

# AGENDA

## Community Overview and Scrutiny Panel

Thursday, 30 May 2013 AT 10:00  
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

**\*\*Briefing meeting for Members will be at 9.15 am in the  
Flensburg Room\*\***

### 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 approve the minutes of the meetings held on 14 February 2013 and 28 March 2013

(Copy Minutes in Minute Book Vol 39(6))

## **WORK PROGRAMME DEVELOPMENT SESSION**

A Work Programme Development session will take place at the end of the meeting for all Members of the Panel

### **PART A**

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

#### **A.1 CALL-IN OF DECISIONS**

To consider any matter which has been the subject of call-in.

#### **A.2 OS.13.13 - Overview Report and Work Programme 5 - 18**

To consider a report providing an overview of matters related to the work of the Community Overview and Scrutiny Panel, together with the latest version of the Work Programme and details of the Key Decisions items relevant to this Panel as set out in the Notice of Executive Key Decisions  
(Copy Report OS.13/13 herewith)

#### **A.3 CD.35.13 - Shaddongate Resource Centre 19 - 32**

(Communities and Housing Portfolio)

The Director of Community Engagement to provide an operational and financial update of the first twelve months of Carlisle YMCA management of the Shaddongate Resource and Training Centre; detailing the progress made to date in the development of services; the involvement of agencies and service users; the financial performance of the YMCA in 12/13 year and their plans for going forward.  
(Copy Report CD.3513 herewith)

<b>A.4</b>	<b><u>CD.34.13 - Scheme of Housing Assistance (Empty Properties Disabled Facilities Grants)</u></b>	<b>33 - 46</b>
	(Communities and Housing Portfolio)	
	The Director of Community Engagement to submit a report providing an updated housing scheme of assistance that reflects services that the Council undertake in relation to dealing with empty property and Disabled Facilities Grants (DFGs) in the private rented sector (Copy Report CD.34/13 and Minute Excerpt herewith)	
<b>A.5</b>	<b><u>PC.11.13 - End of Year Performance Report</u></b>	<b>47 - 56</b>
	(Cross Cutting)	
	The Policy and Performance Manager to submit the end of year performance monitoring report relevant to the remit of the Community Overview and Scrutiny Panel (Copy Report PC.11/13 herewith)	
<b>For Information</b>	<b><u>LE.17.13 - Food Law Enforcement Service Plan</u></b>	<b>57 - 102</b>
	For Information Only	

## **PART B**

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

**Enquiries, requests for reports, background papers, etc to Committee Clerk:** Sheila Norton – 817557

**Notes to Members:** Briefing meeting will be held at **9.15am** in the Flensburg Room

A work programme development session will take place at the end of the meeting and will last approximately one hour.



# Community Overview and Scrutiny Panel

Agenda  
Item:

**A.2**

Meeting Date: 30th May 2013

Portfolio: Cross Cutting

Key Decision: No

Within Policy and  
Budget Framework

Public / Private Public

Title: OVERVIEW REPORT AND WORK PROGRAMME

Report of: Overview and Scrutiny Officer

Report Number: OS 13/13

## Summary:

This report provides an overview of matters related to the Community O&S Panel's work. It also includes the latest version of the work programme.

## Recommendations:

Members are asked to:

- Decide whether the items on the Notice of Key Executive Decisions should be included in the Panel's Work Programme for consideration.
- Note and/or amend the Panel's work programme

## Tracking

Executive:	-
Overview and Scrutiny:	<b>30<sup>th</sup> May 2013</b>
Council:	-

## 1. Notice of Key Executive Decisions

The most recent Notice of Key Executive Decisions was published on 1<sup>st</sup> May 2013. The following issues fall into the remit of this Panel and full details are attached at **Appendix 1**:

**KD.04/13 Food Law Enforcement Service Plan** – *Members of the Panel resolved at their meeting on 28<sup>th</sup> March 2013 to receive this report for information only.*

**KD06/13 CDRP Partnership Plan** – *Panel scrutinised the Partnership Plan at their meeting on 28<sup>th</sup> March 2013.*

**KD.08/13 Scheme of Housing Assistance (Empty Properties and Disabled Facilities Grants)** – *to be considered at this meeting of the Panel.*

## 2. References from the Executive

The following references from the Executive from their meetings held on 8<sup>th</sup> April and 7<sup>th</sup> May 2013 are attached at **Appendix 2**.

<b>EX.33/13</b>	<b>Draft Carlisle Plan 2013 – 2016</b>
<b>EX.35/13</b>	<b>CSP Partnership Plan</b>
<b>EX.34/13</b>	<b>Parish Charter</b>

## 3. Work Programme

The Panel's current work programme is attached at Appendix 3 for comment/amendment. A short session will be held on the rise of the Panel to discuss and develop the work programme for 2012/13. Members of the Panel, Portfolio Holders and Senior Officers are asked to give some thought to issues which scrutiny could add value to during the current Civic Year and should consider adding to their Work Programme.

**Contact Officer:** Nicola Edwards **Ext:** 7122

<b>Appendices attached to report:</b>	<b>1. Notice of Key Decision</b>
	<b>2. References from the Executive</b>
	<b>3. Community O&amp;S Work Programme 2013/14</b>

**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:** None

Items relevant to the Community Overview and Scrutiny Panel:

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

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

Key Decision Reference:	KD.04/13
Decision Title:	Food Law Enforcement Service Plan
Decision to be taken:	The Executive will be asked to decide the Environmental Health Section's inspection and educational priorities for improving food safety in Carlisle during 2013/14
Date Decision to be considered:	7 May 2013 consultation period to include Overview and Scrutiny as appropriate
Date Decision to be taken:	1 July 2013
Is the Decision Public or Private?:	The decision will be taken in public
Documents submitted for consideration in relation to the Decision:	The report of the Director of Local Environment will be available five working days before the meeting
Contact Officer for this Decision:	Director of Local Environment, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
Relevant Portfolio Area:	Environment and Transport (Councillor Mrs Martlew)
Relevant or Lead Overview and Scrutiny Panel:	Community Overview and Scrutiny Panel

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

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

**EXCERPT FROM THE MINUTES OF THE  
EXECUTIVE  
HELD ON 8 APRIL 2013**

**EX.33/13      \*\*DRAFT CARLISLE PLAN 2013 - 2016**

(Key Decision – KD.037/12)

(In accordance with Paragraph 15(i) of the Overview and Scrutiny Procedure Rules, the Mayor had agreed that call-in procedures should not be applied to this item)

**Portfolio**      Finance, Governance and Resources

**Relevant Overview and Scrutiny Panel**      Community; Environment and  
Economy; and Resources

**Subject Matter**

Pursuant to Minute EX.10/13, the Leader submitted report PC.08/13 concerning the draft Carlisle Plan 2013/16 which set out the City Council's vision for Carlisle and the six priorities for action over the medium term. The draft Plan had been referred to the Council's Overview and Scrutiny Panels; partners (including community and voluntary groups); and the public for consultation.

The matter had been considered by the Community; Resources; and Environment and Economy Overview and Scrutiny Panels on 14, 21 and 28 February 2013. Copy excerpts (COSP.16/13, ROSP.15/13 and EEOSP.18/13) from the Minutes of those meetings had been circulated.

The final draft of the Carlisle Plan 2013/16 and the draft Action Plan for delivering the priorities were attached at Appendices 1 and 2 to the report.

Details of the feedback received, and the proposed amendments to the Plan following the consultation period were also provided at Appendix 3.

The Economy and Enterprise Portfolio Holder referred Members to the Action Plan (Appendix 2). He clarified that the implementation dates for the following actions should in fact read "April to December 2013":

Page 7 – Action 3: Improving Industrial Estate / Employment land performance; and  
Page 9 – Action 2: Develop a collaborative approach to stimulating new business and growing small businesses

Members of the Executive indicated their agreement with the above amendments.

The Leader noted that the Chairmen of the Community; and the Environment and Economy Overview and Scrutiny Panels were in attendance. He invited them to speak on the matter.



The Chairman of the Community Overview and Scrutiny Panel stated that the Executive would see from the Minutes that concerns were expressed with regard to the omission of Health and Wellbeing as a priority within the proposed Plan. The Resources Overview and Scrutiny Panel had expressed similar concerns.

Health and Wellbeing had been a priority for a number of years. In 2004 the Department of Health issued a list of 70 local authority areas which were classed as Spearhead Authorities, meaning that they fell into the bottom 25% of local authority areas in relation to good public health. Carlisle was included in that list.

During the years which followed, the City Council, the Primary Care Trust and the Carlisle Partnership had worked hard together to change things and, in 2010, Carlisle was removed from that list.

However, there remained 4 Urban Wards (Currock, Denton Holme, Castle and Belle Vue) whose health deprivations meant that they would still be classed as Spearhead areas if the list was divided into political wards. Those Wards made up more than a third of the urban population.

In conclusion, the Chairman expressed the hope that, even if public health was not identified as a specific priority, the good work done would continue to make a substantial contribution towards health improvements in Carlisle.

The Chairman of the Environment and Economy Overview and Scrutiny Panel said that the Panel was concerned to ensure that the needs of health and youth were being met. He acknowledged that the Leader had given an acceptable response to those concerns. He further highlighted rural issues and looked forward to seeing how those would evolve in detail.

The Chairman added that a very valuable meeting had taken place at the start of the year when the Botchergate Conservation Area was discussed. Accordingly, he was very keen to recommend, on behalf of the Panel, that the Botchergate Working Group be reinstated to monitor the area.

The Leader thanked the Overview and Scrutiny Chairmen for their input.

In response to the concerns raised, the Leader referred to the responses detailed in Appendix 3 (Page 15) which philosophy underpinned the whole of the Carlisle Plan. He gave an assurance that Health and Wellbeing would not be neglected in any way.

The Culture, Health, Leisure and Young People Portfolio Holder indicated that she too was well aware of the importance of health. A number of meetings had taken place with partners in the City and the Executive was fully committed to such working through the Carlisle Partnership.

Speaking in her capacity as a member of the Carlisle Partnership, the Chairman of the Community Overview and Scrutiny Panel stated that a prominent part of their work was to address health related need within Carlisle.

In conclusion, the Leader moved that the Executive consider the proposed amendments to the Carlisle Plan and Action Plan, and agree to refer the draft Plan to full Council for approval.

The Environment and Transport Portfolio Holder seconded the recommendation.

**Summary of options rejected**      None

## **DECISION**

That the Executive:

1. had considered the proposed amendments to the draft Carlisle Plan 2013/16 and Action Plan.
2. agreed to refer the draft Carlisle Plan (subject to the additional amendments highlighted above) to full Council for approval on 30 April 2013.

## **Reasons for Decision**

The recommendations asked the Executive to approve the final draft of the Carlisle Plan following the consultation period. The Carlisle Plan 2013/16 should be referred to full Council for approval and adoption to the Policy Framework

**EXCERPT FROM THE MINUTES OF THE  
EXECUTIVE  
HELD ON 8 APRIL 2013**

**EX.35/13      CSP PARTNERSHIP PLAN**  
(Key Decision)

(With the consent of the Chairman, and in accordance with Rule 15 of the Access to Information Procedure Rules; and Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 this item was included on the Agenda as a Key Decision, although not in the Notice of Executive Key Decisions)

**Portfolio**      Communities and Housing

**Relevant Overview and Scrutiny Panel**      Community

**Subject Matter**

The Communities and Housing Portfolio Holder reported (CD.28/13) that the Carlisle and Eden Community Safety Partnership (CSP) (formerly the CDRP) had developed their draft Partnership Plan for 2013/14, a copy of which was attached at Appendix 1 to the report.

The Plan, which formed part of the City Council's Policy Framework and refreshed the existing Plan had been developed by the CSP's Leadership Group, with input from the Director of Community Engagement and herself.

Referring to the Key Priorities 2013, the Communities and Housing Portfolio Holder advised that greater emphasis had been placed on reducing the harm caused by drugs, in addition to which sexual violence had been added to the domestic abuse priority.

Whilst the Partnership Plan was presented as a developed document, it represented a 'live' work programme which would develop throughout the year and could be influenced and shaped via the City Council's representation on the CSP's Leadership Group.

In conclusion, the Communities and Housing Portfolio Holder moved that the Executive consider and note the report, prior to recommending it for wider consultation.

The Leader seconded the recommendation.

**Summary of options rejected**      None

**DECISION**

That the Executive had considered and noted the content of Report CD.28/13; and recommended the CSP Partnership Plan for wider consultation.

