

AGENDA

Executive

Monday, 01 June 2015 AT 16:00

In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

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.

Minutes

To confirm the Minutes of the meeting of the Executive held on 2 March 2015.

[Copy Minutes in Minute Book Volume 41(6)]

PART A

To be considered when the Public and Press are present

A.1 2014/15 PROVISIONAL OUTTURN REPORTS

(Key Decision - KD.04/15)

- | | | |
|--|---|----------------|
| (a) | <u>Provisional General Fund Revenue Outturn 2014/15</u> | 9 - 32 |
| <p>The Director of Resources to submit a report on the Provisional General Fund Revenue Outturn for 2014/15.
(Copy Report RD.07/15 herewith)</p> | | |
| (b) | <u>Provisional Capital Outturn 2014/15 and Revised Capital Programme 2015/16</u> | 33 - 48 |
| <p>The Director of Resources to submit a report on the Provisional Capital Outturn for 2014/15.
(Copy Report RD.08/15 herewith)</p> | | |
| (c) | <u>Treasury Management Outturn 2014/15</u> | 49 - 68 |
| <p>The Director of Resources to submit a report on the Treasury Management Outturn 2014/15.
(Copy Report RD.09/15 herewith)</p> | | |
| (d) | <u>Provisional Outturn for Council Tax and National Non Domestic Rates 2014/15</u> | 69 - 78 |
| <p>The Director of Resources to submit a report on the provisional outturn and performance position for Council Tax and National Non Domestic Rates.
(Copy Report RD.10/15 herewith)</p> | | |
| (e) | <u>Elected Members' Allowances - Provisional Outturn for 2014/15</u> | 79 - 84 |
| <p>The Director of Resources to submit a report on the amount of allowances paid to Members as part of the Elected Members' Allowances Scheme for 2014/15.
(Copy Report RD.11/15 herewith)</p> | | |

A.2 COMMUNITY TRIGGER

85 - 106

(Key Decision - KD.10/15)

The Deputy Chief Executive to submit a report seeking adoption of the proposed countywide approach for the new Community Trigger legislation. The matter was considered by the Community Overview and Scrutiny Panel on 9 April 2015.

(Copy Report SD.07/15 and Minute Excerpt herewith)

A.3 LOW COST HOME OWNERSHIP POLICY

107 - 124

(Key Decision - KD.11/15)

The Director of Economic Development to submit a report presenting the draft Low Cost Home Ownership Policy for consideration.

(Copy Report ED.17/15 herewith)

A.4 ASSET REVIEW BUSINESS PLAN - REFRESH OF DISPOSAL PROGRAMME 2015

125 - 134

(Key Decision - KD.12/15)

The Director of Governance to submit a report outlining the current position and progress regarding the Disposals Programme, and proposed changes.

(Copy Report GD.20/15 herewith)

Background Papers - Report CE.39/10 (Draft Asset Review Business Plan). Reports RD.47A/13 (Asset Review Business Plan - Disposals Programme) and GD.30/14 (Refresh of Disposals Programme 2014) are available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

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|------------|---|------------------|
| A.5 | <u>CONTAMINATED LAND STRATEGY (Cost Recovery and Hardship Policy)</u> | 135 - 220 |
| | <p>(Key Decision - KD.13/15)</p> <p>The Director of Local Environment to submit a report presenting the revised 2015 Contaminated Land Strategy, incorporating the Cost Recovery and Hardship Policy.
(Copy Report LE.04/15 herewith)</p> | |
| A.6 | <u>FOOD LAW ENFORCEMENT SERVICE PLAN</u> | 221 - 262 |
| | <p>(Key Decision - KD.14/15)</p> <p>The Director of Local Environment to submit a report concerning the Environmental Health Service's inspection and educational priorities for improving food safety in Carlisle during 2015/16.
(Copy Report LE.06/15 herewith)</p> | |
| A.7 | <u>CAPITAL RELEASE FOR S.106 CRINDLEDYKE CYCLEWAY</u> | 263 - 266 |
| | <p>(Key Decision - KD.15/15)</p> <p>The Director of Local Environment to submit a report requesting the release of £281,000 from the S.106 monies received from Story Homes in respect of the Crindledyke development for the construction of traffic free "green" cycle paths between Kingmoor and Carlisle City Centre.
(Copy Report LE.10/15 herewith)</p> | |
| A.8 | <u>LAND TRANSACTION - DISPOSAL OF LAND AT PORTLAND SQUARE, CARLISLE</u> | 267 - 296 |
| | <p>(Key Decision - KD.17/15)</p> <p>The Director of Governance to submit a report asking the Executive to approve the release and leasehold disposal of land at Portland Square, Carlisle.
(Copy Report GD.26/15 herewith)</p> | |

A.9 NOTICE OF EXECUTIVE KEY DECISIONS

297 - 312

(Non Key Decision)

The Notice of Executive Key Decisions, published on 1 May 2015, is submitted for information.

KD.17/15 - The Director of Governance's report concerning the Disposal of Land at Portland Square, Carlisle (GD.26/15) will now be considered in public session only.

(Copy Notice herewith)

A.10 SCHEDULE OF DECISIONS TAKEN BY PORTFOLIO HOLDERS 313 - 314

(Non Key Decision)

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

(Copy Schedule herewith)

Background Papers - Private Reports ED.26/13 and ED.22/14 (Development at Rosehill). Report LE.32/13 (Carlisle's Play Provision) is available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

A.11 SCHEDULE OF DECISIONS TAKEN BY OFFICERS

315 - 318

(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.12 JOINT MANAGEMENT TEAM

319 - 320

(Non Key Decision)

The Minutes of the meeting of the Joint Management Team held on 2 March 2015 are submitted for information.
(Copy Minutes herewith)

A.13 TRIPARTITE MEETING

321 - 326

(Non Key Decision)

The Notes of the Tripartite Meeting between the County Council Local Committee for Carlisle, Carlisle City Council and Carlisle Parish Councils held on 9 March 2015 are submitted for information.
(Copy Notes herewith)

A.14 DRAFT ANTI BRIBERY POLICY

327 - 340

(Non Key Decision)

Pursuant to Minute AUC.33/15, the Director of Resources to submit a report providing a draft Anti Bribery Policy, prepared in order to strengthen existing counter fraud and corruption measures and to meet the requirements of the Bribery Act 2010. The Audit Committee considered the matter on 13 April 2015.
(Copy Report RD.04/15 and Minute Excerpt herewith)

A.15 2014/15 THIRD QUARTER PERFORMANCE REPORT

341 - 356

(Non Key Decision)

The Policy and Communications Manager to submit a report updating the Executive on the Council's service standards that help measure performance, together with the key actions contained within the Carlisle Plan.
(Copy Report PC.02/15 herewith)

(Non Key Decision)

The Director of Governance to submit a report seeking the nomination of Members to serve on various outside bodies.
(Copy Report GD.36/15 herewith)

PART B

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

B.1 ASSET REVIEW BUSINESS PLAN - REFRESH OF DISPOSAL PROGRAMME 2015

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

(Key Decision - KD.12/15)

This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Director of Governance to submit a report outlining the current position regarding the Disposals Programme, and proposed changes.
(Copy Report GD.20/15 herewith)

Background Papers – Report CE.39/10 (Draft Asset Review Business Plan). Reports RD.47A/13 (Asset Review Business Plan – Disposals Programme) and GD.30/14 (Refresh of Disposals Programme (2014)) are available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

Members of the Executive

Councillor C W Glover (Leader)

Councillor Mrs E B Martlew (Deputy Leader; and Environment and Transport Portfolio Holder)

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

Councillor Mrs J Riddle (Communities, Health and Wellbeing Portfolio Holder)

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

Councillor Mrs H M Bradley (Economy, Enterprise and Housing Portfolio Holder)

Enquiries to:

Morag Durham - Tel: 817036

Notes to Members:

Decisions made at this meeting, if not subject to call-in, will become live on 11 June 2015

Report to Executive

Agenda
Item:

A.1(a)

Meeting Date: 1st June 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref:KD.04/15
Within Policy and Budget Framework YES
Public / Private Public

Title: PROVISIONAL GENERAL FUND REVENUE OUTTURN 2014/15
Report of: DIRECTOR OF RESOURCES
Report Number: RD 07/15

Purpose / Summary: This report summarises the 2014/15 provisional outturn for the General Fund revenue budget and gives reasons for the variances.

The outturn position shows a net underspend of £1,434,744 for Council services as at 31 March 2015, once committed expenditure totalling £671,600, transfers to provisions of £390,100 and transfers to earmarked reserves of £1,020,900 are taken into account. The underspend position allows usable revenue balances which were forecast to be below minimum requirements to be replenished.

It should be noted that the information contained in this report is provisional, subject to the formal audit process. The Statement of Accounts for 2014/15 will be presented to the Audit Committee on 9 July, followed by a three month audit process.

Recommendations:

The Executive is asked to:

- (i) Note the net underspend as at 31 March 2015 of £1,434,744 after carry forwards as set out in (ii) below, net transfers to/from earmarked reserves as noted in (iii) below, and transfers to provisions as noted in (iv) below;
- (ii) Note the committed expenditure totalling £671,600 to be met in 2015/16 to 2017/18 which has been approved by the Director of Resources under delegated powers, and the release of £645,600 in 2015/16, £13,000 in 2016/17 and £13,000 in 2017/18 from the General Fund Reserve, for recommendation to Council;
- (iii) To approve for recommendation to Council, the creation of new reserves and transfers into the new and existing reserves of £720,900 as detailed in paragraph 5.1 and Appendix B2 of the report;

- (iv) To approve for recommendation to Council the creation of a new provision and transfers into the new and an existing provision of £390,100 as detailed in paragraph 5.1 and Appendix B2 of the report;
- (v) To approve the release of £144,000 from the renewals reserve to fund Digital Information Services expenditure as detailed in paragraph 5.2;
- (vi) To approve for recommendation to Council, the creation of a Volatility Reserve in line with the agreement for Cumbria Business Rates Pool as detailed in paragraph 7.6.

Tracking

Executive:	1 June 2015
Overview and Scrutiny:	ROSP 18 June 2015
Audit Committee:	9 July 2015
Council:	14 July 2015

1. BACKGROUND

- 1.1 This report shows the provisional outturn position for the General Fund Revenue budgets for 2014/15.
- 1.2 A summary of the overall position is shown in paragraph 2. Further details for each directorate are included in **Appendices A1 – A7** as follows:
- (i) A comparison of the outturn position against the budget.
 - (ii) An analysis of the major variances relating to both income and expenditure, with comments from the Director.
 - (iii) The items of carry forwards to cover committed expenditure to be expended in line with the original purpose. These requests follow the procedure agreed by Council with every form being signed off by the relevant Director after discussion with the Portfolio holder, and the Director of Resources.
- 1.3 Members should note that the information contained in this report is provisional and subject to the formal audit process. The formal Statement of Accounts for 2014/15 will be presented to the Audit Committee on 9 July, followed by a three month audit period. Any significant changes required following the approval of the 2014/15 accounts will, if necessary, be reported to a future Executive meeting.
- 1.4 Please note that throughout this report:
- (i) the use of a bracket represents a favourable position i.e. either an underspend or additional income received,
 - (ii) the term 'underspend' is taken to include both reduced expenditure and/or increased income,
 - (iii) the term 'overspend' includes both spending above budget and/or reduced income levels.

2. SUMMARY REVENUE OUTTURN 2014/15

- 2.1 The following table shows the revised 2014/15 budget for the General Fund:

2014/15 Revenue Budget	£
Approved Budget (Council resolution – February 2014)	12,500,900
Carry forward requests (2013/14 out-turn)	767,600
Council Resolution 2014/15	13,268,500
Non-Recurring Expenditure (note 1)	
Transformation Costs (Transformation Reserve)	96,200
Updated Budget 2014/15	13,364,700

Note (1) Voluntary Redundancy savings used to replenish the earmarked reserve, partly offset by the use of earmarked reserves to fund 2014/15 expenditure

- 2.2 The provisional outturn position for the General Fund is summarised below and explanations for the main variances are provided in the appendices. The significant variances and key issues are highlighted in paragraph 3:

Directorate / Appendix		Annual Net Budget (£)	Total Spend (£)	Net Variance at 31/03/15 (£)	Carry Forwards (£)	Reserves Provisions (£)	Adjusted Variance (£)
Chief Executive's Team	A1	558,700	430,354	(128,346)	92,500	0	(35,846)
Deputy Chief Executive's Team	A2	4,220,200	4,159,187	(61,013)	47,700	150,000	136,687
Economic Development	A3	2,747,600	2,271,203	(476,397)	132,000	128,100	(216,297)
Governance	A4	(1,518,800)	(2,133,489)	(614,689)	213,000	100,000	(301,689)
Local Environment	A5	6,046,100	5,253,995	(792,105)	63,700	192,800	(535,605)
Resources	A6	1,250,500	488,271	(762,229)	52,400	290,100	(419,729)
Corporate ⁽¹⁾	A7	60,400	(622,165)	(682,565)	70,300	550,000	(62,265)
Sub Total		13,364,700	9,847,356	(3,517,344)	671,600	1,411,000	(1,434,744)

Note 1: Corporate underspends include Salary Turnover Savings, Budget Savings, Inflation Savings, Direct Revenue Financing, Non-Distributed (Pension) costs and corporate management costs (which include bank and

- 2.3 The above table details the net Council budget. The Council's original gross budget for 2014/15 was £59.97m and although there are many individual variances as detailed by directorates in **Appendices A1 – A7**, the net underspend equates to 2.39% of this budget.

3. EXPLANATION OF SIGNIFICANT VARIANCES & KEY ISSUES

- 3.1 The provisional outturn position for 2014/15 is an underspend of £1,434,744 after taking into account carry forward requests of £671,600 as set out in paragraph 4

and transfers to/from earmarked reserves and provisions totalling £1,411,000, as set out in paragraph 5.

- 3.2 Some of the **significant** service expenditure and income variances are set out below. Many of these have been reported throughout the year in budget monitoring reports and further explanations are provided in the appendices.

Income

- Improved levels of investment income of £54,800
- Shortfall on rental income from the Lanes of £158,000
- Improved Property rent income of £220,000 due to rent reviews and backdated rent collected including Industrial Estates.
- Improved Development Control Fee income of £102,600
- Improved rental income from Civic Centre of £84,600 including room rental and mobile phone aerials.
- Asset Disposal Income losses not materialising of £94,000 due to delays in sales of assets
- Shortfall on income of £127,200 on Other Parking Contracts
- Improved income of £79,300 on On and Off Street Parking, due to a reimbursement of £100,000 for On Street Parking
- Surplus on Housing Benefit overpayment following subsidy finalisation of £93,200

Expenditure

- £154,700 Additional salary turnover savings achieved
- Transformation savings achieved early of target of £147,500
- Inflation savings of £58,500
- Saving on past pension service costs of £124,100
- Net underspend of £275,400 (after carry forwards) on Recycling & Waste Services due to reduced expenditure levels and increased income
- Net surplus of £299,800 (after transfer to provision) on Revenues and Benefits due to unused budgets allocated for shared service and underspend on Discretionary Rate Relief.

- 3.3 The reallocation of central departments' balances to service areas still has to be carried out, which explains many of the small balances held on some management and support service centres. This reallocation will be completed before the Statement of Accounts is prepared, but has no impact on the overall out-turn position.

- 3.4 Members are regularly updated on the budget position throughout the year, with quarterly reports being considered by the Executive and scrutinised by Resources Overview and Scrutiny Panel. Many of the variances shown in the Appendices have previously been reported with any necessary steps to mitigate the impact on the future budget position dealt with as part of the 2015/16 budget. However, some pressures have an ongoing impact which must be addressed during the forthcoming 2016/17 budget process e.g. salary turnover savings, income levels.

4. CARRY FORWARD REQUESTS

- 4.1 In accordance with the Council's Constitution, any net underspending/savings on service estimates under the control of the Director may be carried forward. This is to facilitate the achievement of more strategic five year budgeting which requires greater flexibility of budgets between years as set out in the Medium Term Financial Plan. Approval of carry forwards is subject to the following as contained in the Council's Constitution:

- *the authorisation of the Director of Resources where the request relates to a specific committed item of expenditure where, due to external or other factors, the Director has been unable to spend the approved budget by 31 March. The use of the resource will be restricted to the purpose for which the estimate was originally intended. The carry forward will only be approved by the Director of Resources if the expenditure is within both the Directorate's and the Authority's budget as approved for that year. Any carry forward which would result in an over-spend for the Authority will require authorisation by the Council.*
- *any overspending on service estimates in total on budgets under the control of the Director must be carried forward to the following year, and will constitute the first call on service budgets in the following year, unless the Council determines otherwise by way of a supplementary estimate. The Director of Resources will report the extent of overspending carried forward to the Executive, Resources Overview and Scrutiny Panel and to the Council.*

The delegated power applies only in so far as the carry forwards do not take the Council into an overspend position.

- 4.2 Details of the carry forward requests, which itemise committed expenditure, are contained within **Appendix B2**. The requests have been subject to the scrutiny of the relevant Director and Portfolio Holder prior to formal consideration by SMT and the Director of Resources, who is satisfied that budgets of £671,600 should be carried forward into future years split £645,600 in 2015/16, £13,000 in 2016/17 and £13,000 in 2017/18. Although some Directorates have expended in excess of their budgets, or have suffered reduced income as detailed in the individual appendices,

once the committed expenditure is taken into account there is an overall underspend across the whole authority. These amounts have therefore been included in the carry forward. The relevant Director will be able to give further details of carry forward requests if required at the meeting.

- 4.3 For information, the table below provides details of the outturn position (excluding funding) and level of carry forward requests over the last five years for illustrative purposes:

	2014/15 Provisional £	2013/14 £	2012/13 £	2011/12 £	2010/11 £
Variance at 31 March	(3,517,344)	(1,331,125)	(1,021,350)	(618,959)	(2,004,397)
Carry forward requests	671,600	767,600	696,400	357,500	1,758,700
Final Variance	(2,845,744)	(563,525)	(324,950)	(261,459)	(245,697)
Less Transfers/Costs of Disposals	<u>1,411,000</u>	<u>480,943</u>	<u>249,703</u>		
Service Expenditure variance	(1,434,744)	(82,582)	(75,247)		
Percentage variance on service expenditure of original gross budget	(2.39)%	(0.14)%	(0.11)%	(0.41)%	(0.36)%

5. RESERVES AND PROVISIONS

- 5.1 Details of transfers into new/existing reserves and provisions requested as part of the outturn process are contained within **Appendix B2** and are summarised below.

	Already Approved £	Approval Requested £	Total Transfers £
Car Park Reserve	0	150,800	150,800
City Centre Reserve	0	42,000	42,000
Repair & Renewals Reserves ⁽¹⁾	300,000	250,000	550,000
Economic Investment Reserve	0	128,100	128,100
Leisure Reserve	0	150,000	150,000
Total Transfers to Reserves	300,000	720,900	1,020,900
Revenues & Benefits Provision	0	290,100	290,100
Land Charges Provision	0	100,000	100,000
Total Transfers to Provisions	0	390,100	390,100
Total Transfers	300,000	1,111,000	1,411,000

Note (1) Council approval (RD57/14 03.03.15) has been received to transfer up to £300,000 into this reserve.

- 5.2 The Executive is asked to consider for release £144,000 from the Repair and Renewals Reserve to fund Digital Information Services costs as detailed below and profiled as £48,000 in 2015/16, £48,000 in 2016/17 and £48,000 in 2017/18.

	One-off £	Annual Costs (3 years) £	Total Requirement £
Microsoft Licensing agreement	0	48,000	144,000

It is anticipated there will be further Digital Information Services costs in relation to server and system upgrades in accordance with the IT Strategy that will require to be funded from this reserve. These will be subject to further reports to the Executive for approval following the competitive tendering exercise.

- 5.3 The level of Council reserves was approved by Council in February 2015 and showed that there will be pressure on reserves from 2015/16 onwards if ambitious transformation savings are not delivered to plan. Due to the level of underspend identified within this report after all carry forward requests are approved and transfers to/from earmarked reserves, approximately £1,434,744 will be returned to the General Fund Reserve. This will replenish the usable revenue balances which were forecast to be below minimum requirements.

	31/03/2015 £'000s	31/03/2016 £'000s	31/03/2017 £'000s	31/03/2018 £'000s	31/03/2019 £'000s	31/03/2020 £'000s
Prudent Level of Reserves	(2,600)	(2,600)	(2,600)	(2,600)	(2,600)	(2,600)
Council Resolution General Fund Reserve	(2,559)	(1,442)	(2,057)	(2,656)	(3,651)	(3,411)
Underspend position returned to Reserves	(3,517)	0	0	0	0	0
Transfer (from)/to earmarked reserves & provisions: - see paragraph 5.1 ⁽¹⁾	1,411					
Committed Carry Forwards	0	646	13	13	0	0
Cost of Disposal	0					
Revised Reserves Balance ⁽²⁾	(4,665)	(2,902)	(3,504)	(4,090)	(5,085)	(4,845)

Note 1: Transfers to/(from) earmarked reserves & provisions subject to approval

Note 2: The Final Reserves Balance will be dependent on additional transfer as part of the Statement of Accounts including the final position on Business Rates.

6. BAD DEBT PROVISION

- 6.1 The Council's bad debt provision has been increased in respect of housing benefit overpayments, and reduced in respect of penalty charge notices and sundry debtors, and this has been allocated directly to the services. Further details can be found in report RD10/15 elsewhere on the agenda.

7. BALANCE SHEET

- 7.1 In line with suggested best practice, information relating to significant items on the Council's balance sheet has been reported regularly to Members during the course of the year. The Council's balance sheet as at 31 March 2015 forms part of the annual Statement of Accounts that will be considered by the Audit Committee on 9 July, followed by a three month process.
- 7.2 The VAT partial exemption calculation has been finalised for 2014/15 resulting in 2.73% for the year which is well below the 5% limit set by HMRC.
- 7.3 The 2013/14 Council Tax Collection Fund projected surplus has increased from £394,371 to £528,222 (Council share increased from £51,785 to £68,266).
- 7.4 2014/15 is the second year of the Business Rate Retention Scheme and new Collection Fund Accounting Regulations and the first year the Council has participated in the Cumbria Pooling arrangement.
- 7.5 The figures for Business rates are still being calculated at this point. The Council budgeted for additional income of £500,000, and early estimates forecast that this may not be achieved due to a high level of appeals being submitted before 31

March in order to qualify from backdating of those appeals. Any shortfall on the budget will be a call on general fund reserves, and will reduce the amount returned to reserves.

The Council Tax and NNDR Provisional outturn report provides further details and is considered elsewhere on the agenda (RD10/15). An addendum on the final position will be issued in time to be considered at this meeting.

- 7.6 As part of the Cumbria Business Rate Pooling arrangements, an element of all the growth achieved by the participants of the pool is used to establish a volatility reserve. This reserve allows a cushion so that should any member suffer a loss in income, then the reserve ensures that they do not fall below the safety net level. Each member is required to show their share of the reserve on their balance sheets and as such a new earmarked reserve is to be established. It is further recommended that management of the reserve rests with the Director of Resources with the use of the Reserve requiring an Officer Decision notice by the Director of Resources.
- 7.7 At 31st March 2015 balances totalling £1,822,144 are held in respect of Section 106 agreements and other commuted sums, with a further £5,055,587 expected, relating to agreements for sites yet to be developed. These sums are to be used for the provision and future maintenance of public open spaces, children's play areas, cycleways and transport facilities etc. The City Council acts as custodian only for £1,172,604 of the sums held, in respect of projects for which Cumbria County Council is responsible, including the Castle Way and Public Realm. Should the County Council not progress these projects, or they remain incomplete before the agreed deadlines, the custodial sums must be repaid, along with a premium for interest, to the Developers. Further details of the balances retained are set out in the table below:

Commuted Sums 2014/2015	Opening Balance & Receipts (£)	Spend (£)	Retained Balance 31/03/14 (£)	Expected Sums (£)
Affordable Housing Contributions	21,250	0	21,250	254,373
Public Realm	706,056	8,207	697,849	0
Education	0	0	0	3,500,000
Play Areas & Facilities	397,194	124,433	272,761	417,896
Public Open Spaces Provision/Maintenance	417,195	67,246	349,949	237,669
Habitat	300	0	300	100,000
Waste	5,280	0	5,280	48,584
Sports Provision/Maintenance	0	0	0	3,780
Transport & Pedestrianisation	474,755	0	474,755	493,285
Total	2,022,030	199,886	1,822,144	5,055,587

8. CONSULTATION

8.1 Consultation to date.

Portfolio Holders and SMT have considered the issues raised in this report.

8.2 Consultation Proposed.

Resources Overview and Scrutiny Panel will consider the report on 18 June 2015.

9. CONCLUSION AND REASONS FOR RECOMMENDATIONS

9.1 The Executive is asked to:

- (i) Note the net underspend as at 31 March 2015 of £1,434,744 after carry forwards as set out in (ii) below, net transfers to/from earmarked reserves as noted in (iii) below, and transfers to provisions as noted in (iv) below;
- (ii) Note the committed expenditure totalling £671,600 to be met in 2015/16 to 2017/18 which has been approved by the Director of Resources under delegated powers, and the release of £645,600 in 2015/16, £13,000 in 2016/17 and £13,000 in 2017/18 from the General Fund Reserve, for recommendation to Council;
- (iii) To approve for recommendation to Council, the creation of new reserves and transfers into the new and existing reserves of £720,900 as detailed in paragraph 5.1 and Appendix B2 of the report;
- (iv) To approve for recommendation to Council the creation of a new provision and transfers into the new and an existing provision of £390,100 as detailed in paragraph 5.1 and Appendix B2 of the report;
- (v) To approve the release of £144,000 from the renewals reserve to fund Digital Information Services expenditure as detailed in paragraph 5.2;
- (vi) To approve for recommendation to Council, the creation of a Volatility Reserve in line with the agreement for Cumbria Business Rates Pool as detailed in paragraph 7.6.

10. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

10.1 The Council's budget is set in accordance with the priorities of the Carlisle Plan and the 2014/15 outturn shows the delivery of these priorities within budget.

Contact Officer: Emma Gillespie

Ext: 7289

Appendices A1 to A7 and B1 to B2.
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:

- None

CORPORATE IMPLICATIONS/RISKS: SMT and JMT have been involved in the preparation of this report. Risks to future years' budget and development of ongoing impact of issues identified will be monitored carefully in budget monitoring reports and appropriate action taken.

Chief Executive's – N/A

Deputy Chief Executive's Team – N/A

Economic Development – N/A

Governance – The Council has a fiduciary duty to manage its finances properly and the proper reporting of the outturn figures is part of this process. Approval of full Council is required for the additional use of revenue reserves to fund expenditure commitments as set out in the report.

Local Environment – N/A

Resources – Financial implications are contained within the main body of the report.

REVENUE BUDGET MONITORING 2014/15

CHIEF EXECUTIVE'S TEAM		Gross Expenditure	Gross Income	Recharges	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Total
Position as at 31st March 2015		£	£	£	£	£	£
Annual Budget		2,869,100	(129,100)	(2,181,300)			558,700
Budget to date		2,869,100	(129,100)	(2,181,300)			558,700
Total Actual		2,774,494	(156,610)	(2,187,530)			430,354
Variance		(94,606)	(27,510)	(6,230)			(128,346)
Carry Forwards/Reserves & Provisions					92,500	0	92,500
Adjusted Variance		(94,606)	(27,510)	(6,230)	92,500	0	(35,846)

Analysis of Variances		Expenditure Variance	Income Variance	Recharges Variance	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Variance
Service	Note	£	£	£	£	£	£
Customer Contact Section Policy & Communications Tourism Miscellaneous	1	1,831	(24,403)	0	17,100	0	(5,472)
	2	(41,511)	(60)	(6,329)	38,600	0	(9,299)
	3	(30,408)	(74)	0	29,300	0	(1,183)
	4	(24,518)	(2,972)	98	7,500	0	(19,891)
Total Variance to date		(94,606)	(27,510)	(6,230)	92,500	0	(35,846)

Note	Chief Executive's Team - Comments
1.	Additional income for reception services received but required to continue Universal Credit service delivery in 2015/16.
2.	Under budget payments to contractors re Digital Banner (£35,000) and training costs.
3.	Under budget third party payments re Discover Carlisle & publicity expenses.
4.	Various net minor underspends and surplus income across the service. Carry forward for continuation of Apprenticeship scheme.

REVENUE BUDGET MONITORING 2014/15

DEPUTY CHIEF EXECUTIVE'S TEAM									
Position as at 31st March 2015									
	Gross Expenditure	Gross Income	Recharges	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Total			
	£	£	£	£	£	£			
Annual Budget	4,669,800	(271,000)	(178,600)			4,220,200			
Budget to date	4,669,800	(271,000)	(178,600)			4,220,200			
Total Actual	4,616,878	(279,091)	(178,600)			4,159,187			
Variance	(52,922)	(8,091)	0			(61,013)			
Carry Forwards/Reserves & Provisions				47,700	150,000	197,700			
Adjusted Variance	(52,922)	(8,091)	0	47,700	150,000	136,687			

Analysis of Variances									
Service	Note	Expenditure Variance	Income Variance	Recharges Variance	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Variance		
		£	£	£	£	£	£		
Art Centre	1	(118,314)	70,554	0	47,700	0	(60)		
Miscellaneous	2	65,392	(78,645)	0	0	150,000	136,747		
Total Variance to date		(52,922)	(8,091)	0	47,700	150,000	136,687		

Deputy Chief Executive's Team - Comments	
1.	Underspend due to work connected to the capital build programme which will complete early 2015/16.
2.	Various net overspends offset by surplus income across the service. Leisure Reserve of £150,000 to be established.

REVENUE BUDGET MONITORING 2014/15

ECONOMIC DEVELOPMENT							
Position as at 31st March 2015							
	Gross Expenditure	Gross Income	Recharges	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Total	
	£	£	£	£	£	£	
Annual Budget	5,442,800	(2,162,200)	(533,000)			2,747,600	
Budget to date	5,442,800	(2,162,200)	(533,000)			2,747,600	
Total Actual	5,450,886	(2,623,555)	(556,128)			2,271,203	
Variance	8,086	(461,355)	(23,128)			(476,397)	
Carry Forwards/Reserves & Provisions				132,000	128,100	260,100	
Adjusted Variance	8,086	(461,355)	(23,128)	132,000	128,100	(216,297)	
Analysis of Variances	Expenditure Variance	Income Variance	Recharges Variance	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Variance	
Service	£	£	£	£	£	£	
Business and Employment Development	(22,320)	0	0	0	0	(22,320)	
Building Control	(9,819)	(28,096)	0	0	0	(37,915)	
Development Control	13,551	(109,169)	0	0	0	(95,618)	
Local Plans	(135,756)	8,397	0	132,000	0	4,641	
Business Support, Employment & Regeneration Projects	39,978	(154,756)	0	0	128,100	13,322	
Tourist Information Centres	4,439	36,825	0	0	0	41,265	
Hostels and Homeshares	31,512	(125,967)	0	0	0	(94,456)	
Housing Regeneration	(59,944)	51,728	0	0	0	(8,216)	
Miscellaneous	146,445	(140,317)	(23,128)	0	0	(17,000)	
Total Variance to date	8,086	(461,355)	(23,128)	132,000	128,100	(216,297)	

Note	Economic Development - Comments
1.	Underspent supplies & services.
2.	Underspent supplies & services and third party payments, and surplus fees income.
3.	Overspent third party payments, offset by over achieved fees income.
4.	Underspent public enquiry legal and consultant fees, required in 2015/16 now to progress the Plan towards adoption.
5.	Underspent project expenses to be set aside in an earmarked reserve for future use.
6.	Underspent staffing and supplies; offset by overspent premises costs due to relocation and shortfalls on accommodation bookings' commission and sale of goods.
7.	Overspend on premises & supplies and services offset by surplus income on Housing Benefit contribution to rent.
8.	Underspend on salary costs; underachievement of LA fees on Disabled Facilities Grants.
9.	Various net minor overspends and surplus income against budgets to date.

REVENUE BUDGET MONITORING 2014/15

GOVERNANCE		Gross Expenditure	Gross Income	Recharges	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Total
Position as at 31st March 2015		£	£	£	£	£	£
Annual Budget		7,020,000	(5,343,800)	(3,195,000)			(1,518,800)
Budget to date		7,020,000	(5,343,800)	(3,195,000)			(1,518,800)
Total Actual		6,578,742	(5,525,308)	(3,186,923)			(2,133,489)
Variance		(441,258)	(181,508)	8,077			(614,689)
Carry Forwards/Reserves & Provisions					213,000	100,000	313,000
Adjusted Variance		(441,258)	(181,508)	8,077	213,000	100,000	(301,689)

Analysis of Variances		Expenditure Variance	Income Variance	Recharges Variance	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Variance
Service	Note	£	£	£	£	£	£
Civic Centre	1	(19,864)	(84,585)	0	0	0	(104,449)
Town Twinning	2	(17,106)	0	0	17,000	0	(106)
Legal Services	3	(20,985)	(30,840)	0	0	0	(51,825)
Property Services	4	(153,548)	1,883	0	152,000	0	336
Asset Disposal Costs	5	(93,432)	(787)	0	0	0	(94,219)
The Lanes	6	(39,517)	157,908	0	0	0	118,391
Industrial Estates and Other Properties	7	(26,056)	(220,190)	0	39,000	0	(207,246)
Miscellaneous	8	(70,752)	(4,898)	8,077	5,000	100,000	37,428
Total Variance to date		(441,258)	(181,508)	8,077	213,000	100,000	(301,689)

Note	Governance - Comments
1.	Underspend on premises costs; surplus rent for accommodation space & phone aerials.
2.	This is a 3 year programme budget which will be used to fund the Council's Town Twinning activities agreed at the Annual 3 Way meeting.
3.	Underspend on employee related expenses; surplus Legal Services fees received.
4.	Underspend on payments for consultants fees in relation to the review of the Council's property portfolio.
5.	Under budget costs associated with the disposal of assets.
6.	Underspend on third party administration fees; shortfall in guaranteed rental income for 2014/15 including a reduction to 2013/14 Head Rent.
7.	Surplus rent income due to rent reviews and backdated rent income.
8.	Underspent expenses and surplus income across the service. Additional transfer of £100,000 into Land Charges Provision.

REVENUE BUDGET MONITORING 2014/15

LOCAL ENVIRONMENT		Gross Expenditure	Gross Income	Recharges	Carry Forwards Awaiting Approval	Reserves / Provisions	Total
Position as at 31st March 2015		£	£	£	£	£	£
Annual Budget		14,642,400	(5,754,700)	(2,841,600)			6,046,100
Budget to date		14,642,400	(5,754,700)	(2,841,600)			6,046,100
Total Actual		14,043,010	(5,974,896)	(2,814,119)			5,253,995
Variance		(599,390)	(220,196)	27,481			(792,105)
Carry Forwards/Reserves & Provisions					63,700	192,800	63,700
Adjusted Variance		(599,390)	(220,196)	27,481	63,700	192,800	(728,405)

Analysis of Variances		Expenditure Variance	Income Variance	Recharges Variance	Carry Forwards Awaiting Approval	Reserves / Provisions (A)	Adjusted Variance
Service	Note	£	£	£	£	£	£
Bereavement Services	1	(39,372)	(37,268)	(3)	19,000	0	(57,642)
Environmental Health	2	(39,406)	(34,872)	(37)	2,400	0	(71,915)
CCTV	3	(20,430)	0	0	0	18,300	(2,130)
Garage Service	4	(35,833)	(14,088)	31,956	0	0	(17,966)
Green Spaces	5	(47,962)	(18,675)	0	0	0	(66,638)
Pedestrianisation	6	(9,826)	(31,291)	(0)	0	36,000	(5,117)
Highways Claimed Rights	7	(24,483)	(0)	0	0	0	(24,483)
City Lighting	8	(82,226)	(1,200)	0	0	82,200	(1,226)
LE Management & Development	9	(29,594)	0	(0)	0	0	(29,595)
Parking (On & Off Street)	10	(23,519)	(79,287)	(4,435)	0	23,900	(83,341)
Other Parking Contracts	11	(13,509)	127,247	0	0	0	113,738
Recycling & Waste Collection	12	(210,838)	(106,863)	0	42,300	0	(275,401)
Miscellaneous	13	(22,391)	(23,898)	(0)	0	32,400	(13,889)
Total Variance to date		(599,390)	(220,196)	27,481	63,700	192,800	(535,605)

REVENUE BUDGET MONITORING 2014/15

Note	Local Environment - Comments
1.	Underspent premises expenses and supplies & services; additional crematorium income.
2.	Underspend on supplies & services; over achieved Pest Control income and Food Safety income.
3.	Under budget equipment contract repairs.
4.	Shortfall on job recharges offset by under budget employee expenses and increased external income.
5.	Underspend on transport and supplies & services; surplus income & grant income received.
6.	Under budget premises and third party payments; additional fees from City Centre Management.
7.	Over budget due to insurance claims below excess.
8.	Underspend on lighting maintenance and energy savings.
9.	Underspend on IT, postages, office supplies and training.
10.	Under budget maintenance expenses; shortfall in PCN income offset by settlement payment for On-Street Parking deficit.
11.	Under budget expenses and partnership monies to be paid over; shortfall in income.
12.	Underspend on transport costs & contract costs; surplus income from Garden Waste & Plastics and Card.
13.	Various minor underspends & additional income across the service.
A.	Car Park Reserve (£150,800) & City Centre Reserve (£42,000) to be established from various underspends and surplus income across the services.

REVENUE BUDGET MONITORING 2014/15

RESOURCES		Gross Expenditure	Gross Income	Recharges	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Total
Position as at 31st March 2015		£	£	£	£	£	£
Annual Budget		40,362,900	(34,798,600)	(4,313,800)			1,250,500
Budget to date		40,362,900	(34,798,600)	(4,313,800)			1,250,500
Total Actual		40,124,392	(35,312,641)	(4,323,480)			488,271
Variance		(238,508)	(514,041)	(9,680)			(762,229)
Carry Forwards/Reserves & Provisions					52,400	290,100	342,500
Adjusted Variance		(238,508)	(514,041)	(9,680)	52,400	290,100	(419,729)

Analysis of Variances		Expenditure Variance	Income Variance	Recharges Variance	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Variance
Service	Note	£	£	£	£	£	£
Digital Information Services	1	(39,772)	(11,221)	(11,247)	52,400	0	(9,839)
Treasury and Debt Management	2	38,143	(54,753)	1,663	0	0	(14,948)
Benefits Payments and Subsidy	3	2,799	(95,983)	0	0	0	(93,184)
Revenues and Benefits	4	(234,880)	(355,082)	0	0	290,100	(299,862)
Miscellaneous	5	(4,798)	2,997	(96)	0	0	(1,896)
Total Variance to date		(238,508)	(514,041)	(9,680)	52,400	290,100	(419,729)

Note	Resources - Comments
1.	Underspend on agency fees and shared service payments; additional income from fees and contributions.
2.	Overspend in relation to the Cost of investing in CCLA Property Fund; offset by MRP saving and overachieved market deposit investment interest.
3.	Surplus on Housing Benefit Overpayments following subsidy finalisation.
4.	Unused budgets allocated for shared service use and underspend on Discretionary Rate Relief; surplus income from reimbursements. Provision to be established from grant income balances.
5.	Various minor underspends, partly offset by shortfalls in income.

REVENUE BUDGET MONITORING 2014/15

CORPORATE		Gross Expenditure	Gross Income	Recharges	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Total
Position as at 31st March 2015		£	£	£	£	£	£
Annual Budget		1,935,500	(1,875,100)	0			60,400
Budget to date		1,935,500	(1,875,100)	0			60,400
Total Actual		1,281,183	(1,903,348)	0			(622,165)
Variance		(654,317)	(28,248)	0			(682,565)
Carry Forwards/Reserves & Provisions					70,300	550,000	620,300
Adjusted Variance		(654,317)	(28,248)	0	70,300	550,000	(62,265)

Analysis of Variances		Expenditure Variance	Income Variance	Recharges Variance	Carry Forwards Awaiting Approval	Reserves / Provisions	Adjusted Variance
Service	Note	£	£	£	£	£	£
Direct Revenue Financing	1	(66,085)	0	0	28,800	0	(37,285)
Non Distributed Costs	2	(124,101)	0	0	0	0	(124,101)
Other Financial Costs	3	(427,576)	(28,248)	0	41,500	0	(414,324)
Corporate Management	4	(36,555)	0	0	0	0	(36,555)
Miscellaneous	5	0	0	0	0	550,000	550,000
Total Variance to date		(654,317)	(28,248)	0	70,300	550,000	(62,265)

Note	Resources - Comments
1.	Underspend on Empty Properties Initiative and Clean Up Carlisle. Carry forward to fund continuing capital schemes.
2.	Savings on shared service pension costs.
3.	Improvements in savings for Salary Turnover (£154,700), transformation savings achieved early (£147,500) & Inflation savings (£58,500). Surplus income including: Compensation Payment received (£8,800), Concession Sale (£14,200).
4.	Underspend on external audit fees.
5.	Renewals and Repairs Reserve to be established from various corporate underspends and surplus income.

Directorate/Section	Description	Requests into			Total
		2015/16 £	2016/17 £	2017/18 £	
Chief Executive's Office					
Organisational Development / Apprenticeships	Due to the start dates for the post holders of the Apprenticeship posts, funding is required to be carried forward to ensure budget is available to fund them up to the end of the temporary contracts.	7,500			7,500
Policy & Communications Training	Additional training for Microsoft Project Server - Ordered in March 2015	3,600			3,600
Policy & Communications Civic Centre Banner	To fund the new digital banner that arrived in April. TO BE ADDED TO CAPITAL PROGRAMME.	35,000			35,000
Policy & Communications, Tourism Marketing	To fund the new holiday guide	8,700			8,700
Policy & Communications, Tourism Marketing	Year 2 and Year 3 maintenance for the Discover Carlisle Website. Funding is from the income received for the BT Wi-Fi Contract	4,600			4,600
Customer Contact Centre	Funding received to help with the transition to Universal Credit. This carry forward is to utilise the funding received	16,000			16,000
Universal Credit Rollout		17,100			17,100
					0
		92,500	0	0	92,500
Deputy Chief Executive Team					
Art Centre	To accommodate orders placed at the Art Centre	47,700			47,700
		47,700	0	0	47,700
Economic Development					
Investment & Policy Local Plan Submission & Examination	£175k was allocated for local plan support, however, a variety of reasons has led to the examinations not occurring until 2015/16	132,000			132,000
		132,000	0	0	132,000
Governance					
Town Twinning	This budget is a rolling 3 year programme to fund the Council's Town Twinning activities. It is expected that a decision will be made this year to bring forward the next exchange to be hosted by Carlisle from 2018 to 2016. The full balance of £17,000 is required to fulfil commitments in 2015/16.	17,000	0	0	17,000
Democratic Services - CMIS Software Enhancement	To allow an upgrade to the Committee Management Information System (CMIS) to make it user friendly, enable a seamless transition between the 'new look' Carlisle City Council website and to comply with 'Access' requirements.	5,000			5,000
Property Services	Funding to engage specialist consultant advice needed to assist with the delivery of the review of the Council's property portfolio, in particular Kingstown/Parkhouse Estates.	152,000			152,000
Property Services	To fund Property Valuation fees to be incurred in coming years.	13,000	13,000	13,000	39,000
		187,000	13,000	13,000	213,000

Directorate/Section	Description	Requests into			Total
		2015/16 £	2016/17 £	2017/18 £	
Local Environment					
Cemeteries	A contract to be commissioned in early 2015-16 to undertake survey and making safe of headstones in 3 cemeteries, & completion of works to access road and purchase of new equipment for transportation of coffins.	19,000			19,000
Security and Building work at Bousteads	£14K for electric gate and £14K for tarmacking £2K contribution for toilet. TO BE ADDED TO CAPITAL PROGRAMME.	30,000			30,000
Clean Up Carlisle	We are watching you campaign already committed	2,400			2,400
Loader to Driver training	training loaders to be drivers to provide further cover for sickness and holidays. Loaders are easier/cheaper to cover by agency than drivers.	9,000			9,000
PCs and laptops for Bousteads	New computers and Laptops for Bousteads are on order and are essential to make the move to Bousteads possible	3,300			3,300
		63,700	0	0	63,700
Resources					
Other Financial costs - IT Software Costs	To meet commitment made to upgrade the financial ledger system to the web version which has greater flexibility, self service opportunities and dashboard capability which fits in with the ideology of the PRISM project. Officer Decision OD.035/15 TO BE ADDED TO CAPITAL PROGRAMME.	41,500			41,500
Revenues & Benefits ICT Upgrades	To upgrade Citrix Desktop (£10,000), CRM (£15,000), PC upgrades, screens (£18,000), l pads (£960) and Queing System (17,500). TO BE ADDED TO CAPITAL PROGRAMME.	45,200			45,200
Direct Revenue Financing	Budgets allocated to fund capital programme where expenditure has slipped into 2015/16 and resources are required to be carried forward	28,800			28,800
Revenues & Benefits Shared Services	Civica Data Disposal Module has been ordered (£19,530) and this carry forward is required to fund Carlisle's share of this commitment.	7,200			7,200
		122,700	0	0	122,700
Total General Fund Carry Forward Requests		645,600	13,000	13,000	671,600

2014/15 REVENUE RESERVES AND PROVISION REQUESTS

APPENDIX B2

Reserve/Provision	Purpose	Management of the Reserve	Approval to Release Funds	2015/16 £
Car Park Reserve	To establish a reserve for future Car Park Enhancements & Land Drainage improvements funded from underpends in CCTV, car park maintenance, street lighting maintenance, street name plates and Land Drainage.	Management of the Reserve rests with Director of Local Environment	Approval to release funds from the reserve can only be given by an Officer Decision Notice by The Chief Executive in consultation with the Director of Local Environment, Portfolio Holder and Director of Resources.	150,800
City Centre Reserve	To establish a reserve for the future Festive Lighting Programme. Additional income generated in year from Pedestrianisation will offset the saving in the transformation programme	Management of the Reserve rests with Director of Local Environment	Approval to release funds from the reserve can only be given by an Officer Decision Notice by The Chief Executive in consultation with the Director of Local Environment, Portfolio Holder and Director of Resources.	42,000
Repair & Renewals Reserve	To establish a Repairs and Renewals Fund that can be used for revenue and capital items in the future, e.g. ICT, Vehicles	Management of the Reserve rests with Director of Resources	Approval to release funds from the reserve can only be given by the Executive of the Council.	550,000
Economic Investment Reserve	To establish a reserve to enable continued and dedicated project resource to support employment related projects, Business Support and Regeneration Projects.	Management of the Reserve rests with Director of Economic Development	Approval to release funds from the reserve can only be given by an Officer Decision Notice by The Chief Executive in consultation with the Director of Economic Development, Portfolio Holder and Director of Resources.	128,100
Leisure Reserve	To establish a reserve for procurement work in relation to Leisure Services.	Management of the Reserve rests with Deputy Chief Executive	Approval to release funds from the reserve can only be given by an Officer Decision Notice by The Deputy Chief Executive, Portfolio Holder and Director of Resources.	150,000
	TOTAL RESERVE REQUESTS			1,020,900
Revenues & Benefits Provision	To establish a provision to hold grant income received for Revenues and Benefits that has no certainty of timescale over its use. These have previously been accrued as income in advance.		Use of the Provision should be supported by an Officer Decision Notice.	290,100
Land Charges Provision	To add to the existing provision for the repayment of Land Charges as determined by Litigation		Use of the Provision should be supported by an Officer Decision Notice.	100,000
	TOTAL PROVISION REQUESTS			390,100
	TOTAL REQUESTS FOR PROVISIONS/RESERVES			1,411,000

Report to Executive

Agenda
Item:

A.1(b)

Meeting Date: 1st June 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref:KD.04/15
Within Policy and Budget Framework YES
Public / Private Public

Title: PROVISIONAL CAPITAL OUTTURN 2014/15 AND REVISED CAPITAL PROGRAMME 2015/16
Report of: DIRECTOR OF RESOURCES
Report Number: RD 08/15

Purpose / Summary:

This report summarises the 2014/15 provisional out-turn for the capital budget and provides details of the revised capital programme for 2015/16. The out-turn shows that the net underspend for Council Services as at 31 March 2015 once committed expenditure totalling £2,269,600 is taken into account is £416,945.

It should be noted that the information contained in this report is provisional subject to the formal audit process. The Statement of Accounts for 2014/15 will be presented to the Audit Committee on 9 July, followed by a three-month audit process.

Recommendations:

The Executive is asked to:

- (i) Note the net underspend as at 31 March 2015 of £416,945 which includes expenditure to be met totalling £2,269,600, which have been approved under delegated powers by the Director of Resources;
- (ii) Make recommendations to Council on the increase of the 2015/16 capital programme of £151,700 funded from revenue carry forwards as detailed in paragraph 5 and Appendix B1 of the report;
- (iii) Consider the revised programme for 2015/16, together with the proposed methods of financing, as detailed at paragraph 5 and Appendix B, for recommendation to Council on 14 July.

Tracking

Executive:	1 June 2015
Overview and Scrutiny:	ROSP 18 June 2015
Audit Committee:	9 July 2015
Council:	14 July 2015

1. BACKGROUND

- 1.1 This report sets out the summarised financial out-turn for the Council's Capital Programme as follows:
- (i) the out-turn for individual schemes for 2014/15, summarised in **Appendix A**
 - (ii) the revised programme for 2015/16, and the provisional programme for 2016/17 to 2019/20, summarised in **Appendix B**.
- 1.2 The report sets out the financial implications arising from the out-turn including the impact on capital resources for 2015/16. Members should note that the information contained in this report is provisional and subject to the formal audit process. Any significant changes required following the approval of the 2014/15 accounts will, if required, be reported to a future Executive meeting.
- 1.3 Please note that throughout this report the use of brackets indicates a favourable variance i.e. either an underpend or additional income received.

2. SUMMARY CAPITAL OUTTURN 2014/15

- 2.1 The original capital programme of £7,216,500 for 2014/15 was approved in February 2014. Since then, a review of the capital programme has been undertaken and the capital funding has been revised. In accordance with proper accounting practices it has been necessary to gross up the expenditure budgets to properly reflect the total cost of the schemes including those fully funded from external grant/contributions.

The revised programme for 2014/15 of £8,184,100 is a result of the following funding streams:

2014/15 Capital Budget	£
Original 2014/15 Programme (approved Feb 2014)	7,216,500
Agreed Carry Forwards from 2013/14 (RD08/14 Council 15/7/14)	2,716,600
Reprofiling: Public Realm Improvement Works (RD82/13 Council 04/03/14)	75,000
Reprofiling: Old Town Hall budgets (RD08/14 Council 15/7/14)	(352,000)
Reprofiling: Asset Review expenditure to 2015/16 (Council 03/02/15)	(1,800,000)
Reprofiling: Asset Review expenditure from 2015/16 (GD03/15 Council 3/2/15)	135,000
External contributions/grants	76,000
Schemes funded by Revenue budgets	117,000
Revised 2014/15 Capital Programme	8,184,100
Less Capital Reserves to be released by Executive	(380,000)
Revised 2014/15 Capital Programme (released)	7,804,100

2.2 The provisional out-turn position for the 2014/15 capital programme is shown below:

Directorate	Revised Annual Budget	Total Expenditure	Variance	Carry Forwards (Committed)	Revised Variance
	£	£	£	£	£
Chief Executive's Team	0	0	0	0	0
Deputy Chief Executive's Team	2,155,000	1,712,010	(442,990)	443,000	10
Economic Development	1,877,100	1,072,467	(804,633)	526,900	(277,733)
Governance	2,095,900	1,919,522	(176,378)	57,200	(119,178)
Local Environment	1,335,200	600,906	(734,294)	730,700	(3,594)
Resources	340,900	192,650	(148,250)	131,800	(16,450)
Total	7,804,100	5,497,555	(2,306,545)	1,889,600	(416,945)
Reserves to be released	380,000	0	(380,000)	380,000	0
Total	8,184,100	5,497,555	(2,686,545)	2,269,600	(416,945)

The accounting treatment for those schemes still to be released by the Executive has been amended this year to remove the projects from the budget monitoring process until the budgets have been released. The £380,000 relates to Old Town Hall/Greenmarket schemes.

2.3 The position for 2014/15 after committed carry forwards have been taken into account is an underspend of £416,945.

2.4 The main variances after carry forwards are summarised below:

- An underspend of £131,434 on Asset Management Plan expenditure due to the land swap deal completing at less than originally budgeted.
- An underspend of £303,447 on Disabled Facilities Grants and Empty Property Initiative. Outstanding commitments on Disabled facilities Grants as at 31st March 2015 are approximately £186,500. These will be met from the budget allocation for 2015/16.
- An overspend of £40,733 on Durranshill Industrial Estate Improvement project. This is however fully funded by external grants.

2.5 Otherwise schemes are progressing within budget, although some schemes have not been completed to the original timescales which has resulted in the request for carry forwards.

2.6 Further details for each directorate are included in **Appendices A1-A5**.

- 2.7 The 2014/15 programme has been kept to a level that takes account of the Council's ability to deliver schemes with regard to capacity and available resources. Work has been carried out throughout the year to monitor the profiling of budgets and these have been adjusted to reflect progress in current capital schemes. The year end position for the capital programme is improved from previous years due to the implementation of corporate reserves and the improved profiling.

3. CARRY FORWARD REQUESTS

- 3.1 In accordance with the Council's Constitution, any net underspending/savings on service estimates under the control of the Director may be carried forward. This is to facilitate greater flexibility of budgets between years as set out in the Medium Term Financial Plan. Approval of carry forwards is subject to the following as contained in the Council's Constitution:

- *the authorisation of the Director of Resources where the request relates to a specific committed item of expenditure where, due to external or other factors, the Director has been unable to spend the approved budget by 31 March. The use of the resource will be restricted to the purpose for which the estimate was originally intended. The carry forward will only be approved by the Director of Resources if the expenditure is within both the Directorate's and the Authority's budget as approved for that year. Any carry forward which would result in an over-spend for the Authority will require authorisation by the Council.*
- *any overspending on service estimates in total on budgets under the control of the Director must be carried forward to the following year, and will constitute the first call on service budgets in the following year, unless the Council determines otherwise by way of a supplementary estimate. The Director of Resources will report the extent of overspending carried forward to the Executive, Resources Overview and Scrutiny Panel and to the Council.*

The delegated power applies only in so far as the carry forwards do not take the Council into an overspend position.

- 3.2 Carry forwards at the end of the year have been analysed to assess the year of potential expenditure to enable better profiling of budgets for future years. Of the committed carry forwards shown in paragraph 2.2, it is estimated that the full £2,269,600 (net) will be spent in 2015/16.

4. FINANCING OF CAPITAL PROGRAMME 2014/15

- 4.1 Utilisation of resources to fund the 2014/15 Capital Programme in light of the out-turn is provisionally estimated as follows:

	Revised Budget £	Provisional Out-turn £
Capital Programme expenditure in year	8,184,100	5,497,554
<u>Financed by:</u>		
Capital Receipts (including PRTB receipts) (note 1)	6,204,900	4,206,113
Capital Grants		
• Disabled Facilities Grant	663,000	681,394
• General	186,100	229,671
Reserves & Balances (note 2)		
• Earmarked Reserves	9,800	0
• Direct Revenue Financing	354,300	288,215
Contributions from other bodies incl S106 (note 3)	766,000	92,161
Total Financing	8,184,100	5,497,554

Notes:

1. Usable capital receipts carried forward from 2013/14 and those generated during the year amount to £6,345,154 compared to the revised estimate figure of £7,857,804, a decrease of £1,512,650. This is mainly due to the slippage of sales from the Asset Disposal Programme into future years. Of the total sum available, £4,206,113 has been used to fund the Capital Programme in 2014/15, with the balance (£2,139,041) being carried forward to 2015/16 and held within the Capital Adjustment Account in order to reduce the Council's MRP liability as per the Treasury Management budget agreed in February 2015.
2. The use of capital receipts has been optimised in order to fund 2014/15 capital expenditure. Direct revenue funding, S106 receipts and earmarked reserves and provisions specifically set up to fund capital expenditure have also been used to fund capital expenditure in 2014/15. Capital receipts are the last source of funding applied to finance the capital programme, external funding is always applied first. £28,800 direct revenue funding for schemes has also slipped into 2014/15 for St James Park and Improvements to Council Properties.
3. Additional contributions were received towards Disabled Facilities Grants (£7,000), and the use of Section 106 receipts towards Castle Way (S106) and Public Realm (S106) was less than budgeted. £681,800 has been carried forward into 2015/16 to allow the schemes to complete.

5. FIVE YEAR CAPITAL PROGRAMME

- 5.1 A five-year Capital Programme for 2015/16 to 2019/20 is detailed in **Appendices B1-B2**.

- 5.2 The programme for **2015/16** totalling £7,046,600 is based upon the programme as agreed by Council in February 2015 of £4,912,000, the commitments brought forward from 2014/15 as identified above of £2,269,600, less Asset Review Expenditure of £135,000 brought forward from 2015/16 to 2014/15.

The Executive is asked to recommend to Council an increase in the 2015/16 capital programme of £151,700 for new capital projects funded from revenue carry forwards as detailed in **Appendix B1**. The revised capital programme for 2015/16 would total £7,198,300.

- 5.3 The 2015/16 programme will be continually reviewed to ensure the Council has the capacity to deliver this level of programme. The main challenge for future years is funding the vehicle replacement programme.
- 5.4 The revenue outturn report considered elsewhere on the agenda (RD07/15) requests the establishment of new reserves and transfers into these reserves from revenue underspends. Members are asked to note that the 2015/16 capital programme could increase through Officer Decision Notices and further reports to the Executive approving the use of these reserves to fund capital expenditure.
- 5.5 It is suggested that the revised programme for 2015/16 as detailed in Appendix B1 is financed as follows:

	<u>Original Budget</u> £	<u>Revised Budget</u> £
Original Programme	4,912,000	4,912,000
Add: Carried forward from 2014/15	0	2,269,600
Add: Revenue Carried forward from 2014/15 for capital projects	0	151,700
Less: Reprofiting Asset Review Expenditure	0	(135,000)
Total Expenditure to be financed	4,912,000	7,198,300
<u>Financed by:</u>		
Capital Grants		
• DFG	663,000	663,000
• General	0	0
Capital Receipts	4,147,900	5,562,100
Contributions from other bodies	0	681,800
Direct Revenue Financing	101,100	281,600
Reserves	0	9,800
Total Financing	4,912,000	7,198,300

5.6 As part of the Medium Term Financial Plan, a review of anticipated receipts from the Asset Review Programme will be carried out which could impact the levels of receipts available to finance future years capital programmes if sales are delayed and amounts revised. This could also have implications for the revenue budgets (MRP).

5.6 The proposed programme for **2016/17** to **2019/20** as detailed in Appendix B2 is based on the programme agreed by Council in February 2015 and the recommendations made in this report.

6 CONSULTATION

6.1 Consultation to Date.

Portfolio Holders and SMT have considered the issues raised in this report.

6.2 Consultation Proposed.

Resources Overview and Scrutiny Panel will consider the report on 18 June 2015.

7 CONCLUSION AND REASONS FOR RECOMMENDATIONS

7.1 The Executive is asked to:

- (i) Note the net underspend as at 31 March 2015 of £416,945 which includes expenditure to be met totalling £2,269,600, which have been approved under delegated powers by the Director of Resources;
- (ii) Make recommendations to Council on the increase of the 2015/16 capital programme of £151,700 funded from revenue carry forwards as detailed in paragraph 5 and Appendix B1 of the report;
- (iii) Consider the revised programme for 2015/16, together with the proposed methods of financing, as detailed at paragraph 5 and Appendix B, for recommendation to Council on 14 July.

8 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

8.1 The Council's capital programme supports the current priorities in the Carlisle Plan.

Contact Officer: Emma Gillespie

Ext: 7289

Appendices A1 to A5 and B1 to B2.
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:

- **None**

CORPORATE IMPLICATIONS/RISKS: SMT and JMT have been involved in the preparation of this report. Individual capital schemes have different risks attached.

Chief Executive's – Not applicable

Deputy Chief Executive's – Not applicable

Economic Development – Not applicable

Governance – The Council has a fiduciary duty to manage its finances properly and the proper reporting of the outturn figures is part of this process. Approval of full Council is required for the additional use of capital reserves to fund expenditure commitments as set out in the report.

Local Environment – Not applicable

Resources – Financial implications are contained in the main body of the report.

DEPUTY CHIEF EXECUTIVE'S TEAM

Scheme	Revised Annual Budget £	Expenditure to date £	Variance to date £	Carry Forwards £	Adjusted Variance £	Details of major variance
Art Centre	1,055,000	612,010	(442,990)	443,000	10	Revised scheme approved by Council (CD47/13 10/09/13). Project due to completed Spring 2015.
Harraby School and Community Campus Contribution	1,100,000	1,100,000	0	0	0	Budget released by Executive 11/3/13 (SD02/13). Phased payments released as per agreement.
Grand Total	2,155,000	1,712,010	(442,990)	443,000	10	

ECONOMIC DEVELOPMENT

Scheme	Revised Annual Budget £	Expenditure to date £	Variance to date £	Carry Forwards £	Adjusted Variance £	Details of major variance
Public Realm Work	280,000	15,641	(264,359)	264,400	41	Budget released by Executive 10/03/14 (ED10/14). Project progressing as planned. Additional budget released by Executive 07/04/15 (ED15/15). Carry forward required to complete work committed.
Old Town Hall Phase 2	510,000	247,440	(262,560)	262,500	(60)	Reprofiling and release of budget agreed by Council 5/11/13 (ED36/13). Further reprofiling agreed by Council 15/07/14 (RD08/14) to reflect the revised work schedule for the scheme. Release of additional budget agreed by Executive (ED16/15) 7/04/15, and PF.002/15. Project progressing and due for completion Autumn 2015.
Disabled Facilities Grants	863,000	591,270	(271,730)	0	(271,730)	Mandatory Grants. The take up of DFGs is reduced due to a lower level of referrals. The position is being closely monitored.
Empty Properties Initiative	209,100	177,383	(31,717)	0	(31,717)	Approved by Council 16/07/13 (CD42/13) to allow the provision of loans and grants to be made to owners of empty property and assist in bringing them back into use.
Families Accommodation Replacement	15,000	0	(15,000)	0	(15,000)	Project complete.
HCA Durranshill Industrial Estate	0	40,733	40,733	0	40,733	Approved by Executive 15/01/14 (ED02/14). Project initially due to be delivered by a third party. This has now been taken back in house and grant funding is due to be returned to cover any expenditure incurred. A further report was approved by Executive 7/04/15 (ED14/15) detailing a revised programme of works.
Grand Total	1,877,100	1,072,467	(804,633)	526,900	(277,733)	

GOVERNANCE

Scheme	Revised Annual Budget £	Expenditure to date £	Variance to date £	Carry Forwards £	Adjusted Variance £	Details of major variance
Asset Management Plan	1,535,000	1,403,566	(131,434)	0	(131,434)	A five year Development and Investment Plan for the City Council's property portfolio with the aim of delivering additional income or reduced costs in the revenue account on a recurring basis.
Planned Enhancements to Council Property (including additional reserves released for Enterprise Center & West Walls)	499,900	477,874	(22,026)	57,200	35,174	Carry forwards required to honour commitments to current improvement projects. Overspend relates to improvements completed at Civic Centre.
Cenotaph & War Memorials	61,000	38,082	(22,918)	0	(22,918)	Approved by Council 5/11/13 (RD34/13). Project complete.
Grand Total	2,095,900	1,919,522	(176,378)	57,200	(119,178)	

LOCAL ENVIRONMENT

Scheme	Revised Annual Budget £	Expenditure to date £	Variance to date £	Carry Forwards £	Adjusted Variance £	Details of major variance
Play Area Developments	85,000	75,120	(9,880)	9,000	(880)	Carry forward budget required to complete current schemes at St James Park and Richmond Green.
Kingstown Industrial Estate Roads	9,800	0	(9,800)	9,800	0	Remaining budget required for additional public realm signage.
Castle Street Public Realm Improvements	24,700	24,689	(11)	0	(11)	Project complete.
Connect 2 Cycleway	0	(2,700)	(2,700)	0	(2,700)	Formal adoption of the cycleway now complete, remaining funds transferred to the Castle Street Public Realm project.
Clean Up Carlisle	55,000	48,750	(6,250)	0	(6,250)	Approved by Council 17/07/12 (LE22/12). Budget required to ensure the 2 year Clean Up Carlisle Campaign can be completed and full benefits received. Project complete.
Public Realm (S106)	349,600	7,707	(341,893)	341,900	7	Approved by Executive 3/9/12 (RD34/12). Funded by Section 106 monies.
Castle Way (S106)	340,400	500	(339,900)	339,900	0	Approved by Executive 11/4/12 (RD01/12). Funded by Section 106 monies.
Waste Optimisation Software	9,200	9,150	(50)	0	(50)	Purchase and implementation of route optimisation software for Waste Services.
CCTV Future Enhancements	89,000	88,889	(111)	0	(111)	Budget released by Executive 12/05/14 (LE06/14). Project complete.
Sheepmount Road	30,000	24,901	(5,099)	5,100	1	Budget released by Executive 15/09/14 (LE17/14). Project completion expected during Summer 2015.
Bits Park Improvements	10,000	10,914	914	0	914	Budget released by Executive 15/09/14 (LE17/14). Project complete.
Vehicles & Plant	332,500	312,986	(19,514)	25,000	5,486	Approved by Executive 18/08/14 (RD24/14). Replacement of vehicle purchases in 2014/15 all complete except one which is on order.
Grand Total	1,335,200	600,906	(734,294)	730,700	(3,594)	Carry forward required for vehicle ordered.

