

AGENDA

Executive

Monday, 27 July 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 of Previous Meetings

To confirm the Minutes of the meetings of the Executive held on 7 April and 1 June 2015.

[Copy Minutes in Minute Book Volume 42(1)]

PART A

To be considered when the Public and Press are present

- A.1 DRAFT MEDIUM TERM FINANCIAL PLAN 2016/17 TO 2020/21 7 - 46**
- (Key Decision - KD.05/15)
- The Director of Resources to submit a report seeking consideration of the draft Medium Term Financial Plan to guide the Council's forward financial planning process.
(Copy Report RD.21/15 herewith)
- A.2 DRAFT CAPITAL STRATEGY 2016/17 TO 2020/21 47 - 70**
- (Key Decision - KD.05/15)
- The Director of Resources to submit a report seeking consideration of the draft Capital Strategy 2016/17 to 2020/21.
(Copy Report RD.22/15 herewith)
- A.3 DRAFT ASSET MANAGEMENT PLAN 2015 - 2020 71 - 116**
- (Key Decision - KD.16/15)
- The Director of Governance to submit a report on the Draft Asset Management Plan for the forthcoming period, in tandem with the Council's Medium Term Financial Strategy.
(Copy Report GD.28/15 herewith)
- A.4 CARLISLE AND EDEN COMMUNITY SAFETY PARTNERSHIP 117 - 194**
ANNUAL PLAN 2015/16
- (Key Decision - KD.03/15)
- The Deputy Chief Executive to submit a report seeking consideration of the Carlisle and Eden Community Safety Partnership Annual Plan 2015/16. The Community Overview and Scrutiny Panel considered the matter on 23 July 2015.
(Copy Report SD.15/15 herewith / Minute Excerpt to follow)
- A.5 CONTAMINATED LAND STRATEGY (Cost Recovery and 195 - 294**
Hardship Policy)
- (Key Decision - KD.13/15)

Pursuant to Minute EX.46/15, the Director of Local Environment to submit a report presenting the revised 2015 Contaminated Land Strategy, incorporating the Cost Recovery and Hardship Policy. The Environment and Economy Overview and Scrutiny Panel considered the matter on 25 June 2015.
(Copy Report LE.21/15 and Minute Excerpt herewith)

A.6 TENNIS FACILITIES DEVELOPMENT

(Key Decision - KD.23/15)

The Deputy Chief Executive to submit a report seeking approval to extend the capital programme by £497,000 in order to deliver enhanced all weather tennis facilities at Bitts Park.
(Copy Report SD.12/15 herewith)

A.7 CLOSED CIRCUIT CYCLE TRACK DEVELOPMENT

(Key Decision - KD.24/15)

The Deputy Chief Executive to submit a report seeking Executive approval to accept up to £650,000 in British Cycling Funding (on completion of a successful 'solicited application' process) in order to develop a 1km closed circuit cycle track in Harraby.
(Copy Report SD.13/15 herewith)

A.8 NOTICE OF EXECUTIVE KEY DECISIONS

(Non Key Decision)

The Notice of Executive Key Decisions, published on 26 June 2015, is submitted for information.
(Copy Notice herewith)

A.9 SCHEDULE OF DECISIONS TAKEN BY PORTFOLIO HOLDERS 391 - 392

(Non Key Decision)

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

Background Papers - Report RD.13/15 of the Director of Resources

A.10 SCHEDULE OF DECISIONS TAKEN BY OFFICERS 393 - 394

(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.11 REFERENCE FROM OVERVIEW AND SCRUTINY 395 - 396

(Non Key Decision)

To consider the following reference:

EEOSP.31/15 - Memorandum of Understanding between Cumbria County Council and the City Council.

(Copy Minute Excerpt herewith)

A.12 JOINT MANAGEMENT TEAM 397 - 398

(Non Key Decision)

The Minutes of the meeting of the Joint Management Team held on 1 July 2015 are submitted for information.

(Copy Minutes herewith)

A.13 END OF YEAR PERFORMANCE REPORT 2014/15 399 - 418

(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.

(Copy Report PC.10/15 herewith)

A.14 SEXUAL ASSAULT REFERRAL CENTRE 419 - 424

(Non Key Decision)

The Director of Resources to submit a report providing an update on the setting up and operation of the Sexual Assault Referral Centre and requesting the release of the budget provision to support the initiative.
(Copy Report CE.09/15 herewith)

PART B

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

- NIL -

Members of the Executive

Councillor C W Glover (Leader)

Councillor 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 6 August 2015

Report to Executive

Agenda
Item:

A.1

Meeting Date: 27 July 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref:KD05/15
Within Policy and Budget Framework YES
Public / Private Public

Title: DRAFT MEDIUM TERM FINANCIAL PLAN 2016/17 TO 2020/21
Report of: DIRECTOR OF RESOURCES
Report Number: RD21/15

Purpose / Summary:

The Medium Term Financial Plan sets out the current framework for planning and managing the Council's financial resources, to develop its annual budget strategy and update its current five year financial plan. The Plan links the key aims and objectives of the Council, as contained in the Carlisle Plan, to the availability of resources, enabling the Council to prioritise the allocation of resources to best meet its overall aims and objectives. The MTFP will inform the budget process and will be updated for changes when known. Following consideration by the Executive and the Resources Overview and Scrutiny Panel, final recommendations will be made to Council on 8 September 2015.

Recommendations:

The Executive is asked to:

- (i) Comment on the draft MTFP for consideration by the Resources Overview and Scrutiny Panel on the 6 August.

Tracking

Executive:	27 July 2015
Overview and Scrutiny:	6 August 2015
Executive:	24 August 2015
Council:	8 September 2015

1. BACKGROUND

- 1.1 The Medium Term Financial Plan (MTFP) is the key policy document to guide the Council's forward financial planning process. The attached report details the current Plan for the period 2016/17 to 2020/21. The MTFP is reviewed annually starting with the assumptions made in the Budget Resolution approved by Council on 4 February 2015. The starting point for the MTFP is to show the impact of the Council Resolution and raise awareness of the issues that are on the horizon that will need to be considered as part of the detailed budget process.
- 1.2 The Corporate Charging Policy has also been reviewed and included within the MTFP. It provides a framework providing potential policy options for each Charging area. This recognises that different approaches may be required for different services and that there are a variety of influences that need to be acknowledged in charge setting.

2. KEY DATES

- 2.1 Following consideration of the current MTFP and other key Policy documents by the Executive and Resources Overview and Scrutiny Panel, these will be formally approved by Council on 8 September 2015.
- 2.2 A timetable for the budget process will be prepared and the overall budget position for revenue and capital, and individual reports on spending pressures, saving proposals, and charging reports will be considered by the Executive at its meeting on 16 November. These reports will be scrutinised by the three Overview and Scrutiny Panels at the end of November and beginning of December.
- 2.3 Proposals to streamline the budget reporting process will be put before the Executive in August when the MTFP returns with comments from ROSP. It is hoped that by streamlining the process and linking the reports of the Director of Resources more closely with the decisions taken by the Executive, the process will become more transparent.

3. KEY MESSAGES

- 3.1 The MTFP shows the starting position for budget considerations for the next five years and gives an indication of the likely factors that will have an impact in the budget setting process. Key to these considerations will be likely pressures in the form of:

- Reductions in Revenue Support Grant
- Re-profiling of asset sales will have a significant impact on the revenue budget through the requirement to fund the capital programme with a borrowing requirement.
- The above will have an impact on the Treasury Management budget
- Income shortfalls from the Lanes

3.2 As well as some significant pressures, there is scope for some additional savings and additional income opportunities to be considered as part of the budget process too. These considerations are likely to be around:

- Inflation savings
- New Homes Bonus allocations from 2016/17
- Business Rate Retention Growth and Pooling
- What to do with the Stock Issue loan in 2020

3.3 Further pressures and savings may become more apparent after the Emergency Budget on 8 July 2015 and in the Comprehensive Spending Review scheduled to be announced in autumn 2015.

4. CONSULTATION

4.1 The draft MTFP has been considered by the Senior Management Team and the Portfolio Holder for Finance, Governance and Resources.

4.2 The Resources Overview and Scrutiny Panel will consider the MTFP on 6 August, and recommendations made to full Council on 9 September.

4.3 The Budget Process and MTFP are also informed by consultation with wider stakeholders, including residents. Each year the Council consults with the Business Community and also carries out public consultations as appropriate

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

5.1 The Executive is asked to:
Comment on the draft MTFP for consideration by the Resources Overview and Scrutiny Panel on the 6 August.

6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

6.1 The Medium Term Financial Plan outlines how the Council will prioritise its financial resources in the delivery of services

Contact Officer: Steven Tickner

Ext: 7280

Appendices Appendix 1 – Medium Term Financial Plan 2016/17 – 2020/21
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 – The Council has a legal duty to put in place a balanced budget to the satisfaction of the Council's Section 151 Officer. The Medium Term Financial Plan is an important part of fulfilling this obligation.

Local Environment –

Resources – Contained within the MTFP

Medium Term Financial Plan

Carlisle City Council

2016/17 to 2020/21

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1.0 Introduction

1.1 The Medium Term Financial Plan (MTFP) provides the corporate financial planning framework to provide strategic direction to the Council for the next five years and to ensure that the financial resources of the Council are directed to achieving the Council's key corporate priorities. The objectives of the MTFP are to:

- Guide the integration of financial planning with the priorities set out in the Carlisle Plan to ensure that spending decisions contribute to the achievement of the Council's priorities,
- Guide and be informed by Directorate and other relevant strategies and plans of the Council, which set out how resources will deliver the outcomes and priorities specified in the Carlisle Plan,
- Forecast a minimum five -year corporate and financial planning horizon, with longer periods developed where necessary,
- Manage performance management and decision making procedures to help achieve the best use of available resources,
- Consider the implications of the use of financial resources on the levels of Council Tax and other Council charges.
- Review the policy over the level of reserves held by the Council,
- Set out processes to monitor and evaluate proposed and actual spending to ensure that value for money is obtained.

1.2 The overarching policy guidelines of the MTFP are that resources will be redirected to Council priorities via the budget process within the overall caveats that: -

- Redirection of resources towards areas of high priority will be contained within existing budgets, unless increases can be justified and funded through the budget process.
- Council Tax increases will be limited to fair and reasonable levels, taking account of national guidance from Government
- External grants and income will be maximised wherever possible to mitigate the effects of budget increases.
- Partnership working and funding opportunities will be explored wherever feasible.

1.3 The Medium Term Financial Plan sets out how Carlisle City Council will manage its finances to deliver against its corporate priorities, whilst protecting its financial standing and responding to the many challenges it faces.

- 1.4 The measures announced by the Government to reduce the amount of Public Spending and to reduce the Country's structural deficit will continue to play a pivotal role in determining how much the economy grows over the coming years. Economic growth in Carlisle will impact on the income the Council receives and also the support it is able to give to vulnerable residents. Treasury Management income will also be limited whilst interest rates remain low, and the available institutions with which the Council can invest with diminishes due to restrictions in bank credit ratings. The effects on the MTFP of any changes to the state of the economy will need to be closely monitored in the short term in order to react effectively to changing situations.

1.5 **Key Considerations for 2016/17 to 2020/21**

The following summarises the key issues to be considered when setting the budget for 2016/17:

- The MTFP is to be set to achieve a minimum level of General Fund Reserves of £2.6m over the life of the MTFP.
- Reduction of 10% between 2016/17 and 2018/19 in Revenue Support Grant included in MTFP. Further reductions are likely to be required
- Consider the impact of any Spending Review and Budget implications.
- Inflation is assumed in the MTFP at 2% for expenditure and 3% for income. Savings likely due to cash amount of inflation provided for in MTFP.
- Pay Award is assumed in the MTFP at 2%, however the Budget announcement of a 1% pay freeze for four years will need to be considered
- Treasury Management budget will be reviewed during the budget process for revised interest rates, changes to average balances and the effects of capital spending decisions
- Stock Issue debt due to be repaid in 2020, and will need considered as part of the budget process.
- Capital financing decisions will likely have a revenue budget impact due to lack of capital resources (E.g. through re-profiling of capital receipts)
- Business Rate Retention growth assumed at £500,000, however, indications are there is scope to increase this.
- New Homes Bonus not budgeted from 2016/17, however, earlier years allocations also fall out after 6 years, so only the difference will be realisable in the MTFP

- Services that have a statutory requirement to be self-financing need consideration in the budget process. E.g. Licensing, Building Control
- Potential liabilities may arise from restructuring of agreement with the Market managing agents
- Consideration to be given to the use of earmarked reserves to support non-recurring expenditure
- Any re-profiling of transformation savings will affect overall level of savings to be made
- Additional income from assets is assumed to offset the £1m saving requirement from asset management in 2018/19.
- Consideration to be given to levels of income achievable as part of Corporate Charging Policy
- Income pressure from Lanes likely to be required given current performance
- Consider any likely reductions to Housing Benefit Admin Grant and the impact on the Council with the onset of Universal Credit
- Consider whether any changes should be made to the Council Tax Reduction Scheme (CTRS)
- Consider and prepare for the likely impact of future pension fund revaluation on the MTFP

2.0 Spending and Investment Priorities

2.1 The Carlisle Plan

2.1.1 The Carlisle Plan forms part of the Policy and Budgetary Framework for the Council. These frameworks work together to create the strategic framework.

2.1.2 The Medium Term Financial Plan must both support and inform the Council's vision for the Carlisle area and the strategic direction set out in the Carlisle Plan. This is to enable resources to be matched against the agreed priorities and any other supporting needs.

2.1.3 The Executive are currently reviewing the Council priorities and these will be consulted on in August 2015.

2.1.4 The Medium Term Financial Plan takes account of other Council Plans and Strategies of the Council, which have a potential impact on the use of resources by the Council. Particularly consideration is given to the following key strategies: -

- The Capital Strategy, which provides information on the proposed level of investment in capital projects and the consequent impact on the revenue budget.
- The Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy, which sets out the assumptions for financing requirements and interest rates and their effect on the revenue budget.
- The Asset Management Plan, which provides forecasts of necessary investment in the Council's land and property portfolio.
- The Procurement and Commissioning Strategy
- Local Plan/Local Development Framework.
- The Organisational Development Plan, which highlights the need for a thorough review of the Council's staffing needs and skill levels to ensure that the Council improves its performance to deliver excellent services to the local community in the future.
- There are also a number of strategies, which set out policy direction for key Council priority areas, and these include the Economic Strategy, and Housing Strategy and Green Infrastructure Strategy
- Directorate Service Plans

2.2 **Capital Investment Priorities**

- 2.2.1 The Medium Term Financial Plan needs to ensure that any capital investment decisions are both affordable and achieve the priorities as set out in the Carlisle Plan. The Council is at a point where capital resources have become scarce and as such any investment in assets is likely to have implications on the revenue budget.
- 2.2.2 The Medium Term Financial Plan must therefore recognise the implications of capital investment decisions and ensure that they are in line with Council priorities and financing requirements are robustly evaluated and understood.
- 2.2.3 The Capital Financing Requirement (CFR) represents the Council's underlying need to borrow. This is different to any actual borrowing. If the Council generates the same amount of resources in a year to meet its capital expenditure requirements, then there is no change to the CFR. However, if the Council spends more than the resources it generates in year, the CFR will increase as in effect the Council has created a borrowing requirement to bridge the gap in the resources it needs and the resources it has.
- 2.2.4 Although the CFR does not necessarily reflect actual borrowing taken from an external source, it can reflect the use of internal cash resources, i.e. internal borrowing.
- 2.2.5 Where the Council has a positive CFR, i.e. an underlying need to borrow, it must make provision to repay that 'debt', or repay the cash used through internal borrowing. This is known as Minimum Revenue Provision (MRP). The Council's current policy, as set out in the MRP Strategy is to charge MRP at 4% of the CFR. As MRP is a non-cash transaction it has the effect of increasing the cash balance of the Council.
- 2.2.6 The current forecast for the CFR and MRP based on the current capital programme (as detailed in the Capital Strategy) is as follows:

	Budget	Forecasts				
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Total Capital Expenditure	9,128	2,334	2,227	6,496	1,278	1,013
Capital Resources Receivable in Year	(3,281)	(1,989)	(1,183)	(957)	(925)	(923)
MRP & Repayment of Debt	(430)	(648)	(636)	(761)	(758)	(747)
Change in Underlying need to borrow	5,417	(303)	408	4,778	(405)	(657)
CFR Brought Forward	10,400	15,817	15,514	15,922	20,700	20,295
CFR Carried Forward	15,817	15,514	15,922	20,700	20,295	19,638

2.3 Investment and Reserve Balances

2.3.1 An important consideration to understand when making capital investment decisions, especially when a borrowing requirement exists is the relationship between the Council's available cash investment balances and its reserves.

2.3.2 At 31 March 2015, the Council had investments of £19.974million. If all revenue and capital budgets are spent in line with the budget and all receipts are received in line with expectations then at 31 March 2016, investment balances would fall to around £12m. The following table shows the breakdown of the investment balance and what the cash relates to:

2.3.3 *The figures shown in below are based on forecast levels of expenditure linked to current budgets and anticipated receipts, actual figures will vary in each year depending upon actual expenditure and income levels.*

	Outturn	Forecasts					
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
	£000	£000	£000	£000	£000	£000	£000
Total Investments	19,974	12,343	13,263	13,457	14,580	14,646	14,252
<i>Made up of:</i>							
General Fund Reserve	4,732	2,969	3,571	4,157	5,152	4,912	3,965
Capital Reserves	954	585	600	615	630	645	660
Earmarked Revenue Reserves	2,144	2,744	2,744	2,744	2,744	2,744	2,744
Provisions	2,002	2,002	2,002	2,002	2,002	2,002	2,002
Capital Grants Unapplied	191	191	191	191	191	191	191
Working Capital (incl Collection Fund)	5,337	4,655	4,655	4,655	4,655	4,655	4,655
Capital Receipts applied	2,509	0	0	0	0	0	0
Total Working Capital & Balances	17,869	13,146	13,763	14,364	15,374	15,149	14,217
Surplus Cash/(Cash Deficit)	2,105	(803)	(500)	(907)	(794)	(503)	35

The figures above are based on assumptions regarding budgets being fully spent with no over/under spends and reserves utilised as per current budget projections.

2.3.4 The surplus/deficit cash position represents how much of any borrowing requirement identified can be met from internal resources (internal borrowing) when there is a surplus or how much will need to be met from actual external borrowing when there is a deficit.

2.3.5 This can be proven when comparing the CFR figures to the actual borrowing level, i.e. comparing the underlying need to borrow with the actual borrowing we carry.

	Outturn	Forecasts					
	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
CFR (Underlying Need to borrow)	10,400	15,817	15,514	15,921	20,699	20,295	19,638
Total Borrowing	15,014	15,014	15,014	15,014	19,906	19,792	19,673
(Over)/Under Borrowing Position	(4,614)	803	500	907	793	503	(35)
Less Capital Receipts Applied	(2,509)	0	0	0	0	0	0
(Over)/Under Borrowing Position	(2,105)	803	500	907	793	503	(35)

2.3.6 Therefore, to meet its capital financing obligations, the Council was over borrowed by £2.105million in 2014/15 and assuming all else remains equal, this changes to an over borrowed position of £35,000 by 2020/21 due to the setting aside of MRP, and additional unsupported capital expenditure and assumed reduced borrowing costs on the stock issue.

3.0 Revenue Budget Forecasts

3.1 Current Budget Forecast

3.1.1 The Council has well established mechanisms in place for forecasting resources and expenditure over a five year planning period. Projections will inevitably change over the period of the plan and these forecasts are updated as part of the detailed budget process.

3.1.2 The Council approved the current forecast for the period 2015/16 to 2019/20 in February 2015 and details are shown below together with the base estimate figures for 2020/21.

	Budget	Forecasts				
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Recurring Revenue Expenditure	11,949	11,086	11,675	11,444	12,828	13,687
Non Recurring Commitments	485	450	20	0	0	0
Carry Forwards From 14/15	646	13	13	0	0	0
Total Revenue Expenditure (Net)	13,080	11,549	11,708	11,444	12,828	13,687
Of Which: Inflation	565	631	816	839	839	839
Funded By:						
Council Tax Income	(6,110)	(6,248)	(6,391)	(6,536)	(6,685)	(6,837)
Estimated Council Tax Surplus	(35)	(35)	(35)	(35)	(35)	(35)
Revenue Support Grant	(2,245)	(2,223)	(2,128)	(2,029)	(2,029)	(2,029)
Business Rates Baseline	(3,027)	(3,145)	(3,240)	(3,339)	(3,339)	(3,339)
Business Rates Growth/Pooling	(500)	(500)	(500)	(500)	(500)	(500)
Total Funding	(11,917)	(12,151)	(12,294)	(12,439)	(12,588)	(12,740)
Total Contribution Required From / (To) Reserves	1,163	(602)	(586)	(995)	240	947
Broken Down as:						
Recurring Commitments	32	(1,065)	(619)	(995)	240	947
Non recurring Commitments	517	450	20	0	0	0
Carry Forwards	646	13	13	0	0	0

Table 1: Summary Budget Position

- 3.1.3 The assumptions built into the MTFP that lead to the figures above are shown in detail at section 6.

3.2 **Funding Prospects**

- 3.2.1 The Council receives core funding from Government each year as part of the Settlement Funding Assessment and this is made up of Revenue Support Grant and the Business Rates baseline. Although the Government set the Business Rates Baseline, the actual funding is received via the Non Domestic Rates income the Council collects.

- 3.2.2 As well as the core funding as agreed in the Settlement Funding Assessment, the Council is also the recipient of other support from central government in the form of specific grants. These are included in the budget as income rather than funding and are linked to specific schemes or services. Further details of grants included in the MTFP are given at section 5.3.

3.2.3 **Revenue Support Grant**

The outlook for Revenue Support Grant is particularly uncertain beyond 2015/16. It is widely expected that there will be further reductions to this funding however as yet there are no clear plans or data available on which to make any firm projections. The Medium Term Financial Plan includes a reduction of 10% between 2016/17 to 2018/19 however, this may be reduced further as part of any Comprehensive Spending Review.

3.2.4 **Business Rates Baseline**

The Council budgets for income from Business Rates at the baseline level as set in the Settlement Funding Assessment. However, the income collected and paid over to the main preceptors (Central Government, Cumbria County Council and Carlisle City Council) is based on the projections in the NNDR1 return to Government. Any difference in these amounts is included in the MTFP as part of the Growth/Pooling amount anticipated of £500,000. The Business Rates baseline is normally inflated by the inflationary increase applied to the Business Rates multiplier, however, no provision for increases to the baseline from 2018/19 has been included in the MTFP.

Performance on Business Rates in 2013/14 and 2014/15 has been encouraging with the continued participation in the Cumbria Business Rates Pool also enabling the Council to retain more of the growth it generates. There is therefore scope to increase the expected amount to be retained from the amounts currently included in the MTFP to reflect the actual performance from business Rates. However, it should also be noted that some of the

performance achieved is as a result of government policies around Business Rate Reliefs and providing grants to pay for these. Should these grants cease, then the amounts retained locally could be affected.

3.2.5 The summary of funding included in the Medium Term Financial Plan is as follows:

	Budget	Forecasts				
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Revenue Support Grant % Change	(2,245)	(2,223) -1%	(2,128) -4%	(2,029) -5%	(2,029) 0%	(2,029) 0%
Business Rates Baseline % Change	(3,027)	(3,145) 4%	(3,240) 3%	(3,339) 3%	(3,339) 0%	(3,339) 0%
Rates Growth/Pooling % Change	(500)	(500) 0%	(500) 0%	(500) 0%	(500) 0%	(500) 0%
Total Funding	(5,772)	(5,868)	(5,868)	(5,868)	(5,868)	(5,868)

Table 2: Funding

3.2.6 Council Tax

The Council has kept its share of Council Tax at the same level since 2010 by accepting the grants on offer from the government for Council Tax freezes. With the prospect of capping any increases likely to continue, the MTFP includes Council Tax increases from 2016/17 onwards at 1.99%.

The MTFP assumes a modest increase in the taxbase of 0.279% per year and the City Council's share of the Collection Fund Surplus is assumed to be a recurring £35,000.

Any increase in the tax base as a result of new housing developments will also mean a requirement to provide services to those households. Although there will be an increase in the amount of funding received through Council Tax, the overall cost of providing council services is greater than the amount received through this, so there will be additional cost pressures that need to be recognised in order to provide services to a growing population.

	Budget	Forecasts				
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Council Tax Base % Change	31,585.86 £000	31,673.98 0.28% £000	31,762.35 0.28% £000	31,850.97 0.28% £000	31,939.84 0.28% £000	32,028.96 0.28% £000
Council Tax Surplus % Change	(35)	(35) 0%	(35) 0%	(35) 0%	(35) 0%	(35) 0%
Band D Council Tax % Change	193.43	197.27 1.99%	201.20 1.99%	205.20 1.99%	209.29 1.99%	213.45 1.99%
Total Yield	(6,110)	(6,248)	(6,391)	(6,536)	(6,685)	(6,837)

Table 3: Council Tax

3.3 **Savings Strategy**

3.3.1 In order to ensure the Council maintains a minimum level of reserves of at the end of the MTFP period, savings are required throughout the period of the MTFP. The savings strategy will concentrate on the following areas:

- Asset Strategy – to focus on ensuring the council's asset portfolio maximises the benefit to the Council through income generation or by realising receipts of assets that do not generate a return that can then be utilised to ease pressures in capital and revenue budgets through the most appropriate means, e.g. re-investment in new assets and supporting the capital programme to reduce the CFR
- Service Reviews – A review of services to include their purpose and relevance in achieving the Carlisle Plan priorities, including a review of those services which do not fall within the Council's core priorities or which are not statutory will be undertaken to ensure that services and resources are properly aligned to what the Council wants to achieve.

3.3.2 The profile of savings to be made as included in the Medium Term Financial Plan is as follows:

	Budget	Forecasts				
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
In Year Savings requirement	1,211	1,601	395	1,479	0	0
Cumulative Requirement	1,211	2,812	3,207	4,686	4,686	4,686

Table 4: Savings Requirement

3.3.3 Future savings will be dependent upon future funding settlements, Council Tax increases and changes to income and expenditure levels (pressures and savings) that are out with the current Medium Term Financial Plan. Savings will be profiled in the most effective way to ensure that they are achievable, timely and ensure reserves are not unduly over utilised.

3.3.4 The savings requirement is needed to meet pressures not only from reductions in funding but also as a result of new expenditure pressures that have arisen. The table below gives details of these pressures.

	£000
Council Tax Freeze 14/15 & 15/16 Budget	1,468
Treasury Management	1,020
Reductions In RSG 14/15 Budget (to 19/20)	971
Income Pressures	954
Asset Review	785
National Insurance	250
Refuse & Recycling	173
Pensions	127
Pay Award Savings	(560)
Increase in Business Rate Funding 14/15 -19/20	(369)
Inflation Savings	(300)
Other Pressures/Savings, E.g. Rapid Response Team, Events	167
	4,686

Table 5: Breakdown of Saving Requirement

4.0 Provisions, Reserves & Balances

4.1 The Council holds balances in order to meet future commitments. The Council policy on the use of reserves is as follows:

- Reserves generally will not be used to fund recurring items of expenditure, but where it does steps will be taken to address the situation.
- Reserves will not become overcommitted.
- The Council benefits from its level of reserves as it is able to: -
 - Meet its capital programme obligations, without recourse to borrow,
 - Fund exceptional increases in its net budget requirement without affecting the Council Tax charged to its taxpayers,
 - Ensure that surplus resources are retained for the general benefit of the Council to protect against large increases in Council Tax.
 - Generate significant income received from the investment of its reserves to contribute to the budget requirement of the Council, which is a key part of the Council's Treasury Management Strategy.

4.2 General Fund

4.2.1 The balance on the General Fund shall broadly equal £2.6m. This figure is assessed taking into account the risks and working balances required, including investment income generated, it is considered prudent to leave the reserve at this level. A risk based assessment of the appropriate level of this reserve is carried out as part of the MTFP process and this is shown at **Appendix A**.

4.2.2 If the balance in the short-term falls below £2.6million, the Council will top-up the balance to this level from the General Fund Income and Expenditure Account.

4.2.3 If the balance in the short-term exceeds £2.6million then the surplus will be transferred to the Council's Project Reserve.

4.3 Earmarked Reserves

4.3.1 Earmarked reserves will not be used for recurring items of expenditure, nor become over-committed.

4.3.2 For each earmarked reserve there will be a clear protocol in place setting out:

- The purpose of the reserve.
- How and when the reserve can be used.
- Procedures for the management and control of the reserve.
- Processes for the review of the use of the reserve to ensure that it continues to have an adequate level of funds and remains relevant to the business of the Council.

(Further details of this are shown at **Appendix B**)

4.3.3 The revenue reserves the Council currently holds are as follows:

	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
General Fund Reserve	2,600	2,600	2,600	2,600	2,600	2,600
Revenue Earmarked Reserves						
Projects Reserve	369	971	1,557	2,552	2,312	1,364
EEAC Reserve	43	43	43	43	43	43
Transformation Reserve	940	940	940	940	940	940
Cremator Reserve	290	290	290	290	290	290
Welfare Reform Reserve	200	200	200	200	200	200
Conservation Fund	117	117	117	117	117	117
Car Park Enhancement Reserve	151	151	151	151	151	151
City Centre Reserve	42	42	42	42	42	42
Economic Investment Reserve	128	128	128	128	128	128
Repairs & Renewals Reserve	550	550	550	550	550	550
Leisure Reserve	150	150	150	150	150	150
Building Control Reserve	94	94	94	94	94	94
BRR Volatility Reserve	39	39	39	39	39	39
Total Revenue Reserves	5,713	6,315	6,901	7,896	7,656	6,708

Table 6: Revenue Reserves

N.B. Balances on Earmarked Reserves are not shown in future years unless movements against those balances are known

4.3.4 The MTFP does not assume any use of earmarked reserves, although it does assume a transfer of £600,000 from General Fund/Projects Reserve to Transformation Reserve in 2016/17.

4.3.5 As well as revenue earmarked reserves, the Council also holds a small number of earmarked reserves for capital purposes. These are as follows:

	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Capital Earmarked Reserves						
Usable Capital Receipts (1)	0	0	0	0	0	0
Asset Disposal Reserve	0	0	0	0	0	0
Unapplied Capital Grant	191	191	191	191	191	191
CLL Reserve	522	522	522	522	522	522
Asset Investment Reserve	48	48	48	48	48	48
Lanes Capital Reserve	15	30	45	60	75	80
Total Capital Reserves	776	791	806	821	836	841

Table 7: Capital Earmarked Reserves

Note 1: Capital Receipts have been set aside in the Capital Adjustment Account, however, the cash is available for spending

4.4 **Provisions**

- 4.4.1 The Council holds a number of provision balances for items where future commitments are likely and use of these are delegated to the relevant Director in consultation with the Director of Resources.

4.4 **Charitable and Other Bequests**

The Council holds a number of bequests for use by the Council. These funds can only be released with the full approval of the Council under the terms set out when the bequest was given. In the first instance it will be the responsibility of the Executive to consider a report outlining proposals for the use of the bequest prior to submission of the request to Council.

4.5 **The Responsibilities of the Director of Resources**

- 4.5.1 The Director of Resources will review each reserve and its protocol annually and produce a report for the Executive as part of the annual accounts process detailing: -

- Compliance with the use of reserves and associated protocols,
- Movements in the level of reserves, including the purposes for which reserves were used during the previous financial year,
- The adequacy of the level of reserves and the effects on the Council's budget requirement,
- Any reserves which are no longer required,
- Proposals to set up new reserves, including purposes, protocols, funding sources and potential impact on the Council's Medium-Term Financial Plan.

- 4.5.2 The Director of Resources will review this policy at least annually and will obtain the approval of the Council for any change required to either the policy or protocols associated with specific reserves.

4.6 **Planned Use of Reserves**

- 4.6.1 When the budget was set in February 2015, it assumed that there would be contributions to and from General Fund Reserve over the life of the MTFP. With the outturn position for 2014/15 now confirmed, the under spend from 2014/15 has left General Fund Reserve and Projects Reserve in a healthier position (as shown in Table 5).
- 4.6.2 The reserves position is also subject to the savings required (as in Table 4, being met as scheduled. Any slippage on savings or any savings made in advance will impact on the contributions to and from reserves.

5.0 Income

5.1 Fees & Charges

- 5.1.1 Fees and Charges for individual services generate in the region of £5m p.a. for the City Council. **Appendix C** sets out the Council's approach to the reviewing and setting of fees and charges on an annual basis. The overall aim is to increase the proportion of income raised from users of discretionary services to ensure that they meet the full cost of these services, rather than the costs falling on Council Taxpayers in general.
- 5.1.2 In the past the income target has been set at 1% above the inflation rate. Each directorate must prepare a Charges Review Report as part of the budget process that must clearly set out the overall policy objective. In the past few years, increases in income from charges have not always resulted in the MTFP target being achieved.
- 5.1.3 There are certain functions the Council provides where it has little or no control over the charges to be set and where the service is statutorily bound to be self-financing, for example Building Control. This requirement is likely to extend to Licensing in the future and this means that any surplus income generated by raising fees has to be ringfenced to these functions.
- 5.1.4 The main areas of fee generating income are shown in the table below:

	2013/14 Actual £000	2014/15 Actual £000	2015/16 Budget £000	2015/16 Non Recurring £000	Recurring Budget £000
Parking	(1,075)	(1,126)	(1,105)	100	(1,205)
Bereavement Services	(1,135)	(1,270)	(1,265)	0	(1,265)
Development Control	(660)	(632)	(624)	0	(624)
Land Charges	(170)	(161)	(169)	0	(169)
Total	(3,040)	(3,189)	(3,163)	100	(3,263)

Table 8: Main areas of Income

- 5.1.5 The 2015/16 budget made recurring adjustments to income to be achieved from Development Control and Parking. The levels now included in the MTFP are expected to be realistic levels due to this action. Any further adjustments

to these will need to be considered as pressures or savings within the Charges Review Reports.

5.2 **Property Rentals**

5.2.1 Income received from property rentals is in the region of £4.5 million per annum.

5.2.2 The forecast yield from property rentals over the period 2015/16 to 2019/20 and included in the MTFP is shown in the following table: -

	2014/15 Actual £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000
The Lanes	(1,225)	(1,521)	(1,521)	(1,659)	(1,659)	(1,659)
The Market	(118)	(118)	(118)	(118)	(118)	(118)
Industrial Estates	(2,591)	(2,446)	(2,383)	(2,383)	(2,383)	(2,383)
Misc Properties	(534)	(483)	(453)	(453)	(453)	(453)
Total	(4,468)	(4,568)	(4,475)	(4,613)	(4,613)	(4,613)

Table 9: Property Income

5.2.3 The Council has an agreement with the managing agents of the Lanes whereby the Council receives a proportion of the net rental income (approx. 23%). The budgeted income for 2015/16 and 2016/17 was reduced by £138,000, however, the level of income expected is due to revert to the base budget level of £1.659million in 2017/18. Current performance of the return from the Lanes falls well below this level and it is therefore likely that a budget pressure will be required. There are investment opportunities for the Lanes that could increase the level of income in the medium term, however, this would still likely only help achieve the current budget.

5.2.4 The MTFP makes no provision for additional rental income from assets via rent reviews. However, there is a saving requirement of £1m included in the MTFP associated with asset management, and it is envisaged that any surplus rentals achieved over current base budgets be set aside against this requirement.

5.3 **Grants & Contributions**

The Council receives grants from various sources as part of its overall funding. Some of these grants are given as part of the Settlement Funding Assessment by DCLG and as such, these are budgeted only when notification is received.

5.3.1 **New Homes Bonus**

The Council receives central funding in relation to the New Homes Bonus Scheme. From 2015/16, the amounts distributed under the scheme are top-sliced from the overall funding available to local authorities. The Council receives an allocation of funding under the scheme each year and each allocation lasts for six years. No provision is made for receiving New Homes Bonus in future years in the MTFP, however, the MTFP does assume that once the sixth year allocation ceases, it will be replaced by a new six year allocation. Therefore any allocation of New Homes Bonus received for 2016/17, will be offset in the Medium term Financial Plan from 2020/21 by the 2014/15 allocation ceasing. Any change in government policy regarding New Homes Bonus would have a significant impact on the Council.

Details of allocations included in the MTFP as shown in the table below:

Allocation Year	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
2011/12	(243)	(243)				
2012/13	(408)	(408)	(408)			
2013/14	(388)	(388)	(388)	(388)		
2014/15	(269)	(269)	(269)	(269)	(269)	
2015/16	(393)	(393)	(393)	(393)	(393)	(393)
2016/17		0	0	0	0	0
2017/18			0	0	0	0
2018/19				0	0	0
2019/20					0	0
2020/21						0
Total	(1,701)	(1,701)	(1,458)	(1,050)	(662)	(393)

Table 10: New Homes Bonus

5.3.2 Housing Benefit Admin Grant

The Council receives grant funding towards Housing Benefit Administration. The Council currently has a recurring budget of £449,500 for this grant. Allocations are received on an annual basis. However, it is likely that this grant will reduce with the onset of Universal Credit and the downsizing of Housing Benefit Administration by the Council. This reduction in grant will need to be considered in line with any reductions in workload associated with any transition.

6.0 Assumptions

6.1 The MTFP includes assumptions regarding the main items of income and expenditure. Some of these assumptions have been previously explained, e.g. RSG and Council Tax. The following sections provide further details of the assumptions currently included in the MTFP. Any deviation from these assumptions will be included in the budget process for 2016/17 as pressures or savings.

6.2 Pay

- Annual increase in MTFP **2%**
- Salary Turnover Savings **£412,500**
- Pension Contribution Rate (Current Service) **13.6%**
- Pension Deficit Cost **£886,200**
- Sensitivity & Risk Analysis:

	Base Level	Sensitivity		
	£000	+/-1%	+/-2%	+/-3%
Pay Award (£000)	13,228	132	265	397
Pension Contribution (£000)	1,430	105	210	315
		Risk		
		High	Medium	Low
<u>Pay Award</u>				
Likelihood of Change				
Impact of Change				
<u>Salary Turnover</u>				
Likelihood of Change				
Impact of Change				
<u>Pensions</u>				
Likelihood of Change				
Impact of Change				

- Key Considerations:
 - Pension Fund Revaluation due 31/03/2017
 - Capacity to achieve salary turnover savings will be affected by the savings requirement from Vacancy Management and Voluntary Redundancy
 - Provision is already included in the MTFP for the scrapping of lower rate National Insurance and State Earning Related Second Pension (SERPS)

6.3 **General Inflation**

- Annual increase in MTFP for expenditure **2%**
- Annual increase in MTFP for Income **3%**
- Sensitivity & Risk Analysis:

	Base Level	Sensitivity		
	£000	+/-1%	+2%	+/-3%
Expenditure (£000)	9,843	98	197	295
Income (£000)	(4,919)	(49)	(98)	(148)
		Risk		
		High	Medium	Low
<u>Expenditure Inflation</u>				
Likelihood of Change				
Impact of Change				
<u>Income Inflation</u>				
Likelihood of Change				
Impact of Change				

- Key Considerations:
 - Inflation level of 2% is set at the Bank of England target for inflation.
 - Cash amount of inflation provided for in MTFP is £631,000 for 2016/17.

6.4 **Investment Income**

- Investment Returns –

	2016/17	2017/18	2018/19	2019/20	2020/21
Investments	1.61%	2.36%	2.99%	3.24%	3.24%
Property Fund	4.25%	4.25%	4.25%	4.25%	4.25%

- The investment returns used when the budget was set in February 2015 will need to be updated given current guidance on when interest rates are expected to change.

	Base Level	Sensitivity		
	£000	+/-1%	+/-2%	+/-3%
Treasury Income (£000)	10,427	104	209	313
Property Fund Income (£000)	2,836	28	57	85
		Risk		
		High	Medium	Low
<u>Investment Income</u>				
Likelihood of Change				
Impact of Change				
<u>Property Fund Income</u>				
Likelihood of Change				
Impact of Change				
<u>Average Balances</u>				
Likelihood of Change				
Impact of Change				

- Key Considerations:
 - Use of and Contribution to Reserves will impact on average balances and subsequently investment return achieved.
 - Capital Investment decisions will affect the Capital Financing Requirement and average balances
 - Investment returns have changed

6.5 **Borrowing**

- Assumed Borrowing - 2018/19 **£5m** (Leisure Facilities)
- Assumed Borrowing Rate - 2018/19 **4.50%**

This borrowing is based on a Principal and Interest repayment loan for the development of new leisure facilities and is matched by a corresponding saving in the management fee of leisure facilities.

- Assumed Capital Financing Requirement (CFR) & Minimum Revenue Provision (MRP):

	2016/17	2017/18	2018/19	2019/20	2020/21
CFR	15,514	15,921	20,699	20,295	19,638
MRP	633	621	637	628	612

	Base Level	Sensitivity		
	£000	+/-1%	+/-2%	+/-3%
Borrowing Rate (£000)	5,000	50	100	150
MRP	416	4	8	12
		Risk		
		High	Medium	Low
<u>Increase to Borrowing Rate</u>				
Likelihood of Change				
Impact of Change				
<u>Increase to CFR</u>				
Likelihood of Change				
Impact of Change				

- Key Considerations:
 - No additional borrowing assumed in MTFP
 - Any future Capital Programme decisions will likely require a borrowing requirement, either internal or external which will have an impact on the revenue budget
 - Re-profiling of anticipated capital receipts will impact on CFR, and subsequently MRP charge

7.0 Appendices

Appendix A – Risk Assessment of Minimum Level of General Fund Reserve 2016/17

Potential Risk	Risk Score	Weighting	Financial Exposure (£000)	Balance Required (£000)	Comment (Basis of Financial Exposure)
Base Budget Contingency for inflation or other unanticipated rise.	4	50%	111	55	Assumed at 1% of Net Revenue Recurring Budget
Underachievement of Charges Income targets and spending exceeds budgets	4	50%	214	107	Estimate of 5% Charges Income forecasts for 2015/16
Underachievement of Investment Income	4	50%	200	100	1% of exposure of average balance of £20m
Civil Emergencies	6	75%	170	128	Bellwin scheme cuts in at 0.2% of Net Budget (£28,800) and provides for up to 85% of eligible costs (assume £1m cost - not covered by insurance)
Insurance Excesses	2	25%	25	6	Based on 5% of insurance premia payments
Fall in Rental Income from Property	6	75%	225	169	5% of Rental Income (assumed at £4.5m for 2015/16)
Transformation not met	1	25%	1,601	400	2016/17 Transformation Target
Changes to existing government funding regimes	4	50%	736	368	Safety Net Threshold for Business Rates Retention Scheme + Business Rate Pooling
Additional Redundancy Costs	2	25%	400	100	Not met from Transformation Reserve
Dependence on reserves and general balances	3	25%	554	139	General Fund Reserve Balance - Audit Commission
Emergency Contingency		100%	1,000	1,000	Guidance states prudent level is 5% of Net Revenue Emergency contingency fund - Council practice to allocate £1m for any unforeseen emergencies
TOTALS			5,236	2,572	
Maximum Risk Based Reserve Balances				5,236	
Minimum Risk Based Reserve Balances				1,309	
Current Level of Reserves (Projected as at 31/03/15) (General Fund)				2,969	(Less Carry Forwards, and funding required to meet 15/16)

Appendix B - Reserves

Reserve	Estimated Balance 31/3/15	Purpose	Conditions of Use
<i>Capital Reserves</i>	£000		
Usable Capital Receipts	2,149	To provide funds to support the capital programme	Capital receipts can only be used to support capital spending or the repayment of debt. Management of the use of the receipts rests with the Director of Resources but approval of their use must be given by Council.
Asset Disposal Reserve	360	To provide resources to purchase properties and fund associated revenue costs (e.g. marketing) required as part of the Carlisle Renaissance project. To provide resources for investment in the Council's industrial estates to ensure rent yields are maintained / increased	Management of the reserve rests with the Director of Resources who will be responsible for developing proposals requiring funding from the reserve. Approval to release funds from the reserve can only be given by the Council.
CLL Reserve	522	To provide funds to purchase equipment from CLL Ltd, should the leisure management contract either not be renewed or be terminated due to breach of contract on the part of CLL Ltd.	Management of the reserve rests with the Deputy Chief Executive but can only be used with the agreement of the Council. Use of the reserve should be accompanied by a report to Council providing details of the circumstances giving rise to the need for support to be provided by the Reserve.

Reserve	Estimated Balance 31/3/15	Purpose	Conditions of Use
Lanes Capital Reserve	384	To provide funds to meet potential exceptional capital works under the terms of the lease agreement.	Management of the reserve rests with the Director of Resources who will be responsible for developing proposals requiring funding from the reserve. Approval to release funds from the reserve can only be given by the Council.
Revenue Reserves	£000		
General Fund Reserve	4,732	To be a general working capital / contingency to cushion the Council against unexpected events and emergencies	Management of the reserve rests with the Director of Resources. The use of the reserve is dependent on judgements taken when setting the Council's revenue budget on: - <ul style="list-style-type: none"> - Cash flow requirements, - Inflation and interest rates, - Demand led budget pressures, - Efficiency and productivity savings, - The availability of funds to deal with major unexpected events or emergencies, - Risks arising from significant new funding partnerships, major outsourcing arrangements or major capital developments. Approval to release funds from the reserve can only be given by the Council as part of the budget process, or through consideration of supplementary estimates on an ad-hoc basis.
Projects Reserve	0	The balance at 31 st March 2015 shall be earmarked to support potential revenue budget shortfalls identified by the 2015/16	Management of the reserve rests with the Director of Resources. Funding for the Reserve will be provided by windfall gains over and above those

Reserve	Estimated Balance 31/3/15	Purpose	Conditions of Use
		Medium Term Financial Plan. Additions to the balances thereafter can be used either to support revenue budget shortfalls or projects within the Council's capital programme	required to maintain the General Fund at its approved level, balances on reserves that are no longer needed and proceeds from the Local Authority Business Growth Incentive Scheme. Approval to release funds from the reserve can only be given by the Council either as part of the budget process, or through consideration of supplementary estimates on an ad-hoc basis.
Collection Fund (Carlisle Share)	(340)	To be the collection account for sums due from local taxpayers.	Management of the fund rests with the Director of Resources. The use of the Fund is determined by statute. The main use is to adjust the level of Council Tax required in any one year to reflect surpluses or deficits on collection targets in prior periods.
Building Control Reserve	94	To provide funds for improvements to the delivery of the Building Control function.	Management of the reserve rests with the Director of Economic Development. The balance is ring-fenced by statute to support improvements to the Building Control Service and is not available for general use by the Council. Funding is provided from surpluses generated by the service annually. Approval to release funds from the reserve can only be given by the Council either as part of the budget process, or through consideration of supplementary estimates on an ad-hoc basis.
Conservation Reserve	117	To purchase historic buildings at risk or fund repairs and / or improvements to historic buildings	Management of the reserve rests with the Director of Economic Development. Funding is provided from the sale of property. Approval to release funds from the reserve can only be given by the Executive

Reserve	Estimated Balance 31/3/15	Purpose	Conditions of Use
			of the Council.
Transformation Reserve	340	To fund any one off costs associated with transformation project	Management of the reserve rests with the Chief Executive. Approval to release funds from the reserve can only be given by the Executive of the Council.
EEAC Reserve	43	To hold the residual funds of the service pending future decisions with regard to the service	Management of the reserve rests with the Director of Economic Development. Approval to release funds from the reserve can only be given by the Executive of the Council.
Cremator Reserve	290	To build up resources to replace cremators when required	Management of the reserve rests with the Director of Local Environment. Approval to release funds from the reserve can only be given by the Executive of the Council.
Welfare Reform Reserve	200	To meet one off costs associated with the Welfare Reform bill and introduction of Universal Credit	Management of the reserve rests with the Director of Resources. Approval to release funds from the reserve can only be given by the Executive of the Council.
Car Park Enhancement Reserve	151	To meet future Car Park Enhancements & Land Drainage improvements	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.
Economic Investment Reserve	128	To enable continued and dedicated project resource to support employment related projects, Business Support and Regeneration	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

Reserve	Estimated Balance 31/3/15	Purpose	Conditions of Use
		Projects.	Economic Development, Portfolio Holder and Director of Resources.
City Centre Reserve	42	To establish a reserve for the future Festive Lighting Programme.	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.
Repairs & Renewals Reserve	550	To establish a Repairs and Renewals Fund that can be used for revenue and capital items in the future, e.g. ICT, Vehicles	Approval to release funds from the reserve can only be given by the Executive of the Council.
Leisure Reserve	150	To meet needs for procurement work in relation to Leisure Services.	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
BRR Volatility Reserve	39	To cushion against losses in Business Rate income as a result of being part of the Cumbria Business Rates Pool	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.

Appendix C - Corporate Charging Policy

This appendix sets out the corporate approach to the setting of fees and charges.

The Corporate Charging Policy applies to those fees and charges that the Council has control over and can set independently of any statutory provision. Any services where charges are set by Government or where services have to be self-financing are excluded from the Corporate Charging Policy.

The Corporate Charging Policy assumes that Income from fees included in the Charging Policy will increase by 1% above the inflation rate set for expenditure. For 2016/17 this equates to a 3% increase. The MTFP assumes that income will increase by 3% although this does not necessarily mean that charges have to increase by 3% as increases in demand could account for additional income.

Each service is required to consider how and to what extent each of the following applies to the fees and charges it proposes to set:

1. Objectives of Charge - Set out the principal objective(s) of setting the charge:

- Recover cost of service provision
- Generate Surplus Income (where permitted)
- Maintain existing service provision
- Fund service improvements or introduction of new service(s);
- Manage demand for service(s)
- Promote access to services for low-income households;
- Promote equity or fairness;
- Achieve wider strategic policy objectives (e.g. encouraging green policies);

2. Other factors influencing decisions on whether and how much to charge:

- The Council's historic approach to charging
- The views of local politicians, service users and taxpayers
- Other councils' and service providers approach to charging
- Levels of central government funding and policy objectives
- The Council's overall financial position
- Changes in demand for services
- Policy on Concessions
- Availability of powers to charge for discretionary services (eg pre application planning advice)
- Central government policy objectives

3. Targeting Concessions - The following target groups should be considered:

- Persons over the age of 65
- Unemployed
- Young persons under the age of 18
- Students in full time higher education
- Community Groups
- Those in receipt of supplementary benefits, tax credits, attendance allowance, disability living allowance and other appropriate groups

4. Trading

The Council is empowered to sell goods or services to other public bodies or trade commercially through a company with non-public bodies. The objectives should be considered for relevant services (including Building Cleaning and Maintenance, Vehicle Maintenance, Grounds maintenance, Legal Services, Human Resources, IT, Payroll, Planning and Development Services) as follows to:

- Deliver services more strategically on an area-wide basis
- Achieving greater efficiency
- Capitalise on expertise within the council
- Utilise spare capacity
- Generate income
- Support service improvement

5. Value For Money

- Has charging been used as a tool for achieving strategic policy objectives?
- Has the optimum use of the power to charge been used?
- Has the impact of charging on user groups been monitored?
- Has charging secured improvements in value for money?
- Has charging been used as a tool to reduce increases in Council Tax?

Appendix D – Gross Expenditure Breakdown

	Original Budget 2015/16 £
Expenditure	
Employee Related	15,077,000
Premises Related	3,388,300
Transport Related	1,311,900
Supplies & Services	4,312,000
Third Party Payments	3,516,400
Transfer Payments	29,997,400
Support Services	11,122,400
Capital Financing Costs	1,942,500
Recharges	(12,729,300)
Total Expenditure	57,938,600
Income	
Government Grants	(2,000,400)
Specific Grants	(30,567,400)
Other Grant/Reimbursements/Contributions	(2,048,000)
Interest	(284,200)
Other Income	0
Customer and Client Receipts	(10,604,300)
Total Income	(45,504,300)
Net Budget Requirement	12,434,300
Funded By:	
Council Tax	(6,109,700)
Council Tax Surplus	(35,000)
Revenue Support Grant	(2,245,200)
Retained Business Rates	(3,027,100)
Business Rates Growth/Pooling	(500,000)
Reserves	(517,300)
Total Funding	(12,434,300)

Report to Executive

Agenda
Item:

A.2

Meeting Date: 27 July 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref:KD05/15
Within Policy and Budget Framework YES
Public / Private Public

Title: DRAFT CAPITAL STRATEGY 2016/17 TO 2020/21
Report of: DIRECTOR OF RESOURCES
Report Number: RD22/15

Purpose / Summary:

The Council's draft Capital Strategy is intended to direct the Council's Capital Programme and the allocation of resources for the five-year period 2016/17 to 2020/21. The guidance in this strategy complements and supplements the Medium Term Financial Plan.

Following consideration by the Executive, the Resources Overview and Scrutiny Panel will consider the draft on 6 August, with final recommendations to Council on 8 September 2015.

Recommendations:

The Executive is asked to:

- (i) Comment on the draft Capital Strategy for consideration by the Resources Overview and Scrutiny Panel on the 6 August 2015.

Tracking

Executive:	27 July 2015
Overview and Scrutiny:	6 August 2015
Executive	24 August 2015
Council:	8 September 2015

1. BACKGROUND

- 1.1 The Capital Strategy is a key policy document, providing guidance on the Council's Capital Programme and the use of capital resources. The Strategy supplements guidance contained in the Medium Term Financial Plan (MTFP).
- 1.2 The Capital Strategy is reviewed annually alongside the MTFP, starting with the assumptions made in the Budget Resolution approved by Council on 4 February 2015. This position has been updated to reflect any known changes since that date.

2. KEY MESSAGES

- 2.1 The Capital Strategy shows the starting position for the budget considerations for the next five years and gives an indication of the likely factors that will have an impact in the budget setting process. The Capital Programme and the financing of the programme are going to play an important role in shaping future budget considerations due to:
 - Re-profiling of asset sales will have a significant impact on the revenue budget through the requirement to fund the capital programme with a borrowing requirement.
 - Additional Capital investment decisions will likely require revenue funding, either as a direct contribution from revenue reserves or through borrowing costs
- 2.2 Although there is currently forecast to be a borrowing requirement required to fund the capital programme, there are also some mitigating factors that will also need consideration. These are:
 - A revenue contribution for the purchase of refuse vehicles is but has not yet been included as a funding source in the capital programme.
 - Asset sales generating receipts over current estimate levels will reduce any borrowing requirement
 - The ability to make a recurring revenue contribution to fund the capital programme will reduce any borrowing requirement
 - A review of the current programme may relieve some of the expenditure pressures.

3. CONSULTATION

- 3.1 The draft Capital Strategy has been considered by the Senior Management Team and the Portfolio Holder for Finance, Governance and Resources.
- 3.2 The Resources Overview and Scrutiny Panel will consider the report on 6 August and recommendations made to full Council on 8 September.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Executive is asked to:
Comment on the draft Capital Strategy for consideration by the Resources Overview and Scrutiny Panel on the 6 August 2015.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1 The Capital Strategy contains the current capital programme and how this aims to enhance the Carlisle area through the development of new infrastructure to both improve service delivery and provide additional facilities in the area.

Contact Officer: Steven Tickner

Ext: 7280

**Appendices Appendix 1 – Capital Strategy 2016/17 to 2020/21
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 – The Council has a fiduciary duty to manage its resources correctly. The Capital Strategy is an important part of the budgetary process and seeks to ensure a planned and coordinated approach to the delivery of projects within the parameters of our financial resources.

Local Environment –

Resources – Contained within the Capital Strategy

Capital Strategy

Carlisle City Council

2016/17 to 2020/21

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1.0 Introduction

- 1.1 The Capital Strategy is a key policy document for the Council and provides guidance on the Capital Programme and the use of capital resources. The strategy reflects the links to other Council plans and is based on the guidance in the Medium Term Financial Plan (MTFP).

The objectives of the Capital Strategy are to: -

- Ensure that capital investment decisions and capital resources contribute to the achievement of the Council's corporate priorities.
- Co-ordinate the strategic priorities emerging from service planning and ensure that investment opportunities are maximised.
- Manage performance and decision-making processes to help achieve the best use of available capital resources.
- Set out processes to monitor and evaluate proposed and actual capital spending on projects to ensure that value for money is obtained.

- 1.2 Capital spending is strictly defined and is principally incurred in buying, constructing or improving physical assets such as buildings, land and vehicles, plant and machinery. It also includes grants and advances to be used for capital purposes.

1.3 **Overall Strategy Guidelines**

- 1.3.1 The strategy has been developed using the following overarching guidelines: -

- Capital resources are held corporately and are allocated according to the priorities set out in the Carlisle Plan (i.e. there is no automatic ring-fencing of resources for specific purposes with the exception of the repayment of Renovation grants).
- Capital receipts, including Preserved Right to Buy (PRTB) receipts (which will end in 2017/18), will be allocated in accordance with Council priorities.
- Specific repayments of Renovation Grants will be reinvested in the programme and be used to support Private Sector Renewal Grants.
- Income generated from the sale of vehicles, plant and equipment will be reinvested in the programme and be used initially to fund future replacements.
- The Council will seek to maximise the use of grants and external funding.

- The Council is committed to deliver capital investment with partners to maximise benefits where this fits with Council priorities.
- Redirection of capital resources from one project to another will be contained within existing budgets, unless increases can be justified through the budget process.
- Capital budgets are generally cash-limited i.e. no provision is made for inflation which effectively means that over time there is a real reduction in the value of resources allocated to specific capital projects.
- Council Tax increases will be limited to fair and reasonable levels. This requires a full assessment of the revenue consequences of capital projects and their respective methods of finance.

1.4 **Carlisle Plan and Other Council Strategies, Plans and Policies**

- 1.4.1 The Carlisle Plan forms part of the Policy and Budgetary Framework for the Council. These frameworks work together to create the strategic framework.
- 1.4.2 The Capital Strategy must both support and inform the Council's vision for the Carlisle area and the strategic direction set out in the Carlisle Plan. This is to enable resources to be matched against the agreed priorities and any other supporting needs.
- 1.4.3 The Executive are currently reviewing the Council priorities and these will be consulted on in August 2015.
- 1.4.4 The Capital Strategy takes account of other Council Plans and Strategies of the Council, which have a potential impact on the use of resources by the Council. Particularly consideration is given to the following key strategies: -
- The Capital Strategy, which provides information on the proposed level of investment in capital projects and the consequent impact on the revenue budget.
 - The Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy, which sets out the assumptions for financing requirements and interest rates and their effect on the revenue budget.
 - The Asset Management Plan, which provides forecasts of necessary investment in the Council's land and property portfolio.
 - The Procurement and Commissioning Strategy
 - Local Plan/Local Development Framework.

- The Organisational Development Plan, which highlights the need for a thorough review of the Council's staffing needs and skill levels to ensure that the Council improves its performance to deliver excellent services to the local community in the future.
- There are also a number of strategies, which set out policy direction for key Council priority areas, and these include the Economic Strategy, and Housing Strategy.
- Directorate Service Plans

1.5 **Key Considerations for 2016/17 to 2020/21**

The following summarises the key issues to be considered when setting the budget for 2016/17:

- The current capital programme is forecast to utilise all forecast capital receipts and includes a borrowing requirement to fund the planned programme
- Any shortfall against the capital receipts forecast to be received will have significant implications on the ability to deliver the forecast levels of investment without incurring borrowing.
- Revisit Asset Review Business Plan to see if any asset sales can be reprofiled
- In order to reduce the exposure of the council to a borrowing requirement the following steps could be examined:
 - Fundamental review of current capital programme;
 - Setting DFG budget to the grant allocation with no City Council contribution;
 - No new major one-off schemes unless fully funded from grants or external funding;
 - Providing a recurring revenue contribution to the capital programme;
 - Invest to save schemes that can repay the capital investment over a period of time.

2.0 Spending and Investment Priorities

2.1 Capital Investment Priorities

- 2.1.1 The Capital Strategy needs to ensure that any capital investment decisions are both affordable and achieve the priorities as set out in the Carlisle Plan. The Council is at a point where capital resources have become scarce and as such any investment in assets is likely to have implications on the revenue budget.
- 2.1.2 The Capital Strategy must therefore recognise the implications of capital investment decisions and ensure that they are in line with Council priorities and financing requirements are robustly evaluated and understood.

3.0 Capital Programme Forecasts

The table below shows the current capital resources at the end of 2014/15 before any new decisions around capital investment made in 2015/16.

	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Capital Receipts Brought Forward	(2,509)	(3,296)	(2,101)	(1,013)	(474)	(121)
Net Resources receivable in year	(787)	1,195	1,088	5,539	353	90
Borrowing Requirement	0	0	0	(5,000)	0	0
(Surplus Capital Resources) / Borrowing Requirement	(3,296)	(2,101)	(1,013)	(474)	(121)	(31)

Table 1: Current Capital resources

3.1 Current Expenditure Forecast

- 3.1.1 The Council approved the current forecast for the period 2015/16 to 2019/20 in February 2015 and details are shown below adjusted for the outturn from 2014/15 and also for decisions made in relation to capital investment between April and June 2015.

	Budget	Forecasts				
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Disabled Facilities Grants	863	863	863	863	863	863
Vehicles Plant & Equipment	1,134	1,221	1,114	383	265	0
Enhancements to Property	207	150	150	150	150	150
Harraby Community Campus	500					
Old Town Hall - Phase 2	653					
Old Town Hall/Greenmarket	380					
Asset Review	2,394					
Public Realm - S. 106	342					
Castle Way Cycle Ramp	340					
Public Realm Improvements	264					
Arts Centre	443					
Play Areas	9					
Kingstown Industrial Estate	10					
Sheepmount Road	5					
ICT Infrastructure	232	100	100	100	0	0
Civic Centre Digital Banner	35					
Bousteads Grassing Improvements	30					
Financial Ledger Enhancements	42					
Revenues & Benefits ICT	45					
Leisure Facilities	0	0	0	5,000		
City Centre Investment	1,200					
Total Programme	9,128	2,334	2,227	6,496	1,278	1,013

Table 2: Current Capital Programme

3.2 Current Resource Forecasts

- 3.2.1 The Council's capital programme can be financed, (or paid for), through a variety of sources and the Director of Resources will make recommendations on the most effective way of financing the Capital Programme to optimise the overall use of resources. The availability of staff resources to deliver the approved programme will need to be considered during the budget process. Table 2 shows the estimated level of capital resources, which will be generated over the next five years.

	Budget	Forecasts				
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Capital Grants & Contributions	1,345	663	663	663	663	663
Capital Receipts (General & PRTB)	410	410	410	260	260	260
Capital Receipts (Asset Review)	5,949	0	0	0	0	0
Revenue Financing	282	66	66	34	2	0
Total Resources Receivable in Year	7,986	1,139	1,139	957	925	923
Borrowing Requirement	0	0	0	5,000	0	0

Table 3: Current Proposed Resources

3.2.2 As well as the resources to be received in each year, the Council has a balance of capital receipts brought forward (although these are held in the Capital Adjustment Account on the balance sheet, the cash from these receipts is used to finance capital expenditure).

3.2.3 As can be seen, the current capital programme is fully utilising **all** available capital resources by 2021. Therefore any expenditure that is not currently forecast will have to be financed through additional borrowing (internal/external) or from revenue budgets.

3.2.4 Capital Grants

The Council receives one primary capital grant from central government to support its role in providing Disabled Facilities Grants. For 2015/16 the Council has budgeted to receive £663,000 and this figure has been used as a forecast for future years. There are changes to the way the grant will be distributed in future years, with the funding being provided to the County Council as the Better Care provider who will then allocate funding to the District Councils. Future year's allocations may therefore be subject to change as part of this change in procedure.

