3. The works would support the enhancement or viable use/re-use of the remaining part of the building.

Works within the setting of a Listed Building should be of a design which is sympathetic to, and takes advantage of opportunities to enhance, the setting of the Listed Building. If appropriate design solutions that would avoid any harm cannot be provided, then the scheme will be not be supported.

Where any demolition is involved, detailed proposals for the satisfactory redevelopment or after-treatment of the site should be secured before demolition takes place.

The Rural Plan will consider the total demolition of a Listed Building only in exceptional circumstances, where it has been clearly demonstrated that:

1. There is no appropriate or viable use for the building.
2. The fabric of the building is beyond reasonable economic repair.
3. Retention and restoration through some form of charitable or community ownership is not possible or suitable, and
4. Redevelopment would result in a public benefit which outweighs the loss of the building.

**No changes to this policy**

**POLICY HA4 - PROTECTION AND ENHANCEMENT OF LOCALLY IMPORTANT BUILDINGS**

In determining applications for planning permission that affect entries on the List of Locally Important Buildings, ~~particular regard will be had to~~ the effect of the application on the significance of the following:

1. The historic or architectural importance of the building.
2. Features which contribute significantly to the character of the building.
3. Their contribution to the appearance of the locality.
4. Their scarcity value to the local area.
5. The scale, nature and importance of the proposed redevelopment, which should clearly demonstrate how it would conserve or enhance the site or setting of other buildings nearby.
6. The design and means of enclosure.

~~Where any demolition is involved, the Rural Plan Working Group will require that detailed proposals for the satisfactory redevelopment or after-treatment of the site must be approved before demolition takes place. This will include the requirement to record, and advance understanding of, the significance of the heritage assets to be lost (wholly or in part) in a manner that is proportionate to their importance. A balanced judgement will be made having regard to the scale of any harm or the loss and the significance of the heritage asset.~~

**POLICY PO1: PLANNING OBLIGATIONS - CONTRIBUTIONS TOWARDS MEETING COMMUNITY INFRASTRUCTURE PRIORITIES**

Developer contributions ~~together with other community benefits and grant funding will be used to fund new and improved community infrastructure including maintenance in the Plan area, including, but not limited to:~~ towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

1. ~~Safeguarding community facilities as set out in Policy C1~~
2. ~~Affordable Housing as set out in Policy H2~~
3. ~~Improvements to public transport as set out in Policy T2~~
4. ~~New and improved bridleways, cycleways and footpaths as set out in Policy T3~~
5. ~~Environmental enhancement as set out in Policy NE1~~
6. ~~Heritage assets enhancement as set out in Policy HA1~~
7. ~~Surface water flooding alleviation measures as set out in Policy H5~~
8. ~~Traffic calming measures as set out in Policies H5 and T1~~



9. ~~New visitor centre at the former RHM site, Greatham, as set out in Policy EC3~~
10. ~~Ecological mitigation & Networks as set out in Policy NE1~~
11. ~~Renewable and Low carbon energy as set out in Policy NE2~~

Developer contributions will be determined on a site by site basis in accordance with Hartlepool Borough Council's Supplementary Planning Document on Planning Obligations and due consideration should be given to priorities listed in Appendix 5.

Where a developer deems a scheme's viability may be affected they will be expected to submit an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

# REGENERATION SERVICES COMMITTEE

4<sup>th</sup> September 2017



**Report of:** Assistant Director (Economic Growth and Regeneration)

**Subject:** HOUSING SERVICES POLICY REVIEWS

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (ii)). Forward Plan Reference No. RN 05/17.

## 2. PURPOSE OF REPORT

2.1 The report is to update Regeneration Services Committee about the Housing Management policies which were approved in February 2015 and to seek approval for the necessary revisions to certain policies in line with statutory regulations.

## 3. BACKGROUND

3.1 On 12<sup>th</sup> February 2015 Regeneration Services Committee approved a series of policies required for the direct delivery of the Housing Management Service effective 1<sup>st</sup> April 2015.

3.2 It was also agreed that a review of each policy would take place every three to five years unless there are any legislative or regulatory changes or if there are any issues raised that necessitates a review.

## 4. PROPOSALS

### 4.1 Policy Reviews

All of the existing housing management policies were reviewed in March 2017 to ensure that they are up to date, fit for purpose and compliant with legislation.

4.2 Robust policies and procedures are required for the continued delivery of an effective housing management service.

4.3 The following policies have been reviewed:

- Aids and Adaptations Policy
- Complaints Policy
- Decoration Policy
- Debt Recovery Policy
- Estate Management Policy
- Rechargeable Repairs Policy
- Repairs and Maintenance Policy
- Rent Setting and Service Charge Policy
- Tenant Involvement and Consultation Policy
- Right to Buy Policy
- Tenancy Policy
- Tenancy Management Policy
- Void Management Policy

4.4 Housing Services follow the existing Tees Valley Compass Allocations Policy when dealing with applications to the housing register, allocations and lettings.

4.5 Housing Services follow the Council's existing Anti-Social Behaviour Policy when dealing with nuisance complaints.

4.6 Following this review amendments are proposed to the following policies:

- Aids and Adaptations Policy (**Appendix 1**)
- Decoration Policy (**Appendix 2**)
- Rent Setting and Service Charge Policy (**Appendix 3**)
- Tenancy Policy (**Appendix 4**)
- Tenancy Management Policy (**Appendix 5**)
- Void Management Policy (**Appendix 6**)

4.7 The key changes proposed to the policies listed in 4.6 are summarised in the table below:

Policy	Amendments	Comments
Aids and Adaptations Policy	<p>The threshold for minor adaptations that the Council will undertake has increased from £500-£1000 in line with national good practice.</p> <p>All major adaptations will be dealt with through application to the Disabled Facilities Grant.</p>	<p>Budget constraints, increased need and applications for extensions to our properties has meant that all major adaptations need to be dealt with through application for a DFG; this means that our tenants will join the DFG waiting list alongside other tenures.</p>

Policy	Amendments	Comments
	<p>Major adaptations will be maintained through the routine repairs budget.</p> <p>Adaptations will no longer be dealt with through planned maintenance.</p>	
Decoration Policy	Void properties will no longer be redecorated but may be eligible for redecoration assistance. The incoming tenant may receive a redecoration voucher if the property is in poor decoration or is difficult to let.	The move from redecorating all properties to providing a voucher aims to reduce void costs and also provide incoming tenants with choice over the decoration of their new home.
Rent Setting and Service Charge Policy	The affordable rent calculation has been expanded on for clarity and to explain how rents will be set where an affordable rent is lower than the social rent for an area.	In some areas that the Council has stock the affordable rent calculation is lower than a social rent for that area. In these circumstances the rent may be rebased on the higher rent level depending on the property type and location.
Tenancy Policy	<p>Reference has been made to the Housing and Planning Act 2016.</p> <p>Tenancy types and appendix 1 has been updated to reflect the use of shorter term tenancies for tenants under the age of 35 or who have previously held a failed tenancy. It has also been updated to reflect that all of the Council's properties are let on an affordable rent.</p> <p>The section on ending a</p>	<p>Changes to benefits for younger tenants without children have necessitated the move towards short term tenancies suitable to individual circumstances.</p> <p>This policy will need a further update once regulations have been issued about the ending of life time tenancies for local authorities (Housing and Planning Act 2016).</p>

Policy	Amendments	Comments
	Local Authority Introductory Flexible Tenancy has been reworded.  Reference has also been included with regards to the consequence of moving from a secure tenancy to a flexible tenancy.	
Tenancy Management Policy	Page 2 – reference to profiling for new tenants Page 3 – reference to transfers has been included to clarify the eligible circumstances Page 4 – death of a tenant policy has been amended to allow one week rent free for the relatives to clear the property.	The council is experiencing a high turnover of transferring tenants within the first 12 months of tenancy which has necessitated a change in policy to help reduce this.
Void Management Policy	Page 3 has been amended with removal of the reference to redecoration of void properties.  Appendix 1 has been updated with removal of the reference to carpets and redecoration.	Budget constraints have necessitated a review of the void standard. Redecoration assistance will be offered as an incentive to new tenants.

- 4.8 Housing Services staff will be provided with training on each of the updated policies and procedures to ensure effective implementation. Staff will also be kept aware of any changing national or local policy drivers which may impact either directly or indirectly on each policy.

## 5. RISK IMPLICATIONS

- 5.1 The effective management of Council owned stock must be delivered by reviewing and maintaining effective policies and procedures detailing our statutory functions. Tenancy management failure would have not only a reputational risk for the Council but would also have a risk of not maximising rent collection. It is important that the Council owned stock is managed well to enhance the Council's reputation and with effective policies in place, and trained staff, this risk would be significantly mitigated.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 There are no financial considerations relating to this report.

## **7. LEGAL CONSIDERATIONS**

- 7.1 There are a number of legal considerations that have been included in the revision of Housing Services policies and they must be compliant with the requirements of:

- Housing Act 1996
- Homelessness Act 2002
- Localism Act 2011
- Welfare Reform Act 2012
- Housing and Planning Act 2016
- Welfare Reform and Work Act 2016

## **8. CONSULTATION**

- 8.1 Consultation was undertaken internally with Child and Adult Services, Finance and Legal and their comments are incorporated within the final policies attached as part of this report.

## **9. CHILD AND FAMILY POVERTY**

- 9.1 There are no child and family poverty implications relating to this report

## **10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 There are no equality and diversity considerations relating to this report

## **11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 11.1 Hartlepool Borough Council recognises that Community Safety affects all our lives, people, communities and organisations. People need to feel safe and this means developing stronger, confident and more cohesive communities. Community Safety includes reducing crime and disorder and tackling anti-social behaviour, offending and re-offending, domestic abuse, drug and alcohol abuse, promoting fire safety, road safety and public protection. The implementation of robust Tenancy Management Policies and adoption of the Council's existing Anti-Social Behaviour Policy contribute towards this.

## **12. STAFF CONSIDERATIONS**

- 12.1 Housing Services officers need to be made aware of changes to the revised policies. Staff training will be required regarding the amended procedures for effective implementation of each policy.

## **13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 There are no asset management considerations relating to this report.

## **14. RECOMMENDATIONS**

- 14.1 Committee is requested to:
- a) Note the contents of the report
  - b) Approve the revised policies which are required for the continued delivery of the housing management service

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 The recommendations will ensure the continued delivery of a robust and effective housing management service.

## **16. BACKGROUND PAPERS**

- 16.1 There are no background papers.

## **17. CONTACT OFFICER**

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## HOUSING SERVICES AIDS AND ADAPTATIONS POLICY

### Background

Since Large Scale Voluntary Transfer in 2004 the Council has developed new build social rented properties which were completed in 2010. In addition to the new build stock the Council has, as part of its overall Empty Homes Programme, acquired empty homes in the town and this will continue. These properties have been managed externally on service level agreements. The Council will also acquire additional stock through other funding programmes.

However, in April 2014 the Council's Finance and Policy Committee approved for the management of these properties to be brought back in-house.

This policy will apply to all tenants in Hartlepool Borough Council owned stock.

### Purpose of the policy

The purpose of this policy is directly linked to the vision of the Council's Housing Strategy which is to:

***Develop and maintain successful communities where people want to live, by meeting the housing needs of our residents now and in the future.***

### Aims of the policy

The aims of the policy are to:

- Enable and support customers to live independently in their current and future homes
- Promote, encourage and ensure fair access for customers to all appropriate adaptations services
- Work in partnership to deliver a seamless service to customers, providing services and equipment that are cost effective and value for money
- Make best use of our housing stock



**Related policies**

- Compass Common Allocation Policy May 2013
- HBC Repairs and Maintenance Policy
- Adaptations Policy 2013 (currently under review)

**The Aids and Adaptations Policy**Definitions

Aids and equipment refers to anything *portable*. Examples include bath lifts, showering equipment, reachers and grabbers.

An adaptation is a *fixed* alteration to a dwelling that makes it accessible and suitable for a disabled person.

Minor adaptations are ones that are relatively inexpensive (up to £1000) and may be fitted easily and quickly. They typically involve the installation of aids to existing facilities to ensure they can be fully accessed and utilised by the customer. Examples include grab rails, banister rails, lever taps and half steps.

Major adaptations require technical involvement in assessing the feasibility and sustainability of an adaptation. Examples include level access showers, stairlifts, ramps and extensions.

Funding

The Council as landlord will meet the costs to supply and fit minor adaptations to its properties.

Major adaptations will be funded through the Disabled Facilities Grant in line with the Council's Adaptations Policy 2013 (currently under review).

This policy will ensure that the most appropriate solution will be sought and aims to offer best value for money whilst meeting the needs of the customer. Financial support and assistance may also be offered to customers agreeing a transfer to suitable housing if this is cost effective and the most appropriate solution to meet their needs.

How to apply

Customers can apply for aids and adaptations by contacting Housing Services.

Aids and equipment are supplied through the Occupational Therapy Team within Child and Adult Services Social Care and referrals are made through the Duty Team.

Customers will self refer for minor adaptations to Housing Services and will receive a home visit to identify the risks and all works required prior to them being ordered.

For major adaptations an occupational therapist will carry out an assessment of the customer's needs and in conjunction with the customer and Housing Services will establish the most appropriate solution.

In most circumstances people will be dealt with in date order of their application.

#### Maintenance and repairs

The Council will meet the costs of all routine repairs and maintenance to any adaptations supplied through this policy.

#### Recycling and removal of adaptations

The Council endeavors to make savings where possible through recycling of adaptations such as stairlifts, through floor lifts and modular (metal) ramps when the property becomes available for re-letting.

Other structural adaptations may not be removed but will be assessed on an individual basis.

#### Re-housing as an option

In cases where major adaptations to a customer's home are required and it is difficult to provide a cost effective solution, assistance will be offered to help the customer move into suitable alternative accommodation or housing that is suitable for adaptation.

#### Re-letting adapted property

All adaptations completed to a property will be recorded as part of the property details. This information will be used to ensure future allocations are made to applicants who require such adaptations.

Adapted social rented housing is advertised through the Compass Choice Based Lettings Scheme which covers the Tees Valley. Such properties are re-let to applicants who match the requirements of the property.

### **Equality and Diversity**

The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation.

An Equality Impact Needs Assessment has been carried out on this policy to ensure the impact of its practices do not negatively impact upon any individual.

### **Customer Involvement and Consultation**

The Council recognises the importance of working in partnership with our customers to continuously improve services and raise standards. This policy will be developed and reviewed in consultation with customers and will take into account customer feedback, comments and complaints.

**Staff Training**

Housing Services staff will be trained on this policy and will be kept aware of any changing national or local policy drivers which may impact either directly or indirectly on this policy.

**Monitoring and Review**

Monitoring of this policy will take place through regular reporting to Hartlepool's Housing Partnership.

A review of the policy will also take place every three to five years unless there are any legislative or regulatory changes or if there are any issues raised that necessitates a review.

There will be a published set of service standards for this policy.

**Complaints**

The Council will make every effort to resolve a complaint to the customer's satisfaction.

Please refer to the Housing Complaints Policy for further details.

**Useful Contacts**

Hartlepool Borough Council Housing Services  
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<b>POLICY NUMBER:</b>	<b>HMRP11</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KAREN KELLY</b>
<b>DATE AGREED:</b>	<b>2017</b>
<b>REVIEW DATE:</b>	<b>2020</b>



## HOUSING SERVICES DECORATION POLICY

### Background

Since Large Scale Voluntary Transfer in 2004 the Council has developed new build social rented properties which were completed in 2010. In addition to the new build stock the Council has, as part of its overall Empty Homes Programme, acquired empty homes in the town and this will continue. These properties have been managed externally on service level agreements. The Council will also acquire additional stock through other funding programmes.