### **Reasons for Decision**

To enable the report to be considered and recommended for wider consultation

**EXCERPT FROM THE MINUTES OF THE  
EXECUTIVE  
HELD ON 8 APRIL 2013**

**EX.34/13      PARISH CHARTER**  
(Key Decision – KD.045/12)

**Portfolio**      Communities and Housing

**Relevant Overview and Scrutiny Panel**      Community

**Subject Matter**

Pursuant to Minute EX.23/13, the Leader submitted report CD.25/13 presenting the Parish Charter for Carlisle and District, and its Formal Agreements, copies of which were attached at Appendix 1 to the report.

He reminded Members that the City Council and the Parishes had, in 2012, agreed a draft Charter which was consulted on. However, that document could not be formally agreed and was consequently revised to reflect both the comments from the Parishes and the need for further changes reflecting reorganisation within the City Council.

The revised Charter and its Formal Agreements had been agreed at the Joint City Council and Parish meeting on 5 December 2012. They were then sent out for formal consultation which concluded on 20 February 2013.

The Leader informed the meeting that the Parishes had responded positively and there had been no revisions made to the original agreed draft.

It had further been agreed that the Planning Agreement would remain in its current form, but would be subject to an ongoing review process due to the large number of significant changes in legislation and also locally (such as the agreement of a Local Plan), which would shortly be going out to consultation.

The Community Overview and Scrutiny Panel had, on 28 March 2013, considered the matter and resolved that:

“The Community Overview and Scrutiny Panel feel that they cannot fully support the Parish Charter until the Planning Agreement had been included and scrutinised.

The Panel urge the Executive to take into consideration the comments of the Overview and Scrutiny Panel when making their decision.”

Copies of Minute Excerpt COSP.27/13 had been circulated.

The Chairman of the Community Overview and Scrutiny Panel gave an overview of discussions at the Panel, commenting that the Panel had received a good presentation on the matter from the Chairman of the Carlisle Parish Councils Association.

She explained that the Panel had agreed that the Planning Agreement was a vital component in the Charter, and Members would prefer to see the Agreement drawn up prior to approval of the Charter.

In response the Leader said that, in his view, it had taken a considerable amount of time to reach the point whereby the Executive and Parish Councils could agree the Parish Charter. Although the Executive wished to approve the Charter now, they did recognise that the Charter was “work in progress”. When the Local Plan became available for consultation it would feed into the process.

In conclusion, the Leader recommended that the Executive approve the Parish Charter, together with the formal launch thereof following this meeting.

**Summary of options rejected**      None

## **DECISION**

That the Executive:

1.    had considered the content of Report CD.25/13, including the comments of the Community Overview and Scrutiny Panel as detailed within Minute COSP.27/13.
4.    Approved the Parish Charter and the formal press launch thereof following this meeting.

## **Reasons for Decision**

To make the Executive aware of progress with the Parish Charter and the consultation process; and gain approval of the Parish Charter and for the formal press launch of the Parish Charter following the Executive on 8 April 2013

# COMMUNITY OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME 2012/13

Date last revised: 16 May 2013



Date last revised: 16 May 2016

Issue	Type of Scrutiny						Comments/status	Meeting Dates							
	Performance Management	Key Decisions Item/Referred from Executive	Policy Review/Development	Scrutiny of Partnership/ External Agency	Monitoring	Budget		30 May 13	11 Jul 13	22 Aug 13	3 Oct 13	14 Nov 13	9 Jan 14	13 Feb 14	27 Mar 14
CURRENT MEETING															
Shaddongate Resource Centre					✓		Update on provision, services and financial plan	✓							
Regulatory Reform Order – Empty Property Policy Amendments		✓					Consideration of Executive Report	✓							
Performance Monitoring Reports	✓						Reporting of performance relevant to remit of Panel	✓		✓		✓		✓	
TASK AND FINISH GROUPS															
Community Centres				✓			To monitor the support to Community Centres								
FUTURE MEETINGS															
Sports provision in the District							Panel to be involved in study and to consider final report		✓						
Tullie House Trust							Business Plan 2013/14 – 2016/17					✓			

# COMMUNITY OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME 2012/13

Date last revised: 16 May 2013



Date last revised: 16 May 2016

Issue	Type of Scrutiny						Comments/status	Meeting Dates							
	Performance Management	Key Decisions Item/Referred from Executive	Policy Review/Development Scrutiny of Partnership/ External Agency	Monitoring	Budget	30 May 13		11 Jul 13	22 Aug 13	3 Oct 13	14 Nov 13	9 Jan 14	13 Feb 14	27 Mar 14	
Budget 14/15 – 18/19		✓	✓				Consideration of service implications					✓			
CCTV		✓				✓	To monitor any effects of the reduction of CCTV provision								
Transformation					✓	✓	Update of savings proposals and Directorate Restructure				✓				
Riverside Carlisle				✓			Monitoring progress and developments of joint working		✓					✓	
Performance Monitoring Reports	✓						Reporting of performance relevant to remit of Panel								
Crime and Disorder Reduction Partnership	✓		✓				To consider Partnership Plan 2014/15								
Scrutiny Annual Report			✓		✓		Draft report for comment before Chairs Group								✓



# COMMUNITY OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME 2012/13

Date last revised: 16 May 2013



Date last Revised: 16 May 2013

Issue	Type of Scrutiny						Comments/status	Meeting Dates							
	Performance Management	Key Decisions Item/Referred from Executive	Policy Review/Development	Scrutiny of Partnership/ External Agency	Monitoring	Budget		30 May 13	11 Jul 13	22 Aug 13	3 Oct 13	14 Nov 13	9 Jan 14	13 Feb 14	27 Mar 14
COMPLETED ITEMS															
INFORMATION ONLY ITEMS															
Details								Date Circulated							
Food Law Enforcement Plan								20 <sup>th</sup> May 2013							



# Report to Community Overview and Scrutiny Panel

Agenda  
Item:  
**A.3**

Meeting Date: Thursday 30th May 2013  
Portfolio: Communities and Housing  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework NO  
Public / Private Public

Title: SHADDONGATE RESOURCE CENTRE  
Report of: The Director of Community Engagement  
Report Number: CD 35/13

**Purpose / Summary:** This report gives an operational and financial update of the first twelve months of Carlisle YMCA management of the Shaddongate Resource and Training Centre; detailing the progress made to date in the development of services; the involvement of agencies and service users; the financial performance of the YMCA in 12/13 year and their plans going forward.

**Recommendations:** That Community Overview and Scrutiny Panel note the report.

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	

## **1. BACKGROUND**

- 1.1 Progress reports have been taken previously regarding the development of the Shaddongate Resource and Training centre; and the development of a programme of education, training and positive engagement activities for marginalised and disadvantaged Young people as part of dispersed Foyer activities. Previous reports have explored the opportunities and benefits of linking the two main aims and the reduction of risk through the appointment of an external management agent to run the Shaddongate centre in line with Carlisle City Councils strategic aims and vision for the City. Carlisle YMCA were chosen as the preferred partner in April 2011 following the tender process and Tim Linford was appointed as the centre manager in November 2011. The heads of terms, lease, management agreement and overall responsibility for the operational development and management of the centre transferred to Carlisle YMCA for duration of 5 years (+5) from 1<sup>st</sup> April 2012.
- 1.2 The Centre officially opened to the public on 22<sup>nd</sup> October 2012.

## **2. REVIEW OF FIRST YEAR OF OPERATION**

- 2.1 The broad aims and objectives for the Community Resource Centre have been agreed between the YMCA and the City Council and form part of the contract. A copy of these broad objectives is attached at Appendix 1. Progress on achieving these broad objectives is critically dependent on the Centre's financial sustainability and the development of surpluses that can be recycled back into the development of services in the centre in line with the broad objectives.

## **3. FINANCIAL SUSTAINABILITY**

- 3.1 The YMCA's final 2012/13 financial outturn report, circulated to the panel before their meeting shows that in its first year of operation, the YMCA made a surplus of £9,000. The main income streams are grants, leases and room bookings. Grant income received includes the YMCA's contribution of £79,000 from the sale of Fisher St.
- 3.2 The YMCA's 13/14 financial plan, received recently also projects a small surplus. The year two projections are underpinned by an increase in lettings performance

## **4. PARTNERSHIP AND CONTRACT MONITORING**

- 4.1 As part of ongoing partnership and contract monitoring arrangements, the City Council and the YMCA meet quarterly. At the most recent meeting the YMCA

presented their draft outturn report for 2012/1, projected income stream for 2013/14 and report on activity. A copy of the YMCA's activity log will be circulated to the panel prior to the meeting. Many of the activities reported fit with the objectives in the contract for prevention services, education and training and health and wellbeing.

Going forward, the City Council and the YMCA will be working on a revised performance management framework, partnership charter and implementation plan. These will be reported to COSP in due course.

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

- 6.1 We will support the growth of more, high quality and sustainable, business and employment opportunities.
- 6.2 We will work more effectively through partnerships to achieve the City Council's priorities.
- 6.3 We will work with partners to develop a skilled and prosperous workforce, fit for the future.

**Contact Officer: Keith Gerrard**

**Ext: 7350**

**Appendices Appendix 1  
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 -**

**Community Engagement –**

**Economic Development –**

**Governance –**

**Local Environment –**

**Resources -**

## Aims and Objectives of resource centre

It is important that the aims and objectives of the Shaddon Gateway are upheld if the maximum impact on individuals is to be achieved. The following table outlines the aims the YMCA would set itself if appointed to manage the Centre. It is clear that the City Council and YMCA share the same vision, values and hope for the same impact. The actions listed below will be delivered with local partners. If services currently exist then the YMCA would not seek to duplicate them but work in partnership with the current provider.

Aims	Objectives	Actions
1. <b>Housing Advice, Assistance and Advocacy:</b> Ensure individuals have access to information to appropriate information	Provide, appropriate assistance to ensure correct housing is obtained Removing barriers to independence Empower people to make informed choices, supporting them to make positive changes to their lives Play an advocacy role when required	Creation of a one stop model for housing information. Where the resource is the gateway, and physical location to enable this Seek partnership with the City Council to provide part of the homelessness service Create and develop networks to allow signposting to occur Provide Budgeting advice and general advice when needed and not available elsewhere
2. <b>Prevention services:</b> Develop innovative programmes and services that contribute to personal development and homelessness prevention	<ul style="list-style-type: none"> <li>• Provide a pro-active approach to issues that can lead to Homelessness</li> <li>• Create an open door feel and environment that will assist individual to ask for help</li> <li>• Develop partnership with other agencies that bring a range of preventative services together</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a mediation service for young people and families/residence and landlords</li> <li>• Provide an educational programme in schools</li> <li>• Develop partnerships with agencies that are involve in preventative work i.e. Drugs and alcohol</li> <li>• Outreach programme to engage with those individuals who are at risk of homelessness</li> </ul>

<p><b>3. Education and Training:</b> Seek to provide opportunities for personal and social development through training and education</p>	<ul style="list-style-type: none"> <li>• Deliver life and basic skills training</li> <li>• Provide a broad range of course provision, through links with educational establishments</li> <li>• Create opportunity for experiential learning</li> </ul>	<ul style="list-style-type: none"> <li>• Implement the YMCA training programme and courses</li> <li>• Develop appropriate individual support plans as a motivational tool</li> <li>• Establish a Recycling project</li> <li>• Utilise YMCA Lakeside as a resource for outdoor learning opportunities</li> <li>• Develop partnerships to provide the required range of opportunities</li> </ul>
<p><b>4. Housing services :</b> Reduce homelessness and create sustainable homes</p>	<ul style="list-style-type: none"> <li>• Provide Housing management and support services</li> <li>• Develop a Private sector property management scheme</li> <li>• Act as a private social landlord when required</li> <li>• Develop a service for rough sleepers</li> </ul>	<ul style="list-style-type: none"> <li>• Creation of a rent bound scheme</li> <li>• Provide a twice weekly drop in for rough sleepers</li> <li>• Develop a social letting scheme</li> <li>• Build up relationships with private landlords</li> <li>• Partner with local RSLs</li> </ul>
<p><b>5. Health and well being:</b> Transforming the health of individuals and as a result the whole of the community</p>	<ul style="list-style-type: none"> <li>• Provide a broad range of physical activity opportunities</li> <li>• Be a location for a range of health related clinics</li> <li>• Position the YMCA to be part of any new methods of health delivery</li> <li>• Focus on Counseling and Nutrition services</li> </ul>	<ul style="list-style-type: none"> <li>• Provide over 10 classes of physical activity per week</li> <li>• Create a health related rehabilitation service based on exercise</li> <li>• Creation of a food co-op</li> <li>• Be the location for at least 3 health clinics</li> <li>• Drug and alcohol prevention programmes</li> </ul>