3.2.5 Borrowing

Rules on borrowing have been relaxed since the introduction of the Prudential Code in April 2004 with authorities now able to borrow as much as it wishes provided that it can afford the repayments from its revenue budget.

The Council has a borrowing requirement in its current capital programme of £5million to support the development of Leisure Facilities. This cost of this

borrowing requirement is included in the Medium Term Financial Plan and is also offset by a corresponding saving from the Council's Leisure Contract.

Borrowing can be undertaken by taking out an external loan with the PWLB, or can be undertaken by utilising internal resources, i.e. investment balances. This is known as internal borrowing.

The Director of Resources is delegated with responsibility for the financing of the capital programme and as such may make borrowing decisions based upon interest rates, the Council's cash flow projections and other economic factors, in order to optimise the overall use of resources. External advice will be sought from the Council's Treasury advisors, Capita, if necessary.

In order to reduce the exposure of the council to a borrowing requirement the following steps could be examined:

- Fundamental review of current capital programme;
- Setting DFG budget to the grant allocation with no City Council contribution;
- No new major one-off schemes unless fully funded from grants or external funding;
- Providing a recurring revenue contribution to the capital programme;
- Invest to save schemes that can repay the capital investment over a period of time.

3.2.6 Revenue Contributions and Reserves

The capital programme can also be financed through the use of reserves (both capital and revenue) although revenue contributions will have an overall effect on the General Fund revenue budget. It is planned that as part of the Rethinking Waste Project that the current capital commitment for new vehicles in Waste Services are financed from revenue savings in the service. This revenue contribution will be finalised as part of the project and will be incorporated into the capital financing at a later date once details are known.

3.2.6 Capital Receipts

Capital Receipts arise principally from the sale of Council capital assets. The Capital Strategy assumes that there will be sales from General Assets of £260,000 per year. A further £150,000 is budgeted to be received from Preserved Right to Buy (PRTB) sharing agreement with Riverside Group for 2015/16 and 2016/17, however, this agreement ceases from 2017/18.

The sale of assets as part of the Asset Review are now utilised to support the Capital Programme in the Capital Strategy. Sales of £5.9million are included in the Capital programme to be achieved in 2015/16. However, a re-profiling exercise has been carried out to revise the timetable for achieving these sales and this is shown below:

	Budget	Forecasts					On Hold £000
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000	
Original Schedule	(5,949)	0	0	0	0	0	0
Amendment	5,089	(850)	(44)	0	0	0	(4,275)
Revised Profile of Asset Review Sales	(860)	(850)	(44)	0	0	0	(4,275)

Table 4: Re-profiling of Asset Review Receipts

This re-profiling will have a significant effect on the Council's ability to achieve its current capital programme as £4.2million of asset sales is being placed on hold. This will mean there will be a significant borrowing requirement to finance elements of the expenditure incurred from 2015/16.

	Budget	Forecasts				
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Total Capital Expenditure	9,128	2,334	2,227	6,496	1,278	1,013
Capital Resources Receivable in Year	(7,986)	(1,139)	(1,139)	(957)	(925)	(923)
Re-Profiling of Asset Review Receipts	5,089	(850)	(44)	0	0	0
Total Net Resources Receivable	6,231	345	1,044	5,539	353	90
Capital Receipts Brought Forward	(2,509)	3,722	4,067	5,111	10,650	11,003
(Surplus Capital resources) / Borrowing Requirement	3,722	4,067	5,111	10,650	11,003	11,093

Table 5: Effect of re-profiling asset review sales

The borrowing requirement includes £5m prudential borrowing already included in the MTFP for the funding of Leisure Facilities and this is to be paid for through a reduction in the Leisure contract fee.

The additional borrowing requirement will be reduced by any revenue contributions made towards the financing of Refuse and Recycling vehicles as part of the Rethinking Waste Project. Any further revenue contribution to the capital programme will also reduce this requirement as will a review of the current capital programme expenditure commitments.

4.0 Capital Financing Requirement

- 4.1 The Capital Financing Requirement (CFR) represents the Council's underlying need to borrow. This is different to any actual borrowing. If the Council generates the same amount of resources in a year to meet its capital expenditure requirements, then there is no change to the CFR. However, if the Council spends more than the resources it generates in year, the CFR will increase as in effect the Council has created a borrowing requirement to bridge the gap in the resources it needs and the resources it has.
- 4.2 Although the CFR does not necessarily reflect actual borrowing taken from an external source, it can reflect the use of internal cash resources, i.e. internal borrowing.
- 4.3 Where the Council has a positive CFR, i.e. an underlying need to borrow, it must make provision to repay that 'debt', or repay the cash used through internal borrowing. This is known as Minimum Revenue Provision (MRP). The Council's current policy, as set out in the MRP Strategy is to charge MRP at 4% of the CFR. As MRP is a non-cash transaction it has the effect of increasing the cash balance of the Council.
- 4.4 The current forecast for the CFR and MRP based on the current capital programme is as follows:

	Budget	Forecasts				
	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
Total Capital Expenditure	9,128	2,334	2,227	6,496	1,278	1,013
Capital Resources Receivable in Year	(3,281)	(1,989)	(1,183)	(957)	(925)	(923)
MRP & Repayment of Debt	(430)	(648)	(636)	(761)	(758)	(747)
Change in Underlying need to borrow	5,417	(303)	408	4,778	(405)	(657)
CFR Brought Forward	10,400	15,817	15,514	15,922	20,700	20,295
CFR Carried Forward	15,817	15,514	15,922	20,700	20,295	19,638

4.5 Investment and Reserve Balances

4.5.1 An important consideration to understand when making capital investment decisions, especially when a borrowing requirement exists is the relationship between the Council's available cash investment balances and its reserves.

4.5.2 At 31 March 2015, the Council had investments of £19.974million. If all revenue and capital budgets are spent in line with the budget and all receipts are received in line with expectations then at 31 March 2016, investment balances would fall to around £12m. The following table shows the breakdown of the investment balance and what the cash relates to:

	Outturn	Forecasts					
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
	£000	£000	£000	£000	£000	£000	£000
Total Investments	19,974	12,343	13,263	13,457	14,580	14,646	14,252
<i>Made up of:</i>							
General Fund Reserve	4,732	2,969	3,571	4,157	5,152	4,912	3,965
Capital Reserves	954	585	600	615	630	645	660
Earmarked Revenue Reserves	2,144	2,744	2,744	2,744	2,744	2,744	2,744
Provisions	2,002	2,002	2,002	2,002	2,002	2,002	2,002
Capital Grants Unapplied	191	191	191	191	191	191	191
Working Capital (incl Collection Fund)	5,337	4,655	4,655	4,655	4,655	4,655	4,655
Capital Receipts applied	2,509	0	0	0	0	0	0
Total Working Capital & Balances	17,869	13,146	13,763	14,364	15,374	15,149	14,217
Surplus Cash/(Cash Deficit)	2,105	(803)	(500)	(907)	(794)	(503)	35

The figures above are based on assumptions regarding budgets being fully spent with no over/under spends and reserves utilised as per current budget projections.

4.5.3 The surplus/deficit cash position represents how much of any borrowing requirement identified can be met from internal resources (internal borrowing) or how much will need to be met from actual external borrowing up to 2020/21.

4.5.4 This can be proven when comparing the CFR figures to the actual borrowing level, i.e. comparing the underlying need to borrow with the actual borrowing we carry.

	Outturn	Forecasts					
	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000
CFR (Underlying Need to borrow)	10,400	15,817	15,514	15,921	20,699	20,295	19,638
Total Borrowing	15,014	15,014	15,014	15,014	19,906	19,792	19,673
(Over)/Under Borrowing Position	(4,614)	803	500	907	793	503	(35)
Less Capital Receipts Applied	(2,509)	0	0	0	0	0	0
(Over)/Under Borrowing Position	(2,105)	803	500	907	793	503	(35)

4.5.5 Therefore, to meet its capital financing obligations, the Council was over borrowed by £2.105million in 2014/15 and assuming all else remains equal, this changes to an over borrowed position of £35,000 by 2020/21 due to the setting aside of MRP, and additional unsupported capital expenditure and assumed reduced borrowing costs on the stock issue.

4.5.6 As the figures shown above are based on forecast levels of expenditure linked to current budgets and anticipated receipts, actual figures will vary in each year depending upon actual expenditure and income levels.

5.0 Evaluation and Monitoring of Capital Projects

5.1 The evaluation and monitoring of capital projects is important to enable the Council to determine: -

- If projects have met their individual objectives for service provision,
- If projects have been delivered on time and to budget, or whether lessons need to be learned to improve processes in the future,
- If projects have contributed to the overall aims and objectives of the Council.

5.2 To assist with these processes, the Council has a series of procedures in place as a capital project develops. These consist of: -

- Consideration of all aspects of a capital project by the Corporate Programme Board, comprising senior officers of the Council, whose purpose is to lead on the prioritisation of capital investment through the consideration of business cases and the ongoing monitoring and evaluation of individual capital projects. All proposals for investment will be submitted to members for consideration as part of the normal budget process.
- The development of a risk-assessed project plan for every project, which is subject to regular monitoring against key milestones by a nominated project officer.
- Changes to capital budgets, scheme costs, the inclusion or removal of individual schemes and information on remedial action needed to bring projects back on track are reported to Council as required.
- The Senior Management Team and the Executive receive quarterly monitoring reports on the Capital Programme to review progress on the delivery of projects. This process also includes the evaluation of completed capital projects to assess if their individual aims and objectives have been met, and makes recommendations where necessary to improve the delivery of similar projects in the future.
- The Council's Resources Overview and Scrutiny Panel also critically examines the performance in delivering capital projects on a quarterly basis.

- The use of Microsoft Project Server is being developed in order to assist the project management function of the Council

6.0 Appendices

Appendix A - Capital Programme – Risk Assessment

Risk	Likelihood	Impact	Mitigation
Capital projects are approved without a full appraisal of the project and associated business case.	Reasonably Probable	Marginal	Strengthen the role of Corporate Programme Board when considering capital project appraisals, to include consideration of business cases
Full capital and revenue costs of a project not identified.	Reasonably Probable	Marginal	Capital spending must meet statutory definitions. Financial Services to regularly review spending charged to capital. Appraisals to identify revenue costs, including whole life costs to improve financial planning. This may need to be reviewed if major schemes progress, e.g. Sands
VAT partial exemption rules are not considered.	Reasonably Probable	Marginal	Reduced impact following the decision to elect to tax land and property. To be considered as part of Project Appraisals and assessed by Financial Services.
Capital projects are not delivered to time	Reasonably Probable	High	Significant slippage in the current capital programme. Better project management skills to be introduced through PRINCE 2. Project managers to take more ownership and responsibility for the delivery of projects. The review of the capital programme currently underway will address some of these issues.
Capital projects are not delivered to budget. Major variations in spending impact on the resources of the Council.	Reasonably Probable	Marginal	Improved capital programme monitoring through PRINCE 2 and monthly financial monitoring. Corrective action to be put in place where necessary.
Assumptions on external funding for capital projects are unrealistic	Probable	High	Potential shortfalls arising from changes to external funding have to be met from other Council resources, so assumptions need to be backed by firm offers of funding before projects are submitted for appraisal. Risk increased due to uncertainty around funding, e.g. DCLG grants
Spending subject to specific grant approvals e.g. housing improvement grants, disabled persons adaptations varies from budget	Remote	Marginal	Specific grants are generally cash limited so variations in projects supported by funding of this nature will be monitored closely to ensure target spend is achieved to avoid loss of grant or restrictions on subsequent years grant funding.
Shortfall in level of capital resources generated from PRTB/Capital Receipts	Probable	High	Economic downturn will impact - early warning so as not to over commit capital resources.

Report to Executive

Agenda
Item:

A.3

Meeting Date: 27th July 2015
Portfolio: Finance, Governance and Resources
Key Decision: YES: Recorded in the Notice Ref: KD.
Within Policy and Budget Framework YES
Public / Private Public

Title: **DRAFT ASSET MANAGEMENT PLAN 2015 TO 2020**
Report of: **Director of Governance**
Report Number: **GD 28/15**

Purpose / Summary:

The Asset Management Plan is being updated to reflect the key issues and changes affecting the management and use of the City's property resources, and the impact of the Asset Review Business Plan approved by Council in January 2011. The Plan will also report on the current position and performance of the Portfolio, and the Asset Disposal Programme.

Recommendations:

The Executive notes the position and approves the update to the Draft Asset Management Plan in order for it to proceed for consideration by the Resources Overview & Scrutiny Panel, back to the Executive and then full Council.

Tracking

Executive:	27 July 2015
Overview and Scrutiny:	6 August 2015
Executive:	24 August 2015
Council:	8 September 2015

1. BACKGROUND

- 1.1. The Council's land holdings are one of the essential resources used to carry out our day to day business, generate income to support services, and deliver economic development goals and housing opportunities.
- 1.2. The Asset Management Plan (AMP) outlines how the Council's strategies and policies for its property portfolio are used to support corporate priorities and directorate service plans.
- 1.3. The AMP also gives guidance on the overall performance of the asset base, what it is costing and producing, and how it is being used and reviewed. It also takes account of, and links into, the Council's Medium Term Financial Plan (MTFP) and the Capital Strategy (CS), which provides guidance on the Capital Programme and use of resources.
- 1.4. The AMP is reviewed annually and updated, along with the MTFP and CS, and aims to set out:-
 - The Council's aims and objectives for the use and management of its property, in order to further the delivery of corporate plans and priorities.
 - The organisational framework within the Council which provides the strategic, operational and investment advice needed to run the Portfolio.
 - The principles, policy and strategy for holding operational and non-operational property, releasing and disposing of surplus assets, and making investment in new acquisitions.
 - The make-up of the Council's asset base, its financial worth and revenue returns, operational performance, condition and maintenance position.
 - The Governmental position and economic climate within which the Portfolio operates and the constraints and influences which bear on the way property is held and managed.
 - How the Council challenges and reviews the Portfolio in order to better use and manage its assets to deliver public services.
- 1.5. Recognising the need to more effectively manage and utilise its property assets the Council has considered various options to improve the running of the Portfolio in order to better meet the operational, investment and economic development goals of the Authority. This re-assessment resulted in the Asset Review Business Plan, approved by Council in January 2011, which reclassified the Portfolio into three distinct categories, (Operational, Investment and Economic Development property), each with a clear focus and differing business objectives.

Along with the redefining of the Portfolio, the Business Plan proposed that staffing and management structures should be realigned to provide the appropriate resources, skills and experience to run each category of asset.

- 1.6. As part of the Asset Review there has been an appraisal of the non-operational properties that the Council own, to determine if they are fit for purpose and meet the Council's overall investment objectives. This identified a requirement to rationalise and consolidate these assets and a programme of disposals is in hand, over a four year period, to re-engineer the investment portfolio. This will release latent value and generate capital receipts which will be reinvested in new assets or other funding opportunities in order to yield a better revenue return for the Council. The Disposal Programme is into its fifth year and the Management Plan reports and updates on the position and the delivery performance.
- 1.7. The Council has also been looking at its operational assets, in conjunction with the business changes which have come about through service transformation. The Accommodation Review aims to more efficiently and cost effectively meet future service delivery, identifying savings and opportunities to generate additional income from this part of the portfolio. The AMP reports on progress and the position with this and identifies future areas for review.

2. PROPOSALS

- 2.1. The AMP has been revised this year to reflect changes covering:-

- The Asset Review Business Plan & Disposal Programme – progress on the implementation of the Plan, the impact on the Portfolio and its future management.
- Structural changes in the portfolio – the makeup of the operational and non-operational assets, current capital worth and rental levels.
- Performance of the assets – an update to the National and Local Performance Indicators used to gauge how the Portfolio is doing.
- Condition of the Portfolio – the standard of our properties, current maintenance backlog and where it lays, its suitability and sustainability for future use, and the steps which are being taken to improve energy efficiency.
- Accommodation Review – the outcomes, achievements and next steps to improve the use and efficiency of our operational property used for back office or front line service delivery.
- Capital Schemes and Maintenance Budget – where the expenditure is going to sustain, maintain and improve the Portfolio.

- Government Policy and Statutory Responsibilities – additional guidance and how this affects local authority owned property.
- Market conditions and the economy – how this will impact on the Portfolio and the delivery of the Disposal Plan.
- Property acquisitions – what has been done to implement the Business Plan proposal and requirement to reinvest in assets which will produce income to maintain service delivery, support economic development initiatives and deliver operational services.

3. CONSULTATION

- 3.1. Internally via the Council's corporate structures and processes. The Draft Plan will go to Resources Overview & Scrutiny Panel on 6 August for consideration, comment and feedback.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1. To update the Council's Asset Management Plan and the position of the property portfolio in the light of the Asset Review Business Plan and Disposal Programme and other corporate initiatives.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1. The proper management of the Council's property resource makes an essential contribution the achievement of the Council's action plans and priorities.

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**Appendices Draft Asset Management Plan 2015 - 2020
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 – None

Community Engagement – None

Economic Development – None

Governance –The Council has a fiduciary duty to properly manage its assets and the Asset Management Plan is a vital part of this process. It is also a designated budget document in accordance with the Council's Budget & Policy framework and, as such, as the report indicates, it is required to follow the usual route of consideration by Scrutiny and, thereafter, recommendation by the Executive to the Council.

Local Environment – None

Resources –The Asset Management Plan provides details on the Council's asset portfolio and the issues around the management of these assets. This will be used to inform the Medium Term Financial Plan and budget setting process for 2015/16 to 2019/20.



Managing property as a resource for the City

ASSET MANAGEMENT PLAN

2015 – 2020

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1. Purpose of the Plan and what it covers

The Asset Management Plan is a key document which sets out the Council's approach to managing its land and property assets, providing information about the overall performance of the asset base, and how it is being used and reviewed to allow us to meet tough financial targets whilst ensuring the residents of Carlisle receive the services they need most.

The Plan aims to demonstrate a Council-wide approach to managing assets as a corporate resource that is fully integrated with corporate and service planning with clear alignment between asset plans and other corporate service plans.

The Council has been undergoing radical transformation to achieve substantial cost savings and to reduce the base budget over a 5 year period by £6.0 million. The Plan describes the current organisational and reporting structure and how the Council's strategies and policies for its property portfolio support the Carlisle Plan priorities and Directorate Service Plans.

The Plan takes account of, and links into, the Council's Medium Term Financial Plan and the Capital Strategy, which provides guidance on the Capital Programme and use of resources.

The Plan aims to summarise current and longer term objectives by using property assets more effectively, developing a planned approach to the management of the Council's assets linked to corporate priorities.

The Plan sets out the Council's policy principles and strategies for the use of assets in order to have a flexible approach to asset ownership and outlines the existing portfolio and how performance is monitored, reviewed and challenged to enable us to secure a portfolio of the right size, quality, cost and location and one which is suitable and sustainable for service delivery now and into the future.

2. The Council

Carlisle City Council delivers services to around 108,000 people and for the year 2015/16 has a net revenue budget of £12.411 million and capital expenditure of £7.199 million. The Council uses its property resources to deliver services, either directly or through the rental income it earns, and improve the quality of life for local people.

The Council's asset base is one of its key financial resources, with a rental income of around £4.5 million per annum, from its non-operational property, and a net asset value, taking account of depreciation, of circa £121 million. The income is

comparable to that of Council Tax. Over 20% (12,500 people) of Carlisle's workforce are based on the Council's assets.

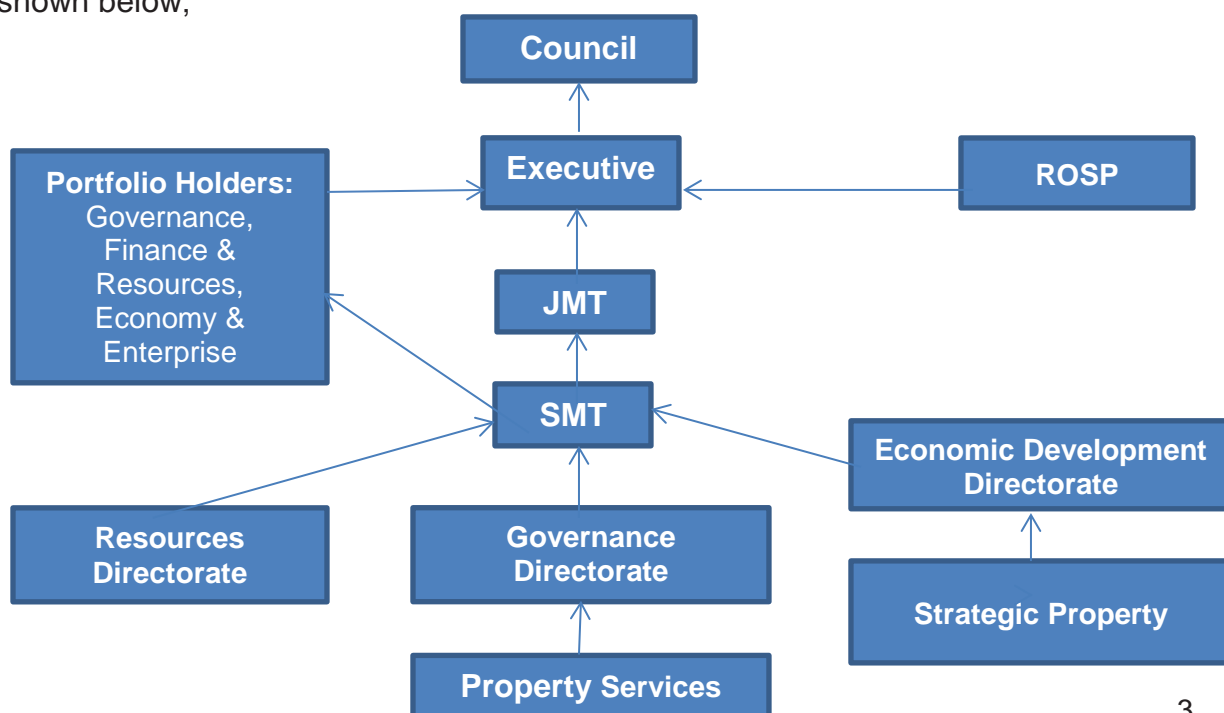
3. Organisational Framework

The organisational framework for the delivery of property functions has changed in tandem with the Council's Transformation Programme and Asset Review Business Plan, adopted by Council in 2011. The Business Plan Working Group provides strategic direction, oversees the corporate management of the Council's property assets, and gives direction to the work programme.

The framework put in place as part of the recommendations of the Asset Review Business Plan is evolving; recently following a review of Directorate responsibilities the Property Services and Building Services team has become part of the Governance Directorate. Collectively these teams now assume responsibility for providing estate and asset management advice, facility management and running capital projects across the portfolio.

Strategic property advice, in terms of economic development activity, is delivered through the Economic Development Directorate. All Directorates report through the Senior Management Team (SMT) and then on through the normal Council channels.

The work of SMT reports through the Council's formal channels to Joint Management Team (JMT), the two Portfolio Holders for Finance, Governance & Resources, and Economy and Enterprise, the Executive, Resources Overview and Scrutiny Panel (ROSP), and finally Full Council. The Organisational Framework is constantly developing, however the current framework and reporting structure is shown below;



4. Council Policies and Strategies

4.1 The Corporate Plan

The Carlisle Plan is reviewed annually to take account of emerging issues. The plan is developed through consultation with stakeholders; it is a statement of the key actions for the Council and likely outcomes for communities. The Carlisle Plan forms part of the Policy and Budgetary Framework for the Council. These frameworks work together to create the strategic framework.

The Carlisle Plan 2015/18 sets out the Council's vision for the City *"to promote Carlisle as a prosperous City, one in which we can all be proud"*. The Plan identifies the actions and timetabling for delivering the key priorities for the Council to:-

- Support the growth of more, high quality and sustainable, business and employment opportunities.
- Develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle.
- Work more effectively through partnerships to achieve the Council's priorities.
- Work with partners to develop a skilled and prosperous workforce, fit for the future.
- Make Carlisle clean and tidy.
- Address Carlisle's current and future housing needs

4.2 The Community Plan

The community plan is 'owned' by the Carlisle Partnership (our Local Strategic Partnership (LSP)). It reflects and develops the aspirations of the communities of Carlisle and provides a strategic context for the partnership activities of all members of the LSP. For the City Council it is particularly important that the Corporate Plan enables delivery of the Community Plan; there must be similarity between the strategic objectives of both plans.

The communities of Carlisle are consulted and involved in the development of the Community Plan. This Community Plan helps to inform the strategic thinking of partner organisations.

The LSP's Community and Council's Corporate Planning process informs and supports the strategy of the Cumbria Strategic Partnership.

4.3 Directorate Service Plans

The primary purpose of a Service Plan is to provide a link between the resources used to deliver services and the delivery of agreed outputs. Service Plans are inextricably linked to each Directorate's budget.

Service Plans develop the key actions of the Carlisle Plan into detailed activities for Directorates and provide a framework for their financial, performance and risk management.

4.4 Other Corporate Strategies, Plans and Policies

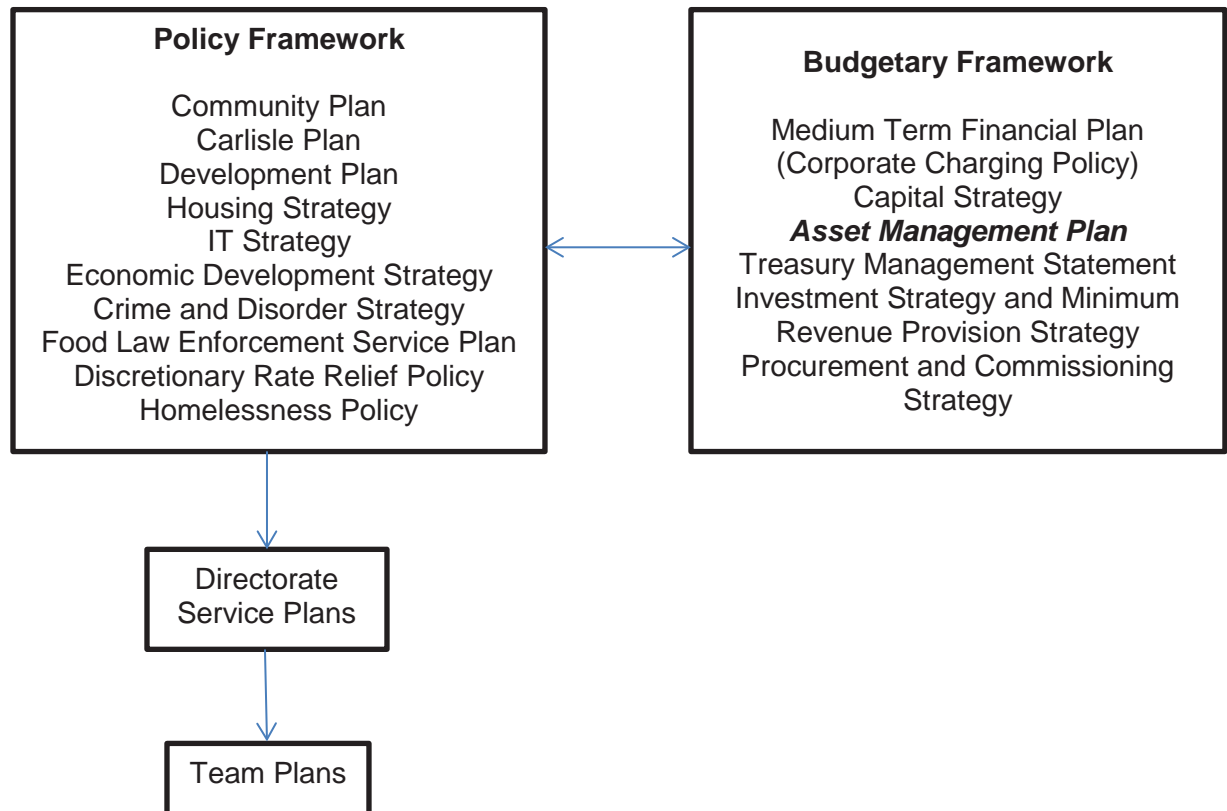
The Medium Term Financial Plan (MTFP) takes account of other Plans and Strategies of the Council, which have a potential impact on the use of resources. In particular consideration is given to the following key strategies: -

- The Capital Strategy (CS), which provides information on the proposed level of investment in capital projects and the consequent impact on the revenue budget.
- The Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy, which set out the assumptions for financing requirements and interest rates and their effect on the revenue budget.
- The Asset Management Plan, which provides forecasts of necessary investment in the Council's land and property portfolio.
- The Procurement and Commissioning Strategy.
- The Local Plan which is currently in the process of review.
- The Organisational Development Plan, which highlights the need for a thorough review of the Council's staffing needs and skill levels to ensure that the Council improves its performance to deliver excellent services to the local community in the future.
- The Digital Strategy which sets out the Council's approach to technology from 2015 to 2020 and describes how the strategic adoption of cloud platforms and digital techniques will allow the organisation to become more citizen focused, flexible collaborative and efficient.

- There are also a number of strategies, (some of which are currently under development) which set out policy direction for key Council priority areas, and these include the Economic Strategy, and Housing Strategy.

4.5 Policy and Budgetary Frameworks

The following diagram illustrates the relationships between the Policy and Budgetary Frameworks and where the Asset Management Plan sits within those frameworks.



5. Aims, Objectives and Delivery

The overall aim of the Council is to own assets which are suitable, fit for purpose and sustainable, to enable services to be delivered effectively and with equality of access.

The Council has a number of strategic objectives which are outlined below. These will be delivered by linking to corporate priorities, by benchmarking and performance measurement and by developing strategies linked to our Operational, Non-Operational, Surplus property portfolio, and Property Acquisition needs.

1. Identify all property which the Council owns or uses, compiling accurate records, establishing its value and the function it performs by ensuring a reliable and accurate property management system is in place which can be

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developed to embrace technological advances in data collection and recording, and by maintaining and continually updating information to enable decision making and support to the Council.

2. Make services aware of the costs of occupying property, maximising the use of the asset base to enable efficiency savings, by identifying 'expensive' and obsolete' assets and ensuring assets are fit for purpose and sustainable.
3. Effectively respond to the changing property requirements of service delivery improvements, by identifying improvements to assets or the asset base to enhance service delivery, disposing of assets no longer required for operational purposes and acquiring new assets to support service delivery following full life costings.
4. Provide a transparent basis for property investment decisions, through the Capital Programme, and have a planned approach to the management of the Council's assets, aligned to corporate objectives.
5. Ensure a healthy and safe environment for property users, promoting improved standards, sufficiency and suitability across the portfolio by undertaking health and safety risk assessments and customer satisfaction surveys.
6. Apply "Green Design" principles to construction, refurbishment and maintenance projects and encourage environmentally sustainable management of operational properties.
7. Support the Council's Climate Change Strategy, approved in January 2009, to reduce carbon emissions from our property estate in accordance with the policies and actions set out in the Carbon Management Plan (CMP) by improving energy efficiency through the use of renewable sources and setting targets for carbon reduction
8. Promote and encourage community and partnership use of assets by identifying changes to operational asset requirements giving rise to opportunities for shared services and liaising with partners and by working closely with the community.
9. Link into and contribute to the Council's Medium Term Financial Plan and Capital Strategy by identifying investment opportunities to improve income yields and through the disposal of surplus assets to achieve a capital receipt.
10. Provide sustainable planned maintenance programmes for a 5-year period by undertaking condition surveys.

6. Performance Monitoring

The Council reviews the performance of its property through its Performance Framework, further developing SMART indicators to accurately measure the contribution property makes to achieve corporate objectives in the Carlisle Plan.

An annual exercise is undertaken to collect property information to measure performance. The suite of Performance Indicators (PI's) set out in Appendices I and II of this Plan has allowed the Authority to improve the monitoring of asset performance, illustrate improvements, and identify shortcomings.

The Government's Operational Efficiency Programme (OEP) recommends that Local Authorities and other agencies use the CIPFA Property Asset Management Planning Network to share best practice together with the use of benchmarking to help drive efficiencies.

The Authority is a member of the CIPFA IPF Asset Management Plan Network. Current best practice is to use the National Property Performance Indicators (NAPPMI) set out in Appendix I. The indices measure property condition, maintenance backlog and expenditure, the cost of energy, water and CO₂ emissions, accessibility and space utilisation. Suitability surveys and assessments on the operational portfolio have not yet been undertaken, work on establishing a framework and protocol for implementing these will get underway as soon as resources allow.

The Authority also produces a suite of local indicators, shown in Appendix II, which measure occupancy rates for the let estate and disability access to our buildings. We are also looking to develop indicators to measure outputs from the Economic Development portfolio. It is anticipated that reporting of these indicators will commence next year.

7. Property Strategies and Principles

7.1 Operational Property Strategy

- The Council will own a highly rationalised portfolio of property to deliver services which provides users with a good standard of suitable, sufficient, accessible and energy efficient accommodation and facilities, in the right location and at the right cost.
- All operational property will be efficient and effective in supporting delivery of the Council's priorities.

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- The Council will occupy freehold property where appropriate; will hold leasehold property only when necessary to deliver accommodation on a flexible basis, or when freehold is not available, following full life costing.
- The Council will develop partnership working with local authorities, public sector bodies, the community and voluntary sector to co-locate and share services, and where appropriate use its assets with the private sector to deliver services.
- Investment in property will only be made following the consideration of a detailed business case and options appraisal which includes whole life costing.
- **Investment Principles:**

Investment should be made only through a 5 year programme where:

- The property is required for the medium or long term use by the Council, and the investment;
 - enhances service delivery,
 - improves environmental sustainability,
 - improves utilisation,
 - increases efficiency,
 - adds value,
 - addresses statutory obligations.

7.2 Non-Operational Property Strategy

- The Council will own property that helps to deliver the corporate priorities of Environment and Economy.
- The Council will investigate new medium and long-term development opportunities that will support the growth of Carlisle and the Economic Development Strategy.
- The Council will own property that provides a regular and sustainable income stream, as a key component of the Medium Term Financial Plan.

- The Council will strive to improve the performance of the income stream and reduce liability through partnership working and grant assistance where appropriate.

- **Investment Principles:**

Commercial property will only be held where;

- it provides an acceptable financial return,
- there is potential for Council involvement to deliver economic development objectives,
- it contributes effectively to the delivery of other Council priorities,
- it improves future sustainability of income,
- It addresses legal or contractual liabilities and obligations.

7.3 Surplus Property Strategy

- The Council will normally dispose of assets that it does not require on the open market on a freehold and leasehold basis at best consideration.

The following policy principles will be applied to enable delivery of the surplus property strategy and the generation of annual capital receipts in line with the Capital Strategy and Medium Term Financial Plan.

- **Surplus Property Principles**

All operational and non-operational property will be sold unless one of the following applies:

- It is occupied efficiently and effectively for services in the right location, at the right price.
- It can be used to deliver social, housing, economic or environmental benefits to meet the Council's agreed priorities, in which case the Council may take a flexible approach to a disposal at less than market value, subject to compliance with any statutory consents and full Council approval.
- It is a long-term strategic investment.

7.4 Property Acquisition Strategy

- The Council will only acquire assets if there is a business case to support the improvement in service delivery in the Capital Strategy.
- The Council only will acquire assets that assist with the delivery of Economic Development policy if there is a business case.
- The Council will develop opportunities, in partnership, to assemble sites to deliver Council objectives, particularly its priorities of Environment and Economy.
- The Council will invest in assets to improve the financial returns and yields from the portfolio and deliver the Asset Review Business Plan.
- **Property Acquisition Policy Principles**

Property will only be acquired in the following circumstances:

- Where the service cannot be efficiently delivered without it.
- Where it is required to deliver Economic Development policy.
- Where it is required to support the delivery of other Council services and priorities, either directly or through income generation.
- Whole life costing and option appraisal exercises are undertaken.
- Portfolio investments and opportunity purchases meet set target criteria around risk, income returns and yields.

8. Government Policy and Statutory Responsibilities

In recent years Government Guidance has increased dramatically on asset management and should be considered alongside the Audit Commission Use of Resources Guidance.

The last Government's Spending Review (2010) committed to "*Delivering a step change in the management of the public sector asset base*". More specifically, the spending review focused on the condition and management of the public asset stock as a basis for looking at investment decisions. The aim was to maximise value from assets through disposing of assets no longer required for service delivery, Improving the management and utilisation of retained assets, and basing future investment

decisions on a more complete assessment of the condition and performance of the existing asset base.

The Government's regional policy aims to improve the economic performance of the English regions and to reduce the gap in performance between the regions. The Review of Sub National Economic Development and Regeneration (SNR) sets out a comprehensive package of reform to improve performance. The CSR10 takes forward the conclusions of the SNR.

The Government Property Unit (GPU) was established in 2010 as part of the Cabinet Office. The unit has central oversight over all government land and property, and works collaboratively across the Civil Service. In June 2013 the Government published its first estate strategy – Government Estate Strategy: Delivering a Modern Estate. In October 2014 a further strategy was published expanding the scope of the work. This aims to use the estate to provide value for money, deliver better integrated public services and act as an enabler for growth. The Government Estate Strategy was developed by the Government Property Unit working with estate teams across Whitehall with the initial pilot involving 12 Councils with the next stage involving a further 20 Councils. The Strategy sets out ways of making savings and improving the efficiency of the central civil estate and looks at plans for better co-ordination across the whole of the public sector estate.

The Government is promoting the community management and ownership of public sector assets through the Localism Act 2011 which builds on recommendations from the Quirk Review in 2007. The initiatives which have an effect on Local Authority property and service provision are;

- 'Community Right to Bid' where 'Assets of Community Value' can be registered which, if the asset is to be sold, allows the community time to raise capital to purchase the asset. The Council now holds a register of 'Assets of Community Value'.
- 'Community Right to Challenge' gives community groups, parish councils and local authority employees the right to submit an "expression of interest" in taking over and running a local authority service. The local authority must consider and respond to the challenge. If the local authority accepts the challenge they must then run a procurement exercise in which organisations – including those that challenged the delivery of the service but also private companies – can bid to take over the running of the service.
- 'Community Right to Build' allows local communities to undertake small-scale, site-specific, community-led developments and the freedom to build new

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homes, shops, businesses or facilities where they want them, without going through the normal planning application process.

- 'Community Right to Reclaim Land' helps communities to improve their local area by giving them the right to ask that under-used or unused land owned by Councils and other public bodies is sold so that it can be brought back into use.
- 'Community Asset Transfer' enables community or voluntary groups to seek to acquire a Local Authority owned property at less than best value, usually by way of a lease, to promote local social, economic and or environmental objectives.

The Housing and Regeneration Bill aims to deliver the commitments set out in the Housing Green Paper to provide more and greener homes, in mixed and sustainable communities. The Council has been designated as a Growth Point and is seeking ways to encourage increased levels of affordable housing within the district, working with partners to bring Council owned sites into development for the provision of social and affordable housing.

In 2008, the Government passed the Climate Change Bill setting ambitious targets for carbon reduction. In line with its Climate Change Strategy and the Nottingham Declaration, the Council has committed itself to tackling environmental improvement and responding to climate change.

A 5-year Carbon Management Plan was developed with support from the Carbon Trust. Along with other Cumbrian Authorities the City Council set a target to reduce carbon emissions by 25% from its buildings, street lighting and transport related functions by April 2013, against a 2007/08 baseline of 6,015 (Note: Figure updated, July 2014 based on new conversion factors) tonnes of carbon. Emissions from buildings accounted for 71% of the carbon baseline. The data recorded shows a steady reduction in emissions up to 2011/12 by which time a 20% reduction had been achieved compared to the base year. However in 2012/13 the level of emissions rose back to 15% below the base year, improving again to reach a 19.6% reduction in 2013/14. Projected data (not all figures are available yet, July 2015) for 2014/15 shows an improvement to around 24% less than the base year. Overall this shows an average of 20% over the past 4 years. The emissions are to some extent weather dependent as the consumption of energy for space heating is linked to external temperatures. The trend is generally upwards and it is anticipated that the target will be eventually be reached, however it could take a few more years.

9. The Resource Context: Value for Money

The Audit Commission used to measure how well an organisation managed its resources and delivered value for money and better and sustainable outcomes for local people through an annual Use of Resources assessment. This considered *“how well the organisation manages its assets effectively to help deliver its strategic priorities and service needs”*.

With changes in national Government in 2010 this framework for measuring the use of resources was discontinued. However, the Asset Management Plan must still demonstrate a Council-wide approach to managing assets as a corporate resource, with the focus on using assets to help to deliver social, environmental and economic outcomes for local communities. Asset management planning should be fully integrated with corporate and service planning with clear alignment between asset plans and other corporate service plans.

Collaborating with partner organisations on strategic asset management planning remains an important requirement. The Council will continue to develop its strategic approach to working with other bodies to identify opportunities for shared use and alternative options for the management and ownership of its assets.

10. Changes in the External Environment and Implications for Property

The underlying economic factors affecting the national economy apply to Carlisle subject to its relatively isolated and remote location. The City is held back from realising its full potential because generally it has not been considered a prime location for investment by property market decision-makers. In overall terms, its property economy is relatively self-contained on a needs must basis. It is resilient to change and external market movement and influence.

It is mainly sub-regional and local developers and investors who serve the Carlisle property market, with the possible exception of the retail sector. When the UK market shows an upward trend, stability or decline, the Carlisle market follows proportionately – subject to a time delay because of its location.

The City's peaks have been historically, neither high enough nor long enough to attract much national interest – or more importantly, the magnet of institutional funds which finances property development.

It is the major financial institutions who ultimately control capital flow and investment. It is such institutions that make decisions in the UK property market.

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These funders prefer rapid rental growth in return for their capital investment in order to secure large rewards quickly and offset risk.

Unless funders are looking for long-term sustainable investment, with a local geographic commitment, developers will prefer more profitable southern locations where rental growth increases more rapidly, and over longer periods.

This risk adverse attitude by the private sector has meant that to date, the public sector has had to be proactive in order to attract development to Carlisle in order to improve economic development opportunities for the community. This is why Carlisle City Council owns the legacy of a considerable property portfolio, and needs to be involved in public/private partnership working.

The changing economic climate, both at a national and local level, arising from the “credit crunch” in 2008, restricted borrowing regimes and the continued economic recession, is impacting on the local property market. The Government’s Comprehensive Spending Review, cutting public spending by 25%, to redress the budget deficit, has fuelled further uncertainty in the economy and property markets.

The adjustment in values was most significant during 2008-2010. Since then the markets have continued to operate against low demand and over supply. Prices achieved have usually been driven by the circumstances of the parties and method of sale.

The improvement in the national economy in 2014 has seen price rises in the markets, especially the residential sector, in much of the country. Whilst there was increased activity in the local area and shorter marketing periods, there was little evidence of higher prices being achieved. There is some hope, however, for continued improvement in the markets as the economy moves out of recession.

There remains reasonable demand for well let commercial investments and also good quality residential investments, and an increasing demand for residential development opportunities as a hoped for increase in demand for completed schemes.

Apart from the effect of some structural changes to the way certain assets are held, the overall capital value of the portfolio has remained relatively static. There has been some upward and downward movement in market values for particular assets but, excepting the volatility attached to the Council’s retail development asset at Morton, overall this has balanced out to leave the position year on year relatively unchanged. The makeup of the investment portfolio is quite resilient but, rental income has fallen by roughly £250,000 (5%) since the peak of the market in

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2007/08. This mainly arises from the retail part of the portfolio and the influence of the Disposal Programme, although recently the retail market has shown faint signs that it may have bottomed out and stabilised but, undoubtedly it will be several years before any real growth materialises and, when this does arise, it will be slight.

11. The Existing Portfolio and Current Performance

11.1 Gross Asset Value as at 31 March 2015

	Operational assets		Non-operational assets		Total
	Community Assets	Land & Buildings	Investment	Surplus	
No of assets	72	81	60	2	215
Total income	£22,885	£2,490,967	£4,543,280	£43,400	£7,100,532
Capital value	£3,930,748	£29,773,699	£87,510,500	£590,000	£121,804,947
Capital Expenditure	£100,021	£1,319,066	£3,756,799	-	£5,175,886
Asset Reserve			£360,000		£360,000
Maintenance backlog		£2,759,100	£2,000,000	-	£4,759,100

NB The total capital spend in 2014/15 was £7.81million. However this did not all relate to property assets, £1.9 million was Revenue Expenditure Funded from Capital Under Statute which included capital works on assets not owned by the Council.

The figure for the maintenance backlog on the operational buildings is based on a costed 5 year plan derived from a rolling programme of Condition Surveys. The figure has decreased by around £328,500 or 16% since last year. This is mainly as a result of remedial work carried out under the capital works programme but is also affected by the disposal and acquisition of assets. It is anticipated however, that the reduction in the capital schemes special project fund by 50% to £150,000 per year will begin to affect next year's figures.

The figure for the non-operational backlog relates to historical infrastructure costs associated with our industrial estate ground rent portfolio and has not been reviewed for a number of years. There is a suspicion this figure has come down, due to the disposal programme and the capital expenditure which has gone into infrastructure improvements on the Kingstown, Durranhill and Willowholme Industrial Estates over

the last few years but, as there is no recent survey data available, this notion can't be substantiated with evidence.

11.2 Maintenance Backlog

	15/16	16/17	17/18	18/19	19/20
Total Revenue Budget	£724,400	£724,400	£724,400	£724,400	£724,400
Capital Schemes Special Projects	£150,000	£150,000	£150,000	£150,000	£150,000
Ratio Planned: Reactive Maintenance	76 : 24	76 : 24	76 : 24	76 : 24	76 :24

Based upon property condition surveys, an annual planned maintenance programme has been established for all operational assets. There is a maintenance backlog; currently £2,765,100 for the portfolio of operational and non-operational buildings, the delivery programme to reduce this incorporates a degree of flexibility and balance in order to respond to the demands and aspirations for service delivery, asset review, and other changing circumstances which may arise during the course of the programme. Members approved a 3 year programme of planned and reactive maintenance on 10 November 2014 (report reference RD39/14). In condition category terms the split is as follows:-

Condition Category (as a % of Gross Internal Area Operational Property)	Sustainable Criteria
A. (Excellent) 59%	Yes
B. (Good) 28%	Yes
C. (Mediocre) 12%	Review
D. (Poor) 1%	No

Improvements in the operational portfolio are mainly due to the upgrading of the Old Town Hall, the new families hostel at Water Street and disposal/demolition of assets in the lower condition categories.

11.3 Energy Efficiency

Reflecting the Council's Environmental Policy and Carbon Management Plan a programme of energy efficiency and renewable energy projects has been carried out

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with significant investment in recent years. In the last year the amount of investment has been less than in previous years, however contributions have been made by improving the levels of insulation in pitched and flat roofs at the Enterprise Centre and Tullie House, by replacing old single-glazed roof lights with new double-glazed and insulated roof lights at the Civic Centre and by continuing to replace old lighting in the Civic Centre with new smart lighting. The sale of Stafffield House contributed to a reduction in our carbon emissions.

The solar photovoltaic arrays at the Civic Centre and Sands Centre continue to be successful in terms of electricity generation and income received from the feed in tariff.

11.4 Capital Works and Repairs

The programme of works identified in the Capital Major Repairs Programme is initially shaped by a 5 year maintenance plan produced from condition surveys and adjusted each year to keep abreast with new legislation. The Council has a legal duty to maintain its properties and the programme is required to meet those duties. Report (RD 39/14) was presented to the Executive on the 10th November 2014 with proposals for capital investment for planned major repairs. The business case identified 7 separate projects required to meet the Council's legal obligations and priorities for building maintenance.

The capital schemes special project fund for the programme 2015/16 has been allocated as follows:-

PROJECT	COST	PRIORITY
Civic Centre – Replace roof covering and rooflights over Executive Room	£40,000	Health and Safety / Energy Conservation
Herbert Atkinson House – Re-slate roof	£20,000	Conservation / Asset protection
Irish Gate Bridge – replace hydraulics and doors south side lift	£40,000	Asset protection
Castle Banks – rebuild leaning part of wall	£5,000	Health and Safety / Heritage Conservation
West Walls – Stone repairs and underpinning of historic City Wall	£20,000	Health and Safety / Heritage Conservation
Bousteads Grassing – Demolish lighting store building area	£15,000	Health and Safety / Energy Conservation

ASSET MANAGEMENT PLAN 2015-2020

Upperby Cemetery – Demolish toilet building	£10,000	Health and Safety/Energy Conservation
TOTAL	£150,000	

12. Continuous Review and Challenge

1. The City Council holds a significant, but numerous and diverse, portfolio of assets across Carlisle. This portfolio generates considerable income for the City and has an important impact on the local economy.
2. It has a highly rationalised operational (service occupied) portfolio, with a manageable maintenance backlog, but with scope for further consolidation.
3. It has a diverse and mixed non-operational (predominantly commercial and industrial) portfolio which through rationalisation is becoming more efficient but has considerable further potential.
4. The Council possesses a good portfolio and has a record of using property well to meet its aims; it is planning for future investment and development to allow it to continue to do this.
5. The opportunity has been grasped to take a more dynamic and commercial approach to the management of the portfolio in order to strategically balance the need for operational assets, income generation and economic development, in support of the local economy, the protection of public services and other priority objectives.
6. The Transformation Programme has identified the need for further rationalisation and consolidation of the operational property to improve access to public services and efficiency.

12.1 Accommodation Review

An Accommodation Review, an integral part of the Transformation Programme, to review corporate accommodation, both back office and front public facing service delivery properties is underway. This comprises an analysis of accommodation needs and the existing provision, exploring future solutions and implementing the most beneficial models for the Authority. It seeks to deliver effective and efficient accommodation that suits the needs of each service, establish a more corporate approach to accommodation, make more effective use of space, improve the working environment and make the accommodation as productive as possible. The project will be on going over several years, and will be undertaken in phases. It will cover all the City's operational buildings with an initial focus on the Civic Centre, Boustead's Grassing and the Depots. The project's outcomes must deliver:-

- Corporate standards for accommodation;

ASSET MANAGEMENT PLAN 2015-2020

- Efficient and effective accommodation for all Council staff & operations;
- Consolidation of office staff and functions into the Civic Centre;
- Maximisation of usage of occupied accommodation and delivery efficiencies;
- Maximise potential revenue streams;
- Identify and meet target capital receipt savings and income.

To date the review has achieved the following improvements to the portfolio:-

- Centralisation of back office delivery with the closure and demolition of part of Boustead's Grassing and transfer of staff to the Civic Centre;
- Improved space utilisation in the Civic Centre;
- Continued development of the Customer Contact Centre as a public service centre hub;
- The letting and sharing of office space with other public sector providers;
- An interim rationalisation of the Councils Depots, Willowholme Depot has been sold and parts demolished;
- The provision of a new Women's and Family Hostel in Water Street to replace the former facility Staffield House, which has been sold.

The challenges going forward are to further examine space utilisation in the Civic Centre; the continued reduction in staff during 2013/14 has led to a reduction in the occupancy rate and increased costs per full time employee (FTE), and to find new occupiers to share the surplus accommodation, reduce overall costs in use, and compliment the Council's ambitions to improve public access to a wider range of customer services through the Contact Centre. Also, with the recent transfer of retained Highway Rights back to the County Council there is a need, in the light of future service requirements, to further examine the utilisation and retention of Boustead's Grassing as a sustainable Depot and the possible requirement for alternative provision.

12.2 Asset Review Business Plan

An asset review and investigation into the options for the development of a new approach to the management and use of the portfolio has been concluded with the adoption by Council in January of an Asset Review Business Plan (Report Ref. CE 39/10 refers).

The strategic objectives of the Plan are broadly to have:-

- Clear and separately focused management of operational, investment and economic development assets;
- Fewer higher value assets giving better yields that are cheaper and easier to manage;
- The latent value and development opportunities embedded in the portfolio unlocked and released for reinvestment;
- Well maintained assets which continue to be attractive to tenants and occupiers;
- Increased returns through higher income and lower outgoings.

To provide clear objectives and priorities for each asset the portfolio has been divided into 3 categories as follows:-

1. Operational Assets –needed to carry out the Council's business and deliver services or are retained for public benefit. The task here is to create through rationalisation an efficient and sustainable portfolio which is fit for purpose;
2. Economic Development Assets –identified or acquired for strategic purposes to stimulate and deliver economic development activity leading to growth and regeneration of the City and District;
3. Investment Assets –to deliver the maximum financial return for the Authority through revenue receipts and capital growth which meets set targets and criteria.

The next step in the implementation of the Business Plan is to put in place the management structures and resource capacity to deliver the 3 portfolio areas and the overarching strategic asset management. These changes are taking place within the context of the Transformation Programme.

12.3 Disposal Programme

The Business Plan recognised that the property portfolio needed re-engineering through a process of rationalisation to consolidate the asset base and improve overall financial returns through reinvestment or acquisitions. The Plan aims at realising £24m through the disposal over a 4 year period of 51 assets which are underperforming or have embedded value which can be realised. The proceeds will be used to generate additional income to support budget and efficiency savings and help protect and secure service delivery into the future.

Outcomes:

In line with expectations individual asset receipts have produced results on, below and above target figures. To date 32 assets have been sold realising total gross receipts of circa £9.6 million. Overall the returns show an increase of approximately 15% (Morton excluded) above the business plan estimates.

The market appears to be hardening for certain types of asset; at this juncture in the programme there is no reason to suspect the current trends and levels of return will not continue however, we have adopted a conservative approach and these increases have not been built into future sale projections. The programme plan for this year 2015/16 has been refreshed and re profiled, it aims to deliver circa £1.5m in capital receipts from the disposal of 10 assets. It also looks at the future release and disposal of assets with potential to supply land for future housing development, into the private and social housing sectors.

12.4 Reinvestment Options

The Business Plan envisages capital receipts will be used to generate additional revenue and support purchases in the economic development and operational property portfolios.

Opportunity purchases into the Economic Development and Operational portfolios have been completed to consolidate the Council's existing ownership and land holdings in Rickergate with the acquisition of properties in the Warwick St area. This includes Herbert Atkinson House adjoining Tullie House and the Old Carlisle Fire Station, which following a scheme of refurbishment and capital improvements is now an Arts Centre for the City.

Purchases into the investment portfolio have been undertaken with the acquisition of a leasehold interest in the Woolworths Building and employment land at Morton. Other options and opportunities are being investigated. The Council is also

examining the options and feasibility for alternative approaches to the asset and estate management of its investment land holdings at Kingstown and Parkhouse.

12.5 Economic Development Portfolio

The assets within this portfolio are directed towards supporting and creating opportunities for the growth of the City using employment, housing and retail development land.

Major road infrastructure improvements are to commence shortly at Durranshill Industrial Estate following grant support being obtained from Cumbria LEP (£2,000,000) and the Homes and Communities Agency (£250,000). It is estimated the improvements could create 200 FTE's.

Rosehill car park has recently been sold to H&H Group who propose a major redevelopment which will include a new retail unit for Pioneer, a 350 space car park and 20,000 sq. ft. of Industrial units. The proposals will create 50 FTE's.

13. Summary


1. The Council has the Governance & Resources Portfolio Holder responsible for asset management.
2. Members are aware and have approved a plan to address backlog maintenance.
3. Performance measures, which are being improved upon, are in place to evaluate asset use in relation to corporate objectives.
4. The Council has a highly rationalised and suitable service occupied portfolio with a manageable maintenance backlog which it will seek to improve through the Accommodation Review; it has a considerable commercial portfolio, which is generating substantial rental income.
5. The Council's asset base has considerable latent value, which if unlocked through the new Asset Review Business Plan and Disposal Programme, will help provide more robust support to economic development initiatives, generate additional income and provide a portfolio which is cheaper and easier to manage.

The Council is looking at opportunities for rationalising the portfolio and sharing accommodation with other public bodies and partner organisations.

APPENDIX I


NATIONAL PROPERTY PERFORMANCE INDICATORS

APPENDIX I

 CARLISLE CITY COUNCIL www.carlisle.gov.uk	Asset Management Plan		
	Appendix : Property Performance Indicators		
COPROP Property Management Initiative Property Performance Indicators (PMI's)			
PMI 1A: % gross internal floor-space in condition categories A- D			
	Mar-13	Mar-14	Mar-15
(a) Schools: Good condition (category A) Satisfactory condition (category B) Poor condition (category C) Bad condition (category D)	n/a n/a n/a n/a	n/a n/a n/a n/a	n/a n/a n/a n/a
(b) Other Land & Buildings: Good condition (category A) Satisfactory condition (category B) Poor condition (category C) Bad condition (category D)	50.8 31.4 12.5 5.3	59.3 28.8 11.0 0.9	59.3 28.8 11.0 0.9
(c) Community Assets: Good condition (category A) Satisfactory condition (category B) Poor condition (category C) Bad condition (category D)	n/a n/a n/a n/a	n/a n/a n/a n/a	n/a n/a n/a n/a
(d) Non-operational assets: Good condition (category A) Satisfactory condition (category B) Poor condition (category C) Bad condition (category D)	0 30.7 0.8 68.5	0 27.8 7.3 64.9	0 27.8 7.3 64.9
Objective:- To measure the condition of the asset for its current use			
Definitions:- A: Good – Performing as intended and operating efficiently B: Satisfactory – Performing as intended but showing minor deterioration C: Poor – Showing major defects and/or not operating as intended D: Bad – Life expired and/or serious risk of imminent failure			
Comments:- We do not currently hold the required level of information on our Community assets and this information will be collated in due course. Non-operational assets include our investment portfolio of individual shops and offices, workshops and the Enterprise Centre. It does not include our ground lease portfolio. The marginal overall shift in improvement on the operational properties from 2013 is due to the new buildings coming into the portfolio such as the Water Street accommodation and the disposal of Staffield House. The decline in performance of the non-operational portfolio, also from			

ASSET MANAGEMENT PLAN 2015-2020

2013, is largely due to the relatively high proportion of poor quality assets left on the books as a consequence of the disposal programme. For example, the Enterprise Centre now accounts for 65% of non-operational floor space.

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PMI 1B: required maintenance by cost expressed (i) as total cost in priority levels 1-3; (ii) as a % in priority levels 1-3; and (iii) overall cost per m² GIA

	Mar-13		Mar-14		Mar-15	
	£	%	£	%	£	%
(a) Schools						
Urgent repairs (priority 1)						
Essential repairs (priority 2)						
Desirable repairs (priority 3)						
Total						
Overall Cost per m ² GIA						
(b) Other Land & Buildings						
Urgent repairs (priority 1)	325,600	15	183,000	10	111,000	7
Essential repairs (priority 2)	1,460,425	68	1,449,000	73	1,074,100	65
Desirable repairs (priority 3)	353,600	17	341,100	17	459,000	28
Total	2,139,625	100	1,973,100	100	1,644,600	100
Overall Cost per m ² GIA	41.59		36.82		32.47	
(c) Community Assets:						
Urgent repairs (priority 1)	n/a		n/a		n/a	
Essential repairs (priority 2)	n/a		n/a		n/a	
Desirable repairs (priority 3)	n/a		n/a		n/a	
Total	n/a		n/a		n/a	
Overall Cost per m ² GIA	n/a		n/a		n/a	
(d) Non-operational Assets:						
Urgent repairs (priority 1)	0	0	0	0	0	0
Essential repairs (priority 2)	561,000	68	516,000	66	525,000	62
Desirable repairs (priority 3)	270,000	32	270,000	34	321,000	38
Total	831,000	100	786,000	100	846,000	100
Overall Cost per m ² GIA	124.03		118.32		127.35	

Objective:-

Measure required maintenance.

Definitions:-

Urgent works that will prevent immediate closure of premises and/or address an immediate high risk to the health and safety of the occupants and/or remedy a serious breach of legislation.


Essential work required within two years that will prevent serious deterioration of the fabric of the services and/or address a medium risk to the health and safety of the occupants and/or remedy a minor breach of the legislation.

ASSET MANAGEMENT PLAN 2015-2020

Desirable works required within 3 to 5 years that will prevent deterioration of the fabric or services and/or address a low risk to the health and safety of the occupants and/or a minor breach of the legislation.

Comments:-

Non-operational assets include our investment portfolio of individual shops and offices, workshops and the Enterprise Centre. It does not include our ground lease portfolio. Slightly improving overall picture to the operational portfolio as capital expenditure has been targeted at urgent work.

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PMI 1C: Annual Percentage change to total required maintenance figure over previous year

	Mar-15
Total Required Maintenance	£2,765,100
Annual % Change in total required maintenance from previous year	0%

Objective:- Measure changes in spend on maintenance.

Definitions:-

Required maintenance is defined as “The cost to bring the property from its present state up to the state reasonably required by the authority to deliver the service and/or meet statutory or contract obligations and maintain it at the standard”.
Spend on maintenance covers the total repair and maintenance programme (reactive and planned) including any associated fees for the work. It should also include any capital spending on repair and maintenance.

Comments:-

The total backlog maintenance liability figure is the same as last year. This is likely to remain so, with the reduction in the capital schemes special project fund and reduced opportunities for disposal/replacement of high maintenance and costly properties.

PMI 1D: Maintenance Spend

		2013/14	2014/15
(i)	Total spend on maintenance	897,613	1,085,000
(ii)	Total spend on maintenance per m ² GIA	£14.90	£18.73
(iii)	Planned/reactive maintenance split	76%:24%	76% : 24%

Objective:- Show split in type of maintenance

Definition of Planned and Reactive Repairs:-



Planned – If the work is part of a regular routine e.g. removing leaves from gutters, re-decorations, replacing worn out items, routine servicing of plant etc.

Reactive – If the work is unexpected e.g. leaking roof, broken toilet seat etc. This would include urgent/critical work identified during routine servicing.



To be classified as planned, you do not necessarily need to have known in advance that you would be arranging the work at a specific point in time but you were aware that work would be needed.

Comments:-

Increased annual spend partly reflects a budget contribution for Cenotaph & War memorials.


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	Appendix: Property Performance Indicators

PMI 2 A, B & C Environmental Property Issues				
		2012/13	2013/14	2014/15
A	Energy Cost – total spend (£)			
	Energy Total Consumption (kwh)	11,807,588	11,543,580	11,685,424
	Energy Cost per m ² (£/m ²)			
	Energy Consumption per m ²	324.76	317.5	321.4
B	Water Cost – total spend (£)			
	Water Total Consumption (m ³)	7,930	8,635	Not available yet
	Water Cost per m ² (£/m ²)			
	Water Consumption per m ² (m ³ /m ²)	0.89	0.97	
C	CO2 Total Emissions (kg CO ²)	3,265,622	3,141,560	3,194,548
	CO2 total Emissions/m ² (kg CO ² /m ²)	89.82	86.4	87.87
Objective:- To encourage efficient use of assets over time and year-on-year improvements in energy efficiency.				
Definitions:- To reduce environmental impacts of operational property. To highlight areas of poor or mediocre energy and water efficiency/performance and act as a catalyst for improvement. To compliment the process for 'Energy Certificates'. To support the assessment of property performance together with condition and suitability within the framework of Asset Management Planning.				
Comments:- Although generally recognised that energy costs are increasing the effect of this has been offset by a reduction in consumption. This is attributable to energy saving conservation projects which have been adopted but also due to shrinking operations arising from the Transformation process. Consumption figures are always influenced by the weather conditions				


 CARLISLE CITY COUNCIL  www.carlisle.gov.uk	Asset Management Plan
	Appendix: Property Performance Indicators

PMI 3 A & B: Suitability Surveys (Local Indicator)

	Mar-13	Mar-14	Mar-15
% of Portfolio by GIA m ² for which a Suitability Survey has been undertaken in the last 5 years	Not available	Not available	Not available
Number of properties, for which a Suitability Survey has been undertaken over the last 5 years	Not available	Not available	Not available
Objective:- For Local Authorities to carry out Suitability Surveys enabling them to identify how assets support and contribute to the effectiveness of frontline service deliveries i.e. are they fit for purpose.			
Definitions:- To be reported for all operational buildings (excluding Schools) occupied by the Local Authority. To ensure that the property meets the needs of the user. To enable key decisions to be made.			
Comments:- Suitability surveys will be undertaken on a phased basis as and when resources allow.			