RESOURCES

Scheme	Revised Annual Budget £	Expenditure to date £	Variance to date £	Carry Forwards £	Adjusted Variance £	Details of major variance
DIS Infrastructure	319,900	188,026	(131,874)	131,800	(74)	Part of Shared Service Business Case. Carry forward required to accommodate contracts and orders placed to upgrade the IT infrastructure, network & equipment.
Employee Payment & Resource Management System	21,000	4,624	(16,376)	0	(16,376)	Approved by Executive 7/5/13 (RD07/13). Implementation complete.
Grand Total	340,900	192,650	(148,250)	131,800	(16,450)	

Scheme	Original Capital Programme 2015/16 £	Carry Forwards from 2014/15 £	Revenue Carry Forwards from 2014/15 £	Other Adjustments £	Revised Capital Programme 2015/16 £
<u>Current non-recurring commitments</u>					
Public Realm (S106)	0	341,900	0	0	341,900
Castle Way (S106)	0	339,900	0	0	339,900
Arts Centre	0	443,000	0	0	443,000
Old Town Hall Phase 2	390,000	262,500	0	0	652,500
Harraby School and Community Campus contribution	500,000	0	0	0	500,000
	890,000	1,387,300	0	0	2,277,300
<u>Recurring commitments</u>					
Planned Enhancements to Council Property	150,000	57,200	0	0	207,200
Vehicles, Plant & Equipment	1,109,000	25,000	0	0	1,134,000
ICT Infrastructure	100,000	131,800	0	0	231,800
	1,359,000	214,000	0	0	1,573,000
<u>Disabled Facilities Grants</u>					
Private Sector Grants	863,000	0	0	0	863,000
	863,000	0	0	0	863,000
<u>Continuing Schemes</u>					
Empty Property Initiative	0	0	0	0	0
Public Realm Improvements	0	264,400	0	0	264,400
Play Area Developments	0	9,000	0	0	9,000
Kingstown Industrial Estate	0	9,800	0	0	9,800
Sheepmount Road	0	5,100	0	0	5,100
	0	288,300	0	0	288,300
TOTAL	3,112,000	1,889,600	0	0	5,001,600
<u>Capital Reserves to be released</u>					
Asset Review Purchases/Expenditure (1)	1,800,000	0	0	(135,000)	1,665,000
Old Town Hall / Greenmarket	0	380,000	0	0	380,000
	1,800,000	380,000	0	(135,000)	2,045,000
SUB-TOTAL	4,912,000	2,269,600	0	(135,000)	7,046,600
<u>New non-recurring commitments</u>					
Civic Centre Digital Banner	0	0	35,000	0	35,000
Bousteads Grassing Improvements	0	0	30,000	0	30,000
Financial Ledgers Upgrade	0	0	41,500	0	41,500
Revenues & Benefits ICT Upgrades	0	0	45,200	0	45,200
	0	0	151,700	0	151,700
REVISED TOTAL	4,912,000	2,269,600	151,700	(135,000)	7,198,300

Scheme	Proposed Capital Programme 2016/17 £	Original Capital Programme 2017/18 £	Original Capital Programme 2018/19 £	Original Capital Programme 2019/20 £
Private Sector Grants	863,000	863,000	863,000	863,000
Planned Enhancements to Council Property	150,000	150,000	150,000	150,000
Vehicles, Plant & Equipment	1,221,000	1,113,500	383,000	265,000
ICT Infrastructure	100,000	100,000	100,000	0
Leisure Facilities	0	0	5,000,000	0
TOTAL	2,334,000	2,226,500	6,496,000	1,278,000

Report to Executive

Agenda
Item:

A.1(c)

Meeting Date: 1 June 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref:KD04/15
Within Policy and Budget Framework YES
Public / Private Public

Title: TREASURY MANAGEMENT OUTTURN 2014/15
Report of: DIRECTOR OF RESOURCES
Report Number: RD09/15

Purpose / Summary:

This report provides the annual report on Treasury Management (Appendix A), as required under both the Financial Procedure rules and the CIPFA Code of Practice on Treasury Management. Also included is the regular report on Treasury Transactions (Appendix B).

Recommendations:

- 1 That this report be received and recommended to Council for approval.

Tracking

Executive:	01 June 2015
Overview and Scrutiny:	18 June 2015
Council:	14 July 2015

1. BACKGROUND

- 1.1 The purpose of this report is to inform Members on various Treasury Management issues.
- 1.2 Appendix A1 to this report sets out a final report on Treasury Management in 2014/15 as required by the CIPFA Code of Practice on Treasury Management. Appendix A2 highlights some performance measures and Appendix A3 shows the final prudential indicators for 2014/15.
- 1.3 Appendices B1-B3 details the schedule of Treasury Transactions for the period 1 January 2015 – 31 March 2015.

2. CONSULTATION

- 2.1 Resources Overview and Scrutiny Panel will consider the report on 18 June 2015 and the Audit Committee will do so on 9 July 2015.

3. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 3.1 That this report be received and recommended to Council for approval.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 4.1 To ensure that the Council's investments are in line with appropriate policies including the Treasury Management Strategy Statement.

Contact Officer: Steven Tickner **Ext:** 7280

Appendices attached to report:

- Appendix A1 – Treasury Management 2014/15**
- Appendix A2 – Performance Statistics**
- Appendix A3 – Prudential Code and Prudential Borrowing**
- Appendix B1 – Treasury Transactions**
- Appendix B2 – Investment Transactions**
- Appendix B3 – Outstanding Investments**

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/RISKS:

Chief Executive's –n/a

Economic Development – n/a

Governance – Treasury Management activities are delegated to the Director of Resources and Financial Procedure Rule 3.19 requires that he prepare an annual report on the topic. This Report fulfils that obligation.

Local Environment – n/a

Resources –Included in the report

TREASURY MANAGEMENT 2014/15

1. INTRODUCTION

- 1.1 The CIPFA Code of Practice on Treasury Management (2011) now requires that full Council should receive both a mid term and an annual report on treasury management activities during the year. This report on the treasury function during 2014/15, while being first presented to the Executive, is therefore required to have the approval of full Council in order to comply with the CIPFA Code.
- 1.2 Regular reports on treasury transactions are presented to the Executive while an interim report on treasury management in 2014/15 was presented in November 2014 (RD36/14). The purpose of this report is to complete the process of accounting for the treasury function in the last financial year in compliance with the Code. Any funding and other financing transactions will be detailed and placed in the context of money market conditions in 2014/15 while the City Council's investment activities will also be discussed. Separate papers (A2 and A3) provide information on performance in 2014/15 and on the Prudential Code on local authority borrowing.

2. MONEY MARKET CONDITIONS

- 2.1 The following table sets out the levels of bank base rate in 2014/15

	%	
1 April 2014	0.50	Average = 0.50%
31 March 2015	0.50	(2013/14= 0.50%)

- 2.2 The financial year began with bank rate remaining at 0.50% and this rate, remained constant for the whole of 2014/15.
- 2.3 The pattern of long term borrowing rates in 2014/15 can be gauged by the following table of Public Works Loans Board (PWLB) fixed rate maturity loans during the year. These are the rates cited in the regular Treasury Transactions reports and relate to the type of loan that historically has most usually been taken up by the City Council.

	1 Yr %	10 Yr %	25 Yr %
1 April 2014	1.44	3.88	4.49
31 March 2015	1.31	2.69	3.32
Highest Rate in 2014/15	1.69	3.91	4.5
Lowest Rate in 2014/15	1.28	2.42	3.06
Span of Rates	0.41	1.49	1.44

3. LONG TERM FUNDING

- 3.1 The Prudential Code on local authority borrowing came into operation on 1 April 2004. The principal effect of the Code was to abolish most central government control of local authority borrowing, a principle that has been a cornerstone of local government finance for over a century. Instead, authorities must follow the guidance laid down in the Code and they will be expected to comply with its requirements. These cover not just borrowing but any decision that determines whether the capital investment plans of an authority are affordable, prudent and sustainable. The Code is discussed in more detail in Appendix A3.
- 3.2 The revenue support grant system still provides for an element of support towards each authority's estimated borrowing needs. It may be noted that the Council does still receive an element of revenue grant support for the costs of its borrowing in previous years.
- 3.3 The City Council did not, therefore, draw down any external long term loans in 2014/15. The capital programme was funded internally by drawing from the authority's own resources, principally its stock of capital receipts, and from external grants and contributions.

4. DEBT RESCHEDULING

- 4.1 The City Council's long-term loans portfolio now consists entirely of the £15m stock issue, placed in 1995 and not due to mature until 2020. While there is a possibility that these funds could be repaid prior to that date, this is unlikely to be in the near future although the issue is regularly reviewed in conjunction with our treasury advisers. In the current financial climate, the cost of the premium that would be required to effect the early repayment remains prohibitive.

5. LOANS OUTSTANDING

5.1 Set out below is a schedule of outstanding external loans as at 31 March 2015.

	£
Public Works Loans Board	NIL
Secured Loan Stock	15,000,000
Short Term Loans	<u>13,300</u>
Total Loans Outstanding	<u>£15,013,300</u>

6. INVESTMENT TRANSACTIONS

- 6.1 As is apparent from the regular 'Treasury Transactions' reports, the City Council continues to be a frequent investor in the short-term money market and the interest earned from these transactions makes a valuable contribution to the overall level of the Council's revenue budget. Investments are placed only with the institutions that fall within the guidelines of the Council's approved Investment Strategy and a full schedule of investments at 31 March 2015 is set out in Appendix B3. It should be noted that the Council's level of short term investment reaches its lowest point each year on 31 March when any benefits accruing from positive annual cash flow are, by definition, extinguished.
- 6.2 The total at that date (£19.1) can be compared with an average figure in 2014/15 of over £25.6m and a peak amount of over £32.4m. The closing balance in 2013/14 was £19.1m.
- 6.3 The Investment Strategy for 2014/15 embraced a mixture of longer term investments and monies lent out for shorter periods to meet anticipated cash flow needs e.g. grant and precept payment dates. Investment limits with both Lloyds Group and RBS Group banks were kept at £8million as these institutions are currently Government backed and therefore seen as a safer investment opportunity. During 2014/15 the decision was made to add the CCLA property Fund to the investment portfolio to lock funds away for a longer period with the aim of attracting a higher return.
- 6.4 Investment income in 2014.15 at £280,000 was above the original estimate of £226,000. Actual investment rates obtained in 2014/15 were generally below expectations when the budget was framed although this factor was mitigated to by the outturn on cash flow being slightly better than expected and also the decision to invest in the CCLA property fund. Without this investment, it is likely income would have fallen some £50,000 short of the budgeted target. The average yield on the Council's investments held excluding the property fund in 2014/15 was 0.826%. This is still a favourable return considering the position of bank base rates and compares well against other local authorities. This performance was assisted by a significant proportion of investments being placed for longer terms of up to a year and the use of deposit accounts for shorter dated cash requirements. At 31 March the investment in the CCLA Property Fund was yielding a return of 4.85%. Dividends received since July 2014 to 31 March 2015 totalled £101,864. The investment also grew in capital value since the investment was placed from

£2,836,000 (After entry costs of £163,106) to £3,095,332 (an increase of £258,439). This increase in value offsets the initial entry costs, but is still subject to fluctuations in the overall performance of the fund. However, the fund is continuing to grow with more local authorities taking the decision to invest. At the time the Council invested, the fund was worth £179.7m. At 31 March the fund had grown to £325.8million and had 104 investors.

- 6.5 The overall performance of investments with banks and building societies has continued to be affected by the banks having easier access to capital. This has meant that the banks are no longer offering extremely attractive investment returns to secure capital investment. This has meant that investment returns have fallen, with typical 1-year returns available to the Council now standing at less than 1%.

7 INVESTMENT STRATEGY 2015/16

- 7.1 The Investment Strategy must be agreed before the start of each financial year and the 2015/16 Strategy was approved by Council on 3 February 2015. While the principles of the Strategy remain fundamentally sound, any amendments to the current schedule of investments, if agreed by the Executive, must be approved by Council.

8. PERFORMANCE MANAGEMENT

- 8.1 The CIPFA Code places an increased emphasis on performance monitoring in an attempt to measure the efficiency of the treasury function. With treasury management, the difficulty in assessing performance arises from the very different circumstances of each authority and the fact that, for example, a long term borrowing decision can affect an authority's measured performance for many years to come. In the case of the City Council, this is particularly the case with the £15m stock issue which will affect our average borrowing rate until 2020. Equally, borrowing decisions invariably impact on investment decisions since, in cash flow terms, one can be the mirror image of the other.
- 8.2 Appendix A2 sets out some performance indicators in respect of both loans and investments outturn for 2014/15 and 2013/14.

9. TREASURY CONSULTANCY SERVICE (TCS)

- 9.1 The City Council continues to employ Capita Asset Services as its treasury management consultants. Capita provide daily bulletins on both borrowing and investment issues and these help advise both the investment and funding decisions that are taken by the Council.

10 CONCLUSIONS

- 10.1 The City Council has only one substantial long term loan i.e. the £15m stock issue, which is likely to remain on the books for some time yet as the cost of making a premature repayment would be very prohibitive in the present climate, particularly with interest rates being at such depressed levels. In addition, there are no plans to undertake any prudential or other borrowing in this financial year however the Medium Term Financial

Plan does anticipate external borrowing to fund leisure facilities in 2018/19 however this will be further assessed during future planning of the MTFP. The focus of the authority's treasury management activities therefore remains very much on the investment aspect of the function.

- 10.2 Investment conditions were very similar to as they were in 2013/14. Although the effect on the City Council's investment interest was slightly down on the previous year, the performance achieved was significantly better than bank base rate levels. For this authority, as indeed for most others, the reduction in investment income poses a very significant financial challenge. This has been alleviated somewhat by the decision to invest in the CCLA property fund which has performed well since initial investment.
- 10.3 The outlook for interest rates in the UK remains uncertain but there is a general expectation that bank base rates will not start to rise again until well into 2016.

CITY OF CARLISLEPERFORMANCE MEASUREMENT STATISTICS1. LOANS MANAGEMENT

	2014/15 %	2013/14 %
Average External Debt Rate - Carlisle	8.78	8.78

Comment

Average loan debt statistics tend to reflect borrowing decisions taken over a period of many years. The City Council's only substantial remaining external debt is the £15m stock issue which carries a high coupon (8.75%).

2. INVESTMENT MANAGEMENT (Excl Property Fund)

	2014/15 %	2013/14 %
Average Return in Year - Carlisle	0.86	0.86
Average Bank Base Rate in Year	0.50	0.50
Average 7 Day LIBID Rate	0.53	0.46

Comment

The City Council's return in 2014/15 on its investments was the same as that obtained in 2013/14 and was lower than anticipated when the budget was originally set. This is due to rates not increasing as originally anticipated throughout the year and some capital receipts not being received that were originally anticipated.

THE PRUDENTIAL CODE AND PRUDENTIAL BORROWING

1. Introduction

- 1.1 The Local Government Act 2003 brought about a new borrowing system for local authorities known as the Prudential Code (the Code). This gives to Councils much greater freedom and flexibility to borrow without government consent so long as they can afford to repay the amount borrowed.
- 1.2 The aim of the Code is to support local authorities when making capital investment decisions. These decisions should also be in line with the objectives and priorities as set out in the Council's Corporate Plan.
- 1.3 The key objectives of the Code are to ensure, within a clear framework, that the capital investment plans of the Council are affordable, prudent and sustainable, or if appropriate to demonstrate that they may not be. A further key objective is to ensure that treasury management decisions are taken in accordance with good professional practice and in a manner that supports prudence, affordability and sustainability. These objectives are consistent with and support local strategic planning, local asset management planning and proper option appraisal. They also encourage sound treasury management decisions.

2. Prudential Indicators

- 2.1 To demonstrate that the Council has fulfilled these objectives, the Code sets out indicators that must be used. It is for the Council itself to set any indicative limits or ratios. It is also important to note that these indicators are not designed to be comparative performance figures indicators but to support and record the Council's decision making process.
- 2.2 The final performance indicators for the current year, as compared to those reported in during the budget cycle are set out below. The compilation and monitoring of these indicators is central to the operation of the Code.

	2014/15 Provisional Outturn £	2013/14 Outturn £
(i) Capital Expenditure	5,497,555	4,736,396
(ii) Financing Costs		
Interest Payable - Re Borrowing	1,318,016	1,318,000
Minimum Revenue Provision	303,320	240,000
Investment Income	(280,853)	(230,000)
Total Financing Costs	1,340,483	1,229,400
(iii) Net Revenue Stream		
Funding from Govt Grants/Local Taxpayers	13,090,000	13,453,000
(iv) Ratio of Financing Costs to Net Revenue Stream	10.24%	9.08%
The figures monitor financing costs as a proportion of the total revenue stream from government grants and local taxpayers. The increase in the ratio of financing costs is mainly attributable to the forecast reduction in investment income.		
(v) Incremental Impact on Council Tax	9.78	7.79
This indicator allows the effect of the totality of the Council's capital investment decisions to be considered at budget setting time.		
(vi) Authorised Borrowing Limit	37,600,000	37,600,000
Maximum Level of Borrowing and Other Long term Liabilities	15,013,300	15,013,300
The authorised borrowing limit is determined by Council prior to the start of the financial year. The limit must not be altered without agreement by Council and should not be exceeded under any foreseeable circumstances.		

	2014/15 Provisional Outturn £	2013/14 Outturn £
(vii) Operational Borrowing Limit Maximum Level of Borrowing and Other Long term Liabilities The operational borrowing limit is also determined by Council prior to the start of the financial year. Unlike the authorised limit, it may be breached temporarily due to cashflow variations but it should not be exceeded on a regular basis.	32,600,000 15,013,300	32,600,000 15,013,300
(viii) Capital Financing Requirement (CFR) As at 31 March The CFR is a measure of the underlying borrowing requirement of the authority for capital purposes.	10,401,000	7,583,000

(a) Prudence and Sustainability

	2014/15 £
(i) Target New Borrowing to Date No Long Term Borrowing has been taken in 2014/15	0 0
(ii) Target Percentage of Fixed Rate Long Term Borrowing Actual as at 31 March 2015	100% 100%
(iii) Target Percentage of Variable Rate Long Term Borrowing Actual as at 31 March 2015 Prudent limits for both fixed and variable rate exposure have been set at 100%. This is due to the limited flexibility available to the authority in the context of its overall outstanding borrowing requirement.	100% 0%
(iv) Target Minimum Level of Investments Classified as Specified Actual Level of Specified Investments as at 31 March 2015 As part of the Investment Strategy for 2014/15, the Council set a minimum level of 50% for its specified as opposed to non specified investments. The two categories of investment were defined as part of the Strategy but for the City Council non specified investments will presently refer mainly to either investments of over one year in duration or investments placed with building societies that do not possess an appropriate credit rating. These tend to be the smaller building societies.	50.00% 100.00%

TREASURY TRANSACTIONS
1 JANUARY 2015 TO 31 MARCH 2015

1. LOANS (DEBT)

1.1 Transactions 1 January 2015 to 31 March 2015

	Raised		Repaid	
	£	%	£	%
P.W.L.B	0	0	0	0
Local Bonds	0	0	0	0
Short Term Loans	0	0	0	0
Overnight Borrowing	0	0	0	0
	0		0	

This provides a summary of loans that have been raised or repaid, analysed by type, since the previous report.

1.2 Loans (Debt) Outstanding at 31 March 2015

	£
City of Carlisle Stock Issue	15,000,000
Short Term Loans	13,300
	15,013,300

1.3 Loans Due for Repayment

	PWLB £	Overnight £	Total £
Short Term Debt at 31 March 2015	0	0	0
			0

Shown here is a calendar of future loan repayments which can be a useful aid to cash flow management. Following the repayment of the City Council's remaining PWLB debt in July 2004, no major debt repayments are anticipated.

1.4 Interest Rates

Date	PWLB Maturity		
	1 Year %	10 Years %	25 Years %
02 January 2015	1.34	2.87	3.53
09 January 2015	1.34	2.72	3.37
16 January 2015	1.32	2.55	3.21
23 January 2015	1.28	2.54	3.15
30 January 2015	1.30	2.48	3.10
06 February 2015	1.35	2.61	3.22
13 February 2015	1.32	2.76	3.43
20 February 2015	1.37	2.90	3.54
27 February 2015	1.37	2.87	3.48
06 March 2015	1.38	2.97	3.62
13 March 2015	1.38	2.88	3.54
20 March 2015	1.34	2.66	3.33
27 March 2015	1.32	2.71	3.34
31 March 2015	1.32	2.70	3.33

2. INVESTMENTS

	Made		Repaid	
	£	%	£	%
Short Term Investments	26,285,000	0.42 - 0.95	27,080,000	0.42 - 1.10
	26,285,000		27,080,000	

A full schedule of investment transactions is set out in appendix B2. Appendix B3 shows outstanding investments at 31 March 2015.

3. REVENUES COLLECTED

	Collected £	% of Amount Collectable %
Council Tax	48,667,449	97.67
NNDR	41,773,465	98.57
2014/15	90,440,914	98.08
Council Tax	47,746,168	97.72
NNDR	41,464,235	98.57
2013/14	89,210,403	98.11
Council Tax	46,497,239	97.78
NNDR	39,697,034	98.58
2012/13	86,194,273	97.68

Final collection levels were very similar to those of the previous two years.

4. BANK BALANCE

5. At 31 March 2015 £67,384.53 in hand

This simply records the Council's bank balance at the end of the last day covered by the report.

6. OUTTURN ON TREASURY MANAGEMENT IN 2014/15

	Revised Estimate £000	Actual £000	Variance £000
Interest Receivable	(226)	(281)	(55)
Interest Payable	1,319	1,318	(1)
Entry Cost to Property Fund	0	163	163
Less Rechargeable	(18)	(16)	2
	1,301	1,465	164
Principal Repaid	423	303	(120)
Debt Management	16	12	(4)
NET BALANCE	1,514	1,499	(15)

INVESTMENT TRANSACTIONS 1 JANUARY 2015 TO 31 MARCH 2015

INVESTMENTS MADE		INVESTMENTS REPAYD	
	£		£
HSBC	4,270,000.00	Bank of Scotland	1,000,000.00
Ignis	2,300,000.00	Barclays	1,000,000.00
Bank of Scotland	1,000,000.00	Ignis	400,000.00
Barclays	1,000,000.00	Ignis	1,170,000.00
Ignis	730,000.00	Ignis	2,225,000.00
Ignis	2,150,000.00	Ignis	210,000.00
HSBC	800,000.00	HSBC	2,615,000.00
HSBC	1,000,000.00	Ignis	1,175,000.00
Bank of Scotland	1,000,000.00	HSBC	120,000.00
HSBC	1,925,000.00	HSBC	1,075,000.00
Barclays	1,000,000.00	HSBC	230,000.00
HSBC	755,000.00	Bank of Scotland	1,000,000.00
Barclays	1,000,000.00	HSBC	1,555,000.00
HSBC	565,000.00	HSBC	3,845,000.00
HSBC	500,000.00	Barclays	1,000,000.00
HSBC	2,595,000.00	Barclays	1,000,000.00
Bank of Scotland	2,000,000.00	HSBC	135,000.00
Bank of Scotland	1,000,000.00	HSBC	465,000.00
HSBC	695,000.00	HSBC	675,000.00
		HSBC	3,110,000.00
		Bank of Scotland	2,000,000.00
		HSBC	75,000.00
		Bank of Scotland	1,000,000.00
TOTAL	26,285,000		27,080,000
		Bfwd	20,580,000
		Paid	26,285,000
		Repaid	27,080,000
		CCLA Value Adjustment	95,332
		CCLA Admin Fee	150,000
		Total	20,030,332

OUTSTANDING INVESTMENTS AS AT 31ST MARCH 2015

DATE	BORROWER	AMOUNT	TERMS	RATE %	INTEREST
10/04/2014	Bank of Scotland (inc HBOS)	£1,000,000	09 April 2015	0.9500	£9,473.97
30/05/2014	Bank of Scotland (inc HBOS)	£1,000,000	28 May 2015	0.9500	£9,447.95
30/07/2014	CCLA	£3,095,332	Long Term	4.8500	
01/08/2014	Bank of Scotland (inc HBOS)	£1,000,000	31 July 2015	0.9500	£9,473.97
26/09/2014	Barclays Bank	£1,000,000	26 June 2015	0.8200	£6,133.15
17/11/2014	Nationwide	£1,000,000	18 May 2015	0.6600	£3,290.96
28/11/2014	Nationwide	£1,000,000	24 July 2015	0.7600	£4,955.62
02/12/2014	Nationwide	£1,000,000	26 June 2015	0.7000	£3,950.68
22/12/2014	Nationwide	£1,000,000	22 May 2015	0.6000	£2,482.19
05/01/2015	Bank of Scotland (inc HBOS)	£1,000,000	04 January 2016	1.0000	£9,972.60
05/01/2015	Barclays Bank	£1,000,000	05 October 2015	0.7900	£5,908.77
13/02/2015	Bank of Scotland (inc HBOS)	£1,000,000	12 February 2016	1.0000	£9,972.60
27/02/2015	Barclays Bank	£1,000,000	27 November 2015	0.7750	£5,796.58
02/03/2015	Barclays Bank	£1,000,000	25 September 2015	0.6670	£3,782.71
27/03/2015	Bank of Scotland (inc HBOS)	£2,000,000	24 March 2016	1.0000	£19,890.41
30/03/2015	Bank of Scotland (inc HBOS)	£1,000,000	26 February 2016	0.9000	£8,210.96
31/03/2015	HSBC Bank	£935,000	01 April 2015	0.5000	£12.81
	Total	£20,030,332	Weighted Average	0.8608	112,755.93

Outstanding Investments as at 31 March 2015

Category	Borrower	Principal (£)	Interest Rate	Start Date	Maturity Date	Current Days to Maturity	Days to maturity at execution	Total Interest Expected (£)
	Bank of Scotland	1,000,000	0.95%	10/04/2014	09/04/2015	9	364	9,474
	Bank of Scotland	1,000,000	0.95%	30/05/2014	28/05/2015	58	363	9,448
	Bank of Scotland	1,000,000	0.95%	01/08/2014	31/07/2015	122	364	9,474
	Barclays Bank	1,000,000	0.82%	26/09/2014	26/06/2015	87	273	6,133
	Nationwide building Society	1,000,000	0.66%	17/11/2014	18/05/2015	48	182	3,291
	Nationwide building Society	1,000,000	0.76%	28/11/2014	24/07/2015	115	238	4,956
	Nationwide building Society	1,000,000	0.70%	02/12/2014	26/06/2015	87	206	3,951
	Nationwide building Society	1,000,000	0.60%	22/12/2014	22/05/2015	52	151	2,482
	Bank of Scotland	1,000,000	1.00%	05/01/2015	04/01/2016	279	364	9,973
	Barclays Bank	1,000,000	0.79%	05/01/2015	05/10/2015	188	273	5,909
	Bank of Scotland	1,000,000	1.00%	13/02/2015	12/02/2016	318	364	9,973
	Barclays Bank	1,000,000	0.78%	27/02/2015	27/11/2015	241	273	5,834
	Barclays Bank	1,000,000	0.67%	02/03/2015	25/06/2015	86	115	2,111
	Bank of Scotland	2,000,000	1.00%	27/03/2015	24/03/2016	359	363	19,890
	Bank of Scotland	1,000,000	0.90%	30/03/2015	26/02/2016	332	333	8,211
	HSBC	935,000	0.50%	Call				0
Total Investments		£16,935,000	0.83%			159	282	£111,109

Borrower	Current Market Value (£)	Current Yield	Start Date	Initial Outlay (£)	Entry Cost (£) ¹	Initial Market Value (£)	Unrealised Growth / (Loss) (£)	% Growth
CCLA Property Fund	3,095,332	4.85%	31/07/2014	3,000,000	(163,104)	2,836,896	95,332	3.2%

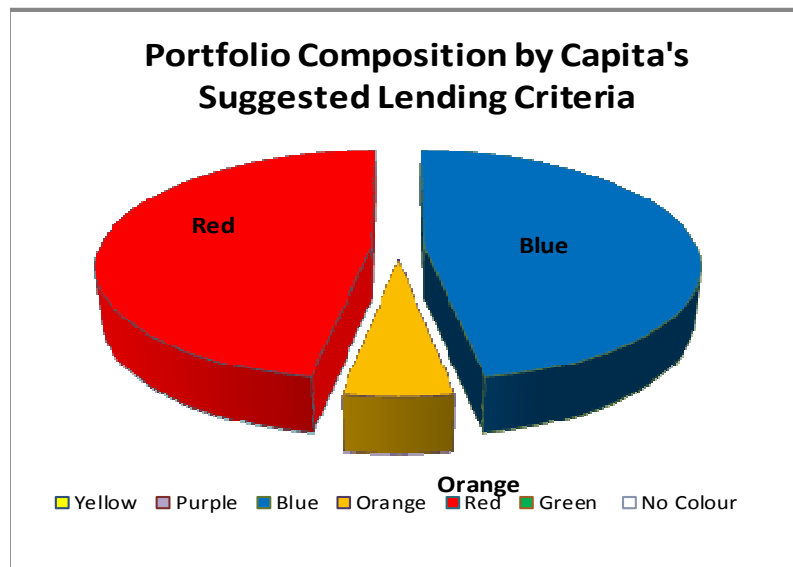
1. Entry Costs were charged against Treasury Management Budget in 2014/15

N.B Interest is recognised in the appropriate financial year in which it is due. The category colour represents the duration of investment recommended by Capita Asset Services, the Council's Treasury Advisors. Those investments with No colour, are still within the Council's investment Strategy and are therefore deemed suitable for investing.

INVESTMENT SUMMARY SHEET

						Weighted Average Rate of Return	Weighted Average Days to Maturity	Weighted Average Days to Maturity from Execution
	% of Portfolio	Amount	% of Colour in Calls	Amount of Colour in Calls	% of Call in Portfolio	WARoR	WAM	WAM at Execution
Yellow	0.00%	-	0.00%	-	0.00%	0.00%	0	0
Purple	0.00%	-	0.00%	-	0.00%	0.00%	0	0
Blue	47.24%	8,000,000	0.00%	-	0.00%	0.97%	230	360
Orange	5.52%	935,000	100.00%	935,000	5.52%	0.50%	0	0
Red	47.24%	8,000,000	0.00%	-	0.00%	0.72%	125	225
Green	0.00%	-	0.00%	-	0.00%	0.00%	0	0
No Colour	0.00%	-	0.00%	-	0.00%	0.00%	0	0
	100.00%	16,935,000	5.52%	935,000	5.52%	0.83%	167	276

Risk Score for Colour (1 = Low, 7 = High)	Mar 2015	Dec 2014	Sep 2014	Mar 2014
1	0.0	0	0	0
2	0.0	0	0	0
3	1.4	1.4	1.3	2.5
4	0.2	0.4	0.4	0.0
5	2.4	2.3	2.1	0
6	0.0	0.0	0.0	1.0
7	0.0	0	0	0.0
	4.0	4.1	3.8	3.5



	Sector's Suggested Criteria
Y	Up to 5 Years
P	Up to 2 Years
B	Up to 1 Year
O	Up to 1 Year
R	Up to 6 months
G	Up to 3 months
N/C	No Colour

Government Backed
Non Government
Backed

Normal' Risk
Score 3.5 3.5 3.5 3.5

Report to Executive

Agenda
Item:

A.1(d)

Meeting Date: 1 June 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref:KD04/15
Within Policy and Budget Framework YES
Public / Private Public

Title: PROVISIONAL OUTTURN FOR COUNCIL TAX AND NATIONAL
NON DOMESTIC RATES 2014/15
Report of: Director of Resources
Report Number: RD10/15

Purpose / Summary:

This report summarises the 2014/15 provisional outturn and performance position for Council Tax and NNDR.

Recommendations:

Members are asked to note the provisional outturn position at 31 March 2015 for Council Tax and NNDR and also note the position with regard to write offs and bad debt trends.

Tracking

Executive:	1 June 2015
Overview and Scrutiny:	18 June 2015
Council:	14 July 2015

1. BACKGROUND

1.1 The aim of this report is to:

- i) Advise Members of the current position on the 2014/15 Council Tax and Business Rates Accounts i.e. the total value of accounts raised and how much has been collected in the 2014/15 financial year.
- ii) Highlight and explain any variances against the expected (or budgeted) position.

2. COUNCIL TAX PROVISIONAL OUTTURN AS AT 31 MARCH 2015

2.1 **Appendix 1** details the provisional outturn position for Council Tax for 2014/15.

2.2 The estimated in year outturn of 99% suggests that, overall liability raised and Council Tax collected will exceed the budgeted projections of 98.5% due mainly to reduced losses on liability (if the collection pattern for recovering 2014/15 arrears follows that of previous years), as shown in the table below.

	Budgeted	%	Estimated	%
	£000		(31/3/15)	
			£000	
Council Tax Liability	50,065	100	50,065	100
Losses on liability e.g. additional discounts	(751)	1.5	(98)	0.2
Losses on collection i.e. potential bad debt			(333)	0.6
Eventual Net Collection	49,314	98.5	49,830	99.2

2.3 The net impact of increased collection performance is an overall surplus on collection fund of £528,222, the City Council's share of the surplus being £68,266.(with £35,647 being distributed in 2015/16)

3. COUNCIL TAX COLLECTION PERFORMANCE

3.1 The Council has maintained collection performance so that for the fourth year running Carlisle is in the 3rd quartile when compared to districts nationally. Whilst this is the Council's joint second best ever collection performance it will never be in a position to move into the higher collection quartiles due to:

- (i) Most district councils we have to compare ourselves with are small affluent rural authorities without the same deprivation issues as Carlisle;

- (ii) The Council follows a robust anti-poverty strategy. Under the strategy the Council allows residents in financial difficulties to spread their payments via special weekly or fortnightly instalments (most paying by local post office). Whilst this 'good practice' affects in-year collection rates (due to payments being spread sometimes over several years) in the past it has enabled the Council to collect over 99% of Council Tax demanded with write-off trends being under 0.7%. (National Figures being 0.9% source CIPFA Benchmarking Statistics).
- (iii) Many Authorities allocate remittances to the current year's liability to maximise 'in year' collections rather than oldest debt which in the past has been considered good practice.

3.2 Carlisle's collection rates compared to Cumbria are detailed below.

<u>Council</u>	<u>In-Year Collection Rates - Council Tax (%)</u>		
	2012/13	2013/14	2014/15
Eden	98.6	98.8	98.7
South Lakeland	98.2	98.7	98.4
Copeland	98.2	98.0	97.9
Carlisle	97.8	97.7	97.7
Allerdale	97.7	97.8	97.8
Barrow	96.8	96.6	96.8

3.3 Due to collection performance being stable, the Council has remained in the 3rd Quartile based on National Benchmarks for 'in-year' collection performance.

Council Tax	%
Top Quartile	98.6 and above
2 nd Quartile	98.2 to 98.5
3 rd Quartile	97.4 to 98.1
4 th Quartile	97.3 and below
Carlisle	97.7

4. NNDR PROVISIONAL OUTTURN AS AT 31 MARCH 2015

4.1 **Appendix 2** details the NNDR provisional outturn for 2014/15.

- 4.2 2014/15 is the second year of the Business Rate Retention Scheme and new Collection Fund Accounting Regulations and the first year the Council has participated in the Cumbria Pooling arrangement.
- 4.3 The figures for Business rates are still being calculated at this point. The Council budgeted for additional income of £500,000, and early estimates forecast that this is unlikely to be achieved due to a high level of appeals being submitted before 31 March in order to qualify from backdating of those appeals. Any shortfall on the budget will be a call on general fund reserves, and will reduce the amount returned to reserves as part of the revenue outturn report considered elsewhere on the agenda. An addendum on the final position will be issued in time to be considered at this meeting.

As part of the Cumbria Business Rate Pooling arrangements, an element of all the growth achieved by the participants of the pool is used to establish a volatility reserve. This reserve allows a cushion so that should any member suffer a loss in income, then the reserve ensures that they do not fall below the safety net level. Each member is required to show their share of the reserve on their balance sheets and as such a new earmarked reserve is to be established.

5. BAD DEBT WRITE-OFFS FOR NNDR, COUNCIL TAX AND DEBTORS (INCLUDING PENALTY CHARGE NOTICES)

- 5.1 In accordance with the Director of Resources delegated authority for the write-off of outstanding debts, without limit, the Executive is asked to note that debts totalling £77,532.97 have been written off for the period 1st January 2015 to 31st March 2015; such bad debts are summarised for the Executive's information in Table 1 of this report. The total amount written off in 2014/15 of £585,015 (mainly due to Business Rates written off) compares to total write-offs in 2013/14 of £633,068
- 5.2 The 'write-ons' itemised in Table 1 totalling £2,132.12 are in respect of balances originally written off that have since been paid and credit write-offs for the period 1st January 2015 to 31st March 2015.
- 5.3 Also noted in Table 1 are the cumulative write offs and write ons 1st April 2014- 31st March 2015. Total write ons for 2014/15 were £67,961.53 compared to £31,373 in 2013/14.

Table 1

<u>Type of Debt</u>	Write offs 01/04/14 - 30/06/14 Quarter 1				Write offs 01/07/14 - 30/09/14 Quarter 2				Write offs 01/10/14 - 31/12/13 Quarters 3				Write offs 01/01/15 - 31/03/15 Quarter 4				Total Write offs 2014-15			
	No	Write Offs	No	Write Ons	No	Write Offs	No	Write Ons	No	Write Offs	No	Write Ons	No	Write Offs	No	Write Ons	No	Write Offs	No	Write Ons
NNDR	13	204,737.23	1	16.07	34	73,850.45	13	4,836.97	28	64,798.46	6	53,603.72	9	32,456.66	4	504.28	84	375,842.80	24	58,961.04
NNDR (PSC)																	0	0.00	0	0.00
Council Tax	43	28,292.72	12	2825.07	66	23,708.77	7	1621.07	116	37,683.62	11	2,885.42	52	22133.31	11	1276.49	277	111,818.42	41	8,608.05
Debtors																	0	0.00	0	0.00
Private Tenants																	0	0.00	0	0.00
Housing Benefit	35	7,895.50			100	26,541.58	4	35.05	86	12,500.07			63	15458.31	1	348.20	284	62,395.46	5	383.25
Overpayments																	0	0.00	0	0.00
General Fund	11	52.61	7	0.41	15	601.33	6	4.55	11	175.69	8	1.08	17	376.00	5	3.15	54	1,205.63	26	9.19
Penalty Charge																	0	0.00	0	0.00
Notices																	0	0.00	0	0.00
On Street 16	49	4,594.81			116	10,677.08			104	9,649.99			53	6623.25			322	31,545.13	0	0.00
Off Street 3	10	820.00			5	410.00			6	492.00			5	485.44			26	2,207.44	0	0.00
																	0	0.00	0	0.00
TOTAL	161	246,392.87	20	2,841.55	336	135,789.21	30	6,497.64	351	125,299.83	25	56,490.22	199	77,532.97	21	2,132.12	1047	585,014.88	96	67,961.53

6. OUTTURN POSITION ,WRITE OFFS / WRITE ONS VIA DEBTOR TYPE

6.1 The outturn position in respect of 2014/15 on a cumulative basis by fund indicates total debts written off of £585,014.88.

6.2	Council Tax (Collection Fund)	-	£111,818.42
	NNDR Pool	-	£375,842.80
	General Fund	-	<u>£ 97,353.66</u>
	Total	-	£ 585,014.88

6.3 'Write-ons' were credited as follows:

Council Tax (Collection Fund)	-	£ 8,608.05
NNDR Pool	-	£ 58,691.04
General Fund	-	<u>£ 392.44</u>
Total	-	£ 67,691.53

6.4 In the case of General Fund, the write-offs will be charged against provisions made for bad debts (except for PCN's which are accounted for on a cash basis). However VAT which has been separately identified will be recouped in future VAT returns. Note HRA debts and provisions have been transferred to the General Fund. Write-off/Write on of Council Tax will fall against the Collection Fund provisions within those accounts. Any Council Tax Court Costs written off will be charged against the costs 'Bad Debt' provision within the General Fund.

	General Fund	Council Tax	NNDR	Total
Opening Bad Debt Provision	1,106,330	1,045,308	273,875	2,425,513
Write Offs in Year	(73,668)	(101,062)	(316,881)	(491,611)
Losses on collection	0	277,012	342,104	619,116
Additional Charge to General Fund**	269,273	0	0	269,273
Closing Bad Debt Provision	1,301,935	1,221,258	299,098	2,822,291

The overall increase in the Bad Debt Provision is mainly due to the continued growth in housing benefit overpayments.

7. CONSULTATION

7.1 Resources Overview and Scrutiny Panel will consider the report on 18 June 2015.

8. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 8.1 The provisional outturn position and comments on performance will feed into the overall Revenue accounts for 2014/15.
- 8.2 Members are asked to note the provisional outturn position at 31 March 2015 for Council Tax and NNDR and also note the position with regard to write offs and bad debt trends.

9. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 9.1 The collection of Council Tax and NNDR directly affects all residents receiving services from Carlisle City Council.

Contact Officer: Steven Tickner **Ext:** 7280

Appendices Appendix 1 – Council Tax Outturn
attached to report: Appendix 2 – NNDR Outturn

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/RISKS:

Chief Executive's –n/a

Economic Development – n/a

Governance – The Council has a statutory obligation to collect Council Tax (Local Government Finance Act 1992 and Council Tax (Administration and Enforcement) Regulations 1992 and NNDR (Local Government Finance Act 1988).

Local Environment – n/a

Resources –Included within this report

Appendix 1

COUNCIL TAX OUTTURN 2014/15				
<u>1993/94 to 2013/14</u>		<u>Council Tax</u>	<u>Costs</u>	
		<u>£</u>	<u>£</u>	
Arrears b/f at 01.04.2014		2,113,335.12	206,557.94	2,319,893.06
Net changes in Debit		-111,661.48		
Costs Raised (Net of Write Offs)			53,888.76	
Net Debit		2,001,673.64	260,446.70	
Write Offs		-84,836.94		
Cost Write off Adjustment				
Payments Net of Refunds		-804,307.98	-124,211.23	
Payments posted after 01/04/2015		-2,311.97		
Arrears c/f 1993/94 to 2013/14		1,110,216.75	136,235.47	1,246,452.22
<u>2014/15</u>				
Opening Debit		64,313,999.76		
MOD Contributions in Lieu		40,881.20		
<u>Changes in Liability</u>				
Costs Raised (Net of Write Offs)			221,713.18	
General		268,447.29		
Exemptions		-1,583,754.31		
Disabled Relief		-52,670.67		
Discounts		-6,432,173.52		
Empty Premium		125,562.37		
Net Debit		56,680,292.12	221,713.18	
<u>Income</u>				
Rebates		-6,850,597.63		
Payments Net of Refunds		-48,661,784.39	-139,361.80	
MOD Contributions in Lieu		-40,881.20		
Payments posted after 01/04/2015 (prepayments)		-53,033.82		
Prepayments 2014-15		-801,675.04		
Prepayments 2015-16		801,537.96		
Prepayments 2015-16 - posted after 01/04/2015		53,033.82		
Payments posted after 01/04/2015		-8,109.80		
Total Income		-55,561,510.10	-139,361.80	
Write Offs		-16,224.14	-1.17	
Arrears c/f		1,102,557.88	82,350.21	1,184,908.09
Total arrears c/f 1993/94 to 2013/14		2,212,774.63	218,585.68	2,431,360.31

[illegible]

Appendix 2

NNDR FINAL ACCOUNTS 2014/15

% COLLECTED = 98.57

DEBIT

DEBIT

COSTS

Debit raised net of transition, suppl + adj	49098167.49	
Empty Property Relief	0.07	
Empty Exempt Relief	<u>1891370.08</u>	
	47206797.34	
Costs raised in current year		19301.05
Arrears b/fwd	785032.97	
Plus Costs b/fwd		<u>6627.22</u>
Total	47991830.31	25928.27

ALLOWANCES

Small Business Rate Relief	2581360.58
Charity, CASC, Disc & Rural Relief	3154453.13
Bad debt write off	316881.15
Hardship (S49)	0.00
Partial Occupation (S44a)	10891.27
Re-Occupation Relief	11187.38
Local Discounts	<u>503912.17</u>
Total	6578685.68

Collectable Debit

41413144.63 25928.27

INCOME

Current year	43089908.80	
Plus Prepayments 2014/15	550584.48	
Plus costs paid		16478.65
Plus costs written off		2386.90
Less refunds	2492827.57	
Less future year payments	547534.50	
Plus net interest	<u>0.00</u>	
	40600131.21	

ARREARS CARRIED FORWARD

813013.42 7062.72

Balance at 31.03.15

Arrears	828026.48
Credits carried forward	7950.34
Net balance at 31.03.15	820076.14

For information

Gross interest awarded: £	0.00
Tax deducted	0.00
Bad Debt provision 2014/15	273875.06

Report to Executive

Agenda
Item:

A.1(e)

Meeting Date: 1st June 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref:KD004/15
Within Policy and Budget Framework: Yes
Public / Private: Public

Title: ELECTED MEMBERS' ALLOWANCES - PROVISIONAL
OUTTURN REPORT FOR 2014/15
Report of: Director of Resources
Report Number: RD11/15

Purpose / Summary:

This report sets out the amount of allowances paid to Members as part of the Elected Members' Allowances Scheme for 2014/15.

Recommendations:

The Executive is asked to receive the report and note the overall under-spend of £9,099 on allowances for 2014/15.

Tracking

Executive:	01/06/2015
Overview and Scrutiny:	18/06/2015
Council:	Not applicable

1. DETAILS

- 1.1 Set out in the attached **Appendix 1** are the amounts paid directly to individual Members as part of the Elected Members' Allowances Scheme for 2014/15 as required under paragraph 15 of the Local Authority (Members Allowances) (England) regulations 2003.
- 1.2 The detail in respect of Travel and Subsistence for Members collectively is provided in 1.8 overleaf.
- 1.3 The overall position is summarised as follows:

	Budget	Outturn	Variance
	£	£	£
Basic Allowance	247,900	247,499	(401)
Special Responsibility allowance	82,400	84,580	2,180
Dependent Carers' Allowance	0	0	0
Travel – General	17,900	8,224	(9,676)
Travel – Relating to Members' training	2,100	1,190	(910)
Subsistence General	1,000	781	(219)
Subsistence – Relating to Members' training	1,100	1,027	(73)
Total	352,400	343,301	(9,099)

- 1.4 There is an under-spend overall of £9,099. Members are reminded that savings of £10,000 were taken from the Member's SRA budgets from 2014/15 onwards due to successive underspends in previous years.
- 1.5 The Basic Allowance budget is slightly under-spent because budgets are allocated for a full year from April and there were vacancies on the Council for part of the year.
- 1.6 The Special Responsibility Allowance budget is over-spent overall due to the budget being reduced and a saving of £10,000 taken as detailed at paragraph 1.4. Generally this budget is underspent due to committees not sitting until later in the year and therefore allowances only being paid for part of the year only. In addition,

Members are only entitled to receive one Special Responsibility Allowance and therefore if they hold two positions that attract an allowance only one will be paid.

1.7 There has been an under spend in respect to Travel and Subsistence.

1.8 Details of Travel and Subsistence:

	Budget £	Outturn £
Public Transport		
Public transport costs in respect of attendance at committee meetings and other approved duties	900	177
Planning Site visits and other approved duties	1,100	1,070
MLDP* – Public Transport	2,100	
Members' training - Executive group		152
Members' training - Conservative group		1,038
	4,100	2,437
Mileage Expenses		
Mileage costs in respect of attendance at committee meetings and other approved duties	15,900	6,977
MLDP – Mileage	0	0
	15,900	6,977
Subsistence Expenses		
Subsistence costs in respect of attendance at committee meetings and other approved duties	1,000	781
MLDP – Subsistence	1,100	
Members' training - Executive group		844
Members' training - Conservative group		183
	2,100	1,808

* MLDP = Members' Learning & Development Programme

2. CONCLUSION AND REASONS FOR RECOMMENDATIONS

2.1 The Executive is asked to receive the report and note the overall under-spend of £9,099 with the Members' Allowances Scheme for 2014/15.

3. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 3.1 Members allowances form part of the Council's revenue budget and there is a requirement to report the outturn against the budget as part of the overall Council outturn position.

Contact Officer: Eileen Reid

Ext: 7272

Appendices **Appendix 1 – Members' Allowances Summary 2014/15**
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:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – not applicable

Economic Development – not applicable

Governance – As stated within the body of the Report, the details herein are required to be reported by virtue of Regulation 15 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

Local Environment – not applicable

Resources – Contained within the report

MEMBERS' ALLOWANCES SUMMARY 2014/15

APPENDIX 1

Init	Surname	Basic	Became or ceased to be a councillor	SRA	Travel	Subsistence	Notes
T	ALLISON	4826.88					
K	ATKINSON	4779.96					
P	ATKINSON	681.02	22/05/2014				
J	BAINBRIDGE	4779.96			51.16		
J	BELL	4779.96		1,104.96			
R	BETTON	4779.96					
R	BLOXHAM	4779.96			1,133.24		
M	BOADEN	4779.96		211.78			
S	BOWDITCH	4779.96					
C	BOWMAN	4779.96			264.13		
M	BOWMAN	4779.96		902.68	405.07		
H	BRADLEY	4779.96		6,588.96		75.00	
R	BURNS	4111.79	22/05/2015	3,569.70	102.31		
G	CAIG	4111.79	22/05/2014				
D	CAPE	4779.96					
J	COLLIER	4779.96		211.78			
B	CRAIG	732.41	27/05/2014		327.29		
T	DODD	4779.96					
B	EARP	4779.96			426.47		
G	ELLIS	4779.96					
D	FORRESTER	681.02	22/05/2014				
J	FRANKLIN	4779.96					
J	GEDDES	4779.96					
M	GEE	4779.96					
C	GLOVER	4779.96		17,580.96	1,855.49	470.09	
W	GRAHAM	4779.96			132.07		
A	HARID	4779.96		1,104.96			
S	HIGGS	4111.79	22/05/2014				
J	LAYDEN	4779.96			595.62		
N	LISHMAN	681.02	22/05/2014				
O	LUCKLEY	681.02	22/05/2014	627.02			
J	MALLINSON	4779.96		4,401.00	151.91	182.92	
E	MALLINSON	4779.96					
E	MARTLEW	4779.96		10,986.96	459.42	256.50	
H	MCDEVITT	4779.96					
A	MCKERREL	4111.79	22/05/2014				
M	MITCHELSON	4779.96					
D	MORTON	4779.96					
N	NEDVED	4779.96		3,569.70			
D	PARSONS	4779.96			935.43		
L	PATRICK	4779.96		4,401.00			
J	PREST	4779.96			691.64		
A	QUILTER	4779.96		6,588.96	176.87		
J	RIDDLE	4779.96		6,588.96	370.46	823.77	
C	SCARBOROUGH	4779.96		4,401.00	523.03		
L	SHERRIFF	4779.96					
C	SOUTHWARD	4111.79	22/05/2014				
J	SOUTHWARD	4779.96					
E	STEVENSON	4779.96					
G	STOTHARD	4779.96			30.28		
A	TAYLOR	2655.53	11/09/2014				
L	TICKNER	4779.96		6,588.96	164.43		
P	VASEY	4779.96					
A	WARWICK	4779.96					
R	WATSON	4779.96		4,401.00			
C	WEBER	4779.96					
W	WHALEN	902.88	08/06/2014				
D	WILSON	4779.96					
STANDARDS COMMITTEE				750.00			
PLANNING VISITS					1,070.00		
VAT RECOVERED					-451.76		
		247,498.93		84,580.34	9,414.55	1,808.27	

Report to Executive

Agenda
Item:

A.2

Meeting Date: 1st June 2015
Portfolio: Communities, Health & Wellbeing
Key Decision: Yes: Recorded in the Notice Ref:KD
Within Policy and
Budget Framework YES
Public / Private Public

Title: COMMUNITY TRIGGER
Report of: The Deputy Chief Executive
Report Number: SD07/15

Purpose / Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 is aimed at focussing responses to anti-social behaviour (ASB) on the needs of the victim. The act introduces a number of new tools and powers to replace existing provisions, including the introduction of anti-social behaviour case reviews, also known as the Community Trigger. The Trigger gives victims, or victim's representatives a right to ask local agencies to review how they have responded to previous ASB complaints and consider what further action might be taken where the behaviour persists.

All Community Safety Partnerships (CSPs) around the County, including the Carlisle and Eden CSP have worked together to develop a countywide approach to implement the new Community Trigger legislation.

Recommendations:

It is recommended that the Executive:

1. Consider the proposals for handling Community Trigger requests locally and approve the adoption of the countywide approach, as detailed in the Report, to the arrangements about carrying out anti-social behaviour reviews by the relevant bodies pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.
2. Publish the Review Procedures.
3. Appoint the Community Development Officer as Point of Contact at the Council (s103(4) of the said Act).

Tracking

Executive:	01/06/15
Overview and Scrutiny:	09/04/15
Council:	N/A

1. BACKGROUND

- 1.1.1** The community Trigger approach is intended to encourage a collaborative problem-solving approach amongst agencies dealing with persistent cases of ASB in order to identify whether any further actions can be taken. The Act sets out the framework for ASB case reviews and requires the 'relevant bodies' to work together to agree local processes and procedures and ensure they meet the needs of their communities. The Community Trigger will sit alongside existing processes and practices for responding to ASB.
- 1.1.2** Cumbria Constabulary has conducted intensive research into the Community Trigger legislation and has, and will continue to provide local authorities with advice and support on the new process.
- 1.1.3** Members of the public will be able to request a Community Trigger via telephone, email, letter or online reporting form on the Councils website, as detailed in (Appendix 1). The Community Development Officer will act as the single point of contact (SPOC) for Carlisle City Council.
- 1.1.4** On receipt of the trigger application, the SPOC will forward the request and associated information to the designated officers for consideration. Those partners will then research the complaint and within 10 days reply back to the SPOC as to whether it meets the trigger threshold or not. If it does meet the threshold then the identified partners will be required to convene and carry out a full review of the Trigger Complaint. If it does not meet the threshold, the reporting person will be informed of the decision and the rationale behind it.
- 1.1.5** Once all the information has been returned a review panel date will be set and all relevant partners and officers will be invited to attend. Please see process map (Appendix 2) and list of designated officers and key representatives (Appendix 3). The panel will be chaired by the Chair of the Community Safety Partnership. Following the review panel the SPOC will notify the reporting person of the outcome. If the reporting person is unhappy or disagrees with the review panel outcome they can request an appeal within a 10 day period.

2. PROPOSALS

- 2.1** It is proposed that the Community Overview and Scrutiny Panel consider the countywide approach to the new Community Trigger legislation and provide feedback to the Executive who will be asked to approve it.

3. CONSULTATION

- 3.1** The Community Trigger process has been developed in conjunction with key partners and CSPs countywide, and has been approved and provisionally adopted by all other District Councils within the County.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** It is recommended that Carlisle City Council's Executive consider the countywide approach for the new Community Trigger legislation and approve it on behalf of Carlisle City Council. This will bring Carlisle City Council in line with its legislative requirements and partners across the county.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- ### 5.1 “We will work more effectively with partners to achieve the City Council’s priorities”

Contact Officer: Darren Crossley **Ext:** 7004

Appendices	Appendix 1 –Community Trigger Referral Forms
attached to report:	Appendix 2 – Process Map
	Appendix 3 – Representatives List

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/RISKS:

Chief Executive's –

Deputy Chief Executive – Community Development Officer will act as Single Point of Contact (SPOC) on behalf of Council.

Economic Development – None

Resources - The costs of adopting and implementing the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 and specifically undertaking the Community

Trigger case reviews can be met from within existing base budgets under the control of the Deputy Chief Executive.

Governance – The Anti-Social Behaviour, Crime and Policing Act 2014 introduces new tools and powers to assist partner organisations in dealing with anti-social behaviour. One of the new procedures introduces what is known as ‘the community trigger’. The trigger introduces a right for victims, or their representatives, to ask local agencies to review how they have responded to previous complaints and consider what further action should, if any, be taken. The Council is required to have an appropriate system on place, with its partners, to enable reviews to take place.

Community Trigger Referral Form

The Community Trigger is a process you can use to ask agencies to review their response to anti-social behaviour or hate incidents you have reported. This is the Community Trigger referral form. In an emergency please contact the relevant emergency service, police, fire or ambulance on 999.

Please complete this form as fully as possible.

Your Contact Details

Name

Address including Postcode

Telephone

Email

Which of these best describes you?

Council tenant (including leasehold) ☐

Private Tenant ☐

Owner Occupier ☐

Housing Association ☐

Other ☐

If you're a tenant, please provide the name of your Landlord and contact details:

Page 90 of 364

Please give details of Incident One

Date

What happened?

Where did it take place?

How has it affected you?

Who did you report it to?

Were you given a reference number? If so, what was it?

What response did you receive to this first report?

Please give details of Incident Two

Date

What happened?

Where did it take place?

How has it affected you?

Who did you report it to?

Were you given a reference number? If so, what was it?

What response did you receive to this second report?

Please give details of Incident Three

Date

What happened?

Where did it take place?

How has it affected you?

Who did you report it to?

Were you given a reference number? If so, what was it?

What response did you receive to this third report?

Additional information

Please use the space provided to let us know of any additional information you feel is relevant

Equalities Monitoring (optional questions - you do not have to answer all questions)

Gender

Male ☐

Female ☐

Transgender ☐

Other ☐

Age

Sexual Orientation

Bi-sexual ☐

Same sex preference - (Lesbian / Gay) ☐

Heterosexual ☐

Don't know ☐

Prefer not to say ☐

Other

Religion – please state

Disability

Yes or No

If Yes – then please provide details

Ethnicity – please select

Indian	Caribbean	White and Black Caribbean	White - British
Pakistani	African	White and Black African	White - Irish
Bangladeshi	Any other Black background	White and Asian	Any other White background
Any other Asian Background	Chinese	Any other Mixed background	Any other Ethnic background

Declaration

I confirm that the information given in the above form is correct to the best of my knowledge. Please sign

and return to:

Contracts and Community Services, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG.

Email: customerservices@carlisle.gov.uk

Tel No: 01228 817200

Community Trigger Website Text

Introduction

The Carlisle and Eden Community Safety Partnership, which includes the police, the council and registered housing providers, works together to tackle anti-social behaviour and hate incidents.

What is the Community Trigger?

The Community Trigger is a process you can use to ask agencies to review their response to anti-social behaviour or hate incidents you have reported.

If someone has reported Anti-Social Behaviour but *no action* has been taken, you will be able to tell us about it under the Community Trigger.

The reporting threshold is:

You have reported 3 or more incidents relating to the same problem in the past 6 months to the Council, Police or your landlord, and no action has been taken.

Or

You have made 5 reports about the same problem in the past 6 months to the Council, Police or the landlord and no action has been taken.

Or

1 incident or crime motivated by hate in the last 3 months and no action has been taken.

What is meant by no action taken?

The reported problems have not been acknowledged – i.e. no one contacted you to advise what action would be taken.

The reported problems have not been appropriately investigated.

Your vulnerability and/or the potential for harm has not been considered and this has affected potential service delivery.

No action has been taken because information has not been shared between partners and this has affected potential service delivery.

What is not suitable for a Community Trigger?

If someone has reported Anti-Social Behaviour and received a service but the problems are ongoing;

Contact the agency you are working with to tell them what is happening.

If you have reported Anti-Social Behaviour and received a service but you're unhappy with the service received or action taken;

Submit a complaint under the agency's complaints procedures.

Application Process

You need to fill out a local community trigger online referral form giving details of the case.

This can be done by following the below link:

Carlisle-

http://www.carlisle.gov.uk/community_and_living/anti_social_behaviour/community_trigger.aspx

The Community Trigger is designed to ensure that there is a review where cases have been reported and no action has been taken. It is not a complaints procedure. If your case meets these criteria you will be notified within five working days.

Your case will be reviewed and recommendations may be made as to how the case can progress will be reported to you within ten working days. If you have difficulty accessing or completing the online form, please contact your local authority. Carlisle City Council on 01228 817 000 / 817 200 or customerservices@carlisle.gov.uk

I don't meet the criteria, what do I do now?

If this is the first time you are reporting this issue or concern, you can report it by:

Contacting Cumbria Constabulary on 101 or <http://www.cumbria.police.uk/contact-us>

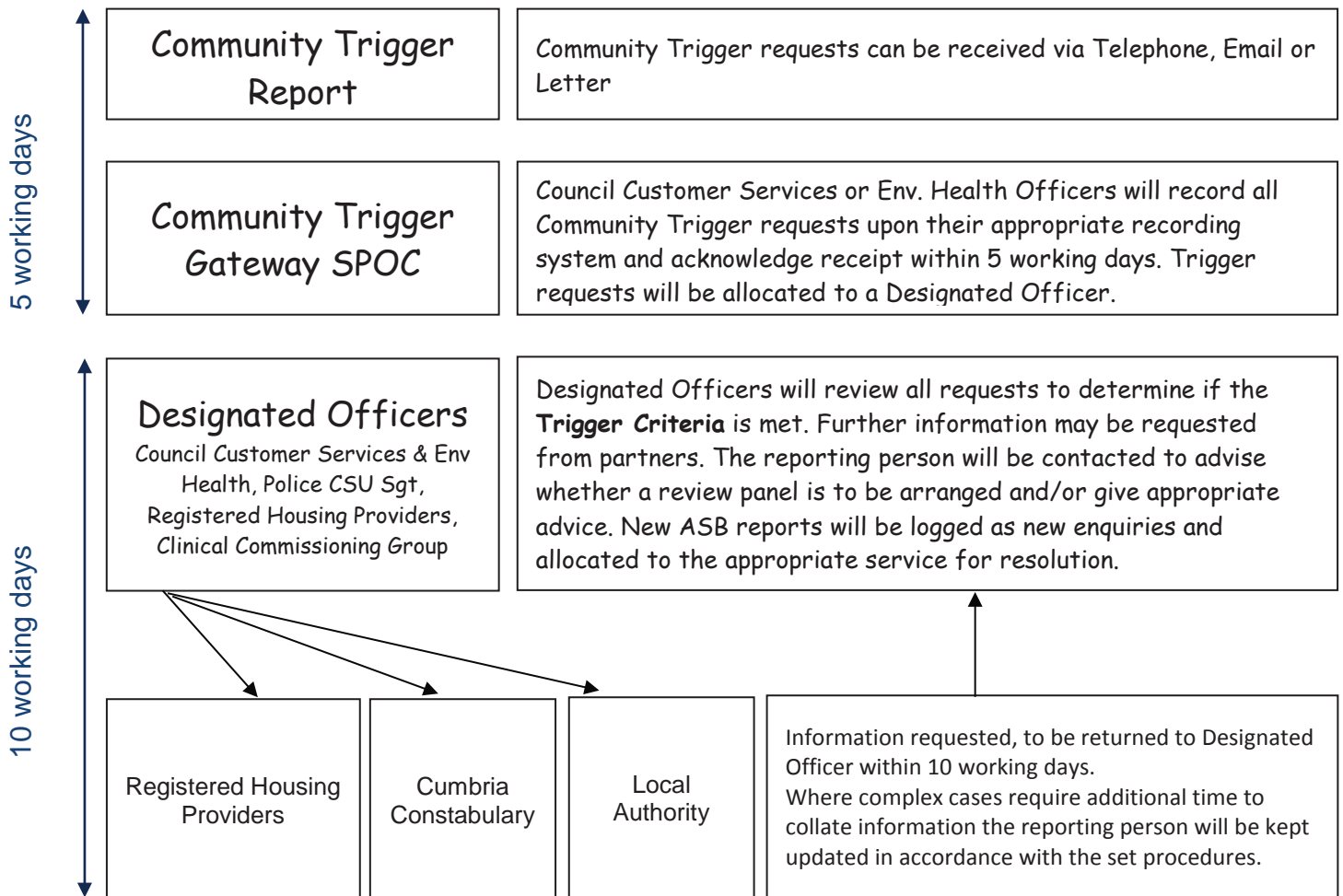
Riverside Housing Association on 0345 111 0000 or info@riverside.org.uk

Impact Housing Association on 01228 633 600

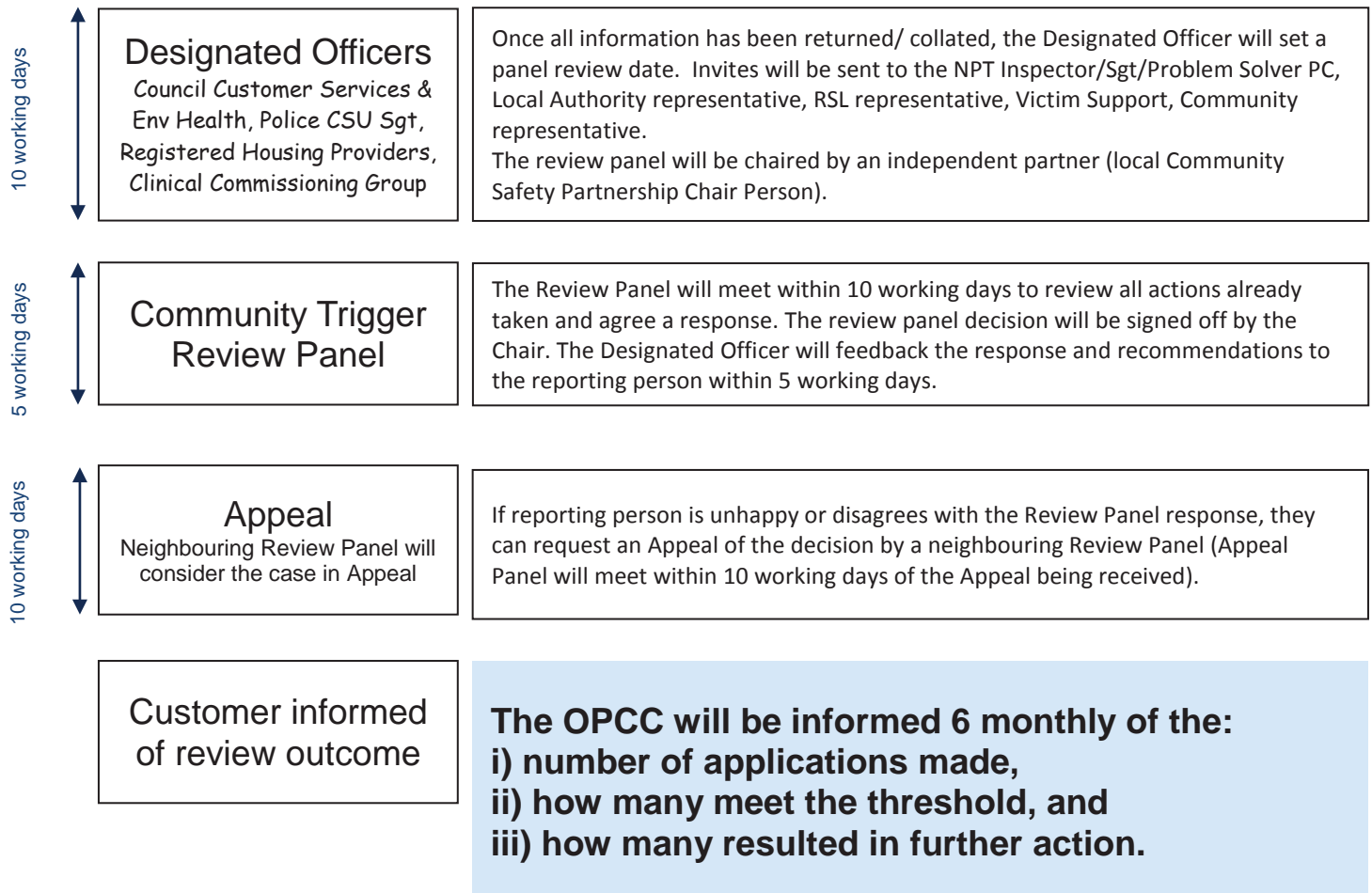
Carlisle City Council on 01228 817 000 / 817 200 or customerservices@carlisle.gov.uk

In emergencies, always call 999.

