

# AGENDA

## Executive

**Monday, 15 October 2018 AT 16:00**  
**In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

### **Apologies for Absence**

To receive apologies for absence.

### **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Public and Press**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 REGULATORY REFORM (HOUSING ASSISTANCE) (ENGLAND AND WALES) ORDER 2002 - CHANGES TO EXISTING HOUSING ASSISTANCE POLICY 5 - 26**

(Key Decision - KD.14/18)

Pursuant to Minute EX.73/18, the Corporate Director of Governance and Regulatory Services to submit a report presenting a revised Housing Renewal Assistance Policy, which details the housing assistance which the City Council can offer its residents. The Health and Wellbeing Scrutiny Panel considered the matter on 23 August 2018.

(Copy Report GD.71/18 and Minute Excerpt herewith)

### **A.2 NOTICE OF EXECUTIVE KEY DECISIONS 27 - 34**

(Non Key Decision)

The Notice of Executive Key Decisions, published on 14 September 2018, is submitted for information.

Key decision (KD.16/18) - Tullie House Business Plan 2019/20 - subsequent to publication of the Notice, an Individual Portfolio Holder Decision (PF.04/18) has been taken referring the Business Plan straight to the Health and Wellbeing Scrutiny Panel as the Business Plan was in draft form until the Tullie House Board meeting on 19 October 2018.

### **A.3 SCHEDULE OF DECISIONS TAKEN BY PORTFOLIO HOLDERS 35 - 36**

(Non Key Decision)

A Schedule detailing decisions taken by Portfolio Holders under delegated powers is attached for information.

(Copy Schedule herewith)

Background Papers - as detailed within the Schedule

**A.4 SCHEDULE OF DECISIONS TAKEN BY OFFICERS**

**37 - 42**

(Non Key Decision)

A Schedule detailing decisions taken by Officers under delegated powers is attached for information.

(Copy Schedule herewith)

Background papers - as detailed within the Schedule

**A.5 LAND AND PROPERTY TRANSACTION - MORTON MANOR  
COMMUNITY CENTRE - LEASE SURRENDER AND RE-GRANT**

**43 - 48**

(Non Key Decision)

The Corporate Director of Governance and Regulatory Services to submit a report seeking Executive approval to the surrender and re-grant of a lease to the Trustees of Morton Community Centre Management Committee.

(Copy Report GD.70/18 herewith)

**A.6 REPRESENTATIVES ON OUTSIDE BODIES**

(Non Key Decision)

The Leader is asked to nominate a City Council representative to the Denton Holme Community Centre Management Committee.

**PART B**

**To be considered when the Public and Press are excluded from the meeting**

- NIL -

## **Members of the Executive**

Councillor C W Glover (Leader)

Councillor Dr L Tickner (Deputy Leader, and Finance, Governance and Resources Portfolio Holder)

Councillor Ms A Quilter (Culture, Heritage and Leisure Portfolio Holder)

Councillor Miss L B Sherriff (Communities, Health and Wellbeing Portfolio Holder)

Councillor C J Southward (Environment and Transport Portfolio Holder)

Councillor A Glendinning (Economy, Enterprise and Housing Portfolio Holder)

Enquiries, requests for reports, background papers etc to:

Morag Durham, Democratic Services Officer (01228) 817036 or  
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# Report to Executive

Agenda  
Item:

**A.1**

Meeting Date: 15th October 2018  
Portfolio: Communities, Health and Wellbeing  
Key Decision: YES: Recorded in the Notice Ref: KD.14/18  
Within Policy and Budget Framework: YES  
Public / Private: Public

Title: REGULATORY REFORM (HOUSING ASSISTANCE) (ENGLAND AND WALES) ORDER 2002 - CHANGES TO EXISTING HOUSING ASSISTANCE POLICY  
Report of: Corporate Director of Governance and Regulatory Services  
Report Number: GD 71/18

## Purpose / Summary:

The report presents a revised Housing Renewal Assistance Policy in appendix.1. which details the housing assistance the City Council can offer its residents. Much of the assistance contained within the Policy is linked to future expenditure from the City Council's Disabled Facilities Grant allocation.

## Recommendations:

It is recommended that Executive:

- 1 Approve the proposed revised Housing Renewal Assistance Policy 2018 in Appendix.1.
- 2 Refer the said Policy to Full Council for consideration in accordance with the Council's Budget and Policy Framework.

## Tracking

Executive:	20th August 2018 - First consultation 15th October 2018 -Decision
Scrutiny:	23rd August 2018
Council:	6th November 2018

## **1. BACKGROUND**

- 1.1 Article 3 (1) of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) allows the City Council to provides assistance in improving living conditions within its area. Assistance can be in any form (Article 3(3)) but Article 4 requires that the Council first adopt a policy for the provision of the assistance. The first Housing Renewal Assistance Policy was adopted by Carlisle City Council on 9<sup>th</sup> September 2003. The Policy has been amended since its adoption to allow actions to be taken by officers relating to the housing sector, most recently in January 2017. The Council's decision on the 2017 Policy (KD 28/16) delegated responsibility for the use of funds and the granting of grants specified in the Policy to the Corporate Director of Governance and Regulatory Services.
- 1.2 The main source of funding for the assistance offered by the City Council is from the Disabled Facilities Grant funding. The City Council is under a mandatory obligation to provide a Disabled Facilities Grant (DFG) to assist with adaptations to disabled persons homes under the Housing, Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance) Order 2002. DFG mandatory assistance is available to eligible applicants for certain works, subject to a test of the applicant's resources. Historically the amount of money required for mandatory DFGs within the district exceeded the Government grants and contributions from the City Council. The City Council did not have the budget to take advantage of the discretionary opportunities to extend the use of the DFGs as allowed by the Regulatory Reform (Housing Assistance) Order 2002. However, in 2016/17 the City Council's Government Grant was significantly increased and the Council was able to take advantage of the increased funding to extend the scope of DFG assistance by adopting new discretionary grants through the Housing Renewal Assistance Policy 2017.

## **2. ADDITIONAL HOUSING ASSISTANCE**

- 2.1 Under the proposed Housing Renewal Assistance Policy (Appendix.1.), mandatory DFGs under the Housing Grants Construction and Regeneration Act 1996 will continue to be available and take priority over the discretionary assistance. The City Council, in accordance with its responsibilities under the 2017 -19 Integration and Better Care Fund Policy Framework (March 2017), has produced an Action Plan which details the proposed mandatory and discretionary allocation of DFG spending until 2020 (KD 35/17). The Action Plan will be amended to account for the additional agreed assistance offered by the revised Policy in Appendix.1.