<p>6. <b>Foyer:</b> Break the cycle of “No home no job – no job no home” for young people</p>	<ul style="list-style-type: none"> <li>• Development of a foyer scheme either based on a dispersed model or fixed location</li> <li>• The foyer to the middle part of a 3 stage pathway, Assessment units, foyer, move on</li> <li>• To use the Resource Centre as the focal point of the path way</li> </ul>	<ul style="list-style-type: none"> <li>• Begin the development by creating the middle of the pathway</li> <li>• Ensure a range of intervention programmes are used to benefit residents during their stay</li> <li>• Use the learning outcomes to impact on prevention programmes and services</li> <li>• Move young people from dependence to independent living</li> </ul>
---	---	--

											Carlisle 13/14													YEAR TO DATE			ANNUAL	
ACCOUNT	April		May		June		July		Aug		Sept		Oct		Nov		Dec		Jan		Feb		Mar		ACTUAL	BUDGET	Projection	BUDGET
	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget	actual	budget				
Training																									0	0		
Adult charges																									0	0	0	0
Junior charges																									0	0	0	0
Food/Beverages																									0	0	0	0
Lettings	339	3,000		3,000		3,000		3,000		3,000		4,000		4,000		4,000		4,000		4,000		4,000		4,000	339	3,000	40,339	43,000
General		900		900		900		900		900		900		900		900		900		900		900		900	0	900	9,900	10,800
Grants	6,000	6,000						6,000						6,000						6,000					6,000	6,000	24,000	24,000
																									0	0	0	0
Sundries	5,282	12,000																							5,282	12,000	5,282	12,000
																									0	0	0	0
																									0	0	0	0
																									0	0	0	0
																									0	0	0	0
																									0	0	0	0
GROSS INCOME	11,621	21,900	0	3,900	0	3,900	0	9,900	0	3,900	0	4,900	0	10,900	0	4,900	0	4,900	0	10,900	0	4,900	0	4,900	11,621	21,900	79,521	89,800
Opening Stock																									0	0	0	0
Add Cost of Sales																									0	0	0	0
Less Closing Stock																									0	0	0	0
STOCK ADJ COST OF SALES	0		0		0		0		0		0		0		0										0	0	0	0
NET INCOME	11,621	21,900	0	3,900	0	3,900	0	9,900	0	3,900	0	4,900	0	10,900	0	4,900	0	4,900	0	10,900	0	4,900	0	4,900	11,621	21,900	79,521	89,800
																									0	0	0	0
Salaries	5,176	3,167		3,167		3,167		3,167		3,167		3,167		3,167		3,167		3,167		3,167		3,167		3,167	5,176	3,167	40,013	38,004
Gas	300	300		300		300		300		300		300		300		300		300		300		300		300	300	300	3,600	3,600
Electricity	250	250		250		250		250		250		250		250		250		250		250		250		250	250	250	3,000	3,000
Rent, rates, water	408	300		300		300		300		300		300		300		300		300		300		300		300	408	300	3,708	3,600
Cleaning	276																								276	0	276	0
Telephone,Postage	52	200		200		200		200		200		200		200		200		200		200		200		200	52	200	2,252	2,400
Rprs & Ren- Buildings	110																								110	0	110	0
Rprs & Ren-Equipment	150	100		100		100		100		100		100		100		100		100		100		100		100	150	100	1,250	1,200
Equip-Maint & Services	461	800		800		700		700		700		700		700		700		700		700		700		700	461	800	8,261	8,600
Travel		80		80		80		80		80		80		80		80		80		80		80		80	0	80	880	960
Training(staff & residents)		100		100		100		100		100		100		100		100		100		100		100		100	0	100	1,100	1,200
Advertising/Publicity/stat	100	1,500					1,500							1,500						1,500					100	1,500	4,600	6,000
Stationery	573	50		50		50		50		50		50		50		50		50		50		50		50	573	50	1,123	600
programme	48	3,000					3,000							3,000						3,000					48	3,000	9,048	12,000
Prof & Affiliation fees	33																								33	0	33	0
Insurance	50	50		50		50		50		50		50		50		50		50		50		50		50	50	50	600	600
Grounds																									0	0	0	0
Residents/members fund																									0	0	0	0
Laundry																									0	0	0	0
Management Fee																									0	0	0	0
Fylde Housing Support	744	585	0	655	0	607	0	638	0	626	0	554	0	600	0	615	0	605	0	603	0	598	0	610	744	585	7,454	7,295
Depreciation																									0	0	0	0
Major repairs provision																									0	0	0	0
Sundries																									0	0	0	0
TOTAL EXPENDITURE	8,731	10,482	0	6,052	0	5,904	0	10,435	0	5,923	0	5,851	0	10,397	0	5,912	0	5,902	0	10,400	0	5,895	0	5,907	8,731	10,482	87,308	89,059
																									0	0	0	0
SURPLUS/DEFICIT	2,890	11,418	0	-2,152	0	-2,004	0	-535	0	-2,023	0	-951	0	503	0	-1,012	0	-1,002	0	500	0	-995	0	-1,007	2,890	11,418	-7,787	741



post	salary	on costs	total	pm
service manager	24000	3360	27360	2280
general assistant	11600	1624	13224	1102
	35600	4984	40584	3382

capital	30,000
---------	--------



**Carlisle YMCA – The Shaddon Gateway Centre**

**Visitor / Trainee Numbers attending Activities / Courses during the period 2<sup>nd</sup> April 2012 to the present time – 25<sup>th</sup> May 2013**

<b>Organisation</b>	<b>Activity</b>	<b>Dates / Numbers</b>	<b>Notes</b>
<b>Age UK</b>	<b>Lunch Clubs</b>	<b>33 per week</b>	<b>AgeUk have run two lunch clubs a week at the Centre since 4<sup>th</sup> January 2013. This is the average weekly total for the two clubs</b>
<b>Adult Education Carlisle</b>	<b>Employability Office Skills Customer Care Entry Level IT Level 1 IT Universal Jobmatch</b>	<b>&gt;500 to date</b>	<b>Adult Education has continuously developed activities at the Centre since we opened. The 500 trainees represent an average attendance of 14 people on each of the 40 courses run so far.</b>
<b>Adult Education Wigton</b>	<b>Therapeutic Counselling Course</b>	<b>14 weekly</b>	<b>Average number of students attending the weekly session which began in September 2012 and will run for two years</b>
<b>Abbey Singers</b>	<b>Choral Society</b>	<b>38 week</b>	<b>The Singers rehearse once a week at the Centre. This is the average attendance.</b>
<b>Big Society</b>	<b>Band Practice</b>	<b>7 week</b>	<b>The Band practice once week at the Centre</b>
<b>Systems Training</b>	<b>Work Programme Modular Courses</b>	<b>220 to date</b>	<b>The number of trainees who have attended 22, 3 day modular courses since 9<sup>th</sup> January 2013. Average attendance is 12 trainees per course. These Courses are Working in a Team Module or Applying and Searching for a Job and Preparing for an Interview Course. The funding for these Courses has come from the SFA Adult Skills Budget for Unemployed</b>
<b>Barnardos</b>	<b>Parenting Courses</b>	<b>8</b>	<b>Average attendance for 4 courses held earlier this financial year</b>

<b>Youth Project</b>	<b>Youth Project</b>	<b>178 to date</b>	<b>This figure to the number of different young people who have attended sessions at the Youth project since April 2012. Average attendance at each session is approximately 28</b>
<b>Creative Reminiscences</b>	<b>Dementia Support</b>	<b>Av attendance 8 weekly</b>	<b>Group who meet regularly to support carers and relatives</b>
<b>CVS</b>	<b>Volunteering event</b>	<b>85</b>	<b>This figure relates to those attending an event in October 2012</b>
<b>CVS</b>	<b>Safeguarding Funding applications Communications Assertiveness Recruitment</b>	<b>186</b>	<b>This total figure represents an average of 16 people on the 14 one day course run by CVS at the Centre</b>
<b>Carlisle MENCAP</b>	<b>Young people workshop</b>	<b>14</b>	<b>This is the average number of young people and carers who have attended sessions since activities began in September 2012</b>
<b>Prism Arts</b>	<b>Young people workshop</b>	<b>15</b>	<b>This is the average number of young people who have attended sessions since activities began in September 2012</b>
<b>New Arts</b>	<b>Wellbeing Activities</b>	<b>8</b>	<b>This is the average number of clients who have attended sessions since activities began in January 2013</b>
<b>Impact HA</b>	<b>Life Skills Courses Pre Tenancy</b>	<b>6</b>	<b>This is the average number of participants on two courses held at the Centre over 6 weeks</b>
<b>Soundwave</b>	<b>Opera Group</b>	<b>10</b>	<b>The average number of participants for 16 sessions held so far</b>
<b>CCC Wellbeing Team</b>	<b>Walking Event</b>	<b>75</b>	<b>A one off celebration event in December 2012</b>
<b>Carlisle City Council</b>	<b>Training Courses and Consultation</b>	<b>227</b>	<b>The total number of visitors and participants attending the Centre</b>
<b>Impact HA</b>	<b>Individual Clients</b>	<b>&gt;200</b>	<b>Number of have visited their support staff since April 2012</b>
<b>County Council Supporting People</b>	<b>Individual Clients</b>	<b>&gt;95</b>	<b>Number of clients who have visited their support staff since April 2012</b>
<b>Inspira</b>	<b>Team Day</b>	<b>65</b>	<b>A one off Team Day for locally based Inspira Staff</b>
<b>Age UK</b>	<b>Volunteer Thank You event</b>	<b>68</b>	<b>A celebration event held recently</b>
<b>Creative Wellbeing</b>	<b>Individual Clients</b>	<b>87</b>	<b>Clients and Support Staff who have attended the Taster Sessions and</b>

<b>Activities</b>			<b>regular weekly activities at the Centre</b>
<b>Inspira</b>	<b>NCS Initial Meeting</b>	<b>106</b>	<b>Meeting held recently at the Centre</b>
<b>Carlisle Advice Network</b>	<b>Welfare Reform Seminar</b>	<b>48</b>	

Since the 2<sup>nd</sup> April 2013 we have welcomed 1530 visitors and trainees to the Centre.





# Report to Community Overview and Scrutiny Panel

Agenda  
Item:

**A.4**

Meeting Date: 30th May 2013  
Portfolio: Communities and Housing  
Key Decision: Yes: Recorded in the Notice Ref:KD  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: SCHEME OF HOUSING ASSISTANCE (EMPTY PROPERTIES & DISABLED FACILITIES GRANTS)  
Report of: The Director of Community Engagement  
Report Number: CD 34/13

## Purpose / Summary:

The attached report provides an updated housing scheme of assistance that reflects services that the council undertake in relation to dealing with empty property and Disabled facility grants (DFG's) in the private rented sector.

## Questions for / input required from scrutiny

Input from this committee regarding the updated scheme of assistance.

## Recommendations:

That the attached report that went to the Executive on 7<sup>th</sup> May 2013 be considered and comments forwarded to the Executive.

**Contact Officer:** Keith Gerrard

**Ext:** 7350

## Tracking

Executive:	7 <sup>th</sup> May 2013 & 1 <sup>st</sup> July 2013	
Overview and Scrutiny:	30 <sup>th</sup> May 2013	
Council:	16 <sup>th</sup> July 2013	

# Report to Executive

Agenda  
Item:

Meeting Date: 7th May 2013  
Portfolio: Communities and Housing  
Key Decision: Yes: Recorded in the Notice Ref: KD 08/13  
Within Policy and Budget Framework YES  
Public / Private Public

Title: SCHEME OF HOUSING ASSISTANCE (EMPTY PROPERTIES & DISABLED FACILITIES GRANT)  
Report of: The Director of Community Engagement  
Report Number: CD 31/13

## Purpose / Summary:

The current scheme of housing assistance has been updated to reflect new services that Carlisle City Council can offer to private sector landlords on the back of successful funding bids to bring empty properties back into use. A revised scheme of assistance including empty property grants and loans is attached to this report (Appendix 1). The updated policy re-states the position with regard to Disabled Facilities Grants which remain mandatory.

## Recommendations:

- That Members of the Executive approve the new Policy for Housing Assistance and the use of funds as described in Appendix 2.
- It is recommended that the use of the funds as outlined at Appendix 2 and granting of grants and loans will be the responsibility of Officers and as such delegated to the Director of Community Engagement and Director of Resources.
- That a decision to proceed with future Empty Property schemes be delegated to the Portfolio Holder.