Community Trigger Review Process - Appendix 2 (1)



Community Trigger Review Process (2)



Community Trigger Representative List – Appendix 3

Designated Officers - North Area

Designated Officers 'Relevant Bodies'	Job Title/ Name
Carlisle City Council Single Point of Contact (SPOC)	Community Development Officer
Cumbria Constabulary	Community Safety Sgt
Carlisle City Council Environmental Health	Environmental Health Manager
Registered Social Landlords	Riverside Housing Impact Housing
Clinical Commissioning Group (CCG)	TBC

Review Panel Chair - North Area Chair

Agency	Job Title
Carlisle and Eden Community Safety Partnership	Chair of the Carlisle and Eden Community Safety Partnership

EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY PANEL HELD ON 9 APRIL 2015

COSP.24/15 COMMUNITY TRIGGER

The Deputy Chief Executive introduced Sergeant Tony Kirkbride to the meeting and advised that he had done a lot of work in respect of the Community Trigger. The Deputy Chief Executive presented Report SD.05/15 and explained that the Anti-Social Behaviour, Crime and Policing Act 2014 was aimed at focussing on responses to anti-social behaviour (ASB) on the needs of the victim. The act introduced a number of new tools and powers to replace existing provisions, including the introduction of anti-social behaviour case reviews, also known as Community Triggers. The Trigger gave victims, or victim's representatives, a right to ask local agencies to review how they had responded to previous anti-social behaviour complaints and consider what future action might be taken where the behaviour persisted. All Community Safety Partnerships (CSPs) around the County, including the Carlisle and Eden CSP had worked together to develop a county wide approach to implement the new Community Trigger legislation.

The Community Trigger approach was intended to encourage a collaborative problem-solving approach amongst agencies dealing with persistent case of anti-social behaviour in order to identify whether any further actions could be taken. The Act set out the framework for anti-social behaviour case reviews and required the relevant bodies to work together to agree local processes and procedures and ensure that they met the needs of their communities. The Community Trigger would sit alongside existing processes and practices for responding to anti-social behaviour.

Cumbria Constabulary had conducted intensive research into the Community Trigger legislation and had, and would continue to, provide local authorities with advice and support on the new process.

Members of the public would be able to request a Community Trigger by telephone, email, letter or online reporting form on the Council's website. The Community Development Officer would act as the single point of contact (SPOC) for Carlisle City Council.

On receipt of the Trigger application the SPOC would forward to request and associated information to the designated offices for consideration. Those partners would then research the complaint and reply back to the SPOC within ten days to advise whether or not the complaint met the trigger threshold. If the trigger did meet the threshold the identified partners would be required to convene and carry out a full review of the complaint. If the trigger did not meet the threshold the reporting person would be informed of the decision and the rationale behind it.

Once all of the information had been returned a review panel date would be set and all relevant partners and officers invited to attend. A process map and list of designated Officers and key representatives were attached to the report as appendices. The panel would be chaired by the Chair of the Community Safety Partnership. Following the review panel the

SPOC would notify the reporting person of the outcome. If the reporting person was unhappy or disagreed with the review panel outcome they could request an appeal within a ten day period.

The Communities, Health and Wellbeing Portfolio Holder advised that she did not believe there would be many referrals because of the efficiency of problem solving groups already in existence. These groups are made up of representatives from housing associations, Councils and the police.

Sergeant Kirkbride stated that there were two key things in respect of the Community Trigger. Firstly much of the work was already being done and the Community Trigger was the Government's formalisation of that work. Sergeant did not anticipate that there would be many referrals as a result of the legislation.

Sergeant Kirkbride had sought advice from the Leeds Anti-Social Behaviour Action Team (LASBAT) who had been asked to be part of the pilot for the legislation. They advised that from 35 referrals only one met the threshold. However a problem had been identified and was dealt with.

In considering the report Members raised the following comments and questions:

- *If the work was already being done what was the point of the legislation?*

Sergeant Kirkbride advised that the legislation was part of the new Crime and Policing Act which was introduced in 2014. In the past anti-social behaviour issues were police led but as a result of good partnership working the Government had decided to formalise the work that was already underway. Under the new legislation the main responsible body would be the Local Authority and the City Council's community Development Officer was the Single Point of Contact (SPOC) for the area.

- *Why was it decided to make the Local Authority the single point of contact?*

Sergeant Kirkbride stated that consultation following the introduction of the new anti-social behaviour powers introduced in 2011 had shown that not everyone would report an incident and it was not always clear wither an incident Local Authority, Environmental Health, or housing issue so was not dealt with. Such incidents were now rare due to the work of the problem solving groups and the knowledge of how to deal with such incidents. It was hoped that the new legislation would make people more comfortable to enable them to report incidents. The legislation linked to other powers which supported the Community Trigger.

- *Could the threshold be limiting? Members take complaints from residents as they do not believe they are getting a response from elsewhere. In some cases there is no response.*

Sergeant Kirkbride advised that the thresholds were introduced to assist people and professionals to determine what may be done about an incident. It was anticipated that the number of hate crime incidents would be reported and the person making the report would be advised on what action would be taken, if any. If people were not happy with the response they could take their complaint to the Ombudsman who may offer different advice.

Partners needed to be clear on what the complaint procedure was and if people were made aware of the Community Trigger that could raise more significant challenges and opportunities to be clearer about partners' complaints procedures.

It was important to acknowledge that people do not always get the answer they want but in Carlisle and Cumbria complaints were generally managed well.

Sergeant Kirkbride advised that the new legislation would not allow a review of a previous CPS decision but there was an appeals process if people were not happy with the response they received.

- *The report referred to incidents and reports. What was the difference?*

Sergeant Kirkbride explained that each complaint had to be reported. When there were three or four people complaining about the same issue the complaint would be summarised.

The Communities, Health and Wellbeing Portfolio Holder suggested the wording should read "There have been 5 reports about the same problem in the past 6 months to the Council, Police or the landlord and no action has been taken."

- *If the Community Trigger was activated the intention would be for something to be done as nothing had been done previously. What actions could be undertaken?*

Sergeant Kirkbride explained that the action taken was dependent upon the type of anti-social behaviour. The complaint would be passed to the relevant partner and the partnership would look to see if another organisation was better able to deal with the issue. Issues were often a matter of perception eg children playing football in the street.

- *What was the legal definition of anti-social behaviour?*

Sergeant Kirkbride advised that there was no legal definition and each police force and Local Authority had their own. The new legislation followed the introduction of the Public order Act which gave two definitions, Community Trigger and a new civil injunction. The threshold was lower and was now defined as annoyance which was people's perception of a situation. With regard to the Community Trigger the partners were looking at harassment, alarm or distress.

- *It was proposed that the Panel be advised of any reports on Community Trigger so they could keep abreast of what was happening in terms of the new legislation. Also any reports that continue to the end of the process should be reported to the Panel. Could those results be reported to the Panel as part of performance measures?*

Sergeant Kirkbride advised that the Community Development Officer would do so as part of her role as SPOC. Any organisation involved in the complaint would also have the information. As part of the legislation the police had to report on an annual basis the number of applications received, whether or not the threshold was met, information about case reviews and appeals, the type of anti-social behaviour involved and any recommendations.

- *How was the Community Trigger being publicised?*

Sergeant Kirkbride advised that the legislation would only be publicised online. Leeds, who were involved in the pilot, had spent a significant amount of money on advertising the legislation and they received only 35 requests only one of which met the threshold. They had advised that they would not advertise that way again. Other failsafe mechanisms were also in place to capture incidents.

- *It was stated earlier that for seven out of ten complaints in Manchester the complainant had been given advice about the Community Trigger by an elected member.*

The Communities, Health and Wellbeing Portfolio Holder advised that many complaints were received by Members and passed onto the relevant officer or partner.

- *When would the legislation come into force?*

Sergeant Kirkbride explained that the legislation came into force in October 2014 and was fed in as part two of the Crime and Policing Act 2014. A conference was to be held in London looking at the legislation six months after its introduction and would involve key players from across the country.

RESOLVED: 1. That report SD.05/15 be noted.

2. That the Executive be requested to provide information to the Panel on any reports made under the legislation and any cases that continued to the end of the process.

3. That the Community Trigger be reported to the Panel as part of the performance measures.

Report to Executive

Agenda
Item:

A.3

Meeting Date: 1 June 2015
Portfolio: Economy, Enterprise and Housing
Key Decision: Yes
Within Policy and Budget Framework: Yes
Public / Private: Public

Title: Low Cost Home Ownership Policy
Report of: Director of Economic Development
Report Number: ED17/15

Purpose / Summary:

The Council currently manages both the initial sale and all future re-sales of approximately 300 Low Cost Home Ownership properties, provided through developer planning contributions (Section 106 Agreements) with many more in the pipeline. However, despite the significant level of equity that has been invested in these properties over a number of years, there is currently no formally approved detailed policy for managing the scheme - a draft policy is therefore included for Executive's consideration at *Appendix 1*.

Recommendations:

That Executive endorses the Low Cost Home Ownership policy and refers it to 11th June Community Overview & Scrutiny Panel.

Tracking

Executive:	29 June 2015
Overview and Scrutiny:	11 June 2015
Council:	14 July 2015

1. BACKGROUND

- 1.1** The Council's Housing team began managing a Low Cost Home Ownership scheme over 15 years ago to help local people who have been priced out of the housing market. Properties are sold at a fixed percentage discount, with the owner passing on the discount upon each successive re-sale. For over 10 years properties provided through the scheme have been at a 30% discount from open market value; however, the older properties are at a 20% discount and a few of the earliest homes included in the scheme are at a 10% discount. Allocation of properties and the waiting list is managed using a bespoke Microsoft Access database but the policy currently only consists of a double-sided leaflet.
- 1.2** The number of Low Cost Home Ownership schemes has steadily increased over time, and the Council now manages 298 discounted sale properties (detailed in *Appendix 1* of the draft policy) through its Low Cost Home Ownership register, with many more currently in the pipeline, including 143 on schemes already on site or with planning permission approved.
- 1.3** These affordable homes have been funded by substantial levels of planning obligation contributions, through Section 106 Agreements, with the cost borne by the landowner and developer. As an approximation, if the 298 homes currently within the scheme was multiplied by the median property price for Carlisle District: £123,221¹ and then the 30% discount (which applies to all but the earliest properties in the scheme) was applied – then the level of equity in the scheme would equate to:-

298 (LCHO properties) x £123,221 (median house price for 2014¹) x 30% (LCHO discount) = **£11.02 million**.

Yet despite the significant level of equity invested in the scheme the Council has never had a detailed Low Cost Home Ownership policy.

2. PROPOSALS

- 2.1** The new policy would seek to give increased priority to households in the greatest housing need for a particular property type. Low Cost Home Ownership properties are currently allocated to qualifying persons, based solely on the date of application, without taking into account the needs of a particular household. The key recommendations to make the Low Cost Home Ownership policy fairer and add clarity are set out in sections 2.2 and 2.3.
- 2.2** The most significant change in the draft policy is in respect of giving a priority to families in need for a particular type of property – i.e. households with

¹ Median house price for Carlisle District in 2014, per *CACI Paycheck* figures provided by Cumbria County Council

children for larger family properties, and older or disabled people in respect of bungalows or adapted accommodation. This is an important issue, as housing need evidence is used when negotiating the type of properties provided through Section 106 Agreements with the developers, but at present applicants are prioritised on a “first come, first served” basis, simply on their date of application, regardless of housing need. This is currently inconsistent with Housing Association affordable rented properties secured through Section 106, which are allocated based on housing need through the ‘Cumbria Choice’ lettings system.

All qualifying persons (as detailed in the Section 106 Agreement) would still be eligible for any of these low cost properties: all that is proposed is that those people in greatest housing need are referred before people with no specific need for a property of a particular type, as set out in section 1.8 of the draft policy in *Appendix 1* - detailed below.

Applicants meeting the local connection criteria set out in the Section 106 Agreement for each particular scheme will be ranked by date of application. However, for some types of accommodation an additional priority is given to particular types of household with a greater need for that type of property, as follows:-

- 4/ 4+ bedroom houses:-

- i) households including 3 or more children (or having joint custody of 3 or more children); then
- ii) households including 2 children (or having joint custody of 2 children); then
- iii) households including 1 child (or having joint custody of 1 child).

- 3 bedroom houses:-

- i) households including 2 or more children (or having joint custody of 2 or more children); then
- ii) households including 1 child (or having joint custody of 1 child).

The priority for households with children will also apply in cases where a member of the household is pregnant.

- Dormer bungalows - including a downstairs bedroom and downstairs w/c and bathing facilities: equal priority will be given to the following types of household:-
 - households including someone aged 60 or over, and/ or households including someone registered disabled.

- households with children (or having joint custody). In the case of 4/4+ or 3 bed properties the criteria set out above, in respect of the prioritizing applicants based on the number of children in the household, would apply.
- Bungalows and adapted/ adaptable ground floor flats (e.g. built to 'Lifetime Homes Standard') – households including someone aged 60 or over, and households including someone registered disabled.

In cases where there is more than one qualifying applicant with an equal additional priority for the same low cost property, applications will be ranked by date of application.

2.3 Other key elements of the policy are summarised below:-

- Responsible borrowing - it is important that successful applicants for low cost home ownership do not overstretch themselves financially and put their homes at risk. It is therefore recommended that the applicants can borrow no more than 4.5x household income, which is the maximum income multiplier permitted under the Government's *Help to Buy* scheme. This would keep the policy consistent with the Government's flagship equity loan scheme, and the upper borrowing limit reduces the risk of potential repossessions. This is covered in more detail in Section 1.3 of the draft policy in *Appendix 1*.
- Eligibility criteria – applicants would need to demonstrate that they needed the discount to purchase the low cost property, and it would need to be the purchaser's only or main home (they cannot be purchased as buy-to-lets). This is detailed in section 1.6 of the draft policy.
- Local connection criteria – the Section 106 Agreement for each scheme will specify the local connection criteria in respect of the affordable homes; however a standard definition of "qualifying person(s)" is included in section 1.7 of the draft policy. Rural schemes will have stricter criteria due to the shortage of affordable housing in rural areas, meaning people with a connection to (e.g.) the parish receiving an initial priority, eventually "cascading" out to people with a local connection to the District.
- Rights of succession – the beneficiary would need to demonstrate that they met the local connection and eligibility criteria. This is covered in section 1.11 of the draft policy.

- Rental option – occasionally, circumstances may occur whereby the owner of a low cost property has been unable to sell their home, but has a genuine need to move (e.g. due to securing a job in another area). In these circumstances the Council may approve the property being let to a qualifying person at an affordable rent on a temporary basis. Section 1.13 of the draft policy covers this aspect in more detail.

3. CONSULTATION

- 3.1** Colleagues in Planning, Property, Policy, and Legal Services have been consulted on earlier versions of the draft policy, which has been updated to include their input, and a stakeholders workshop is being arranged for external interest groups – the outcome will be fed back in future reports.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** Despite the multi-million pound investment in discounted sale housing through planning obligations, yielding some 300 properties with many more in the pipeline, the Council currently has no detailed Low Cost Home Ownership policy. Endorsement of the policy will add clarity and provide a higher level of priority for those households with a greater housing need for particular property types.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** We will address Carlisle's current and future housing needs.

Contact Officer: **Jeremy Hewitson**

Ext: **7519**

Appendices **Yes**
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:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive – The policy supports the Council's Public Sector Equality duty to advance equality of opportunity between people who share a protected characteristic and those who do not. The planned consultation with stakeholders fulfils the authority's commitment to consider equality issues in policy development and community engagement.

Economic Development –

Governance – Given the importance of affordable housing to the Council's aspirations, it is sensible to have appropriate policy and guidance in place. 'Housing Investment' is reserved to Council by Article 4 of the Constitution and this policy should ultimately be approved by that body.

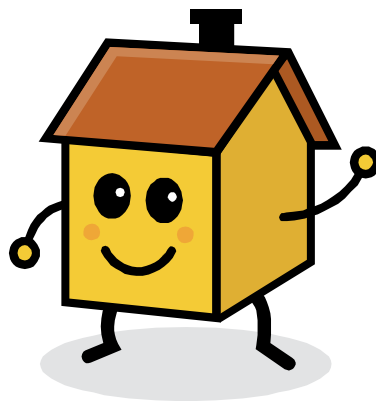
Local Environment –

Resources - This Policy formalises current working practices and will continue to be managed by the Council's Housing team. There are no financial liabilities for the Council arising from the Low Cost Home Ownership scheme as all transactions are between third parties.

Carlisle City Council



Low Cost Home Ownership (Discounted Sale) Policy and Guidance



May 2015

Low Cost Home Ownership (Discounted Sale) Policy and Guidance

Index of Contents	Page
1.1 Background to Scheme	3
1.2 Percentage Discount	3
1.3 Responsible Borrowing	4
1.4 Setting Affordable Values	4
1.5 Owner occupiers	5
1.6 Eligibility Criteria	5
1.7 Local Connection Criteria	6
1.8 Prioritising Applicants	6
1.9 New Developments	7
1.10 Re-Sales	8
1.11 Rights of Succession	8
1.12 Section 106 Agreements – Legal Implications	9
1.13 Rental Option	9
1.14 Annual Review	10
1.15 Appeals	10
<i>Appendix 1: Existing Properties in LCHO Scheme</i>	11

Low Cost Home Ownership (Discounted Sale) Policy and Guidance

1.1 Background to Scheme

Carlisle City Council operates a **Discounted Sale** scheme to manage the sale of **Low Cost Home Ownership** (LCHO) properties, in respect of new build housing schemes, and each subsequent resale of these homes. Discounted sale is a form of 'intermediate' affordable housing, and the Council's scheme offers an alternative to shared ownership schemes - often run by Housing Associations (Private Registered Providers of affordable housing), or the Government's *Help to Buy* scheme, which provides equity loans to help first-time buyers onto the housing ladder.

Carlisle City Council's discounted sale scheme for low cost properties has been developed because the Council recognizes that many local people have been priced out of the housing market – in 2014 the median (or typical) property price to household income ratio for Carlisle District was 4.9x, but the "lower quartile" figure (more appropriate to households in need of affordable housing) this increased to 6.2x² – well above responsible borrowing levels (see **Section 1.3**).

These low cost properties are usually new build properties which have been negotiated with private developers as their contribution to affordable housing through a planning obligation. Low cost properties are subject to covenants contained in a Section 106 Agreement (S106 of the Town and Country Planning Act, 1990). A Section 106 Agreement is registered as a local land charge and remains in perpetuity - therefore when the property is sold any purchaser is bound by the terms and conditions contained in the S106 Agreement. It is binding upon owners and other bodies with an interest in the land i.e. a Mortgagee.

Carlisle City Council maintains a database of people who have expressed an interest in purchasing a discounted sale property, in respect of new properties and re-sales of properties previously purchased through the scheme.

1.2 Percentage Discount

The policy seeks to ensure low cost home ownership properties remain within reach of people on local incomes but without making schemes economically unviable. This is achieved through a **percentage discount**.

² Source: CACI Streetvalue & CACI Paycheck data

Low cost properties are typically sold at a discount of 30% from the open market value. On older schemes the discount is 20%, and on one or two of the very earliest schemes the discount is 10%.

Unlike some other forms of low cost home ownership (e.g. shared ownership) with discounted sale properties the purchaser owns their home outright – no other party retains a share of the equity, but the initial price and each subsequent resale is subject to the same percentage discount. The owner is responsible for all repair and maintenance costs.

1.3 Responsible Borrowing

Government recommendations on responsible borrowing, set by the Department for Communities and Local Government in the *Strategic Housing Market Assessment Guidance* (2007) were 3.5 x gross single household income and 2.9 x gross joint household income. This guidance has now been cancelled and replaced by the *National Planning Practice Guidance* (2014) which does not make any direct reference to responsible borrowing, unlike the previous guidance.

In the absence of any updated formal guidance, the former standard multipliers should therefore still be used as a guide; however, these guidelines were set a number of years ago, and since then many responsible lenders will now allow people to borrow slightly more and a number of lenders no longer operate simply on multipliers, but also take into consideration the amount of existing credit or loans the customer might have. If an applicant can provide a Mortgage Affordability Statement from a reputable lender for slightly more than the guideline multipliers (3.5x single/ 2.9x joint income) then this would be acceptable up to a maximum of 4.5x (single or joint) which is the maximum allowed under the Government's 'Help to Buy' scheme. This keeps the policy consistent with the Government's flagship equity loan scheme, and reduces the risk of potential repossessions.

Savings, equity in an existing property, and any financial assistance to be provided (usually from the applicant's family) will also be taken into account to determine the applicant's obtainable funds.

1.4 Setting Affordable Values

The open market value of any low cost property shall be determined by the developer on the first sale employing, at their own expense, their own RICS (Royal Institution of Chartered Surveyors), qualified valuer. The developer's valuations will then be verified by Property Services on behalf of the Council. Upon each subsequent re-sale the vendor will need to provide the Council with two valuations for approval by Property Services. In the event of a dispute over the valuation, an independent RICS qualified valuer will be appointed, whose decision will be final.

The developer will be required to enter into a S106 Agreement prior to planning permission being granted, setting out the numbers of units to be involved in the City Council's low cost home ownership scheme, the affordable housing discount (30% on new schemes), and the qualifying criteria, prior to first occupation of the dwelling following the valuation being agreed.

1.5 Owner Occupiers

Not all of the low cost homes would necessarily be first time buyer properties and referred purchasers may already have an amount of equity in an existing property which they wish to sell. This could include people needing a larger home as their family has increased but are unable to afford market prices or, conversely, older people looking to downsize into more manageable accommodation.

Some owner occupiers may also be "equity rich, cash poor" so rely on equity from the sale of an existing property, more than current income to secure a low cost home – this is particularly prevalent in the case of retired people.

Existing homeowners would need to have a sale 'subject to contract' before they can be formally nominated for a low cost property, due to the length of time it can take for an applicant to sell their home. However, if there are no other qualifying persons on the register, the developer or vendor should still be notified of their interest.

1.6 Eligibility Criteria

Applicants for low cost housing need to fulfil certain criteria:-

- ◆ Local connection (see **Section 1.7**).
- ◆ Demonstrate that they require the discount to purchase the property
- ◆ The low cost property would have to be the only or main home of the purchaser (they cannot be purchased as buy to let), and the purchaser would be required to live there not less than 10 months of the year. The Low Cost properties could only be resold at the discounted value, and could not be sold as second homes or holiday lets.
- ◆ The minimum age for applicants to join the database is eighteen years old.
- ◆ An applicant would need to have a right of residence in the UK.

1.7 Local Connection Criteria

The local connection criteria in respect of affordable housing are detailed within the relevant S106 for the property but the standard definition of “**Qualifying Person(s)**” means person(s) who:-

- (i) has a Housing Need; and
- (ii) has local connections which shall be conclusively presumed in the case of a person who:
 - (a) was born in the District; or
 - (b) has lived in the District for a continuous period of at least three (3) years up to and including the date on which a Disposal is agreed, subject to contract, of a Low Cost Unit; or
 - (c) has worked in the District for a continuous period of at least three (3) years up to and including the date on which a Disposal is agreed, subject to contract, of a Low Cost Unit; or
 - (d) is by blood or marriage a member of the family (as defined in Section 113 of the Housing Act 1985) of a person who falls or (in the case of any such relationship to a deceased person) would if such person were living fall within one of the above categories; or
 - (e) has an offer of employment in the District which is of a permanent nature; or
 - (f) has any other reason for living in District which is approved by the City Council; and
 - (g) has registered an interest in living in the District and is on the housing register maintained by the Local Housing Authority and/or any Registered Provider operating in the District.

On more recent schemes, low cost properties in the urban area of Carlisle may immediately be open to people with a local connection to Carlisle District, but rural schemes will initially be open to people from the parish (or sometimes more than one parish); then the Housing Market Area (e.g. Rural Carlisle East), before “cascading” out to people with a connection to the District. Each stage of the cascade – parish(es); Market Area; District; would typically be for 4 weeks, then after 12 weeks, properties would become eligible to people in need of affordable housing without a local connection, but would still need to be approved by the Council (for instance, it would need to be their only home). Older S106s may differ, and it would always be necessary to refer to the S106 Agreement for the specific scheme.

1.8 Prioritising Applicants

The specific local connection criteria will be set out in the relevant S106 Agreement. Applicants meeting the local connection criteria set out in the S106 Agreement for each particular scheme will be ranked by date of application. However, for some

types of accommodation an additional priority is given to particular types of household with a greater need for that type of property, as follows:-

- 4/ 4+ bedroom houses:-
 - iv) households including 3 or more children (or having joint custody of 3 or more children); then
 - v) households including 2 children (or having joint custody of 2 children); then
 - vi) households including 1 child (or having joint custody of 1 child).
- 3 bedroom houses:-
 - iii) households including 2 or more children (or having joint custody of 2 or more children); then
 - iv) households including 1 child (or having joint custody of 1 child).

The priority for households with children will also apply in cases where a member of the household is pregnant. The applicant will need to contact the Housing team as soon as possible to update their details (e.g. through providing a MAT B1 maternity certificate form).

- Dormer bungalows - including a downstairs bedroom and downstairs w/c and bathing facilities: equal priority will be given to the following types of household:-
 - households including someone aged 60 or over, and/ or households including someone registered disabled.
 - households with children (or having joint custody). In the case of 4/4+ or 3 bed properties the criteria set out above, in respect of the prioritizing applicants based on the number of children in the household, would apply.
- Bungalows and adapted/ adaptable ground floor flats (e.g. built to 'Lifetime Homes Standard') – households including someone aged 60 or over, and households including someone registered disabled.

In cases where there is more than one qualifying applicant with an equal additional priority for the same low cost property, applications will be ranked by date of application.

1.9 New Developments

Carlisle City Council works closely with the developer's sales staff to ensure that the low cost housing scheme runs efficiently.

Prior to properties being released for sale the developer should:-

- ◆ Submit a sales release letter, this is normally no less than 6 weeks prior to the property being released for sale;
- ◆ Where relevant advertise the properties in the local press;
- ◆ Submit a valuation in respect of the low cost properties.

Following the above Carlisle City Council's Housing Section should:-

- ◆ Instruct Carlisle City Council's Property Services to undertake a valuation;
- ◆ Refer qualifying applicants to the sales office (once valuations have been agreed) - there is a time limit in which to do this (check individual S106 Agreement for details).

If the Council is unable to refer a sufficient number of qualifying applicants from the waiting list, the developer can refer qualifying applicants to Carlisle City Council for approval. In the event that an insufficient number of qualifying applicants has been identified, the developer can then advertise the remaining properties to qualifying persons, following the qualification criteria set out in the S106 Agreement.

1.10 Re-Sales

Upon the resale of a low cost property the vendor must:-

- ◆ Inform the Council's Housing team in writing of their intention to sell;
- ◆ Submit at least two valuations to Council.

In the event that the valuations submitted by both parties do not correspond and an agreement cannot be reached between the two parties, the vendor and/or Carlisle City Council has the right to request an independent valuation. The appointed surveyor must be mutually agreed and be a member of the Royal Institute of Chartered Surveyors (RICS). The cost of appointing an independent valuer is usually split between the vendor and the Council and the independent expert's decision is final.

1.11 Rights of Succession

If the owner of a low cost home wished to leave the property to a beneficiary in a will, the beneficiary would need to demonstrate that he/ she meets both the eligibility criteria (set out in **Section 1.6**) and the local connection criteria (set out in **Section 1.7**).

If the beneficiary was unable to meet both of these criteria the property would have to be sold at the discounted price, in accordance with the S106 Agreement, with the monetary value (equity) received from the sale going to the beneficiary.

Notwithstanding these arrangements around succession, any unusual circumstances may form the basis of a request to permit the property to be transferred to another party, subject to the Section 106 Agreement remaining on the property.

1.12 Section 106 Agreement – Legal Implications

A Section 106 Agreement is registered as a local land charge. This means that when a proposed purchaser undertakes a local search on the property the purchaser will become aware of the Agreement. They are entitled to request a copy of the Agreement from Carlisle City Council to make themselves aware of its terms. The purchaser should not proceed with the transaction unless and until they are satisfied of the terms and that they are not unduly affected by them. It is important for a purchaser to be fully aware of the terms to ensure that they do not breach the terms by completing their purchase. Once the sale has completed the purchaser also needs to make sure they are fully aware of the terms of the S106 Agreement to ensure that they do not breach the terms of the Agreement.

If anyone buys in breach of the Agreement or breaches the Agreement after the completion of their purchase the Council can enforce the terms of the Agreement which might be by way of an injunction to prohibit its use in contravention of the terms of the Agreement.

The Council should be notified of any sales of the property. If the Council were not notified of the sale and the appropriate officer became aware, attempts would be taken to secure that the Council's interests and the Agreement's terms were protected and preserved.

1.13 Rental Option

Occasionally, circumstances may occur whereby the owner of a low cost property has been unable to sell the property but has a genuine need to move out of the property (e.g. due to securing a new job in another area) and wishes to rent out the property on a temporary basis. This needs to be approved by the Council, but can be agreed if the property is let to a qualifying person at an affordable rent, providing the following criteria are met:-

- ◆ The property must have been for sale with an estate agent for a significant period of time (e.g. 6 months) and where no qualifying person has made an approach. The applicant must demonstrate that the property has been marketed for the period stated, by providing copies of advertisements or alternatively a letter from an estate agent or solicitor acting on their behalf.
- ◆ The owner should also be informed that permission would be needed from their mortgage company (if there is an outstanding mortgage there may be restrictions placed on this) and advising them to seek legal advice.

- ◆ The Council's agreement is subject to confirmation from the owner that the lease will not be for more than seven years, as leases in excess of seven years are compulsorily registrable with the Land Registry.
- ◆ The property must be let at an affordable rent (as these are affordable homes subsidised through planning obligations) at no more than the Local Housing Allowance rate for the property type. This also applies in respect of annual rent increases.

1.14 Annual Review

The list will be reviewed on an annual basis. This is to check people still wish to remain on the list, and ensure people's circumstances have not changed, as people will not always remember to inform the Council (e.g. if they change job and their salary has changed). A letter with a tear-off slip and a deadline for its return will be sent out to all applicants.

However, applicants should always inform the Housing team of any changes in circumstances as soon as possible (e.g. financial, or changes to members of the household, including pregnancy) rather than relying on the annual review. This is important as the Housing team can only draw up a shortlist of qualifying applicants based on the most up to date information provided.

1.15 Appeals

The scheme will be administered in accordance with a straightforward policy linked to time on the low cost home ownership register. It is therefore not intended that there will be any appeals process.

**Appendix 1: Existing Properties Included in Carlisle City Council's
Low Cost Home Ownership Scheme (April 2015)**

Street / Development Name	Number of Beds / Type of Property (Total)
Albert Street, Longtown, Carlisle	2 Bed House (6)
Alder's Edge, Scotby	2 Bed House (1) 3 Bed House (3)
Antonine Way, Houghton, Carlisle	2 Bed Bungalow (7)
Anvil Close, White Flats, Irthington, Carlisle	2 Bed and 3 Bed House (6)
Barley Edge, Durranhill Road, Carlisle	3 Bed House (10)
Brackenleigh Development (Wigton Road), Carlisle	2 Bed House (7) 3 Bed House (32)
Cavaghan Gardens, Carlisle	2 Bed House (5) 3 Bed House (3)
Crindledyke Development, Carlisle	2 Bed House (3) 3 Bed House (5)
Edenside, Cargo, Carlisle	2 Bed House (8)
Field View, Faugh, Carlisle	2 Bed House (1) 3 Bed House (1)
Fulmar Place, Turnstone Park, Carlisle	3 Bed House (1)
The Grange, Dalston	2 Bed House (2) 3 Bed House (6)
Hanson Place, Warwick Square, Carlisle	1 Bed and 2 Bed Apartment (7)
Helvellyn Rise, The Beeches, Carlisle	2 Bed House (15)
Heron Drive, Kingfisher Park, Carlisle	2 Bed and 3 Bed House (16)
Huntsman Lane, Carleton Grange, Carlisle	2 Bed Bungalow (17)
Johnstone Drive, Carlisle	3 Bed House (1)
King George Court, Warwick Bridge, Carlisle	2 Bed Apartment (4)
Kittiwake Close, Carlisle	3 Bed House (1)
Ladyseat Gardens, Moor Road, Longtown, Carlisle	2 Bed Detached Bungalow (4)
Leywell Drive, Carleton Grange, Carlisle	2 Bed and 3 Bed House (4)
Lowry Hill Gardens, Lowry Hill, Carlisle	2 Bed Apartment (12) 3 Bed House (4)
Nook Lane Close, Dalston, Carlisle	3 Bed House (8)
Pennington Drive, Windsor Park, Carlisle	2 Bed and 3 Bed House (15)
Richard James Avenue, Carlisle	1 Bed Apartment (1)

	2 Bed Apartment (5) 3 Bed House (1)
The Ridings (Durdar Road/ Blackwell)	3 Bed House (4)
Teasdale Place Development, Carlisle	2 Bed House (2) 3 Bed House (18) 4 Bed House (2)
Turnstone Drive, Turnstone Park, Carlisle	2 Bed Apartment (18) 3 Bed Semi House (4) 2 Bed Terrace House (1)
Vallum Gardens, Burgh Road, Carlisle	3 Bed House (4)
Victoria Road (off Warwick Road), Carlisle	2 Bed and 3 Bed House (6)
Wellside Walk, Carlisle	2 Bed and 3 Bed House (16)
Wreay Sike Cottage, Wreay, Carlisle	4 Bed Detached House (1)
	Total 298 properties

PLEASE NOTE: The majority of these properties are already occupied and will only become available through re-sale.

Report to Executive

Agenda
Item:

A.4

Meeting Date: 1st June 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes
Within Policy and Budget Framework: Yes
Public / Private: Public – Part A
Title: **Asset Review Business Plan – Refresh of Disposal Programme 2015**
Report of: **DIRECTOR OF GOVERNANCE**
Report Number: **GD20/15**

Purpose / Summary:

An earlier report considered by Executive on 21/7/14 (GD30/14), proposed minor changes to the Disposals Programme whilst bringing forward a proposed supply of housing development sites, and was adopted as part of the Council's Policy Framework by Council on 9/9/14. The original Disposals Programme is now nearing the end of its 4 year anticipated lifespan, having exceeded target receipts for the assets sold. Due to progress, changing circumstances and emerging priorities in the Carlisle Plan 2013-16 and Submission Draft Plan 2015–30, Officers in consultation with Portfolio Holders have undertaken a review of the current Programme, proposing further changes.

Recommendations:

1. The Executive note the current position and progress with the Disposals Programme.
2. The Executive considers and comments upon the proposed changes to the Disposal Programme before passing the report to Overview & Scrutiny for comment.

Tracking

Executive:	1st June 2015
Overview and Scrutiny:	18th June 2015
Executive:	29th June 2015
Council:	14th July 2015

BACKGROUND

1.1. Asset Review Business Plan – Disposals Programme

The Asset Review Business Plan was approved by Full Council on 11th January 2011 (Report Ref: CE39 /10 refers). The Plan's objectives were to rationalise and consolidate the Property Portfolio, with a programme of disposals spread over four years, aimed at realising capital receipts of £24 million, with the capital receipts being used to generate an additional £1 million in rental income, fund investment, economic development and operational property purchases and to support budget and efficiency savings, and help secure service delivery into the future.

A refresh of the Disposal Programme was put to the Council's Executive on 21st July 2014 which updated the original programme, advised Members of the position of assets that had been put on hold, and put forward plans to bring forward potential housing development sites to meet the priorities of the Carlisle Plan and address future housing needs. The report was adopted as part of the Council's Policy Framework in September 2014.

1.2. Current Situation

Disposal Monitoring Schedules

The Disposals Monitoring Schedule attached as **Appendix 1 to Part B** of this report, sets out work in progress for each of the unsold assets currently in the pipeline, together with additional assets that have been earmarked as surplus following the completion of the original asset review in 2011.

The schedule attached as **Appendix 2 to Part B** of this report shows assets within the original programme that are currently on hold. Their position is noted and a future course of action proposed.

The schedule attached as **Appendix 3** sets out, for those assets where sales have been completed, the target receipts and actual outcomes, the impact on rental income and lease numbers, and the cost to date of realising sales.

Summary Position

The overall position in terms of disposals, acquisitions and the impact on the estate and rental income can be summarised in the following table. The Programme to date has exceeded target receipts for those assets sold to date and met the initial aspirations to support rental income generation, fund investment, economic development and operational property purchases and to support budget and

efficiency savings. The cost to date of realising sales including marketing, agency fees and ancillary disbursements amounts to circa. £201,500 which at 2% of gross receipts is within budget targets.

Sales	No. Of Assets	Target Receipt	Gross Receipt
Completed	32	£7.825m	£9.576m
Purchases	No. Of Assets	Cost	Property
Completed	9	£5m	Rickergate properties, BHS Woolworth Building, Herbert Atkinson House, Morton employment land, 7 Warwick Street
Rentals	No. Of Assets	No. Of leases	Amount p/a
Disposals	32	88	£268k
Acquisitions	8	7	£220k

Morton

A significant part of the Business Plan delivery, and the re-engineering of the Council's Portfolio, hinged on the release and disposal of the latent value in the Council's retail and residential assets at Morton. The residential asset transfer to the Church Commissioners and the acquisition of land from the Church Commissioners to increase the Council's employment offer has now completed.

However, the proposed disposal of the Council's retail asset to a supermarket developer has fallen through. As a result of the collapse of the retail food market we now need to reconsider and refresh out proposals for this asset going forward.

Housing Sites

The 2014 Disposals Programme Refresh highlighted 18 assets as having housing development potential through various potential delivery mechanisms. Following disposal on the open market of one of the sites, desktop and further detailed investigation of the remaining sites, and the adoption of the recommendations within the 2014 Disposals Refresh, 6 sites have been confirmed as having residential development potential with detailed investigations underway to ascertain the development potential of a further 3 sites. A plan identifying the location of these sites is attached as **Appendix 4** with an outline of the current status of each of the sites shown in the schedule attached as **Appendix 5**.

2. PROPOSALS

2.1 Disposal Programme Going Forward

Assets in the Pipeline – Appendix 1

It is proposed to continue work on these assets with a view to disposing of them to gain a capital receipt and/or to assist housing delivery. The schedule outlines the relevant assets with an overview of the current position for each and how these will be taken forward.

Assets on Hold – Appendix 2

This Schedule updates Members on assets that have been put on hold within the Disposal Programme and the reasons for this. It is proposed to take these assets out of the Programme going forward and to deal with each asset on an individual basis as and when circumstances and market conditions permit.

Housing Development Sites Location Plan – Appendix 4

This plan shows the location and outlines the extent of the sites that are currently earmarked as housing sites.

Housing Development Sites Proposals – Appendix 5

This Schedule sets out the sites that are currently earmarked as housing sites, the discussions to date with Planners and the work undertaken on each and how these will be taken forward.

Overview of current position

The original Disposals Programme adopted in 2011 as a result of the Asset management Business Plan Review is now nearing the end of its 4 year anticipated lifespan. The Programme to date has exceeded target receipts and met the initial aspirations to support rental income generation, fund investment, economic development and operational property purchases and to support budget and efficiency savings. Further changes in 2014 to the content of the Programme supported proposals to bring forward a pipeline supply of future housing development sites.

Due to changing circumstances and emerging Council priorities, some of the original assets within the Disposal Programme can either no longer be brought forward for disposal or the disposal has stalled. It is therefore proposed to continue with the assets in the pipeline as outlined in Appendices 1 and 4 and to deal with

the assets outlined in Appendix 2 as a stand alone basis as and when circumstances, opportunities, and the market allows.

3. CONSULTATION

- 3.1 The Asset Review Business Plan and subsequent proposals to refresh the content of the plan were endorsed by Full Council following an extensive period of consultation with Stakeholders and Members. Further proposals to refresh the content of the Programme were discussed at the Asset Review Business Plan Officer Group and the Strategic Housing Development Group, and endorsed by Council in 2014. Further discussions and consultations have taken place with the Asset Review Business plan Officer Group and Strategic Housing Development Group with some Members have expressed views on particular assets. The outcome of the recent discussions and views has been incorporated into the latest proposals.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1 To update Members as to the current position with the Disposals Programme, and to more effectively manage the Council's assets in line with the wider strategic and budgetary objectives, and to bring forward sales.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1 It is considered the proposals will support the following priorities:-
- Addressing the current and future housing needs of the City.
 - Promoting partnership working with private and public organisations.
 - Providing capital receipts to support the Asset Business Plan and maintain public services.

Contact Officer: **Barbara Vernon** **Ext: 7422**

Appendices
attached to report: Appendix 1 – Updated Disposal Monitoring Schedule – Part B only
 Appendix 2 – Assets on Hold Schedule – Part B only
 Appendix 3 – Completions to date Schedule
 Appendix 4 – Housing Development Sites plan
 Appendix 5 – Housing Development Sites recommendations

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: CE 39/10 Draft Asset Review Business Plan; RD47A/13 Asset Review Business Plan – Disposals Programme; GD 301/14 Refresh of Disposals Programme (2014).

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Deputy Chief Executive – None

Economic Development – None

Governance – The Council has a fiduciary duty to properly manage its property assets. It has the legal powers to both buy and sell land and, in terms of disposals, should sell surplus land. The Asset Management plan is part of the Council's reserved Budget & Policy framework and, as such, the Executive is required to consult with Overview & Scrutiny before making a recommendation to Council.

Local Environment –None

Resources – The Asset Review Business Plan has been progressing since the implementation and to date has achieved £1.8m more capital receipts than originally anticipated (£9.6m against £7.8m). Nine purchases have been completed at a total cost of £5m and new income has been generated of £220,000. Lost rental income on assets sold of £268,000 has been incurred. Further assets have been identified for potential disposal which, if sold will provide additional receipts over and above those originally envisaged.

The receipts from the sale of assets associated with this disposal programme are now earmarked for funding the Council's capital programme over the next five years and therefore not available for any asset purchases not currently included in the capital programme, and receipts of £5,948,000 are scheduled to be received from these disposals in 2015/16. A re-scheduling of these disposals will have an impact on the forecast Capital Financing Requirement (CFR), and subsequently the amount of Minimum Revenue Provision (MRP) that is forecast in the revenue budget. Any reduction in receipts received will increase the CFR and increase the amount of MRP charged against General Fund Reserves.

The Capital Programme is also based on achieving £5,948,000 for disposals and if this is not achieved, there is a risk that the current programme becomes unfinanced in 2019/20 leading to a borrowing requirement in order to meet the commitments.

The re-profiling of the asset disposals will be included in the Capital Strategy for 2016/17 and any revenue impact will be included in the MTFP for 2016/17.



**Asset Review Business Plan - Disposal Programme
Potential Housing Development Sites**

Scale: 1:21,277 Date: 11/05/2015

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Civic Centre
Rickergate
Carlisle
CA3 8QG

CARLISLE
CITY COUNCIL

www.carlisle.gov.uk

**ASSET REVIEW BUSINESS PLAN – DISPOSAL PROGRAMME
HOUSING DEVELOPMENT SITE RECOMMENDATIONS**

PLAN REF	ME	PLAN REF	ASSET					PLANNING OVERVIEW	GREEN SPACE COMMENTS	HOUSING COMMENTS	PROPERTY SERVICES ACTION / POSITION	CONSIDERATIONS & ISSUES	RECOMMENDED ACTION	CHANGES FROM 2014 DISPOSALS REFRESH?
			Name	Asset Category	Disposal Prog	Area Ha	Use							
1	107		Raffles Development Land	Investment	Disposal Prog	11.64 28.7	Lovells Devt Scheme	Designated in the Preferred Options Local Plan as Primary Residential Area. There are various planning permissions in place for market housing or affordable housing in line with the original Raffles Vision to regenerate the area by introducing a mix of housing types and tenure. Envisaged that this potential will continue to be developed as phases continue.	No green space implications	No comments	Sales proceeding in line with development agreement with Lovells	Lovells Partnership Development Programme. Phases 4, 5, 6 to build out. Affordable houses for sale & some social housing	Continue to progress housing dev / sales with Lovells Mix affordable Pyle Sector & Social Housing.	No Changes
2	105		Land at Wood Street	Investment	Disposal Prog	0.22 0.55	Former Bowling Green Vacant	Designated in the Preferred Options Local Plan as open space. The potential for this site has recently been restricted by a reassessment of the area liable to flood which now covers most of the site. There are also access restrictions due to widths of neighbouring streets but may be able to be accommodated. Unless these can be resolved there is limited potential	No operational green space implications. There is an expectation that this site will be developed. There have been suggestions of a community garden on the site but this would be a community initiative if it ever came forward.	Limited interest from Housing Associations as a 'stand alone' site but could have potential if packaged with other Council owned sites through Demonstration Project. Also possible potential for community led development. Narrow access.	Ex bowling green – preparatory work undertaken and indicative development commissioned and received to inform how to overcome known issues with the site. Report to Members on RP led development/Council funded scheme	Part Flood Zone. Poor access. Neighbourhood issues. TPO's. Site lines. Off-street parking required. Delivery for housing or any use will be problematic. Potential Council backed housing scheme.	Report put forward to Members around site potential and viability. Await feedback. Continue discussions with Housing around inclusion of the site within any 'demonstration project package'.	Updated Housing comment. Property Services Action and Recommendation
	110		Land at English Street, Longtown	Investment	Disposal Prog	0.46 1.14	Former Allotments Vacant	Designated in the Preferred Options Local Plan as Primary Residential Area. Some development potential but has to take into account the adjacent Lochinvar Beck and adjacent conservation area. Adjacent land has permission for development and provision has been made to enable a joint access to be achieved with the Council owned land.	No green space implications	No comments	Ex bowling green – preparatory work undertaken and issue with flooding has arisen which is currently being looked at by a consultant. Provisional agreement to bring to market jointly with Church.	Feasibility of joint development with Catholic Church. Access issues. Consent on neighbouring land issued – see application 11/02/79.	Pyle Sector Housing Disposal Programme sale. Progress discussions with Church to jointly bring to market in Summer 2014.	No Changes
4	100		Land SW of Kingwater Close, Brampton	Investment	Disposal Prog	2.32 5.73	Agricultural land	Allocated in the Preferred Options Local Plan for housing (open market with a S106 contribution for affordable units). Access arrangements need to be considered in more detail as could be a potential constraint to housing numbers but a number of options exist.	No green space implications	Main two accesses would involve crossing Riverside land. Riverside has expressed interest in working with a private developer partner to develop the site for market housing with Riverside as the provider for the affordable housing element.	Preparatory work already undertaken re initial searches	Attractive/desirable site for pyle developers. Access limitations to unpick. Development in conjunction adjoining land a possibility. Probably our most valuable site.	Pyle Sector Housing Disposal Programme sale. Bring forward into market.	No Changes
5	N/A		Land at California Road, Greymoorhill	Investment	No	6.54 16.15	Agricultural land	Allocated in the Preferred Options Local Plan for housing (open market with a S106 contribution for affordable units). Access is required from adjacent allocated housing land which is in private ownership. There is developer interest in this site.	It is understood that the area mooted for disposal is adjacent to, and does not include, the area used for football pitches by both local teams and James Rennie School, which we would wish to see retained. The adjacent site is of limited recreational value.	No comments	Preparatory work undertaken and title recently registered at Land Registry	Association formerly with Kingstown IE Allotment allocation review but not progressing now. Access. Possible joint approach but road improvements may be required. Deliverable	Opportunity for Mix Pyle Sector & Social Housing Inclusion in Kingstown / Parkhouse Future Management Options a possibility. Bring to the market for sale.	

Page 133 of 364

PLAN REF	ME	PLAN REF	ASSET					PLANNING OVERVIEW	GREEN SPACE COMMENTS	HOUSING COMMENTS	PROPERTY SERVICES ACTION / POSITION	CONSIDERATIONS & ISSUES	RECOMMENDED ACTION	CHANGE IN RECOMMENDATION FROM 2014 DISPOSALS REFRESH?
			Name	Asset Category	Disposal Prog	Area Ha	Use							
6	103		Land at Beverley Rise, Harraby	Investment	Disposal Prog	2.15 5.30	Agricultural land	Allocated in the Preferred Options Local Plan for housing development (open market with a S106 contribution for affordable units).	No green space implications	Interest from local Housing Associations in delivering part of the site. Could have potential for 'Demonstration Project' with Carlisle College	Preparatory work undertaken including report on title and planning advice. No private developer interest in the site following soft market testing	Various potential access points. M6 buffer screening required.	Site for Social Housing. Progress as potential 'Demonstration Project'	Property Services action and recommendation changes
7	N/A		Land at Grelia Ave	Operational	No	0.41 1.00	Former Allotment Vacant	Designated in the Preferred Options Local Plan as open space. The adjacent beck is recognised as a main river which requires an 8metre exclusion zone from development alongside the beck. Could be considered as a windfall site for small development if a scheme could be designed to overcome this.	The disused allotment site to the west of Grelia Avenue has previously been suggested as a potential housing site. There is no demand for allotments in this part of Carlisle.	Interest from local Housing Associations, subject to flood risk assessment. Possible site for 'Demonstration Project' with Carlisle College. Previous architect investigations confirm potential residential capacity and developability of the site.	Initial plans prepared and deed numbers checked. Consultant engaged to look at how any development may overcome the flooding issue.	Scope for housing with limited access and flooding issues. Consider allotment status.	Site for Social Housing but limited potential for inclusion within 'Demonstration Project package'.	Housing comment, Property Services action and recommendation Changes
	N/A		Hadrian's Gardens, Brampton Road	Operational	No	1.14 2.8	Open space	Designated in the Preferred Options Local Plan as white land which envisages no change. Initial assessment limits the use due to the existence of Hadrian's Wall to the north and a play area on site. Archaeological works and relocation of play area may allow limited potential for development but would not allocate the whole site for development.	Currently contains a children's play area which was identified as strategically important in the recent review. The space is also valuable for informal recreation and any development should be mitigated by laying out of viable public open space to provide opportunities for play and recreation	Interest from local Housing Associations. Riverside has a shared liability for the un-adopted carriageway. Proximity to Roman Wall & Vallum likely to increase archaeological costs.	Brampton Rd - initial plans prepared and deed numbers checked. Consultant engaged to look at how current access road width, archaeological issues and retention of play and recreation provision could be factored into any potential development and to advise on the viability of the site.	Amenity land. Outside Urban boundary. Access limitations. Archaeological implications.	Pursue limited scope for Social Housing or Self Build or other specialist needs.	Property Services action changes.
9			226-228 Raffles Avenue	Operational	No	0.055 0.13	Former Community Centre	The site lies within the boundary of the defined urban area. The land is designated as a Primary Residential Area (Policy H2 in the Carlisle Local Plan), meaning that proposals which would relate to or complement the existing residential uses, including new residential development, would be supported.	Preference would be to release the area adjacent to the site, currently open space, for housing development and to return this site back to open space, restoring the original boundary of the adjacent park.	No interest from Registered Providers as a 'stand alone' site as unlikely to be financially viable. Potential demonstration project if packaged with other Council owned sites.	Potential to include this site as part of a 'demonstration project' package if married with adjacent grassed opens space. Explore potential further	Amenity land/open space. Demolition of existing building. Viability of developing site. Marriage with adjacent grassed open space to create larger site.	Explore 'demonstration project package'. If potential further. If not viable bring to open market for disposal.	Additional site

Page 134 of 364

Report to Executive

Agenda
Item:

A.5

Meeting Date: 1st June 2015
Portfolio: Environment and Transport
Key Decision: Yes:
Within Policy and Budget Framework YES
Public / Private Public

Title: CONTAMINATED LAND STRATEGY(Cost Recovery and Hardship Policy)
Report of: The Director of Local Environment
Report Number: LE04/15

Purpose / Summary:

This report presents the revised 2015 Contaminated Land Strategy. The Strategy details how the City Council will undertake its obligations for the identification and remediation (clean up) of contaminated land; the Strategy incorporates the Hardship Policy for assessing the clean up contributions from legally responsible persons (Appendix 1 of the Strategy).

Recommendations:

The Executive is asked to consider

- The priorities of the Contaminated Land Strategy 2015 outlined in section 2.3 of this report.
- The constitution of the Hardship Panel outlined in the Cost Recovery and Hardship Policy (Appendix 1 Page 59) contained within the attached Contaminated Land Strategy 2015.
- Refer the Strategy to Environment & Economy Overview & Scrutiny for consideration.

Tracking

Executive:	1st June 2015 & 27th July 2015
Overview and Scrutiny:	25th June 2015
Council:	

1. BACKGROUND

- 1.1 Under Part 2A of the Environmental Protection Act 1990 Carlisle City Council has a duty to inspect and identify contaminated land within the City Council area. To date 1,200 sites have been identified as potentially contaminated due to their previous use. When land has been identified as contaminated it is legally called “determined,” no sites are presently determined by the City Council. Once determined, Carlisle City Council has a duty to serve a Remediation Notice on the person responsible for the contamination or, where they can not be found, on the land owner. The law describes these persons as appropriate person(s) . The Notice will describe what they are to do by way of remediation. Statutory Guidance requires Carlisle City Council to adopt a formal Cost Recovery and Hardship Policy. The Policy will provide a framework for Carlisle City Council to apply when recovering costs for the remediation of land that the Council have carried out on behalf of the land owner or other responsible person. Carlisle City Council should seek to promote fairness, transparency and consistency when determining financial responsibility for remediation of contaminated land and prevent any hardship on any decision Carlisle City Council makes in future.
- 1.2 Part 2A of the Environmental Protection Act 1990 came into force on 1 April 2000. It established a structure for the identification, investigation and remediation of contaminated land. The legislation requires Carlisle City Council to prepare, adopt and publish a Strategy on how it will identify, investigate and remediate contaminated land in the District. Carlisle City Council published its first Contaminated Land Inspection Strategy in July 2001, with a revision in 2009. Following new guidance the Strategy has been updated in 2015 and is provided in the Appendix to this report.
- 1.3 The objectives of the contaminated land regime are:
- To identify and remove unacceptable risks to human health and the environment
 - To seek to ensure that contaminated land is made suitable for its current use
 - To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development

Under Part 2A, the starting point should always be that land is not contaminated unless there is reason to consider otherwise. For a level of risk to exist a relationship must be identified between a contaminant, a pathway and a receptor.

2. PROPOSAL

- 2.1 The Contaminated Land Strategy sets out a plan for how Carlisle City Council will approach land contamination, including the adoption of a cost recovery and hardship policy.
- 2.2 The Strategy ensures a rational, ordered, timely, efficient and consistent approach to dealing with potentially contaminated sites. It is also a point of reference for developers and land owners.
- 2.3 The draft Strategy proposes the following priorities for Carlisle City Council:
- a. To ensure that investigations are concentrated on areas of land where it has been identified there exists the greatest risk of a contaminant linkage (contaminant , pathway, receptor) being present.
 - b. To determine whether any land identified as potentially contaminated land falls within the definition of a 'special site' and, if so, refer it to the Environment Agency (EA) as the enforcing authority for 'special sites'. A special site is one where the contamination is significantly affecting a water body.
 - c. To ensure that all new development is appropriate for its location and potential land contamination issues are considered in strategic planning and development control decisions.
 - d. To encourage, where practicable, redevelopment of brown field sites within Carlisle City Councils area.
 - e. To ensure that procedures are in place for the open provision of information to the public, developers and any other interested parties.
 - f. To prevent, as far as is reasonably practicable, any further contamination of land within the city, including land owned or leased by Carlisle City Council.
 - g. To encourage voluntary remediation of contaminated land, either through Part 2A or the planning system. To date two sites have been determined as contaminated and have been voluntarily remediated.
 - h. The Council will seek to recover all costs associated with the remediation of contaminated land subject to decisions of the Hardship Panel detailed in section 18 of the Cost Recovery and Hardship Policy.
- 2.4 The Council is required to have a Cost Recovery and Hardship Policy and the budgetary implications of this Policy means it a matter for Full Council approval. The constitution of the Hardship Panel should reflect both the legal and financial obligations on the Council. Adoption of the Contaminated Land Strategy 2015 and

the associated Cost Recovery and Hardship Policy will assist the Council should it need to apply for Government funding in the future to remediate determined Contaminated Land.

3. CONSULTATION

It is proposed to consult internally with the planning and economic development Groups regarding the Strategy and the cost recovery and hardship policy. The Contaminated Land Strategy is to be referred to the Economy and Environment Overview and Scrutiny Committee.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

Priority 1: Fostering more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bring new ones in.

The Contaminated land Strategy identifies previous industrial land and development opportunities.

Priority 3: Working more effectively through partnerships

The Strategy requires partnership working with other Government Agencies and developers.

Priority 5: Making Carlisle Clean and tidy together

By remediating potentially contaminated sites the Strategy contributes to a cleaner Carlisle.

Contact Officer: Angela Culleton

Ext: 7325

Appendices Contaminated Land Strategy 2015
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:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance – Governance – Sections 78A-78YC of Part IIA of the Environmental Protection Act 1990 places a duty on the Council to deal with contaminated land in its area. The obligation requires that the Authority inspect its area to determine whether land meets the definition of contaminated land. The first stage is to produce a strategy document detailing how the work will be carried out. This is to be reviewed and periodically updated where there are any changes in the implementation of the strategy

Local Environment –

Resources - The financial implications arising from the Cost Recovery and Hardship Policy cannot be quantified as yet; however having a robust methodology and approval process to deal with any hardship applications is essential. This is set out at Appendix 1 of the Strategy document. Any use of public funds to remediate contaminated land would be subject to the Council's standard reporting and monitoring procedures.

Contaminated Land Strategy



Carlisle City Council
April 2015

Version 1.0

CONTAMINATED LAND STRATEGY

Contents	Page
Executive Summary	3
1.0 Introduction	5
1.1 Definition of contaminated land	5
1.2 Government policy	5
1.3 Aims, objectives and priorities	6
1.4 Carlisle City Council's 'Contaminated Land Inspection Strategy 2014' overview	6
2.0 Character of Carlisle City Council	7
2.1 Introduction	7
2.2 Local Character and distinctiveness	7
2.3 Social Characteristics	8
2.4 Movement patterns	8
2.5 Housing	8
2.6 Economy	9
2.7 Health	12
2.8 Flooding and Climate change	12
2.9 Industrial Heritage	12
2.10 Land owned by the Carlisle City Council	14
2.11 Protected locations	14
2.12 Geology	15
2.13 Key water resource/ protection issues	16
3.0 Regulation of Part 2A	19
3.1 Legislation	19
3.2 Roles and responsibilities	19
4.0 Underlying principles of Part 2A	21
4.1 Contaminant linkages	21
4.2 Risk Assessment	22
4.3 Using external expertise during risk assessment	23
4.4 Normal background concentrations of contaminants	23
4.5 Generic assessment criteria	23
4.6 Risk Categories	24
4.7 SPOSP	30
4.8 Special sites	31
4.9 Radioactivity	31
5.0 Identification and Prioritisation	35
5.1 Information on the possible presence of contamination	35
6.0 Detailed inspection of contaminated land	38
6.1 Overview of procedures	39
6.2 Powers of entry	39

7.0	Determination and Remediation of contaminated land	40
7.1	Determination	40
7.2	Informing interested parties	40
7.3	Deciding that land is not contaminated	41
7.4	Risk Summaries	41
7.5	Reconsideration, revocation and variation of determinations	42
7.6	Determining liability for remediation	42
7.7	Orphan linkages	42
7.8	Remediation	43
7.9	Verification	43
7.10	Remediation notices	43
7.11	Cost recovery / hardship policy	44
8.0	Potential sources of funding	45
9.0	Communication and information management	45
9.1	Liaison and consultation with other Parties	45
9.2	Part IIA Public register	46
9.3	Requests for information	46
9.4	Enquiries	47
10.0	Local Authority interests in land	48
10.1	Carlisle City Council's interest in land	48
10.2	Council leased property	48
10.3	Selling council owned land	48
11.0	Action to date	49
12.0	References	50
13.0	Glossary of terms	51
Appendix 1	Cost recovery and hardship policy	54
Appendix 2	An Essential guide for developers	64
Appendix 3	Statement of decision	81

EXECUTIVE SUMMARY

Part 2A of the Environmental Protection Act 1990 came into force on 1 April 2000. It established a new, statutory regime for the identification, investigation and remediation of contaminated land.

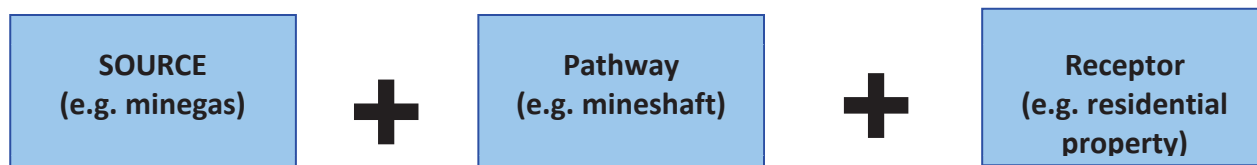
Under Part 2A, each Local Authority must prepare, adopt and publish a strategy which explains how it carries out this duty. Carlisle City Council published its first Contaminated Land Inspection Strategy in July 2001, with a revision in 2009. In April 2012, new Statutory Guidance on contaminated land was issued by Department for Environment Food and Rural Affairs and Carlisle City Council's inspection strategy has been updated again to reflect this.

The objectives of the contaminated land regime are:

- To identify and remove unacceptable risks to human health and the environment
- To seek to ensure that contaminated land is made suitable for its current use
- To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development

Under Part 2A, the starting point should always be that land is not contaminated unless there is reason to consider otherwise. For a relevant risk to exist, at least one '[contaminant linkage](#)' must be present. This is the term used to identify the relationship between a contaminant, a pathway and a receptor.

- A '[contaminant](#)' is a substance which is in, on or under the land, and which has a potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters
- A '[receptor](#)' is something that could be adversely affected by a contaminant; for example a person, an organism, an ecosystem, property, or controlled waters.
- A '[pathway](#)' is a route by which a receptor is or might be affected by a contaminant



All three elements of a contaminant linkage must exist in relation to a particular site before the land can be determined as 'contaminated land'.

The overall aim of this strategy is to ensure a rational, ordered, timely, efficient and consistent approach to dealing with potentially contaminated sites throughout the area.

The following actions are considered a priority for Carlisle City Council:

- To update, consult and adopt a revised contaminated land strategy which details how Carlisle City Council will fulfil all of its ongoing statutory duties.
- To ensure that investigations are concentrated on areas of land where there is the greatest risk of a contaminant linkage being present.

- To determine whether any land identified as potentially contaminated land falls within the definition of a 'special site' and, if so, refer it to the Environment Agency (EA) as the enforcing authority for 'special sites'.
- To ensure that all new development is appropriate for its location potential land contamination issues should be considered in strategic planning and development control decisions.
- To encourage, where practicable, redevelopment of brownfield sites within Carlisle City Council's area. Under the planning system, where land is affected by contamination it is the developers' responsibility for securing safe development. As a minimum following remediation, land should not be capable of being determined as contaminated land under Part 2A.
- To ensure that procedures are in place for the open provision of information to the public, developers and any other interested parties.
- To prevent, as far as is reasonably practicable, any further contamination of land within the city, including land owned or leased by Carlisle City Council.
- To encourage voluntary remediation of contaminated land, either through Part 2A or the planning system.

Carlisle City Council recognizes that the expectations of some parties will not be met by the powers provided to the LA under Part 2A.

1.0 INTRODUCTION

Part 2A of the Environmental Protection Act 1990 came into force on 1 April 2000. It established a new statutory regime for the identification, investigation and remediation of contaminated land.

The new regime was introduced in DETR Circular 02/2000. This statutory guidance provided advice to Regulators (both Local Authority (LA) and the EA) on how Part 2A should be implemented in line with the Contaminated Land (England) Regulations 2000. The latter legislation was subsequently replaced by the Contaminated Land (England) Regulations 2006.

Under Part 2A, each LA must prepare, adopt and publish a strategy which explains how it intends to carry out this duty. Carlisle City Council published its first Contaminated Land Inspection Strategy in 2001, with a revision in 2009. In April 2012 new Statutory Guidance on contaminated land was issued by DEFRA and Carlisle City Council's inspection strategy has been updated again to reflect this Guidance.

1.1 Definition of Contaminated Land

Part 2A provides a statutory definition of 'Contaminated Land':

"Any land which appears to the LA in whose area it is situated to be in such a condition, by reason of substances in, on, or under the land that;

- *Significant harm is being caused, or there is significant possibility of such harm being caused;*
- or*
- *Significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused."*

1.2 Government Policy

England has a considerable legacy of historical contamination involving a wide range of substances.