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	Appendix: Property Performance Indicators

PMI 4 A, B, C & D: Provision of access to buildings for people with disabilities			
		Mar-14	Mar-15
A	% of Portfolio by GIA sq.m for which an Access Audit has been undertaken by a competent person	80%	80%
B	Number of properties for which an Access Audit has been undertaken by a competent person	37	37
C	% of Portfolio by GIA sq.m for which there is an Accessibility Plan in place	80%	80%
D	Number of properties for which there is an Accessibility Plan in place	37	37
BV 156	% Percentage of authority buildings open to the public in which all public areas are suitable for and accessible to disabled people	84.8%	84.8%
Objective:- To monitor progress in providing access to buildings for people with disabilities.			
Definitions:- To monitor the progress at which Local Authorities carry out access audits. To enable key decisions to be made.			
Comments:- A level of accessibility has now been attained such that further progress with these indices will be difficult to achieve without considerable capital expenditure.			

 www.carlisle.gov.uk	Asset Management Plan
	Appendix: Property Performance Indicators

PMI 5 A & B: Sufficiency (Capacity and Utilisation) Office Portfolio

		Mar-14	Mar-15
A1a	Operational office property as a percentage (% GIA m ²) of the total portfolio	19.33%	19.3%
A1b	Office space per head of population	0.11 sq m	0.11 sq m
A2	Office space as a % of total floor space in operational office buildings using NOS to NIA	78.2%	78.2%
A3a	The number of office or operational buildings shared with other public agencies	1	1
A3b	The % of office or operational buildings shared with public agencies	50%	50%
B1	Average office floor space per number of staff in office based teams (NIA per FTE)	16 sq m	17.6 sq m
B2	Average floor space per workstation (not FTE)	12.13 sq m	12.13 sq m
B3	Annual property cost per workstation (not FTE)	£1162.99	£1162.99

Objective:-

To measure the capacity and utilisation of the office portfolio. There is an implicit assumption that services should be delivered in the minimum amount of space as space is costly to own and use. For a similar reason an authority should occupy a minimum of administrative accommodation.

Definitions:-

To identify the intensity of use of space.

To assist councils to identify and minimise assets which are surplus or not in use.

To minimise costs of assets (or avoidance of costs from acquiring more space) through intensification of use.

To measure the level of usage.


Net Internal Area (NIA): The usable area within a building measured to the internal face of the perimeter walls at each floor level.

Net Office Space (NOS): NIA less primary circulation space, civic areas, reception areas, canteen facilities and basement store.


Full Time Equivalent (FTE): No of staff based in the building expressed in full time equivalent terms.

Comments:-

Recent improvements in occupancy rates, achieved through the Accommodation Review, have deteriorated within the Civic Centre. The lower utilisation rate has arisen from staff reductions; there are now more empty desks throughout the building, highlighting a need for further review to redress the shortfalls.

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	Appendix : Property Performance Indicators

PMI 6: Spend		
	Mar-14	Mar-15
Gross Property Costs of the operational estate as a % of the Gross Revenue Budget	2.74%	3.61%
Gross Property Costs per m ² GIA by CIPFA Categories/Types:	£/m2	£/m2
Schools		
Operational Buildings	31.96	42.07
Community Assets	N/A	N/A
Non-operational Assets	17.47	16.06
Objective:- To measure the overall property costs and changes over time. This will be backed up by a number of local indicators relating to the various elements of buildings.		
Comments:- Total running costs show an increase on last year's figures as a proportion of the total gross revenue budget, this is mainly associated with the increased spend on capital projects such as the refurbishment of the TIC accommodation within the Old Hall.		

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	Appendix : Property Performance Indicators

PMI 7 A, B, C & D: Time & Cost Predictability		Mar-14	Mar-15
A	The % of projects where the actual time between Commit to Design & Commit to Construct is within, or not more than 5% above, the time predicted at Commit to Design	90%	90%
B	The % of projects where the actual time between Commit to Construct & Available for Use is within, or not more than 5% above, the time predicted at Commit to Construct	100%	100%
C	The % of projects where the actual cost at Commit to Construct is within +/- 5% of the cost predicted at Commit to Design	90%	90%
D	The % of projects where the actual cost at Available for Use is within +/- 5% of the cost predicted at Commit to Construct	100%	100%
Objective:- To measure time and cost predictability pre and post-contract. To identify variability through the design and construction phases of the project, with the added flexibility of optional "local" indicators to start the measures at an earlier stage.			
Comments:- A cautious approach is taken to target setting for project timescales. Costs limits are strictly enforced and projects are amended to meet the budget if unforeseeable events result in increases beyond the contingency sum. This is reflected in the indicator result. In respect of (A) the 90% outturn figure reflects the unusually lengthy internal consultation/design process for the Old Fire Station Arts Centre scheme. In respect of (C), the 90% outturn figure reflects that the Old Fire Station Arts Centre tender came in over budget, but after value engineering it was brought in under budget			

APPENDIX II

LOCAL PERFORMANCE INDICATORS

APPENDIX II

Local Performance Indicators

Indicator	10/11 Actual	11/12 Actual	12/13 Actual	13/14 Actual	14/15 Target	14/15 Actual	Comments
BV 156 Percentage of buildings open to the public suitable for and accessible to disabled people	83.8%	83.9%	84.4%	84.8%	85%	84.8%	A level of accessibility has now been attained such that further progress with these indices will be difficult to achieve without considerable capital expenditure. Improved performance on the remaining buildings will be increasingly difficult to achieve due to capital costs and the nature of the portfolio i.e. Listed Buildings.
MI 931 C1 Maximise the occupancy of Council's commercially let business units	88.03%	87.87%	85.92%	82.01%	90%	76.59%	The target going forward remains the same reflecting the unchanged market conditions. The acquisition of a vacant unit plus disposal of a number of relatively well let workshop units, has impacted negatively on this indicator.

Report to Executive

Agenda
Item:

A.4

Meeting Date: 27th July 2015
Portfolio: Communities and Housing
Key Decision: Yes: Recorded in the Notice Ref:KD
Within Policy and
Budget Framework YES
Public / Private Public

Title: CARLISLE AND EDEN COMMUNITY SAFETY PARTNERSHIP
ANNUAL PLAN 2015/16
Report of: The Deputy Chief Executive
Report Number: SD 15/15

Purpose / Summary:

The Carlisle and Eden Community Safety Partnership (CSP) have developed their Partnership Plan for 2015/16 (Appendix 1) using data from the Community Safety Strategic Assessment and its Carlisle Local Summary (Appendices 2 and 3 respectively.) The plan has been developed by the CSP's Leadership group with input from City Council officers and the portfolio Holder for Communities, Health and Wellbeing.

The purpose of this report is to present the CSP's work programme for the coming year in the form of their partnership plan. While this is presented as a developed document it represents a 'live' work programme – which develops throughout the year and can be influenced and shaped through the City Council's representation on the CSP's Leadership Group.

Recommendations:

It is recommended that:

- Executive consider the report noting the comments from the Community Overview and Scrutiny panel in their minute excerpt
- Recommend the plan to full Council for adoption

Tracking

Executive:	27th July 2015
Overview and Scrutiny:	23rd July 2015
Council:	8th September 2015

1. BACKGROUND

- 1.1 The Crime and Disorder Act 1998 placed statutory obligations on local authorities and the police to act in cooperation with the probation service, health authorities and other relevant agencies, to work together to develop and implement a partnership plan for tackling crime and disorder in their area.

The legislation requires local Community Safety Partnerships (CSP's) to produce a plan setting out how it intends to tackle crime and disorder and allowing the development of strategies to tackle short, medium and long-term priorities.

The Carlisle and Eden Community Safety Partnership's Leadership Group takes responsibility for developing the CSP annual plan based on evidence drawn from the annual countywide community safety strategic assessment. The Leadership Group includes representation from Carlisle City Council via the Portfolio Holder for Communities Health and Wellbeing and the Contracts and Community Services Manager.

Their proposed plan for 2015-2016 was approved at their most recent meeting (June 2015) and is attached at Appendix 1. The plan itself is a high level and brief summary of priorities for 2015-2016 and is supported by a more detailed action plan that is delivered by the CSP task group members.

2. PROPOSALS

- 2.1 It is proposed that Executive consider the report and note the input from Community Overview and Scrutiny panel and recommend the plan to full Council for adoption.

3. CONSULTATION

- 3.1 The Partnership Plan has already been considered by members of the CSP's Leadership Group. Views and comments received from Community Overview and Scrutiny Panel (23rd July 2015) also accompany this report for consideration by Executive.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that Executive consider the report and note the input from Community Overview and Scrutiny panel and recommend the plan to full Council for adoption so as to affirm proposed actions around crime and anti-social behaviour and ensure Carlisle City Council meets its legislative responsibilities.

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, Appendix 2, Appendix 3
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 – The CSP Partnership Plan contributes towards the Council's obligations under the Crime & Disorder Act 1998.

Local Environment –

Resources - There are no financial implications of adopting the CSP Partnership Plan for 2015/16. The City Council makes no direct financial contribution to the partnership and therefore any additional support required will need to be met from existing base budgets.



**Carlisle and Eden Community Safety Partnership Plan
2015/ 2016**

Contents of Partnership Plan

- 1. Introduction**
- 2. Crime and Disorder Regulations 2007**
- 3. Partnership Structure**
- 4. Carlisle Overview**
- 5. Eden Overview**
- 6. Priorities for Carlisle and Eden Community Safety Partnership 2015-2016**
- 7. How we aim to deliver the priorities**

1. Introduction

Carlisle and Eden Community Safety Partnership has and continues to be a successful partnership of multi agencies working together to address crime and disorder in North Cumbria.

Since its inception, we have worked effectively to contribute to significant and sustained falls in levels of crime and disorder.

The partnership continues to have strong strategic leadership and dedicated and knowledgeable people who are committed, prepared and focussed on the priorities for the year ahead.

The Police and Crime Commissioner, is keen the partnership builds upon the good work that has already been delivered and has advised funding will continue for the coming year 2015/16.

Mary Robinson, CSP Chair

2. Crime and Disorder Regulations 2007

The Crime & Disorder Regulations 2007 place a statutory duty on Community Safety Partnerships (CSP's), to work together to formulate and embed strategies to tackle local crime and disorder in the area.

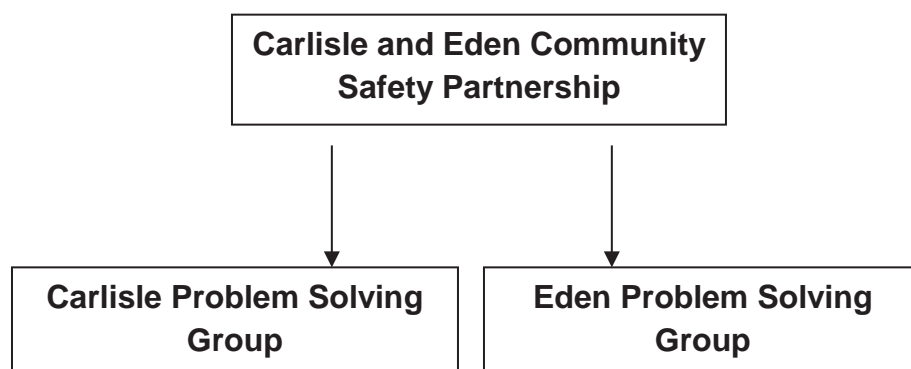
The aim of the Community Safety Strategic Assessment (CSSA) is to provide partners with an understanding of the levels and patterns of crime, disorder and substance misuse in the County and local areas which will enable partners to prioritise their resources in order to tackle crime and disorder.

The Technical Report is part of a collection of documents which make up the CSSA. It provides statistical analysis and information about crime, changes and patterns over time. It also provides qualitative information about what those working or living in the local communities feel are priorities and issues from information drawn from the annual British Crime Survey and the annual Public Consultation Survey.

3. Partnership Structure

The CSP shall comprise of the following organisations being the responsible authorities:

- Eden District Council (1 x Elected Member and 1 x Officer)
- Carlisle City Council (1 x Elected Member and 1 x Officer)
- Cumbria County Council (2 x Elected Members - one each from Carlisle and Eden and 1 x Officer)
- Cumbria Constabulary (1 x Officer)
- Cumbria Fire Service (1 x Officer)
- Public Health (1 x Officer)
- Cumbria Probation Service (1 x Officer)
- Other invited organisations as agreed by the Leadership Group



4. Carlisle Overview

Levels of Crime in Carlisle City continue to fall. Over the past year crime has fallen by 0.1%, despite this, the overall crime rate in the City is the seconds highest out of all the Districts.

The City has the highest rates in the County of: theft of a motor vehicle, theft from a motor vehicle, business crime, and hate crime. ASB (Anti-Social Behaviour) and Youth ASB continue to fall in the district however rates of ASB in the City are the second highest in the County.

Numbers of incidents have increased of: theft of a motor vehicle, violence against a Person and criminal damage (3.8%). Levels of criminal damage in the City are above the average for its most similar groups/forces (ranked 13 out of 15 – 15 being the worst).

There has been a marginal increase in incidents of domestic violence and sexual offences. Incidents of the following crime categories have fallen, burglary dwelling, burglary other, theft from a motor vehicle, drug crime, business crime, and alcohol related violence against a person.

11.0% of Carlisle's total crime is alcohol related, and almost one third of violent and sexual offences are alcohol related.

Geography

Carlisle City covers an area of 1,039 square km. With an average population density of 104 people per square km, the city is the second most densely populated area in the County, but is more sparsely populated than the national average (Cumbria 74 people per square km, England & Wales 377 people per square km). 27% of the City's residents live in rural areas, compared to 54% across Cumbria and 18% across England & Wales.

Demographics

The resident population of Carlisle was estimated to be 107,900 persons as at mid-2013; an increase of 5,200 persons (+5%) since mid-2003. Population change over the last decade was not spread evenly across Carlisle's Wards, with a small number of wards experiencing a decrease in their population size whilst other wards experienced large increases. The greatest proportional decrease was seen in Lyne Ward (-7.5%) while the greatest proportional increase was seen in Belle Vue Ward (+17.8%).

When compared to England & Wales, Carlisle has an older age profile; with lower proportions of residents in each of the three younger age groups and higher proportions of residents in the oldest four age groups.

When compared to Cumbria, Carlisle has slightly higher proportions of residents in each of the three younger age groups and slightly lower proportions of residents in the oldest four age groups.

Carlisle's population is projected to increase by 200 persons (0.2%) over the next 25 years (to 2037). In contrast, Cumbria's population is projected to decrease by 5,900 persons (-1.2%), while England's population is projected to increase substantially (+16.2%).

5. Eden Overview

Eden remains a safe place to live with low levels of crime (the lowest crime rate across All Districts in the County). Eden is the third least deprived District in England in terms of Crime. In the past year crime in Eden has increased by 3.8%, reversing the previous downward trend.

Levels of anti-social behaviour continue to fall, as well as incidents of criminal damage; theft of and from a motor vehicle; domestic violence and sexual offences; and drug crime.

Numbers of burglaries have increased, as have levels of hate crime, violence against a person and business crime. Although levels are still very low against national averages.

The number of people killed and seriously injured on Eden's roads has increased and the District continues to have the highest rate across the Districts.

People and Communities

Eden sits in the East of the County. The administrative centre of the District is the market town of Penrith. Eden contains a number of other historic market towns including Kirkby Stephen, Appleby-in-Westmorland and Britain's highest market town Alston, which can be reached by the scenic Hartside Pass. Eden has a rich and varied natural landscape, which includes sections of the Lake District National Park including Ullswater, the countryside of the Eden Valley and the moorlands that make up the North Pennines, an Area of Outstanding Natural Beauty.

Geography

Eden is Cumbria's largest District, covering an area of 2,142 square km. With an average population density of 25 people per square km, the District is the most sparsely populated district in the County and much more sparsely populated than the national average (Cumbria 74 people per square km, England & Wales 377 people per square km). 71% of the District's residents live in rural areas, compared to 54% across Cumbria and 18% across England & Wales.

Demographics

The resident population of Eden was estimated to be 52,600 persons as at mid-2013; an increase of 1,700 persons (+3.4%) since mid-2003. Population change over the last decade was not spread evenly across Eden's wards, with a small number of wards experiencing a decrease in their population size whilst other wards experienced large increases. The greatest proportional decrease was seen in Crosby Ravensworth Ward (-7.3%) while the greatest proportional increase was seen in Hartside Ward (+15.6%). When compared to England & Wales, Eden has an older age profile; with lower proportions of residents in each of the three younger age groups (0-44 years) and higher proportions of residents in the oldest four age groups (45-85+ years). Eden's age profile is also older than the county average. Eden's population is projected to increase by 600 persons (+1.1%) over the next 25 years (to 2037). In contrast, Cumbria's

population is projected to decrease by 5,900 persons (-1.2%), while England's population is projected to increase substantially (+16.2%).

Key Priorities 2015-16

The strategic assessment has been completed and highlighted the following priorities

6.



Tackling the priorities 2015-16

Anti-Social Behaviour

- 1 Reduce anti-social behaviour and deal effectively with repeat victims and offenders
- 2 Deliver positive youth projects to prevent future offending
- 3 Make best use of current legislation such as Community Trigger

Violent Crime

- 4 Maintain existing Pub Watch schemes throughout the area and develop new schemes where appropriate
- 5 Work with partners to reduce violent crime and assaults

Domestic Abuse and Sexual Violence

- 6 Actively support the County wide work on Domestic Abuse and Sexual Violence.
- 7 To support the continuing development of Sexual Assault Referral Centres (SARC) services in Cumbria

- 8 Maintain effective monthly Multi Agency Risk Assessment Conferences (MARAC)
- 9 Support the existing Independent Domestic Advisor (IDVA) and Independent Sexual Violence Advisor (ISVA) services and continuance of specialist DV courts
- 10 Share and build on the expertise between Crime Safety Partnerships in regards to Domestic Homicide Reviews.

Alcohol and Substance Misuse

- 11 Reduce the impact of alcohol related crime and substance misuse in our communities
- 12 Help support Multi Agency work and initiatives to reduce harm

Reduce Re-offending

- 13 Maintain the Integrated Offender Management Programme
- 14 Target the most prolific offenders to reduce harm and impact on the local community
- 15 Encourage the use of restorative justice through provision of community initiatives

Carlisle and Eden Community Safety Partnership

Priorities and Action Plan 2015/2016

Priority	Lead Officer/ Agency	Project	Aims and Actions	Cost
			<p>1. Reduce anti-social behaviour and deal effectively with repeat victims and offenders</p> <p>3. Make best use of current legislation</p> <p>4. Maintain existing Pub Watch Schemes throughout area and develop new schemes where appropriate</p> <p>5. Work with Partners to reduce violent crime and assaults</p> <p>11. Reduce the impact of alcohol related crime and substance misuse in our communities</p> <p>12. Help support Multi-Agency work and initiatives to reduce harm</p>	
1	4	Licensing/ Police	Carlisle & Eden Best Bar None Scheme	To build upon and raise standards of operation at licensed premises across Eden and Carlisle by providing the Best Bar None Scheme.
				£15,000.00 awarded through OPCC
2	4, 11, 12	Erich Thoele & Gill Cherry	Multi Agency Visits to licensed premises programme	Intelligence lead during peak times, multi-agency visits to licensed premises who consistently fail to address issues relating to crime and disorder. Ensure licensee is supported and encouraged to implement an action plan to address any weaknesses identified during multi agency visit. Appropriate enforcement action will be taken against those operators who fail to take the necessary steps to address issues which have

				been identified.	
3	11, 12	Licensing/ Police	Safer Clubbing Assessments	Intelligence led Safer Clubbing Assessments by CADAS assessors at licensed premises identified as operating below acceptable standards. Assessment report will confirm problem areas so that the appropriate action may be taken. Re: sales to people under the influence of too much alcohol, Fixed Penalty Notice will be issued where appropriate.	
4	4, 11, 12	Erich Thoele & Gill Cherry	Test Purchase Programme	<p>The objectives of the programme are (a) To identify operators of licensed premises who fail to promote the licensing objectives; (b) To follow up test purchase with support, education, encourage participation in Best Bar None scheme; To take further action against those operators who fail to take the necessary steps to prevent further under 18 sales; (d) To use this programme in conjunction with other initiatives to raise standards of operation on licensed premises, thereby reducing alcohol related anti-social behaviour and violent crime.</p> <p>The testing of licensed premises will be undertaken by trading standards with support from Cumbria Police. Both will be generally be intelligence lead. Enforcement action under Violent Crime Reduction Act 2006 and Licensing Act 2003.</p>	
5	11, 5	Erich Thoele & Gill Cherry	Use of passive drug dogs in and around licensed premises.	<p>The use of the dog is supported by licensees who have difficulties in ensuring that their premises remain drug free and safe places for customers. The use of the dog is disruptive to those who use and supply drugs in licensed premises, therefore to running a number of operations over a 12 month period will increase the drug user's perception that they may be</p>	Funded and supplied by Cumbria Police

				detected with illegal substances. This initiative when coupled with the use of drug testing kits, improved drug awareness and effective policies within licensed premises will help reduce the use of controlled substances. During past operations, incidents of violence are seen to decrease.	
6	11, 12	Erich Thoele	Substance Misuse – Prevention & Enforcement	Cocaine wipes to be supplied for use on joint licensing visits the usage of these drugs with alcohol is known to increase aggression therefore identifying these people prior to entering licensed premises will reduce potential for violence.	
7	4	Pubwatch Chairs & Co-ordinators	To support and develop Pubwatch Schemes in North Cumbria	To ensure integrity of scheme by continuing to exclude violent and troublesome people from participating premises. To ensure that current legislation is used where appropriate in support of this objective. Effectively deal with the migration of banned individuals between Carlisle and Penrith by sharing information and best practice. Standardisation of branding to ensure recognition by the public.	
8	5, 11, 12	Erich Thoele and Gill Cherry	Use of headcams/bodycams by those visiting and working Licensed Premises	To ensure increase use of overt head and body cams during enforcement by police, licensing officers and Security Industry Authority staff.	
9	12	Licensing/Police	To ensure that Police are aware of powers under Licensing Act 2003	To ensure that relevant police officers have practical knowledge for review, closures etc. procedures by development of guidance (and workshops where appropriate).	
10	1,3, 5, 11	Licensing	Early Morning Restriction Orders (EMRO) and Late	To consider the impact of both EMRO and LNL legislation within the context of North Cumbria Licensed Premises and	

			Night Levy (LNL)	participate in any consultation which takes place.	
113, 5	Mike James & Gill Cherry	High Profile Events Initiatives – (Sporting and other large scale events).	Co-ordinate media campaign through Cumbria police and other task groups. Encouragement to licensees to risk assess all high profile events which may have an impact on crime and disorder to ensure implementation of measures which may help reduce the risk of violence on licensed premises. Consider use of Taxi Marshalls, multi-agency visits and dispersal orders. Football matches – Intelligence led prevention, reduction and disruption of football violence. Use of Football Banning Orders.		
			<p>1.Reduce anti-social behaviour and deal effectively with repeat victims and offenders</p> <p>2.Deliver positive youth projects to prevent future offending</p> <p>3.Make best use of current legislation</p> <p>5.Work with partners to reduce violent crime and assaults</p> <p>11.Reduce the impact of alcohol related crime and substance misuse in our communities</p> <p>12.Help support multi-agency work and initiatives to reduce harm</p> <p>14.Target the most prolific offenders to reduce harm and impact on the local community</p> <p>15.Encourage the use of restorative justice through provision of community initiatives</p>		
121, 5, 11, 12, 14	All Neighbourhood Policing Teams (NPT's)	Identify emerging and seasonal issues and problem areas	Use intelligence led approaches to ensure all activity is targeted. Ensure appropriate partners are attending the group and are		

			in order to develop actions to reduce anti-social behaviour and associated criminality.	able to share information and raise emerging issues.	
1314, 15	Tony Kirkbride and Sean Ruane		Support and utilise early interventions to prevent cases of anti-social behaviour escalating.	Utilise CADAS mediation services, restorative justice techniques, It's your choice and Prevent and Deter panel where appropriate.	
142, 12	Problem Solving Group Chairs		Improve perceptions of crime and anti-social behaviour.	Improve perceptions of crime and anti-social behaviour through targeted media campaigns and positive press coverage.	
153, 12	Clean Neighbourhood Teams (Carlisle and Eden)		Support and deliver a co-ordinated approach to environmental	Fully utilise all available intelligence to target emerging issues and priority areas in relation to environmental crime. Ensure links are maintained between new City Council enforcement team and Community Safety Partnership. Develop and deliver co-ordinated action where emerging issues are identified.	

			crime	
16	Community Safety Unit – Crime Prevention Design Advisors		Provide a co-ordinated approach to improving the use of 'Secure By Design' techniques.	Fully utilise and promote designing out crime techniques via the Community Safety Unit for initiatives such as new projects, re-builds and the built environment.
17	13, 14, 15 Community Safety, Integrated Offender Management, Persistent Prolific Offender and Youth Offender Teams		Support a co-ordinated approach to repeat offenders of anti-social behaviour and criminality.	Fully support the following schemes: Prevent and Deter Panel It's Your Choice Initiative The delivery of junior and Senior Attendance Centre Programme (including those referred from Prevent and Deter and It's Your Choice. The Integrated Offender Management and Persistent Prolific Offender Panel and any actions arising from the group.
18	1, 2, 3, 14 Fire Service		Operation Roman Candle	Deliver multi-agency operation to reduce incidents of anti-social behaviour and deliberate fire setting throughout the autumn months.
19	2 Inspira, SPAFF and Problem Solvers		Co-ordinate a programme of youth activity to reduce anti-	Deliver SAFE Schemes, Summer Splash, and national Citizen Programme etc. to target seasonal trends.
				£15,000

		social behaviour at key times.		
	<p>5. Work with partners to reduce violent crime and assaults</p> <p>11. Reduce the impact of alcohol related crime and substance misuse in our communities.</p> <p>12. Help support Multi-Agency work and initiatives to reduce harm</p> <p>15. Encourage the use of restorative justice through provision of community initiatives</p>			
205, 11, 12	Erich Thoele and Carlisle and Eden Licensing	Taxi Rank Management in Carlisle and Penrith on key dates.	The project allows the deployment of trained security staff at times when there is an increased risk of disorder. The marshals are able to make early intervention to prevent more serious disorder developing which is reassuring for taxi operators and the customers. The use of marshals also compliments police presence at times when disorder is most likely to occur.	
2111, 12, 15	Gill Cherry	Street Pastors in North Cumbria	To implement and develop Street Pastor Scheme in Carlisle City centre and Penrith during the night time economy and expand scheme to other areas in North Cumbria. The Pastors promote personal safety and carry out acts of kindness to those people who may be vulnerable.	
	<p>2. Deliver positive youth projects to prevent future offending</p> <p>12. Help support Multi-Agency work and initiatives to reduce harm</p> <p>15. Encourage the use of restorative justice through provision of community initiatives</p>			

2212	Licensing	Cumbria Alcohol Strategy Steering Group	To attend group meetings to ensure Community Safety Partnership input into development of effective county strategy.	
2312	Helen Davies and Derek McCutcheon	British Transport Police and CADAS Education Programme	An alternative to prosecution for offenders who engaged in alcohol anti-social behaviour/ disorder on selected rail services in North Cumbria. Offenders will attend alcohol awareness courses after accepting a conditional caution.	
242, 15	Tony Kirkbride and PC Dave Mattinson	Every Action Has Consequences	The aim of the project is to teach children of secondary school age about the impact of alcohol. The education packs will be delivered to schools and publicised through local partnerships. The delivery of the lesson will be conducted by the schools as part of their curriculum. Packs include: Impactive footage and educational message about how alcohol can ruin lives and ultimately result in an individual's death, drama workshops, police interview, restorative justice etc.	
<p>6. Actively support the County wide work on Domestic and Sexual Violence</p> <p>7. To support the continuing development of Sexual Assault Referral Centres (SARC) services in Cumbria</p> <p>8. Maintain effective monthly Multi-Agency Risk Assessment Conferences (MARAC)</p> <p>9. Support the existing Independent Domestic Adviser (IDVA) and Independent Sexual Violence Advisor (ISVA) services and continuance of specialist domestic violence courts.</p>				

10. Share and build on expertise between Crime Safety Partnerships in regards to Domestic Homicide Reviews				
256, 9	Nicola Guthrie and Maureen Nelson	Domestic Violence Champions	To increase the number of domestic violence champions in the area from partner organisations and expanding the network to include Champions from larger private organisations and businesses in the area (targeting supermarkets and large employers.	
8	Problem Solving Group	To ensure representation is given at MARAC meetings to enable effective communication between both MARAC and the Problem Solving Groups.	To allow both groups to highlight any concerns they have to ensure the safety of the vulnerable and high risk members of the community.	
7	Community Safety Partnership	To work in partnership to support the development of Sexual Assault Referral Centres	Partner organisation to actively support the work of the Sexual Assault Referral Centre.	

			(SARC) in North Cumbria		
10	Community Safety Partnership Chair	Domestic Homicide Reviews	To build and share expertise between Crime Safety Partnerships in regards to Domestic Homicide Reviews working with all Crime Safety Partnerships within Cumbria.		
3. Make best use of current legislation					
14. Target the most prolific offenders to reduce harm and impact on the local communities					
15. Encourage the use of restorative justice through provision of community initiatives					
263, 14, 15	Fire Officer	To ensure that communication of intelligence acquired by Fire Officers is passed to relevant agencies.	To ensure that all agencies are aware of any relevant risks/ intelligence when undertaking their duties in particular locations (areas or premises) so that appropriate Risk Assessment, actions may be taken.		
5. Work with partners to reduce violent crime and assaults					
11. Reduce the impact of alcohol related crime and substance misuse in our communities					
12. Help support Multi-Agency work and initiatives to reduce harm					
275, 11, 12	Erich Thoele and Eden Licensing	Contribute to the Multi-Agency Steering	To ensure the provision of accredited door supervisors over the period of Appleby Horse Fair to enable licensed premises to remain open and reduce the risk of anti-social behaviour and		

			Group (MASC) violent crime. funding of door supervisors at Appleby Horse Fair	
		14. Target the most prolific offenders to reduce harm and impact on the local community		
28	14	Michael James and Louise Gaskell	Rural Crime	To work with partners and the local rural farming community to reduce the incidents of targeted crime and theft.
		11. Reduce the impact of alcohol related crime and substance misuse in our communities 12. Help support Multi Agency work and initiatives to reduce harm		
29		CSP Chairs and Co-ordinators	Legal Highs	To work in partnership between the 3 CSP's to procure a joint project to help combat the increased levels of legal high misuse countywide.
		1. Reduce anti-social behaviour and deal effectively with repeat victims and offenders 2. Deliver positive youth projects to prevent future offending 3. Make best use of current legislation such as Community Trigger 14. Target the most prolific offenders to reduce harm and impact on the local community 15. Encourage the use of restorative justice through provision of community initiatives		
30		Multi Agency approach	Hate Crime	To work with partners to help reduce the incidents of Hate crime within the area of Carlisle and Eden.

CUMBRIA COUNTY AND DISTRICTS COMMUNITY SAFETY STRATEGIC ASSESSMENT TECHNICAL REPORT 2013-14

Ali Wilson
Research, Information & Intelligence



CUMBRIA
CONSTABULARY
SAFER STRONGER CUMBRIA

Cumbria
Intelligence
Observatory

Cumbria
County Council

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Introduction

The Crime & Disorder Regulations 2007 place a statutory duty on local authorities to prepare a Joint Strategic Assessment of crime and disorder in their local areas.

This Technical Report will provide the evidence base for the Community Safety Strategic Assessment. The aim of the Community Safety Strategic Assessment is to provide partners and other responsible authorities with an understanding of the levels and patterns of crime, disorder and substance misuse in the county and local areas which will enable partners to plan their resources in order to tackle crime and disorder.

This Technical Report provides statistical analysis and information about crime, changes and patterns over time; and qualitative information about what those working or living in the local communities feel are priorities and issues from information drawn from the annual British Crime Survey and the annual Public Consultation Survey.

This Technical Report is part of a collection of documents which make up the Cumbria Community Safety Strategic Assessment. This document should be read in conjunction with the County and six District Summary Reports for Allerdale, Barrow, Carlisle, Copeland, Eden and South Lakeland.

ACORN Data

ACORN is a socio-economic profiling tool which uses a range of information gathered from a number of sources to classify postcodes in the UK as belonging to one of: 6 socio-economic categories; 18 socio-economic groups; and 62 socio-economic types. This information provides us with an insight into the common characteristics of residents and enables us to make assumptions about how people might think or behave.

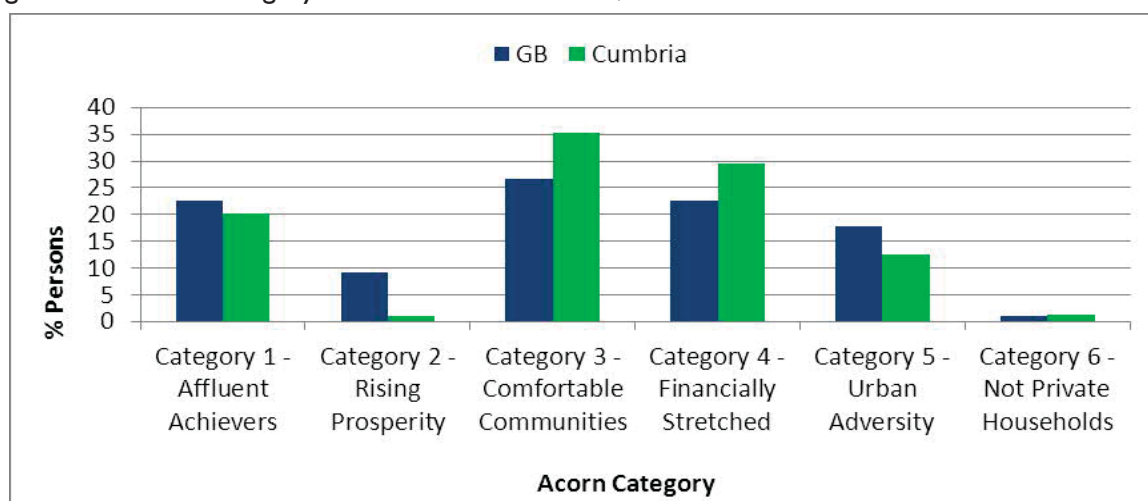
Table 1: ACORN Category Profile (% Persons) 2014

Area Name	Category 1: Affluent Achievers	Category 2: Rising prosperity	Category 3: Comfortable Communities	Category 4: Financially stretched	Category 5: Urban Adversity	Category 6: Not private households
Cumbria	20.2%	1.1%	35.3%	29.5%	12.5%	1.3%
Allerdale	15.0%	0.6%	37.2%	33.6%	12.4%	1.3%
Barrow	12.2%	0.8%	26.5%	31.5%	27.9%	1%
Carlisle	15.7%	2.0%	34.3%	29.4%	17.4%	1%
Copeland	15.1%	0.9%	28.5%	44.1%	9.7%	1.7%
Eden	16.7%	0.6%	58.7%	18.6%	4.0%	1.3%
South Lakeland	40.4%	1.3%	32.9%	20.1%	3.6%	1.7%
Great Britain	22.7%	9.3%	26.7%	22.5%	17.8%	1.0%

ACORN Category Profile - Cumbria

Figure 1 compares the profile of Cumbria's population with the profile of the population of Great Britain (GB) across the six broad 'ACORN Categories'.

Figure 1: ACORN Category Profile – Cumbria vs. GB, 2014:



Source: CACI ACORN

Working from left to right across the horizontal axis of figure 1:

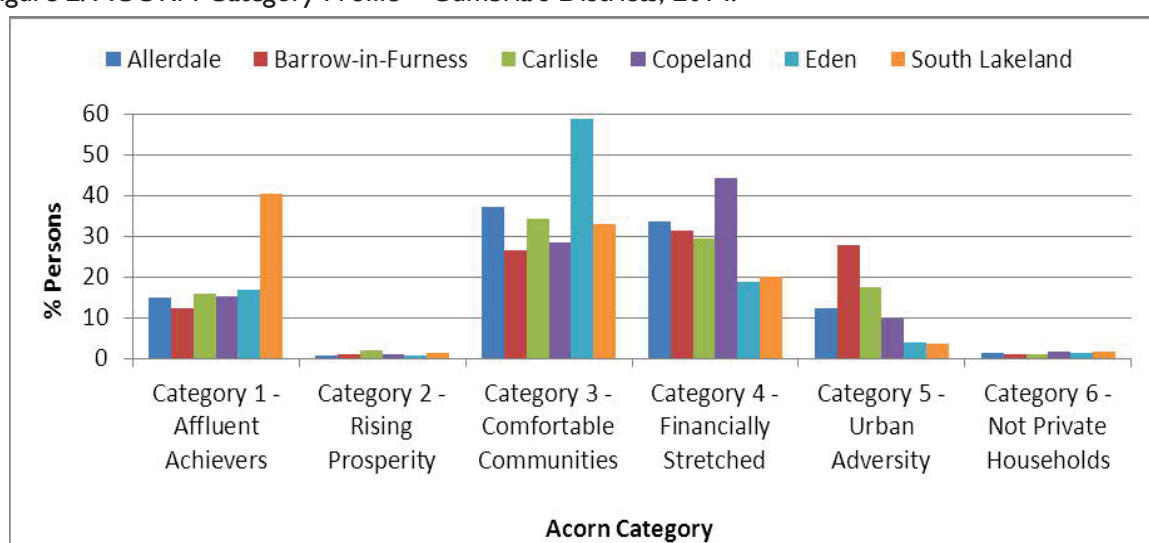
- 20.2% of Cumbria's residents live in postcodes that have been classified by CACI as 'ACORN Category 1 postcodes'; residents living in these postcodes are also referred to by CACI as 'Affluent Achievers'. Compared to national average, Cumbria has a slightly lower proportion of Affluent Achievers; with 22.7% of the population of GB living in ACORN Category 1 postcodes.
- Just 1.1% of Cumbria's residents live in ACORN Category 2 postcodes (Rising Prosperity); this is much lower than the national average (GB 9.3%).

- The greatest proportion of Cumbria's residents (35.3%) live in ACORN Category 3 postcodes (Comfortable Communities); this is much higher than the national average (GB 26.7%).
- Furthermore, the second greatest proportion of Cumbria's residents (29.5%) live in ACORN Category 4 postcodes (Financially Stretched); again, this is higher than the national average (GB 22.5%).
- 12.5% of Cumbria's residents live in ACORN Category 5 postcodes (Urban Adversity); this is lower than the national average (GB 17.8%).
- Finally, 1.3% of Cumbria's residents live in ACORN Category 6 postcodes (Not Private Households – i.e. business areas or communal establishments such as care homes, prisons etc.); this is similar to the national average (GB 1%).

ACORN Category Profile – Cumbria's Districts

Figure 2 compares the profile of the populations of each of Cumbria's districts across the six broad ACORN Categories.

Figure 2: ACORN Category Profile – Cumbria's Districts, 2014:



Source: CACI ACORN

The ACORN Category profiles of Cumbria's districts vary considerably from the county average. Of Cumbria's six districts:

- South Lakeland has by far the greatest proportion of Affluent Achievers (ACORN Category 1); 40.4% vs. 20.2% for Cumbria. In contrast, just 12.2% of residents in Barrow-in-Furness live in postcodes classified as ACORN Category 1.
- Carlisle has the greatest proportion of residents living in ACORN Category 2 postcodes (Rising Prosperity); 2%. Although this proportion is higher than the county average (1.1%), it is still much lower than the national average (9.3%).
- Eden has the greatest proportion of residents living in ACORN Category 3 postcodes (Comfortable Communities); 58.7% compared 35.3% for Cumbria.
- Copeland has the greatest proportion of residents living in ACORN Category 4 postcodes (Financially Stretched); 44.1% compared to 29.5% for Cumbria.
- Barrow-in-Furness has the greatest proportion of residents living in ACORN Category 5 postcodes (Urban Adversity); 27.9%, which is more than double the county average of 12.5%. Inversely, the proportions of residents in Eden and South Lakeland living in postcodes belonging to this classification are less than a third of the county average; 4% and 3.6% respectively.

Total Crime

This section looks the total of All Crime. The source of this information is Cumbria Constabulary. The aim of the Constabulary is to reduce the number of offences.

Headlines/Key findings

- Throughout 2013-14 there were a total of 23,986 crimes recorded in Cumbria, a 4.8% increase from the previous year
- Compared to the previous year there has been an increase in crime in all districts with the exception of Carlisle and South Lakeland where crime levels have fallen
- Carlisle district had the highest number of crimes, however, Barrow had the highest rate of offences per 1,000 population
- Eden district had the lowest number and rate of offences
- Alcohol related crime attributes to 13% of all crime
- The rate of alcohol related crime is highest in Barrow
- The wards with the highest number of crimes in each of the districts are:
Allerdale: St. Michael's, St. John's and Moss Bay;
Barrow: Central, Hindpool, Ormsgill
Carlisle: Castle, Currock, Botcherby
Copeland: Harbour, Hensingham, Cleator Moor North
Eden: Penrith West, Penrith South, Askham
South Lakeland: Kendal Fell, Windermere Bowness South, Lakes Ambleside
- In Cumbria, most offenders are male and aged between 18-30years; and most victims are female and aged 18-30years

Conclusion

Numbers of crimes have increased for the first time in over 3 years. In the last year numbers have increased in all districts with the exception of Carlisle and South Lakeland where numbers have fallen. The greatest proportional increase in crime was in Copeland.

Data

Table 1: All crime offences in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	25,626	22,896	23,986	+4.8	46.0
Allerdale	5,114	4,379	4,919	+12.3	45.5
Barrow	3988	4,134	4,307	+4.2	61.0
Carlisle	7,342	6,344	6,337	-0.1	58.8
Copeland	3,194	2,864	3,409	+19.0	40.9
Eden	1,909	1,673	1,737	+3.8	31.8
South Lakeland	4,077	3,499	3,271	-6.5	33.8

Table 2: Alcohol related crime in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	3,635	3,057	3,113	1.8	6.2
Allerdale	597	499	559	12.0	5.8
Barrow	839	633	694	9.6	10.2
Carlisle	986	766	697	-9.0	6.5
Copeland	496	468	534	14.1	7.6
Eden	195	186	171	-8.1	3.3
South Lakeland	522	504	458	-9.1	4.4

Anti-Social Behaviour, including young people

This section looks at data in relation to Anti-Social Behaviour (ASB) including ASB involving young people. It includes all ASB where an interest marker was added by the call handler stating that it involved youths (Age under 18). The source of this information is Cumbria Constabulary. Data is also provided by the Home Office iQuanta system when making comparisons to other Most Similar Forces. iQuanta is a web-based tool which provides policing performance information and analysis. The aim of the Constabulary is to reduce the number of offences.

Headlines/Key findings

- Throughout 2013-14 there were 23,874 ASB incidents in Cumbria (7.4% reduction from the previous year); there were 4,742 incidents involving young people (24.6% reduction from the previous year)
- Compared to the previous year, there has been a reduction in ASB in all districts
- Carlisle district had the highest number of offences, however, Barrow had the greatest rate per 1,000 population
- Eden district had the lowest number of offences
- The wards with the highest number of ASB incidents in each of the districts are:
Allerdale: St. Michael's, St. John's, Moorclose
Barrow: Central, Hindpool and Ormsgill
Carlisle: Castle, Currock and Upperby
Copeland: Harbour; Hensingham, Egremont South
Eden: Penrith West, Penrith South, Penrith North
South Lakeland: Kendal Fell, Ulverston Town, Windermere Bowness South

The wards with the highest number of incidents involving young people are:

Allerdale: St Michael's, Moorclose, Moss Bay
Barrow: Central, Hindpool, Risedale
Carlisle: Castle, Currock, Belle Vue
Copeland: Harbour, Egremont South, Hensingham
Eden: Penrith South, Penrith West, Penrith East
South Lakeland: Kendal Fell, Kendal Kirkland, Kendal Oxenholme

- In Cumbria, most offenders and victims are male and aged 18-30years

Conclusions

Anti-Social Behaviour and incidents involving young people have fallen year on year in Cumbria and over a 3 year period. ASB has fallen in all districts.

Data

Table 1: Anti-Social Behaviour incidents in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	26,067	25,777	23,874	-7.4	47.9
Allerdale	4,687	4,467	4,100	-8.2	42.6
Barrow	5,159	5,241	5,134	-2.0	75.7
Carlisle	7,191	7,101	6,309	-11.2	58.5
Copeland	3,547	3,886	3,548	-8.7	50.7
Eden	1,656	1,671	1,606	-3.9	30.5
South Lakeland	3,827	3,411	3,177	-6.9	30.7

Table 2: ASB incidents involving young people in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	7,545	6,288	4,742	-24.6	9.5
Allerdale	1,548	1,224	900	-26.5	9.4
Barrow	1,526	1,314	1,124	-14.5	16.6
Carlisle	1,831	1,512	1,054	-30.5	9.8
Copeland	1,015	1,091	720	-34.0	10.3
Eden	381	321	304	-5.3	5.8
South Lakeland	1,244	826	640	-22.5	6.2

Burglary Dwelling

This section looks at data in relation to Burglary Dwelling offences. The source of this information is Cumbria Constabulary. Data is also provided by the Home Office iQuanta system when making comparisons to other Most Similar Forces. The aim of the Constabulary is to maintain or decrease the number of offences.

Headlines/Key findings

- Throughout 2013-14 there were 701 crimes in Cumbria (9.7% increase from the previous year)
- Numbers of crimes have increased in all districts with the exception of Carlisle and South Lakeland where they have fallen
- Barrow had the highest rate of offences per 1,000 population, South Lakeland had the lowest rate
- The wards with the highest number of crimes in each of the districts are:
Allerdale: St. Michael's, Netherhall, Moss Bay
Barrow: Central, Hindpool, Barrow Island
Carlisle: Castle, Botcherby, Denton Holme
Copeland: Mirehouse, Newtown, Sandwith
Eden: Penrith North, Penrith West, Penrith South
South Lakeland: Lakes Ambleside, Grange, Kirkby Lonsdale
- The burglary dwelling crime rate in Cumbria is below the average and is the lowest of its Most Similar Groups (out of 4 Forces)
- In Cumbria, most offenders are male and aged between 18-30 years; and most victims are male and aged 18-30 years

Conclusions

In Cumbria numbers of offences have increased in the past year and over a 3 year period. Numbers have increased in all districts with the exception of Carlisle and South Lakeland where they have fallen.

Data

Table 1: Burglary Dwelling offences in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	663	639	701	+9.7	1.4
Allerdale	139	146	204	+39.7	2.1
Barrow	122	120	153	+27.5	2.3
Carlisle	182	186	160	-14.0	1.5
Copeland	87	55	78	+41.8	1.1
Eden	41	35	41	+17.1	0.8
South Lakeland	92	97	65	-33.0	0.6

District results against Most Similar Groups (each district has its own set of MSGs):

Allerdale – below the average, ranked 7 (out of 15; 1 being the best, 15 being the worst)

Barrow – below the average, ranked 2

Carlisle – below the average, ranked 4

Copeland – below the average, ranked 1

Eden – below the average, ranked 2

South Lakeland – below the average, ranked 1

Burglary Other (burglary in a building other than a dwelling)

The source of this information is Cumbria Constabulary. Data is also provided by the Home Office iQuanta system when making comparisons to other Most Similar Forces. The aim of the Constabulary is to maintain or reduce the number of Burglary offences.

Headlines/Key findings

- Throughout 2013-14 there were 1,601 crimes in Cumbria, 5.8% increase compared to the previous year
- Compared to the previous year, numbers of crimes increased in Allerdale, Copeland and Eden; numbers decreased in Barrow, Carlisle and South Lakeland
- Carlisle had the highest rate of offences per 1,000 population; Barrow and Copeland had the lowest rate, despite this the number of offences in Copeland increase by more than 60.0 %.
- The wards with the highest number of crimes in each of the districts are:
Allerdale: St Michael's, Moss Bay, Netherhall
Barrow: Hindpool, Central, Roosecote
Carlisle: Catle, Dalston, Currock
Copeland: Frizington, Cleator Moor North, Harbour
Eden: Penrith West, Kirkby Stephen, Penrith East
South Lakeland: Sedbergh, Kendal Highgate, Lakes Ambleside
- The crime rate in Cumbria is below the average and is the second lowest of its Most Similar Groups
- In Cumbria, most offenders are male and aged between 18-30years; and most victims are male and aged 41-50years

Conclusions

In Cumbria numbers of offences have increased in the past year and over a 3 year period. In the past year numbers have increased in Allerdale, Copeland and Eden. Numbers have fallen in Barrow, Carlisle and South Lakeland.

Data

Table 1: Burglary Other in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	1,405	1,513	1,601	+5.8	3.2
Allerdale	336	283	328	+15.9	3.4
Barrow	180	220	197	-10.5	2.9
Carlisle	377	436	422	-3.2	3.9
Copeland	150	127	204	+60.6	2.9
Eden	131	133	162	+21.8	3.1
South Lakeland	231	314	288	-8.3	2.8

District results against Most Similar Groups (each district has its own set of MSGs):

Allerdale – below the average, ranked 5 (out of 15; 1 being the best, 15 being the worst)

Barrow – below the average, ranked 1

Carlisle – below the average, ranked 8

Copeland – below the average, ranked 5

Eden – below the average, ranked 4

South Lakeland – below the average, ranked 3

Criminal Damage and Arson offences

The source of this information is Cumbria Constabulary. Data is also provided by the Home Office iQuanta system when making comparisons to other Most Similar Forces. The aim of the Constabulary is to maintain or reduce the number of Criminal Damage offences.

Headlines/Key findings

- Throughout 2013-14 there were 5,231 offences in Cumbria, 0.7% decrease from the previous year
- Compared to the previous year, numbers of offences increased in Allerdale, Carlisle, Copeland. Numbers decreased in Barrow, Eden and South Lakeland
- Barrow had the highest rate of offences per 1,000 population, South Lakeland had the lowest
- The wards with the highest number of crimes in each of the districts are:
Allerdale: St. Michael's, Netherhall, St. John's
Barrow: Central, Hindpool, Risedale
Carlisle: Castle, Currock, Botcherby
Copeland: Harbour, Hensingham, Mirehouse
Eden: Penrith West, Penrith South, Penrith North
South Lakeland: Kendal Fell, Kendal Mintsfeet, Kendal Kirkland
- The crime rate in Cumbria is above the average and is ranked the worst of its Most Similar Groups (out of 4 Forces)
- In Cumbria, most offenders are male and aged between 18-30years; and most victims are female aged 18-30years

Conclusions

In Cumbria, numbers of offences have been falling year on year. In the past year numbers have increased in Allerdale, Carlisle and Copeland; numbers have fallen in Barrow and Eden and South Lakeland..

Data

Table 1: Criminal Damage and arson in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	6,247	5,268	5,231	-0.7	10.5
Allerdale	1,306	1,097	1,208	+10.1	12.6
Barrow	951	988	973	-1.5	14.4
Carlisle	1,579	1,241	1,288	+3.8	11.9
Copeland	905	845	880	+4.1	12.6
Eden	386	306	304	-0.7	5.8
South Lakeland	1,120	791	577	-27.1	5.6

District results against Most Similar Groups (each district has its own set of MSGs):

Allerdale – above the average, ranked 13 (out of 15; 1 being the best, 15 being the worst)

Barrow – above the average, ranked 13

Carlisle – above the average, ranked 13

Copeland – above the average, ranked 15

Eden – below the average, ranked 5

South Lakeland – below the average, ranked 2

Drug offences

This section looks at data in relation to Drug Crime, including possession and trafficking. The source of this information is Cumbria Constabulary. Data is also provided by the Home Office iQuanta system when making comparisons to other Most Similar Forces. The aim of the Constabulary is to increase the number of drug offences and therefore reduce the number of drugs in circulation.

Headlines/Key findings

- Throughout 2013-14 there were 1,529 drug offences in Cumbria, 0.1% decrease from the previous year
- In Cumbria drug possession was down by 3.3%; drug trafficking was up by 17.6%
- Numbers were down in Carlisle, Copeland, Eden and South Lakeland; numbers had increased in Allerdale and Barrow
- Allerdale had the highest rate of offences per 1,000 population; South Lakeland had the lowest
- The wards with the highest number of crimes in each of the districts are:
Allerdale: St. John's, St. Michael's, Moss Bay
Barrow: Central, Hindpool, Risedale
Carlisle: Castle, Currock, Belle Vue
Copeland: Harbour, Sandwith, Bransty
Eden: Askham, Penrith West, Penrith South
South Lakeland: Windermere Bowness South, Kendal Fell, Kendal Strickland
- The 'possession of drugs' crime rate in Cumbria is above the average and is ranked 3rd of its Most Similar Groups (out of 4 Forces). Drugs trafficking in Cumbria is above average and is the worst of its Most Similar Groups (4 out of 4).
- In Cumbria, most offenders are male and aged between 18-30years

Conclusion

In Cumbria numbers of offences have marginally increased in the past year but have decreased over a 3 year period. In the past year numbers of offences increased in Allerdale and Barrow; numbers decreased in all other districts.

Data

Table 1: Drug offences in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	1,815	1,527	1,529	-0.1	3.1
Allerdale	487	314	396	+26.1	4.1
Barrow	187	206	236	+14.6	3.5
Carlisle	477	466	403	-13.5	3.7
Copeland	241	207	188	-9.2	2.7
Eden	204	150	136	-9.3	2.6
South Lakeland	219	184	169	-8.2	1.6

Table 2: Drug offences in Cumbria for the last 3 financial years

Type of drugs offence	2011-12	2012-13	2013-14	% change in the last year
Drugs (possession)	1,542	1,277	1,235	-3.3
Drugs (trafficking)	273	250	294	+17.6
All drug offences	1,815	1,527	1,529	+0.1

Table 3: Drug offences in Allerdale for the last 3 financial years

Type of drugs offence	2011-12	2012-13	2013-14	% change in the last year
Drugs (possession)	394	272	321	+18.0
Drugs (trafficking)	93	42	75	+78.6
All drug offences	487	314	396	+26.1

Table 4: Drug offences in Barrow for the last 3 financial years

Type of drugs offence	2011-12	2012-13	2013-14	% change in the last year
Drugs (possession)	150	170	172	+1.2
Drugs (trafficking)	37	36	64	+77.8
All drug offences	187	206	236	+14.6

Table 5: Drug offences in Carlisle for the last 3 financial years

Type of drugs offence	2011-12	2012-13	2013-14	% change in the last year
Drugs (possession)	417	399	329	-17.5
Drugs (trafficking)	60	67	74	+10.4
All drug offences	477	466	403	-13.5

Table 6: Drug offences in Copeland for the last 3 financial years

Type of drugs offence	2011-12	2012-13	2013-14	% change in the last year
Drugs (possession)	219	168	146	-13.1
Drugs (trafficking)	22	39	42	+7.7
All drug offences	241	207	188	-9.2

Table 7: Drug offences in Eden for the last 3 financial years

Type of drugs offence	2011-12	2012-13	2013-14	% change in the last year
Drugs (possession)	176	119	118	-0.8
Drugs (trafficking)	28	31	18	-41.9
All drug offences	204	150	136	-9.3

Table 8: Drug offences in South Lakeland for the last 3 financial years

Type of drugs offence	2011-12	2012-13		% change in the last year
Drugs (possession)	186	149	148	-0.7
Drugs (trafficking)	33	35	21	-40.0
All drug offences	219	184	169	-8.2

District results against Most Similar Groups (each district has its own set of MSGs):

(Out of 15; 1 being the best, 15 being the worst)

Possession of drugs	Trafficking of drugs
Allerdale – above the average, ranked 13	Allerdale – above the average, ranked 15
Barrow – above the average, ranked 11	Barrow – above the average, ranked 14
Carlisle – above the average, ranked 10	Carlisle – above the average, ranked 12
Copeland – below the average, ranked 6	Copeland – above the average, ranked 10
Eden – above the average, ranked 13	Eden – above the average, ranked 12
South Lakeland – below the average, ranked 3	South Lakeland – below the average, ranked 3

Violence Against the Person

This section looks at data in relation to Offences Against the Person. The source of this information is Cumbria Constabulary. Data is also provided by the Home Office iQuanta system when making comparisons to other Most Similar Forces. The aim of the Constabulary is to maintain/decrease the number of offences.

Headlines/Key findings

- Throughout 2013-14 there were a total of 5,260 offences in Cumbria, 18.3% increase from the previous year; and a total of 1,937 Alcohol Related offences, 6% increase from the previous year
- Numbers of offences have increased in all districts
- Barrow had the highest rate of offences per 1,000 population (16.4), Eden had the lowest rate at (5.3)
- The wards with the highest number of crimes in each of the districts are:
Allerdale: St. John's, St. Michael's, Moss Bay
Barrow: Central, Hindpool, Ormsgill
Carlisle: Castle, Currock, Botcherby/Upperby
Copeland: Harbour, Hensingham, Mirehouse
Eden: Penrith West, Penrith South, Penrith East
South Lakeland: Kendal Fell, Windermere Bowness South, Kendal Kirkland
- In Cumbria, most offenders are male and aged between 18-30years; and most victims are female and aged 18-30years

Conclusion

In Cumbria and districts numbers of offences have increased in the past year.

Data

Table 1: Violence Against the Person in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	4,904	4,448	5,260	+18.3	10.6
Allerdale	914	827	994	+20.2	10.3
Barrow	1,016	972	1,114	+14.6	16.4
Carlisle	1,331	1,134	1,247	+10.0	11.6
Copeland	669	658	898	+36.5	12.8
Eden	284	244	280	+14.8	5.3
South Lakeland	690	613	724	+18.1	7.0

Alcohol Related Data

This includes all offences against the person where an interest marker was added by the officer stating that the offender was under the influence of alcohol.

Table 2: Alcohol Related Offences Against the Person in Cumbria and districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	2,092	1,828	1,937	6.0	3.9
Allerdale	343	323	347	7.4	3.6
Barrow	511	393	446	13.5	6.6
Carlisle	518	445	407	-8.5	3.8
Copeland	299	279	343	22.9	4.9
Eden	112	104	107	2.9	2.0
South Lakeland	309	284	287	1.1	2.8

Theft from a Vehicle

This section looks at data in relation to Theft from a Motor Vehicle (TFMV). The source of this information is Cumbria Constabulary. Data is also provided by the Home Office iQuanta system when making comparisons to other Most Similar Forces. The aim of the Constabulary is to decrease the number of offences.

Headlines/Key findings

- Throughout 2013-14 there were a total of 875 offences in Cumbria, 23% decrease from the previous year
- Compared to the previous year, numbers of offences fell in all districts
- Carlisle had the greatest rate of offences per 1,000 population, Copeland had the lowest

Conclusion

In Cumbria and all districts numbers of offences have fallen in the past year and over a 3 year period.

Data

Table 1: TFMV in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	1,058	1,137	875	-23.0	1.8
Allerdale	263	258	177	-31.4	1.8
Barrow	98	162	132	-18.5	1.9
Carlisle	272	317	244	-23.0	2.3
Copeland	110	85	79	-7.1	1.1
Eden	102	117	96	-17.9	1.8
South Lakeland	213	197	147	-25.4	1.4

Theft of a Vehicle (Vehicle taking)

This section looks at data in relation to Theft of a Motor Vehicle (TOMV). The source of this information is Cumbria Constabulary. Data is also provided by the Home Office iQuanta system when making comparisons to other Most Similar Forces. The aim of the Constabulary is to maintain/decrease the number of offences.

Headlines/Key findings

- Throughout 2013-14 there were a total of 305 offences in Cumbria, 12.6% decrease from the previous year
- Compared to the previous year, numbers of offences increased in Allerdale and Carlisle; numbers decreased in Barrow, Copeland, Eden and South Lakeland
- Carlisle had the greatest rate of offences per 1,000 population, Copeland and South Lakeland had the lowest

Conclusions

In Cumbria numbers of offences have decreased year on year. Numbers of offences decreased in all districts with the exception of Allerdale and Carlisle where they increased.

Data

Table 1: Theft of a Vehicle in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	368	349	305	-12.6	0.6
Allerdale	73	56	59	5.4	0.6
Barrow	38	71	40	-43.7	0.6
Carlisle	130	99	100	1.0	0.9
Copeland	44	34	27	-20.6	0.4
Eden	34	42	39	-7.1	0.7
South Lakeland	49	46	40	-13.0	0.4

Business Crime

This section looks at data in relation to Business Crime. **This includes all crimes where the victim was entered by the officer as a business rather than an individual**. The source of this information is Cumbria Constabulary. The aim of the Constabulary is to decrease the number of offences. (Please note that the Home Office have changed the crime categories therefore we can not compare to previous years).

Headlines/Key findings

- Throughout 2013-14 there were a total of 4,465 offences in Cumbria, a 0.8% increase from the previous year
- Compared to the previous year numbers of offences had increased in Cumbria and in all districts, with the exception of Carlisle and South Lakeland where numbers have fallen
- Carlisle had the greatest rate of offences per 1,000 population, Eden and South Lakeland had the lowest
- Compared to the previous year, shoplifting had increased by 10.8% from 1,965 to 2,178
- The wards with the highest number of crimes in each of the districts are:
Allerdale: St.Michael's, St. John's, Moss Bay
Barrow: Hindpool, Central, Parkside
Carlisle: Castle, Currock, Harraby
Copeland: Harbour, Frizington, Bransty
Eden: Penrith West, Penrith South, Penrith East
South Lakeland: Kendal Fell, Lakes Ambleside, Kendal Mintsfeet

Conclusion

In Cumbria numbers of offences have increased, reversing the previous trend. Numbers of crimes had increased in Allerdale, Barrow, Copeland and Eden; numbers had fallen in Carlisle and South Lakeland.

Data

Please note that all instances of Burglary Dwelling are where a business owns the dwelling that has been targeted.