- 2.2 It is recommended that the City Council uses its discretionary powers under the Regulatory Reform Order to further broaden the scope of DFG's and allow specific DFG funding to be used for grants to assist the elderly, disabled or other vulnerable groups to live independently and to improve their living conditions and well-being. Specifically, minor works that support ill health prevention promote independence and delay transfer into care.
- 2.3 The proposed Housing Renewal Assistance Policy in appendix.1. has been drafted in consultation with the County Council, particularly the Occupational Therapist Team.
- 2.4 The main changes from the 2017 Policy are the creation of two new grants: the Independent Living Adaptation Grant and the Dementia Friendly Grant. The independent Living Adaptation Grant is to create a non-means tested grant for works such as stair lifts and level access showers which provide no financial benefit to the home owner but are essential in keeping the occupiers living independently and safely at home. This non-means tested grant is similar to grants offered by other Cumbrian Districts. The Dementia Friendly grant is a non-means tested grant recommended by the Occupational Therapist Team. The grant will be for items such as new floor surfaces and other adaptations which are known to assist people with dementia related conditions move about the home. The Dementia Friendly Grants will assist with keeping people safe at home and in helping with hospital discharges. Although the Energy Efficiency Grant appears new it provides the same assistance as other existing discretionary grants, by creating a specific grant in the Policy the VAT element is only 5% meaning we are making best use of our funds.
- 2.5 Within the DFG Action Plan were proposals to transfer some of the DFG allocation to the County Council to assist with contributions to mandatory DFGs where the funding available was falling short of the essential funding required. This simple transfer of funds between the two organisations has proved difficult so 2.3 in the Policy proposes an Additional Discretionary Assistance for Mandatory Grants. It is proposed that £300,000 from the carry forward of the DFG allocation is moved into this discretionary fund. This fund will assist both the County and the NHS but also the City Council as there are occasions where grants are unnecessarily delayed whilst additional funding is sought.
- 2.6 Delayed transfer of care, people staying unnecessarily long in hospitals, has been a problem for Carlisle. Within the DFG Action Plan two posts were proposed to be funded from the DFG allocation as assistance to support the delivery of the DFG process, an Occupational Therapist post through the County Council and a Dementia Post. It is hoped that the County Occupational Therapist Post will be operational

before Christmas, on further reflection and consultation it is proposed in 2.5 of the Policy to replace the Dementia Post with a Hospital Discharge Post. The post will be temporary for three years and funded through the DFG carry forward. The Post will be employed through the City Council's Homelife HIA.

- 2.7 In April 2016 the Executive created a Minor Works Grant for Housing Assistance (ED 09/16). The need for this grant has now been superseded by other discretionary grants, in particular the very successful Safe and Warm Grants. It is recommended that the remaining Minor Works Grant funding (£23,200 in cost code 90061) is reallocated for an Empty Property Grant assistance permitted by section 3.1 of the Policy. The detail of the Empty Property Grant assistance from the City Council will be subject to approval by a future Executive.
- 2.8 The 2017 Housing Renewal Assistance Policy was very successful in creating new pathways for assistance which directly benefitted the living standards of vulnerable home occupiers Carlisle. The expenditure from DFGs in 2017/2018 was £1,207,426 compared to £520,936 in 2016/17. £373,981 of the 2017/18 assistance was from discretionary grants introduced by the 2017 Policy. The revised Housing Assistance Policy 2018 in appendix.1. seeks to build on national good practice by further increasing the assistance available from the City Council in keeping its residents safe and living independently at home.

### **3. RISKS**

- 3.1 By improving the options and flexibility for housing assistance the proposed policy is likely to increase the funds required for an increase in grant applications. Although adequate funds exist at the present time to meet estimated demands the future of DFG funding is uncertain. This risk of demand exceeding the funds available is controlled as all the additional assistance within the revised Policy is discretionary and subject to the funds available.
- 3.2 The proposed Policy aligns the use of DFG funds with the outcomes sought from the Better Care Fund (BCF). Not revising the Policy could risk criticism that the DFG funding is not being spent effectively in assisting people to live safely and independently at home.



## **4 CONSULTATIONS**

- 4.1 Housing and Pollution and Homelife Teams of the City Council. Homelife have reviewed and altered the list of eligible benefits for the Energy Efficiency Grant since the Executive meeting on the 20<sup>th</sup> August 2018 (2.6 in Appendix.1.)
- 4.2 Appendix.1. has been circulated within the County Council. The Occupational Therapist Team contributed in the drafting of the proposed Housing Renewal Assistance Policy.
- 4.3 Foundations – Foundations is the national body for Home Improvement Agencies and also the Government lead for the transformation of the Disabled Facilities Grant. Foundations have been supportive of the proposals put forward by the revised 2018 Policy.
- 4.4 Health and Well-being Scrutiny Panel considered and welcomed the proposed changes to the revised Policy at its meeting on the 23<sup>rd</sup> August 2018.

## **5. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 5.1 The revised Housing Renewal Assistance Policy 2018 will assist in ensuring that best use is made of the DFG capital funding making use of existing capacity and expertise within the Housing and Pollution and Homelife teams.
- 5.2 The introduction flexibility into the assistance process is being promoted as good practice nationally and in line with government and local policies.

## **6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 6.1 The proposals will help support the Carlisle Plan priority to: ‘Address current and future housing needs to protect and improve residents’ quality of life’

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   **Manager Ex 7328**

**Appendices**                    **Appendix.1 Housing Renewal Assistance Policy 2018**  
**attached to report:**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

## **CORPORATE IMPLICATIONS:**

**Legal** - The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 requires the Council to have in place a policy setting out how it will exercise its power to provide assistance to people to adapt repair or renew accommodation. The Council adopted its policy, and this is part of the Budget and Policy Framework. Any amendment to the same must therefore be approved by full Council following recommendation by Executive and scrutiny by the appropriate Scrutiny panel.

**Finance** – The Council has received substantial increases in DFG funding through the Better Care Fund over the past couple of years. The current budget allocation in 2018/19 (including amounts carried forward from previous years) stands at £3,079,400. In order to progress the utilisation of this increased level of funding, the proposals in the report and appendix have been made. Disabled Facilities Grant has always been a capital grant allocated by the government to be incurred on providing capital enhancement works to those properties that require it, indeed the MHCLG's Grant determination states that it is to provide support towards capital expenditure lawfully incurred by the authority. The proposals in this report aim to utilise this funding in innovative ways in order to achieve the same end goal of improving prospects for people to remain in their own home. The Council is able to charge an administration fee that is income to the revenue budget which can then be used to support the administration (staffing) costs of providing the service.

**Equality** – The public-sector Equality Duty and Equality Policy have been considered by the service manager in preparing this report.

**Information Governance** – Given the need to process personal and special category data, in order to assess and progress grant applications, the Council must ensure its grant procedures comply with current Data Protection Law.

**Carlisle City Council**

**HOUSING RENEWAL ASSISTANCE**

**POLICY**

**2018**

*Draft Version 6.0*

## **Introduction**

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 equipped local authorities with a wide-ranging power to provide assistance for housing renewal based on the principle that repairs are fundamentally the responsibility of the property owner but grant assistance should be given in particular circumstances.

Poor quality housing can have an adverse effect on the health and well-being of the occupants and the presence of long term empty properties can be blight on the neighbourhood.

The City Council recognises that assistance cannot be made available to all residents. Mandatory Disabled Facilities Grants under the Housing Grants Construction and Regeneration Act 1996 will continue to be offered to applicants who meet the eligibility criteria.

This policy makes use of the powers provided under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to broaden the scope of Disabled Facilities Grants and to offer alternative forms of grants for disabled, elderly, low income and other vulnerable residents in Carlisle and District. Also, the objective of this policy is to assist with meeting the aims of The City Council's housing strategy including to help combat fuel poverty and improving the standard of the housing stock in our area.

Through The City Council's Home Improvement Agency (H.I.A.), Homelife Carlisle, additional discretionary assistance may be provided to improve the health and well-being of Carlisle and District residents, particularly those considered to be more vulnerable. All forms of discretionary assistance beyond the Mandatory Disabled Facilities Grant Capital funding are dependent on the availability of external funding and can be withdrawn at any time.

Mandatory DFG applicants will not be disadvantaged by discretionary grants.

No works shall be carried out without a written formal grant approval. No retrospective applications will be considered.

## **Types of Assistance Available**

### **1.0 Mandatory Grants**

#### **1.1 Disabled Facilities Grants (DFG)**

The provisions governing mandatory Disabled Facilities Grant (DFG) are contained In the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act), as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Order extended mandatory DFG eligibility to those occupying park homes and houseboats.