On all land there are background levels of substances, including substances that are naturally present as a result of our geology or those resulting from previous human activity (including industrial use and waste disposal). In a minority of cases there may be sufficient risk to health or the environment for a LA to consider such land as contaminated land.

The key objectives driving the Government's policy on contaminated land and the Part 2A regime are:

- To identify and remove unacceptable risks to human health and the environment
- To seek to ensure that contaminated land is made suitable for its current use
- To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development

1.3 Aims, objectives and priorities

The overall aim of this strategy is to ensure a rational, ordered, timely, efficient and consistent approach to dealing with potentially contaminated sites throughout the Carlisle City Council's area.

The following actions are therefore considered a priority for Carlisle City Council:

- To update, consult and adopt a revised contaminated land strategy which details how Carlisle City Council will fulfil all of its ongoing statutory duties.
- To ensure that investigations are concentrated on areas of land where there is the greatest risk of a contaminant linkage being present.
- To determine whether any land identified as potentially contaminated land falls within the definition of a 'special site' and, if so, refer it to the EA as the enforcing authority for 'special sites'.
- To ensure that all new development is appropriate for its location, Potential land contamination issues should be considered in strategic planning and development control decisions.
- To encourage, where practicable, redevelopment of brownfield sites within the Carlisle City Council's area. Under the planning system, where land is affected by contamination, it is the developers' responsibility for securing safe development. As a minimum, following remediation, land should not be capable of being determined as contaminated land under Part 2A.
- To ensure that procedures are in place for the open provision of information to the public, developers and any other interested parties.
- To prevent, as far as is reasonably practicable, any further contamination of land within the Carlisle City Council's area, including land owned or leased by the Carlisle City Council.
- To encourage voluntary remediation of contaminated land, either through Part 2A or the planning system.

1.4 Carlisle City Council's 'Contaminated Land Inspection Strategy 2015': Overview

The revised strategy includes:

- Carlisle City Council's aims, objectives and priorities (taking into account the characteristics of our area)
- A description of the relevant aspects of our area
- Our approach to strategic inspection of our area (or parts of it)
- Our approach to the prioritisation of detailed inspection and remediation activity
- How our approach under Part 2A links to the wider regulatory framework designed to protect human health and the environment, including the planning system, Environmental Permitting Regulations and the Environmental Damage (Prevention and Remediation) Regulations 2009, etc

2.0 Character of Carlisle City Council

2.1 Introduction

2.1.1 This introduction aims to describe the District's geography, environment, economy, social and cultural characteristics and movement patterns i.e. a snapshot of the district as it is now. It also highlights the key issues associated with the district as a whole.

2.1.2 Carlisle's identity is largely shaped by its extensive rural hinterland. It has an important agricultural economy, its setting in an area of high landscape value, including a coastal and upland landscape recognised as being of national importance. The historic core of the city traversed by rivers that are internationally important for biodiversity and a WHS which strides across the district.

The district of Carlisle covers an area of approximately 1042km² and is situated in the far north of the county of Cumbria, bounded by the Scottish border to the north, Northumberland to the east, Carlisle to the west and Eden to the South. The City of Carlisle forms the principal urban area and lies within the south western part of the district. The remainder of the district is predominantly rural in nature, with the exception of Longtown to the north, Brampton to the east and a number of smaller villages which are scattered predominantly to the west and east of the city.

2.2 Local Character and Distinctiveness

2.2.1 Carlisle has an attractive and varied landscape. The District includes two Areas of Outstanding Natural Beauty (AONB), The Solway Coast and the North Pennines as well as five main rivers: the Eden, Esk, Caldew, Petteril and Lyne, and many becks and burns. The North Pennines (AONB) is also a European Geopark. The River Eden and its tributaries are of international importance for their biodiversity, being designated as both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). Carlisle has a range of other sites of European nature conservation importance including the Upper Solway Flats and Marshes Ramsar site and Special Protection Area (SPA), the Solway Firth (SAC), the Irthinghead Ramsar site and the North Pennine Moors (SPA). These form part of a network of internationally important wildlife sites within the EU known as Natura 2000.

2.2.2 In addition, the District is home to many rare and endangered species such as the red squirrel, great crested newt and otters, as well as habitats such as lowland raised bogs, blanket bogs and upland hay meadows.

2.2.3 The landscape and wildlife in Carlisle and surrounding districts underpins the economy of the area, through people's work and leisure activities, and their sense of local identity. Delivery of targeted biodiversity and landscape enhancements, therefore, has a significant contribution to make towards social inclusion and sustainable economic development.

2.2.4 The District has approximately 455 ha of public open space, which ranges from amenity open space (land which is recognised as making a contribution to the visual amenity and enjoyment of an area), to natural/semi-natural greenspace, parks/gardens, allotments, play areas and outdoor sports facilities. Within the centre of the city, and located immediately next to the River Eden, are two linked and important urban parks: Rickerby Park and Bitts Park. Rickerby Park is a natural park with mature trees and grazed by sheep and cattle. Bitts Park has a more formal layout with landscaped beds and trees, together with playing pitches, children's play area and tennis courts, etc.

2.2.5 The District is rich in heritage ranging from Hadrian's Wall (World Heritage site) which crosses the district from Gilsland in the East to Burgh by Sands in the West, to the City walls, Carlisle Cathedral and Tullie House which are all Grade I Listed Buildings. In addition to these, there are approximately another 1550 Listed Buildings and 19 Conservation Areas, including areas within the City, Brampton, Longtown and Dalston as well as some of the smaller villages.

2.3 Social Characteristics

2.3.1 Population data collated from the 2011 Census, released in July 2012, showed that the usual resident population of the District had risen by 6.7% since 2001 to 107,500. Whilst the rate was slower than the average for England and Wales it was the highest in Cumbria.

2.3.2 In line with national trends, growth in Carlisle will most notably be seen in the number of older people living in the District, where it is predicted that there will be a 57% increase by 2032. Approximately 68% of the population currently live within the urban area of Carlisle. In the rural areas a key feature is the sparse distribution of residents; on average there are 97 people per hectare in Carlisle's rural areas.

2.4 Movement Patterns

2.4.1 The M6 motorway runs through the District linking the City of Carlisle to southwest Scotland, Northwest England and beyond. Carlisle benefits from three motorway junctions at Carleton (J42), Rosehill (J43) and Kingstown (J44). Additionally the Carlisle Northern Development Route (CNDR) provides a western link from the A595 to the M6 at junction 44. It also provides a combined pedestrian and cycle route along its 8.25km length.

2.4.2 From Carlisle City there is a network of 'A' roads including the A69 which links the District to Newcastle in the North East, the A7 to the Scottish Borders to Edinburgh and the A595 to Workington and Cockermouth on the West Coast of Cumbria.

2.4.3 In terms of rail travel, the West Coast Main Line provides the only north/south high speed rail link serving the City, as well as links via Northern Rail to Manchester Airport. There are rail links to Newcastle and the west coast and also the historic Carlisle/Settle line which is important for tourists, commuters and freight.

2.4.4 Travel to work is heavily dependent on private car usage with 54.3 % people working in Carlisle District choosing to drive to work (Source: Office of National Statistics (ONS) Census 2001) despite the fact that nearly 55% of people travel less than 5km to their place of work. This level of car usage is partly due to accessibility to public transport across the District which varies considerably outside the urban area, with a number of areas having a very limited service or no service at all.

2.5 Housing

2.5.1 Housing Stock, as of 31 March 2010, was 48,120. Nearly 85% belong to the private sector at 40,694, with the Housing Associations holding a stock of 7,402 as the LA housing was transferred to a Housing Association in December 2002, the LA now only owns 24 properties.

2.5.2 From the 2001 census, owner occupation within the district was 71%. This was slightly below the Cumbrian percentage of 72%, but higher than that of the North West which was

69%. The percentage living in social rented properties were 18%, 16% and 20% with the private rented sector accounting for 8%, 12% and 8% respectively.

2.5.3 A house condition survey undertaken in 2005 and RSL data from 2009, identified 27% of the private sector and 12% of the social sector dwellings failed the decency standard in the urban area and 43% and 10% respectively in the rural area.

2.5.4 Housing in Carlisle is generally more affordable in respect of house price/earning ratio at 5% than is the case nationally (6.5%). However, variations in average house prices across the District identify parts of the rural area where average house prices are in excess of ten times the annual income, creating problems of housing need due to affordability.

2.5.5 The average household, as determined from the 2001 census, consisted of 2.3 persons within the district, this is the same as the rest of Cumbria.

2.6 Economy

2.6.1 Carlisle is a free standing city which is not directly influenced by a major conurbation. It acts as a significant employment base and the main professional centre for Cumbria, as well as parts of south west Scotland.

2.6.2 Historically, the economy of Carlisle was based around easy access to a railway network, engineering as well as the textile industry which has over time declined and been replaced by other forms of manufacturing. A large proportion of Carlisle's working population are still employed in the manufacturing sector. However, the wholesale/ retail trade provides employment for the largest proportion of the workforce. Employment in non-service industries, such as agriculture, manufacturing and construction are all higher than the national average. Carlisle is an important centre for agricultural services. Carlisle lies at the centre of a large rural livestock market. Within the rural area, Brampton and Longtown act as employment hubs along with Dalston (to a lesser extent). All three settlements have industrial estates which provide employment opportunities for people within their locality, as well as the wider area.

2.6.3 Whilst Carlisle benefits from good connections to the M6, as well as being situated on the West Coast Main Line, there can still be a perception by businesses from outside the area of remoteness and isolation which may detract from Carlisle's attractiveness as a business location. This is further compounded by a gap in skills partially as a result of underperformance in education and low aspirations as well as a poor level of retention of graduates.

Figure 1

Carlisle City Council Boundary

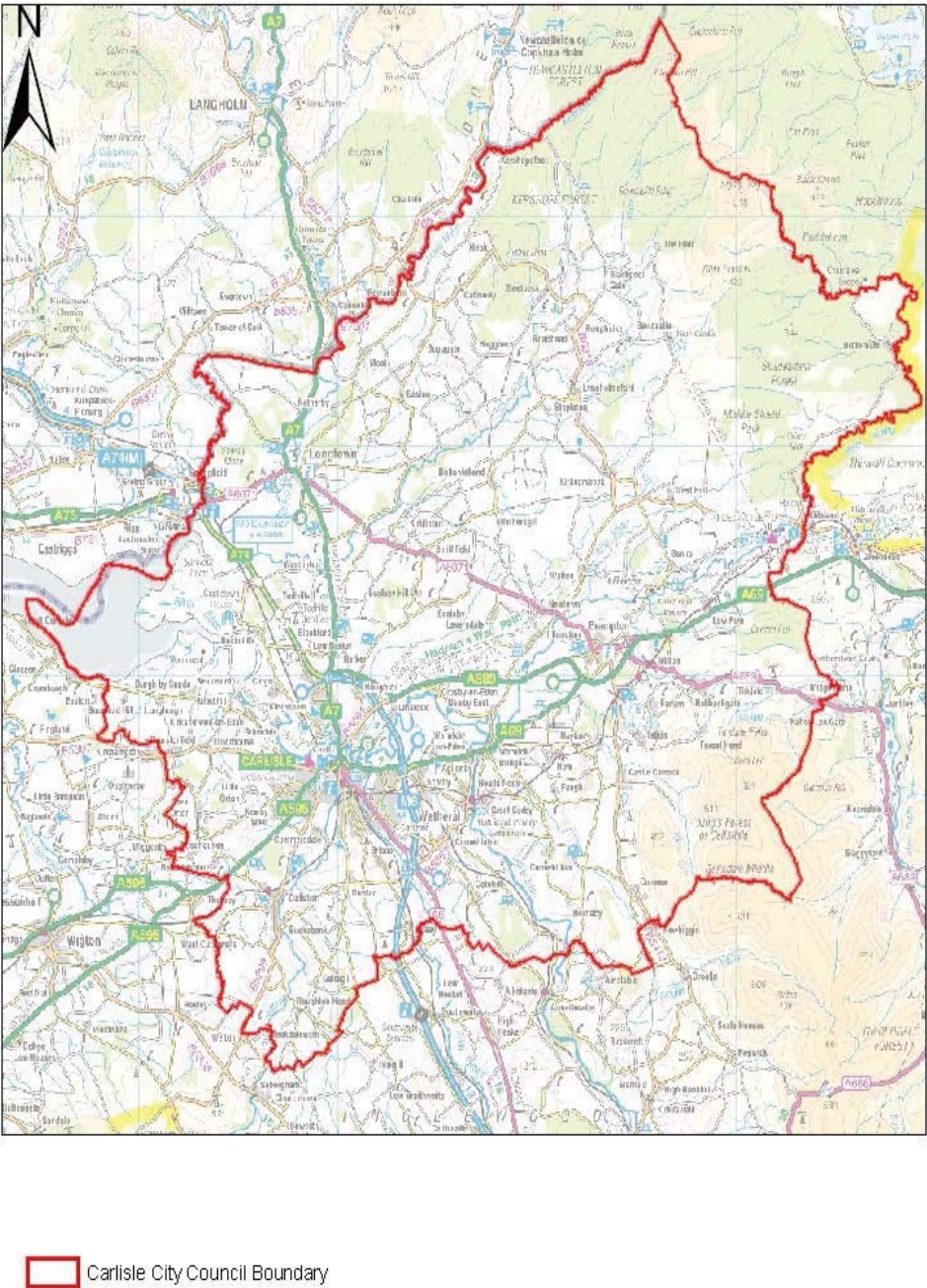
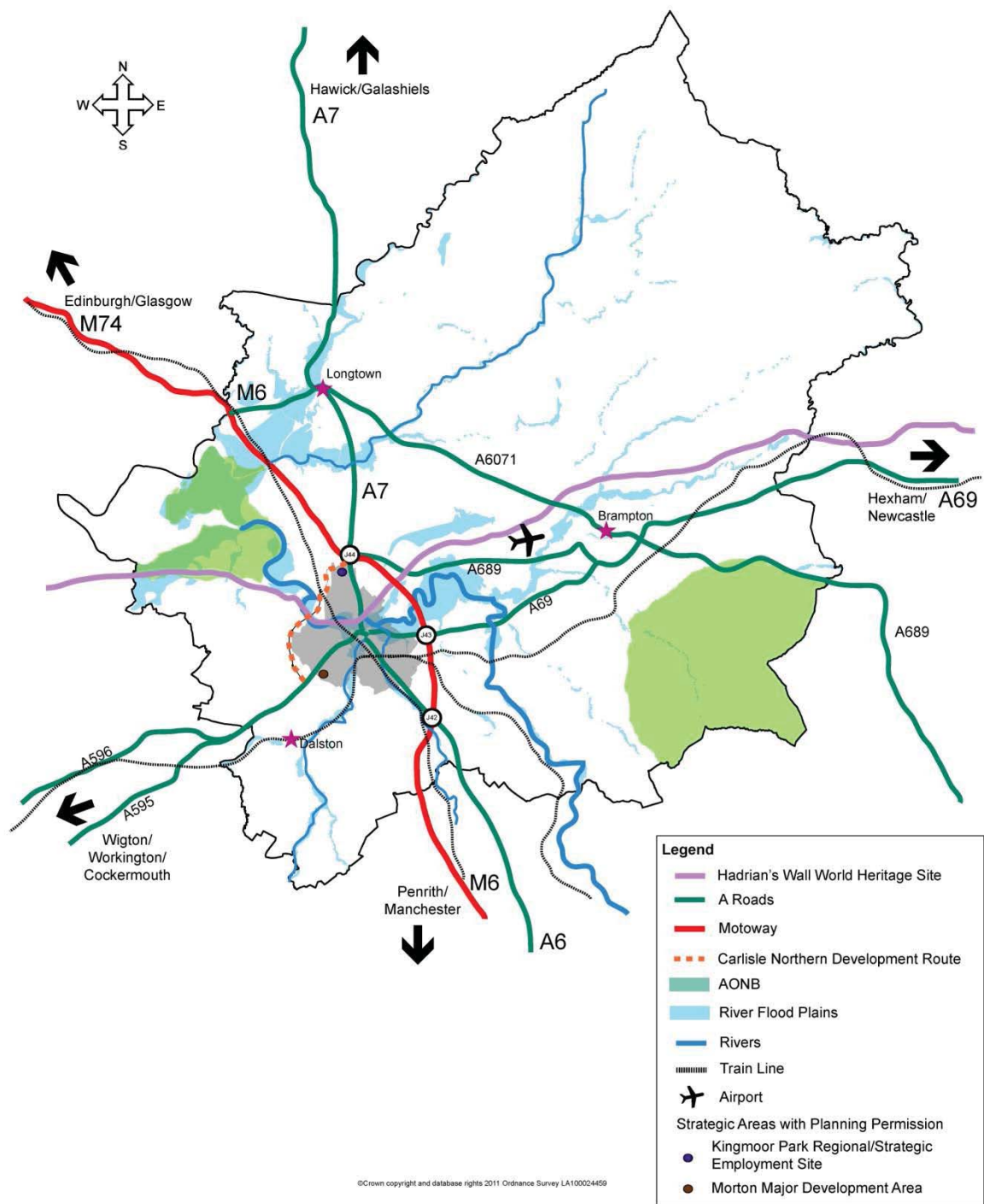


Figure 2

Carlisle City Council road links



2.7 Health

2.7.1 Carlisle became a World Health Organisation (WHO) Healthy City in 2009. Since then, Carlisle City Council has worked closely with organisations such as the National Health Service (NHS) Riverside housing and Carlisle Leisure, and has gained from the Healthy City approach and network. A healthy city is one that continually creates and improves its physical and social environments and expands the community resources that enable people to mutually support each other in performing all the functions of life and developing to their maximum potential.

2.8 Flooding and Climate Change

2.8.1 The position of Carlisle at the meeting point of three rivers makes it vulnerable to the risk of flooding. In 2005, the District experienced the worst floods since 1822 which resulted in the death of 3 people and severely affected many homes and businesses. Flood defences have recently been completed, offering a good level of defence against future flood risk. However, caution must still be taken when considering proposals for development in high risk areas benefitting from defences.

2.8.2 Specific data for the impacts of climate change on Carlisle are not readily available, but information is available on a regional basis that gives a good indication of the potential impacts. Between now and 2080, if we continue to discharge high amounts of greenhouse gases, the District could expect the followings:

- more extreme weather conditions causing disruption to front line services like refuse/recycling collections;
- higher energy costs for buildings and transport as climate change impacts on markets and trade;
- health related problems e.g. waterborne diseases linked to warm weather impacting on health services;
- drier summers could lead to droughts affecting parks, allotments and nature reserves, putting pressure on water resources and local biodiversity;
- drier weather patterns in the summer affecting the agricultural economy through impact on crop and grass growth.

2.9 INDUSTRIAL HERITAGE

2.9.1 The area remained essentially agricultural until the 18th century when the industrial revolution created significant changes, particularly to the then small border garrison market town of Carlisle. The presence of abundant water power from the Cities three rivers and coal from the South Eastern fells above Castle Carrock and Hallbankgate led to rapid industrial development and population growth, with the subsequent creation of a canal system which was eventually infilled. A large proportion of this land was used for the construction of a railway network. This network established Carlisle as a route centre, which encouraged the migration of workers into the area.

2.9.2 The Industrial Revolution in Carlisle

The industrial revolution of the late 18th and the first half of the 19th centuries were arguably the most significant period in Carlisle's history.

Carlisle's textile industry began to develop in the 18th century. The first factory was part of the woollen industry and was set up in December 1724.

Wool as a material was not suitable initially for large-scale mechanisation of processing and became uncompetitive when America's plantations started to pour out cheap cotton. In 1750, manufacture of a coarse linen cloth was started. Some year's later, fustian (a mixture of linen and cotton yarns) was made in Caldewgate. The soft waters of the River Caldew were suitable for bleaching, this process prepared cloth for printing; cloth was exposed to sun and rain, and steeped in alkaline solutions. Much land was occupied around the city by printfields, in which the cloth was laid out. In 1794 there were four of them that provided employment for about a thousand people. The development of bleaching powder (c.1800) made the printfields obsolete, and on Jollies map of 1811 there are no references to them.

From 1758, Carlisle received an influx of wealth encouraging the development of industry which included breweries and an iron foundry, as well as the burgeoning textile industry.

2.9.3 Twentieth-Century Carlisle infrastructure

The Electric Light and Power Station was opened in 1899. In 1927, a new power station was erected at Willow Holme, and was connected to the national grid. The oldest municipal department, the gas-works adjoining Victoria Viaduct was purchased by the corporation in 1850 and was superseded by a new works at Boustead Grassing in 1922. Electric trams started operating in 1900 and tram sheds were developed on London Road.

Carlisle's industry was drastically transformed after World War Two, with the disappearance of major firms and changing ownership of others.

The Railway industry is still a large employer, but has been slimmed down drastically since pre-war days. Losses in Carlisle's older industries have been counteracted to some extent by the growth of several new firms. These include Crown Bevcan, Pirelli and Nestle. Other employers are connected to the haulage or services industries.

Carlisle was in many ways a railway town. The 1921 Railway Act, which amalgamated the multitude of railway companies into four main groups, and the 1947 Transport Act, which nationalised the railway system. This affected Carlisle as it resulted in the closure of two unprofitable lines.

A large area of land to the North of the City has been utilised by the Ministry of Defence (MOD) for ordinance, residential and training purposes. Past activities on the site has resulted in areas of land contamination. Large areas of this land have been remediated and sold for residential development or commercial use.

2.10 Land owned by Carlisle City Council

Carlisle City Council owns land and non-housing based property assets with a current capital value of £127,094,000 million.

The Property Services section of the Carlisle City Council has developed an Asset Management Plan which is updated annually and information contained therein is available for use in the process of examination of council holdings in the contaminated land survey and inspection process.

In addition to current ownership there is also the potential liability arising from historical ownership by Carlisle City Council and predecessor authorities. Where Carlisle City Council are shown to be the polluter of a piece of contaminated land, they will undertake the measures necessary to ensure the source, pathway receptor linkage is broken.

2.11 PROTECTED LOCATIONS

Within Carlisle District there are two designated Areas of Outstanding Natural Beauty (AONB). The landscape of the North Pennines Area of Outstanding Natural Beauty (AONB) is characterised by heather moorland, with remote river valleys. In the west, the Solway Coast AONB extends into the District and here the landscape is characterised by open salt marsh, dissected by river channels subject to frequent tidal inundations.

There are 34 Sites of Special Scientific Interest SSSI's in the District which are nationally important conservation sites. They range from large sites of international importance, such as the Upper Solway Flats and Marshes, and Butterburn Flow, the most important blanket bog in England, to small sites designated for their geological interest.

The Upper Solway is also designated under the RAMSAR Convention as a wetland of international importance, under the terms of the European Community Directive on the Conservation of Wild Birds as a Special Protection Area (SPA) and under the European Habitats Directive as a candidate Special Area of Conservation (SAC). These latter two designations are of European importance and together will form part of a network of internationally important wildlife sites within the EU which will be known as Natura 2000.

In addition to SSSI's are a large number of other important nature conservation sites in the District known as Wildlife Sites. These sites range from roadside verges to areas of woodland. The Cumbria Wildlife Trust designates these local sites. Carlisle has a rich biodiversity, not all areas of which are found in protected sites.

A further designation and a growing initiative are the Regionally Important Geologically/Geomorphologic Sites (RIGS) which aim to maintain and enhance specific features of rock and landform and the dynamic natural processes which create them. These sites range from quarries to river courses.

Within Carlisle District are two Local Nature Reserves – Kingmoor Nature Reserve and Kingmoor Sidings.

2.12 GEOLOGY

2.12.1 Solid Geology

Figure 3 details the major divisions, which form the Carlisle Basin and surrounding area. As can be seen the area around Carlisle comprises sandstones and mudstones deposits. Interspersed amongst these deposits to the South and West of the district are older Permian sandstones and mudstones.

Figure 3 Geological map of North Cumbria

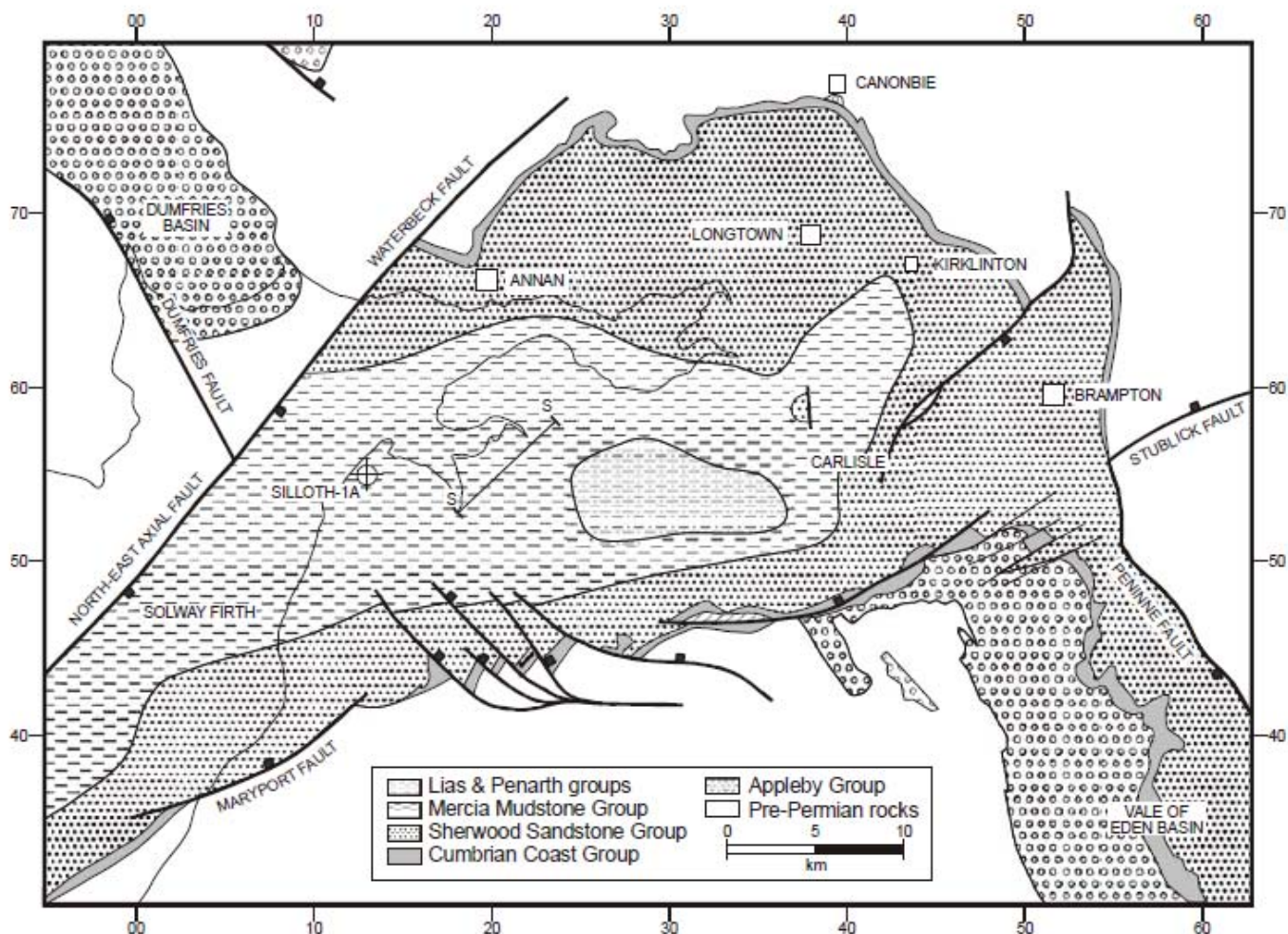


Figure 3

The Eastern part of the district's Carboniferous period ranging from 280 to 345 million years ago. Millstone grits and lower coal measures developed in the Southern portion with limestones developing in the Northern portion.

The Carboniferous period laid down the only workable coal deposits in the area, extending from South of Castle Carrock through Midgeholme.

Following on the Carboniferous period, volcanic action gave rise to small areas of igneous (lava) intrusions and dykes, to the East of the Eden Valley with one dyke cutting through the valley from North West to South East.

2.12.2 Drift Geology

The drift geology is the result of the Southern advance of the polar ice caps.

The ice movements caused tremendous erosion of the solid geology and transported a mass of ground up rock and boulders for many kilometres. This mass was thickly spread over lower ground and when the ice retreated, sands and graves together with clays were washed out of the ice by the melt waters.

Our local rivers have carved out their present valleys and gorges and laid down silt on their flood plains.

2.12.3 The Carlisle Plain

This a low lying area which extends inland from the Solway Estuary, some 12 kilometres on average, before reaching the 30 metre contour. Within this area, which contains the flood plains of all the rivers in the area, are situated some of the richest and most productive agricultural lands. Due to the past glacial action soil types are variable with regions of sand and gravel interspersed amongst the heavier clays. These clays create difficulties of drainage, which can affect both agricultural production and housing development in unsewered areas.

2.12.4 Lowland Zone

A zone of land which steadily rises from the 30 metre to the 150 metre contour. Above 150 metres, the landscape develops the characteristics of fell sides and hills.

2.12.5 Hills and Uplands

Subdivided into Bewcastle Fells in the North East and the Pennine plateau and foothills in the East. Both areas contain blanket bog, acid grassland and heather moorland.

2.12.6 Areas of Metal Enriched Soils

The British Geological Survey office has confirmed that there are no major areas of naturally occurring metal enriched soils in Carlisle. However there are some areas of metal enriched soils including the evaporate beds of Gypsum and Anhydrite in the Cotehill area and carboniferous and igneous intrusions are present to the North and East of the district.

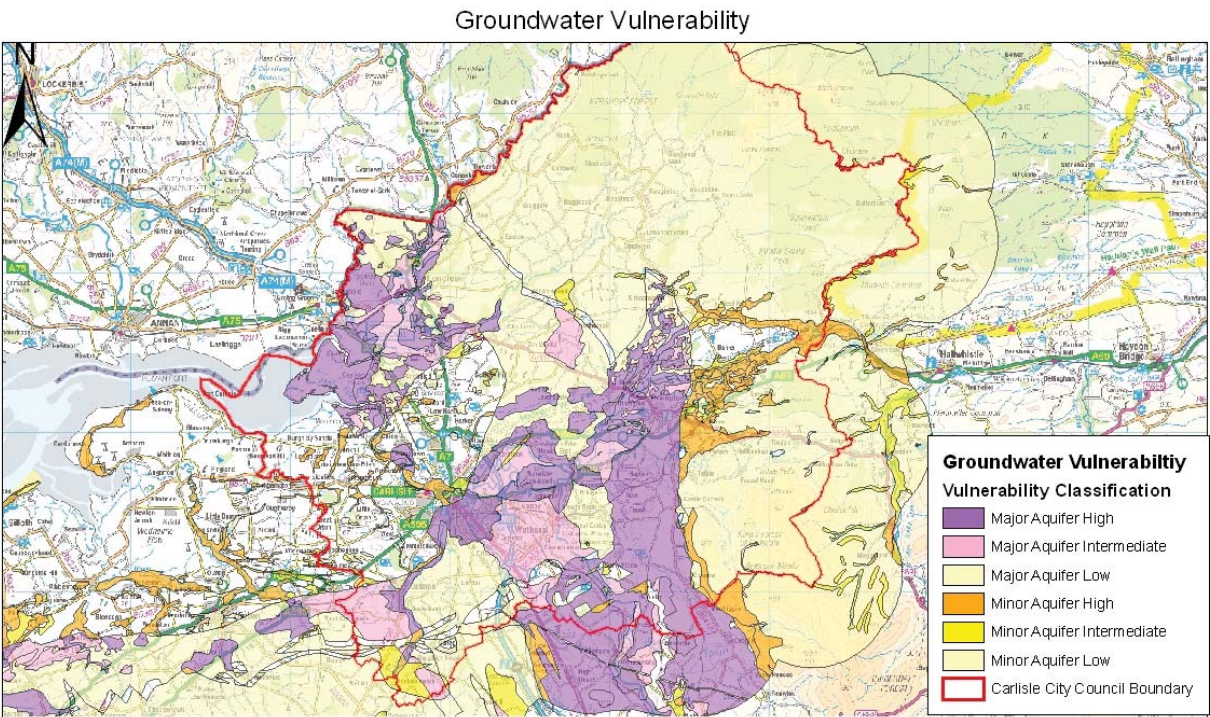
2.13 KEY WATER RESOURCE/PROTECTION ISSUES

A significant proportion of Carlisle City Council's distant rural population, are dependent on private water supplies, and thus water resource/protection issues in rural areas are very important. Half of the Carlisle City Council's area lies over a minor aquifer and a third over a major aquifer. The major aquifer is very environmentally sensitive, as it has a large abstraction potential, and has a greater yield and more freely available water (often of a higher quality) than the minor aquifer. (See Figure 4)

The greatest risks to water resources from land contamination are found in the urban areas and source protection zones therefore need to be considered, especially with the large number of abstractions in the area. (See Figure 5). Carlisle is situated on the Permo – Triassic Sandstone Aquifer (this is a major aquifer) and it is essential that where land contamination is identified that the EA(EA) is consulted regarding possible impact on controlled waters.

The Rivers Eden, River Caldew and Petteril run through Carlisle. These are all good quality rivers with a large proportion of Carlisle’s drinking water originating from the River Eden.

FIGURE 4



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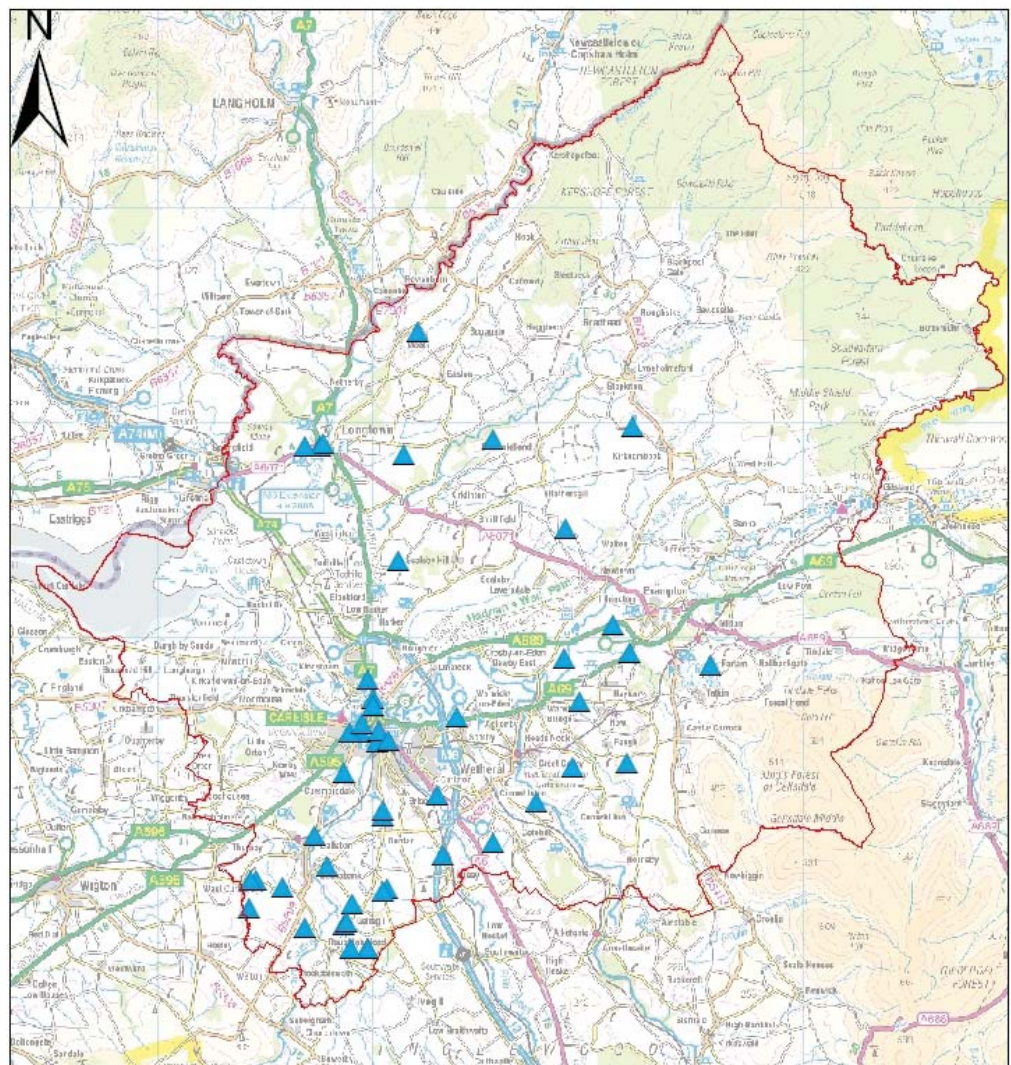
CARLISLE
CITY COUNCIL

www.carlisle.gov.uk

Civic Centre
Rickergate
Carlisle
CA3 8QG

FIGURE 5

Groundwater Abstractions within Carlisle City Council Area



▲ Groundwater Abstractions



Civic Centre
Rickergate
Carlisle
CA3 8QG

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3.0 REGULATION OF PART 2A

3.1 Legislation

Sections 78A to 78YC of Part 2A of the Environmental Protection Act 1990 stipulate how Local Authorities should deal with the legacy of land contamination. This legislation is complemented by the Contaminated Land (England) Regulations 2006 (“the Regulations”) and the revised statutory guidance issued by DEFRA in April 2012, entitled “Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance.” The latter guidance is legally binding on enforcing authorities.

Radioactive contaminated land is covered by separate statutory guidance.

3.2 Roles & Responsibilities

3.2.1 Carlisle City Council

Local Authorities are still the primary regulator under Part 2A. Our main duties are to:

- Prepare, adopt and publish a Contaminated Land Inspection Strategy
- Regularly review the above strategy to ensure a rational, ordered, timely, consistent and efficient approach to dealing with potentially contaminated sites within the Carlisle City Council’s area
- Prevent the creation of new contaminated land
- Identify any land within the area of Carlisle City Council that is causing unacceptable risk to human health, controlled waters or the environment. Ensure that, where present, the most urgent sites are identified and dealt with first, taking into account the seriousness of any actual or potential risk
- Ensure that all land owned by Carlisle City Council is inspected and that any risks to human health, controlled waters or the environment are minimised.
- ‘Determine’ those sites that meet the statutory definition of contaminated land and establish whether these sites would be likely to meet one or more of the descriptions of a ‘Special Site’ set out in the Contaminated Land Regulations 2006
- Maintain a ‘public register’ of regulatory action relating to contaminated land taken from all sites determined by the Carlisle City Council
- Ensure that the effective remediation of contaminated land takes place and occurs through voluntary action where possible, only resorting to enforcement powers when all else fails
- Apportion liability for any remediation and ensure that the “Polluter Pays” principle is followed
- Devise and adopt a cost recovery/hardship policy
- Ensure that potential land contamination issues are considered in all strategic planning and development control decisions in order to reduce the number of potential Part 2A sites

3.2.2 The Environment Agency

Delivery of the strategy is based upon close partnership working, especially with the EA, who has the following responsibilities under the Part 2A regime:

- Provide site specific advice to local authorities with respect to pollution of controlled waters.
- Act as the enforcing authority on all designated “Special Sites”

- Periodically produce a report on the state of contaminated land nationally.

4.0 UNDERLYING PRINCIPLES OF PART 2A

4.1 Contaminant linkages

The guidance follows established principles of risk assessment, including the concept of a 'contaminant linkage' (i.e. a linkage between a 'contaminant' and a 'receptor' by means of a 'pathway') where:

- A 'contaminant' is a substance which is in, on or under the land and which has the potential to cause harm to a relevant receptor, or cause significant pollution of controlled waters;
- A 'receptor' is something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property or controlled waters;
- A 'pathway' is a route by which a receptor is or might be affected by a contaminant.

All three elements of a contaminant linkage must exist in relation to a particular site and a 'significant contaminant linkage' must be identified for any land to be regarded as 'Contaminated Land' on the basis that significant harm is being caused, or that there is a significant possibility of such harm being caused. The presence of a contaminant on a site will not be sufficient to determine the land as contaminated land. More than one contaminant linkage may exist on a site and each linkage will be reviewed separately to ascertain its potential to cause harm and determine who may be liable for its remediation.

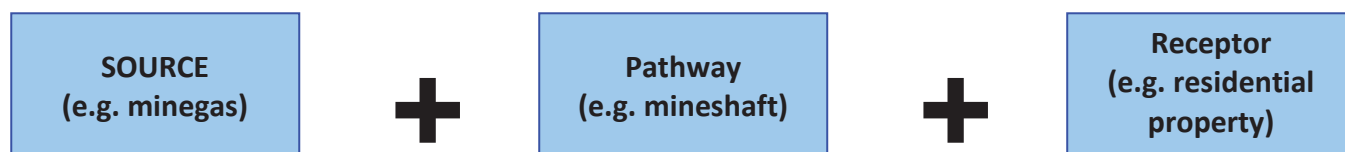
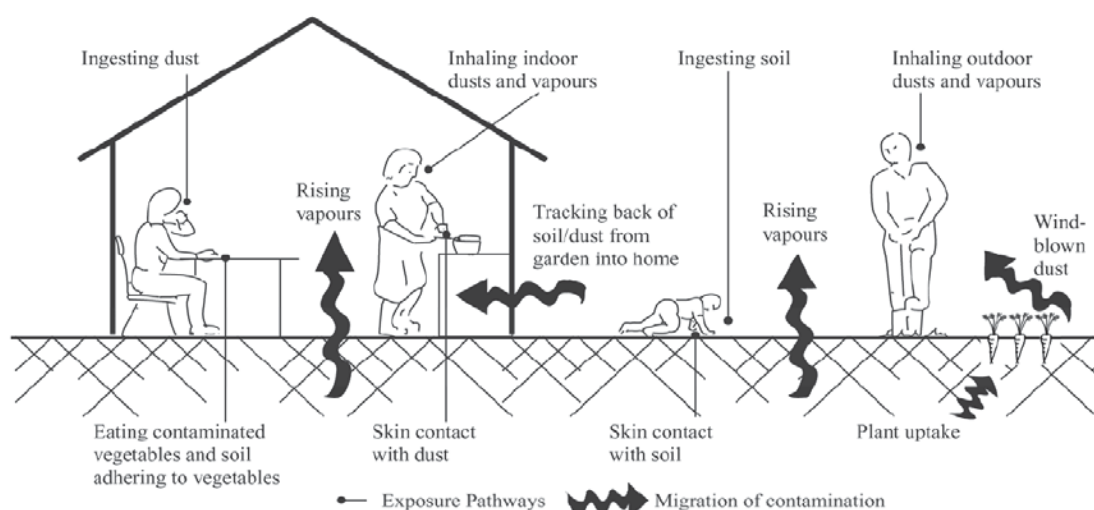


Figure 6: Illustration of Potential Exposure Pathways



Source [Environment Agency \(2009b\)](#)

4.2 Risk Assessment

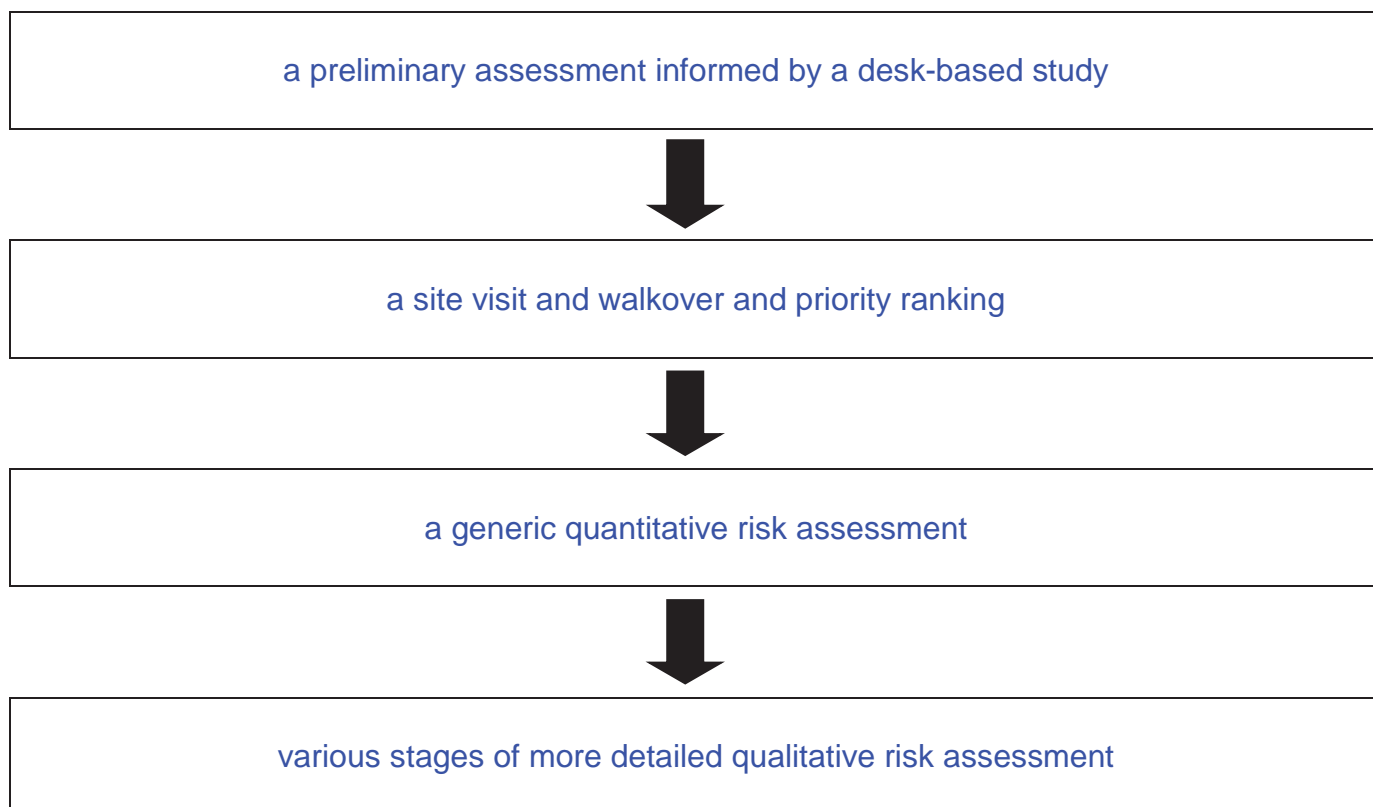
The definition of contaminated land reflects the 'suitable for use' approach and, as previously stated, is underpinned by the principles of risk assessment. Risk is taken to mean the combination of:

- The likelihood that harm, or pollution of controlled waters will occur as a result of contaminants in, on or under the land; and
- The scale and seriousness of such harm or pollution if it did occur

The above means that contamination must be having, or be very likely to have, a detrimental impact on humans or the environment before a site can be classed as contaminated land.

4.2.1 The Process of Risk Assessment

The process of risk assessment involves understanding the risks presented by land and the associated uncertainties. The understanding of the risks is developed through a staged approach to risk assessment, often involving:



This process should normally continue until it is possible for Carlisle City Council to decide that: (a) there is insufficient evidence that the land might be contaminated land to justify further inspection and assessment; and/or (b) whether or not the land is contaminated land.

For land to proceed to the next stage of risk assessment there should be evidence that an unacceptable risk could reasonably exist. If Carlisle City Council believes there is little reason to consider that the land might pose an unacceptable risk, inspection activities should stop at that point. This decision will be based on information that is:

- Scientifically based
- Authoritative

- Appropriate to inform regulatory decisions in accordance with Part 2A and the revised guidance

4.3 Using external expertise during risk assessment

Carlisle City Council recognises that there will be occasions where the specialist knowledge and technical expertise of consultants will be required in implementing the strategy. When choosing specialist consultants Carlisle City Council will ensure that they are appropriately qualified and competent to undertake the work.

Whilst experts may advise Carlisle City Council on regulatory decisions under the Part 2A regime, the decisions themselves remain the sole responsibility of the LA.

4.4 Normal background concentrations of contaminants:

The revised Statutory Guidance indicates that normal background concentrations (NBCs) should be taken into account when assessing the potential for a site to be considered as contaminated land under Part 2A. NBC should not be considered to cause land to qualify as contaminated land unless there is a particular reason to consider otherwise.

The Statutory Guidance states that “normal” levels of contaminants in soil may arise from:

- The natural presence of contaminants (e.g. caused by soil formation processes and underlying geology) at levels that might reasonably be considered typical in a given area and have not been shown to pose an unacceptable risk to human health or the environment
- The presence of contaminants caused by low level diffuse pollution, and common human activity other than specific industrial processes. For example, this would include the spreading of domestic ash in gardens that results in the presence of benzo(a)pyrene at levels that might reasonably be considered typical.

The British Geological Survey 2012 have published a methodology for the determination of normal background contaminant concentrations in English soils which will inform our decision making on “normal levels of contaminants”.

4.5 Generic Assessment Criteria

4.6 It is common practice in contaminated land risk assessment to use “generic assessment criteria” (GAC) as a screening tool to help assessors decide whether land can be excluded from the need for further inspection and assessment, or whether further work may be warranted. GACs represent cautious estimates of levels of contaminants in soil at which there is considered to be no risk to health or, at most, a minimal risk.

Carlisle City Council may use GACs, and other technical tools to inform our decisions under Part 2A only where:

- They have been appropriately derived and used
- They have been produced in an objective, scientifically robust and expert manner by a reputable organisation
- They are used in a manner that is in accordance with Part 2A and the revised Statutory Guidance (April 2012)

However, GACs should not be used as:

- direct indicators of whether Significant Possibility of Significant Harm (SPOSH) to human health exists (see S4.6)
- screening levels to decide whether land would be classified as Category 3 or 4 (see S4.6)
- indicators of levels of contamination above which detailed risk assessment would automatically be required under Part 2A
- generic remediation targets, under Part 2A or the planning system

Where possible Carlisle City Council will utilize the Soil Guideline Values (SGVs) generated by the EA using the most up-to-date version of CLEA UK (Contaminated Land Exposure Assessment). Other published GACs produced on a similar basis by LQM/CIEH, utilizing CLEA methodology, may also be used if no SGVs are available. Other GACs, derived by reputable organisations and competent practitioners in the contaminated land sector, are also available for the most commonly occurring contaminants in soil.

4.6 Risk Categories

4.6.1 Significant Harm and Significant Possibility of Significant Harm to Human Health

Section 78A(4) defines harm as meaning harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property. The following health effects should always be considered to constitute significant harm to human health:

- Death
- Life threatening diseases (e.g. cancers)
- Other diseases likely to have serious impacts on health
- Serious injury
- Birth defects
- Impairment of reproductive functions

If the LA decides that harm is occurring but it is not 'Significant Harm', it should decide whether the land poses a (SPOSH). These terms are defined further in Section 4 of the 2012 Statutory Guidance.

The revised Statutory Guidance also subdivides sites into four categories based upon the likelihood of SPOSH.

4.6.2 Category 1: Human Health

Includes sites where the LA considers there is an unacceptably high probability, supported by robust scientific based evidence, that Significant Harm would occur if no action is taken to stop it.

4.6.3 Category 2: Human Health

These are sites where the land would be capable of being determined as contaminated land on the grounds of SPOSH to human health. Category 2 may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nevertheless the authority considers on the basis of the available evidence,

including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis.

4.6.4 Category 3: Human Health

These are sites where the strong case as described in Category 2 does not exist, and therefore the legal test for Significant Possibility of Significant Harm is not met. Includes land where the risks are not low, but nevertheless the authority considers that regulatory intervention under Part 2A is not warranted. This recognizes that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce the risks outside of the Part 2A regime if they choose.

4.6.5 Category 4: Human Health

Sites where there is no risk, or that the level of risk is low, that the land poses a SPOSH fall into Category 4. This includes sites where: no relevant contaminant linkage has been established; there are only normal levels of contaminants in soil; contaminant levels do not exceed relevant Generic Assessment Criteria (GACs) etc; or where exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure.

‘Generic Assessment Criteria, as referred to above, are an integral part of the risk assessment process for land affected by contamination and are a useful starting point for assessing unacceptable intake of contaminants in the context of Part 2A.

For land that cannot be placed in either Categories 1 or 4, the LA should consider whether the land should be placed in Category 2 (i.e. where SPOSH exists), or Category 3 (in which case the land would not be capable of being determined as contaminated land). The LA must consider a number of factors when making this decision, including: the estimated likelihood of such harm; the estimated impact if it did occur; the timescales over which it might occur; and the levels of certainty attached to these estimates. If there is not a strong case for SPOSH, it should also consider other factors including: the likely direct and indirect health benefits and impact of regulatory intervention; an initial estimate of what remediation would involve; how long it would take; what benefit it would be likely to bring; whether the benefits would outweigh the financial and economic costs; and any impacts on local society or the environment.

If, having taken the above factors into account, the LA still cannot decide whether or not SPOSH exists, it should conclude that the legal test has not been met and the land should be placed in Category 3.

4.6.6 Significant Harm and Significant Possibility of such harm (non-human receptors)

In considering non-human receptors, the LA should only regard receptors described in Tables 1 and 2 as being relevant for the purposes of Part 2A (i.e. ecological systems and property)

Table 1: Ecological system effects

Relevant types of receptor	Significant harm	Significant possibility of significant harm
<p>Any ecological system, or living organism forming part of such a system, within a location which is:</p> <ul style="list-style-type: none"> • A site of Special Scientific Interest (under s.28 of the Wildlife and Countryside Act 1981) • A National Nature Reserve (under s.35 of the 1981 Act) • A Marine Nature Reserve (under s.36 of the 1981 Act) • An area of special protection for birds (under s.3 of the 1981 Act) • A “European site” within the meaning of regulation 8 of the Conservation of Habitats and Special Regulations 2010 • Any habitat or site afforded policy protection under paragraph 6 of Planning Policy Statement (PPS9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or any nature reserve established under s.21 of the National Parks and Access to the Countryside Act 1949 	<p>The following types of harm should be considered as significant harm:</p> <ul style="list-style-type: none"> • Harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • Harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. <p>In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the LA should have regard to the advice of Natural England and the requirements of the Conservation of Habitats and Species Regulations 2010</p>	<p>Conditions would exist for considering that significant possibility of significant harm exists to a relevant ecological receptor where the LA considers that;</p> <ul style="list-style-type: none"> • Significant harm of that description is more likely than not to result from the contaminant linkage in question; or • There is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. <p>Any assessment made for these purposes should take into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>

The LA will always consult with Natural England when considering the “ecological system effects” described in Table 1 and will have regard to its comments before deciding whether or not to make a determination.

Table 2: Property effects

Relevant types of receptor	Significant harm	Significant possibility of significant harm
<p>Property in the form of:</p> <ul style="list-style-type: none"> • Crops, including timber; • Produce grown domestically, or on allotments, for consumption; • Livestock; • Other owned or domesticated animals; • Wild animals which are subject of shooting or fishing rights 	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property on this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p> <p>The LA should regard substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer for their intended purpose. Food should be regarded as no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a contaminant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes substantial diminution or loss.</p> <p>Referred to in the revised statutory guidance as “animal or crop effect”</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant type of receptor where the LA considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
<p>Property in the form of buildings. For this purpose, “building” means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery</p>	<p>Structural failure, substantial damage or substantial interference with any right of occupation. The LA should regard substantial damage or substantial</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the LA considers that significant harm is more likely than not</p>

<p>comprised in a building, or buried services such as sewers, water pipes or electricity cables</p>	<p>interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a scheduled Ancient Monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.</p> <p>Referred to in the revised statutory guidance as “building effect” .</p>	<p>to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.</p>
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4.7 Significant Pollution of controlled waters and Significant Possibility of Significant Pollution of controlled waters (SPOSP)

The following types of pollution should be considered to constitute significant pollution of controlled waters:

- 5 Pollution equivalent to “environmental damage” to surface water or groundwater as defined by The Environmental Damage (Prevention and Remediation) Regulations 2009, but which cannot be dealt with under those Regulations;
- 6 Inputs resulting in deterioration of the quality of water abstracted, or intended to be used in the future, for human consumption such that additional treatment would be required to enable its use
- 7 A breach of the statutory surface water Environmental Quality Standards, either directly or via a groundwater pathway
- 8 Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in Article 2(3) of the Groundwater Daughter Directive (2006/118/EC))

If the Carlisle City Council considers it likely that contamination, such as that listed above, is occurring we will consult with the EA and have strong regard to their advice.

The revised Statutory Guidance also subdivides controlled waters into four categories based upon the likelihood of SPOSH of controlled waters existing:

4.7.1 Category 1:

This covers land where the LA considers that there is a strong and compelling case for considering that a SPOSH of controlled waters exists. In particular, this would include cases where there is robust science-based evidence for considering that it is likely that high impact pollution, such as that mentioned above, would occur if nothing were done to stop it.

4.7.2 Category 2:

This covers land where: (i) the LA considers that the strength of evidence to put the land into Category 1 does not exist; but (ii) nevertheless, on the basis of the available scientific evidence and expert opinion, the authority considers the risks posed by the land are of sufficient concern that the land should be considered to pose a SPOSH of controlled waters on a precautionary basis. This category may include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.

4.7.3 Category 3:

This covers land where the tests set out in Categories 1 and 2 are not met, and therefore regulatory intervention under Part 2A is not required. This category should include land where the authority considers that it is very unlikely that serious pollution would occur or where there is a low likelihood that less serious types of significant pollution might occur.

4.7.4 Category 4:

This covers land where the authority considers that there is no risk, or that the level of risk is very low. Examples include where: no contaminant linkage has been established in which controlled waters is the ‘receptor’; the type of pollution occurring is not considered to be Significant Pollution; or the possibility of water pollution is similar to that which might be caused by ‘background’ contamination.

4.8 Special Sites

Special Sites are defined within the Contaminated Land (England) Regulations 2006. These are sites which meet the definition of 'Contaminated Land', but also fall within one of the other descriptions in the Regulations, including:

- Certain water pollution cases
- Industrial cases (nuclear sites, certain IPPC sites, etc)
- Land owned by the Ministry of Defence
- All radioactive Contaminated Land

4.9 Radioactivity

The historical use of radioactive materials in a wide variety of industries has led to a legacy of contamination by radioactive substances, primarily due to a lack of effective regulation or understanding of the hazards. The Part 2A regime was therefore extended in 2006 to include contamination of land by radioactivity. As stated above, such sites fall under the definition of a 'Special Site' and are regulated by the EA.

However, the 2012 revised statutory guidance does not apply to radioactive contamination of land and it is therefore covered by separate guidance. In the event that land is affected by both radioactive & non-radioactive contaminants both sets of guidance will apply and Carlisle City Council should decide what is a reasonable course of action, having due regard to both the relevant primary legislation and advice from the EA.

4.10 Interaction with other regulatory regimes

In addition to its Part 2A powers, Carlisle City Council may also deal with contaminated land using other regulatory regimes:

4.10.1 Contaminated Land & the Planning Process

It is Carlisle City Council's policy to encourage, where practicable, redevelopment of brownfield sites within the Carlisle City Council's area.

The National Planning Policy Framework (NPPF) (DCLG, 2012) seeks to prevent unacceptable risks from pollution. Planning decisions should ensure that all new development is appropriate for its location and that potential land contamination issues are considered in strategic planning and development control decisions.

Paragraph 121 of the NPPF states that planning decisions should ensure that:

- The site is suitable for its new use taking account of ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990; and
- Adequate site investigation information, prepared by a competent person, is presented.

Unlike Part 2A, where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner and not the original polluter

See Developers Guide (Appendix 2) for more details

4.10.2 Building Regulations

Compliance with Building Regulations is a separate issue from the planning regime and approval may also be required. The developer/applicant must therefore ensure that the Building Control Officer is aware of any contamination issues and that the appropriate requirements are met under 'Approved Document C - Site preparation and resistance to contaminants and moisture'. The aforementioned document provides practical guidance for ensuring that new buildings are protected from contaminants.

Requirements under C1 include:

- The ground to be covered by the building shall be reasonably free from any material that might damage the building or affect its stability, including vegetable matter, topsoil and pre-existing foundations
- Adequate subsoil drainage shall be provided if it is needed to avoid:
 - (a) the passage of ground moisture to the interior of the building;
 - (b) damage to the building, including damage through the transport of water-borne contaminants to the foundations of the building
- For the purpose of this requirement, 'contaminant' means any substance which is or may become harmful to persons or buildings including substances which are corrosive, explosive, flammable, radioactive or toxic.

Approved Document C has recently been revised to reflect changes arising as a result of the Building Regulations 2010 and the revisions came into force in 2013.

4.10.3 Environmental Permitting

Some industrial installations have the potential to cause pollution. Since 1990 many of these installations have required an 'authorisation' from the LA or the EA to operate.

The Environmental Permitting Regulations (England and Wales) 2010 prescribe which industrial installations need to hold permits. The Regulations are designed to minimize the impact from potentially polluting activities and combine the previous Pollution Prevention and Control (PPC) and Waste management Licensing (WML) Regulations. They also include water discharge and groundwater activities, radioactive substances and provision for a number of Directives, including the Mining Waste Directive

There are currently three types of installation classification:

- Part A1: All environmental emissions and impacts considered, including air pollution, water pollution, noise, land contamination, energy consumption, waste minimization and environmental accident prevention. A1 installations are regulated by the EA
- Part A2: As above but regulated by the LA
- Part B: Required to control air pollution and are regulated by the LA

Prior to commencing an operation of a prescribed installation the operator must submit an application to the LA or Environment Agency. The relevant regulatory authority will then consult with statutory bodies for any comments on the application. A permit, containing numerous operating conditions in accordance with government guidance must then be issued

or refused. The operator of the prescribed installation must comply with the conditions of the permit or the relevant regulatory authority may take action against them. Operators are also subject to routine inspections to check compliance with conditions.

4.10.4 Water Resources

The EA deals with possible pollution of controlled waters from historical contamination. They have powers under s161A of the Water Resources Act 1991 and the Anti-pollution Works Regulations 1999 to ensure action is taken to prevent or remedy pollution of controlled waters. The EA also have powers under the Groundwater Regulations 1998 to prevent pollution of groundwater.

Under the Water Framework Directive, the EA must characterise each of the eleven River Basin Districts in England and Wales and assess the impact of human activity on the water bodies within those districts, including rivers, lakes, estuaries, coastal waters and groundwater. The provisions of the Directive have implications for contaminated land as it may affect the levels of certain pollutants that are likely to be considered as harmful to controlled waters.

4.10.5 The Environmental Damage (Prevention and Remediation) Regulations 2009

The Environmental Damage (Prevention and Remediation) Regulations 2009 were introduced on 1 March 2009 to implement the provisions of the European Commission's Environmental Liability Directive into law in England.

The Regulations aim to prevent and remedy damage to land, water and biodiversity. They are based on the 'polluter pays principle', i.e. those responsible for environmental damage are required to prevent or remedy damage, rather than the taxpayer. Obligations are placed on businesses (or 'operators' of commercial 'activities' in the words of the Regulations) to put in place precautionary measures to avoid environmental damage and to take remedial action if it occurs.

The Regulations aim to create an incentive to operators of activities that are likely to cause environmental damage to take steps to avoid environmental damage, and to possess adequate funds (e.g. insurance) to pay for the remediation or clean up of any environmental damage they cause. 'Environmental damage' has a specific meaning in the Regulations, and covers only the most severe cases. Existing legislation with provisions for environmental liability remains in place.



5.0 IDENTIFICATION AND PRIORITISATION

5.1 Information on the possible presence of contamination

In carrying out its Part 2A duties in a strategic manner, Carlisle City Council has paid due regard to: its own local circumstances; the level of detailed information on Carlisle City Councils area currently available; and the accessibility of internal/external funding. This has enabled us to take a rational, ordered, efficient and consistent approach to Part 2A, as specified within the Statutory Guidance.