Table 1: Business Crime in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	5,144	4,428	4,465	0.8%	9.0
Allerdale	1,154	807	875	8.4%	9.1
Barrow	679	640	696	8.7%	10.3
Carlisle	1,640	1,607	1,443	-10.2%	13.4
Copeland	595	411	561	36.5%	8.0
Eden	272	295	298	1.0%	5.7
South Lakeland	804	668	592	-11.4%	5.7

Table 2: Numbers of Business Crimes, by offence type, in Cumbria and Districts 2013-14

Home office level 5 offences	Allerdale	Barrow	Carlisle	Copeland	Eden	South Lakeland	Cumbria
All other theft offences	132	81	175	113	57	136	694
Arson	7	13	9	11	2	8	50
Bicycle theft				1			1
Burglary in a building other than a dwelling	97	35	83	68	34	68	385
Burglary in a dwelling	10		4	6	1	4	25
Criminal damage	210	159	300	137	63	115	984
Miscellaneous crimes against society	1		2	2			5
Other sexual offences				1			1
Possession of weapons offences		1					1
Public order offences			1			1	2
Robbery of business property	1		2	1	1		5
Shoplifting	387	399	834	208	118	232	2,178
Vehicle offences	30	8	33	13	22	28	134
Total	875	696	1,443	561	298	592	4,465

Table 3: Numbers of Business Crimes, by offence type, in Cumbria and Districts 2012-13

Home office level 5 offences	Allerdale	Barrow	Carlisle	Copeland	Eden	South Lakeland	Cumbria
All other theft offences	132	88	152	99	72	159	702
Arson	16	6	14	7	4	14	61
Bicycle theft	2		17		2	5	26
Burglary in a building other than a dwelling	89	42	90	44	45	89	399
Burglary in a dwelling	7	6	7	3	1	3	27
Criminal damage	203	161	266	104	62	163	959
Fraud	9	15	57	11	4	10	106
Miscellaneous crimes against society	1	1	2				4
Public order offences		2					2
Robbery of business property						1	1
Shoplifting	319	310	932	132	80	192	1,965
Theft from the person	1						1
Vehicle offences	28	8	69	11	25	31	172
Violence without injury		1	1			1	3
Totals	807	640	1,607	411	295	668	4,428

Table 4: Numbers of Business Crimes, by offence type, in Cumbria and Districts 2011-12

Home office level 5 offences	Allerdale	Barrow	Carlisle	Copeland	Eden	South Lakeland	Cumbria
All other theft offences	238	81	167	120	71	156	833
Arson	14	15	16	11	4	11	71
Bicycle theft	1		2		1	1	5
Burglary in a building other than a dwelling	132	43	66	53	28	71	393
Burglary in a dwelling	2	5	13	3	1	1	25
Criminal damage	272	140	312	151	67	196	1,138
Fraud	31	23	60	15	8	34	171
Miscellaneous crimes against society	3			1	3		7
Public order offences			2		1		3
Robbery of business property	1		1				2
Shoplifting	404	364	940	216	64	314	2,302
Theft from the person					2		2
Vehicle offences	56	8	60	25	22	20	191
Violence without injury			1				1
Totals	1,154	679	1,640	595	272	804	5,144

Hate Crime

This section looks at data in relation to Hate Crime, crimes which have been given a hate crime interest marker by Police Officers. This includes all crimes where an interest marker was added by the officer stating that the crime was either Racially, Religiously, Sexual Orientation, Disability or Transgender motivated. The source of this information is Cumbria Constabulary. *The aim of the constabulary is to increase the reporting of hate incidents and crimes*

Headlines/Key findings

- Throughout 2013-14 there were a total of 236 offences in Cumbria, a 12.9% increase from the previous year
- Compared to the previous year, numbers of offences increased in Allerdale, Carlisle and Eden; numbers fell in Barrow, Copeland and South Lakeland
- Carlisle had the greatest rate of offences per 1,000 population, Eden and South Lakeland had the lowest
- Racist hate crime contributes to the majority of all hate crime (69.5% of the total), followed by sexual orientation (16.9% of the total)
- At ward levels numbers of crimes are relatively low, however, wards with the highest number of crimes in each of the districts are:

Allerdale: St. Michael's

Barrow: Central

Carlisle: Castle

Copeland: Harbour

Eden: Penrith West

South Lakeland: a number of wards had one incident

Conclusions

In the last year numbers of crimes have fallen in Cumbria; this is true for all districts with the exception of Copeland where numbers have increased. Carlisle district had the greatest fall in the number of offences.

NB: A hate crime can have more than one hate type per crime so the total number of hate crimes is less than the sum of the individual types of hate crime.

Data

Table 1: Total Hate Crime in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year	Rate (per 1,000)
Cumbria	269	209	236	+12.9	0.5
Allerdale	36	30	53	+76.7	0.6
Barrow	47	47	32	-31.6	0.5
Carlisle	100	54	82	+51.9	0.8
Copeland	18	31	25	-19.4	0.4
Eden	16	12	17	+41.7	0.3
South Lakeland	52	35	27	-22.9	0.3

Table 2: Hate Crime Type in Cumbria for the last 3 financial years

Offence type	2011-12	2012-13	2013-14
Disability	16	20	30
Orientation	43	40	40
Racist	194	142	164
Religious	9	15	24
Transgender	7	6	3
All Hate (TOTAL)	269	206	236

Domestic Violence and Abuse; and Sexual offences

This section looks at data in relation to Domestic Violence incidents (all incidents recorded on the Force domestic abuse system). The source of this information is Cumbria Constabulary. Regional data has also been drawn from the British Crime Survey. The aim of the Constabulary and the wider Domestic Violence Partnership is to reduce the number of repeat incidents and repeats to MARAC, to increase the number of first time reports/ incidents and to reduce the number of repeat perpetrators.

Headlines/Key findings

- Throughout 2013-14 there were 6,932 **domestic violence** incidents in Cumbria, 5.9% increase from the previous year; there were 424 **sexual offences** in the county, 22% increase from the previous year
- Compared to the previous year, numbers of **domestic violence** incidents increased in all districts with the exception of Eden and South Lakeland where they have fallen; numbers of **sexual offences** increased in all districts with the exception of Eden where they fell, and South Lakeland where they remained the same
- Barrow district had the highest rate of **domestic violence** incidents per 1,000 population while Eden had the lowest; Barrow had the highest rate of **sexual offences**, Eden had the lowest rate
- Copeland had the greatest 'repeat victim rate' at 50%, while Eden had the lowest at 27%
- Repeat victim rates had increased in Copeland; rates had fallen in Barrow, Carlisle, Eden and South Lakeland; they remained the same in Cumbria and Allerdale
- The wards with the highest number of **domestic violence** incidents in each of the districts are:
 - **Allerdale:** St Michaels, Moss Bay, Moorclose;
 - **Barrow:** Central, Hindpool, Ormsgill;
 - **Carlisle:** Castle, Upperby, Botcherby;
 - **Copeland:** Harbour, Cleator Moor North, Hensingham
 - **Eden:** Penrith West, Penrith South, Penrith East
 - **South Lakeland:** Kendal Kirkland, Windermere Bowness South, Lakes Ambleside
- The wards with the highest number of **rape offences** in each of the districts are:
 - **Allerdale:** Ellenborough
 - **Barrow:** Hindpool, Central, Ormsgill
 - **Carlisle:** Castle, Denton Holme
 - **Copeland:** Egremont North, Harbour
 - **Eden:** Penrith North
 - **South Lakeland:** Kendal Kirkland, Kendal Oxenholme
- Offenders of **rape offences** are typically male and aged 18-30years; victims are female and aged 0-17years
- There were 421 cases opened for those accessing Cumbria's Independent Domestic Violence Advisors (IDVA) Services, equating to an annual caseload of 70 cases per FTE; a decrease of 276 cases compared to the previous year. Of those, 96% were female; 95% were White British or Irish; 37% were aged 21 – 30 years. 63% of clients have children; 58% of clients were 'high risk'; 72% experienced physical abuse; 76% experienced jealous and controlling behaviour; 21% experienced sexual abuse; and 60% experienced harassment and stalking; 5% were misusing drugs; 14% are misusing alcohol; 33% have mental health issues.

Conclusions

Compared to the previous year, numbers of **domestic violence** incidents have increased in Cumbria. Numbers of incidents have increased in all districts with the exception of Eden and South Lakeland where they have fallen. Numbers have increased over a 3 year period in the county. Repeat victim rates remain the same in Cumbria however they are increasing in some of the districts. Numbers of **sexual offences** incidents increased in all districts with the exception of Eden where they fell, and South Lakeland where they remained the same. Over a 3 year period numbers have increased in the county and in all districts with the exception of Carlisle and Eden.

Table 2: Domestic Violence and abuse incidents in Cumbria for the last 3 financial years.

(DV Repeats - all domestic abuse incidents where the victim was a victim in the 12 months prior to the incident)

Force	2011-12	2012-13	2013-14	% change in the last year
Incidents	6,422	6,547	6,932	+5.9
Repeat incidents	2,843	2,932	3,090	+5.4
Repeat Victim Rate	44	45	45	0.0

Table 3: Domestic Violence and abuse incidents in Allerdale for the last 3 financial years

Allerdale	2011-12	2012-13	2013-14	% change in the last year
Incidents	1,399	1,514	1,616	+6.7
Repeat incidents	683	715	764	+6.9
Repeat Victim Rate	49	47	47	0.0

Table 4: Domestic Violence and abuse incidents in Barrow for the last 3 financial years

Barrow	2011-12	2012-13	2013-14	% change in the last year
Incidents	1,224	1,298	1,408	+8.5
Repeat incidents	544	619	622	+0.5
Repeat Victim Rate	44.4	48	44	-8.3

Table 5: Domestic Violence and abuse incidents in Carlisle for the last 3 financial years

Carlisle	2011-12	2012-13	2013-14	% change in the last year
Incidents	1,616	1,487	1,503	+1.1
Repeat incidents	707	693	697	+0.6
Repeat Victim Rate	44	47	46	-2.1

Table 6: Domestic Violence and abuse incidents in Copeland for the last 3 financial years

Copeland	2011-12	2012-13	2013-14	% change in the last year
Incidents	1,122	1,173	1,370	16.8
Repeat incidents	513	551	684	24.1
Repeat Victim Rate	45.7	47.0	50	6.4

Table 7: Domestic Violence and abuse incidents in Eden for the last 3 financial years

Eden	2011-12	2012-13	2013-14	% change in the last year
Incidents	270	265	241	-9.1
Repeat incidents	100	88	66	-25.0
Repeat Victim Rate	37.0	33.3	27	-18.9

Table 8: Domestic Violence and abuse incidents in South Lakeland for the last 3 financial years

South Lakeland	2011-12	2012-13	2013-14	% change in the last year
Incidents	791	810	794	-2.0
Repeat incidents	296	266	257	-3.4
Repeat Victim Rate	37.4	33	32	-3.0

Table 9: Sexual Offences in Cumbria and Districts for the last 3 financial years

	2011-12	2012-13	2013-14	% change in the last year
Cumbria	402	348	424	+22
Allerdale	57	69	69	0
Barrow	60	48	87	+81
Carlisle	123	89	91	+2
Copeland	54	41	78	+90
Eden	49	29	26	-10
South Lakeland	59	72	72	0

Table 10: Cumbria Integrated, IDVA Service, Coordinated Action Against Domestic Abuse (CAADA) Insights Service Report, 12 months – April 2013 to March 2014

Cumbria	12 months
Intake forms (number of cases opened)	421
Exit forms (number of cases leaving the service)	437
Criminal & Civil Justice forms	264
New referrals	77%
Repeat clients	22%
Gender of clients: Female	96%
Gender of clients: Male	4%
Ethnic origin of clients: White British or Irish	95%
Clients with children	63%
Clients with CYPS involvement with the family	31%
Police primary referral route	61%
Age: <18years	1%
Age: 18-20years	7%
Age: 21-30years	37%
Age: 31-40years	25%
Age: 41-50years	19%
Age: 51-60years	8%
Age: 61+years	2%
Proportion of clients with a financial problem	22
Proportion of clients with mental health issues	33
Proportion of clients attempting or threatening suicide	16
Proportion of clients self-harming	14
Proportion of clients misusing drugs	5
Proportion of clients misusing alcohol	14
Average length of abusive relationship	2 years
Proportion of clients 'high risk'	58
Proportion of clients experiencing physical abuse	72
Proportion of clients experiencing jealous and controlling behaviour	76
Proportion of clients experiencing sexual abuse	21
Proportion of clients experiencing harassment and stalking	60
Relationship to perpetrator: intimate partner	27%
Relationship to perpetrator: ex intimate partner	60%
Relationship to perpetrator: intermittent intimate partner	6%
Relationship to perpetrator: family member (minor)	6%

Offender and Re-offending data

This section looks at data in relation to Adult Offending and Re-offending. The source of the Offending information is Cumbria & Lancashire Community Rehabilitation Company (CLCRC); the source of the Re-offending data is the Ministry of Justice. As of 1st June Cumbria Probation Trust merged with Lancashire Probation Trust and the CLCRC was formed. The aim of CLCRC is to protect the public and to reduce reoffending.

To note: Local Delivery Units (LDU); North & West LDU: Carlisle, Penrith and West Cumbria Probation Offices; South LDU: Barrow and Kendal Probation Offices.

The order/licence/custody categories are: Community Orders: sentences of the court which are managed in the community. Licences: adults custodial sentences of 12 months or more which are then subject to supervision in the community upon release from custody; youths: releases from Young Offenders Institutions. Custody: adult sentences of 12 months or more and sentences to Young Offenders Institutions, who are in custody.

Headlines/Key findings

- In March 2014 there were a total of 1,945 registered Offenders
- Compared to the previous year the number of cases increased by 26 from 1,919 to 1,945
- Actual re-offending rates in Cumbria are below the predicted rate
- Re-offending rates in Cumbria are above the regional and national average
- In Cumbria 87% of offenders are male
- 37.0% of offenders are aged between 20-29 years; 28.7% are aged 30–39 years
- 97.9% of offenders are of white origin
- There is a greater proportion of Offenders in the North & West LDU (60.9%) than the South (39.1%), however, the population is much greater in the North & West
- Violence accounts for the greatest proportion of the total offences in Cumbria (33.7%)
- Theft account for 10.9%
- Public order or riot account for 9.0%

Data

Table 1: Profile of Offender Caseload at 31st March 2014, CLCRC

Gender:	North & West LDU			South LDU			Cumbria Probation Trust		
	Community Order	Licence	Custody	Community Order	Licence	Custody	Community Order	Licence	Custody
Female	104	21	20	88	7	15	192	28	35
Male	473	209	358	374	85	191	847	294	549
Total	577	230	378	462	92	206	1,039	322	584

Age:	North & West LDU			South LDU			Cumbria Probation Trust		
	Community Order	Licence	Custody	Community Order	Licence	Custody	Community Order	Licence	Custody
18-19yrs	24	2	5	31	1	2	39	3	7
20-29yrs	233	59	125	417	31	66	438	90	191
30-39yrs	173	79	114	366	29	62	275	108	176
40-49yrs	88	49	68	205	16	41	182	65	109
50-59yrs	47	30	41	118	9	17	81	39	58
60-69yrs	11	7	19	37	6	12	20	13	31
70-80yrs	1	4	6	11	-	6	4	4	12
Total	577	230	378	462	92	206	1,039	322	584

Racial Origin:	North & West LDU			South LDU			Cumbria Probation Trust		
	Community Order	Licence	Custody	Community Order	Licence	Custody	Community Order	Licence	Custody
Asian			3	2		3	2		6
Black	1	1		2	1	1	3	2	1
Mixed	3	1	1	1	1	1	4	2	2
Other			1	3			3		1
White	569	228	371	448	90	199	1,017	318	570
Refused			1						1
Not recorded	4		1	6		2	10		3
Total	577	230	378	462	92	206	1,039	322	584

Table 2: Probation commencements by offence type (at Trust and Office level), 2013-2014

	Cumbria	Barrow	Carlisle	Kendal & Penrith	West Cumbria
Violence	764	201	238	100	225
Theft	247	71	81	27	68
Public Order or Riot	203	69	59	24	51
Drugs (possession and small scale supply)	175	36	60	23	56
Criminal or malicious damage	95	32	22	8	33
Drink driving offences	94	14	26	26	28
Domestic burglary	92	26	38	3	25
Drugs (import or export or production or supply)	90	9	38	18	25
Fraud and forgery	89	15	35	14	25
Other	84	22	21	14	27
Other motoring offences	72	10	27	11	24
Other burglary	60	11	23	11	15
Taking and driving away and related offences	51	7	27	4	13
Sexual (child)	42	9	15	10	8
Robbery	38	11	14	1	12
Sexual	36	4	14	12	6
Handling	26	8	10	1	7
Theft from vehicles	4	1	3		
Absconding or bail offences	3	1	1		1
Total	2,265	557	752	307	649

Note: Data is combined for Kendal and Penrith, the data is not available for the individual offices)

Table 3: Proportion of probation commencements by offence type, 2013-2014

	Cumbria	Barrow	Carlisle	Kendal & Penrith	West Cumbria
Violence	33.7%	36.1%	31.6%	32.6%	34.7%
Theft	10.9%	12.7%	10.8%	8.8%	10.5%
Public Order or Riot	9.0%	12.4%	7.8%	7.8%	7.9%
Drugs (possession and small scale supply)	7.7%	6.5%	8.0%	7.5%	8.6%
Criminal or malicious damage	4.2%	5.7%	2.9%	2.6%	5.1%
Drink driving offences	4.2%	2.5%	3.5%	8.5%	4.3%
Domestic burglary	4.1%	4.7%	5.1%	1.0%	3.9%
Drugs (import or export or production or supply)	3.9%	1.6%	4.9%	5.9%	3.9%
Fraud and forgery	3.9%	2.7%	4.7%	4.6%	3.9%
Other	3.7%	3.9%	2.8%	4.6%	4.2%
Other motoring offences	3.2%	1.8%	3.6%	3.6%	3.7%
Other burglary	2.6%	2.0%	3.1%	3.6%	2.3%
Taking and driving away and related offences	2.3%	1.3%	3.6%	1.3%	2.0%
Sexual (child)	1.9%	1.6%	2.0%	3.3%	1.2%
Robbery	1.7%	2.0%	1.9%	0.3%	1.8%
Sexual	1.6%	0.7%	1.9%	3.9%	0.9%
Handling	1.1%	1.4%	1.3%	0.3%	1.1%
Theft from vehicles	0.2%	0.2%	0.4%	0.0%	0.0%
Absconding or bail offences	0.1%	0.2%	0.1%	0.0%	0.2%

Note: Data is combined for Kendal and Penrith, the data is not available for the individual offices)

Table 6: Local adult reoffending rates, 2013, Ministry of Justice

Cumbria Probation Trust	Cumbria	North West	England
Cohort size (combining four quarters of probation caseload data) ¹	5,186	90,929	429,271
Actual rate of reoffending	11.1%	8.97%	10.25%
Predicted rate of reoffending	11.6%	9.17%	10.59%
% difference from baseline ²	-5.27%	-2.17%	-3.23%

¹ Note that data will not exactly aggregate from the local authority level to the Probation Trust level, as there are a small (roughly 1%) number of offenders who could not be assigned to a local authority as they have no postcode data. There are also a small (again roughly 1%) number of offenders whose postcode is in a local authority which is not in the probation trust where they are on the caseload.

² Data in bold illustrate that the change in reoffending from the baseline is statistically significant.

Youth Offending

This section looks at data in relation to young offenders (those aged 10-17 years) who enter the youth offending system. The source of the information is Cumbria Youth Offending Service and Ministry of Justice.

Headlines/Key findings

- Throughout 2013-14, there were 340 young offenders, a reduction of -23.1% from the previous year
- There were 32 custodial sentences, a 3% reduction from the previous year
- The rate of first time entrants has been falling year on year
- Based on previous data, more than a third of offenders are aged 17+ (36.3%)
- 81.4% of offenders are male; and 90.8% are white
- The greatest proportion of offences accounts for Violence Against the Person makes (20.0%)

Table 1: Overall Youth Crime, Cumbria Youth Offending Service

	2011-12	2012-13	2013-14	change in the last year
Number of Offenders	653	442	340	-23.1%
Number of custodial sentences	40	33	32	-3.0%

Table 2: Rate of young people aged 10-17 (per 100,000) receiving their first reprimand, warning, caution or conviction, Youth Offending Service

	2011-12	2012-13	2013-14	change in the last year
First time entrants - rate per 100,000	991	440	322	-26.8%

Table 3: Young people, 2012/13, Cumbria, Youth Justice Board (awaiting 2013/14 data)

	Profile	Number	% of total
Age	10-14 years	108	24.2%
	15 years	86	19.3%
	16 years	90	20.2%
	17+ years	162	36.3%
Gender	Female	82	18.4%
	Male	363	81.4%
	Not Known	1	0.2%
Ethnicity	White	405	90.8%
	Mixed	2	0.4%
	Asian or Asian British	0	0.0%
	Black or Black British	2	0.4%
	Chinese or Other Ethnic Group	0	0.0%
	Not Known	37	8.3%

**Table 5: Offences resulting in a disposal 2012/13, Cumbria, Youth Justice Board
(awaiting 2013/14 data)**

Offence	Number	%
Arson	8	0.7%
Breach Of Bail	22	2.0%
Breach Of Conditional Discharge	2	0.2%
Breach Of Statutory Order	172	15.2%
Criminal Damage	123	10.9%
Death Or Injury By Dangerous Driving	0	0.0%
Domestic Burglary	20	1.8%
Drugs	42	3.7%
Fraud And Forgery	16	1.4%
Motoring Offences	108	9.6%
Non Domestic Burglary	22	2.0%
Other	30	2.7%
Public Order	88	7.8%
Racially Aggravated	6	0.5%
Robbery	13	1.2%
Sexual Offences	15	1.3%
Theft And Handling Stolen Goods	177	15.7%
Vehicle Theft / Unauthorised Taking	38	3.4%
Violence Against The Person	226	20.0%
TOTAL	1,128	

Unity/CADAS (Alcohol & Drugs Services) data

This section looks at data in relation to drug users who come into contact with the Cumbria Alcohol & Drugs Advisory Service (CADAS). The primary source of this information is CADAS. In addition to this we have also used data drawn from the Cumbria Young Persons Alcohol & Tobacco Consumption Survey, Trading Standards, which is carried out every two years (an updated survey is scheduled in 2015).

Headlines/Key findings

- Throughout 2013-14, 1,830 users came into contact with CADAS for drug related issues; 1,419 users used the service for alcohol related issues
- In Cumbria 68% of drug clients are male, 32% are female; and 63% of alcohol clients are male, 37% are female
- Most users are aged between 30-39 years
- 97% of users are White British
- 24% of drugs clients have children living with them; 25% of alcohol clients have children living with them
- **Allerdale:** 588 service users came into contact with CADAS (an increase of 102 users from the previous year). 41% use alcohol as their main drug; 40% use heroin. Most users are male and aged between 36-45 years. 35% of service users have a child/children living with them.
- **Barrow:** 728 service users came into contact with CADAS (an increase of 88 users from the previous year). 45% of those use heroin as their main drug; 40% use alcohol. 67% of users are male. Most users are aged between 36-45 years. 38% of service users have a child/children living with them.
- **Carlisle:** 849 service users came into contact with CADAS (an increase of 176 users from the previous year). 50% of those use heroin as their main drug; 38% use alcohol. 67% of users are male. Most users are aged between 36-45 years. 31% of service users have a child/children living with them.
- **Copeland:** 432 service users came into contact with CADAS (an increase of 105 users from the previous year). 50% of clients use alcohol as their main drug; 33% use heroin. 63% of users are male. Most users are aged between 36-45 years. 41% of service users have a child/children living with them.
- **Eden:** 234 service users came into contact with CADAS (an increase of 22 users from the previous year). 53% of clients use alcohol as their main drug; 30% use heroin. 59% of users are male. Most users are aged between 26-35 years. 29% of service users have a child/children living with them.
- **South Lakeland:** 409 service users came into contact with CADAS (an increase of 72 users from the previous year). 31% use heroin as their main drug; 53% use alcohol (increase). 65% of users are male. Most users are aged between 36-45 years. 27% of service users have a child/children living with them.

Cumbria Young Persons Alcohol & Tobacco Survey 2013

- The survey of 14-17 years olds was carried out between January and April 2013
- 1,363 completed surveys were received
- Compared to 2011 results, 14-17 year olds are drinking less often or not at all
- Proportions of those claiming they never drink alcohol has increased from 12% in 2011 to 25% in 2013
- Levels of binge drinking have fallen from 19% in 2011 to 9% in 2013
- There has been a fall in the number of 14-17 year olds drinking in pubs/clubs and outside on streets and in parks
- 27% of respondents are aware of drinking dens and/or party houses
- Respondents who drink alcohol mostly obtain it from their parents/guardians/family
- 3% of respondents claim to have fake ID, below the regional average of 7% (the internet is the most common source for fake ID)
- 17% of respondents claim they drink alcohol because there is nothing else to do

- 69% of respondents think that getting drunk is fun
- 54% of respondents think that it is normal to get drunk
- 16% of respondents claim they have been violent whilst drunk
- 36% of respondents are not worried about the long-term health effects

Data

Table 1: Gender of Drug and Alcohol users who came into contact with CADAS

Gender	Drugs clients		Alcohol clients	
	Number	%	Number	%
Male	1,246	68%	897	63%
Female	584	32%	522	37%
Total	1,830		1,419	

Table 2: Ethnicity of Drug and Alcohol users who came into contact with CADAS

Ethnicity	Drugs clients		Alcohol clients	
	Number	%	Number	%
White British	1,780	97.3%	1,387	97.7%
White Irish	7	0.4%	12	0.8%
Other White	29	1.6%	10	0.7%
White & Black Caribbean	1	0.1%	2	0.1%
White & Black African	1	0.1%	1	0.1%
White & Asian	1	0.1%	1	0.1%
Other Mixed	0	0.0%	0	0.0%
Indian	0	0.0%	1	0.1%
Pakistani	0	0.0%	1	0.1%
Bangladeshi	1	0.1%	0	0.0%
Other Asian	4	0.2%	0	0.0%
Caribbean	0	0.0%	0	0.0%
African	0	0.0%	0	0.0%
Other Black	1	0.1%	2	0.1%
Chinese	1	0.1%	0	0.0%
Other	4	0.2%	2	0.1%
Not Stated	0	0.0%	0	0.0%
Missing ethnicity code	0	0.0%	0	0.0%

Table 3: Age of Drug and Alcohol users. All in treatment YTD, Q4, 2013-14

	Drugs clients		Alcohol clients	
	Number	%	Number	%
18-24 years	131	7.2%	92	6.5%
25-29 years	257	14.0%	118	8.3%
30-34 years	362	19.8%	171	12.1%
35-39 years	407	22.2%	158	11.1%
40-44 years	327	17.9%	194	13.7%
45-49 years	181	9.9%	245	17.3%
50-54 years	94	5.1%	196	13.8%
55-59 years	36	2.0%	120	8.5%
60-64 years	15	0.8%	74	5.2%
65+ years	2	0.1%	51	3.6%

Table 4: Main and secondary drugs used by drug users who came into contact with CADAS

	SECOND DRUG																				
MAIN DRUG	Heroin	Methadone	Other Opiates	Benzodiazepines	Amphetamines	Cocaine	Crack	Hallucinogens	Ecstasy	Cannabis	Solvents	Barbiturates	Major Tranquilisers	Anti-depressants	Alcohol	Other Drugs	Novel Psy .Sub	Prescription Drugs	Misuse Free	N/A	Total
Heroin		86	34	236	80	12	40		1	70				1	101	1		6		646	1314
Methadone	7		3	12											3					38	63
Other Opiates	7	1		17	7		2			11					18	1		2		94	160
Benzodiazepines	2		2		4	2				8					9					24	51
Amphetamines	2		1	1		5				15					7	1				26	58
Cocaine				3	4			1	1	13					9	1				11	42
Crack					1	1				1										1	4
Hallucinogens			1							3											4
Ecstasy						2		1		1											4
Cannabis			2	7	4	8		1	1					1	24		1			58	107
Solvents															2						2
Barbiturates																					
Major Tranquilisers																					
Anti-depressants															1						1
Other Drugs					1															5	6
Novel Psychoactive Sub										2										3	5
Prescription Drugs										2					2					5	9
Misuse free																					
Total	18	87	43	276	101	30	42	2	3	126				2	176	4	1	8		911	1830

Alcohol

This section looks at data in relation to Alcohol, alcohol related mortality, hospital admissions, crime, violent crime and binge drinking. The source of the information is from the Local Alcohol Profiles for England (LAPE) produced by the North West Public Health Observatory.

Headlines/Key findings

- In Cumbria the rate of **alcohol specific mortality for males** is above the national average; rates in Barrow and Copeland are also above the national average
- In Cumbria the rate of **alcohol specific mortality for females** is above the national average; this is also true in Allerdale, Barrow, Eden and South Lakeland
- In Cumbria the rate of **alcohol specific hospital admissions – under 18s** is above national and regional rates. Rates in Allerdale, Barrow and Copeland and South Lakeland are also above national levels; Copeland is ranked the worst authority (out of 326)
- In Cumbria the rate of **admitted to hospital episodes with alcohol related conditions** is above the national average; this is true in Allerdale, Barrow, Carlisle and Copeland
- In Cumbria the rate of those **engaging in binge drinking** is above the national average but below the regional average; this is reflected in all districts with the exception of Barrow
- In Cumbria the rate of **alcohol related recorded crimes** has fallen and is below the national and regional average; this is true in Barrow
- In Cumbria the rate of **alcohol-related violent crimes** is above the national and regional Average; this is true in Barrow

Conclusion

Although rates of all listed alcohol related indicators have fallen in Cumbria, rates are above national levels with the exception of **alcohol related recorded crimes** where they have fallen

Rates of **Alcohol specific mortality for males** have fallen in Cumbria. This is true for Allerdale, Barrow and Carlisle; rates in Copeland, Eden and South Lakeland have increased.

Rates of **Alcohol specific mortality for females** have fallen in Cumbria. This is true for Barrow and South Lakeland; rates in Allerdale, Carlisle, Copeland and Eden have increased.

Rates of **alcohol specific hospital admissions – under 18 year olds** continue to fall in Cumbria. This is true for Allerdale, Carlisle and Eden; rates are increasing in Barrow, Copeland and South Lakeland.

Rates of **admitted to hospital episodes with alcohol related conditions** have increased in all districts.

Rates of **alcohol related recorded crimes** and **alcohol related violent crimes** have fallen in Cumbria and in all districts.

Table 1: Ranks of all indicators, for all districts (out of 326 authorities. 1 = best, 326 = worst)

	Alcohol specific mortality: Males	Alcohol specific mortality: Females	Alcohol specific hospital admissions – under 18 year olds	Admitted to hospital episodes with alcohol related conditions	Synthetic estimate of the percentage of the population aged 16years+	Alcohol related recorded crimes	Alcohol related violent crimes
Allerdale	75	256	315	238	241	112	148
Barrow	313	287	323	301	128	234	277
Carlisle	164	195	195	296	249	166	204
Copeland	256	127	326	299	233	107	167
Eden	91	247	31	147	261	6	18
South Lakeland	18	230	285	103	239	32	51

Table 2: Alcohol specific mortality: Males, all ages, DSR per 100,000 population

	2008-2010	2009-2011	2010-2012	Number of deaths 2010-2012
Cumbria	18.13	17.69	17.28	100
Allerdale	11.57	10.52	9.12	14
Barrow	30.68	29.92	25.91	27
Carlisle	15.55	13.97	12.44	20
Copeland	9.41	14.46	17.97	20
Eden	3.42	4.07	9.54	9
South Lakeland	5.52	3.97	5.91	10
North West	20.54	20.59	20.23	2003
England	15.03	14.85	14.57	10,615

Table 3: Alcohol specific mortality: Females, all ages, DSR per 100,000 population

	2008-2010	2009-2011	2010-2012	Number of deaths 2010-2012
Cumbria	9.24	8.88	8.76	58
Allerdale	9.27	6.10	8.24	12
Barrow	8.92	9.74	9.77	10
Carlisle	5.94	5.03	6.51	11
Copeland	4.31	5.15	5.17	6
Eden	5.11	6.94	7.81	6
South Lakeland	8.88	8.18	7.33	13
North West	10.95	10.45	10.63	1,093
England	6.92	6.85	6.78	5,169

Table 4: Alcohol specific hospital admissions – under 18 year olds: Persons, crude rate per 100,000 population

	2008-09- 2010-11	2009/10- 2011-12	2010/11- 2012-13	Number of under 18s admitted 2010/11- 2012-13
Cumbria	95.08	87.28	77.07	224
Allerdale	130.73	119.94	90.94	51
Barrow-in-Furness	112.58	110.35	113.01	48
Carlisle	84.03	66.82	44.65	28
Copeland	134.54	122.44	126.66	52
Eden	40.15	30.49	20.59	6
South Lakeland	74.24	69.86	70.79	39
North West	94.91	85.46	71.92	3,241
England	56.91	52.15	44.88	15,278

Table 5: Admitted to hospital episodes with alcohol related conditions (broad): All ages, DSR per 100,000 population

	2010/11	2011/12	2012/13	Number of admission episodes 2012/13
Cumbria (and Lancashire)	2307.72	2331.26	2324.97	11,770.38
Allerdale	1994.61	2053.04	2174.16	2,211.70
Barrow-in-Furness	2520.31	2580.98	2664.97	1,832.17
Carlisle	2087.72	2481.78	2533.59	2,745.07
Copeland	2194.70	2410.08	2636.06	1,915.34
Eden	1404.72	1697.45	1821.47	1,076.93
South Lakeland	1560.90	1667.73	1696.68	1,989.17
North West	2414.52	2443.17	2440.47	163,172.50
England	1968.93	2032.25	2031.76	1,008,846.20

Table 6: Synthetic estimate of the percentage of the population aged 16 years and over who report engaging in binge drinking (no update)

	2007-2008	Lower 95% CI	Upper 95% CI
Cumbria	21.6	20.1	23.2
Allerdale	22.0	18.6	25.7
Barrow-in-Furness	18.7	15.5	22.4
Carlisle	22.4	19.1	26.0
Copeland	21.7	17.6	26.5
Eden	22.8	18.4	28.0
South Lakeland	21.9	18.8	25.3
North West	23.3	21.2	25.5
England	20.1	19.4	20.8

Table 7: Alcohol related recorded crimes: Persons, all ages, crude rate per 1,000 population

	2010/11	2011/12	2012/13	Number recorded crime 2012/13
Cumbria	5.76	5.66	5.53	2,004.36
Allerdale	3.99	4.31	3.96	382.07
Barrow-in-Furness	6.01	6.14	6.08	419.97
Carlisle	5.61	5.56	4.83	519.43
Copeland	4.64	4.11	3.88	274.15
Eden	2.38	2.59	2.32	121.65
South Lakeland	2.92	3.03	2.77	287.09
North West	6.05	5.80	5.59	39,472.02
England	6.54	6.12	5.74	305,048.40

Table 8: Alcohol related violent crimes: Persons, all ages, crude rate per 1,000 population

	2010/11	2011/12	2012/13	Number violent crimes 2012/2013
Cumbria	4.51	4.46	4.34	1650.20
Allerdale	3.17	3.53	3.18	306.73
Barrow-in-Furness	4.98	5.45	5.23	361.12
Carlisle	4.79	4.61	3.91	420.69
Copeland	4.01	3.52	3.44	243.09
Eden	1.84	1.99	1.73	91.02
South Lakeland	2.32	2.46	2.19	227.55
North West	4.07	4.02	3.87	27330.79
England	4.44	4.15	3.93	208,568.26

Killed or Seriously Injured (KSIs)

This section looks at data in relation to KSIs which are defined as being the number of casualties who were killed or seriously injured in road traffic collisions. The source of the information is Cumbria County Council (Department for Transport).

Headlines/Key findings

- Throughout 2013 there were 239 KSI incidents in Cumbria, 43 more incidents than the previous year equating to a 21.9% increase; over the 3 year period there was a decrease of 4% (-10 incidents)
- Compared to the previous year numbers of incidents increased in all districts with the exception of Carlisle and Copeland where they have fallen
- The district of Allerdale had the highest number of KSIs, Eden had the highest rate per 1,000 population
- Barrow had the lowest number and rate of KSIs; however Carlisle experienced the greatest fall
- The wards with the highest number of KSI collisions in each of the districts are:
Allerdale: Keswick, Harrington, St.Michael's
Barrow: Hindpool, Ormsgill
Carlisle: Castle, Dalston, Stanwix Rural
Copeland: Millom Without, Beckermest
Eden: Hesket, Greystoke, Warcop
South Lakeland: Whinfell, Crooklands, Crake Valley

Conclusion

In Cumbria numbers of KSIs have increased in the last year. Numbers of incidents have increased in all districts with the exception of Carlisle and Copeland where they have fallen.

Table 1: KSIs in Cumbria and Districts for the last 3 calendar years

	2011	2012	2013	Rate (per 1,000 population)	Numerical change	% change in the last year
Cumbria	249	196	239	0.5	+43	+21.9%
Allerdale	63	40	41	0.4	+1	+2.5%
Barrow	14	13	18	0.3	+5	+38.5%
Carlisle	42	48	35	0.3	-13	-27.1%
Copeland	31	30	25	0.4	-5	-16.7%
Eden	42	30	51	1.0	+21	+70.0%
South Lakeland	57	35	69	0.7	+34	+97.1%

Table 2: KSIs by user group category, Cumbria, 2013

	2011	2012	2013	Numerical change	% change in the last year
All KSIs	249	196	239	+43	+21.9%
Child KSI	18	10	15	+5	+50.0%
All fatal	30	30	27	-3	-10.0%
Slight	1,506	1,511	1,437	-74	-4.9%
Total casualties	1,755	1,707	1,676	-31	-1.8%

Fire Service

This section looks at data in relation to deliberately started Fire Incidents. The source of this information is Cumbria Fire Service.

The information is broken down by primary and secondary fires (primary - including all fires in buildings, vehicles and outdoor structures or any fire involving casualties, rescues or fires attended by five or more appliances; secondary fires are fire incidents that did not occur at a primary location, was not a chimney fire in an occupied building, did not involve casualties (otherwise categorised as a Primary incident) and was attended by four or fewer appliances). Please note that numbers of arson offences are included in the Criminal Damage which are reported in this Assessment.

Headlines/Key findings

- Throughout 2013-14 there were a total of 1,631 fire incidents in Cumbria
- There were a total of 616 deliberate fire incidents in the county, which accounted for 37.8% of all fire incidents
- Compared to the previous year the number of all fire incidents had fallen by 1.7% (-28); the number of deliberate fire incidents had fallen by 6.9% (-46)
- Over the last 3 years, the number of incidents had fallen across Cumbria and in all of the districts with the exception of Barrow and Copeland where they rose
- Allerdale district had the greatest number of incidents however Barrow had the greatest rate per 1,000 population
- Eden district had the lowest number of incidents; South Lakeland had the lowest rate per 1,000 population

The wards with the highest number of deliberate fire incidents are as follows:

- **Allerdale:** St Michaels, Moss Bay, Netherhall; **Barrow:** Hindpool; Central; Ormsgill **Carlisle:** Botcherby; Castle; Dalston **Copeland:** Distington, Cleator Moor North; Sandwith **Eden:** Clifton; Morland; Penrith West **South Lakeland:** Kendal Fell; Kendal Stonecross

Conclusions

The general trend for all fires (both accidental and deliberate) is downward as it is nationally.

Data

Table 1: All fires incidents in Cumbria and Districts for the last 3 financial years

	2011-12			2012-13			2013-14		
	Accidental	Deliberate	Total	Accidental	Deliberate	Total	Accidental	Deliberate	Total
Allerdale	161	253	414	182	231	413	178	195	373
Barrow	126	156	282	118	120	238	159	129	288
Carlisle	193	224	417	228	141	369	200	123	323
Copeland	117	119	236	120	95	215	143	113	256
Eden	151	27	178	160	12	172	151	14	165
South Lakeland	220	71	291	189	63	252	184	42	226
Cumbria	968	850	1,818	997	662	1,659	1,015	616	1,631

Table 2: Deliberate fire incidents in Cumbria and Districts for the last 3 financial years

	2011-12			2012-13			2013-14		
	Primary	Secondary	Total	Primary	Secondary	Total	Primary	Secondary	Total
Allerdale	45	208	253	50	181	231	28	167	195
Barrow	27	129	156	19	101	120	22	107	129
Carlisle	53	171	224	37	104	141	32	91	123
Copeland	34	85	119	18	77	95	21	92	113
Eden	10	17	27	5	7	12	4	10	14
South Lakeland	17	54	71	18	45	63	13	29	42
Cumbria	186	664	850	147	515	662	120	496	616

Table 3: All (accidental and deliberate) fire incidents - change over time

	Numerical change 3 years	% change 3 years	Numerical change 1 year	% change 1 year
Allerdale	-41	-9.9%	-40	-9.7%
Barrow	6	2.1%	50	21.0%
Carlisle	-94	-22.5%	-46	-12.5%
Copeland	20	8.5%	41	19.1%
Eden	-13	-7.3%	-7	-4.1%
South Lakeland	-65	-22.3%	-26	-10.3%
Cumbria	-187	-10.3%	-28	-1.7%

Table 4: Deliberate fire incidents - change over time

	Numerical change 3 years	% change 3 years	Numerical change 1 year	% change 1 year
Allerdale	-58	-22.9%	-36	-15.6%
Barrow	-27	-17.3%	9	7.5%
Carlisle	-101	-45.1%	-18	-12.8%
Copeland	-6	-5.0%	18	18.9%
Eden	-13	-48.1%	2	16.7%
South Lakeland	-29	-40.8%	-21	-33.3%
Cumbria	-234	-27.5%	-46	-6.9%

Crime Survey for England and Wales (CSEW)

The Crime Survey for England and Wales (formerly the British Crime Survey) measures the extent of crime in England and Wales by asking people whether they have experienced any crime in the past year and what they think of their local police. The Crime Survey for England and Wales is a face-to-face victimisation survey in which people resident in households in England and Wales are asked about their experiences of crimes in the 12 months prior to the interview. The CSEW therefore includes crimes that are not reported to or recorded by the police, but is limited to crimes against people resident in households.

The survey has measured crime in this way since 1982 and is a valuable source of information for the government about the extent and nature of crime in England and Wales.

The Crime Survey records crimes that may not have been reported to the police and it is therefore used alongside the police recorded crime figures to show a more accurate picture of the level of crime in the country.

In 2012/13 around 50,000 households across England and Wales were invited to participate in the survey. Three quarters of households invited to take part actually did so and it is thanks to this cooperation from the public that the survey can provide the robust information needed by government to understand the nature of crime in this country.

Results are available at County/Force level. Responses to questions relating to Cumbria Constabulary are shown in the table below:

	Mar-13	Mar-14	Trend	MSG Rank (1 = best 4 = worst)
Percentage who think their local police do a good or excellent job	67.7%	64.0%	Worse	2
Police or Council dealing with Crime	63.9%	67.9%	Better	1
Reliable	62.3%	62.7%	Better	1
Respect	89.6%	88.0%	Worse	1
Fair Treatment	65.3%	64.9%	Worse	3
Community Understanding	79.3%	79.8%	Better	1
Police deal with community priorities	65.8%	69.2%	Better	1
Confidence	80.4%	78.4%	Worse	1
Risk of crime (household)	10.4%	6.9%	Better	1
Risk of crime (personal)	2.2%	3.9%	Worse	2
Anti-Social Behaviour perception – total	n/a	4.3%	n/a	1
Anti-social Behaviour perception – people being drunk or rowdy	n/a	7.9%	n/a	1

(Note: MSG = Most Similar Group. Lincolnshire, Norfolk, North Wales, Cumbria)

Public Consultation Survey 2013

The Annual Public Consultation Survey is a county wide survey and was conducted during August 2013 using a number of different sampling methods.

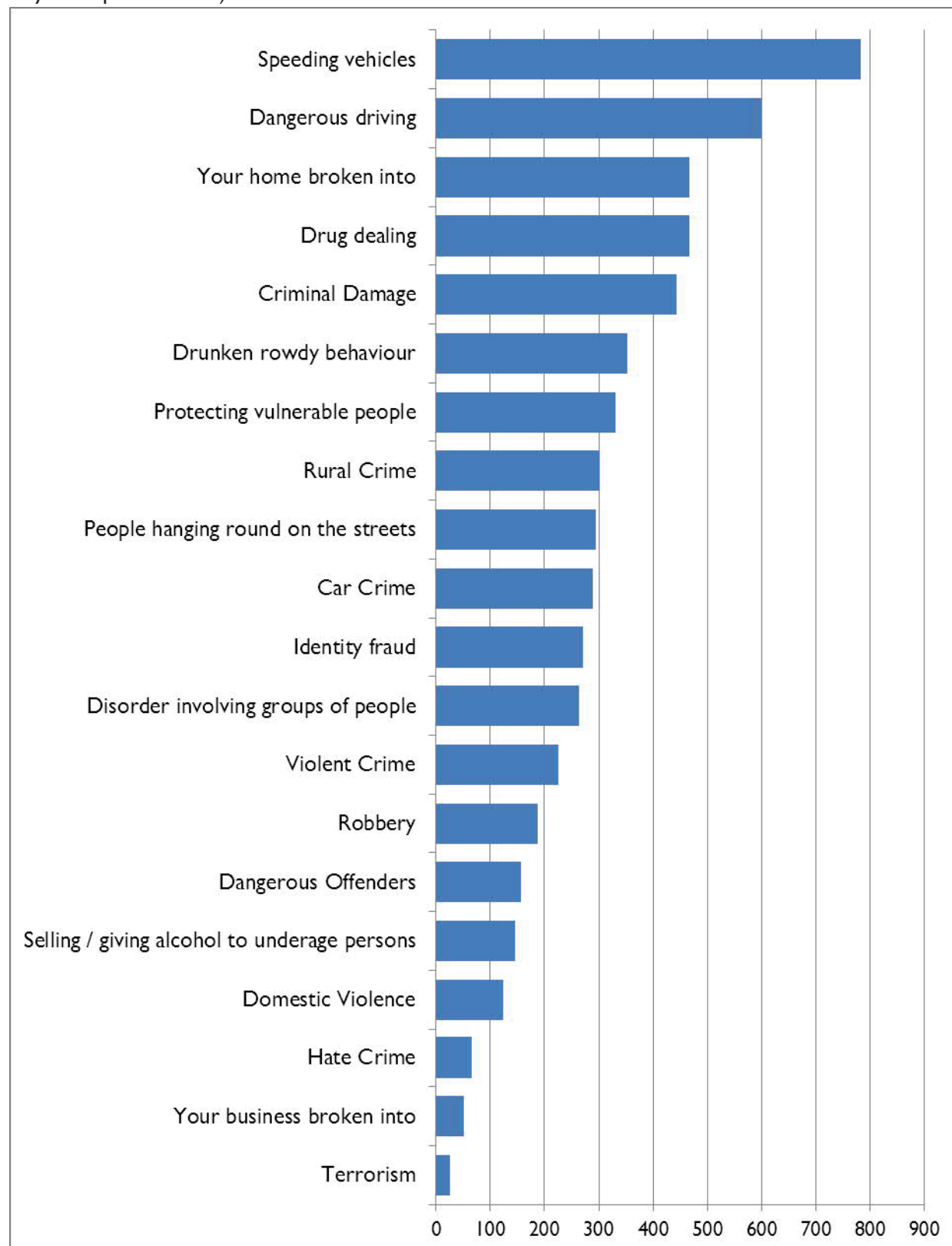
In total, 2,347 surveys were distributed to Members of Community Voice. The survey was also made available online.

Headlines/Key findings

- 975 surveys were returned, a response rate of 41.5 %
- 304 surveys were completed online, bringing the total number of completed surveys to 1,279
- In Cumbria the greatest concern is speeding vehicles followed by dangerous driving
- In Allerdale the greatest concern is speeding vehicles followed by drug dealing
- In Barrow the greatest concern is speeding vehicles followed dangerous driving
- In Carlisle the greatest concern is speeding vehicles followed by dangerous driving
- In Copeland the greatest concern is speeding vehicles followed by dangerous driving
- In Eden the greatest concern is speeding vehicles followed by dangerous driving
- In South Lakeland the greatest concern is speeding vehicles followed by dangerous driving

Chart 1: Graph showing the most important local concerns

(Question 5 – Thinking about your local neighbourhood, please look at the following list and put an X next to your top 5 concerns).



Cumbria Crime & Community Safety Strategic Assessment

Carlisle District Summary

2014

Ali Wilson

Research, Information & Intelligence



Page 1 of 12



BACKGROUND

This Summary Report provides a narrative overview of community safety within Carlisle District. It forms part of a collection of documents which make up the Community Safety Strategic Assessment (CSSA) for Cumbria.

The Crime and Disorder Regulations 2007 place a statutory duty on local authorities to prepare a Joint Strategic Assessment of crime and disorder in their local areas. The aim of the CSSA is to provide partners with an understanding of the levels and patterns of crime, disorder and substance misuse in the county and local areas, through statistical analysis, information about crime, changes and patterns over time, and, where possible, explanations as to why these changes have occurred.

The CSSA will highlight the county's priorities for the responsible authorities and partnerships that are working together to tackle crime, disorder and substance misuse. The CSSA will provide the evidence base for the development of Cumbria's Community Safety Agreement by helping to identify and prioritise the resources and interventions required to combat crime and disorder. It will draw on issues raised by those working or living in local communities including areas that they feel should be addressed.

This report is one of six district Summaries which sit alongside an overall Cumbria Summary and the Cumbria Community Safety Technical Report to make up the CSSA. The narrative within this report draws on the data and analysis contained in the comprehensive Cumbria Community Safety Strategic Assessment Technical Report.

EXECUTIVE SUMMARY

Levels of crime in Carlisle district continue to fall. Over the past year crime has fallen by 0.1%, despite this, the overall crime rate in the district is the second highest out of all districts across the county.

The district has the highest rates in the county of: theft of a motor vehicle; theft from a motor vehicle; business crime; and hate crime. ASB and Youth ASB continue to fall in the district however rates of ASB in the district are the second highest in the county.

Numbers of incidents have increased of: **theft of a motor vehicle**; **violence against a person**; and **criminal damage** (3.8%). Levels of criminal damage in the district are above the average for its most similar groups/forces (ranked 13 out of 15 – 15 being the worst).

There has been a marginal increase in incidents of **domestic violence** and **sexual offences**.

Incidents of the following crime categories have fallen: **burglary dwelling**; **burglary other**; **theft from a motor vehicle**; **drug crime**; **business crime**; and **alcohol related violence against a person**.

11.0% of Carlisle's total crime is alcohol related, and almost one third of violent and sexual offences are alcohol related. Alcohol misuse is an issue in the district with increasing rates of **alcohol specific mortality of females**; and **admitted to hospital episodes with alcohol related conditions**. Rates of alcohol related hospital admissions are above the national average.

The typical offender in Carlisle district is most likely to be male and aged 18-30 years; and the typical victim is female aged 18-30 years. Crime and disorder is most prevalent in deprived areas characterised by relatively high levels of unemployment and child poverty.

Castle Ward, which includes Carlisle city centre, is the ward with the highest level of crime in the county. This is driven by high levels of anti-social behaviour, business crime, shoplifting, drug crime and criminal damage.

The implications of welfare reform and the impact this may have on individuals and families across the county should be taken into consideration when planning priorities and forecasting levels of crime throughout 2015. As we see levels of household income reduce through benefit cuts and low paid work we may see an increase in crime, potentially acquisitive crime as well as domestic violence, alcohol and substance misuse as financial pressures increase.

Existing changes to welfare reform have seen a number of people removed from a range of benefits. Numbers of working age benefit claimants in Carlisle have fallen by 650 from 9,510 (February 2013) to 8,860 (February 2014). Greater numbers of 'out of work' benefit claimants have fallen from 7,660 to 6,950 – a fall of 710 over the same period. Further changes are planned which will continue up to and throughout 2017. Services may see an increase in demand and support as changes to personal and financial circumstances take place.

PEOPLE AND COMMUNITIES

The district of Carlisle is in the north east corner of Cumbria. The historic city of Carlisle is the largest in Cumbria and acts as service centre and transportation hub for the north of the county and the south west of Scotland. The district includes the market towns of Brampton, Dalston and Longtown. Carlisle district contains two Areas of Outstanding Natural Beauty, the Solway Estuary in the west of the district and the Pennines in the east. The district also includes the western part of Hadrian's Wall which is classified as a World Heritage Site by UNESCO.

Geography

Carlisle district covers an area of 1,039 square km. With an average population density of 104 people per square km, the district is the second most densely populated district in the county, but is more sparsely populated than the national average (Cumbria 74 people per square km, England & Wales 377 people per square km). 27% of the district's residents live in rural areas, compared to 54% across Cumbria and 18% across England & Wales.

Demography

The resident population of Carlisle was estimated to be 107,900 persons as at mid-2013; an increase of 5,200 persons (+5%) since mid-2003. Population change over the last decade was not spread evenly across Carlisle's wards, with a small number of wards experiencing a decrease in their population size whilst other wards experienced large increases. The greatest proportional decrease was seen in Lyne ward (-7.5%) while the greatest proportional increase was seen in Belle Vue ward (+17.8%).

When compared to England & Wales, Carlisle has an older age profile; with lower proportions of residents in each of the three younger age groups and higher proportions of residents in the oldest four age groups. When compared to Cumbria, Carlisle has slightly higher proportions of residents in each of the three younger age groups and slightly lower proportions of residents in the oldest four age groups.

Carlisle's population is projected to increase by 200 persons (0.2%) over the next 25 years (to 2037). In contrast, Cumbria's population is projected to decrease by 5,900 persons (-1.2%), while England's population is projected to increase substantially (+16.2%).

Black and Minority Ethnic (BME) Groups

5,335 residents in Carlisle reported that they were from Black and Minority Ethnic (BME) groups in their 2011 Census (5%); Cumbria 3.5%, England & Wales 19.5%. Across the district's wards, the proportion of residents from BME groups ranged from 1.7% in Burgh ward to 12.9% in Castle ward.

Migration

The Office for National Statistics estimate that between mid-2003 and mid-2013, internal migration (to and from other parts of the UK) and other changes (i.e. changes in prisoners, armed forces personnel etc.) accounted for a net increase of 2,700 persons in Carlisle, while international migration (to and from overseas) accounted for a net increase of 1,700 persons.

The 2011 Census reported that 5,271 residents in Carlisle were born outside of the UK (4.9%). Of these non-UK born residents, 308 were born in Ireland, 1,063 were born in EU countries that were EU member countries in March 2001, 1,588 were born in EU countries that joined the EU between April 2001 and March 2011 and 2,312 were born countries other than those listed above.

Health

A male living in Carlisle can expect to live to 78.5 years, below the county average (78.8 years) and national average (79.2 years). A female can expect to live to 82.0 years, also below the county average (82.4 years) and the national average (83.0 years). There is a significant gap between the best and worst areas in Carlisle – life expectancy for a male born in Castle ward is 72.5 years compared to 84.2 years if they were born in Belah ward.

Economy

The largest areas of employment in the district are wholesale and retail trade (18.6%), health and social work (16.5%), and manufacturing (10.1%).

This reflects the city of Carlisle's role as a service and administrative centre. While the role of manufacturing in Carlisle's economy has declined, some major national companies still have a presence in the district including Nestle, Pirelli Tyres and United Biscuits. The city of Carlisle also hosts the headquarters of Stobart Group.

The median household income in Carlisle is £25,300, higher than the county average (£25,100) but lower than the national average (£28,500). Amongst the district's wards, the median household income varied from £18,500 in Morton ward to £35,600 in Great Corby and Geltsdale ward. 14.1% of households in Carlisle have an annual income of less than £10k (Cumbria 14.3%, GB 12.4%). Of the district's wards, Upperby ward had the greatest proportion of households with annual incomes of less than £10k (21.6%) while Wetheral ward had the smallest proportion (7.4%).

The median house price in Carlisle is £123,200, lower than the county average of £140,900 and the national (GB) average of £172,800. House prices varied considerably across the district's wards; Upperby ward had the lowest median house price (£78,800), while Great Corby and Geltsdale ward had the highest (£230,100). Housing is slightly more affordable in the district than the rest of the county at 4.9 (median household income divided by median house price) compared to 5.6 in Cumbria.

Unemployment levels in the district are low. 1.5% of working age residents in Carlisle is claiming Job Seekers Allowance, below the county average of 1.6% and above the national average of 2.1%. Unemployment is falling in the district, in line with the rest of the UK. The youth unemployment rate is 1.7, below the national average of 2.9%.

Poverty and Deprivation

Within Carlisle district there are pockets of deprivation. Carlisle has five communities that rank within the 10% most deprived of areas in England, these communities are located in the wards of Upperby, Botcherby and Castle.

Upperby ward is the most deprived ward in the district. In Upperby ward the median household income is £18,595 (almost £20,000 less than the highest ward). There are high levels of households claiming benefits, and 1 in 5 households in Upperby have an income of

less than £10,000, well above the county and national average. 2.7% of the population is claiming Job Seekers Allowance (above the district and county average). 15.3% of children living in Carlisle are living in poverty (below national levels of 18.6%). In Upperby these figures rise to 33.4%, 1 in 3 children.

COMMUNITY SAFETY INFORMATION

This section will present the narrative of community safety within Carlisle district.

Two different measures of incidents have been used:

- **Number:** the exact number of incidents / offences within Carlisle district.
- **Rate:** the number of incidents in relation to the population of Carlisle district.

Substance misuse & alcohol

Alcohol and substance misuse not only has a significant impact on health but potentially crime. National research shows that in general alcohol misuse remains a significant contributing factor in crime and disorder as well as being detrimental to peoples' health and wellbeing. 11.0% of all crime in Carlisle is alcohol related, and 1 out of 3 (31.6%) of violent and sexual offences are alcohol related.

Alcohol misuse is an issue in the district with increasing rates of **alcohol specific mortality of females**; and **admitted to hospital episodes with alcohol related conditions**. Rates of alcohol related hospital admissions are above the national average.

Rates of **alcohol specific mortality of males** are falling and are below the England average, along with **alcohol specific admissions for under 18 year olds**.

There is a relationship between overall levels of crime, domestic violence and alcohol abuse. Incidents of alcohol related violence against a person are greatest in town centre areas and in particular in the wards of Castle and Currock, where there are also high levels of anti-social behaviour.

Throughout 2013-14, 849 service users came into contact with **Unity** (the provider of statutory drug and alcohol services in the county). Numbers of those accessing drug and alcohol services are increasing in Carlisle, and in particular those accessing the service for alcohol related issues. 38.3% of clients use the service for alcohol misuse while 61.7% use the service for drugs misuse. 81.5% of drug service users in Carlisle use heroin as their primary drug. The greatest proportion of service users are male and aged between 36-45 years; while 31% have a child or have children living with them. Drug dealing and drug crime, dependency on heroin and alcohol may cause users to commit crimes, by helping those with addictions may help to reduce levels of crime in the county and help to protect vulnerable children.

Reoffending

As of 1st June 2014 Cumbria Probation Trust merged with Lancashire Probation Trust to form the Cumbria & Lancashire Community Rehabilitation Company (CLCRC). The aim of CLCRC is to protect the public and to reduce reoffending.

As at 31st March 2014 there were 1,945 registered offenders in Cumbria, in the North and West (which includes Carlisle) there were 1,185 offenders. In the county, over a third (37.0%) of offenders are aged between 20-29 years, 28.7% are aged 30-39 years. 87% are male and 98% are of white origin. Violence accounts for one in three offences (33.7%), theft accounts for 10.9%. Over a three year period (up to 2013) actual rates of reoffending in Cumbria were below predicted rates. Over the same period, reoffending rates had fallen.

There are a series of factors which can contribute to someone offending which include housing issues, alcohol misuse, and the lack of opportunities through limited education or employment. Re-offending remains a priority in Cumbria and plans to help address re-offending are set out in the Police & Crime Commissioners Plan 2013 – 2017, restorative justice being one of them.

Domestic Violence

Throughout 2013-14 there were 1,503 domestic violence incidents in Carlisle, and 91 sexual offences. There has been a 1.1% increase in incidents of domestic violence, but a fall in the repeat victim rate. Numbers of sexual offences rose marginally from 89 to 91 (2.0%). Domestic violence is most common in areas where there are high levels of deprivation, high levels of unemployment, and greater numbers of households with low incomes. In addition to this, where there are high levels of domestic abuse there are high levels of child poverty. Castle ward had the greatest number of incidents of domestic violence in the district, followed by Upperby and Botcherby wards.

As expected, there is correlation between alcohol related crimes and domestic abuse, more than 1 out of 3 violent and sexual offences are alcohol related. Domestic abuse tends to take place in deprived urban areas, however, we must be mindful of hidden and unreported abuse in more affluent and more rural areas. Improving detection rates and access to services should be a priority.

Changes in welfare reform may have a significant impact on victims of domestic abuse. Not only could the reduction in benefits and household income add further financial pressure in the home but it is planned for a *household* to receive the one benefit (Universal Credit) and not an individual therefore allowing greater power to the offender and increasing the vulnerability of the victim. The government has pledged to support known cases however many victims and cases are hidden and remain unknown. Some welfare reform changes have already taken place but further reforms are planned up until 2017. Services may experience an increase in demand.

Anti social behaviour (ASB)

The Crime and Disorder Act (1998) definition of anti-social behaviour (ASB) defines ASB as follows: 'Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant).'

ASB can have a serious effect on an individual's quality of life and despite falling numbers of incidents it remains a continuing priority for Cumbria. ASB, particularly Youth ASB, can lead to further and more serious offending. Collaboration and restorative work with local partners and agencies can help to prevent this.

Throughout 2013-14 there were 6,309 incidents of ASB; and 1,054 incidents involving young people. ASB and Youth ASB continue to fall in the district, down by 11.2% and 30.5% (the second greatest fall in youth ASB across the county) respectively. Rates of ASB in the district are the second highest in the county. 16.2% of ASB is alcohol related.

ASB is most prevalent in town centres and areas with high levels of deprivation and unemployment. The greatest number of ASB incidents took place in Castle ward. Incidents were relatively high in the wards of Currock, Upperby, St. Aidan's and Denton Holme.

Incidents typically increase throughout the summer and holiday months and then fall again during the winter months. Support and activity should reflect these trends and should continue to focus on those months.

Reducing the number of incidents involving repeat offenders and repeat victims remain a priority for Cumbria Constabulary.

Crime

Levels of overall crime in Carlisle continue to fall, in the past year they have fallen by 0.1%, despite this the district has the second highest rate of crime overall across the county.

The district has the highest rates in the county of: theft of a motor vehicle; theft from a motor vehicle; business crime; and hate crime.

In the past year numbers of incidents have increased of: **theft of a motor vehicle** (1.0%); **violence against a person** (10.0%); and **criminal damage** (3.8%). Levels of criminal damage in the district are above the average for its most similar groups/forces (ranked 13 out of 15 – 15 being the worst).

Incidents in the following categories have fallen: **burglary dwelling** (14.0%); **burglary other** (3.2%); **theft from a motor vehicle** (23.0%); **drug crime** (13.5%); **business crime** (10.2%); and **alcohol related violence against a person** (8.5%).

The greatest levels of crime are typically in town/city centres. These areas tend to have high levels of anti-social behaviour and violence, business crime, shoplifting, and criminal damage. Typically there are high levels of deprivation and unemployment. Incidents of crime were highest in the Castle ward. Castle ward has the greatest number of incidents of shoplifting, business crime, anti-social behaviour and drug crime. Other hot spot areas within the district include Currock, Botcherby, Upperby and Denton Holme wards.

Crime in the district is typically committed by men aged 18-30 years; victims of crime in the district are typically female and aged 18-30 years.

The most significant change in crime was the increase in levels of **hate crime** (51.9%, from 54 incidents in the previous year to 82) It is worth noting that the aim of Cumbria Constabulary is to increase the reporting of hate incidents and crimes. The cause of the majority of hate crimes is racism, accounting for 69.5% across the county. Hate crime incidents tend to take place in and around town centres and are also linked to areas where there are greater proportions of black and ethnic minority groups and migrant workers. The increase in the number of hate crimes may not necessarily reflect an absolute increase in crimes as it could relate to improved reporting systems which are available online via multi agencies and organisations.