However, in April 2014 the Council's Finance and Policy Committee approved for the management of these properties to be brought back in-house.

This policy will apply to all tenants in Hartlepool Borough Council owned stock.

### Purpose of the policy

The purpose of this policy is directly linked to the vision of the Council's Housing Strategy which is to:

***Develop and maintain successful communities where people want to live, by meeting the housing needs of our residents now and in the future.***

### Aims of the policy

The aims of the policy are to:

- Contribute to the effective maintenance of the Council's housing stock by providing incoming customers a property with a good decoration standard on re-let
- Explain how the Council will make good damaged decoration following planned maintenance and investment work
- Explain how the Council will make good damaged decoration following responsive repairs, including one off major repair work

### **Related policies**

- HBC Repairs and Maintenance Policy
- HBC Void Management Policy
- HBC Tenancy Management Policy
- HBC Debt Recovery Policy

### **The Decoration Policy**

#### Voids

The Council has introduced a minimum standard of a home that every customer can expect when signing their tenancy agreement and this includes assistance towards redecoration where appropriate.

A decision to assist towards redecoration of properties with the issue of a decoration voucher will be applied on an individual basis depending on its internal condition when it becomes void and if it is below a reasonable standard of decoration.

Decoration assistance will apply to transferring applicants but not to new tenancies created by mutual exchange.

Redecoration assistance will not be used to change the interior decoration of a property because it is not the incoming customers' personal choice (unless the decoration is a strong colour that would prove costly to change, for example black)

#### Occupied Properties

The Council will make good or compensate for damaged decorations following responsive repair work, including one off major repairs work. Not all repairs will cause damage, but where they do, this will be rectified.

Following planned maintenance and investment work, the Council will make good any decoration that has been damaged. Not all improvement works will cause damage or require the full decoration of a room.

Examples of repair work that may result in damage to decoration include:

- Full or partial electrical rewire
- Following installation or repair of Damp Proof Course
- Following replacement of a full or partial heating system
- Window / door repair or replacement
- Loose / detached banister or handrail
- Leaking roof
- Kitchen or bathroom repair or replacement

This policy does not remove the need for customers to adequately insure the contents of their home from damage.

For the purpose of this policy damage will mean partially stripped rooms, badly torn wallpaper that would prove unacceptable to live with, poorly painted walls.

Decoration will not take place where a customer has caused damage or has neglected the interior decoration of the property. The customer will be responsible for any decoration work that may be required prior to moving out to bring it up to a reasonable standard. Where appropriate the outgoing customer will be recharged the appropriate costs to bring the property back up to a reasonable standard.

### **Equality and Diversity**

The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation.

An Equality Impact Needs Assessment has been carried out on this policy to ensure the impact of its practices do not negatively impact upon any individual.

### **Customer Involvement and Consultation**

The Council recognises the importance of working in partnership with our customers to continuously improve services and raise standards. This policy will be developed and reviewed in consultation with customers and will take into account customer feedback, comments and complaints.

### **Staff Training**

Housing Services staff will be trained on this policy and will be kept aware of any changing national or local policy drivers which may impact either directly or indirectly on this policy.

### **Monitoring and Review**

Monitoring of this policy will take place through regular reporting to Hartlepool's Housing Partnership.

A review of the policy will also take place every three to five years unless there are any legislative or regulatory changes or if there are any issues raised that necessitates a review.

There will be a published set of service standards for this policy.

<b>Complaints</b>
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The Council will make every effort to resolve a complaint to the customer's satisfaction.

Please refer to the Housing Complaints Policy for further details.

<b>Useful Contacts</b>
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<b>POLICY NUMBER:</b>	<b>HMRP29</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KAREN KELLY</b>
<b>DATE AGREED:</b>	<b>2017</b>
<b>REVIEW DATE:</b>	<b>2020</b>



## HOUSING SERVICES RENT SETTING AND SERVICE CHARGES POLICY

### Background

Since Large Scale Voluntary Transfer in 2004 the Council has developed new build social rented properties which were completed in 2010. In addition to the new build stock the Council has, as part of its overall Empty Homes Programme, acquired empty homes in the town and this will continue. These properties have been managed externally on service level agreements. The Council will also acquire additional stock through other funding programmes.

However, in April 2014 the Council's Finance and Policy Committee approved for the management of these properties to be brought back in-house.

This policy will apply to all tenants in Hartlepool Borough Council owned stock.

### Purpose of the policy

The purpose of this policy is directly linked to the vision of the Council's Housing Strategy which is to:

***Develop and maintain successful communities where people want to live, by meeting the housing needs of our residents now and in the future.***

### Aims of the policy

The aims of the policy are to:

- Explain how the Council will set rent levels and service charges
- Meet the statutory, regulatory and contractual obligations in setting rents and service charges
- Ensure all customers are advised clearly at the start of their tenancy what their rent is and any service charges that apply



- Communicate clearly any change to the rent ensuring proper notice is provided in line with statutory, regulatory and contractual obligations

#### **Related policies**

- HBC Debt Recovery Policy

#### **The Rent Setting and Service Charges Policy**

##### Rent Setting

The Council's secure and flexible tenants' rents will be set in accordance with guidance issued by the Government<sup>1</sup>. Both tenancy types can be offered at either affordable or social rent. The Council will let all of its stock on an affordable rent.

Rent is charged over 52 weeks a year and rent increases or decreases will take place from the 1<sup>st</sup> April each year.

The Council will ensure that rent increases or decreases are clearly communicated to our customers and 28 days notice will be given. The notification will include how the rent and any service charges have been changed and how they have been calculated.

##### Service Charges

Additional services provided to groups of our customers will be charged to those customers benefitting from those services.

All service charges will be reviewed annually. Each year the actual cost of providing the services that are charged for will be reviewed and if the actual costs are different from the service charge this will be adjusted in future charges. There will be no profit made from service charges.

##### Affordable Rents

Properties let on affordable rent are exempt from the social rent expectations. Homes let on affordable rent terms should be made available at a rent level of up to 80 percent of gross market rents, inclusive of service charges where these are applicable.

Property size and location should be taken into account when determining what rent level a property might achieve.

On each occasion that an affordable rent tenancy is issued for a property (whether to a new tenant or an existing tenancy is re-issued) the rent should be re-set based on a new valuation, to ensure it remains at no more than 80 percent of the relevant market rent.

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<sup>1</sup> DCLG, May 2014, Guidance on Rents for Social Housing <https://www.gov.uk/government/publications/guidance-on-rents-for-social-housing>  
Welfare Reform and Work Act 2016

In most circumstances, an Affordable Rent should not be lower than the rent level that is calculated based on the formula rent for a property (social rent level)<sup>2</sup>. In cases where an Affordable Rent would otherwise be lower than the formula rent for a property, the formula rent may constitute a ‘floor’ for the rent to be charged depending on the property type and location.

The only exception to when the rent should be re-set based on a new valuation is where the introductory tenancy comes to an end and the tenancy becomes a fixed term tenancy. In this case an authority is not expected to re-set the rent.

### **Equality and Diversity**

The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation.

An Equality Impact Needs Assessment has been carried out on this policy to ensure the impact of its practices do not negatively impact upon any individual.

### **Customer Involvement and Consultation**

The Council recognises the importance of working in partnership with our customers to continuously improve services and raise standards. This policy will be developed and reviewed in consultation with customers and will take into account customer feedback, comments and complaints.

### **Staff Training**

Housing Services staff will be trained on this policy and will be kept aware of any changing national or local policy drivers which may impact either directly or indirectly on this policy.

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<sup>2</sup> Each individual property has a ‘formula rent’. The rent is calculated using a formula that takes into account the value of the property (as at January 1999), the size of the property and the average local earnings in the local area. These values have been determined by Government policy.

**Monitoring and Review**

Monitoring of this policy will take place through regular reporting to Hartlepool's Housing Partnership.

A review of the policy will also take place every three to five years unless there are any legislative or regulatory changes or if there are any issues raised that necessitates a review.

There will be a published set of service standards for this policy.

**Complaints**

The Council will make every effort to resolve a complaint to the customer's satisfaction.

Please refer to the Housing Complaints Policy for further details.

**Useful Contacts**

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<b>POLICY NUMBER:</b>	<b>HMRP12</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KAREN KELLY</b>
<b>DATE AGREED:</b>	<b>2017</b>
<b>REVIEW DATE:</b>	<b>2020</b>



## HOUSING SERVICES TENANCY POLICY

### Background

Since Large Scale Voluntary Transfer in 2004 the Council has developed new build social rented properties which were completed in 2010. In addition to the new build stock the Council has, as part of its overall Empty Homes Programme, acquired empty homes in the town and this will continue. These properties have been managed externally on service level agreements. The Council will also acquire additional stock through other funding programmes.

However, in April 2014 the Council's Finance and Policy Committee approved for the management of these properties to be brought back in-house.

This policy will apply to all tenants in Hartlepool Borough Council owned stock.

### Purpose of the policy

The purpose of this policy is directly linked to the vision of the Council's Housing Strategy which is to:

***Develop and maintain successful communities where people want to live, by meeting the housing needs of our residents now and in the future.***

### Aims of the policy

The aims of the policy are to:

- Fulfil the Council's legal duties as set out in the Localism Act 2011 and Housing and Planning Act 2016
- Meet local housing need by offering tenancies which are compatible with the purpose of the housing and the needs of individual households
- Support sustainable communities
- Prevent homelessness

### Related policies

- Compass Common Allocations Policy May 2013
- Tees Valley Tenancy Strategy

## **The Tenancy Policy**

### **a. Tenancy Types**

Where the Council has purchased stock to remain in its ownership there are a range of tenancies that can be offered and the Council will use introductory tenancies for all new tenants.

There will be circumstances when Local Authority Flexible Tenancies will be offered for a specific period of time.

Tenancies granted to applicants who are under 35 years of age with no dependent children and households that have previously had a failed tenancy will be granted a flexible tenancy for a fixed term that is suitable for their individual circumstances.

Where an existing tenant moves to a new property from a Secure Tenancy to a Local Authority Flexible Tenancy, they will be bound by the new terms and conditions and rent levels.

The table in Annexe 1 summarises the range of tenancies that the Council offers, the circumstances in which these tenancies will be offered and the length of tenancy:

### **b. Local Authority Flexible Introductory Tenancy**

Probationary periods will be offered by way of Local Authority Flexible Introductory Tenancies for periods of up to 18 months to aid tenancy management, after which a fixed term tenancy will be granted. This will be subject to the satisfactory conduct of the introductory tenancy.

### **c. Review of the Local Authority Flexible Tenancy**

The Council will commence the review of each flexible tenancy nine months before the tenancy is due to end to determine whether a new flexible tenancy should be offered. Six months before the end of the term a notice will be served on the tenant formally stating if another flexible tenancy will be offered or if the Council will be requiring possession of the property.

At the end of the flexible tenancy the following options are available:

- To re-issue a new flexible tenancy;
- For the tenant to remain in the property but on new terms;
- To assist the tenant to find alternative (and more suitable accommodation), including a range of homeownership options;

- To assist the tenant to purchase the property;
- Not to offer any other form of tenancy.

#### **d. Ending a Local Authority Flexible Tenancy**

A tenancy may be ended if there is valid ground for possession (as set out in Schedule 2 of the Housing Act 1985). The grounds for possession are set out in the tenancy agreement.

If a tenant wishes to end their tenancy before the fixed term end date they may do so by issuing a formal written notice surrendering their tenancy. The tenant must ask the Council to consider a surrender giving four weeks' notice. If it is a joint tenancy, the surrender offer must be signed by all joint tenants.

Surrender will be allowed subject to the following circumstances:

- It is in the best interest of the landlord (Hartlepool Borough Council)
- It is in the best interest of the customer or neighbourhood
- The property condition does not breach tenancy conditions
- The rent account is clear

Where a property is abandoned, a Forfeiture Notice will be served on the property giving the tenant four weeks to respond. If there has been no response at the end of this period the landlord may take possession of the property. In these circumstances a Court Order is not required.

The landlord will serve reasonable notice which will be not less than **two months' notice** before the tenancy is due to end after the review process.

When tenancies are coming to an end and are not to be renewed, the tenant will be given sufficient notice and advice on alternative housing options. If the tenant refuses to move when the notice period expires, possession proceedings will be pursued.

#### **e. Advice and assistance**

The Council will provide advice and assistance to customers to look at alternative housing provision and secure more appropriate accommodation where necessary. The purpose of this will be to ensure that tenants are aware of the different housing options available to them given their particular circumstances and provide appropriate support to access the different options.

Where a tenant has been identified as vulnerable the Council will ensure that they have access to additional support to help understand their tenancy and the review process.

#### **f. Right to Review**

In circumstances where the Council uses a Mandatory Ground for possession or are ending the flexible tenancy, tenants will have the right to review the decision to end their

tenancy. The review process that will be undertaken will be in line with the Tees Valley Tenancy Strategy Appendix B<sup>3</sup>.

#### **g. Mutual Exchange**

Mutual Exchange rights are detailed in our Tenancy Agreements.

All requests for permission to mutual exchange must be made to the Council.

Where any tenant wishes to exchange their property for a home with another landlord, then our tenant and the assignee must be made aware if the tenancies are different. For example, if a tenant attempts to exchange a secure transfer tenancy for an affordable rent tenancy with another Registered Provider then they must be made aware that they will lose the protected rights and the benefit of social rent if the tenancy is exchanged with another non-protected transferring tenant.

#### **h. Assignment and Succession**

Succession rights are detailed in our Tenancy Agreements.

The Localism Act 2011 reduced the automatic statutory rights of succession for all new secure tenancies (including flexible tenancies). From April 2012 there is only a statutory right of one succession to a spouse or partner. There is no statutory right of succession for other family members. No changes have been made to secure tenancies that began before April 2012.

Succession rights for Local Authority Flexible Tenancies will be limited to the surviving joint tenant or, where the agreement is in one name, to the spouse, providing that they have occupied that tenancy as their only or principal home.

The Council may agree to offer a new flexible tenancy to any family member of the deceased; however this is a discretionary option only and not a contractual or statutory right.

Assignment rights are detailed in our Tenancy Agreements.

In some circumstances a tenant may assign their tenancy to another person who complies with certain criteria as laid out in their tenancy agreement and within this policy.

Applications for assignment are only permitted by statute in the following limited circumstances:

- (i) By way of mutual exchange;
- (ii) Where a court has made an order to transfer the tenancy under either:
  - (a) Matrimonial Causes Act 1973, Section 24;
  - (b) Matrimonial and Family Proceedings Act 1984, Section 17(1);
  - (c) Paragraph 1 of Schedule 1 to the Children Act 1989;

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<sup>3</sup> Tees Valley Tenancy Strategy 2012, Appendix B, page 6

(d) Part 2 of Schedule 5 or Paragraph 9(2) or (3) of Schedule 7 to the Civil Partnership Act 2004;

(iii) To a potential qualifying successor if the tenancy agreement gives this right. A person who is a potential qualifying successor is identified in the succession clauses in the tenancy agreement and can be agreed in certain circumstances.

### **Equality and Diversity**

The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation.

An Equality Impact Needs Assessment has been carried out on this policy to ensure the impact of its practices do not negatively impact upon any individual.

### **Customer Involvement and Consultation**

The Council recognises the importance of working in partnership with our customers to continuously improve services and raise standards. This policy will be developed and reviewed in consultation with customers and will take into account customer feedback, comments and complaints.

### **Staff Training**

Housing Services staff will be trained on this policy and will be kept aware of any changing national or local policy drivers which may impact either directly or indirectly on this policy.

### **Monitoring and Review**

Monitoring of this policy will take place through regular reporting to Hartlepool's Housing Partnership.

A review of the policy will also take place every three to five years unless there are any legislative or regulatory changes or if there are any issues raised that necessitates a review.