The following aspects have all been considered during implementation of the Part 2A regime:

- Available evidence that significant harm/significant possibility of significant harm or pollution of controlled waters is occurring
- The extent to which human receptors, ecological receptors and controlled waters are distributed across the Carlisle City Councils area
- The history, scale and nature of previous industrial activity within the Carlisle City Councils area which may have given rise to potential contamination
- The extent to which the above receptors are likely to be exposed to a contaminant as a result of previous/current use of the land or its geology/hydrogeology

5.1.1 Development of Key Datasets

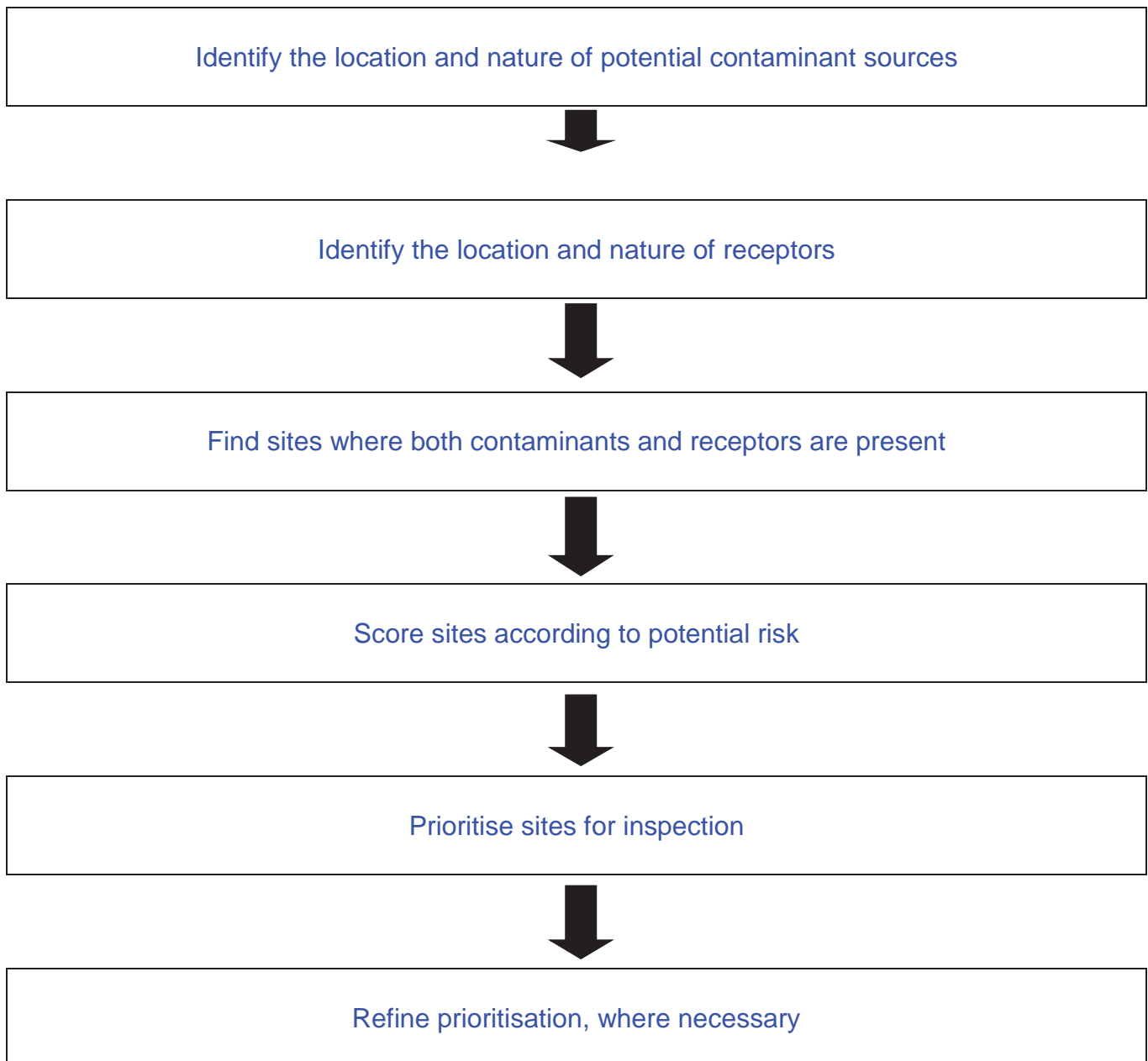
Carlisle City Council has used various sources of information in order to identify potentially contaminated land within the Carlisle City Councils area:

- 'Historical land uses' were initially identified from historical maps from county archives and trade directories. The aforementioned information was further supplemented with datasets from the Environment Agency, County Council and the Coal Authority. This information has been placed on Carlisle City Council's GIS. These sites are being ranked according to a risk rating system, which takes into account potential seriousness of the contamination receptors present and the likelihood of path ways.



5.1.2 Prioritisation of detailed inspection activity

Carlisle City Council has adopted the following approach to prioritizing sites for detailed inspection:



A wide range of industries may historically have contaminated, or have the potential to contaminate, the land they are sited upon (and neighbouring land). The DOE Industry Profiles provide further details.

Table 3: Potentially contaminating land uses

- Smelters, foundries, steel works, metal processing & finishing works
- Coal & mineral mining & processing, both deep mines and opencast
- Heavy engineering & engineering works, e.g. car manufacture & shipbuilding
- Military/defence related activities
- Electrical , electronic equipment manufacture & repair
- Gasworks, coal carbonization plants & power stations
- Oil refineries, petroleum storage & distribution sites
- Manufacture use of asbestos, cement, lime & gypsum
- Manufacture of organic, inorganic chemicals, including pesticides, acids/alkalis, pharmaceuticals, solvents, paints, detergents & cosmetics
- Rubber industry, including tyre manufacture
- Munitions, explosives production, testing & storage sites
- Glass making & ceramics manufacture
- Textile industry, including tanning & dyestuffs
- Paper, pulp manufacture, printing works & photographic processing
- Timber treatment
- Food processing industry & catering establishments
- Railway depots, dockyards (including filled dock basins), garages, road haulage depots, airports
- Landfill, storage & incineration of waste
- Sewage works, farms, stables & kennels
- Abattoirs, animal waste processing & burial of diseased livestock
- Scrap yards
- Dry cleaning premises
- All types of laboratories

Other uses and types of land that might be contaminated include:

- Radioactive substances used in industrial activities not mentioned above (e.g. gas mantle production, luminising works)
- Burial sites & graveyards
- Agricultural (excessive use or spills of pesticides, herbicides, fungicides, sewage sludge & farm waste disposal)
- Naturally occurring radioactivity, including radon
- Naturally occurring elevated concentrations of metals & other substances
- Methane, carbon dioxide production & emissions in coal mining areas, wetlands, peat moors or former wetlands

The sites identified from the preliminary screening are being ranked according to potential risk and given a prioritisation score in order to determine their priority for inspection. In theory, the sites with the top scores following the preliminary screening will be subject the detailed inspection first. However, from time to time other sites may also come to Carlisle City Council's attention that may need priority attention. This can occur at any stage during detailed inspection as further information is acquired and evaluated.

6.0 DETAILED INSPECTION OF CONTAMINATED LAND

Detailed inspection initially involves the collation and assessment of further information through desk study and site reconnaissance. If this preliminary risk assessment identifies that a potentially unacceptable risk from contamination is present, further intrusive field investigation will be required to determine the existence of contaminant linkages and to ultimately decide whether or not the site meets the definition of contaminated land.

6.1 Overview of Procedures

The Model Procedures for the Management of Contaminated Land (CLR 11) explains the risk assessment procedure when dealing with potentially contaminated land; it is recommended that a tiered approach be adopted and investigations undertaken in accordance with 'BS10175 (2011) Investigations of Potentially Contaminated Sites – Code of Practice'. The main stages involved in assessment, determination and remediation of contaminated land under Part 2A are outlined in s5.1.2. Further information on each relevant stage is also provided below:

Stage 1: Preliminary Investigation

(desk study, site reconnaissance and preliminary risk assessment)
Consider whether Special Site (if so, contact EA)



Stage 2: Field Investigation and Risk Assessment

(including collection of soil, water and leachate samples etc)

Following robust, appropriate, scientific and technical assessment, if evidence suggests that the site poses an unacceptable risk from contamination the site should be determined as 'Contaminated Land'. Where there is little or no evidence to suggest that it is contaminated land Carlisle City Council should issue a written statement to that effect to minimize unwarranted blight.



Stage 3: Determination

Identify all Appropriate Persons of Carlisle City Council s intention to determine the land unless the authority considers there is an overriding reason for not doing so.
Provide the aforementioned parties, and the Environment Agency, with a written copy of the 'Record of Determination'



Stage 4: Identification of Liable Persons

Carlisle City Council should make an initial identification of persons who may be responsible for paying for the remediation actions



Stage 5: Establish Remediation Actions

Identify Appropriate remediation
Apportion liability between liability groups
Serve Remediation Notices where works haven't been carried out voluntarily



Stage 6: Remediation & Verification

Secure compliance and verify remedial works
Where Carlisle City Council has remediated the land seek to recover costs

Further information on the desk studies, intrusive field investigations and Risk Assessment can be found in the Developers Guide (Appendix 2).

6.2 Powers of Entry

Under Section 108 of the Environment Act 1995, Carlisle City Council has been granted statutory powers of entry to gain access to any land for the purpose of implementing their duties under Part 2A. At least seven days notice of proposed entry will be given to the owner/occupier, unless there is an immediate risk to human health.

Carlisle City Council can only exercise these powers if it is already satisfied that;

- There is a reasonable possibility that a contaminant linkage exists; and
- For cases involving intrusive site investigation, it is likely that a contaminant is actually present and a receptor exists (or is likely to exist) given the current land use

Section 108 powers cannot be exercised for intrusive site investigation:

- when Carlisle City Council already has the information it needs to decide whether or not the site appears to be contaminated land
- if a person provides the necessary information within a reasonable and specified timescale.

7.0 DETERMINATION AND REMEDIATION OF CONTAMINATED LAND

7.1 Determination

There are four possible grounds for the determination of land as contaminated land:

- Significant harm is being caused to a human, or relevant non-human , receptor
- There is a significant possibility of significant harm being caused to a human, or relevant non-human, receptor
- Significant pollution of controlled waters is being caused
- There is a significant possibility of significant pollution of controlled waters being caused

7.2 Informing interested parties

Before making a determination Carlisle City Council will inform the owners and occupiers of the land, and any other person who appears to the authority to be liable to pay for remediation, of its intention to determine the land (to the extent that we are aware of these parties at the time) unless there is an overriding reason for not doing so.

Carlisle City Council will also consider whether to give the aforementioned persons time to make representations or to propose solutions that might avoid the need for formal determination. In the spirit of the Part 2A regime, Carlisle City Council may decide to postpone determination if voluntary remediation is agreed and Carlisle City Council is satisfied with the measures and timescales proposed. Carlisle City Council may also decide to keep the status of any land under review, in the event that a change of circumstances in the future may cause the land to be determined as contaminated land.

Once determination as contaminated land has occurred Carlisle City Council is legally required to give notice of that fact to: the Environment Agency; the owner of the land; any person who appears to the LA to be in occupation of the whole or any part of the land; and each person who appears to the authority to be an appropriate person.

Carlisle City Council will prepare a written 'Record of Determination of Contaminated Land' (see also S7.4 on Risk Summaries). As a minimum the document will include: a brief description of the site history; details on all 'contaminant linkages' identified on the site; a summary of the works carried out to date; and confirmation that the requirements of the statutory guidance have been satisfied. This record will also be available to the public.

The 'Determination' process will involve a formal three month consultation period, during which time Carlisle City Council will discuss with all of the Appropriate Person how the site can be remediated.

There are a number of possible outcomes to the consultation:

1. the Appropriate Persons may agree to undertake remediation themselves (in full consultation with Carlisle City Council) and issue a remediation statement
2. where remediation is not voluntarily undertaken Carlisle City Council will serve a remediation notice on the relevant Appropriate Person/s.
3. If no action is taken Carlisle City Council may use its powers to undertake remediation itself and issue a remediation statement.

7.3 Deciding that land is not contaminated land

In carrying out its Part 2A duties, Carlisle City Council is likely to inspect land that it then considers is not contaminated land (e.g. because there is little or no evidence following inspection and assessment). In such cases Carlisle City Council will issue a written statement to that effect, thereby minimizing unwarranted blight. The statement will make clear why the land does not meet the definition of contaminated land under Part 2A. Carlisle City Council may choose to qualify its statement (e.g. given that its Part 2A risk assessment may only be relevant to the current use of the land). (See Appendix 3).

It is appreciated that, given the nature of soil contamination and that scientific understanding of risks may evolve over time, it is never possible to know the exact contamination status of any land with absolute certainty. However, as previously stated, the starting assumption of Part 2A is that land is not contaminated land unless there is reason to consider otherwise.

A record of Carlisle City Council's decision, including the reasons for it, will be kept within the Environmental Health Service. Carlisle City Council will also notify the owners of the land and provide them with a copy of the written statement. If appropriate, other interested parties may also be notified of our decision.

7.4 Risk Summaries

For those sites which are likely to be determined as contaminated land, following full detailed inspection and assessment, Carlisle City Council will produce a 'risk summary', in a simple and easy format, which will form part of the 'Record of Determination'. This will include:

- A summary of Carlisle City Council's understanding of the risks posed by the site, including all identified contaminant linkages, the potential impacts and the timescale over which the risk may manifest itself
- A description of the uncertainties behind the risk assessment
- A description of the local and/or national context. This must be done in such a way so as to be understandable and relevant to the layperson
- Initial views on possible remediation options, including a brief description of what the remediation might entail, how long it will take, the likely effects on local people/businesses and the net benefits
- Any other factors which may be relevant and support Carlisle City Council's decision making process
- Where the land is likely to be a 'Special Site', Carlisle City Council will seek the views of the EA and take them into account.

Local Authorities will not produce risk summaries:

- For land which will not be determined as contaminated land (e.g. Categories 3 and 4)
- For land which has been prioritised for detailed inspection but which has not yet been subject to risk assessment
- For land determined as contaminated prior to publication of the revised guidance

7.5 Reconsideration, revocation and variation of determinations

If Carlisle City Council becomes aware of further information which it considers significantly alters the basis for its original decision, it may decide to retain, vary or revoke the determination. This may include situations where:

- New information about the land has come to light
- There has been significant changes in legislation
- The establishment of significant case law or precedent
- Revision of guideline values for contaminants

Carlisle City Council will record its reasons for varying or revoking its determination, alongside the original determination. It will also issue a written statement if remedial action has been taken which stops the land being contaminated land and a copy of this will be kept with the public register (see Section 9.2)

7.6 Determining liability for remediation

Carlisle City Council should make an initial identification of persons who may be responsible for paying for the remediation actions.

The strategic policy in respect of environmental damage is that the polluter should pay. The authority will therefore first look for the persons who caused or knowingly permitted each linkage (i.e. a "Class A Persons").

However, if the pollution incident is historical, the original polluter may no longer be in existence. If no Class A persons can be found, Carlisle City Council will usually seek to identify the owners or occupiers of the land (i.e. "Class B Persons"), although this step does not apply to linkages that relate solely to pollution of controlled waters.

The persons responsible for each linkage make up a 'Liability Group'

Each significant contaminant linkage is treated separately unless it is reasonable to treat more than one linkage together because the same parties are liable. If there is more than one polluter of a site, (e.g. if the site has a long history of different contaminative uses) then Carlisle City Council must decide what apportionment each appropriate person should pay for the remediation works

7.7 Orphan Linkages

An 'orphan linkage' may arise where:

- a) the significant contaminant linkage relates solely to the significant pollution of controlled waters (and not to human health) and no Class A person can be found
- b) no Class A or B persons can be found
- c) those who would otherwise be liable are exempted

Liability for remediating an orphan linkage will be determined by Carlisle City Council according to the statutory guidance (s7.92 to s7.98)

7.8 Remediation

Once land has been determined as contaminated land, Carlisle City Council must consider how it should be remediated and, where appropriate, it must issue a remediation notice to require such remediation. The aim of the remedial work will be to remove the contaminant linkage(s), either by breaking the pathway or by removing the receptor. The standard of remediation should be such that SPOSH will no longer be caused.

Part 2A states that the enforcing authority may only require remedial actions which are reasonable in terms of costs and the seriousness of the pollution or harm. An appropriate person, or some other person, might choose to carry out remediation to a higher standard (e.g. to increase the value of the land or to prepare it for redevelopment) but this will not be required by Carlisle City Council.

In deciding what is reasonable, Carlisle City Council must take into account a number of factors:

- The practicability, effectiveness and durability of the remediation
- The health and environmental impacts of the chosen remedial options
- The financial cost which is likely to be involved
- The benefits of the remediation with regard to seriousness of the harm or pollution of controlled waters.

The remedial action will be deemed reasonable if the benefits of the remediation are likely to outweigh the costs of remediation. Where more than one potential approach is available Carlisle City Council will choose what it considers to be the “best practicable technique”. This is likely to be the technique which achieves the required standards, to appropriate timescales, whilst imposing the least cost on the persons liable for the remediation costs.

7.9 Verification

For the purposes of remediation, CLR11 defines verification as “the process of demonstrating that the risks have been reduced to meet remediation criteria and objectives based on a quantitative assessment of remediation performance” (EA, 2010)

The Statutory Guidance states that all remedial works carried out must be verified by a suitably qualified experienced practitioner.

Further details on ‘verification reporting & monitoring’ are contained within the ‘Developers Guide’ (Appendix 2).

7.10 Remediation Notices

Wherever possible, Carlisle City Council will encourage the voluntary remediation of contaminated land. However, if appropriate remediation cannot be secured by informal agreement Carlisle City Council has powers to serve a remediation notice on appropriate persons. The notice will state what measures need to be carried out to remediate the land in question and the timescales for the work to be done. For sites where there are multiple appropriate persons the notice shall state what proportion of the costs each one is liable to pay. As previously stated, a remediation notice cannot be served within 3 months of that person being notified of the determination as contaminated land

It is an offence under Part 2A not to comply with a remediation notice without a reasonable excuse. However, any person who receives a remediation notice has 21 days from the first day of its service to appeal to the Magistrates Court. The grounds for such an appeal are set

out in the contaminated land regulations. Where an appeal has been made, the Notice is suspended until the Court determines the outcome of the appeal, or the appeal is abandoned

7.11 Cost Recovery/Hardship Policy

There are a number of situations where an appropriate person is exempt from paying full costs of remediation, for example where 'hardship' would result from meeting the costs involved. Carlisle City Council may decide in such cases to waive or reduce the recovery of its costs. There is also provision to place a charge on the land, to secure payment at a later date or in installments.

Carlisle City Council has devised a 'Cost Recovery and Hardship Policy' which takes individual circumstances into account (Appendix 1).

8.0 Potential of sourcing and funding

The EA now runs the Capital Projects Programme (CPP) on behalf of DEFRA. Funding bids for site investigation and remediation are submitted by Carlisle City Council and are granted/rejected on a case-by-case basis. The amount of central funding available has been significantly reduced in recent years. Carlisle City Council can only bid for funding to remediate sites where land has been determined. Funding is not available through the CPP to carry out preliminary investigations (desk studies etc). Carlisle City Council keeps reserves for emergencies, which would be used to remediate contaminated land if required.

9.0 COMMUNICATION AND INFORMATION MANAGEMENT

9.1 Liaison and Consultation with other Parties

Carlisle City Council recognizes that the issues relating to contaminated land are both wide ranging and complex, requiring the identification and engagement with a wide range of stakeholders. The strategy recognizes the need to liaise and communicate with both internal departments (including Development Control, Property Services etc) and external bodies (including statutory bodies, landowners and the wider general public).

Since implementation of the initial Contaminated Land Inspection Strategy in 2001, Carlisle City Council has established strong formal links with the following external statutory bodies:

- EA
- Health Protection Agency (Public Health England)
- English Nature
- English Heritage
- Food Standards Agency
- DEFRA

Consultation with some/all of the above parties is essential prior to detailed investigation, either because they may have some responsibility for a site (as a regulator, owner or occupier) or involvement (e.g. because they have designated the site as a protected area). Experience has shown that early liaison ensures the avoidance of unnecessary duplication of investigation or overlaps in regulatory activity.

Carlisle City Council recognises that there is significant scope for members of the public, businesses and voluntary organisations to make a valuable contribution toward the identification of contaminated land within Carlisle City Councils area. A copy of the revised strategy will therefore be available to download from Carlisle City Councils website.

As previously mentioned in s3.2.2 Part 2A requires the EA to provide information and advice to Local Authorities. Where the Significant Contaminant Linkages involves controlled waters the EA will be asked to provide site specific guidance and may become the enforcing authority if the site meets the criteria for designation as a Special Site.

Carlisle City Council also regularly liaises with the other Cumbrian Local Authorities via the 'Cumbria Contaminated Land Officer Group', (an off shoot of the Chief Officers/Pollution Group). Representatives from each authority, together with the EA and Health Protection Agency, meet approximately 4 times a year. The group has produced a guide to assist developers and site owners involved in the management and assessment of contaminated land and/or where development proposals include sensitive end uses, such as housing.

Adherence to the recommendations within the guide, (a copy of which is included in Appendix 2), ensures that a consistent approach is adopted throughout the County.

9.2 Part IIA Public Register

In accordance with Part 2A and the Contaminated Land (England) Regulations 2006, Carlisle City Council is required to maintain a Public Register.

This Part 2A Public Register serves as a permanent record of all regulatory action carried out to ensure the remediation of any site which has been determined as Contaminated Land and had enforcement notices served. These sites which have been determined as Contaminated Land but where voluntary remediation takes place, and no consequent action has yet been taken, will not appear on the Register.

It is important to note that the Part 2A Public Register is **not** a register of

- All sites determined as Contaminated Land
- Sites which may be Contaminated Land
- Sites which are potentially contaminated, or
- Sites which Carlisle City Council has investigated as part of a detailed Inspection

The Part 2A Public Register will be kept at the Environmental Health Section of the Local Environment Department and is available at www.carlisle.gov.uk . The register can be viewed free of charge by visitors in the Customer Contact Centre of the Civic centre, the address of which is provided below.

9.3 Requests for Information

If a member of the public requests environmental information it will be considered under the Environmental Information Regulations (EIR). Whilst Carlisle City Council is expected to make environmental information proactively available, there are certain exceptions to disclosure. The regulations are similar to the Freedom of Information Act (FOIA), however some of the main differences are:

- A request can be made verbally or in writing
- The EIRs allow for a 20 working-day extension to consider a large request, whereas the FOIA only allows an extension to consider the public interest test.
- The EIRs have a different set of exceptions with regard to the non-disclosure of information, though many share elements with the FOIA.
- Under the EIRs Carlisle City Council can make a reasonable charge for providing the information.

You do not need to worry about which regime your request comes under. If you are unsure make it under the one you think is correct, and we shall reply according to our interpretation of the request.

9.4 Enquiries:

All information on contaminated land and potentially contaminated land is held within the Environmental Health section of Local Environment. All enquiries regarding contaminated land or the revised inspection strategy should initially be directed to:

All enquiries should be addressed to:

Environmental Health

Local Environment Directorate

Civic Centre

Carlisle

CA3 9EQ

Tel: 01228 817559

Email: environmentalhealth@carlisle.gov.uk

10.0 LA INTERESTS IN LAND

10.1 Carlisle City Council's interests in land

It is recognised that some of Carlisle City Council's landholdings may be contaminated due to their past industrial history. These sites will be risk assessed in accordance with the prioritisation procedure detailed in s5.1.2 and shall be treated in the same manner as any other potentially contaminated land site within the Carlisle City Council's area.

10.2 Council Leased Property

Carlisle City Council lease sites to organisations who may undertake potentially contaminative activities, including some of those listed in Table 3. In view of this Carlisle City Council must take steps as landowner to ensure that any land which is leased does not become contaminated during the term of the agreement.

To protect Carlisle City Council's interests there should be appropriate conditions included in any lease or tenancy agreements whereby:

- The occupier shall not carry out any activities which may give rise to contamination of land
- Any contamination that does occur on site during the term of the agreement, shall be dealt with in accordance with current environmental legislation
- There are provisions of indemnity by the lessee or tenant or other occupier
- Where there is a known polluting activity taking place, Carlisle City Council shall require a site investigation to be carried out prior to the termination of the lease

The above conditions should safeguard against the potential for future contamination and place responsibility on the tenant, lessee or other occupier to clean up any pollution which occurred during their occupation.

10.3 Selling Council Owned Land

In the event of Carlisle City Council selling land which has the potential to be contaminated, the LA will provide all known information to the prospective purchaser. This information may include, but not be limited to, Stage 1: Preliminary Investigations and Stage 2: Field Investigations and Risk Assessments carried out on Carlisle City Councils behalf. If the land has been determined by Carlisle City Council as contaminated land, all reports pertinent to the site will be submitted to the purchaser.

11.0 ACTION TO DATE

Carlisle City Council must focus its resources on identifying and securing remediation of those sites with the greatest potential risk to human health or the environment. As a consequence, the Part 2A approach to securing remediation should only be applied where no other alternative solution exists.

To date (May 2013), detailed investigations have been carried out on a number of sites within Carlisle under Part 2A:

- Three were voluntarily remediated prior to determination
- Two sites have been determined as contaminated land and were voluntary remediated, without notices

Currently out of 1200 sites of interest approximately half have been risk rated, and a number of other sites have been remediated under the planning regime.

It has become increasingly difficult to estimate when all sites will be prioritized. This is due to variable unknown workload, for example, where Part IIA resource is redirected to consultation regarding the remediation of land under the planning regime. Progress is also dependent on available staff and financial resources.

Sites which pose a risk will be inspected as and when they are brought to our attention, and action taken as necessary.

12.0 REFERENCES

British Standards Institution (2011) BS 10175:2011: Investigation of Potentially Contaminated Sites – Code of Practice. London: BSI

British Standards Institution (2004) BS EN 1997-1:2004 Geotechnical design. General rules. London: BSI

British Standards Institution (2007) BS EN 1997-2:2007 Eurocode 7. Geotechnical design. Ground investigation and testing. London: BSI

CIRIA (2007) C665 Assessing risks posed by hazardous ground gases to buildings. London: Ciria

Cumbria Contaminated Land Officers Group (January 2013) Development of Potentially Contaminated Land and Sensitive End Uses: An essential guide for developers

DEFRA (2012) Contaminated Land Statutory Guidance. London: HM Government

Department for Communities and Local Government (DCLG) (2012) National Planning Policy Framework. London: DCLG

Department of the Environment (1995) DoE Industry Profiles. EA.
EA(2010) Verification of remediation of land Contamination. EA

EA(2010) Guiding Principles on Land Contamination

13.0 GLOSSARY OF TERMS

The Act	Environmental Protection Act 1990
The Regulations	The Contaminated Land (England) Regulations 2006 The Contaminated Land (England) (Amendment) Regulations 2012
The Guidance	Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance April 2012
Apportionment	A decision by the authority dividing the costs of carrying out any remediation action between two or more appropriate persons in accordance with section 78F(7) of Part 2A.
Appropriate Person	Any person who is an appropriate person, determined in accordance with section 78F of the Act, to bear responsibility for anything which is to be done by way of remediation in any particular case
Contaminant	A substance relevant to the Part 2A regime which is in, on or under the land and which has the potential to cause significant harm or to cause significant pollution of controlled waters for non-radioactive contamination (or harm for radioactive contamination). A contaminant forms part of a 'contaminant linkage'
Contaminant Linkage	The relationship between a contaminant, a pathway and a receptor
Contaminated Land	"Any land which appears to the LA in whose area it is situated to be in such a condition, by reason of substances in, on, or under the land that; <ul style="list-style-type: none"> • Significant harm is being caused, or there is significant possibility of such harm being caused; or • Significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused."
Controlled Waters	In relation to England has the same meaning as in Part 3 of the Water Resources Act 1991 (includes territorial and coastal waters, inland fresh waters and ground waters), except that "ground waters" does not include waters contained in underground strata but above the saturation zone.
Current Use	<ul style="list-style-type: none"> • the use which is being made of the land currently • Reasonably likely future uses of the land that would not require a new or amended grant of planning permission • Any temporary use to which the land is put, or is likely to be put, from time to time, within the bounds of the current planning permission • Likely informal use of the land (e.g. children playing on a site), whether authorized by the owners/occupiers or not • In the case of agricultural land, the current use does not extend beyond the growing or rearing of crops and animals which are habitually grown or

	reared on the land
Orphan Linkage	Is a significant contaminant linkage for which no appropriate person can be found (Class A & B in relation to human health, Class B only in terms of controlled waters), or where those who would otherwise be liable are exempted by one of the relevant statutory provisions
Harm	harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.
Pathway	a route by which a receptor is or might be affected by a contaminant
Pollution of controlled waters	the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter
Receptor	a route by which a receptor is or might be affected by a contaminant
Register	The public register, maintained by Carlisle City Council under section 78R of the Environmental Protection Act 1990
Remediation	As defined by section 78A(7) of the Act as: <ul style="list-style-type: none"> the doing of anything for the purpose of assessing the condition of – (i) the contaminated land in question; or (ii) any controlled waters affected by that land; or (iii) any land adjoining or adjacent to that land; the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land for the purpose – (i) of preventing or minimising, or remedying or mitigating the effects of, any significant harm (or significant pollution of controlled waters), by reason of which the contaminated land is such land; or (ii) of restoring the land or waters to their former state; or the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters
Remediation Statement	Defined in Section 78H(7) as a statement prepared and published by the responsible person detailing the remediation actions which are being, have been, or are expected to be done as well as the periods within which these things are being done.
Risk	A combination of: <ul style="list-style-type: none"> The likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and The scale and seriousness of harm or pollution if it did occur
Significant Harm	Any harm which is determined to be significant in accordance with the Contaminated Land Statutory Guidance
Significant Contaminant	a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as

Linkage	contaminated land
Substance	Has the same meaning as 'pollutant' and 'contaminant'. For non-radioactive contamination, includes any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour
Sustainable Development	Development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs
Unacceptable risk	A risk of such a nature it would give grounds for land to be considered as Contaminated Land under Part 2A.

Appendix 1

Carlisle City Council Cost Recovery and Hardship Policy

(associated with the remediation of Contaminated Land under Part 2A of the Environmental Protection Act 1990)

1. Introduction

Under Part 2A of the Environmental Protection Act 1990 Carlisle City Council has a duty to inspect and identify Contaminated land within the city council area. Once sites have been investigated and determined as Contaminated land, Carlisle City Council has a duty to serve a remediation notice on the appropriate person(s) specifying what they are to do by way of remediation. Before serving a remediation notice, Statutory Guidance requires Carlisle City Council to adopt a formal Cost Recovery and Hardship Policy. The Policy will provide a framework for Carlisle City Council to apply when recovering costs for remediation. Carlisle City Council should seek to promote fairness, transparency and consistency when determining financial responsibility for remediation of contaminated land and prevent any hardship on any decision Carlisle City Council makes in future.

2. Statutory Context

2.1 Part 2A of the Environmental Protection Act 1990 (the Act) gives Carlisle City Council a number of duties and powers in the identification of Contaminated Land. These powers are:

- A duty to require remediation of land that has been determined as Contaminated Land (section.78E)
- Allocation of liabilities. (section.78F)
- Restrictions and prohibitions on the service of a Remediation Notice (section.78H)
- Power for the LA to carry out remediation (section.78N)
- Power for the LA to recover costs of remediation (section.78P)

2.2 Reference to 'Statutory Guidance' in this policy means the following two documents:

- Environmental Protection Act 1990: Part 2A. Contaminated Land Statutory Guidance. Department for Environment, Food and Rural Affairs. 2012.
- Environmental Protection Act 1990: Part IIA. Contaminated Land. Radioactive Contaminated Land Statutory Guidance. Department of Energy and Climate Change. 2012.

2.3 Section 78P Provides that:

"(1) Where, by virtue of section 78N(3)(a), (c), (e) or (f) & the enforcing authority does any particular thing by way of remediation, it shall be entitled, subject to sections 78J(7) and 78K(6) to recover the reasonable cost incurred in doing it from the appropriate person or, if there are two or more appropriate persons in relation to the thing in question, from those persons in proportions determined pursuant to section 78F(7) &

"(2) In deciding whether to recover the cost, and, if so, how much of the cost, which it is entitled to recover under subsection (1) above, the enforcing authority shall have regard –

"(a) to any hardship which the recovery may cause to the person from whom the cost is recoverable; and

"(b) to any guidance issued by the Secretary of State for the purposes of this subsection."

2.4 Subsection 78H(5) provides that:

"(5) The enforcing authority shall not serve a remediation notice on a person if and so long as

"(d) the authority is satisfied that the powers conferred on it by section 78N below to do what is appropriate by way of remediation are exercisable..."

2.5 Section 78N(3) provides that the enforcing authority has the power to carry out remediation:

This section applies in each of the following cases, that is to say—

(a) where the enforcing authority considers it necessary to do anything itself by way of remediation for the purpose of preventing the occurrence of any serious harm, or serious pollution of controlled waters, of which there is imminent danger;

(b) where an appropriate person has entered into a written agreement with the enforcing authority for that authority to do, at the cost of that person, that which he would otherwise be required to do under this Part by way of remediation;

(c) where a person on whom the enforcing authority serves a remediation notice fails to comply with any of the requirements of the notice;

(d) where the enforcing authority is precluded by section 78J or 78K above from including something by way of remediation in a remediation notice;

(e) where the enforcing authority considers that, were it to do some particular thing by way of remediation, it would decide, by virtue of subsection (2) of section 78P below or any guidance issued under that subsection,—

(i) not to seek to recover under subsection (1) of that section any of the reasonable cost incurred by it in doing that thing; or

(ii) to seek so to recover only a portion of that cost;

(f) where no person has, after reasonable inquiry, been found who is an appropriate person in relation to any particular thing.

2.6 These powers and duties are clarified in the Statutory Guidance providing details on the administration of Part 2A. Section 8 of the Statutory Guidance provides guidance on the recovery of the costs of remediation.

2.7 Section 8 of the Statutory Guidance gives further information on the

treatment of persons or bodies which may be subject to cost recovery by Carlisle City Council.

2.8 This policy details the manner in which Carlisle City Council will exercise the power in s.78P of the Act with respect to persons found by them to bear a liability for remediation. In particular it details the manner in which it deals with issues of hardship.

3. Cost recovery decisions

3.1 When making any decisions on cost recovery, Carlisle City Council should have regard to the following general principles:

- Aim for an overall result which is as fair and equitable as possible to all who may have to meet the costs of remediation, including national and local taxpayers.
- Carlisle City Council should seek to recover all of its reasonable costs without causing any undue hardship which the recovery may cause to the appropriate person(s).
- Wherever possible, apply the "polluter pays" principle, whereby the costs of remediating pollution are borne by the polluter.
- Where this is not possible Carlisle City Council will always consider obtaining external funding in the first instance in all cases for remediation.

All of the above issues will be considered alongside issues of hardship.

There is no definition within the Statutory Guidance for "Hardship" therefore in terms of the policy it is defined using its ordinary meaning, namely to cause severe suffering or privation to an appropriate person as detailed in section 3.3.

3.2 Overall, Carlisle City Council should consider the degree and nature of responsibility of the relevant appropriate person(s) for the creation, or continued existence, of the circumstances that led to the land in question being identified as Contaminated Land.

3.3 An appropriate person is a person who is determined in accordance with s78F of Part 2A of the Environmental Protection Act 1990 to bear responsibility for any thing which is to be done by way of remediation in any particular case. A Class A appropriate person is defined as someone who caused or knowingly permitted the presence of the substance (which forms part of the linkage) in, on or under the land. A Class B appropriate person is defined as someone who owns or occupies the land in circumstances where no Class A person can be found with respect to a particular remediation action.

3.4 When deciding how much of Carlisle City Council's cost should be recovered, consideration can be given to whether more costs are recovered by deferring recovery and securing them by a charge on the land in question under section 78P of the Environmental Protection Act 1990. Such deferral may lead to payment from the appropriate person either in installments (see section 78P(12)) or when the land is next sold.

4. Information for Making Decisions

4.1 Any appropriate person(s) who are seeking a waiver or reduction in the recovery of remediation costs are required to submit any relevant information to support this request within a reasonable timescale as agreed by Carlisle City Council.

When making decisions on cost recovery, Carlisle City Council should consider all relevant information provided by appropriate person(s). In addition Carlisle City Council must also seek to obtain such information as is reasonable, having regard to:

- Accessibility of the information
- the cost, for any of the parties involved, of obtaining the information
- the likely significance of the information for any decision.

5. Criteria against which hardship will be assessed

5.1 There is no definition within the Statutory Guidance therefore in terms of the policy “hardship” is defined using its ordinary meaning, namely to cause severe suffering or privation.

Where the cost of remediation attributable to an appropriate person would cause serious difficulties to that person then Carlisle City Council is likely to consider waiving or reducing the amount of costs it would seek to recover.

Considerations Applying both to Class A & Class B Persons

6. Commercial Enterprises

6.1 Carlisle City Council will adopt the same approach to all types of commercial or industrial enterprises which are identified as appropriate persons. This applies whether the appropriate person is a public corporation, a limited company (whether public or private), a partnership (whether limited or not) or an individual operating as a sole trader.

7. Threat of Business Closure or Insolvency

7.1 In the case of a small or medium-sized enterprise being the appropriate person, or which is run by the appropriate person, Carlisle City Council will consider:

- whether recovery of the full cost attributable to that person would mean that the enterprise is likely to become insolvent and thus cease to exist; and
- if so, the cost to the local economy of such a closure.

For these purposes, a “small or medium-sized enterprise” should be taken to mean an independent enterprise which matches the definition of a “micro, small and medium-sized enterprise” as established by the European Commission recommendation of 6 May 2003, and any updates of that definition as may happen in future. (Under the 2003 definition this would cover any such enterprise with fewer than 250 employees, and either an annual turnover less than or equal to €50 million, or an annual balance sheet total less than or equal to €43 million).

7.2 Where the cost of closure appears to be greater than the costs of remediation which Carlisle City Council would have to bear themselves, the Authority should consider waiving or reducing its costs recovery to the extent needed to avoid making the enterprise insolvent.

7.3 The Authority will not normally waive or reduce its costs recovery where:

- it is satisfied that an enterprise has deliberately arranged matters so

- as to avoid responsibility for the costs of remediation;
- it appears that the enterprise would be likely to become insolvent whether or not recovery of the full cost takes place; or
- it appears that the enterprise could be kept in, or returned to, business even if it does become insolvent under its current ownership.

8. Trusts

8.1 Where the appropriate persons include persons acting as trustees, the Council will assume that such trustees will exercise all the powers which they have, or may reasonably obtain, to make funds available from the trust, or from borrowing that can be made on behalf of the trust, for the purpose of paying for remediation. The Authority will, nevertheless, consider waiving or reducing its costs recovery to the extent that the costs of remediation to be recovered from the trustees would otherwise exceed the amount that can be made available from the trust to cover those costs.

8.2 The Authority will not usually waive or reduce its costs recovery:

- where it is satisfied that the trust was formed for the purpose of avoiding paying the costs of remediation; or
- to the extent that trustees have personally benefited, or will personally benefit, from the trust.

9. Charities

9.1 Carlisle City Council will consider the extent to which any recovery of costs from a charity would detrimentally impact that charity's activities. Where this is the case, the Authority will consider waiving or reducing its costs recovery to the extent needed to avoid such a consequence. This approach applies equally to charitable trusts and to charitable companies.

10. Social Housing Landlords

10.1 Carlisle City Council should consider waiving or reducing its costs recovery if:

- the appropriate person is a body eligible for registration as a social housing landlord under section 2 of the Housing Act 1996 (for example, a housing association);
- its liability relates to land used for social housing; and
- full recovery would lead to significant financial difficulties for the appropriate person, such that the provision or upkeep of the social housing would be jeopardized significantly. The extent of the waiver or reduction will normally be sufficient to avoid any such financial difficulties.

Specific Considerations Applying to Class A Persons

11. General

11.1 Carlisle City Council will not normally waive or reduce its costs recovery where it was in the course of carrying on a business that the Class A person caused or knowingly permitted the presence of the significant contaminants rather than were he was not carrying on a

business. This is because in the former case he is likely to have earned profits from the activity which created or permitted the presence of those contaminants.

12 Where Other Potentially Appropriate Persons have not been found

12.1 In some cases where a Class A person has been found, it may be possible to identify another person who caused or knowingly permitted the presence of the significant contaminant in question, but who cannot now be found for the purposes of treating him as an appropriate person. For example, this might apply where a company has been dissolved.

12.2 The Authority will consider waiving or reducing its costs recovery from a Class A person if that person demonstrates to the satisfaction of Carlisle City Council that:

- another identified person, who cannot now be found, also caused or knowingly permitted the significant contaminant to be in, on or under the land; and
- if that other person could be found, the Class A person seeking the waiver or reduction of the Authority's costs recovery would either:

be excluded from liability by virtue of one or more of the exclusion tests set out in Section 7 of the Statutory Guidance, or

the proportion of the cost of remediation which the appropriate person has to bear would have been significantly less, by virtue of the guidance on apportionment set out in Section 7 of the Statutory Guidance.

12.3 Where an appropriate person is making a case for Carlisle City Council's cost recovery to be waived or reduced by virtue of this section, Carlisle City Council will expect that person to provide evidence that a particular person, who cannot now be found, caused or knowingly permitted the significant contaminant to be in, on or under the land. Carlisle City Council will not normally regard it as sufficient for the appropriate person concerned merely to state that such a person must have existed.

Specific Considerations Applying to Class B Persons

13. General

13.1 Where a Class A person cannot be found or for any other reason costs cannot be recovered from a Class A person, financial responsibility transfers to the Class B person.

14 Costs relative to land values

14.1 In some cases, the costs of remediation may exceed the value of the land in its current use (as defined in Section 3 of the Statutory Guidance) after the required remediation has been carried out. In such circumstances, Carlisle City Council will consider waiving or reducing its costs recovery from a Class B person if that person demonstrates to the satisfaction of the Authority that the costs of remediation are likely to exceed the value of the land. In this context, the "value" will be taken to be the value that the remediated land would have on the open market, at the time the cost recovery decision is made, disregarding any possible blight arising from the contamination

- 14.2 In general, the extent of the waiver or reduction in cost recovery will be sufficient to ensure that the costs of remediation borne by the Class B person do not exceed the value of the land. However, Carlisle City Council should seek to recover more of its costs to the extent that the remediation would result in an increase in the value of any other land from which the Class B person would benefit.

15. Precautions Taken before Acquiring a Freehold or a Leasehold Interest

- 15.1 In some cases, the appropriate person may have been unaware that the land in question may be Contaminated Land when they acquired it, or he may have decided to take a risk that the land was not contaminated. Conversely, precautions may have been taken to ensure that he did not acquire land which is contaminated.
- 15.2 The Authority will consider reducing its costs recovery where a Class B person who is the owner of the land demonstrates to the satisfaction of the Authority that:
- the person took such steps prior to acquiring the freehold, or accepting the grant of assignment of a leasehold, as would have been reasonable at that time to establish the presence of any contaminants;
 - when he acquired the land, or accepted the grant of assignment of the leasehold, he was nonetheless unaware of the presence of the significant contaminant now identified and could not reasonably have been expected to have been aware of its presence; and
 - It would be fair and reasonable, taking into account the interests of national and local taxpayers, that he will not bear the whole cost of remediation.
- 15.3 Carlisle City Council should bear in mind that the safeguards which might reasonably be expected to be taken will be different in different types of transaction. For example, acquisition of recreational land as compared with commercial land transactions, and as between buyers of different types e.g. private individuals as compared with major commercial undertakings.

16. Owner-occupiers of Dwellings

- 16.1 Where a Class B person owns and occupies a dwelling on the contaminated land in question, Carlisle City Council should consider waiving or reducing its costs recovery if the person satisfies Carlisle City Council that, at the time the person purchased the dwelling, the person did not know, and could not reasonably be expected to have known, that the land was adversely affected by presence of the contaminant(s) in question. Any such waiver or reduction should be to the extent needed to ensure that the Class B person in question bears no more of the cost of remediation than it appears reasonable to impose, having regard to the person's income, capital and outgoings. Where the person has inherited the dwelling or has received it as a gift, Carlisle City Council should consider the situation at the time when the person received the property. When the contaminated land in question extends beyond the dwelling and its curtilage, and is owned or occupied by the same appropriate person the approach above should be applied only to the dwelling and its curtilage.

17. Payment of Carlisle City Council's costs

- 17.1 In each case where Carlisle City Council has used public funds to remediate land in its area a decision will be taken by Carlisle City Council - taking account of all circumstances appertaining to the matter - whether to recover any or all of the funds expended on a property in order to make it suitable for use.
- 17.2 Carlisle City Council will also consider how payment to Carlisle City Council should be made. This could for example take the form of payment within a fixed period of the full amount, payment by installment or by attaching a charge to the property so that it is recovered when the property is first sold. In the latter case, Carlisle City Council will consider whether it could recover more of the costs by deferring recovery and securing them by a charge on the land in question.

18. Hardship Panel

Hardship Panel will be created by Carlisle City Council to consider cost recovery associated with remediation of contaminated land.

- 18.1 The Hardship Panel will consist of:

- The Head of Local Environment
- The portfolio holder of Local Environment
- Head of Finance
- Portfolio holder of Finance
- Section 151 officer

In addition to the above Ward members may also make representations. Panel can receive technical support and advice from the Environmental Health Service.

- 18.2 In the situation where the land in question is within the portfolio holder's ward then he/she should not be part of the panel but can still make representations. In this circumstance another Executive member could take then sit on the Panel.
- 18.3 The Panel will agree on the information required in order to assess the hardship of the responsible person(s). The Panel before making a decision will have regard to:
- the guidance in this Policy and the Revised Statutory Guidance(April 2012)
 - the report of the officer in the Environmental Health Service
 - any representations from the persons concerns
 - any reports of experts
 - any representation from the relevant Ward member

Below is a non-exhaustive list of examples of information Carlisle City Council may ask for:

- The value of the land on the open market [(Carlisle City Council would expect at least three valuations to be obtained from estate agents/surveyors)];
- The value of the land disregarding the fact that it has been identified as contaminated by Carlisle City Council;

The amount of debt secured on the land, a recent mortgage statement will be required;

- Whether the land is held for investment ;
- Whether the land is held for business or purely residential purposes;
- Where the land is owned by a company the profit and loss accounts and balance sheets for a period of [3/5 years];
- Where the land is used for business purposes details of the income generated through the use of the land and the costs involved;
- Where the land is owned by an individual details of the persons other assets/savings;
- Where the land is owned by an individual details of the person's debts and income;
- Where the land is owned and occupied by an individual details of the persons incomings and outgoings;
- Where the land is owned by a company details of any insurance policies in place which cover the costs of the remediation of land;
- The amount of capital available to the person and whether there is sufficient capital to meet the cost;
- The personal needs of the individual- health and age of the individual and the existence of dependants;
- The assets of the person and the ability of the person to raise finance against the assets
- Whether the person is running a business on the land (i.e. gaining an income from the use of it by another person or carrying out a business activity on the land);
- Where the person owns the contaminated land, whether the remediation is likely to increase the value of the land by more than the cost of the remediation such that the person should be able to borrow against the land to raise the necessary finance;
- The amount the person paid for the land and whether when they bought the land the price reflected the state of contamination; or
- Any other relevant information which is applicable to the person and which may indicate that hardship would be caused.

18.4 The Hardship Panel will aim to make decisions within 3 weeks of being presented with all the relevant information. The decision of the Panel will be sent to the persons concerned with 1 week of the decision being made.

18.5 If the person is aggrieved by the decision of the panel the person concerned may appeal that decision by informing Carlisle City Council in writing within 21 days of the

date of the decision document. An Appeals Panel will consider the appeal and may confirm, vary or quash the original decision. As well as presenting any original information the appellant is entitled to present relevant new information to the panel. The Appeals Panel will be made up of different Members from the original panel who are members of Executive Panel and Scrutiny Panel who did not sit on the original Hardship Panel.

Appendix 2

Development of Potentially Contaminated Land and Sensitive End Uses

An Essential Guide for Developers



	Page
INTRODUCTION	1
OVERVIEW	2
Contaminated Land	
National Planning Policy Framework	
- Planning System	
- When to Consider Contamination	
- Developers Responsibility	
SUBMITTING AN APPLICATION	5
Full and Outline Planning Consent	
Building Regulations	
INVESTIGATION PROCEDURE	6
Summary	
Preliminary Investigation (desk study, site reconnaissance and preliminary risk assessment)	
Field Investigation and Risk Assessment	
Remediation Scheme	
Verification Reporting and Monitoring	
USEFUL INFORMATION	12
Cover Systems	
Verification of Cover Systems	
Websites	
References	

DISCLAIMER

This document is written to serve as an informative and helpful source of advice, based on guidance and legislation at the time of publication. The Cumbria Contaminated Land Officer Group has taken all reasonable precautions to ensure the information is correct and we cannot accept any liability for loss or damage caused by any person relying on this information, or for any errors or omissions in the information provided. It is the reader's responsibility to ensure that current legislation, guidance and practical methods are adhered to as they may be subject to change.

January 2013 (Rev. C)

The Government's planning guidance on contaminated land is set out in the National Planning Policy Framework (NPPF). Development of contaminated land is material planning consideration and the actual or possible presence of contamination and associated risks should be established.

Paragraph 109 of the NPPF states the Planning System should contribute to and enhance the natural and local environment by: ‘...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.

The purpose of this guide is to assist developers and site owners involved in the management and assessment of contaminated land and/or where development proposals include sensitive end uses, such as housing. All investigations should be carried out in accordance with the **Investigation of Potentially Contaminated Site – Code of Practice** (British Standard 10175 (2011)) and by a competent person. **Reports may be rejected if this is not met.** The NPPF states a competent person is ‘a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.’

This guide has been produced by members of the Cumbria Contaminated Land Officer Group to support a consistent approach throughout the County.

Contacts

LA/Agency	Email	Telephone
Allerdale	environmental.health@allerdale.gov.uk	01900 702580
Barrow-in-Furness -Environmental Protection Officer	environment@barrowbc.gov.uk	01229 876543
Carlisle	environmentalhealth@carlisle.gov.uk	01228 817559
Copeland	envhealth@copeland.gov.uk	01946 598336
Eden -Contaminated Land Officer	pollution@eden.gov.uk	01768 212490
South Lakeland	deh@southlakeland.gov.uk	0845 050 4434
Environment Agency	penrith.planning@environment-agency.gov.uk	01768 215798
Natural England	northwest@naturalengland.org.uk	0300 060 2122

Contaminated Land

Where land is affected by contamination or land stability issues, under the planning system, it is the developers responsibility for securing safe development. As a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

Part 2A - The Legal Definition

Section 78A(2) defines Contaminated Land for the purposes of Part 2A as:

‘any land which appears to the LA in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –

(a) Significant harm is being caused or there is a significant possibility of such harm being caused; or

(b) Pollution of controlled waters is being, or is likely to be, caused’.

Under Part 2A, for a relevant risk to exist there needs to be at least one ‘[contaminant linkage](#)’. This is the term used which identifies the relationship between a contaminant, a pathway and a receptor.

- A ‘[contaminant](#)’ is a substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters.
- A ‘[receptor](#)’ is something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters. The various types of receptors that are relevant under the Part 2A regime are explained in later sections.
- A ‘[pathway](#)’ is a route by which a receptor is or might be affected by a contaminant.

All three elements of a contaminant linkage must exist in relation to particular land before the land can be considered potentially to be contaminated land under Part2A, including evidence of the actual presence of contaminants.

The term ‘significant contaminant linkage’, as used in the Statutory Guidance (DEFRA, 2012), means a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land. The term ‘significant contaminant’ means the contaminant which forms part of a significant contaminant linkage.

National Planning Policy Framework

The Planning System

The [National Planning Policy Framework](#) (NPPF) (DCLG, 2012) seeks to prevent unacceptable risks from pollution and land instability, and planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the NPPF (DCLG, 2012) states that planning decisions should ensure that:

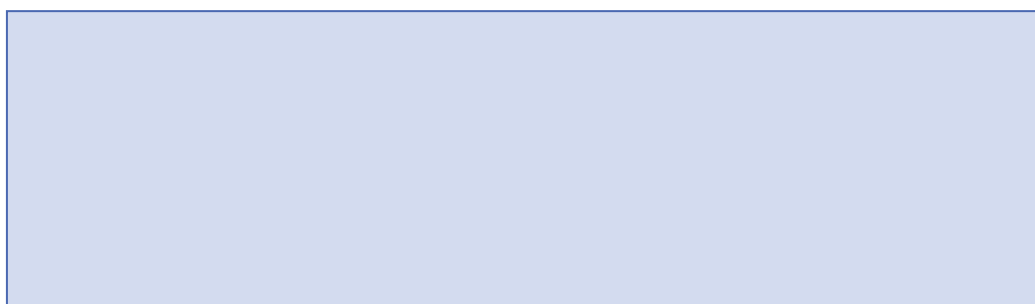
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

When to consider contamination

On a precautionary basis, the possibility of contamination should be assumed when considering individual planning applications in relation to all land subject to or adjacent to previous industrial use and also where uses are being considered that are particularly sensitive to contamination – e.g. housing, schools, hospitals, children’s play areas.

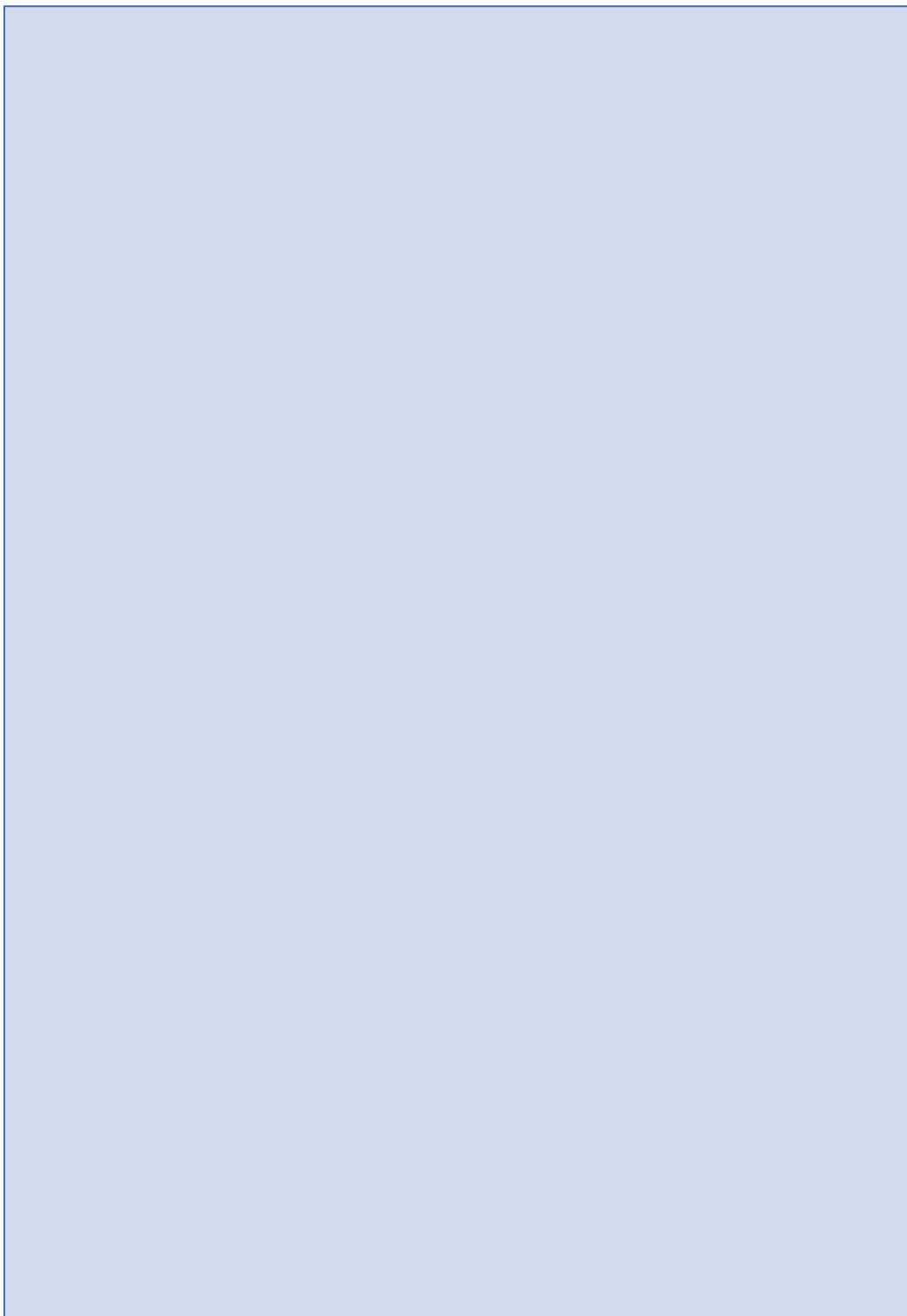
Sensitive End Uses

Where development includes any of the following sensitive end uses, a contamination assessment is required:



Potentially contaminating land uses

A wide range of industries may historically have contaminated, or have the potential to contaminate the land they are sited upon (and neighbouring land) — The [DOE Industry Profiles](#) give further details.



Developers Responsibility

It is the developers responsibility to secure safe development and provide the necessary information. The minimum information that should be provided by an applicant is the report of a Preliminary Investigation (desk study, site reconnaissance and preliminary risk assessment).

All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as British Standard 10175 (2011) Investigation of Potentially Contaminated Sites – Code of Practice).

Full and Outline Planning Consent

Section 15 on the national planning application form (1APP) relates to land contamination. It states that if you answer **YES** to any these questions, then you **MUST SUBMIT** an appropriate contamination assessment. You are advised to speak to [Environmental Protection Units/Planning Authority](#) before submitting an application.

The need to provide an adequate assessment of land contamination is outlined in the National Planning Policy Framework. The developer should be aware that failure or omissions on his part could lead to liability under Part 2A in addition to planning enforcement.

15. Existing Use

Please describe the current use of the site:

Is the site currently vacant? ☐ Yes ☐ No

If Yes, please describe the last use of the site:

When did this use end (if known)?

(date where known may be approximate)

Does the proposal involve any of the following:

Land which is known to be contaminated? ☐ Yes ☐ No

Land where contamination is suspected for all or part of the site? ☐ Yes ☐ No

A proposed use that would be particularly vulnerable to the presence of contamination? ☐ Yes ☐ No

If you have answered Yes to any of the above, you will need to submit an appropriate contamination assessment.

When describing the current use of the site please also include any details of the part(s) of any listed building(s)/structure(s) being affected.

When answering whether the site is currently vacant, this means whether the site is currently not in active use, including waste/derelict land.

Development on land which has known contamination or known to be affected by contamination. (see page 4).

Development on or in close proximity to potentially contaminative uses. (see page 4)

Undeveloped sites may still be contaminated - it is not restricted to brownfield sites. Please state if the proposed use is sensitive. (see page 3)

Reports 1, 2 and 3, (see page 7) where required, should be submitted. Please state if applicable. However, it is understood that permission for some development use is sensitive. (see page 3) and therefore advise you to speak to your Local Planning Authority/Environmental Protection Unit to establish if, as a minimum, a Preliminary Investigation would be accepted and conditions imposed for further investigation, if necessary.

Building Regulations

Compliance with the [Building Regulations](#) is a separate issue and approval may also be required. The developer/applicant must ensure that the Building Control Officer is aware of any contamination issues and that the appropriate requirements are met.

Preliminary Investigation

(desk study, site reconnaissance and preliminary risk assessment)

The investigation should be carried out in accordance with *British Standard 10175 (2011), Investigation of potentially contaminated sites – Code of Practice* and *Contaminated Land Report 11 (CLR11)*.

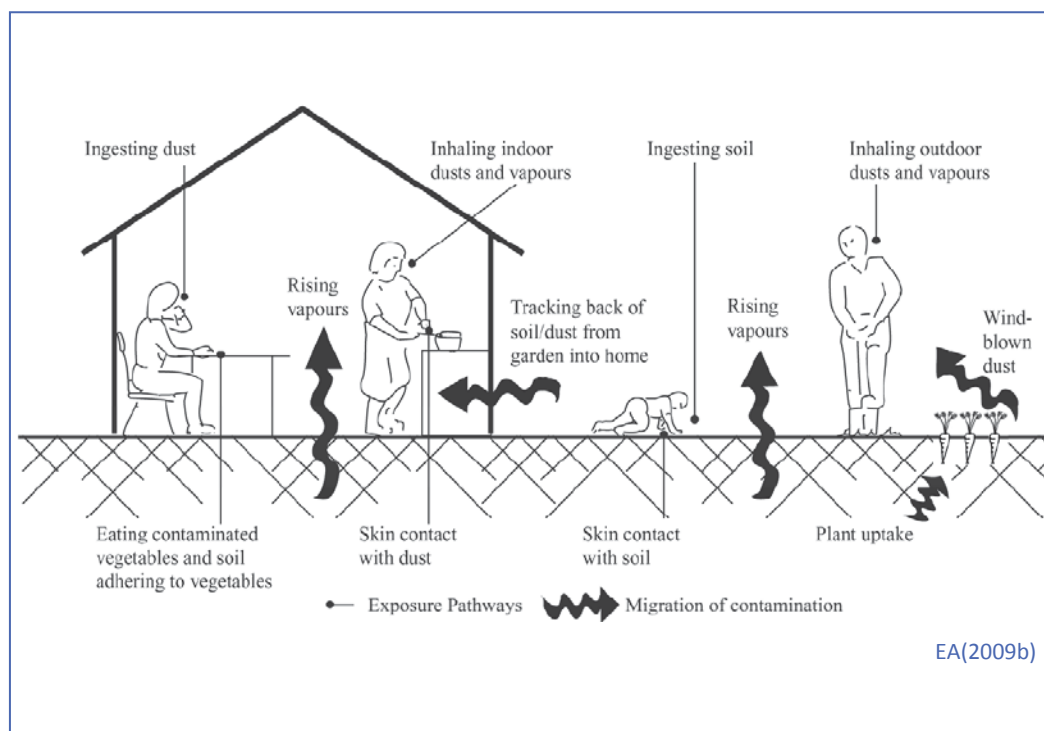
The approach to undertaking a Preliminary Investigation is provided in BS 10175, section 10.2. Guidance on carrying out the formal risk assessment and interpretation of the information is provided in CLR11.

The Preliminary Investigation involves the development of a Conceptual Site Model (CSM) to establish whether or not there are any potential unacceptable risks. The CSM is a representation of possible contaminant linkages.

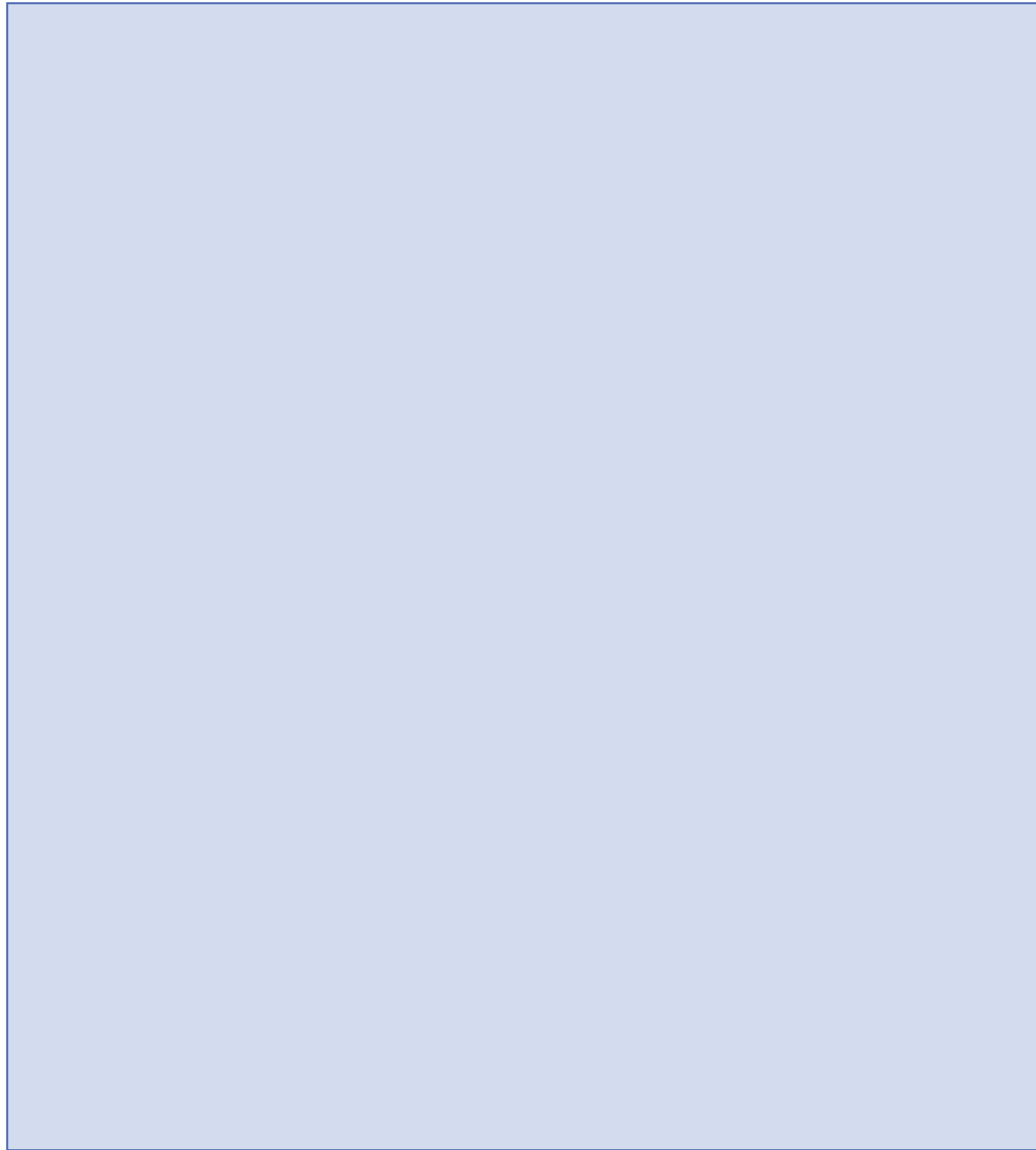
Contaminant → Pathway → Receptor

The CSM is based on information from a desk study and site walkover. The desk study involves a detailed search of historic maps, aerial photographs and both current and historic records to identify potential contaminative uses of the land and adjacent areas. A site walkover is necessary to observe the condition of the site (soils, surface materials and vegetation) and identify any structures such as pipe work, storage tanks etc.

Illustration of Potential Exposure Pathways



There are also other exposure pathways such as the examples provided below:



The findings of the Preliminary Investigation will then determine if further investigation is necessary.

Field Investigation and Risk Assessment

The Field investigation is undertaken to determine the presence or absence of contamination and where found, the nature and extent. A suitable sampling and analytical strategy should be undertaken to address the potential risks identified in the Preliminary Investigation. Data needs to be collected from the right locations and at the right time using the appropriate collections methods in order to estimate and evaluate the risks. The factual information should then be collated and interpreted with reference to the Conceptual Site Model (CSM). This is an iterative process and it is expected that the CSM and potential contaminant linkages will be revised as a result of the field investigation as part of the risk assessment process. This risk assessment is split into 2 tiers:

- **Generic Quantitative Risk Assessment (GQRA)** - involves the comparison of contaminant concentrations at a site with generic assessment criteria. These relate to the following land uses:
 - Residential
 - Allotment
 - Commercial
- **Detailed Quantitative Risk Assessment (DQRA)** - makes greater use of site-specific data to conduct a more accurate assessment of risks. This may involve the derivation of site specific assessment criteria (SSAC) that are then compared with contaminant concentrations.

If a contaminant linkage is confirmed and the risk assessment demonstrates that there are unacceptable risks associated with the site, then progression to the next phase will be necessary.

N.B. There are three phases of field investigation (exploratory, main and supplementary). Please consult BS10175 (2011) for further information.

The typical contents of a Field Investigation are also provided in BS10175 (2011), section 10.3. In summary, the report will include factual information based on the field investigation, followed by an interpretive section on the assessment of the results and an updated conceptual site model.

