



Chief Executive's Department
Civic Centre
HARTLEPOOL

16th October, 2006

The Mayor (Stuart Drummond)

Councillors Akers-Beldher, D. Allison, S Allison, Barker, Brash, Clouth, R W Cook, S Cook, Coward, Cranney, Fenwick, Fleet, Gibbon, Griffin, Hall, Hargreaves, Henery, Hill, Iseley, Jackson, James, Johnson, Kaiser, Laffey, Lauderdale, Lilley, London, A Marshall, J Marshall, Dr. Morris, Payne, Preece, Rayner, Richardson, Rogan, Shaw, Sutheran, Tumilty, Turner, Wallace, D Waller, MP Waller, R Waller, Wistow, Worthy, Wright, and Young.

Madam or Sir,

You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 26th October, 2006 at 7.00 p.m. in the Town Hall, Hartlepool to consider the subjects set out in the attached agenda.

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

Yours faithfully

P Walker
Chief Executive

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PLEASE NOTE VENUE

COUNCIL AGENDA



26 October 2006

at 7.00 pm

in the Town Hall

1. To receive apologies from absent members.
2. To receive any declarations of interest from members.
3. To deal with any business required by statute to be done before any other business.
4. To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 10.
5. To approve the minutes of the last meeting of the Council held on 14 September 2006 as a correct record (copy attached).
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.
 - (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given. Minutes of the meeting of the Cleveland Police Authority held on 23 August 2006 and the meeting of the Cleveland Fire Authority held on 28 July 2006 are attached.

PLEASE NOTE VENUE

8. To deal with any business required by statute to be done.
 - (a) Report on Special Urgency Decisions in respect of the period from April to September 2006
 - (b) Report of the Monitoring Officer - Council decision 14 September 2006 – Review of Parish Electoral Arrangements
9. To receive any announcements from the Chair, the Mayor, members of the Cabinet or the head of the paid service.
10. To dispose of business (if any) remaining from the last meeting and to receive the report of any scrutiny forum or other committee to which such business was referred for consideration.
11. To receive reports from the Council's committees and working groups other than any overview and scrutiny committee and to receive questions and answers on any of those reports;
 - (a) Report of Constitution Committee - Licensing Committee – amendment to delegation, Honorary Freemen and Aldermen, Procedure for the Decision Making Route for Scrutiny Final Reports, Proposed Selection Criteria – Dealing with Non-Mandatory Scrutiny Topic Referrals from the Authority's Regulatory Panels and Other Committees
 - (b) Report of Licensing Committee – Gambling Act 2005
12. To consider any other business specified in the summons to the meeting, including consideration of reports of the overview and scrutiny committees for debate and to receive questions and answers on any of those items;
13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework
 - (i) Food Law Enforcement Service Plan 2006/07
 - (ii) Statement of Community Involvement
 - (iii) Annual Library Plan 2006/07
 - (b) Proposals for departures from the budget and policy framework
 - (i) Request for Budgetary Provision to Conduct Local Poll
 - (ii) 2006/2007 Prudential Borrowing Limits and Capital Programme
14. To consider any motions in the order in which notice has been received.
15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary.

PLEASE NOTE VENUE

COUNCIL

MINUTES OF PROCEEDINGS

14th September 2006

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Barker	Brash	R W Cook
S Cook	Cranney	Fenwick
Gibbon	Griffin	Hall
Henery	Hill	Iseley
James	Johnson	MP Laffey
Lauderdale	Lilley	London
A Marshall	Dr. Morris	Payne
Preece	Rogan	Sutheran
Tumilty	Turner	Wallace
D Waller	MP Waller	R Waller
Wistow	Worthy	Wright
Young		

Officers:

Paul Walker, Chief Executive
Peter Scott, Director of Regeneration and Planning Services
Dave Stubbs, Director of Neighbourhood Services
Andrew Atkin, Assistant Chief Executive
Tony Brown, Chief Solicitor
Joanne Machers, Chief Personnel Services Officer
Ann McMorris, Head of Safeguarding and Review Unit
John Mennear, Assistant Director (Community Services)
Michael Ward, Chief Financial Officer
Steve Hilton, Assistant Public Relations Officer
Angela Hunter, Principal Democratic Services Officer
Amanda Whitaker, Democratic Services Team Manager

59. APOLOGIES FOR ABSENT MEMBERS

Councillors S Belcher, J Coward, M Fleet, P Hargreaves, P Jackson, S Kaiser, J Marshall, P Rayner and J Shaw,

60. DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Wallace declared an interest in Minute 65(b)(i) as Chair of Hartlepool Primary Care Trust

Councillors Payne, R Waller and M Waller declared a Non Prejudicial interest in Minute 68(ii)

Councillors Johnson, Wistow and Lauderdale declared interests later in the meeting (minute 63 in the confidential section of these minutes refers)

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

None

62. PUBLIC QUESTION

None

63. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 27th July 2006, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

Further discussion on the minutes took place, later in the meeting, as set out in the confidential section of these minutes.

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

None

65. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

None

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

(i) Question from Councillor Brash to Councillor Wistow:-

“In the light of the Secretary of State’s decision to refer the Darzi recommendations to the Independent Reconfiguration Panel, what response has the Health Scrutiny Forum received on its own submission to the Secretary of State and what follow-up steps are open to the Forum.”

In response Councillor Wistow reminded Members that the Health Scrutiny Forum had submitted a letter to the Secretary of State to ask:-

- That the proposals set out in the report prepared by Professor Darzi be implemented in full
- To ask if the consultation process had been adequate and appropriate

The previous week it was announced that the Secretary of State had referred the matter to an Independent Reconfiguration Panel. The Scrutiny Forum had not had any response to its submission to the Secretary of State. The day before this Council meeting, Councillor Wistow had received a telephone call from Iain Wright, MP for Hartlepool, who had given him the text of a letter he had received from the Secretary of State which included:-

- Reference to taking into account the letters sent by the Joint Health Committee and Stockton’s Health Committee; no reference was made to communication received from Hartlepool
- Reference to consultation with local NHS before making any decision.

Councillor Wistow highlighted that it was necessary to establish the following:-

- Has the Secretary of State seen the letter sent by the Health Scrutiny Forum and had she taken it into account?
- What contacts had taken place between the local NHS and the Secretary of State and what case had subsequently been put to her.

A supplementary question raised by Councillor Brash referred to his understanding that it was a specific aspect of the Review which was being looked at and as such the whole intricate review was being undermined. Councillor Wistow clarified the terms of the referral to the Independent Reconfiguration Panel and the implications for the long term future for Hartlepool Hospital.

Councillor Wistow was then asked by Councillor Brash whether he shared his belief that if a Centre of Excellence did not go ahead, the future of the hospital in Hartlepool was destabilised. In response, Councillor Wistow acknowledged the uncertainty for those people who worked at the hospital and highlighted the implications for recruitment throughout the hospital if a Centre of Excellence was not established. Councillor Wistow did not, however, want to assume that it was ‘the end of the road’ for the hospital and referred to assurances given by the Chief Executive, of the North Tees and Hartlepool NHS Trust, when he had attended the Health Scrutiny Forum the previous week.

Councillor Wistow concluded that specialist advice was required in order that residents in Hartlepool could be confident that the Council had 'got to the bottom of the issue'.

The Chairman then sought the approval of Members that the MP for Hartlepool be granted permission to address the Council. Permission was then granted and the MP addressed the Council advising that he fundamentally disagreed with the referral to the Independent Reconfiguration Panel. He reiterated the following:-

- The report produced by Professor Darzi provided an excellent blueprint for services across the whole area and that there was a need for hospitals both in Hartlepool and North Tees
- He did not agree with the decision of the Secretary of State to review only maternity and gynaecology services as this would undermine everything proposed by Professor Darzi.

The MP therefore suggested that it was necessary for him to undertake a Parliamentary campaign but that there was also a role for this Council and the residents of the Borough.

During the discussion which followed, Members were unanimous in their support of the recommendations made by Professor Darzi and recognised that it was essential for everybody to work together to ensure the long term viability of Hartlepool's hospital.

(ii) Question from Councillor Wallace to the Mayor:-

"How many Anti-Social Behaviour Orders are currently active in Hartlepool. How many 'ASBO 13' reports are currently waiting to be processed by the Council's Anti-Social Behaviour Unit?"

In response the Mayor advised that there were 17 Anti-Social Behaviour Orders (ASBOs) currently active in Hartlepool, explained what initial ASBO13 incident forms were and indicated that there were 379 forms waiting to be processed. The Mayor then informed Members of improvements in services such as the introduction of the Flare System, a computerised case management system. He also noted that arrangements were being developed for better coordination and exchange of information within the Authority and with partners.

Councillor Wallace then asked the Mayor whether given the decrease in cases of anti-social behaviour in Stockton and Middlesbrough, attributed to the use of Anti-Social Behaviour Orders, he would agree to consider with some urgency the Council's policy in respect of ASBOs. In response the Mayor commented that he was not interested in comparisons with other Local Authorities but that he was concerned about reducing levels of anti social behaviour in Hartlepool. He did not, however, want to criminalise the youth. He referred to other ways of tackling anti-social behaviour, advised that questions had been raised in relation to the effectiveness of ASBOs and advised of the need to have closer working

with the Police. It was noted that historically, this Authority had not had the resources to be as effective as it could have been. Cabinet was, therefore, currently looking into putting more resources through the budget review into Anti-Social behaviour working with partners and the Mayor requested the support of Members when those proposals were submitted to Council.

The Mayor was asked, by Councillor Wallace, if he would give priority to agreeing a fundamental review of the operation of the Anti-Social Behaviour Unit. The Mayor reiterated that the backlog of forms waiting to be processed, which directly resulted from the recent introduction of neighbourhood policing, should be cleared in the next few weeks and meetings had already been held with partners to seek to improve ways of tackling anti-social behaviour and work was underway to identify best practice.

Following concerns expressed by Members during the debate which followed, a Member suggested that the Performance Management Portfolio Holder report back, to the next meeting of Council, on the operation of the Anti-Social Behaviour Unit, the effectiveness of Partnerships and on the notion that the issue of ASBOs is a 'last resort'.

(iii) Question from Councillor Lilley to the Mayor:-

"Various Tees Valley Joint Strategy papers regularly mention the idea of a Tees Valley City Region. What is the Mayor's understanding of this concept and what are the implications for Hartlepool?"

The Mayor advised that the term "City Region" had been in use since the 1950's and 60's by urban economists and land use planners. It referred to strategic economic and related policy-making extending beyond the administrative boundaries of single urban area to include urban and/or semi-urban hinterlands. Basically, despite a No Vote for regionalisation, it was already happening 'through the back door' as the Government was keen that funding be allocated regionally. This Council was trying, with other neighbouring Authorities, to direct money and power to this sub-region. The Mayor referred to a Tees Valley City Region Business Case which had recently been approved by Cabinet.

Councillor Lilley expressed his concerns regarding Governance and asked the Mayor whether there was any possibility of Hartlepool entering a 'Super Cleveland' and whether other Tees Valley Authorities had said that they would like to see a 'Super Cleveland'.

In response, the Mayor referred to strengths of the Council since it gained unitary status and advised of the role of the Tees Valley Partnership in attempting to govern what funding comes into the Tees Valley at a sub regional level. Reference was made to the creation of Tees Valley Ltd and the uncertainty of what was included in the Government's White Paper which would outline the way forward. Attention was drawn also to the Investment

Prospectus. As far as the Mayor was aware, all Tees Valley Authorities were united in maintaining existing authority arrangements.

During the discussion which followed Members were overwhelmingly opposed to returning to the 'Cleveland Model'.

(iv) Question from Councillor Turner to the Mayor:-

"Given it is now over a year since a bid to the English Heritage Lottery Fund was withdrawn and given there is no apparent sign of any other outside help for funding, would the Mayor now bring forth plans to refurbish the Clock tower in Seaton Carew and ensure that finance for this is included in the forthcoming budget."

In response the Mayor advised that in July 2005 Cabinet agreed in principle to use funds from the sale of the former Fairground site at Seaton Carew towards further phases of environmental improvements and the refurbishment of Seaton Carew Bus Station. Prior to this an application had been submitted to the Heritage Lottery Fund to support a comprehensive refurbishment of the Bus Station as part of an overall regeneration scheme for this part of Seaton Carew which would have complemented Single Programme investment in environmental works to the seaward side (rear) of the bus station and a possible gelateria development constructed to the rear of the bus station.

Due to changes in HLF Funding criteria and shortage of resources, the HLF application was withdrawn on the advice of the HLF. Whilst a first phase of environmental works was completed (earlier this year) with Single Programme and Interreg Funds resource limitations relating to the Single Programme meant that further environmental works and the gelateria scheme have not been progressed.

A Planning /Development brief had been prepared and approved in principle by Cabinet for the fairground site and the adjacent land, aimed at attracting investment proposals which would enhance the visitor facilities at Seaton and provide an anchor facility for the southern part of the resort. The brief encourages consideration to be given to a gelateria type facility as part of an overall scheme. The marketing of the land had been delayed following approaches by Seaton Carew Golf Club (as part of the consultation on the brief) who were considering reorganising part of their site and creating a new club house. A revised brief was now being prepared following authorisation by Cabinet in July, which would take in part of their land and which would provide a more marketable overall development site. Public consultation on this was due to take place shortly. Subject to final agreement by the two parties and endorsement by Cabinet, the land could be marketed early next year and subject to a suitable scheme being agreed, the land sold in the next financial year. There is the potential for a revised but reduced bid being made to the HLF to support a refurbishment scheme for the bus station but this would need to be match funded and was therefore dependent upon knowing what capital receipt was available. The Mayor concluded that a bid would probably go in round about next summer if marketing progresses smoothly.

Councillor Turner sought agreement from the Mayor that the longer the wait, the worse the situation became and the more expensive it would become to refurbish the Clock Tower. The Mayor was, therefore, asked if nothing was forthcoming, whether the Mayor would give a timeframe for the Council doing the refurbishment work. In response the Mayor advised that this was something he had thought about as part of this years budget process. He had concluded, however, that it would be better to get the brief right. The Mayor undertook to keep Councillor Turner informed.

During the discussion which followed a number of Members agreed with the sentiments expressed by Councillor Turner and referred to the role Seaton Carew played in the Council's Tourist Strategy. The merits of a 'Friends of Seaton Carew Group' being established, to raise funding to contribute to the refurbishment, were also debated

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

None

66. BUSINESS REQUIRED BY STATUTE

None

67. ANNOUNCEMENTS

The Chairman referred to earlier comments welcoming the return of Councillor Cath Hill to Council following her recent illness.

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

- (i) Scrutiny Report – Formal Response to the 'Committee on Radioactive Waste Management (CORWM)' Scrutiny Referral

The Chairman of the Scrutiny Co-ordinating Committee presented a report which recommended a course of action in relation to the Council's involvement in any future consultation arrangements of the work undertaken by the CORWM, referred by the Council on 13 April 2006 to the Overview and Scrutiny Function.

The findings of the Scrutiny Co-ordinating Committee were presented and it was noted that Members of the Committee had concluded that there was no immediate need or opportunity for the Council to comment in response to a consultation process, although it would be advantageous to make CORWM's

report and recommendations the subject of a Members' Seminar. In this way, Members would be suitably informed to assist any discussions and response to future consultation opportunities.

With regard to the arrangements for the proposed Members Seminar, Members were of the view:-

- (a) That the Seminar be repeated on an evening to accommodate those Elected Members with work commitments;
- (b) That representation from CORWM be invited, subject to their capacity to attend such events; and
- (c) That the Seminar be held at the earliest opportunity.

RESOLVED – That in response to the Scrutiny Referral, the recommendation of the Scrutiny Co-ordinating Committee to hold a Members' Seminar on this issue, in accordance with the organisational arrangements outlined in the report, be endorsed

At this point the Chairman of the Council left the meeting and the Vice-Chairman, Councillor Young, took the Chair for the remainder of the meeting.

- (ii) Scrutiny Report – Final Report into Closure Hartlepool College of Further Education Nursery.

The Chairman of the Scrutiny Co-ordinating Committee presented a report which outlined the findings of the Committee following its consideration of the decision of the Hartlepool College of Further Education (HCFE) to close its on-site nursery facility, known as First Steps, as referred by Council on 27th July 2006 to that Committee.

The findings of the Committee were presented together with the options explored by the HCFE to enable the continuation of the on-site nursery facility and the impact of the loss of the facility. The Committee had concluded as follows:-

- (a) That the HCFE had fully co-operated with this Committee in the undertaking of the Scrutiny Referral in an open and transparent manner whilst acknowledging that they had no mandatory obligation to do so;
- (b) That the HCFE had over the last 5 years underwritten substantial losses (in excess of £300k) on the nursery in order to maintain what was predominately a commercial service for 'external' clients as evidence also clearly demonstrated that of those using the nursery provision, only one in ten were students;

- (c) That the HCFE was currently facing significant financial pressures due to the withdrawal of the New Deal Contract/future funding arrangements and that it was a fair business judgement to close the on-site nursery in light of its under occupancy levels, its significant running losses over the last five years and the over supply of day care nursery places within Hartlepool;
- (d) That the HCFE had explored various options to continue the running of on-site nursery facility with various partners such as a two year rent free proposal to the Ward Jackson Primary School and also the First Steps Nursery Parents Group together with the possibility of leasing/selling to a private provider if approached although marketing of the on-site facility over the recent years was not seen as their core business;
- (e) That 56% (449 out of total of 802) of the registered day care nursery full time equivalent placements in Hartlepool were vacant at the time of the undertaking of this enquiry and that this shortfall of demand needed to be understood and addressed;
- (f) That of the 14 day care nursery providers in Hartlepool:-
 - (i) Eight offered term time only places with a small retainer charge to retain a place in addition to their all year round care;
 - (ii) Six out of eight nurseries that provided term-time provision had obtained the 'Good' OFSTED Inspection Grade when last subject to Inspection;
 - (iii) All had HCFE students using their provision as part of their customer base that included individuals who had childcare subsidised through the Learner Support Fund of the HCFE; and
 - (iv) The number of places in the 14 day nurseries met the Government target for the town. Thus, the Committee questioned whether the take-up rate of 44% (within the town) represented a deficiency in demand rather than an excess in supply.
- (g) That the impact of the loss of such facility would be primarily one of inconvenience as opposed to having a detrimental effect on accessing further education given so few students were using the College Nursery;
- (h) That it was acknowledged that there was in general a need to encourage the 'take up' of day care nursery provision in Hartlepool and by doing so would minimise the number of surplus places;

- (i) That the Government's Policy on Priorities for Success in fact widens the gap to access to learning and further education, particularly in town like Hartlepool with its socio-economic issues;
- (j) That the HCFE had given inadequate notice to parents of its intention to close the nursery and that the Authority had also been informed very late in the day, and after the HCFE had made its decision;
- (k) While it was accepted that the College had cross-subsidised the Nursery from education funds it was unclear why they had chosen to subsidise 'external' clients use of nursery care for so many years;
- (l) That whilst three Elected Members currently served on the HCFE's Board as Hartlepool Borough Council representatives, the absence of formal feedback mechanisms from the Board to the Council was a weakness given the Council's role and responsibility as a 'Community Leader';
- (m) That whilst the provision of nursery facilities was not core business for the HCFE, understanding and addressing the barriers to access experienced by parents with young children was one of its core responsibilities to be exercised in partnership with the Council and the Hartlepool Local Strategic Partnership. This consideration was particularly important given the levels of social exclusion in the town and the apparently low level of take-up of nursery places; and
- (n) That overall it was a difficult decision of the HCFE to make with regard to the closure of its on-site nursery facility given the sensitivities around the issue.

RESOLVED – That the Scrutiny Co-ordinating Committee recommendations be approved as follows:-

- (a) That a formal feedback mechanism be established with regard to the dissemination of information throughout the Authority for Elected Members serving on internal and external bodies (as also recommended by the Regeneration and Planning Services Scrutiny Forum during the undertaking of the Partnerships Enquiry, accepted by the Cabinet in May 2006); and
- (b) That the Council seeks to engage all partners to establish a comprehensive picture of childcare provision in Hartlepool that focuses particularly on demand and supply in relation to nursery care provision together with an understanding of the extent to which parents with young children experience barriers to access to further education.

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

(i) Report of General Purposes Committee – Reviewing Parish Electoral Arrangements

Councillor Wistow presented a report of the General Purposes Committee which invited the Council to conclude the review of electoral arrangements in the parishes in the Council area. The report set out detailed background including the outcome of the consultation process which had been considered at meetings of the Committee as outlined.

The report recommended that the Council accept the Committee's recommendations to the following effect:-

- The current arrangement of division of the Headland Parish into wards shall be terminated, with the current number of 13 councillors being elected to the parish council; and
- There shall be no change to the electoral arrangements in the other parished areas.

The report of the General Purposes Committee was moved and seconded.

Members reiterated concerns in relation to the way the Headland Parish Council was operating in terms of co-opting its Members. It was then moved and seconded that the motion be amended by the substitution of the following:-

"That in order to ensure that democracy is a focal point of the Headland Parish Council, a referendum be held of the people of the Headland to determine if they wish to continue with the Parish Council and if so, whether the Parish Council should cover one ward or two wards."

The Chief Solicitor cautioned against the making of such a resolution and recommended that the proposal for a referendum be deferred to be considered at the next Council meeting.

Amendment put and declared to be carried.

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

None

71. REPORT FROM THE EXECUTIVE

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

- (i) Additions to the 2006/07 Capital Programme (exempt report – minute 83 refers)

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

None

72. MOTIONS ON NOTICE

None

73. TEESSIDE VALUATION TRIBUNAL

The Chief Executive reported that Council on 15th September 2005 had deferred consideration of a request from the President of the Tribunal for the nomination of two non-elected individuals from the Hartlepool area. A copy of the minute was appended to the report.

A further request had then been received from the Tribunal for the extension of the term of office for the following members from the 31st March 2006 to the 31st March 2009:-

Mr B Smith
Mr E Priest
Mr E Jeffries
Councillor J Coward
Councillor G Lilley
Mrs A Lilley

On 15th December 2005, Council had considered the extension of the terms of office and resolved that the term of office, of the members detailed above, be extended for a further 3 months and that nominations to the Tribunal be considered further at the next Annual meeting of the Council. The issue was not considered at the Annual Council meeting and was referred to the Council meeting on 27th July when the item was deferred to this meeting of the Council. Council was, therefore, requested to give consideration to the following outstanding issues:-

- (i) The request, from the Tribunal, for the extension of the terms of office on the Tribunal.
- (ii) The request for the appointment of two non-elected individuals from the Hartlepool area to replace Councillors Cook and Morris, consideration of which was deferred at Council on the 15 September.

It was highlighted, at the meeting, that Councillor Lilley had been appointed to the Tribunal prior to becoming an elected Member. Also, Members did not

accept the Tribunal's rule regarding its 72 year age limit and referred to the age discrimination legislation which is to be introduced on 1st October 2006.

RESOLVED –

- (i) That the request, from the Tribunal, for the extension of the term of office on the Tribunal be approved.
- (ii) That the nomination of Councillor Dr Morris be confirmed and forwarded to the Tribunal, after 1st October 2006.

74. TEES PORT HEALTH AUTHORITY

The Chief Executive reported that he had been informed that Councillor D. Allison had resigned from his appointment as the Council's representative on the Tees Port Health Authority due to other commitments. Council was requested to nominate a replacement member.

RESOLVED – That Councillor Griffin be appointed to replace Councillor D Allison on the Tees Port Health Authority.

75. TEES VALLEY JOINT HEALTH SCRUTINY FORUM

The Chief Executive reported that he had been informed, by the Labour Group, of the following change to their representation on the Tees Valley Joint Scrutiny Forum:-

Councillor Brash to replace Councillor Belcher

RESOLVED – That the changed proposed by the Labour Group be approved.

76. VACANCY MONITORING PANEL

The Chief Executive reported that the Labour Group had informed him of the following change to their representation on the Vacancy Monitoring Panel:-

Councillor D. Waller to replace Councillor Hargreaves.

RESOLVED – That the change proposed by the Labour Group be approved.

77. APPOINTMENTS PANEL

Council was reminded that Dave Stubbs had been appointed as Director of Neighbourhood Services on Thursday, 3 August 2006. Council, therefore, was

requested to approve membership of an Appointments Panel for the post of Head of Neighbourhood Management, the post vacated by Mr Stubbs.

Members of the Council expressed concern that the post of Head of Neighbourhood Management had not been referred to the Vacancy Monitoring Panel for consideration.

RESOLVED - That consideration of the establishment of an Appointments Panel for the post of Head of Neighbourhood Management be deferred until the post has been considered by the Vacancy Monitoring Panel.

78. TREASURY MANAGEMENT OUTTURN REPORT 2005/06

The Chief Executive reported that in accordance with the requirement of CIPFA's (Chartered Institute of Public Finance and Accountancy) Treasury Management and Prudential Borrowing codes an annual report must be submitted to Council outlining actual performance against the approved Treasury Management Strategy. The Treasury Management Strategy and associated Prudential Indicators were approved by Council on 19th February, 2005. Details of the actual outturn against the approved strategy were detailed in the report.

In accordance with the requirements of the Prudential Code, the Council was required to report the outturn position for the Prudential Indicators approved by Council. These were appended to the report. As indicated in previous reports, the key Prudential Indicator was the value of 'Capital Expenditure to be Financed from Borrowing', as this directly affected the loan repayment costs chargeable to the revenue account. For 2006/2007 the outturn for this indicator was £3.9m lower than the expected, reflecting the re-phasing of expenditure into 2006/2007. This required an increase to this indicator and the Capital Financing Requirement (CFR) for 2006/2007, as appended to the report. It was noted that this did not increase the aggregate value of capital investment funded from borrowing, although actual expenditure had been incurred later than expected.

Following presentation of the report the Finance Portfolio Holder referred to the success of the Revenues and Benefits Teams in reaching the final five in the national IRRV awards.