There will be a published set of service standards for this policy.



<b>Complaints</b>
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The Council will make every effort to resolve a complaint to the customer's satisfaction.

Please refer to the Housing Complaints Policy for further details.

<b>Useful Contacts</b>
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Hartlepool Borough Council Housing Services  
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<b>POLICY NUMBER:</b>	<b>HMRP14</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KAREN KELLY</b>
<b>DATE AGREED:</b>	<b>2017</b>
<b>REVIEW DATE:</b>	<b>2020</b>

## 5.3 APPENDIX 4

Annex 1

Scheme(s)	Tenancy Type	Who will this be offered to?	Length of Tenancy	Rent Type
Local Authority New Build (82 units): <ul style="list-style-type: none"> <li>• Empire Square</li> <li>• Golden Meadows</li> <li>• Gladys Worthy</li> </ul> 72 Northgate	Introductory Tenancy	<ul style="list-style-type: none"> <li>• New tenants who have not held a social housing tenancy previously (with the exception of elderly/disabled person accommodation<sup>4</sup>)</li> </ul>	12 months (although can be extended for a further 6 months)	Affordable rent
Local Authority New Build (82 units): <ul style="list-style-type: none"> <li>• Empire Square</li> <li>• Golden Meadows</li> <li>• Gladys Worthy</li> </ul> 72 Northgate	Secure Tenancy	<ul style="list-style-type: none"> <li>• Existing tenants</li> <li>• Transferring tenants from other social landlords</li> </ul>	Lifetime	Affordable rent
New build bungalows designated as elderly / disabled person <sup>5</sup> accommodation <ul style="list-style-type: none"> <li>• Alexandra Square (Grainger Street)</li> </ul>	Secure Tenancy	<ul style="list-style-type: none"> <li>• Tenants that are of retirement age or households that are disabled or vulnerable due to illness/medical condition<sup>3</sup></li> </ul>	Lifetime	Affordable rent
Properties purchased through the EPPS	Local Authority Flexible	<ul style="list-style-type: none"> <li>• New tenants who have not held a</li> </ul>	12 months	Affordable rent

<sup>4</sup> Accommodation that is designated for tenants of retirement age which is 55+

<sup>3</sup> Exceptions may however include tenants with chaotic lifestyles requiring intensive housing management. All exceptions will be approved by the Principal Officer.

## 5.3 APPENDIX 4

Scheme(s)	Tenancy Type	Who will this be offered to?	Length of Tenancy	Rent Type
<ul style="list-style-type: none"> <li>Oxford Rd, Elwick Rd, Town Centre area</li> <li>Outer areas (West View Rd, Owton Manor areas)</li> </ul> <p>New Build at:</p> <ul style="list-style-type: none"> <li>Whistlewood Close</li> <li>Liberty Park</li> <li>Marine Point</li> <li>Other future general needs schemes</li> </ul>	Introductory Tenancy	social housing tenancy previously (with the exception of elderly/disabled person accommodation <sup>2</sup> )		
<p>Properties purchased through the EPPS</p> <ul style="list-style-type: none"> <li>Oxford Rd, Elwick Rd, Town Centre area</li> </ul> <p>Outer areas (West View Rd, Owton Manor areas)</p> <p>New Build at:</p> <ul style="list-style-type: none"> <li>Whistlewood Close</li> <li>Liberty Park</li> <li>Marine Point</li> <li>Other future general needs schemes</li> </ul>	Local Authority Flexible Tenancy	<ul style="list-style-type: none"> <li>New tenants who have successfully conducted a Local Authority Flexible Introductory Tenancy</li> <li>Transferring tenants from other social landlords</li> </ul>	2-5 years	Affordable rent



## HOUSING SERVICES TENANCY MANAGEMENT POLICY

### Background

Since Large Scale Voluntary Transfer in 2004 the Council has developed new build social rented properties which were completed in 2010. In addition to the new build stock the Council has, as part of its overall Empty Homes Programme, acquired empty homes in the town and this will continue. These properties have been managed externally on service level agreements. The Council will also acquire additional stock through other funding programmes.

However, in April 2014 the Council's Finance and Policy Committee approved for the management of these properties to be brought back in-house.

This policy will apply to all tenants in Hartlepool Borough Council owned stock.

### Purpose of the policy

The purpose of this policy is directly linked to the vision of the Council's Housing Strategy which is to:

***Develop and maintain successful communities where people want to live, by meeting the housing needs of our residents now and in the future.***

### Aims of the policy

The aims of the policy are to:

- Ensure that tenancies are managed fairly and effectively
- Assist customers to manage and sustain their tenancies
- Enable the Council to meet its statutory requirements
- Make the best use of Council stock

### Related policies

- Compass Allocations Policy
- HBC Anti-Social Behaviour Policy
- HBC Estate Management Policy
- HBC Rechargeable Repairs Policy
- HBC Repairs and Maintenance Policy
- HBC Tenancy Policy
- HBC Tenant Involvement and Consultation Policy

### The Tenancy Management Policy

#### Types of Tenancy

**Introductory Tenancies and Local Authority Flexible Introductory Tenancies** are issued to customers in their first year of tenancy. Introductory tenants do *not* have:

- A secure tenancy
- The right to take in lodgers
- The right to sub-let part of their home
- The right to exchange / swap their home
- The right to buy their home
- The right to make improvements

**Secure Tenancies and Local Authority Flexible Tenancies** are normally granted after the first year has passed unless proceedings have begun to evict the tenant or a decision has been made to extend the introductory tenancy.

Secure tenants have the following rights (subject to approval):

- The right of succession
- The right to take in lodgers
- The right to sub-let part of their home
- The right to exchange
- The right of assignment
- The right to buy (unless their property is exempt)
- The right to repair
- The right to make improvements
- The right to compensation for improvements
- The right to be consulted
- The right to manage

#### New Tenants

Once the prospective tenant(s) have agreed to accept the property an appointment will be made for them to sign their tenancy agreement and it will begin from the following Monday. The responsibilities of the tenant will be explained during the sign up process and customer profile data will be collected.

All new tenants will be visited within the first six weeks of the tenancy start date to find out how they are settling into their new home, discuss rent/benefit issues and identify any repairs that may be required.

New tenants will be asked if they want to be identified as ‘community champions’ for customer involvement and consultation purposes.

The needs of vulnerable customers will also be identified and may be referred for support if appropriate.

#### Unauthorised Occupancy

This can take the following forms:

- Unauthorised sub-letting
- Non-occupation as the tenant’s principal home
- Fraudulently obtaining the tenancy
- Wrongly claimed succession
- Unauthorised assignment or mutual exchange

In these circumstances the Council may seek possession through the courts.

#### Succession and Assignment

The right of succession and assignment are detailed in our tenancy agreements and further detail can be found in the Tenancy Policy.

#### Transfers and Mutual Exchange

Applications for a transfer of housing should be made through the Compass Choice Based Lettings system. In order to be approved for consideration for a transfer you must:

- Have a clear rent account
- Have been a tenant for at least 12 months
- Not have a record of anti-social behaviour
- Not have any legal action against your tenancy

The Council will consider applications for the mutual exchange of properties between social housing tenants. They must not take place without prior, written approval being given.

Customers may find another social housing tenant to exchange properties with via the Compass Choice Based Lettings system.

Consent can be refused for the following reasons:

- Where a court order for possession exists
- Where possession proceedings have begun

- Where an application has been made for a demoted tenancy, injunction or anti-social behaviour order
- Where the property would be unsuitable to the needs of the person who would be occupying it

Consent will be given or refused within six weeks of the application to exchange being received.

#### Abandoned Properties

The Council recognises that tenants may be away from their homes for an extended period of time for a number of reasons. Where this is going to exceed four weeks customers are required to give written notice including contact details.

Where it is believed that the property has been abandoned the Council will respond to such reports within one working day.

Prompt and appropriate action will be taken in accordance with legislative requirements.

Checks will be made to establish, as far as is practicable, that a property has been permanently abandoned before taking possession action.

The cost of any storage, lock changes and damage to the property may be recharged to the customer.

#### Sub-letting and Lodgers

A secure tenant may sub-let part of their home with written consent and approval by the Principal Officer. All requests will be considered and permission will not be unreasonably refused.

The tenant's responsibility to pay the rent and adhere to the tenancy terms will remain unaffected.

If a customer wishes to rent out a room or rooms in their property the new occupier will be referred to as lodger. A lodger may help to meet local housing need and make better use of stock through reducing under-occupation.

#### Overcrowding and Under-occupation

In circumstances where the property may become too small or too large for the household to live in, the tenant can apply to transfer their tenancy through the Compass Choice Based Lettings system.

#### Death of a Tenant

The executor or administrator of the deceased tenant can end the tenancy by surrender or giving notice to quit. We will provisionally put in a one week notice period on the property and cancel the rent charge for one week (this will start on the Monday following the tenant's death). Where a customer requests a longer period to finalise their relative's (the

former tenant's) affairs, we will be sympathetic and sensitive to their needs and consider each request on a case-by-case basis.

If a termination notice is not received the Council will serve a Notice to Quit on the Personal Representative(s) where probate has been filed.

If there are other persons left in the property this will be dealt with in accordance with the succession policy.

Any outstanding debt, such as rent or rechargeable repairs, may be claimed through the estate.

### Home Visits

Home visits may be undertaken to ensure the Council delivers an effective, efficient and high quality management service through the enforcement of tenancy conditions. Home visits will also be used to identify customers in need of advice, support or assistance.

### Property Condition

Tenants should maintain their properties in a reasonable condition at all times in accordance with their tenancy agreement. However, cases highlighted through a home visit or referral will be investigated to establish any necessary support needs.

### Ending a Tenancy

Four weeks' notice must be given in writing where a customer wants to end their tenancy. The tenancy should end midday on a Monday and the keys returned by this time (excluding bank holidays) or a further week's rent may be charged. Customers who leave the property before the end of the four week period will still be responsible for paying their rent until the end of the notice period.

### Tenancy Enforcement

The Council's Anti-Social Behaviour team deals with all breaches of tenancy apart from rent arrears.

### Running a Business from the Property

Customers must apply for permission to run a business from their home and permission will not be unreasonably refused. In some cases planning permission and building regulation consent may also be required.

### Keeping Pets

The type and number of pets that a customer will be allowed to keep will depend on the property type and size and written permission must be requested.

Permission will normally be for small domestic animals and birds. Permission will not be granted for the following:



- Farm animals – for example, sheep, goats, pigs, cattle, horses, chickens, ducks;
- Animals registered under the Dangerous Wild Animals Act 1976 – examples of animals registered under the Act are certain types of venomous snake, certain types of spider and various breeds of monkey;
- Dogs specified in the Dangerous Dogs Act 1991.

### Support

Where a customer is to be evicted from their property, they will be referred to the Housing Advice Team following the Council's Pre-Eviction Protocol. Advice and support will be given to the customer on the implications of the eviction and potential homelessness.

### **Equality and Diversity**

The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation.

An Equality Impact Needs Assessment has been carried out on this policy to ensure the impact of its practices do not negatively impact upon any individual.

### **Customer Involvement and Consultation**

The Council recognises the importance of working in partnership with our customers to continuously improve services and raise standards. This policy will be developed and reviewed in consultation with customers and will take into account customer feedback, comments and complaints.

### **Staff Training**

Housing Services staff will be trained on this policy and will be kept aware of any changing national or local policy drivers which may impact either directly or indirectly on this policy.

### **Monitoring and Review**

Monitoring of this policy will take place through regular reporting to Hartlepool's Housing Partnership.

A review of the policy will also take place every three to five years unless there are any legislative or regulatory changes or if there are any issues raised that necessitates a review.

There will be a published set of service standards for this policy.

<b>Complaints</b>
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The Council will make every effort to resolve a complaint to the customer's satisfaction.

Please refer to the Housing Complaints Policy for further details.

<b>Useful Contacts</b>
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Hartlepool Borough Council Housing Services  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Telephone: 01429 266522

Email: [HousingServices@hartlepool.gov.uk](mailto:HousingServices@hartlepool.gov.uk)

<b>POLICY NUMBER:</b>	<b>HMRP02</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KAREN KELLY</b>
<b>DATE AGREED:</b>	<b>2017</b>
<b>REVIEW DATE:</b>	<b>2020</b>



## HOUSING SERVICES VOID MANAGEMENT POLICY

### Background

Since Large Scale Voluntary Transfer in 2004 the Council has developed new build social rented properties which were completed in 2010. In addition to the new build stock the Council has, as part of its overall Empty Homes Programme, acquired empty homes in the town and this will continue. These properties have been managed externally on service level agreements. The Council will also acquire additional stock through other funding programmes.

However, in April 2014 the Council's Finance and Policy Committee approved for the management of these properties to be brought back in-house.

This policy will apply to all tenants in Hartlepool Borough Council owned stock.

### Purpose of the policy

The purpose of this policy is directly linked to the vision of the Council's Housing Strategy which is to:

***Develop and maintain successful communities where people want to live, by meeting the housing needs of our residents now and in the future.***

### Aims of the policy

The aims of the policy are to:

- Minimise rent loss through reducing the length of the void period and void repair costs
- Let properties as quickly and efficiently as possible and make clear the Council's minimum standard on re-let
- Ensure tenants are aware of their repair responsibilities and end of tenancy obligations

- Contribute to the effective maintenance and management of the Council's housing stock

#### **Related policies**

- HBC Repairs and Maintenance Policy
- HBC Rechargeable Repairs Policy
- HBC Debt Recovery Policy

#### **The Void Management Policy**

##### Ending the tenancy (start of the void process)

Four weeks' notice must be given in writing where a customer wants to end their tenancy. The tenancy should end midday on a Monday and the keys returned by this time (excluding bank holidays) or a further week's rent may be charged. Where the keys are not returned, the cost of changing locks will be recharged to the outgoing tenant.

In the case of a transfer, tenants will be asked to give four weeks' notice.

Where the keys are handed in prior to the end of the notice period this will be accepted as surrender by mutual agreement and the void property procedures will be implemented to enable the property to be re-let as soon as possible. However, if it was identified during the pre-termination inspection that the property was in poor repair then 4 weeks' notice would remain in place.

Tenants should leave the property and garden areas in a clean and tidy condition as laid out in the tenancy agreement. When a valid notice is received outgoing tenants will be reminded of their rights and responsibilities in relation to ending the tenancy.

The property will be inspected before the tenant moves out to enable:

- Housing Services to agree any improvements which are eligible for compensation<sup>6</sup>
- Identify any rechargeable repairs

The outgoing tenant will be responsible for the full costs of clearing out the property and any other rechargeable repairs as laid out in the Rechargeable Repairs Policy.

The tenant will also be informed about the status of their rent account and any sub accounts and encouraged to make payments to clear any outstanding debt before the end of the tenancy. Failure to do so will mean that the tenant will be pursued for any outstanding debt as laid out in the Debt Recovery Policy.

##### Void works

The Council aims to identify and complete all necessary repairs to enable a property to be re-let as soon as possible. All repairs will be completed in line with the Council's minimum standards for re-let, whilst ensuring void costs are kept as low as possible. The Council

<sup>6</sup> Secure tenants have the right to improve their home and to claim compensation from the Council for the cost of the improvement when they leave their home

has introduced a minimum standard of a home that every customer can expect when signing their tenancy agreement.

All properties will be issued with electrical and gas safety certificates and also with an up-to-date energy performance certificate.

To reduce the void re-let times repairs will be classified into two categories:

- Essential repairs that must be completed while the property is empty, including safety checks
- Non-essential or minor repairs that can be completed once the new tenant has moved into the property

If a property becomes void where planned maintenance is being undertaken it will be prioritised for these works to be completed.

Every attempt will be made for all repairs to be completed prior to the new tenant moving in.