Remediation Scheme

A Remediation Scheme should be submitted where a Field Investigation and Risk Assessment has identified levels of contamination that would result in unacceptable risks to end users without appropriate remediation on the site.

The Remediation Scheme is action to be carried out so that contamination no longer presents an unacceptable risk to human health or the environment. It may include measures such as the removal of contamination, encapsulation of the contaminants, treatment of the contaminants or measures to break the contaminant linkages. The standard of remediation work should comply with current good practice and guidance. This must be approved by the Local Planning Authority before any remedial actions at the site commence. You should also state if you intend to undertake works in phases and seek progressive discharge of conditions on larger developments.

An options appraisal should be undertaken to identify and evaluate feasible remedial options for dealing with unacceptable risks. All identified options should be combined into a scheme that is capable of achieving overall remediation. Please note that Government policy encourages sustainable methods of remediation. It is important to note that re-use of materials on site, treatment of land and/or groundwater may require a permit (or an exemption) from the Environment Agency.

As a minimum, the following should be documented:

- Conceptual Site Model/Description of Site/Proposed Development
- Remedial Objectives
- Remediation Criteria
- Verification Plan (to include sampling and analytical strategies)

It should be noted that no assessment can inspect every section of the site and therefore should any unsuspected contamination be found, immediate contact should be made with the Local Planning Authority.

Once the site has been remediated, a Verification report will be required. This should demonstrate that the remedial objectives have been met and carried out in accordance with the verification plan.

Where remediation on a housing development is achieved by a cover system or encapsulation of contamination, a statement should be drawn up for future purchases and a copy sent to the Local Planning Authority as part of the validation process. This statement should advise on permitted development (where planning permission would not be required) or on the type of development that would be suitable, i.e. depth of foundations, water pipes/ponds, etc.

Verification Reporting and Monitoring

Where contamination has been found and remediated, the developer will be required to submit a Verification Report. In certain circumstances it may be necessary for the developer to conduct post-completion monitoring. This should be undertaken to the approval of the Local Planning Authority and results of the monitoring should be submitted for review.

For limited remediation works or protective works, a verification statement alone may be acceptable, but prior confirmation of this should be obtained from the Local Planning Authority.

The verification report should provide confirmation that all measures outlined in the approved remediation scheme have been successfully completed including, where appropriate, validation testing.

NB. Verification and Validation are two terms often used quality management standards for the evaluation of a product, service, or system. BS EN ISO 9000:2005 provides the following definitions:

- Quality – degree to which a set of inherent characteristics fulfils requirements;
- Verification – confirmation through the provision of objective evidence that specified requirements have been fulfilled; and
- Validation – confirmation through the provision of objective evidence that the requirements for a specific intended use have been fulfilled.

Key aspects of both verification and validation are setting pre-defined requirements and the collection of evidence to show that those requirements have been met. This is also the case where evidence is needed to show that remediation of land contamination has met defined objectives, usually to ensure that risks to human health and the environment are insignificant. For the purpose of remediation, CLR 11 defines verification as 'the process of demonstrating that the risks have been reduced to meet remediation criteria and objectives based on a quantitative assessment of remediation performance'. (EA, 2010)

On large schemes where development may be phased, progressive discharge of conditions may be possible provided a satisfactory verification report is received for each phase.

Recommendations to discharge contaminated land conditions will only be made once the Contaminated Land Officer/Environmental Protection Officer has received and approved a satisfactory Verification Report.

Cover Systems

The overall design, depth and specification of the cover system will be based upon the findings of the risk assessment and whether an identification/break layer/'hard to dig' layer/geomembrane is required.

Where a cover system is employed to break the contaminant linkage in garden or landscaped areas, a minimum depth of 600mm should be used. This would typically consist of:

- 150mm of uncontaminated topsoil
- 450mm of uncontaminated subsoil
- granular capillary break layer (100mm hardcore) and/or
- a suitable geotextile membrane

Where it is required to reduce infiltration, impervious or low permeability designs will be needed.

Verification of Cover Systems

Imported material should be clean and suitable for its intended purpose. Analytical results should be provided to demonstrate its suitability along with justification for sampling densities, analytical suite and criteria used for assessment. This should be agreed as part of the remediation scheme/verification plan.

Testing rates and suites depend on the soil source but as a guide, a minimum of 3 samples from any one source are required and sampling rates of:

- 1 sample per 150m³ - Greenfield/Virgin
- 1 sample per 50m³ - Mixed/Unknown

Testing should be undertaken both at source and once laid, and is required for each individual soil type imported. Both analytical test results and delivery notes should be presented in the Verification Report.

Further guidance and good practice on the Verification of Cover Systems, published by the NHBC, can be found on page 10 at:

<http://www.nhbc.co.uk/NHBCPublications/LiteratureLibrary/Technical/TechnicalExtra/filedownload,48980,en.pdf>

Websites

You may also find the following websites informative and up-to-date:

Environment Agency:

<http://www.environment-agency.gov.uk/research/planning/33706.aspx>

Department for Environment, Food and Rural Affairs:

<http://www.defra.gov.uk/environment/quality/land/>

Department for Communities and Local Government:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

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- EA(2004) CLR11: Model Procedures for the Management of Land Contamination. Bristol: EA

Online: <http://publications.environment-agency.gov.uk/pdf/SCHO0804BIBR-e-e.pdf>

- NHBC/EA(2008) Guidance for the Safe Development of Housing on Land Affected by Contamination, R&D66: 2008. NHBC/EA.
Online: <http://www.environment-agency.gov.uk/static/documents/Leisure/SR-DPUB66-e-e.pdf>
- Office of the Deputy Prime Minister (2006) Approved Document C - Site preparation and resistance to contaminants and moisture (Updated 2004). London: ODPM
Online: http://www.planningportal.gov.uk/uploads/br/BR_PDFs_ADC_2004.pdf

Appendix 3

Carlisle City Council WRITTEN STATEMENT OF DECISION

INSPECTION AND ASSESSMENT

PART 2A ENVIRONMENTAL PROTECTION ACT 1990



Contaminated Land (England & Wales) Regs 2012

Carlisle City Council (the authority) has undertaken an inspection of [name] (the site) as part of its Statutory Duty, under Part 2A of the Environmental Protection Act 1990 (Part 2A), to determine whether or not unacceptable risk, to human health and the environment was posed by land contamination.

The site (shown on the attached plan) is located at (National Grid Reference) and covers an area of approximately [].

Actions taken:

Information Available:

On the basis of the above information, the Authority has concluded that the site is NOT 'contaminated land'.

The above information can be viewed at the address below:

Any queries should be addressed to:
Principal Environmental Health Officer
Carlisle City Council
Local Environment
5th Floor, Civic Centre
Carlisle, CA3 8QG

Email: environmentalhealth@carlisle.gov.uk

Author:	Janet Blair	Authorised:	Scott Burns
Post:	Principal Environmental Health Officer	Post:	Environmental Health Manager
Signed:		Signed:	
Date:		Date:	

References:

DEFRA (2012) Contaminated Land Statutory Guidance, London: HM Government
Environmental Protection Act 1990, C.43. London: HMSO

IMPORTANT

This statement has been made in respect to the current use of the and will cease to apply should circumstances change. The decision may be reviewed to take account of any new information received or any change in legislation.

Report to Executive

Agenda
Item:

A.6

Meeting Date: 1st June 2015
Portfolio: Environment and Transport
Key Decision: Yes: KD14/15
Within Policy and
Budget Framework YES
Public / Private Public

Title: FOOD LAW ENFORCEMENT SERVICE PLAN
Report of: The Director of Local Environment
Report Number: LE 06/15

Purpose / Summary:

The Food Law Enforcement Plan sets out how the Environmental Health Service will deploy its resources in 2015 to 2016 to improve hygiene standards, prevent food borne diseases and help people live healthier lives. It seeks to target intervention to tackle local issues whilst ensuring Carlisle City Council achieves its national statutory responsibilities.

Recommendations:

That the Executive:

- i. Agree the key actions of the Food Law Enforcement Plan and Food Enforcement Plan
- ii. Refer the said plans to Council for approval in accordance with the Council's Budget and Policy Framework.

Tracking

Executive:	1 st June 2015 & 29 th June 2015
Overview and Scrutiny:	11 th June 2015
Council:	14 th July 2015

1. BACKGROUND

- 1.1 Standards of hygiene when eating out was the main concern for members of the public who took part in the 2013 Food Standards Agency's (FSA) Biannual Public Attitudes Tracker Survey. Other concerns from the survey include additives in food, food poisoning, the increasing prices of food and the amount of food waste. The City Council through its Environmental Health Service plays a significant role in protecting the public by its food inspections and infectious disease investigations.
- 1.2 The Food Standards Agency (FSA) Food Law Code of Practice in England provides statutory guidance to the City Council in its role as a "Food Authority" on how we should be carrying out our interventions and official controls. On 7th April 2015 the FSA published a revised copy of the code which introduced a new competency framework for authorised food officers. The Lead Officer for food will need consider the relevant competencies needed for the roles of all authorised food officers. Local Authorities will need to implement these competency requirements by 1 April 2016 and this has been included in the Food Law Enforcement Service Plan for 2015-2016.
- 1.3 The Food Law Enforcement Policy sets out how the Environmental Health Service will protect food safety in Carlisle during 2015 to 2016. The Food Law Enforcement Policy seeks to direct resources into achieving the priority outcomes for regulatory services as detailed in the Better Regulation Delivery Office document "Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services" (November 2011).
- 1.4 Executive will recall that on 1st July 2013 the Food Law Enforcement Policy was approved by Executive before being referred to Full Council. The Food Law Enforcement Policy (Appendix 2) outlines the decision process the Environmental Health Officers will go through when breaches of Food Safety Legislation are found. The Food Law Enforcement Policy is written with regard to the Food Standard Agency's Framework Agreement with local authorities and the Enforcement Concordant and the Regulators Code. Following the introduction of the new Regulators Code (2014) and the revised Food Law Code of Practice (England) 2015, the Enforcement Policy has been reviewed and amended. The amendments made relate to a change in definitions and no changes have been necessary to the enforcement policy decision making criteria.
- 1.5 In improving food standards the Environmental Health Service is contributing to ensuring a safe, healthy and sustainable food chain for the benefit of consumers. Service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans help local authorities to:
 - follow the principles of good regulation;

- focus on key delivery issues and outcomes;
- provide an essential link with corporate and financial planning;
- set objectives for the future, and identify major issues that cross service boundaries;
- provide a means of managing performance and making performance comparisons;
- Provide information on an authority's service delivery to stakeholders, including businesses and consumers.

- 1.6 The Food Standards Agency's (FSA) Food Law Codes of Practice (2015) details national food policy but allows local authorities flexibility over how to deliver the national food controls. The Plan sets out how and at what level official food controls will be provided, in accordance with the Codes of Practice. The "Framework Agreement on Official Feed and Food Controls by Local Authorities" (2010) sets out what the Food Standard Agency expects from Carlisle City Council in delivering official controls on feed and food law.
- 1.7 In 2012 the Food Standard's Agency carried out a review on the delivery of "Official Controls for Food Safety." The FSA have concluded that although under pressure the Local Authorities are able to deliver a food safety service. The FSA Board confirmed the strategic importance of the delivery of official controls and the relationship between the FSA and local authorities.
- 1.8 To help to ensure local transparency and accountability, and to show the Service's contribution to the authority's Carlisle Plan, the Framework Agreement recommends that food service plans are approved at the relevant level established for that local authority. The Food Law Enforcement Service Plan is in Carlisle City Council's Policy Framework in Article 4 of the Constitution.
- 1.9 The Plan covers the period 1st April 2015 to the 31st March 2016 and includes targeted educational and promotional work under taken by the section along with the required food premise inspections.

2. PROPOSALS

2.1 That the Executive:

- iii. Agree the key actions of the Food Law Enforcement Service Plan and approve the reviewed Food Law Enforcement Policy
- iv. Refer the said plan to Council for approval in accordance with the Council's Budget and Policy Framework.

3. CONSULTATION

- 3.1** Consultation to Date. - The Plan has been drafted in consultation with officers in the Environmental Health Service.
- 3.2** Consultation proposed. - The Plan is to be considered by the Community Overview and Scrutiny Committee on the 11th June 2015.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** The recommended key actions have been identified following consultation and reflect the resources available to the Environmental Health Service in the financial year 2015 to 2016.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 **Priority 1:** Fostering more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bring new ones in.

- A key requirement of the regulators code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance. Through its Service Plan and Enforcement Policy the Environmental Health Service provides free and impartial advice to business on both legal and technical matters relevant to their trade.
- Hygiene compliance standards and inspections by the City Council's Environmental Health Service are essential for those food companies looking to export overseas.

Priority 3: Working more effectively through partnerships

- In delivering its food safety responsibilities the Environmental Health Service operates within guidelines and national agreements with partner organisations including: the Food Standards Agency; the Department for Environment and Rural Affairs (Defra); and Public Health England.
- The Food Safety Team work in partnership in delivering projects with organisations such as: Cumbria County Council Trading Standards, Cumbria Food Group (made up of all 6 Cumbrian Local Authorities), Public Health England Laboratory (Preston), Public Health England Health Protection Team and the Food Standards Agency.

Priority 5: Making Carlisle Clean and tidy together

- Working alongside other teams within Local Environment, the Food Safety Team tackles the safe storage of waste. The Food Safety team ensures commercial food waste is stored and disposed of correctly.

Contact Officer: **Angela Culleton** **Ext:** **Ex 7325**

Appendices **Appendix 1 – Food Law Enforcement Service Plan 2015 to**
attached to report: **2016**
 Appendix 2 – Food Safety Enforcement Policy

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/RISKS:

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance – The Council has a Food Law Enforcement Service Plan in accordance with the Food Standard Agency's Framework Agreement which applies to local enforcement of

all feed and food laws, and incorporates the latest guidance and standards on feed and food law enforcement. As stated in the report, the Food Law Enforcement Service Plan forms part of the Council's revised Policy Framework and, as such, requires consideration by the relevant Overview & Scrutiny Panel before being referred for approval to Council by the Executive.

Local Environment –

Resources – The costs of implementing and monitoring this Food Law Enforcement Service Plan can be met from within existing base budgets under the control of the Local Environment Directorate in 2015/16.

FOOD LAW ENFORCEMENT SERVICE PLAN 2015 - 2016

Carlisle City Council

Environmental Health Service

Local Environment

1. Introduction

This Service Plan sets out how Carlisle City Council intends to provide an effective food safety service that meets the requirements of the Food Standards (FSA) Framework Agreement. It covers the functions carried out by authorised officers of the Food and Safety Team under the provisions of the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 and relevant regulations made under the European Communities Act 1992.

2. Service aims and objectives

To ensure that all food and drink intended for sale for human consumption that is produced, stored, distributed, handled or consumed in Carlisle City is safe, hygienic and compliant with food hygiene and standards legislation and that all food premises and food handlers comply with the Food Hygiene Regulations. This will be achieved through:

- Programmed inspections
- Targeted interventions
- Investigation of complaints
- Investigation and control of infectious diseases
- Sampling initiatives
- Training
- Advisory visits
- Promotional events
- Fully qualified and competent Food Officers

2.1 Links to Corporate Priorities and Plans

The Food Law Enforcement Service Plan supports and contributes to the Carlisle Plan and the Environmental Health Service Plan. The service provides a range of mandatory and discretionary activities that protect the health and well being of the citizens of Carlisle. This Service links directly to some of the key priority actions of the Carlisle Plan:

Priority 1: Fostering more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bring new ones in.

- The Food Safety Service provides free and impartial advice on both legal and technical matters relevant to the trade. A key requirement of the regulators code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance.

Priority 3: Working more effectively through partnerships

- We operate within guidelines and national agreements with partner organisations which include: The Food Standards Agency; Public Health England and the Department for Environment and Rural Affairs (Defra).

- We work in partnership in delivering projects with organisations such as: Cumbria County Council Trading Standards, Cumbria Food Group (made up of all 6 Cumbrian Local Authorities), PHE Laboratory Preston, PHE Health Protection Team, Food Standards Agency.

Priority 5: Making Carlisle Clean and tidy together

- Working alongside other teams within Local Environment, the Food and Safety Team ensure domestic and commercial waste is not a public health concern

2.2 Links to Other Strategies

The Service seeks to achieve the priority outcomes for regulatory services as detailed in the Better Regulation Delivery Office document “Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services” (November 2011). Regulators must take into account and give due weight to the priority outcomes when developing policies and operational procedures, setting standards or giving guidance on enforcement.

- Regulatory Priority Outcomes:**
1. Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment. **(Direct Link to the Carlisle Plan)**
 2. Improve quality of life and well being by ensuring clean and safe neighbourhoods **(Direct Link to the Carlisle Plan)**
 3. Help people live healthier lives by preventing ill health and harm and promoting public health.
 4. Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy

The “**Regulators’ Code 2014**” made under section 23 of the Legislative and Regulatory Reform Act 2006, applies to all the activities delivered by the Environmental Health Service. The code requires the Environmental Health Service, along with its principal function of protecting public health, to engage with and support business growth.

All interventions with businesses and members of the community are carried out with regard to the local authority’s commitment to equality of opportunity for local people as stated in the Equal Opportunities Policy.

3 Background

3.1 Organisational structure

The structure of Food and Safety Team can be seen in page 12. The Principal Environmental Health Officer (Food and Safety) is responsible for the day to day supervision of the team and has a lead responsibility for the food hygiene function. The Food and Safety Team also perform other regulatory duties, including Health and Safety, Public Health and nuisance complaints.

3.2 Scope of the service

The Food and Safety Team is responsible for the enforcement of the Food Safety and Hygiene (England) Regulations 2013 and the food hygiene legislation made thereunder.

Carlisle City Council carries out all functions relating to food safety matters, including the following:

- Carrying out interventions e.g. inspections, audits, sampling at food establishments
- Providing advice to food business operators including help on implementing the Food Standards Agency's Safer Food, Better Business food safety management system
- Providing advice to food business operators including help on implementing the most appropriate food safety management system to the business
- Operating inland imported food control at retail and catering establishments etc.
- Registration and approval of food establishments
- Identifying and assessing premises that require approval of specific food products and ensuring that they are issued with conditional and full approval as necessary
- Undertaking food sampling
- Issuing export certificates
- Investigation of complaints concerning food establishments and food handling practices
- Investigation of cases of suspected and confirmed food poisoning
- Providing food hygiene training to Operating a food safety education programme, including the CIEH level 2 Award in Food Safety.
- Liaison with the local authority's procurement team when selecting new food contracts

3.3 Demands on the food enforcement service

The City Council's food safety service is delivered from the 5th Floor of the Civic Centre, Rickerate, Carlisle Tel 01228 817559
Email: environmentalhealth@carlisle.gov.uk.

As of 1st April 2015 a total of 1173 food premises are subject to programmed food hygiene interventions as per the table below:

Type of Premises	Number
Distributors/Transporters (F)	16
Manufacturers (C)	20
Producers (A)	15
Retailers (G)	245
Restaurants and other caterers (H)	853
Manufacturer selling by retail (J)	24
Total	1173

The City Council also has 6 “approved” processes subject to Regulation 853/2004.

Ref no	Name	Product	App Number
20131	Nestle	Dairy - Milk powder/cream	VK302
20314	Esk	Dairy - Milk/cream	VK010
20052	Cavaghan and & Gray	Meat / Fish Products	VK001 & VK011
50021	Bells Fishmongers	Fish	VK007
20101	Calder Foods	Meat Products	VK004
20041	Pioneer Food	Meat Products	VK005

All food premises are rated according to their level of risk, as defined by the Food Standards Agency Code of Practice. The risk rating determines the frequency and nature of the interventions that are classed as official controls. The table below provides a summary of the food business risk profile:

Category	Intervention Type	Frequency	Number of premises
A	Full & Partial Inspection / Audit	6 months	2
B	Full & Partial Inspection / Audit	12 months	46
C	Full & Partial Inspection / Audit / Other Official control - Broadly compliant premises	18 months	205
D	Inspection / Audit / Other Official Control (e.g. surveillance, verification, sampling)	24 months	415
E	Inspection / alternative enforcement strategy	36 months	418
UNRATED	Awaiting inspection		44
OUTSIDE	Outside inspection programme		43

Officers will aim to inspect new food premises within 28 days of being notified to the City Council. Each business will be rated in accordance with the Food Law Code of Practice and incorporated into the inspection programme. Officers will decide if a revisit is necessary following an inspection and the Civica database will be used to programme the revisit date. The food sampling programme is an intervention that supports the official controls undertaken by officers.

The Food and Safety Team is also required to meet additional demands arising from local activities, such as inspecting the visiting continental markets and other seasonal festivals.

Officers are required to undertake inspections/interventions outside normal working hours, for example where food businesses operate only at night or at weekends to attend markets and festivals.

The City Council has procedures in place to share its food premises database with the County Council's Trading Standards Department who have responsibility for Food Standards within the District.

In addition to businesses that form part of the programme, the local authority annually inspected approximately 35 new food businesses.

In 2014 -15 the local authority dealt with a range of incidents and enquiries. These are set out in the following table.

Type of Incident / Action	Number
Premises hygiene complaints / Food Complaints	116
FSA Food Alerts (inc Product Recall)	37
FSA Food alerts for action by LA	3
FSA Allergy Alerts	48
Training requests	1
Requests for food advice	72
Infectious disease cases	188
Food and environmental food sampling	121

Summary of non-programmed food hygiene related visits made 2014/15

Type of visit:	Number
Food Hygiene Complaint Visits	77
Food Hygiene Revisits following inspection	59
Food Hygiene Rating Scheme (FHRS) Re-score Visits	6
Food Sampling Visits	75
Food Advisory Visits	72
Food Hygiene Other Visits	25
Total	314

4 Service Delivery

4.1 Food interventions

In the financial year 2015-2016, inspections/interventions are due to be carried out at 712 premises. The target for each category is detailed on page 14.

Risk Category	No of premises
A	2
B	46
C	148
D	243
E	229
Unrated	44
TOTAL	712

These numbers will alter throughout the year as new businesses open and existing businesses close.

Priority will always be given to high risk food businesses and any national or local situations which require urgent attention for example Food Standards Agency food alerts or food poisoning outbreaks.

Category E premises that received a visit at the last intervention date will be contacted by Alternative Enforcement Questionnaire. Those who fail to respond to the questionnaire will be contacted by the department and may ultimately receive an inspection.

Revisits following an inspection will be undertaken by officers when deemed necessary or in response to a requested revisit or appeal under the Food Hygiene Rating Scheme (FHRS). A total of 65 revisits were undertaken in 2014/15 of which 6 were requested revisits under the FHRS.

During the course of delivering the food safety service, officers may need to resort to formal action in some circumstances. During 2014/15 officers issued 155 written warnings for food hygiene contraventions, 5 Hygiene Improvement Notices and requested 2 food businesses to close voluntarily.

4.2 Enforcement policy

The Environmental Health Department adopt the principles laid down in the Enforcement Concordat, which states that enforcement must be fair, consistent and equitable. The local authority's Food Safety Enforcement Policy outlines the enforcement options available for dealing with problems relating to non-compliance with the legislation. The Policy has been written having regard to Government's Regulators Code and can be found on the website: http://www.carlisle.gov.uk/downloads/env_heal_food_enforcement_policy.pdf

4.3 Food complaints

The investigation of customer's complaints regarding food safety is an important area of work for the team. The local authority has a response target of 5 days for such complaints, however more serious complaints/allegations will be visited on the day of receipt where possible. In 2014/15 the local authority dealt with 116 food hygiene related complaints.

4.4 Primary and home authority principle

The Home Authority Principle was developed by food and trading standards authorities to aid consistent enforcement. The scheme provides businesses with a home authority source of guidance and advice and provides a system for the resolution of disputes.

Alternatively, businesses can form a 'Primary Authority' statutory partnership with a local authority to assist with consistent enforcement. The guidance and advice the local authority provides will be taken into consideration by officers carrying out inspections and dealing with instances of non-compliance.

Carlisle City Council fully endorses the Home authority and Primary Authority principle but has yet not received any requests for business support in this area.

4.5 Advice to business

The Food and Safety Team provide advice and support for all food businesses on request. Information is available on the local authority website, http://www.carlisle.gov.uk/environment_and_waste/environmental_health/food_infectious_diseases.aspx. Information leaflets are also available from the Civic Centre Offices. Officers are available to visit businesses to advise on any aspect of food safety and hygiene. Advice is also given during the planning and building control processes. Coaching in Safer Food Better Business is an integral part of the business support package.

4.6 Food inspection and sampling

A food sampling programme is produced every year which outlines the local authority's sampling strategy and approach to specific local and national demands.

The Cumbria Sampling Group co-ordinate the sampling programme for Carlisle, Allerdale, Copeland and Eden. The plan is developed by the group to incorporate priorities identified by Public Health England and the Food Standards Agency.

Microbiological examinations are undertaken by Public Health England, Food, Water and Environmental Microbiology Laboratory, Preston, Royal Preston Hospital, Sharoe Green Lane, Preston PR2 9HT.

In 2014/15 the Food and Safety Team took 122 food samples, 103 of which were reported as satisfactory, 12 unsatisfactory and 7 borderline. Visits are made to those

premises to identify reasons why the food samples will have been unsatisfactory or borderline and repeat sampling is undertaken.

When necessary, food complaint samples are sent to the Public Analyst at Lancashire County Scientific Services, Pedders Way, Ashton-on-Ribble, Preston PR2 2TX for food analysis. The analysis includes testing for food composition and contamination. No samples were submitted for analysis for the period 2014/15.

4.7 Control and investigation of outbreaks and food-related infectious disease

The Food and Safety Team will investigate food-related infectious disease notifications in accordance with procedures agreed with Public Health England. The response to notifications of illness will be dependant on the severity of illness ranging from immediate response in the case of serious infections e.g. E.coli 0157 & typhoid; to postal questionnaires for cases of campylobacter.

Investigation of outbreaks will be in accordance with the Outbreak Control Plan agreed with the Public Health England.

The table below summarises the number of cases notified to Carlisle City Council in 2014/15.

Disease	Number
Campylobacter	125
Salmonella	8
Norovirus	13*
Hepatitis A	0
Shigella Dysentery	1
E. coli 0157	1
Cryptosporidium	21
Giardia lamblia	7
Giardia duodenalis	8
Other viral	1

*number of outbreaks e.g. residential homes

There were no confirmed food poisoning outbreaks during 2014/15; however officers of the Food & Safety Team investigated a number of norovirus outbreaks associated with residential care settings.

4.8 Food safety incidents

Food alerts are issued by the Food Standards Agency to relate information on national food issues to local authorities, the majority being for information only. Food alerts for action require officers to undertake a wide variety of courses of action dependent upon the issue at hand. In 2014/15 a total of 37 Food Alerts were received by the authority, of which 3 required action by the Food & Safety Team.

4.9 Liaison with other organisations

Environmental Health involves a number of stakeholders in the supply and operation of its food hygiene services including:

- Public Health England
- The County Council's Public Health and Trading Standards Departments
- Cumbria Food Liaison Group
- Cumbria Health Protection Liaison Group
- Care Quality Commission
- Cumbria Chamber of Commerce and the Carlisle and Penrith Federation of Small Business
- Food Standards Agency
- Better Regulation Delivery Office
- Carlisle Food City Steering Group

4.10 Food safety and promotions

Carlisle City Council participates in the Food Standards Agency National Food Hygiene Ratings Scheme. The scheme is designed to provide information about business hygiene standards to members of the public but is also a useful tool to drive up performance standards of food businesses. Other promotional initiatives used included:

- Local Healthy Options Award – launched January 2015
- Safer Food Better Business workshops
- Food Safety Week
- Attendance at local events
- Food Hygiene Training

5.0 Resources

5.1 Staffing resource

A structure chart is available on page 12. The number of full time equivalent (FTE) officers estimated to be deployed solely on food safety is set out in the following table:

Officer Post	FTE
Environmental Health Manager	0.2
Principal EHO	0.7
Environmental Health Officer	3.0

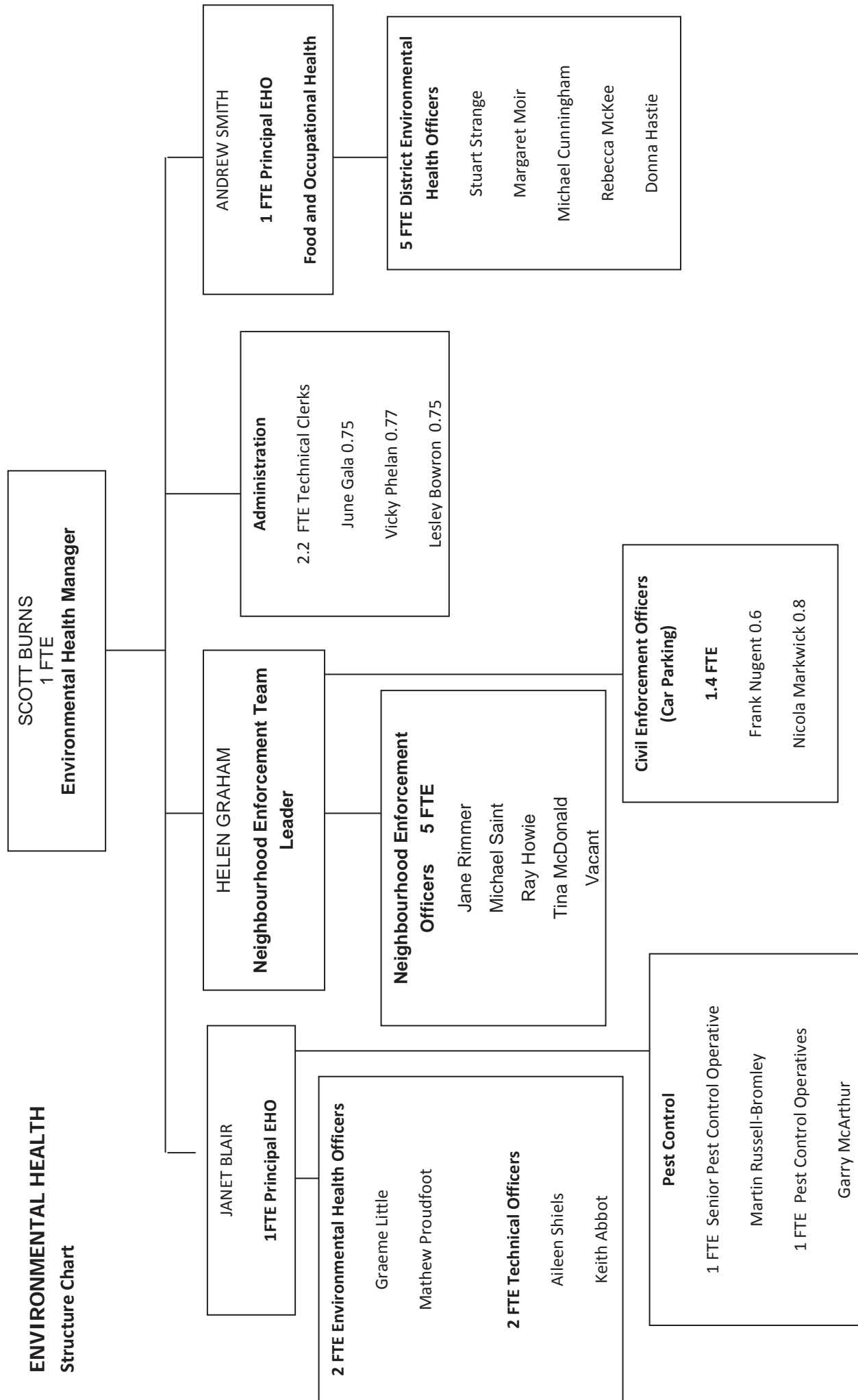
5.2 Officer development

Carlisle City Council are committed to ensuring officers authorised to perform food safety enforcement functions receive relevant structured ongoing training to promote competency, ensure understanding of legislation and technological developments. As stipulated within the Food Law Code of Practice (England) April 2015, all authorised officers will receive a minimum of 10 hours training on food safety issues.

All existing officers have obtained the Certificate of Registration of the Environmental Health Registration Board (EHRB) or the Diploma in Environmental Health award by the Royal Environmental Health Institute of Scotland (REHIS). A record of certificates of registration, qualifications and records of on-going training for authorised officers are stored and maintained by the department. The Principal EHO for Food Safety is required to monitor and report on compliance with our competency requirements. Any essential training needs identified will be provided either in-house or externally.

5.3 Quality assessment and performance management

The Principal EHO and the Environmental Health Manager will monitor quality and performance on a monthly basis. Audit actions will be recorded on the department's database management system (FLARE – Civica App). The Cumbria Food Safety Technical Working Group will provide peer review for standardised food safety enforcement in the County.



Outcome	Key Actions	2014/15 Performance	Target 2015/16	Progress
<ul style="list-style-type: none"> Support Economic Growth 	Use the Department's face to face contact with Carlisle Businesses to promote business information.	<p>94% of businesses inspected agree or strongly agree they were treated fairly.</p> <p>92% of businesses inspected agree or strongly agree they the inspection was helpful.</p> <p>Assisted a FSB event in City Centre.</p> <p>Successful launch of Local Healthy Options Award – food safety officers and food businesses invited to attend the launch event.</p>	<p>85% target for the survey responses to fairness and helpfulness.</p> <p>Develop initiatives with the FSB and the Cumbria Chamber of Commerce.</p> <p>Promote and follow the Business Support Strategy.</p>	.
	Improve communication between the County's Regulatory Services through working through Cumbria's Food Liaison Group and Public Protection Group.	Full representation at Cumbria Food Liaison Group & Public Protection Group Meetings.	Full representation and contribution at Food Liaison Group and Public Protection Group Meetings.	

	Review the Council's Web Site in relation to service provided by the Food & Safety Team to ensure information to the public is relevant and accessible and facilitates e-government for accessing application forms etc and specifying service provision and charges where appropriate.		Review all Food & Safety web pages to ensure information is accurate and reliable.	
	Provide an informal out of hour's service for Food & Health and Safety where circumstances necessitate.	Arrangements made for out of hours food hygiene inspections and special events (e.g. Tattoo Fair), also necessary nuisance visits.	React to out of hours requests where circumstances necessitate.	

<ul style="list-style-type: none"> • Sustainable Food Chain • Healthier lives 	Inspect food businesses at intervals in accordance with the Food Standard's Agencies Code of Practice and educate and enforce where necessary.		Category A – 100% Category B – 100% Category C – 95% Category D – 95% Category E – 90% through the Alternative Enforcement Programme	

			Unrated – 100%	
To respond to all service requests within 5 working days	94%		100%	
Respond to consultations from Licensing and Planning within 28 days.	96%		100%	
Contribute to the Multi Agency “Problem Solving Groups”	Attendance at meetings		Active assistance to the Licensing Best Bar None Scheme	
Continue to work with and promote the National Food Hygiene Rating System.	100% of all registered food businesses within the scope of the scheme are published on FHRS website and issued window sticker. Continued compliance with the Food Standard Agencies branding agreement		Ensure continued compliance with the Food Standards Agency branding agreement. 100% of all registered food businesses within the scope of the scheme are issued a rating displayed on the FHRS website.	Check on: <ul style="list-style-type: none"> food.gov.uk/ratings FHRS Web Data Tool
To sample foodstuffs for microbiological safety in accordance with local and national need	Participation in PHE coordinated surveys. 122 samples taken: <ul style="list-style-type: none"> 103 satisfactory 12 unsatisfactory 		Collect samples as requested by the Public Health England coordinated sampling programme and local	

		<ul style="list-style-type: none"> 7 borderline 	<p>samples as determined by risk.</p> <p>Continue with the ATP swabbing programme (measures surface cleanliness).</p>	
To actively take part in Cumbria Food Liaison Group (FLG) plan of work	Representation at all FLG meetings Contributed to FLG work plan		Full Contribution and Attendance at meetings and development of Action Plan	
Advise and support businesses in the implementation of the Food Information Regulations – Food Allergy provisions	NEW		Provide advice to food businesses on the new requirements of the Food Information Regulations in relation to Food Allergy information – as part of programmed food safety interventions	
Work with the Healthy Cities Steering Group and Carlisle Food Sub-group on actions in delivering the Healthy Cities Improvement Action Plan	Contributed to Health & Wellbeing Day with a focus on nutrition. Attended event at University of Cumbria – hand hygiene awareness and promotion of the		Continued support of Healthy Cities Steering Group & Healthy Communities Working Group. Participate in at least one coordinated campaign	

	Deliver a Local Healthy Options Award.	Food Hygiene Rating Scheme. Formal launch of Local Healthy Options Award -13 businesses issued with certificate (9 Gold Awards)	<ul style="list-style-type: none"> 5 x food establishments to be issued with the Award promote award as part of routine food safety interventions 	
	Undertake basic food hygiene training for hard to reach groups	16 local Chinese food handlers trained – 100% pass rate achieved.	Undertake basic food hygiene training for a hard to reach group.	
	Formulate and implement a strategy to increase the number of broadly compliant food businesses.	97.4% of all food businesses broadly compliant	Identify all non-compliant businesses / 0-2 FHRS rated food businesses and develop a strategy to improve compliance. 98% of food businesses broadly compliant	
	Participate in “public health” related activity as requested by partners such as the County Council, Public Health England and the Food Standards Agency.	Food Safety Week 2014 – issuing of press release Christmas Food Safety press release Attended event at University of Cumbria – hand	At least one campaign per year	

		hygiene awareness and promotion of Food Hygiene Rating Scheme			
	Implement the revisions to the Food Law Code of Practice – (Issued April 2015)	NEW		Identify the key procedural changes to the Food Law Code of Practice and amend internal procedures. Implement the new competency framework for authorised food officers.	
	Investigate the implementation of the UK Food Surveillance System to improve the national reporting of sampling carried out by Carlisle City Council.	NEW		Identify the key benefits and any financial implications of implementing UKFSS & integration with current database management system (FLARE). Identify funding availability from FSA for UKFSS implementation.	
	Adopt the revised Sanitary Accommodation Standard for places of refreshment (Sect 20 Local Govt (Misc Prov) Act 1976	NEW		Arrange for the Sanitary Standard to be adopted through the relevant committee.	

FOOD SAFETY ENFORCEMENT POLICY

Carlisle City Council

Environmental Health Service

Local Environment

1.0 POLICY STATEMENT

- 1.1 Carlisle City Council aims to ensure that food and drink intended for human consumption, that is produced, stored, distributed, handled or sold within the Council's area, is without risk to the health or safety of the consumer. In carrying out its Food Law enforcement the City Council will encourage food businesses and regulated bodies to comply with their food safety obligations and grow as businesses.
- 1.2 This Policy has been written having regard to the Food Standards Agency's Framework Agreement, the Enforcement Concordat and the Regulators Code 2014. Officers will therefore have regard to and implement the principles of proportionality, consistency, transparency and targeting.
- 1.3 Inspections of food businesses and other food safety activities will be in accordance with legislation, statutory Codes of Practice and guidance issued by the Food Standards Agency and the Better Regulation Delivery Office.
- 1.4 The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action is in strict accordance with the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Act 1984 (as amended).
- 1.5 The Council recognises that the particular interests of different consumers within its area will need to be taken account of to ensure that legislation is enforced fairly and consistently. Interpreters will be used where there is difficulty in understanding the English language. Where possible, translated advisory leaflets will be made available. Any visits that are required out of hours will be undertaken as necessary.
- 1.6 We are fully committed to the Home Authority Principle and the Primary Authority Scheme and will utilise the principle whenever enforcement activity is considered, especially where the issue has national implications. We will use inspection plans created under Primary Authority when inspecting relevant businesses.

*The Home Authority Principle and the Primary Authority Scheme are supported by food and trading standards services throughout the UK. The Primary Authority Scheme has been made under The Regulatory Enforcement & Sanctions Act 2008. A local authority acting as a home or originating authority will place special emphasis on the legality of goods and services originating within its area. It aims to prevent infringements by offering advice and guidance at source in order to maintain high standards of public protection at minimum cost. The Home Authority is the authority where the relevant decision making base of an enterprise is located. The Originating Authority is an authority in whose decentralized enterprise produces goods and services.

- 1.7 All enforcement action will be based on the risk to health and in accordance with this policy. Any departure from this policy must be justified to the appropriate line manager with delegated authority under the Council's constitution. The reasons for any departure will be fully documented and a copy retained on the premises file.
- 1.8 This Policy supports service delivery and intervention plans and procedures, and it will be actively brought to the attention of all relevant staff. The policy is supported in certain areas by additional procedural guidance. A copy of this policy will be made available at Council offices and to any person that requests one. The Policy will also be made available on the Council's website.
- 1.9 This Policy has been drawn up following consultation with stakeholder representatives and has been approved by the Food Safety Team and Members.
- 1.10 This Policy will be reviewed at least every 3 years or when there are changes in legislation or guidance, which make this necessary.

2.0 ENFORCEMENT OPTIONS

2.1 Authorised officers will consider the most appropriate course of action, which should be taken following inspection or investigation. These include:

- No action
- Informal action and advice
- Formal letter known as informal written notice
- Statutory Notices – Hygiene Improvement Notices, Detention of Food Notices, Remedial Action Notices and Hygiene Emergency Prohibition Notices.
- Issuing and revoking approvals including suspensions and conditional approvals
- Prohibiting operations and processes
- Simple caution (commonly known as formal cautions)
- Prosecution

2.2 No Action

There will be occasions when it is appropriate to take no further action on completion of the inspection or investigation. This will be the case where the risk to health is insignificant and /or the premises, is low risk in nature i.e. no food preparation. A report of inspection should be left on-site or sent soon after the inspection highlighting that the standards of compliance are satisfactory.

2.3 Informal Action

Informal action includes verbal advice, requesting others to act, letters containing recommendations of good hygienic practice, accepting the voluntary surrender of food and the issuing of reports of inspection in accordance with the Food Standards Agency Food Law Code of Practice (England) (FLCOP), issued under Section 40 of the Food Safety Act 1990.

Informal action will be appropriate in the following circumstances:

- (i) The act or omission is not serious enough to warrant formal action.
- (ii) From the past history, it can be reasonably expected that informal action will achieve compliance.
- (iii) The consequences of non-compliance will not pose a significant threat to food safety. Or
- (iv) The food business is operated by a voluntary organization and information is likely to be more helpful and effective than a formal approach.

Verbal advice will be offered where practices do not constitute a breach of the legislation or where advice on good practice, for example within industry guides, good manufacturing practice (GMP) or trade association guidance, has not been followed. Officers providing verbal advice will ensure that they clearly differentiate between those items that are legal requirements and those that are recommendations of good practice.

Verbal advice will be confirmed in writing. This may form part of the Report of Inspection, which is normally left at the end of the visit or sent afterwards.

2.4 Formal letters

Formal letters will be considered appropriate in the following circumstances:

- Where the act or omission is not serious enough to warrant the service of a statutory notice;
- The history or track record of the individual or company means that it can be reasonably expected that a formal letter will achieve compliance;
- The consequences of non-compliance will not pose a significant threat to food safety; or
- The food business is operated by a voluntary organization and a formal letter is likely to be more helpful and effective than statutory notices or legal proceedings.
- If the food business is non-compliant

Any letters shall be written in accordance with FLCOP and practical guidance issued by the Food Standards Agency and other government agencies. They will contain all the information necessary to understand what work is required and why it is necessary. They will indicate the Regulations contravened and the measures, which will enable compliance.

Letters will clearly differentiate between matters, which are necessary to meet statutory requirements and those which are recommendations.

The opportunity to discuss the contents of the letter with the officer and/or the PEHO will be made available and both contact details will be clearly visible in the letter.

Letters should be sent to the food business operator within a target date maximum of 10 working days from the inspection/visit.

2.5 Statutory Notices

In certain circumstances, the service of a statutory notice will be appropriate. A range of notices may be used:

- Hygiene Improvement Notices
- Hygiene Emergency Prohibition Notices
- Detention and Condemnation of Food Notices
- Remedial Action Notices
- Warrants to enter premises
- PACE Code B Notices
- Other relevant notices under current Official Food and Feed Regulations, and the Products of Animal Origin Regulations.

(i) Hygiene Improvement Notices

The following factors determine the use of Hygiene Improvement Notices in accordance with the FLCOP.

- a. There are significant contraventions of legislation
- b. There is a lack of confidence that the food business operator or company will respond to an informal approach
- c. There is a history of non-compliance with informal action or formal letters, history of poor risk scores and award scheme ratings
- d. Standards are generally poor with little management awareness of statutory requirements

- e. The consequences of non-compliance could be potentially serious to public health
- f. Effective action needs to be taken as quickly as possible to remedy conditions, which are serious, or deteriorating, even though it is intended to prosecute.

The use of Hygiene Improvement Notices will be related to risk to health and they will not be used for minor contraventions of the legislation. They will not be used where the contraventions might be a continuing one or in transient situations i.e. personal cleanliness of staff or one day festival or sporting event.

Officers issuing Hygiene Improvement Notices will discuss with the food business operator the works to be undertaken and realistic time limits for the completion of the works. The officer will consider alternative solutions of equal effect put forward by the food business operator.

The authorised officer will check compliance as soon as practicable after notification that the work has been completed or at the latest, the day following the expiry of the notice. The authorised officer will confirm in writing that the works have been satisfactorily completed.

Failure to comply with a Hygiene Improvement Notice will result in the instigation of legal proceedings in the majority of cases.

The officer will consider all reasonable written requests for an extension of time of the notice where these are made within the existing time scale.

For notices relating to Article 5 and training requirements, a minimum of 12 weeks timescale will be given to the operator. The timescale for all other legal requirements will be at the discretion of the authorised officer.

The officer will advise the Primary Authority and Home/Lead Authority where relevant, of any actions intended and seek written agreement. Officers will refer to the Local Better Regulation Office (LBRO) website for details of Primary Authority arrangements, <https://primaryauthorityregister.info/par/index.php/home>.

(ii) Hygiene Emergency Prohibition Notices

The use of Hygiene Emergency Prohibition Notices will be deemed appropriate where there is an imminent risk of injury to health and where for example, the

circumstances outlined in the FLCOP (England) and practical guidance are fulfilled. Examples are as follows:

Health risk conditions where prohibition of premises may be appropriate:

- Infestation by rats, mice, cockroaches, birds or other vermin, serious enough to result in the actual contamination of food or a significant risk of contamination.
- Very poor structural condition and poor equipment and/or poor maintenance or routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter, resulting in the actual contamination of food or a significant risk of food contamination.
- Drainage defects or flooding of the establishment, serious enough to result in the actual contamination of food, or a significant risk of food contamination
- Premises or practices which seriously contravene food law and have been, or are implicated, in an outbreak of food poisoning.
- Any combination of the above, or the cumulative effect of contraventions which, taken together, represent the fulfilment of the health risk condition.

Health conditions where the prohibition of equipment may be appropriate:

- Use of equipment for the processing of high-risk foods that has been inadequately cleaned or disinfected or which is grossly contaminated and can no longer be properly cleaned.
- Dual use of complex equipment, such as vacuum packers, slicers and mincers for raw and ready-to-eat foods.
- Use of storage facilities or transport vehicles for primary produce where the storage facilities or transport vehicles have been inadequately cleaned or disinfected.

Health risk conditions where prohibition of a process may be appropriate:

- Serious risk of cross contamination.
- Failure to achieve sufficiently high processing temperatures
- Operation outside critical control criteria, for example, incorrect pH of a product which may allow *Clostridium botulinum* to multiply.
- The use of a process for a product for which it is inappropriate.

(iii) Detention and Condemnation of Food Notices

Authorised officers will use powers to inspect, detain, seize and arrange for the condemnation of food if they have reasonable grounds that the food does not comply with the food safety requirements in the Food Safety Act 1990 and Article 14 of EC Regulation 178/2002.

The procedure for detaining, seizing and arranging for the condemnation of food will be in accordance with FLCOP (England) and Practical Guidance.

A person in charge of food that has been detained or seized for the purposes of condemnation by a Magistrate may be eligible for compensation if:

- The detention of food notice is withdrawn; or
- The magistrate fails to condemn the food; and
- The food has deteriorated in value resulting from the action.

(iv) Remedial Action Notices (RANS)

It is only appropriate to use these notices for requiring works in food premises approved under EC Regulation 853/2004. A documented procedure covers use of these notices and this must be followed.

(iv) Warrants to Enter Premises

The Council will apply to the Magistrates Court for a warrant to enter premises if:

- Necessary entry is required at an unreasonable time; and/or
- Entry to a premises is refused; and/or
- Entry is expected to be refused; and/or
- The premises are vacant and entry is required.

(v) PACE Code B Notices

Notices will be served where it is necessary to search premises to investigate an alleged offence. This is only appropriate in circumstances where Officers have serious grounds for suspecting an offence has already been committed before they visit the premises or act on information provided by another agency. The procedure on service of Code B notices must be referred to by Officers and legal advice sought before use.

2.6 Legal Proceedings – Simple cautions and Prosecutions

Carlisle City Council will consider instigating legal proceedings where there is admissible, substantive and reliable evidence that an identifiable person or company has committed an offence and there is a realistic prospect of conviction. The following circumstances may warrant the institution of legal proceedings:

- The offence involves flagrant breaches of the law, such that public health, safety or well being is put at risk;
- The offence involves a failure to correct an identified potential risk to food safety arising from the processing, cooking, handling or storage of food, having given the offender a reasonable opportunity to comply with the lawful requirements of an authorised officer;
- The offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- Offences have resulted in the service of a Hygiene Prohibition Notice;
- There is a history of similar offences related to risks to the safety of food.

In deciding whether formal action should be taken, Officers should complete the matrix in Appendix I (matrix to determine informal or formal action) and document their decision with the involvement of the appropriate line manager. Once the officer is of the opinion that legal proceedings may be instigated, the case is considered in the light of the following factors:

- a. The seriousness of the offence:
 - The risk to public health
 - The number of identifiable victims
 - Failure to comply with a statutory notice served for a significant breach of legislation
 - Disregard for the public health for financial reward
- b. The previous history of the food business operator or company:
 - The offences follow a previous history of similar offences
 - Failure to respond positively to past written notices and warnings
 - Failure to comply with statutory notices
- c. The likelihood of the defendant being able to establish a due diligence defence:
 - Practical steps taken or due diligence defence available but there is doubt about its legal validity
 - Practical steps taken but there is doubt that the due diligence defence has been achieved
 - Practical steps have been taken that are not totally effective, therefore due diligence has not been proved
 - No practical step taken, therefore there is no possibility of proving due diligence

- d. The ability of witnesses and their willingness to co-operate:
- Witnesses would rather not be involved in prosecution but might be willing if encouraged
 - Witness would require summons to attend
 - Witness would be willing to attend court but may not be effective under cross examination
 - Witness would be willing to attend and will be effective
- e. The willingness of the food business operator or company concerned to prevent a recurrence of the problem:
- Steps have been taken to prevent a recurrence and there is confidence that these will be effective
 - Steps have been taken to prevent a recurrence but there are doubts that these will be effective
 - Steps to prevent a recurrence have been promised but confidence is low that the promises will be fulfilled
 - The food business operator or company are not willing to prevent a recurrence and there is no confidence that the food business operator is capable of preventing a recurrence
- f. The public benefit and interest of a prosecution and the importance of the case for:
- The likely penalty upon conviction
 - The offender's age and state of health
 - The offender's attitude to the offence
 - Whether it might establish a legal precedent
- g. Any explanation offered by the food business operator or the company:
- Explanation is satisfactory, factors appear to be beyond the control of the defendant
 - Explanation shows that prevention was possible but necessary steps had not been taken
 - Explanation poor, blatant failure to control circumstances leading to offence
 - No explanation offered, willful disregard for public health

Authorised officers must complete the matrix in Appendix III (decision whether to prosecute or issue a simple caution) when any of the circumstances outlined in Appendix II are encountered.

Types of Legal Proceedings

On completion of the matrix in Appendix I, and II, and where formal action is considered to be necessary, legal proceedings may take the form of either a simple caution or a prosecution. The officer, the appropriate line manager, and a legal representative should agree the final decision. On completion of the determination matrix, the officer(s) should follow the standard forms to instruct legal to consider the case with a summary of the facts and initial information. If a PACE interview has occurred as part of the initial decision making process, a transcript should be given to legal along with the initial information. An update on legal opinion should be sought within 2 weeks of this instruction.

Simple Cautions

The Council will offer simple cautions as an alternative to prosecutions in order to:

- Deal quickly and simply with less serious offences
- To divert less serious offences away from the Courts and
- To reduce the chances of repeat offences

The Council will only make the offer of a simple caution where:

- There is sufficient evidence of the offender's guilt for a realistic prospect of conviction
- The offender admits the offence and
- The offender clearly understands the significance of a simple caution and gives informed consent to being cautioned.

Where a food business operator declines the offer of a simple caution, the Council will proceed with a prosecution.

3.0 DECISION MAKING AND AUTHORISATION

- 3.1** All Officers who undertake the enforcement options in this policy will have the necessary qualifications, training, experience and competence to do so. All actions will be in accordance with FLCOP (England).

All officers will be issued with a formal written record of their authorisation, signed by either the Director of Local Environment or the Environmental Health Manager. Officers will also be issued with an "Authority to Enter" card with a summary of their available powers of entry.

The enforcement options and levels of authorisation are outlined in Appendix IV.

4.0 WORKING WITH OTHERS TO SECURE COMPLIANCE

Officers will work closely with others to secure compliance with food safety legislation. Discussion and liaison may be necessary with the following:

➤ **Consumers and businesses**

The views of our stakeholders are essential in obtaining effective compliance with the legislation. The need to protect the health of the consumer whilst acknowledging the concerns of businesses are recognised and are implicit within this policy and the requirements of the Enforcement Concordat and the Regulators Code.

➤ **Food Standards Agency**

The FSA will be notified of all approvals or any variations issued under product-specific legislation. Under the Food Alert system, the FSA will be notified of any issues, which have a wider concern or where there is a serious localised incident.

➤ **Primary Authority Scheme/Home Authority**

If the premises under inspection or investigation are linked to a Primary, Home or Originating Authority, when officers are considering formal action, they will liaise with the identified authority. Where there is an imminent risk to health, action will be taken immediately and the relevant authority will be notified at the earliest available opportunity.

➤ **Public Health Information**

Infection control advice and epidemiological support will be requested as necessary.

➤ **Health Protection Agency (HPA) and County Analyst**

The expert advice of colleagues within the HPA and the County Analyst may be required in determining the relevant enforcement option. Other specialist organisations e.g. Campden and Chorleywood Food Research Association may assist in investigations.

5.0 Complaints

Carlisle City Council has an effective complaints procedure and will endeavor to resolve any complaint as quickly as possible. complaints about the service can either be made direct to the Environmental Health Manager by:

Email – environmentalhealth@carlisle.gov.uk or

Telephone – 01228 817559

Or through the City Council's official complaints procedure:

Telephone – 01228 817000

In writing – Free post YGCX – YEYB – Carlisle City Council, Civic Centre, Carlisle, CA3 8QG

Email – complaints@carlisle.gov.uk

MATRIX TO DETERMINE FORMAL OR INFORMAL ACTION

CRITERION	SCORE	WTG	TOTAL
Risk to health			
No risk to health	1	5	
Risk to health possible but unlikely	2	5	
Caused minor ill health, potential for more serious effect in more vulnerable groups	3	5	
Identified or potential serious medical effect	4	5	
Previous history			
Reacted to previous advice, change usually effective	1	4	
Reacts to advice, change not always effective, moderate confidence in management	2	4	
Compliance with previous advice patchy, low confidence in management	3	4	
Failure to respond to previous advice	4	4	
Likelihood of being able to prove due diligence			
Practical steps taken, due diligence possible, some doubt	1	5	
Practical steps taken, but doubt about due diligence	2	5	
Practical steps taken are not totally effective, no due diligence	3	5	
No possibility of proving due diligence	4	5	
Ability of witnesses			
Witness would require summons to attend	1	1	
Witness would rather not attend court but might be persuaded	2	1	
Witness willing to attend but may not be effective under cross examination	3	1	
Witness willing to attend and will be effective	4	1	
Willingness to prevent a recurrence			
Steps taken to prevent a recurrence, confidence that these will be effective	1	2	
Steps taken to prevent recurrence, doubts that these will be effective	2	2	

Steps promised to prevent recurrence, but confidence is low that promise will be fulfilled	3	2	
Not willing to prevent recurrence, no confidence that food business operator is capable of preventing recurrence	4	2	
Probable public benefit			
Publicity is likely to embarrass Council	1	1	
Penalty/publicity will have limited value	2	1	
Penalty/publicity will ensure improvement in the case in question	3	1	
Penalty/publicity will prevent other similar offences	4	1	
Explanation offered by defendant			
Explanation satisfactory, factors appear to have been beyond defendant's control	1	3	
Explanation shows that prevention was possible but that necessary steps had not been taken	2	3	
Explanation poor, blatant failure to control circumstances leading to offence	3	3	
No explanation offered, willful disregard for public health	4	3	

NOTES

The weighting is to be used as a multiplier. A separate assessment should be completed for each offence and each food business operator. In many cases the investigating officer may be the only witness and this section should be scored accordingly.

A decision of informal action will follow where the score is between 0 and 34. A decision of formal action will normally follow where the score is between 35 and 84

RECOMMENDATION OF INVESTIGATING OFFICER/PEHO

INFORMAL /FORMAL ACTION

Signed:

Date:

ENVIRONMENTAL HEALTH MANAGER

AGREE/DISAGREE

Signed:

Date:

DECISION OF LEGAL REPRESENTATIVE

Comments:

Signed:

Date:

Criteria leading to Formal Action

Where any one of the following circumstances apply, officers must complete the matrix in Appendix III, where a decision will be made as to whether a simple caution will be offered or the offender will be prosecuted.

1. Premises confirmed to be associated with an outbreak of food poisoning, which resulted in serious illness and/or death.
2. Repeated breaches giving rise to significant risk, or persistent and significant poor compliance.
3. Management of food safety is poor and gives rise to significant risk.
4. Following the service of a Hygiene Emergency Prohibition Notice/Order.
5. Following the voluntary closure of premises.
6. Repetition of breach that was subject to Simple Caution.
7. False information supplied wilfully, intent to deceive in relation to a matter giving rise to significant risk.
8. Obstruction of an officer.
9. Formal action is required as a means of drawing attention to the need for compliance with the law and to act as a deterrent to others.

DECISION WHETHER TO PROSECUTE OR ISSUE A SIMPLE CAUTION

CRITERION	PROSECUTE	OFFER CAUTION
Is the offence serious?	Yes	No
Is the offender an older or disabled person?	No	Yes
Has the offender a previous history of offending?	Yes	No/Unknown
Is the offender willing to prevent a recurrence of the problem?	No	Yes
Would a prosecution be in the public interest?	Yes	No
Is the case likely to establish a legal precedent?	Yes	No
Has the offender offered a reasonable explanation?	No	Yes
TOTAL		

Note

Ring the appropriate response to each criterion and then total the number of rings in each column.

The decision will be based on the total number of rings

RECOMMENDATION OF INVESTIGATING OFFICER/PEHO**INFORMAL / FORMAL ACTION**

Signed:

Date:

DECISION OF ENVIRONMENTAL HEALTH MANAGER**AGREE/DISAGREE**

Signed:

Date:

DECISION OF LEGAL REPRESENTATIVE

Comments:

Signed:

Date:

APPENDIX IV

DECISION MAKING AREA	OFFICERS AUTHORISED TO ACT	OFFICERS WHO MUST BE CONSULTED
Informal action and formal letters	Technical Assistants Environmental Health Officers Principal Environmental Health Officer – Environmental Health Manager Director – Local Environment	Principal Environmental Health Officer –to monitor and audit periodically
Hygiene Improvement Notices	Environmental Health Officers Principal Environmental Health Officer	Environmental Health Officers Principal Environmental Health Officer
Hygiene Emergency Prohibition Notices	Environmental Health Officers* Principal Environmental Health Officer * Environmental Health Manager*	Principal Environmental Health Officer – Environmental Health Manager Legal representative
Simple/ 'Formal' Caution	Environmental Health Officers Principal Environmental Health Officer Environmental Health Manager	Principal Environmental Health Officer Environmental Health Manager Legal representative
Prosecution	Environmental Health Officers* Principal Environmental Health Officer* Environmental Health Manager*	Principal Environmental Health Officer Environmental Health Manager Legal representative

* Minimum 2 years post qualification experience of food safety and currently involved in food safety enforcement.

Report to Executive

Agenda
Item:

A.7

Meeting Date: 1st June 2015
Portfolio: Environment and Transport
Key Decision: Yes
Within Policy and
Budget Framework YES
Public / Private Public

Title: CAPITAL RELEASE FOR S106 CRINDLEDYKE CYCLEWAY
Report of: The Director of Local Environment
Report Number: LE 10/15

Purpose / Summary:

The report seeks the Executive's approval of the release of a capital sum for the purpose of constructing traffic free "green" cycle paths to link the Crindledyke housing development with the City Centre. The funds were provided under a S106 planning agreement by the developer of the Crindledyke development. The funds were received by the City Council in 2012 and must be utilised before April 2017.

Recommendations:

It is recommended that the Executive approves the release of £281,000 from the S106 monies received from Story Homes in respect of the Crindledyke development for the construction of traffic free "green" cycle paths between Kingmoor and Carlisle city centre

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** £281 K was received by Carlisle City Council from Story Homes under a S106 planning obligation agreement in relation to the new Crindledyke development, for the construction of a cycleway between Kingmoor and the City Centre

The agreement specifies that the route should follow the Connect 2 Kingmoor – Caldew Cycleway proposals between Kingmoor and the City Centre

The Connect2 Kingmoor – Caldew cycle scheme was a £4m project initiated in 2008 to try and improve the cycle links between the south and north of Carlisle. The scheme delivered many improvements, particularly along the southern sections, but when Sustrans removed funding in 2011 the project as a whole stalled

2. PROPOSALS

- 2.1** To use the S106 planning obligation funding from the Crindledyke development to create non-traffic cycle paths through City Council land by:
- Improve the existing non-tarmac “green” routes through Kingmoor Nature Reserve to make them suitable for dual use (Cycle and pedestrian traffic) whilst being sensitive to the nature of the site. The City Council would retain the maintenance.
 - Upgrading existing adopted footpaths to dual use or building new “adoptable” standard dual use tarmac paths in the open spaces in Belah
 - To provide signage throughout the route and linking the routes

3. CONSULTATION

- 3.1** County Council
Ward Councillors
Cycle Carlisle

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** The Section 106 contribution accompanying the Crindledyke development must be expended by 2017 and this scheme was specified in the planning obligation agreement signed in 2011. If the scheme does not go ahead then the funds would be returned to the developer

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 The proposal contributes directly to the aims of

- i) We will support growth by ensuring a high quality environment that is attractive to new businesses and residents.
- ii) Address the current and future housing needs.

It also contributes to the Healthy City agenda by providing safe, off-road cycle routes for recreation and travel to work

Contact Officer: Angela Culleton

Ext: 7325

**Appendices
attached to report:**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Community Engagement –

Economic Development –

Governance – The relevant funds must be spent in accordance with the terms of a S106 Agreement dated the 5th April 2012 and made between Carlisle City Council, John Leslie Shaw, George Kenneth Hope & Mary Jane Hope and Story Construction Limited. Any unexpended part of the funds must be refunded if not expended in accordance with the provisions of the S106 Agreement within 5 years from the date of the receipt of the monies.

Local Environment –

Resources – The total funding received through the S106 agreement dated 5th April 2012 is held separately within the Council's records with agreement that £281,000 is for the construction of the proposed Connect 2 Kingmoor – Caldew cycle way. This report requests release of £281,000 to allow the scheme to progress. The capital programmes for 2015/16 and 2016/17 will need to be increased in accordance with the proposed expenditure profile of £84,300 in 2015/16 and £196,700 in 2016/17. The scheme will be monitored as part of the usual budget monitoring procedures. If funds are not spent in line

with the timescales set out in the agreement, they will have to be repaid along with any accrued interest. The on-going revenue maintenance costs will be accommodated within existing revenue budgets.

Report to Executive

Agenda
Item:

A.8

Meeting Date: 1 June 2015
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework YES
Public / Private Public

Title: LAND TRANSACTION – LEASEHOLD DISPOSAL OF LAND AT PORTLAND SQUARE, CARLISLE
Report of: Director of Governance
Report Number: GD. 26/15

Purpose / Summary:

Cumbria County Council has proposals to restore, convert and dispose of their largely vacant office accommodation in Portland Square and Alfred Street North. This report seeks Executive approval to the release and leasehold disposal of land in the ownership of the City, currently public adopted highway, either side of Portland Square for the provision of private vehicle access and parking associated with the County's regeneration initiative. In consideration for the transfer the County will undertake works of repair and restoration to Portland Square gardens.

Recommendations:

Subject to any necessary Planning and Highway consents, and the undertaking of agreed works of repair and renovation to Portland Square gardens, the Executive consents to the grant of a lease of land at Portland Square to Cumbria County Council, on terms and conditions recommended for approval by the Property Services Manager.

Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	N/A

1. BACKGROUND

1.1 Portland Square Gardens

Portland Square Gardens, shown edged and hatched black on the attached Plan Appendix 1, is owned freehold by Carlisle City Council and managed as a public open space by the Environmental Services Green Space's Team. Located to the immediate east of Carlisle City centre the garden originates from the Victorian era, and is an excellent example of a formal green space within a heavily developed and populated urban area. The site, although small, provides multiple opportunities for both locals and visitors to the City to enjoy parkland surroundings within the City centre. Currently the gardens could benefit from some works of repair and restoration to help preserve the visual and inherent attributes of the site; in particular the Victorian boundary plinth wall and railings are in a deteriorating state of repair. Selective removal of some trees, subject to the necessary permissions, which are causing continued damage to the railings, is also required together with repairs to the hard and soft landscaping. Having regard to the strategic and historic significance of the site, the Green Spaces Team feel it essential that every effort is made to maintain the appearance of the gardens to a high standard

1.2 Cumbria County Council Property and Scheme

The County owns and occupies (as offices) a number of buildings around and adjacent to Portland Square shown edged in black on the attached Plan Appendix 1. The majority of these buildings are vacated or will become empty in the future as County staff are relocated elsewhere as part of a strategic office review. The buildings are Listed Grade II and separated from the gardens by a public adopted highway.