## Tracking

Executive:	1 July 2013	
Overview and Scrutiny:	30 May 2013	
Council:	16 July 2013	

## **1. BACKGROUND**

- 1.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) placed a duty on local authorities to publish a housing assistance policy for the private sector. The RRO was adopted by Carlisle City Council on 9<sup>th</sup> September 2003. The policy has been amended since its adoption to allow actions to be taken by officers relating to the Private Housing Sector.

## **2. HOUSING ASSISTANCE**

- 2.1 Under the proposed Housing Assistance Policy, Disabled Facilities Grants will continue to be available. These grants are mandatory and funded via a separate funding stream. Any other grants and loans that the Council proposes to offer are discretionary and depend on the availability of resources.
- 2.2 Since April 2012 no housing assistance has been available in Carlisle for anything other than Disabled Facilities Grants. However successful bids for external funding in recent months have secured the finance necessary to enable assistance to be offered to the owners of empty homes to bring them back into use.
- 2.3 The funding must be used in accordance with the prescribed criteria but can be used to provide grants and loans. Most of the schemes currently being progressed have a finite lifespan with a cut-off date of March 2014. The conditions attached to the funding streams are included in the proposed housing assistance policy document in Appendix 1.
- 2.4 Approving the amended Housing Assistance Policy will enable the Council to offer financial incentives to empty property owners to bring those properties back into use and therefore increase the availability of much needed housing accommodation in the area. Appendix 2 summarises the sources of funding obtained and the match funding requirements for the current schemes.
- 2.5 Opportunities to bid for empty property funding often arise at short notice and delivery of such schemes is expected within a short timescale. It is therefore advantageous to build flexibility into the housing assistance policy

## **2. PROPOSALS**

- 2.1** To enable the provision of loans and grants to the owners of empty property to enable them to be brought back into use. To continue with the provision of Disabled Facilities Grants as described in the Housing Assistance Policy.

## **3. CONSULTATION**

- 3.1** Consultation has taken place with primary stakeholders, including landlords and managing agents.

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

- 4.1** The revised housing assistance policy will enable the provision of loans and grants to be made to the owners of empty property and assist in bringing them back into use.

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

- 5.1** The proposals will help support the Carlisle Plan priority to address Carlisle's current and future housing needs.

**Contact Officer: Keith Gerrard**

**Ext: 7350**

**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 -**

**Community Engagement –**

**Economic Development –**

**Governance** As stated in the Report, the ability of the Council to exercise its power to provide assistance for people to acquire, adapt or repair accommodation etc is dependent on the adoption of a relevant Policy pursuant to The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Such a policy was adopted by the Council and it forms part of the authority's budget and policy framework, therefore, any proposed amendment must be available for scrutiny before the Executive make a final recommendation to Council.

## **Local Environment –**

**Resources** - Disabled Facilities grants funding from the Government in 2013/14 is estimated at £663,000 with the Council contributing a further £200,000.

The assistance schemes outlined in the report, to enable empty properties to be brought back into use, are backed by funding from the Homes and Communities agency (HCA). The Cluster Bid totals £254,000 with the funding being used to provide various grants and loans to property owners and will be registered as a land charge against the property. The Director of Resources will have delegated authority to set an appropriate interest rate for the Cluster Bid loans.

It is recommended that the use of the funds as outlined at Appendix 2 and granting of grants and loans will be the responsibility of Officers and as such delegated to the Director of Community Engagement and Director of Resources

# **HOUSING RENEWAL ASSISTANCE**

## **POLICY DOCUMENT**

### **2013**

Private Sector Housing  
Community Engagement Directorate  
Carlisle City Council  
The Civic Centre  
Carlisle  
CA3 8QG

#### **Introduction**

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

Poor quality housing can have an adverse effect on the health and well being of the occupants in an area and the presence of long term empty properties can be a blight on the neighbourhood and a waste of a precious resource.

The Council recognises that assistance cannot be made available to all residents. Disabled Facilities Grants will continue to be offered to applicants who meet the eligibility criteria. All forms of assistance beyond Disabled Facilities Grants are dependent on the availability of external funding. Carlisle has been successful in obtaining funding from a variety of sources which will enable assistance in the form of grants, loans or a combination of both to be made available to the owners of long term empty properties to improve the existing built environment, provide good quality affordable housing and to increase housing choice.

## **Types of assistance**

### **Disabled Facilities Grants**

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

Provided they meet the defined criteria, all owner-occupiers and tenants, licensees or occupiers are eligible for DFG. Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the relevant requirements. Housing Association tenants are eligible to apply for DFG and are assessed for needs on the same basis as private owners and tenants and under the same means testing arrangements.

Riverside (Carlisle) pay for DFG adaptations to their own properties where the cost of the work does not exceed £7,000. Where works exceed £7,000 limit, Riverside will refer the application to Carlisle City Council who will process through the usual DFG route. On completion the £7,000 contribution from Riverside will be recovered.

It is the Council's policy to place a Land Charge on every property which is subject to a Disabled Facilities Grant. If such a property is sold within a 10 year period, starting on the date of completion of the work, the Council will use its discretion to reclaim the funding that exceeds £5,000, but may not require a repayment exceeding £10,000. In applying its discretion, the following criteria will be considered:

- The extent to which the recipient would suffer financial hardship if the grant were reclaimed
- Whether the disposal of the property was to enable the recipient to take up employment, or change the location of their employment
- Whether the disposal of the property is made for reasons of the recipient's mental or physical health or well being

- Whether the disposal is made to enable the recipient to live with, or near, any person who will provide care for the recipient by reason of their disability

Any decision on repayment will be made by the Director of Community Engagement in consultation with the appropriate Portfolio Holder.

Discretionary payments may be made where the maximum grant level has already been reached and

- Unforeseen works have arisen once work has commenced on site. For example discovering drain or sewers on the site which could not have been foreseen, major works to foundations etc.
- A change in an applicants circumstances has arisen between grant approval being given and works being completed making it unreasonable to expect a contribution from the applicant. For example, relationship breakdown between the original joint applicants, the death of a joint applicant.

In ensuring that the funding available for Disabled Facility Grants can benefit the maximum number of recipients, a scheme of re-commissioning items of key equipment such as shower room pods, stairlifts etc., will be applied.

The Council will charge professional fees for providing services for owners or occupiers of dwellings which are subject to DFG applications. These fees will be assessed in relation to individual grant applications.

### **Other housing assistance**

The following types of grant assistance may also be available, depending on the availability of external funding:

#### **Empty Property Grants**

Grants will be made available to allow the delivery of the Clusters of Empty Homes programme between £2,000 and £5,000 to owners of properties which have been empty for longer than 6 months and in areas where there are clusters of empty properties, as a 'quick fix' incentive for the owner to re-let the property.

The property, on completion of works, must be free from Category 1 Hazards under the Housing Health and Safety Rating System (HHSRS) and must be re-let, at an affordable rent, within 12 weeks of completion of the works, for a minimum period of 12 months. Repayment of the grant will be required if these conditions are contravened.

#### **Empty Property Loans**

These loans are available to eligible owners to assist with bringing empty properties, which have been vacant for more than 6 months, back into use for residential occupation. These will be made available to contribute towards the cost of carrying out an agreed package of works to properties. It will normally be expected that the property will be brought up to the Decent Homes Standard as defined in Schedule 1.

### **Contribution to the Community Grant Programme**

The Community Grant programme managed by the YMCA, offers grants to property owners to assist them in bringing long term empty properties back in to use. In return for



the grant, the applicant must agree to lease the property to the YMCA for a 5 or 10 year term.

The Council is supporting this programme by providing technical assistance with the grant process, identifying properties suitable for the scheme and carrying out initial negotiations with property owners.

### **Cluster Bid Loans**

Alongside the Empty Homes grants described above, Carlisle in conjunction with Allerdale and Copeland, have secured Cluster Loan funding from the Homes and Communities Agency. This is available in areas where clusters of empty properties have been identified. The loans may be used for individual dwellings, to bring empty residential accommodation above commercial premises, (such as flats above shops) into use and to convert commercial property to residential accommodation. On completion of the works, the property must achieve the Decent Homes Standard.

Landlords must re-let their property within 4 months of the work being completed, otherwise immediate repayment of the loan will be required. The landlord will be required to set up a payment plan to repay the loan. It is expected that loans will be in the region of £8,000 to £10,000. The maximum loan payable will be £15,000. A variable rate of interest determined by the Director of Resources will be applied. A condition of the loan will be that the property is re-let for a minimum period of 5 years.

Under this scheme, the repaid loan money will be recycled and ring fenced for empty homes to ensure that long term empty property intervention measures continue to be delivered.

### **Conditions attached to grants and loans**

All grants and loans which have been paid will be registered as a Local Land Charge. Immediate repayment of grant will be required if grant conditions are not met. Immediate repayment of loan will be required if loan conditions are not complied with.

## Decent Homes Standard

For the purposes of awarding Decent Homes, the following failures shall be considered:

- Dwellings containing one or more hazards assessed as serious ('Category 1') under the HHSRS.
- Dwellings not in a reasonable state of repair due to **either** one or more of the key building components are old and, because of their condition, need replacing or major repair; **or** two or more of the other building components are old and, because of their condition, need replacing or major repair.
- Dwellings without reasonably modern facilities and services, by virtue of lacking three or more of the following:
  - ◆ a reasonably modern kitchen (20 years old or less);
  - ◆ a kitchen with adequate space and layout;
  - ◆ a reasonably modern bathroom (30 years old or less);
  - ◆ an appropriately located bathroom and WC;
  - ◆ adequate insulation against external noise (where external noise is a problem);
  - ◆ adequate size and layout of common areas for blocks of flats.
  - ◆ A home lacking two or fewer of the above is still classed as decent, therefore it is not necessary to modernise kitchens and bathrooms if a home meets the remaining criteria;
- Dwellings that do not provide a reasonable degree of thermal comfort by virtue of not having both effective insulation and efficient heating;

More detailed definitions of the reasons for failure of the Decent Homes Standard can be found in the Department for Communities and Local Government publication *Decent Homes, definition and guidance for implementation: June 2006 update*.

## Housing Assistance Policy – Financial Information

External Funding Source	Funding Bid	Match funding	Estimated number of empty homes made ready for occupation
Cluster Bid – awarded to Carlisle City Council by the HCA for designated streets within designated wards, including empty properties within the Settle to Carlisle Conservation Area	£254,000	Empty Homes Officer - Year 1 <b>£36,800</b> Empty Homes Officer - Year 2 <b>£37,200</b> Housing Apprentice - Year 1 <b>£5,700</b> Housing Apprentice - Year 2 <b>£9,600</b> From DFG Department of Health <b>£109,400</b> Conservation Rolling fund <b>£75,000</b> ----- <b>Total                   £273,700</b>	Up to 45 properties by March 2015

---

## **EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 7 MAY 2013**

---

**EX.41/13      SCHEME OF HOUSING ASSISTANCE (EMPTY PROPERTIES AND  
DISABLED FACILITIES GRANTS)**  
(Key Decision – KD.08/13)

**Portfolio**      Communities and Housing

**Relevant Overview and Scrutiny Panel**      Community

### **Subject Matter**

The Communities and Housing Portfolio Holder submitted report CD.31/13 concerning the Scheme of Housing Assistance (Empty Properties and Disabled Facilities Grants).

By way of background, the Communities and Housing Portfolio Holder reminded Members that the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) placed a duty on local authorities to publish a Housing Assistance Policy for the private sector. The RRO had been adopted by the City Council on 9 September 2003 and subsequently amended to allow actions to be taken by Officers in relation to the private housing sector.

She added that Disabled Facilities Grants, which were mandatory and funded via a separate funding stream, would continue to be available under the proposed Housing Assistance Policy. Any other grants and loans which the Council proposed to offer would be discretionary and dependant upon the availability of resources.

Since April 2012 no housing assistance had been available in Carlisle for anything other than Disabled Facilities Grants. However, in recent months, successful bids for external funding had secured the finance necessary to enable assistance to be offered to the owners of empty homes to bring them back into use.

The funding had to be used in accordance with the prescribed criteria, but could be used to provide grants and loans. Most of the schemes currently being progressed had a finite lifespan with a cut off date of March 2014. The conditions attached to the funding streams were included in the proposed Housing Assistance Policy document (Appendix 1).