#### Additional works on hard to let properties

In some individual circumstances the Council will carry out additional measures to improve a property prior to re-let.

#### Lettable Standard

All properties let by the Council will be to a minimum standard that every customer can expect and this is detailed in Annex 1.

### **Equality and Diversity**

The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation.

An Equality Impact Needs Assessment has been carried out on this policy to ensure the impact of its practices do not negatively impact upon any individual.

### **Customer Involvement and Consultation**

The Council recognises the importance of working in partnership with our customers to continuously improve services and raise standards. This policy will be developed and reviewed in consultation with customers and will take into account customer feedback, comments and complaints.

**Staff Training**

Housing Services staff will be trained on this policy and will be kept aware of any changing national or local policy drivers which may impact either directly or indirectly on this policy.

**Monitoring and Review**

Monitoring of this policy will take place through regular reporting to Hartlepool's Housing Partnership.

A review of the policy will also take place every three to five years unless there are any legislative or regulatory changes or if there are any issues raised that necessitates a review.

There will be a published set of service standards for this policy.

**Complaints**

The Council will make every effort to resolve a complaint to the customer's satisfaction.

Please refer to the Housing Complaints Policy for further details.

**Useful Contacts**

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Telephone: 01429 266522

Email: [HousingServices@hartlepool.gov.uk](mailto:HousingServices@hartlepool.gov.uk)

<b>POLICY NUMBER:</b>	<b>HMRP16</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KAREN KELLY</b>
<b>DATE AGREED:</b>	<b>2017</b>
<b>REVIEW DATE:</b>	<b>2020</b>

**Minimum Re-Let Standard**

Before re-letting a property, an officer will inspect during the **pre-termination** meeting and advise the outgoing tenant whether any remedial works are needed by vacation date – this will include any repairs that fall into the re-chargeable repairs category.

We will expect the property to be cleaned on vacation and any articles or rubbish removed from both inside and outside of the property. Temporary structures should also be removed and adjacent surfaces made good.

**Post-termination**, a further inspection will be carried out and any works deemed necessary before re-let will be recorded.

We will ensure the following are carried out as a minimum –

- Test all gas appliances and repair or replace if found necessary. Carry out gas pipework tightness test to ensure safety of system. Provide copy of CP12 (gas safety certificate) for incoming tenant. (Arrange for moving in date).
- Test electrical circuitry for compliance with latest regulations. Ensure that all switches, light fittings and sockets are securely fixed and safe to use. Replace any missing light bulbs
- Check water supply to all appliances
- Ensure all rubbish is cleared both from the inside and outside of the property, including proper disposal of any hazardous materials such as needles
- Check cleanliness of property – properties will be cleaned if found to be in a dirty or un-hygienic condition
- Check that there are no leaks to any pipework and structural elements
- Check that drains and waste pipes are clear and free flowing
- Replace locks to external doors
- Any repairs detailed in Appendix 1 (to the Housing Maintenance SLA) in the Emergency Works or 7 Day Repairs category

The following will be carried out if deemed necessary following inspection

- Ease and adjust internal doors
- Ease and adjust all windows to ensure they open and close properly and replace or renew any defective or missing window furniture
- Re-glaze any broken windows
- Repair any areas of floor found to be defective or uneven
- Re-plastering of walls/ceilings unless considered minor filling which would be done prior to re-decoration
- Re-wire electrical installation if any issues highlighted during check or programme in for future
- Remove any temporary structures not fit for purpose and make good any disturbed surfaces
- Remove any fittings or fixtures installed by the outgoing tenant and make good disturbed surfaces (unless considered in sound condition) e.g. light fittings, curtain poles, etc.

- Clear the loft of all stored items and rubbish
- Replace missing or damaged bins

Where a property has previously been unoccupied for a significant period of time, the following should also be considered before re-let –

- Commission the heating system and leave on at a constant background temperature
- Install dehumidifiers
- Install a condensation control system
- Treat any mould affected areas, redecorating and re-plastering where necessary

Any non-urgent work not carried out will be detailed in a schedule for the incoming tenant together with a time-scale for completion.

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# **REGENERATION SERVICES COMMITTEE**

**4th September 2017**



**Report of:** Assistant Director of Economic Growth & Regeneration

**Subject:** HARTLEPOOL DAYMARK PROJECT

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## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

1.1 None Key decision.

## **2. PURPOSE OF REPORT**

2.1 The purpose of the report is to seek Committee approval to support the installation of a 2.4m corten steel “Daymark” feature within Hartlepool.

## **3. BACKGROUND TO THE REPORT**

3.1 Hartlepool is a popular tourist destination, and its natural and historical assets are valued by residents and visitors alike. Hartlepool’s assets include the coast which is free and accessible. There is a need to prioritise investment and regeneration in Hartlepool to support local businesses and complement and build upon its existing assets.

3.2 The regeneration and continued development of Hartlepool as a visitor destination is a Council priority and a planned regeneration approach has been agreed by the Council to that end.

3.4 The Council has now been approached by a UK registered charity, Tour De Coast, in order to gain official support to install a 2.4m corten steel Daymark within Hartlepool in order to further enhance the visitor offer of the area.

## **4. PROPOSALS**

4.1 Tour De Coast is coordinating the installation of up to one hundred Daymarks in special places around Britain’s entire coast. Daymarks were originally 18th century navigational aids so that sailors knew where their ships were in the daytime.

- 4.2 The new Daymarks (see **Appendix 1**) are for land visitors seeking places of calm, history and beauty around the British coast. Each Daymark will have a number from one to one hundred so that visitors can record visits to each one. They will have information pushed to nearby phones from a buried iBeacon via Bluetooth and a mobile app where visitors can upload images and find out more about the area.
- 4.3 The Royal College of Arts has designed the Daymark with engineering advice from Arup. Visit England and the National Coastal Tourism Academy are supporting the project.
- 4.4 With support from the Council the aim is to complement the public artwork installations of The Waves and the Boy and the Bicycle which will be delivered by the Hartlepool Coastal Transformation Project. The project will improve Hartlepool's visitor offer by being one of only 100 sites along the coast with a Daymark and will generate extra footfall and expenditure to support the local economy.
- 4.5 Tour De Coast is currently seeking sponsors to fund the £8K cost of the project, and it will be named "Daymark 88" once installed. The Arts Council North East has shown interest in the project and is in discussions with Tour De Coast. Currently the Council has not been asked to fund anything towards this project.
- 4.6 The Coastal Community Teams will decide upon the exact location of the Daymark once funding has been secured by Tour De Coast. A planning application will then be submitted by Tour De Coast once funding for the project is secured with external sponsors.

## **5. RISK IMPLICATIONS**

- 5.1 The project will not proceed without Tour De Coast securing external sponsorship for the project. A total of £8k will be required.
- 5.2 Planning permission will need approval.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The £8k funding for the project is to be secured by Tour De Coast. They are seeking sponsors from the Arts Council NE and local businesses.
- 6.2 The Daymark will be owned by Tour De Coast and it is expected that they will insure and maintain the feature.

## **7. LEGAL CONSIDERATIONS**

- 7.1 No legal considerations for this project to proceed, other than the securing of planning and any related consents.

## **8. CONSULTATION**

- 8.1 The Chair of the Regeneration Services Committee was consulted and approved that the initial scoping discussions could take place with Tour de Coast.
- 8.2 A planning application process will be carried out once Tour De Coast secure the sponsorship required to pay for the project.
- 8.3 The Coastal Community Teams will be consulted for their preferred location of the Daymark.

## **9. CHILD AND FAMILY POVERTY**

- 9.1 There are no child and family poverty implications for this report.

## **10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 There are no equality and diversity implications for this report.

## **11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 11.1 The regeneration proposals will be designed and constructed to comply with the provisions of the Act.

## **12. STAFF CONSIDERATIONS**

- 12.1 There are no staff considerations relating to this report.

## **13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 Installation of the Daymark will contribute towards improving the attractiveness of the town and encouraging investment and development enhancing values and facilitating growth.

## **14. CONCLUSION**

- 14.1 The Daymark feature will benefit Hartlepool as it will become one of only one hundred points around the entire British coast with such an artwork for visitors to interact with and view. The project requires Council support in order to back the location of the Daymark on land near the coast line.

## **15. RECOMMENDATIONS**

- 15.1 The Regeneration Services Committee is recommended to:
- i) Approve the installation of the Daymark on Council owned land around the Hartlepool coast line subject to confirmation of funding from Tour De Coast.
  - ii) Approve that the Coastal Community Teams will decide upon the exact location of the Daymark once funding is secured by Tour De Coast.

## **16. REASONS FOR RECOMMENDATIONS**

- 16.1 The Daymark will complement and build upon the “Waves” and “Boy and the Bicycle” public artworks that are set to be installed as part of the Hartlepool Coastal Transformation Project by 31<sup>st</sup> March 2018. Increased visitor footfall to see the Daymark will also help support local businesses with further tourists coming to Hartlepool to view the public artworks.

## **17. BACKGROUND PAPERS**

- 17.1 There are no background papers for this report.

## **18. CONTACT OFFICER**

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# REGENERATION SERVICES COMMITTEE

4<sup>th</sup> September 2017



**Report of:** Interim Director of Public Health

**Subject:** FOOD LAW ENFORCEMENT SERVICE PLAN  
2017/18

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-key decision.

## 2. PURPOSE OF REPORT

2.1 To consider the Food Law Enforcement Service Plan for 2017/18.

## 3. BACKGROUND

3.1 The Food Standards Agency has a key role in overseeing local authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.

3.2 On 4 October 2000, the Food Standards Agency issued the document "Framework Agreement on Local Authority Food Law Enforcement". The guidance provides information on how local authority enforcement service plans should be structured and what they should contain. Service Plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency.

3.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.

- 3.4 The Food Law Enforcement Service Plan for 2017/2018 is available in **Appendix 1** and takes into account the guidance requirements. The Plan details the Service's priorities for 2017/18 and highlights how these priorities will be addressed.

#### 4. PROPOSALS

- 4.1 The Service Plan for 2017/18 has been updated to reflect last year's performance.

- 4.2 The Plan covers the following:

- (i) Service Aims and Objectives:

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

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

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

- (iii) Legislative Powers and Other Actions Available:

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

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

- (v) A review of performance for 2016/17.

#### 5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

- 5.1 During 2016/17 the service completed 100% of all programmed food hygiene, food standards and feed hygiene interventions planned for the year. In total 387 food hygiene interventions were completed, 273 food standards and 14 feed hygiene interventions. (By comparison 445 food hygiene, 293 food standards and 19 feed hygiene interventions were undertaken during 2015/16).
- 5.2 In addition to the planned interventions 81 new food businesses were registered and inspected during the year.



- 5.3 As at the 1<sup>st</sup> April 2016, 98.5% of businesses in the borough were “Broadly Compliant” with food safety requirements (in 2015/16 the figure was 98.3%). For food standards 97.2% of businesses achieved broad compliance (in 2015/16 the figure was 96.1%). We aim to concentrate our resources to increase our current rate by the end of 2016/17, however given the current financial climate this will be extremely challenging.
- 5.4 On 1<sup>st</sup> April 2012 Hartlepool Council migrated from the Tees Valley Food Hygiene Award scheme, which the Council has operated since 1 April 2007, to the national Food Hygiene Rating Scheme (FHRS). The FHRS scheme was launched by the FSA in November 2010 as a FSA / local authority partnership initiative to help consumers choose where to eat out, or shop for food. It was developed with the aim that it would become the single national scheme for England, Wales and Northern Ireland.

- 5.5 The profile of Hartlepool food premises is as follows:

Hygiene Rating	No of Premises @ 1.4.12	No of Premises @ 1.4.13	No of Premises @ 1.4.14	No of Premises @ 1.4.15	No of Premises @ 1.4.16	No of Premises @ 1.4.17
5 ('Very Good')	407 (59.1%)	434 (60.9%)	456 (66.7%)	471 (68.3%)	502 (72.2%)	539 (76.9%)
4 ('Good')	139 (20.2%)	164 (23.0%)	149 (21.8%)	136 (19.7%)	125 (18.0%)	107 (15.2%)
3 ('Generally Satisfactory')	86 (12.5%)	63 (8.9%)	63 (9.2%)	56 (8.1%)	55 (7.9%)	43 (6.1%)
2 ('Improvement Necessary')	28 (4.1%)	22 (3.1%)	9 (1.3%)	18 (2.6%)	8 (1.2%)	10 (1.4%)
1 ('Major Improvement Necessary')	12 (1.7%)	13 (1.8%)	7 (1.0%)	9 (1.3%)	3 (0.4%)	2 (0.3%)
0 ('Urgent Improvement Necessary')	1 (0.1%)	0 (0%)	0 (0%)	0 (0%)	2 (0.3%)	0 (0%)
'Awaiting Inspection'	16 (2.3%)	17 (2.4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Total	689	713	684	690	749	753
'Exempt'	47	49	45	44	45	42
'Excluded'	7	9	10	10	1	1
Sensitive	0	32	32	1	8	9

- 5.6 It is very pleasing to note that 98.2% of the premises inspected during 2016/17 received a hygiene rating of '3' ('Generally satisfactory') and above. This is 6.5% greater than five years ago when the scheme was introduced, and 0.2% greater than a year ago.
- 5.7 The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly

compliant' and has liaised with businesses that have been awarded a hygiene rating of '2' or less offering advice and support. Enforcement action will be taken to secure compliance where necessary.

- 5.8 During the year fourteen businesses requested re-rating visits. Of these two ceased trading and twelve businesses were re-inspected in accordance with the FHRS. All twelve businesses demonstrated an improvement in standards and their rating increased following an unannounced inspection; 9 achieved the highest rating.
- 5.9 The team has continued to offer tailored advice and information on request with 60 advisory visits to businesses being carried out during the year.
- 5.10 Whilst no Hygiene Emergency Prohibition Notices were served on businesses during 2016/17, 1 voluntary closure was agreed. No Simple Cautions were issued, however one business was successfully prosecuted for food hygiene and standards offences. No Hygiene Improvement Notices were issued; however four Improvement Notices were issued; all were served for labelling matters.
- 5.11 The results of the food sampled as part of this years' microbiological sampling programme were reasonable, with 111/149 (74.5%) reported as satisfactory. The results from the environmental samples were better, with 172/204(83.3%) being reported as satisfactory and no borderline results.
- 5.12 The authority participated in 4 regional surveys; 'Hygiene during the production and handling of ice', 'Cooked crustaceans and other cooked shellfish', 'Sauces from catering premises' and 'Hygiene in catering premises'. A significant proportion of the adverse sample results related to ice samples, swabs taken from scoops, internal surfaces of ice machines and buckets. Advice was given and follow-up samples taken. Poor results were also obtained from dressed crab, which had been prepared out of the area. The results were referred to the relevant enforcing authority.
- 5.13 Overall the results for the food standard samples were very good, with 18/20 samples meeting statutory requirements. All of the sampling carried out was taken as part of the grant funded Food Standards Agency (FSA) National Coordinated Food Sampling Programme 2016-17. The two samples that failed to meet statutory requirements were dietary supplements. The nutritional information on the supplements was in American format and not in the format required by EC Regulation 1169/2011 - food information for consumers. The failures were referred back to the premises and supplier.
- 5.14 An area of food standards sampling work which we were unable to complete during 2016/17 due to resource constraints was the Colours in Takeaway Meals from Indian Restaurants and Takeaways survey. This has been incorporated into this year's Food Standards sampling programme.

- 5.15 Since the transition of the Public Protection team in to the Public Health department significant resources have been directed towards carrying out initiatives which will contribute to the Public Health Framework Outcomes.
- 5.16 During 2016/17 promotional/campaign work was carried out on the initiatives detailed overleaf and this work will be continued during 2017/18:

### **1) Takeaways Project**

We are acutely aware of the impact that access to unhealthy food is having on the rising rates of obesity and health inequalities. Research has shown that fast food takeaways provide a source of some of the unhealthiest food that is available in our communities.