Killed and seriously injured

Throughout 2013, 35 people were killed or seriously injured on Carlisle's roads, a 13.0% decrease from the previous year. The greatest numbers of KSI s took place in the wards of Castle, Dalston and Stanwix Rural. In the most recent annual Public Consultation Survey speeding vehicles was the main area of concern for Carlisle's residents, followed by dangerous driving.

Deliberate Fires

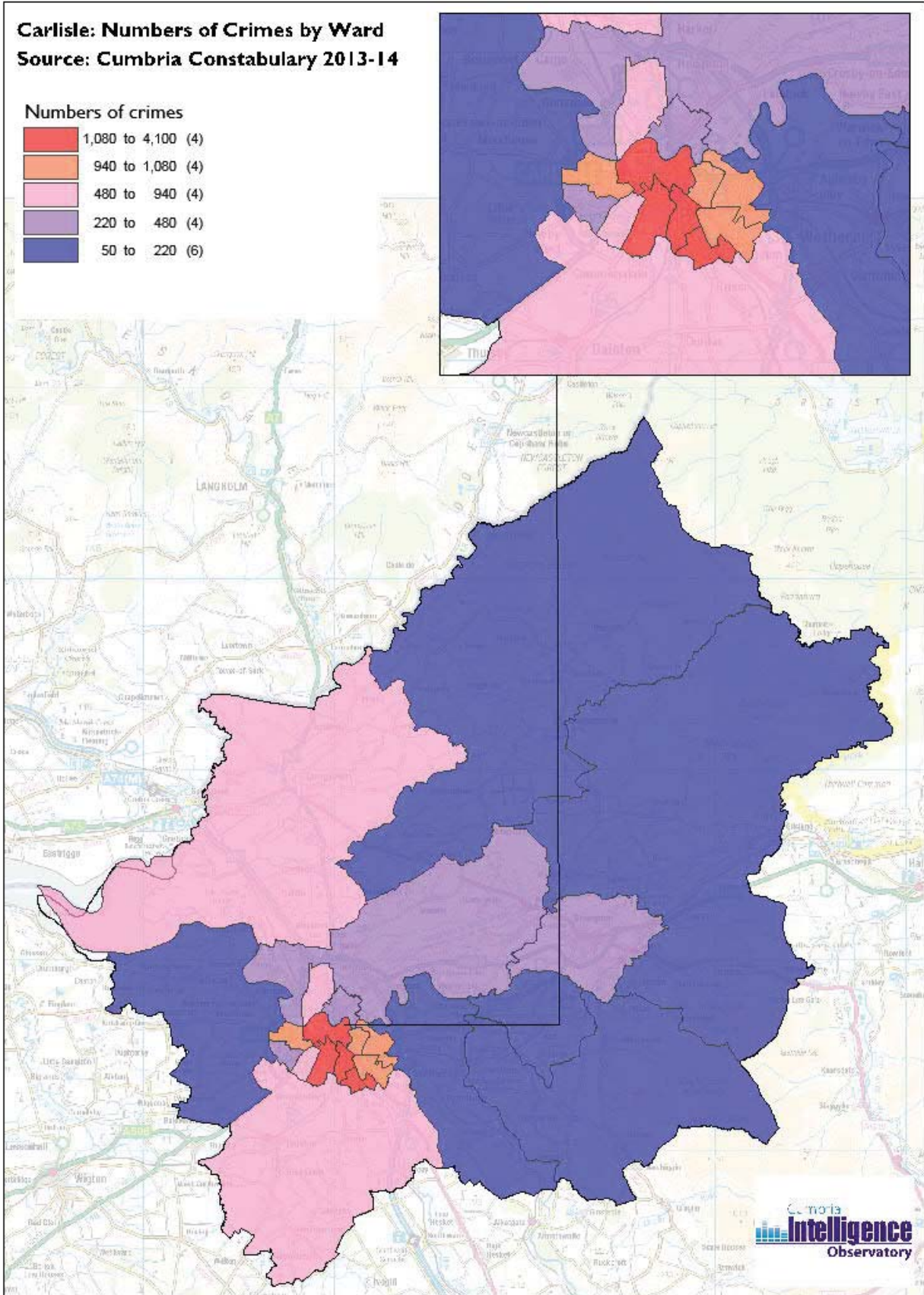
Throughout 2013-14 there were 123 deliberate fires in Carlisle. Numbers of incidents have fallen in the district in the past year (down by 12.8%) and have fallen over a three year period (45.1%). Deliberate fires tend to take place in urban areas, areas with high levels of deprivation and crime. Botcherby ward had the greatest number of incidents (23) in the district followed by Castle (12) and Dalston (12) wards.

STATISTICAL SUMMARY – CARLISLE

Indicator	Number	Rate	Trend (change from 2012/13 – 2013/14)
Total Crime (rate per 1,000 population) 2013/14	6,337	58.8	down
Anti-Social Behaviour (rate per 1,000 population) 2013/14	6,309	58.5	down
Anti-Social Behaviour involving young people (rate per 1,000 population) 2013/14	1,054	9.8	down
Burglary Dwelling (rate per 1,000 population) 2013/14	160	1.5	down
Burglary Other (rate per 1,000 population) 2013/14	422	3.9	down
Criminal Damage (rate per 1,000 population) 2013/14	1,288	11.9	up
Drug Crime (rate per 1,000 population) 2013/14	403	3.7	down
Violence Against the Person (rate per 1,000 population) 2013/14	1,247	11.6	up
Alcohol Related Offences Against the Person (rate per 1,000 population) 2013/14	407	3.8	down
Theft from a Motor Vehicle (rate per 1,000 population) 2013/14	244	2.3	down
Theft of a Motor Vehicle (rate per 1,000 population) 2013/14	100	0.9	up
Business Crime (rate per 1,000 population) 2013/14	1,443	13.4	down
Hate Crime (rate per 1,000 population) 2013/14	82	0.8	up
Domestic Violence (rate per 1,000 population) 2013/14	1,503	13.9	up
Sexual offences (rate per 1,000 population) 2013/14	91	0.8	up
Alcohol specific mortality: Males (all ages, DSR per 100,000) 2010-12	20	12.44	down
Alcohol specific mortality: Females (all ages, DSR per 100,000) 2010-12	11	6.51	up
Alcohol specific hospital admissions – under 18 year olds (persons, crude rate per 100,000) 2010/11-2012/13	28	44.65	down
Admitted to hospital episodes with alcohol related conditions (broad) (all ages, DSR per 100,000) 2012/13	2,745.07	2533.59	up
Alcohol related recorded crimes (persons, all ages, crude rate per 1,000) 2012/13	519.43	4.83	down
Alcohol related violent crimes (persons, all ages, crude rate per 1,000) 2012/13	420.69	3.91	down
Killed or Seriously Injured (rate per 1,000) 2013	35	0.3	down
Deliberate Fire Incidents (rate per 1,000) 2013/14	123	1.1	down

(DSR: Directly Standardised Rate)

MAP 1: Numbers of Crimes by Wards in Carlisle



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Report to Executive

Agenda
Item:

A.5

Meeting Date: 27th July 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: LE21/15

Purpose / Summary:

This report presents the revised 2015 Contaminated Land Strategy. The Strategy incorporates the Hardship Policy (Appendix 1 of the Strategy) in relation to contaminated land. The Strategy and the Hardship Policy were reviewed at Overview and Scrutiny on the 25th of June 2015. Prior to Overview and Scrutiny the Hardship Policy was reviewed and amended by Legal. The Overview and Scrutiny Panel accepted these amendments.

The Strategy and Hardship Policy has also been circulated to appropriate officers in Planning , Local Environment and Legal for comments. Any comments received have been included in this report, and amendments made to the strategy as appropriate..

Recommendations:

The Executive is asked to:

Agree the priorities of the Contaminated Land Strategy 2015 and the Cost Recovery and Hardship Policy (Appendix 1 pages 52 to 61) as amended (amendments attached).
Adopt the Hardship Policy and create a Panel as outlined in the Hardship Policy.
Agree the changes to the Strategy namely the portfolio value changed from £270 million to £119 Million.

Tracking

Executive:	27 th July 2015
Overview and Scrutiny:	25th June 2015
Council:	N/A

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. When land has been identified as contaminated it is legally called “determined.” Once determined, Carlisle City Council has a duty to serve a Remediation Notice on the person responsible for the contamination or, where they cannot 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 is required to set 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:
1. To update, and adopt (after consultation) the revised Contaminated Land Strategy, and the Cost Recovery and Hardship Policy which details how Carlisle City Council, will deal with landowners who do not have sufficient funds.
 2. To ensure that investigations are concentrated on areas of land where there is the greatest risk of a contaminant linkage (contaminant, pathway, receptor) being present.
 3. 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.
 4. 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.
 5. To encourage, where practicable, redevelopment of brown field sites within Carlisle City Councils area.
 6. To ensure that procedures are in place for the open provision of information to the public, developers and any other interested parties.
 7. 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.
 8. To encourage voluntary remediation of contaminated land, either through Part 2A or the planning system.

3. CONSULTATION

The Strategy and the Hardship Policy was circulated to Planning and Economic Development, Legal/Property Services, Green Spaces, Car Parking and Policy and Performance.

The following observations were made.....

Legal made changes to the Hardship Policy, a copy of the changes made is attached to the report. These changes are shown in red, and have now been incorporated in the final document.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 4.1 **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 – 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.

There will be a variety of regulatory, commercial, financial, legal and social factors, which also affect how particular contaminated land issues should be addressed. The

Council also recognises that, as with its approach to local government in general, it is important that decisions about contaminated land are defensible and transparent.

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 and would form part of budget considerations. The base budgets in both capital and revenue do not currently include any provision for contaminated land costs.

Appendix 1

~~Carlisle City Council~~The 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~~ the Council ("the Council") has a duty to inspect and identify Contaminated land within the ~~city-council's~~ area. Once sites have been investigated and determined as Contaminated land, ~~Carlisle City Council~~ the 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~~ the Council to adopt a formal Cost Recovery and Hardship Policy ~~in order to. The Policy will~~ provide a framework for ~~Carlisle City Council~~ it to apply when recovering costs for remediation. ~~Carlisle City Council~~ The Council should seek to promote fairness, transparency and consistency when determining financial responsibility for remediation of contaminated land and prevent any hardship ~~as the result of~~ any decision ~~Carlisle City Council~~ the Council makes in future.

2. Statutory Context

2.1 Part 2A of the Environmental Protection Act 1990 (the Act) gives ~~Carlisle City Council~~ the 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~~the Council.
- 2.8 This policy details the manner in which ~~Carlisle City Council~~the 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~~the 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~~The 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~~the 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~~the 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~~the 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~~the Council. When making decisions on cost recovery, ~~Carlisle City Council~~the Council should consider all relevant information provided by appropriate person(s). In addition ~~Carlisle City Council~~the 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~~the 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~~The 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~~the 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~~the 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~~The 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~~The 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~~The 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~~the 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~~the Council's cost recovery to be waived or reduced by virtue of this section, ~~Carlisle City Council~~the 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~~the 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~~the 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~~the 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~~The 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~~the Council should consider waiving or reducing its costs recovery if the person satisfies ~~Carlisle City Council~~The 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~~the 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~~the Council's costs

17.1 In each case where ~~Carlisle City Council~~the Council has used public funds to remediate land in its area a decision will be taken by ~~Carlisle City Council~~the Council acting through its Cost Recovery and Hardship Panel to which authority is hereby delegated as specified in section 18 of this Policy - 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~~The Council will also consider how payment to ~~Carlisle City Council~~it should be made. This could for example take the form of payment within a fixed period of the full amount, payment by instalments 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~~the 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. Cost Recovery and Hardship Panel ("the Panel")

~~The~~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 Director~~ of Local Environment (or her/his nominated representative.)
- The ~~pPortfolio hHolder effer~~ Local Environment
- ~~Head of Finance~~Director of Resources (or his/her nominated representative.)
- Portfolio ~~hHolder effer~~ Finance, Governance or Resources
- ~~Section 151 officer~~

In addition to the above Ward members may also make representations. Panel can receive technical support and advice from the Environmental Quality Team and/or an appropriately qualified valuer.

18.2 In the situation where one of the elected Members has a conflict of interest (other than a disclosable pecuniary interest¹) 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~~ circumstances whereby an Executive Member is unable to participate in the Panel another Executive member may~~could take then sit on the Panel~~take their place for that particular hearing/matter.

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 Quality Team
- 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~~the Panel may ask for:

- The value of the land on the open market [(~~Carlisle City Council~~the Panel 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 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];

¹ If any Member has a DPI then they may not participate in the meeting (other than when a member of the public has a right to speak). Advice should be sought from the Monitoring Officer or Deputy Monitoring Officer.

- 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-said individual's~~ other assets/savings;
- Where the land is owned by an individual details of the ~~said individual's person's~~ debts and income;
- Where the land is owned and occupied by an individual details of the ~~said individual's 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 ~~personApplicant~~ and the ability of the ~~said individualperson~~ to raise finance against the assets
- Whether the ~~person-Applicant~~ 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-Applicant~~ 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-Applicant~~ 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 18.4—The Applicant for relief may make representations to the Panel and the Panel may also receive advice and guidance from relevant Council officers or other appointed experts.

18.5 The Panel may make its determination based on written representations or it may hold a hearing. Any hearing will be inquisitorial rather than adversarial and have the objective of finding out sufficient facts for the Panel to make its judgement.

18.6 Once the Panel considers that it has sufficient information to make a decision it may determine:

18.6.1 to recover a specified amount of costs (which may be the full amount or such lesser amount as the Panel determine appropriate) and whether they are payable:

18.6.1.1 In full by a specified date or

18.6.1.2 By instalments

18.6.2 to register a charge against the property pursuant to section 78P of the Environmental Protection Act 1990.

18.6.3 to issue a Charging Notice pursuant to section 78P of the Environmental Protection Act 1990.

18.6.4 to forego the recovery of relevant funds.

18.6.5 the reasonable rate of interest to be set for the purposes of section 78P (4) of the Environmental Protection Act 1990 be set at a specified amount.

~~18.4~~18.7 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~~the Council in writing within 21 days of the date of the decision document. The Appeal should be sent to the Director of Governance at the Civic Centre, Carlisle, CA3 8QG.

18.6 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 ~~p~~Appeal 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. Note that this appeal process does not affect any persons right of appeal to the County Court in accordance with section 78P (8) of the Environmental Protection Act 1990~~

Contaminated Land Strategy



Carlisle City Council
APRIL 2015

CONTAMINATED LAND STRATEGY

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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.

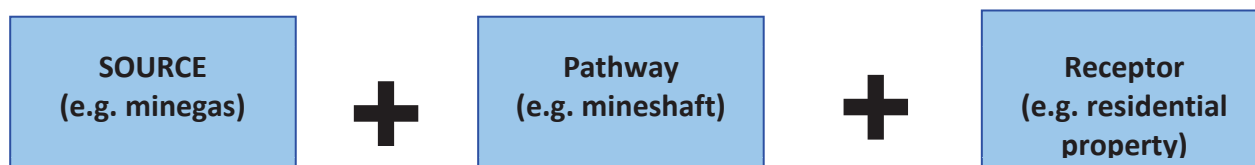
Under Part 2A, each Local Authority must prepare, adopt and publish a strategy which explains how it carries out this duty. Carlisle City Council published its first Contaminated Land Inspection Strategy in July 2001, with a revision in 2009. In April 2012, new Statutory Guidance on contaminated land 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 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.

2.6 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

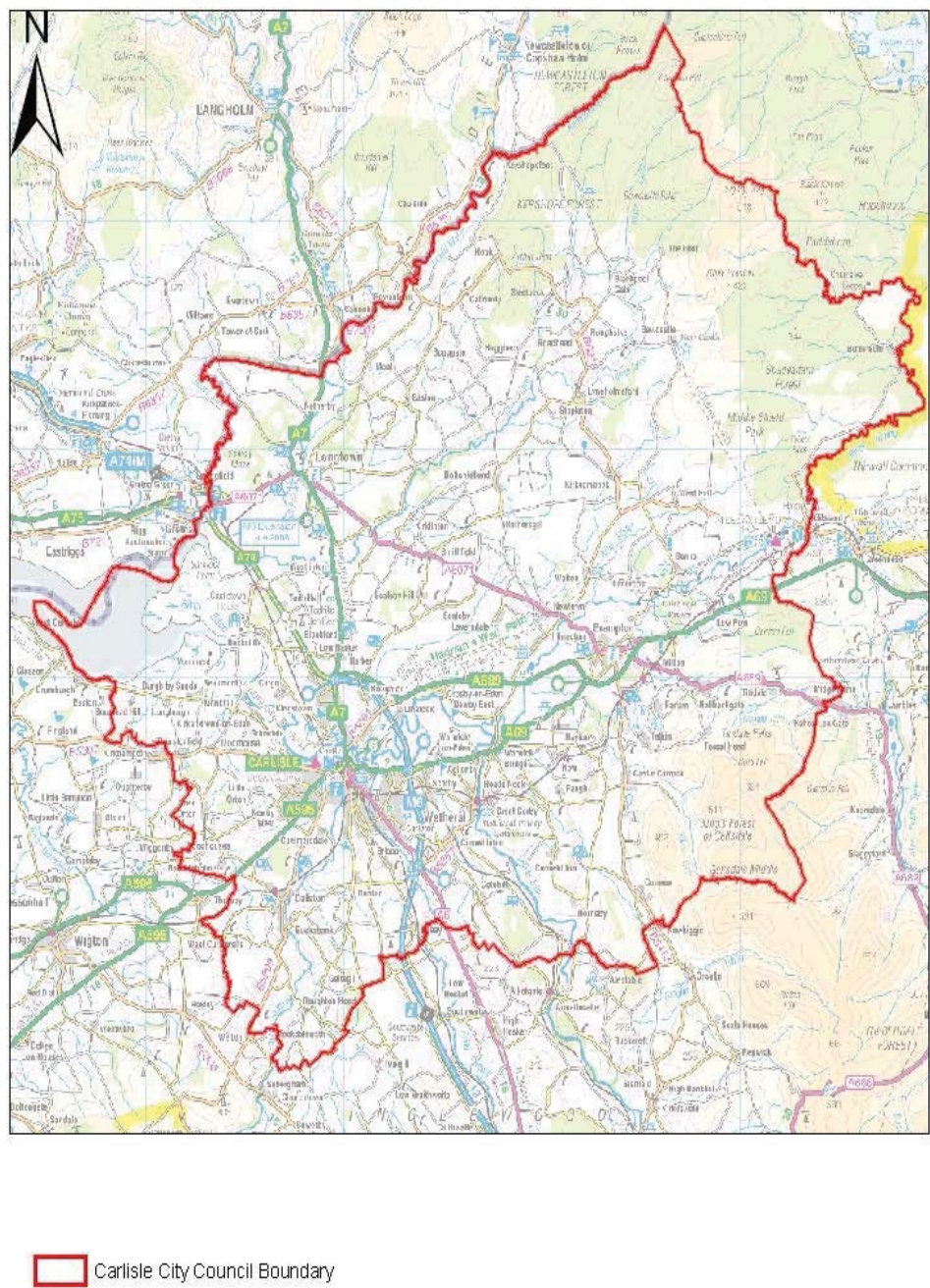
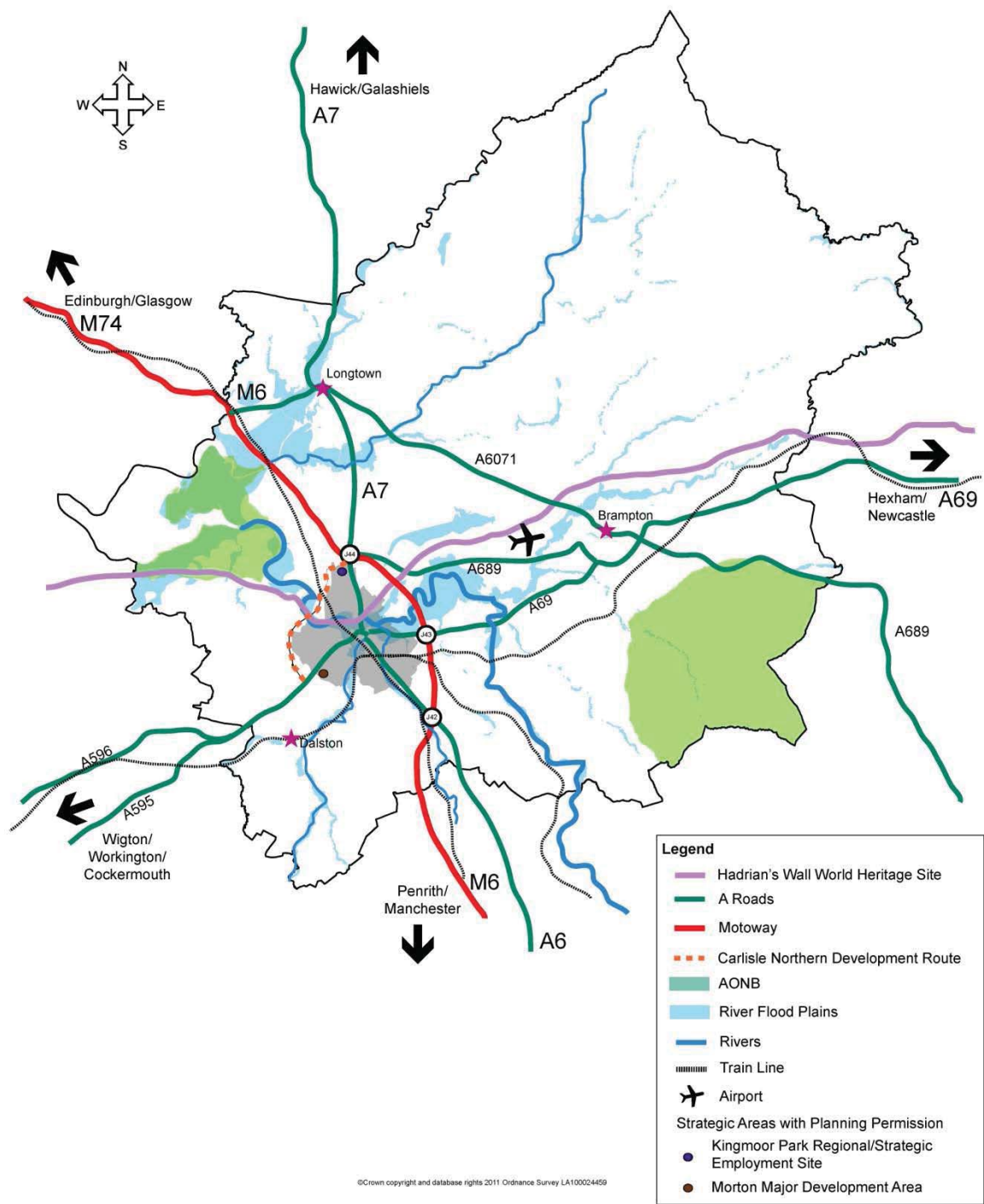


Figure 2

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 £119 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

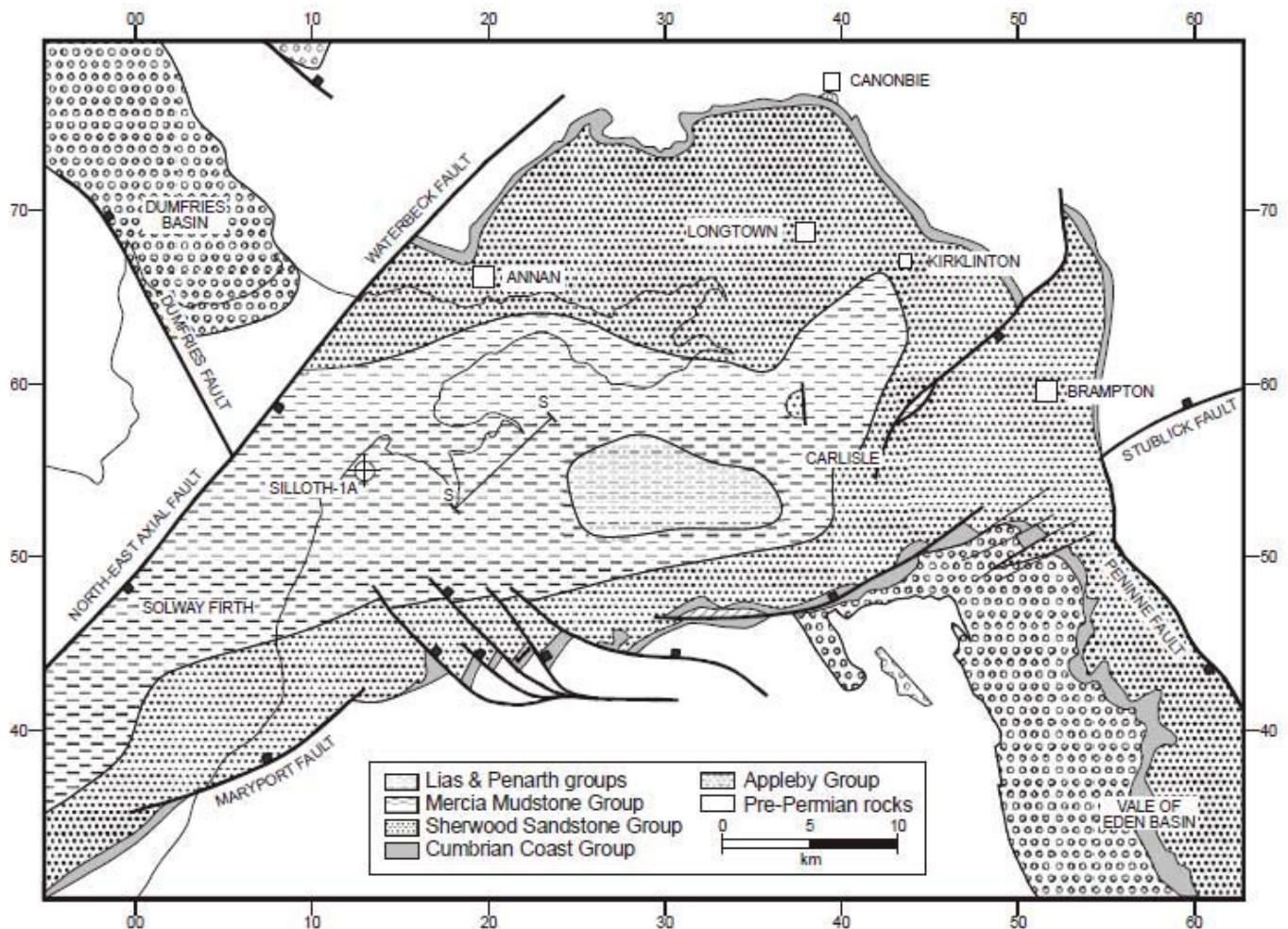


Figure 3

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.

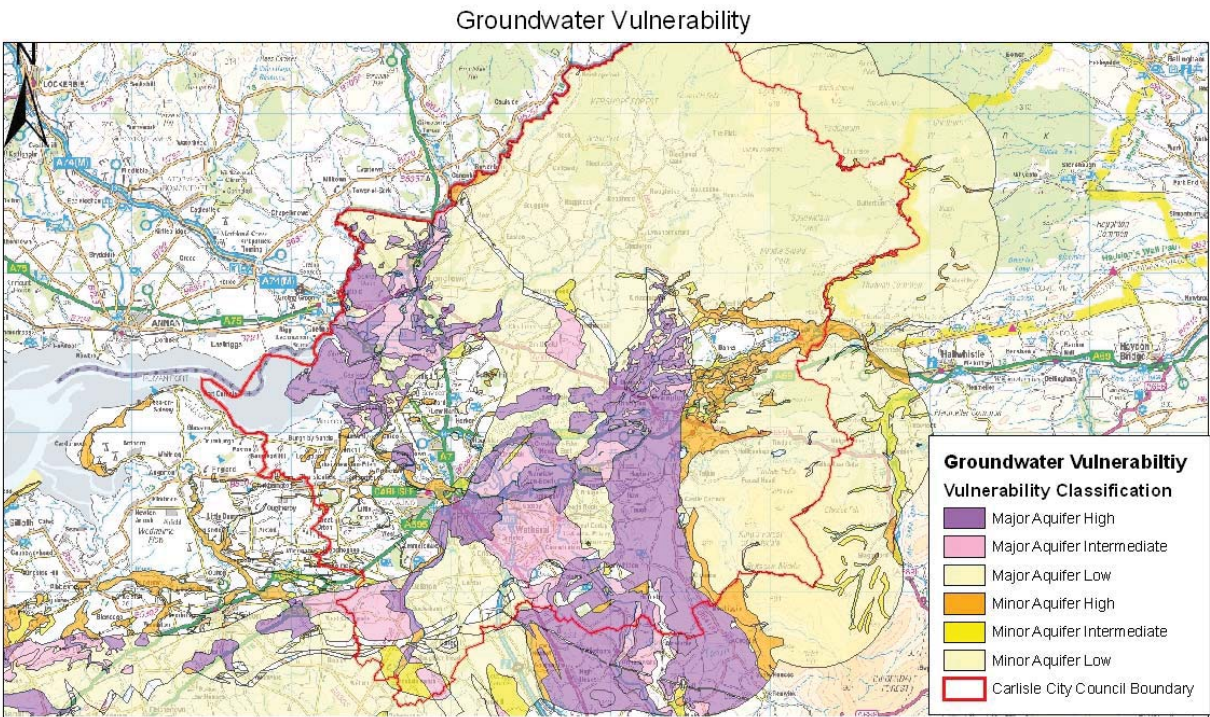
2.13 KEY WATER RESOURCE/PROTECTION ISSUES

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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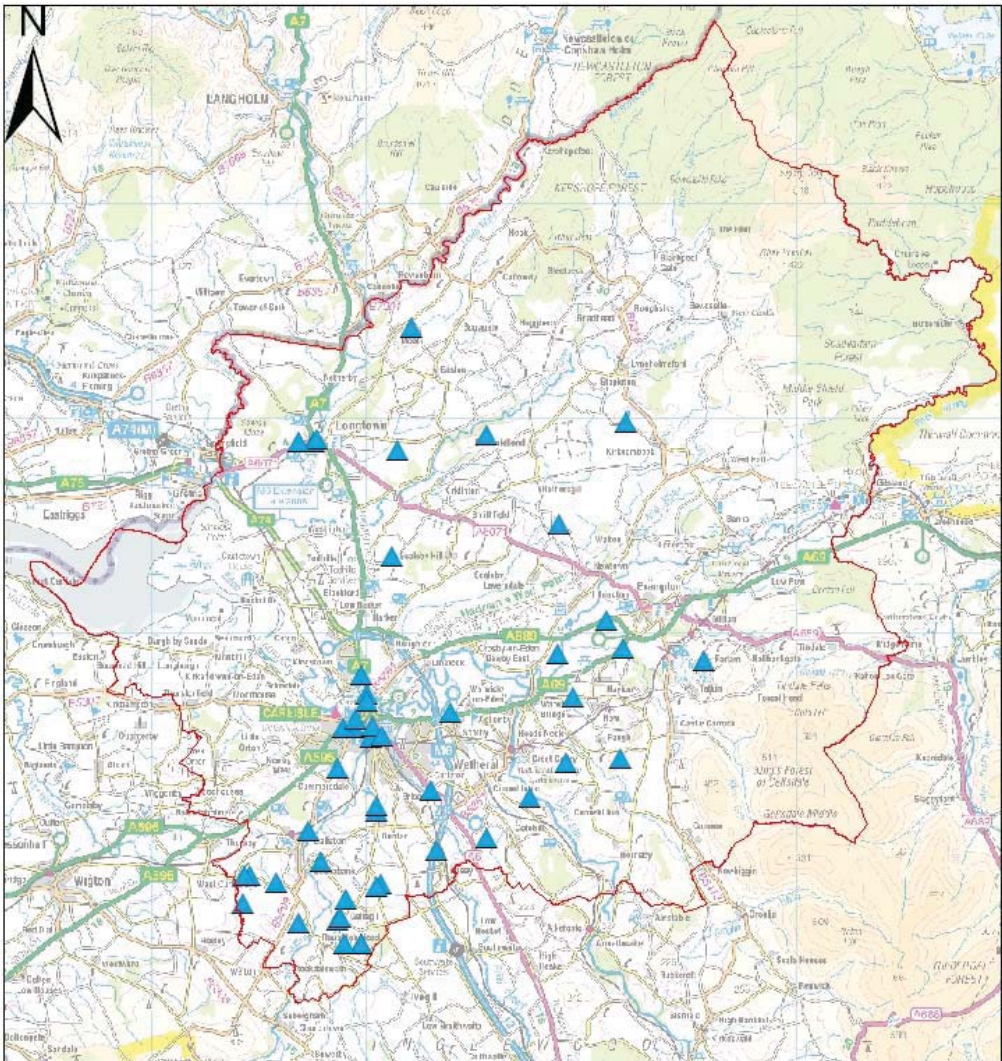
CARLISLE
CITY COUNCIL

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.

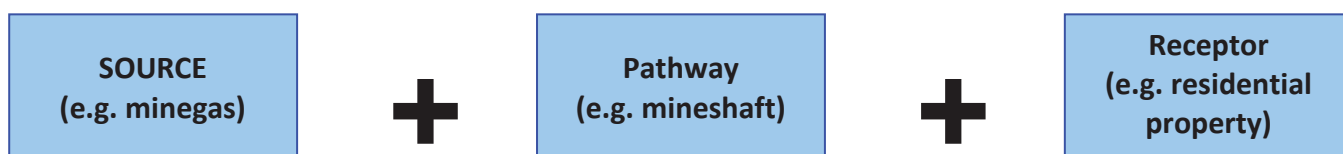
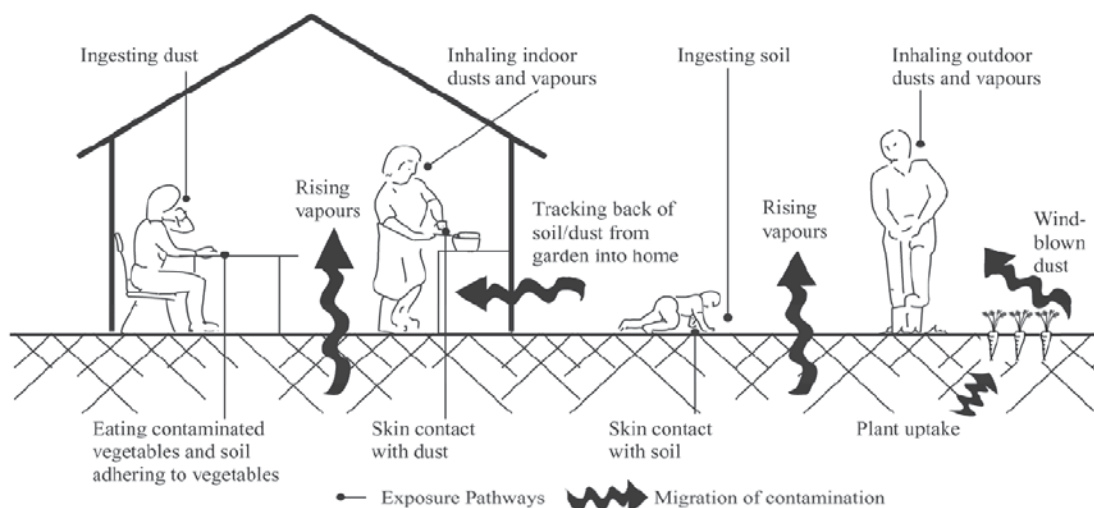


Figure 6: Illustration of Potential Exposure Pathways



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

4.2 Risk Assessment

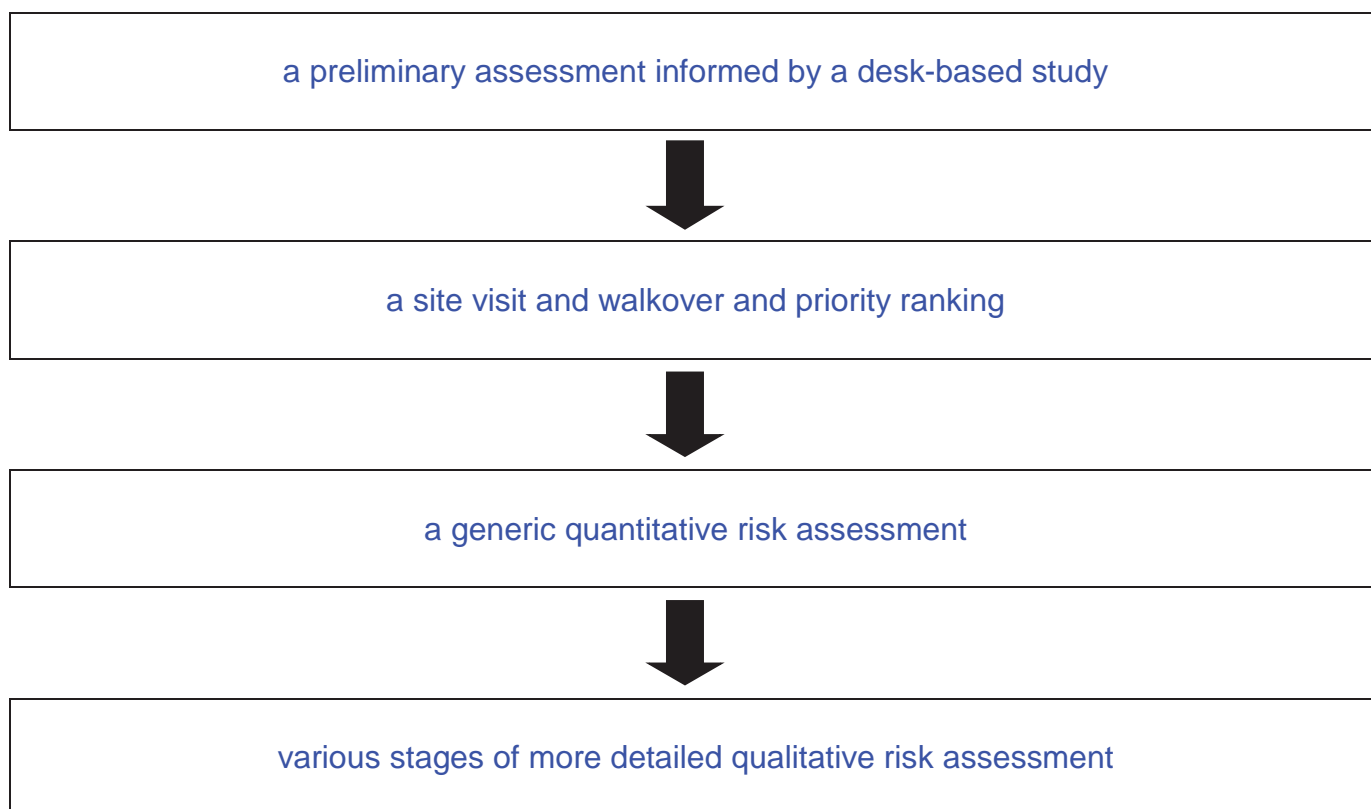
The definition of contaminated land reflects the 'suitable for use' approach and, as previously stated, is underpinned by the principles of risk assessment. Risk is taken to mean the combination of:

- 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

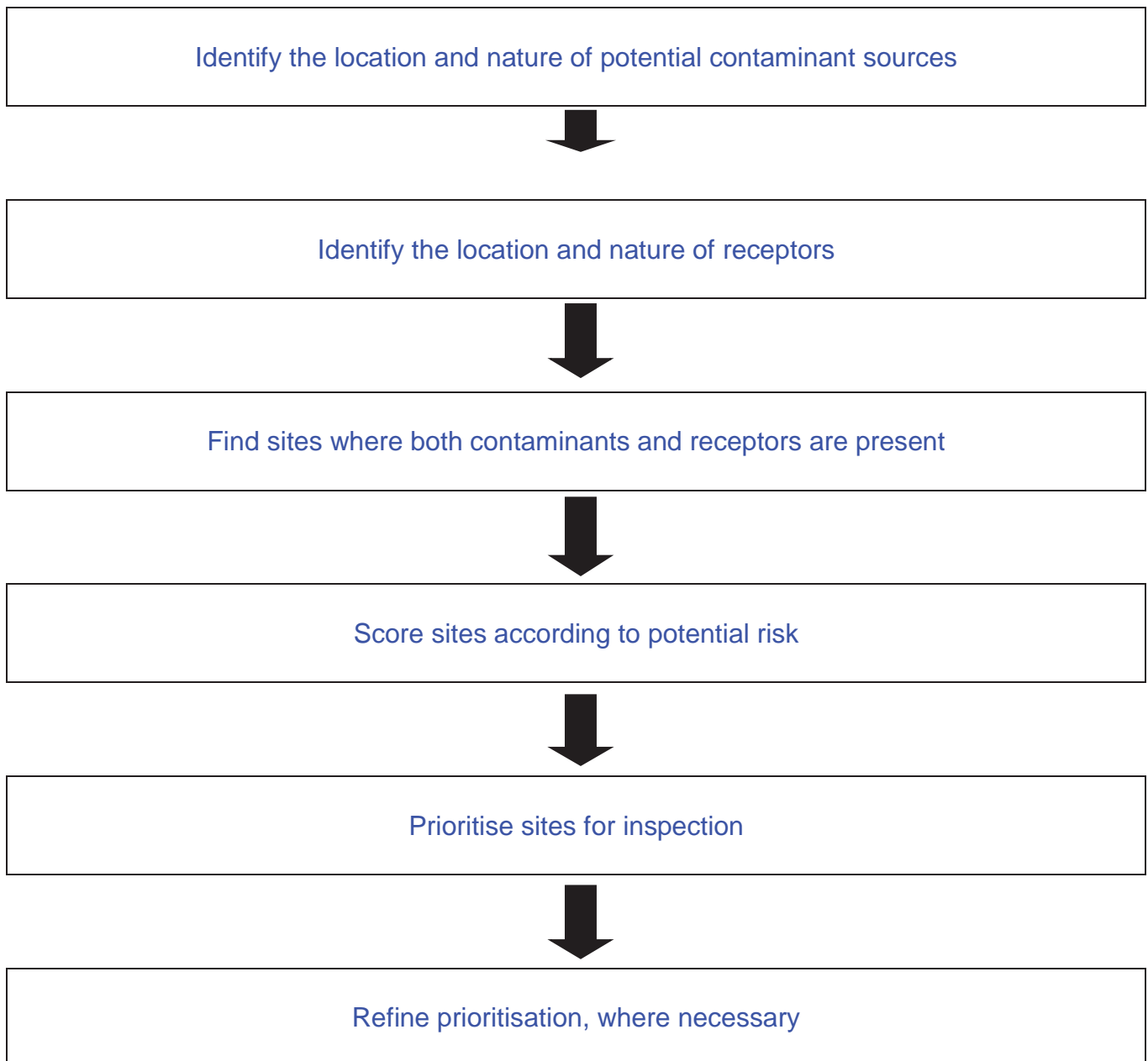
Carlisle City Council has used various sources of information in order to identify potentially contaminated land within the Carlisle City Councils area:

- '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 EA section. 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

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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.

The 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 (“the Council”) has a duty to inspect and identify Contaminated land within the council’s area. Once sites have been investigated and determined as Contaminated land, the Council has a duty to serve a remediation notice on the appropriate person(s) specifying what they are to do by way of remediation. Statutory Guidance requires the Council to adopt a formal Cost Recovery and Hardship Policy in order to provide a framework for it to apply when recovering costs for remediation. The Council should seek to promote fairness, transparency and consistency when determining financial responsibility for remediation of contaminated land and prevent any hardship as the result of any decision the Council makes in future.

2. Statutory Context

2.1 Part 2A of the Environmental Protection Act 1990 (the Act) gives the 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 the Council.

2.8 This policy details the manner in which the 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, the 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.
- The 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 the 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, the 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 the 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 instalments (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 the Council.

When making decisions on cost recovery, the Council should consider all relevant information provided by appropriate person(s). In addition the 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 the 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 The 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 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, the 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 the 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 The 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 The 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 The 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 the 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 the Council's cost recovery to be waived or reduced by virtue of this section, the 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. the 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, the 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 (this only applies if the remediated value of the land is less than the cost of the remediation).

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, the 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 The 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, the Council should consider waiving or reducing its costs recovery if the person satisfies The 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, the 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 the Council's costs

- 17.1 In each case where the Council has used public funds to remediate land in its area a decision will be taken by the Council acting through its Cost Recovery and Hardship Panel to which authority is hereby delegated as specified in section 18 of this Policy) - 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 The Council will also consider how payment to it should be made. This could for example take the form of payment within a fixed period of the full amount, payment by instalments or by attaching a charge to the property so that it is recovered when the property is first sold. In the latter case, the 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. Cost Recovery and Hardship Panel (“the Panel”)

The Panel will consider cost recovery associated with remediation of contaminated land.

- 18.1 The Panel will consist of:

- The Director of Local Environment (or her/his nominated representative.)
- The Portfolio Holder for Local Environment
- Director of Resources (or his/her nominated representative.)
- Portfolio Holder for Finance, Governance or Resources

In addition to the above Ward members may also make representations. Panel can receive technical support and advice from the Environmental Quality Team and/or an appropriately qualified valuer.

- 18.2 In the situation where one of the elected Members has a conflict of interest (other than a disclosable pecuniary interest¹) he/she should not be part of the panel but can still make representations. In circumstances whereby an Executive Member is unable to participate in the Panel another Executive member may take their place for that particular hearing/matter.

- 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 Quality Team
- 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 the Panel may ask for:

- The value of the land on the open market [(the Panel 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 the Council;

The amount of debt secured on the land, a recent mortgage statement will be required;

- Whether the land is held for investment ;

¹ If any Member has a DPI then they may not participate in the meeting (other than when a member of the public has a right to speak). Advice should be sought from the Monitoring Officer or Deputy Monitoring Officer.

- 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 said individual's other assets/savings;
- Where the land is owned by an individual details of the said individual's debts and income;
- Where the land is owned and occupied by an individual details of the said individual's 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 Applicant and the ability of the said individual to raise finance against the assets
- Whether the Applicant 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 Applicant 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 Applicant 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 Applicant for relief may make representations to the Panel and the Panel may also receive advice and guidance from relevant Council officers or other appointed experts.

18.5 The Panel may make its determination based on written representations or it may hold a hearing. Any hearing will be inquisitorial rather than adversarial and have the objective of finding out sufficient facts for the Panel to make its judgement.

18.6 Once the Panel considers that it has sufficient information to make a decision it may determine:

- 18.6.1 to recover a specified amount of costs (which may be the full amount or such lesser amount as the Panel determine appropriate) and whether they are payable:
 - 18.6.1.1 In full by a specified date or
 - 18.6.1.2 By instalments
 - 18.6.2 to register a charge against the property pursuant to section 78P of the Environmental Protection Act 1990.
 - 18.6.3 to issue a Charging Notice pursuant to section 78P of the Environmental Protection Act 1990.
 - 18.6.4 to forego the recovery of relevant funds.
 - 18.6.5 the reasonable rate of interest to be set for the purposes of section 78P (4) of the Environmental Protection Act 1990 be set at a specified amount.
- 18.7 The 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 the Council in writing within 21 days of the date of the decision document. The Appeal should be sent to the Director of Governance at the Civic Centre, Carlisle, CA3 8QG.
- 18.6 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 Appeal Panel. (In The Council's Constitution) Note that this appeal process does not affect any persons right of appeal to the County Court in accordance with section 78P (8) of the Environmental Protection Act 1990.

Development of Potentially Contaminated Land and Sensitive End Uses

An Essential Guide for Developers



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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

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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
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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:

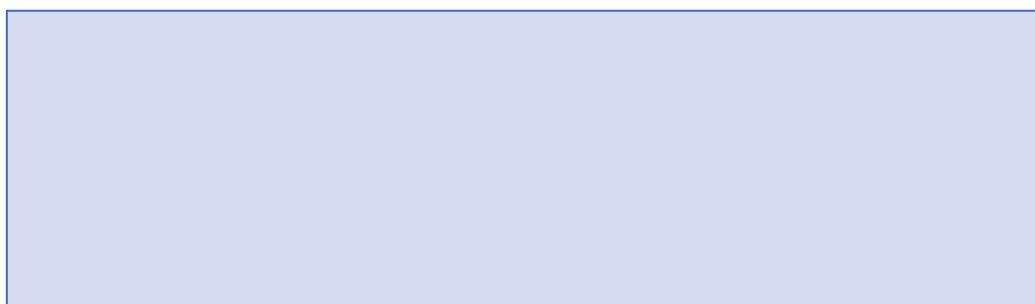
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising 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)? DD/MM/YYYY
(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)

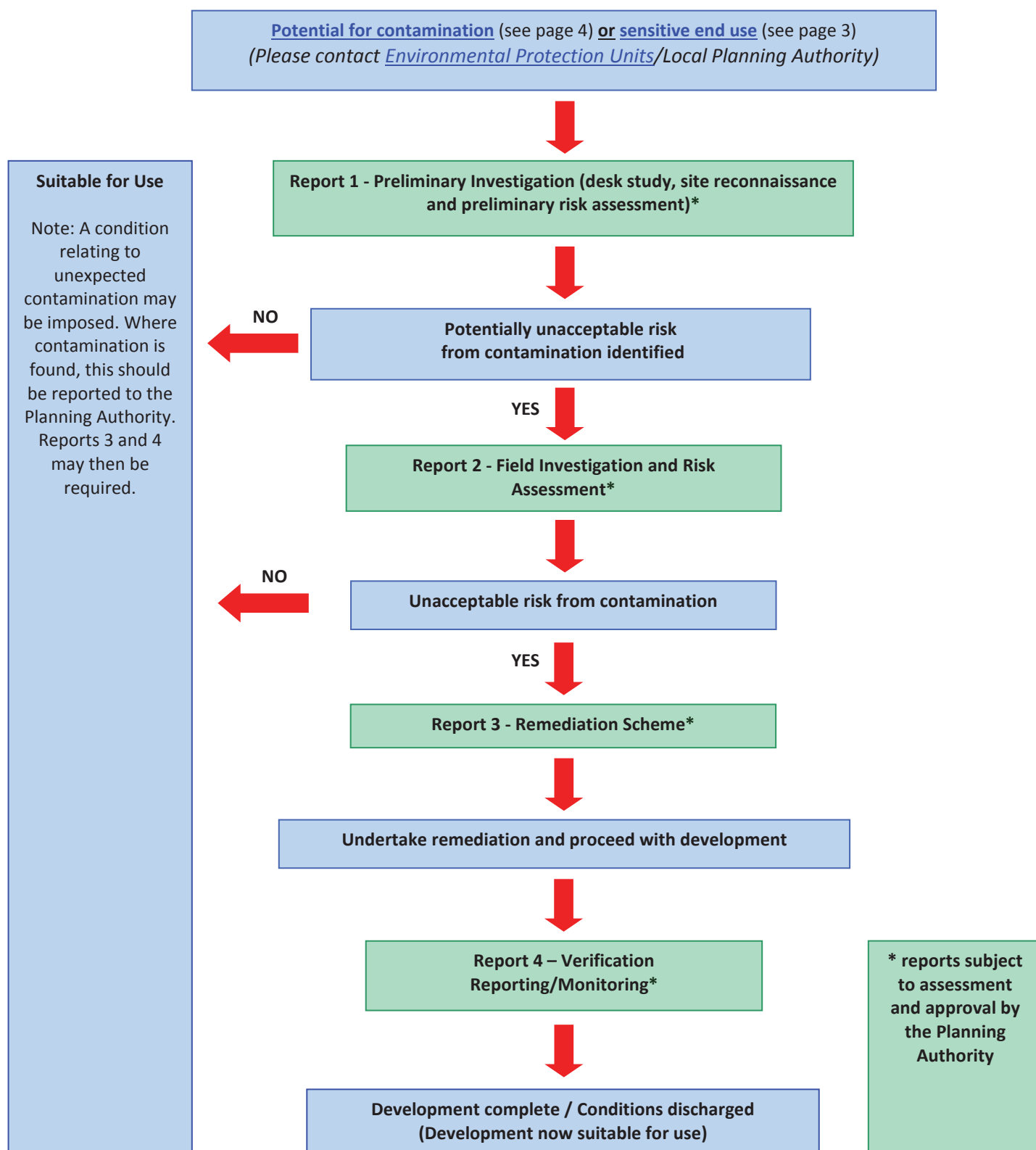
Undeveloped sites may still be contaminated - it is not restricted to brownfield sites. Please state if the proposed use is sensitive. (see page 3)

Reports 1, 2 and 3, (see page 7) where required, should be provided. Please state the application. However, it is understood that permission for some development 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.

The **Model Procedures for the Management of Land Contamination (CLR11)** explains the risk assessment procedure when dealing with potentially contaminated land; it is recommended that a tiered approach be adopted and investigations should be undertaken in accordance with **BS10175 (2011) Investigation of Potentially Contaminated Sites – Code of Practice** ([available here](#)). This flow chart outlines how this process interacts with the planning regime.



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)*.

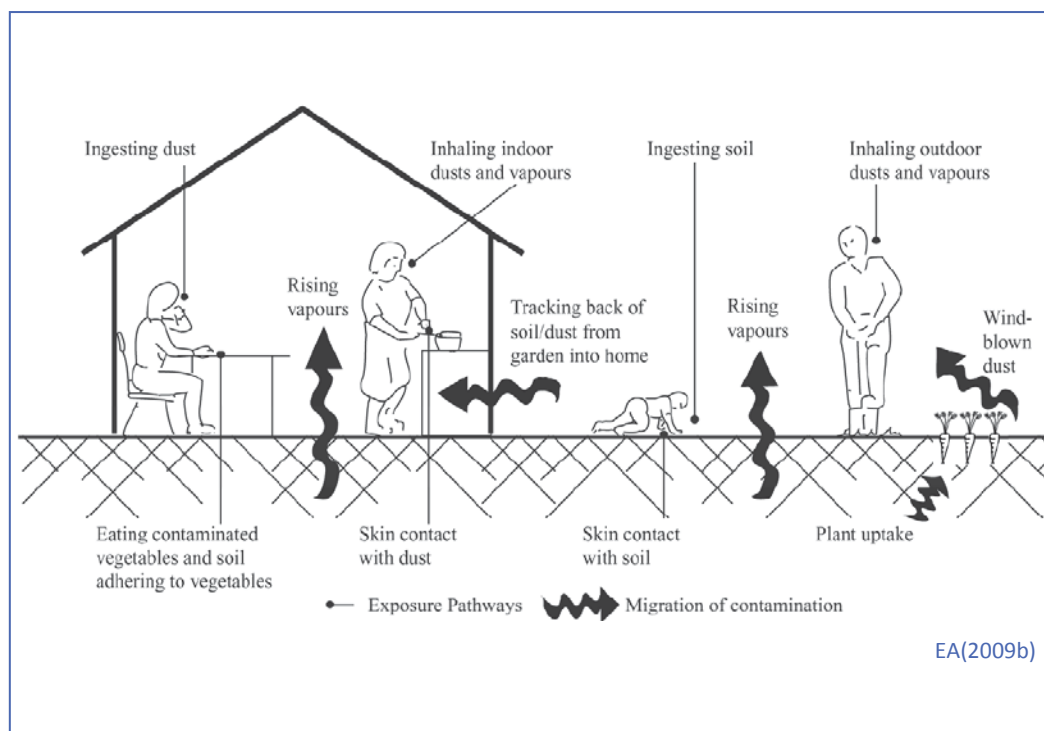
The approach to undertaking a Preliminary Investigation is provided in BS 10175, section 10.2. Guidance on carrying out the formal risk assessment and interpretation of the information is provided in CLR11.

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.

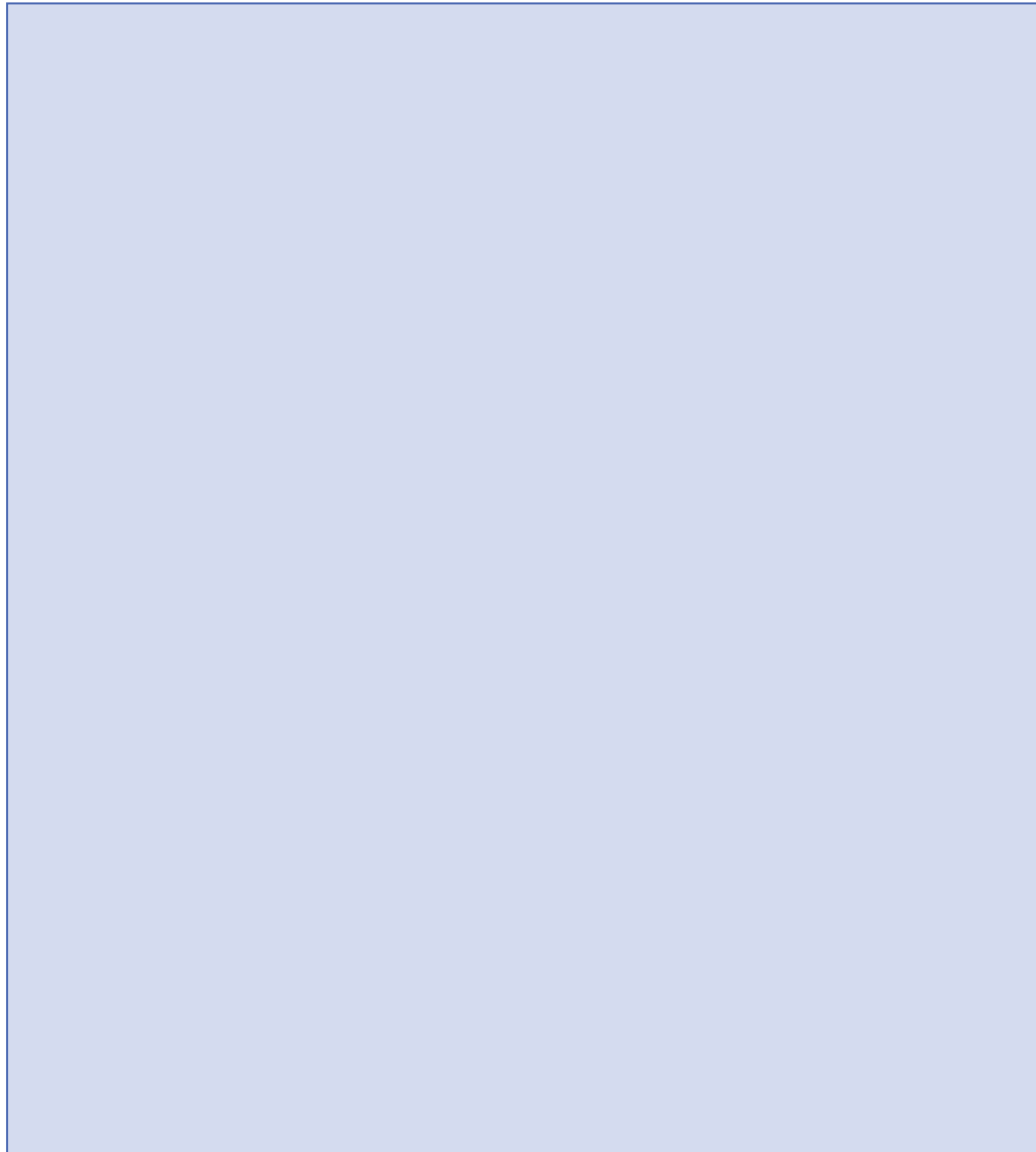


The CSM is based on information from a desk study and site walkover. The desk study involves a detailed search of historic maps, aerial photographs and both current and historic records to identify potential contaminative uses of the land and adjacent areas. A site walkover is necessary to observe the 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>

References

- British Standards Institution (2011) BS 10175:2011: Investigation of Potentially Contaminated Sites – Code of Practice. London: BSI
Online: <http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030205349>
- 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 (2009) The VOC Handbook. London: Ciria
- CIRIA (2007) C665 Assessing risks posed by hazardous ground gases to buildings. London: Ciria
- CLAIRE/CIEH (2008) Guidance on Comparing Soil Contamination Data with a Critical Concentration. London: CIEH
Online: http://www.cieh.org/uploadedFiles/Core/Policy/Publications_and_information_services/Policy_publications/Publications/Statistics_guidance_contaminated_2008.pdf
- DEFRA (2012) Contaminated Land Statutory Guidance. London: HM Government
Online: <http://www.defra.gov.uk/publications/files/pb13735cont-land-guidance.pdf>
- Department for Communities and Local Government (DCLG) (2012) National Planning Policy Framework. London: DCLG
Online: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
- Department of the Environment (1995) DoE Industry Profiles. EA.
Online: <http://www.environment-agency.gov.uk/research/planning/33708.aspx>
- EA(2010) Verification of remediation of land Contamination. EA
Online: <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>
- EA(2010) Guiding Principles on Land Contamination
Online: <http://publications.environment-agency.gov.uk/pdf/GEHO1109BRGY-e-e.pdf>
- EA(2009a) Human Health Toxicological Assessment of Contaminants in Soil. Bristol: EA
Online: http://www.grdp.org/static/documents/Research/TOX_guidance_report_-_final.pdf
- EA(2009b) Updated Technical Background to the CLEA Model. Bristol: EA
Online: http://www.grdp.org/static/documents/Research/CLEA_Report_-_final.pdf
- 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

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.

EXCERPT FROM THE MINUTES OF THE ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL HELD ON 25 JUNE 2015

EEOSP.34/15 CONTAMINATED LAND STRATEGY (COST RECOVERY AND HARDSHIP POLICY)

The Environment and Transport Portfolio Holder complimented staff on the interesting, informative and well written report. The Panel agreed that the report was extremely well written and thanked officers involved.

The Principal Environmental Health Officer submitted report LE.14/15 presenting the revised 2015 Contaminated Land Strategy.

The Principal Environmental Health Officer summarised the background position, commenting that the Strategy set out a plan for how Carlisle City Council would approach land contamination, including the adoption of a Cost Recovery and Hardship Policy.

The Strategy proposed a number of priorities for the Council including a Cost Recovery and Hardship Policy and to ensure that investigations were concentrated on areas of land where there was the greatest risk of contaminant linkage (contaminant, pathway, receptor) being present. The full list of priorities was included in section 2.3 of the report.

The Principal Environmental Health Officer reported that the City Council should make an initial identification of persons who may be responsible for the remediation actions. The authority would look first for the persons who caused or knowingly permitted the contamination deemed as a Class A persons. If the pollution was historical, the original polluter may not be in existence, in this case the City Council would usually seek to identify the owners or occupiers of the land deemed as Class B persons. The Hardship Policy which was attached to the report detailed how the City Council would deal with landowners who did not have sufficient funds for the remedial work.

The Director of Governance asked the Panel to consider the membership and terms of reference of the Hardship Panel. The Panel would consist of the Director of Local Environment, Head of Finance, Portfolio Holders for Environment and Transport and Finance, Governance and Resources and the Section 151 Officer.

Any application to the Hardship Panel had a right of appeal. The Director of Governance highlighted an amendment to the appeals process set out at 18.5 of the report which would be submitted to the Executive for approval. Any appeals received would be considered by the Council's constituted Members Appeals Panel.

The Executive had considered the report at their meeting held on 1 June 2015 (EX.46/15 refers) and decided:

“1. That the Executive had considered:

- The priorities of the Contaminated Land Strategy 2015 outlined in section 2.3 of Report LE.04/15.
- 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.

2. Referred the Strategy to the Environment and Economy Overview and Scrutiny Panel for consideration.”

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

- What did the authority do to prevent contamination in new developments?