Provided they meet the defined criteria, all owner-occupiers and tenants, licensees or occupiers are eligible for DFG. Private Sector landlords and Register Providers (RP)

may also apply for a DFG on behalf of a disabled tenant but the tenant must also satisfy the relevant requirements under the same means testing arrangements.

### **1.2. Mandatory DFG – Additional Discretionary Payments**

A discretionary payment in addition to a mandatory DFG can be made by the City Council to provide top up funding to meet the cost of aids and adaptations to assist an applicant to live independently in their home where a DFG is approved at the statutory maximum and the eligible expense, less contribution, exceeds the statutory maximum (currently £30,000).

There will be no requirement for a separate application as the assistance is linked to a mandatory DFG application, but a means test through standard test of resources will apply except where the grant is approved in respect of a disabled child under the age of 19.

The maximum additional discretionary grant will be set at £15,000; this does not include Renovation Grants; Dementia Friendly, or Safe and Warm Grants detailed in part 2.0 of this Policy.

Any works should be completed within 12 months of application's approval. Works must be to the satisfaction of The City Council.

### **1.3 Independent Living Adaptation Grant**

To cover Mandatory DFG adaptations which assist with independent living but which add no value to a property (i.e. stair lifts and level access showers) provided they are supported by an Occupational Therapist / OT Assistant recommendation, or other competent authority.

Not subject to a means test.

**Amount of Assistance:**  
**Up to £7,500**

### **1.4 Relocation Grant as an Alternative to Adaptations**

Where an adaptation is not an appropriate option, the City Council may as an alternative and in agreement with the client, assist with a **Property Relocation Grant**. The applicant would be subject to the same prescribed test of resources used for a DFG application.

The relevant costs to be treated as eligible within this discretionary grant would be reasonable legal costs, estate agents fees, removal costs, necessary utility and service set up costs, and minor adaptations to make the property suitable. This would be applied in owner occupier and private tenant cases.

Financial assistance towards the purchase of a property may also be considered for owner occupiers, but only where there would be no financial gain in the sale of the old

property moving to the new property, equally the move to a new property must not place the applicant in negative equity.

In all cases the property to which the applicant moves must be compliant with the decent homes standard, when the current home cannot be suitably adapted.

An individual who receives relocation assistance shall not be entitled to claim similar assistance for a period of 10 years. Receiving this grant does not prevent applicants applying and potentially receiving grants and assistance from other schemes in this policy.

## **1.5 Commissioning Independent Assessment of Need**

The Housing Grants, Construction and Regeneration Act 1996 makes no reference to assessment of need for an adaptation, it only places a duty on housing authorities who are not themselves a social services authority to consult the social services authority on the judgement of whether the works are necessary and appropriate to meet the needs of the disabled occupant (Section 24). In *Disabled Facilities Grant Programme: The Government's proposals to improve programme delivery*, 2007, the Department for Communities and Local Government made it clear that an occupational therapy assessment is not a legislative requirement.

The City Council will accept referrals from Private Occupational Therapists or other health specialists including trusted assessors who are engaged by the applicant to advise on what works are required to meet their individual needs. The costs of these professional assessments would be recoverable under the grant.

Whilst many requests for a DFG come to The City Council via a Social Services assessment, applicants also have the right to make applications to The City Council directly. In addition, referrals for DFG applications may come from other organisations, including health professionals, voluntary sector organisations and different Council departments. Where applications do not come via a Social Services assessment The City Council shall proceed with the DFG application in the normal way and help the client complete the necessary application. The City Council has a legal duty to determine the application within 6 months of receipt. As part of the consideration process, The City Council has a duty to consult with Social Services department to ensure that the works being requested are necessary and appropriate.

**The City Council reserves the right to employ an Occupational Therapist, or other health professional or suitably competent person, through the DFG allocation to provide the necessary assessment and assistance with its delivery of the Disabled Facilities Grants programme.**

For example, this may include a medical health professional's assessment that confirms an individual is particularly at risk from excess cold due to a pre-existing medical condition. A DFG could be provided to improve any existing heating system or where there is no heating system, provide a system to meet their needs.

This policy does not include the costs of an Occupational Therapist acting on behalf of the Social Services authority in the discharge of their responsibilities under section 24(3)(a) of the 1996 Act (or any other enactment).

## **1.6 Priority Points System for allocation of DFGs**

If resources become limited in the future or demand increases significantly, The City Council will allocate DFG funding based on a priority points system. Applicants may be placed on a waiting list prior to being invited to make a formal application. Where this occurs, the applicant will be advised that they have been placed on a waiting list and will receive an update every 3 months as to the projected timescale for their application to be invited. Each applicant will be invited to make an application in date order. However, priority will be given to urgent applications as determined by both The City Council and the Occupational Therapist.

## **1.7 DFG for Recycled equipment**

In ensuring that the funding available for Disabled Facility Grants can benefit the maximum number of recipients, a scheme of re-commissioning key equipment such as ramps, stair lifts etc. will be applied where possible. All procurement frameworks relating to DFG supplies and services will include this as an option.

## **2.0 Discretionary Assistance**

Discretionary assistance will be made available under this policy, under the conditions and schemes criteria outlined. However in all cases the works or assistance being provided must meet the following objectives:

- Increased home independence, safety and minimising the effects of disability.
- Enabling the carer to continue care in the home.
- Prevention of admission to more institutionalised care.
- Reducing pressures on the NHS by supporting people to be discharged from hospital.

The availability of all discretionary grant assistance is subject to The City Council's annual budget setting procedure and the availability of sufficient levels of external funding. All such payments are at The City Councils discretion and will be removed once available funds are exhausted.

## **2.1 Renovation Grants**

The City Council reserves the right to use its discretion under the Regulatory Reform Order to pay for works under a DFG that may otherwise not be eligible for assistance. Typically these works could include the cost of undertaking repairs to a property to enable a DFG to proceed. These could include:

- a) Structural repairs.

- b) Undertaking works to resolve category one hazards within a property, such as remedial works to tackle damp or excess cold.
- c) Undertaking electrical repairs to a home where a new level access shower or stair lift is being provided.
- d) Undertaking measures to improve the safety and security of eligible households such as windows and door locks, fixing loose flooring, undertaking repairs to pathways and the removal of trip hazards.
- e) Assistive technology. Remotely operated equipment e.g. to allow people to control heating and appliances independently

Discretionary Renovation Grants shall only be awarded to households eligible for a Mandatory DFG. The Discretionary Renovation Grants are not means tested and shall not exceed **£15,000**.

## **2.2 Dementia Friendly Grant**

To help people with dementia to make changes to the home that would support them to live in their own home safely and for longer.

### **Who can apply for a Dementia Friendly Grant?**

Any person diagnosed, or awaiting a diagnosis, for a dementia related condition and who is an owner occupier, private tenant or tenant of a registered provider of social housing.

Referral should be from a health professional or the community sector.

Not subject to a means test.

**Amount of Assistance: Up to £3,000**

## **2.3 Additional Discretionary Assistance for Mandatory Grants**

Where the total cost of mandatory DFG works exceeds the grants available the County Council or the NHS can request further discretionary assistance from the City Council. Assistance will also be considered on requests relating to hospital discharge where the means test would affect the mandatory entitlement to a grant.

The request must be in writing. Additional discretionary assistance will be considered on a case by case basis and subject to funding being available for the anticipated mandatory commitments. All applications for additional discretionary assistance will be considered by the Corporate Director of Governance and Regulatory Services.

## **2.4 Safe and Warm Grants**

These grants are designed to enable qualifying home owners and tenants to access financial assistance to carry out a wide range of repairs and home improvement measures to:

- Keep them safe and warm at home



- Reduce risks and accidents around the home
- Promote independent living
- Assist with hospital discharge or prevent hospital admission.