Work continued on a Takeaways Project, the aim of which is to:

- i) *Work with takeaway businesses and the food industry to make food healthier*

Through the use of interventions such as sampling, provision of information and advice we aim to support businesses to improve the healthiness of the food they offer while helping the business to save money.

During 2015/16 we worked with the Chinese Community and we plan to roll out the project to other sectors.

- ii) *Explore and where possible use regulatory and planning measures to address the proliferation of hot food takeaway outlets*

We will continue to work with other regulators, including colleagues in the Planning team to encourage good practice within the takeaway sector. In particular we have explored the use of planning measures to restrict the proliferation of hot food takeaways in areas of over concentration or where vulnerable groups of children and young people are a concern.

All the relevant hot food takeaways in Hartlepool have been identified and mapped. The density of local and future provision of takeaways is addressed in the Council's emerging Local Plan.

### **2) Food Safety Awareness Campaigns**

Each year about half a million people are confirmed as suffering from food poisoning; the most common causes of which are Campylobacter, Clostridium perfringens, Norovirus and Salmonella. To tackle food poisoning we will raise awareness of food safety by supporting national initiatives such as the FSA's Safe Summer Food (Food Safety Week 2017) campaign.

### **3) Holiday Hunger Scheme**

During the school summer holidays, many children do not receive the meals they would usually get free at school. To address this issue the Council operates a Holiday Hunger Scheme that involves providing organisations with funding so that they can develop their own bespoke schemes for tackling food poverty that directly address the needs of communities.

To ensure the safe provision of food we liaise with the Health Improvement Team and all recipients of grant funding, ensuring that food businesses are registered and complying with relevant food law.

We will support the food business operator and their clients through the provision of information, advice and demonstrations on a range of topics including food safety, effective hand washing and signpost them to resources, such as the GermWatch Teaching and Learning materials for primary schools and recipes.

### **4) Allergy Awareness Campaign**

We will use a range of interventions including sampling, provision of information and advice to raise awareness regarding allergens and food labelling legislation.

- 5.17 During 2017/18 there are 339 programmed food hygiene interventions, 131 programmed food standards inspections and 5 feed hygiene inspections planned. (The number of premises liable for inspection fluctuates from year to year as the programme is based on the risk rating applied to the premises which determines the frequency of intervention). An estimated 90 re-visits and 85 additional visits to new/changed premises will be required during the year.
- 5.18 The Public Protection Section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount. During 2017/18 we will target our resources effectively using a range of interventions, including providing advice to businesses, with the aim of influencing behaviours and improving the management of food safety risks which will have impact on wider public health outcomes. We will continue to explore how we can contribute to the Public Health Outcomes Framework and funding streams to support this area of work.
- 5.19 We will continue to review and update our Food and Feed Quality Management System and standard operating procedures to reflect changes in legislation and centrally issued guidance including codes of practice.
- 5.20 We will continue to work in partnership with the North East Public Protection Partnership's Better Business for All Working Group to explore what we can do to deliver our services better to promote economic growth in the region.

**6. RISK IMPLICATIONS**

- 6.1 If the Food Law Enforcement Law Service Plan 2017/18 is not adopted we will not meet the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

**7. FINANCIAL CONSIDERATIONS**

- 7.1 There are no financial considerations associated with this report.

**8. LEGAL CONSIDERATIONS**

- 8.1 If the Food Law Enforcement Service Plan 2017/18 is not adopted we will not meet the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

**9. CONSULTATION**

- 9.1 There is no requirement to undertake specific or general consultation during the preparation of the proposals set out in the report.

**10. CHILD AND FAMILY POVERTY CONSIDERATIONS**

- 10.1 There are no child and family poverty implications relating to this report.

**11. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 11.1 There are no equality and diversity implications relating to this report.

**12. STAFF CONSIDERATIONS**

- 12.1 There are no staff considerations relating to this report.

**13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 There are no asset management considerations relating to this report.

**14. RECOMMENDATIONS**

- 14.1 That the Regeneration Services Committee approves the Food Law Enforcement Service Plan for 2017/18.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 The Food Law Enforcement Service Plan 2017/18 needs to be adopted to comply with the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

## **16. BACKGROUND PAPERS**

There are no background papers for this report.

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# Hartlepool Borough Council

## Food Law Enforcement Service Plan 2017/18

# FOOD SERVICE PLAN 2017/18

<b>INTRODUCTION</b>		
<b>1.</b>	<b>SERVICE AIMS AND OBJECTIVES</b>	<b>3</b>
1.1	Service Aims and Objectives	3
1.2	Links to Corporate Objectives and Plans	3
<b>2.</b>	<b>BACKGROUND</b>	<b>6</b>
2.1	Profile of the Local Authority	6
2.2	Organisational Structure	6
2.3	Scope of the Food Service	7
2.4	Demands on the Food Service	8
2.5	Enforcement Policy	9
<b>3.</b>	<b>SERVICE DELIVERY</b>	<b>9</b>
3.1.1	Interventions Programme	9
3.1.2	Broadly Compliant Food Establishments	10
3.2	Service Delivery Mechanisms	10
3.2.1	Intervention Programme	10
3.2.2	Registration and Approval of Premises	14
3.2.3	Microbiological and Chemical Analysis of Food/Feed	14
3.2.4	Food Inspection	17
3.2.5	Provision of Advice and Information to Food/Feed Businesses	17
3.2.6	Public Health Initiatives	18
3.2.7	Investigation of Food/Feed Complaints	21
3.2.8	Investigation of Cases of Food Poisoning and Outbreak Control	21
3.2.9	Dealing with Food/Feed Safety Incidents	21
3.2.10	Complaints relating to Food/Feed Premises	22
3.3	Complaints Against our Staff/Service	22
3.4	Liaison Arrangements	23
3.5	Home Authority Principle/ Primary Authority Scheme	23
<b>4.</b>	<b>RESOURCES</b>	<b>23</b>
4.1	Financial Resources	23
4.2	Staffing Allocation	24
4.3	Staff Development	25
4.4	Equipment and Facilities	25
<b>5.</b>	<b>QUALITY ASSESSMENT</b>	<b>26</b>
<b>6.</b>	<b>REVIEW OF 2016/17 FOOD SERVICE PLAN</b>	<b>27</b>
6.1	Review Against the Service Plan	26
6.2	Performance Review 2016/17	26
6.2.1	Intervention Programme	27
6.2.2	Registration and Approval of Premises	27
6.2.3	Food Sampling Programme	27
6.2.4	The UK Food Surveillance System (UKFSS)	30
6.2.5	Food Inspection	30
6.2.6	Promotional Work	30
6.2.7	Food Hygiene Rating Scheme	30
6.2.8	FHRS Re-Rating & Promotional Visits	32
6.2.9	Food/Feed Complaints	33
6.2.10	Food Poisoning	33
6.2.11	Food Safety Incidents	33
6.2.12	Enforcement	33
6.2.13	Complaints Against Our Staff/Service	33
6.2.14	Compliments About Our Staff/Service	34
6.2.15	Improvement Proposals/Challenges 2016/17	34
<b>7.</b>	<b>KEY AREAS FOR IMPROVEMENT &amp; CHALLENGES FOR 2017/18</b>	<b>35</b>



## **INTRODUCTION**

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

The Plan accords with the requirements of the Framework Agreement on Local Authority Food Law Enforcement, and sets out the Council's aims in respect of its food law service and the means by which those aims are to be fulfilled. Whilst focussing primarily on the year 2017/18, longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2016/17 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and has been approved by the Regeneration Services Committee.

## **1 SERVICE AIMS AND OBJECTIVES**

### **1.1 Service Aims and Objectives**

Hartlepool Borough Council aims to ensure:

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

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

### **1.2 Links to Corporate Objectives and Plans**

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

- Hartlepool's Community Strategy - the Local Strategic Partnerships (the Safer Hartlepool Partnership) and the Health and Wellbeing Board
- Public Protection Service Plan
- Food Law Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Public Protection service's contribution to corporate objectives.

## Overall Aim / Vision

The Council's overall aim is:

***“To take direct action and work in partnership with others, to continue the revitalisation of Hartlepool life and secure a better future for Hartlepool people.”***

The Council's aim is based on, and virtually identical to, the Hartlepool Partnership's long term vision, agreed in July 2008, looking 20 years ahead, which is:-

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

The Council has adopted eight themes that the Partnership has agreed forms part of the sustainable Community Strategy:-

- Jobs and the Economy
- Lifelong Learning and Skills
- Health and Wellbeing
- Community Safety
- Environment
- Housing
- Culture and Leisure and Community Learning
- Strengthening Communities

The Council has a ninth theme, which covers what the Council is doing to sustain its capacity to deliver excellent, value for money services in the future:-

- Organisational Development

To contribute to the Council's overall aim/vision, through this Food Law Enforcement Service Plan, the Commercial Services team has made a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

This Food Law Service Plan contributes towards the main themes in the following ways:

- **Jobs and the Economy**

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

- **Lifelong Learning and Skills**

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

- **Health and Wellbeing**

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

- **Community Safety**

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

- **Environment**

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

- **Culture and Leisure and Community Learning**

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

- **Strengthening Communities**

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

- **Organisational Development**

To contribute towards the key outcomes of improving the efficiency and effectiveness of the organisation and to deliver effective customer focussed services, meeting the needs of diverse groups and maintaining customer satisfaction.

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

## **2 BACKGROUND**

### **2.1 Profile of the Local Authority**

Hartlepool is located on the north-east coast of England to the north of the River Tees. The Borough consists of the main town of Hartlepool, the seaside resort of Seaton Carew and a number of small outlying villages. The total area of the Borough is 9,390 hectares. The residential population is 92,028 of which ethnic minorities comprise 3.4% (2011 census).

Hartlepool is a unitary authority, providing a full range of services. To the south of Hartlepool is the wider Teesside conurbation which includes the boroughs of Middlesbrough, Stockton on Tees and Redcar and Cleveland, and which together with Hartlepool and Darlington makes up the Tees Valley sub-region. Bordering Hartlepool to the north is the administrative area of County Durham.

The borough has a long and proud history, with the original settlement of Hartlepool dating back to Saxon times. Originally an important religious settlement the town's early development resulted from the existence of a safe harbour and its role as a port for the city of Durham and subsequent grant of a Royal Charter from King John in 1201.

The main phase of Hartlepool's expansion took place from the mid 19<sup>th</sup> Century with the building of a new railway and docks to serve the export of coal. The town continued to expand over the next 100 years as port trade increased and the development of heavy industries including steel making, shipbuilding and manufacturing. Like most industrialised towns in the north of England, Hartlepool has suffered over the last half century from structural reform of these industries and the town has had to look for new opportunities to diversify the economy.

Over the past 20 years Hartlepool has experienced some transformational changes through public and private investment. This has included the transformation of the former South Docks area into a fabulous 500-berth marina where the town hosted The Tall Ships Race in 2010.

The tourist industry impacts upon recreational opportunities, shopping and leisure facilities, including the provision of food and drink outlets restaurants, bars and cafes. There are currently 753 food establishments in Hartlepool, all of which must be subject to intervention to ensure food safety and standards are being met.

### **2.2 Organisational Structure**

Hartlepool Borough Council is a democratic organisation. Following a referendum held on 15th November 2012, Hartlepool Borough Council agreed a revised Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

The Council moved from operating under an Elected Mayor and Cabinet model of governance to an arrangement based on Committees of 33 elected Councillors who are responsible for agreeing policies about provision of services and how the Council's money is spent.

Under the Council's governance arrangements, most day-to-day decisions are taken by five Policy Committees. These Policy Committees cover the following main service areas

- Finance and Policy Committee
- Adult Services Committee
- Children's Services Committee
- Neighbourhood Services Committee
- Regeneration Services Committee

The Regeneration Services Committee provides political oversight for food law enforcement.

The Council is made up of four Departments:

- Chief Executives
- Child and Adult Services
- Regeneration and Neighbourhoods
- Public Health

The food law service is delivered through the Public Protection section of the Public Health Department.

## **2.3 Scope of the Food Service**

The Council's Commercial Services team is a constituent part of the Public Health Department and is responsible for delivery of the food service. The food service covers both food and feed enforcement.

Service delivery broadly comprises:

- programmed interventions of premises for food hygiene, food standards and feed hygiene;
- registration and approval of premises;
- microbiological sampling and chemical analysis of food and animal feed;
- food & feed inspection;
- checks of imported food/feed at retail and catering premises;
- provision of advice, educational materials and courses to food/feed businesses;
- investigation of food and feed related complaints;
- investigation of cases of food and water borne infectious disease, and outbreak control;
- dealing with food/feed safety incidents; and
- promotional and advisory work.

Effective performance of the food law service necessitates a range of joint working arrangements with other local authorities and agencies such as the Food Standards Agency (FSA), Public Health England (PHE), HM Revenue & Customs (HMRC), Department of Environment, Food & Rural Affairs (Defra), Animal & Plant Health Agency (APHA) & the Veterinary Medicines Directorate (VMD).

The Council aims to ensure that effective joint working arrangements are in place and that officers of the service contribute to the on-going development of those arrangements.

The service is also responsible for the following:

- health and safety enforcement;
- the provision of guidance, advice and enforcement in respect of smoke free legislation;
- water sampling; including both private and mains supplies & bathing water;
- port health and
- provision of assistance for animal health and welfare inspections, complaint investigation and animal movement issues.

## **2.4 Demands on the Food Service**

The Council is responsible for 753 food premises within the borough mostly comprising retailers, manufacturers and caterers. The food businesses are predominantly small to medium sized establishments and the majority of these are liable to food hygiene and food standards interventions.

In addition there are 87 registered feed businesses for which the Council is the enforcing authority.

The delivery point for the food enforcement service is at:

Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Telephone: (01429) 266522

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

A 24-hour emergency call-out also operates to deal with Environmental Health emergencies which occur out of hours. Contact can be made on (01429) 266522, then Option 1, then Option 2.

## **2.5 Enforcement Policy**

The Public Protection Enforcement Policy was updated and revised in 2011 and covers food and feed law enforcement.

The Service will take account of the 2014 Regulator's Code when carrying out its interventions.

## **3 SERVICE DELIVERY**

### **3.1.1 Interventions Programme**

The Council has a wide range of duties and powers conferred on it in relation to food law enforcement. The Council must appoint and authorise inspectors, having suitable qualifications and competencies for the purpose of carrying out duties under the Food Safety Act 1990 and Regulations made under it and also specific food regulations made under the European Communities Act 1972, which include the Food Safety and Hygiene (England) Regulations 2013 and the Official Feed and Food Controls (England) Regulations 2009 (as amended).

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

The Code allows local authorities to choose the most appropriate action to be taken to drive up levels of compliance with food law by food establishments. In so doing it takes account of the recommendations in the 'Reducing Administrative Burdens: Effective Inspection and Enforcement'.

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

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

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

### **3.1.2 Broadly Compliant Food Establishments**

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

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

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

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

Local Authorities are required to report the percentage of "Broadly Compliant" food establishments in their area to the FSA on an annual basis through the Local Authority Enforcement Monitoring System (LAEMS). The Agency will use this outcome measure to monitor the effectiveness of a local authority's regulatory service.

As at the 1<sup>st</sup> April 2017, 98.5% of businesses in the borough were "Broadly Compliant" with food safety requirements (in 2015/16 the figure was 98.3%). For food standards 97.2% of businesses achieved broad compliance (in 2015/16 the figure was 96.1%). We aim to concentrate our resources to increase our current rate by the end of 2016/17 however given the current financial climate this will be extremely challenging.