The Communities and Housing Portfolio Holder emphasised that approval of the amended Housing Assistance Policy would enable the Council to offer financial incentives to empty property owners to bring those properties back into use, and in so doing increase the availability of much needed housing accommodation in the area. A summary of the sources of funding obtained and the match funding requirements was provided at Appendix 2 to the report.

Opportunities to bid for empty property funding often arose at short notice and delivery of such schemes was expected within a short timescale. It was therefore advantageous to build flexibility into the Housing Assistance Policy.

In conclusion, the Communities and Housing Portfolio Holder moved the recommendations set out in the report, which were seconded by the Environment and Transport Portfolio Holder.

**Summary of options rejected**    None

## **DECISION**

1. That the Executive approved the new Policy for Housing Assistance and the use of funds as described in Appendix 2 to Report CD.31/13.
2. That the use of the funds, as outlined in Appendix 2 and granting of grants and loans, would be the responsibility of Officers and as such delegated to the Director of Community Engagement and Director of Resources.
3. That a decision to proceed with future Empty Property Schemes be delegated to the Portfolio Holder.

## **Reasons for Decision**

The revised Housing Assistance Policy would enable the provision of loans and grants to be made to the owners of empty property and assist in bringing them back into use



# Report to Community Overview and Scrutiny Panel

Agenda  
Item:  
  
**A.5**

Meeting Date: 30 May 2013  
Portfolio: Finance, Governance and Resources  
Key Decision: No  
Within Policy and Budget Framework: Yes  
Public / Private: Yes

Title: 2012/13 End of Year Performance Report  
Report of: Policy & Communications Manager  
Report Number: PC 11/13

## Purpose / Summary:

This is the end of year performance report against the 2012/13 Service Standards that help measure our performance and customer satisfaction.

Details of each service standard are in the table at Appendix 1. The table illustrates the cumulative end of year figure, a month-by-month breakdown of performance and, where possible, an actual service standard baseline that has been established either locally or nationally.

## Recommendations:

1. Consider the performance of the City Council presented in the report with a view to seeking continuous improvement in how the Council delivers its priorities.

## Tracking

Executive:	1 July 2013
Overview and Scrutiny:	Community – 30 May 2013 Resources – 6 June 2013 Environment & Economy – 13 June 2013
Council:	16 July 2013

## **1. BACKGROUND**

Service Standards were introduced at the beginning of 2012/13. We believe that they provide a standard in service that our customers can expect from us and a standard by which we can be held to account. They are based on timeliness, accuracy and appropriateness of the service we provide in key areas.

It can be seen from the table that the majority of standards demonstrate consistently good performance throughout the year, and in the case of *Processing New Benefit Claims*, significant improvement month-on-month. This was due to a continuous programme of reviewing processes and resources in order to maximise efficiency.

(With regard to the request from Members during the last O&S cycle concerning the claims that are not processed in time. The majority were delayed because the Benefits team were awaiting further information from the claimants. Other examples included a joint Housing Benefit/Council Tax Benefit claim that was deemed defective; and a delay in another Council Tax Benefit claim because the property was not banded until mid-December – the team could therefore not assess the claim.)

The one standard that has seen deterioration in performance is that of *Percentage of Waste Sent for Recycling*. This is due mainly to the lack of garden waste in the winter months when compared with the 2011 figures.

## **2. PROPOSALS**

The Service Standards continue to be developed and amended to accommodate the needs of our customers and changes in legislation. They will continue to be monitored by the Senior Management Team and regular progress will be reported to the Executive and Overview and Scrutiny throughout 2013/14.

## **3. CONSULTATION**

The report was reviewed by the Senior Management Team at their meeting on 14 May 2013 and is being considered by the Overview and Scrutiny Panels on the following dates:



Community Overview and Scrutiny Panel	30 May 2013
Resources Overview and Scrutiny Panel	6 June 2013
Economy and Environment Overview and Scrutiny Panel	13 June 2013

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

The Panel are asked to comment on the End of Year Performance Report prior to it being presented to Executive.

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

The Service Standards measured performance in the areas believed to be the most important to our customers.

**Contact Officer:** Steven O’Keeffe **Ext:** 7258

**Appendices** Appendix 1 – 2012/13 Results  
**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:

#### **CORPORATE IMPLICATIONS/RISKS**

**Chief Executive’s** – Responsible for monitoring service standards and customer satisfaction whilst looking at new ways of gathering and reviewing customer information.

**Community Engagement** – Responsible for managing high-level and team level service standards on a day-to-day basis.

**Economic Development** – Responsible for managing high-level and team level service standards on a day-to-day basis.

**Governance** – Responsible for managing team level service standards on a day-to-day basis.

**Local Environment** – Responsible for managing high-level and team level service standards on a day-to-day basis.

**Resources** – Responsible for managing team level service standards on a day-to-day basis.

## Service Standard - Percentage of Household Planning Applications processed within eight weeks

### APPENDIX 1



[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Service Standard	Actual End of Year Figure	Performance by Month																										
80% (Nationally set target)	89.9%	<table><thead><tr><th>Month</th><th>Percentage</th></tr></thead><tbody><tr><td>April 2012</td><td>94.1%</td></tr><tr><td>May 2012</td><td>100.0%</td></tr><tr><td>June 2012</td><td>85.3%</td></tr><tr><td>July 2012</td><td>95.5%</td></tr><tr><td>August 2012</td><td>92.3%</td></tr><tr><td>September 2012</td><td>80.0%</td></tr><tr><td>October 2012</td><td>81.3%</td></tr><tr><td>November 2012</td><td>84.2%</td></tr><tr><td>December 2012</td><td>96.5%</td></tr><tr><td>January 2013</td><td>89.5%</td></tr><tr><td>February 2013</td><td>88.2%</td></tr><tr><td>March 2013</td><td>90.9%</td></tr></tbody></table>	Month	Percentage	April 2012	94.1%	May 2012	100.0%	June 2012	85.3%	July 2012	95.5%	August 2012	92.3%	September 2012	80.0%	October 2012	81.3%	November 2012	84.2%	December 2012	96.5%	January 2013	89.5%	February 2013	88.2%	March 2013	90.9%
Month	Percentage																											
April 2012	94.1%																											
May 2012	100.0%																											
June 2012	85.3%																											
July 2012	95.5%																											
August 2012	92.3%																											
September 2012	80.0%																											
October 2012	81.3%																											
November 2012	84.2%																											
December 2012	96.5%																											
January 2013	89.5%																											
February 2013	88.2%																											
March 2013	90.9%																											

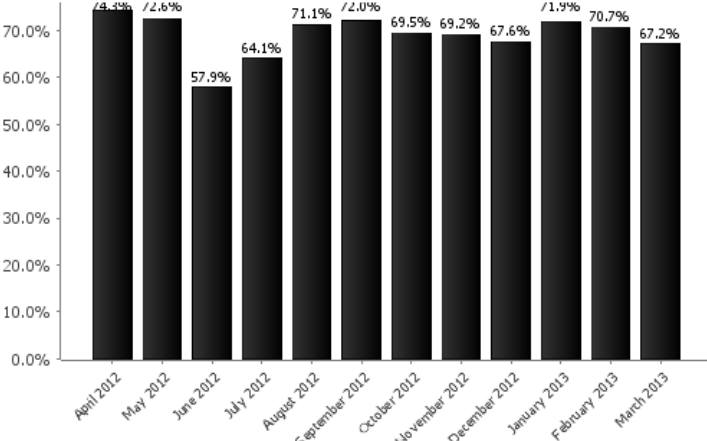
## Service Standard - Percentage of missed waste or recycling collections

Service Standard	Actual End of Year Figure	Performance by Month																										
40 missed collections per 100,000 (Industry Standard) Carlisle’s figure opposite converts to 26 misses	0.03%	<table><thead><tr><th>Month</th><th>Percentage</th></tr></thead><tbody><tr><td>April 2012</td><td>0.03%</td></tr><tr><td>May 2012</td><td>0.03%</td></tr><tr><td>June 2012</td><td>0.03%</td></tr><tr><td>July 2012</td><td>0.02%</td></tr><tr><td>August 2012</td><td>0.02%</td></tr><tr><td>September 2012</td><td>0.03%</td></tr><tr><td>October 2012</td><td>0.03%</td></tr><tr><td>November 2012</td><td>0.02%</td></tr><tr><td>December 2012</td><td>0.02%</td></tr><tr><td>January 2013</td><td>0.04%</td></tr><tr><td>February 2013</td><td>0.03%</td></tr><tr><td>March 2013</td><td>0.03%</td></tr></tbody></table>	Month	Percentage	April 2012	0.03%	May 2012	0.03%	June 2012	0.03%	July 2012	0.02%	August 2012	0.02%	September 2012	0.03%	October 2012	0.03%	November 2012	0.02%	December 2012	0.02%	January 2013	0.04%	February 2013	0.03%	March 2013	0.03%
Month	Percentage																											
April 2012	0.03%																											
May 2012	0.03%																											
June 2012	0.03%																											
July 2012	0.02%																											
August 2012	0.02%																											
September 2012	0.03%																											
October 2012	0.03%																											
November 2012	0.02%																											
December 2012	0.02%																											
January 2013	0.04%																											
February 2013	0.03%																											
March 2013	0.03%																											

## Service Standard - Percentage of household waste sent for recycling

Service Standard	Actual End of Year Figure	Performance by Month																										
Nationally set target of 50% by 2020	44%	<table><thead><tr><th>Month</th><th>Percentage</th></tr></thead><tbody><tr><td>April 2012</td><td>47%</td></tr><tr><td>May 2012</td><td>50%</td></tr><tr><td>June 2012</td><td>54%</td></tr><tr><td>July 2012</td><td>51%</td></tr><tr><td>August 2012</td><td>49%</td></tr><tr><td>September 2012</td><td>48%</td></tr><tr><td>October 2012</td><td>44%</td></tr><tr><td>November 2012</td><td>41%</td></tr><tr><td>December 2012</td><td>31%</td></tr><tr><td>January 2013</td><td>34%</td></tr><tr><td>February 2013</td><td>33%</td></tr><tr><td>March 2013</td><td>37%</td></tr></tbody></table>	Month	Percentage	April 2012	47%	May 2012	50%	June 2012	54%	July 2012	51%	August 2012	49%	September 2012	48%	October 2012	44%	November 2012	41%	December 2012	31%	January 2013	34%	February 2013	33%	March 2013	37%
Month	Percentage																											
April 2012	47%																											
May 2012	50%																											
June 2012	54%																											
July 2012	51%																											
August 2012	49%																											
September 2012	48%																											
October 2012	44%																											
November 2012	41%																											
December 2012	31%																											
January 2013	34%																											
February 2013	33%																											
March 2013	37%																											

## Service Standard - Customer Website Satisfaction

Service Standard	Actual End of Year Figure	Performance by Month																										
There is currently no national standard for website satisfaction. A local standard will be developed during 2013/14. Satisfaction will also be compared with performance against the other service standards.	69.6%	 <table><thead><tr><th>Month</th><th>Performance (%)</th></tr></thead><tbody><tr><td>April 2012</td><td>73.4%</td></tr><tr><td>May 2012</td><td>72.6%</td></tr><tr><td>June 2012</td><td>57.9%</td></tr><tr><td>July 2012</td><td>64.1%</td></tr><tr><td>August 2012</td><td>71.1%</td></tr><tr><td>September 2012</td><td>72.0%</td></tr><tr><td>October 2012</td><td>69.5%</td></tr><tr><td>November 2012</td><td>69.2%</td></tr><tr><td>December 2012</td><td>67.6%</td></tr><tr><td>January 2013</td><td>71.9%</td></tr><tr><td>February 2013</td><td>70.7%</td></tr><tr><td>March 2013</td><td>67.2%</td></tr></tbody></table>	Month	Performance (%)	April 2012	73.4%	May 2012	72.6%	June 2012	57.9%	July 2012	64.1%	August 2012	71.1%	September 2012	72.0%	October 2012	69.5%	November 2012	69.2%	December 2012	67.6%	January 2013	71.9%	February 2013	70.7%	March 2013	67.2%
Month	Performance (%)																											
April 2012	73.4%																											
May 2012	72.6%																											
June 2012	57.9%																											
July 2012	64.1%																											
August 2012	71.1%																											
September 2012	72.0%																											
October 2012	69.5%																											
November 2012	69.2%																											
December 2012	67.6%																											
January 2013	71.9%																											
February 2013	70.7%																											
March 2013	67.2%																											