RESOLVED –

- (i) That the report be noted and the revised prudential indicators for 2006/2007 be approved.
- (ii) That a letter be sent, on behalf of the Council, to compliment the Benefits Team and Revenues Team on their success in the IRRV awards.

79. MILDRED STREET COMPULSORY PURCHASE ORDER 2005
MAYFAIR STREET COMPULSORY PURCHASE ORDER 2005

The Chief Executive submitted the decision letter of the Secretary of State for Communities and Local Government confirming the above compulsory purchase orders, in respect of which the public inquiry was held on 27th & 28th June 2006. The orders related to lands in –

- Mildred, Ernest, Slater, Angus, Preston, Lancelot, and Duke Streets and Hart Lane, and
- Mayfair, Gordon, Alma and Sheriff Streets.

The letter also dealt with the stopping up of highways within the Mayfair Street Order lands for the purpose of future development. Following advertisement of the Secretary of State's decision, a statutory objection period of 6 weeks would need to elapse before the orders could be implemented.

It was noted that the Secretary of State's decision in relation to the Chester Road etc Compulsory Purchase Order, in respect of which the public inquiry commenced on 18th July 2006, was still awaited.

RESOLVED – That the report be noted.

80. COUNCIL TAX

The Chief Executive reminded Members that Council on 27th July, 2006, had requested comparative information on the level of Council Tax. This information was set out in the report in terms of the following:-

- Band D and Average Council Tax Paid
- Analysis of Who Pays Council Tax
- Council Tax and Business Rate Collection
- Floor Damping

Members were appreciative of the detail presented in the report and considered that the information provided a fuller and more rounded view of the Council Tax situation. It was suggested that it would be useful for the information to be included in Hartbeat and in presentations made to Neighbourhood Forums. The need to continue to make representations to the government, and the role of the Local Strategic Partnership was also highlighted.

RESOLVED – That the report be noted.

81. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on

the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 63 – Minutes of Proceedings - Minute 58 – Phoenix Centre (3 - information relating to the financial or business affairs of any particular person (including the Authority holding that information))

Minute 83 - Additions to 2006/2007 Capital Programme - report of the Executive (Para 3 – information relating to the financial or business affairs of any particular person (including the Authority holding that information))

63. MINUTES OF PROCEEDINGS – MINUTE 58 – PHOENIX CENTRE

Details of the discussion which took place in relation to Minute 58, of the last meeting of the Council, is set out in the confidential section of these minutes. Declarations of interests were made by Councillors Johnson, Wistow and Lauderdale who are all Members of the Housing Hartlepool Board.

82. DURATION OF MEETING

The Chairman referred to Rule 9 of the Council Procedure Rules and sought approval to the meeting continuing beyond 4.30 pm.

RESOLVED – That the meeting be extended for an additional 10 minutes to 4.40 pm.

83. ADDITIONS TO 2006/07 CAPITAL PROGRAMME

The Finance Portfolio Holder presented a report which sought consideration of Cabinet's proposed additions to the 2006/2007 Capital Programme. Approval was given to the allocation of additional funds to facilitate the acquisition of premises in Park Road required in connection with the PCT LIFT project.

C RICHARDSON

CHAIRMAN

Public questions for Council

Meeting: 26th October, 2006

1.	From: Joan Bennison
	To: The Mayor, Stuart Drummond
	Question: <i>Could the Mayor please advise what measures have been put in place in the Borough of Hartlepool for stray dog cover after 5 pm and at week ends?</i>
2.	From: Kath Threlfall
	To: The Mayor, Stuart Drummond
	Question: <i>The Mayor will be aware through media sources of the increasing number of attacks on animals living on allotments in the Borough of Hartlepool</i> <i>Would the Mayor consider introducing a complete ban on keeping animals on allotments in the near future and in the meantime provide some form of security to protect them from acts of cruelty?</i>

CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Wednesday 23 August 2006 in the Members Conference Room at Police Headquarters.

PRESENT: Councillors Barker, Benbow, Coombs, Coppinger, Lowes, McLuckie, Thompson and Wallace.

Magistrate Members
Mr Cox JP, Mr Fisher JP and Mr Illingworth TD JP

Independent Members
Miss Andrews-Mawer, Mr Gardner, Mr Hanif, Mr Nath and Mr Race

OFFICIALS: Mr McCarthy, Mrs Allaway, and Mrs Leng (CE)
Mr Price, Mr Hogg, Mr Bonnard, Mr Briggs, Mrs Hall and Mrs Llewellyn (CC)
Mr Freeland QC and Mr Wilcox

34 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Womphrey.

35 DECLARATIONS OF INTERESTS

There were no declarations of interests.

36 QUESTION TIME

No questions were received from the public.

37 EXCLUSION OF THE PRESS AND PUBLIC

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

38 POLICE RESTRUCTURING – HUMAN RESOURCE ISSUE

ORDERED that the recommendation be agreed.

39

RE-ADMITTANCE OF PUBLIC AND PRESS

The press and public were re-admitted to the meeting.

40

POLICE RESTRUCTURING – JUDICIAL REVIEW

The Chief Executive outlined key developments since the former Home Secretary Charles Clarke served a notice to merge Cleveland with Durham and Northumbria on 3 March 2006 and the progress that the Authority had made against its core remedies / outcomes as sought in its Judicial Review (JR) of the Government's decision of 3 March 2006.

ORDERED that:-

1. the decision of the Authority to withdraw from the Judicial Review process by Consent as all the remedies / outcomes of the legal process had been met by the Home Office be noted.

41

RESTRUCTURING PROCESS - COSTS

The Chair presented the report which asked members to agree the claim that would be submitted to the Home Office for the costs incurred by Cleveland Police Authority in the restructuring process.

Following the collapse of forced amalgamations on 13 July 2006, Authorities throughout England and Wales have made strong representations to Government to have the costs they have incurred in this process reimbursed.

As a result of these representations the Home Office Director of Policing wrote to all Authorities stating that 'Police Forces have incurred additional costs preparing for restructuring, and Ministers have indicated that they are happy in principle to assist with those costs'. This was followed by a letter from the Police Reform Unit which reiterated that 'only additional cash costs, not opportunity costs, could be considered'. This letter requested a breakdown of costs against the following criteria, Staff Costs, Travel and Subsistence, Office Charges, Hire of Venues, Research and Consultancy. A breakdown of the costs incurred by Cleveland Police Authority was detailed

at Appendix C to the report.

ORDERED that:-

1. the proposal to claim from the Home Office all costs incurred in the restructuring process excluding Judicial Review costs be supported. The final claim totals £490k.
2. any funding reimbursed to be ring fenced to contribute to Neighbourhood Policing.



C L E V E L A N D F I R E A U T H O R I T Y

MINUTES OF ORDINARY MEETING HELD ON FRIDAY, 28 JULY 2006

PRESENT: VICE CHAIR

Councillor J Jones – Middlesbrough Borough Council

HARTLEPOOL BOROUGH COUNCIL:

Councillors Payne, Tumilty, Waller

MIDDLESBROUGH COUNCIL:-

Councillors Clark, Pearson, Porley

REDCAR AND CLEVELAND BOROUGH COUNCIL:-

Councillors Briggs, Cooney, Dunning, Smith, Walker

STOCKTON ON TEES BOROUGH COUNCIL:-

Councillors Brown, O'Donnell, Salt, Walmsley, Woodhead

PROPER OFFICERS:-

Clerk, Legal Adviser, Treasurer

FIRE BRIGADE OFFICERS:-

Chief Fire Officer, Executive Director,

Fire Control Project Regional Director (Director of Service Support)

APOLOGIES Councillor Allison - Hartlepool

FOR Councillors Biswas, Mawston – Middlesbrough

ABSENCE Councillors Forster – Redcar & Cleveland

Councillor Kirton, Roberts – Stockton on Tees

41. MINUTES

RESOLVED – that the minutes of the Annual Cleveland Fire Authority meeting held on 2 June 2006 be confirmed.

42. MINUTES OF COMMITTEES

Councillor Pearson referred to minute no. 35 on the Executive Minutes of 14 July 2006 and informed Members that she had not supported this request and felt that the consultation process had been sufficient.

RESOLVED – that the minutes of the Executive Committee Meeting held on 2 June 2006, 16 June 2006, 30 June 2006 and 14 July 2006 be confirmed.

43. REPORTS OF THE CHIEF FIRE OFFICER

REGIONAL MANAGEMENT BOARD MEETING – 13 JULY 2006

43.1 REGIONAL CONTROL CENTRE (RCC)

The Chief Fire Officer informed Members that John Burke is now working for the 4 NE Brigades as Fire Control Project Regional Director on a temporary basis.

43.1 REGIONAL CONTROL CENTRE (RCC)...cont'd

John Burke advised Members of the progress to date and highlighted the salient issues which were detailed further within the report. He informed Members that the annual standard usage charge for the Firelink radio scheme service in the north east is set in the contract between DCLG and Airwave at £91,459 per month (as of December 2005) and other budgetary and resource implications are detailed at paragraph 3.10. Revenue costs for standard usage of the Firelink radio scheme are set on a regional basis and will be charged through the RCC company, with cost apportionment between the constituent FRA's left for local determination. John Burke stated that the cost for Firelink would fall to the Fire Authority in December 2008 at the earliest although DCLG have given an undertaking that Firelink will not cost any more than current radio systems and that any difference would be met via the formula spending share.

John Burke reported that the target date of 1 August 2006 for first wave regions to establish a local authority company to govern the RCC has been made unachievable by delays in commencing consultation and late circulation of guidance from DCLG. DCLG have indicated that they will provide grants to regional control companies however this payment is unlikely to be received before payments are made and it is therefore proposed that the costs for establishing the company are initially provided for through funding allocated to the RMB, with the currently available budget being supported by a contingency fund of £12,000 to be drawn upon only if the existing budget is insufficient to cover interim expenditure before grant is received. Members approval is sought on the proposals for inclusion in the articles or 'members' agreement as highlighted at 3.4 of the report.

John Burke informed Members that the Regional Project Management team have recommended to retain the existing project director in post and it is proposed that the constituent authorities equally share 85% of the salary which equated to £8,628 per Authority for the period 1 August 2006 to 31 January 2007.

Councillor Pearson stated that she was opposed to the proposed one party format on the Board of RCC Directors and hoped that the inclusion of minority parties would be considered to address the political imbalance. She also expressed concern that each Authority already contribute £20,000/annum to the RMB and we are now being asked to provide further funding, especially in view of the RMB contingency fund of £12,000. The Legal Adviser informed members that RCC Board would be made up of 2 Member appointments from individual Authorities.

Members requested further information on the numbers of staff transfers, structures, pay and conditions and were informed that the new employer would determine the final staff members. Members agreed that the RCC Board should be politically balanced and drawn from non RMB Members. Concern was also expressed about the estimated costs and Councillor Payne felt that the information on potential costs should have been made available at the beginning of the RCC project. Clarification was also sought regarding para 3.8 regarding the reporting route to RMB.

Councillor Pearson reported that she had heard there would be regional representation regarding the Governance and asked John Burke for further information regarding this.

RESOLVED – that Members approved the RMB recommendations as follows:

- (i) that Members noted the Fire and Rescue Service (England) Concept of Operations for Regional Control Centres and receive further updates as appropriate.
- (ii) that the proposals in paragraphs 3.3 to 3.8 of the report for establishing a local authority company to operate the RCC be approved.
- (iii) that the regional project director be established on a full time basis up to 31 January 2007, with a review taking place and a further report being presented to the next meeting of the RMB.
- (iv) that following the endorsement of (iii) Members agreed to provide the funding identified in paragraph 4.3 of the report.

- (v) that in relation to project reporting lines and ongoing administration as outlined within statutory paragraphs 4.4 and 4.5 of the report be approved.
- (vi) that the planning implications of the Firelink project in paragraphs 5.2 to 5.5 inclusive be considered and receive further reports as information becomes available.
- (vii) that the position as outlined in paragraph 6.3 to the report regarding the proposals for communication and consultation outlined be approved.
- (viii) that Members requested political proportionality on the RCC Board.

43.2 REGIONAL MANAGEMENT BOARD - REPORTS FOR INFORMATION

The Chief Fire Officer outlined the following reports which were for Members information: Minutes of 28 April 2006, Membership of the Board, Dates, Times and Venues of future meetings and NEFRA PFI Project.

The Chief Fire Officer informed Members that Councillor Mrs Brenda Forster had been appointed Vice Chair of the RMB at its meeting on 13 July 2006 and Durham and Darlington FRA now held the position of Chair of the RMB. It had also been suggested at the RMB that the Chair and Vice Chair positions rotate on a 2 year rotational basis throughout the 4 constituent Authorities. Informal discussions had also been held regarding the "Principal and Proper Officer" arrangements in view of the Chairmanship moving to Durham and Darlington FRA and Members discussed the implications surrounding any potential change to the arrangements.

RESOLVED –

- (i) that the minutes and reports as outlined be noted.
- (ii) that further discussions take place regarding the RMB Principal and Proper Officer arrangements and that Members be kept fully informed and included in the decision making process.

44. REPORTS OF THE EXECUTIVE DIRECTOR

44.1 CFA RISK MANAGEMENT STRATEGY

The Executive Director sought Members approval of the reviewed Cleveland Fire Authority Risk Management Strategy attached at Appendix 1 of the report. The reviewed Risk Management Strategy document (July 2006) takes the recent developments in risk perception, risk management, government legislation (Civil Contingencies Act 2004) and directives (National Fire Services Framework) and includes them into the strategic framework employed by Cleveland Fire Authority, thereby becoming owned by all Members of Cleveland Fire Brigade and Authority ensuring uniformity in understanding and application.

RESOLVED –

- (i) Members noted the contents of the report.
- (ii) Members approved the revised Risk Management Strategy for implementation.

44.2 OPERATIONAL ASSESSMENT OF SERVICE DELIVERY

The Executive Director informed Members of the progress being made to fulfil the Authority's obligations relating to the new Fire and Rescue Performance Framework 2006/07 and that the final Operational Assessment of Service Delivery is to be presented to the Service Delivery Committee on 4 August and 11 August 2006 following which a recommendation will be forwarded to the Executive Committee on 15 August 2006.

RESOLVED – Members noted the contents of the report.

44.3 ASSET MANAGEMENT POLICY

Report withdrawn.

44.4 INFORMATION PACK 63 – JULY 2006

- 44.4.1 Fire Brigades National Employers Circulars
- 44.4.2 Fire and Rescue Service Circulars
- 44.4.3 Corus Teesside Works and Cleveland Fire Brigade Fire Safety Competition for Local Secondary Schools Judging Event 2006
- 44.4.4 Leadership Champions Network Events

45. REPORTS OF THE TREASURER AND PERFORMANCE SCRUTINY CHAIR
45.1 FORWARD WORK PROGRAMME

The Treasurer sought Members approval on the proposed Forward Work Programme 2006/07 for the Performance Scrutiny Committee attached at Appendix 1 of the report which would remain flexible to allow for any additional items which may arise. He advised that the Performance Scrutiny Forward Work Programme had been agreed at the last Performance Scrutiny Committee meeting.

RESOLVED – that Members approved the Performance Scrutiny Committee’s Forward Work Programme 2006/07.

45.2 PROGRESS AGAINST REVENUE AND CAPITAL BUDGETS 2006/07

The Treasurer reported the progress against Expenditure and Income Budgets up to 30 June 2006 and sought Members approval of the additional Capital scheme outlined at paragraph five of the report. The scheme to replace Breathing Apparatus will not now be needed in 2006/2007 and it is proposed that the budget set aside for this be utilised to part fund an additional scheme for an electrical upgrade to the Fire control Room following its failure earlier in the year. The scheme is estimated to cost £42,000 with the remainder proposed to be funded from a Revenue Contribution from savings to be identified during the year.

RESOLVED –

- (i) that Members noted the position up to 30 June 2006.
- (ii) that Members approved the additional capital scheme outlined at paragraph 5.

46. REPORTS OF THE SERVICE DELIVERY SCRUTINY CHAIR
46.1 FORWARD WORK PROGRAMME

Councillor Cooney advised Members of the proposed annual programme of scrutiny reviews of service delivery for 2006/07 as recommended by the Service Delivery Scrutiny Committee and outlined the status of reviews. She advised that the forward work programme would remain flexible to allow for any additional referrals from the Authority, its Committees and individual Members of a scrutiny committee.

RESOLVED – that Members approved the proposed Service Delivery Scrutiny Committee Forward Work Programme 2006/07.

46.2 ASSET MANAGEMENT

The Executive Director updated Members on the current position of the scrutiny of Asset Management. Members were advised that outstanding maintenance issues had been identified and projected costs were in excess of £4.5m, against a capital allocation in the current year's budget of less than £200k. He reported that the Service Delivery Scrutiny Committee would be scrutinising this issue and the Asset Management and Best Value Review in the near future.

RESOLVED

- (i) that Members noted the report.
- (ii) That Members receive the Asset Management Review following its Best Value and Scrutiny Review by the Service Delivery Scrutiny Committee.

47. REPORTS OF CLERK TO THE AUTHORITY
47.1 CLEVELAND FIRE AUTHORITY ANNUAL REPORT 2005/06

The Clerk sought Members views on the draft Pre Member Final Annual Report for 2005/06 as outlined at Appendix 1 to the report. The draft report incorporated new Governance arrangements, member development and statement of accounts. He advised Members that the final Cleveland Fire Authority Annual report 2005/06 would be presented to Members at the Authority Meeting on 29 September 2006. As this was the Authority's first annual report he stated that in future the report would be presented for Members approval at September Authority meetings, following recommendation from the Policy Committee.

RESOLVED – that Members submit any comments regarding the draft Cleveland Fire Authority Annual Report 2005/06 to the Head of Democratic and Member Services.

47.2 CHANGE OF MEMBERSHIP

The Clerk sought Members approval for changes to the membership of the Executive and Policy Committees, Safer Middlesbrough Partnership and the Regional Management Board.

RESOLVED –

- (i) that Members approved the change of CFA membership on the Executive Committee and Policy Committee from Councillor O'Donnell to Councillor Kirton.
- (ii) that Members approved the change of membership on the Safer Middlesbrough Partnership from Councillor Jones to Councillor Porley.
- (iii) that Members approved that Councillor Kirton replace Councillor O'Donnell as a substitute on the Regional Management Board.

47.3 CLERK'S INFORMATION PACK

25.3.1 Member Attendances at Conferences

RESOLVED – that the report be noted.

48. ANY OTHER BUSINESS

**48.1 REPORT OF THE CLERK TO THE AUTHORITY AND CHIEF FIRE OFFICER
CONSULTATION ON THE REVOCATION OF THE DEVON FRA COMBINATION
SCHEME TO ALLOW FOR COMBINATION OF DEVON AND SOMERSET FIRE AND
RESCUE AUTHORITIES**

The Chief Fire Officer informed Members that in June 2006, Devon and Somerset Fire and Rescue Authorities (FRAs) submitted a business case to the Department for Communities and Local Government (DCLG) and a draft proposal for a voluntary merger between the two Authorities. Any orders to revoke the combination scheme for Devon FRA and create a new combined FRA will also be subject to Parliamentary approval. He sought Members comments on the Consultation Document which would then be forwarded to the Policy Committee for their consideration and recommendation to the Cleveland Fire Authority. The final Consultation Document would be presented to Members at the Cleveland Fire Authority meeting on 29 September 2006.

RESOLVED –

- (i) that Members submit any comments on the Consultation Document to the Head of Democratic and Member Services as soon as possible.
- (ii) that Members and Officers comments on the Consultation Document be forwarded to the Policy Committee for their consideration and recommendation to the Cleveland Fire Authority.
- (iii) that the final Consultation Document be presented to Members at the Cleveland Fire Authority meeting on 29 September 2006.

48.2 REPORT OF CLERK TO THE AUTHORITY

**GOVERNMENT RESPONSE REGARDING THE AVAILABILITY OF FINANCIAL
ASSISTANCE FOR CLEVELAND FIRE BRIGADE CONTROL ROOM**

The Clerk apprised Members of the response received from the Department of Communities and Local Government (DCLG) to the request for clarification regarding the level of financial assistance available to the Authority to maintain/enhance the Fire Brigade Control Room up to the time of the Regional Control Centre (RCC) coming on line, and the financial assistance available to the Authority if the RCC is not implemented. He informed Members that the Service Delivery Scrutiny Committee Members had felt that this issue should be brought to the attention of the Cleveland Fire Authority.

Members discussed the response from Richard How, Department for Communities and Local Government, indicating that no further financial assistance would be made available. Members agreed that a letter be sent to the constituent MP's highlighting the current position in relation to

financial assistance and the potential risk to Cleveland Fire Brigade area in relation to maintenance to the Fire Brigade Control Room.

RESOLVED –

- (i) that Members noted the report.
- (ii) that a letter be sent to the constituent MP's highlighting the position.

48.3 REPORT OF CLERK TO THE AUTHORITY

THE SCRUTINY PROCESS FOR THE OPERATIONAL ASSESSMENT OF SERVICE DELIVERY SELF ASSESSMENT

The Clerk sought Members consideration of the proposed process and timetable for the scrutiny of the Operational Assessment of Service Delivery self assessment prior to submission to the DCLG on 17 August 2006. Members discussed the need for additional meetings to enable an in depth scrutiny of Operational Assessment.

RESOLVED –

- (i) that the Special Service Delivery Scrutiny Committee meeting arranged for 4 August 2006 is retained to enable the draft self assessment to be considered.
- (ii) that the Executive Committee meeting arranged for 4 August 2006 is postponed until Tuesday 15 August 2006.
- (iii) that a Special Service Delivery Scrutiny Committee meeting is arranged for Friday 11 August 2006 to consider the amended self assessment and to make recommendations to the Executive Committee.
- (iv) that the scheduled Service Delivery Scrutiny Committee meeting on 18 August be cancelled and any agenda items be included in the meeting in September 2006.

49. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED - "That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 4 of Schedule 12A to the Act namely information:- relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with a labour relations matter arising between the authority or a Minister of the Crown and employees, of, or office holders under, the Authority."

50. MINUTES

RESOLVED – that the Confidential Minutes of Executive Committee 2 June 2006, 16 June 2006, 30 June 2006 and 14 July 2006 be confirmed.

51. REPORT OF THE CHIEF FIRE OFFICER

51.1 REGIONAL MANAGEMENT BOARD – 13 July 2006

RESOLVED – that the minutes of 28 April 2006 Part II be noted.

**COUNCILLOR JOHN JONES
VICE CHAIR**

ITEM 8 (a)

REPORT ON SPECIAL URGENCY DECISIONS
IN RESPECT OF THE PERIOD FROM APRIL TO SEPTEMBER, 2006

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

Total Number of Special Urgency Decisions Taken during the Period April to September 2006 - Nil

COUNCIL
26th October 2006



Report of: Monitoring Officer

Subject: COUNCIL DECISION 14TH SEPTEMBER 2006
REVIEW OF PARISH ELECTORAL
ARRANGEMENTS

1. PURPOSE OF REPORT

The purpose of this report is to advise the Council that a decision taken at their meeting on 14th September 2006 was unlawful, being ultra vires (beyond the powers of the Council) and thus incapable of implementation. The report is submitted pursuant to s.5 Local Government and Housing Act 1989, in discharge of the Monitoring Officer's duty to make a report to the authority if he becomes aware of any decision of the authority which amounts to a breach of any rule of law.

2. BACKGROUND

2.1 At their meeting on 14th September, when dealing with the agenda item "Report of General Purposes Committee – Reviewing Parish Electoral Arrangements", it was resolved -

"That in order to ensure that democracy is a focal point of the Headland Parish Council, a referendum be held of the people of the Headland to determine if they wish to continue with the Parish Council and if so, whether the Parish Council should cover one ward or two wards."

2.2 Having examined the matter following the meeting I am satisfied that the decision taken is ultra vires for all and any of the following reasons-

- There is no general power for a local authority to hold a referendum. Referendums - such as in relation to regional government and local authority executive arrangements - are held under specific legislation.
- There is a statutory power under s. 116 Local Government Act 2003 for an authority to hold a 'local poll' and a poll could have the character of a referendum. However, under that legislation, the issues which a poll may address focus on services and the well-being power of a local authority. I do not consider that the purposes for which such a poll can be held include the issues to be covered by the proposed referendum.

- Pursuant to s. 13 Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulation 2001, the function of holding a local poll is an executive function, not a Council function.

2.3 As the decision of the Council is ultra vires it is, therefore, of no effect and cannot be implemented.

2.4 Consequently, the report of the General Purposes Committee, as moved and seconded at the meeting of Council on 14th September 2006 remains to be dealt with and the Council are thus invited to conclude that matter. For this purpose, the Report of the General Purposes Committee is appended to this report

3. RECOMMENDATIONS

The Council are recommended to resume and conclude the debate on the Report of the General Purposes Committee.

4. CONTACT OFFICER

Tony Brown, Chief Solicitor

GENERAL PURPOSES COMMITTEE

18th AUGUST 2006



Report of: Chief Solicitor

Subject: REVIEW OF PARISH ELECTORAL
ARRANGEMENTS

1. PURPOSE OF REPORT

- 1.1 To comply with the resolution of Council that this matter be referred back to the Committee

2. BACKGROUND

- 2.1 The Committee have previously conducted a review of parish electoral arrangements. At their meeting on 14th November 2005, the Committee concluded that the 2 wards of Headland Parish Council should be replaced by one ward, but that otherwise the current arrangements throughout the parishes should remain. At their meeting on 14th March 2006, the Committee concluded that the Headland Parish Council should retain thirteen Councillors as at present.
- 2.2 At the meeting of Council on 13th April 2006, upon presentation of the report of the Committee, reference was made by members to issues relating to the Committee's decision upon another matter within the Committee's remit, namely recharge of parish election expenses, which they considered needed to be resolved before the electoral arrangements were finalised. Council resolved that the recommendations of the Committee on the Parish Electoral Arrangements be referred back to the Committee.
- 2.3 The issue relating to recharge of parish election expenses was referred to the Portfolio holder for Performance Management, who, on 24th July 2006, determined that parish election costs should be recovered by the Council.
- 2.4 To assist Members a copy of the report to Council on 13th April 2006 is attached (Appendix 1)

3. PROPOSALS

- 3.1 That the Committee consider whether any change to their earlier recommendations is necessary, as required by Council. However, the Chief Solicitor is not aware of any matter which would necessitate or justify alteration to the views of the Committee as earlier concluded

4. RECOMMENDATIONS

- 4.1 That the Committee restate their earlier recommendations.