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

## **3.2 Service Delivery Mechanisms**

### **3.2.1 Intervention Programme**

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

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



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

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

#### **Food Hygiene:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Premises</b>
A	6 months	1
B	12 months	16
C	18 months	131
D	24 months	328
E	36 months or other enforcement	277
Unclassified	Requiring inspection / risk rating	0
No Inspectable Risk (NIR)		0
<b>Total</b>		<b>753</b>

#### **Food Standards:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Premises</b>
A	12 months	2
B	24 months	139
C	36 months or other enforcement	612
Unclassified		0
No Inspectable Risk (NIR)		0
<b>Total</b>		<b>753</b>

#### **Feed Hygiene:**

<b>Registered Activity</b>	<b>No of Premises</b>
R5 Distributor	1
R7 Supplier of Surplus Food	13
R8 Transporter	2
R9 Stores	2
R10/11 On Farm Mixer	16
R12 Co Product Producer	1
R13 Livestock Farm	33
R14 Arable Farm	19
<b>Total</b>	<b>87</b>

The intervention programme for 2017/18 comprises the following number of scheduled food hygiene and food standards interventions:

**Food Hygiene:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Interventions</b>
A	6 months	1
B	12 months	16
C	18 months	90
D	24 months	169
E	36 months or alternative enforcement strategy	63
Unclassified		0
<b>Total</b>		<b>339</b>

**Food Standards:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Interventions</b>
A	12 months	2
B	24 months	75
C	36 months or alternative enforcement	54
Unrated		0
Unclassified		0
<b>Total</b>		<b>131</b>

**Approved Establishments:**

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

**Primary Producers:**

On 1 January 2006 EU food hygiene legislation applicable to primary production (farmers & growers) came into effect. On the basis that the local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility was given to the Commercial Services team to enforce this legislation. The service has 73 primary producers.

**Feed Hygiene Intervention Programme 2017/18:**

The National Trading Standards Board (NTSB) is responsible for the co-ordination of grant funding allocations for the FSA Feed Delivery Programme. The NTSB has allocated the North East Trading Standards Association (NETSA) group funding to carry out work over a three year period. As a member of this group Hartlepool Council will receive funding to meet the costs of the following feed inspections:

Risk Category		No of Interventions
R05 Distributor		0
R07 Feed/Materials / Ingredients/Surplus Food		3
R08 Transporter		0
R09 Stores		0
R10/ R11 On-farm Mixer		0
R12 Co-Product Producer		0
R13 Livestock Farms		2
R14 Arable Farms		0
Total		5

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

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. For the year 2017/18, the intervention programme is expected to generate an estimated 90 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

It is anticipated that consistent, high quality programmed interventions by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action. The performance against intervention targets for all food hygiene and food standards inspections is reported annually to the Regeneration Services Committee via the Service Plan.

## Port Health

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

## Fish Quay

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

### **3.2.2 Registration and Approval of Premises**

Food and feed business operators must register their establishments with the relevant local authority. This provision allows for the service to maintain an up-to-date premises database and facilitates the timely inspection of new premises and, when considered necessary, premises that have changed food/feed business operator or type of use.

The receipt of a food/feed premises registration form initiates an inspection of all new premises. In the case of existing premises, where a change of food/feed business operator is notified, other than at the time of a programmed intervention, an assessment is made of the need for inspection based on the date of the next programmed intervention, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 80 additional food premises inspections will be generated for new food businesses during 2017/18.

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

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

The approval regime necessitates full compliance with the relevant requirements of Regulation (EC) No 852/2004 and Regulation (EC) 853/2004. There are 2 premises in the Borough which are subject to approval; a fishery products establishment and a manufacturer of food ingredients.

Since 1 January 2006 feed businesses have been required to be approved or registered with their local authority under the terms of the EC Feed Hygiene Regulation (183/2005). This legislation relates to nearly all feed businesses. This means, for example, that importers and sellers of feed, hauliers and storage businesses now require approval or registration. Livestock and arable farms growing and selling crops for feed are also within the scope of the provisions of the regulation.

### **3.2.3 Microbiological and Chemical Analysis of Food/Feed**

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

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

Microbiological analysis of food and water samples is undertaken by the Public Health England's Food, Water & Environmental Laboratory based at York. Chemical analysis is undertaken by an appointed Public/Agricultural Analyst.

Sampling allocations from Public Health England (PHE), which is responsible for the appropriate laboratory facilities, are based on a credits system dependant on the type of sample being submitted and examination required.

The allocation for Hartlepool is 8,300 credits for the year 2017/18. Points are allocated as follows:

<b>Sample type</b>	<b>No of credits</b>
F1:Food Screen	10
F2:Food Basic	25
F3:Food Complex	35
W1:Water Screen	10
W2:Water Basic	20
W3:Water Complex	25
M1:Dairy Products	10
E1:Environmental Screen	10
E2:Environmental Basic	25
E3:Environmental Complex	35
Certification	15

If an authority uses less than 80% of its allocation, it is possible that the allocation may be reduced. In the event of over-performance, PHE will raise an invoice in April of the following year for payment of the cost of the workload over and above the agreed baseline allocation.

A sampling programme is produced each year for the start of April to assess the microbiological quality of food, water and environmental surfaces and composition and labelling of food. The sampling programme for 2016/17 includes national and regional surveys and local interventions.

Sampling programmes have been agreed with the Food Examiners and Public/Agricultural Analysts. These have regard to the nature of food/feed businesses in Hartlepool and will focus on locally manufactured/processed foods/feed and food/feed targeted as a result of previous sampling and complaints.

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

### Microbiological Food Sampling Plan 2017/18

<b>April</b> XR30 - School Kitchens	<b>May</b> XR30 - School Kitchens	<b>June</b> XR30 - School Kitchens
<b>July</b> XR30 - School Kitchens	<b>August</b> No planned food sampling	<b>September</b> XR29 - Cooked Meat (including Black Pudding)
<b>October</b> XR29 - Cooked Meat (including Black Pudding)	<b>November</b> XR29 - Cooked Meat (including Black Pudding)  HBC Survey - Imported Foods	<b>December</b> HBC Survey - Imported Foods
<b>January</b> XR32 - Bakeries	<b>February</b> XR32 - Bakeries	<b>March</b> XR32 - Bakeries

### Composition and Labelling Sampling Plan 2017/18

Survey	Number of Samples
<b>Local Survey</b>  Colours* in Takeaway Meals from Indian Restaurants and Takeaways.  (*Sunset Yellow - E110 , Ponceau 4R - E124, Quinoline Yellow - E104)	<b>30</b> (plus any re-samples)
Adhoc samples arising from emerging priorities identified during the year	tbc

## **Feeding Stuffs Sampling Plan 2017/18**

At present feeding stuffs sampling is being given a low priority due to the lack of local manufacturers and packers. An annual feeding stuffs sampling plan however has been drawn up having regard to national enforcement priorities and to carry out sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments. The Authority has secured funding from the NTSB to participate in a 3 year regional sampling programme. This funding will supplement our sampling budget.

During 2017/18 no sampling of animal feeding stuffs is planned, however we will respond to any emerging national or local issues.

## **Private Water Supplies**

A local brewery uses a private water supply in its food production. Regular sampling is carried out of this supply in accordance with relevant legislative regulations.

### **3.2.4 Food Inspection**

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

### **3.2.5 Provision of Advice and Information to Food/Feed Businesses**

It is recognised that for most local food businesses contact with an officer of the service provides the best opportunity to obtain information and tailored advice on legislative requirements and good practice. Officers are mindful of this and aim to ensure that when undertaking premises interventions sufficient opportunity exists for food business operators to seek advice.

In addition, advisory leaflets including those produced by the Food Standards Agency are made available.

In February 2006 the Food Standards Agency introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time significant resources have been directed towards assisting businesses to fully implement a documented food safety management system.

Guidance is also prepared and distributed to food businesses relating to changes in legislative requirements. The service also encourages new food/feed business operators and existing businesses to seek guidance and advice on their business. It is estimated that 60 such advisory visits will be carried out during the year.

The Council operates the national Food Hygiene Rating Scheme whereby each business is awarded a rating which reflects the hygiene conditions found at the time of the primary inspection. The business' rating is made available to the public via the Food Standards Agency's website and the business is provided with a sticker to display on their premises. The service has made a commitment to work with businesses to improve their rating; in particular those awarded a rating of less than '3' (generally satisfactory).

A limited level of promotional work is also undertaken by the service on food safety, with minimal impact on programmed enforcement work. Feeding stuffs advice is available via the Council's web site.

### **3.2.6 Public Health Initiatives**

Since the transition of the Public Protection team in to the Public Health department significant resources have been directed towards carrying out initiatives which will contribute to the Public Health Framework Outcomes.

During 2017/18 the Public Protection team plan to carry out the following initiatives:

#### **1) Takeaways Project**

We are acutely aware of the impact that access to unhealthy food is having on the rising rates of obesity and health inequalities. Research has shown that fast food takeaways provide a source of some of the unhealthiest food that is available in our communities.

We will continue to work on a Takeaways Project. As part of the plan we aim to:

- i) *Work with takeaway businesses and the food industry to make food healthier*

Through the use of interventions such as sampling, provision of information and advice we aim to support businesses to improve the healthiness of the food they offer while helping the business to save money.

We have already worked with the Chinese Community and during 2017/18 we plan to roll out the project to other sectors.

- ii) *Explore and where possible use regulatory and planning measures to address the proliferation of hot food takeaway outlets*

We will continue to work with other regulators, including colleagues in the Planning team to encourage good practice within the takeaway sector. In particular we will support the use of planning measures to restrict the proliferation of hot food takeaways in areas of over concentration or where vulnerable groups of children and young people are a concern.



All relevant hot food takeaways in Hartlepool have been identified and mapped. The density of local and future provision of takeaways is addressed in the Council's emerging Local Plan.

## **2) Food Safety Awareness Campaign**

Each year about half a million people are confirmed as suffering from food poisoning; the most common causes of which are Campylobacter, Clostridium perfringens, Norovirus and Salmonella. The FSA has published research suggesting that the official figures seriously underestimate the real incidence as many people who experience food poisoning often recover quickly from the symptoms and do not report their illness to their GPs.

Cases of food poisoning almost double during the summer, and research shows that the undercooking of raw meat and the contamination of bacteria onto the food we eat are among the main reasons.

To try to tackle food poisoning we will aim to raise awareness of food safety by supporting national initiatives such as the FSA's Safe Summer Food (Food Safety Week 2017) campaign.

## **3) Holiday Hunger Scheme**

During the school summer holidays, many children do not receive the meals they would usually get free at school. To address this issue the Council operates a Holiday Hunger Scheme that involves providing organisations with funding so that they can develop their own bespoke schemes for tackling food poverty that directly address the needs of communities.

The following areas form the grant scheme's key priorities, with funding targeted at:

- Organisations that are supporting children and young people through the provision of healthy and nutritious meals, snacks or food parcels during the school summer holiday period.
- Organisations providing family-based activities over the school holiday period, where practical healthy eating and/or cooking skills education could be incorporated.
- Organisations providing crafts or physical activity opportunities, which would benefit from the provision of healthy and nutritious meals, snacks or food parcels as part of the activity
- Organisations specifically working with vulnerable and/or disadvantaged families or children and young people in areas of high socio-economic deprivation, where food poverty rates may be higher.

To ensure the safe provision of food we liaise with the Health Improvement Team and all recipients of grant funding, ensuring that food businesses are registered and complying with relevant food law. We will support the food business operator and their clients through the provision of information, advice and demonstrations on a range of topics including food safety, effective hand washing and signpost them to resources, such as the GermWatch Teaching and Learning materials for primary schools and recipes.

#### **4) Allergy Awareness Campaign**

- i) We will use a range of interventions including sampling, provision of information and advice to raise awareness regarding allergens and recent changes in food labelling legislation.

#### **5) Better Business for All**

Better Business for All (BBfA) brings together businesses and regulators to consider and change how local regulation is delivered and received.

It involves the creation of local partnerships to identify the issues facing local businesses and shape the provision of effective support services to them. It was initially developed by the Government's Better Regulation Delivery Office (BRDO) in 2011-2012, working with two Local Enterprise Partnership (LEP) pathfinders. Drawing on good practice and material provided by LEPs and regulators, a toolkit of resources was created for local partnerships, launched in October 2012.

The objectives are:

1. to provide advice and support to business;
2. increase business awareness of regulatory officers;
3. ensure effective co-ordination across regulatory services;
4. simplify the local regulatory system and processes; and
5. establish partnerships between regulatory services and local businesses.

While BBfA is aimed at all businesses, the focus is on smaller businesses, as these generally need the most help to comply with the law.

The North East Public Protection Partnership has established a regional BBfA Working Group. During 2017/18 we will continue to participate in the working group to explore what we can do to deliver our services better to promote economic growth in the region.

### **3.2.7 Investigation of Food / Feed Complaints**

The service receives approximately 140 complaints, each year concerning food/feed, all of which are subject to investigation. An initial response is made to these complaints within two working days. Whilst many complaints are investigated with minimal resource requirements, some more complex cases may be resource-intensive and potentially affect programmed intervention workloads.

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

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

### **3.2.8 Investigation of Cases of Food Poisoning and Outbreak Control**

Incidents of food related infectious disease are investigated in liaison with the North East Public Health England Centre and in the case of outbreaks in accordance with the Outbreak Control Policy.

Where it appears that an outbreak exists the Environmental Health Manager (Commercial) or an EHO, will liaise with the local Consultant in Health Protection and the North East Public Health England Centre, to determine the need to convene an Outbreak Control Team. Further liaison may be necessary with agencies such as the Food Standards Agency, the York Public Health England Food, Water and Environmental Laboratory, Public Analyst, Hartlepool Water and Northumbrian Water.

It is estimated that between 150 -175 food poisoning notifications are received each year, a large proportion of which are confirmed cases of Campylobacter.

As relatively little benefit has been demonstrated from the investigation of individual sporadic cases of Campylobacter only those who are food handlers or live/work in a residential care home are routinely investigated.

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

### **3.2.9 Dealing with Food / Feed Safety Incidents**

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

All food and feed alerts received by the service are dealt with in accordance with national guidance and internal quality procedures. Food and feed alert warnings are received by the service from The Food Standards Agency via an

electronic mail system. Several officers have also subscribed to receive alerts via their personal mobile phones.

The Environmental Health Manager (Commercial) or, if absent, the Head of Public Protection ensures that a timely and appropriate response is made to each alert.

The out of hours contact telephone number for the service is (01429) 266522, then Option 1, then Option 2.

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

Whilst it is difficult to predict with any certainty the number of food safety incidents that will arise, it is estimated that the service is likely to be notified of 79 food alerts, product recalls or withdrawals during 2017/18, a small proportion of which will require action to be taken by the Authority. In addition we will receive approximately 96 allergy alerts.

This level of work can ordinarily be accommodated within the day-to-day workload of the service, but more serious incidents may require additional resources which may have an effect on the programmed intervention workload and other service demands.

### **3.2.10 Complaints relating to Food / Feed Premises**

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

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

Based on the number of complaints received during 2016/17 it is estimated that approximately 140 such complaints will be received in 2017/18.

### **3.3 Complaints against Our Staff/Service**

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

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

### **3.4 Liaison Arrangements**

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

- Tees Valley Heads of Public Protection Group
- Tees Valley Food Liaison Group
- North East PHE/Local Authority Sampling Group
- Tees Valley Public Health Group
- North East Public Protection Partnership
- North East Trading Standards Liaison Group, which incorporates the North East Trading Standards Animal Feed Group (NETSA).

There is also liaison with other organisations including the Chartered Institute of Environmental Health, the Trading Standards Institute, Public Health England, Defra / Animal & Plant Health Agency (APHA), OFSTED and the Care Quality Commission.