## Service Standards - Processing new benefit claims in less than 28 days

Service Standard	Actual End of Year Figure	Performance by Month																										
No other councils measure this service standard as a percentage – there is therefore no national standard. The standard will also be changed for 2013/14 to reflect the change in the Benefits system. During this review a standard in performance will be established.	60.5%	<table><thead><tr><th>Month</th><th>Performance (%)</th></tr></thead><tbody><tr><td>April 2012</td><td>37.0%</td></tr><tr><td>May 2012</td><td>48.2%</td></tr><tr><td>June 2012</td><td>51.3%</td></tr><tr><td>July 2012</td><td>51.2%</td></tr><tr><td>August 2012</td><td>56.6%</td></tr><tr><td>September 2012</td><td>62.3%</td></tr><tr><td>October 2012</td><td>70.2%</td></tr><tr><td>November 2012</td><td>75.4%</td></tr><tr><td>December 2012</td><td>76.7%</td></tr><tr><td>January 2013</td><td>63.9%</td></tr><tr><td>February 2013</td><td>82.7%</td></tr><tr><td>March 2013</td><td>70.9%</td></tr></tbody></table>	Month	Performance (%)	April 2012	37.0%	May 2012	48.2%	June 2012	51.3%	July 2012	51.2%	August 2012	56.6%	September 2012	62.3%	October 2012	70.2%	November 2012	75.4%	December 2012	76.7%	January 2013	63.9%	February 2013	82.7%	March 2013	70.9%
Month	Performance (%)																											
April 2012	37.0%																											
May 2012	48.2%																											
June 2012	51.3%																											
July 2012	51.2%																											
August 2012	56.6%																											
September 2012	62.3%																											
October 2012	70.2%																											
November 2012	75.4%																											
December 2012	76.7%																											
January 2013	63.9%																											
February 2013	82.7%																											
March 2013	70.9%																											





# Report to Environment & Economy Overview and Scrutiny Panel

Agenda  
Item:  
  
For  
Information

Meeting Date: Thursday 30th May 2013  
Portfolio: Environment and Transport  
Key Decision: Yes: Recorded in the Notice Ref:KD 04/03  
Within Policy and Budget Framework YES  
Public / Private Public

Title: FOOD LAW ENFORCEMENT SERVICE PLAN  
Report of: The Director of Local Environment  
Report Number: LE 17/13

**Purpose / Summary:** For information only.

**Recommendations:** That the report be noted.

## Tracking

Executive:	7 <sup>th</sup> May & 1 <sup>st</sup> July 2013
Overview and Scrutiny:	30 <sup>th</sup> May 2013
Council:	16 <sup>th</sup> July 2013

# Report to Executive

Agenda  
Item:

**A.1**

Meeting Date: 7th May 2013  
Portfolio: Environment and Transport  
Key Decision: Yes: Recorded in the Notice Ref:KD.04/03  
Within Policy and Budget Framework YES  
Public / Private Public

Title: FOOD LAW ENFORCEMENT SERVICE PLAN  
Report of: The Director Local Environment  
Report Number: LE 11/13

## Purpose / Summary:

The Environmental Health Service Plan and the Food Safety Enforcement Policy comprise the Food law Enforcement Plan and set out how the Environmental Health Service will deploy its resources in 2013 to 2014 to prevent food borne diseases and help people live healthier lives. It seeks to target intervention to tackle local issues whilst ensuring Carlisle City Council achieves its national responsibilities.

## Recommendations:

That the Executive:

- i. Agree the key actions of the Environmental Health Service Plan with respect to Food Safety and approve the Food Law Enforcement Policy.
- ii. Refer the said plans to Council for approval in accordance with the Council's Budget & Policy Framework

## Tracking

Executive:	1 <sup>st</sup> July 2013 (Decision)
Overview and Scrutiny:	30 <sup>th</sup> May 2013
Council:	16 <sup>th</sup> July 2013

## **1. BACKGROUND**

- 1.1 The Food Law Enforcement Plan (the Plan) sets out how the Environmental Health Service will protect food safety in Carlisle during 2013 to 2014. As part of the Food Law Enforcement Plan the “Food Safety Service Plan” (Appendix.1- pages 9 to 12) sits within the full Environmental Health Service Plan and links to the key priority actions of the Carlisle Plan (page.3.). The Service Plan seeks to direct resources into achieving the priority outcomes for regulatory services as detailed in the Better Regulation Delivery Office document “Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services” (November 2011). The second part of the Food Law Enforcement Plan is the “Food Safety Enforcement Policy” (Appendix.2.) which outlines the decision process the Environmental Health Officers will go through when breaches of Food Safety Legislation are found. The Food Safety Enforcement Policy is written with regard to the Food Standard Agency’s Framework Agreement with local authorities, the Enforcement Concordant and the Regulator’s Compliance Code.
- 1.2 In improving food standards the Environmental Health Service is contributing to ensuring a safe, healthy and sustainable food chain for the benefit of consumers. Service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans help local authorities to:
- follow the principles of good regulation;
  - focus on key delivery issues and outcomes;
  - provide an essential link with corporate and financial planning;
  - set objectives for the future, and identify major issues that cross service boundaries;
  - provide a means of managing performance and making performance comparisons;
  - Provide information on an authority’s service delivery to stakeholders, including businesses and consumers.
- 1.3 The Food Standards Agency’s (FSA) Food Law Codes of Practice (2012) details national food policy but allows local authorities flexibility over how to deliver the national food controls. The Plan sets out how and at what level official food controls will be provided, in accordance with the Codes of Practice. The “Framework Agreement on Official Feed and Food Controls by Local Authorities” (2010) sets out what the Food Standard Agency expects from Carlisle City Council in delivering official controls on feed and food law.

- 1.4 In 2012 the Food Standard's Agency carried out a review on the delivery of "Official Controls for Food Safety." The FSA have concluded that although under pressure the Local Authorities are able to deliver a food safety service. The FSA Board confirmed the strategic importance of the delivery of official controls and the relationship between the FSA and local authorities. The Government is presently consulting on amending the Regulators Compliance Code making it explicit that in carrying out its duties as a regulator the local authority's role is both to ensure compliance and assist businesses to grow.
- 1.5 To help to ensure local transparency and accountability, and to show the Service's contribution to the authority's Carlisle Plan, the Framework Agreement recommends that food service plans are approved at the relevant level established for that local authority. The Food Law Enforcement Plan is in Carlisle City Council's Policy Framework in Article 4 of the Constitution.
- 1.6 The Plan covers the period 1st April 2013 to the 31st March 2014 and includes targeted educational and promotional work under taken by the section along with the required food premise inspections.

## **2. PROPOSALS**

- 2.1 That the Executive:
- i. Agree the key actions of the Environmental Health Service Plan with respect to Food Safety and approve the Food Law Enforcement Policy.
  - ii. Refer the said plans to Council for approval in accordance with the Council's Budget & Policy Framework.

## **3. CONSULTATION**

- 3.1 Consultation to Date. - The Plan has been drafted in consultation with Officers in the Environmental Health Service.
- 3.2 Consultation proposed. - The Plan is to be considered by the Community Overview and Scrutiny Committee on the 30<sup>th</sup> May 2013.

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

- 4.1 The recommended key actions have been identified following consultation and reflect the resources available to the Environmental Health Service in the financial year 2013 to 2014.

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

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

- A key requirement of the regulators compliance code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance. Through its Service Plan and Enforcement Policy the Environmental Health Service provides free and impartial advice to business on both legal and technical matters relevant to their trade.

**Priority 3:** Working more effectively through partnerships

- In delivering its food safety responsibilities the Environmental Health Service operates within guidelines and national agreements with partner organisations including: the Food Standards Agency; the Department for Environment and Rural Affairs (Defra); and Public Health England.
- The Food Safety Team work in partnership in delivering projects with organisations such as: Public Health England; Trading Standards; Defra and other Local Authorities.

**Priority 5:** Making Carlisle Clean and tidy together

- The Environmental Health Service tackles the safe storage of waste. The Food Safety team ensures commercial food waste is stored and disposed of correctly.

**Contact Officer:** Angela Culleton

**Ext:** Ex 7325

**Appendices**                      **Appendix.1. – Environmental Health Service Plan 2013 to 2014**  
**attached to report:**        **Appendix.2. – Food Safety Enforcement Policy**

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

- None

## **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's –**

**Community Engagement –**

**Economic Development –**

**Governance –** The Council has a Food Law Enforcement Service Plan in accordance with the Food Standard Agency's Framework Agreement which applies to local enforcement of all feed and food laws, and incorporates the latest guidance and standards on feed and food law enforcement. As stated in the report, the Service Plan forms part of the Council's revised Policy Framework and, as such, requires consideration by the relevant Overview & Scrutiny Panel before being referred for approval to Council by the Executive.

**Local Environment –**

**Resources –** The implementation of the Food Law Enforcement Service Plan can be met from within existing base budgets for 2013/14.



**Environmental Health**

**Service Plan**

**2013 to 2014**



**Contents**

	<b>Page</b>
<b>Scope of the Service</b>	<b>3</b>
<b>Key Facts</b>	<b>5</b>
<b>General Service Plan</b>	<b>7</b>
<b>Food Law Enforcement Plan</b>	<b>9</b>
<b>Health and Safety Plan</b>	<b>12</b>
<b>Environmental Quality Plan</b>	<b>14</b>
<b>Education and Enforcement Plan</b>	<b>18</b>

### Structure

20

### Scope of Service

The Environmental Health Service provides a range of mandatory and discretionary activities that protect the health and well being of the citizens of Carlisle. This Service links directly to some of the key priority actions of the Carlisle Plan.

#### Link to the Carlisle Plan

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

- A key requirement of the regulators compliance code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance. The Environmental Health Service provides free and impartial advice to business on both legal and technical matters relevant to their trade.

**Priority 3:** Working more effectively through partnerships

- We operate within guidelines and national agreements with partner organisations which include: The Food Standards Agency; the Health and Safety Executive; the Department for Environment and Rural Affairs (Defra); and Public Health England.
- We work in partnership in delivering projects with organisations such as: Cumbria Constabulary; the Environment Agency; Trading Standards; the Dogs Trust; Keep Britain Tidy

**Priority 5:** Making Carlisle Clean and tidy together

- The Environmental Health teams tackle the safe storage of waste. The Environmental Quality and Food Safety teams ensure domestic and commercial waste is not a public health concern; the

Education and Enforcement team tackles illegal practices such as fly tipping, dog fouling and littering.

The Service seeks to achieve the priority outcomes for regulatory services as detailed in the Better Regulation Delivery Office document “Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services” (November 2011). Regulators must take into account and give due weight to the priority outcomes when developing policies and operational procedures, setting standards or giving guidance on enforcement.

**Regulatory Priority Outcomes:** 1. Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment. **(Direct Link to the Carlisle Plan)**

2. Improve quality of life and well being by ensuring clean and safe neighbourhoods **(Direct Link to the Carlisle Plan)**

3. Help people live healthier lives by preventing ill health and harm and promoting public health.

4. Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy

The “**Regulators Compliance Code**” applies to all the activities delivered by the Environmental Health Service. A consultation document on amending the Regulators Compliance Code giving greater emphasis to business support is presently taking place (March 2013). We will implement the requirements of the revised Compliance Code.