5. CONTACT OFFICER

Tony Brown, Chief Solicitor.



COUNCIL
26th October 2006

Report of: CONSTITUTION COMMITTEE

Subject:

- (a) Licensing Committee – amendment to delegation
- (b) Honorary Freemen and Aldermen
- (c) Procedure for the Decision Making Route for Scrutiny Final Reports
- (d) Proposed Selection Criteria – Dealing with Non-Mandatory Scrutiny Topic Referrals from the Authority's Regulatory Panels and Other Committees

1. **PURPOSE OF REPORT**

The purpose of this report is to invite the Council

- (a) to approve amendments to the powers delegated by the Licensing Committee of to the Director of Neighbourhood Services,
- (b) to adopt a procedure for the election of honorary freemen and aldermen,
- (c) to approve a procedure for the Decision Making Route for Scrutiny Final Reports, and
- (d) to approve criteria for dealing with Non-Mandatory Scrutiny Topic Referrals

2. **LICENSING COMMITTEE DELEGATIONS TO THE DIRECTOR OF NEIGHBOURHOOD SERVICES**

- 2.1 At their meeting on 7th September 2006 the Constitution Committee were referred to an alteration to the powers and duties of the Licensing Committee earlier in the year when Members approved the transfer of several 'non-licensing' duties to the General Purposes Committee. It appeared that in re-drafting the functions and delegations for the Licensing Committee, a necessary paragraph allowing the Director of Neighbourhood Services to act in protecting the well-being of the public had been omitted.

- 2.2 The current delegation of powers to the Director of Neighbourhood Services in regards to the powers and duties of the Licensing Committee states: -

“Power to carry out all of the functions of the Committee with the exception of the power to refuse, revoke or suspend any licence or registration”.

- 2.3 In the past, the following additional paragraph was also set out: -

“Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency”.

- 2.4 The second paragraph added formality to the powers that Public Health Officers would utilise to safeguard the public in closing food retail premises or taking taxis off the road, if after an inspection it was deemed to be in the interests of public safety. Members were assured that Officers still had the ability to act under powers contained within the various pieces of detailed legislation that governed these areas of public safety. The addition of the paragraph to the Committee’s delegation simply formalised the situation in relation to the Licensing Committee itself.

- 2.5 The Constitution Committee resolved to approve and recommend to Council the amended powers and duties of the Licensing Committee and amendment of Part 3 page 21 of the Council’s Constitution as set out in Appendix 1 to this report.

3. **HONORARY ALDERMEN AND FREEMEN – PROCESS FOR ELECTION**

- 3.1 At meetings of the Constitution Working Group and the Constitution Committee in both the last and this municipal year, detailed consideration has been given to a procedure for the election of honorary freemen and aldermen. A draft scheme has been examined by the working group and the committee and has also been open to public consultation.

- 3.2 The scheme is intended to provide a certain and transparent process for the conferring of these honorary titles, and to establish criteria in each case. In the case of election of an honorary freeman, the general public would have the ability to make nominations. Nominations received would be considered by a Civic Honours Committee who would have power to recommend a nomination to the Council.

- 3.3 At their meeting on 6th October 2006, the Constitution Committee resolved to recommend that Council adopt the draft procedure (subject to correction of typographical errors – that have now been effected) as set out in Appendix 2 to this report.

4. **PROCEDURE FOR THE DECISION MAKING ROUTE FOR SCRUTINY FINAL REPORTS**

- 4.1 At the meeting of the Committee on 6th October, the Scrutiny Manager sought endorsement from the Committee with regard to the implementation of a procedure to be used for co-ordinating the Cabinet and other Committees' responses to Scrutiny Final Reports and recommendations.
- 4.2 It was noted that the new procedure would strengthen the scrutiny processes already included in the Constitution and would "close the loop" in terms of the executive reporting back to Scrutiny and providing update reports on progress made on the implementation of recommendations. The process had been recently piloted to test its robustness and had shown to work very well.
- 4.3 The proposed process contains a number of stages:
- (a) Where a Scrutiny Forum has completed and produced a Final Report on an issue it has been examining and it has been approved by the Scrutiny Co-ordinating Committee, it would then be forwarded to the Authority's Cabinet or other Committees for consideration;
 - (b) Should the Final Report not be approved, the relevant Cabinet Member and Director/Chief Officer would formally report this back to the relevant Scrutiny Forum*;
 - (c) Should the Final Report be approved, the service area produces an 'action plan' which identifies all relevant actions recommended by the Scrutiny Forum along with relevant timescales for the implementation of recommendations. An appropriate officer is then assigned to each recommendation to ensure the action is carried out*;
 - (d) The service area in conjunction with the relevant Cabinet Member would formally feedback to the relevant Scrutiny Forum on the recommendations contained within the Scrutiny Final Report together with service area response known as the 'action plan' (displayed in a table format) within 12 weeks of the Authority's Cabinet/other Committees initially considering the report;
 - (e) The Final part of the process would be to monitoring the approved recommendations. Hence an appropriate IT system would then be developed by the Scrutiny Support Team which would track the progress of scrutiny reports and recommendations to ensure that all timescales are met. However, in the short-term, a progress report would be required, as part of one of the recommendations ie in 6 months time from considering the Final Report; and

- (f) The whole process above would be co-ordinated by Scrutiny Support Team.

* Note - For Health Scrutiny Reviews the NHS body must formally report back to the Adult and Community Services and Health Forum within 28 days from their formal consideration of the Final Report.

- 4.4 The Constitution Committee resolved to endorse the proposed decision making route for responses to Scrutiny Final Reports.

(Note – The Chief Solicitor suggests implementation by the inclusion of **Appendix 3 of this report** (being the above-mentioned process in chart format) as a new Appendix C to the Overview and Scrutiny Procedure Rules in Part 4 of the Council's Constitution, para 10.1 thereof being duly amended to make reference thereto.)

5. **PROPOSED SELECTION CRITERIA – DEALING WITH NON-MANDATORY SCRUTINY TOPIC REFERRALS FROM THE AUTHORITY'S REGULATORY PANELS AND OTHER COMMITTEES**

- 5.1 At the meeting of the Committee on 6th October, the Scrutiny Manager sought endorsement to the implementation of new selection criteria to be used when considering the appropriateness of undertaking a scrutiny investigation following receipt of a non-mandatory referral from the Authority's regulatory panels and other committees. This new procedure had been endorsed by the Scrutiny Co-ordinating Committee at its meeting on 30 June 2006 and also by Cabinet on 11 September 2006.

- 5.2 The new procedure built upon the Scrutiny Coordinating Committee's duty to consider the appropriateness of undertaking a scrutiny investigation, or not, following a referral from a Council regulatory panel or other committee. Under the new procedure the Scrutiny Co-ordinating Committee would assess suggested non-mandatory scrutiny topic referrals against the following proposed selection criteria:-

- (i) Affects a group of people living within the Hartlepool area;
- (ii) Relates to a service, event or issue in which the Council has direct responsibility for, significant influence over or has the capacity to act as public champion;
- (iii) Not be an issue which overview and scrutiny has considered during the last 12 months;
- (iv) Not relate to a service complaint; and
- (v) Not relate to matters dealt with by another Council committee, unless the issue deals with procedure and policy related issues.

- 5.3 The Committee agreed to endorse the criteria for recommendation to the Council and inclusion in the Council's Constitution.

(Note – The Chief Solicitor suggests that the appropriate location for the criteria is in Appendix A to the Overview and Scrutiny Procedure Rules – see **Appendix 4** to this report) supported by inclusion of a reference to the criteria in para 9.5 of those rules.)

6. **RECOMMENDED** – that the Council accept the recommendations of the Constitution Committee, namely -
- (a) (see Para 2.5 above) to approve the amended powers and duties of the Licensing Committee and amendment of Part 3 page 21 of the Council's Constitution as set out in **Appendix 1** to this report.
 - (b) (see Para 3.3 above) to adopt the draft procedure (subject to correction of typographical errors – that have now been effected) as set out in **Appendix 2** to this report.
 - (c) (see Para 4.4 above) to approve the proposed decision making route for responses to Scrutiny Final Reports for inclusion in the Council's Constitution (as suggested by the Chief Solicitor), And
 - (d) (see Para 5.3 above) To approve the recommended criteria for scrutiny investigation of non-mandatory scrutiny topic referrals for inclusion in the Council's Constitution (as suggested by the Chief Solicitor).

APPENDIX 1

Licensing Committee	
Membership:	15 Councillors:- Kaiser (Chair), Dr Morris (Vice-Chair), Brash, R W Cook, Griffin, Hall, Jackson, Johnson, Laffey, Lilley, Rayner, Richardson, Rogan, Tumilty and Worthy.
Quorum:	3
<i>FUNCTION</i>	DELEGATION
All licensing and registration functions set out in Part B of Schedule 1 to the Regulations except those relating to Commons Registration, Roads and Highways (Planning Committee).	<p><i>Director of Neighbourhood Services</i></p> <p>Power to carry out all of the functions of the Committee with the exception of the power to refuse, revoke or suspend any licence or registration.</p> <p>Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency</p>

Appendix 2

Draft Process relating to the nomination and election of Honorary Freeman Aldermen

1. Nominations

1.1. Freeman of the Borough of Hartlepool

1.1.1 Nominees for election as an honorary freeman should

- (a) have been born in the Borough, or
- (b) reside or have resided in the Borough, or
- (c) have or have had strong established links to the Borough and/or
- (d) in some manner have brought distinction upon the Borough

1.1.2 Nomination for election as honorary freeman may be made by any -

- (a) Hartlepool Borough Councillor
- (b) political party or group connected with the Council
- (c) voluntary organisation operating in the borough
- (d) corporate body with premises in the borough
- (e) public or charitable body, or
- (f) member of the public

1.1.3 The nominee must be either -

- (a) an individual person (not a body corporate), or
 - (b) a group of individual persons,
- but a person may not nominate him/herself

1.1.4 Nominations must be in writing and may be submitted to the Chairman of the Council, the Mayor or the Chief Executive. A nomination should state the person or body making the nomination and his/her/its address and include an explanation of why the person nominated is considered appropriate to be elected as honorary freeman.

1.1.5 Publicity

Invitation to submit nominations for election as freeman of the borough shall appear in two editions of Hartbeat prior to the closing date for nominations, and shall be posted on the Council's website www.hartlepool.gov.uk

1.2 Honorary Aldermen

1.2.1 Nomination for election as honorary alderman may be made by any -

- Hartlepool Borough Councillor
- Political party or group connected with the Council

1.2.2 Nominations must be of a person who has formerly served as a councillor of Hartlepool Borough Council

- 1.2.3 Nominations must be in writing and may be submitted to the Chairman of the Council, the Mayor or the Chief Executive. A nomination should be signed by the person or on behalf of the group making the nomination and include an explanation of why the person nominated is considered appropriate to be elected as honorary alderman.

2. Consideration of nominations

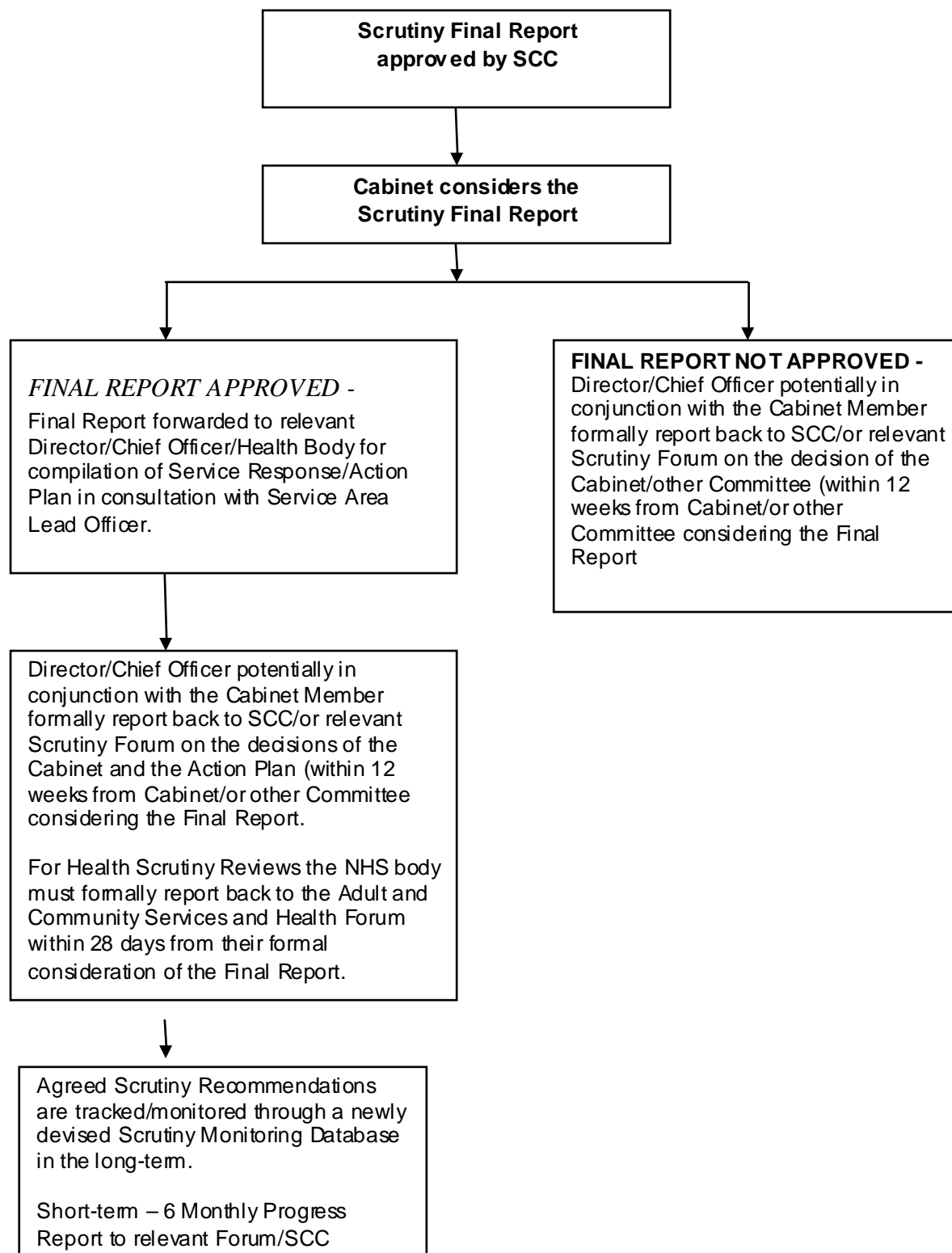
- 2.1 Nominations for election as honorary freeman and honorary alderman considered by the proper officer to comply with the requirements of para 1 (but for this purpose disregarding para 1.1.1) shall be referred to the next meeting of the Civic Honours Committee. The committee will consider each nomination (including its compliance with para 1.1.1) and may resolve to recommend the nomination to the Council. The committee shall comprise
- The Leaders/Co-ordinator of the three main groups (Labour, Liberal Democrat and Administrative Groups) or their subs
 - An independent member (the Mayor or his/her substitute)
 - One Resident Representative, and
 - One representative from the Community Empowerment Network (the Resident Representative and the representative from the Community Empowerment Network, being non-voting members of the committee)

(Note - the proper officer for the purposes of para 2.1 is the Chief Executive or his nominee)

- 2.2 A nominee whose nomination is resolved to be referred to the Council will be invited, on a confidential basis, to indicate whether s/he would accept the relevant honour if offered.
- 2.3 Following confirmation of the nominee's prospective acceptance, at the next ordinary meeting of the Council the Council will determine whether or not they are minded to elect the nominee as honorary freeman or alderman, as the case may be. Before the matter is considered the Chairman will invite the Council to resolve to exclude the press and public pursuant to Local Government Act 1972 sched 12A para 2.
- 2.4 If the Council resolve that they are minded to elect the nominee as honorary freeman or alderman the matter shall be deferred to be dealt with at an extraordinary meeting of the Council convened especially for that purpose.
- 2.5 The date for the extraordinary meeting to confer the honour shall be fixed either by the Council at the meeting referred to in para 3.4 or by the Chairman

APPENDIX 3

Suggested Procedure for the Decision Making Route For Scrutiny Final Reports



APPENDIX 4

Processing Referrals to Overview and Scrutiny

BODY	STATUS OF REFERRAL	TIMESCALES AND OTHER ISSUES
Council	Consideration mandatory	Must be considered within the timescale prescribed
The Cabinet and individual Cabinet Members:		
♦ Budget and policy framework draft document	Consideration mandatory	Must be considered within the timescale prescribed
♦ Advice on an item which will be subject to a key decision	Consideration mandatory	Must be considered within the timescale prescribed
♦ General policy development and advice	Consideration at discretion of the Co-ordinating Committee (Non-mandatory)	A decision not to examine must be justified and reported to Council and the referring body or individual
Neighbourhood Forums	Consideration at discretion of the Co-ordinating Committee (Non-mandatory)	A decision not to examine must be justified and reported to Council and the referring body
Regulatory panels and other committees	Consideration at discretion of the Co-ordinating Committee (Non-mandatory)	Referrals from regulatory panels would be unusual and clearly could not relate to particular cases or applications that are being considered. A decision not to examine must be justified and reported to Council and the referring body

Selection Criteria – Dealing with Non-Mandatory Scrutiny Topic Referrals

Scrutiny Co-ordinating Committee would assess the appropriateness of undertaking a scrutiny investigation of non-mandatory scrutiny topic referrals against the following selection criteria:-

- (i) Affects a group of people living within the Hartlepool area;
- (ii) Relates to a service, event or issue in which the Council has direct responsibility for, significant influence over or has the capacity to act as public champion;
- (iii) Not be an issue which overview and scrutiny has considered during the last 12 months;
- (iv) Not relate to a service complaint; and

- (v) Not relate to matters dealt with by another Council committee, unless the issue deals with procedure and policy related issues.

COUNCIL

26TH October 2006



Report of: Licensing Committee

Subject: GAMBLING ACT 2005

1. PURPOSE OF REPORT

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

2. BACKGROUND

- 2.1 The Gambling Act became law on 7th April 2005. Its purpose is to update and consolidate outdated legislation that controls gambling activities such as bingo, lotteries, slot machines, sports betting and casinos. The new law also addresses recent advances in gambling technology such as internet betting.
- 2.2 The Act is expected to take full effect on 1st September 2007 although much of the detail about its implementation, which will be contained in Regulations, has not yet been published.
- 2.3 The Act introduces a licensing framework for gambling activities, similar in many ways to the Licensing Act 2003. Licences will be required for gambling operators, premises being used for gambling activities and certain personnel responsible for overseeing gambling activities.
- 2.4 Unlike the Licensing Act however, local authorities will only be responsible for issuing premises licences. The newly established Gambling Commission will take responsibility for personal licences and operators.
- 2.5 There are five types of premises licence and a number of permits for additional activities. Premises licences will apply to: -
 - Casino premises
 - Bingo premises
 - Betting premises, including tracks and premises used by betting intermediaries
 - Adult gaming centres (for category B, C and D machines) and

- Family Entertainment Centres (for category C and D machines)
- 2.6 Additional permits will be required for the following purposes: -
- Occasional use notices or football pools authorisations
 - Temporary use notices
 - Permits for family entertainment centres
 - Authorisations for alcohol licensed premises
 - Clubs and Miner's Welfare Institutes and Travelling Fairs
 - Permissions for prize gaming
 - Authorisations for private and non-commercial gaming and betting
- 2.7 As with the Licensing Act 2003, there are a number of licensing objectives that form the cornerstone of the new Act. The objectives are: -
- Preventing gambling being a source of, associated with, or supporting crime and disorder
 - Ensuring gambling is conducted in a fair and open manner
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.8 Applications for premises licences will be made to the licensing authority which must grant the application unless representations are received from either Responsible Authorities or Interested Parties.
- 2.9 In the event that a representation is received a hearing must be held before Members of a duly appointed sub-committee.
- 2.10 Once granted, licences may be reviewed following an application to the licensing authority from either Responsible Authorities or Interested Parties. The Gambling Act permits the licensing authority itself to initiate a review if, for example, it has particular concerns relating to the premises or has received complaints.
- 2.11 As the result of a review of a licence, a licensing authority may: -
- Revoke the licence;
 - Suspend the licence for a specified time; or
 - Exclude, add or amend a condition attached to the licence
- 2.12 Licensing authorities are also required to publish a licensing policy detailing the principles that it proposes to apply when exercising its functions under the Act. This policy must be reviewed every three years although it can be reviewed more frequently if considered necessary.
- 2.13 The licensing policy must be approved and published no later than 3rd January 2007.

- 2.14 A draft policy has been prepared, based on a model published by the Local Authority Co-ordinating Body for Regulatory Services (LACORS).
- 2.15 This was considered by Licensing Committee on 28th June 2006 and again, following extensive public and trade consultation, on 20th September 2006.
- 2.16 The draft policy was also considered by Cabinet on 9th October 2006.

3. ISSUES FOR CONSIDERATION

- 3.1 Hartlepool Borough Council will assume responsibility for the licensing of gambling premises in September 2007. Prior to this a licensing policy must be published detailing the principles the Council will apply when exercising its licensing functions under the Gambling Act.
- 3.2 The Licensing Committee has recommended the adoption of a gambling policy as detailed in Appendix I.
- 3.3 The Licensing Committee has also recommended that the gambling policy contains a resolution that no casino premises licences will be issued by the authority. 'No Casino Resolutions' are expressly permitted by virtue of s166 of the Gambling Act.
- 3.5 Formal adoption of the gambling policy and a 'No Casino Resolution' are non-executive functions and approval by full Council is required.

4. RECOMMENDATIONS

- 4.1 That Council accept the Licensing Committee's recommendation and approve the draft gambling policy as detailed in Appendix I.
- 4.2 That Council accept the Licensing Committee's recommendation and approve the adoption of a 'No Casino Resolution'.

5. CONTACT OFFICER

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HARTLEPOOL BOROUGH COUNCIL

GAMBLING ACT 2005 POLICY

STATEMENT OF PRINCIPLES

JANUARY 2007

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Gambling Act 2005

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PART A

1. INTRODUCTION

The Gambling Act 2005 ("The 2005 Act") has provided for a new regime for regulating gambling and betting which will be introduced throughout the United Kingdom from 1 September 2007.

Hartlepool Borough Council ("The Council") along with other Local Licensing Authorities, is required, under the 2005 Act, to licence premises where gambling will take place. The Council is also required to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

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

Hartlepool Borough Council consulted widely in relation to this statement before finalising its content. Full details of the consultation are detailed at **Appendix A** to this document.

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

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

Licensing Team
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523354

E mail: licensing@hartlepool.gov.uk:

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

2. THE LICENSING OBJECTIVES

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

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

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

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

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

3. BACKGROUND

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

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

4. DECLARATION

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

5. RESPONSIBLE AUTHORITIES

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

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

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

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

6. INTERESTED PARTIES

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

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

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15. It will

also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

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

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

7. EXCHANGE OF INFORMATION

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

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

8. ENFORCEMENT

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

This licensing authority's principles are that:

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

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

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

This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice.

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

This licensing authority will also keep itself informed of developments as regards

the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

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

9. LICENSING AUTHORITY FUNCTIONS

Licensing Authorities are required under the Act to:

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

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

PART B PREMISES LICENCES

1. GENERAL PRINCIPLES

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

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

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

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

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

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

- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or

more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

- Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

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

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

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

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

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

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

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

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

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental

impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

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

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

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

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

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

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

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

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the

track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

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

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

2. ADULT GAMING CENTRES

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

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

- Proof of Age schemes
- CCTV
- Door Supervisors

- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices / Signage
- Specific Opening Hours

The list, however, is not exhaustive and applicants are recommended to consider the licensing objectives very carefully when applying for an Adult Gaming Centre.

3. (LICENSED) FAMILY ENTERTAINMENT CENTRES

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

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

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

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

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

4. CASINOS

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

5. BINGO PREMISES

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

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

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

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

6. BETTING PREMISES

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

7. TRACKS

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the

track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

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

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

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

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

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

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

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

8. TRAVELLING FAIRS

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

The licensing authority will also consider whether the applicant falls within the

statutory definition of a travelling fair.

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

9. PROVISIONAL STATEMENTS

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

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

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority's opinion reflect a change in the operator's circumstances.

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

10. REVIEWS

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

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

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. Licensing Authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. Unlike the Licensing Act 2003, the Licensing Authority may review Premises Licences in its own right on the basis of any reason it thinks is appropriate.

NB The Gambling Commission will be a responsible authority in premises licence reviews.

PART C
Permits / Temporary & Occasional Use Notice

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

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

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

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

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

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

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised

very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

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

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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most

likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

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

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

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

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

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

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

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

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

- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

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

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

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

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

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

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

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

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

5. Temporary Use Notices

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

6. Occasional Use Notices

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

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PART D**SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED UNDER THE GAMBLING ACT**

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

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CONTACT DETAILS/ADVICE & GUIDANCE

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

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

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

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CONSULTATION

The following organisations were consulted prior to the publication of this Gambling Policy. Consultation was carried out between 3rd July 2006 and 31st August 2006.