Officers also work in liaison with the Council's Planning Services and Licensing teams.

### **3.5 Home Authority Principle / Primary Authority Scheme**

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

The Authority is committed to the Home Authority Principle, although at present there are no formal arrangements with food/feed businesses to act as a Primary Authority. The Authority does however act as Originating Authority for a brewery and a food manufacturer. Regular visits are made to these premises to maintain dialogue with management and an up to date knowledge of operations.

## **4 RESOURCES**

### **4.1 Financial Resources**

The annual budget for the Consumer Services section in the year 2017/18 is:

	<b>£ 000.0</b>
Employees	544.6
Other Expenditure	28.0
Grant Funding	(31.1)
Income	(7.5)
Net Budget	572.6

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

## **4.2 Staffing Allocation**

The Interim Director of Public Health has overall responsibility for ensuring the delivery of the Council's Public Protection service, including delivery of the food/feed law service, in accordance with the service plan.

The Head of Public Protection, with the requisite qualifications and experience, is designated as lead officer in relation to food safety and food standards functions and has responsibility for the management of the service.

The resources determined necessary to deliver the service in 2017/18 are as follows:

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

1 x 0.5 FTE Environmental Health Manager (Commercial) (with responsibility also for Health & Safety and Animal Health)

3 x 0.8 FTE EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x 0.46 FTE Part-time EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

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

Funding for an additional resource (1 x FTE EHO/Technical Officer) to carry out public health interventions was secured via the Public Health Grant. Due to a member of staff taking maternity leave during 2016 we have had a period of time where the staffing level was depleted which has had an impact on our ability to deliver all of the planned interventions.

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

The Environmental Health Manager (Commercial) has responsibility for the day to day supervision of the Food/Feed Law Service, Health & Safety at Work, Public Health, Water Quality and Animal Health & Welfare. The Environmental Health Manager (Commercial) and a Senior Trading Standards Officer are designated as lead officers for imported food control and animal feed enforcement.

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

The Technical Officer (Food) is also responsible for interventions, including inspections as well as revisits, investigation of less complex complaints and investigation of incidents of food-borne disease.

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

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

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

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

#### **4.3 Staff Development**

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

It is a mandatory requirement for officers of the food/feed law service to maintain their professional competency by undertaking a minimum of 20 hours continuous professional development (CPD) training each year which may involve attendance at accredited short courses, seminars or conferences. This is also consistent with the requirements of the relevant professional bodies.

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

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

The details of individual Personal Development plans are not included in this document but in general terms the priorities for the service are concerned with ensuring up to date knowledge and awareness of legislation, building capacity within the team with particular regard to approved establishments, the provision of food hygiene training, developing the role of the Food Safety

Officer, and training and development of new staff joining the team. Detailed records are maintained by the service relating to all training received by officers.

#### **4.4 Equipment and Facilities**

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

The service has a computerised performance management system, the Authority Public Protection computer system (APP). This is capable of maintaining up to date accurate data relating to the activities of the food/feed law service. A documented database management standard operating procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the intervention programmes, the recording and tracking of all food/feed interventions, the production of statutory returns and the effective management of performance.

### **5. QUALITY ASSESSMENT**

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

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

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

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

## **6 REVIEW OF 2016/17 FOOD SERVICE PLAN**

### **6.1 Review against the Service Plan**

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2016/17.



This service plan will be reviewed at the conclusion of the year 2017/18 and at any point during the year where significant legislative changes or other relevant factors occur during the year. It is the responsibility of the Head of Public Protection to carry out that review with the Interim Director of Public Health.

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

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

## **6.2 Performance Review 2016/17**

This section describes performance of the service in key areas during 2016/17.

### **6.2.1 Intervention Programme**

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

During the year we successfully completed all planned food hygiene, food standards and feed hygiene interventions. In total 387 food hygiene interventions were completed, 273 food standards interventions and 14 feed hygiene interventions.

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

### **6.2.2 Registration and Approval of Premises**

During 2016/17, 81 new food businesses were registered and inspected. Two premises subject to approval were inspected and given relevant guidance.

### **6.2.3 Food Sampling Programme**

The food sampling programme for 2016/17 has been completed. This included food standard sampling which was carried out in partnership with the North East Food Sampling Group as part of the Food Standards Agency National Coordinated Food Sampling Programme 2016-17. The group received grant funding to carry out this work.

The results for the microbiological sampling programme for 2016/17 are given below.

## Results for Microbiological Sampling Programme 2016/17

Samples/Survey	Samples			
		Satisfactory	Borderline	Unsatisfactory
Food Samples				
Hygiene in caterers survey	36	23	6	7
Imported fruit, nuts and seeds survey	34	34		
Ice survey	27	19		8
Cooked shellfish survey	31	18	6	7
Prepared sauce survey	15	15		
Ad-hoc food sampling	6	2		4
Food Samples	149	111	12	26
Swabs	204	172		32
Total Samples Premises visited:81	353	283	12	58

The results of the food sampled as part of this years' sampling programme were reasonable, with 111/149 (74.5%) reported as satisfactory. The results from the environmental samples were better, with 172/204 (83.3%) being reported as satisfactory and no borderline results.

The authority participated in 4 regional surveys; 'Hygiene during the production and handling of ice', 'Cooked crustaceans and other cooked shellfish', 'Sauces from catering premises' and 'Hygiene in catering premises'

The ice handling practice survey involved taking samples of ice from ice machines and ice buckets. Swabs were also taken of scoops and of the internal surfaces of ice machines and ice buckets. In total 8/27 (30%) of the ice samples and 7/63 (11%) swabs were deemed to be unsatisfactory. These results were disappointing as in a lot of cases the internal surfaces of the ice machines were reportedly being cleaned regularly. Issues were also noted concerning the storage of ice scoops. Advice was given relating to the cleaning of equipment and storage. This was followed up with re-sampling.

The shellfish survey involved taking samples of ready to eat shellfish, such as dressed crab and prawns. Generally the results were quite poor for the shellfish sampling. Of the samples 7/31(23%) were deemed to be unsatisfactory and 6/31(19%) were deemed to be borderline. These unsatisfactory and borderline results predominantly related to dressed crab, which had been prepared out of the area. These poor results were referred back to the relevant local authority.

The survey looking at open and ready to use sauces from catering premises produced very good results, with all samples proving to be satisfactory.

The hygiene in catering premises involved taking swabs at catering premises. Typically swabs were taken of refrigerator handles, wash hand basin taps and food storage containers. Samples of ready to eat foods, such as sandwich fillings were also taken during this survey. Of the food samples, 7/36 (19%) were deemed unsatisfactory and 6/36 (17%) were borderline. Of the swabs 24/113 (21%) were deemed to be unsatisfactory.

Advice was given on the cleaning and disinfection of hand contact surfaces and food containers and in respect of the handling and storage of sandwich fillings. Unsatisfactory and borderline results were followed up with visits and re –samples taken.

A local survey looking at the microbiological quality samples of imported nuts and seeds was also carried out. All 34 samples were found to be satisfactory.

The results of samples submitted for analysis for composition and labelling are shown below:

**Results for Food Standards Sampling Programme 2016/17:**

<b>Nature of Sample</b>	<b>Reason for Sampling</b>	<b>Satisfactory</b>	<b>Unsatisfactory</b>
FSA Chips	Acrylamide	6	
FSA Gluten Free Food	Gluten Free Claims	2	
FSA Alcohol	Counterfeit & Adulteration	5	
FSA Dietary Supplements	Labelling & Composition Claims		2
FSA Loose Meat	Labelling & Country of Origin Claims	5	
<b>Total Samples Premises Visited: 18</b>		<b>18</b>	<b>2</b>

Overall the results for the food standard samples were very good, with 18/20 samples meeting statutory requirements. All of the sampling carried out was taken as part of the grant funded Food Standards Agency (FSA) National Coordinated Food Sampling Programme 2016-17.

The two samples that failed to meet statutory requirements were dietary supplements. The nutritional information on the supplements was in American format and not in the format required by EC Regulation 1169/2011 - Food Information for Consumers. The failures were referred back to the premises and supplier.

No animal feedingstuffs were examined.

#### **6.2.4 The UK Food Surveillance System (UKFSS)**

The UK Food Surveillance System (UKFSS) is a national database used for recording food and feed samples. It allows sample data to be sent direct to a laboratory and results are then fed back into the system by that laboratory, providing a quick, paper-free solution. National sampling data can be interrogated and the software provides a comprehensive recording system for all food and feed samples taken.

UKFSS is administered by the FSA. To support its rollout the FSA provided funding to recruit new-users and super-users. The Commercial team's application to be awarded Super-user status was successful and confirmation was received in May 2014. The team can provide training and advice to the many other local authorities who use the system, ensuring that they can use UKFSS correctly.

#### **6.2.5 Food Inspection**

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

#### **6.2.6 Promotional Work**

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

In February 2006 the Food Standards Agency introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time our resources have been directed towards continuing to assist businesses to fully implement a documented food safety management system.

The team has continued to offer tailored advice and information on request with 60 advisory visits to businesses being carried out during the year.

A variety of information leaflets, some in foreign languages are available including a 'Top 5 Tips' leaflet created to assist Chinese food business operators to implement practices to provide healthier menu choices. Circular letters are issued as required to inform food business operators of food safety matters relevant to their operations e.g. changes in legislation, food alerts.

#### **6.2.7 Food Hygiene Rating Scheme**

Since 1<sup>st</sup> April 2007 Hartlepool Council has operated a food hygiene rating scheme known as the 'Tees Valley Food Hygiene Award Scheme'. The scheme was operated in conjunction with the four other Tees Valley Local Authorities (Middlesbrough, Stockton, Redcar & Cleveland and Darlington Borough Councils).

On 1st April 2012 Hartlepool Council migrated to the 'Food Hygiene Rating Scheme' (FHRS); a FSA / local authority partnership initiative to help consumers choose where to eat out, or shop for food.

The 'Food Law Code of Practice', requires that a risk rating is undertaken which is used to determine the frequency of intervention for the business. The hygiene rating is derived from the risk rating which is given to a business following every 'primary' inspection.

Of the seven main categories used to determine the overall rating score the following three factors are used to create a hygiene rating:

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

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

The total score from the 3 categories is then used to derive the hygiene rating ranging from '0' ('Urgent improvement necessary') through to '5' ('Very Good'). The profile of premises is as follows:

It is very pleasing to note that 98.3% of premises inspected during 2016/17 received a hygiene rating of '3' ('Generally Satisfactory') and above. This is 6.5% greater than five years ago, and 0.2% greater than a year ago.

<b>Hygiene Rating</b>	<b>No of Premises @ 1.4.12</b>	<b>No of Premises @ 1.4.13</b>	<b>No of Premises @ 1.4.14</b>	<b>No of Premises @ 1.4.15</b>	<b>No of Premises @ 1.4.16</b>	<b>No of Premises @ 1.4.17</b>
5 ('Very Good')	407 (59.1%)	434 (60.9%)	456 (66.7%)	471 (68.3%)	502 (72.2%)	539 (76.9%)
4 ('Good')	139 (20.2%)	164 (23.0%)	149 (21.8%)	136 (19.7%)	125 (18.0%)	107 (15.2%)
3 ('Generally Satisfactory')	86 (12.5%)	63 (8.9%)	63 (9.2%)	56 (8.1%)	55 (7.9%)	43 (6.1%)
2 ('Improvement Necessary')	28 (4.1%)	22 (3.1%)	9 (1.3%)	18 (2.6%)	8 (1.2%)	10 (1.4%)
1 ('Major Improvement Necessary')	12 (1.7%)	13 (1.8%)	7 (1.0%)	9 (1.3%)	3 (0.4%)	2 (0.3%)
0 ('Urgent Improvement Necessary')	1 (0.1%)	0 (0%)	0 (0%)	0 (0%)	2 (0.3%)	0 (0%)
'Awaiting Inspection'	16 (2.3%)	17 (2.4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
<b>Total</b>	<b>689</b>	<b>713</b>	<b>684</b>	<b>690</b>	<b>749</b>	<b>753</b>

'Exempt'	47	49	45	44	45	42
'Excluded'	7	9	10	10	1	1
Sensitive	0	32	32	1	8	9

The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has liaised with businesses that have been awarded a hygiene rating of '2' or less offering advice and support. Where appropriate, enforcement action has been taken to secure compliance.

Under the FHRs there is a procedure which affords food business operators the opportunity to request a re-visit inspection once they have taken action to rectify non-compliances identified during an inspection. At the re-visit the establishment may be re-assessed and given a new hygiene rating. During the year 14 businesses submitted applications for a re-rating. Further information is provided in **6.2.8**.

The food hygiene ratings are published online at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings)

In total 51 establishments were considered to be 'exempt' (42) or 'excluded' (9) from the scope of the FHRs and as such they may not be rated. These are those who either do not supply food directly to consumers e.g. manufacturers or packers, or 'low risk establishments' which are not generally recognised by consumers as being a food business e.g. establishments like chemists or newsagents selling pre-packed confectionery amongst a range of goods.

Certain establishments operating from private addresses are classed as 'sensitive'. These are mainly childminders, but can include other establishments where caring services are being provided in the home environment as part of a family unit (as opposed to residential care). These establishments should not be rated.

### **6.2.8 FHRs Re-rating & Promotional visits**

During 2016/17 officers worked closely with food business operators to improve food hygiene standards in our lowest rated premises. During the year 14 businesses submitted applications for a FHRs re-rating.

Of these 14 premises, two closed down and 12 businesses were re-inspected in accordance with the FHRs. Twelve businesses demonstrated an improvement in standards and their rating increased following an unannounced inspection; 9 achieved the highest rating.

The results for the 12 businesses that improved are as follows:

FHRs Rating	0 to 2	1 to 3	1 to 5	2 to 3	2 to 5	3 to 5	4 to 5	1 to 4	2 to 4
Number of businesses	-	1	-	1	3	4	2	-	1

### **6.2.9 Food / Feed Complaints**

During the year the service dealt with 76 complaints relating to the condition of food premises and/or food handling practice. In addition, 52 complaints were received regarding unfit or out of condition food or extraneous matter. A further 16 complaints concerning the composition or labelling of food items were received. No complaints were received regarding animal feeding stuffs.

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

### **6.2.10 Food Poisoning**

The service received 150 notifications of food borne illness during the year. The majority (101) of these notifications related to cases of *Campylobacter*; all of which appeared to be sporadic (isolated) cases.

*Campylobacter* is the most common bacterial cause of food poisoning in England and Wales. National data shows that while the incidence of *Salmonella* infections has steadily declined since the late 1990s those caused by *Campylobacter* had significantly increased and as a result in recent years the FSA has been spearheading a campaign to address this.

### **6.2.11 Food Safety Incidents**

The Service received 79 Food Alerts and a large number of Product Recall/Withdrawal notifications and Allergy Alerts from the Food Standards Agency during the year. All Food Alerts requiring action were dealt with expeditiously.

The Service also receives reports from the FSA regarding incidents involving food fraud, which may present a risk to health and require immediate investigation. Many of these relate to illicit alcohol due to the chemicals used as a substitution for genuine alcohol. In addition intelligence is received from HM Revenue & Customs (HMRC) regarding counterfeit alcohol.

### **6.2.12 Enforcement**

Whilst no Hygiene Emergency Prohibition Notices were served on businesses during 2016/17, 1 voluntary closure was agreed. No Simple Cautions were issued, however one business was successfully prosecuted for food hygiene and standards offences. No Hygiene Improvement Notices were issued, but Four Improvement Notices were served, all relating to labelling matters.

### **6.2.13 Complaints against Our Staff/Service**

No complaints were made against our staff during 2016/17.

#### **6.2.14 Compliments About Our Staff/Service**

The Public Protection Service regularly consults with users of the Service to establish whether the contact had been helpful and fair.