## Key Facts from 2012/2013

Key Services	Key Facts	Key Actions
Food Premises registration	<b>1175</b> food businesses in Carlisle	
Food and Health and Safety Business Inspections (and follow-up visits)	<b>2079</b> Carlisle premises regulated under local Authority Health and Safety legislation. <b>497</b> Food inspections <b>4</b> Health, Safety and Welfare inspections	<b>5</b> Hygiene Improvement Notices on food businesses. <b>0</b> Food detention Notices <b>2</b> Health and Safety Improvement Notices
Investigations into cases and outbreaks of infectious diseases	Total of <b>120</b> cases	
Respond to Food Alerts issued by the Food Standards Agency	<b>114</b> food alerts	
Food Sampling	<b>200</b> samples of local food checked.	
Pest Control	<b>55</b> contracts <b>534</b> notifications of rats <b>187</b> wasp notifications	
Workplace accident investigations	<b>94</b> workplace accidents reported <b>56</b> investigated.	
Response to incidents affecting public health	<b>3978</b> service requests ranging from complaints about noisy neighbours to requests for pest control treatments.	<b>16</b> Abatement Notices issued protecting the public's health and welfare. <b>40</b> PFN issued for littering, <b>11</b> for waste receptacle offences and <b>24</b> for Fly Posting.
Drinking Water Safety	<b>407</b> Private water supplies. <b>11</b> Supplies risk assessed <b>113</b> samples taken <b>54</b> parameter failure, <b>40</b> wholesomeness failures.	<b>17</b> notices – re boil water and for improvement of supply
Undertaking of promotional and educational campaigns		Noise Action Week – May Food Safety Week Love Parks Week - July Healthy Cities Week – Sept

## Environmental Health Service Plan 2013 to 2014

Inspection for and remediation of 'Contaminated Land'(Part IIA definition) with reference to the Strategy	<b>1214</b> sites with previous industrial use to be risk rated.	Approximately <b>5</b> sites risk rated this year (totalling 500 to date) leaving 750 to rate.
To assess and manage local Air Quality	<b>50</b> Carlisle sites monitored monthly for Nitrogen dioxide and two sites continually monitored. <b>1</b> site monitored continually for Benzene <b>1</b> site monitored continually for particulate matter (PM10 and PM 2.5) <b>6</b> Air Quality Management Areas	2011 Progress report completed and accepted by DEFRA Updating and screening assessment submitted to DEFRA April 2012 Action Plan submitted to Defra September 2012
To ensure all Prescribed Processes are properly permitted and monitored	<b>68</b> permitted industrial processes <b>52 inspections</b> to ensure safe emissions to air.	<b>5</b> Notices served
To arrange for the funeral of deceased persons where no other arrangements have been made		<b>Advised on 3</b> funerals 8 funerals organised and deaths registered.
Enforce all relevant dog control legislation and provide a stray dog collection service.	<b>437</b> stray dogs collected <b>17</b> fixed penalty notices for dogs off leads	<b>10</b> prosecutions for stray dog offences. <b>37</b> FPN issued for dog fouling <b>2</b> prosecutions
Provision of expert advice to the Development Control Section	<b>226</b> consultations	
Statutory consultee to the Licensing Section for public nuisance and health and safety	<b>13</b> consultations and applications for Premises Licences	
Licensed Premises	<b>22</b> caravan sites registered <b>2</b> camping sites registered (tents only) <b>13</b> Pet Shops licensed <b>4</b> Dog Breeding Establishments <b>21</b> Animal Boarding Establishments	
Statistical reporting		Statutory returns for Defra (LAPPC); Drinking Water Inspectorate (Private Water Supplies); Food Standards Agency (LAEMs - food inspections); Health and Safety Executive. Returns for noise complaints also made to the Chartered Institute of Environmental Health.

## General Service Plan

Outcome	Key Action	2012/13 Performance:	Target 2013/14	Progress:
<ul style="list-style-type: none"> <li><b>Support Economic Growth</b></li> </ul>	Use the Department's face to face contact with Carlisle Businesses to promote business information.	Not recorded	80 % Satisfaction of businesses with Regulatory service  Progress recording of business satisfaction in line with former indicator 182.	
	Improve communication between the County's Regulatory Services and the Local Enterprise Partnerships through working through Cumbria's Public Protection Group.	Full representation at Public Protection Group Meetings.	Full representation and contribution at Public Protection Group Meetings. Through the Public Protection Group engage with the LEP.	
	Review the Council's Web Site to ensure information to the public is relevant and accessible and facilitates e-government for accessing application forms etc and specifying service provision and charges.	Front pages reviewed. Work progressed on other pages	December 2013 All pages reviewed and refreshed.	

## Environmental Health Service Plan 2013 to 2014

<ul style="list-style-type: none"> <li>• <b>Healthier Lives</b></li> </ul>	Work with the Healthy Communities Working Group on actions in delivering the Healthy Cities Improvement Action Plan.	Contributions to Healthy Cities Week and Food Safety training	At least one coordinated campaign	
<ul style="list-style-type: none"> <li>• <b>Support Economic Growth</b></li> <li>• <b>Clean and Safe Neighbourhoods</b></li> <li>• <b>Healthier lives</b></li> <li>• <b>Sustainable food change</b></li> </ul>	To respond to all service requests within 5 working days	92%	100%	
	Respond to consultations from Licensing and Planning within 28 days.	99%	100%	
	Contribute to the Multi Agency "Problem Solving Groups"	Attendance at meetings and contributions made	Active assistance to the Licensing Best Bar None Scheme	
	Provide an informal public health out of hour's service where circumstances necessitate.			Arrangements made for food hygiene inspections and special events Environmental Health Manager on the Emergency contact lists: Public Health England: Fire; Emergency Planning

## Food Law Enforcement Service Plan

The City Council operates its food law enforcement following the “Framework Agreement” with the Food Standard Agency who is the lead national authority on Food Law. The Council also operates within the “Codes of Practice” issued by the Food Standards Agency.

The Council has partnership agreements with Public Health England regarding response to infectious disease incidents.

Outcome	Key Actions	2012/13 Performance:	Target 2013/14	Progress:
<b>Sustainable Food Chain</b> <b>Healthier lives</b>	Inspect 100% food businesses at intervals in accordance with the Food Standard’s Agencies Code of Practice and educate and enforce where necessary.	97%	100%	
	Work toward increasing the number of “broadly compliant” food businesses	93.5%	95%	<b>Corporate Indicator LE050</b>
	Continue to work with and promote the National Food Hygiene Rating System.	Successful transfer 99% of local authorities in England are in the National Food Hygiene	Continued compliance with the Food Standard Agencies branding agreement	Ongoing – <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a>



## Environmental Health Service Plan 2013 to 2014

		Rating System.		
<b>Sustainable Food Chain</b> <b>Healthier lives</b>	To sample foodstuffs for microbiological safety in accordance with local and national need	100%	100%	
	To actively take part in Cumbria Food Liaison Group plan of work	Full Contribution and Attendance at meetings and development of Action Plan	Full Contribution and Attendance at meetings and development of Action Plan  Ensure link to Health and Well being Board obesity agenda – Healthy Eating Award progress	
	Undertake basic food hygiene training for hard to reach groups	2 training events completed with 100% pass rate	2 training events for hard to reach groups	
	Participate in “public health” related activity as requested by partners such as the County Council, Public Health	Food Safety Week and Healthy Cities initiatives	At least one campaign per year. Food Safety Week 17 June 2013	

## Environmental Health Service Plan 2013 to 2014

	England and the Food Standards Agency.			
	Review and refresh the Food Enforcement Policy		Draft to May Executive New Policy Adopted	

## Health and Safety Service Plan

Carlisle City Council has responsibility for health, safety and well being regulation at most retail, leisure and storage businesses. 2012 saw the Health and Safety Executive given the authority to direct Carlisle City Council on how it undertakes its responsibilities.

Outcome	Key Action	2012/13 Performance:	Target 2013/14	Progress:
<b>Healthier lives</b>	To review & implement an Alternative Intervention Strategy for those businesses that do not require inspection (in accordance with LAC 67/2 Rev 3 & Cumbria H&SLG)	H&S Intervention Plan complete	Jan 13 - Strategy Produced Monitor progress of Intervention strategy generally and by complaints, accidents, injuries etc.	
	Inspect premises and investigate accidents in compliance with legal responsibilities, and educate, encourage and only enforce in line with the Enforcement Policy			

## Environmental Health Service Plan 2013 to 2014

	To contribute & work in partnership by carrying out work as per the Cumbria Health and Safety Liaison Group work plan	<p>Carlisle priorities agreed:</p> <ul style="list-style-type: none"> <li>• Animal contact</li> <li>• Underground LPG storage</li> <li>• Asbestos</li> <li>• Workplace temperatures</li> <li>• Noise at work</li> <li>• Smoking</li> <li>• Warehousing (esp falls and manual handling)</li> </ul>	Progression of action plan – number of initiatives.	
	Work with the Public Health England to improve the safety of skin piercers in Carlisle.	Joint publicity and leaflet produced for the April North Lakes Tattoo show.	Deliver project highlighting risks associated with (non-registered) tattooists.	

## Environmental Quality Service Plan

Most of the work undertaken by the Environmental Quality Section is directed by the Department of Environment and Rural Affairs (Defra).

Activity	Key Action	2012/13 Performance:	Target 2013/14	Progress
----------	------------	----------------------	----------------	----------

<ul style="list-style-type: none"> <li>• Healthier lives</li> <li>• Clean and safe Neighbourhoods</li> </ul>	Air Quality			
	Review Carlisle's Local Air Quality and prepare an Update and Screening Assessment for submission to DEFRA.	Update and Screening Assessment accepted by Defra June 2012	Progress Report completed May 2013 Assess the effectiveness of the Northern Development Route July 2013 Liaise with County Council on promoting alternatives to vehicle use.	
	Progress the Air Quality Action Plan for the 7 Air Quality Management Areas.	Action Plan agreed by Defra	Produce a summary of actions progressed in 2013.	
	Promoting campaign encouraging reducing		Produce a summary of actions progressed in	

## Environmental Health Service Plan 2013 to 2014

<ul style="list-style-type: none"> <li>• <b>Healthier lives</b></li> <li>• <b>Clean and safe Neighbourhoods</b></li> </ul>	transport pollutants		2013.	
	<b>Local Air Pollution Prevention and Control</b>			
	Inspect 100% of permitted processes in accordance with DEFRA's inspection strategy.	100 % inspection achieved	100% inspection target  Review permits to comply with the Industrial Emissions Directive view charges due to the implied permit structure	
	<b>Contaminated Land</b>			
	Address and prioritise contaminated land	5 sites assessed and prioritised.  Strategy Updated.	50 potential sites per year assessed and prioritised. work with the Planning Department to ensure housing and other developments only take place on land suitable for use Respond to enquiries regarding possible land contamination	
	<b>Noise and Nuisance</b>			

## Environmental Health Service Plan 2013 to 2014

<ul style="list-style-type: none"> <li>• <b>Healthier lives</b></li> <li>• <b>Clean and safe Neighbourhoods</b></li> </ul>	Revise strategies for dealing with noise nuisances	Attendance at Landlords Forum  Advice sheets forwarded for distribution to the Housing Team.	Continue to work with landlords via liaison with the housing team.  Raise public awareness regarding noise from dogs etc Attend the Carlisle and Eden crime and disorder partnership meetings  Review the procedure for domestic noise investigations.	
	<b>Private Water Supplies</b>			
	Sample and assess 100% of private water supplies in accordance with the DWI Technical Manual.	100%	100%	
	<b>Pest Control</b>	Produced a targeted sewer baiting strategy  Identified areas generating greatest rat	Raise awareness of the service and encourage new contracts	

## Environmental Health Service Plan 2013 to 2014

		complaints		
	Seagull Control	<ol style="list-style-type: none"> <li>1. Leaflet Produced</li> <li>2. Premises where roosting was a concern identified and written to</li> <li>3. Press releases</li> </ol>	<ul style="list-style-type: none"> <li>• Follow up visits to premises written to in 2012.(April / May2013)</li> <li>• Assessment of controls (June)</li> <li>• Review follow up actions (June)</li> </ul>	<b>Directorate Action</b>
	Fees and Charges Review		<ul style="list-style-type: none"> <li>• Review the pest control fees and charges making recommendations for implementation in 2014/15.</li> </ul>	<b>Directorate Action August</b>
	<b>Licensed Premises</b>			
	Review the web information on application for licences.	100% of Caravan sites had a fire risk assessment		



## Education and Enforcement Teams Enforcement Plan

Activity	Key Action	2012/13 Performance:	Target 2013/14	Progress:
<ul style="list-style-type: none"> <li>• <b>Clean and safe Neighbourhoods</b></li> <li>• <b>Healthier lives</b></li> </ul>	Progress the Clean Neighbourhood Enforcement Plan	2012/13 Enforcement Plan produced and followed. 37 FPN issued for dog fouling and 2 prosecutions 40 PFN issued for littering, 11 for waste receptacle offences and 24 for Fly Posting	Reduction in dog fouling incidents and complaints compared to 2011/12 benchmark.	
	Deliver a Educational Campaign for dog fouling and littering	1400 delivered educational message on dog fouling and littering	Deliver message to all year 7's	
	Review and update policies.	Fly posting, Fly tipping and litter procedures reviewed.	Introduce orders for abandoned shopping trolleys and illegal distribution of free material  Review the procedures for dealing	<b>Directorate Action</b>

## Environmental Health Service Plan 2013 to 2014

			with Graffiti offences.	
	Develop a strategy with partner organisations to tackle environmental crimes.	Riverside and PCSO trained for the issuing of FPN.	Attend PSG East and West and CD&ASB – continue to develop partnership working with Riverside and Impact	
	Produce a Strategy and Action Plan for continuing the work of “Clean Up Carlisle and Love Where You Live”			<b>Directorate Action</b>
	Produce working procedures for the revised CCTV System			<b>Directorate Action</b>