The Principal Environmental Health Officer explained that the Contaminated Land Strategy was for historic contamination. The City Council worked closely with partners, other organisations and developers when decisions are being taken regarding new developments. She added that new contamination was dealt with through separate legislation.

- Was there guidance on the terms ‘serious pollution’ and ‘imminent danger’?

The Principal Environmental Health Officer responded that there was guidance to determine what was serious or imminent danger.

- How was the source of the contamination identified?

The Principal Environmental Health Officer responded that when contaminated land was being investigated officers looked at the previous use of the land. Borehole testing would be carried out and samples would be analysed to determine the contamination.

- The Panel asked for assurance that the document would receive the appropriate positive press coverage.

The Director of Local Environment responded that an article would be included in the internal newsletter ‘In the Loop’ and included in the external newsletter ‘@Carlisle Focus’.

RESOLVED – 1) That report LE.14/15, Contaminated Land Strategy (Cost Recovery and Hardship Policy) be noted;

2) That the amendments made to the appeal process be welcomed and noted.

Report to Executive

Agenda
Item:

A.6

Meeting Date: 27th July 2015
Portfolio: Culture, Leisure and Young People
Key Decision: Yes: Recorded in the Notice Ref:KD
Within Policy and Budget Framework NO
Public / Private Public

Title: TENNIS FACILITIES DEVELOPMENT
Report of: The Deputy Chief Executive
Report Number: SD12/15

Purpose / Summary:

This report seeks approval to extend the capital programme by £497,000 in order to deliver enhanced all weather tennis facilities at Bitts Park. The capital costs would be met in part via £400,000 grant funding from the Lawn Tennis Association with the remaining £97,000 provided in match funding from Carlisle City Council.

Recommendations:

- 1) Executive are asked to approve the completion of a solicited funding application to the Lawn Tennis Association and the acceptance of £400,000 in grant funding.
- 2) Executive are requested to recommend to Council to approve the additional use of £97,000 from General Fund Reserves as a supplementary estimate that will increase the revenue budget for 2015/16 to provide the Council's contribution to the scheme
- 3) Executive are asked to approve the increase in the Capital Programme totalling £497,000 subject to Council approval of the additional use of General Fund Reserve.
- 4) Executive are asked to delegate authority to progress the scheme (and accept final terms and conditions of grant) to the Portfolio Holder for Culture, Leisure and Young People following consultation with the Deputy Chief Executive.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** The aims and objectives of Carlisle City Council's current Sports Facilities Strategy were based on a needs assessment drawn from local and national evidence, the known and projected numbers of people taking part in various sports and physical activity, and on the aspirations of various National Governing Bodies of sport (NGB'S).
- 1.2** The needs assessment identified a need for a permanent indoor tennis facility (to allow for year round Tennis coaching and development). The assessment recommended Bitts Park as the best location for such a development. Currently Carlisle only has 1 permanent indoor facility (Chatsworth Tennis club). There is also the air-dome at Bitts Park but this is not a permanent structure.
- 1.3** Further Tennis development across the district would be significantly improved with better weather proof year round facilities. Tennis can be played in sports halls but there is simply no room in the city existing sports halls to accommodate the sport. The needs assessment and subsequent facility strategy highlight that all of the sports halls in Carlisle are at capacity.
- 1.4** The LTA (Lawn Tennis Association) currently fund Carlisle City Council to deliver a tennis development plan and disability tennis plan. The aim is to develop tennis across Carlisle and engage young people and adults in activity.
- 1.5** Currently the development of the sport at Bitts Park is restricted due to the lack of a permanent indoor tennis facility. The air-dome has had notable problems and has been blown down or taken down twice in the last 6 months. This has resulted in disruption to the programme and the ability to deliver the tennis plans.
- 1.6** The LTA have long recognised the good work going on at Bitts Park by Carlisle City Council and GLL, and also understand how the lack of a permanent indoor structure is a barrier to participation in tennis at Bitts park. As such, in the Spring of 2015 the LTA approached Carlisle City Council with a view to piloting new canopy covered facilities at Bitts Park (based on facilities common in other European countries but as yet rare in the UK). The pilot nature of this scheme saw the LTA offering an unusually high proportionate contribution in capital terms to any scheme. The LTA have offered to contribute £400k towards a scheme costed by their approved contractors at £495k (in the Bitts Park Location).

2. PROPOSALS

2.1 The Facility

The LTA have been in discussions with Carlisle City Council for a number of weeks regarding the implementation of a canopy tennis facility to cover the lower three tennis at Bitts Park (adjacent to the current site of the Ice Rink). This would be a pilot project based on a model that is common in France. This would be one of only 3 such facilities in the UK.

The indoor facility would be used by adults and children and would be accessible at an affordable price to all of the community. The LTA want to implement the facility in a park rather than at a tennis club to ensure tennis is open to all. The tennis plan that the City Council delivers and the disability plan would ensure a thriving hub of activity.

A PDF has been issued with this briefing note detailing the proposed designs (included at Appendix 1) as well as proposed cost schedules for differing options (included at Appendix 2). The LTA wish to pursue option 3 of the various costing schedules (as this is the only option which does not reduce the number of available courts).

2.2 Financial Implications

Capital

The LTA have offered capital funding to Carlisle City Council to the value of £400k. The LTA have a pre-existing framework and approved contractor who have costed the scheme in Bitts Park at £497k.

There would therefore be a requirement for Carlisle City Council to provide £97k in matched funding.

The City Council's Capital programme is fully committed. Advice from the resources directorate concluded that the only realistic funding source would be to draw the required £97k from the General Reserve Fund. While the value for money (in terms of the facilities delivered) is incredibly strong, a draw on reserves will increase savings requirements elsewhere.

Revenue

We have been provided with a copy of the LTAs standard offer letter and terms and conditions of grant (both are included with this briefing note). These mandate the

maintenance of a sinking fund (although at this stage the amount has not been determined by the LTA). Carlisle City Council will also be accepting liability to wholly maintain the facilities and keep them suitable for use during the entirety of the clawback period (21 years).

SMC2 (the approved contractor) have provided warranty information, maintenance and lifecycle costs (attached at Appendix 3). The principle revenue consideration being the replacement of the membrane after 30 years, which will require the provision of a sinking fund estimated at £1500 annually.

We have pre-existing maintenance budgets for leisure facilities, and both GLL and Carlisle City Council currently contribute to a sinking fund for the airdome (to fund repairs each time it blows down). This is valued at £10k per year and it is proposed that this is maintained to help maintain / repair the canopy and dome collectively.

The economics of the dome are one of the arguments for the canopy development. Between Carlisle City Council, we have spent circa £30k repairing the dome since it was deemed uninsurable 3 years ago. The development of the canopy would effectively replace the dome, the dome would then be erected as additional covered space (but if it was damaged beyond economic repair, it would not necessarily be reinstated).

In the absence of final agreed sinking fund requirements and maintenance schemes (as agreed with the LTA), it is proposed that the capital funding is approved by Executive but subject to the Portfolio Holder and Deputy Chief Executive agreeing the final terms and conditions of grant from the LTA. Draft standard terms and conditions which are typical of those imposed by the LTA for capital grants have been included at Appendix 4.

3. CONSULTATION

- 3.1** Consultation was undertaken as part of the development of the Sports Facilities Strategy which demonstrated that local tennis coaches, GLL and tennis players support the development of further covered facilities. Planning permission would be required for the structure which will offer the opportunity for wider and general public consultation and comment on the proposal.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 It is recommended that Executive approve an increase to the capital programme and the application for / acceptance of LTA funding in order to enhance tennis facilities in the city and improve tennis development outcomes.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 “We will develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle.”

Contact Officer: Darren Crossley

Ext: 7004

Appendices Appendix 1, Appendix 2, Appendix 3 & 4
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 – A suite of legal documents will need to be considered and approved and particular account should be taken of the fact that the proposed draft funding agreement contains clawback provisions.

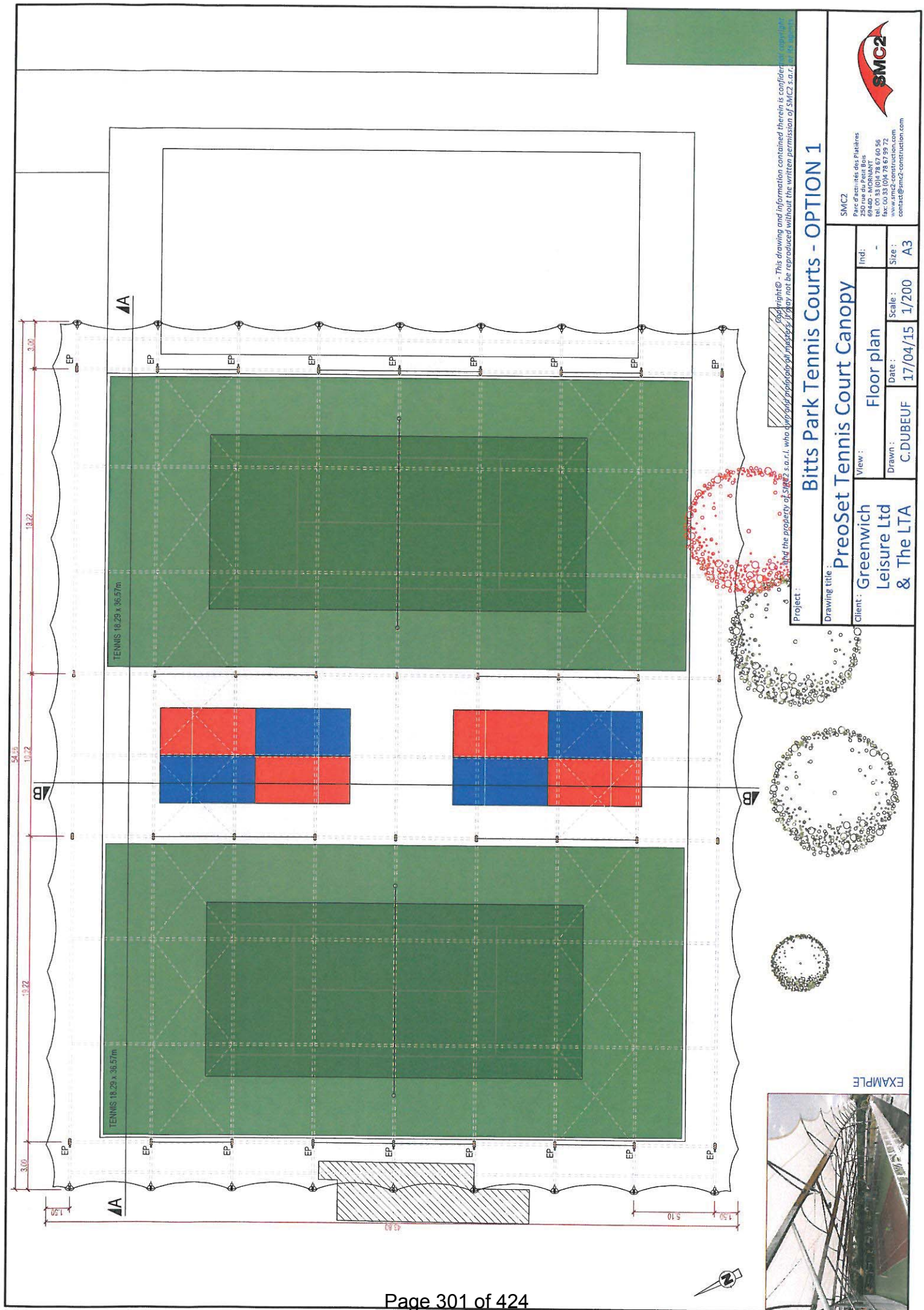
Local Environment –

Resources – The proposals to accept the LTA offer off grant funding towards a new tennis facility at Bitts park will require the Council to fund £97,000 of the overall cost of the scheme which is £495,000. This is requested to be funded from General Fund Reserves, which are currently anticipated to be £2,969million at the end of 2015/16. As this will be

an additional use of reserves (a supplementary estimate), the 2015/16 revenue budget will increase by £97,000 and full Council will need to approve the release of funds

If approved the scheme would be added to the capital programme at its gross value of £497,000 with the funding also added.

There will be ongoing requirements from accepting this offer in terms of monitoring the grant award and the conditions contained therein and also in terms of revenue costs in maintaining the facility. Any ongoing maintenance costs including the sinking fund will have to be met from existing budgets. The grant offer will be required to be added to the grants register to ensure the conditions are monitored correctly and are satisfied in full.



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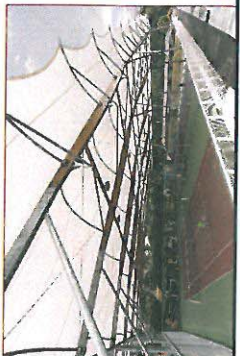
Bitts Park Tennis Courts - OPTION 1

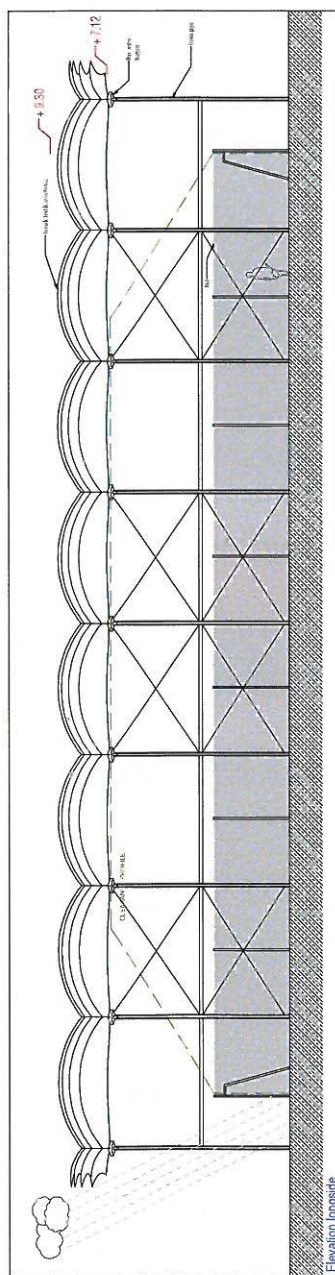
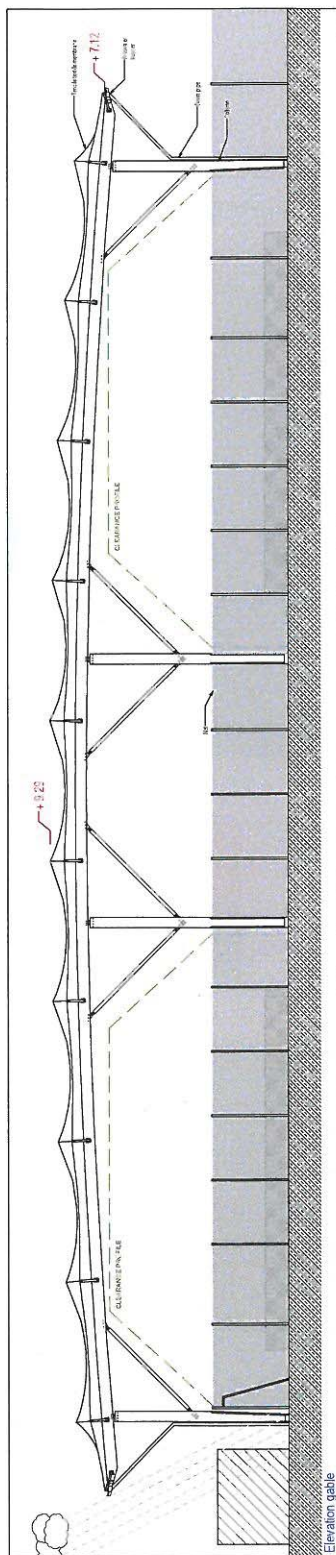
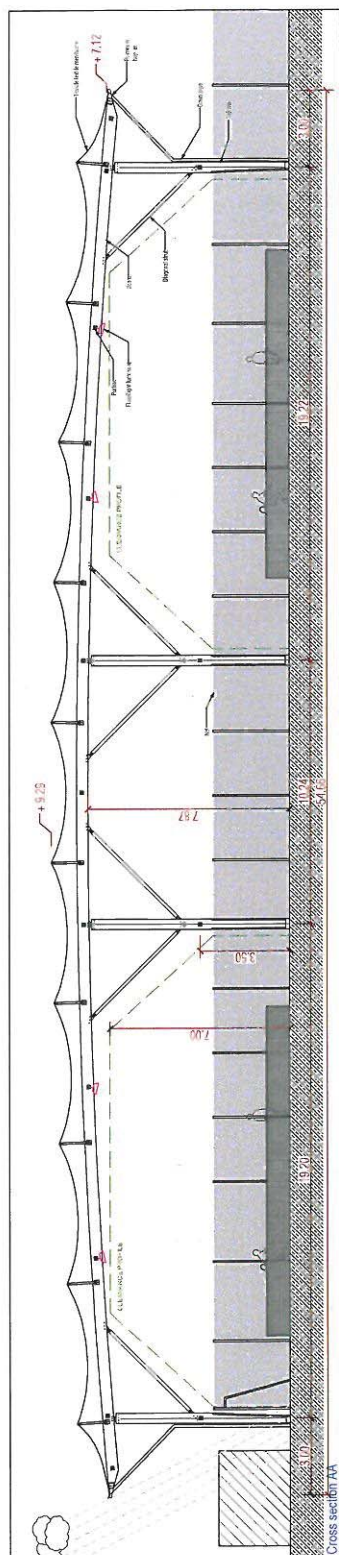
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Client:	View:	Ind:	-
Drawn:	C.DUBEUF	Date:	17/04/15
Scale:	1/200	Size:	A3

SMC2

Parc d'activités des Plaines
250 rue du Petit Bois
69440 - NORMANT
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Tél : 03 33 10 76 67 66
Fax : 03 33 10 76 67 72
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EXAMPLE





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Bitts Park Tennis Courts - OPTION 1

Project :

Drawing title :

PreSet Tennis Court Canopy

Client: **Greenwich
Leisure Ltd
& The LTA**

view : **Cross section and Elevation**

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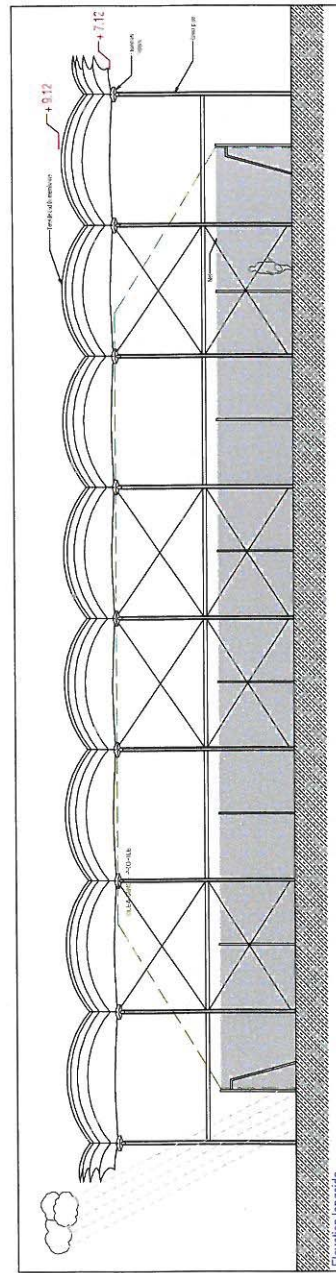
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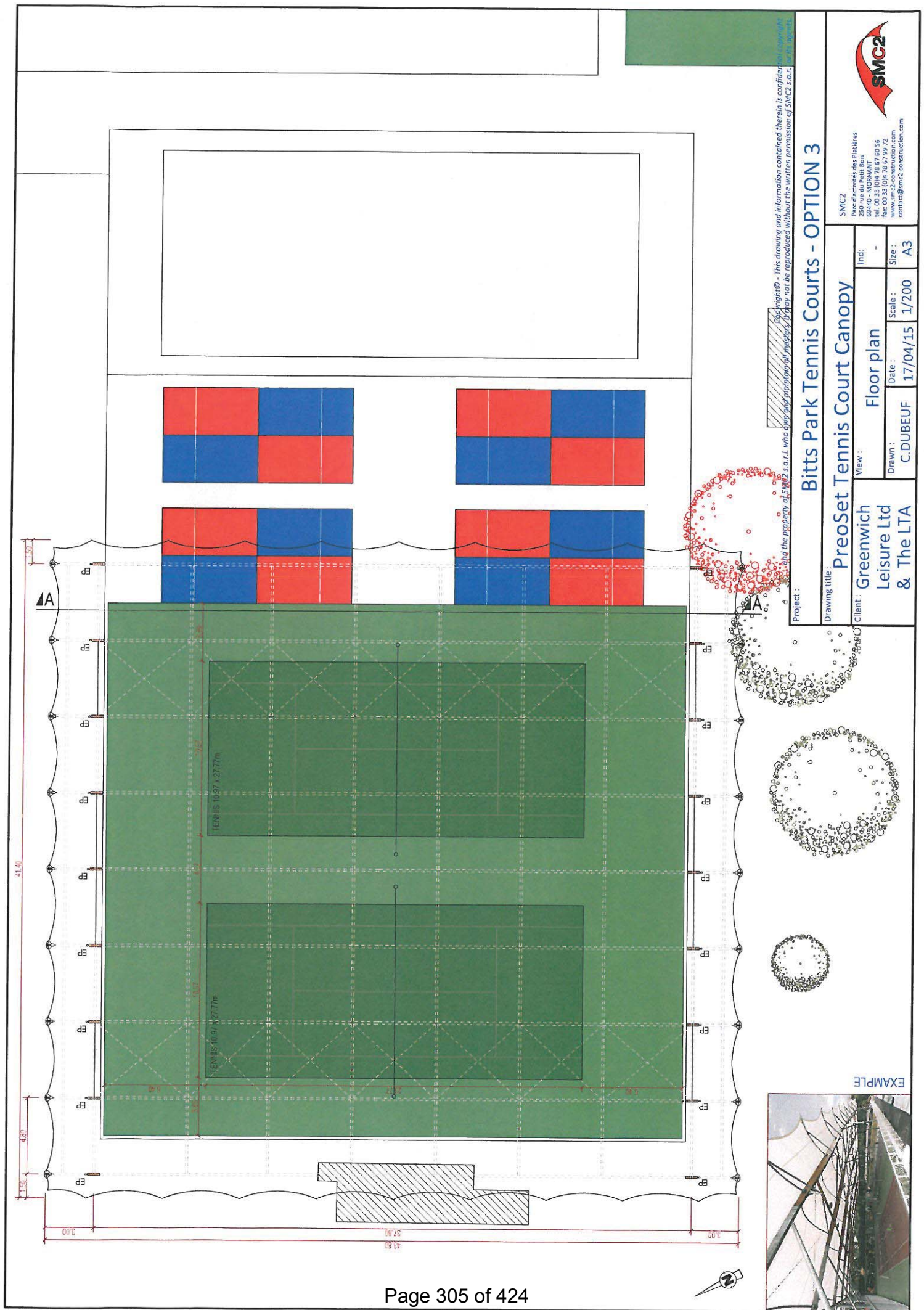
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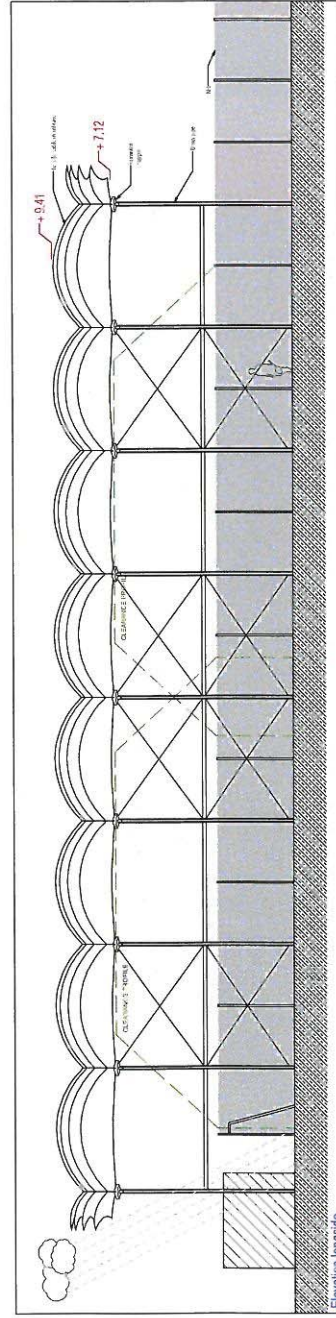
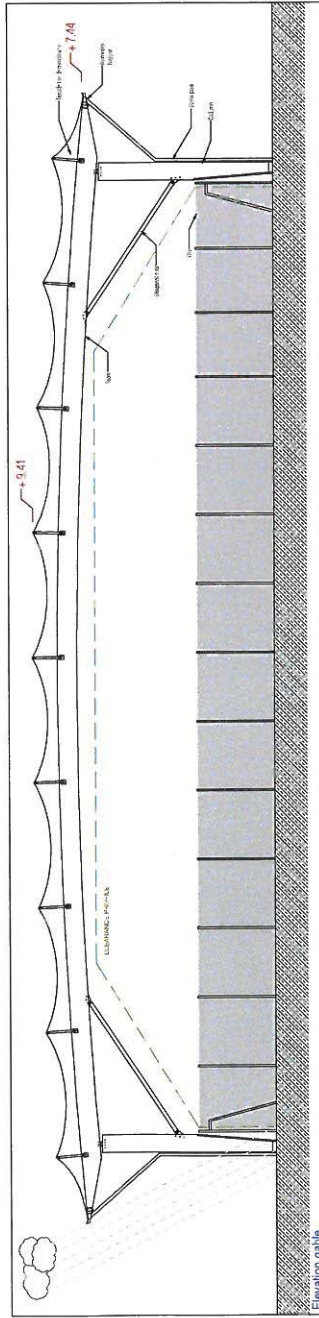
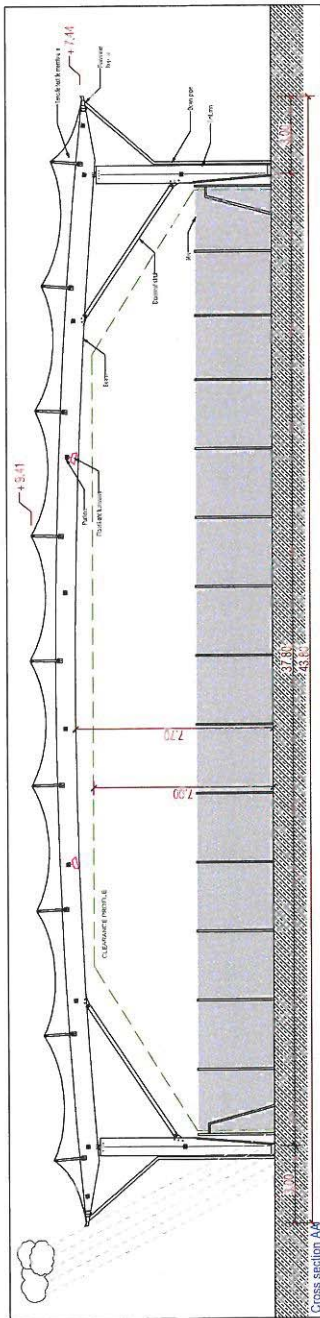


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Bitts Park Tennis Courts - OPTION 2

Drawing title	PreoSet Tennis Court Canopy					SMC2 Parc d'activités des Plaines 250 rue du Petit Bois 100 000 tél. 00 33 (0)4 78 67 60 56 fax 00 33 (0)4 78 67 99 72 www.smc2-construction.com contact@smc2-construction.com
	Client : Greenwich Leisure Ltd & The LTA	View : Cross section and Elevation		Ind : -		
		Drawn : C.DUBEUF	Date : 17/04/15	Scale : 1/200	Size : A3	





EXAMPLE

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Bitts Park Tennis Courts - OPTION 3

Project :		Drawing title :		Ind :	
Client :		View :		Ind :	
Greenwich Leisure Ltd & The LTA		Cross section and Elevation		-	
Drawn :		Date :		Scale :	
C.DUBEUF		17/04/15		1/200	
				Size :	
				A3	

SMC2

Parc d'activités des Platéres
350 rue de la Vallée
91000 Evry-Courcouronnes
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www.smc2-construction.com
contact@smc2-construction.com





BITTS PARK - SMC2 'PREOSET' TENNIS CANOPY					
Item	Description	Qty	Unit	Rate £	Amount £
	SECTION 1 - Professional Fees				
A	Preparation of Documentation for Planning Application	1	sum	4,400.00	4,400.00
B	Geotechnical Investigation to 10m depth	1	sum	7,455.00	7,455.00
C	Structural Engineers Fee for Foundation Design and Building Control Calculations	1	sum	2,700.00	2,700.00
	SECTION 2 - Enabling Works, Drainage and Court Reinstatement				
D	Contractors Items				
	10 weeks hire of Site Welfare Unit , Site Safety Fence, Security Container	1	sum	8,000.00	8,000.00
	Fencing				
E	Take down chainlink mesh; roll carefully and transfer to on-site storage for reuse . Once canopy is erected re-hang chainlink on existing fencing steelwork left in situ.	175	m	11.50	2,012.50
	Temporary Access Road				
G	Hire of protective sheeting to provide temporary access road across grass in park for construction traffic to access courts.	250	lm	45.00	11,250.00
	Remove 6No. Floodlighting Masts				
H	Dismount and remove 6 of the 8 existing floodlighting masts.	1	sum	2,800.00	2,800.00
	Drainage - Western Boundary between court fence and toilet block				
I	Remove shrubs and plants in beds beside court fence. Excavate 450mm wide drainage trench to falls, average depth 0.70m ; remove excess spoil from site.	40	m	20.80	832.00
J	Install twin-wall collector drain on 100mm deep compacted sand bed, backfill trench.	1	sum	1,733.00	1,733.00
K	Make below ground drainage connections from downpipes to collector drain	9	Nr	105.00	945.00
L	Install UPVC rodding points / inspection chambers at each end of drainage run	2	Nr	337.00	674.00
M	Excavate for 2 new soakaways to be located between northern embankment and court edging. Remove spoil from site. Install concrete ring soakaway chamber 3m deep with capping slab and cast iron access cover.	2	Nr	4,150.00	8,300.00
	Drainage - Between Courts and Plastic Ice Skating Rink				
N	Saw cut porous asphalt for 450mm wide trench.	1	sum	300.00	300.00
O	Excavate trench, 450mm wide average depth 600mm; remove excess spoil from site	37	m	20.8	769.60
P	Install twin-wall collector drain on 100mm deep compacted sand bed, backfill trench.	1	sum	1,733.00	1,733.00
Q	Make below ground drainage connections from downpipes to collector drain	9	Nr	105.00	945.00
R	Install UPVC rodding points / inspection chambers at each end of drainage run	2	Nr	337.00	674.00
	New Asphalt Surfacing				
S	Provision for regulating localized areas of damage caused by the construction plant to the existing asphalt. Supply and lay one layer of 10mm binder course (32mm consolidated thickness) and one layer of 6mm porous surface course asphalt (25mm consolidated thickness) over existing asphalt surface.	1798	m ²	21.00	37,758.00
	Colour Spray				
T	Colour Spray 2 tennis courts in two tone acrylic paint. Mark out white tennis lines	1354	m ²	2.00	2,708.00
U	Colour Spray 2 mini-tennis courts in three tone colours (Red/Blue/Beige)	380	m ²	3.00	1,140.00
	Tree Removal and Pruning				
V	Fell one tree adjacent to tennis fence, clear from site. Cut back 2 further trees on southern side of courts	1	PROVISIONAL SUM	2,600.00	2,600.00
W	New Tennis Posts and Nets				
	Supply and install new net post sockets and ground anchor. Supply and install new nets and posts.	2	Nr	680.00	1,360.00
	Site Reinstatement	1	PROVISIONAL SUM	2,000.00	2,000.00
To Summary					103,089.10



Item	Description	Qty	Unit	Rate £	Amount £
	SECTION 3 - PREOSET STRUCTURE & FOUNDATIONS - <u>OPTION 1</u>				
	HELICAL SCREW PILES				
X	Helical screw piles will be drilled into the ground beneath each of the 36 support column positions in accordance with the Piling Company's foundation design based upon site specific wind and snow loads for the Bitts Park location and the calculated structural loads provided by the manufacturer, SMC2.	1	PROVISIONAL SUM	28,148.00	28,148.00
Y	PREOSET CANOPY OVERALL EXTERNAL ROOF AREA: 54.66m x 43.80m =2394m² Minimum uninterrupted internal height over court : 7.00m Maximum external roof height above ground level: 9.29m <i>The canopy structure shall be designed & engineered in accordance with the following codes:</i> EUROCODES with UK Annexes TENSILE FABRIC COMPUTATIONAL CODES: European Design Guide for Tensile Surface Structures (Foster & Mollart) This code relates to design of permanent tensile surface structures featuring double inverse curves. The roof of the PREOSET CANOPY shall comprise of numerous 'saddle-shape' modules or 'anticlastic double inverse curve forms' to provide strength and stability to the structure as prescribed in the 'Guide Veritas' and 'ITBTP' for tensile membrane design of 'permanent' structures. No large flat membrane surfaces that are vulnerable to failure due to repeated deformation under high wind load shall be used. Design guidance published by the tensile membrane trade federation 'TENSINET', stipulating that ONLY double inverse curve roofs should be used in permanent tensile membrane structures, shall be respected. Glulam timber and steel frame 9Nr. Glulam beams supported by 36Nr. Glulam columns Columns in northern European coniferous wood with pressurised preservation treatment class 3. Beams in northern European coniferous wood with pressurised preservation treatment class 2. All wood finished with fungal resistant lacquer. Proprietary self-tensioning steel wishbone arches in round steel tube providing form to tensile membrane roof. All structural steel bracing and connections with hot dip galvanised finish. Purlins in northern European glulam timber with fungicidal lacquer coating applied by pressure infusion treatment process to class 2. Longitudinal stabilisation and wind bracing in tensile steel rod, all hot dip galvanized. All steel bolts and brackets with hot-dip galvanized steel finish. Textile membrane roof cover Textile membrane roof type 1002 PRESTRESSED FLUOTOP T2 by FERRARI or equivalent, made from highly resistant polyester fibre mesh (PES HT 1100Dtex) with a PVC infusion to both sides. Properties: · Tear resistance of warp and weft ³ 400 daN/ 5 cm. · Fire resistance: B1/DIN 4102-1 · Coating thickness on top of the yarn: ³ 350m. · Antifouling surface treatment by high concentration PVDF lacquer to external surface for optimal aesthetic performance. Rainwater Management Rainwater is collected in the valleys formed by the roof membrane above each portal frame and flows towards the sides of the hall following the falls provided by the gentle curvature of the roof. 18 individual rainwater hoppers in galvanised steel with 3mm section will be provided at eaves level. (9 each to the East & West Façades). 18 No.galvanised steel downpipes with 3mm section will take water from eaves to ground level	2394	m²	137.00	327,978.00
		1	sum	Included	
		1	sum	Included	
Z	FULLY CLAD WESTERN FAÇADE Allowance to reinforce structural frame. Install 3m high treated timber louvre panel sections to 3m height. Install micro-perforated tensile membrane screening	285.5	m²	123.00	35,116.50
To Summary					391,242.50



Item	Description	Qty	Unit	Rate £	Amount £
SECTION 4 - FLOODLIGHTING					
AB	Install 20 High Output 240 LED luminaires suspended on structural members over courts to provide 500lux. Cable installtion back to new control cabinet c/w distribution board, contactors and a pillar mounted on/off control.	1	PROVISIONAL SUM	34,969.00	34,969.00
To Summary					34,969.00



Item	Description	Qty	Unit	Rate £	Amount £
	SUMMARY Page 1 - SECTION 1 - Professional Fees ; SECTION 2 - Enabling Works, Drainage , Court Reinstatement Page 2 & 3 - SECTION 2 - SMC2 CANOPY STRUCTURE & FOUNDATIONS - OPTION 1 Page 4 - SECTION 4 - FLOODLIGHTING				103,089.10 - 391,242.50 34,969.00
	TOTAL COST				£ 529,300.60
	<i>Five Hundred & Twenty Nine Thousand , Three Hundred and Pounds and 60 pence.</i>				(Ex VAT)
	EXTRA OVER SUM - Remove existing fence posts. Install 3.6m high screen printed 'DEFENDER' windbreak fencing mounted on new 150m x 100mm galvanised steel and powdercoated posts between structural columns of canopy to North, South and Eastern Facades.	130	ml	288.00	37,440.00
	Alternatives Solution OPTION 2 - PREOSET STRUCTURE - 44.44m x 43.80m = 1946.47m² (Short span structure with Helical Screw Pile Foundatons) Less Value Structure & Foundations				(57,342.00)
	TOTAL COST				£ 471,958.60
	<i>Four Hundred & Seventy One Thousand , Nine Hundred and Fifty Eight Pounds and 60 pence.</i>				(Ex VAT)
	EXTRA OVER SUM - Remove existing fence posts. Install 3.6m high screen printed 'DEFENDER' windbreak fencing mounted on new 150m x 100mm galvanised steel and powdercoated posts between structural columns of canopy to North, South and Eastern Facades.	114	ml	288.00	32,832.00
	Alternatives Solution OPTION 3 - PREOSET STRUCTURE - 41.40m x 43.80m = 1813.32m² (Long Span structure with Traditional Concrete Pad Foundations) Less Value - Structure & Foundations Less Value - Court Reinstatement Less Value - Floodlighting				(17,740.00) (5,533.00) (9,000.00)
	TOTAL COST				£ 497,027.60
	<i>Four Hundred & Ninety Seven Thousand , Twenty Seven Pounds and 60 pence.</i>				(Ex VAT)
	EXTRA OVER SUM - Remove existing fence posts. Install 3.6m high screen printed 'DEFENDER' windbreak fencing mounted on new 150m x 100mm galvanised steel and powder-coated posts between structural columns of canopy to North, South and Eastern Facades.	103	ml	288.00	29,664.00



PREOSET TENNIS CANOPY – DESIGN, LIFE CYCLE COSTS & GUARANTIES

What is the design life of the SMC2 PreoSet Canopy structure?

The structure has a 60 year rated design life.

It will require:

- One roof membrane replacement after approximately 30 years.
- Dependent upon the exposure conditions, possible re-staining of certain structural column members may be required approximately once every 10 years.

The membrane replacement cost at today's rate is equivalent to 45€/m². This rate includes the removal and safe disposal of the existing membrane (via recycling); and the supply and installation of the new membrane.

Thus a PreoSet Canopy with a roof area of 1813m² (*as per Option 3 configuration*) would have a replacement cost today of 81,585 € or £60,000 (*Approx.at exchange rate of 1.36€/£*)

A 29 year sinking fund that would allow for the eventual membrane replacement would amount to:-

Annual Sinking Fund

Interest Rate (%)	2.00
Term (years)	29.00
Amount (£)	60,000
Answer (£)	1,547

Design for Wind & Snow loading.

Bitts Park in Carlisle is located in snow zone 3 at an elevation of 14m above sea level. The undrifted snow loading used for the design of the structure is 0.5 kN/m² and shall be calculated in accordance with BS EN 1991-1-3.

The fundamental value of the basic wind velocity for the Bitts Park site is 25m/s. The site is 14m above sea level and between 10km and 20km from the coast. No funneling effect is apparent on the Bitts Park site. The proposed location is on open ground within an otherwise built up area. Sheltering effects from neighbouring buildings shall not been taken into account. The wind loading peak velocity pressure shall be calculated in accordance with BS EN 1991-1-4.



PREOSET TENNIS CANOPY – DESIGN, LIFE CYCLE COSTS & GUARANTIES

What roof membrane material do SMC2 use?

For our canopy roofs we primarily use VALMEX FR900 MEHATOP F Type II HTL by MEHLER Technologies GmbH. It is a translucent white tensile material made from highly resistant polyester fibre mesh (PES HT 1100Dtex) with a PVC infusion to both sides and an antimicrobial/antifungal surface treatment to the outer surface.

Properties:

- Tear resistance of warp & weft: Warp 4300 N/50mm ; Weft 4200N/50mm ; 86/84kN/m
- Fire resistance: BS 7837 / DIN 4102-1
- Coating thickness on top of the yarn: 350m.
- Antifouling surface treatment (antimicrobial/antifungal) by high concentration PVDF lacquer to external surface for self-cleaning and optimal aesthetic performance.
- Translucence 12% at 550nm

The textile roof membrane has a **17 year** manufacturer backed digressive warranty.

Are other equivalent membrane materials available?

Apart from Mehler GmbH, SMC2 also procures a large amount of tensile membrane material from the French manufacturer Serge Ferrari. They have excellent quality products which are equivalent to the Mehler products technically and in terms of their performance. Ferrari membranes come with a 15 year manufacturer backed digressive guaranty. Other manufacturers exist but for reasons of quality and location we do not currently use other membrane suppliers products.

How is the timber structural frame treated against all forms of wood decay and insect attack?

Certain types of Glulam timber can be used very successfully in very demanding exterior situations. However to provide the desired performance and service life they must be correctly specified, detailed, installed and maintained.

Exterior use covers a wide range of situations from full exposure, where the timber may be in constant contact with salt or fresh water to more protected situations where there is a risk of occasional wetting, such as is the case with our canopy columns.

The specification and use of wood preservatives in the UK is defined in BS 8417:2011-Recommendations for preservative treatment of wood. The standard follows the European Standards which relate the natural durability of the selected wood species to the end use environment and then indicate whether treatment is required.

Other key documents are:

- Use Class BS EN 335-1 and BRE IP 1/03
- European Standards BS EN 350-1, BS EN 460, BS EN 599-1, BS EN 351-1
- Wood Protection Association manual, Industrial wood preservation specification and practice.



PREOSET TENNIS CANOPY – DESIGN, LIFE CYCLE COSTS & GUARANTIES

BS EN 335-1 describes five Use Classes of timber exposure:

1. Internal, with no risk of wetting
2. Internal, with risk of wetting
3. External, above the damp proof course
4. In permanent ground contact or in freshwater
5. In permanent contact with seawater.

SMC2 PREO GLULAM COLUMNS: The columns are external features subject to frequent wetting and must meet the conditions for **Use Class 3**.

The glulam structural column members in our Preo Canopy are made from stress graded kiln dried Douglas fir (Moderately durable timber). They are industrially pre-treated by high pressure impregnation with preservatives in an autoclave. Following pressure treatment they are further coated with a water-repellent stain finish. This treatment specification provides the level of durability and Use Class 3 that we require.

SMC2 PREO GLULAM ROOF BEAMS. They are used beneath an open-roofed area in unheated 'internal' environments where there is a risk of occasional exposure to moisture. Our structural beams must thus meet the classification of **Use Class 2**. Our Glulam beams are made from stress graded kiln dried European redwood (Moderately durable timber). They are industrially pre-treated by high pressure impregnation with preservatives in an autoclave. Following pressure treatment they are further coated with a water-repellent stain finish. This treatment specification provides the level of durability and Use Class 2 that we require.

Column and beam treatments are carried out in ISO 9001 Quality and ISO 14001 Environmental accredited facilities.

How is the steel treated against corrosion?

All steelwork is hot dip galvanized. Some steelwork can then be powder coated (eg. Gutters) if required but is usually left as a fair face galvanized finish.

Any structural fixation or cable bracing that is not hot dip galvanized shall be provided in stainless steel.



PREOSET TENNIS CANOPY – DESIGN, LIFE CYCLE COSTS & GUARANTIES

What structural design codes are adhered to in order to design the structure and tensile textile roof membrane?

Eurocode BS EN 1990-1-1 2002 Basis of Structural Design
Eurocode (NA) BS EN 1990-1-1 2005 Basis of Structural Design UK ANNEX
Eurocode 1-1 BS EN 1991-1-1 2002 Imposed Loads
Eurocode 1-1 (NA) BS EN 1991-1-1 2002 Imposed Loads UK ANNEX
Eurocode 1-3 BS EN 1991-1-3 2003 Snow Loads
Eurocode 1-3 (NA) BS EN 1991-1-3 2003 Snow Loads UK ANNEX
Eurocode 1-4 BS EN 1991-1-4 2005 Wind Loads
Eurocode 1-4 (NA) BS EN 1991-1-4 2005 Wind Loads UK ANNEX
Eurocode 8-1 BS EN 1998-1-1 2004 Design of Structures for Earthquake Resistance
Eurocode 8.1 (NA) BS EN 1998-1-1 2004 Design of Structures for Earthquake Resistance UK ANNEX
Eurocode 2-1 BS EN 1992-1-1 2004 Concrete Design
Eurocode 2-1 (NA) BS EN 1992-1-1 2004 Concrete Design UK ANNEX
Eurocode 3-1 BS EN 1993-1-1 2005 Steel Design
Eurocode 3-1 (NA) BS EN 1993-1-1 2005 Steel Design UK ANNEX
Eurocode 5-1 BS EN 1995-1-1 2004 Timber Design Code
Eurocode 5-1 (NA) BS EN 1995-1-1 2004 Timber Design Code UK ANNEX

The requirements for the manufacture of glulam are contained in product standard BS EN 14080:2013 and glulam complying with this standard must be specified and delivered as CE marked. (Note that BS EN 14080:2013 supersedes BS EN 385, 386, 387, 390, 391, 392, 1194 and 14080:2005).

What additional codes of practice / guidelines are adhered to in order to design the structure and tensile textile roof membrane?

SMC2 fully respect the design guidance published by the tensile surface trade federation 'TENSINET', stipulating that ONLY double inverse curve roofs should be used in permanent tensile membrane structures. Best practice design is followed to ensure mechanical stability and long life.

The European Design Guide for Tensile Surface Structures (Foster & Mollaert): This code relates to design of permanent tensile surface structures featuring double inverse curves. It states that the tensile roof shall comprise of numerous 'anticlastic double inverse curve forms' to provide strength and stability to the structure as prescribed in the 'Guide Veritas' and 'ITBTP' for tensile membrane design of 'permanent' structures. No large flat membrane surfaces that are vulnerable to failure due to repeated deformation under high wind load shall be used.



Codes for the design of permanent tensile surface structures as opposed to temporary structures.

- European Design Guide for Tensile Surface Structures (Brian Foster & Marijke Mollaert)
- Recommandations pour la conception des ouvrages permanents de couverture textile - VERITAS Mr Biger - Annales du Bâtiment et des T.P. n° 4 sept. 97, et Modificatif aux Annales de sept. 98. »
- Guide VERITAS des Techniques de la construction fiche N° 40r « Conception des couvertures textiles »

Foundations for the structure.

Foundations will need to be designed on a site specific basis as the design will depend on the ground conditions found at the site and the imposed wind / snow loadings. A site investigation carried out by a qualified professional will be required to ascertain the ground conditions and design criteria. Depending on the ground conditions, either shallow foundations such as pads; or deep foundations such as piles may be required. We favour the use of helical screw piles where possible due to their rapid installation negating the need for bulk excavation and removal of spoil material.

What regular maintenance is required?

Other than clearing of gutters or rainwater hoppers of leaves and debris, there is no regular maintenance regime requirement. Occasional inspections are however recommended to ensure that no malicious or accidental damage to the structure has occurred. In the unlikely event that any such damage is noted, it should be immediately highlighted to SMC2 who will advise as to what remedial action (if any) may be required.

SMC2 Guaranty

10 year guaranty against defective materials or workmanship for the ensemble of the Preo Canopy.

We pass on the 17 year digressive manufacturer's warranty from Mehler GmbH on the roof membrane material.

LTA OPERATIONS LIMITED

LOAN AND GRANT GENERAL TERMS AND CONDITIONS

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1. Definitions

- | | | |
|------|------------------------------|--|
| 1.1 | “Application” | means the application submitted by or for the Organisation for Funding in respect of the Project and shall include all written and oral representations made by the Organisation to LTA Operations regarding the Organisation, the Project and the Facilities; |
| 1.2 | “Business Plan” | means the plan enclosed with the Offer Letter as updated by written agreement of the parties; |
| 1.3 | “Clawback Period” | means the period from the date on which the last party signs the Funding Agreement to the later of: i) the expiration of the Standard Clawback Period or ii) the date on which all the Loan and Interest is repaid by the Organisation to LTA Operations; |
| 1.4 | “Conditions Precedent” | means the pre-construction conditions and pre-claim conditions, if any, set out in the Schedule to the Offer Letter; |
| 1.5 | “Defects Liability Period” | means the period after Practical Completion during which the principal contractor must repair any elements of the construction that do not work according to the building specifications; |
| 1.6 | “Exchequer Funding” | means any funding offered to the Organisation through this Funding Agreement which is allocated from the capital funding awarded to LTA Operations Ltd from 1 April 2013 to 31 March 2017 in line with Sport England’s strategic outcome; |
| 1.7 | “Event of Default” | means any of the events detailed in clause 10.1; |
| 1.8 | “the Facilities” | means any facility, equipment, buildings (including fixtures and fittings) and/or land in respect of which the Funding is given as specified in these General Terms and Conditions and shall include, without limitation, any facility, equipment, buildings and/or land proposed to be acquired or improved as a result of the Funding; |
| 1.9 | “Facilities Operator” | means the facilities operator, if any, detailed in the Offer Letter and any replacement operator approved by LTA Operations in accordance with clause 5.3; |
| 1.10 | “Funding” | means together any Loan and Grant offered to the Organisation as detailed in the Offer Letter and its Schedule; |
| 1.11 | “Funding Agreement” | means the agreement entered into by the Organisation and LTA Operations in the form of the Offer Letter and its Schedule, which incorporates these General Terms and Conditions and any documents referred to therein; |
| 1.12 | “General Terms & Conditions” | means these terms and conditions; |
| 1.13 | “Grant” | means the grant sum set out in the Offer Letter to be paid to the Organisation for the Project detailed above and which is subject |

to these General Terms and Conditions;

- 1.14 “Interest” means interest payable at a rate of 1% per annum above the Base Rate of Coutts & Company for the time being and from time to time;
- 1.15 “Land Trustee” means the persons or party which holds title to the land for the Organisation;
- 1.16 “Loan” means the sum set out in the Offer Letter to be paid to the Organisation for the Project detailed above which is repayable by the Organisation to LTA Operations;
- 1.17 “LTA Operations” means LTA Operations Limited, a company limited by shares registered in England and Wales, registered company number 7475460, registered office address The National Tennis Centre, 100 Priory Lane, Roehampton, London SW15 5JQ;
- 1.18 “Lawn Tennis Association Limited” means Lawn Tennis Association Limited, a company limited by guarantee registered in England and Wales, registered company number 7459469, registered office address The National Tennis Centre, 100 Priory Lane, Roehampton, London SW15 5JQ;
- 1.19 “Offer Letter” means the offer letter sent to the Organisation confirming the Funding;
- 1.20 “Organisation” means the organisation or organisations to which the Funding is offered as set out in the Offer Letter and also (if different) the Land Trustee;
- 1.21 “Practical Completion” means, where the Facilities are land or buildings to be constructed or improved as a result of the Funding, the date specified in any certificate issued by the supervising architect, surveyor, engineer or other competent professional as the date on which work on the Facilities was practically completed under the terms of the relevant building contract;
- 1.22 “Project” means the project or projects described in the Application, the Business Plan and/or the Offer Letter;
- 1.23 “Project Specification” means the most recent specification for the Project supplied by the Organisation and approved by LTA Operations, and enclosed with the Offer Letter;
- 1.24 “Registered Place to Play” means a facility registered as such by the Lawn Tennis Association Limited;
- 1.25 “Standard Period” Clawback means the relevant period from Practical Completion calculated as follows:

Award Amount	Standard Clawback Period
£5 million and over	25 years

£50,000 to £5 million	21 years
£0 to £49,999	10 years

- 1.26 Deleted Deleted;
- 1.27 “Tennismark Accreditation Scheme” means the Tennismark accreditation scheme for clubs organised by the Lawn Tennis Association Limited;
- 1.28 “Uninterruptible Leasehold” means a lease which cannot be terminated by contractual agreement or forfeited except for non-payment of rent or breach of covenant.

2. Use of Funding

- 2.1 The Funding shall be used solely towards the Project in accordance with the General Terms and Conditions, and only by the Organisation, and under no circumstances shall it be used for any other purpose (including for the avoidance of doubt redundancy payments).
- 2.2 The Organisation shall use its best endeavours to deliver the aims and objectives detailed in the Business Plan and co-operate fully with LTA Operations.
- 2.3 Delivery of the Project shall comply with any Project Specification agreed with LTA Operations.
- 2.4 The Organisation acknowledges that it has entered into this Funding Agreement wholly or predominantly for the purposes of its business as a provider of tennis facilities.
- 2.5 The Organisation will not deposit any part of the Award outside ordinary business accounts within the clearing bank system without prior written authorisation for LTA Operations.

3. Construction of Facilities

- 3.1 Where land or buildings are to be constructed or improved as a result of Funding: -
- 3.1.1 the Facilities must be constructed in accordance with the Project Specification and otherwise fit for purpose in every respect;
- 3.1.2 the Organisation must have security of tenure of the Facilities and/or the land on which the Facilities are built for the Clawback Period by means of a freehold or Uninterruptible Leasehold before any Funding can be paid. A copy of any relevant lease must be sent to LTA Operations on request;
- 3.1.3 the construction, improvement and/or development of the Facilities must be supervised throughout by a qualified architect, surveyor or engineer or other competent professional;
- 3.1.4 the Project site including courts, clubhouse and changing rooms must all offer access to disabled players and the Organisation must take into account and make appropriate provision for use and enjoyment of the Facilities by people with disabilities;
- 3.1.5 the Organisation will notify LTA Operations immediately following Practical Completion and at the same time submit to LTA Operations the following:

- (a) a copy of the certificate issued by the supervising architect, surveyor, engineer or other competent professional;
 - (b) LTA Operations Project Completion Certificate;
 - (c) the WSP forms (if requested by LTA Operations); and
 - (d) a copy of the operation and maintenance manuals.
- 3.2 No changes can be made to the Project or the Project Specification without the prior written consent of LTA Operations.
- 3.3 LTA Operations' representatives and authorised agents will have the right of inspection at all times and will be entitled to attend the site and inspect and monitor the progress of the Project works to satisfy themselves that the works fully comply with the Project Specification.

4. Construction Procurement

- 4.1 In respect of the costs of construction and/or development of the Facilities the Organisation shall, if required by law, comply with the Public Procurement Regulations 2006 (as amended or re-enacted from time to time), the Public Services Contract Regulations (as amended from time to time) and the Public Works Contracts Regulations 1991 (as amended from time to time (hereinafter referred to as the "Regulations")) and shall also ensure:
- 4.1.1 at least three competitive tenders for the provision of the Facilities shall be obtained by the Organisation in accordance with tender and contract procedures and documents approved in advance by LTA Operations;
 - 4.1.2 a written explanation of why the tender was accepted shall be submitted to LTA Operations prior to works being commenced. The explanation must be satisfactory to LTA Operations, failing which the Funding may be withdrawn by LTA Operations at its sole discretion and any Funding monies already paid shall immediately become repayable to LTA Operations;
 - 4.1.3 a copy of the original "form of tender" from the appointed contractor for the construction works shall be submitted, together with a list of the unsuccessful tenders. A tender report which prepared by a consultant quantity surveyor, architect or other professional shall also be submitted to LTA Operations; and
 - 4.1.4 the Organisation shall ensure that LTA Operations has the right, in its absolute discretion, to inspect and copy the relevant documents and records of all persons from whom tenders have been obtained in relation to the Project.
- 4.2 In the event that the Organisation uses or may use the Funding in connection with any contract for works or services to which the Regulations apply, the Organisation warrants that:
- 4.2.1 it has complied with and will comply with all laws as to public procurement including without limitation the Regulations, as if the Organisation were a 'contracting authority' as defined in the Regulations;
 - 4.2.2 it shall promptly supply LTA Operations with such information as LTA Operations may from time to time require evidencing the Organisation's compliance with the Regulations.

- 4.3 In the event that LTA Operations has reasonable cause at any time to believe that the Organisation has not complied with the Regulations all Funding already paid shall become repayable to LTA Operations on demand and LTA Operations may suspend its obligations or terminate the agreement pursuant to clause 10.

5. Management and use for the duration of the Clawback period

Tennis Facility

- 5.1 The Funding is being made available in recognition of the fact that the tennis courts within the Facilities are used only for the playing of tennis or tennis related activities and will remain so for the duration of the Clawback Period.

Repair

- 5.2 The Organisations shall keep the Facilities in good repair and undertake all things as may be necessary to ensure its proper maintenance.

Equipment

- 5.3 The Organisation shall make and operate satisfactory arrangements for the safekeeping of any equipment purchased with the aid of the Funding. If any such equipment is lost or otherwise unavailable for its intended use the Organisation will replace it as soon as reasonably practicable at no cost to LTA Operations;

Legal compliance

- 5.4 The Organisation shall comply with all statutory requirements and other laws and regulations relating to the Facilities and the development and operation thereof, including without limitation all relevant health, safety and employment laws and regulations.

Safeguarding Children and Vulnerable Adults

- 5.5 The Organisation shall operate a safeguarding policy in accordance with the guidelines issued by the Lawn Tennis Association Limited from time to time or approved by the relevant Local Authority and will provide LTA Operations with a copy on request.

Club Access

- 5.6 Where the Organisation:

5.6.1 is a members' club no-one will be denied membership of or access to the Organisation or the Facilities on the grounds of race, creed, colour, sex, occupation, religion or political persuasion; or

5.6.2 is not currently a members' club no-one will be denied access to the Organisation, Project or Facilities on the grounds of race, age, gender identity, creed, colour, sex, occupation, religion or political persuasion. The Organisation may sell membership packages in order to offer preferential booking arrangements and court fees subject to LTA Operations' written agreement. However, the Organisation shall not operate the Project site or the Facilities as a private members' club without the prior written consent of LTA Operations and shall operate fair procedures in relation to any individuals who are either denied inclusion or who are removed for any reason from the Project. The Organisation will not exclude anyone from participating in the

Project on the grounds of race, religion, colour, sex, occupation, disability or political persuasion other than in accordance with lawful justification or where positive discrimination is permitted.

- 5.7 The Organisation will comply with all statutory requirements and other laws and regulations relating to the implementation and development of the Project (including recruitment and participation), including without limitation, all relevant equal opportunities, discrimination, child protection and safeguarding, human rights and health, safety and employment related laws and regulations and with such guidelines and/or codes of practice which LTA Operations may notify to the Organisation from time to time.

Dress Code

- 5.8 There will be no dress code for users of the Facilities although Organisations are able to specify what type of footwear can or cannot be used.

Insurance

- 5.9 The Organisation must take out and keep in force a fully comprehensive policy of insurance with reputable insurers to cover the Project, the Facilities, equipment bought using the Funding, their use and any activities carried out thereon against and in respect of all usual risks (including third party, public, employer and occupier's liability) to their full replacement value (where relevant), and a copy of the current policy, which must have an endorsement noting LTA Operations' interest as mortgagee, and evidence of premium payment shall be provided to LTA Operations upon request;
- 5.10 The Organisation shall ensure that the appointed contractor has a fully comprehensive policy of insurance with reputable insurers to cover the Project, the Facilities, equipment bought using the Funding any services related to the Project and any activities carried out thereon against and in respect of all usual risks (including third party, public, employer, professional indemnity and occupier's liability) associated with the Project to their full replacement value (where relevant) or otherwise to a level of cover standard in their industry and a copy of the current policy and evidence of premium payment shall be provided to LTA Operations upon request;

Legal compliance

- 5.11 The Organisation must comply with all statutory requirements and other laws and regulations relating to the Facilities and the development and operation thereof, including without limitation, the national minimum wage, the "Working Time" Directive, health and safety, child protection, data protection, intellectual property, human rights and religious, political, race, sex and disability discrimination requirements, laws and regulations and with such guidelines and/or codes of practice which LTA Operations may notify to the Organisation from time to time.

Constitution

- 5.12 The Organisation confirms that it has power to enter into this Funding Agreement and that the Organisation's constitution contains an express power to borrow money.
- 5.13 Except where the Organisation is a local authority, the Organisation shall make no changes to its constitution during the Clawback Period without first obtaining the prior written consent of LTA Operations.

Delay

- 5.14 The Organisation must inform LTA Operations in writing of anything that materially threatens, makes unlikely, or delays the completion or success of the Project and the Facilities.

Registered Place to Play

- 5.15 A Registered Place to Play is a place registered as such by the Lawn Tennis Association Limited. An organisation must be a Registered Place to Play in order to obtain funding from LTA Operations and the Organisation must remain registered throughout the Clawback Period.

Competition

- 5.16 The Organisation shall comply with the Tennismark Accreditation Scheme requirements regarding the number of competitions it holds and shall offer a variety of competitive opportunities to ensure that players of all ages and standards at the Project site are able to enter.
- 5.17 Competitions should be available on a regular basis and could include box leagues, ladders and staggered draws. Competitions should be organised using Lawn Tennis Association Limited Ratings and results sent to the Lawn Tennis Association Limited for recording.
- 5.18 The Organisation agrees that all competitions held on the Facilities will use the Lawn Tennis Association Limited rating system.

British Tennis Membership and Lawn Tennis Association Limited ratings

- 5.19 The Organisation shall endeavour to ensure users of the Facilities become members of British Tennis. This provides the user with a Lawn Tennis Association Limited rating.

Management and Use of Facility

- 5.20 The purpose of the Project, the arrangements for management and community use of the Facilities and the purpose for which the Facilities are used shall be as set out in the Application, the Business Plan, and the Schedule to the Offer Letter and shall not be changed throughout the Clawback Period without the prior written consent of LTA Operations. If there is any inconsistency in the description of the purpose in the Application, the Business Plan, and the Schedule to the Offer Letter then the purpose of the Project set out the Schedule to the Offer Letter shall prevail.

Business Plan and Project Specifications

- 5.21 The Organisation shall manage and operate the Project and the Facilities in accordance with the aims, objectives, targets, and timescales set out in the Business Plan and Project Specifications.

6. Payment of Funds

- 6.1 The Organisation may not submit any claim for payment of all or part of the Funding until the Organisation has met the pre-construction conditions in paragraph 7 of the Schedule to the Offer Letter and has provided:

- 6.1.1 a completed LTA Start on Site Form;
 - 6.1.2 confirmation that work on the Project has commenced;
 - 6.1.3 a completed Cashflow Forecast agreed by LTA Operations; and
 - 6.1.4 a start on site certificate given by a suitably qualified architect, quantity surveyor or project manager.
- 6.2 The Cashflow Forecast shall exclude any reference to voluntary labour, contributions-in-kind and other non-allowable costs, which shall all be disregarded for the purposes of this Funding Agreement. In the case of Funding that includes Exchequer Funding LTA Operations may not pay out more than 25% of the Funding in the first 2 months of the Project.
- 6.3 The final claim (other than Retention) will be released upon receipt of the Final Claim Form, Certificate of Practical Completion and LTA Project Completion Certificate.
- 6.4 LTA Operations reserves the right to call for proof that the Funding monies have been spent on the Project.
- 6.5 No Funding shall be payable until the Conditions Precedent and clauses 6.1.1 to 6.1.4 have been complied with.
- 6.6 The Funding will be paid to the Organisation as set out in the Schedule to the Offer Letter subject to the Organisation complying with these General Terms and Conditions.

Claiming Funding

- 6.7 Subject to our written instructions, the Funding must be claimed in the following order:
- 6.7.1 Exchequer Funding (if any);
 - 6.7.2 Loan (if any);
 - 6.7.3 remaining Grant (if any);
 - 6.7.4 Retention.