## **Conditions**

The following paperwork will be required in order to make a completed application:

- Application form
- Proof of eligibility including proof of ownership or tenancy
- Landlord's permission where appropriate

Recipients of Renovation Grants would not normally be eligible for an additional Safe and Warm Grant.

## **Criteria**

1) **EITHER** The applicant or a member of their household must:

- have a prescribed medical condition that is impacted by their current housing situation
- **OR** be considered disabled by being in receipt of a disability benefit on the date of a completed application
- **OR** be 60 years of age or over
- **OR** be a carer for someone in their household.

**The applicant must also meet the following financial criteria:**

- Have a low household income in line with published criteria.
- **OR** be on a means-tested state benefit

## **AND**

- Have savings less than £23,500. The Council has discretion to waive the savings threshold in exceptional circumstances.

2) **OR:** An applicant would qualify for a Safe and Warm Grant if the works are required for the prevention of delayed hospital discharge. No means-test will be applied if the applicant is eligible based on the need to make their home safe and to prevent a further delay in discharging the patient. A means-test may be applied for works that are not necessary to prevent the client returning home from hospital

## **Eligible Owner Occupiers**

An owner occupier is eligible to apply for a Safe and Warm Grant if they:

- own their own home as a freeholder or leaseholder (with at least 5 years left to run)
- **OR** have a licence to occupy a residential park home on a licensed site

## **AND**

- Have owned the property for at least 6 months

## **Eligible Tenants**

Private sector and Registered Providers tenants may be eligible only if the measures do not fall under the landlord's general responsibilities or under the tenancy agreement.

Typical works that are eligible for a safe and warm grant for tenants would be:

- Deep Cleans that will enable hospital discharge or prevent homelessness
- Supply and fit of key-safes
- Basic draught-proofing measures

A tenant is one who meets one of the following:

- Is a secure tenant
- Is an introductory tenant
- Is a protected occupier under the Rent Act 1977
- Is an employee who occupies the dwelling or flat concerned for the better performance of their duties
- Is an assured tenant of a Registered Provider (Housing Association)

If the applicant is under 19 years old then the parent or guardian will be required to confirm one of the above.

Tenants must supply permission from the landlord for any works to go ahead and that it is the intention of the landlord to let the property to the applicant for at least the next 12 months from the date of application.

Applicants will not be eligible if the landlord is seeking possession of the property and has served the relevant notice or if there are significant rent arrears at the time of the application.

## **Amount of Assistance for a Safe and Warm Grant**

**The maximum grant is £7,500.** The grant may include the cost of the eligible works plus any agency fee which is set annually according to the charging policy.

The grant is limited to one application a year plus 2 grants up to £500 for minor measures and limited to a total of £10,000 in any 'rolling' 3 year period. The Council has discretion to allow the maximum grant of £10,000 to be awarded within the same financial year in exceptional circumstances.

## **Measures that are not eligible for Safe and Warm Grants**

- Furnishings such as carpets and curtains – unless specialist safety flooring
- Work to non-habitable rooms such as garages, basements, outhouses and porches
- Work that is covered by insurance – unless the householder does not have buildings cover – discretion maybe applied by the Council.
- Work that is covered by a government scheme such as the ECO energy schemes although the grant can be used towards client contribution to the costs of such measures
- Work or measures that are another statutory agency's responsibility

## **2.5 Hospital Discharge Support**

Subject to there being sufficient finance the City Council may use DFG funding to employ a suitably competent person to provide the necessary liaison, assessment and assistance with its hospital discharge objective and the other discretionary assistance objectives.

## **2.6 Energy Efficiency Grants**

Discretionary Energy Efficiency Grants that meet the government's criteria in VAT notice 7086 are available to improve the energy efficiency of low income owner occupiers to improve health and well-being.

### **Who qualifies for this grant?**

The applicant must:

Live in the local authority area of Carlisle City Council

**AND** receive one or more of the following benefits:

- child tax credit (other than the family element)
- working tax credit
- council tax reduction (means-tested) or second adult rebate
- disability living allowance or personal independence payment
- disablement pension
- war disablement pension
- housing benefit or local housing allowance
- income-based job seeker's allowance
- income support
- universal credit
- income-based employment and support allowance
- pension credit

The qualifying person should make the application for the grant.

## **Works that are eligible for an Energy Efficiency measures grant**

The grant covers the installation of heating appliances or for the installation, maintenance or repair of a central heating system or for a renewable source heating system.

These include:

- closed solid fuel fire cassettes
- electric dual immersion water heaters with factory-insulated hot water tanks
- electric storage heaters
- gas-fired boilers
- gas room heaters with thermostatic controls
- oil-fired boilers
- radiators
- insulation for walls, floors, ceilings, roofs or lofts, water tanks, pipes or other plumbing fittings
- draught-stripping
- central heating and hot water system controls include manual or electronic timers, thermostats, mechanical or electronic valves, including thermostatic radiator valves
- space or water heating systems which use energy from solar, wind, hydro-electric, ground and air heat source powers

Applicants would be expected to apply for ECO funding with the assistance of the H.I.A. towards the cost of any measures in the first instance.

## **Amount of assistance for an Energy Efficiency Grant**

The maximum grant is £7,500. The grant may include the cost of the eligible works plus any agency fee which is set annually according to the charging policy. The grant is limited to one application in any 'rolling' 3 year period.

## **3.0 Other Grants**

### **3.1 Empty Property Grant**

Subject to the availability of funding, grants may be available to assist empty home owners to bring their properties back into use. Properties must have been empty for longer than 6 months and registered as empty with The City Council Tax Department.

The grant would be available to cover the cost of works associated with ensuring the property is free from Category 1 hazards under the Housing Act 2004.

The grant would be made available on a matched funding basis at a ratio of 50% grant 50% contribution from the owner.

The terms of the grant would require full time reoccupation of the property within 12 weeks on completion of the works with the property being occupied for a minimum of 12 months. Landlords would be required to let the property out within 12 weeks of completion of the works and the rate of rent must be set at the applicable Local Housing

allowance Rate for 12 months. Repayment of the grant will be required if these conditions are contravened.

The grant would be repayable upon sale of the property, if sold within 10 years.

Empty Property Grants maybe be registered as a Local Land Charge. Immediate repayment of grant will be required if grant conditions are not met. The City Council may recover the debt by Enforced Sale proceedings.

## **4. 0 General**

### **4.1. DFG for Registered Providers**

All Registered providers operating in the area will be asked to make a contribution if a tenant makes an application for a DFG. The receipt of any contribution entirely depends on the provider's Adaptation Assistance Policy, stock profile, asset management strategy of adapted properties and their financial position to make any contributions.

### **4.2 Grants Place as a Land Registry Charge**

Under the **Disabled Facilities Grant (Condition relating to approval or payment of grant) General Consent 2008** The City Council may place a Land Registry Charge on properties subject to a Grant where it is considered that the works add value to the property. If such a property is sold within a 10-year period, starting on the date of completion of the work (date of final invoice payment), the City Council will use its discretion to reclaim the funding from grants over £5,000 (inclusive), but may not require a repayment exceeding £10,000. In applying its discretion, the following criteria will be considered:

- A charge will only be applied where the Grant adds value to the property. Grants for stair lifts and level access showers will not have a land charge applied.
- The extent to which the recipient would suffer financial hardship if the grant were reclaimed.
- Whether the disposal of the property was to enable the recipient to take up employment or change the location of their employment.
- Whether the disposal of the property is made for reasons of the recipient's mental or physical health or well-being.
- Whether the disposal is made to enable the recipient to live with, or near, any person who will provide care for the recipient by reason of their disability

Any decision on repayment will be made by the Director of Governance and Regulatory Services.