The County has pursued a strategy to seek private sector investment, to develop and ultimately to dispose of their properties once acceptable new uses can be secured. The future of Portland Square depends largely upon finding investors who will "buy into" the proposed long term master plan, in which a mixed-use residential and commercial community emerges from the planning and development process which is underway.

In May 2014 Cumbria County Council's Cabinet endorsed the proposal to pursue a master plan and long term strategy for Portland Square and it was agreed that, once the initial planning and highway opinions have been received, Cumbria CC would seek a development/investment partner with the intention of submitting a planning application in due course.

A phased development is intended (3 phases comprising: 15-19 Portland Square & 5 Brunswick Street; 1-5 Portland Square; 1-5 Alfred Street North). Phasing is

considered appropriate due to a number of factors including Cumbria County Council's timetable for vacating the buildings; the size of the project; quantum of accommodation available; the large amount of private sector investment sought; the economic climate and market conditions which have prevailed in recent years. If private investors cannot be found it may be the case the County have to move the project forward and undertake the works to bring properties to the market. Market research has been carried out and advice sought on the potential for a number of new uses including residential and commercial. From this advice, the development plan is emerging for a mixed use scheme which may include the following uses:

- High quality "restaurant with rooms"
- Family townhouses
- HQ office building
- Apartments
- Live/work units

1.3 Highway and Parking Issues

Market research and a "soft marketing" exercise carried out by the County in 2013 has indicated that to be viable the development needs to include adequate parking provision. New occupiers will require private parking.

There is only very minimal parking provision available to the rear of each County property. Therefore, following traffic surveys, analysis and discussion with County Highway officers, the development and restoration scheme will propose the stopping up of the north and south sides of Portland Square. Having taken these roads out of public vehicular use, it is proposed to use the roads for private parking and access for the new development.

Public pedestrian access to these streets and to Portland Square gardens will be maintained and enhanced by the development. Vehicular access for emergency services and refuse collection will be unaffected.

1.4 Stopping-up principles

Should the two sections of road be 'stopped up' to provide private parking, they will cease to be Public Highway and the understanding is that the doctrine of Ad Medium Filum will apply – i.e. the owner of land abutting the road is also the owner of the adjoining section of the road up to the centre line. In this situation, half the width of the highway would transfer to Carlisle City Council (as owner of Portland Square) and the other half to Cumbria County Council (as owner of the Portland

Square buildings). The highway land which would revert back to the City Council in the event of a stopping up order is shown on the Plan Appendix 1 edged and cross hatched black.

1.5 Repair and Restoration of the Gardens

It has been recognised there is a need for restoration works to the gardens, and that mutual benefits might arise from incorporating this into the County's overall scheme proposals. Discussions with the County Council on how the development project could contribute to the gardens need for repair and refurbishment, concentrating on the historic original iron railings, stone plinths and associated issues, which are in fairly urgent need of attention, has taken place.

With this in mind, Cumbria CC has instructed Donald Insall Associates (Architects and Historic Buildings Consultants) to undertake a survey and record the condition of the railing and plinths surrounding the square and prepare a schedule of works required. Their report and recommended schedule of repairs is attached as Appendix 3.

1.6 Asset Management Plan and Statutory Considerations

The Council's policy on the release and disposal of assets for operational and non-operational purposes is set out in the Asset Management Plan. In general terms the strategy provides for the disposal of all assets which are not required for service delivery, or social, economic or environmental benefits, or longer term investment. Assets will be disposed of for the best price and in accordance with the provisions of Section 123 of the Local Government Act 1972, which imposes a statutory duty on the Council to sell property for the best consideration reasonably obtainable. Disposals will be also conducted in accordance with the Council's property procedures and the Code of Conduct for dealing with planning matters.

2. PROPOSALS

2.1 Facilitating the Scheme

To assist facilitate the County's regeneration scheme for Portland Square, and improve the prospects of financial viability, the City Council have been asked to transfer its interest in the highway land at either end of the Square, shown edged black and cross hatched on the Plan Appendix1, to the County Council. This is subject to the County Council first obtaining any Planning and Listed Building Consent for the scheme, and stopping up the highway with an Order under Section 247 of the Town and Country Planning Act, and secondly completing works to the gardens.

2.2 Restoration and Repair of the Gardens

In exchange for the transfer of the City's land for use by the County for parking and access, in connection with the Portland Square development and regeneration proposals, it has been provisionally agreed by way of consideration in lieu of a cash receipt the County will undertake works to the City's garden in accordance with an agreed specification and schedule of works. At this stage the precise detail around the works has to be finalised but, preliminary estimates based on survey findings, indicate the costs of repairs to be in the order of £100,000 to £120,000.

2.3 Method of Disposal

It is proposed to transfer the Council's interest in the highway land to the County by way of a leasehold interest at a peppercorn rent. The City Council will retain the freehold interest. This will be undertaken by initially granting the County a Licence to undertake the prescribed works to the gardens, and an Agreement for Lease setting out all the proposed leasing terms and conditions. Once the works to the gardens have been satisfactorily completed the Lease will be granted to the County.

2.4 Heads of Term for Licence and Lease

The full terms and conditions which have been provisionally agreed for the grant of a licence and lease to the County Council are set out in detail within Appendix 2 to this report. Basically the City will grant the County a lease of the highway land for 250 years, for use only as private access and parking, in consideration for the works undertaken to the Portland Square gardens. Other normal standard commercial leasing conditions will apply and the County will make a contribution to the City's surveyor's fees and legal costs. The receipt of works to the gardens, in lieu of financial consideration, represents best consideration to the Council for the leasehold land transfer.

3. CONSULTATION

3.1 Consultation to Date

The scheme of renovation and restoration works to Portland Square Gardens has been discussed and considered internally by officers representing Planning, Green Spaces and Highways.

Members and Ward Councillors have been advised and consulted on the proposals and scheme of renovation and restoration.

The Local Area Committee has considered the County Council's project.

3.2 Consultation Proposed

The application to Stop Up the public adopted highway and the proposals to develop and undertake works to the Portland Square properties and gardens will require planning, listed building and conservation area consents. Trees are

protected by virtue of being in the conservation area. Any consent which is sought will be subject to the usual procedures for comment and consultation; the public will be afforded the opportunity to voice any opinions and comments on the proposals coming forward.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** Subject to any necessary planning and highway consents, and the delivery of an agreed scheme of works to restore and repair the gardens at Portland Square, the City Council should contribute its leasehold land to the County Council, on appropriate terms and conditions, to assist with the delivery of the wider scheme to bring back redundant buildings for future use. The project will have mutual benefits for both public authorities and the City with the creation of employment and housing opportunities, and the improvement to the recreational and leisure experience in the gardens.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** Working in partnership with another public authority to promote and deliver housing and employment opportunities in the City through the regeneration of redundant buildings and the improvement of public open space.
- 5.2** Improving the quality, appearance and recreational attributes of a formal Victorian area of park land, within a densely developed and populated urban location, for the benefit of locals and visitors.

Contact Officer: Raymond Simmons **Ext:** 7421

Appendices Appendix 1 - Ownership Plan
attached to report: Appendix 2 - Heads of Terms
Appendix 3 –Draft Drawings and Specification for Repair
Works Portland Square

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/RISKS:

Chief Executive's - None

Community Engagement – None

Economic Development – At this point in time no applications have been made for the required planning permission to change the use of the buildings or listed building consent regarding any external/internal alterations. Those processes would have to be followed in due course. Initial work by the County Council has identified potential uses and these would generally conform to the Development Plan. Adopted Local Plan policies have sought to retain single uses for buildings rather than conversion to flats/bedsits due to impact on listed buildings as well as impact on amenity space for refuse bins and parking. Previous applications for change of use in this area (not these specific properties) have been subject to lengthy negotiations and restrictive planning conditions regarding parking due to limited space.

With regard to the “stopping up” of the Highway, S247 relates to the necessary closure to implement the planning permission and therefore also has to form part of the planning process and consultation on any applications. Works to the railings around the square and any works to the trees will also require consent. Although the buildings are currently in County Council ownership the end uses will not be related to County Council functions and therefore the City Council is the determining Local Planning Authority for planning permission/listed building consent/works to trees.

Governance – Under Section 123 of the Local Government Act 1972, the Council may dispose of land held by it in any manner it wishes, save that it shall not dispose of land otherwise than by way of a short tenancy, for a consideration less than the best that can be reasonably obtained. This is subject to any restrictive covenants which bind the land and also subject to the proviso that it may not without the consent of the Secretary of State dispose of any land consisting or forming part of a public open space without first advertising its intention to do so and considering any representations received.

The relevant Government Circular guidance on the matter (General Disposal Consent (England) 2003) sets out that it is Government policy that Local Authorities should dispose of surplus land wherever possible. Again, the disposals should be at the best reasonable consideration.

Local Environment – None

Resources – The Asset Disposal Programme is embedded within the Council's financial planning processes. This leasehold disposal will not generate any capital receipt and is subject to the County Council funding restoration and repair works instead.

APPENDIX 2

PORTLAND SQUARE CARLISLE CUMBRIA COUNTY COUNCIL AND CARLISLE CITY COUNCIL PROPOSED LICENCE AND AGREEMENT FOR LEASE DRAFT HEADS OF TERMS (H o T s)

Licence

(i)	Parties	
	Licensor	The Council of the City of Carlisle
	Licensee	Cumbria County Council
(ii)	Property	Portland Square shown for identification purposes edged black and hatched on the attached plan
(iii)	Licence Period	1 year or such earlier period required to complete the works to the satisfaction of Carlisle City Council
(iv)	User	For the purposes of undertaking the works
(v)	Works	<p>To undertake works to upgrade and improve Portland Square in accordance with a specification, standard and contractors to be approved and agreed between the parties. These works include but not exhaustively:-</p> <ul style="list-style-type: none">• Repair and refurbishment of the iron railings and stone plinth that surround the Square.• Landscaping works to the Square including selective tree and scrub removal, hard and soft landscaping repairs. <p>The specifications for these works, together with any necessary planning and conservation area consents, are in the course of preparation.</p>
(vi)	Licence Fee	£1 (One pound)

- | | |
|--------------------------------|--|
| (vii) Costs | Included in the arrangements for the costs associated with the preparation of the Agreement for Lease |
| (viii) Planning and TPO | Cumbria County Council to obtain any necessary Planning and Conservation Area consents required in connection with the works |

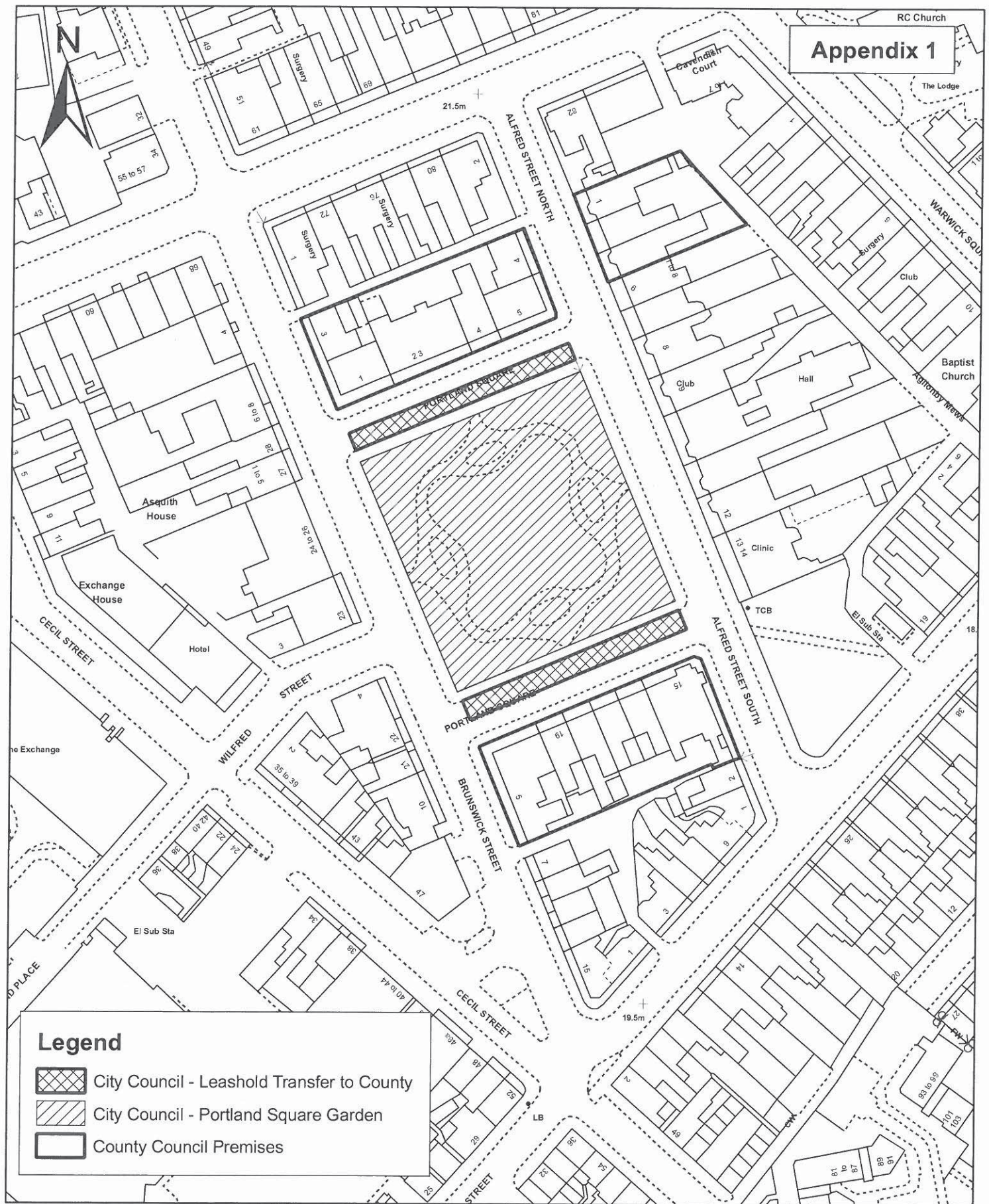
Agreement For Lease

- | | |
|---------------------------------------|--|
| (i) Parties: | |
| Landlord: | The Council of the City of Carlisle, Civic Centre, Carlisle, Cumbria, CA3 8QG. |
| Tenant: | Cumbria County Council |
| (ii) Demise: | Two strips of land, currently public highway, to the north and south of Portland Square, shown for identification purposes edged black and cross hatched on the attached plan, amounting to 300 m2 or thereabouts. |
| (iii) Term: | 250 years from the date of commencement |
| (iv) Rent: | The yearly rent of one peppercorn if demanded. |
| (v) VAT: | The rent or any other payments which arise from the lease are exclusive of any VAT, or other tax of a similar nature, which may become payable. |
| (vi) Repair & Maintenance: | Cumbria County Council to keep the land in good repair and condition at all times and to ensure the land is kept in a clean and tidy condition at all times. |
| (vii) Consideration | The lease will be granted in consideration for a nominal payment of £1 (One pound), and subject to the satisfactory completion under Licence of the agreed "Works" to Portland Square gardens, which are estimated to cost in the region of £100,000 - £120,000. |
| (viii) Insurance: | Cumbria County Council to insure against all risks for loss and damage arising from the occupation and use of the land. |
| (ix) Rates and Council Tax: | Cumbria County Council will be responsible for any National Non-Domestic Rates or Council Tax which may arise from the occupation and use of the land. |
| (x) Utility Services: | Cumbria County Council will be responsible for |

- the payment of all services consumed or used on the land.
- (xi) Statutory Regulations:** Cumbria County Council will comply with all legal obligations, Acts, Statutory Regulations and Bye Laws.
 - (xii) User:** To use the land for private parking and access in association with the proposed redevelopment and future use and occupation of the properties 1 to 5 and 15 to 20 Portland Square and for no other purposes whatsoever. The erection of buildings or structures, apart from street and parking furniture/equipment is not permitted. Not to use the land for retail sales, or to carry on any offensive, noisy or dangerous trade, business or occupations, or to cause nuisance or annoyance to the Council or neighbouring properties.
 - (xiii) Road Closure** Cumbria County Council will be responsible for stopping up the highway, or obtaining a road closure, and bearing any associated costs prior to the grant of the lease.
 - (xiv) Improvements & Alterations:** Not to erect any structures on the land or make any structural or other alterations to the property without the consent of the Council as landlord, such consent not to be unreasonably withheld.
 - (xv) Fitting Out Works:** Cumbria County Council will be responsible for the cost of any works or adaption of the land required in connection with the occupation and use.
 - (xvi) Alienation:** Not to assign, transfer, underlet or part with possession of the whole of the land without the Council's consent, such consent not to be unreasonably withheld. There will be a bar on the assignment of part but, sub under letting of part of the land will be acceptable, subject to the City Council's consent, such consent not to be unreasonably withheld or refused.
 - (xvii) Advertising:** Not without the consent of the Council in writing to exhibit any advertisements on the land.
 - (xviii) Rent Reviews:** There will be no rent reviews during the term of the lease.
 - (xix) Outgoings:** Cumbria County Council will be responsible for any future rates, taxes, assessments, charges, duties or outgoings of whatever nature which may arise on the use and occupation of the land.

- | | |
|-----------------------------------|---|
| (xx) Costs: | Cumbria County Council will pay the City Council's reasonable Legal costs incurred in the preparation of the Lease documentation and make a contribution of £750 to the City Council's surveyor's fees, exclusive of VAT. |
| (xxi) Stamp Duty Land Tax: | Cumbria County Council will be responsible for the payment of any SDLT which may fall due on the grant of the lease. |
| (xxii) Landlords Solicitor | Director of Governance
Civic Centre
Rickergate
Carlisle
CA3 8QG |
| (xxiii) Tenant's Solicitor | Bond Dickinson
Newcastle upon Tyne
FAO Mr Ian Ward |

Raymond Simmons
Property Services Manager
1st May 2015



Land at Portland Square Carlisle

Scale: 1:1,250 Date: 11/05/2015

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Portland Square Railings

25 April 2014

C41DIA Repairing/ Renovating/ Conserving Masonry

- 121D RECORDING TO THE APPROVAL OF THE CA
Clearly mark by appropriate means, the defective stones or parts of stones to be cut out. Record by photograph or other approved method, stones to be cut out and/or missing stones to be reinstated, and the relationship of surrounding work. Note bond, joint size, style and texture of pointing and any special or unusual features for replication. Cross-reference identified and marked stones for cutting out and/or missing stones for reinstatement to drawings or photographs.
- 145D OPERATIVES
Cutting, dressing, laying and jointing of stone to be carried out by masons skilled in the work required. Provide evidence of previous experience and details of work previously carried out.
- 166D TEMPORARY SUPPORT
Provide temporary support to structure. Maintain and modify support as required during repair work.
- 176D INCLEMENT WEATHER
Do not use frozen materials and do not lay or point on frozen surfaces. Do not lay blocks/dressings or mortar when air temperature is at or below 3°C unless mortar has a minimum temperature of 4° when laid and walling is protected.
Maintain temperature of the work above freezing until mortar has fully hardened.
Adequately protect newly erected/pointed walling against rain and snow by covering when precipitation occurs and at the completion of each day's work.
Rake out and replace mortar damaged by frost and, where instructed, rebuild damaged work.
- 186D WARM DRY WEATHER
In dry weather keep areas of work damp for a minimum of four hours before pointing and three days after.
- 211D ORDERING OF STONE
Calculate the quantities required, agree delivery dates and place a firm order for stone from the suppliers specified below promptly upon placement of contract.
- 221D GUARANTEE
Obtain and submit written guarantee by suppliers that all new stone will be from the quarry and bed specified.
- 222D TAKING PROFILES/PREPARING MOULDS
Take profile of existing stones, as identified by the CA, by letting zinc/plastic plates into joints. Prepare moulds, face and zinc/acrylic templates, clearly marked for identification and location. Hand all templated to CA on completion.
- 230D OPERATIVES
Cutting, dressing, laying and jointing of stone to be carried out by masons skilled in the work required.
Provide evidence of previous experience and details of work previously carried out.

237D APPEARANCE OF STONE

Make arrangements for the CA to inspect samples of dressed and/or rubble stone which represent the range of variation in appearance. Obtain approval of appearance before placing orders with suppliers or proceeding with production.

248D CARVING

Supply sufficient stone, consistent in grain and colour, for carver to have ample scope for this work. Carve stone to accurate clean profiles before or after building in, as agreed with the CA.

249D PRODUCTION

Cut and dress stone so that:

- Shaping, finishing and all sinkings and holes for fixing and lifting devices are completed after seasoning but before delivery to site.
- Finished surfaces match those of existing surrounding stones.
- Stone bond and joint lines are maintained.
- Meeting surfaces between adjacent stones are compatible with each other and free from hollow or rough areas.
- V-shaped sinkings and dowel holes correspond with those in new or existing stones that remain or are to be reincorporated, for filling with mortar to form joggles.
- Drill holes for dowels are of equal depth in adjacent stones and in core work.
- Joint size between stones matches that of existing work.
- Joint size within repaired stones is kept to minimum.
- Mitred joints do not occur at corners.
- Natural bed is horizontal in plain walling and quoin stones, vertical and at right angles to wall face in projecting stones and at right angles to line of thrust in arches.

252D IDENTIFICATION

Mark each stone, whether new, secondhand or re-used, clearly on an unexposed face to indicate the natural bed and, where known, its position in the finished work.

310D REMOVAL OF UNWANTED FIXINGS, ETC

Cut out all metal, timber and other fixings, etc. from stone faces.

Remove iron cramps, ties, etc. as instructed, at or below surfaces.

Rake, clean/vacuum out resulting cavities to provide sound hard surfaces for making good in replacement stone or mortar.

Where remaining aperture is greater than 20 mm square, cut opening to square or rectangular shape ready for filling or as instructed by CA.

Set aside removed metal items for the CA's inspection.

324D REMOVAL OF IVY

Cut out a section of main stem at a convenient point. Do not pull complete plant from wall but carefully ease and tease out roots at each joint, wedging with temporary soft wood wedges dampened just after insertion. Peel bark back 50mm at stump and coat exposed surface with herbicidal paste. Leave stump to wither.

325D REMOVAL OF PLANTS ROOTED WITHIN WALL FACES

Cut out roots by easing and teasing plants from joints.

Treat live root systems that prove difficult to remove with approved biocide as clause 326D.

326D CONTROL OF ORGANIC GROWTH

DO NOT CLEAN LICHEN FROM STONES unless instructed otherwise.

Clean all moss and vegetation from stone surfaces and from joints and cracks in stones with palette knife and long bristle or non-ferrous soft wire brushes.

If the surface below the growth is delicate or liable to be marked or scoured in any way by the above treatment, limit the treatment to the lifting of the moss only.

Fill a pneumatic garden-type sprayer two thirds full with approved biocide diluted in accordance with the manufacturer's recommendations.

Adjust the nozzle to a coarse spray setting.

Pump the container until there is sufficient pressure at the wand nozzle to saturate the surface of the masonry without causing excessive 'bounce back' and spray drift.

Apply a flood coat commencing at the top of the vertical surface to be treated and move slowly across to allow approximately 100mm run down.

Make subsequent passes horizontally across the previous run down.

Leave the treated area for at least one week.

Brush off as much dead growth as possible with bristle brushes ensuring that adjacent gutters, hoppers, gulleys, etc. are kept clear.

Repeat spray treatment as above as recommended by the manufacturer.

Protect areas of ornamental shrubbery/landscape against chemical spray and other damage.

327D REMOVAL OF PAINT, BITUMEN ETC

Clean face with manual tools only: paint scrapers, bristle brushes, mason's brushes and, if necessary, bronze wire brushes.

If any stain proves difficult to remove without causing damage to surface of stonework, stop work and seek further instruction from CA.

341D PREPARING BEDS AND BACKINGS

Remove soft mortar by brushing, vacuuming or raking with chisel in preference to cutting with hammer and chisel.

Cut out defective stones or parts of stones until structurally sound material is reached.

Leave cavities cut square and take care not to damage adjacent stones or surfaces to be retained.

Remove or cut out fully all stones, or parts of stones, to be replaced with new, prior to cutting and dressing replacement stone, to ensure that new stone exactly matches the void into which it is to be set.

Remove all unwanted remaining bedding and backing material, fixings and similar items from voids left where defective stones have been cut out and/or where stones are missing.

Rake and clean out cavities to provide sound, hard surfaces for replacement stones/tiles.

Remove dust throughout with a vacuum cleaner. Treat voids with biocide as clause 322D, if instructed.

343D REPAIRS TO EXISTING STONework

Take great care when reconstructing stonework to save as much as possible of the original fabric and to retain the character of the masonry.

In particular, strictly maintain the existing pattern of jointing.

Take extreme care not to disturb, move or damage any masonry however humble, unless instructed otherwise.

Where stones are to be removed keep area of removal to minimum.

Remove stones in their entirety, irrespective of size, unless instructed otherwise.

Set stones for re-use aside with care and mark them as necessary on unexposed faces to ensure their replacement on their proper beds and in their proper locations.

Use manual tools only.

Power tools will not be permitted.

Notify the CA of any signs of structural movement found within the walls when stones have been cut out.

- 344D UNSTABLE STRUCTURAL WALLING/ARCHES/ETC
Report any unstable areas not already noted immediately to CA.
Do not remove any loose stones/mortar unless instructed by CA or Structural Engineer.
- 345D CUTTING OUT FOR PIECING IN
Where possible ascertain depth of the stone to be repaired.
If practical remove stone to a depth of 100mm.
If the stone is less thick than 50 mm or the material that would be left would be unstable, seek instruction.
Cut out defective section to a square or rectangular profile.
- 356D CLEARING OUT OF CAVITIES IN INDIVIDUAL ERODED STONES
Gently brush out loose sediment from eroded cavities as preparation for mortar flashing as clause 462D. Treat prepared cavities with biocide and flush out with clean water.
- 361D REMOVAL OF HARD POINTING
Remove a sample section of hard mortar pointing in each area scheduled for removal in agreed location. Carefully cut out hard mortar by picking with chisel to reveal original mortar joint.
Drill fine holes along centreline of especially hard mortar joint to loosen mortar, then pick out pointing with chisel.
Submit samples to CA.
Obtain approval before proceeding with removal generally
- 362D REMOVAL OF STRAP/RIBBON AND PLASTIC SMOOTH POINTING
Remove a sample section of strap and plastic smooth hard pointing in each area scheduled for removal in agreed location.
Carefully cut out overlying mortar by picking with chisel to reveal original mortar joint.
Submit samples to CA.
Obtain approval before proceeding with removal generally.
- 363D REMOVAL OF OLD MORTAR STANDING PROUD
Remove a sample section of mortar standing proud of adjacent stones in each area scheduled for removal in agreed location.
Carefully dress back the joints with fine chisels to the adjacent stone surfaces.
Bevel off the joints at the perimeters of recessed sections to weather and avoid stepped surfaces.
Submit samples to CA.
Obtain approval before proceeding with removal generally.
- 370D BASIC WORKMANSHIP
Comply with the clauses of the following that are relevant to this section, unless otherwise specified or shown on drawings:
BS EN 1996, parts 1-3; 2005 and 2006, and PD 6697:2010.
- 371D PROTECTION
Provide all necessary protection to:
- Surrounding work.
- Voids left after defective stones have been cut out and/or where stones are missing.
- Areas of ancient/eroded stonework.

- 372D SUPPORT
Ensure that structural stability of the building and of all temporary work is maintained throughout.
Putlog scaffolding will not be permitted.
Scaffolding may be in contact with the building only with the approval of the CA.
All scaffold pole ends within 100mm of the building must be fitted with plastic caps.
- 378D REPLACE DAMAGED STONES
To a minimum depth of 100mm all stones damaged during cutting out, as instructed.
- 382D MASONARY ADHESIVES
For fixing small sections of stone in 'dentistry' repairs use 'Akemi' resin/epoxy-based adhesive from Ebor Equipment Limited, Trans-Pennine Trading Estate, Gorrells Way, Rochdale, Lancashire OL11 2PX. Tel. 01706 869691, or other approved.
For piecing-in larger stones use Certite from SBD Ltd. Dickens House, Enterprise Way, Flitwick, Bedford MK45 5BY, Tel. 01525 722 100, or other approved, in conjunction with metal fixings as clause 392D.
- 392D METAL DOWELS, FIXINGS AND WALL TIES
Copper or stainless steel as defined in Table 1 of BS 5390.
- 451D RETAINED ORIGINAL MASONRY
Is not to be cut or adjusted in any way to accommodate new or re-used masonry, except with prior approval of the CA.
- 452D RE-TOOLING
Where a firm surface cannot be achieved by brushing, use chisels to cut back face to a maximum depth of 20mm and re-tool the surface to match existing adjacent stonework.
Re-tool exposed faces to match existing adjacent stonework if and as instructed by CA.
- 453D REMOVAL OF WATER TRAPS
Report to CA where water traps and steps result either from dressing back or erosion.
Carefully weather stone to remove traps if and as instructed by CA.
- 454D BRUSHING BACK OF ERODED/FLAKING MORTAR POINTING
Brush back stone joints to remove loose and flaking mortar for inspection by CA.
Smooth and compact underlying mortar by gently tamping with smooth rounded dowel.
- 464D CRACKS AND FISSURES TO DRESSED STONEWORK
Point in plastic repair mortar, as clause 815D, tamping mortar face back from face of stone.
- 509D SAMPLE PANELS
Allow for providing four different samples of plastic repair, each approximately 300 mm square, to be carried out successively, in agreed locations, for each type of mix/colour required.
Base mortar on preliminary mix of 1:1:2 NHL3.5 hydraulic lime:sand:crushed stone.
Allow for altering the mortar mix for each sample and for each panel to dry out completely.
Obtain approval of sample areas before ordering bulk materials.
Retain and protect approved samples until Practical Completion and ensure executed work matches.

511D PREPARATION FOR MORTAR REPAIRS

Cut back damaged stone to firm base and minimum depth of 25mm, in ashlar preferably in regular shape parallel to original coursing.

Undercut head and sides of small areas to provide key.

Reinforce where necessary with 3mm diameter austenitic stainless steel or non-ferrous wire, resin anchored as clause 463D.

541D APPLYING MORTAR

Brush out or vacuum clean cavity to remove all dust and either wet to reduce suction or prime with bonding agent as clause 384D.

Press mortar firmly into cavity and around reinforcement and finish surface slightly rougher than surrounding stone with a wood float.

Apply the mix in two coats scratching the first to receive the second.

Where tile reinforcements are to be used, leave them projecting 5mm to key the final coat.

Roughen surface after initial set with bristle brush or scrim to remove laitance.

Do not form feather edges.

Keep plastic repairs moist for three to four days after completion. Repair each stone individually.

Do not take plastic repair or reinforcement across joint.

Point joint after plastic repairs have set as later separate operation.

811D DEPTH OF CUTTING OUT OF POINTING

Cut out and remove pointing where indicated on drawings to a minimum depth of 30mm.

Where remaining mortar in the joint is found to be loose or soft, cut back to solid material up to a maximum of 100mm.

Remove all loose or powdered mortar to the beds or perpend joints of the stone.

Report to CA where mortar remains loose or soft or cavities are found at or beyond 100mm depth and seek further instructions.

815D REPOINTING MIXES

(Final mixes subject to appraisal of sample panels. Note that it is likely that mix constituents will vary to suit the varying site conditions.)

Joint depth > 130mm or where stones loose: point 1:3 NHL 3.5 hydraulic lime:sand mortar mix to within 30mm of outer stone face, allow 48 hours to pass then point 30mm deep face joint 1:1:2 NHL 3.5 hydraulic lime:sand:crushed stone.

Joint depth <30mm point 1:1:2 mix NHL 3.5 hydraulic lime:sand:crushed stone mix in one operation.

825D SAMPLE PANELS

Allow for providing four different sample panels of re-pointing, each approximately 900mm square, to be carried out successively, in agreed locations, for each type of joint/colour required.

Allow for altering the mortar mix for each sample and for each panel to dry out completely.

Submit panels first raked out and prepared for re-pointing.

When this stage is approved then re-point panels and obtain further approval before proceeding generally.

Obtain approval of sample areas before ordering bulk materials.

Retain and protect samples until Practical Completion and ensure executed work match

835D REPOINTING PROCESS

Begin from top of wall. Immediately before re-pointing flush out joints with water to remove all dust and to control suction.

Wet surface until it remains wet.

While damp fill joint with specified mortar.

Thoroughly compact mortar to fill all voids and to ensure it adheres firmly to each side of joint.

Iron mortar in with appropriate pointing tool (not trowel) of width to suit joint width, keeping finished mortar face back from damaged and weathered arrises and to width of original joint.

Allow sufficient time for the re-pointing to be done without hurry.

851D CLEANLINESS

Keep face of brickwork/stonework clean during pointing.

Wash and brush down surface to remove light staining as soon as it occurs.

Turn back scaffold boards at night and during heavy rain to prevent splashing

865D FINISH TO STONework POINTING

Ensure that all new pointing to stonework harmonises in pattern, width, style, colour and texture with the old and surrounding work.

Finish joints slightly recessed from the stone face.

Rub mortar as it 'goes off' with a stiff bristle brush to pull forward grit and give the mortar a roughened but weathering surface.

Take care to ensure that no mortar is smudged over the surfaces of the stones and that no mortar is left covering stone arrises.

866D WASH DOWN

Completed sections of wall from top to bottom after pointing has hardened.

M60 Painting/clear finishing**COATING SYSTEMS****150 EGGHELL/ SATIN PAINT TO GATES AND RAILINGS**

- Manufacturer: Crown.
 - Product reference: Acrylic satin finish.
- Surfaces: Previously decorated.
 - Preparation: Remove all millscale and rust back to clean metal. Remove all residues. Degrease and provide key.
- Initial coats: Crown Trade Water Based Metal Primer.
 - Number of coats: 1.
- Undercoats: Acrylic satin finish.
 - Number of coats: 1_____.
- Finishing coats: Acrylic satin finish.
 - Number of coats: 2.

GENERALLY**215 HANDLING AND STORAGE**

- Coating materials: Deliver in sealed containers, labelled clearly with brand name, type of material and manufacturer's batch number.
- Materials from more than one batch: Store separately. Allocate to distinct parts or areas of the work.

220 COMPATIBILITY

- Coating materials selected by contractor:
 - Recommended by their manufacturers for the particular surface and conditions of exposure.
 - Compatible with each other.
 - Compatible with and not inhibiting performance of preservative/fire retardant pretreatments.

240 SURFACES NOT TO BE COATED

- Masonry.

280 PROTECTION

- 'Wet paint' signs and barriers: Provide where necessary to protect other operatives and general public, and to prevent damage to freshly applied coatings.

300 CONTROL SAMPLES

- Sample areas of finished work: Carry out, including preparation, as follows:

Types of coating	Location
M60/ 150 and 190 .	On loose piece of matching metal for architect's approval .
- Approval of appearance: Obtain before commencement of general coating work.

320 INSPECTION BY COATING MANUFACTURERS

- General: Permit manufacturers to inspect work in progress and take samples of their materials from site if requested.

PREPARATION**400 PREPARATION GENERALLY**

- Standard: In accordance with BS 6150.
- Suspected existing hazardous materials: Prepare risk assessments and method statements covering operations, disposal of waste, containment and reoccupation, and obtain approval before commencing work.
- Preparation materials: Types recommended by their manufacturers and the coating manufacturer for the situation and surfaces being prepared.
- Substrates: Sufficiently dry in depth to suit coating.
- Efflorescence salts: Remove.
- Dirt, grease and oil: Remove. Give notice if contamination of surfaces/ substrates has occurred.
- Surface irregularities: Remove.
- Joints, cracks, holes and other depressions: Fill flush with surface, to provide smooth finish.
- Dust, particles and residues from preparation: Remove and dispose of safely.
- Water based stoppers and fillers:
 - Apply before priming unless recommended otherwise by manufacturer.
 - If applied after priming: Patch prime.
- Oil based stoppers and fillers: Apply after priming.
- Doors, opening windows and other moving parts:
 - Ease, if necessary, before coating.
 - Prime resulting bare areas.

430 EXISTING IRONMONGERY

- Refurbishment: Remove old coating marks. Clean and polish.

440 PREVIOUSLY COATED SURFACES GENERALLY

- Preparation: In accordance with BS 6150, clause 11.5.
- Contaminated or hazardous surfaces: Give notice of:
 - Coatings suspected of containing lead.
 - Substrates suspected of containing asbestos or other hazardous materials.
 - Significant rot, corrosion or other degradation of substrates.
- Suspected existing hazardous materials: Prepare risk assessments and method statements covering operations, disposal of waste, containment and reoccupation, and obtain approval before commencing work.
- Removing coatings: Do not damage substrate and adjacent surfaces or adversely affect subsequent coatings.
- Loose, flaking or otherwise defective areas: Carefully remove to a firm edge.
- Alkali affected coatings: Completely remove.
- Retained coatings:
 - Thoroughly clean to remove dirt, grease and contaminants.
 - Gloss coated surfaces: Provide key.
- Partly removed coatings:
 - Additional preparatory coats: Apply to restore original coating thicknesses.
 - Junctions: Provide flush surface.
- Completely stripped surfaces: Prepare as for uncoated surfaces.

490A PREVIOUSLY COATED METAL

- Defective paintwork: Remove to leave a firm edge and clean bright metal.
- Sound paintwork: Provide key for subsequent coats.
- Corrosion and loose scale: Take back to bare metal.
- Residual rust: Treat with a proprietary removal solution.
- Bare metal: Apply primer as soon as possible.
- Remaining areas: Degrease.

622 ORGANIC GROWTHS

- Dead and loose growths and infected coatings: Scrape off and remove from site.
- Treatment biocide: Apply appropriate solution to growth areas and surrounding surfaces.
- Residual effect biocide: Apply appropriate solution to inhibit re-establishment of growths.

APPLICATION

711 COATING GENERALLY

- Application standard: In accordance with BS 6150, clause 9.
- Conditions: Maintain suitable temperature, humidity and air quality during application and drying.
- Surfaces: Clean and dry at time of application.
- Thinning and intermixing of coatings: Not permitted unless recommended by manufacturer.
- Overpainting: Do not paint over intumescent strips or silicone mastics.
- Priming coats:
 - Thickness: To suit surface porosity.
 - Application: As soon as possible on same day as preparation is completed.
- Finish:
 - Even, smooth and of uniform colour.
 - Free from brush marks, sags, runs and other defects.
 - Cut in neatly.
- Doors, opening windows and other moving parts: Ease before coating and between coats.

740 CONCEALED METAL SURFACES

- General: Apply additional coatings to surfaces that will be concealed when component is fixed in place.
 - Components: Inside of decorative elements not visible. .
 - Additional coatings: Black bitumen to BS 3416, type 1 .

Z11 Purpose made metalwork

- 31 METAL PRODUCTS
- Grades of metals, section dimensions and properties: To the appropriate British Standards and suitable for the purpose.
 - Fasteners: Generally, same metal as component, with matching coating and finish.
- 50 PREPARATION FOR APPLICATION OF COATINGS
- General: Fabrication complete, and fixing holes drilled before applying coatings.
 - Paint, grease, flux, rust, burrs and sharp arrises: Removed.
- 51 FABRICATION GENERALLY
- Contact between dissimilar metals in components: Avoid.
 - Finished components: Rigid and free from distortion, cracks, burrs and sharp arrises.
 - Moving parts: Free moving without binding.
 - Corner junctions of identical sections: Mitre.
 - Prefinished metals: Do not damage or alter appearance of finish.
- 53 WELDING AND BRAZING GENERALLY
- Surfaces to be joined: Clean thoroughly.
 - Tack welds: Use only for temporary attachment.
 - Joints: Fully bond parent and filler metal throughout with no inclusions, holes, porosity or cracks.
 - Surfaces of materials that will be self-finished and visible in completed work: Protect from weld spatter.
 - Flux residue, slag and weld spatter: Remove.
- 56 FINISHING WELDED AND BRAZED JOINTS VISIBLE IN COMPLETE WORK
- Butt joints: Smooth, and flush with adjacent surfaces.
 - Fillet joints: Neat.
 - Grinding: Grind smooth where indicated on drawings.

Z21DIA Mortars

- 20 SAND FOR SITE MADE LIME MORTARS
- Standard: to BS EN 13139
 - Grading: 0/2 (FP or MP).
 - Fines content where the proportion of sand is specified as a range (e.g. 1:1: 5-6):
 - Lower proportion of sand: Use category 3 fines.
 - Higher proportion of sand: Use category 2 fines.
 - Sand for facework mortar: Maintain consistent colour and texture. Obtain from one source.
- 25 SAND FOR LIME:SAND MASONRY MORTARS
- Type: Sharp, well graded.
 - Quality, sampling and testing: To BS EN 13139.
 - Grading/ Source: As specified elsewhere.
- 26D SAND FOR CONSERVATION WORK
- Clean, to BS EN 13139.
 - Aggregate to match existing in colour, texture, grain size and grading. If necessary, source from variety of suppliers.
 - Soft building sand may be added to achieve required colour or to improve workability up to 50% of total volume of sand.
- 29A NATURAL HYDRAULIC LIME POWDER
- Manufacturer and reference: Contractor to submit proposals
 - Strength: NHL3.5.
 - Store in dry place as for Ordinary Portland Cement.
- 60 MAKING MORTARS GENERALLY
- Batching: By volume. Use clean and accurate gauge boxes or buckets.
 - Mix proportions: Based on dry sand. Allow for bulking of damp sand.
 - Mixing: Mix materials thoroughly to uniform consistency, free from lumps.
 - Mortars containing air entraining admixtures: Mix mechanically. Do not overmix.
 - Contamination: Prevent intermixing with other materials.
- 70 MAKING HYDRAULIC LIME:SAND MORTARS
- Mixing hydrated hydraulic lime:sand: Follow the lime manufacturer's recommendations for each stage of the mix.
 - Water quantity: Only sufficient to produce a workable mix.
- 75D POINTING SAMPLES TO MATCH EXISTING WORK
- Prepare up to twelve sample tablets of varying mortar mixes to match colour, texture and profile of existing for approval.
 - Prepare samples in advance of site visit so that they can be inspected when dry.
 - Execute up to three sample areas of pointing in approved location(s) using approved mix.
 - Retain approved pointing sample for reference during the contract.

Notes:
1 Any dwg format drawing is to be read only in conjunction with and at the same time as the drawing it is intended to replace.
2 Status: 'C' drawing (Construction).
All dimensions are to be checked on site by the contractor, scaling is for reference only.
Unless otherwise indicated, all dimensions are in millimeters.
All information on this drawing is to be read in conjunction with the relevant specification, including the 'Specification for Construction and State Contractors' drawings and information by specialists.
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KEY

- Repair repaired to metalwork. Corroded areas to be renewed like for like
- New stone or indirect repair with matching stone. Profile to match existing adjacent
- Stonework requires careful dismantling and rebuild
- Open crack to be mortar repaired

General Notes:

Existing paint and rust is to be removed from 100% of the metalwork and the surface prepared. Corroded areas are to be ground back to sound metal removing all traces of corrosion. Metalwork repairs are to be carried out to areas identified on the drawings. Brackets are to be removed, damage made good and any steel related fixings replaced with stainless steel and provide flush joints. Open cracks are to be sealed with a suitable product and coated with new paint system as NBS M60.

Stonework repairs are to be carried out as identified on the drawings. Indents are to be carried out with new stone to match the existing. Samples are to be provided for approval by the Architect, allow for 300.

Repairs to stonework are to be carried out as NBS C41.

Any stonework identified on the drawings are to be rebuilt with hydraulic lime mortar as NBS C41 and Z1. Samples are to be prepared for Architect's approval of colour.

Report 100% of masonry porth in approved hydraulic lime mortar.

Allow provisional sum for fabrication and installation of new gates for the 400 openings in the railings.

REVISIONS

Rev	Date	Drawn	Auth	Revision
1	24/01/2014	CD		INITIAL ISSUE

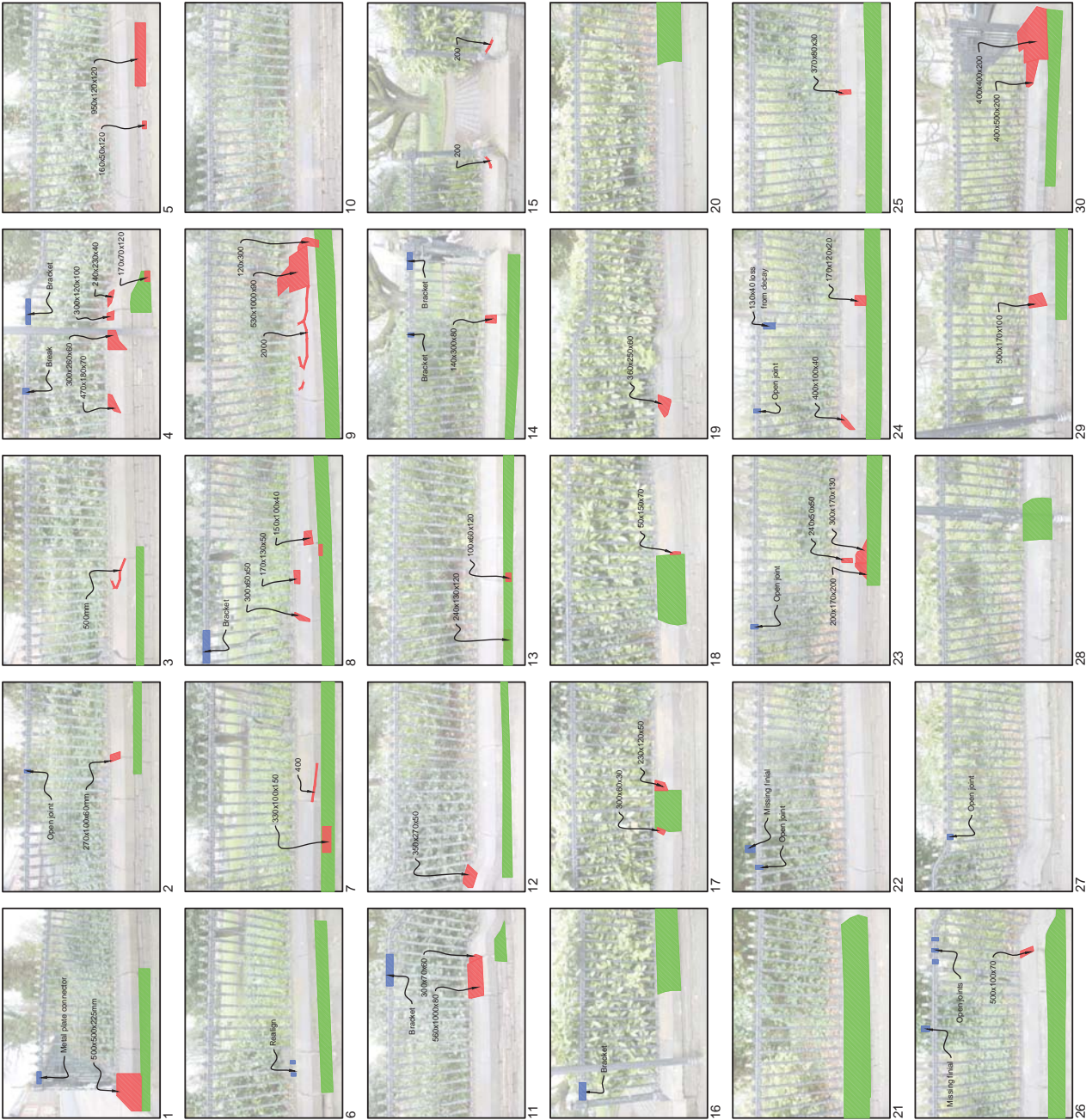
Donald Insall Associates
Chartered Architects and Building Consultants

Bridgegate House, 5 Bridge Place, Chester CH1 1SA
T: (+44)1244 350 063 www.insall-architects.co.uk

PORTLAND SQUARE RAILINGS
CARLISLE
SOUTH RAILINGS
EXISTING CONDITION

Drawing Status		
F	Feasibility	W Working Drawing
S	Sketch Design	M Measurement
D	Design	T Tender
P	Planning	C Construction
B	Building Control	R Record

Scale	(A1)	1:	N	T	S	Status	Rev
CPSQ.02						Q1101	



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All information on this drawing is to be read in conjunction with the contract documents, including but not limited to the specification and the contractor's drawings and information by specialists.
3 In the event of any query, please contact us immediately.
4 This drawing is for the purpose of construction and is to be used solely for the purposes for which it was issued.
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KEY

- Repair required to metalwork. Corroded areas to be renewed like for like
- New stone or indirect repair with matching stone. Profile to match existing adjacent
- Stonework requires careful dismantling and rebuild
- Open crack to be mortar repaired

General Notes:

Existing point and unit is to be removed from 100% of railings back to sound metal.
Corroded areas are to be ground back to sound metal removing all traces of corrosion.
Metalwork repairs are to be carried out to areas identified on the drawings. Brackets are to be secured, damage made good and joints to be sealed.
Open joints are to be refilled to close the gaps and provide flush joints.
100% of railings are to be prepared, primed and coated with new paint system as NBS M60.
Stonework repairs are to be carried out as identified on the drawings. Indents are to be carried out with new stone to match the existing. Samples are to be provided for approval by the Architect, allow for 30c.
Areas of stonework are to be carried out as NBS C41 and Z11.
Areas of stonework identified on the drawing are to be rebuilt with hydraulic lime mortar as NBS C41 and Z11. Samples are to be prepared for Architect's approval of colour.
Repair 100% of masonry path in approved hydraulic lime mortar.

REVISIONS

Rev	Date	Drawn	Auth	Revision
1	24/09/2014	CD		INITIAL ISSUE

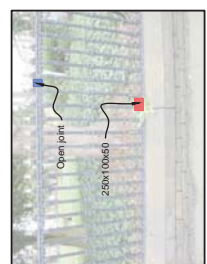
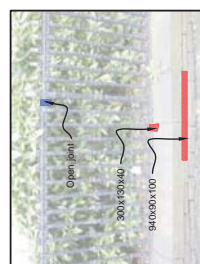
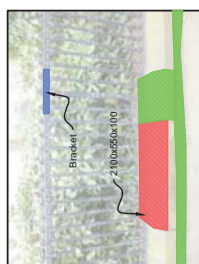
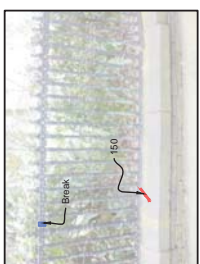
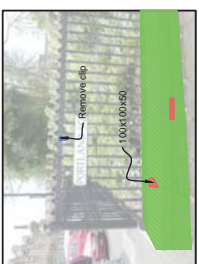
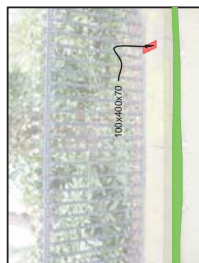
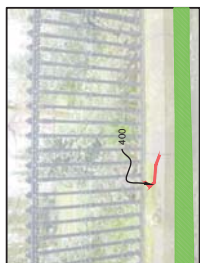
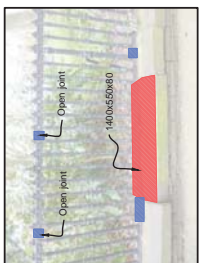
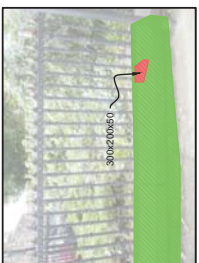
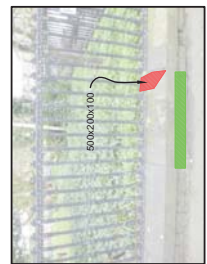
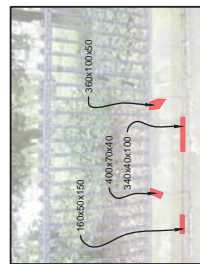
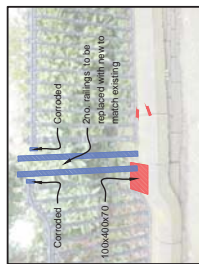
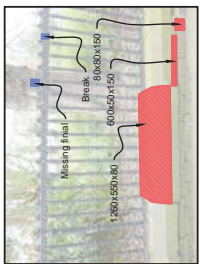
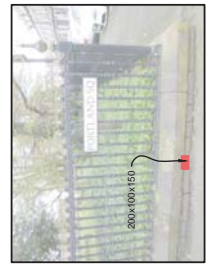
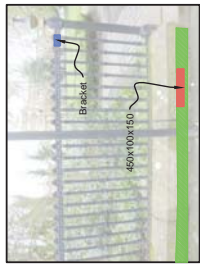
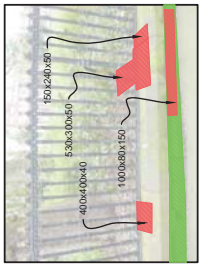
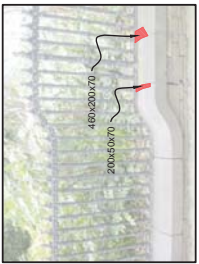
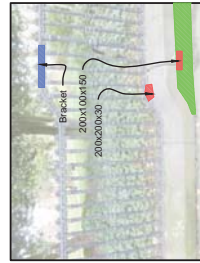
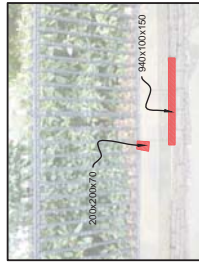
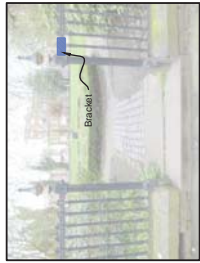
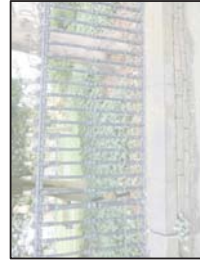
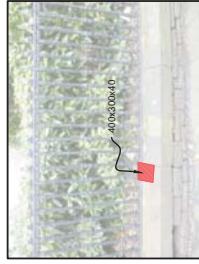
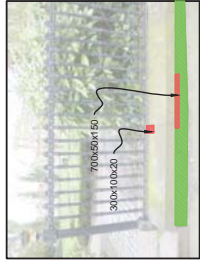
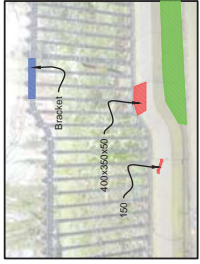
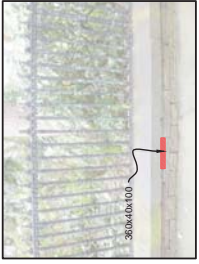
Donald Insall Associates
Chartered Architects and Planning Consultants

Bridgegate House, 5 Bridge Place, Chester CH1 1SA
T: (+44)1244 350 063 www.insallarchitects.co.uk

**PORTLAND SQUARE RAILINGS
CARLISLE**
**EAST RAILINGS
EXISTING CONDITION**

Drawing Status	W Working Drawing
S Sketch Design	M Measurement
D Design	T Tender
P Preparation	R Record
B Building Control	
Project	No

CPSQ.02	Q&A 11/15/2015
Scale	Status
(A1) 1: N T S	Rev
	-



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KEY

- Repair required to metalwork. Corroded areas to be renewed like for like
- New stone or indirect repair with matching stone. Profile to match existing adjacent
- Stonework requires careful dismantling and rebuild
- Open crack to be mortar repaired

General Notes:

Existing point and end is to be removed from 100% of railings back to sound metal. Corroded areas are to be ground back to sound metal removing all traces of corrosion. Metalwork repairs are to be carried out to areas identified on the drawings. Brackets and joints are to be replaced with new and joints made good and joints refilled flush. Open joints are to be refilled to close the gaps and provide flush joints. 100% of railings are to be prepared, primed and coated with new paint system as NBS M60. Stonework repairs are to be carried out as identified on the drawings. Indents are to be carried out with new stone to match the existing. Samples are to be provided for approval by the Architect, allow for 300mm x 300mm x 100mm to be carried out as NBS C41 and Z21. Areas of stonework identified on the drawing are to be rebuilt with hydraulic lime mortar as NBS C41 and Z21. Samples are to be prepared for Architect's approval of colour. Repoint 100% of masonry joints in approved hydraulic lime mortar.

REVISION

Rev	Date	Drawn/Author	Revision
1	24/04/2014	CD	INITIAL ISSUE

Donald Insall Associates
Chartered Architects and Historic Building Consultants

Bridgegate House, 5 Bridge Place, Chester CH1 1SA
T: (+44)1244 350 083 www.insallarchitects.co.uk

PORTLAND SQUARE RAILINGS
CARLISLE

WEST RAILINGS
EXISTING CONDITION

Drawing Status

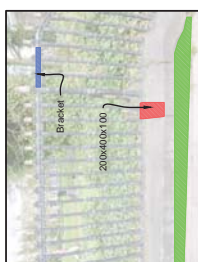
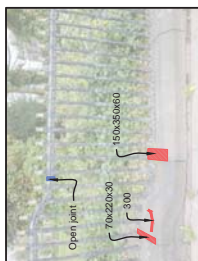
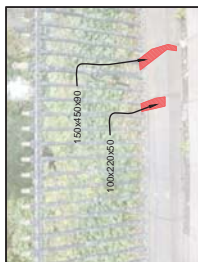
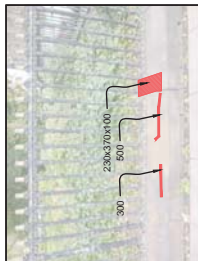
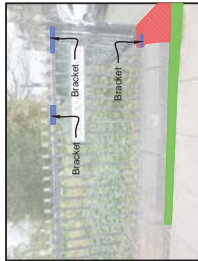
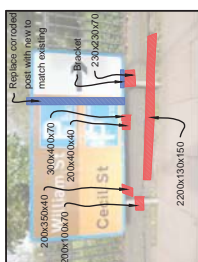
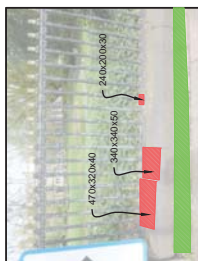
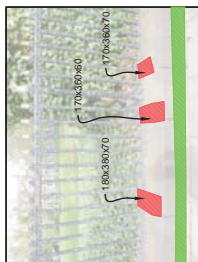
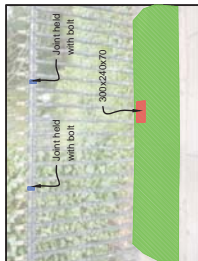
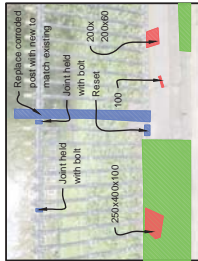
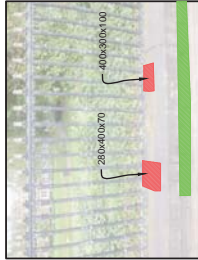
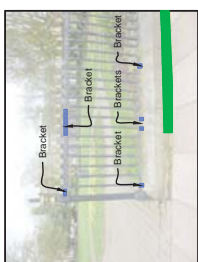
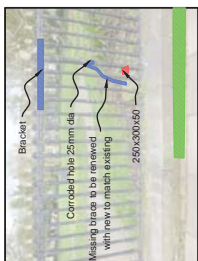
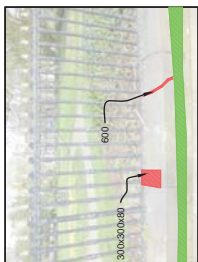
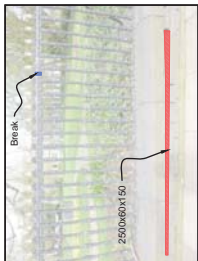
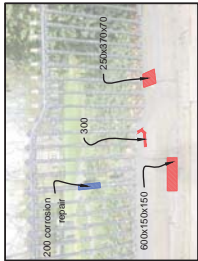
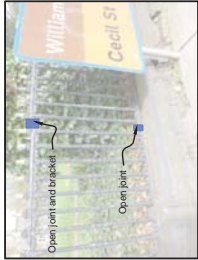
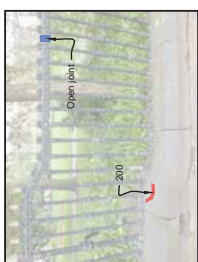
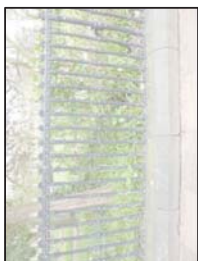
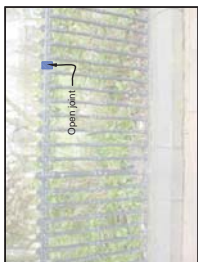
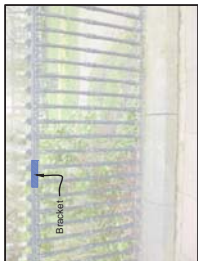
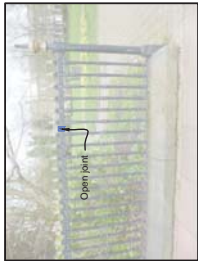
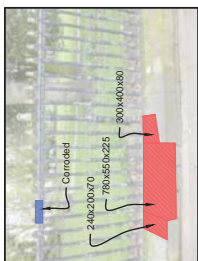
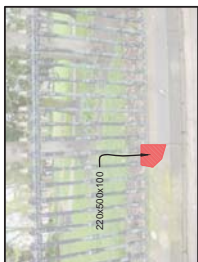
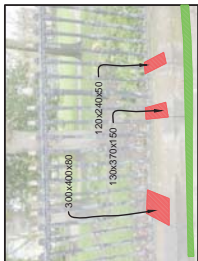
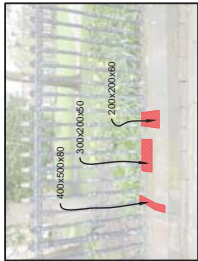
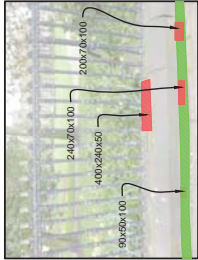
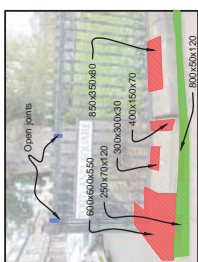
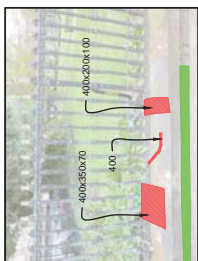
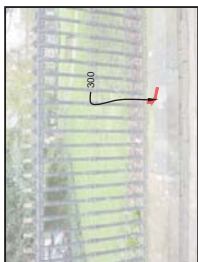
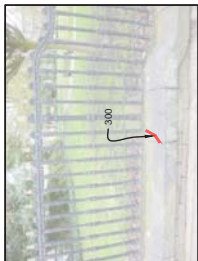
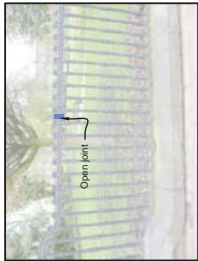
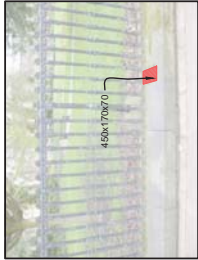
- W Working Drawing
- S Sketch Design
- D Design
- T Tender
- B Building Control
- R Record

Project No QRM111358/BE

CPSQ.02

\$1003

Scale	(A1)	1:	N	T	S	Status	Rev
						S	-



Notes:

1 Any drawing format drawing is to be read only in conjunction with and at the discretion of the client.

2 State: 'C' drawing (Construction)

3 All dimensions are to be checked on site by the contractor, scaling is for reference only. Dimensions are in millimetres.

4 In the event of any query, please contact us immediately.

5 The drawing is to be used in conjunction with the drawings and information by specialists.

6 The drawing is to be used for the purposes for which it was issued.

7 © 2014 DONALD INSALL ASSOCIATES LTD

KEY

Repair required to metalwork. Corroded areas to be renewed like for like

New stone or render repair with matching stone. Profile to match existing adjacent

Stone/brick requires careful dismantling and rebuild

Open crack to be mortar repaired

General Notes:

Existing paint and rust is to be removed from 100% of railings back to sound metal.

Corroded areas are to be ground back to sound metal removing all traces of corrosion.

Measwork repairs are to be carried out to match the existing work in all respects and are to be removed, damage made good and joints refilled flush.

Open joints are to be refilled to close the gaps and provide flush joints.

100% of railings are to be prepared, primed and coated with new paint system as NBS M60.

Stone/brick repairs are to be carried out as identified on the drawings. Indents are to be carried out with new stone to match the existing. Samples are to be provided for approval by the Architect prior to work.

Repairs to metalwork are to be carried out as NBS CH1.

Areas of stone/brick identified on the drawing are to be rebuilt with hydraulic lime mortar as NBS CH1 and Z21. Samples are to be prepared for Architect's approval of colour.

Report 100% of masonry work in approved hydraulic lime mortar.

Rev

Date

Drawn

Auth

Revision

24/09/2014

CD

INITIAL ISSUE

Donald Insall Associates

Chartered Architects and Heritage Building Consultants

Bridgegate House, 5 Bridge Place, Chester CH1 1SA

T: (+44)1244 350 083 www.insallarchitects.co.uk

PORTLAND SQUARE RAILINGS

CARLISLE

NORTH RAILINGS

EXISTING CONDITION

Drawing Status

W Working Drawing

S Sketch Design

D Design

T Tender

B Building Control

R Record

Project

No

QPSQ.02

CR1111 ISSUE

Rev

1

2

3

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5

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Page 295 of 364



NOTICE OF EXECUTIVE KEY DECISIONS

1 MAY 2015

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

23 May 2014	15 August 2014	14 November 2014
15 December 2014	31 December 2014	30 January 2015
9 March 2015		

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). 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 Mrs Martlew – Environment and Transport Portfolio Holder
Councillor Mrs Riddle – Communities, Health and Wellbeing Portfolio Holder
Councillor Ms Quilter – Culture, Leisure and Young People Portfolio Holder
Councillor Mrs Bradley – Economy, Enterprise and Housing Portfolio

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 Committee Services on 01228 817039 or committeeservices@carlisle.gov.uk.