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

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

Subject: Food Law Enforcement Service Plan 2006/07

1. PURPOSE OF REPORT

To present the draft Food Law Enforcement Service Plan for 2006/07, which is a requirement under the Budget and Policy Framework, and seek Council's approval.

2. BACKGROUND

- 2.1 The Food Standards Agency has a key role in overseeing local authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.
- 2.2 On 4 October 2000, the Food Standards Agency issued the document "Framework Agreement on Local Authority Food Law Enforcement". The guidance provides information on how local authority enforcement service plans should be structured and what they should contain. Service Plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency.
- 2.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.
- 2.4 A Food Law Enforcement Plan for 2006/07 is attached as **Appendix 1** and takes into account the guidance requirement.
- 2.5 The Plan was considered and endorsed by the Cabinet on 29 August and 9 October and the Neighbourhood Services Scrutiny Forum on 20 September.

3. THE FOOD LAW ENFORCEMENT SERVICE PLAN

- 3.1 The Service Plan for 2005/06 has been updated to reflect last year's performance.
- 3.2 The Plan covers the following:

(i) Service aims and objectives:

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

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

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

(iii) Legislative powers and other actions available:

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

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

(v) A review of performance for 2005/06.

4. ISSUES

The main issues raised in the Plan are summarised below:

- 4.1 Staff absence as a result of a long-term part time vacancy, which was filled by a student Environmental Health Officer (EHO) in June 2005 on a temporary contract. Two EHO's on maternity leave from November 2004 to November 2005 with one officer resigning before her return and the other reducing her hours has resulted in a shortfall of both food hygiene and food standards (composition and labelling) premises inspections.

The shortfall has been minimised by the engagement of consultants to undertake inspections and by existing staff being encouraged to utilise the overtime scheme. This has resulted in 99% (85%) of food hygiene and 93% (94%) of food standards inspections being achieved (figures in brackets are for 2004/05).

- 4.2 There was one major food poisoning outbreak investigated in 2005/06 involving 92 persons. Seven suspect outbreaks were subsequently confirmed as viral in origin. 322 notifications of suspected food poisonings were received.

- 4.3 A total of 606 premises inspections were undertaken in 2005/06, together with 182 microbiological samples and 205 compositional/labelling samples, 23 of the samples were regarded as unsatisfactory, mainly as a result of high bacteriological counts and 27 were unsatisfactory as the labelling/composition was incorrect.
- 4.4 In February 2006 the Food Standards Agency introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses comply with relevant legislation. The Tees Valley authorities in partnership with training providers successfully received grant funding from the FSA to assist local business by providing free training and advisory visits to assist in implementing SFBB.
- 4.5 Animal feeding stuffs, which are to be included in this Plan, remains a low priority, as there are no manufacturers/producers of animal feedstuffs within the Borough. We will, however, undertake a small number of feeding stuff samples, targeting farms on which farmer's mix/blend animal feed.
- 4.6 The Food Standards Agency is encouraging authorities to employ an alternative enforcement strategy for low risk food premises by the employment of self-assessment questionnaires (as opposed to inspection). Given that low risk food premises often involve other legislation such as the Health and Safety at Work Act, it is intended to continue to inspect such premises.

5. RECOMMENDATIONS

- 5.1 It is recommended that the Council approves the draft Food Law Enforcement Plan 2006/07.

Draft



Draft

Hartlepool Borough Council

Food Law Enforcement Service Plan

2006/07

FOOD SERVICE PLAN 2006/07

This Service Plan accords with the requirements of the Framework Agreement on Local Authority Food Law Enforcement, and sets out the Council's aims in respect of its food law service and the means by which those aims are to be fulfilled. Whilst focussing primarily on the year 2006-07, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2005-06 and this aims to inform decisions about how best to build on past successes and address performance gaps.

1. **Background Information**

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

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

2. **Service Aims and Objectives**

Hartlepool Borough Council aims to ensure:

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

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

Service delivery broadly comprises:

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

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

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

3. **Policy Content**

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

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

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

Jobs and the Economy

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

Lifelong Learning and Skills

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

Health and Care

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

Community Safety

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

Environment and Housing

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

Culture and Leisure

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

Strengthening Communities

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

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

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

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

4. **Legislative Powers and other actions available**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Service Delivery Mechanisms

Inspection Programme

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

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

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

Food Hygiene:

Risk Category	Frequency of Inspection	No of Premises
A	6 months	10
B	12 months	144
C	18 months	387
D	24 months	1118
E	36 months or other enforcement	71
Unclassified	Requiring inspection/risk rating	129
Total		859

Food Standards:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	0
B	24 months	151
C	36 months or other enforcement	579
Unclassified		65
Total		795

The inspection programme for 2006/07 comprises the following number of scheduled food hygiene and food standards inspections:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Inspections
A	6 months	20
B	12 months	144
C	18 months	210
D	24 months	42
E	36 months of alternative enforcement strategy	40
Unclassified		79
Total		614

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

Product Specific Inspections :

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

Food Standards:

Risk Category	Frequency of Inspection	No of Inspections
A	12 months	0
B	24 months	115
C	36 months or alternative enforcement	106
Not classified		65
Total		286

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

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. It is estimated that such revisits are required in 10% of instances (some premises requiring more than one revisit to check compliance). For the year 2006/07, the inspection programme would generate an estimated 55 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

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

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

Public Health Services Portfolio Holder as part of the Neighbourhood Services Department plan update.

Port Health

Although Hartlepool is a Port Health Authority it is not a border inspection post.

Fish Quay

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

Alternative Enforcement Strategy for Low Risk Food Premises

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

Registration and Approval of Premises

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

The receipt of a food premises registration form initiates an inspection of all new food premises. In the case of an existing premises, where a change of food business operator is notified, other than at the time of a programmed inspection, an assessment is made of the need for inspection based on the date of the next programmed inspection, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 109 additional premises inspections will be generated for new food businesses during 2006-07.

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

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

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

There are 3 premises in the Borough, which are subject to approval.

Microbiological and Chemical Analysis of Food

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

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

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

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

The allocation for Hartlepool is 8,300 credits for the year 2006-07, which includes sampling of water supply in food premises and pool waters.

Points are allocated as follows:

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

A sampling programme is produced each year for the start of April. The sampling programme for 2006-07 includes national and regional surveys organised by LACORS and HPA/Local Authority liaison group.

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

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

Microbiological Food Sampling Plan 2006-07

April Local Shopping Basket Survey	May Fish Dish Survey LACORS Shopping Basket Survey Local Shopping Basket Survey FSA Raw Egg Survey	June Fish Dish Survey LACORS Shopping Basket Survey Local Shopping Basket Survey French Market
July Fish Dish Survey LACORS Shopping Basket Survey Local Shopping Basket Survey LACORS Mobile Food Vendors Survey	August Fish Dish Survey LACORS Shopping Basket Survey Local Shopping Basket Survey Mayonnaise Based Salads Survey	September Fish Dish Survey LACORS Shopping Basket Survey Local Shopping Basket Survey Mayonnaise Based Salads Survey FSA Raw Egg Survey
October LACORS Shopping Basket Survey Local Shopping Basket Survey Approved Premises / Locally Manufactured Products Imported Foods	November LACORS Shopping Basket Survey Local Shopping Basket Survey Home Made Soups, Sauces Meat Dishes Survey Imported Foods	December LACORS Shopping Basket Survey Local Shopping Basket Survey Home Made Soups, Sauces Meat Dishes Survey
January LACORS Shopping Basket Survey Local Shopping Basket Survey Home Made Soups, Sauces Meat Dishes Survey	February LACORS Shopping Basket Survey Local Shopping Basket Survey Internet Sales Survey	March LACORS Shopping Basket Survey Local Shopping Basket Survey Internet Sales Survey

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

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

- Pease pudding
- Black pudding
- Cooked pasta
- Cooked lamb
- Curried food
- Cooked ham
- Ready-to-eat dips
- Fruit used in preparation of meals / sweets e.g. apple, banana, strawberry, citrus etc.
- Profiteroles
- Raw shell eggs

Composition and Labelling Sampling plan 2006-07

MONTH	TEST	SAMPLES
April	No Sampling (processing feeding stuffs samples)	
May	Vitamin C in soft drinks	18
June	Meat Species in takeaw ay meals (joint initiative w ith Stockton)	7
July	Species of fish (fresh fish, fish fingers & similar)	12
Aug	Meat Content locally manufactured pies	2
Sept	Distinguishing between mayonnaise and salad cream in sandw iches & sandwich fillings	30
Oct	Calcium claims in cereal bars	7
Nov	Presence of animal fats in vegetarian meals	5
Dec	Fat content of snacks e.g. crisps	18
Jan	Added sugar or folic acid in breakfast cereals	5
Feb	Sodium, Calcium & Nitrates in mineral w aters	30
Mar	Peanut proteins in takeaw ay meals	7

Total samples = **141**

Feeding Stuffs

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

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

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

Feedingstuffs Sampling Plan 2006/07

April - June	0
July - September	1 from retail outlet (statutory statement)
October - December	2 from grain stores for mycotoxins
January - March	1 silage from farm for mycotoxins

Private Water Supplies

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

Food inspection

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

Provision of advice, educational materials and courses to food businesses

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

It is recognised that for most local food businesses contact with an officer of the service provides the best opportunity to obtain information and advice on legislative requirements and good practice. Officers are mindful of this and aim to ensure that when undertaking premises inspections sufficient

opportunity exists for business proprietors to seek advice. In addition, advisory leaflets produced by the Food Standards Agency are made available to business proprietors.

In February 2006 the Food Standards Agency (FSA) introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. The Tees Valley authorities in partnership with training providers successfully received grant funding from the FSA to deliver free training and advisory visits. Resources during the year will be directed towards this initiative

Guidance is also prepared and distributed to food businesses relating to changes in legislative requirements. The service also encourages new food business proprietors and existing businesses to seek guidance and advice on their business. It is estimated that 70 such visits will be carried out during the year.

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

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

Investigation of Food and Food-related Complaints

The service receives approximately 16 complaints, each year concerning food products, all of which are subject to investigation. An initial response is made to these complaints within two working days. Whilst many complaints are investigated with minimal resource requirements, some more complex cases may be resource-intensive and potentially affect programmed inspection workloads.

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

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

Investigation of cases of Food Poisoning and outbreak control

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

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

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

It is estimated that approximately 322 food poisoning notifications are received each year. Most cases are sporadic in nature and can be investigated as part of the normal day-to-day workload. It is recognised, however, that in the event of a major outbreak a significant burden is likely to be placed on the service and this would inevitably impact on the performance of the inspection programme.

Dealing with Food Safety Incidents

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

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

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

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

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

Whilst it is difficult to predict with any certainty the number of food safety incidents that will arise during any 12 month period, it is estimated that the service is likely to be notified of between 80 to 100 food alerts during 2006/07, a small proportion of which will require action to be taken by the Authority. This level of work can ordinarily be accommodated within the day-to-day workload of the service, but more serious incidents may require additional resources and may have an effect on the programmed inspection workload and other service demands.

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

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

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

Based on the number of complaints in 2005/06 it is estimated that approximately 16 such complaints will be received in 2006/07.

Feed Law Enforcement

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

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

Whereas previously the Authority had only 16 premises registered and no premises approved, EC Regulation 183/2005 extends the above requirement to nearly all feed businesses. This means, for example, that importers and sellers of feed, hauliers and storage businesses will now require approval or registration. Livestock and arable farms growing and selling crops for feed are also within the scope of the provisions of the regulation.

Liaison arrangements

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

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

Home Authority arrangements

The Authority has no formal arrangements with food businesses to act as Home Authority. Informal arrangements are in place with one manufacturer in the Borough. Consideration is to be given during the year as to the possibility of developing formal arrangements in future with this manufacturer.

The Authority is originating authority for two premises, a brewery and a soft drinks manufacturer. Regular visits are made to these premises to maintain dialogue with management and an up to date knowledge of operations.

General

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

Civic Centre
Victoria Road
Hartlepool
TS24 8AY

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

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

6. Resources

Staffing Allocation

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

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

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

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

3 x FTE EHO (with requisite qualifications and experience)

1 x 0.56 FTE Part-time EHO

1 x FTE Technical Officer Food

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

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

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

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

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

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

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

Financial Resources

The annual budget for the Consumer Services section in the year 2006/07 is:

	£000
Employees	721.2
Other	161.9
Support Recharges	117.8
Income	(146.6)
Net Budget	943.2

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

Equipment and Facilities

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

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

the inspection programmes, the recording and tracking of all food activities, the production of statutory returns and the effective management of performance.

During 2006/07 we will be migrating to the Authority Public Protection computer system

Training Plans

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

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

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

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

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

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

7. Service Review and Quality Assessment

Quality Assessment

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

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

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

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

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

Review

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2005/06.

This service plan will be reviewed at the conclusion of the year 2006/07 and at any point during the year where significant legislative changes or other relevant factors occur during the year. It is the responsibility of the Consumer Services Manager to carry out that review with the Head of Public Protection & Housing.

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

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

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

Performance Review 2005-06

This section describes performance of the service in key areas during 2005/06.

The Consumer Services Section experienced significant staffing difficulties throughout 2005-06. There has been one long-standing temporary part-time EHO vacancy and in June 2005 this was filled on a temp 1 year contract by student EHO working as Technical Officer, from November 2004 two EHOs started their maternity leave, leaving only the Principal Officer, one EHO and the Technical Officer to provide the service. One of the officers on maternity

resigned before returning in September 2005 and the other officer returned in November 2005. The loss of staff had significant effect on the performance of the service affecting the timetable for programmed inspections, the response and resolution of complaints, service improvements.

The services of a Food Safety Consultant have been engaged throughout the year to assist in undertaking the shortfall of category B to E food hygiene and medium to low food standards inspections. However, the use of Consultants has generated follow-up work such as revisits, which are carried out by the permanent staff. In addition existing staff have been encouraged to utilise the overtime scheme.

Inspection Programme

The food premises inspection programme for 2005/06 did not reach the target of 100%. Due to staffing difficulties during the year only 99% of Food Hygiene and 93% of Food Standards inspections were achieved. The outstanding inspections will be added to the programme for 2006/07.

Registration and approval of premises

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

Food Sampling Programme

The food sampling programme for 2005/06 has been completed. The microbiological results are:

Microbiological Sampling (1/4/05 - 31/3/06)

	Total number of samples	Number of Samples	
		Satisfactory	Unsatisfactory
<u>Bacteriological</u>			
Surveys			
Shopping Basket	152	131	21
Sandwich	5	4	1
Cooked Turkey	9	8	1
Eggs	2	2	-

The composition and labelling results are:

Food Standards Sampling (01.04.05 – 31.03.06):

Nature of Sample	Reason for Sampling	Satisfactory	Unsatisfactory
Locally Produces Foods	Fat Content	23	-
Breakfast Cereal	Salt Content	7	-
Locally Produces Foods	Pictorial Representation	12	-
Soft Drinks	No Added Sugar	6	-
Meat Products	Labelling Regulations	15	7
Fruit Juices	Water Content	24	-
Alcoholic Drinks	Alcohol Content	25	1
Ham / Turkey Sandwiches	Reformed Meats	38	10
Meat Products	Meat Species	13	1
Sandwiches	Labelling Regulations	14	8

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

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

Food Inspections

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

Promotional Work

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

To promote Safer Food Better Business (SFBB), in February 2006 resources were directed to delivery of the safer food tees valley initiative Resources did not allow for any further pro-active activities, although the team has continued to offer advice and information on request with 70 advisory visits to businesses being carried out during the year.

Complaints

During the year the service dealt with 15 complaints relating to the condition of food premises and food handling practice. In addition, 16 complaints of unfit or out of condition food, extraneous matter, mould and unsatisfactory labelling of food items were also received. These investigations have been undertaken all within our target of 2 working days; however, they have had some effect on performance of the inspection programme.

Food Poisoning

The service received 322 notifications of food poisoning during the year and investigated 7 outbreaks of infectious disease, most of which occurred in residential care homes and were found to be viral in nature. In addition there was a major food poisoning outbreak within the borough involving 92 persons. This placed a significant burden on the service and inevitably had an impact on performance and the inspection programme.

Food Safety Incidents

The Service received 99 food alerts from the Food Standards Agency during the year. All requiring action were dealt with expeditiously and in all but one instance without significant impact on programmed workloads. No food incidents were identified by the Authority that required notification to the Food Standards Agency.

Enforcement

During 2005/06, no emergency prohibition notices were served on businesses where formal cessation of a good activity was necessary however one voluntary closure of a premises took place. Six improvement notices were served on businesses to ensure compliance with food safety issues. No prosecutions or formal cautions were undertaken.

Improvement Proposals 2005/06

The following areas for improvement are identified in the 2005/06 Food Service Plan.

1. Feeding stuffs

We have implemented a sampling programme and are developing and implementing a documented procedure for feeding stuffs. This work however has not yet been completed due to staffing problems

2. Audit recommendations

We have work towards implementing the recommendations of the inter-authority audit and will incorporate good practice identified in other audits carried out within the Tees Valley Liaison Group. This work however has not yet been completed due to staffing problems

8. Key Areas for Improvement 2006/07

In addition to committing the service to specific operational activities such as performance of the inspection programme, the service planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2006/07.

1. To complete the process of approving / re approving relevant premises
2. To ensure that all relevant premises are registered under feed hygiene legislation
3. Review / internal audit of food quality system

Report of: The Executive (to be presented by the Regeneration, Liveability and Housing Portfolio Holder)

Subject: STATEMENT OF COMMUNITY INVOLVEMENT - ADOPTION

1. PURPOSE OF REPORT

- 1.1 This report requests Council to adopt the Statement of Community Involvement as amended by the Inspector.

2. INFORMATION

- 2.1 The Council at the meeting held in December 2005 approved the draft Statement of Community Involvement for submission to the Secretary of State. The Statement of Community Involvement was subject to a formal six week participation period from the date of submission (30th January 2006) to enable formal representations (of support or objection) to be made.
- 2.2 A total of 15 bodies made representations during this formal stage of consultation. Seven of the respondents made no comments. Three respondents supported the document. One representation from Hartlepool People felt that the document is hard to read and understand. One representation (made on behalf of the Royal Mail Group) whilst supporting section 6 of the SCI objected to Appendix 4 on the basis that the SCI does not identify in general terms which local community and other bodies will be consulted (soundness test iii – see paragraph 3.2 below).
- 2.3 The representations were forwarded to the Planning Inspectorate at the conclusion of the participation period, for consideration at an independent examination.

3 THE EXAMINATION

- 3.1 As these were all written representations, there was no need for the examination to be held in public.
- 3.2 The purpose of the examination, under the new planning process introduced by the Planning & Compulsory Purchase Act 2004, is to consider the soundness of the SCI on the basis of 9 'tests':
- i) minimum requirements for consultation set out in statutory regulations have been complied with;
 - ii) links with other community involvement initiatives are shown;
 - iii) local community groups and other bodies to be consulted are identified;

- iv) that community etc will be involved in timely and accessible manner;
- v) that the methods of consultation to be used are appropriate;
- vi) that there are resources to manage community involvement effectively;
- vii) how results of community involvement will be fed into preparation of planning documents is shown;
- viii) there are mechanisms to review the SCI; and that
- ix) the policy for consultation on planning applications is clearly described.

4.1 The Inspector's Report (a copy of which is attached as **Appendix 1**) is therefore set out on the basis of recommendations relating to these nine tests.

5 THE INSPECTOR'S RECOMMENDATIONS

5.1 The Inspector considered that tests 1, 2, 6, 7 and 8 have been met in the submitted SCI, but made recommendations for changes in order to meet the other tests. These changes are relatively minor and do not affect the overall substance of the document. Nevertheless, they are binding on the Council and there is no flexibility to amend in any way the Inspector's suggested additional text or its location within a specific paragraph (or bullet point) within the document.

5.2 In summary the recommendations for change (which are binding on the Council) relate to the following matters:

- inclusion in Diagram 1 and Table 1 of reference for need for an additional 6 week consultation exercise in the event of consultees suggesting alternative sites for development (recommendations R3 and R4);
- additional text to be included in the section on consultation on planning applications (section 6) relating to the need for developers to undertake early consultations with various statutory bodies (R7), to the period allowed for consultation (R5) and to the account taken of consultation comments (R6);
- additions to the list of consultees in Appendices 4 and 5 of the SCI (recommendations R1 and R8);
- correction of printing errors (recommendations R1 and R8); and
- removal of all references to previous stages of the preparation of the SCI (R10).

6 RECOMMENDATIONS

6.1 The recommendation is that the Council adopt the Statement of Community Involvement as amended by the recommendations set out in the Report of the Planning Inspector.

**Hartlepool Borough Council Statement of Community Involvement
(January 2006)**

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Hartlepool Borough Council's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks, the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is clear need in the light of tests in PPS12.
- 1.2 A total of 15 representations were received all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received, and these have been taken into account in the preparation of this report. Further information was requested from the Council in relation to Tests iv and v and this information is contained in Appendix B to this Report.

Test 1

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004.
- 2.2 This test is met.

Test 2

- 3.1 Section 3 of the SCI read in conjunction with the Guiding Principles based on the protocol between the Hartlepool Partnership and the Hartlepool Community Network (Section 4b of the SCI) acknowledges that the LDF is a way of delivering the aims of the Community Strategy, and states that the Council will work with the Hartlepool Partnership, the Local Strategic Partnership, to make sure that the content of the two documents complement each other and to avoid duplicating consultation exercises. The SCI also makes reference to other community strategies, such as the Corporate Communications Strategy, and states that consideration will be given to how these will be linked in terms of objectives and consultation.
- 3.2 This test is met.

Test 3

- 4.1 The Council has set out in Appendix 4 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. It is stated at Section 4c of the SCI that the Council holds a database of consultee details, and that this will be updated and expanded as necessary. Furthermore, the Council state in this section that they will consult with additional local stakeholders where appropriate.
- 4.2 As the umbrella group for the Post Office Property Holdings it is sensible for the Royal Mail Group Plc to be added to Appendix 4
- 4.3 Though the re-organisation of certain consultation bodies is acknowledged in Appendix 4 of the SCI I recommend an additional sentence be added to this effect.
- (R1) Add prior to the list of Specific Consultation Bodies in Appendix 4 the following:
- “Please note, this list also relates to successor bodies where re-organisations occur” and
add Royal Mail Group Plc to Appendix 4
- 4.4 Appendix 4 states that bodies identified in an italic typeface within brackets are those currently relevant in the Hartlepool context. However, the submission version of the SCI does not italicise these bodies.
- (R2) Italicise the bodies currently relevant in the Hartlepool context.
- 4.5 Subject to the recommendations above this test is met.

Test 4

- 5.1 Section 5a of the SCI (Diagram 1) shows that the Council will involve and inform people from the early stages of DPD preparation and Table 1 sets out the range of methods the Council will employ to do this. It shows that consultation will take place with the key stakeholders during the issues and options stage of DPD production in accordance with Regulation 25.
- 5.2 However, the submission SCI has failed to identify a key stage in the Development Plan process, in that Diagram 1 makes no mention of the need for a separate round of consultation if a DPD is concerned with allocations of land. The Council were asked to amend Diagram 1 to take account this stage in the process dealing with site allocation representations. The amended diagram provided by the Council is in appendix B. However the amended diagram does not place the Regulation 32/33 consultation in the correct place. The additional consultation required by Regulations

32/33 takes place where there are site allocation representations at submission stage and hence the additional consultation occurs after submission but before the examination. The consultation proposed as stage 2a by the Council is not required by the Regulations but is a stage that the Council is free to introduce if it wishes.

(R3) Replace the submission version of Diagram 1 with an amended version of that supplied in Appendix B to this report. The amended version should include a text box labelled Site Allocation Representations after stage 4 to read. "In the case of site allocation representations an additional 6 week consultation exercise will be carried out"

5.3 As a result I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.

5.4 Subject to the recommendation above this test is met.

Test 5

6.1 Section 5 Table 1 sets out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. The Council indicates (in Table 1) at what stages of Local Development Document (LDD) preparation the various methods might be employed.

6.2 However, as a result of the missing site allocation representations stage this table requires an amendment to take this into account. The Council were asked to provide detail of the methods of consultation proposed for this stage for insertion into Table 1 (see Appendix B). This needs amending to take into account the changes required by recommendation R3

(R4) Replace the submission version of Table 1 with the version supplied in Appendix B to this report amended to take into account R3 above.

6.3 The SCI acknowledges at Section 4c that the Council may have to provide extra support to facilitate consultation with certain groups or individuals, and proposes within Table 1 and Section 4b how they might do this. Section 4b read in conjunction with Appendix 3 explains how the Council will make their information accessible to all members of society, and sets out how they will meet requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.

- 6.4 I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.
- 6.5 Subject to the recommendation above this test is met.

Test 6

- 7.1 Section 7a of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. I am satisfied that the Council is alert to the resource implications of the SCI.
- 7.2 This test is met.

Test 7

- 8.1 Section 7b in conjunction with the box of Table 1 entitled 'Publicise the Council's decisions on representations received' explains how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council also propose to prepare reports at the end of the consultation period explaining how views have been considered and documents changed in light of the community involvement. The SCI states within the box in Table 1 mentioned above where these will be made publicly available.
- 8.2 This test is met.

Test 8

- 9.1 Section 8 of the SCI provides information on monitoring and review and confirms the Council's intent to review the SCI. Mention is made in this section to the role of the Annual Monitoring Report which will be used to consider the success and effectiveness of the SCI.
- 9.2 I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.
- 9.3 This test is met.

Test 9

- 10.1 The SCI at Section 6 describes the Council's policy for consultation on planning applications. Paragraph 6c meets the minimum requirements and provides detail of additional methods of

consultation. This section also distinguishes between procedures appropriate to different types and scale of application.

10.2 The SCI should make clear the length of time allowed for public comment on planning applications.

(R5) Add after the first bullet point in the first paragraph of Section 6c the following:

"A minimum of 21 days are normally allowed for representations on planning applications although bodies such as English Nature will be allowed a longer period of time to comment on applications where this is prescribed by legislation."