### **4.3 Fees for professional services connected to DFG's.**

The City Council will charge professional fees for providing services to applicants which are subject to a DFG. The fees charges are fixed charges determined annually.

Grant Processing fees, to cover costs incurred by The City Council as permitted by The **Housing Renewal Grants (Services and Charges) Order 1996** will be determined annually. These will be applied to all applications and be dependent upon the works

expected by The City Council. These professional fees will be calculated and provided at the Grant Approval stage and be paid from the DFG allowance.

**4.4** The licensed software required for managing and reporting on the grants delivered through the DFG allocation will be recovered from the allocation.

**4.5** This policy or any part of it can be withdrawn with immediate effect for individual applications yet to be approved. In such cases applicants will remain eligible for the existing national mandatory Disabled Facilities Grant.

#### **4.5 Complaints**

Complaints regarding housing renewal assistance should be made through Carlisle City Council's formal complaints scheme.

<https://www.carlisle.gov.uk/Council/More-about-the-Council/Corporate-Complaints>

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## EXCERPT FROM THE MINUTES OF THE HEALTH AND WELLBEING SCRUTINY PANEL HELD ON 23 AUGUST 2018

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### **HWSP.53/18 REGULATORY REFORM (HOUSING ASSISTANCE) (ENGLAND AND WALES) ORDER 2002 – CHANGES TO EXISTING HOUSING ASSISTANCE POLICY**

The Corporate Director of Governance and Regulatory Services submitted report GD.62/18 which presented a revised Housing Renewal Assistance Policy.

The Corporate Director of Governance and Regulatory Services reminded the Panel that the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) allowed the Council to provide assistance in improving living conditions within its area. The first Housing Renewal Assistance Policy had been adopted by the Council on 9 September 2003 and it had been amended since to allow actions to be taken by officers relating to the housing sector.

He reported that the main source of funding for the assistance offered by the Council was from the Disabled Facilities Grant (DFG) funding. Under the proposed Policy mandatory DFGs would continue to be available and take priority and it was recommended that the City Council used its discretionary powers under the RRO to further broaden the scope of DFGs and allow specific DFG funding to be used for grants to assist the elderly, disabled or other vulnerable groups to live independently and to improve their living conditions and well-being. Specifically, minor works that supported ill health prevention, promote independence and delay transfer into care.

The proposed Housing Renewal Assistance Policy had been attached to the report as appendix 1 and had been drafted in consultation with Cumbria County Council, in particular with the Occupational Therapist Team. The main changes to the Policy had been the creation of two new grants;

#### *The Independent Living Adaptation Grant*

This grant was to create a non-means tested grant for works such as stair lifts and level access showers which provided no financial benefit to the home owner but were essential in keeping the occupiers living independently and safely at home. The amount of assistance available would be a maximum of £7,500.

#### *The Dementia Friendly Grant*

This grant was also a non-means tested grant similar to grants offered by other Cumbria Districts and had been recommended by the Occupational Therapist Team. The grant would be for items such as new floor surfaces and other adaptations which were known to assist people with dementia related conditions move about the home. The grants would assist with keeping people safe at home and helping with hospital discharges. The amount of assistance available would be a maximum of £3,000.

In considering the draft Policy Members raised the following comments and questions:

- What provisions were in place to support mandatory applications if the DFG grant available was exceeded?

The Regulatory Services Manager circulated a chart to Members which showed DFG expenditure against the Government grant between 2012 and 2018.

The Corporate Director responded that following the changes to the level of funding, it was unlikely that the mandatory grants would exceed the grants available. However, in previous years the Council had provided additional finances to DFG applications as there was no option other than to provide the grants. He added that the Council had to put a plan in place to deliver what was required in a reasonable time. This was not ideal for many customers who required support immediately; the amendments to the Policy allowed the authority to act much more quickly and provide support to those who needed it.

- How did the allocation of the grant through Cumbria County Council work?

The Regulatory Services Manager explained that Central Government assigned the grant to each District and it was given to the County Council to allocate to each District through the Better Care Fund.

- The chart which had been circulated showed a steep increase in funding in 2016/17 followed by an increase in expenditure. Had the Council been able to carry out more mandatory grants?

The Regulatory Services Manager explained that the increase in funding in 2016/17 had been the result in central Government acknowledging that the grant allocation was good value for money. The grant was paid through the Better Care Fund and the Council wanted to improve the health of the local community and help reduce the stress on primary care. The grant allocation had been awarded to the Council in April 2016 and therefore there was a delay in the 2016/17 financial year as the Housing Renewal Assistance Policy was developed permitting the discretionary use of the increase in funds. The 2017 Policy adopted in February 2017 allowed the Council to spend the allocation in the best possible way, but this could only occur after the Policy had been approved so extra discretionary expenditure didn't take effect until 2017/18. Although more mandatory grants had been processed the main increase in expenditure was from the discretionary grants available from the 2017 Policy.

The Corporate Director added that the Council would not be able to spend the full allocation in one financial year due to a number of reasons which included external reasons. He clarified that the grant would all be spent in a responsible way in partnership with the County Council and the NHS. An Action Plan over a number of years projected the likely expenditure and the Council would ensure that the fund was properly utilised for the benefit of the Carlisle area.

- A Member asked if any funding could be used to make new houses suitable for long term living i.e walk in showers or waist level switches.

The Corporate Director responded that housing developers should consider building houses which enabled someone to live there for their full life. In terms of grants, however, it was felt that this issue was addressed through the Council's Development Plan and Building Regulations. The grants were more useful being given to those who needed immediate support.

The Regulatory Services Manager added that it would be difficult to provide grants to the number of new houses that met with the Council's aspirations and still provide the mandatory and discretionary service that was being offered. He reminded the Panel that the grants were specific



to the applicant and it would be difficult to make adaptations to any property without knowing the potential occupants specific needs.

- A Member asked for clarity with regard to the Land Registry Charge which could be placed on properties subject to a grant.

The Regulatory Services Manager drew the Panel's attention to Section 4.2 of the Policy. He explained that a Land Registry Charge would only be applied to a property if it was considered that the value of the property would increase due to the works being undertaken. If the property was sold within a 10 year period the Council would use its discretion to reclaim the funding from grants over £5,000 but may not require a repayment exceeding £10,000. The report detailed the criteria which the Council considered when applying its discretion. The Regulatory Services Manager explained that the authority had not received money from many Land Registry Charges as the purpose of the grants was to keep people in their home for as long as possible.

- How was the grant allocation for Carlisle determined?

The Regulatory Services Manager explained that the Ministry of Housing, Communities and Local Government applied a formula for the allocation of grants; however, this was under review. Early indications were that Central Government considered the DFG part of the Better Care Funding to be very good value for money.

- The report detailed the new Hospital Discharge Post which would be employed through the City Council; a Member suggested that this post work with the County Council's Reablement Service to ensure that the post was fulfilling its potential as the Reablement Service aimed to help people regain their independence following an illness or injury.

The Regulatory Services Manager hoped that the Hospital Discharge Post could integrate with the Service to provide the best support to those who needed it.

- A Member had some concerns with regard to the removal of the means testing for the new grants.

The Regulatory Services Manager explained that the means testing had been introduced in the 1990s along with the maximum level of grant available. The figures had not been altered or increased since and did not match inflation and the cost of adaptations now. Officers had identified situations where removing the means testing would mean that the work could be carried out quicker and therefore relieve the pressure on the health care service. The grants which would not be means tested were only the smaller grants as set out in the report.