Payment

- 6.8 The Funding will be paid using Bankers Automated Clearing Scheme (BACS), or similar method, directly into the Organisation's bank account.
- 6.9 The Funding will only be paid into an ordinary business bank account in the name of the Organisation.
- 6.10 No Funding instalment will be paid until LTA Operations is satisfied (acting reasonably) that such payment will be in relation to proper expenditure for the Project; unless LTA Operations otherwise agrees this means that payments will only be made after receipt of a contractor's invoice or supervising officer's certificate.
- 6.11 If the Organisation fails to claim all or any part of the Funding in accordance with the provisions of this Agreement LTA Operations shall be entitled to retain all or any part of the Funding not claimed by the Organisation and reduce the amount of the Funding accordingly or demand immediate repayment of the Funding.

- 6.12 The Organisation must promptly repay to LTA Operations any Loan instalment or Grant incorrectly paid to it as a result of any administrative error. This includes (without limitation) situations where either an incorrect value of Funding payment has been released or where a Funding payment has been released in error before all applicable terms of the Funding Agreement have been complied with by the Organisation.
- 6.13 The final instalment of the Funding will not be paid until the requirements of clause 3.1.5 have been complied with by the Organisation.
- 6.14 The Funding (other than the Retention) shall be paid out in arrears by monthly instalments against:
- 6.14.1 a certificate as to work carried out and payments made from a suitably qualified (by experience or qualification) architect, quantity surveyor or project manager (“the Supervising Officer”); and
- 6.14.2 copy invoices
- provided that the amount paid out in any month shall not exceed the amount detailed in the Cashflow Forecast.
- 6.15 Subject to 6.16, the Retention shall be paid 12 months after receipt of the:
- 6.15.1 Final Claim Form;
- 6.15.2 Certificate of Practical Completion; and
- 6.15.3 LTA Project Completion Certificate.
- 6.16 In the event that the total Project cost is less than that detailed in the Offer Letter, LTA Operations reserves the right not to make payment of all or any part of the outstanding amount of the Retention and to reduce the Funding accordingly.
- 6.17 In the event that LTA Operations does not receive evidence of a statement of final account signed by the Supervising Officer within three (3) months of the expiry of the Defects Liability Period, LTA Operations reserves the right not to make payment of the outstanding amount of the Retention and to reduce the amount of the Funding accordingly. Such a failure to provide the statement of final account shall be deemed to be a breach of the Funding Agreement and shall entitle LTA Operations to demand immediate repayment of the Funding.
- 6.18** The substantial work associated with payment of the Retention must be delivered and completed by 31 March of any given Financial Year of the award. Provided that the work has been delivered, the value of the work must be accounted for in the Organisation’s annual accounts.

Repayment of Loan and Interest payable

- 6.19 Where the Funding includes a Loan:
- 6.19.1 The Organisation will repay the Loan as set out in the Offer Letter.
- 6.19.2 Loan repayments must be made by direct debit and the Organisation agrees that it will not suspend or alter payments without the prior written consent of LTA Operations.

6.19.3 No part of the Loan will be released until the Organisation has completed and returned to LTA Operations a direct debit mandate for repayment of the Loan

6.19.4 LTA Operations reserves the right to charge the Organisation Interest on the outstanding balance of the Loan. The relevant body within LTA Operations will annually make a decision as to whether to charge Interest on the outstanding balance of the Loan for the following 12 month period (the timing of this decision is not dependent on the date of this agreement). LTA Operations shall inform the Organisation should the decision be made to charge Interest. Should LTA Operations decide to charge Interest, such Interest will be collected at the same time as the capital repayments and will accrue on a day to day basis and be compounded on a six monthly basis.

7. Monitoring and Evaluation

7.1 The Project and the Facilities may be monitored by LTA Operations throughout the Clawback Period to ensure that the aims and objectives specified in the Application, Business Plan and Project Specification are being met, that the General Terms and Conditions are adhered to and that the Project and the Facilities represent good value for money.

7.2 The Organisation will promptly and regularly provide to LTA Operations any information and/or reports (including without limitation regular progress reports) requested by LTA Operations in connection with the Project, the Facilities or the Organisation and its activities within two weeks of such request. The Organisation will comply with LTA Operations' online self service monitoring and evaluation procedure and input data about use of the Facilities and will update this information every 3 months during the Clawback Period.

7.3 Wherever it requires during the Clawback Period (including without limitation at any time both during the development and/or construction phases of the Project and the Facilities and after completion of the Project and the Facilities), LTA Operations and any person authorised by LTA Operations may make unannounced visits (including without limitation site visits, site audits and compliance visits) and may request meetings or further information from key members of its staff, for the purposes of monitoring the Project and the Facilities and monitoring compliance with the General Terms and Conditions. The Organisation will facilitate and co-operate in the provision of information or the arrangement and conduct of such visits and meetings, and shall allow LTA Operations and any person authorised by LTA Operations access to inspect the Project and/or the Facilities at any time.

7.4 In consultation with LTA Operations the Organisation will agree upon a set of appropriate outcome measures and targets for the Project.

7.5 The Organisation will agree to actively monitor the Project and provide regular feedback to LTA Operations. The period for which the targets will be monitored will be agreed with the LTA Operations and may extend beyond the period of Funding if applicable.

8. Accounts and Records

8.1 The Organisation shall keep separate, full, proper and up-to-date accounts and records regarding the development, purchase, financial trading and use of the Project and the Facilities. Any person or persons authorised by LTA Operations shall be given prompt access, at LTA Operations' request, to these accounts and financial records and LTA Operations shall have the right to take copies of such accounts and records.

- 8.2 The Funding must be shown in the Organisation's accounts as a restricted fund and not be included under general funds. Any sinking fund for upkeep of the Facilities must be shown in the Organisation's accounts as a designated fund and not be included under general funds.
- 8.3 The Organisation must meet any relevant statutory requirements as regards accounts, audit or examination of accounts, annual reports and annual returns.
- 8.4 During the Clawback Period the Organisation must provide to LTA Operations copies of their annual accounts within six months of the end of each relevant accounting period upon request by LTA Operations. The Organisation agrees to supply such other financial, management or other information relating to the Organisation (including lists of users or members) as LTA Operations may reasonably require.
- 8.5 LTA Operations may undertake regular financial assessments of the Organisation (normally by annual review), to assess the ability of the Organisation to secure other funding or to provide cash partnership funding from either income directly related to the Funding, or from the Organisation's own reserves, towards the Project. LTA Operations reserves the right to reduce the Funding as a result of any such assessment.
- 8.6 The Organisation will notify LTA Operations during the financial assessment of any interest earned on the Funding and LTA Operations shall decide in its reasonable discretion whether such interest may be retained by the Organisation for specified use or whether it should be returned to LTA Operations' funds.

9. Mortgage, Disposal, Lease or Change of Use of Facilities

- 9.1 During the Clawback Period, subject to the terms of any charge or charges to which LTA Operations shall previously have consented, the Organisation shall not without the prior written consent of LTA Operations:
- 9.1.1 transfer, sell, lease, licence or otherwise dispose of all or any part of the Facility;
 - 9.1.2 grant any charge, mortgage or other form of security or encumbrance over all or any part of the Facility; or
 - 9.1.3 cease to use the Facility for the purposes previously approved by LTA Operations.
- 9.2 The Organisation shall give a reasonable period of written notice to LTA Operations before it proposes to take any action that requires consent under this clause.
- 9.3 LTA Operations may give consent in accordance with clause 9.2 subject to any or all of the following conditions:
- 9.3.1 the sale, lease, licence or other disposal is made at full market value as determined and evidenced by an independent professional valuation by an appropriately qualified expert approved in writing by LTA Operations;
 - 9.3.2 prior to the completion of the transfer, lease, licence, sale or other disposal the proposed new owner of the Facility enters into a deed of novation with LTA Operations to ensure that the new owner is obliged to comply with the terms of the Funding Agreement;

- 9.3.3 the Organisation repays to LTA Operations a sum equivalent to the Grant or at the discretion of LTA Operations a sum equivalent to the Grant increased in line with inflation as determined by the retail price index;
 - 9.3.4 where the Funding includes a Loan, the Organisation immediately repays the Loan and any Interest due;
 - 9.3.5 termination of the Funding Agreement;
 - 9.3.6 any other conditions which LTA Operations in its discretion deems appropriate;
 - 9.3.7 reimbursement of all LTA Operations expenses including but not limited to any legal fees.
- 9.4 Failure to obtain consent as required by clause 9.1 or failure to comply with any conditions imposed in accordance with clause 9.2 shall be an Event of Default under clause 10.1.

10. Cessation, Suspension and/or Recovery of Loan, Clawback and Termination

- 10.1 An Event of Default shall mean if:
- 10.1.1 the Organisation ceases to operate for any reason, or it passes a resolution (or the Court makes an order) that it be wound up (other than for the purpose of a bona fide reconstruction or amalgamation), or if it was a charity at the time that the Application was made, it ceases to be a charity;
 - 10.1.2 the Organisation becomes insolvent, or it is declared bankrupt, or it is placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or any of its members are surcharged or a manager is appointed on behalf of a creditor in respect of its business or a part thereof, or it is unable to pay its debts within the meaning of section 123 of the Insolvency Act 1986;
 - 10.1.3 within the Clawback Period, the Organisation fails to comply with any of the terms set out in the Funding Agreement;
 - 10.1.4 where there is a Loan as part of the Funding, the Organisation fails to repay any part of the Loan that has fallen due as set out in the Funding Agreement;
 - 10.1.5 in the reasonable opinion of LTA Operations, the Organisation fails to apply any part of the Funding for the intended purpose;
 - 10.1.6 in the reasonable opinion of LTA Operations, the Organisation fails to complete the works to be carried out in executing the Project in accordance with the terms of and to the standard indicated in the Project Specification (unless any variation has been previously approved in writing by LTA Operations);
 - 10.1.7 the Organisation fails to complete the Project on time or within a reasonable period (when no time is specified) or it appears that the Project is unlikely to be completed on time or within such period;
 - 10.1.8 after considering the purpose of the Funding, in LTA Operations' reasonable opinion further payment of the Funding would not constitute good value for money. (However, LTA Operations shall, subject to the other terms of the General Terms and

Conditions, continue to pay the Funding to the extent that the Organisation has, with the prior written consent of LTA Operations, contracted for goods and services and it is not practically possible to cancel such arrangements);

- 10.1.9 there is evidence of financial mismanagement, breakdown of budgetary control or any other irregularity, within the Organisation;
 - 10.1.10 in the reasonable opinion of LTA Operations, any of the assurances given or representations or information contained in the Application or other documents submitted by the Organisation to LTA Operations were fraudulent, incorrect or misleading;
 - 10.1.11 the Organisation or any of its employees or persons acting under the control or authority of the Organisation has acted fraudulently or negligently so as to have a material effect on the completion, development or management of the Facilities or the Project generally;
 - 10.1.12 any assurance, representation, release of information or statement made regarding the Application or the Project has changed in a manner that has a materially adverse effect on the Project;
 - 10.1.13 the Organisation is offered for public subscription by flotation on the stock market;
 - 10.1.14 except where the Organisation is a public authority, any of the following circumstances occur without the Organisation first notifying LTA Operations and obtaining its prior written consent and LTA Operations reasonably considers such circumstances to be materially detrimental to the Project:
 - (a) a transfer of assets from the Organisation to a third party;
 - (b) merger or amalgamation by Organisation with another body (including a company established by the Organisation);
 - (c) any change to the composition, structure or key personnel of the Organisation; or
 - (d) any change to the Organisation's constitution, in particular but without limitation with regards its purposes, payment to members and members of its governing body, distribution of assets (whether on dissolution or not) or admission of members (where it has a membership);
 - 10.1.15 the Organisation is in breach of any covenant, condition, obligation, warranty or representation in the Funding Agreement or any charge in favour of LTA Operations; or
 - 10.1.16 the Organisation terminates the Agreement because HM Revenue and Customs determines that any part of this Agreement creates a right or obligation which gives rise to the payment of VAT (repayment to LTA Operations of the whole or such part of the Funding as is appropriate in the circumstances, excluding any committed funds).
- 10.2 If an Event of Default occurs, without prejudice to LTA Operations' other rights and remedies:

- 10.2.1 LTA Operations' obligation to make any payments of Funding instalments shall forthwith cease;
- 10.2.2 LTA Operations may make all further payments of Loan and/or Grant instalments subject to such conditions as it may specify;
- 10.2.3 where the Funding includes a Loan, LTA Operations may require the full amount of Loan released to the Organisation (or such other sum as LTA Operations may require) to be repaid to LTA Operations on demand together with any Interest due;
- 10.2.4 LTA Operations may require the Organisation to repay a sum equivalent to the Grant increased in line with inflation as determined by the Retail Price Index or the amount of the Funding released to the Organisation increased in line with inflation as determined by the Retail Price Index;
- 10.2.5 LTA Operations shall have the right at any time during the Clawback Period to terminate the Funding Agreement forthwith or suspend all or any of its obligations hereunder upon such terms and for such period as LTA Operations shall at its absolute discretion determine and/or enforce any security held; and/or
- 10.2.6 without prejudice to sub-clauses 10.2.1 to 10.2.5, LTA Operations may suspend all or any of its obligations hereunder while investigations are carried out into any such Event of Default.
- 10.3 If an Event of Default occurs, LTA Operations may require the Organisation to:
 - 10.3.1 submit to LTA Operations a five year and one year monthly cash flow forecast within 30 days of the Event of Default occurring;
 - 10.3.2 submit monthly bank statements to LTA Operations of all accounts held in the name of the Organisation;
 - 10.3.3 co-operate with and allow full access to premises and records to any agent or employee that LTA Operations sends to review the Organisation's activities; and
 - 10.3.4 provide all board minutes and other information regarding board operations to LTA Operations.
- 10.4 LTA Operations shall further be entitled to suspend or cease payment of the Funding in the following situations:
 - 10.4.1 whilst investigations are being carried out into any matter that might result in the Organisation being required to repay all or any part of the Funding;
 - 10.4.2 where, after considering the purpose of the Funding, in LTA Operations' reasonable opinion, further payment of the Funding would not constitute good value for money (provided that LTA Operations will continue to pay the Funding to the extent that the Organisation has contracted for goods and services and it is not practically possible to cancel such arrangements);
 - 10.4.3 where LTA Operations reasonably determines that it has insufficient funds available to it to continue with the payment of the Funding to the Organisation.

- 10.5 If LTA Operations chooses to suspend the Funding Agreement pursuant to this clause and an Event of Default is continuing or the Organisation indicates its intention to permit it to continue or clause 10.4 applies, LTA Operations may terminate the Funding Agreement immediately upon notice in writing to the Organisation.
- 10.6 LTA Operations may, without limiting any other rights or remedies it may have, set off any amounts owed to it by the Organisation against any amounts payable by it to the Organisation.
- 10.7 LTA Operations may carry out any of the actions set out in this clause 10 if LTA Operations is required to do so by law.

11. Deficit/Surplus

- 11.1 If at any time the total expenditure for the Project exceeds the estimated amount set out in the Application there will be no corresponding increase in the Funding, unless otherwise agreed in writing by LTA Operations in response to an application submitted in advance notifying LTA Operations of the revised cost, the reasons for the increase and asking for the level of Funding to be reconsidered.

11.2 If:

- 11.2.1 the final total expenditure in respect of the Project is less than the expenditure estimated in the Application;
- 11.2.2 the aggregate funding for the Facilities, particularly from sources of public funds, exceeds its cost;
- 11.2.3 the Organisation receives any offers of funding for the Project that duplicate the funding provided by the Funding or any additional income for the Project (such as interest on Loan monies); or
- 11.2.4 for any other reason it becomes apparent that all or any of the Funding is not required to enable the completion of the Project;

the Organisation must inform LTA Operations. In such circumstances, LTA Operations may review the amount of the Funding and, where it considers appropriate, reduce the Funding payable or demand a refund of all or part of the Funding, at its absolute discretion. The amount of such reduction or refund shall be determined by LTA Operations at its absolute discretion.

12. Publicity

It is important for the Organisation and LTA Operations to maximise publicity relating to the success of the Project. To achieve this LTA Operations expects you to:

- 12.1 contact your local Tennis Development Manager in the next few days to discuss how to obtain appropriate press coverage for your award. We can also give you advice about how to write a press release and how to contact the media;
- 12.2 if so requested by LTA Operations, arrange an official opening ceremony for the Facility within a reasonable period after completion of the Facility, to which LTA Operations and Sport England shall be invited. The organisation will liaise with LTA Operations to agree a date of and the arrangements for the opening ceremony;

- 12.3 display appropriate Lawn Tennis Association/Sport England signage. All funded facilities are required to have a permanent Lawn Tennis Association/Sport England funded sign displayed. To order and arrange installation of your sign please contact LTA Operations;
- 12.4 continuously promote the Project during the Clawback Period in accordance with the following conditions:
- 12.4.1 the Organisation will not issue any substantive public release nor hold any press conference about the Project without giving LTA Operations reasonable prior notice in writing;
 - 12.4.2 the Organisation agrees that during the Clawback Period it will officially recognise and promote the financial contribution provided by LTA Operations, Sport England and the Department for Culture, Media and Sport;
 - 12.4.3 permit LTA Operations and the Lawn Tennis Association Limited the right to promote its association with the Facility and the Organisation and licence LTA Operations and the Lawn Tennis Association Limited, without charge, to use the name and image of the Organisation and the right to disclose information concerning the Facility and the Organisation to third parties while remaining sensitive to situations where confidentiality is a significant issue; and
 - 12.4.4 consult with LTA Operations as to the appropriate permanent signage and temporary construction signage (bearing in mind all relevant financial and legal considerations) to be erected at the Facility in order to acknowledge the support of LTA Operations and Sport England provided that:
 - (a) in the absence of agreement, LTA Operations shall have the final say as to the nature and location of such signage; and
 - (b) in all cases the Organisation will erect a funding plaque to be provided by LTA Operations;
- 12.5 not issue any public release nor hold any press conference about the Funding or the Facilities without prior notice to LTA Operations.
- 12.6 keep LTA Operations informed of any sponsorship relating to the Project and will use its best endeavours to include in any such sponsorship agreement(s) a clause prohibiting the sponsors ambushing LTA Operations' Funding by taking credit due to LTA Operations/Sport England for that Funding and will use all reasonable endeavours to prevent ambush marketing tactics by the sponsor. This shall not prevent the sponsor taking full credit for its own funding.
- 12.7 References to Sport England and the Department for Culture, Media and Sport in this clause 12 only apply where Exchequer Funding is being provided.

13. Distributable Profit

- 13.1 If at any time within the Clawback Period the operation of the Facilities realises a distributable profit or contributes to the Organisation's overall distributable profit, the Organisation shall notify LTA Operations of that position within 28 days of the date that the Organisation's accounts are published. An appropriate proportion (to be determined by LTA Operations in its sole discretion) of this profit shall be paid to LTA Operations within six months of the date of publishing of the accounts. For the purposes of this clause,

“distributable profit” realised by the Facilities shall be ascertained in accordance with generally accepted accounting principles and standards in the United Kingdom.

14. Further Conditions

- 14.1 The Organisation agrees and accepts that payments of Funding can only be assured to the extent that LTA Operations has available funds.
- 14.2 The Organisation must notify LTA Operations in writing of any legal actions, claims or proceedings made or threatened against it (including any actions, claims or proceedings made or threatened against members of its governing body or staff) that will inhibit its ability to deliver the Project during the Clawback Period. Such notification shall be made as soon as practicable and in writing.
- 14.3 Any irrecoverable input VAT may be considered as part of the eligible project cost. Any input VAT that is recovered may not be considered part of the eligible project costs. Should the Organisation subsequently be able to reclaim tax, for example if it subsequently registers for VAT, the reclaimed tax will be repaid to LTA Operations.
- 14.4 Any failure, relaxation, forbearance, delay or indulgence by LTA Operations in enforcing any of the terms of the Funding Agreement shall not be deemed a waiver of future enforcement of that or any other provision, and nor shall the granting any time by LTA Operations prejudice or affect or restrict any of its rights arising under the Funding Agreement or be deemed a waiver by LTA Operations of any breach or subsequent or continuing breach.
- 14.5 The Organisation acknowledges that copies of the Funding Agreement and any other information, documents, accounts and/or records about the Project or the Organisation (including its staff and users) may be disclosed by LTA Operations to Sport England or any of its other funders.

15. Exclusion of Liability/Indemnity

- 15.1 LTA Operations, its employees, agents, officers or sub-contractors will not at any time be liable to any person for anything in connection with the development, planning, construction, operation, management and/or administration of the Facilities or the Project. In particular but without limitation, it shall not be liable to the Organisation for any loss or damage arising directly or indirectly as a result of the compliance by the Organisation with the Funding Agreement.
- 15.2 It is the Organisation’s responsibility to satisfy itself as to the quality and capability of the contractors, architects, surveyors and/or other parties engaged by them in relation to the Project and to ensure that the Project is completed to an acceptable standard of safety.
- 15.3 The Organisation will indemnify and hold harmless LTA Operations, its employees, agents, officers or sub-contractors with respect to all claims of, and liability to, third persons for injury, death, loss or damage of any type arising out of or in connection with the Facilities, the Project and any activities carried out thereon except where such injury, death, loss or damage have resulted from the negligent act or omission of LTA Operations or its employees or agents. In this latter case, the Organisation shall provide prompt notice to LTA Operations of any such claim, and LTA Operations shall have the sole right to control the defence of any such claim.
- 15.4 LTA Operations has no liability for losses or costs arising from failure to make any payment of the Funding on any agreed date.

16. Duration

Except where otherwise specified, the terms of the Funding Agreement will apply from the date on which the Organisation signs and returns the Offer Letter until the later of:

- 16.1 the period of one year following payment of the last instalment of Grant;
- 16.2 so long as any Grant monies remain unspent by the Organisation;
- 16.3 where the Funding includes a Loan, the day on which the Loan and any Interest is repaid in full to LTA Operations by the Organisation;
- 16.4 the expiration of the Clawback Period; and
- 16.5 so long as any of the obligations in the Funding Agreement remain unperformed, or any Event of Default has occurred and is continuing.

17. Warranties

- 17.1 The Organisation warrants, undertakes and agrees that:
 - 17.1.1 it has all necessary resources and expertise to carry out the Project;
 - 17.1.2 it has and will keep in place adequate procedures for dealing with any conflicts of interest;
 - 17.1.3 it has and will keep in place systems to deal with the prevention of fraud;
 - 17.1.4 all financial and other information concerning the Organisation comprised in the Organisation or otherwise disclosed to LTA Operations is to the best of its knowledge and belief, true and fair;
 - 17.1.5 it is not under any contractual or other restriction within its own or any other organisation's rules, regulations or otherwise which may prevent or materially impede it meeting its obligations in connection with the Grant.
- 17.2 it is not aware of anything in its own affairs, which it has not disclosed to LTA Operations or any of its advisers, which might reasonably have influenced the decision of LTA Operations in providing the Funding on the terms contained in this Funding Agreement;
- 17.3 since the date of the last accounts there has been no change in the financial position or prospects of the Organisation;
- 17.4 the Organisation is solvent and will not as a result of the Funding and granting the legal charge become insolvent;
- 17.5 everything identified in the Project is owned or controlled by the Organisation and the Organisation has access to it to fulfil the Project;
- 17.6 it is the sole beneficial owner of the Organisation's name and logo;
- 17.7 it will comply with all statutory requirements and other laws and regulations relating to the implementation and delivery of the Project, including without limitation, all relevant health, safety and employment related laws and regulations;

- 17.8 it will not act or authorise or permit any person associated with the Project to act in any way, which in the reasonable opinion of LTA Operations, could bring the Project and/or LTA Operations and/or Sport England into disrepute. If the Organisation believes that any such act has taken place, it will notify LTA Operations immediately and provide full details;
- 17.9 for Projects involving equipment purchase, it will not sell or dispose of LTA Operations funded equipment without written authorisation from LTA Operations, who will have the sole discretion to decide whether any proceeds may be retained by the Organisation for specified use within the Project or returned to LTA Operations;
- 17.10 it will from time to time, on being required to do so by LTA Operations, do or procure the doing of all such acts and/or execute or procure the execution of all such documents in a form satisfactory to LTA Operations as LTA Operations may reasonably consider necessary for giving full effect to the Agreement and securing to it the full benefit of the rights, powers and remedies conferred upon it in the Agreement; and
- 17.11 the representations and warranties in any legal charge entered into are true and accurate.

18. Multiple Parties receiving the Funding

Where there is more than one party receiving the Funding and/or delivering the Project:

- 18.1 where any standard, obligation, representation or warranty under the Funding Agreement is expressed to be undertaken or adhered to by the Organisation, each organisation shall be jointly and severally responsible for it;
- 18.2 LTA Operations may release or compromise the liability of any of the Organisations acting as the Organisation under the Funding Agreement or grant any time or other indulgence without affecting the liability of any of the other organisations; and
- 18.3 any consent or authority given by the Organisation under or in connection with the Funding Agreement shall bind all the Organisations.

19. Law and Jurisdiction

This Funding Agreement and any non-contractual obligations connected to it shall be governed in all respect by English law and be subject to the exclusive jurisdiction of the English Courts.

20. Assignment

- 20.1 This Funding Agreement is personal to the Organisation and may not be assigned by the Organisation.
- 20.2 This Funding Agreement may be assigned by LTA Operations to any successor body to LTA Operations or any third party to whom the benefit of these obligations is assigned.

21. Rights of Third Parties

- 21.1 Subject to clause 21.2 a person who is not a party to this Funding Agreement has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any provision of this Agreement.

21.2 Where any Funding includes Exchequer Funding Sport England may enforce any rights under this Funding Agreement directly.

22. General

22.1 The Parties agree that the Funding Agreement is the entire agreement between the Parties and supersedes all proposals or prior agreements and undertakings, whether oral or written, and all other communications between the Parties relating to the subject matter of this Agreement.

22.2 The Organisation is an independent body and nothing in this Agreement shall be deemed to constitute a partnership, joint venture, relationship of agency or any employment relationship between the Parties nor shall anything in this Agreement be deemed to constitute or place the Parties in the relationship of partners, joint ventures, agent and principal or employer and employee.

22.3 This Agreement may only be modified by written agreement duly signed by both Parties.

22.4 Nothing in this Agreement is intended to create a VAT taxable supply. The Parties shall cooperate in good faith in resisting any argument by HM Revenue and Customs that VAT is payable in respect of the Funding. In the event, however, that HM Revenue and Customs determines that any part of this Agreement does create a right or obligation which gives rise to the payment of VAT, the Organisation (and not LTA Operations) shall be responsible for such VAT obligations. In such circumstances, the Organisation shall have the right to terminate the Agreement effective 30 days after receipt of notice of termination, upon repayment to LTA Operations of the whole or such part of the Funding already released to the Organisation as is appropriate in the circumstances.

22.5 If at any time one or more provisions of this Agreement become invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.

22.6 Any failure, relaxation, forbearance, delay or indulgence by LTA Operations in enforcing any of the terms or clauses of this Agreement shall not be deemed a waiver of future enforcement of that or any other provision, nor shall the granting of any time by LTA Operations prejudice or affect or restrict any of LTA Operations' rights arising under this Agreement or be deemed a waiver by LTA Operations of any breach or subsequent or continuing breach.

22.7 Any notices to be served under this Agreement shall be in writing and served at the addresses set out in this Agreement.

22.8 Where the Funding includes Exchequer Funding the Parties acknowledge and agree that LTA Operations is working with Sport England to award this funding. Sport England is a public authority and as such may be subject to certain statutory or other obligations to permit access to information held by it (or the Organisation on LTA Operations' or Sport England's behalf) which may extend to the contents of this Agreement and other documents and information relating to it. The Organisation shall without charge provide all such assistance as LTA Operations and/or Sport England may reasonably require in order that LTA Operations and/or Sport England may comply with lawful and proper requests for access to such documents and information.

22.9 The Parties undertake to use their best endeavours, wherever practicable, to resolve any dispute arising out of or in connection with this Agreement. Any dispute arising in connection with this Agreement shall be notified in writing by one party to the other and shall first be addressed by direct personal liaison between the respective primary contacts.

- 22.10 If the dispute cannot be resolved amicably within 14 days of such notification, the Parties shall refer the dispute to the respective Chief Executives (or equivalent) of the Parties for discussion and resolution.

23. Reimbursement of LTA Operations Legal Fees

- 23.1 The Organisation shall pay LTA Operations on demand £1,500 per legal charge and £350 per restriction of title to reimburse LTA Operations for legal expenses it incurs. LTA Operations reserves the right to increase these charges should legal or other complications arise causing LTA Operations' legal fees to increase so as to be in excess of £1,500 in respect of a legal charge and £350 in respect of a restriction of title respectively.
- 23.2 The Organisation shall pay LTA Operations' costs for any application for consent or approval or enforcement of the Funding Agreement and any fees for consultants or other professionals which LTA Operations deem are appropriate.

Report to Executive

Agenda
Item:

A.7

Meeting Date: 27th July 2015
Portfolio: Culture, Leisure and Young People
Key Decision: Yes: Recorded in the Notice Ref:KD
Within Policy and
Budget Framework NO
Public / Private Public

Title: CLOSED CIRCUIT CYCLE TRACK DEVELOPMENT
Report of: The Deputy Chief Executive
Report Number: SD 13/15

Purpose / Summary:

This report seeks Carlisle City Council Executive approval to accept up to £650,000 in British Cycling Funding (on completion of a successful 'solicited application' process) in order to develop a 1km closed circuit cycle track in Harraby. The development would be wholly funded by British Cycling with Carlisle City Council's Capital Programme increased to reflect the incoming funding.

Carlisle City Council would be the accountable body for the British Cycling Funding and subject to the terms and conditions of grant and any claw-back conditions. The City Council will also have to increase the size of its lease holding of land at the Harraby Campus site.

Recommendations:

- 1) Executive are asked to approve the completion of a solicited application for British Cycling Funding and the acceptance of up to £650,000 in funding (the final value of the application and grant will be determined via a competitive tendering exercise).
- 2) Executive are asked to approve the increase in the Capital Programme to reflect the award of any British Cycling grant.

- 3) Executive are asked to delegate authority to progress the scheme (and accept final terms and conditions of grant) to the Portfolio Holder for Culture, Leisure and Young People following consultation with the Deputy Chief Executive.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** The aims and objectives of Carlisle City Council's current Sports Facilities Strategy were based on a needs assessment drawn from local and national evidence, the known and projected numbers of people taking part in various sports and physical activity, and on the aspirations of various National Governing Bodies of sport (NGB'S).
- 1.2** The assessment identified a need for a 1km closed circuit cycle track in the city. There are no closed circuit facilities in Cumbria and clubs locally and countywide have long campaigned for the development of such facilities.
- 1.3** The development of a closed circuit track was, therefore, adopted and features as one of the priority development projects in Carlisle City Council's Sports Facilities Strategy.
- 1.4** British Cycling have been working with Carlisle City Council for a number of years to try and develop a closed circuit facility. The critical challenge in recent years (and certainly since the adoption of the Sports Facilities Strategy) has always been the availability of capital match funding to support any British Cycling Grant.
- 1.5** The development of the Sports Facilities at the Harraby Campus and a change in British Cycling's funding approach currently offer a unique opportunity. British Cycling are willing to acknowledge and accept Carlisle City Council's existing £1.6M investment in the site (particularly the development of the wider sports facilities) as suitable provision of 'match funding' to the degree where British Cycling will fully fund the development of the cycle track itself.
- 1.6** In Spring 2015 Carlisle City Council commissioned an architectural firm to develop the outline proposal (funded from existing revenue budgets and with support from Cumbria County Council as per Portfolio Holder Decision Notice OD.021/15). RNL Building Consultancy (RNL) were appointed following a competitive tendering exercise. Their brief extends to the development of initial proposals, application for planning permission, tendering for the procurement of a construction partner, and management and delivery of the scheme via the construction partner.
- 1.7** Throughout April and May 2015 RNL liaised with Carlisle City Council Officers and representatives from British Cycling to develop a track design that met with British Cycling requirements, and then submitted a planning application for the lighting

columns on the track (the remainder of the scheme did not need planning permission).

- 1.8** Due to the location of the proposed facility (outlined in detail in section 2 of this report) and the absolute requirement to achieve a minimum 1km length (in order to secure British Cycling Funding), the proposed track would have to be built on the site of existing grass football pitches in Harraby. Significant consultation was undertaken with local football teams who are happy with the proposals due to the provision of alternative 3G pitches as part of the wider scheme (the consultation and outcomes are detailed in section 3 of this report). However, the loss of grass pitches resulted in a holding objection being lodged by Sport England. This was lifted when Council Officers demonstrated the increased capacity for pitch sports being offered by the new 3G facilities and updated evidence of need specific to Harraby.
- 1.9** In June 2015 planning permission for the lighting provision was granted, paving the way for the entire development.
- 1.10** On completion of the planning process, RNL have worked with Carlisle City Council Officers (from both the Sports Development and Procurement Teams) and British Cycling to fully specify a scheme ahead of a tendering exercise. RNL estimations of the cost of this scheme are up to £650k, however this has allowed for significant risk, contingency and elements which may prove unnecessary (subject to further ground and site surveys) – such as a SUDS (Soaking Urban Drainage System) drainage pond on site.
- 1.11** A formal tendering exercise will competitively confirm final project costings and the successful tender will form the basis of the final funding application to British Cycling via a solicited application process.
- 1.12** There is a relatively high degree of urgency to this report and to the development proposal as a whole, as one of the conditions of grant for British Cycling is that any scheme must be complete before the end of the 2015/16 financial year. In reality this means commencing in the late summer or very early autumn of 2015.

2. PROPOSALS

2.1 The Track

The proposed development is for a fully floodlit 1km closed circuit cycling track built to British Cycling specification, complete with access and ancillary facilities, and provision for race and club events as well as recreational cycling.

A full plan of the proposed development is attached at Appendix 1 to this report.

The proposed site of the scheme spans the land to the rear of the new Harraby Campus and in front of Waterman's Walk, and continues parallel to Waterman's Walk over the site of the existing junior and senior football pitches behind the current Community Centre.

2.2 Development and Build

As previously outlined a competitive tendering process will be held to identify a preferred contractor and confirm project costs. RNL will be retained to support this process and to act as employer's agent on behalf of Carlisle City Council to manage the construction project.

British Cycling's grant award will be based on final tender costings and will be full and final. However, the specification includes all known risks and accounts for significant elements which may prove unnecessary (such as a SUDS drainage pond). This should almost entirely mitigate the risks of the project exceeding the capital allowance from British Cycling.

The specification prepared for tender is also well over basic specification in terms of British Cycling's minimum requirements and the solicited application process will allow for an ongoing relationship with British Cycling and negotiated value engineering (as necessary) to ensure that there is no capital requirement from Carlisle City Council.

Immediately, and in advance of construction works, there is a requirement to support the County Council in the clearance of the site. Currently there is significant spoil and earth mounds on their land to the rear of the new Harraby Campus. Removal of this will be required to facilitate development. A temporary access road will be necessary (over Carlisle City Council and Harraby Community Association Land) to remove this prior to construction commencing.

2.3 Management and Operations

The newly developed track would be an addition to the range of new sports facilities being developed as part of the Harraby Campus. Operation and management of the cycle track would be incorporated into any arrangements to manage and operate these wider sports facilities.

Greenwich Leisure Limited have developed a fully costed business plan for the existing sports facilities (including maintenance and provision of a sinking fund) and have been asked to update this to reflect the addition of the cycling facilities. However, given the likely low cost of on-going maintenance (outlined below), and the demand from local clubs for a dedicated training and event facility, the preliminary assessment undertaken suggests that cycle track will be revenue generating (even after allowing for costs).

The facility itself is likely to offer free or very low cost open access cycling facilities for individuals whenever the site is not exclusively booked. The principle income stream will come from exclusive bookings for club specific training sessions and competitive events. Supplementary income will be derived from exclusive use bookings from schools (for Bikeability) or other community clubs and groups (youth clubs etc). This is the business model successfully implemented at similar facilities elsewhere in the country (notably Lancaster and Middlesbrough).

2.4 Funding Implications

As outlined above, Carlisle City Council have been invited to complete a solicited application for funding. British Cycling have indicated that subject to the proposed scheme meeting their own specification and the tender submissions satisfying their own value for money assessment then they will offer grant funding to fully cover the costs of the scheme.

Carlisle City Council would be the accountable body for this funding, and would remain so for the duration of the funding claw-back period (15 years). This would mean that Carlisle City Council would be responsible for the meeting of the terms and conditions of grant and any supplementary Community Use Agreement (which will include access and maintenance requirements) mandated by British Cycling. These are bid specific and would be negotiated and finalised during the application process. However, British Cycling's Standard Terms and Conditions of Grant and a template Community Use Agreement have both been included for reference at Appendices 2 and 3 respectively. Both have been used to inform the operations and management and maintenance liabilities of this report.

Given that the terms and conditions mentioned above remain indicative at this stage it is recommended that final authority to accept any funding and proceed with the project is delegated to the Portfolio Holder for Culture, Leisure and Young People upon receiving satisfactory assurance on the business planning of Carlisle South Sports and that any returning liabilities could be met from within existing resources.

2.5 Ongoing Maintenance

The specification of the track will be such that it's natural lifespan is in excess of the claw-back period on British Cycling's funding (15 years) and the ongoing maintenance and repair costs (as mandated by British Cycling's Community Use Agreement) are minimal. Typical maintenance requirements are outlined in British Cycling's standard terms and conditions which also accompany this briefing note (Appendix 2).

British Cycling do not mandate the provision of a sinking fund but GLL will be asked to increase the sinking fund already allocated within the business plan for the wider facilities to allow for full refurbishment / restoration at the end of the track' expected life span.

3. CONSULTATION

- 3.1** Direct consultation has been held with British Cycling, Sport England and the Border City Wheelers Cycling Club who all support the scheme.
- 3.2** Direct consultation has been held with Harraby Community Association who support the scheme and the addition to the Sports Facilities and believe it will significantly strengthen the local offer.
- 3.3** Direct consultation has been held with Harraby FC (the sole current users of the existing grass football pitches) who support the scheme subject to them being granted an access agreement and a period of priority and subsidised usage of the new 3G pitch
- 3.4** Formal consultation was held with local residents as part of the planning application process. This was supplemented by a residents meeting convened by ward councillors and the Sports Development Team. Some residents had reservations / objections to the proposals. Amendments were made to the scheme as a result of this, and more notably planning conditions were placed on development regarding the timing and usage of floodlighting as a result of these concerns.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 In order to help Carlisle City Council deliver one of the priority projects within its Sports Facilities Strategy; leverage in full funding from British Cycling; and expedite the process (to comply with British Cycling's timetable) while still ensuring due diligence on the sustainability and financial risks of accepting a British Cycling grant the following recommendations are made:

- 1) Executive are asked to approve the completion of a solicited application for British Cycling Funding and the acceptance of up to £650,000 in funding (the final value of the application and grant will be determined via a competitive tendering exercise).
- 2) Executive are asked to approve the increase in the Capital Programme to reflect the award of any British Cycling grant.
- 3) Executive are asked to delegate authority to progress the scheme (and accept final terms and conditions of grant) to the Portfolio Holder for Culture, Leisure and Young People following consultation with the Deputy Chief Executive.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 “We will develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle.”

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

Appendices	Appendix 1 Plan, Appendix 2 Terms & Conditions
attached to report:	Appendix 3 Community Use Agreement Template

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 – A suite of legal documents will need to be considered and approved and particular account should be taken of the fact that the proposed draft funding agreement contains clawback provisions. Consideration needs to be given to management arrangements which will need to be codified in a legal agreement and any necessary procurement undertaken. Finally, legal documentation will be needed to grant a licence over the Council's adjacent land to the County Council in order that they can access and remove the spoil.

Local Environment –

Resources – The scheme to develop a cycle track on the Harraby campus site is to be fully funded with the Council acting as the accountable body. The scheme will cost £650,000 and will be required to be added to the capital programme. As it is fully funded the grant award will also be added to the programme as a source of funding.

The procurement of a contractor will need to be undertaken by the Council in accordance with normal contracting and tendering procedures.

Future liabilities for the track for the period the Council is required to be the accountable body (15 years) can be mitigated by transferring these responsibilities to the Harraby Community Association, but the ultimate responsibility to meet any future liabilities would remain with the Council for the period of any potential clawback.

There are conditions around monitoring of use within the grant conditions and as such the grant will be added to the grants and external funding register to ensure that any monitoring requirements are fulfilled so as not to trigger any likelihood of clawback of the grant.

BRITISH CYCLING WHOLE SPORT PLAN

***Facilities Awards
General Terms and Conditions***

1. Definitions

For the purposes of the Award Agreement (as defined below) the following expressions shall have the following meaning:

“Application”	means the funding application submitted by the Award Recipient for an Award in respect of the Project and shall include all written and oral representations made by the Award Recipient to British Cycling regarding the Award Recipient, the Project and the Facilities;
“Award”	means the sum referred to in the Award Letter awarded to assist in financing the Project which may consist of Capital Funding and/or Revenue Funding;
“Award Assets”	means any property (i) whose acquisition, creation or improvement is funded in whole or in part by the Award; and (ii) that has an acquisition cost or value (whichever is higher) of £1,000 or above; and (iii) that has an economic life of three years or more (based on normal accounting practice);
“Award Agreement”	means the agreement entered into between the Award Recipient and British Cycling regarding the Project in the form of an Award Letter, the Schedule to the Award Letter, the Project Documents and these General Terms and Conditions;
“Award Letter”	means the Award offer letter sent to the Award Recipient confirming the Award;
“Award Recipient”	means the organisation or persons specified in the Award Letter to which the Award is made;
“British Cycling”	means the British Cycling Federation (registered company number 3943494); whose registered office is at Stuart Street, Manchester M11 4DQ;
“Business Plan”	means a business plan prepared by the Award Recipient relating to the financial and operational management and marketing of the Project and the Facilities following Practical Completion;
“Capital Funding”	means the Award (or part of it) referred to in the Award Letter that relates to funding which is to be used for the purchase, construction or development of Facilities and/or Award Assets;

“Clawback Period”

means the period of years from the date of acceptance of the Award set out in the table below:

Capital Award Amount	Clawback Period
£5million and over	30 yrs
£1million to £5million	20 yrs
£250,001 to £1million	15 yrs
£100,001 to £250,000	10 yrs
£50,001 to £100,000	7 yrs
£25,001 to £50,000	5 yrs

“Cycling Development Plan”

means a plan prepared by the Award Recipient setting out the aims, objectives, responsibilities and timescales relating to the development of cycling in the area in which the Facilities are situated;

“Cash Flow Forecast”

means the cash flow forecast in respect of the Project delivered by the Award Recipient and approved by British Cycling at the date hereof and as may be varied from time to time during the Project upon the written approval of British Cycling;

“Defects”

means any defects or ‘snagging’ points identified by the Project Professional at the date of or prior to Practical Completion;

“Defects Liability Period”

means, if the Award is less than one hundred thousand pounds (£100,000), the period of six (6) months commencing from the Date of Practical Completion and if the Award is more than one hundred thousand pounds (£100,000) the period of twelve (12) months commencing from the Date of Practical Completion;

“Facilities”

means any facility, capital equipment (including Award Assets), buildings (including fixtures and fittings) and/or land in respect of which the Award is made as more particularly specified in the Award Offer Letter and shall include, without limitation, any facility, equipment, buildings and/or land proposed to be acquired or improved as a result of the Award;

“Funder(s)”

means any organisation(s) responsible for funding any part of the Award from time to time including without limitation Sport England, British Cycling and the Exchequer, as applicable.

“General Terms and Conditions”

means these terms and conditions;

“Long Stop Date”

means the date set out in the Award Letter as the latest date by which the Project must be completed;

“Practical Completion”	means the date specified in any certificate issued by the supervising architect, surveyor, engineer or other competent professional as the date on which work on the Facilities was practically completed under the terms of the relevant building contract;
“Project”	means the design, development and build project or projects described in the Award Letter;
“Project Documents”	means the Business Plan, the Cashflow Forecast, the Cycling Development Plan and the Project Specifications
“Project Professional”	means a qualified architect, surveyor, engineer, project manager or employer’s agent or other competent professional (whose identity has been approved by British Cycling) employed by the Award Recipient to supervise and project manage the Project;
“Project Specification”	means the most recent specification for the Project supplied by the Award Recipient and approved by British Cycling;
“Retention”	means the money to be retained from each payment of the Award in accordance with Clause 7.2;
“Revenue Funding”	means the Award (or part of Award) referred to in the Award Letter that relates to funding which is to be used for management or development of projects and/or the purchase of equipment that does not constitute Award Assets;
“RPI”	means the all items retail prices index compiled and published by the Office of National Statistics (UK);
“Sign Contractor”	means British Cycling’s authorised supplier of signs as may from time to time be notified by British Cycling to the Award Recipient;
“Sport England”	means the English Sports Council a company incorporated by Royal Charter (company number RC000766) and any successor to it; and
“Statement of Final Account”	means the statement of final account signed by the Award Recipient and the Project Professional confirming that the total project costs of the Project have been agreed.

2. Use of Award

- 2.1 The Award will be used solely towards the Project and Facilities in accordance with the terms of Award Agreement, and only by the Award Recipient, and under no circumstances shall it be used for any other purpose.

2.2 The Award Recipient will use its best endeavours to deliver the aims and objectives detailed in the Cycling Development Plan and in accordance with the Business Plan.

2.3 Delivery of the Project will comply with the Project Specification.

3. Construction of Facilities

3.1 Where land or buildings are to be acquired, constructed or improved as a result of the Award:

3.1.1 the highest standard of Facilities must be aimed for;

3.1.2 the Award Recipient must have security of tenure of the Facilities and/or the land on which the Facilities are built throughout the Clawback Period by means of a freehold or uninterruptible leasehold interest. If leasehold, the terms of the relevant lease must be approved by British Cycling and a copy of the executed lease sent to British Cycling request; and

3.1.3 the construction, improvement and/or development of the Facilities must be supervised throughout by a Project Professional.

3.2 The Project Professional will be fully authorised by the Award Recipient to communicate with British Cycling on all aspects of the Project and shall not fail or refuse to disclose information to British Cycling on the basis that British Cycling is not a client of the Project Professional or for reasons of professional confidentiality.

3.3 The date of Practical Completion of the Project must be no later than the latest date specified for completion in the Project Specification or the Long Stop Date (whichever is the sooner) and all Defects must be remedied within the Defects Liability Period.

4 Procurement Process

4.1 In respect of the costs of construction and/or development of the Facilities at least three competitive tenders for the provision of the Facilities shall be obtained by the Award Recipient in accordance with normal tender and contract procedures.

4.2 If requested by British Cycling (and to the extent that British Cycling shall require) an explanation of the tender accepted shall be submitted to British Cycling prior to Project works being commenced. The explanation must be satisfactory to British Cycling, failing which the Award, which is made on condition that a satisfactory tender process is followed, may be withdrawn by British Cycling at its sole discretion and any Award monies already paid shall immediately become repayable to British Cycling.

4.3 A copy of the original "form of tender" from the appointed contractor for the construction works shall be submitted to British Cycling, together with a list of the identities of the entities that submitted unsuccessful tenders. On Facilities where a "tender report" is prepared by any consultant quantity surveyor, architect, or other professional (including the Project Professional), a copy of this report shall also be submitted to British Cycling.

4.4 The Award Recipient shall ensure that British Cycling has the right to inspect and copy the relevant documents and records of all persons from whom tenders have been obtained in relation to the Project.

- 4.5 British Cycling wishes to ensure that all the applicable provisions of the Public Contracts Regulations 2006 (the "Regulations") are complied with in respect of the Project and therefore the Award Recipient warrants and agrees that:
- 4.5.1 it has complied with and will comply with all relevant and applicable laws as to public procurement including without limitation the Regulations;
 - 4.5.2 it shall promptly supply British Cycling with such information as British Cycling may from time to time require evidencing the Award Recipient's compliance with the Regulations.
- 4.6 If the Award Recipient fails to comply with any relevant and applicable laws relating to public procurement (including without limitation the Regulations) in relation to any contract, the Award Recipient may not use any Award monies to make payments under such contract and shall repay to British Cycling upon demand an amount equivalent to any Award funding used to make payments under such contract.

5 *Management & Use of Project and Facilities*

- 5.1 The purpose of the Project, the arrangements for management and community use of the Facilities and the purpose for which the Facilities are used shall be as set out in the Application and the Award Agreement (including without limitation the Cycling Development Plan) and shall not be changed throughout the Clawback Period without the prior written consent of British Cycling (which may be granted or withheld, or if granted may be made subject to conditions, as British Cycling shall in its discretion decide).
- 5.2 Where Revenue Funding is to be used for the employment of staff or consultants the Award Recipient shall:
- 5.2.1 advertise for the post and supply details of the post, the recruitment process and any recruitment advertisements to British Cycling;
 - 5.2.2 obtain the prior written consent of British Cycling to the matters in clause 5.2.1;
 - 5.2.3 throughout the selection, recruitment and appointment process apply equal opportunity policies; and
 - 5.2.4 supply to British Cycling details of the terms of employment if requested by British Cycling.
- 5.3 The Award Recipient undertakes, warrants and agrees to use its best endeavours to manage and operate the Project and the Facilities in accordance with the aims, objectives, targets, and timescales set out in the Cycling Development Plan and the Business Plan (as they may be amended from time to time with the prior written agreement of British Cycling).
- 5.4 The Award Recipient shall at all times throughout the Project and the development of the Facilities and until the expiry of the Clawback Period:
- 5.4.1 ensure that, unless British Cycling has given its prior written consent, the fees and charges for use of the Project and the Facilities by members of the public do not increase beyond any increase in the RPI from the date on which the Application was approved by British Cycling;

- 5.4.2 keep the Facilities, and all facilities, fittings or equipment used in connection with them in good repair and condition and undertake all things as may be necessary to ensure their proper maintenance;
 - 5.4.3 decorate all internal and external parts of the Facilities following their construction as often as may be necessary in the opinion of British Cycling;
 - 5.4.4 take out and keep in force a comprehensive policy of insurance with reputable insurers to cover the Project, the Facilities, the Award Assets, their use and any activities carried out thereon against and in respect of all usual risks to their full replacement value (where relevant, and including third party, public, employee and occupier's liability), and a copy of the current policy and evidence of premium payment shall be provided to British Cycling upon request;
 - 5.4.5 make and operate satisfactory arrangements for the storage and safekeeping of any equipment, or Award Assets, acquired or improved as a result of the Award or utilised by the award Applicant in connection with the Facility and reasonably required by users of the Facility to make effective use of the Facility. If any such equipment is lost or otherwise unavailable for use the Award Recipient shall replace it as soon as reasonably practicable (at no cost to British Cycling);
 - 5.4.6 ensure that no-one will be denied access to use the Project or the Facilities on grounds of disability, race, creed, colour, sex, occupation, sexual orientation, religion or political persuasion; and
 - 5.4.7 comply with all statutory requirements and other laws and regulations relating to the Project and the Facilities and the development and operation thereof, including without limitation employers' liability insurance, the national minimum wage, the "Working Time" Directive, health and safety, child protection, data protection, intellectual property, and religious, political, race, sex and disability discrimination requirements, laws and regulations.
- 5.5 The Award Recipient must inform British Cycling in writing of anything that materially threatens, makes unlikely, or delays the completion or success of the Project and the Facilities.

6 Payment

- 6.1 Payments of the Award will only be made into an ordinary business bank account in the name of the Award Recipient. Cheques from the account must be signed by at least two individuals whose identity will be disclosed to British Cycling and agreed with them.
- 6.2 The Award Recipient shall not deposit any part of the Award outside ordinary business accounts within the UK clearing bank system.
- 6.3 British Cycling reserves the right to call for proof that the payment of the Award satisfies the requirements of 6.1 and 6.2.
- 6.4 No part of the Award will be paid until British Cycling is satisfied (acting reasonably) that such payment is in respect of proper expenditure on the Project or Facilities actually incurred by the Award Applicant in accordance with the provisions of these General Terms and Conditions.

- 6.5 The Award Recipient must promptly repay to British Cycling any part of the Award incorrectly paid to the Award Recipient as a result of any administrative, clerical or financial error. This includes (without limitation) situations where either an incorrect value of Award has been released or where Award monies have been released in error before any applicable term(s) of the Award Agreement have been complied with by the Award Recipient.
- 6.6 The Award Recipient shall on request from British Cycling repay to British Cycling any part of the Award incorrectly paid to the Award Recipient as a result of error as described in clause 6.5. Any monies incorrectly paid to the Award Recipient in excess of the total Award amount shall be repaid by the Award Recipient to British Cycling immediately upon the Award Recipient becoming aware of such error. This clause shall survive termination of this Award Agreement.
- 6.7 In the event that the Project involves the purchase of land the Award Recipient shall submit a copy of the Land Valuation and Surveyor's Report of the proposed project site. the Award Recipient shall submit a copy the contract for the purchase of the land, a copy of any Invoice of the final cost, including reasonable legal fees. However, if the monies are required in advance of completion, payment will be made on submission of the Invoice accompanied by the written notification by the solicitor acting for the Award Recipient of the proposed completion date and the details of the client account number, the name of the bank and the sort code, together with an undertaking from him/her addressed to British Cycling confirming that:
- 6.7.1 pending completion the Award monies paid will be retained in his/her firm's client account on trust for British Cycling; and
 - 6.7.2 the Award monies paid will be used only towards the completion of the purchase of the property specified in the Award Agreement; and
 - 6.7.3 if not so applied towards the completion of the purchase of the property within three days of the notified completion date the Award monies paid shall be returned to British Cycling immediately together with all accrued interest;
- 6.8 When the purchase has been completed the final cost should be confirmed by the Award Recipient's solicitor by submission to British Cycling of a certified copy of the property transfer and a completion statement detailing all monies paid out and all funds received and the source of those funds.

7 Drawdown of the Award

- 7.1 The Award will be paid in monthly instalments in accordance with the Cash Flow Forecast, subject to provision of claim forms in accordance with clause 7.3, save that British Cycling shall be entitled to agree that any money not claimed in accordance with the Cash Flow Forecast amount in any month may be carried forward to the next month or subsequent months provided that this would not lead to either a requirement to vary the Cash Flow Forecast or the Project not completing within the Long Stop Date.
- 7.2 At each stage that payment is made to the Award Recipient 10% of the Award instalment (unless a different percentage figure is agreed in the Award Letter) shall be retained by British Cycling and shall only be paid to the Award Recipient in accordance with this Clause.

- 7.3 Claim forms will be provided by British Cycling and should be completed and returned as the work progresses. Each form must include a completed statement of expenditure and details of the net value of the work completed at each claim stage (excluding voluntary labour, other contributions in kind, contractual retention fees and other non-allowable costs). The form must be counter-signed by an appropriately qualified and authorised person and must be accompanied by appropriate supporting documentation.
- 7.4 Without prejudice to the generality of British Cycling's supervisory powers, British Cycling shall be entitled to inspect the following documents and make payment of any part of the Award conditional on them being satisfactory in all respects to British Cycling:
- 7.4.1 a certificate confirming all relevant Building Control Regulations have been complied with and any mechanical and electrical test certificates;
 - 7.4.2 written confirmation from the relevant local authority planning department confirming the discharge of any conditions attached to the planning approval;
 - 7.4.3 documents evidencing the satisfaction any other condition that remains outstanding at any time as specified in the Award Letter.
- 7.5 British Cycling shall pay the final instalment of the Award and the Retention to the Award Recipient upon receipt of the following documents in a form satisfactory to British Cycling all signed by the Project Professional;
- 7.5.1 the Final Certificate or signed Statement of Final Account;
 - 7.5.2 the Final Claim Form; and
 - 7.5.3 the Certificate of Practical Completion (or equivalent).
- 7.6 The Award Recipient must ensure that sufficient funds are retained to meet the balance of any costs and to cover the period between the penultimate payment and completion of the work to be funded by the Award (including in respect of any defects that are not completed to the satisfaction of British Cycling and are not for whatever reason paid for by the relevant contractor during the effects Liability Period).
- 7.7 In the event that the relevant figure set out in the Statement of Final Account/Final Certificate is less than the amount of the Award, British Cycling will reduce the amount of the Award accordingly and thereafter make payment of such part of the Retention as may be then due.
- 7.8 If the Award Recipient fails to claim all or any part of the Award in accordance with Cash Flow Statement without the approval of British Cycling, British Cycling shall be entitled to retain any part of the Award not claimed by the Award Recipient and reduce the amount of the Award accordingly

8 Project publicity

- 8.1 Where Capital Funding has been received:
- 8.1.1 throughout the Project and during the Clawback Period the Award Recipient will be asked to erect at the site of the Project and/or at the Facilities such

internal and/or external signs reflecting the Award as may be supplied to it by the Sign Contractor on behalf of British Cycling;

- 8.1.2 the Award Recipient shall be responsible for obtaining all approvals or consents for installation of the sign as may be required by statute, contract, landlord permission or otherwise;
 - 8.1.3 on delivery of any sign to the Award Recipient the sign will become the property of the Award Recipient, which will maintain all signs to a satisfactory and safe condition. The Award Recipient will notify British Cycling and the Sign Contractor immediately if there are any defects in the sign or its installation;
 - 8.1.4 without limitation to clause 8.1.1 the Award Recipient shall for the Clawback Period officially acknowledge the support of British Cycling and the Funders in accordance with the applicable publicity strategy notified to the Award Recipient by British Cycling from time to time, including without limitation in all materials which refer to the Project or Facilities, and in all spoken public presentations about the Project or Facilities; and shall include (where appropriate or where requested by British Cycling) British Cycling's logo and, if required by British Cycling, the names and/or logos of such of the Funders as British Cycling shall specify, provided always that British Cycling's logo may only be used with the prior written consent of British Cycling;
 - 8.1.5 the Award Recipient will co-operate with British Cycling in respect of publicity for the Award. British Cycling will co-ordinate media activity in respect of the Award. The Award Recipient shall not issue any public release nor hold any press conference about the Award, Project or the Facilities without the prior written consent of British Cycling; and
 - 8.1.6 the Award Recipient shall arrange an official opening ceremony for the Project and/or the Facilities (in the latter case within a reasonable period after completion of the Facilities), which British Cycling may attend. The Award Recipient shall liaise with British Cycling to agree a date of and the arrangements for the opening ceremony.
- 8.2 The Award Recipient will keep British Cycling informed of any sponsorship relating to an event, programme or facility wholly or substantially funded by the Award, will use its best endeavours to include in any such sponsorship agreement(s) entered into after the date of this Agreement a clause prohibiting the sponsor ambushing British Cycling's Award or by taking credit due to British Cycling or its Funders for that funding and will use all reasonable endeavours to prevent ambush marketing tactics by the sponsor and ensure British Cycling and its Funders receive appropriate credit proportionate to the amount of funding it has contributed. For the avoidance of doubt, this clause shall not prevent a sponsor taking full credit for its own funding.
- 8.3 For all Awards British Cycling shall have the right to promote its association with the Award Recipient, the Project and Facilities publicly and the Award Recipient hereby grants British Cycling a licence without charge to use the name, logo and image of the Award Recipient without restriction for this purpose.

9 Project monitoring

- 9.1 The Project and the Facilities may be monitored by British Cycling throughout the Clawback Period to ensure that the aims and objectives specified in the Application,

the Cycling Development Plan, Business Plan and Project Specification are being met, that the Award Agreement is adhered to and that the Project and the Facilities represent good value for money.

- 9.2 Wherever it requires during the Clawback Period (including without limitation at any time both during the development and/or construction phases of the Project and the Facilities and after completion of the Project and the Facilities), British Cycling and any person authorised by British Cycling may make unannounced visits (including without limitation site visits, site audits and compliance visits). British Cycling may request meetings for the purposes of monitoring the Project and the Facilities and monitoring compliance with the Award Agreement. The Award Recipient will facilitate and co-operate in the arrangement and conduct of such visits and meetings, and shall allow British Cycling and any person authorised by British Cycling access to inspect the Project and/or the Facilities at any time.
- 9.3 The Award Recipient will promptly provide to British Cycling any information and/or reports (including without limitation regular progress reports) requested by British Cycling in connection with the Project, the Facilities or the Award Recipient and its activities. The Award Recipient will complete any questionnaires requested by and respond promptly to any questions raised by British Cycling.
- 9.4 The Award Recipient shall evaluate and monitor the Project and the Facilities, their use and success, and shall cooperate with and provide all the assistance required by British Cycling to allow British Cycling to evaluate and monitor the Project and the Facilities and their use and success. In particular, but without limitation, the Award Recipient shall keep records of the number of jobs created by the Project and Facilities, the number of users and other beneficiaries of the Project and the Facilities, and such other information as British Cycling shall require from time to time.
- 9.5 The Award Recipient will provide a final report on the capital expenditure (build) phase of the Project, in such form as is required by British Cycling, which confirms that the Project has been properly completed.
- 9.6 British Cycling may at any time call for the views of any appropriate Award Recipient or person on the progress of the Project.
- 9.7 The Award Recipient shall on request provide British Cycling with contact details of an individual who shall liaise with Sport England to provide the contact details of users of the Project to allow Sport England to monitor and evaluate use of the Project. In providing this information to both British Cycling and Sport England, the Award Recipient shall comply with relevant data protection legislation.

10 Accounts and Records

- 10.1 The Award Recipient shall maintain a detailed register of the Award Assets throughout the Clawback Period and shall supply British Cycling with a copy of this annually, or when new assets are acquired or disposed of (whichever is the sooner).
- 10.2 The Award Recipient shall keep separate, full, proper and up-to-date accounts and records regarding the development, purchase, financial trading and use of the Project and the Facilities throughout the Term and the Clawback Period. Any person or persons authorised by British Cycling shall be given access, at British Cycling's request, to these accounts and financial records and British Cycling and such

person(s) authorised by it shall have the right to take copies of such accounts and records.

- 10.3 The Award Recipient must have its accounts externally audited (or independently evaluated, where appropriate) and if requested by British Cycling must provide a copy of the audit (or evaluation) report and the annual accounts to British Cycling.
- 10.4 The Award Recipient must meet any relevant statutory requirements as regards accounts, audit or examination of accounts, annual reports and annual returns.
- 10.5 The Award must be shown in the Award Recipient's accounts as a specific Project fund and where appropriate a restricted fund and not be part of the Award Applicant's general funds.

11 *Mortgage, Disposal, Lease, or Change of Use of Facilities*

- 11.1 During the Clawback Period, subject to the terms of any charge or charges to which British Cycling shall have consented to prior to entering into the Award Agreement, the Award Recipient shall not without the prior written approval of British Cycling:
 - 11.1.1 transfer, sell, lease, licence or otherwise dispose of all or any part of the Facility or any interest in it;
 - 11.1.2 grant any charge, mortgage or other form of security or encumbrance over all or any part of the Facility or any interest in it; or
 - 11.1.3 cease to use or change the use of the Facility from those purposes previously approved by British Cycling.
- 11.2 The Award Recipient shall give written notice to British Cycling a reasonable period before it proposes to take any action that requires consent under clause 11.1.
- 11.3 British Cycling may give consent in accordance with clause 11.1 subject to any or all of the following conditions:
 - 11.3.1 the sale, lease, licence or other disposal is made at full market value as determined and evidenced by an independent professional valuation by an appropriately qualified expert approved in writing by British Cycling;
 - 11.3.2 prior to the completion of the transfer, lease, licence, sale or other disposal the proposed new owner of the Facility enters into a deed of novation with British Cycling to ensure that the new owner is obliged to comply with the terms of the Award Agreement in place of the Award Recipient;
 - 11.3.3 the Award Recipient repays to British Cycling a sum equivalent to the Award or at the discretion of British Cycling a sum equivalent to the Award increased in line with inflation as determined by RPI or such other sum as British Cycling at its discretion deems appropriate; or
 - 11.3.4 termination of the Award Agreement.
- 11.4 Failure to obtain consent as required by clause 11.1 or failure to comply with any conditions imposed in accordance with clause 11.3 shall entitle British Cycling to terminate the Award Agreement and to receive repayment from the Award Recipient of a sum equivalent to the Award or at the discretion of British Cycling a sum

equivalent to the Award increased in line with inflation as determined by the Retail Price Index or such other sum as British Cycling at its discretion deems appropriate.