10.3 The SCI does not adequately deal with the question of how the results of consultation will be reported and how the results will be used to inform the decision making process.

(R6) Add after recommendation **(R5)** above the following:

"The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council."

10.4 Subject to the recommendations above this test is met.

Changes proposed by the Council

11.1 The Council have set out in their Regulation 31 Statement (May 2006) a number of proposed changes to the SCI in response to representations received on the submission document. These suggested amendments do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I therefore agree that they be included.

(R7) Add to paragraph 6.b.ii) of the document the following:

"Developers should also consult organisations such as English Nature, English Heritage, the Highways Agency and the Environment Agency at an early stage to discuss their proposals."

(R8) Add to the list in Appendix 5:

"Cleveland Emergency Planning Unit.
Twentieth Century Society."

11.2 On page 6 of the SCI there is a footnote reference (number 3) which has no supporting text. The Council were asked to rectify this omission and the missing text which is given below should be inserted into the SCI

(R9) Insert the following as footnote reference 3:

"The other part of the Development Plan is the Regional Spatial Strategy prepared by the North East Regional Assembly."

Conclusions

11.3 The Council should remove all references to previous stages of this document to reflect the final adopted status.

(R10) Remove all reference to previous stages of the SCI.

11.4 Subject to the implementation of the recommendations set out in this report, the Hartlepool Borough Council SCI (January 2006) is sound.

Keith Holland

Keith Holland

Inspector

APPENDIX A

Examination of the soundness of the statement of community involvement

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;¹
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

From: Planning Policy Statement 12: Local Development Frameworks

APPENDIX B

Diagram 1: Process for the Preparation of Development Plan Documents

Stage 1: PRE-PRODUCTION (EVIDENCE GATHERING)

This stage is concerned with gathering evidence about the area and in this connection the Council will consult relevant groups and organisations for information and commission independent studies as necessary

**Stage 2: ISSUES AND OPTIONS**

For some DPDs, the Council will publish an Issues and Options Report and an initial sustainability appraisal and will allow three months for comment on the content of these documents



The Council will consider the comments received and, in the context of the sustainability appraisal, decide upon its preferred options having regard to these comments and any new issues raised.
In the case of DPDs concerned with the allocation of sites, where comments suggest new or alternative sites, it may be necessary for an additional phase of consultation on these sites before the Council decides upon its preferred options (Stage 2a)

**Stage 2a: ALTERNATIVE SITES**

For DPDs concerned with the allocation of sites, the Council will undertake a further period of consultation on any new or alternative sites suggested in comments received as a result of the issues and options consultation at stage 2 above.



The Council will consider the comments received on alternative sites and, in the context of the sustainability appraisal of all sites, decide upon its preferred options.

**Stage 3: PREFERRED OPTIONS**

The Council will publish its Preferred Options Report and associated sustainability report, and invite representations for the statutory period of six weeks. The Preferred Options report will include an assessment of alternatives.

This and the previous stage on options are the main points where the community and other bodies with an interest in the planning process can influence the content of the document



The Council will have regard to representations received and set out in a 'Statement of Compliance' how it has addressed the main issues raised. Appropriate amendments will be made to the DPD to prepare it for submission. The sustainability appraisal will be finalised in the context of the amended DPD.

**Stage 4: SUBMISSION OF THE DPD**

The Council will publish the DPD (the Submission DPD), together with the Statement of Compliance and the sustainability appraisal and invite formal representations. There will six weeks allowed for these formal representations to be made

**Stage 5: PUBLIC EXAMINATION OF THE DPD**

An independent planning inspector will consider whether the DPD is 'sound' (see Appendix XX). Persons and organisations making formal representations (at stage 4) will have the right to be heard at a public examination. Procedural arrangements for the examination will be established by the inspector at a pre-examination meeting

Offer advice and assistance to, and develop the knowledge and skills of, people and groups with little previous experience of the planning system.	
At all stages of preparation as necessary	<ul style="list-style-type: none"> • provide officer advice and help; • arrange 'orientation' events for representatives of hard to reach groups, as required; • work with Hartlepool Partnership's and the Community Network to develop their roles as 'champions', encouraging participation in planning matters in their local communities and providing a community view on planning matters; and • promote the services offered by Planning Aid North amongst disadvantaged communities, the black and minority ethnic population, people with disabilities, young people and the elderly.
Seek views on the subject matter of the local development document	
During the early stages of the preparation of Local Development Documents (stage 1 of Diagrams 1 and 2)	<ul style="list-style-type: none"> • by holding open participation events/exhibitions where planners will be available to discuss issues on an individual basis; • by holding events, such as focus groups, for invited community representatives, organisations and individuals; • where invited and where possible, by attending other organisation's meetings; • by arranging specific events for groups who need particular encouragement to get involved, as required; • by giving presentations at the Neighbourhood Consultative Forums and Hartlepool Partnership inviting discussion and comment; and • by contacting organisations with a specific interest in the subject matter of the document.
Make available background documents used as part of the preparation process for Local Development Documents	
At Issues and Options, Alternative Sites , Preferred Options and Submission stages for DPDs (stages 2, 2a , 3 and 4 of Diagram 1) and at the Draft SPD stage (stage 2 of Diagram 2)	<ul style="list-style-type: none"> • by publishing all main documents on the Council's website in a downloadable form; • by distributing all relevant documents to statutory consultees as required by the regulations (see Appendix 4) • by making paper copies of the documents available either free or at a reasonable charge – where there is a charge additional copies of a document will be placed in the Central Library for lending purposes; • by placing paper copies of associated / background documents available to view in the Council's principal offices and the local libraries.
Publicise the availability of documents	
When documents are published (stages 2, 2a , 3 and 4 of Diagram 1 and stage 2 of Diagram 2)	<ul style="list-style-type: none"> • by notices / press releases in the local paper, on the Council's website and where possible in the Council newsletter (Hartbeat); • by notices in libraries and the main Council offices • by direct letter or email to statutory consultees and to other relevant bodies, organisations and individuals included in the LDF consultees database; and • where a document identifies a proposal relating to a specific area of land, by posting notices in prominent locations within the area and / or by distributing leaflets / letters to those most likely to be affected.
Provide opportunities for informal representations during preparation of documents	
At main stages during the preparation of Local Development Documents (stages 1 to 3 of Diagram 1 and stages 1 and 2 of Diagram 2)	<ul style="list-style-type: none"> • by holding open participation events/exhibitions where planners will be available to discuss issues on an individual basis; • by holding events, such as focus groups, for invited community representatives, organisations and individuals; • where invited and where possible, by attending other organisation's meetings; • by arranging specific events for groups who need particular encouragement to get involved, as required; and • by giving presentations at the Neighbourhood Consultative Forums, Hartlepool Partnership meetings and inviting comment.

Publicise opportunities for views to be expressed in the presence of elected members of the Council	
When issues are being considered at Council Forums etc. (eg between stages 2 & 2a, 2a & 3 and 3 & 4 of Diagram 1 and between stages 1 & 2 of Diagram 2)	<ul style="list-style-type: none"> by press releases highlighting when different aspects related to the preparation of proposals in Local Development Documents are to be considered at meetings of the Council, Cabinet and Planning Committee, relevant Council Scrutiny Forums and Neighbourhood Consultative Forums; and by issuing invitations to attend such meetings to members of the public or organisations whose views Council members particularly wish to hear, together with guidelines about the nature and scope of the speaking opportunity.
Provide opportunities for formal representations	
When DPDs are submitted (stage 3 of Diagram 1) and when Draft SPDs are published (stage 2 of Diagram 2)	<ul style="list-style-type: none"> by publishing at least one public notice in the local press (usually the Hartlepool Mail and the Northern Echo); by sending to any statutory consultees a copy of the document and any associated documents, together with a notice saying where the document can be inspected; by writing to relevant persons or organisations included on the LDF consultees database and to all those making comment at earlier stages of the document's preparation and attaching a notice indicating that a new document has been published, and where and when it can be inspected – some of these consultees will also be supplied with a copy of the document; by distributing forms for formal responses with all documents dispatched and to all local libraries, main Council offices and other appropriate locations where the submitted DPD / draft SPD has been placed for inspection by placing a statement on the website indicating where the document(s), can be viewed, together with when, how and to whom any formal representations should be sent; where a document identifies a proposal relating to a specific area of land, by posting notices in prominent locations within the area and / or by distributing leaflets / letters to those most likely to be affected; and by making forms for formal comments available on the website, with the facility to complete and reply on-line.
Try to Build Consensus and Mediate between Parties with Opposing Views.	
As necessary	<ul style="list-style-type: none"> hold meetings, as required, with selected individuals and groups to explore particular issues in more depth, and secure agreement on detailed policy wording; and facilitate the exchange of agreed and disputed information.
Publicise the Council's decisions on representations received	
After each stage where comment and other representations have been invited (eg. after stages 2, 2a & 3 of Diagram 1 and after stages 1 & 2 of Diagram 2)	<ul style="list-style-type: none"> by publishing a report setting out relevant comments and representations received at each stage of the preparation process and the Council's response to these; by notifying directly by email or post individuals and organisations submitting comments or formal representations to the Council – in some instances the Council will also send a copy of the report or relevant extracts; by sending copies of the report to relevant statutory consultees; by publishing the report on the Council's website; by making copies of the report available at the main Council offices, libraries and at any other locations where a related version of the local development document and associated documents (eg Sustainability Appraisal) were made available for viewing. by making printed copies of the report available for a nominal charge; and by advertising publication of the report in the local press and also in Hartbeat (the Council's magazine) if possible.

<i>Publicise the arrangements and timing of events in relation to the independent examination of a Development Plan Document</i>	
When dates for the pre-examination meeting and public examination have been determined (stage 5 of Diagram 1)	<ul style="list-style-type: none"> • <i>by notifying directly those who have outstanding objections to the development plan document;</i> • <i>by placing an item on the Council's website;</i> • <i>by publishing at least one public notice in the local press (usually the Hartlepool Mail and the Northern Echo);</i> • <i>by issuing press release(s) to the local media;</i> • <i>where possible, by placing an item in the Council's newsletter (Hartbeat); and</i> • <i>by posting notices in the main Council offices and local libraries.</i>

COUNCIL
26th October, 2006



Report of: The Executive (to be presented by the portfolio Member for Adult & Community Services)

Subject: ANNUAL LIBRARY PLAN 2006/07

1. PURPOSE OF REPORT

- 1.1. To present the Annual Library Plan for 2006/7 for Council's approval.

2. BACKGROUND

- 2.1 The Annual Library Plan is part of the Budget and Policy Framework of the Council.

The Annual Library Plan follows the unified planning approach introduced within Hartlepool Borough Council in 2006.

The plan includes an overview of achievements during 2005/2006, describes the service staff structure and key service partners. It describes how performance will be managed and what the service priorities are for 2006/2007. There is an action plan and summary of performance indicators.

This draft plan contains the additions resulting from the consultation process carried out during August.

- 2.2 The Annual Plan for 2006-7 is attached as a separate document.

3. DECISION MAKING ROUTE FOR THE ANNUAL LIBRARY PLAN

- 3.1 Cabinet 3rd July 2006, Neighbourhood Forums 9th, 10th and 11th August 2006, Scrutiny Forum 6th September 2006, Cabinet 9th October 2006, and subject to Cabinet approval, Council on 26th October 2006.

4. THE ANNUAL LIBRARY PLAN

- 4.1 Key proposals within the plan are the establishment of teams within the service to oversee the key areas of library service provision. Key service development areas focus on lifelong learning, reader development, ICT, and services to pre-school children. There will be a review of the way vehicle delivered services are provided. The library will also manage the hosting of the Northern Children's Book Festival in Hartlepool. This is the largest free

children's book festival in Europe and it is the first time it has been hosted by the town.

There have been a number of additions made to the plan as a result of consultation. These appear in the action plan in bold/italic in the copy of the plan submitted (appendix 1). They are summarised below with the relevant page number in the plan:

- Provision of suitable staff ICT training is now a specific action within the plan (20)
- Action to explore possibility of making the Central Library entrance appear less dark from outside. (21)
- The costs and benefits of abolishing lunch time closure in branches is to be investigated. (21)
- The implications and feasibility of extending Sunday opening to one or more branches in addition to the Central Library are to be explored. (22)
- A proposal to extend work with the Wharton Trust in order to investigate how service resources of the two organisation can combine to improve services at Brougham Annex Library. (22)

- 4.2** The review of vehicle services, and examination of scope for efficiencies in this part of the service is likely to involve the presentation of options which would have implications for some staff. All appropriate consultative and other relevant procedures are being adhered to in this matter.

5. RECOMMENDATIONS

- 5.1** The Council approves the Annual Library Plan 2006-7 as attached.

Appendix 1

Annual Library Plan 2006/07

DRAFT

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Introduction

The Public Libraries and Museums Act 1964 requires the 149 first tier English local authorities to provide "comprehensive and efficient" public library services.

The Act requires library authorities to provide access for people who live, work or study in their area to borrow or refer to books, printed material and pictures in line with their needs and requirements, free of charge. Since 1964 the development of new media formats, most notably in the areas of ICT, means that electronic media and internet access are now interpreted as part of library provision alongside printed materials. Also the role of the library as provider of community space for a wide variety of public purposes is seen as a key purpose of a public library service.

The terms 'comprehensive and efficient' are not quantified in the Act. However the ten Public Library Service Standards (BVPI 220), against which all services are annually measured are the means used to provide a definition. They are a set of targets across core provision areas. They are not based in statute and failure to meet one or more of the standards does not necessarily signify a breach of the 1964 Act. However, failure to comply with the standards has an impact upon the Comprehensive Performance Assessment (CPA) of the local authority.

Previously authorities were required to submit an Annual Library Plan to DCMS for assessment. This is no longer a requirement. However the submission of the Annual Library Plan to Council, and the public and stakeholder consultation included in this process ensures that approval of library services in Hartlepool is embedded in the local democratic process and is measured against the Council's constitutional principles of decision-making. It provides Members and public with opportunity to examine, review and influence how the library sets priorities and delivers services.

Overview 2005/6

Staffing

April 2005 saw the arrival of Jane Aiken as Reference Services Officer. The post had been vacant since the sudden death of Mary Hoban, the fondly remembered former Reference Officer in August 2004. Jane is a valuable addition to our staff with a background in both academic and public libraries and also in education. Susan Atkinson, who had contributed significantly as Borough Librarian since taking office in 2001, moved on from that post at the end of August to return to university. The following month Ann Russell, Senior Library Manager and Training Officer retired.

Graham Jarritt was appointed Borough Librarian in October and in January 2006 Chris Rogers, formerly of Hartlepool College of Further Education was appointed ICT Officer. This is the first time Hartlepool Libraries have appointed a professionally qualified ICT officer and this is a reflection of the expanding role ICT is playing in library service provision. A staffing re-structure to commence in April 2006 was produced to reflect the changing pattern of demand for services. The Reference Officer's role is expanded to include responsibility for developing lifelong learning provision. The appointment of a dedicated ICT officer means that Denise Sparrowhawk, who had previously been responsible for stock selection and for ICT, is now Stock and Reader Development Officer. Reader development is now identified by DCMS as one of the three core services required of a modern library service. Phyl Rafferty and Jayne Halliday take on senior posts supervising service development, staffing and staff development in all branches.

Following significant achievements, notably in development of Bookstart provision and also integrating library services with those of the Early Years Partnership, the responsibilities of Gill Slimings, Children and Young Persons' Officer are expanded. In 2006 Gill will also be coordinating the staging of the Northern Children's Book Festival Gala Day in Hartlepool. It is the largest European literary festival for young people and this will be the first time it has been held in Hartlepool.

Performance and achievements

The principal measure for libraries is BVPI 220, performance against the 10 Public Library Standards. The most recently published performance indicators show that none of the 149 authorities in England meet all 10 standards, but Hartlepool is one of only eleven top authorities who met 9 of them, maintaining Hartlepool's strong national reputation. Also the Home Library service met its substantially expanded targets within LPSA1 and has received a valuable reward grant.

Other achievements of note have been the introduction of the updated library online services, Talis Prism, which provides a more user friendly online access to

the catalogue, to book reservation, renewals and to posting information enquiries online to the Reference and Information section. Additionally online resources such as the Xrefer online reference database, the Encyclopaedia Britannica or the EBSCO journal article database, all services to which the library subscribes, are now available free of charge to all members of Hartlepool's libraries online from home, (or indeed from any internet connection). Previously these services could only be accessed from computers inside the library. Current technology now allows the bar-code number of a Hartlepool library ticket to be recognised and to act as a password. These ICT developments represent an important step. Remote, or virtual visits to library services will become a performance indicator in the future.

However progress has not been restricted to computer based services. Family Learning Week in October saw an exciting programme organised at the Central Library. Called 'Einstein in the Library', it commemorated the hundredth anniversary of the publication of the General Theory of Relativity and was organised in partnership with Hartlepool College of Further Education and the Institute of Physics. Events were held for schools during the week, and culminated at the week-end with two very popular family learning days. It represented a significant development in approach to lifelong learning for the library to find itself promoting natural science rather than arts and humanities focussed events. This programme, as well as making science and physics fun and accessible is also an attempt to contribute to addressing concerns about the decline in interest in physics as a school and Higher Education subject. A similar event is proposed for 2006.

More traditionally, The Foggy Furze Writers Group produced an excellent compilation of short stories and poems by local writers, entitled 'First Impressions'. In partnership with museums 'Their Past Your Future' combined WW2 history with work by young people looking at the past, the present and the future and reflecting on the many issues of war and conflict. Throughout the year a number of projects were held with young people and included groups in a number of libraries writing a radio play which addressed the theme of bullying and also another play conceived, written and illustrated by a group of looked after children.

The Bibliographic Services Section of the Library, and the Vehicle Delivered Services moved in November from Cromwell Street to their new offices and working area at the Carnegie Building, Northgate. Also worthy of note, the lighting system at the Central Library which had gone well past its sell by date and was causing many problems, including financial ones, was replaced through Neighbourhood Services with a new system which uses considerably less energy and provides much better lighting.

Finally, in January we were informed by John Mennear, the Assistant Director of Community Services, that the Culture Minister, David Lammy, wished to see an example of work with 'hard to reach' groups whilst visiting the region, and had

been directed to a project which had involved Hartlepool Libraries, Hartlepool Museum Service and Stonham Housing Trust. The result was a visit by the Minister to the Central Library and the opportunity for a number of members of staff to discuss their particular areas of work with him.



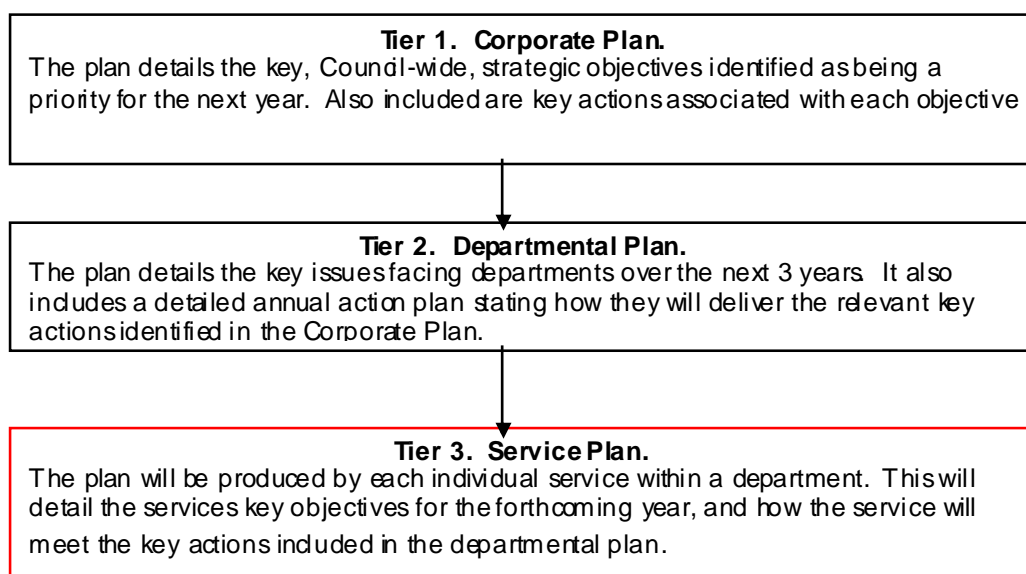
Culture Minister David Lammy (second from right) with (l to r) Penny Wilkinson (Chief Executive, Museums Libraries and Archives Council North East), David Lammy's Private Secretary, John Menear, (Assistant Director, Community Services), Nicola Bailey (Director, Adult and Community Services), Graham Jarritt, (Borough Librarian). Hartlepool Central Library Jan 27th 2006

Library Service Plan 2006/7

This section of the Annual Library Plan is the Library Service Plan for 2006/07 and forms part of the Council's overall Service Planning arrangements. The plan details the key priorities and issues facing the Library service over the next year, and includes a detailed action plan showing how these priorities will be delivered.

The plan details how the Library Service will meet the Council's key priorities as stated in the Corporate Plan and the Adult and Community Department's key priorities as stated in the Adult and Community Departmental Plan 2006/07-2008/08.

This plan should be looked at in conjunction with both the Council's Corporate Plan, and the Adult and Community Departmental Plan, that together form part of the Council's overall Service Planning Arrangements. Figure 1, below, demonstrates how the plans are linked: -



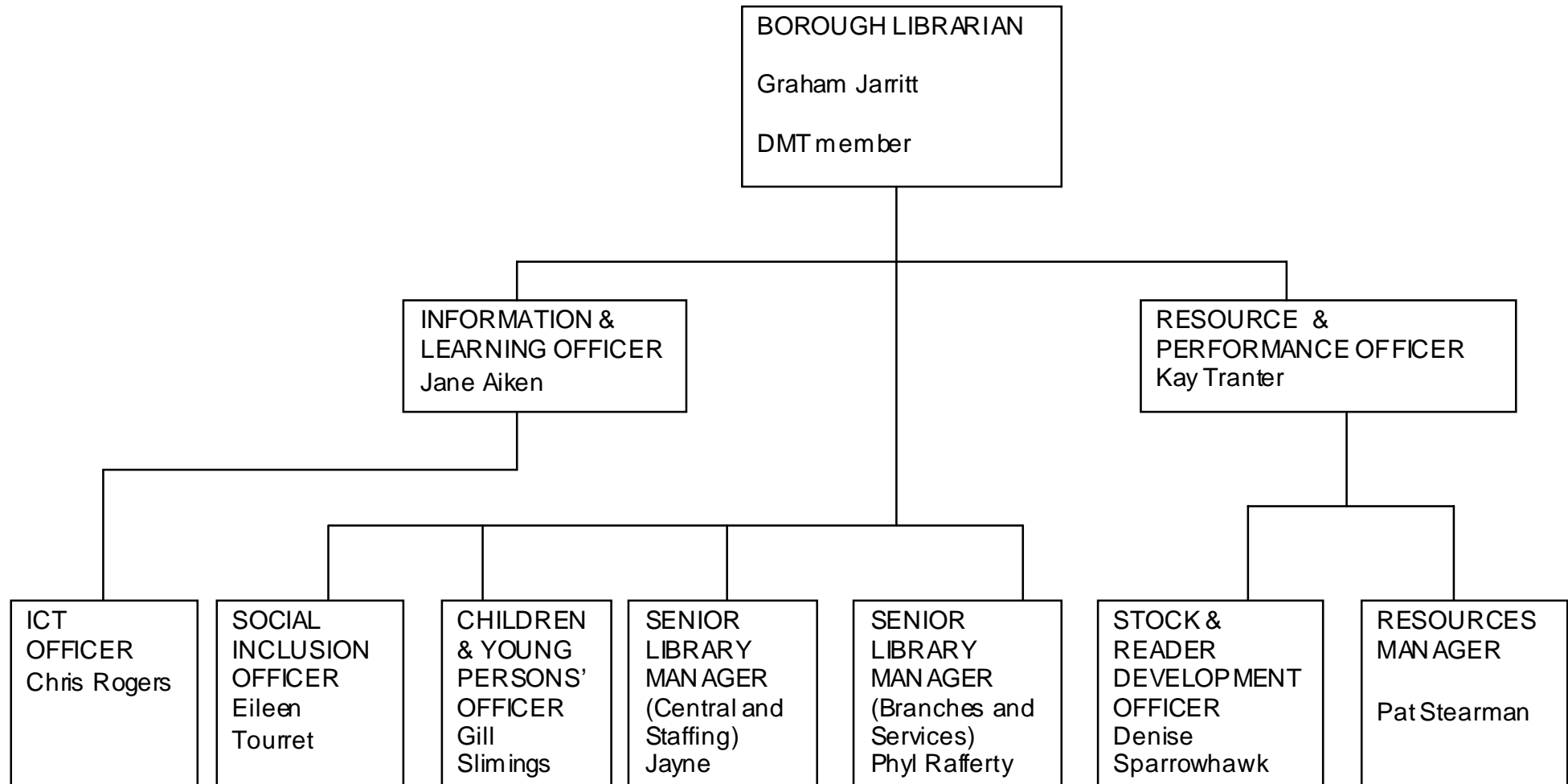
This approach ensures that any objective that appears in the Corporate Plan can be traced through the Departmental plan to specific actions in the service plan, and vice versa. It allows the employees delivering services to explicitly see how their actions contribute to the Council's overall objectives.