- Would the Property Relocation Grant be applicable to those who may have to move out of the District?

The Regulatory Services Manager confirmed that the case would be considered and if it was the most appropriate option for the individual and their health then the grant could be used to move someone out of the District. The priority was the needs of the individual and on some occasions an adaptation would not be appropriate.

- If the DFGs went over budget how likely was it that the Government would provide more funding?

The Regulatory Services Manager reminded the Panel of the review of the funding adding that the current funding was only guaranteed until 2020. An Action Plan estimates future funding and expenditure and will be revised to account for the revised Policy.

A Member applauded the Regulatory Services Manager's team for the Policy and the introduction of the two new grants. He felt that the Council were being responsible and using the funding to support those who needed it most and to help reduce the impact on the primary care services in the future. The Panel supported the comments and thanked the team for the excellent work that they undertook.

The Corporate Director commented that the Council's primary aim was to help the people of Carlisle; this aim underpinned all of the work that the team carried out. He thanked the Regulatory Services Manager and his team for producing the Policy and putting it into action, the whole team did an excellent job.

RESOLVED – 1) That the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 – Changes to existing Housing Assistance Policy (GD.62/18) be welcomed;

2) That an update on the implementation of the Policy including performance, successes and potential areas for improvement be submitted to the Panel in 12 months' time.



# **NOTICE OF EXECUTIVE KEY DECISIONS**

**14 SEPTEMBER 2018**

## Notice of Key Decisions

This document provides information on the 'key decisions' to be taken by the Executive within the next 28 days. The Notice will be updated on a monthly basis and sets out:

- Details of the key decisions which are to be taken;
- Dates of the Executive meetings at which decisions will be taken;
- Details of who will be consulted and dates for consultation;
- Reports and background papers which will be considered during the decision making process;
- Details of who to contact if further information is required
- Details of where the document can be inspected
- Details of items which the public may be excluded from the meeting under regulation 4(2) and the reason why
- Details of documents relating to the decision which need not, because of regulation 20(3) be disclosed to the public and the reason why.

The dates on which each new Notice will be published are set below:

### Publication Dates

20 July 2018	12 October 2018	11 January 2019
17 August 2018	9 November 2018	8 February 2019
14 September 2018	18 December 2018	15 March 2019

Key decisions are taken by the City Council's Executive and these are usually open to the public. Agendas and reports and any other documents relevant to the decision which may be submitted can be viewed in the Customer Contact Centre at the Civic Centre, Carlisle or on the City Council's website ([www.carlisle.gov.uk](http://www.carlisle.gov.uk)). Agendas and reports are published one week ahead of the meeting.

A Key Decision is an Executive decision which is likely –

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant\* having regard to the local authority's budget for the service or function to which the decision relates;
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

\*significant expenditure or savings to the authority in excess of £70,000

The City Council's Executive Members are:

Councillor Glover –Leader  
Councillor Dr Tickner – Finance, Governance and Resources Portfolio Holder  
Councillor Ms Quilter – Culture, Leisure and Young People Portfolio Holder  
Councillor Miss Sherriff – Communities, Health and Wellbeing Portfolio Holder  
Councillor Southward – Environment and Transport Portfolio Holder  
Councillor Glendinning – Economy, Enterprise and Housing Portfolio Holder

Should you wish to make any representations in relation to the items being held in private or If you require further information regarding this notice please contact Democratic Services on 01228 817039 or [committeeservices@carlisle.gov.uk](mailto:committeeservices@carlisle.gov.uk).

### **Index of Active Key Decisions**

		Date Decision to be considered:	Date Decision to be taken:
KD.11/18	Review of the Statement of Gambling Policy	20 August 2018 consultation period to include Scrutiny as appropriate (EX.72/18)	12 November 2018
KD.14/18	Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 - Changes to Existing Housing Assistance Policy	20 August 2018 consultation period to include Scrutiny as appropriate (EX.73/18)	15 October 2018
KD.16/18	Tullie House Business Plan	15 October 2018 consultation period to include Overview and Scrutiny as appropriate	10 December 2018

### **Notice of Key Decisions to be taken by the Executive**

The following key decision is to be made on behalf of Carlisle City Council:

Key Decision Reference:	KD.11/18
Type of Decision:	Executive
Decision Title:	Review of the Statement of Gambling Policy
Decision to be taken:	The Executive will be asked to consider the draft Statement of Gambling Policy for the period 2019 - 2024
Date Decision to be considered:	20 August 2018 consultation period to include Scrutiny as appropriate (EX.72/18)
Date Decision to be taken:	12 November 2018
Is the Decision Public or Private?:	The decision will be taken in public.
Documents submitted for consideration in relation to the Decision:	Report GD.59/18 - Gambling Act 2005 - Draft Statement of Principles 2019 - 2022 on 20 August 2018
Contact Officer for this Decision:	Corporate Director of Governance and Regulatory Services, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Finance, Governance and Resources (Councillor Dr Tickner)
Relevant or Lead Overview and Scrutiny Panel:	Business and Transformation Scrutiny Panel

All public reports can be viewed in the Customer Contact Centre of the Civic Centre, Carlisle, the Public Library and on the Council's website [www.carlisle.gov.uk](http://www.carlisle.gov.uk).

Other documents relevant to the matter may be submitted to the decision maker. These, if available, may be obtained by contacting the named contact officer.

### **Notice of Key Decisions to be taken by the Executive**

The following key decision is to be made on behalf of Carlisle City Council:

Key Decision Reference:	KD.14/18
Type of Decision:	Executive
Decision Title:	Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 - Changes to Existing Housing Assistance Policy
Decision to be taken:	The Executive will be asked to approve a revision of the Housing Renewal Assistance Policy, to revise the discretionary housing assistance funding available through the Disabled Facility Grant
Date Decision to be considered:	20 August 2018 consultation period to include Scrutiny as appropriate (EX.73/18)
Date Decision to be taken:	15 October 2018
Is the Decision Public or Private?:	The decision will be taken in public
Documents submitted for consideration in relation to the Decision:	Report GD.61/18 - Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 - Changes to Existing Housing Assistance Policy on 20 August 2018
Contact Officer for this Decision:	Corporate Director of Governance and Regulatory Services, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Communities, Health and Wellbeing (Councillor Miss Sherriff)
Relevant or Lead Overview and Scrutiny Panel:	Health and Wellbeing Scrutiny Panel

All public reports can be viewed in the Customer Contact Centre of the Civic Centre, Carlisle, the Public Library and on the Council's website [www.carlisle.gov.uk](http://www.carlisle.gov.uk).

Other documents relevant to the matter may be submitted to the decision maker. These, if available, may be obtained by contacting the named contact officer.

### **Notice of Key Decisions to be taken by the Executive**

The following key decision is to be made on behalf of Carlisle City Council:

Key Decision Reference:	KD.16/18
Type of Decision:	Executive
Decision Title:	Tullie House Business Plan
Decision to be taken:	The Executive will be asked to consider the business plan and refer to Health & Wellbeing Scrutiny Panels prior to making recommendations to Council.
Date Decision to be considered:	15 October 2018 consultation period to include Overview and Scrutiny as appropriate
Date Decision to be taken:	10 December 2018
Is the Decision Public or Private?:	The decision will be taken in public
Documents submitted for consideration in relation to the Decision:	The report of the Deputy Chief Executive will be available five working days before the meeting
Contact Officer for this Decision:	Deputy Chief Executive, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Culture, Heritage and Leisure (Councillor Ms Quilter)
Relevant or Lead Overview and Scrutiny Panel:	Health and Wellbeing Scrutiny Panel

All public reports can be viewed in the Customer Contact Centre of the Civic Centre, Carlisle, the Public Library and on the Council's website [www.carlisle.gov.uk](http://www.carlisle.gov.uk).