Index of Active Key Decisions

		Date Decision to be considered:	Date Decision to be taken:
KD.04/15	2014/15 Provisional Outturn Reports		1 June 2015
KD.05/15	The Medium Term Financial Plan (including the Corporate Charging Policy) & the Capital Strategy 2016/17 to 2020/21	27 July 2015 consultation period to include Overview and Scrutiny as appropriate	24 August 2015
KD.10/15	Community Trigger		1 June 2015
KD.11/15	Low Cost Home Ownership Policy	1 June 2015 consultation period to include Overview and Scrutiny as appropriate	29 June 2015
KD.12/15	Asset Review Business Plan - Refresh of Disposals Programme 2015	1 June 2015 consultation period to include Overview and Scrutiny as appropriate	29 June 2015
KD.13/15	Contaminated Land Strategy 2015, incorporating the cost and recovery and hardship policy in appendix 1		1 June 2015
KD.14/15	Food Law Enforcement Service Plan	1 June 2015 consultation period to include Overview and Scrutiny as appropriate	29 June 2015
KD.15/15	Capital Release for S.106 Crindledyke Cycleway		1 June 2015

Index of Active Key Decisions

		Date Decision to be considered:	Date Decision to be taken:
KD.16/15	The Asset Management Plan 2015 to 2020	27 July 2015 consultation period to include Overview and Scrutiny as appropriate	24 August 2015
<hr/>			
KD.17/15	Land Transaction - Disposal of Land at Protland Square Carlisle		1 June 2015

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.04/15
Decision Title:	2014/15 Provisional Outturn Reports
Decision to be taken:	<p>The Executive will be asked to consider and approve the 2014/15 Provisional Outturn reports and make recommendations on any carry forward requests to Council on 14 July 2015</p> <ul style="list-style-type: none"> - Provisional Revenue Outturn - Provisional Capital Outturn - Elected Members Allowances - Provisional Outturn - Council Tax and National Non-Domestic Rates - Provisional Outturn - Treasury Management Provisional Outturn
Date Decision to be considered:	
Date Decision to be taken:	1 June 2015
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 Director of Resources will be available five working days before the meeting
Contact Officer for this Decision:	Director of Resources, 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:	Resources Overview and 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.

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.05/15
Decision Title:	The Medium Term Financial Plan (including the Corporate Charging Policy) & the Capital Strategy 2016/17 to 2020/21
Decision to be taken:	The Executive will be asked to consider the Council's Medium Term Financial Plan and Corporate Charging Policy, and the Council's Capital Strategy and make recommendations to Council on 8 September 2015.
Date Decision to be considered:	27 July 2015 consultation period to include Overview and Scrutiny as appropriate
Date Decision to be taken:	24 August 2015
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 Director of Resources will be available five working days before the meeting
Contact Officer for this Decision:	Director of Resources, 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:	Resources Overview and Scrutiny Panel

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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.10/15
Decision Title:	Community Trigger
Decision to be taken:	The Executive will be asked to adopt the proposed countywide approach for the new Community Trigger legislation
Date Decision to be considered:	
Date Decision to be taken:	1 June 2015
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 Director of Community Engagement 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:	Communities, Health and Wellbeing (Councillor Mrs Riddle)
Relevant or Lead Overview and Scrutiny Panel:	Community Overview and Scrutiny Panel

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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.11/15
Decision Title:	Low Cost Home Ownership Policy
Decision to be taken:	The Executive will be asked to endorse the Low Cost Home Ownership Policy to enable the Council's Housing Team to implement the Policy in respect of initial sales and re-sales of discounted sale properties managed through the Council's Low Cost Home Ownership register.
Date Decision to be considered:	1 June 2015 consultation period to include Overview and Scrutiny as appropriate
Date Decision to be taken:	29 June 2015
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 Director of Economic Development will be available five working days before the meeting
Contact Officer for this Decision:	Director of Economic Development, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Economy, Enterprise and Housing (Councillor Mrs Bradley)
Relevant or Lead Overview and Scrutiny Panel:	Community Overview and Scrutiny Panel

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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.12/15
Decision Title:	Asset Review Business Plan - Refresh of Disposals Programme 2015
Decision to be taken:	The Executive will be asked to note the current position with the Disposal Programme and consider and comment upon the proposed changes to the Disposals Programme and make recommendation to full Council
Date Decision to be considered:	1 June 2015 consultation period to include Overview and Scrutiny as appropriate
Date Decision to be taken:	29 June 2015
Is the Decision Public or Private?:	The decision will be taken in public and private. The report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information)
Documents submitted for consideration in relation to the Decision:	The report of the Director of Governance will be available five working days before the meeting
Contact Officer for this Decision:	Director of Governance, 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:	Resources Overview and Scrutiny Panel

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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.13/15
Decision Title:	Contaminated Land Strategy 2015, incorporating the cost and recovery and hardship policy in appendix 1
Decision to be taken:	The Executive will be asked to consider the draft Contaminated Land Strategy 2015 and the cost recovery and hardship policy (appendix 1). They are also asked to approve that the draft strategy and policy are circulated for consultation.
Date Decision to be considered:	
Date Decision to be taken:	1 June 2015
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 Director of Local Environment will be available five working days before the meeting
Contact Officer for this Decision:	Director of Local Environment, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Environment and Transport (Councillor Mrs Martlew)
Relevant or Lead Overview and Scrutiny Panel:	Environment and Economy Overview and Scrutiny Panel

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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.14/15
Decision Title:	Food Law Enforcement Service Plan
Decision to be taken:	The Executive will be asked to decide the Environmental Health Section's inspection and educational priorities for improving food safety in Carlisle during 2014/2015.
Date Decision to be considered:	1 June 2015 consultation period to include Overview and Scrutiny as appropriate
Date Decision to be taken:	29 June 2015
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 Director of Local Environment will be available five working days before the meeting
Contact Officer for this Decision:	Director of Local Environment, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Environment and Transport (Councillor Mrs Martlew)
Relevant or Lead Overview and Scrutiny Panel:	Community Overview and Scrutiny Panel

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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.15/15
Decision Title:	Capital Release for S.106 Crindledyke Cycleway
Decision to be taken:	The Executive will be asked to approve the release of £281,000 from the S.106 monies received from Story Homes in respect of Crindledyke development for the construction of traffic free "green" cycle paths between Kingmoor and Carlisle City Centre.
Date Decision to be considered:	
Date Decision to be taken:	1 June 2015
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 Director of Local Environment will be available five working days before the meeting
Contact Officer for this Decision:	Director of Local Environment, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Environment and Transport (Councillor Mrs Martlew)
Relevant or Lead Overview and Scrutiny Panel:	Environment and Economy Overview and 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.

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.16/15
Decision Title:	The Asset Management Plan 2015 to 2020
Decision to be taken:	The Executive will be asked to consider the Council's Asset Management Plan and make recommendations to Council on 8 September 2015
Date Decision to be considered:	27 July 2015 consultation period to include Overview and Scrutiny as appropriate
Date Decision to be taken:	24 August 2015
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 Director of Governance will be available five working days before the meeting
Contact Officer for this Decision:	Director of Governance, 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:	Resources Overview and Scrutiny Panel

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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.17/15
Decision Title:	Land Transaction - Disposal of Land at Portland Square Carlisle
Decision to be taken:	The Executive will be asked to approve the release and leasehold disposal of land at Portland Square, Carlisle.
Date Decision to be considered:	
Date Decision to be taken:	1 June 2015
Is the Decision Public or Private?:	The decision will be taken in public and private. The report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information)
Documents submitted for consideration in relation to the Decision:	The report of the Director of Governance will be available five working days before the meeting
Contact Officer for this Decision:	Director of Governance, 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:	Resources Overview and 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.

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: 1 May 2015

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:

PF.003/15

Development at Rosehill

Portfolio Holder who made Decision:

Councillor Mrs Bradley, Economy, Enterprise and Housing Portfolio Holder

Portfolio Area:

Economy, Enterprise and Housing

Subject Matter:

To complete the leasehold disposal of land at Rosehill Industrial Estate as detailed in Executive report ED.22/14. The lease documentation has been agreed with H & H Ltd and the loss of Public Open Space has been advertised. No formal objections have been received to the notice apart from a local Ward Councillor who objected to the disposal due to the loss of free parking and his perception that overall parking on the estate would be reduced. The Councillor requested that a covenant be placed in the agreement to prevent H & H charging for parking.

These issues have been considered previously by the Executive as part of the decision making process and it is considered that there is no reason to revisit.

Summary of Options rejected:

To refer the matter back to the Executive

DECISION

To complete the leasehold disposal of land at Rosehill as outlined in report ED.22/14.

Reasons for Decision

To allow the disposal to complete in line with the Executive's decision

Date Decision Made:

26 March 2015

Implementation Date:

PF.004/15

Play Areas Restoration - release of capital funds

Portfolio Holder who made Decision:

Councillor Elsie Martlew (Environment and Transport Portfolio Holder) in consultation with Councillor Colin Glover as Leader of the Council

Portfolio Area:

Environment and Transport

Subject Matter:

To seek release of S106 capital funds for the restoration of play areas at Melbourne Park. Tenders for the work have been received and evaluated and the quick release of funding (already paid over by developers and identified for this purpose) will allow the work to be commissioned for completion before the school summer holidays (a safer option than having work ongoing during the long holiday)

Summary of Options rejected: Wait until the June Executive meeting

DECISION

The release of £56,552 of S106 funds in order to allow immediate commissioning of the projects.

£27,160 - Watt's Yard, Persimmon Homes

£29,392 - Durranshill Road, Persimmon Homes

Reasons for Decision

As set out above to enable the project to proceed as previously agreed with minimal delay

Date Decision Made: 30 March 2015 **Implementation Date:**

Officer Decisions

A.11

Below is a list of decisions taken by Officers which they have classed as significant, full details and supporting background documents can be viewed on the Council's website www.carlisle.gov.uk/CMIS/

Decision Ref No	Subject Title	Subject Matter:	Reports and Background Papers considered:	Date Decision Taken	Decision Maker
OD.047/15	The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, adopted Housing Assistance Policy July 2013	The Housing and Health Manager at Carlisle City Council has considered applications for 6 Disabled Facility Grants in the period January/February 2015. Total grant sum approved £113194.85	Housing Renewal Assistance Policy 2013 Occupational Therapist referral for each client and 6 individual DFG applications - Private * Not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972	26-Mar-15	Housing and Health Manager
OD.048/15	Cavendish Terrace	Cavendish Terrace Maintenance Agreement	The current maintenance agreement was considered before deciding how to proceed with this issue.	26-Mar-15	Director of Local Environment
OD.049/15	Licensing Decisions between 20 March to 27 March 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 20 March 2015 and 27 March 2015. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	27-Mar-15	Licensing Manager
OD.050/15	Licensing Decisions between 27 March 2015 and 2 April 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 27 March 2015 and 2 April 2015. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	02-Apr-15	Licensing Manager

Decision Ref No	Subject Title	Subject Matter:	Reports and Background Papers considered:	Date Decision Taken	Decision Maker
OD.051/15	Licensing Decisions between 2 April 2015 and 10 April 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 2 April 2015 and 10 April 2015. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	10-Apr-15	Licensing Manager
OD.052/15	Licensing Decisions between 10 April 2015 and 17 April 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 10 April 2015 and 17 April 2015. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	17-Apr-15	Licensing Manager
OD.053/15	Provision of Extension Drawings for Specialist Design Requirements for Disabled Adaptations	Extension of Contract dated 3 June 2014	N/A	23-Apr-15	Director of Economic Development
OD.054/15	Licensing Decisions between 17 April 2015 and 24 April 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 17 April 2015 and 24 April 2015. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	24-Apr-15	Licensing Manager
OD.055/15	Licensing Decisions between 24 April 2015 and 1 May 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 4 April 2015 and 1 May 2015. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	01-May-15	Licensing Manager

Decision Ref No	Subject Title	Subject Matter:	Reports and Background Papers considered:	Date Decision Taken	Decision Maker
OD.056/15	Licensing Decisions between 1 May 2015 and 8 May 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 1 May 2015 and 8 May 2015. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	08-May-15	Licensing Manager
OD.057/15	Land and outbuildings related to the Co-operative Store, Hallbankgate	Recommendation to list the land related to the Co-operative Store, Hallbankgate, as a community asset under the Localism Act 2011. Recommendation to not list the outbuildings related to the Co-operative Store, Hallbankgate, as a community asset.	PC.15/14 - Community Right to Bid report at Executive 15/12/14. Application form for Community Right to Bid - Private Not for Publication by virtue of paragraph 1 of Part of Schedule 12A of the Local Government Act 1972.	14-May-15	Town Clerk and Chief Executive
OD.058/15	Licensing Decisions between 8 May 2015 and 15 May 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 8 May 2015 and 15 May 2015. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	15-May-15	Licensing Manager

JOINT MANAGEMENT TEAM

Monday 2nd March 2015MINUTES

Present:	Councillors Colin Glover (chair), A Quilter, E Martlew, H Bradley and L Tickner. A Culleton, D Crossley, J Gooding, J Meek, M Lambert, P Mason.
Apologies:	Cllr J Riddle

JMT – JMT Minutes of Previous Meeting	Action
The minutes of the previous meeting were agreed.	
JMT – Flood Defence Maintenance	Action
A presentation was given on land drainage. A discussion took place.	
JMT – LGA Peer Review Verbal Update	
A verbal update was given on progress made following the LGA Peer Review. It was agreed an action plan to address the recommendations of the LGA Peer Review would be drafted and reviewed at a future JMT meeting.	J Gooding
JMT – Forward Plan	
The Director of Local Environment requested Rethinking Waste be added to the Forward Plan for JMT on 1 st June. The Forward Plan was then agreed.	
JMT– Notice of Executive Key Decisions	Action
The Notice of Executive Key Decisions was agreed.	

TRIPARTITE MEETING BETWEEN COUNTY COUNCIL LOCAL COMMITTEE FOR CARLISLE, CARLISLE CITY COUNCIL AND CARLISLE PARISH COUNCILS

Notes of a tripartite meeting between the County Council Local Committee for Carlisle, Carlisle City Council and Carlisle Parish Councils held on Monday 9 March 2015 at 7.00 pm at The Community East Fire Station, Carlisle.

PRESENT

County Councillors

Mr C Weber (Chair)
Mr T Allison
Mr L Fisher

City Councillors

Mrs H Bradley
Mr C Glover
Dr L Tickner

Parish

Councillor A R Auld	-	Dalston Parish Council
Councillor L Beattie	-	Beaumont Parish Council
Councillor A Byers	-	Dalston Parish Council
Councillor G Clubbs	-	Hayton Parish Council
Councillor M Cork	-	Great Orton Parish Council
Councillor B Earp	-	Wetheral Parish Council
Councillor M Fox	-	Stanwix Rural Parish Council
Councillor M Higginbotham	-	Wetheral Parish Council
Councillor J Holland	-	Wetheral Parish Council
Councillor I Howatt	-	Farlam Parish Council
Councillor M Jack	-	Kirklington Parish Council
Ms S Kyle	-	Hethersgill/Walton/Scaleby/Burtholm
Councillor W Little	-	Orton Parish Council
Mrs M E McKenna	-	Beaumont Parish Council
Councillor A Oliver	-	Burtholme Parish Council
Councillor P Rennick	-	Bewcastle Parish Council
Councillor M Ridley	-	Irthington Parish Council
Mrs V Sealby	-	Burgh By Sands Parish Council
Councillor B Smith	-	Bewcastle Parish Council
Councillor J M Stonebridge	-	Burgh by Sands Parish Council
Councillor R Tinnion	-	Hayton Parish Council

Also in Attendance:-

Ms R Davies	-	Cumbria County Council
Mrs J McKenna	-	Cumbria County Council

Mr J Smith	-	Cumbria County Council
Mr T Thwaites	-	Cumbria County Council
Ms A Cullerton	-	Carlisle City Council
Mr J Gooding	-	Carlisle City Council
Mr P Mason	-	Carlisle City Council
Mrs J Meek	-	Carlisle City Council
Mrs S Hutchinson	-	CALC
Mrs C Rankin	-	CALC

PART 1 TRIPARTITE MEETING BETWEEN COUNTY COUNCIL LOCAL COMMITTEE FOR CARLISLE, CARLISLE CITY COUNCIL AND CARLISLE PARISH COUNCILS

1. WELCOME

The Chair welcomed everyone to the meeting.

2. APOLOGIES FOR ABSENCE

- (1) Apologies for absence from members of the County Council Local Committee for Carlisle were received from Mrs D Earl, Mr W Graham, Mrs E Mallinson, Mr J Mallinson, Mr N Marriner, Mrs V Tarbitt, Mr S F Young.
- (2) Apologies for absence from Parish Council representatives were received from Mr W Bundred, Kirkandrews on Esk, Mr B Craig, Dalston, Mr J Harper, Rockcliffe, Ms A McCallum, Stanwix Rural, Mr K McIntosh, Cummersdale.
- (3) Apologies for absence from Emma Dixon, Councillor Riddle, Councillor Martlew and Councillor Cook from Carlisle City Council.

3. NOTES OF PREVIOUS MEETINGS

The notes of the Joint Meeting with Cumbria Council held on 1 April 2014 were agreed as a correct record.

The notes of the Joint meeting with Carlisle City Council held on 10 November 2014 were agreed as a correct record.

Matters Arising

The Parish Charter had been revised, the Planning Manager (Carlisle City Council) would be taking this to Parish Councils for agreement.

Ronnie Auld from Dalston Parish Council updated everyone on the newly released usage figures for the City Centre's free wifi:

In the period up until December 2014 the total number of people using the city centre wifi was 29,763, the total number of minutes spent was 6,267,359.

4. CARLISLE LOCAL PLAN

Jane Meek from Carlisle City Council updated the Group on the current developments on the Carlisle Local Plan. She explained that the plan had received approval from Carlisle City Council's full council and the 6 week public consultation was now in process. All parish councils would have received a letter informing them of this. Jane explained that there was no flexibility when it came to the 6 week period. The Plan would be submitted to the Secretary of State in May and an independent examination of the plan in later summer. It was hoped that the plan would be adopted in the spring of 2016.

Out of all the responses received in previous consultations, housing issues was the biggest concern.

In conclusion there were no fundamental changes to the strategy at the heart of the plan and that the plan is 'sound' and can be progressed.

A member raised the issue of education needs on new housing developments and had heard the possibility of the re-opening of Belah School. Cumbria County Council officers denied that there was a possibility as the site was now being used as a doctors surgery.

Another member was concerned with the sewerage infrastructure and new housing developments which were connecting up to old sewerage systems. The member informed the meeting that the old systems were inadequate. Jane Meek informed the member that if United Utilities agree to the sewerage system being used then the developers are okay to use it.

5. PARISH COUNCIL TRAINING NEEDS

Sonia Hutchinson from CALC was present to seek the views of the Parish and try to identify any training needs. She informed the group that an ICO course was scheduled to take place in. She emphasised the importance of this course and how all parishes should be aware of data protection and freedom of information.

It was agreed that parishes would feedback its view and needs to Sonia directly.

6. STREET LIGHTING

Ted Thwaites from Cumbria County Council addressed the group on parishes concerns with regards to street lighting issues over the years. Ted would be happy to speak to any of the parishes that had any issues on an individual basis and would be staying back, along with Jonathan Smith, Cumbria County Council's Area Engineer for Carlisle. Both would be available to answer and questions.

PART 2: Carlisle Parish Councils Association

1. PARISH COUNCIL AND VILLAGE HALL GRANTS 2015/16

The grant schedule had previously been circulated to all parishes. The total grant budget available for 2015/16 was £18,000 of which £9,630 was allocated in recommended grants. It should be noted that due to the reduction in the total grant budget only applications from village hall committees were being accepted at this present time.

The grant schedule as outlined was proposed for approval by Ronnie Auld and seconded by Barry Earp. The motion was carried by a majority vote.

2. DIGITAL PROJECTOR GRANTS

It was outlined that there is one remaining digital projector grant available to be allocated to a Parish Council. All parishes had been asked to express their interest in obtaining a grant for a digital projector and at present 5 parishes have registered an interest. The CPCA has been promised by the City Council that a second round of digital projector grants will be made available for an additional 5 parishes. Any parish who has not yet expressed an interest should do so to Claire Rankin.

Ted Thwaites also mentioned that if any parish would like to purchase equipment for community use, the County Council community grants should also be considered.

3. DEVOLVED SERVICES – GRASS CUTTING

Several parishes have expressed an interest in taking on additional grass cutting duties which are currently undertaken by the City Council. If any parish is interested please could they contact Claire Rankin who is compiling a database of interest. The next step is for Claire and Jocelyn Holland to meet with the City Council to discuss the proposal. It should be stressed at this point that early discussions with Angela Cullerton at the City Council indicate that there is an issue in terms of financing grass cutting services.

4. LOCAL PLAN

Following on from the earlier discussion, Jocelyn Holland stressed to parishes that if they wished to obtain a hard copy of the draft Local Plan, contact should be made with Jane Meek through her PA Dorothy Anderson. This will be a key document for the future of Carlisle district which all parishes should consider.

5. STREET LIGHTING

Again following on from the earlier discussion, Ted Thwaites agreed to produce a one page summary explaining the maintenance costs associated with new street lighting and circulate this to all parishes through Claire Rankin. Ted will produce the summary in consultation with City Council colleagues.

6. VENUES FOR FUTURE MEETINGS

Ted Thwaites asked if there were any comments parishes wished to make regarding venues for future meetings, please could they let him know. It was stressed that the village halls in the district provided very good meeting facilities.

Report to Executive

Agenda
Item:

A.14

Meeting Date: 1st June 2015
Portfolio: Finance, Governance and Resources
Key Decision: No: Not applicable
Within Policy and Budget Framework YES
Public / Private Public

Title: ANTI BRIBERY POLICY
Report of: DIRECTOR OF RESOURCES
Report Number: RD 04/15

Purpose / Summary:

This report provides Members with an Anti Bribery Policy which has been prepared in order to strengthen existing counter fraud and corruption measures and to meet the requirement of the Bribery Act 2010. The draft policy was considered by the Audit Committee in April with any amendments being reflected in the attached document.

Recommendations:

The Executive is asked to approve the Anti Bribery Policy for formal adoption by the Council as recommended by the Audit Committee on 13th April 2015.

Tracking

Executive:	1 June 2015
Overview and Scrutiny:	Not applicable
Audit Committee:	13 April 2015
Council:	Not applicable

Report to Audit Committee

Agenda
Item:

Meeting Date: 13 April 2015
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: DRAFT ANTI BRIBERY POLICY
Report of: Director of Resources
Report Number: RD04/15

Purpose / Summary:

This report provides Members with a Draft Anti Bribery Policy which has been prepared in order to strengthen existing counter fraud and corruption measures and to meet the requirement of the Bribery Act 2010.

Recommendations:

Members are requested to consider the draft policy, making changes where necessary, for recommendation to the Executive.

Tracking

Audit Committee:	13 April 2015
Overview and Scrutiny:	Not applicable
Council:	1 June 2015

1. BACKGROUND

- 1.1 This report provides Members with a Draft Anti Bribery Policy which has been prepared in order to strengthen existing counter fraud and corruption measures and to meet the requirement of the Bribery Act 2010.
- 1.2 Members are asked to consider the Policy attached to this report and make necessary amendments before the Policy is formally approved by the Executive.

2. BRIBERY ACT 2010

- 2.1 The Bribery Act came into effect on 1 July 2011 and aims to reduced levels of corruption across the UK.
- 2.2 The Act generally defines bribery as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward a person for already having done so.
- 2.3 The Act introduces four key offences:
- bribery of another person;
 - accepting a bribe;
 - bribing a foreign public official;
 - failure of an organisation to prevent bribery.
- 2.4 The Council already has in place procedures to prevent bribery and corruption and to regulate employee behaviour, including the Counter Fraud and Corruption Policy, the Code of Conduct for Council Employees and Gifts and Hospitality Rules.
- 2.5 However, statutory guidance on bribery prevention measures has been published and this has informed the new Policy. It is therefore recommended practice to adopt an Anti Bribery Policy to ensure compliance with the Act. Training on the requirements of the Bribery Act will form part of the Council's Ethical Governance programme.
- ## **3. CONCLUSION AND REASONS FOR RECOMMENDATIONS**
- 3.1 Members are requested to consider the draft policy, making changes where necessary, for recommendation to the Executive.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 4.1 To ensure that the Council has sound systems of internal control and that the governance arrangements in place comply with statutory requirements.

Contact Officer: Alison Taylor

Ext: 7290

Appendices attached to report: Appendix A – Draft Anti Bribery Policy

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/RISKS:

Chief Executive's – not applicable

Economic Development – not applicable

Governance – The Audit Committee's terms of reference provide, in relation to the Corporate Governance Framework, that the Committee is to review and advise the Executive on the embedding and maintenance of an effective system of corporate governance including internal control and risk management. The Anti Bribery Policy falls within this ambit and therefore the Audit Committee will formally recommend this policy to the Executive.

Local Environment – not applicable

Resources – included in the main body of the report



ANTI BRIBERY POLICY

Contents

1.	Introduction.....	3
2.	Scope of the Policy	3
3.	Compliance.....	3
4.	What is Bribery?	4
5.	The Council's Commitment	4
6.	Preventing Bribery – Adequate Procedures	5
7.	Employee Responsibilities	6
8.	Consequences of Improper Behaviour	7
9.	Gifts and Hospitality	7

1. Introduction

- 1.1 The Council is wholly committed to the prevention, deterrence and detection of bribery and corruption in all its dealings and relationships, and upholding all relevant laws, including the Bribery Act 2010 (“the Bribery Act”).
- 1.2 Bribery and corruption in any form are unacceptable and will lead to disciplinary action where allegations are substantiated. The Council operates a zero tolerance approach to these matters.
- 1.3 This Policy sets out key principles to achieve these aims, and details the Council’s corporate and employee responsibilities required thus ensuring compliance with the Act.
- 1.4 This Policy should be read in conjunction with the Council’s Counter Fraud and Corruption Policy, the Employee Code of Conduct and the Councils Gifts and Hospitality rules.
- 1.5 This Policy also provides information and guidance for employees on how to prevent, recognise and deal with bribery and corruption issues.

2. Scope of the Policy

- 2.1 This Policy applies to all employees of the Council (those permanently employed, temporary staff, casuals, agency staff, consultants, and volunteers) and all elected Members and covers all activities undertaken by the Council. When dealing with third parties, the Council will promote the adoption of practices and arrangements consistent with the principles set out in this policy.

3. Compliance

- 3.1 This Policy provides a framework so that staff and Members can understand and implement arrangements to enable compliance with the Bribery Act. All employees, elected Members, all contractors and their employees are required to:
 - Act honestly and with integrity at all times and to safeguard the Council’s resources for which they are responsible;
 - Comply with the relevant laws and regulations in respect of the lawful and responsible conduct of activities.

4. What is Bribery?

4.1 Bribery is an inducement or a reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage and can take various forms such as

- bribery of another individual or organisation;
- accepting a bribe from an individual or organisation.

4.2 Bribes may not always be monetary and may include gifts or hospitality.

4.3 Bribery is a criminal offence.

4.4 Additionally, failure by the Council to put in place adequate procedures to prevent bribery can also constitute an offence.

4.5 The maximum penalty for individuals under the Act is 10 years imprisonment and/ or unlimited fines. Failure by an organisation to prevent bribery carries an unlimited fine.

5. The Council's Commitment

5.1 The Council does not and will not offer or accept bribes or improper inducements to or from anyone for any purpose.

5.2 The use of an associated person or third party as a conduit to channel bribes to others is a criminal offence.

5.3 The Council is committed to the prevention, deterrence and detection of bribery by:

- Ensuring procedures are in place to prevent bribery;
- Making all employees aware of their responsibilities through this Policy, the Employee Code of Conduct and rules on Gifts and Hospitality;
- Training all employees so that they can recognise bribery and corruption and enable them to take any subsequent action that may be required;
- Ensuring training on this policy forms part of the induction process for all new employees, and that all employees are reminded annually of their responsibilities regarding bribery through the Ethical Governance Training programme;
- Encouraging employees to be vigilant and to report any reasonably held suspicions of bribery or corruption, using the Council's Whistleblowing Policy if necessary;
- Investigating instances of alleged bribery and assisting police and any other appropriate authorities in any resultant prosecution;

- Taking disciplinary action up to and including dismissal against any individual involved in bribery or other corrupt activity;
- Including appropriate clauses in employment and commercial contracts to prevent bribery.

6. Preventing Bribery – Adequate Procedures

6.1 An organisation will have a statutory defence against prosecution for bribery offences if it puts in place ‘adequate procedures’ designed to prevent bribery. What is ‘adequate’ depends on the bribery risks, the nature, size and complexity of the business. Adequate procedures need to be applied **proportionately**, based on the level of risk.

6.2 In determining such procedures, the Government has indicated that organisations should be informed by six principles:

- **Top Level Commitment**

The Council fosters a culture in which bribery is never acceptable. The Executive and Senior Management Team will be asked to approve this Policy following consideration by the Audit Committee.

- **Risk Assessment**

The Council will assess the nature and extent of its exposure to potential external and internal risks of bribery routinely and as an integral part of its usual risk management processes. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

- **Proportionate Procedures**

Procedures should be proportionate to the bribery risks face and should be clear, practical, accessible, effectively implemented and enforced.

- **Due Diligence**

Apply due diligence when taking a proportionate and risk based approach in respect of persons who perform or will perform services for or on behalf of the Council, in order to mitigate identified bribery risks.

- **Communications**

The anti-bribery policy is embedded and understood through communication, including training that is proportionate to the risks faced.

- **Monitoring and Review**

The policy will be reviewed and updated periodically to reflect organisational and legislative changes, and to reflect best practice, in order to maintain its effectiveness.

The Council is committed to the implementation of these principles and will not tolerate bribery.

7. Employee Responsibilities

7.1 Employees must read, understand and comply with this Policy.

7.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all employees working for the Council.

Therefore, all employees **must**:

- Comply with this policy;
- Avoid any activity that breaches this Policy or could be seen as a breach of this Policy;
- Where possible seek advice **before** accepting gifts or hospitality;
- Raise any concerns as soon as possible if you believe or suspect that a breach of this policy has occurred or may occur in the future. For further information on raising concerns, please see Section 14 of the Employee Code of Conduct.

Employees **must not**:

- Give or promise to give, or offer a payment, gift or hospitality with the expectation or hope that a personal, commercial, regulatory or contractual advantage will be received, or to reward any such advantage already given;
- Give or promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to facilitate or speed up a procedure;
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Council in return;
- Retaliate against, threaten or victimise anyone who has refused to be involved in bribery or corrupt practices, or who has raised concerns under this policy.

7.3 The list above is not exhaustive but is intended to provide examples of conduct likely to breach this policy.

7.4 If employees have any doubt at all about circumstances that they find themselves in, advice should be sought from their line manager **before** it becomes an issue to be dealt with.

8. Consequences of Improper Behaviour

- 8.1 All allegations relating to bribery or corrupt practices will be investigated.
- 8.2 Where the investigation concludes that improper behaviour may have occurred, the Council's Disciplinary procedures will be applied. This may result in dismissal
- 8.3 In circumstances where a criminal offence may have been committed, the Council will notify the Police.
- 8.4 The Council will seek, wherever possible, to recover any losses suffered as a result of an act of bribery or corruption.

9. Gifts and Hospitality

- 9.1 Gifts, offers of hospitality or favours from or to a third party, a contractor, client or partner organisation of the Council are capable of being perceived as constituting a bribe.
- 9.2 Therefore, you should never accept or offer a gift, hospitality, favour or any other form of inducement which may influence or be perceived as influencing actions or decisions related to your job.
- 9.3 In certain limited circumstances, and in connection with your official duties, it may be appropriate for you to offer or receive gifts of low value or small tokens of gratitude, such as merchandise / branded items which have been designed for the purpose of being given away e.g. pens, post-its etc. Similarly, small gifts such as sweets etc given to a team at Christmas will be acceptable.
- 9.4 Gifts of alcohol or offers of hospitality, however small, should not be automatically accepted by Council employees. Similarly, such gifts or offers should not be made by Council employees.
- 9.5 Advice should be sought from your manager on the appropriateness of offering or accepting **any** such hospitality or gifts. Other than in circumstances similar to those set out in paragraph 9.3 you should not accept a gift unless you are satisfied, following discussion with your manager, that to do so would not lead to your actions as a Council employee being called into question.
- 9.6 Other than the small gifts indicated in paragraph 9.3, all offers of gifts and hospitality, whether refused or accepted, should be recorded in the register of gifts and hospitality, in accordance with corporate arrangements. The Council's Gifts and Hospitality rules are contained within the Financial Procedure Rules, Constitution on the intranet.

Version Control:

Revision date	Issue No.	Summary of Changes
12/02/15	1	New Policy

EXCERPT FROM THE MINUTES OF THE AUDIT COMMITTEE HELD ON 13 APRIL 2015

AUC.33/15 DRAFT ANTI BRIBERY POLICY

The Financial Services and HR Manager submitted report RD.04/15 providing a draft Anti Bribery Policy which had been prepared in order to strengthen existing counter fraud and corruption measures, and to meet the requirement of the Bribery Act 2010.

The Financial Services and HR Manager explained that the Bribery Act had come into effect on 1 July 2011 with the aim of reducing levels of corruption across the UK.

The Act generally defined bribery as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward a person for already having done so. The Act introduced four key offences: bribery of another person; accepting a bribe; bribing a foreign public official; and failure of an organisation to prevent bribery.

The Council already had in place procedures to prevent bribery and corruption and to regulate employee behaviour, including the Counter Fraud and Corruption Policy, the Code of Conduct for Council Employees and Gifts and Hospitality Rules.

However, statutory guidance on bribery prevention measures had been published and that had informed the new Policy. It was therefore recommended practice to adopt an Anti Bribery Policy to ensure compliance with the Act. Training on the requirements of the Bribery Act would form part of the Council's Ethical Governance programme.

In conclusion, the Financial Services and HR Manager requested that Members consider the draft Policy, making changes where necessary, before recommending the draft Policy to the Executive.

A Member suggested that the Anti-Bribery Policy should be disseminated to all elected Members.

The Finance, Governance and Resources Portfolio Holder added that the Policy should be circulated to all staff, who should sign to say that they had read it.

In response, the Financial Services and HR Manager said that, following consideration of the Policy by the Executive, training would be provided (which would be mandatory for certain Officers).

The Member felt that the matter should be "signed off" for transparency reasons.

The Director of Governance felt that was a point well made, adding that the Policy would be implemented and targeted via e-learning and this would create an audit trail.

A Member stated that the threshold for the registration of gifts and hospitality had been £25 for a number of years, and questioned whether that figure should be increased.

The Director of Governance replied that the matter was reviewed in 2012 when the Members' Code of Conduct was adopted. £25 was considered to be a realistic figure.

RESOLVED – That the Audit Committee had considered the draft Anti Bribery Policy, for recommendation to the Executive on 1 June 2015.

Report to Executive

Agenda
Item:

A.15

Meeting Date: 1 June 2015
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework YES
Public / Private Public

Title: 2014/15 THIRD QUARTER PERFORMANCE REPORT
Report of: Policy and Communications Manager
Report Number: PC 02/15

Purpose / Summary:

This Performance Report updates the Executive on the Council's service standards that help measure performance. It also includes updates on key actions contained within the Carlisle Plan.

Details of each service standard are in the table in Section 1. The table illustrates the cumulative year to date figure, a month-by-month breakdown of performance and, where possible, an actual service standard baseline that has been established either locally or nationally. The updates against the actions in the Carlisle Plan follow on from the service standard information in Section 2.

Recommendations:

1. Consider the performance of the City Council presented in the report with a view to seeking continuous improvement in how the Council delivers its priorities.

Tracking

Executive:	1 June 2015
Overview and Scrutiny:	Community – 26 February 2015 Resources – 5 March 2015 Economy and Environment – 12 March 2015
Council:	N/A

1. BACKGROUND

Service standards were introduced at the beginning of 2012/13. They provide a standard in service that our customers can expect from the City Council and a standard by which we can be held to account. The measures of the standard of services are based on timeliness, accuracy and quality of the service we provide in areas that have a high impact on our customers.

Regarding the information on the Carlisle Plan, the intention is to give the Executive a brief overview of the current position without duplicating the more detailed reporting that takes place within the Overview and Scrutiny agendas and Portfolio Holder reports.

2. PROPOSALS

None

3. CONSULTATION

The report was reviewed by the Senior Management Team at their meeting on 3 February 2015 and was considered by the Overview and Scrutiny Panels on the following dates:

Community – 26 February 2015

Resources – 5 March 2015

Economy and Environment – 12 March 2015

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

The Executive are asked to note and comment on the ThirdQuarter Performance Report

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

See detail in report

Contact Officer:	Steven O’Keeffe	Ext: 7258
	Martin Daley	7430
	Gary Oliver	7508

Appendices **None**
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:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – Responsible for monitoring and reporting on service standards, customer satisfaction and progress in delivering the Carlisle Plan whilst looking at new ways of gathering and reviewing customer information.

Economic Development – Responsible for managing high level projects and team level service standards on a day-to-day basis.

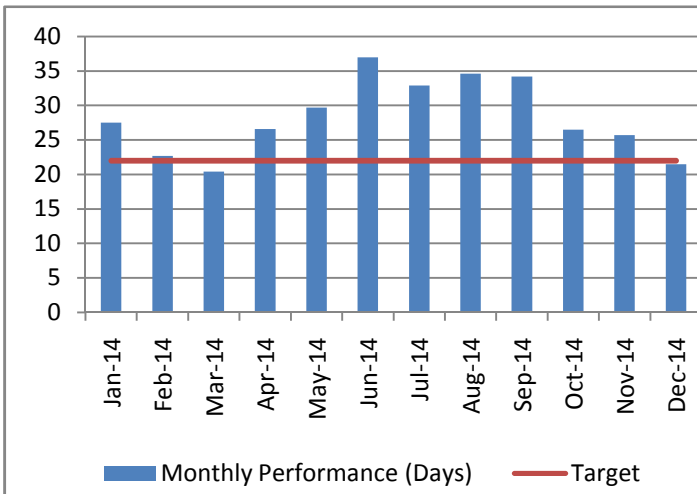
Governance – Responsible for corporate governance and managing team level service standards on a day-to-day basis.

Local Environment – Responsible for managing high level projects and team level service standards on a day-to-day basis.

Resources – Responsible for managing high level projects team level service standards on a day-to-day basis.

SECTION 1: 2014/15 SERVICE STANDARDS

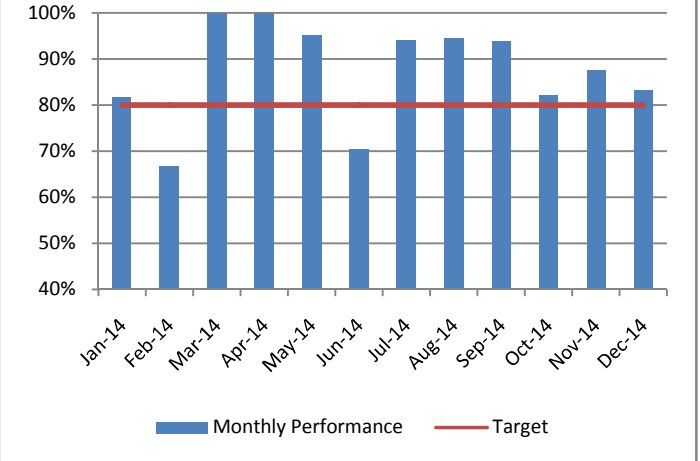
Service Standard: Average number of days to process new benefits claims

Service Standard	Year to Date Figure	Performance by Month																										
Average number of new claims should be processed within 22 days	29.8 days (2013/14 – 21.6 days)	 <table><caption>Monthly Performance Data (Estimated)</caption><thead><tr><th>Month</th><th>Monthly Performance (Days)</th></tr></thead><tbody><tr><td>Jan-14</td><td>27</td></tr><tr><td>Feb-14</td><td>22</td></tr><tr><td>Mar-14</td><td>20</td></tr><tr><td>Apr-14</td><td>26</td></tr><tr><td>May-14</td><td>29</td></tr><tr><td>Jun-14</td><td>37</td></tr><tr><td>Jul-14</td><td>33</td></tr><tr><td>Aug-14</td><td>34</td></tr><tr><td>Sep-14</td><td>34</td></tr><tr><td>Oct-14</td><td>26</td></tr><tr><td>Nov-14</td><td>25</td></tr><tr><td>Dec-14</td><td>21</td></tr></tbody></table> <p>Monthly Performance (Days) Target</p>	Month	Monthly Performance (Days)	Jan-14	27	Feb-14	22	Mar-14	20	Apr-14	26	May-14	29	Jun-14	37	Jul-14	33	Aug-14	34	Sep-14	34	Oct-14	26	Nov-14	25	Dec-14	21
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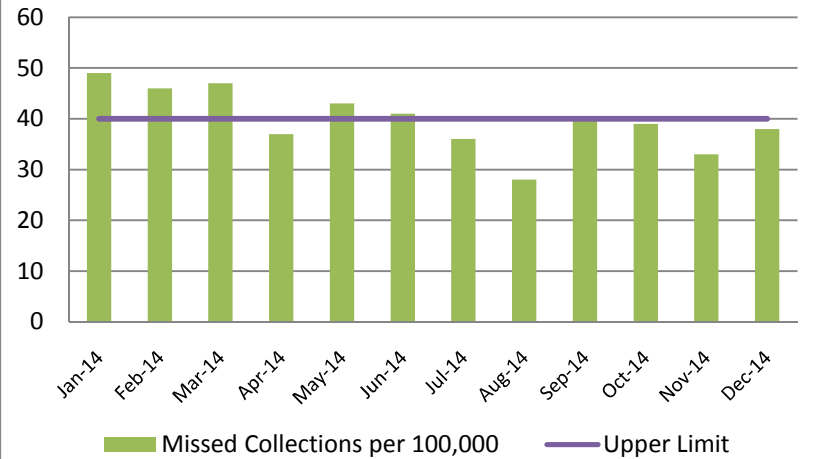
The summer dip in performance has now improved. The unprecedented levels of sickness and vacancies in the shared service have been mostly resolved and the backlog of assessment work has reduced.

Preliminary figures for January 2015 also reflect the improving trend.

Service Standard: Percentage of Household Planning Applications processed within eight weeks

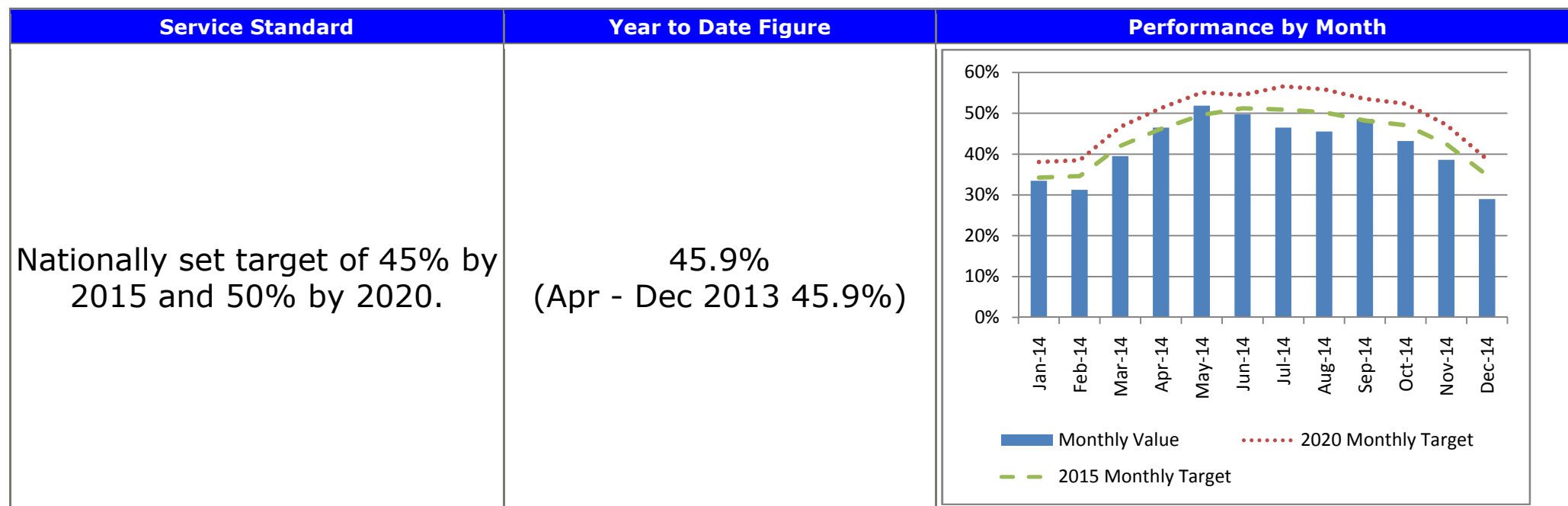
Service Standard	Year to Date Figure	Performance by Month																																							
<p>80%</p> <p>(Nationally set target)</p>	<p>90%</p> <p>(2013/14 88%)</p>	 <table border="1"> <caption>Monthly Performance Data</caption> <thead> <tr> <th>Month</th> <th>Monthly Performance (%)</th> <th>Target (%)</th> </tr> </thead> <tbody> <tr><td>Jan-14</td><td>82%</td><td>80%</td></tr> <tr><td>Feb-14</td><td>68%</td><td>80%</td></tr> <tr><td>Mar-14</td><td>100%</td><td>80%</td></tr> <tr><td>Apr-14</td><td>100%</td><td>80%</td></tr> <tr><td>May-14</td><td>95%</td><td>80%</td></tr> <tr><td>Jun-14</td><td>70%</td><td>80%</td></tr> <tr><td>Jul-14</td><td>94%</td><td>80%</td></tr> <tr><td>Aug-14</td><td>94%</td><td>80%</td></tr> <tr><td>Sep-14</td><td>94%</td><td>80%</td></tr> <tr><td>Oct-14</td><td>82%</td><td>80%</td></tr> <tr><td>Nov-14</td><td>88%</td><td>80%</td></tr> <tr><td>Dec-14</td><td>83%</td><td>80%</td></tr> </tbody> </table>	Month	Monthly Performance (%)	Target (%)	Jan-14	82%	80%	Feb-14	68%	80%	Mar-14	100%	80%	Apr-14	100%	80%	May-14	95%	80%	Jun-14	70%	80%	Jul-14	94%	80%	Aug-14	94%	80%	Sep-14	94%	80%	Oct-14	82%	80%	Nov-14	88%	80%	Dec-14	83%	80%
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Service Standard: Number of missed waste or recycling collections

Service Standard	Year to Date Figure	Performance by Month																										
40 missed collections per 100,000 (Industry standard)	Average of 37 misses per 100,000 collections per month (2013/14 36)	 <table><caption>Missed Collections per 100,000 by Month</caption><thead><tr><th>Month</th><th>Missed Collections per 100,000</th></tr></thead><tbody><tr><td>Jan-14</td><td>49</td></tr><tr><td>Feb-14</td><td>46</td></tr><tr><td>Mar-14</td><td>47</td></tr><tr><td>Apr-14</td><td>37</td></tr><tr><td>May-14</td><td>43</td></tr><tr><td>Jun-14</td><td>41</td></tr><tr><td>Jul-14</td><td>36</td></tr><tr><td>Aug-14</td><td>28</td></tr><tr><td>Sep-14</td><td>40</td></tr><tr><td>Oct-14</td><td>39</td></tr><tr><td>Nov-14</td><td>33</td></tr><tr><td>Dec-14</td><td>38</td></tr></tbody></table>	Month	Missed Collections per 100,000	Jan-14	49	Feb-14	46	Mar-14	47	Apr-14	37	May-14	43	Jun-14	41	Jul-14	36	Aug-14	28	Sep-14	40	Oct-14	39	Nov-14	33	Dec-14	38
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This service standard was previously measured as a percentage of all collections made whereas the industry standard is measured per 100,000 collections. To allow an easier comparison to be made with the industry standard and for benchmarking purposes the standard is now measured in the same format as the target. The Council made 1,154,478 collections during the quarter. The number of failures per 100,000 for the third quarter was 37 which equates to 419 actual failures.

Service Standard: Percentage of household waste sent for recycling



The graph above shows what the monthly target would be in order to achieve the national 2015 target of 45% and the 2020 target of 50%. The 45.91% recycling rate for Quarters 1, 2 and 3 in 2014/15 compares with 45.95% for the same period in 2013/14.

Section 2: Carlisle Plan Update

PRIORITY – We will support the growth of more high quality and sustainable business and employment opportunities

The Council's Key Decisions will support business growth, with its services being viewed as 'business friendly' through working more closely with them to meet business' needs.

Carlisle Local Plan 2015 - 2030

The emerging Carlisle Local Plan sets out a planning framework for guiding the location and level of development in the District up to 2030, as well as a number of principles that will shape the way that Carlisle will develop between now and then.

The Plan targets the delivery of approximately 9,000 new homes across the 2015-2030 period, and identifies the land available to accommodate this growth. This target represents the most ambitious level of housing growth pursued within Carlisle to date, in response to evidenced demographic and economic needs. The Plan also requires the delivery of a mix of dwelling types and tenures including affordable homes. From a housing perspective the Local Plan will therefore be amongst the most influential strategies at play across the next fifteen years.

Following consideration by and upon receipt of feedback from the Environment and Economy Overview and Scrutiny Panel, the Executive resolved at their meeting on the 26th January to refer the proposed submission draft of the Local Plan to Council to seek approval for the steps necessary to progress the Plan towards adoption. These steps include a further six week minimum period of public consultation which is anticipated to commence in late February and beyond this the submission of the Plan to government in order for it to be independently examined. Formal adoption of the Plan is still anticipated to be early 2016.

Promoting Carlisle including Prospectus for Carlisle

Kate Wilson of Business Toolbox Cumbria (BTC) and Michelle Masters of Michelle Masters Consulting have been appointed to deliver the Carlisle Ambassador Programme.

Employment sites – Durranhill

Access and environmental improvements to Durranhill Industrial estate. Planning consent has been granted for the new access road and we are now undertaking a tender process to appoint a contractor to undertake the work.

PRIORITY - We will develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle

This priority supports tourism, the arts and creative industries. It is recognised that arts and leisure are important in making Carlisle a great place to work, live and visit. Developing public realm improvements is a key piece of work under this priority. This involves the city and county councils working together.

Old Town Hall Phase 2 / TIC

Cubby Construction started site works on 7th January 2015 with a scheduled completion of July 2015. The TIC has temporarily been moved to 40 Scotch Street for the duration of works.

The works will support the role of the Old Town Hall as a visitor attraction and destination whilst offering the services and facilities associated with a strategic Tourist Information Centre. Upgrades will include the installation of multi media equipment, discovery wall, retail fitments and desk installation with improved access from street level to the first floor and increased use of the adjacent Assembly Room.

Public Realm

A procurement exercise has been undertaken to appoint a contractor to manufacture public realm signage. Further work is being undertaken to turn the concepts into reality.

Arts Centre

Construction work started on 4 October with a scheduled completion of May 2015.

Harraby Campus Development

Construction work is now underway and progressing on schedule. A value engineering exercise was completed ahead of works which brought the scheme back under budget (allowing for additional funding supplied by the County Council).

Discussions have also progressed with British Cycling to extend the scheme to include a 1km closed cycle track (funded via British Cycling).

PRIORITY - We will work more effectively with partners to achieve the City Council's priorities

The City Council wants to establish Carlisle as a nationally recognised sub-regional capital by becoming an effective partner in the key areas of housing and economic growth.

Home Improvement Agency (HIA)

Homelife Carlisle has been awarded £1,000 from ESH Community fund to support interagency work with hoarders and have also received an additional £2,000 from Gas Safe for free boiler servicing and gas safety repairs for vulnerable homeowners. Executive have approved a partnership with NPower to deliver energy efficiency measures in the District to reduce fuel poverty.

Homelessness Strategy

The information gained from consultation with key stakeholders along with local research findings has been utilised to form the basis of the draft local strategy. The draft strategy will be completed and agreed by key partners by the end of November; with the strategy and action plan agreed internally by March 2015 for implementation in April 2015.

PRIORITY - We will work with partners to develop a skilled and prosperous workforce, fit for the future

The City Council continues to work closely with partners through the Carlisle Economic Partnership (CEP). Part of the CEP action plan of key priorities sets out actions to address skills gaps by identifying skills needs for growth and encouraging provision which meets those needs.

The City Council is supporting the Knowledge Transfer Project which will help maximise the potential of 'e'-commerce by supporting local retailers (SMEs) and especially independents to make use of the internet to promote and grow their business. This two year project will support businesses to develop specific products together with experts from the University of Cumbria with the aim of maximising the use of the City Centre WiFi, using apps, for example, to support the local economy.

The on-line web portal for city centre businesses was launched in November.

The City Council also continues to lead by example as one of Carlisle's large employers by investing in the development of its staff. This includes working with the University of Cumbria, Carlisle College and local training providers to deliver a wide range of technical and professional learning and development opportunities to staff.

PRIORITY - Together we will make Carlisle clean and tidy

The City Council recognises the shared responsibility between it and the community and is committed to a pro-active approach to making Carlisle a place that its residents can be proud of.

There is evidence of less dog fouling and less street litter (Nov 2013 177 instances compared to Nov 2014 95 instances of dog fouling counted). The Enforcement and Education Team continue to take a proactive approach by visiting schools and holding responsible dog ownership days.

There has been an improvement to street cleansing with emphasis on leaf clearance during Oct /Nov and therefore there has been no insurance claims relating to leaf clearance. At the start of December 2014, a team of litter pickers have been picking up litter from grass verges between Carlisle and Brampton, and Carlisle and Longtown. The rapid response team has been extended for a further 2 years.

200 new litterbins have been purchased to replace existing broken and plastic bin. These all have ashtrays on the top to improve the amount of cigarette littering. The new bins are being rolled out during February and March 2015. Litterbin Operation Procedures are being compiled for the maintenance and replacement of litterbins.

The design of the plastic and card sacks has been improved to reduce the amount of recycling being blown into the streets. Box hats for green boxes are now available free of charge from the civic centre.

During the bad weather street cleaners gritted the town centre and also helped the County Council by gritting outside local shopping areas to help ensure the safety of the general public.

The Clean up Carlisle budget has been spent on tools and equipment, litter bins, improved bring sites, a new street cleaning vehicle, improved leaf clearance work and extra litter picking on grass verges.

Rethinking Waste Project

Following consultation with Scrutiny, the Waste Policy Framework has been rolled out to operational staff and the contact centre.

A 6 month review of sale of recyclates has taken place and the contract has been extended by 12 months.

The green box tender was won by the current contractor. The new contract will commence in June 2015 and will be for a 12 month period with the option to extend for up to a further year. The only changes from the existing contract are that the contractor will now purchase the green boxes themselves and the monthly fee has reduced.

Work has commenced on additional consultancy work to consider 2 stream collection and recycling credit sensitivity, and review assumptions.

PRIORITY - We will address Carlisle's current and future housing needs

The key to this priority is the delivery of the City Council's housing strategy.

Delivery of the Affordable Housing Programme:

Two schemes, developed by Riverside Cumbria at Dalton Avenue and Tomlinson Avenue are due to complete by the end of the financial year, successfully concluding the 2011-15 affordable housing programme. Nineteen affordable rented two bed bungalows and thirty-nine, two three and four bedroom affordable rented properties will be delivered, helping the District to meet need for older/mobility housing and family housing. It is worth noting that between Jan – Dec 2014 we gave planning permission for schemes under which a total of 48 discounted sale dwellings, and 43 socially rented dwellings will be provided; and developers have agreed to pay financial contributions for off-site provision of affordable housing concerning a further 14 schemes.

Empty Homes:

There is a projected delivery of 54 units by March 2015 which will exceed the DCLG target by 9 units. As well as providing housing for up to 168 people, the project is significantly enhancing the local economy and has created 19 jobs.

Gypsy and Traveller Transit site:

A desktop review of the 2008 and 2013 Gypsy Traveller Accommodation Assessment shows that permanent pitch provision in the District has more than doubled since 2008 and currently stands at 74 pitches (including two with temporary planning permission. Transit provision has also increased from 24 units in the District in 2008 to 30 units currently. The incidence of unauthorised encampments has also reduced from 31 in 2006 to 9 in 2014. We are currently assessing how we can address any need.

YMCA making homes programme

The scheme closed on 31 December 2014. Nine properties have been returned to use.

Meeting Date: 1 June 2015

Portfolio: All Areas

Key Decision: Not applicable

Within Policy and Budget Framework: Yes/No (delete as appropriate)

Public/Private*: Public

Title: **REPRESENTATIVES ON OUTSIDE BODIES**

Report Number: GD.36/15

Report of: Director of Governance

PURPOSE/SUMMARY:

To nominate Members to serve on various outside bodies.

RECOMMENDATIONS:

The Executive is requested to determine the nominations and note the position regarding those organisations for which appointments are no longer required.

TRACKING:

Executive:	1 June 2015
Overview and Scrutiny:	N/A
Council:	N/A

1. BACKGROUND

- 1.1 Set out in Appendix A are the details of those bodies to which the Executive is responsible for making appointments. The table shows the outside organisation, the current representative, the required appointment and the Executive's proposals.
- 1.2 The following organisations to which appointments were made last year have informed the Council that they no longer meet and/or no further representation is required:

Carlisle Leisure Board
Cumbria Health and Wellbeing Board
Hadrian's Wall Management Committee

2. RECOMMENDATIONS AND REASONS FOR RECOMMENDATIONS

- 2.1 In order to seek instructions to determine the nominations and note the position regarding those organisations for which appointments are no longer required
- 2.2 In order to seek instructions from the Executive regarding the appointments to outside bodies for 2015/16

Contact Officer: Rachel Rooney

Ext: 7039

Appendices attached to report: Appendix A – Representations and Proposals

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:

- Carlisle City Council's Constitution

IMPLICATIONS:

Chief Executive's – To ensure that the Council are represented on outside bodies within the Community

Community Engagement – None

Economic Development – None

Governance – Have been included in the drafting of the report.

Local Environment – None

Resources - None

Appendix A – Representatives on Outside Bodies 2015/16

Outside Body	Current Representation	Required Appointments	Executive's Proposals
Belah Community Centre Management Committee	Councillors Ellis, Morton and Mrs Vasey	3 nominations	Councillors Ellis, Morton and Mrs Vasey
Botcherby Community Centre Management Committee Botcherby Community Centre's Articles of Association state that the composition of the Board of Trustees will include one person nominated by Carlisle City Council.	Councillor Scarborough	1 nomination	Councillor Scarborough
Brampton and Beyond Community Trust Advisory Council (NOTE: The Trust's area of benefit covers the following Wards and all relevant Ward Members are welcome to join the Advisory Council: Brampton, Great Corby and Geltsdale, Irthing, Lyne, Stanwix Rural and Wetheral.)	Councillor Layden	Up to 9 nominations	Councillor Layden plus up to eight further nominees
Carlisle and District Citizens' Advice Bureau Trustee Management Committee	Councillors Earp and Wilson	2 nominations	Councillors Earp and Wilson
Carlisle and Eden Community Safety Partnership Leadership Group	Councillor Mrs Riddle Councillor Mrs Stevenson (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Mrs Riddle Councillor Mrs Stevenson (as substitute)
Carlisle Educational Charity	Councillors Allison (until March 2016), Dodd (until June 2018), Mrs Mallinson (until August 2016) and Tickner (until June 2018)	No nominations required	

Outside Body	Current Representation	Required Appointments	Executive's Proposals
Carlisle Highways and Transport Working Group	Councillors Mrs Martlew & Tickner Councillors Mrs Stevenson (as substitute)	3 nominations (2 full appointments and 1 substitute appointment)	Councillors Mrs Martlew and Tickner Councillor Mrs Stevenson (as substitute)
Carlisle Partnership Executive	Councillors Glover, J Mallinson, Quilter and Weber	3 nominations plus the Leader	Councillors Glover, J Mallinson, Mrs Martlew and Mrs Riddle
(NOTE: The Carlisle Partnership's Constitution states that Carlisle City Council may nominate three Councillors and one senior officer in addition to the Leader of Carlisle City Council.)			
Carlisle Sports Council	Councillor Cape	1 nomination	Councillor Cape
Conservation Area Advisory Committee	Councillor Dodd	1 nomination	Councillor Dodd
Cumbria Equality Champions' Group	Councillor Tickner	1 nomination	Councillor Tickner
(NOTE: the primary aim of the Group is to ensure that County and District Councils collaborate on understanding Equality and make sure that Elected Members have peer support in meeting the Public Sector Equality Duty)			
Cumbria Public Health Alliance	New representation	2 nominations (1 full appointment and 1 substitute appointment)	Councillors Mrs Riddle Councillor Ms Quilter (as substitute)
Cumbria Health Scrutiny Committee	Councillor Burns Councillor Watson (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Burns Councillor Watson (as substitute)
(NOTE: This is a joint Scrutiny Committee comprising representatives of the six District Councils in Cumbria and Cumbria County Council. The terms of reference require that Members should be full serving Members of Overview and Scrutiny Panels.)			

Outside Body	Current Representation	Required Appointments	Executive's Proposals
Cumbria Leadership Board	Councillor Glover Councillor Mrs Martlew (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Glover Councillor Mrs Martlew (as substitute)
Cumbria Planning Group	Councillor Mrs Bradley	1 nomination	Councillor Mrs Bradley
Cumbria Strategic Waste Partnership	Councillor Mrs Martlew Councillor Stothard (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Mrs Martlew Councillor Stothard (as substitute)
Currock Community Centre Management Committee	Councillors Mrs Bradley, Glover and Harid	3 nominations	Councillors Mrs Bradley, Glover and Harid
Denton Holme Community Centre Management Committee	Councillors C Southward, McDevitt and Mrs Southward	3 nominations	Councillors C Southward, McDevitt and Mrs Southward
Divisional Board of Riverside Carlisle	Councillors Bainbridge (since 2012), Caig (since 2014), Ms Franklin (since 2014) and Layden (since 2008).	4 nominations	Councillors Bainbridge (since 2012), Caig (since 2014), Ms Franklin (since 2014) and Layden (since 2008).
(NOTE: Council representatives can remain on the Riverside Board for a maximum of 9 years. Appointments or removals have been made in writing by the City Council to the Secretary of the Carlisle Housing Association Board)			
The District Council's Network Assembly	Councillor Glover Councillor Mrs Martlew (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Glover Councillor Mrs Martlew (as substitute)
(NOTE: The DCNs constitution states that the representative is the usually the Leader of the Council or someone in an equivalent position)			

Outside Body	Current Representation	Required Appointments	Executive's Proposals
Downagata Community Centre Management Committee	Councillors Graham and Mrs Parsons	2 nominations	Councillors Graham and Mrs Parsons
Greystone Community Association	Councillors Ms Quilter	1 nomination	Councillors Ms Quilter
Harraby Community Centre Management Committee	Councillors Burns, Miss Sherriff and Weber	3 nominations	Councillors Burns, Miss Sherriff and Ms Williams
Local Authority World Heritage Forum	Councillor Ms Quilter Councillor Miss Sherriff (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Ms Quilter Councillor Dodd (as substitute)
Local Government Association – General Assembly	Councillor Glover Councillor Mrs Martlew (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Glover Councillor Mrs Martlew (as substitute)
Local Government Information Unit	Councillor Tickner	1 nomination	Councillor Tickner
Longtown Community Centre Management Committee	Councillor J Mallinson	1 nomination	Councillor J Mallinson
Longtown Memorial Hall Community Centre's Articles of Association state that the composition of the Board of Trustees will include one person nominated by Carlisle City Council.			
Mary Hannah Almshouses	Councillors Ellis (until March 2016), Mrs Vasey (until March 2016) and Morton (until June 2017)	No nominations required	
Morton Community Centre Management Committee	Councillors Bell, Mrs Stevenson and Stothard	3 nominations	Councillors Bell, Mrs Stevenson and Stothard

Outside Body	Current Representation	Required Appointments	Executive's Proposals
National Association of Councillors – English Region	Councillor Mrs Riddle	1 nomination	Councillor Mrs Riddle
National Association of Councillors	Councillor Mrs Riddle	1 nomination	Councillor Mrs Riddle
North Pennines Area of Outstanding Natural Beauty Partnership	Councillor Scarborough	1 nomination	Councillor Scarborough
North West Local Authorities Employers Organisation	Councillor Glover Councillor Tickner (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Glover Councillor Tickner (as substitute)
North West Regional Housing Forum	Councillors Mrs Bradley	1 nomination	Councillors Mrs Bradley
PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee Services	Councillor Mrs Martlew Councillor Bell (as substitute)	2 nominations (1 full appointment and 1 substitute appointment)	Councillor Mrs Martlew Councillor Bell (as substitute)
Petteril Bank Community Centre Management Committee	Councillors Cape, Mrs Warwick and Wilson	3 nominations	Councillors Cape, Mrs Warwick and Wilson
Settle – Carlisle Railway Development Company	Councillor Scarborough	1 nomination	Councillor Scarborough
Solway Coast Area of Outstanding Natural Beauty Joint Advisory Committee	Councillor Tickner	1 nomination	Councillor Tickner
Solway Firth Partnership Board	Councillor Tickner	1 nomination	Councillor Tickner
Stanwix Community Association	Councillor Nedved	1 nomination	Councillor Nedved

Outside Body	Current Representation	Required Appointments	Executive's Proposals
Tullie House Museum and Art Gallery Trust Board	Councillors Tickner and J Mallinson	2 nominations	Councillors Tickner and J Mallinson
West Coast Rail 250	Councillor Mrs Martlew	1 nomination	Councillor Mrs Martlew
Yewdale Community Centre Committee	Councillors Mrs Atkinson, Bowditch and Dodd	3 nominations	Councillors Mrs Atkinson, Bowditch and Dodd