Service Structure

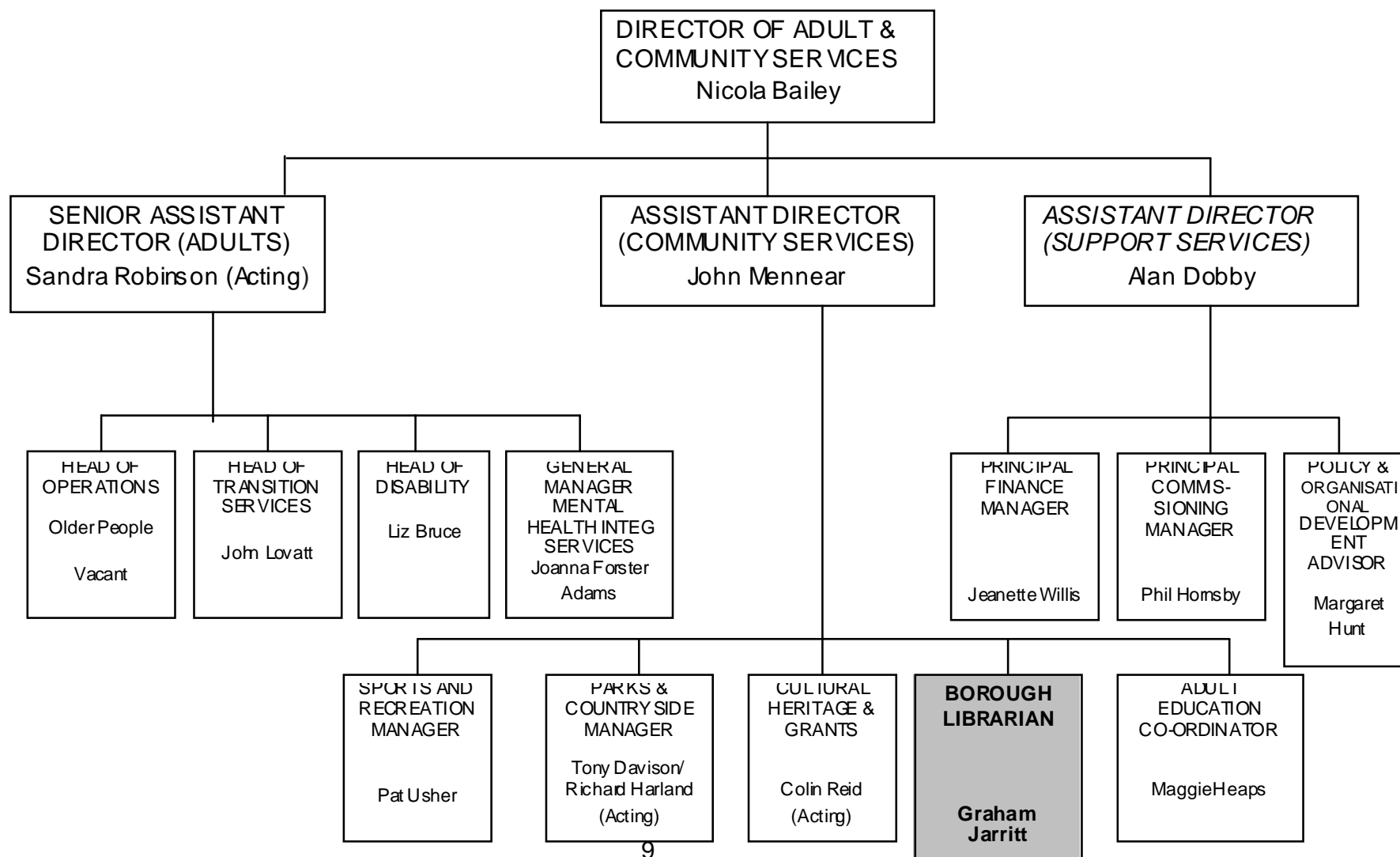
Contents

- The senior officer structure – DMT membership and management structure within the Library service
- Overview of departmental structure, and where the Library service sits in this structure.
- Individual service areas within the service.
- Links with other services/departments/organisations in providing joint/cross-cutting services

Library Service Senior Management Structure



Where Libraries fit within Adult and Community Services Departmental Management

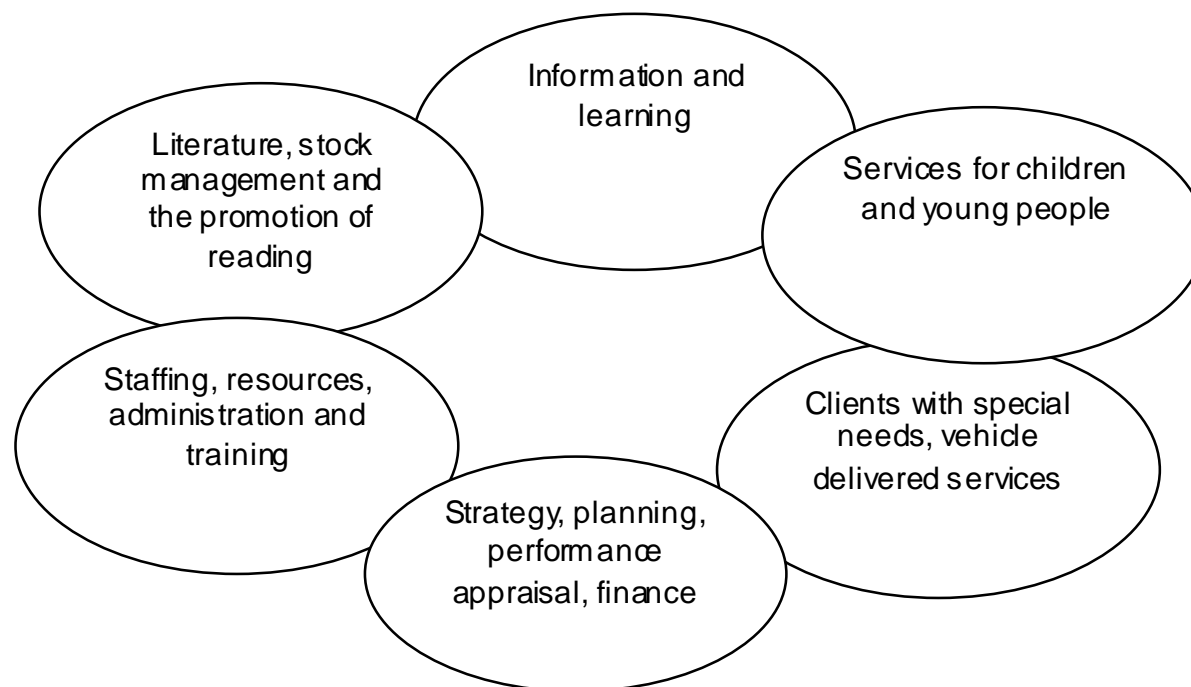


Service areas within the Library Service

Framework for the Future, the ten year forward plan for UK public libraries was published in 2003. It sets the following 3 areas of activity at the heart of Libraries' modern mission:

- The promotion of reading and informal learning.
- Access to digital skills and services including E-Government
- Measures to tackle social exclusion, build community identity and develop citizenship.

To plan and organise service development and delivery the six areas in the diagram below represent the principal divisions of service and responsibility (teams). At the same time, it needs to be recognised that there is a considerable degree of overlap with service delivery involving the coordinated action of more than one team.



Service area	Officers
Literature, stock management and promotion of reading	Resource and Performance Officer, Stock and Reader development officer. Senior Library Manager (Branches and Services) Resources manager
Information and Learning	Information and learning officer ICT Manager
Services for children and young people	Children and Young Persons' Officer
Clients with special needs, vehicle delivered services	Social Inclusion Officer
Staffing, resources administration and training	Senior Library manager (Central and Staffing), Resource and Performance Officer, Borough Librarian
Strategy, planning, performance appraisal, finance	Borough Librarian, Resource and Performance officer

Links with other services and organisations

The Library Service in Hartlepool works in partnership with a number of organisations and Services. Sometimes these arrangements are short-lived and focus on a single project. Others become established in a more sustained manner. A description of the more sustained working links is outlined below.

Partnerships primarily for work with children and young people:

- The Early Years Partnership, Sure Start, Health Visitors.

Libraries work with these partners as coordinator of the Bookstart scheme, which supports reading development for pre-school children.

- The Childrens' Information Service

Following the success of partnership work with the Bookstart scheme the Childrens' Information Service has now re-located to the Central Library.

- The Youth Service

Due to the fact that a large number of young people use the libraries as drop in centres or meeting points, since 2004 the Youth Service has employed a youth worker to be based in the Central Library. This has led to young people engaging in a large number of positive activities including The Duke of Edinburgh's award scheme.

- New Deal For Communities

Again, to build positive action from the use of the libraries by many young people, New Deal for Communities provides funding for the Library Service to provide a varied programme of activities and sessions, every day throughout school holidays at Central Library. This has proved a very successful and cost effective arrangement. It is necessary to address how this work can be sustained when NDC funding ceases

- Schools and Nurseries

Libraries work with their local area schools, providing both a library lending service and also additional services such as library and information skills training and storytimes. Services are also provided to nurseries, who are now included in the third phase of the Bookstart Programme.

Partnerships and working links for services primarily for adults

- Adult Education Dept.

Libraries work with the Adult Education Service in a number of ways, as a provider of learning materials, as a venue for classes and as a partner for the development of joint educational projects. The recent Council re-structure has added impetus to joint working relations.

- Hartlepool College of Further Education

A partnership agreement exists between the Library and the College, which allows for staff work experience exchanges and promotes mutual usage of both resources.

- Inspire

This is a national library networking programme to enable learners to access any appropriate library collection, irrespective of the status of the learner or location of the materials. The local public library is the access point to this service, which enables the user to access hitherto inaccessible resources in, eg, an academic library.

- Tees, Esk and Wear Valley NHS Trust, MIND

The Library Service is working with these organisations to provide a specialist collection of books for helping people with mental health difficulties as part of a 'books on prescription' initiative.

- Museums, Archaeology.

These are services where there is often a link, which calls for joint working. Recent examples are the "Their Past, Your Future" WW2 events, The "Dig, Dive and Discover" project and the Port Cities digitisation project.

Professional Links

National guidance and management of public libraries operates through the Department of Culture, Media and Sport, (DCMS), which is the responsible Government Department, and the Museums, Libraries and Archives Council (MLA), which is the national development agency.

Consultation and information relating to national policy is managed substantially at a regional level. MLA North East is the regional section of the MLA. There are also a number of regional library specialist bodies which come under the overall management of Northern Chief Librarians, examples being the Northern Training Group, YEL (young people and education), and Reading North (literature and reading development). Hartlepool Libraries work closely with the other libraries in the Northern region and it is often that projects involve more than one authority, as is the case with the current Tees Valley Voices writing project, which involves libraries and adult education departments across the five Tees Valley Authorities, and the Northern Children's Book Festival which operates across virtually the whole region.

Performance Management

- **Monitoring and Reporting**

The action plan detailing how the Library service will meet its main objectives for the forthcoming year will be monitored constantly, reported regularly and reported to Departmental Management Team on a quarterly basis.

Throughout the year, in certain circumstances, it may become necessary to either remove or amend an objective or specific action from the action plan. This could be for a number of reasons, such as changing priorities or a delay in implementing a particular scheme through unforeseen circumstances. Any amendments to the plan will only be made with full agreement of DMT.

- **Reviewing the Plan**

As previously explained the action plan will be constantly monitored and reviewed, with any proposed changes being presented to DMT for agreement.

- **Communication**

External communication

Annual public consultation for libraries in Hartlepool will take place during August 2006. This will take place at Neighbourhood Forum Meetings, through the distribution of the Annual Library Plan with invitation to comment to stakeholders and the publication of information in library service points. Performance will be communicated through this process.

Internal communication

Internal communication includes communication within the library service, and communication within the Adult and Community Services directorate.

There are three levels of staff meeting within the library service

- Library section heads' meeting.

This is held fortnightly and is attended by library senior managers.

- Service team meeting.

This meeting is held monthly and is the business meeting for all Library service point managers. It is also attended by some of the senior managers, especially when their service area is an agenda item.

- Service unit meetings:

These are monthly update meetings chaired by the service unit manager with service unit staff. The service units in the library are the six single branch libraries, the central library,

13 (a) (iii)

vehicle delivered services and bibliographic/resource services. In the case of the individual branches it has historically been difficult to involve all staff in a single meeting, and communication between manager and staff has tended to be a series of individual contacts. The appointment of the new post of Senior Library Manager, (Branches and Services) means it will be possible to examine if there are improved ways of organising regular meetings with branch front-line staff.

Quarterly updates on performance management will be communicated through the meetings described above. A bi-monthly staff newsletter will also communicate library performance to staff.

Communication within the directorate.

- Community Services section heads meeting

This meeting is held fortnightly. This meeting allows all service heads within the section to review performance and discuss issues relating to performance management regularly.

- Departmental Management Team (DMT) meeting

Chaired by the Director of Adult and Community Services, this meeting is held fortnightly. Quarterly review of performance is a formal aspect of these meetings' agenda and purpose.

- Line Manager review.

Monthly meetings are held between the Borough Librarian and the Assistant Director of Community Services. Review and updates with regard to performance are part of these meetings purpose

Priorities

The following section details the priorities for the library service 2006/7 indicating initially how these relate to a) Corporate priorities, b) Departmental priorities.

The main priorities for the library service 2006/7 are described below, with some explanation and background. Following this the detail of how these priorities will be achieved is set out in the Action Plan. This sets out library service objectives and actions, provides relevant milestones and identifies responsible officers.

Section one – direct links to Corporate Plan

The Departmental Actions relating to the Library Service and linking directly to the Corporate Plan are

- Provide Knowledge, information and contact points for the community

This action links to Corporate Plan objective LAA29; “Enrich people’s lives, strengthen communities and improve places where people live through enjoyment of leisure, culture and sport”.

- To increase opportunities for participation in a wide range of cultural and leisure activity

This action links to Corporate Plan objective LAA 30; “Cultural and Leisure Services, including libraries, better meet the needs of the community, especially disadvantaged areas”

- Increase participation from priority groups

This action links to Corporate Plan objective; “Increase provision of high quality learning and skills opportunities that drive economic competitiveness, include participation of adults in learning and build social justice”.

Section two – direct links to Adult & Community Services Departmental Plan

Libraries are given responsibility for 4 actions within Adult and Community Services’ Departmental Plan;

- “To provide cultural and literary services in libraries and other venues for adults, young people and for families.” (LAA29)
- “Review current vehicle delivered library services and develop plan for delivering sustainable services” (LAA30)
- “To provide library services targeted towards hard to reach groups and individuals” (LAA30)

- “To explore opportunities for benefiting library service users and services through partnership work with adult services”

In the Departmental Plan this fourth action is linked to the Corporate Plan objective; “Increase provision of high quality learning and skills opportunities that drive economic competitiveness, include participation of adults in learning and build social justice”. This emphasises the scope for a close working relationship between Libraries and the Adult Education Service, and it is the case that the two services are developing a number of areas of partnership working. However it is also meaningful to link this action to Corporate Plan objectives LAA 12 Mental Well-being; “To promote a positive approach to the mental well-being of Hartlepool residents”, and LAA13 Access to Services – “to support easier access to services which are integrated and tailored to individual need” as Libraries also plan to explore opportunities for working in partnership with sections of Adult Services in these areas.

The Adult and Community Services Department guiding vision is:

“To encourage comprehensive and collaborative links across a wide number of services and agencies – thus providing greater opportunities for people to learn; to be able to better access relevant vocational, cultural and leisure activities; and for care to be delivered in responsive, person centred ways”

The Departmental Plan also includes as a priority:

“Implementing the Framework for the Future of the Libraries.”

Framework for the Future is the 10 year forward plan for public libraries published by DCMS in 2003. It identifies the following three key roles for library services:

- Promotion of reading and informal learning
- Providing access to digital skills and services including E-Government
- Measures to tackle social inclusion, build community identity and develop citizenship

Section 3 – Library Service Plan priorities

Library priorities are governed by the expressed needs and requirements of the people of Hartlepool, the Corporate and Departmental plans of the Council, national guidelines and plans produced by DCMS and MLA, and the capacity of the Library management and staff.

Change is a significant influence on Library service thinking in producing the 2006/7 service plan. Over the previous nine months there has been a change of Borough Librarian and a staffing re-structure. Only two members of the senior management team have been in their current job for longer than one year. Libraries have also moved to the new Adult and Community Services Directorate. Alongside these structural changes,

implementation of the 10 year Framework for the Future forward plan involves ongoing change and development to what services are delivered.

The creation of the six teams (p 6) represents the way the library management sees its priorities for service development and delivery. Within each team area it is possible to examine current performance, to identify opportunities, to explore difficulties and improve practices.

Library Service Priorities for 2006/7 are:

- To consolidate, and where achievable, improve performance in the core public library services that contribute to Performance Management indicators.
- To support and develop services in the development areas identified in Framework for the Future:
 - Promotion of reading and literature
 - Lifelong learning
 - Development of ICT based services
 - Provision of services that promote social inclusion and support citizenship
- To improve communication, strategic awareness, teamwork, capability and capacity among staff.
- To develop partnership working where it is advantageous to developing better services and/or improving efficiency.
- To consult with the public and stakeholders to assess quality of services and scope for improvement.

Library Service Action Plan 2006/07

Corporate Plan LAA29 Enrich individual lives, strengthen communities and improve places where people live through enjoyment of leisure, culture and sport.					
Ref:	Objective	Action	Milestone	Responsible Officer	Associated Pls
	To provide cultural and literary services in libraries and other venues for adults, young people and for families.	Take part in Northern Children's Book Festival, delivering author visits to local schools and hosting Gala Day.	Nov 2006	CYPO	BVPI 220 PLSS 8
		To deliver a customer focussed library stock in which cost, supply times and management are monitored and adapted to optimise efficiency and customer satisfaction.	Mar 2007	RDO	BVPI 220, 119 PLSS 5, 7, 9
		To ensure that the data underpinning the library management systems is accurate, enabling the management of stock and catalogues to operate and support service delivery.	Mar 2007	RDO	BVPI 220 PLSS 5
		To host events which add value to and enhance enjoyment of literature.	Mar 2007	SRDO/CYPO	BVPI 220 PLSS 6, 7, 8
		Coordinate and deliver the Bookstart scheme.	Mar 2007	CYPO	BVPI 220

		To support the personal, cultural, social and educational development of children by providing an inclusive, friendly and secure library environment, appropriate resources and targeted services.	Mar 2007	CYPO	BVPI 220 PLSS 6, 7, 8
		To provide appropriate training and development for all staff.	Mar 2007	BL	
		<i>To ensure staff receive ICT training sufficient for them to effectively support the public in use of Library ICT services</i>	<i>Mar 2007</i>	<i>ICTO</i>	<i>BVPI 220</i>
		Develop and extend the network of reading and writers' groups across Hartlepool.	Mar 2007	SRDO/CYPO	BVPI 220 PLSS 7
		To establish targets for visitor numbers and issues in all service points	July 2006	SLM (B/S) & (C/S)	BVPI 220 PLSS 6
		To monitor reservation satisfaction timescales and take appropriate action to ensure targets are met	July 2006	SLM (B/S) & (C/S)	BVPI 220 PLSS 5
		Ensure that Reference and Information services are relevant and available to all.	Mar 2007	ILO	BVPI 220 PLSS 3, 4, 9
		Ensure all sections of the library work in partnership with other organisations as	Mar 2007	BL	

		appropriate. Participate in Summer Reading Challenge and it's promotion and evaluation.	Sept 2006	CYPO	BVPI 220 PLSS 6, 8
		To maximise the use of stock through a variety of promotional activities and presentation methods, linking with local, regional and national initiatives.	Mar 2007	SRDO/CYPO	BVPI 220 PLSS 7, 8
		Establish working relations with voluntary sector organisations in at least one area to explore partnership service delivery and produce feasibility study.	Mar 2007	BL	
		<i>To explore the costs and benefits and funding sources for improving the front entrance to the Central Library and to make it less dark</i>	<i>Mar 2007</i>	<i>RDO/SLM(C/S)</i>	
		To deliver service plan whilst ensuring suitable measures are in place to regularly monitor and review the budget.	Mar 2007	BL/RDO	
		To ensure effectiveness and quality of services is monitored appropriately.	Mar 2007	BL/RDO	BVPI 220
		<i>To investigate costs, benefits and practicality of abolishing lunch-time closure of branches</i>	<i>SLM (B/S)</i>		

Corporate Plan LAA30 Cultural and Leisure Services better meet the needs of the community, especially disadvantaged areas.					
Ref:	Objective	Action	Milestone	Responsible Officer	Associated Pls
	Review current vehicle delivered library services and develop plan for delivering sustainable services.	To review current vehicle service delivery in consultation with vehicle service staff	July 2006	SIC/BL	LIPCS 12a
		To draw up a costed draft proposal for re-organisation of vehicle services including providing expanded Home Library service in mainstream budget	Sept 2006		BVPI 220 PLSS 1
		To plan for public consultation on any potential changes to vehicle service delivery	Sept 2006		BVPI 220 PLSS 7
	To provide Library services targeted towards hard to reach groups and individuals.	Continue to deliver services inclusively and seek funding for value added projects.	March 2007	CYPO	BVPI 220 PLSS 6, 8
		To explore potential benefits, and also capacity, costs and funding sources for extending Sunday opening to one or more additional service point(s)	Mar 2007	BL	BVPI 220
		To extend partnership working with Wharton Trust to explore scope for benefit through greater integration of Brougham Annex Library with the	Mar 2007	BL/SLM(B/S)	

	Promote archaeology by education at all levels and to increase public awareness of and interest in the archaeology of the area	<p><i>Borough Library facilities and resources.</i></p> <p>To work with Adult Ed and other Skills for life providers to create opportunities for learning and development of literacy skills.</p> <p>To work with members of DMT to explore scope for partnership working in delivery of services to people with special needs.</p> <p>Work in partnership with Tees Archaeology to promote awareness and increase participation.</p>	<p>March 2007</p> <p>Mar 2007</p> <p>Mar 2007</p>	<p>SRDO</p> <p>BL</p> <p>ILO</p>	BVPI 220 PLSS 6, 7
Corporate Plan - Increase the participation of adults in learning.					
Ref:	Objective	Action	Milestone	Responsible Officer	Associated PIs
	Increase the participation of adults in learning particularly amongst priority groups.	To position the Library Service to maximise the opportunities for promoting learning to adults including priority groups.	Mar 2007	ILO	BVPI 220 PLSS 6, 7

	To explore opportunities for benefiting library service users and services through partnership work with adult services.	To build and strengthen partnership working practices with relevant Adult Education staff and to develop a joint programme of learning provision to maximise the impact of informal and formal learning.	Mar 2007	ILO/SRDO	BVPI 220 PLSS 6, 7
Corporate Plan LAA11 To support vulnerable adults to exercise choice and control and to retain dignity in all aspects of their life.					
Ref:	Objective	Action	Milestone	Responsible Officer	Associated Pls
	Increasing the number of people with a disability accessing further education, leisure, sports and recreation opportunities.	To investigate the use of new formats for library and information materials and how this may impact on access issues.	Mar 2007	SIO	BVPI 220 PLSS 6, 7

Corporate Plan LAA12 Mental Well-being – To promote a positive approach to the mental well-being of Hartlepool residents.					
Ref:	Objective	Action	Milestone	Responsible Officer	Associated Pls
	Community Services to contribute to the preventative mental well-being agenda by ensuring services are easily accessible to vulnerable groups.	To develop partnership working with relevant partners, notably Adult and Community Services, Tees Esk and Wear Valley Health Trust and MIND to develop services to contribute to the preventative mental well-being agenda	Mar 2007	BL	BVPI 220 PLSS 6, 7

Corporate Plan LAA13 Access to Services – to support easier access to services, which are integrated and tailored to individual need.					
Ref:	Objective	Action	Milestone	Responsible Officer	Associated PIs
	<p>To ensure compliance with the Council's Diversity and Equality policies and provide equal opportunities in service provision.</p> <p>To ensure community, cultural and recreation facilities and services are compliant with the DDA.</p>	To deliver service plan objectives whilst ensuring suitable measures plans, actions and officer responsibilities are in place to meet health and safety, accessibility, diversity and well-being requirements and standards.	Mar 2007	BL	
Corporate Plan LAA35 Strengthening communities – encourage freedom from discrimination and harassment. (CS SC8)					
Ref:	Objective	Action	Milestone	Responsible Officer	Associated PIs
	Improve public information across Adult and Community Services by increasing the % in accessible formats	Develop online services available from the library and carry out a programme to promote and educate the public in what is available and how to make best use of the ICT resources.	Mar 2007	ICTO	BVPI 220 PLSS 3, 4

Corporate Plan – improved access to and understanding of the public					
Ref:	Objective	Action	Milestone	Responsible Officer	Associated Pls
	Implement IT/IS improvement plan for Adult and Community Services dept	Ensure that the library ICT infrastructure is robust, and works efficiently and that it is developed in line with technological progress, and the requirements of the council ICT strategy and departmental ICT improvement plan to support the needs of the Library Service and its customers.	Mar 2007	ICTO	BVPI 220 PLSS 3, 4

Performance Indicators

The action plan detailed a number of Performance Indicators that will be used to measure the successful implementation of the actions. Those indicators are included in more detail in the table below. For those indicators that are only collected on an annual basis please indicate so in the 'Quarter 1 Target' Column.

Ref	Definition	Outturn 2005/06	Target 2006/07	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target
BVPI 220	Performance against the ten Public Library Standards	3	4	annual			
LPICS 12a	No Hs bound ppl rec home library service once evry3 weeks	508	505	annual			

COUNCIL

26 October 2006



Report of: The Executive

Subject: REQUEST FOR BUDGETARY PROVISION TO
CONDUCT LOCAL POLL

1. PURPOSE OF REPORT

- 1.1 To request Council to consider Cabinet's proposal to release additional budgetary provision to conduct a Local Poll in Hartlepool to determine the strength of feeling of the town with regard to the future of locality based health care services in Hartlepool (subject to the decision of the Cabinet taken 23 October 2006, to be reported verbally during the presentation of this report).