Other documents relevant to the matter may be submitted to the decision maker. These, if available, may be obtained by contacting the named contact officer.



Notice prepared by Councillor Colin Glover,  
Leader of Carlisle City Council

Date: 14 September 2018



## INDIVIDUAL PORTFOLIO HOLDER DECISIONS

Below is a list of decisions taken by Individual Portfolio Holders acting under delegated powers, full details can be viewed on the Council's website [www.carlisle.gov.uk](http://www.carlisle.gov.uk):

### **PF.004/18                      Tullie House Business Plan**

**Portfolio Holder who made Decision:**      Councillor Colin Glover

**Portfolio Area:**                      Leader

#### **Subject Matter:**

On an annual basis, the Tullie House Trust submit a 3-year business plan to be considered by Executive, Overview and Scrutiny and ultimately Council. The plan is used to inform the Council's budget setting process and the core grant provided to the Trust.

Typically, the business plan will be received by Executive, referred to the Health and Wellbeing Overview and Scrutiny panel and then come back to Executive before appearing at full council.

This year the alignment of committee dates and the Tullie House Trust Board meetings mean that the draft business plan would not have been formally approved by the Trust board ahead of its first appearance at Executive.

Rather than consider a draft plan or delay the progress of the plan through the Council's democratic cycle, it is proposed that the approved plan will simply be referred directly to Overview and Scrutiny panel for consideration and comment before going to Executive and Full Council.

**Summary of Options rejected:**      None

#### **DECISION**

To refer the Tullie House Business Plan directly to the Health and Wellbeing Scrutiny panel for consideration ahead of its consideration by Executive and Full Council.

#### **Reasons for Decision**

To allow an approved plan to be considered by Scrutiny, Executive and Full Council without delaying it's passage through the democratic cycle.

#### **Background Papers considered:**

None

**Date Decision Made:**                      04/10/18

**Implementation Date:**



## Officer Decisions

A.4

Below is a list of decisions taken by Officers of Carlisle City Council which they have classed as significant, full details and supporting background documents can be viewed on the Council's website: <http://cmis.carlisle.gov.uk/cmis/CouncilDecisions/OfficerDecisions.aspx>

Decision Ref No	Title:	Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:
<b>Corporate Director of Governance and Regulatory Services</b>				
OD.087/18	Disabled Facility Grants (DFG) Repayment	A request has been received for the Council to waive the repayment on a DFG Repayment under the Scheme of Housing Assistance (Empty Properties and Disabled Facilities Grant) 2017 for a property in Springfield Road, Carlisle. The Housing Renewal Assistance Policy document lays out the reason for using discretion to waive the payment, the relevant Portfolio Holder and Service Director are approved to make the final decision.	Email from solicitor on change of circumstance and reason for move confirming applicant requires 24 hour care. Not for publication by virtue of paragraph 1 of part 1 of schedule 12a to the Local Government Act 1972	10/08/2018
<b>Licensing Manager</b>				
OD.088/18	Licensing Decisions taken between 30 August 2018 and 7 September 2018	The Licensing Manager has granted the attached licences or permissions under an express authorisation delegated to her and in accordance with the Council's policy requirements. (can be viewed on the Council website <a href="http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx">http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx</a> )	Applications for various licences	07/09/2018
<b>Licensing Manager</b>				
OD.089/18	Licensing Decisions taken between 7 September 2018 and 14 September 2018	The Licensing Manager has granted the attached licences or permissions under an express authorisation delegated to her and in accordance with the Council's policy requirements. (can be viewed on the Council website <a href="http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx">http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx</a> )	Applications for various licences	14/09/2018

Decision Ref No	Title:	Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:
<b>Corporate Director of Economic Development</b>				
OD.090/18	Cumbria and Lancaster Community-led Housing Hub	The Hub (initially a three year initiative) would be funded in the first year by other partners (Allerdale, Copeland, Eden, South Lakeland and Lancaster District Councils) as they have received funding through the 'Community Housing Fund' with joint funding bid to Homes England to cover the costs of years 2 and 3. Carlisle have been allowed to join without making a financial contribution, on condition that the City Council takes the lead on Legal & Procurement.	The Development of a Community-Led Housing Hub within the Sub-Region (Cumbria and Lancaster) briefing report	04/09/2018
<b>Licensing Manager</b>				
OD.091/18	Licensing Decisions taken between 14 September 2018 and 20 September 2018	The Licensing Manager has granted the attached licences or permissions under an express authorisation delegated to her and in accordance with the Council's policy requirements. (can be viewed on the Council website <a href="http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx">http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx</a> )	Applications for various licences	20/09/2018
<b>Licensing Manager</b>				
OD.092/18	Licensing Decisions taken between 20 September 2018 and 27 September 2018	The Licensing Manager has granted the attached licences or permissions under an express authorisation delegated to her and in accordance with the Council's policy requirements. (can be viewed on the Council website <a href="http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx">http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx</a> )	Applications for various licences	27/09/2018

Decision Ref No	Title:	Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:
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Town Clerk and Chief Executive

OD.093/18	Civica Icon Contract - Urgent Decision	<p>The Council uses Civica Icon as its Income management system for processing all income due to the Council, including card payments and bank statement reconciliation.</p> <p>The current contract with Civica expires on 30 September 2018. In order to achieve continuation of service and to avoid the need to change systems, which will be resource and financially intensive, it is proposed that a new contract be directly awarded with Civica effective from 1 October 2018 for a period of 3-years.</p> <p>A decision has been made by the appropriate Corporate Director that Civica is the only supplier that can provide the same software as is currently used, namely the ICON system and that changing Income Management systems suppliers would involve additional up-front capital costs, re-training and implementation costs. Civica is therefore the only supplier that allows continuation of service with a familiar system.</p> <p>This Officer Decision Notice records that, in line with Contract procedure Rule 1e, and following consultation by the Chief Executive with the Corporate Director of Finance and Resources, The Leader of the Council, the Portfolio Holder for Finance, Governance and Resources and the Leader of the Opposition, the decision has been made to exempt the provisions of the Council's Contract Procedure Rules in regard to the awarding of a contract to Civica for the Council's Income Management system.</p> <p>To exempt the provisions of the Council's Contract Procedure Rules in regard to the awarding of a contract to Civica for the Council's Income Management system.</p>	None	26/09/2018
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Decision Ref No	Title:	Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:
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Corporate Director of Finance and Resources

OD.094/18	Civica Icon Contract	<p>The Council uses Civica Icon as its Income management system for processing all income due to the Council, including card payments and bank statement reconciliation.</p> <p>The current contract with Civica expires on 30 September 2018. In order to achieve continuation of service and to avoid the need to change systems, which will be resource and financially intensive, it is proposed that a new contract be directly awarded with Civica effective from 1 October 2018 for a period of 3-years.</p> <p>The following points should be noted regarding this direct award in relation to the Council's Contract Procedure Rules;</p> <p>1.In line with Contract Procedure Rule 10c, it is deemed that Civica are the only supplier that can provide the same software as is currently used, namely the ICON system and that changing Income Management systems suppliers would involve additional up-front capital costs, re-training and implementation costs. Civica are therefore the only supplier that allows continuation of service with a familiar system.</p> <p>2.In line with Contract Procedure Rule 1e, The Chief Executive in consultation with the Corporate Director of Finance and Resources can deem the contract to be urgent and therefore not subject to normal internal procurement requirements following consultation with the Leader, Portfolio Holder and Leader of Opposition.</p> <p>By not awarding the contract to Civica, the Council would be in the position where it may not have a fully working income management system with which to process payments and income it receives. There would be additional capital costs involved in procuring through a tender exercise and a risk of loss of service to the Council.</p> <p>The contract is within current budgetary provisions.</p>	None	26/09/2018
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Decision taken