12 Cessation or Suspension of Award and Termination

12.1 Without prejudice to British Cycling's other rights and remedies, (a) British Cycling's obligation to make any payments of Award shall forthwith cease; (b) British Cycling may make all further payments of Award subject to such conditions as it may specify; (c) British Cycling may require the full amount of Award released to the Award Recipient (or such other sum as British Cycling may require) to be repaid to British Cycling on demand and (d) British Cycling shall have the right at any time during the Clawback Period to terminate this Agreement forthwith or suspend all or any of its obligations hereunder upon such terms and for such period as British Cycling shall at its absolute discretion determine; if:

12.1.1 the Award Recipient ceases to operate for any reason, or it passes a resolution (or the Court makes an order) that it be wound up (other than for the purpose of a bona fide reconstruction or amalgamation), or, if it was a charity at the time that the Application was made, it ceases to be a charity;

12.1.2 the Award Recipient becomes insolvent, or it is declared bankrupt, or it is placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or any of its members are surcharged or a manager is appointed on behalf of a creditor in respect of its business or a part thereof, or it is unable to pay its debts within the meaning of section 123 of the Insolvency Act 1986 as amended;

12.1.3 within the Clawback Period the Award Recipient fails to comply with the Award Agreement;

12.1.4 in the reasonable opinion of British Cycling the Award Recipient fails to apply any part of the Award for the intended purpose;

12.1.5 in the reasonable opinion of British Cycling the Award Recipient fails to complete the works to be carried out in executing the Project in accordance with the terms of and to the standard indicated in the Application (unless any variation has been previously approved in writing by British Cycling);

12.1.6 any of the events described in clause 11.1 occur without British Cycling's prior approval;

12.1.7 the Award Recipient fails to complete the Project on time or within any reasonable additional period that British Cycling may (but is not obliged to) agree or it appears that the Project is unlikely to be completed on time or within such period;

12.1.8 after considering the purpose of the Award, in British Cycling's opinion further payment of the Award would not constitute good value for money (however, British Cycling shall, subject to the other terms of this Agreement, continue to pay the Award to the extent that the Award Recipient has, with the prior written consent of British Cycling, contracted for goods and services and it is not practically possible to cancel such arrangements);

- 12.1.9 there is evidence of financial mismanagement, breakdown of budgetary control or any other irregularity, within the Award Recipient organisation;
- 12.1.10 in the reasonable opinion of British Cycling, any of the assurances given or representations or information contained in the Application or other documents submitted by the Award Recipient to British Cycling were fraudulent, incorrect or misleading, or if the Award Recipient acts fraudulently. Any attempts to defraud British Cycling by any means will be pursued rigorously: a report will be submitted to the appropriate body and any other necessary action taken;
- 12.1.11 any assurance, representation, release of information or statement made regarding the Application or the Project has changed in a manner that has a materially adverse effect on the Project and the Award Recipient has not informed British Cycling of the change;
- 12.1.12 the Award Recipient, or any member of the governing body, volunteer or member of staff of the Award Recipient, or any person acting under the control or authority of the Award Recipient or any partner or partnership Award Recipient connected in any way with the Application, the Project or the Facilities have acted fraudulently or negligently at any time or in a manner which might have a detrimental effect on the Project, or the completion, development or management of the Facilities;
- 12.1.13 the Award Recipient, any member of its governing body, volunteer or member of staff of the Award Recipient, any person acting under the control or authority of the Award Recipient, or any partner or partnership Award Recipient connected in any way with the Application, the Project or the Facilities does anything which may bring British Cycling into disrepute;
- 12.1.14 there is a material change in the constitution and/or corporate structure of the Award Recipient or there is any attempt to offer membership (including shares) for public subscription in such a way as to capitalise the value of the Assets for the benefit of any of its members; or
- 12.1.15 any of the following circumstances occur without the Award Recipient first notifying British Cycling and obtaining its prior written consent and British Cycling reasonably considers such circumstances to be materially detrimental to the Project:
- (a) a transfer of assets from the Award Recipient to a third party;
 - (b) merger or amalgamation by Award Recipient with another body (including a company established by the Award Recipient);
 - (c) except where the Award Recipient is a local authority or parish council any change to the composition, structure or key personnel of the Award Recipient; or
 - (d) except where the Award Recipient is a local authority or parish council, any change to the Award Recipient's constitution, in particular but without limitation as regards its purposes, payment to members and members of its governing body, distribution of assets (whether on dissolution or not) or admissions of members (where it has a membership).

- 12.2 Without prejudice to sub-clause 12.1 British Cycling may suspend all or any of its obligations under the Award Agreement while investigations are carried out into any matter referred to in sub-clause 12.1.
- 12.3 If British Cycling chooses to suspend this Agreement pursuant to this clause and the Award Recipient remains in default of any of the provisions of sub-clause 12.1, or indicates its intention to remain in default of any such provision, British Cycling may terminate the Award Agreement immediately upon notice in writing to the Award Recipient.

13 *New Application*

- 13.1 Without prejudice to clause 12, a new application must be submitted to British Cycling if prior to full payment of the Award:
- 13.1.1 the Award Recipient proposes to change or vary the Application, the Project, its implementation, the works carried out or to be carried out in the execution of the Project, the Facilities or the purpose of the Facilities;
- 13.1.2 the Award Recipient proposes to dispose of the whole or any part of the Facilities;
- 13.1.3 there is a change to the ownership of the Facilities;
- 13.1.4 the legal structure or ownership of the Award Recipient changes;
- 13.1.5 it is proposed that the legal identity of the Award Recipient should change; or
- 13.1.6 there is a material change in the financial circumstances of the Award Recipient.
- 13.2 While the new application is being considered, no payments of the Award shall be made and any payments made or liabilities incurred by the Award Recipient in respect of the Facility shall be at their sole risk and expense. In the event of the Award being rescinded, British Cycling shall, at its sole discretion, be entitled to demand a full or partial refund of any payments of Award already made.

14 *Further conditions*

- 14.1 The Award Recipient acknowledges and agrees that the Award is to be paid out of public money and that British Cycling is accountable for its distribution and accordingly British Cycling may amend the terms of the Award upon notice to the Award Recipient if required to do so by any Funder, in order to comply with any directions issued in relation to such public funding, or if the terms upon which such funding is made available to British Cycling materially alter.
- 14.2 The Award Recipient acknowledges and agrees that payment of the Award is subject to British Cycling:
- 14.2.1 remaining entitled to receive and distribute funds on the same or substantially the same terms as exist on the date of the Award Agreement; and
- 14.2.2 having access to sufficient funds to meet Award payments at the time of the Award Recipient requesting payment of the Award or any part thereof

provided that British Cycling will notify the Award Recipient as soon as it becomes aware of any of the situations described in this clause 14.2 arising.

- 14.3 British Cycling may, on giving prior written notice to the Award Recipient, assign or transmit the benefit and burden of the Award Agreement to any successor body of British Cycling or to Sport England.
- 14.4 The Award Recipient acknowledges that the Award and the Award Agreement are personal to it and not transferable.
- 14.5 The Award Recipient must notify British Cycling in writing of any legal actions, claims or proceedings made or threatened against it (including any actions, claims or proceedings made or threatened against members of its governing body or staff) during the Clawback Period. Such notification shall be made as soon as practicable and in writing.
- 14.6 If the Award Recipient is not registered for VAT then VAT on supplier's invoices may be considered as part of the eligible project cost. Should the Award Recipient subsequently become registered for VAT, and be able to reclaim that element of expenditure, the reclaimed tax will be repaid to British Cycling. British Cycling will not increase the amount of the Award if VAT is or becomes payable and/or unrecoverable and as a result the Project costs are increased. The Award Recipient takes the sole risk with regard to the VAT treatment of any aspect of the Project and is advised to seek its own advice on its own and the Project's status as regards VAT.
- 14.7 British Cycling shall have the right in its absolute discretion to disclose and make available for inspection and copying any information, documents, accounts and/or records relating to or concerning the Project, the Facilities and the Award Recipient to third parties including, without limitation, Sport England, the National Audit Office and any person authorised by any of them. British Cycling is obliged under the terms of agreements with Sport England to disclose certain information, documents, accounts and/or records relating to or concerning the Project, the Facilities and the Award Recipient to appropriate third parties.
- 14.8 Any failure, relaxation, forbearance, delay or indulgence by British Cycling in enforcing any of the terms or conditions of the Award Agreement shall not be deemed a waiver of future enforcement of that or any other provision, and nor shall the Awarding of any time by British Cycling prejudice or affect or restrict any of its rights arising under the Award Agreement or be deemed a waiver by British Cycling of any breach or subsequent or continuing breach.

15 *Duration*

The Award Agreement will apply from the date on which the Award Letter is accepted by the Award Recipient and continue for the duration of the Clawback Period.

16 *Warranties*

The Award Recipient warrants, undertakes and agrees that:

- 16.1 it has all necessary resources and expertise to carry out the Project;
- 16.2 it has and will keep in place adequate procedures for dealing with any conflicts of interest;

- 16.3 it has and will keep in place systems to deal with the prevention of fraud;
- 16.4 all financial and other information concerning the Award Recipient comprised in the Application or otherwise disclosed to British Cycling is to the best of its knowledge and belief, true and fair;
- 16.5 it is not under any contractual or other restriction within its own or any other Award Recipient's rules, regulations or otherwise which may prevent or materially impede meeting its obligations in connection with the Award;
- 16.6 it is not aware of anything in its own affairs, which it has not disclosed to British Cycling or any of its advisers, which might reasonably have influenced the decision of British Cycling in making the Award on the terms contained in the Award Agreement; and
- 16.7 since the date of the most recent accounts disclosed to British Cycling there has been no change in the financial position or prospects of the Award Recipient.

17 *Multiple Award Recipients receiving the Award*

Where there is more than one Award Recipient receiving the Award and/or delivering the Project:

- 17.1 where any standard, obligation, representation or warranty under this Agreement is expressed to be undertaken or adhered to by the Award Recipient, each Award Recipient shall be jointly and severally responsible for it;
- 17.2 British Cycling may release or compromise the liability of any of the Award Recipients acting as the Award Recipient under this Agreement or Award any time or other indulgence without affecting the liability of any of the other Award Recipients; and
- 17.3 any consent or authority given by the Award Recipient under or in connection with this Agreement shall bind all the Award Recipients.

18 *Exclusion of Liability/Indemnity*

- 18.1 British Cycling, its employees, agents, officers or sub-contractors will not at any time be liable to any person for anything in connection with the development, planning, construction, operation, management and/or administration of the Facilities or the Project. In particular but without limitation, it shall not be liable to the Award Recipient for any loss or damage arising directly or indirectly as a result of the compliance by the Award Recipient with the Award Agreement.
- 18.2 The Award Recipient will indemnify and hold harmless British Cycling, its employees, agents, officers or sub-contractors with respect to all claims of, and liability to, third persons for injury, death, loss or damage of any type arising out of or in connection with the Project, the Facilities and any activities carried out thereon except where such injury, death, loss or damage have resulted from the negligent act or omission of British Cycling or its employees or agents. In this latter case, the Award Recipient shall provide prompt notice to British Cycling of any such claim, and British Cycling shall have the sole right to control the defence of any such claim.
- 18.3 British Cycling has no liability for losses or costs arising from failure to make any payment of the Award on any agreed date.

19 Security

19.1 In the event that the construction or development of the Facility or purchase of land for the Facility exceeds £150,000 in value, and as security for the payment of any money due from the Award Recipient under the Award Agreement, British Cycling may require that the Award Recipient to:

19.1.1 permit British Cycling to enter a restriction in respect of the relevant property at HM Land Registry in respect of the registered title; and/or

19.1.2 grant or cause to be granted to British Cycling a legal charge over the relevant Asset in such form as British Cycling may require;

19.1.3 in either case the Award Recipient shall (at its own cost) execute such further documents and provide such assistance as British Cycling may reasonably require in order to effect either of the foregoing and make necessary registrations at Companies House and/or HM Land Registry and supply British Cycling's solicitors with evidence of such registrations; and

19.1.4 in the case of a charity, comply with the provisions of s.38 of the Charities Act 1993 (as amended).

19.2 The Award Recipient shall, in the case of a legal charge, provide to British Cycling a solicitor's certificate of title confirming good and marketable title in respect of the relevant property in such form as British Cycling may require.

19.3 Each party shall bear its own costs in connection with the any of the matters set out above in this clause 19.

20 Law and Jurisdiction

The construction, validity and performance of the Award Agreement shall be governed in all respect by English law and be subject to the non-exclusive jurisdiction of the English Courts.

21 Rights of Third Parties

Subject to clause 22 below, a person who is not party to this Agreement has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of the Award Agreement.

22 Sport England's interest

22.1 British Cycling has been appointed by Sport England to enter into agreements with award recipients for the purpose of distributing Lottery and government funds.

22.2 Sport England shall have the benefit of the various Award Recipient obligations under the Award Agreement and shall be entitled to enforce any of British Cycling's rights under the Award Agreement either alone or jointly with British Cycling.

22.3 Sport England shall have all rights conferred on British Cycling by the Award Agreement including without limitation all rights to information, inspection, disclosure, access and clawback.

22.4 In the event of any of the events listed in clause 12 of these General Terms and Conditions occurring, Sport England has a right to have the Award Agreement

novated to itself to allow it to take the place of British Cycling in relation to this Award Agreement.

- 22.5 British Cycling may disclose any information concerning the Award Recipient, the Project or the Facilities to Sport England and Sport England may disclose any such information to any persons.
- 22.6 The Award Recipient acknowledges that copies of the Award Agreement and any other information, documents, accounts and/or records may be disclosed and/or made available to the Funders, the National Audit Office and any person authorised by them, and their respective representatives.
- 22.7 In the event of termination of British Cycling's agreement with any Funder:
 - 22.7.1 the Award Recipient will return to the relevant Funder all the documentation relating to the Award and specified by the Funder at a date to be agreed between the Funder and the Award Recipient; and
 - 22.7.2 the Award Recipient shall return to the Funder any part of the Award provided to British Cycling by the Funder which is unspent on the date that the Funder or British Cycling notified its desire to terminate the agreement between the Funder and British Cycling, subject to the relevant termination provisions.
- 22.8 Sport England may assign all or any of its rights under this Agreement to any successor or such other body.

DATED

[REDACTED]

[REDACTED] [the Awardee] (1)

British Cycling (2)

FORM OF
COMMUNITY USE AGREEMENT
RELATING TO

[REDACTED]

DATE

[REDACTED]

PARTIES

- (A) [REDACTED] of ("the Awardee")
- (B) **British Cycling** of National Cycling Centre, Stuart Street, Manchester, M11 4DQ ("British Cycling")

1. RECITALS

- (1) British Cycling has agreed to make available financial support of a capital nature to the sum of £[REDACTED] to the [the Awardee] for investment in the Facility.
- (2) The [the Awardee] has the responsibility to manage and operate the Facility.
- (3) The parties wish to enter into this Agreement in order to make the Facility available for use by the local community in recognition of Sport England's aim in promoting participation in sport and encouraging provision of sports facilities for the community.

2. DEFINITIONS AND INTERPRETATION

In this Agreement the following words or phrases have the corresponding meanings ascribed to them unless the context otherwise requires:

Casual Use	Availability for any individual(s) or group to book the Facility at relatively short notice for use on a pay-as-you-play basis.
Community Use Period	[agreed with the owner / operator].
The Facility	The [name of facility] located at [REDACTED]
[REDACTED] Cycling Development Plan	A programme of activities aimed at (i) attracting and retaining the interest of new participants across a range of sports, including cycling with the overall objective of establishing new clubs or encouraging new participants to join established clubs and (ii) maintaining the quality of provision for regular/established participants in sport.
Marginal Costs	Staff costs and administration, routine maintenance, publicity, insurance premiums, non-capital equipment
Member Clubs	The Cycling Clubs / Groups listed in Schedule 1
People with Disabilities	Any person with a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on

their ability to do normal daily activities, as defined by the Equality Act 2010.

Priority Groups

Those categories of persons identified in Clauses 4.2.2

“RPI”

Means the all items retail prices index compiled and published by the Office of National Statistics (UK)

The Targets

Those targets set out in Schedule 2

3. AIMS

The parties agree to support the development and use of the Facility in order to pursue the following aims:

- 3.1 To provide opportunities at the Facility for local people and sports organisations to participate in sport and physical activity primarily cycling to develop their skills particularly among low participant groups.
- 3.2 Where appropriate to support community cycling clubs/ groups at the Facility to help raise standards of coaching, education and training, administration, volunteering and performance pathways in cycling in the region.

4. OBJECTIVES [standard objectives - to be agreed between each party]

In accordance with the above aims the parties agree to operate and manage the Facility in a manner consistent with achieving the following objectives:

- 4.1 To maximise use of the Facility
- 4.2 To give priority use to achieve the Targets (Schedule 2). These programmes may include but not limited to:
 - 4.2.1 opportunities for beginners, for people wishing to improve their skills via programmes of coaching and competition and training for players coaches and officials
 - 4.2.2 specific activities aimed at attracting new participants to from the following priority groups:
 - 4.2.2.1 16 and under;
 - 4.2.2.2 45 and over;
 - 4.2.2.3 girls and women;
 - 4.2.2.4 Lower socio economic groups;
 - 4.2.2.5 Black and Ethnic Minorities;
 - 4.2.2.6 People with Disabilities;
 - 4.2.2.7 Other specified target groups agreed between the parties to

this Agreement

4.2.3 and a balanced programme of use which provides for a wide range of community cycling including provision for:

4.2.3.1 Development Initiatives;

4.2.3.2 Casual Use

4.2.3.3 League and tournament competition from junior to senior levels

4.2.3.4 Organised club sessions;

4.2.3.5 Coaching and officiating courses;

4.2.3.6 Adult education courses

5. **TARGETS**

The [the Awardee] undertakes with British Cycling and the Member Clubs to use its best endeavours to achieve the Targets.

6. **MANAGEMENT**

The [the Awardee] agrees that it shall:-

6.1 be responsible for the Facility and will resource manage and routinely maintain it in a manner that will allow achievement of the aims and objectives set out in clauses 3 and 4 and the Targets.

6.2 make available the Facility on the occasions and times herein specified for community use subject to reasonable cause, including adverse weather conditions.

6.3 insure and keep insured the Facility against all usual commercial risks including public liability in its full reinstatement value

6.4 effect repairs and make good accidental damage arising out of or occasioned by the use of the Facility or in the event of damage by an insured risk

6.5 establish a practical policy framework for managing and operating the Facility during periods allocated for community use. This framework should seek to enable:

6.5.1 A policy of affordable pricing which clearly demonstrates the capability of achieving the Targets;

6.5.2 The promotion of developmental activities to support the Member Clubs;

6.5.3 Equal opportunities of access for the priority use groups;

6.5.4 Easy and accessible booking arrangements for Casual Use

- 6.5.5 6 monthly review of the programme bookings during the first three years of operations of the Facility under this Agreement
- 6.5.6 Allow British Cycling affiliated organisations to manage and administer junior and senior leagues at the Facility
- 6.6 No later than [REDACTED] in every year during the currency of this Agreement agree cycling targets for the following 12 month period, identifying programming arrangements for key cycling usage of the Facility.
- 6.7 Establish a User Group to agree the matters specified in Clause 6.5 and to review and adopt new procedures and policies related to community use. The committee shall include a representative from the [the Awardee], British Cycling and a representative from the Member Clubs.
- 6.8 Facilitate the implementation of the [REDACTED] Cycling Development Plan.

7. **FINANCE**

Where it is clear that the running costs of operating the Facility will be recovered, the [the Awardee] agrees to utilise any such excess money recovered towards supporting actions identified in the [REDACTED] Cycling Development Plan.

8. **MONITORING AND EVALUATION**

- 8.1 The [the Awardee] will on or before 1st April in every year during the currency of this Agreement prepare an annual report showing progress against cycling targets within the [REDACTED] Cycling Development Plan set out in Schedule 2.
- 8.2 British Cycling may occasionally undertake additional monitoring and evaluation of cycling participation at the Facility and the [the Awardee] will co-operate fully and in a timely manner in any such evaluation.
- 8.3 The [the Awardee] will on request supply such information regarding the Facility as British Cycling may reasonably request.

9. **REVIEW**

- 9.1 The aims and objectives set out in Clauses 3 and 4 of this Agreement shall be reviewed on an annual basis by the parties on or before 1st April each year.
- 9.2 Prior written approval of all the parties to this Agreement will be required before any revisions are made or implemented

10. **DURATION OF AGREEMENT**

- 10.1 This Agreement will remain in force from the date of this Agreement until [asset liability date].

10.2 The Schedules to this Agreement shall be reviewed and agreed annually by both parties on or before 1st April each Year.

10.3 Each party can terminate the Agreement forthwith;

10.3.1 if there is a fundamental breach by either part of its obligations;

10.3.2 if there is a breach by either party of its obligations which is not remedied within 28 days or such other reasonable period set out in notice in writing.

11. AUTHORITY

Both parties to this agreement warrants that it has the full right and authority to enter into this Agreement

12. NO VARIATIONS

This Agreement may only be varied in writing by a document executed by all the parties hereto

13. NO AGENCY

Nothing in this Agreement shall be construed as creating a partnership, a joint venture, a contract of employment or a relationship of principal and agent between the parties hereto

14. SEVERABILITY

If any term condition or provision contained in this Agreement shall be held to be invalid unlawful or unenforceable to any extent such term condition or provision shall (save where it goes to the root of this Agreement) not affect the validity legality or enforceability of the remaining parts of this Agreement

15. WAIVER

No term or provision of this Agreement shall be considered as waived by any party to this Agreement unless a waiver is given in writing by that party

16. NON-ASSIGNABILITY

This Agreement is personal to the parties and none of them shall assign sub-contract or otherwise deal with their rights or obligations

17. GOVERNING LAW AND JURISDICTION

This Agreement shall be governed by the laws of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales

18. APPOINTMENT OF SUB-CONTRACTOR

The [the Awardee] shall have the right to appoint a sub-contractor to carry out the duties of the [the Awardee] under this Agreement. The [the Awardee] will ensure that:

18.1 any sub-contractor appointed is of adequate financial standing and has the necessary technical skills and competence

18.2 the sub-contractor enters into a deed of adherence with British Cycling, the [the Awardee] under which the sub-contractor agrees to be bound by all of the terms of this Agreement

19. A PARTY CEASING TO EXIST

In the event that either the [] or British Cycling ceases to exist or is wound up this Agreement shall continue in force as between the remaining parties and the following provisions shall apply:

19.1 the parties shall procure that the Facility continues to be made available for community use in accordance with this Agreement

19.2 the parties will use its best endeavours to achieve the Targets set out in Schedule 2.

20. DATA PROTECTION AND FREEDOM OF INFORMATION

20.1 [] shall comply with its obligations under the Data Protection Act 1998 in the performance of the Service and provide such information to British Cycling that the [the Awardee] is complying with its obligations.

21. CONFIDENTIALITY

21.1 The parties shall ensure its employees, agents and sub-Agreements do not divulge or dispose or part with possession, custody or control of any confidential information or material provided to the other party unless the prior written consent of the other party is obtained.

22. EQUAL OPPORTUNITIES

22.1 [] shall operate appropriate and acceptable equal opportunities policies and procedures in all aspects of the Service. By implementing these policies and procedures the [the Awardee] shall ensure that it does not discriminate on the grounds of race, ethnic origin, disability, nationality, gender, sexuality, age, class, appearance, religion, responsibility for dependants, unrelated criminal activities, HIV, Aids or any other matter which causes a person to be treated with injustice. It will also ensure that any user of the Facility also complies with the same.

22.2 The [the Awardee] will provide access for all through the objectives of the [] Cycling Development Plan

23. HEALTH AND SAFETY

23.1 The [the Awardee] shall, at all times, comply with the requirements of the Health and Safety at Work Act 1974 and all other acts, regulations, orders relating to health and safety in connection with the provision and use of the Cycle Circuit.

23.2 Member Clubs will review risk assessments annually and pass a current copy to the Site Manager.

24. **RIGHTS OF THIRD PARTIES**

24.1 Nothing in this Agreement will create rights under the Agreements (Rights of Third Parties) Act 1999 in favour of anyone other than the parties to this Agreement.

IN WITNESS whereof the parties have executed this Agreement the day and year first above written

SIGNED by *(name)* on behalf of)
[REDACTED])
in the presence of: *(signature of witness)*)
(Address and Description))

SIGNED by *(name)* on behalf of)
British Cycling)
in the presence of: *(signature of witness)*)
(Address and Description))

SCHEDULE 1

The Member Clubs

for the period []

The fees to be charged by the [the Awardee] to the Member Clubs for use of the Cycle Circuit is set for the period [] until [] as set out below:

- [name of cycling club]
- [name of cycling club]
- [name of cycling club]
- British Cycling Regional Go-Ride & Events

[insert fee structure for Affiliated Users] [Example]

Cycle Circuit	** Discounted rate	YS Cycling Partnership	British Cycling affiliated Club	Non British Cycling affiliated Club	Commercial Operator
Per hour	£40.00	£45.00	£50.00	£60.00	£ POA
Half day 3 hours	£110.00	£120.00	£135.00	£360.00	£ POA
All day 8 hours	£280.00	£280.00	£360.00	£440.00	£ POA

Fees will be set annually in line with [the Awardee]'s budget setting process and in consultation with British Cycling. Unless British Cycling has given its prior written consent, the fees and charges for use of the Facility by members of the public do not increase beyond any increase in the RPI.

New clubs wishing to join as a Member Club must apply in writing to British Cycling and [] [the Awardee]. Their acceptance as a Member Club will be considered at the next [] User Group meeting at which a representative of British Cycling, the [the Awardee] and representative of the Member Clubs must be present.

SCHEDULE 2

Targets

[Insert agreed performance measures e.g. from the Award agreement or Business Plan/
Sports Dev Plan for the facility]

[Example]

From time to time the timetable maybe subject to change due to events or competitions. Every effort will be made to provide advance notice of any alterations to the programme which will be advertised. Please check our website www.york-sport.com/circuittimetables

* Subject to possible change during school holidays

* Subject to possible change during school holidays

Circuit Sessions

Cycle Circuit Members / Pay & Play

These sessions are open to cycle circuit members and non members, non members pay £4.00 (£3.00 concessions) cycle circuit members get FREE admission please bring your card, making cycle circuit membership a great deal at only £59.00 per year. Check our website or speak to our membership team to sign up. Always check our website before travelling, to ensure the sessions is still available www.yorksport.com/circuittimetables

Group Training - Beginner / Intermediate

Group training *beginner / intermediate*
These sessions are for novice to intermediate riders wanting to learn the craft of chaingang riding, you don't have to be a racing snake to learn and enjoy the benefits of riding in a group. Once you have learnt the basics you will be able to ride further and faster! Session led by British Cycling coaches. Sign on and pay at the cycle circuit

SCHEDULE 4

Schedule of Maintenance

[Example]

Closed Road Circuit / Velodrome

Annual Maintenance Schedule

Circuit Owner

1. The cycle track is mechanically swept quarterly unless otherwise required
2. Quarterly inspection of surrounding fencing & gates
3. The surrounding grass is mown a minimum of every 3 weeks, April and October.
4. Litter picking is undertaken bi monthly or when required
5. Visual inspection of the circuit and associated infrastructure weekly
6. Weed prevention – quarterly treatment to the edges of the circuit surface 500mm from edge
7. Algae treatment to the edges of the circuit surface 500mm from edge after winter period
8. Electrical periodic fixed wiring inspection and testing ever 5 years

Cycling Club / User

1. Visual check before each race/session report any defects to York Sport Village, Duty Manager
2. Manual sweep before each race/session (if necessary).
3. Annual litter pick and tidy up



NOTICE OF EXECUTIVE KEY DECISIONS

26 JUNE 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

29 May 2015	21 August 2015	6 November 2015
26 June 2015	18 September 2015	13 November 2015
24 July 2015	16 October 2015	15 December 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.03/15	Carlisle and Eden Community Safety Partnership Annual Plan 2015/16		27 July 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.13/15	Contaminated Land Strategy 2015, incorporating the cost and recovery and hardship policy in appendix 1	1 June 2015 consultation period to include Overview and Scrutiny as appropriate (EX.46/15)	27 July 2015
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
KD.23/15	Tennis Facilities Improvements		27 July 2015
KD.24/15	Closed Circuit Cycle Track Development		27 July 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.03/15
Decision Title:	Carlisle and Eden Community Safety Partnership Annual Plan 2015/16
Decision to be taken:	The Executive will be asked to consider the Carlisle and Eden Community Safety Partnership Annual Plan 2015/16 and refer it to the Community Overview and Scrutiny prior to making recommendations to Council.
Date Decision to be considered:	
Date Decision to be taken:	27 July 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 Deputy Chief Executive will be available five working days before the meeting
Contact Officer for this Decision:	Deputy Chief Executive, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Communities and Housing (Councillor Mrs Riddle)
Relevant or Lead Overview and Scrutiny Panel:	Community 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

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.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:	1 June 2015 consultation period to include Overview and Scrutiny as appropriate (EX.46/15)
Date Decision to be taken:	27 July 2015
Is the Decision Public or Private?:	The decision will be taken in public
Documents submitted for consideration in relation to the Decision:	Report LE04/15 - Contaminated Land Strategy on 1 June 2015
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

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.23/15
Decision Title:	Tennis Facilities Improvements
Decision to be taken:	The Executive will be asked to approve the addition of £495,000 to the capital programme to fund tennis facilities enhancement works at Bitts park. The Executive will be asked to accept £400,000 via grant award from Lawn Tennis Association with Carlisle City Council providing £95,000 in match funding.
Date Decision to be considered:	
Date Decision to be taken:	27 July 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 Deputy Chief Executive will be available five working days before the meeting
Contact Officer for this Decision:	Deputy Chief Executive, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Culture, Leisure and Young People (Councillor Ms Quilter)
Relevant or Lead Overview and Scrutiny Panel:	Community 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.24/15
Decision Title:	Closed Circuit Cycle Track Development
Decision to be taken:	The Executive will be asked to approve an application (via a solicited bid process) for £650,000 of British Cycling Funding to develop a Closed Circuit Cycle Track at the Harraby Campus. The Executive are also asked to approve the acceptance of such funding (subject to a successful bid) and the addition of £650,000 to the capital programme wholly funded by British Cycling.
Date Decision to be considered:	
Date Decision to be taken:	27 July 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 Deputy Chief Executive will be available five working days before the meeting
Contact Officer for this Decision:	Deputy Chief Executive, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Culture, Leisure and Young People (Councillor Ms Quilter)
Relevant or Lead Overview and Scrutiny Panel:	Community 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: 26 June 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.008/15**Financial Assistance to Parish Council 2015/16**

Portfolio Holder who made Decision: Councillor Dr Les Tickner

Portfolio Area: Finance, Governance and Resources

Subject Matter:

To consider a report from the Director of Resources on the grant distribution to the Parish Councils as a contribution towards the cost of concurrent services provided by the parishes 2015/16.

Following the formula agreed with the Parish Councils, the total precepted levels for 2014/15 made by the Parish Councils totalled £424,140 and after deducting certified burial expenditure of £7,471 there is a balance of £416,669 on which a general grant in respect of concurrent services can be paid. Grant on burial expenditure at 40% absorbed £2,988 of the available grant leaving a balance of £46,712 which represented a rate of 11.01% for the general grant in respect of concurrent services.

A schedule of grants payable to Parish Councils for 2015/16 was appended to the report.

Summary of Options rejected: None

DECISION

That the schedule of grants payable to Parish Councils for 2015/16 totalling £49,700 as appended to report RD.13/15 be approved.

Reasons for Decision

The distribution is based upon the formula first agreed in approximately 1982 between the City Council and the Parish Councils Association. The total allocation is based upon the approved budget allocation for 2015/16 of £49,700.

Date Decision Made: 23/06/15

Implementation Date:

Officer Decisions

A.10

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.072/15	Licensing Decisions between 12 June 2015 and 19 June 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 12 June 2015 and 19 June 2015 (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	19-Jun-15	Licensing Manager
OD.073/15	Licensing Decisions between 19 June 2015 and 26 June 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 19 June 2015 and 26 June 2015 (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	26-Jun-15	Licensing Manager
OD.074/15	Elected Member Training	Councillors Glover, Martlew and Bloxham to attend the LGA Conference in Harrogate on 30 June, 1 & 2 July 2015 at a cost of £495.00 each	None	22-Jun-15	Organisational Development Manager
OD.075/15	Broadband Connection Vouchers	Awarding and the administration of grant funding forthcoming from the national Broadband Connection Vouchers initiative across Carlisle District and parts of the adjoining areas of Allerdale, Eden and Copeland.	DCMS Broadband Connection Voucher Scheme Support Documentation 'City Handbook'.	29-Jun-15	Deputy Chief Executive
OD.076/15	Licensing Decisions between 26 June 2015 and 3 July 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 26 June 2015 and 3 July 2015 (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	03-Jul-15	Licensing Manager

Decision Ref No	Subject Title	Subject Matter:	Reports and Background Papers considered:	Date Decision Taken	Decision Maker
OD.077/15	Licensing Decisions between 3 July 2015 and 10 July 2015	The Licensing Manager of Carlisle City Council has considered the applications for licences and permissions received between 3 July 2015 and 10 July 2015 (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)	Applications for various licences	10-Jul-15	Licensing Manager

EXCERPT FROM THE MINUTES OF THE ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL HELD ON 25 JUNE 2015

EEOSP.31/15 MINUTES OF PREVIOUS MEETINGS

The Chairman asked for an update on the following matters from the minutes of the meeting held on 23 April 2015:

Memorandum of Understanding

The Environment and Transport Portfolio Holder was disappointed to report that there had been no further progress made with the Memorandum. The City Council had received a letter from the Chief Executive of the County Council which had stated that the County Council were satisfied with the existing arrangements and did not require a Memorandum of Understanding.

The Portfolio Holder reminded the Panel that during the Claimed Rights transfer process the Leader of the County Council and the Chair of the Local Committee had been part of the working group which had agreed a residual highways agreement. The agreement had diluted to a Memorandum of Understanding and the City Council had agreed to the dilution so that the issue could be moved forward. She felt that the change had been a breach of the trust between the two authorities.

The Panel agreed with the Portfolio Holder and asked that the matter be pursued further.

Section 106 Briefing Notes

The Director of Economic Development responded that the briefing note was being prepared and it would be circulated to Members along with the Planning Advisory Service briefing note.

RESOLVED – 1) That the minutes of the meetings held on 12 March 2015 be agreed as a correct record of the meetings and signed by the Chairman.

2) That the minutes of the meeting held on 23 April 2015 be noted.

3) That the Leader and Deputy Leader of the Council make whatever efforts necessary to secure the Memorandum of Understanding between Cumbria County Council and the City Council.

JOINT MANAGEMENT TEAM

Monday 1st July 2015

MINUTES

Present:	Councillors Colin Glover (chair), H Bradley, E Martlew, J Riddle and L Tickner A Culleton, D Crossley, J Gooding, J Meek, M Lambert, P Mason.
Apologies:	Cllr A Quilter

JMT – JMT Minutes of Previous Meeting	Action
The minutes of the previous meeting were agreed.	
JMT –Civic Centre Digital Banner	Action
A paper was presented outlining the protocol for the Civic Centre Digital Banner. A discussion took place and the protocol was noted.	
JMT –Rethinking Waste	Action
A representative from Eunomia attended the meeting to give a presentation, updating members of JMT following attendance at a previous meeting. A discussion took place.	
JMT - Future Council Review Action Plan	Action
The Chief Executive presented a paper, updating members of JMT on an action plan in response to the recommendations set out in the LGA Future Council review. A discussion took place.	
JMT – Kingstown Update	Action
A paper was presented and a discussion took place.	
JMT – Forward Plan	Action
The Director of Economic Development requested Shaddongatewaybe added to the forward plan for JMT on 29 th June. The forward plan was agreed.	
JMT– Notice of Executive Key Decisions	Action
The Notice of Executive Key Decisions was agreed.	

Report to Executive

Agenda
Item:

A.13

Meeting Date: 27 July 2015
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework YES
Public / Private Public

Title: END OF YEAR PERFORMANCE REPORT 2014/15
Report of: Policy and Communications Manager
Report Number: PC 10/15

Purpose / Summary:

This Performance Report updates the Panel 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:	27 July 2015
Overview and Scrutiny:	Community – 11 June 2015 Resources – 18 June 2015 Economy and Environment – 25 June 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 Panel 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.

As a new performance framework is developed using the peer review as an assessment, it is the 2014/15 data that will be used as a baseline. With this in mind a Baseline Report has been produced that includes a selection of performance measures and management information from inside and outside of the authority. The measures are not exhaustive and it is recognised that there are service areas that are not represented in the report, but the PRISM project will help to pick up other areas as the project progresses. The report is attached in section 3 at the end of this document.

2. PROPOSALS

None

3. CONSULTATION

The report was reviewed by the Senior Management Team in May 2015 and will be considered by the Overview and Scrutiny Panels on the following dates:

Community – 11 June 2015

Resources – 18 June 2015

Economy and Environment – 25 June 2015

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

The Executive are asked to comment on the End of Year Performance Report

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

Detail in the report

Contact Officer:	Steven O’Keeffe	Ext:	7258
	Gary Oliver		7430
	Martin Daley		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.

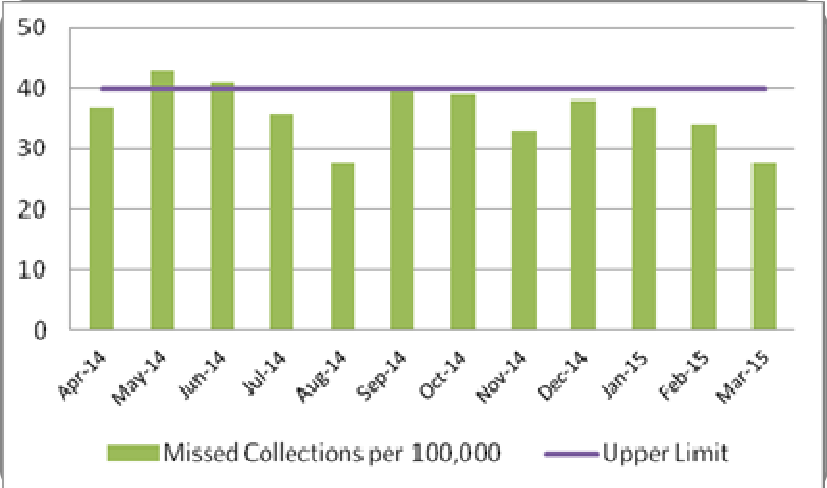
Resources – Responsible for managing high level projects team level service standards on a day-to-day basis.

SECTION 1: 2014/15 SERVICE STANDARDS

Service Standard: Percentage of Household Planning Applications processed within eight weeks

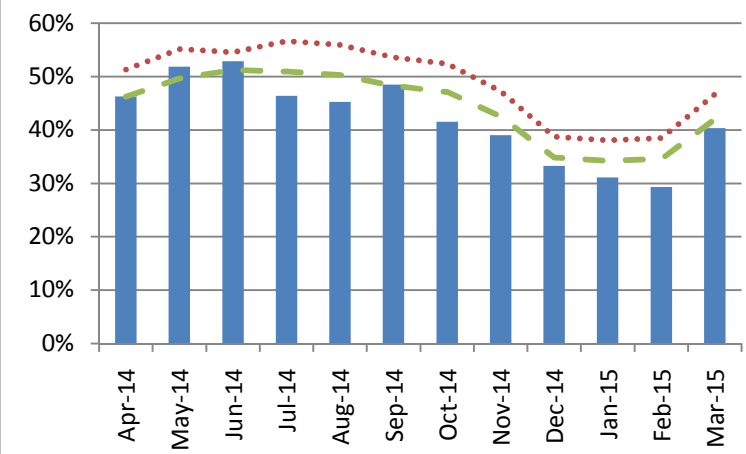
Service Standard	End of Year Figure	Performance by Month																																							
<p>80%</p> <p>(Nationally set target)</p>	<p>90%</p> <p>(2013/14: 88%)</p>	 <table border="1"> <caption>Monthly Performance Data</caption> <thead> <tr> <th>Month</th> <th>Monthly Performance (%)</th> <th>Target (%)</th> </tr> </thead> <tbody> <tr><td>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>84</td><td>80</td></tr> <tr><td>Jan-15</td><td>70</td><td>80</td></tr> <tr><td>Feb-15</td><td>100</td><td>80</td></tr> <tr><td>Mar-15</td><td>100</td><td>80</td></tr> </tbody> </table>	Month	Monthly Performance (%)	Target (%)	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	84	80	Jan-15	70	80	Feb-15	100	80	Mar-15	100	80
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Service Standard: Number of missed waste or recycling collections

Service Standard	End of Year Figure	Performance by Month																										
40 missed collections per 100,000 (Industry standard)	Average of 36 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>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><tr><td>Jan-15</td><td>37</td></tr><tr><td>Feb-15</td><td>34</td></tr><tr><td>Mar-15</td><td>28</td></tr></tbody></table>	Month	Missed Collections per 100,000	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	Jan-15	37	Feb-15	34	Mar-15	28
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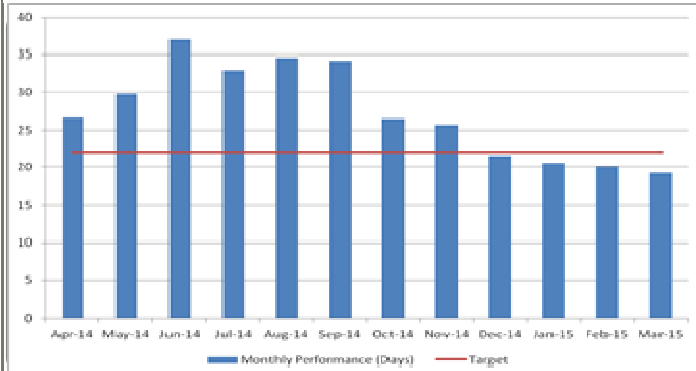
This service standard was previously measured as a percentage of all collections made whereas the industry standard is measured per 100,000 collections. To allow an easier comparison to be made with the industry standard and for benchmarking purposes the standard is now measured in the same format as the target. The Council made 4,679,649 collections over the year. The number of failures per 100,000 was 36 which equates to 1,685 actual failures.

Service Standard: Percentage of household waste sent for recycling

Service Standard	End of Year Figure	Performance by Month																																																				
Nationally set target of 45% by 2015 and 50% by 2020.	43% (2013/14: 43.5%)	 <table><thead><tr><th>Month</th><th>Monthly Value (%)</th><th>2015 Monthly Target (%)</th><th>2020 Monthly Target (%)</th></tr></thead><tbody><tr><td>Apr-14</td><td>46</td><td>46</td><td>50</td></tr><tr><td>May-14</td><td>51</td><td>49</td><td>53</td></tr><tr><td>Jun-14</td><td>52</td><td>51</td><td>54</td></tr><tr><td>Jul-14</td><td>46</td><td>50</td><td>55</td></tr><tr><td>Aug-14</td><td>45</td><td>50</td><td>55</td></tr><tr><td>Sep-14</td><td>48</td><td>48</td><td>53</td></tr><tr><td>Oct-14</td><td>41</td><td>45</td><td>51</td></tr><tr><td>Nov-14</td><td>38</td><td>40</td><td>45</td></tr><tr><td>Dec-14</td><td>33</td><td>35</td><td>38</td></tr><tr><td>Jan-15</td><td>31</td><td>34</td><td>37</td></tr><tr><td>Feb-15</td><td>29</td><td>35</td><td>38</td></tr><tr><td>Mar-15</td><td>40</td><td>40</td><td>45</td></tr></tbody></table> <p>Monthly Value 2020 Monthly Target 2015 Monthly Target</p>	Month	Monthly Value (%)	2015 Monthly Target (%)	2020 Monthly Target (%)	Apr-14	46	46	50	May-14	51	49	53	Jun-14	52	51	54	Jul-14	46	50	55	Aug-14	45	50	55	Sep-14	48	48	53	Oct-14	41	45	51	Nov-14	38	40	45	Dec-14	33	35	38	Jan-15	31	34	37	Feb-15	29	35	38	Mar-15	40	40	45
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The national 2015 target is 45% and the 2020 target is 50%. January and February were the lowest months in line with the seasonal trend. The 2014/15 figure of 42.98% compares with 43.5% for the previous year.

Service Standard: Average number of days to process new benefits claims

Service Standard	End of Year Figure	Performance by Month																										
Average number of new claims should be processed within 22 days	27 days (2013/14: 22 days)	 <table><caption>Monthly Performance Data (Days)</caption><tr><th>Month</th><th>Performance (Days)</th></tr><tr><td>Apr-14</td><td>27</td></tr><tr><td>May-14</td><td>30</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>27</td></tr><tr><td>Nov-14</td><td>26</td></tr><tr><td>Dec-14</td><td>22</td></tr><tr><td>Jan-15</td><td>21</td></tr><tr><td>Feb-15</td><td>20</td></tr><tr><td>Mar-15</td><td>19</td></tr></table>	Month	Performance (Days)	Apr-14	27	May-14	30	Jun-14	37	Jul-14	33	Aug-14	34	Sep-14	34	Oct-14	27	Nov-14	26	Dec-14	22	Jan-15	21	Feb-15	20	Mar-15	19
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The unprecedented levels of sickness and vacancies in the shared service over the summer caused a significant backlog of assessments. As illustrated by the graph above, the situation improved during the 3rd and 4th quarters.

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. It allocates land specifically for new employment generating uses and aims to give the certainty required to aid investment decisions within the District.

The necessary permissions to progress through 'publication' and 'submission' preparation stages were secured from the Council on 10 February 2015 and a further stage of public consultation commenced on 4 March, ending on 20 April 2015. The volume and nature of responses support that there has again been a good level of engagement in the process of plan preparation.

The Local Plan remains on track to be submitted to the Government in June 2015, who will appoint an independent Inspector to examine its 'soundness'. Formal adoption of the Plan is anticipated in early 2016.

Promoting Carlisle including Prospectus for Carlisle

Place Management: The 2015 Ambassador Programme was launched in January and was attended by over 150 people representing businesses across the City. The second meeting at the Carlisle Racecourse was attended by over 170 business people. A Carlisle Ambassador website has been established, along with social media channels which are raising the profile and engaging businesses.

To date over 58 businesses have signed up to become an Ambassador.

Employment sites –

Durranhill

HCA have approved the variation on the existing funding agreement to allow the project to run concurrently with the LEP works. Project funding of £2.25m investment (£2m LEP; £250,000 HCA). This will deliver 6.86 acres of employment land unlocked/enhanced by infrastructure improvements and additional 200 FTEs.

Rosehill

This project is will provide enhanced parking facilities, additional 60 FTEs through £3.5m of private sector investment.

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

Phase 2 project works to the Old Town Hall are progressing well with efforts now increasingly switching to focus on the internal fit-out of the first floor and therefore the latter stages of the programmed works. During the initial strip out and demolition works to part of the ground floor of the building however (in order to accommodate the new street level access, lift shaft and staircase), a number of unforeseen structural problems were identified which required immediate repair in order to stabilise the entirety of the structure of the building.

Substantial additional investment to remedy the structural defects and to future proof the building in other regards has been made and in doing so, this important historic asset of Carlisle safeguarded for the long term. The opportunity these works have given rise to was also taken to update and record significant historic details exposed during strip out works, which culminated with an update of the Historic Building Assessment Report for the building.

Whilst the additional emergency structural repairs have added to the programme, every effort is being made to ensure that the project concludes by the previously reported date of July 2015. Despite these unforeseen works the project also remains within the overall parameters of the budget initially set for the project.

Public Realm

Executive approval has been given for the scheme to develop and deliver Gateway signage, City Centre orientation, car park re-naming and improvements to Court Square.

Public Realm Caldewgate

A scheme has been developed to enhance public realm in the Caldewgate area, including environmental improvements to Paddy's Market car park and the seating area at the junction of Milbourne Street, as part of the Sainsbury's Section 106 money.

Crindledyke Cycleway

This project is on hold pending outcome of a report to SMT seeking approval of their preferred specification.

Arts Centre

The official opening of the Old Fire Station took place on Friday 15 May 2015. Sixty events have already been scheduled between now and Christmas 2015.

Harraby Campus Development

The campus development remains on broadly on track with minor slippage due to weather conditions and unforeseen issues with earth works. The campus will now be completed and handed over mid as opposed to early September. This will have particular impact on the school that will not now move it to the new premises until the autumn half term. It will have little operational impact on the Community Centre or sports facilities.

Sports Activation Fund

The sports projects have increased in number from the previous six months with men's and women's activity being added through Football, Archery, Tennis, Trampoline and Black and Minority Ethnic (BME) swimming sessions. The aim of sustaining programmes has been fulfilled, especially with the Activate Young People's projects, all of which have been retained for a second year. Growth through collaborative partnerships is particularly encouraging.

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.

Homelife Carlisle

In the last six months we helped 549 people compared to 169 in the first six months of the year. We have assisted 796 people in 2014-15 with measures and interventions as well as providing advice and information.

Homelife has been awarded £25,000 funding from the 'Warm at Home' programme from Foundations Independent Living Trust, national body for home improvement agencies in England. We have also been selected as one of three National Evaluation areas for the project to provide qualitative research in partnership with Sheffield Hallam University.

Homelessness Strategy

Partnership working with key stakeholders, coupled with nationally recognised research into multiple exclusion homelessness has been utilised to form the basis of a strategy for Carlisle, endorsed by Carlisle City Council in March 2015. The strategy will be formally launched around June 2015.

Partnership Working

The Carlisle Partnership continues to enjoy support from all sectors (public, private, voluntary and community). This year we have seen increasing engagement with a large number of new partners and stakeholders, who alongside the committed partnership have contributed to the development of a number of new and diverse projects and areas of work.

This year we have seen the expansion of new subgroups, resulting in an effective Carlisle Food City partnership and the integration and growth of Carlisle Youth Council.

Key partnership activity includes:

- The acceptance, promotion and presentation of a range Carlisle district projects at the World Health Organisation

- Support to bids for investment onto the University STEM labs and Carlisle College facilities
- City Centre wifi and improvements around the Digital agenda
- Engagement and contributions to the Carlisle Plan from each of the subgroups resulting in new sub policies.

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). The CEP has delivered a range of projects to address the key priority areas of Business Growth, Skills and Employment, Infrastructure and Image, identified within its action plan.

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 2014.

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.

Clean up Carlisle

This two-year project is now completed. The outstanding “We are watching you” educational campaign will be rolled out from June onwards.

Some of the achievements of the project over the last 2 years:

The evidence of the reduced dog fouling counts and the reduction in street waste collected by Neighbourhood Services during the campaign supports the perception that Carlisle is cleaner. The improvements to mechanisation and street cleaning have made the cleaning process more efficient and effective. Enforcement and Education has increased during the campaign with many notable successes. The joined up working between the three strands of cleanup, enforcement and education will continue, as will the policies and procedures developed within the City Council and with those external partners such as the Police and Riverside.

Rethinking Waste Project

Enforcement of no side waste on gull sack rounds has led to drastic improvement in use of the gull sacks and reduced street litter further. A planned approach was taken to educate, raise awareness and then move towards an enforcement position.

Procurement for a partner to deliver the food digester project has begun.

The second set of modelling has reported on two main options and recycling credit sensitivity.

The recruitment to a pool team of drivers and loaders will reduce reliance on agency staff.

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 and timely progression with regards to the adoption of the new Local Plan (2015-2030) and the housing allocations within.

Housing Delivery

Interim analysis shows that there were approximately 430 (net) new homes completed during 2014/15 which is the highest rate of delivery in almost a decade. Looking forward the pipeline of new completions looks encouraging and supports that the housing and development market within the District, and ultimately confidence to invest in Carlisle, is recovering well.

Affordable Housing

The number of affordable homes completed in 2014/15 was 133, including 58 affordable rented units completed at Raffles on two sites provided by the Council and funded by the HCA.

The Brampton Extra Care scheme started on site in March 2015 providing 38 social rented units, while Riverside secured planning permission for 2 sites at Morton and Longtown providing 18 and 13 units respectively. The Riverside projects were funded through the HCA's Affordable Homes Programme.

A joint Planning and Housing event was held with local Housing Associations in January around emerging Local Plan site allocations and policies, as well as Housing Association capacity to meet increased development targets.

Empty Homes: Cluster of Empty Properties funding stream

The project was successfully completed by the deadline of 31 March 2015. Benefits include 19 FTE jobs, potential to house 173 people, creating 10 new dwellings out of the 54 total brought back into use. The positive publicity has been generated at City, County & National levels.

BASELINE REPORT – 2014/15 End of Year

The LGA Peer Review from last year identified the need for a wider performance framework. With this in mind the tables below have been produced and include a selection of performance measures and management information from inside and outside of the authority. 2014/15 will act as the baseline year. The measures are not exhaustive and it is recognised that there are service areas that are not represented in this table, but the PRISM project will pick up further areas as the project progresses.

<u>Employees</u>	Data	Year	Notes
Total workforce FTEs	461	2014/15	@ 31 March 2015
Employee satisfaction	90.8% classed as a good employer	2014	39.6% return rate. No EOS carried out in 2015.
Total FTEs days lost to sickness	12.1 days	2014/15	Up by 3.3 days on 2013/14

<u>Finance</u>	Data	Year	Notes
NNDR collection rates	98.6%	2014/15	
Council Tax collection rates	97.7%	2014/15	
Spend vs Budget	Budget = £13,364,700 Spend = £9,847,356	2014/15	These are gross figures. Much of the underspend can be attributed to carry forwards, one off savings and the replenishment of reserves.
Income from major leased assets	£4,936,540	2014/15	
% debt over 90 days old	6.5%	2014/15	

<u>Service Delivery</u>	Data	Year	Notes
Street Cleanliness (Local Environment Quality Checks)	298 Transects scored A-D	From December to March 2014/15	A transect is a 50-meter long section of a street. The cleanliness is graded from A (Good) to D
Litter	227 B or above		
Detritus	267 B or above		

Graffiti	294 B or above		(Poor)
Fly Posting	297 B or above		

Food establishments in the area which are broadly compliant with food hygiene law	90%	2014/15	
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Planning applications processed in time (Minor)	75.84%	2014/15	
Planning applications processed in time (Major)	54.55%	2014/15	
Planning applications processed in time (Other)	87.32%	2014/15	
Planning Enforcement cases resolved	62.8%	2014/15	125 of 199 recorded
% of Land Charges searches issued within ten days	12.77%	2014/15	158 of 1247 searches

Number of affordable homes delivered	133	2014/15	
Homelife	796 people assisted	2014/15	
	£305,268 worth of work carried out		

% of the 221 units available that are let	76.55%	2014/15	
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Customer Satisfaction (overall satisfaction)	61.25% very or fairly satisfied	2014/15	Measured by a combination of responses via the City Council website survey, face to face surveys and Carlisle Focus survey
% of corporate complaints concluded at stage one	88% (75 of 85)	2014/15	
% of corporate complaints responded to within target time	71% (60 of 85)		

Complaints made to the Ombudsman	6	2014/15	No cases of maladministration
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Number of people given Housing advice from Homelessness Team	983	2014/15	
Number of homeless decisions	140	2014/15	
Number of rough sleepers	0	2014/15	
Number of homeless preventions	576	2014/15	
Number of homeless acceptances	16	2014/15	
Multiple Exclusion Homelessness (MEH)	29	2014/15	MEH is a strategy for tackling homelessness
Number of unauthorised traveller encampments	8	2014/15	
Number of homeless 16/17 year olds using B&Bs	0	2014/15	
Number of homeless families using B&Bs	0	2014/15	
Number of welfare advice claimants assisted	800	2014/15	
Total benefit gains	£2 million	2014/15	
Number of households accommodated in temporary homeless accommodation (hostels)	275	2014/15	

<u>Contextual Data</u>	Data	Year	Notes
In Employment	52,300 of 56,500	2013/14	
STEAM*	7.34 million	2013	
Educational Attainment	67.1% NVQ 2 and above	2013	

*STEAM is a complex calculation obtained from the Cumbria Tourist Board. The Scarborough Tourism Economic Activity Monitor includes information obtained from a variety of sources. Other specific information (i.e. The Lanes footfall, TIC visitors etc) is available upon request.

Report to Executive

Agenda
Item:

A.14

Meeting Date: 27th July 2015
Portfolio: Leader's Portfolio
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: SEXUAL ASSAULT REFERRAL CENTRE
Report of: Chief Executive
Report Number: CE 09 05

Purpose / Summary:

Update and release of budget provision.

Recommendations:

The Executive is asked to note the update provided by Cumbria Police on the setting up and operating of the Sexual Assault Referral Centre.

The Executive is asked to release the 2015/16 budget provision of £20,000 pa for 3 years to support the initiative.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. INTRODUCTION

- 1.1 The Executive as part of their 2015/16 budget deliberations supported a Cumbria Police Commissioner initiative to set up a Sexual Assault Referral Centre.
- 1.2 The centre to provide a base from which support services for victims of sexual assault will be co-ordinated and offer a first point of contact for victims to get advice about help available.
- 1.3 Members earmarked £20,000 pa for 3 years to support the initiative but requested further information to be provided before budget released.

2. UPDATE ON SEXUAL ASSAULT REFERRAL CENTRE INITIATIVE

- 2.1 Attached at Appendix 1 is an update provided by Cumbria Police covering
 - Location (Penrith Hospital site) and role of the Centre
 - Start date for building works, June 2015
 - Opening times and 24 hour provision for medical examinations
 - Annual running costs (subject to ongoing procurement exercise so hidden on attachment)
 - How the Centre will be funded by a three-year pooled and aligned budget. Also match funding commitment from NHS England
 - Partners which include the County Council, Carlisle, Allerdale and Eden
 - How Carlisle's funding of £20,000 per annum would be used

3. RECOMMENDATIONS

- 3.1 The Executive is asked to note the update provided by Cumbria Police on the setting up and operating of the Sexual Assault Referral Centre.
- 3.2 The Executive is asked to release the 2015/16 budget provision of £20,000 pa for 3 years to support the initiative

Contact Officer: Peter Mason

Ext: 7270

**Appendices
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 – As per Report

Deputy Chief Executive – N/A

Economic Development – N/A

Governance – Section 2 of the Local Government Act 2000 (the “well-being” power) enables the authority to do anything which it considers is likely to achieve the promotion or improvement of the economic, social or environmental well-being of its area, including the whole or part of its area or all or any persons resident in its area. The power is drawn widely and includes the ability to incur expenditure, enter into arrangements or agreements with any person, co-operate with or facilitate or co-ordinate the activities of any person, exercise functions on behalf of any person and provide staff, goods, services or accommodation to any person. It also includes power to do anything in relation to, or for the benefit of, any person or area situated outside its own area if it considers that it is likely to achieve any one or more of the objectives set out above. The legislation provides that, in determining whether or how to exercise the power, the authority must have regard to its community strategy and to any guidance issued by the Secretary of State regarding the exercise of the power. Suffice to say that, subject to the requirements mentioned above, the well-being powers appear to be sufficiently wide to be relied upon as a basis of proceeding with the proposals described in the report.

Local Environment – N/A

Resources - The Council budget for 2015/16 made provision for a grant to be awarded for a sexual assault referral service for three years. This report asks for the release of the grant in line with the requirements set out in the budget resolution

Update on Sexual Assault Support Services, Including the Sexual Assault Referral Centre

The Sexual Assault Referral Centre will be situated on the Penrith Hospital site but separate from the main building, allowing it to have its own separate entrances and parking. The site will deliver services to victims from across the county of Cumbria: children, young people and adults and will be available both for those who choose to report to the police and those who do not. It will offer services to victims regardless of gender, sexuality, disability or other factors. The centre will provide a base from which support services for victims of sexual assault will be co-ordinated and offer a first point of contact for victims to get advice about help available. It will also include specialist facilities for forensic-medical examinations and a video interview suite where police interviews with victims can be conducted. The centre will be staffed by 2 full-time staff on weekdays 9am to 5pm, along with cover 24/7 365 days a year for medical-forensic examinations to take place as appropriate to the victim's needs.

Building work is due to start imminently (mid-June). The provider of the medical- forensic services and the management of the centre has been appointed and we expect to have the Sexual Assault Referral Centre Manager in post in the next few months. The centre is planned to be open by the end of 2015. Transport to the centre is often provided by the police for cases reported to them and for those who self-refer or do this via family or friends and are not able to get to the centre, we have made some provision to support transport if needed.

As well as the Sexual Assault Referral Centre facility, the project is focussed on developing as seamless a journey for the victim as possible and on bringing consistency and sustainability to support services for victims. This includes commissioning an Independent Sexual Violence Advisor and Child and Young Person's Advocate Service to provide practical and emotional support and a counselling service for victims of recent sexual assault, for adults, children and young people. In Carlisle, this will mean adding to existing services to ensure that adults of all ages have access to specialist counselling in a timely manner. The annual running cost of the counselling service is expected to be approximately £xxx for the whole county. [NB This is commercially sensitive due to the on-going procurement exercise so is requested not to be included in Part A]. Currently, we have gone out to the market to find providers of these services and it is expected that these services will be in place and supporting victims from the autumn.

In terms of budget, we are working to a three-year pooled and aligned budget, with a three-year funding commitment from NHS England, Cumbria County Council, Cumbria Clinical Commissioning Group and Cumbria Constabulary. It is proposed that the contribution from Carlisle City Council would go into this budget. The Police and Crime Commissioner has been able to make a funding commitment for 2 years (to 2016-17) and the costs of developing the Sexual Assault Referral Centre are being borne, in the main, by an investment by the Police and Crime Commissioner. There have also been agreements to provide funding from Allerdale Borough Council and Eden District Council. £118,000 of the overall £250,000 commitment per annum from NHS England is subject to obtaining match funding from partners and Carlisle City Council's contribution would help to secure this. We were successful in being awarded Home Office Innovation Fund monies for two years to enable us to go further and develop a 'team' approach to support for victims, as well as developing

access for those who find it particularly challenging to come forward, such as male victims and victims who are LGBT. This also requires match funding, which the Carlisle City Council funding would support.

The next stage of work is to bring together the relevant services, including health, emotional and practical support, housing, criminal justice and safeguarding agencies, to develop a clear and joined-up pathway for the victim. A range of training and awareness raising activities are being developed with partners to provide support with identifying sexual abuse or assault and making appropriate referrals to support. Professional and Community Champion roles will also be developed to spread the message about services available for victims and challenge some of the myths which exist about sexual assault, to make it easier for people to come forward.