2. BACKGROUND INFORMATION

- 2.1 In light of the recent consultation arrangements undertaken by the Hartlepool Primary Care Trust with regard to its future shared management arrangements together with the Secretary of State for Health's recent decision to refer the provision of maternity and paediatric services in the Tees area to an Independent Reconfiguration Panel (an independent, advisory non-departmental public body that advises Ministers on contested proposals for NHS service change), as part of the Acute Service Review on Teesside, the locality focus of the future delivery and viability of health care services within the town is likely to be threatened.
- 2.2 In order to gauge the strength of feeling amongst the residents of the town in support of the full implementation of the Acute Service Review with emphasis being placed upon retaining the University Hospital of Hartlepool, the Authority's Cabinet at its meeting on 9 October 2006 considered the initial proposal to hold a Local Poll together with the statutory requirements and financial implications. At this meeting it was agreed that further exploratory arrangements were to be held with regard to feasibility of holding a Local Poll and that in light of the financial implications, approval should be sought from Council with regard to the allocation of additional resources to cover any related expenditure incurred to conduct a Local Poll.

- 2.3 Furthermore, the decision on whether to hold a Local Poll was to be determined by the Cabinet at their meeting on 23 October 2006 in light of the exploratory arrangements requested at their meeting on 9 October 2006. **Owing to Access to Information Rules, this report has been produced in advance of the Cabinet decision taken on 23 October 2006 therefore the request to seek additional budgetary provision from Full Council, will be based upon the outcome from this Cabinet meeting. As such during the presentation of this report, the decision of the Cabinet will be verbally reported.**

3. FINANCIAL IMPLICATIONS OF CONDUCTING A LOCAL POLL

- 3.1 The cost of conducting a local poll by a traditional election style would cost in the region of £70,000.
- 3.2 In identifying budgetary provision to cover the expenditure incurred to conduct a Local Poll, the proposals as outlined in Section 4 of this report are to be considered by Full Council.

4. PROPOSALS

- 4.1 Council is requested to consider the following proposals to provide a dedicated budgetary provision to cover any related expenditure incurred to conduct a Local Poll:-
- (a) to fund £18,500 from the Mayor's Contingency Fund;
 - (b) to fund £45,000 from the 2006/07 Final Council Commitments Budget;
and
 - (c) to seek the outstanding balance of £6,500 from the Authority's General Fund Reserves.

BACKGROUND PAPERS

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

- (i) Report of the Chief Executive entitled 'Future of Locality Based Health Care Services In Hartlepool – Proposal for Community Engagement via Local Poll' presented to the Cabinet meeting of 9 October 2006;
- (ii) Report of the Chief Executive entitled 'Future of Locality Based Health Care Services In Hartlepool – Proposal to Conduct Local Poll' presented to the Cabinet meeting of 23 October 2006; and
- (iii) Minutes of the Cabinet Meeting held on 9 and 23 October 2006.

COUNCIL REPORT

26th October, 2006



Report of: Executive

Subject 2006/2007 PRUDENTIAL BORROWING LIMITS AND
CAPITAL PROGRAMME UPDATE

1. PURPOSE OF REPORT

- 1.1 To provide Council with details of Cabinet's proposed variations to the approved 2006/2007 Prudential Borrowing Limits and Capital Programme in relation to the North Central Hartlepool and NDC Area Remodelling Housing Regeneration schemes.

2. REASON FOR SUBMITTING REPORT

- 2.1 Because of the limited time between meetings, a report was issued before Cabinet met on 23rd October, 2006, detailing proposals to provide temporary funding for the above capital projects. This report updates Council on the proposals now recommended by Cabinet.

3. INFORMATION PROVIDED TO THE COUNCIL

- 3.1 Cabinet recommends the following:
- i) an increase to the 2006/2007 Capital Budget for the North Central Hartlepool Housing Regeneration Scheme and NDC Housing Remodelling Scheme of £650,000.
 - ii) In the event that the capital receipts are not received before 31st March, 2007, to fund the resulting MRP of £104,000 from General Fund balances.
 - ii) Approve the necessary technical adjustments to the 2006/2007 revenue and capital budget and prudential limits to reflect the above recommendations.

CABINET REPORT

23rd October, 2006



Report of: Chief Financial Officer

Subject: 2006/2007 PRUDENTIAL BORROWING LIMITS AND CAPITAL PROGRAMME

SUMMARY

1. PURPOSE OF REPORT

1.1 To enable Members to approve variations to the approved 2006/2007 Prudential Borrowing Limits and Capital Programme to reflect the requirements in relation to the following housing regeneration schemes:-

- North Central Hartlepool Housing Regeneration Scheme
- NDC Area Remodelling Project

2. SUMMARY OF CONTENTS

2.1 The report advises Members of the risk of capital receipts not being received in the year, resulting in a temporary funding shortfall and recommends that this can be financed by Prudential Borrowing and also informs Cabinet of the revenue implications of this position.

3. RELEVANCE TO CABINET

3.1 The report enables Cabinet to determine the proposals it wishes to submit to Council to address the temporary funding shortfall for the above Housing Regeneration schemes.

4. TYPE OF DECISION

4.1 Variation to approved Budget and Policy Framework.

5. DECISION MAKING ROUTE

5.1 Cabinet on 23rd October, 2006.

5.2 Council on 26th October, 2006.

6. DECISION(S) REQUIRED

6.1 It is recommended that Cabinet seeks Council's approval to:

- i) increase the 2006/2007 Capital Budget for the North Central Hartlepool Housing Regeneration Scheme and NDC Housing Remodelling Scheme by £650,000.
- ii) In the event that the capital receipts are not received before 31st March, 2007, to fund the resulting MRP of £104,000 from General Fund balances.
- ii) Approve the necessary technical adjustments to the 2006/2007 revenue and capital budget and prudential limits to reflect the above recommendations.

Report of: Chief Financial Officer

Subject 2006/2007 PRUDENTIAL BORROWING LIMITS
AND CAPITAL PROGRAMME

1. PURPOSE OF REPORT

1.1 To enable Members to approve variations to the approved 2006/2007 Prudential Borrowing Limits and Capital Programme to reflect the requirements in relation to the following housing regeneration schemes: -

- North Central Hartlepool Housing Regeneration Scheme
- NDC Area Remodelling Project

2. BACKGROUND

2.1 Under the arrangements of the Prudential Code, individual authorities can, subject to the revenue affordability, determine their own capital investment levels. The Code requires the Council to set a number of Prudential Indicators. The relevant indicators were included in the 2006/2007 Budget and Policy Framework proposals approved by Council on 16th February, 2006.

2.2 In accordance with the requirements of the constitution, amendments to the Prudential Limits and Capital Programme need to be approved by Council. This report will enable Members to consider a proposed change to the approved indicators to be referred to Council.

3. ISSUES FOR CONSIDERATION

3.1 Members have previously been informed of the difficulties resulting from the timing of funding not matching the timing of expenditure in relation to the North Central Hartlepool Housing Regeneration Scheme and NDC Area Remodelling Projects. Although these projects are fully funded, there is a temporary funding shortfall arising from the timing of the capital receipts and grant funding. The Council previously determined to bridge these temporary funding shortfalls from Prudential Borrowing. Approval was obtained on 23rd June, 2005, to increase the budget for North Central Hartlepool and on the 27th October, 2005, for NDC scheme. These approvals covered the Council's funding requirement for 2005/2006 and totalled £4.812m.

3.2 Developers have now been secured for each site and are committed to purchase, with receipt of monies likely to be within the current financial year. However, there is a risk of the cash being received

later than expected. This could result in a temporary funding gap in 2006/2007. There is therefore a need to extend the Prudential Borrowing for a further year and revise the budgets to reflect the latest estimated cost of the schemes. It is therefore recommended that the budget for these schemes be increased by an additional £650,000 to cover the temporary funding shortfall. The allocation of this amount to the two projects will be determined once the detailed funding streams for the two projects are finalised. The temporary Prudential Borrowing will be repaid when the capital receipts are received.

- 3.3 The Council is also pursuing an additional grant allocation from 2007/2008 to reduce the amount which needs to be funded from Prudential Borrowing. Officers are confident that this funding can be secured and this amount has been deducted from the amount to be funded from temporary Prudential Borrowing referred to in paragraph 3.2. In the event that the additional grant is not received officers will act to ensure the timing of expenditure matches the available funding.
- 3.4 Assuming Council approves the increase to the 2006/2007 Capital Budget for this scheme the necessary technical adjustment will be made to the appropriate Prudential Indicators.
- 3.5 The revenue cost of funding these schemes in 2006/2007 is expected to be approximately £310,000, which is higher than expected because of a delay in receiving the capital receipt. Of this, £206,000 relates to interest payable and can be funded from higher than expected investment income. The remaining £104,000 will only arise if the capital receipt is not received before 31st March, 2007, as the Council will then be required to make a Minimum Revenue Provision (MRP) in respect of the temporary Prudential Borrowing. This amount cannot be covered from investment income. It is therefore, suggested that this cost be funded from reserves.

4. RECOMMENDATIONS

- 4.1 It is recommended that Cabinet seeks Council's approval to:
 - i) increase the 2006/2007 Capital Budget for the North Central Hartlepool Housing Regeneration Scheme and NDC Housing Remodelling Scheme by £650,000.
 - ii) In the event that the capital receipts are not received before 31st March, 2007, to fund the resulting MRP of £104,000 from General Fund balances.
 - ii) Approve the necessary technical adjustments to the 2006/2007 revenue and capital budget and prudential limits to reflect the above recommendations.

COUNCIL
26th October 2006



Report of: Chief Executive

Subject: BUSINESS REPORT

1. COMPREHENSIVE PERFORMANCE ASSESSMENT / JOINT AREA REVIEW

As members will be aware the authority is shortly to be the subject of a Comprehensive Performance Assessment (CPA) and Joint Area Review (JAR). This will take place over November and December.

There will be a preparation week for the CPA and JAR teams where they will be in Hartlepool, this is in the week commencing 6th November 2006 and the two inspection teams will be on site for the actual inspection from 27th November until the 8th December 2006. The inspection will be based upon a combination of site visits, interviews, focus groups and document reviews. We do not know at this stage whom the CPA inspectors will wish to meet as part of this process and they have informed the authority that we will be informed of this in early November.

2. APPOINTMENTS PANEL

Council will be aware that Dave Stubbs was appointed as Director of Neighbourhood Services on Thursday, 3 August 2006. Council was requested on 14th September 2006 to approve membership of an Appointments Panel for the post of Head of Neighbourhood Management. Consideration of the establishment of an Appointments Panel was, however, deferred until the post was considered by the Vacancy Monitoring Panel.

The Vacancy Monitoring Panel considered the post of Head of Neighbourhood Management, at its meeting on 20th September 2006, when approval was given to the post being filled. Council is, therefore, requested to approve membership of the Appointments Panel. In line with the Officer Employment Procedure Rules the Panel will consist of eight members, as follows:-

Mayor
Chairman of the Council

- 3 Labour Group nominations
- 2 Administrative Group nominations
- 1 Liberal Democrat Group nomination

Also, as identified in the Officer Employment Procedure Rules, Council is also requested to reflect the gender balance of the Council when nominating to the Panel. It is, therefore, suggested that Council nominate three female Councillors to the Panel.

Council is requested to approve the establishment of the Appointments Panel and nominate members accordingly.

3. MANOR COLLEGE – FOUNDATION STATUS

On 6th October 2006, the Director of Children's Services received a letter from the Chair of Governors of Manor College of Technology indicating that the governors have decided to investigate the possibility of seeking Foundation Status for the College. As part of this process they indicated that they would be seeking consultation with a wide variety of stakeholders during a four week period of consultation ending on 6th November 2006.

The Director of Children's Services has written to the Governing Body to clarify the procedures associated with their decision to investigate this possibility. A report will be taken to the meeting of the Children's Services Portfolio Holder on 27th October 2006 with a view to preparing an appropriate response to the Governing Body's consultation process.

A copy of the letter received from Manor College is attached to this report.

4. ANTI-SOCIAL BEHAVIOUR

At the last Council meeting on 14 September there was an extensive debate on anti-social behaviour and associated arrangements as referred to in the minutes. I have arranged to have a position statement prepared which is being circulated to all Members of the Council. In addition, I would note that a review of the arrangements, which seek to address anti-social behaviour in Hartlepool, is underway on behalf of the Safer Hartlepool Partnership and an initial report to the Executive of the Partnership and the Hartlepool Partnership Board is imminent at the time of writing.



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Director of Technology: Mr M G Robson, MA

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ASW/AJD

2 October 2006

Mrs A. Simcock
Director of Children's Services
Hartlepool Children's Services Authority
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

6 OCT 2006

Dear Adrienne,

Following the Government's amendments to the School Standard Framework Act which came into effect on 1st August, 2005 the Governors of Manor College of Technology have decided to investigate the possibility of seeking Foundation Status for the College.

Part of this process involves seeking consultation with a wide variety of stakeholders. The Governors wish to receive any comments you may wish to forward, and have allowed a four week period of consultation during which this may be actioned. The salient points involved are that a Foundation School owns its own assets, employs its own staff, becomes its own admission authority and gains the power to publish proposals for other changes to the school. More information is available on the DFES website www.dfes.gov.uk or by contacting the following Governors at Manor College, Mr F Reid and Mr M Lister. The consultation period ends on 6 November, 2006.

Yours sincerely,

Ken Watson

Ken Watson BA
Chair of Governors



AIR



POSITION STATEMENT ON ANTI-SOCIAL BEHAVIOUR (ASB)
REFERRED TO IN CHIEF EXECUTIVE'S REPORT TO HARTLEPOOL BOROUGH
COUNCIL MEETING ON 26th OCTOBER 2006

1.0 Purpose of Report

- 1.1 This report is a brief position statement on anti-social behaviour, providing some data on the general crime context and enforcement, an outline of partnership arrangements, the range of interventions available and the role of anti-social behaviour orders (ASBOs/CRASBOs) as one of a spectrum of enforcement tools, recognising the recent debate at Council. It relates to an item included in the Chief Executive's Business Report to Council on 26th October 2006.

2.0 Background

2.1 Definition of Anti-Social Behaviour (ASB)

Hartlepool has adopted as its definition of ASB, the description in the Crime and Disorder Act 1998, which states that a person is guilty of anti-social behaviour when they have "acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not in the same household as the perpetrator". This definition gives a wide meaning and its flexibility is considered by government to be a strength, though it means that it is interpreted differently in different areas and comparisons from one area to another are difficult and complex. The test which must be met is that which will be applied by the Courts, i.e. one of reasonableness.

- 2.2 There are a wide variety of activities which fall into the definition of anti-social behaviour, ranging from milder activity such as ball games in inappropriate areas, to serious criminal violence. There are four main categories of anti-social behaviour as defined by the Home Office, and these are widely accepted to be anti-social by both practitioners and the public. They are set out in the table on page 2.

Misuse of public space	Disregard for community/personal well-being	Acts directed at people	Environmental damage
<ul style="list-style-type: none"> • Drug/substance misuse and dealing • Street drinking • Begging • Prostitution • Kerb crawling • Sexual acts • Abandoned cars • Vehicle related nuisance and inappropriate vehicle use 	<ul style="list-style-type: none"> • Noise • Rowdy behaviour (e.g. shouting and swearing & fighting) • Nuisance behaviour (e.g. urinating in public, setting fires, throwing missiles) • Hoax calls • Animal related problems 	<ul style="list-style-type: none"> • Intimidation/harassment (including on grounds of race and other forms of discrimination) 	<ul style="list-style-type: none"> • Criminal damage /vandalism • Litter/rubbish

2.3 Anti-Social Behaviour (ASB) - Causes and Solutions

There is “a range of factors which are strongly associated with anti-social behaviour by individuals. These factors tend to go together, so the chance that people will become drawn into anti-social behaviour increases as more are present. They include:

- Parenting – poor parenting skills, weak parent/child relationships and sometimes parental involvement in crime or anti-social behaviour.
- School – truancy and exclusion and schools where poor behaviour is not challenged enough.
- Community factors – living in deprived areas where there is disorder and neglect, peer involvement in anti-social behaviour.
- Individual factors – drug and alcohol misuse and early involvement in anti-social behaviour” (Respect Action Plan Home Office 2006).

The wide definition of anti-social behaviour and the broad causal basis for it requires a broad response across a range of agencies. “Just as the problems of anti-social behaviour are wide ranging, the solutions too must operate equally effectively on many levels. While an energetic and constructive police response is essential, it must be supplemented by engagement from a wide variety of partners” (Home Office 2006).

3.0 Comparative Data on Enforcement, Crime & Deprivation

3.1 Measurement of ASB

This is complex, in that the definition is subjective and wide ranging, subject to local interpretation and information is collected in different ways. As a result there are no national PIs and comparisons are difficult and complex to interpret appropriately. ASB13 forms are a local Cleveland Police system of issuing notices to individuals. They are used by Police Officers and Police Community Support Officers (PCSOs) to record information on individuals who are seen to be “misbehaving” or undertaking anti-social behaviour. A new system of inputting these forms into the Council's FLARE ICT system has been introduced, which together with the introduction of neighbourhood policing and a substantial increase in the number of such forms generated, creating a backlog which has now been cleared. Overall the number of ASB13 forms continues to be generated at a significantly increased rate by the neighbourhood policing initiative introduced in April 2006. In September an average of 95 per week were received, compared to average of 57 per week before April. This equates to a 67% increase.

3.2 Crime Levels Context

Overall crime levels in Hartlepool are reducing and in relative terms, outcomes are improving and the Safer Hartlepool Partnership is considered by Government Office and Home Office to be performing well. The exceptions among the categories of crime activity are violent crime levels and criminal damage.

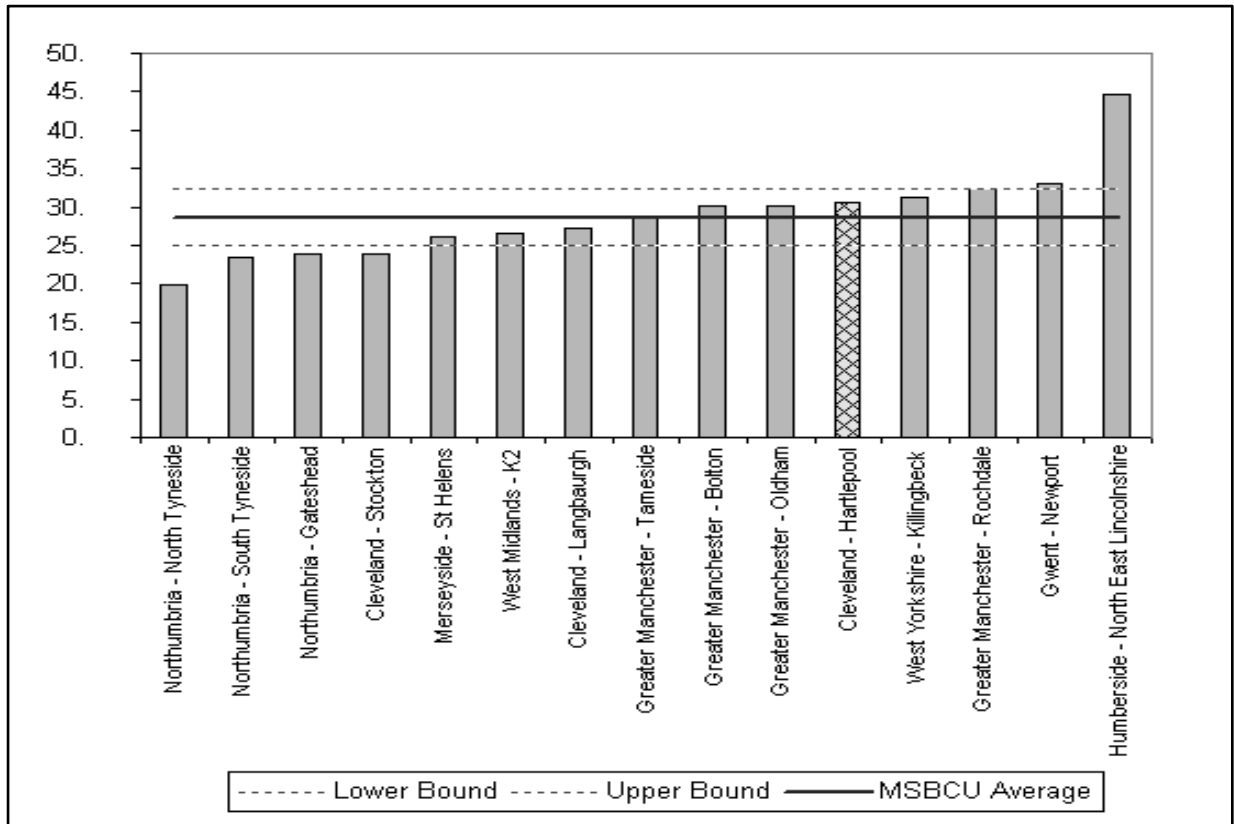
3.3 Surrogate Indicators for ASB

An initial report from a review by the Safer Hartlepool Partnership (see para 7.3) has compared and contrasted Hartlepool's enforcement outcomes to those of the most similar police districts or CDRP areas. The initial findings are due to be reported to the Safer Hartlepool Partnership Executive Group on 18th October 2006 and Hartlepool Partnership on 20th October 2006.

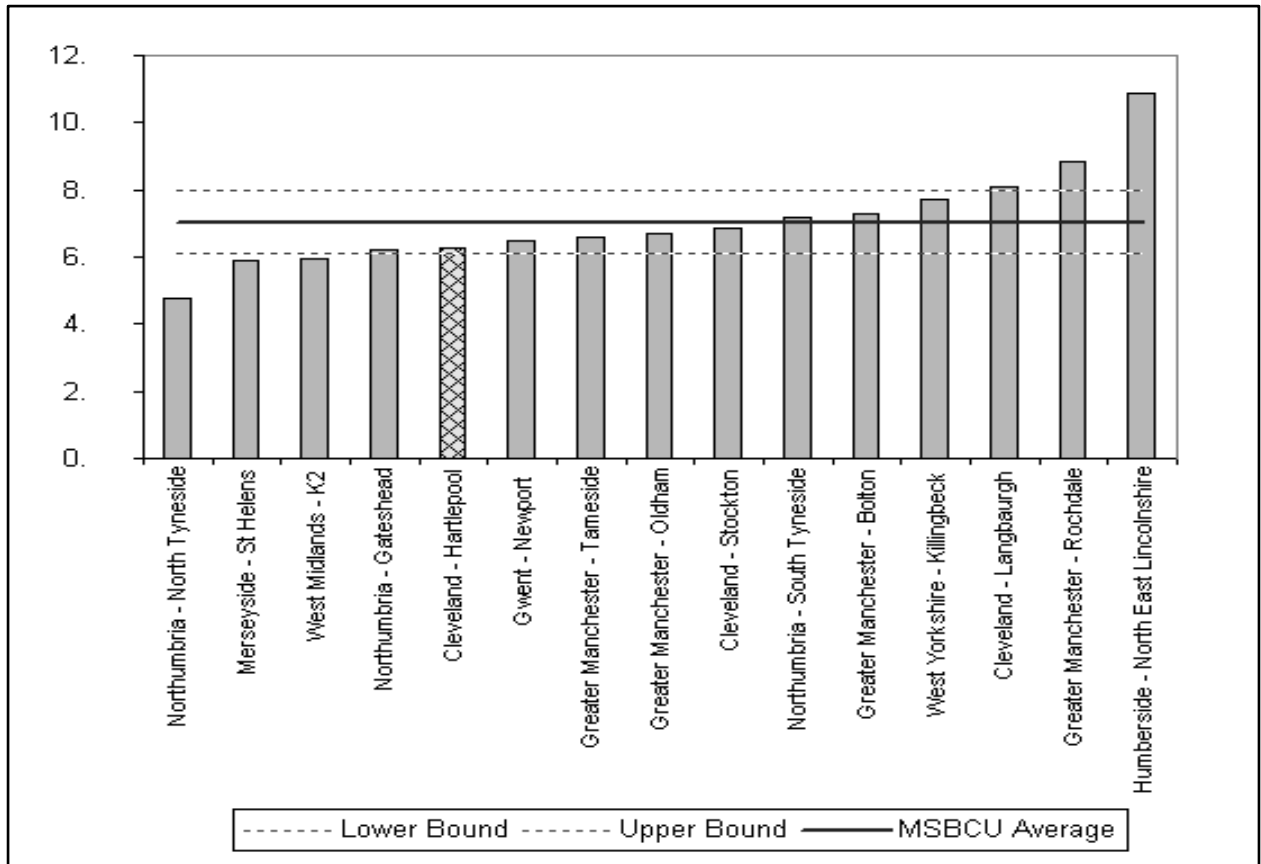
Comparison areas were selected on the basis of their improving performance on crimes associated with ASB. Middlesbrough was included for completeness in Cleveland Police Force area. The Tables below detail comparisons for deprivation, overall crime, criminal damage, violent crime and ASBOs/CRASBOs in those ‘most similar’ family areas. iQuanta is a performance system used by government departments to compare performance in similar areas.