In 2016/17 the final satisfaction figure was 84.25% (in 2015/2016 the figure was 87.75%). As a figure of 100% would mean every customer being very satisfied with both the fairness and helpfulness of the officer concerned a final figure of 84.25% is a very good result and a testament to the work of the team.

In 2015 and 2017 the consumer watchdog magazine '*Which?*' analysed performance data submitted to the FSA and Food Standards Scotland by 386 UK local authorities for the previous year and ranked those local authority areas based on: the proportion of medium and high risk premises meeting hygiene requirements, the proportion of total premises rated for risk, and the proportion of planned interventions (such as inspections or follow up actions) the authorities achieved. On both occasions Hartlepool was ranked as one of the top ten performing local authorities within the UK.

#### **6.2.15 Improvement Proposals/Challenges 2016/17**

The following areas for improvement/challenges were identified in the 2016/17 Food Service Plan:

1. We will continue to carry out work with colleagues to secure improvement in Public Health through the Health Protection and Improvement Elements of the Core Public Health Strategy. In particular we will target our resources effectively using a range of interventions, including providing advice to businesses, with the aim of influencing behaviours and improving the management of food safety risks which will have impact on wider public health outcomes. We will continue to explore how we can contribute to the Public Health Outcomes Framework and funding streams to support this area of work.

During 2016/17 we carried out a range of Public Health interventions.

2. We will continue to review and update our Quality Management System/Standard Operating Procedures for Food and Feed to reflect changes in legislation and centrally issued guidance including Codes of Practice.

Work commenced on updating procedures but is still ongoing.

3. We will work in partnership with the North East Public Protection Partnership's Better Business for All Working Group to explore what we can do to deliver our services better to promote economic growth in the region.

During the year we participated in the North East Public Protection Partnership's Better Business for All Working Group.



4. We will continue to identify additional income streams to supplement our budget.

We participated in FSA grant funded projects for food and feed.

## **7. KEY AREAS FOR IMPROVEMENT & CHALLENGES 2017/18**

In addition to committing the service to specific operational activities such as performance of the intervention programme, the service planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2017/18.

1. We will continue to carry out work with colleagues to secure improvement in Public Health through the Health Protection and Improvement Elements of the Core Public Health Strategy. In particular we will target our resources effectively using a range of interventions, including providing advice to businesses, with the aim of influencing behaviours and improving the management of food safety risks which will have impact on wider public health outcomes. We will continue to explore how we can contribute to the Public Health Outcomes Framework and funding streams to support this area of work.

An area of work which we were unable to complete during 2016/17 due to resource constraints was the Colours\* in Takeaway Meals from Indian Restaurants and Takeaways sampling survey. This has been incorporated into this year's Food Standards sampling programme.

2. We will review and update our Quality Management System/Standard Operating Procedures for Food and Feed to reflect changes in legislation and centrally issued guidance including Codes of Practice.
3. We will continue to work in partnership with the North East Public Protection Partnership's Better Business for All Working Group to explore what we can do to deliver our services better to promote economic growth in the region.
4. We will continue to identify additional income streams to supplement our budget.

# REGENERATION SERVICES COMMITTEE

4<sup>th</sup> September 2017



**Report of:** Assistant Director (Economic Growth and Regeneration)

**Subject:** TEES VALLEY INVESTMENT FUND - EXPRESSIONS OF INTEREST

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 For information.

## 2. PURPOSE OF REPORT

- 2.1 The purpose of the report is to inform the Regeneration Services Committee of the outcome of the expressions of interest that were recently submitted to the Tees Valley Combined Authority Investment Fund.
- 2.2 The report provides a summary of the four regeneration projects that were submitted by the Council for funding. These projects include Phase 2 of the Innovation and Skills Quarter, the Hartlepool Waterfront, the Elwick By-Pass and the Centre of Excellence in Technical Training for the Creative Industries (Northern Lights Academy).
- 2.3 The report explains the outcome of the Expression of Interest exercise and details the development funding that has been awarded to the Council.

## 3. BACKGROUND

- 3.1 The creation of the Combined Authority means there are new opportunities for financial arrangements and longer term financial commitments in the Tees Valley. Combined Authorities have been given new prudential borrowing powers, the devolution deal sets out a commitment to £15m per year over the next 30 years and Business Rates income from Enterprise Zones can be re-invested locally.
- 3.2 The Tees Valley Combined Authority published its investment plan in March 2017. The investment plan describes how the Combined Authority are delivering existing commitments, sets out the approach to investment, identifies the headline programme for future investment and highlights some specific priorities.

- 3.3 The investment plan was developed in close consultation with key partners and the five Local Authorities to ensure alignment with partner investment programmes. The investment plan brings together all the funding sources the Combined Authority has to invest into a “single pot” over the 2017-21 period and beyond.
- 3.4 The Combined Authority are now working on accelerating delivery and driving the current programme forward. This provides new opportunities to deliver Hartlepool’s regeneration priorities.
- 3.5 The Combined Authority will commission focused activity throughout the year and will also invite Expressions of Interest for proposals that will contribute towards the delivery of the Strategic Economic Plan.
- 3.6 Expressions of Interest will be invited on a quarterly basis going forward. The Expression of Interest stage will result in a number of proposals receiving recommendations to progress to the submission of an Outline Business Case.
- 3.7 The Combined Authority has developed a phased approach for the approval of funding. This enables the business case for proposals to be built up iteratively over time. A proportionate approach will be applied to the assessment of proposals of different sizes with a lighter touch for individual smaller projects of under £1m.
- 3.8 The approval process is set out in figure 1 below:

Figure 1: Proposal stages

Stage	Process	Approval
Expression of Interest	Initial appraisal & development pot allocation	TVCA Management Group
Outline	Prioritisation	TVCA Board
Full	Detailed internal appraisal for robustness or independent due diligence if proportionate	Recommendations to TVCA Board

- 3.9 One of the main barriers to the delivery of projects in Hartlepool and across the Tees Valley has been the upfront expenditure required to develop proposals to full business case. The availability of a new £6m development fund across the Tees Valley means that the delivery of projects can be accelerated. Once projects are invited into the programme and begin delivery, the development pot will need to be reimbursed by the project.

- 3.10 The Investment Plan states that the Combined Authority will seek returns on the investments and recycling of funding, so grants will effectively be funding of last resort.

#### **4. EXPRESSIONS OF INTEREST**

- 4.1 The first invitation for Expressions of Interest to the Tees Valley Investment Fund closed on the 31 May 2017. In total 32 proposals were received from across the Tees Valley. The Combined Authority has stated that not all available funding will be allocated in this first Expression of Interest process.
- 4.2 The Council submitted four expressions of interest for Hartlepool's regeneration priorities. A summary of each of the projects is provided in the sections below:

#### **5. INNOVATION AND SKILLS QUARTER- PHASE 2**

- 5.1 Phase 2 of the Innovation and Skills Quarter (ISQ) involves the continued development of the Church Street area into an attractive creative and cultural quarter that will accommodate the College's aspirations for growth and cater for the expansion of the creative business community. Projects include:
- The conversion of the former HBC transport depot on Lynn Street to create the only dedicated film and television studios and production base in the North East region; providing a sound stage, green screen workshops and production offices. The studios will be aimed at TV production, smaller budget film, advertising, corporate video, green screen and digital.
  - Supporting the continued expansion of the College and its curriculum offer including the development of student accommodation.
  - Growing CCAD as the anchor for creative businesses offering them support and training, and access to high value equipment and emerging technology.
  - The delivery of a site assembly strategy and site infrastructure plan to allow the expansion of CCAD and the development of the creative industries sector within the Church Street area.
  - The development of a Visitor Centre/Costume Museum The costume exhibition would be linked to CCAD's undergraduate and proposed post-graduate provision, enabling the display of CCAD's costume archive and further developing partnership activity with The Bowes Museum, Beamish and the National Museum of the Royal Navy Hartlepool.
- 5.2 The Expression of Interest included a request for Development funding for site investigations, building surveys, economic modeling and the production of a strategic land and property review that will allow the

partners to consider how best to use its powers and resources to facilitate the successful growth of the ISQ as a vibrant location for business and education over the next 5-10 years.

- 5.3 Development funding was also requested for the creation of a Film and TV Studio project manager post to develop links with industry and secure commercial contracts.
- 5.4 **Outcome: The request for development funding was successful and £505k was awarded by the Combined Authority to support the development of the scheme.**

## 6. HARTLEPOOL WATERFRONT

- 6.1 In August 2016 the Council commissioned architects, surveyors and cost consultants to develop a concept scheme masterplan for Hartlepool's Waterfront around the Council-owned, former Jackson's Landing site.
- 6.2 In developing their proposals the architects consulted with elected members, local groups, landowners, businesses and other stakeholders with an interest in the future development of the Waterfront. A number of options were tested and consulted upon prior to arriving at a preferred concept scheme.
- 6.3 The preferred concept scheme involves creating a landmark 'dawn to dusk' destination on Hartlepool Waterfront incorporating:
- A Watersports Hub - Consolidating the many water based activities that currently take place around the Marina into one easy access location. The hub will include indoor/outdoor extreme activities, linked with the National Museum of the Royal Navy to provide a "Navy-Style" assault course.
  - An outdoor events arena in the heart of the site with a year round events programme.
  - A new Waterfront Core Visitor Attraction- A new typology of building combining flexible exhibitions and events space using the best in digital and virtual reality exhibition technology.
  - A new 4\* hotel.
  - The expansion of the National Museum of the Royal Navy Hartlepool on the Waterfront site.
- 6.4 Before the preferred concept scheme can be prepared as an investment opportunity for commercial developers or public funding agencies it will be essential to carry out further work to investigate ground conditions, assess

site servicing and utility costs in further detail and begin detailed design work.

- 6.5 The primary aim of this next phase of design and development is to get the Waterfront project to an “Investor ready” state ensuring that due diligence has been completed to assess site conditions; identify development costs and prepare phasing plans that will see the site built out over a number of years using a mix of public and private sector funds. A post has been included within this project to develop the project.

- 6.6 **OUTCOME: The Expression of Interest was successful and £680k development funding has been awarded to develop the preferred concept scheme further. This will be drawn down in phases with the Combined Authority reviewing their continued investment after the completion of each phase. The development funding will be match funded with £64k from the Museum Resilience Fund grant.**

## 7. ELWICK BY-PASS

- 7.1 An Expression of Interest was submitted to the Tees Valley Investment Fund for the Elwick by-pass recognising its strategic importance to the delivery of the Hartlepool Local Plan.
- 7.2 The aim of the scheme is to secure capital funding to provide an overbridge and compact grade separation at the current Elwick North junction to the A19 with a diversion of Coal Lane, in addition to a new by-pass to the north of Elwick village.
- 7.3 The project will secure the development of strategic housing in sustainable locations and provide an alternative access from the A19 to Hartlepool.
- 7.4 Development funding for the preliminary works for the project have previously been secured through the Tees Valley Combined Authority towards detailed design and land assembly works. This work is currently progressing. Alternative funding options are also actively being explored.
- 7.5 Members should note a report considering the detail and funding opportunities being explored was considered by Finance & Policy Committee Members in July.

## 8. CENTRE OF EXCELLENCE IN TECHNICAL TRAINING FOR THE CREATIVE INDUSTRIES (NORTHERN LIGHTS ACADEMY)

- 8.1 A final Expression of Interest was submitted to bring the facility currently known as Northern Lights Academy, a £4.5m MyPlace centre, back into use. It proposes that NLA will be rebranded to become a Centre of Excellence in Technical Training for Creative Industries that will target emerging technologies and industry growth sectors, including digital media and the creative industries.

- 8.2 The core future business of the centre will be the provision of technical education and learning pathways with a specific emphasis on creative industries. The curriculum offer will focus on providing structured learning opportunities for the 14-19 age group, with a view to improving career progression routes into the creative industries, working closely with local schools, colleges and the Cleveland College of Art and Design.
- 8.3 The funding identified in the Expression of Interest is detailed below:
- Year 1 £308,000 (£140,000 capital and £168,000 revenue).
  - Year 2 £125,250 revenue.
  - Year 3 £89,200 revenue.
- 8.4 Discussions are ongoing with the Combined Authority regarding the appointment of a Business Manager for the centre.
- 8.5 **OUTCOME: The project has been invited to submit an outline business case for the identified funding. The outline business case will be presented to the Tees Valley Combined Authority Board meeting in September. No development funding was requested as the project has been developed in sufficient detail.**

## 9. ENERGY LIFE-CYCLE CENTRE

- 9.1 A further proposal was submitted and approved for development funding by a consortium of partners including JDR Cables, Hartlepool College of Further Education, Teesside University and TWI (The Welding Institute).
- 9.2 The proposal involves the development of a life-cycle energy centre (with a focus on renewable energy/oil and gas and decommissioning) which will complement existing 'energy'/process centres across the Tees Valley. Collectively these centres will form an Institute of Technology (IoT). The IoT will have state of the art technology which will be used to develop the skills required for the renewable, process and welding industries.
- 9.3 The proposal would enable training to take place in- situ at a bespoke waterfront centre, which would deliver training for bespoke school programmes, a wide variety of apprenticeships, including higher levels, and post graduate degree programmes.
- 9.4 **OUTCOME: The request for development funding was successful and £300k was awarded directly to the consortium by the Combined Authority to support the development of the project.**

## **10. RISK IMPLICATIONS**

- 10.1 There is a risk of abortive work if the projects that have secured development funding are not approved following the submission of an Outline Business Case to the Tees Valley Combined Authority.

## **11. FINANCIAL CONSIDERATIONS**

- 11.1 The following projects have secured development funding from the Combined Authority to develop the projects to a stage that will enable the submission of an outline business case:
- ISQ Phase 2: £505k
  - Hartlepool Waterfront: £680k
  - Energy Life-Cycle Centre (awarded directly to the project consortium): £300k.
  - Centre of Excellence in Technical Training for the Creative Industries: No development funding was requested. The project was invited to submit an outline business case.
- 11.2 Once projects are invited into the programme and begin delivery, the Development Pot will need to be reimbursed by the project. If the projects are unsuccessful at either the outline business case or full business case stages the development funding does not have to be paid back.
- 11.3 The success in securing this funding does not commit the Council to provide any match funding other than from other sources of grant funding. The completion of the development stage for each project will involve the finalisation of a business case to identify the funding needed to implement each project.

## **12. LEGAL CONSIDERATIONS**

- 12.1 There are no legal considerations relating to this report.

## **13. CONSULTATION**

- 13.1 The Regeneration Project Board was consulted on the Expressions of Interest before they were submitted.

## **14. CHILD AND FAMILY POVERTY**

- 14.1 There are no child and family poverty implications for this report.



**15. EQUALITY AND DIVERSITY CONSIDERATIONS**

15.1 There are no equality and diversity considerations relating to this report)

**16. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

16.1 There are no Section 17 considerations relating to this report.

**17. STAFF CONSIDERATIONS**

17.1 The approved development funding applications will resulted in the creation of two posts including a TV and Film Studio manager, who will be employed by CCAD, and a Waterfront Development Officer who will be employed by the Council. Both of these posts will be externally funded.

**18. ASSET MANAGEMENT CONSIDERATIONS**

18.1 There are no asset management considerations relating to this report.

**19. RECOMMENDATIONS**

19.1 The Regeneration Services Committee is recommended to:

- Note the contents of the report.
- Note the successful Expressions of Interest to the Tees Valley Investment Fund
- Note the development funding secured to develop the ISQ Phase 2, Hartlepool Waterfront and Centre of Excellence in Technical Training for the Creative Industries (Northern lights Academy).

**20. BACKGROUND PAPERS**

21.1 There are no background papers relating to this report.

**21. CONTACT OFFICER**

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