Decision Ref No	Title:	Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:
		<p>1.That there is only one possible supplier, namely Civica Icon, in relation to this supply and, therefore, no additional tenders should be invited;</p> <p>2.To award a new contract with Civica Icon for the income management system of the Council</p>		
<b>Corporate Director of Finance and Resources</b>				
OD.095/18	Elected Member Training	Councillor Mrs D Parsons to attend Combatting Loneliness Conference in Manchester on 27 November 2018	None	25/09/2018
<b>Town Clerk and Chief Executive</b>				
OD.096/18	Festive Lighting Reserve Fund - Release of Funds	To release the sum of £42,000 from the Festive Lighting Reserve Fund to assist in funding the Festive and Winter Lights over the next 3 years. Funds released in 2018/19 to be £32,800, £4,600 in 2019/20 and £4,600 in 2020/21.	None	27/09/2018
<b>Neighbourhood Services and Enforcement Manager</b>				
OD.097/18	Provision of dedicated parking for BBC film unit for limited period in Castle Car Park	To allow an area of Castle Car Park to be cordoned off to allow parking of vehicles used by Children's BBC Drama to carry out filming. Vehicles will be parked from Sunday 7th October 2018 – to Friday 11th October 2018.	Plan of car park attached.	02/10/2018
<b>Licensing Manager</b>				
OD.098/18	Licensing Decisions taken between 27 September 2018 and 4 October 2018	The Licensing Manager has granted the attached licences or permissionsApplications for various under an express authorisation delegated to her and in accordance with the Council's policy requirements. (can be viewed on the Council website <a href="http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.asp">http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.asp</a> x)	licences	04/10/2018



# Report to Executive

Agenda  
Item:

**A.5**

Meeting Date: 15<sup>th</sup> October 2018  
Portfolio: Finance, Governance & Resources  
Key Decision: No  
Within Policy and Budget Framework: Yes  
Public / Private: Public – Part A  
Title: **LAND AND PROPERTY TRANSACTION – Morton Manor Community Centre, lease surrender and re-grant**  
Report of: **CORPORATE DIRECTOR OF GOVERNANCE & REGULATORY SERVICES**  
Report Number: **GD.70/18**

## Purpose / Summary:

This Report seeks Executive consent to the surrender and re-grant of a lease to the Trustees of Morton Manor Community Centre.

## Recommendations:

1. That the Executive agrees to a surrender and re-grant of a lease of Morton Manor Community Centre to the Trustees of the Morton Community Association subject to no further representations being received within the statutory timescale objecting to the disposal of public open space;
2. That delegated authority is given to the Property Services Manager to agree final terms; and
3. That the Corporate Director of Governance and Regulatory Services be authorised to complete the surrender and lease documentation.

## Tracking

Executive:	15 <sup>th</sup> October 2018
Scrutiny:	n/a
Council:	n/a

## **1. BACKGROUND**

- 1.1 Built around the late 18<sup>th</sup> Century as a family home of the local mill owners, the Ferguson family. In the 1940's the then owners of the property, the Chance family, bequeathed the manor for the benefit of the people of Carlisle. The building eventually became a Community Centre operated by the Council in 1967.
- 1.2 Morton Community Association has occupied Morton Manor Community Centre by way of a lease since 2001. The current lease is for a term of 25 years with effect from 25<sup>th</sup> July 2001, the unexpired term is therefore circa 8 years. The current lease area is shown edged red on the attached plan 1.
- 1.3 Morton Community Association would like to further improve and develop the range of services they can offer their users. In order to do this, they want to extend their lease term so that they can apply for external funding.
- 1.4 The Community Centre is located within Chances Park, on Wigton Road, the Park is City Council owned and is managed by the Council's Green Space's Team. The Community Association want to reduce the area within their demise, the land surrendered from the Community Association lease will then be incorporated back in to the surrounding park. The Green Spaces and Bereavement Services Manager has confirmed that there will be no additional cost to the Council as his team currently maintain the land to be surrendered. The extent of the new demise is shown edged red on plan 2.

## **2. PROPOSALS**

- 2.1 Due to the short length of the unexpired term of their current lease external funders/ grant providers will not give the Centre any funding to develop the buildings.
- 2.2 The Community Centre Association has approached the City Council with a request to surrender their existing lease and take a new lease for a term of 99 years, the demise of the lease is to be of a reduced area, the new demise is shown edged red on the plan attached as Appendix B.
- 2.3 It is proposed to accept a surrender of the current lease arrangement and grant a new lease to the Trustees of the Community Centre Association for a new term of 99 years, at a Peppercorn Rent, on the same terms as the passing lease to allow the funding application to be submitted.

- 2.4 By virtue of Section 123 of the Local Government Act 1972, the Council is required to obtain Best Value in all land and property transactions. It is considered that, due to the nature of the facility and the community offer it provides, the granting of a lease for a further term of 99 years to the Trustees of Morton Manor Community Centre represents best value to the Council.

### **3. CONSULTATION**

- 3.1 Ward Councillors have been advised of the proposals.
- 3.2 The Contracts and Community Services Manager & the Green Spaces & Bereavement Services Manager have been involved in the discussions between the parties and fully support the proposals.
- 3.3 Because the new demise includes an area to the front of the centre, which is used for car parking but which is open to the public and unrestricted, there needs to be public consultation on this area of public open space. Two consecutive adverts are required to be placed in the local newspaper and a period of 28 days allowed for representations. The adverts have been published and the consultation period is current. Any representations will be presented to Members at the meeting.

### **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Agreement to the surrender and re-grant of a longer-term lease will allow the Community Centre Association to put forward an application for funding to develop and improve the building. This protects the asset into the future and supports the community function the Centre provides.

### **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 5.1 The proposals support the continued provision of valuable community services.

**Contact Officer:** Mark Walshe

**Ext:** 7427

**Appendices** Appendix A – Plan 1 showing original extent of the property.  
**attached to report:** Appendix B – Plan 2 showing the revised demise of the property.

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **None**

## **CORPORATE IMPLICATIONS:**

**GOVERNANCE AND REGULATORY SERVICES** – The Council is able to grant a lease in the manner described. The Leader's scheme of delegation authorises officers to grant a lease however, as this lease is being granted for a peppercorn rent and for a period in excess of seven years, Executive needs to be satisfied that best consideration is being obtained. This report explains that this lease is considered to represent "best consideration" because of the economic, social and wellbeing benefits therefore benefits from implied consent from the Secretary of State. Thus, the Council would be in compliance with its obligations under Section 123 of the Local Government Act 1972. Because part of the demise includes an area of public open space, the disposal needs to be advertised in the local newspaper for two consecutive weeks followed by a period of 28 days to allow representations to be made. If representations are received after the Executive meeting, a report should be brought back to Executive if not delegated to officers for consideration.

**FINANCE** – The proposal to surrender and re-grant a lease to Morton Community Centre Association will have no financial impact as the current and proposed leases are at a peppercorn rental. The new lease will allow the Centre to apply for external funding for improvements. As the Council owns the property occupied by the Community Centre Association its value is held on the Council's Balance Sheet under Land and Buildings.

**EQUALITY – None**

**INFORMATION GOVERNANCE – None**



**Lease Plan  
Morton Community Centre**

Date: 23/08/2018

Scale: 1:1250



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Civic Centre  
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# **Lease Plan** **Morton Community Centre**

Date: 17/04/2018

Scale: 1:1250



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