Table 1 - **INDICES OF MULTIPLE DEPRIVATION – OVERALL RANKING**

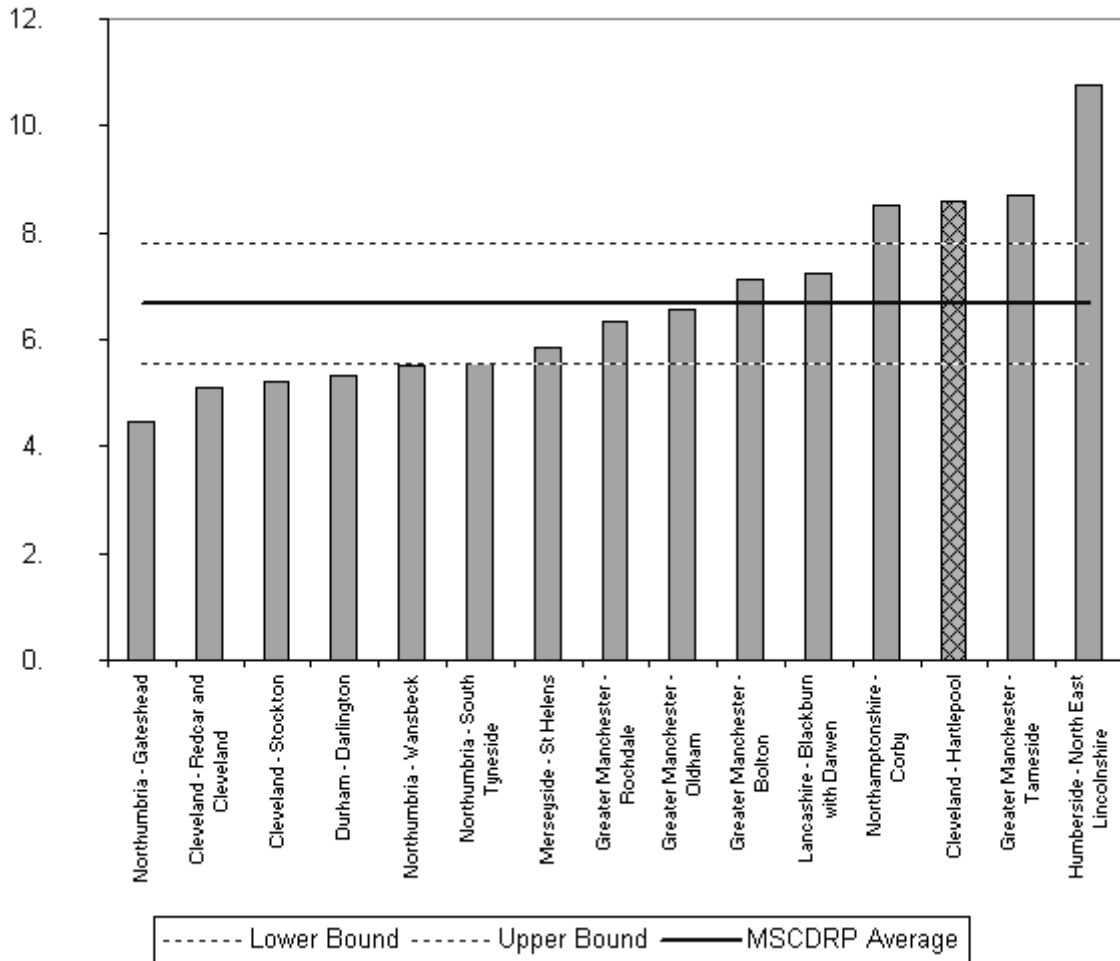
BCU	IMD District Rank (out of 354 Local Authorities – lowest most deprived)(2004)
Middlesbrough	10
Hartlepool	14
Newport	21
Gateshead	26
St Helens	36
Redcar	44
Stockton	75
North Tyneside	80

Table 2 - **IQUANTA RANKINGS - OVERALL CRIME****Overall Crime 01 May 2006 – 31 July 2006**

BCU	Crimes per 1000 Population
Northumbria – North Tyneside	19.921
Northumbria – South Tyneside	23.434
Northumbria – Gateshead	23.787
Cleveland – Stockton	23.905
Merseyside – St Helens	26.076
West Midlands – K2	26.536
Cleveland – Langbaugh	27.174
Greater Manchester – Tameside	28.682
Greater Manchester – Bolton	30.113
Greater Manchester – Oldham	30.229
Cleveland – Hartlepool	30.664
West Yorkshire – Killingbeck	31.274
Greater Manchester – Rochdale	32.331
Gwent – Newport	33.064
Humberside – NE Lincs	44.752
Cleveland – Hartlepool Family Avg	28.634

Table 3 – **IQUANTA RANKINGS – CRIMINAL DAMAGE****Criminal Damage – 01 May 2006 – 31 July 2006**

BCU	Crimes per 1000 Residents
Northumbria – North Tyneside	4.761
Merseyside – St Helens	5.896
West Midlands – K2	5.935
Northumbria – Gateshead	6.232
Cleveland – Hartlepool	6.293
Gwent – Newport	6.461
Greater Manchester – Tameside	6.588
Greater Manchester – Oldham	6.710
Cleveland – Stockton	6.868
Northumbria – South Tyneside	7.182
Greater Manchester – Bolton	7.288
West Yorkshire – Killingbeck	7.724
Cleveland - Langbaugh	8.097
Greater Manchester – Rochdale	8.854
Humberside – North East Lincolnshire	10.274
Cleveland – Hartlepool Family Avg	7.043

Table 4 – **IQUANTA RANKINGS – VIOLENCE****Violent Crime 01 May 2006 – 31 July 2006**

BCU	Crimes per 1000 Residents
Northumbria – Gateshead	4.460
Northumbria – North Tyneside	4.572
Cleveland – Langbaugh	5.113
Cleveland – Stockton	5.203
Northumbria – South Tyneside	5.532
Merseyside – St Helens	5.851
Greater Manchester – Rochdale	6.335
West Yorkshire – Killingbeck	6.474
Greater Manchester – Oldham	6.554
West Midlands – K2	6.837
Greater Manchester – Bolton	7.110
Gwent - Newport	7.414
Cleveland – Hartlepool	8.601
Greater Manchester – Tameside	8.698
Humberside – North East Lincolnshire	10.747

Cleveland – Hartlepool Family Avg	6.572

Table 5 – NUMBER OF ASBO / CRASBO / ABC (AVAILABLE DATA)

BCU/CDRP	ASBO	CRASBO	Rate of ASBO/CRASBO per 10,000 population	ABC	ABA	ASBI
Gateshead	9	13	1.15	32	-	-
Hartlepool	3	14	1.89	18	12	-
Middlesbrough	49	17	4.80	-	-	-
Newport	51	-	0.27	17	-	6
North Tyneside	40	-	2.08	-	230	-
Redcar (Langbaugh)	15	18	2.4	-	15	-
St Helens	8	7	0.85	62	-	-
Stockton	24	7	1.70	26	-	-

3.4 Enforcement – Using ASBO/CRASBO as a Measure

As can be seen from the tables above, Hartlepool is the most deprived area in the family group (Middlesbrough isn't in same family but suffers greater deprivation), has high crime levels, and with exception of North Tyneside and Redcar (and Middlesbrough though this isn't in the same family), has highest rate of ASBO/CRASBO per 10,000 population. It would also appear that levels of crime, do not have any direct relationship to numbers of ASBO/CRASBOs enforced. However, relative to surrogate crime levels, the level of ASBOs/CRASBOs in Hartlepool appears to be relatively low. To bring Hartlepool's level to that of Middlesbrough, which has nearest similar surrogate crime levels, Hartlepool would need to have 44 ASBOs/CRASBOs

4.0 Partnership Working Arrangements

4.1 CRDP/Drugs Action Team

The Safer Hartlepool Partnership is established within LSP structure and reports to LSP Board. It is green rated and considered to be performing well by Government Office and Home Office. Outcomes have improved and crime generally has decreased. This statutory partnership is a requirement of the Crime and Disorder Act 1998, which requires designated organisations (including Local Authorities and Police Authorities) to work in partnership to reduce and prevent crime, disorder and drugs misuse. Every 3 years, a review of the previous 3 years performance must be conducted, an Audit document published setting out the findings from the review and consultation undertaken. The last Audit was published in 2004 and the Safer Hartlepool Partnership's strategy for crime, disorder and drugs covers 2005 – 2008. Anti-social behaviour is one of the key objectives contained in this strategy. The consultation results show that ASB is second to drugs in the ranking of priorities. The Partnership produces annual action plans for each objective and the

Partnership's Planning and Performance group regularly reviews performance. During the summer 2006, this group identified dissatisfaction in the community with Partnership activity in tackling ASB and agreed to hold an event to consider performance in more detail. This has led to the preparation of a report for the Safer Hartlepool Partnership and Hartlepool Partnership, referred to in paragraph 3.3 and 7.3.

4.2 Inter-agency Working

The Hartlepool Anti-Social Behaviour Unit, as a joint Council and Police Unit, works in close partnership with a variety of public and voluntary sector organisations, such as:

- Hartlepool Police
- Housing Hartlepool/tenancy enforcement
- Hartlepool Borough Council (HBC) Housing - private sector housing team/landlord accreditation scheme
- The Cleveland Fire Brigade
- UNITE mediation service
- FAST team
- HBC Environmental Health Noise team
- HBC Trading Standards
- The Youth Offending Team
- Children's Services (Youth Service, Children's Fund, Educational social workers, school attendance, Child protection)
- Cool Project, at the various school sites
- Young People's drugs team (HYPED)
- HBC Planning Team
- HBC Estates Section
- HBC Environmental Enforcement Team
- Connexions
- HBC Adult & Community Services
- Hartbeat Barnardos
- Child and adolescent mental health services (CAMHS)
- Straightline project

4.3 Neighbourhood Policing

Hartlepool Police district was selected by Cleveland Police force to become its pilot area for Neighbourhood Policing, following our successful partnership approach with community involvement in problem solving in the Burbank and Rift House/Burn Valley Neighbourhood Action Plan (NAP) areas in previous years. The pilot commenced in April 2006 and established named police officers and police community support officers (PCSOs) in every ward. Five wards with the highest levels of crime, disorder and deprivation have more than two or three police officers and PCSOs. A total of 21 additional PCSOs were employed utilising community safety element of Neighbourhood Renewal Funding (NRF). Neighbourhood Policing aims to provide a more visible police presence in neighbourhoods and reassure residents. It focuses activity onto those problems which the community identify as of most concern to them. Each month the local ward officers conduct a visual audit of their area, encouraging residents, councillors and officers from

partner organisations to join them on a 'walkabout' within the area. Agreement on the top 3 concerns is reached and these problems become the priority to solve. Early signs are that police staff are more visible and residents report feeling safer in their neighbourhoods, but these extra staff are also coming across more ASB, which they record on ASB 13 forms.

4.4 Hartlepool Anti-Social Behaviour Unit (ASBU)

In April 2000, following a Scrutiny Enquiry during 1999/2000, the Council agreed to the establishment of an anti-social behaviour service, the purpose of which was:-

- to act as a first point of contact for complaints about anti-social behaviour, where no established mechanism is already in place
- to establish a system for logging and monitoring complaints and directing these to the appropriate agency
- where responsibility is not clear undertaking investigations
- to assist in the mediation of disputes
- collecting and analysing data on anti-social behaviour in order to better target resources
- to promote and facilitate better inter-agency co-operation in responding to and tackling anti-social behaviour, this must include a programme of meetings involving all the relevant agencies, including the Community Safety Partnership's Anti-social behaviour task group, to review progress

In 2003, Scrutiny Co-ordinating Committee conducted a further inquiry to update how the Council had contributed to tackling anti-social behaviour and consider the effectiveness of the actions. As part of this inquiry a visit was made in May 2004 to Redcar and Cleveland Council (an area of good practice) to assess how their combined Police and Council anti-social behaviour unit tackles anti-social behaviour. The Inquiry's final report concluded as follows:

- The definition of anti-social behaviour in Hartlepool should be as that defined in the Crime and Disorder Act 1998 (See 2.1 above).
- A key concern expressed was in relation to the resources required to ensure continuation and possible expansion of much of the work undertaken in relation to Anti-Social Behaviour as many of the present initiatives are financed via time limited funds (Neighbourhood Renewal, Children's Fund etc). Members had been impressed by the level of work undertaken and the results achieved. However, there were concerns expressed regarding long term sustainability of these programmes.
- Co-ordination of activity by the Police and the Anti-Social behaviour unit should be more closely integrated and this should be examined further. Although the Police and the local authority worked well together co-ordination and tasking of the staffing resources across the organisations may result in more effective use of resources.
- The importance of involving young people in the development of schemes and initiatives was stressed throughout the inquiry. Specific matters raised by members included the following:

- a) concern was expressed at the often negative portrayal of young people in the media and the effect this had on how they were perceived by residents.
 - b) the importance of involving young people in the development of schemes and initiatives to address anti-social behaviour and crime.
 - c) whilst it was recognised that large groups of youths could be very intimidating for other residents it was also felt that boredom was very often the starting point for anti-social behaviour problems. The Youth Service representative indicated that in a lot of instances young people simply did not understand where other residents were coming from in relation to their fears and lacked the necessary maturity to deal with the situations that arise. Despite this there was a concern that communities do have a tendency to short change, and typecast, young people and although the problems couldn't be remedied immediately, work was being successfully undertaken.
 - d) young people needed to be involved in the processes and to have their voice heard and work should be undertaken to ensure that mechanisms to deliver this needed to be put in place.
- Whilst the importance of punishment as a means of dealing with anti-social behaviour and crime was recognised attention was also drawn to the general importance of prevention. Schemes were being developed and Members felt that the model of good practice demonstrated by the Children's Fund project of intensive support to the whole family should be continued and supported.

Subsequent to and on the basis of these findings, a Redcar based model was adopted and the joint Council and Police Anti-Social Behaviour Unit (ASBU) was established with co-located staff in August 2004. The unit currently consists of 6.5 staff, including an anti-social behaviour coordinator. These include 3.5 staff funded through external funding and a seconded police officer.

4.5 Future ASB Strategy

An Anti-Social Behaviour Strategy is under preparation which will set out the vision and emphasis for the ASB over the next 18 months. This will be subject to consultation and approval by the Council and the Safer Hartlepool Partnership. This will establish the objectives for anti social behaviour interventions and the balance of emphasis and focus of activity and operation including enforcement. It will seek to ensure adoption of appropriate good practice where not already in place and address improvement to communication, feedback, information sharing, clear roles and effective targeting of persistent perpetrators of ASB and sufficient and effective use of resources. It is essential that there is clarity of all partner's roles in tackling ASB. The ASB strategy will then be reviewed as part of the overall review of the Safer Hartlepool Partnership's Strategy before April 2008

5.0 Range of Interventions

- 5.1 A range of prevention, diversion and enforcement options are available and applied in Hartlepool. Good practice support interventions include for example:

The FAST Project

The FAST project was established in second half of 2004/05 with funding from NRF. It is a consortium of community and voluntary organizations, working in partnership to provide a quick response to reported incidents of low level anti-social behaviour. FAST aims to work with families to reduce crime and disorder by offering a package of support for the whole family to prevent and reduce further incidents of anti-social behaviour. FAST is unique in that it is a consortium of voluntary and community sector organisations who have all signed up to a comprehensive protocol which outlines how they will work together, covering policies relating to recruitment, human resource issues, access to training, safeguarding children, health & safety, and equal opportunities. All practice is managed by the Co-ordinator (an experienced Social Worker) and who is managed by Hartbeat Barnardos, a national children's charity. All involved organisations have years of experience of working with children and their communities. Through the sharing of experiences, training and involvement in the management structure these partners are constantly increasing their professional capacity. Links that FAST have with neighbourhood wardens, residents, shop keepers, the anti-social behaviour unit, police, housing and other voluntary agencies offer young people and their families the opportunity to become more active in their own communities. By engaging and supporting young people, families and even whole streets, FAST responds in a unique way to anti-social behaviour – it responds to the issues behind the behaviour, as well as addressing the behaviour.

The Hartlepool Intervention Project

The Hartlepool Intervention Project (formerly known as the Family Support Panel) was developed from analysis of case records which showed that 70% of all complaints received by the Anti-social Behaviour Unit over a two year period concerned families with a long history of anti-social behaviour living in the NDC area. Typically these families tend to move regularly within the private rented sector, exhibit many risk factors associated with criminality and lack a holistic long-term approach to their problems. Consequently it was recognised that a range of intensive support, resettlement and enforcement measures needed to be implemented to stabilise families and hence improve the quality of life for local residents.

A funding package involving YOS, Children's Fund and NDC was put together to enable the HIP to respond to this need by employing a team of workers who support families to help them maintain tenancies and break the cycle of transient housing, as well as addressing other factors that are causing them to behave anti-socially. A part-time ASB Officer provides "enforcement" when support isn't working.

To ensure that families receive the most appropriate support membership of the HIP panel involves the following stakeholders:- Children's Services (Children's Fund, Social Care, Education, Learning Disability team), Hartlepool Families First, Hartbeat Barnardos, Youth Offending Service, Police, CAMHS, Housing Hartlepool, Strategic Housing, Fire Brigade and ASB Unit. The process is that potential families are identified by partner agencies. The referral criteria state that they must have been of concern to at least two agencies. Following acceptance by the HIP panel an assessment of needs is carried out and a focus group formed to support delivery of an agreed action plan. The HIP team of workers deliver this support. A positive evaluation was carried out after the project had run as a pilot for

six months. In this time, 117 referrals were received. The ages ranged from 10-17 years old. Of the 117 referrals received, 52 were Boys and 65 were Girls

The Straight Line Project

The Straightline Project was developed out of concerns that young people were becoming involved in a culture of drinking from a young age, without an awareness of the dangers, and causing ASB. An educational programme was developed by the PCT. The programme aims to teach young people about the dangers of alcohol consumption. Young people are identified from ASB13 reports from the police and attendances at A & E. A home visit is carried out to assess the candidate's suitability for the scheme.

Initially the programme was delivered in a three one hour sessions over a number of weeks. However experience showed that there were a number of young people (5%) who did not complete the programme. The delivery now takes place in an afternoon which takes place during school holidays.

An evaluation was carried out after the project had run as a pilot for six months. In this time, 117 referrals were received. The ages ranged from 10-17 years old. Of the 117 referrals received, 52 were boys and 65 were girls. The following comments were made in evaluation forms following the course.

- *"has changed attitude and now thinks of the consequences, don't drink as much"*
- *"has made a difference, stays away from friends who drink, will think twice, made her realise what she was doing to her body and how it upset her mum"*

When asked do you still drink alcohol, replies ranged from:

- *"no I don't drink at all now, only on odd occasions with family consent", to*
- *"yes, but not as much"*

The COOL Project

The COOL project was developed by the Safer Hartlepool Partnership in response to low level ASB in and around school premises. A multi-agency group comprising HBC (Community Safety, Sports Development, Housing), Police, HVDA and school head teachers developed the idea of organising 2 hour sessions after school for 8-14 year olds. The sessions comprise organised outdoor leisure activities such as hockey, netball, football, rounders and if the weather is inclement, indoor activities including arts and crafts. Originally, it was hoped that community volunteers would participate, but it soon became apparent that trained sports coaches and site co-ordinators were required, due to the large numbers of children and young people attending. Belle Vue Community Centre now co-ordinate 10 COOL projects at sites across the town.

General Diversionary Activities

The array of diversionary activities across the town is wide ranging, many are free, or there may be a small annual subscription, and for some there is a charge. Examples include the following:

- community groups such as Manor residents, OFCA, Brougham area residents, Headland Development Trust, provide activities for various age groups.
- 'uniformed' youth projects such as Scouts, Air Cadets, Brownies.
- statutory bodies such as Fire Brigade and Council provide structured (e.g. Young Fire Fighters, Youth Service) and informal (play areas, Summerhill, skate park) activities.
- a range of clubs for boxing, dance, football, rugby etc

Environmental Action

The Council provides a variety of services that seek to keep areas clean and safe including the following:

- Removal of graffiti
- Free drug litter collection service 24 hours per day
- Swift removal of abandoned and untaxed vehicles
- Removal of fly-tipping
- Boarding up service for empty houses
- Issuing of Fixed Penalty notices for littering, dog-fouling, bins/refuse left out on wrong day
- Operation Cleansweep has provided week long environmental activity in virtually every area of the town during past 3 years
- etc.

5.2 Landlord Licensing

Recent changes in housing legislation have introduced an opportunity for councils to determine that areas with 'low demand' for housing or ASB can be declared as areas requiring all landlords of privately rented accommodation to be licensed. This aims to improve council's control over the type of tenant being accommodated in these areas. Hartlepool is seeking to introduce 'tenant referencing' at the same time, so that landlords will be forced to check on their proposed tenant's suitability, covering information from a range of organisations including the police.

6.0 Enforcement Measures

6.1 The Role of Enforcement

Enforcement is a core part of the response to ASB in disrupting the activity of perpetrators of ASB. Cases are varied in their nature, for example:

- I. A simple case could involve the FAST team identifying the problematic group of young people and organising street based activities or 'sign-posting' the group to an existing activity in the area.
- II. A more complex case could involve ASBU staff co-ordinating other organisations responses to a family with excessive alcohol consumption leading to adults rowdy behaviour, noisy parties, street drinking, unruly and abusive children, non attendance at school etc.

- III. Extreme Anti-social behaviour is very often associated with families who have a range of social problems. Some will be criminal in nature (e.g. drug dealing), which require Police enforcement and complementary action from partners including ASBU.

6.2 Range of Enforcement Measures

A spectrum of enforcement measures are available to a range of agencies including the following:

- Warning Letters
- Acceptable Behaviour Contracts (ABCs)
- Fixed Penalty Notices (FPNs)
- Penalty Notices for Disorder
- Injunctions
- Anti-Social Behaviour Orders (ASBOs)
- Dispersal Orders
- Crack House Closures, where there is drug dealing and associated anti-social behaviour

6.3 Anti-Social Behaviour Orders (ASBOs/CRASBOs)

A recent and substantial review of guidance by the Home Office (August 2006) on ASBOs draws together an extensive range of best practice and makes it clear that:

- a) “the fundamental ethos of ASBOs remains that they combine the twin-track approach of enforcement a support. ASBOs are not a “last resort” and a recent case in Hartlepool demonstrates that if an individual's behaviour suddenly becomes extreme, then an ASBO application will be used as the first response, alongside any criminal prosecution. In the majority of cases, however, the warning signs via intelligence alert officers from variety organisations to an escalating behavioural problem.
- b) “there is no ‘naming and shaming’ ASBO are not intended to punish or embarrass individuals, but to protect communities. Information about orders obtained should be publicised to let the community know that action has been taken in their area. But a case-by-case approach should be adopted and each case should be judged on its merits. (NB children and young people under 18 are no longer automatically subject to report restrictions for ASBOs).

ASBOs are a key part of the potential range of tools available to seek to prevent anti-social behaviour. They are not regarded as a last resort intervention and where serious or persistent activity has emerged by perpetrators of ASB they have been used as an early intervention. They are not panacea however and nationally two-thirds are breached, leading to criminal proceedings. They can apply to anyone over 10 years old.

The Council's legal team has taken the lead role on taking forward through the courts recent applications for ASBOs. A procedure, with timescales for each stage, from consultation, through evidence gathering, to court application, has now been agreed between Council's legal team and the ASBU, in accord with best practice.

7.0 Review of Structure & Policy

7.1 National Policy

The government is giving significant priority to anti-social behaviour. It continues to issue new guidance including a recent major new guidance document on ASBOs in August 2006, and generally continues to adjust policy and legislation. For example, the development of the one-year review of ASBOs, consideration of extension of the range of “persons” with the power to issue fixed-penalty notices and initiatives such as the Family Intervention Programme

7.2 Local information sharing and coordination.

Complaints made to Housing Hartlepool concerning ASB or nuisance behaviour by their tenants have recently started to be recorded on the Council's FLARE computer system. Public complaints direct to the Police are still recorded on Police IT System.

Information sharing meetings are held with Council officers, who bring their case lists and discuss details on a face to face basis. In NDC area, this occurs weekly, and for other areas the ASBU has established regular fortnightly meetings.

Information from Police briefing meetings is shared on weekly basis within the ASBU.

The Joint Action Groups (JAGs) are multi agency problem solving groups following best practice and including ASBU team members. They were established in May 2006 for Neighbourhood Policing purposes in North, Centre and South areas. These groups meet monthly and again information is shared on problem areas and individuals associated with those areas as a basis for action.

7.3 Bid to Budget Process

In recognition of the increasing pressures generated by neighbourhood policing and raised expectations related to ASB and the ASBU, a bid has been submitted as a pressure into the Council's annual budget review process.

7.4 Safer Hartlepool Partnership Review

A review of the structure in place to address ASB in Hartlepool is under way following discussions with partners. An initial report is due to be reported to the Safer Hartlepool Partnership Executive and the Hartlepool Partnership. In addition the strategy towards anti-social behaviour is under review (see para 3.3).

Background Papers

A Guide to Anti-Social Behaviour Orders Home Office August 2006

Respect and Responsibility; Taking a Stand Against Anti-Social Behaviour White Paper CN 5778 Home Office 2003

Respect Action Plan; Respect Task Force based in the Home Office January 2006.

Together We Can Initiative (DCLG & Home Office)

Defining and Measuring Anti-Social Behaviour, Home Office 2004

COUNCIL
26th October 2006



Report of: Chief Executive

Subject: BUSINESS REPORT 2

5. CHANGE TO DATE OF NEXT COUNCIL MEETING – 14 DECEMBER 2006

- 5.1 The Cabinet at its meeting on Monday 23 October 2006, agreed that it is necessary to hold a Local Poll in Hartlepool to determine the strength of feeling of the town with regard to the future of locality based health care services in Hartlepool.
- 5.2 In doing so, Cabinet also considered the various time constraints in determining the proposed date for the Local Poll, mainly that the Secretary of State for Health is to receive the findings of the Independent Reconfiguration Panel on Monday 18 December 2006 and that it is therefore necessary to hold the Local Poll before such date.
- 5.3 After much discussion the Cabinet agreed that it was necessary to conduct the Local Poll on Thursday 14 December 2006 and to enable Members to be involved in such Poll, that subject to agreement from the Authority's Chairman and Full Council, that the meeting of Full Council to be held that same day at 2.00 pm be re-arranged accordingly.
- 5.4 Should approval be given earlier in this meeting with regard to the additional budgetary provision required to conduct the Local Poll (Agenda item 13 (b) (i) refers) and given the high profile the Local Poll is likely to have, Council is requested to consider the appropriateness of re-scheduling the diaried Council meeting of 14 December 2006 to that of 21 December 2006, commencing at 2.00 pm in the Borough Hall.