# ENVIRONMENTAL HEALTH

SCOTT BURNS  
Environmental Health Manager

JANET BLAIR  
1x FTE Principal EHO  
Environmental Quality

1 FTE x Environmental Health Officer  
Graeme Little  
1 x FTE Pre Reg Environmental Health Officer  
Mathew Proudfoot

2 FTE x Technical Officers  
Aileen Shiels

## Pest Control

1 FTE x Senior Pest Control Operative  
Martin Russell-Bromley  
2 FTE x Pest Control Operatives  
Barry Edmondson  
Garry McArthur

MORVEN ANSON  
1x FTE Education and Enforcement  
Team Leader

Education and Enforcement Officers  
X 2 FTE  
Jane Rimmer  
Michael Saint

## CNEO

1.2 FTE x Clean Neighbourhood Enforcement Officers  
Andrew Allison 1x PT post  
Ray Howie 1 x PT post  
(Temp increase in hours to 1.8FTE due to Clean up Carlisle)

Administration  
3 x FTE Technical Clerks  
Sharon Loryman  
Sarah James  
Eileen Edwards  
Vacant  
Diane Thwaites  
Lesley Bowron

Temp CCTV Supervisor  
Until August 2013  
John Nugent

DAVE EDWARDS  
1x FTE Principal EHO  
Food and Occupational Health

5 FTE x District Environmental Health Officers  
Stuart Strange  
Margaret Moir  
Michael Cunningham  
Rebecca McKee  
Donna Hastie

# **FOOD SAFETY ENFORCEMENT POLICY**

## **Carlisle City Council**

Environmental Health Service

## **Local Environment**

---

## **1.0 POLICY STATEMENT**

---

- 1.1 Carlisle City Council aims to ensure that food and drink intended for human consumption, that is produced, stored, distributed, handled or sold within the Council's area, is without risk to the health or safety of the consumer. In carrying out its Food Law enforcement the City Council will encourage food businesses and regulated bodies to comply with their food safety obligations and grow as businesses.
- 1.2 This Policy has been written having regard to the Food Standards Agency's Framework Agreement, the Enforcement Concordat and the Regulator's Compliance Code (April 2008). Officers will therefore have regard to and implement the principles of proportionality, consistency, transparency and targeting.
- 1.3 Inspections of food businesses and other food safety activities will be in accordance with legislation, statutory Codes of Practice and guidance issued by the Food Standards Agency and the Better Regulation Delivery Office.
- 1.4 The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action is in strict accordance with the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Act 1984 (as amended).
- 1.5 The Council recognises that the particular interests of different consumers within its area will need to be taken account of to ensure that legislation is enforced fairly and consistently. Interpreters will be used where there is difficulty in understanding the English language. Where possible, translated advisory leaflets will be made available. Any visits that are required out of hours will be undertaken as necessary.
- 1.6 We are fully committed to the Home Authority Principle and the Primary Authority Scheme and will utilise the principle whenever enforcement activity is considered, especially where the issue has national implications. We will use inspection plans created under Primary Authority when inspecting relevant businesses.

\*The Home Authority Principle and the Primary Authority Scheme are supported by food and trading standards services throughout the UK. The Primary Authority Scheme has been made under The Regulatory Enforcement & Sanctions Act 2008. A local authority acting as a home or originating authority will place special emphasis on the legality of goods and services originating within its area. It aims to prevent infringements by offering advice and guidance at source in order to maintain high standards of public protection at minimum cost. The Home Authority is the authority where the relevant decision making base of an enterprise is located. The Originating Authority is an authority in whose decentralized enterprise produces goods and services.

- 1.7 All enforcement action will be based on the risk to health and in accordance with this policy. Any departure from this policy must be justified to the appropriate line manager with delegated authority under the Council's constitution. The reasons for any departure will be fully documented and a copy retained on the premises file.
- 1.8 This Policy supports service delivery and intervention plans and procedures, and it will be actively brought to the attention of all relevant staff. The policy is supported in certain areas by additional procedural guidance. A copy of this policy will be made available at Council offices and to any person that requests one. The Policy will also be made available on the Council's website.
- 1.9 This Policy has been drawn up following consultation with stakeholder representatives and has been approved by the Food safety Team, and Members.
- 1.10 This Policy will be reviewed at least every 3 years or when there are changes in legislation or guidance, which make this necessary.

---

## **2.0 ENFORCEMENT OPTIONS**

---

**2.1** Authorised officers will consider the most appropriate course of action, which should be taken following inspection or investigation. These include:

- No action
- Informal action and advice
- Formal letter known as informal written notice
- Statutory Notices – Hygiene Improvement Notices, Detention of Food Notices, Remedial Action Notices and Hygiene Emergency Prohibition Notices.
- Issuing and revoking approvals including suspensions and conditional approvals
- Prohibiting operations and processes
- Simple caution (commonly known as formal cautions)
- Prosecution

### **2.2 No Action**

There will be occasions when it is appropriate to take no further action on completion of the inspection or investigation. This will be the case where the risk to health is insignificant and /or the premises, is low risk in nature i.e. no food preparation. A report of inspection should be left on-site or sent soon after the inspection highlighting that the standards of compliance are satisfactory.

## **2.3 Informal Action**

Informal action includes verbal advice, requesting others to act, letters containing recommendations of good hygienic practice, accepting the voluntary surrender of food and the issuing of reports of inspection in accordance with the Food Standards Agency Food Law Code of Practice (England) 2008 (FLCOP), issued under Section 40 of the Food Safety Act 1990.

Informal action will be appropriate in the following circumstances:

- (i) The act or omission is not serious enough to warrant formal action.
- (ii) From the past history, it can be reasonably expected that informal action will achieve compliance.
- (iii) The consequences of non-compliance will not pose a significant threat to food safety. Or
- (iv) The food business is operated by a voluntary organization and information is likely to be more helpful and effective than a formal approach.

Verbal advice will be offered where practices do not constitute a breach of the legislation or where advice on good practice, for example within industry guides, good manufacturing practice (GMP) or trade association guidance, has not been followed. Officers providing verbal advice will ensure that they clearly differentiate between those items that are legal requirements and those that are recommendations of good practice.

Verbal advice will be confirmed in writing. This may form part of the Report of Inspection, which is normally left at the end of the visit or sent afterwards.

## **2.4 Formal letters**

Formal letters will be considered appropriate in the following circumstances:

- Where the act or omission is not serious enough to warrant the service of a statutory notice;
- The history or track record of the individual or company means that it can be reasonably expected that a formal letter will achieve compliance;
- The consequences of non-compliance will not pose a significant threat to food safety; or
- The food business is operated by a voluntary organization and a formal letter is likely to be more helpful and effective than statutory notices or legal proceedings.
- If the food business is compliant

Any letters shall be written in accordance with FLCOP and practical guidance issued by the Food Standards Agency and other government agencies. They will contain all the information necessary to understand what work is required and why it is necessary. They will indicate the Regulations contravened and the measures, which will enable compliance.

Letters will clearly differentiate between matters, which are necessary to meet statutory requirements and those which are recommendations.

**The opportunity to discuss the contents of the letter with the officer and/or the PEHO will be made available and both contact details will be clearly visible in the letter.**

Letters should be sent to the food business operator within a target date maximum of 10 working days from the inspection/visit.

## **2.5 Statutory Notices**

In certain circumstances, the service of a statutory notice will be appropriate. A range of notices may be used:

- Hygiene Improvement Notices
- Hygiene Emergency Prohibition Notices
- Detention and Condemnation of Food Notices
- Remedial Action Notices
- Warrants to enter premises
- PACE Code B Notices
- Other relevant notices under current Official Food and Feed Regulations, and the Products of Animal Origin Regulations.

### **(i) Hygiene Improvement Notices**

The following factors determine the use of Hygiene Improvement Notices in accordance with the FLCOP.

- a. There are significant contraventions of legislation
- b. There is a lack of confidence that the food business operator or company will respond to an informal approach
- c. There is a history of non-compliance with informal action or formal letters, history of poor risk scores and award scheme ratings
- d. Standards are generally poor with little management awareness of statutory requirements



- e. The consequences of non-compliance could be potentially serious to public health
- f. Effective action needs to be taken as quickly as possible to remedy conditions, which are serious, or deteriorating, even though it is intended to prosecute.

The use of Hygiene Improvement Notices will be related to risk to health and they will not be used for minor contraventions of the legislation. They will not be used where the contraventions might be a continuing one or in transient situations i.e. cleaning and record keeping.

Officers issuing Hygiene Improvement Notices will discuss with the food business operator the works to be undertaken and realistic time limits for the completion of the works. The officer will consider alternative solutions of equal effect put forward by the food business operator.

An authorised officer will check compliance on the date of expiry of the notice or at the latest, the following day as there may be a challenge if there is any delay i.e. the operator may claim that they complied within the timescale for instance, the provision of hot water.

Failure to comply with a Hygiene Improvement Notice will result in the instigation of legal proceedings in the majority of cases.

The officer will consider all reasonable written requests for an extension of time of the notice where these are made within the existing time scale.

For notices relating to Article 5 and training requirements, a minimum of 12 weeks timescale will be given to the operator. The timescale for all other legal requirements will be at the discretion of the authorised officer.

The officer will advise the Primary Authority and Home/Lead Authority where relevant, of any actions intended and seek written agreement. Officers should refer to the Local Better Regulation Office (LBRO) website for details of Primary Authority arrangements, <http://www.lbro.org.uk/pa-becoming-a-primary-authority.html>

## **(ii) Hygiene Emergency Prohibition Notices**

The use of Hygiene Emergency Prohibition Notices will be deemed appropriate where there is an imminent risk of injury to health and where for example, the circumstances outlined in the FLCOP (England) and practical guidance are fulfilled. Examples are as follows:

- The failure of a process within premises;
- The premises contravene food safety legislation and have been or are involved with an outbreak of food poisoning or present an imminent risk of food poisoning; or
- There is a serious infestation by rats, mice, cockroaches or other vermin (including birds) or a combination of these infestations resulting in actual food contamination or an imminent risk of food contamination; or
- There are poor structural conditions or poor equipment and/or poor maintenance of routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter resulting in actual food contamination; or
- There are serious drainage defects or flooding of the premises leading to actual food contamination or an imminent risk of food contamination; or

Any combination of the above or the cumulative effect of contravention, which together represent an imminent risk of injury to health.

In addition, the following matters will warrant the service of a Hygiene Emergency Prohibition Notice:

- a. The consequences of not taking immediate and decisive action to protect the public health would be unacceptable;
- b. There is a demonstrable imminent risk of injury to health
- c. There is no confidence that an unprompted offer by a food business operator to voluntarily close the premises or cease the use of any equipment, process or treatment will be carried out;
- d. The food business operator is unwilling to confirm in writing his/her unprompted offer of voluntary closure.

### **(iii) Detention and Condemnation of Food Notices**

Authorised officers will use powers to inspect, detain, seize and arrange for the condemnation of food if they have reasonable grounds that the food does not comply with the food safety requirements in the Food Safety Act 1990 and Article 14 of EC Regulation 178/2002. This is an offence under Regulation 27 of the Food Hygiene (England) Regulations 2006.

The procedure for detaining, seizing and arranging for the condemnation of food will be in accordance with FLCOP (England) and Practical Guidance.

A person in charge of food that has been detained or seized for the purposes of condemnation by a Magistrate may be eligible for compensation if:

- The detention of food notice is withdrawn; or
- The magistrate fails to condemn the food; and
- The food has deteriorated in value resulting from the action.

#### **(iv) Remedial Action Notices (RANS)**

It is only appropriate to use these notices for requiring works in food premises approved under EC Regulation 853/2004. A documented procedure covers use of these notices and this must be followed.

#### **(v) Warrants to Enter Premises**

The Council will apply to the Magistrates Court for a warrant to enter premises if:

- Necessary entry is required at an unreasonable time; and/or
- Entry to a premises is refused; and/or
- Entry is expected to be refused; and/or
- The premises are vacant and entry is required.

#### **(vi) PACE Code B Notices**

Notices will be served where it is necessary to search premises to investigate an alleged offence. This is only appropriate in circumstances where Officers have serious grounds for suspecting an offence has already been committed before they visit the premises or act on information provided by another agency. The procedure on service of Code B notices must be referred to by Officers and legal advice sought before use.

### **2.6 Legal Proceedings – Simple cautions and Prosecutions**

Carlisle City Council will consider instigating legal proceedings where there is admissible, substantive and reliable evidence that an identifiable person or company has committed an offence and there is a realistic prospect of conviction. The following circumstances may warrant the institution of legal proceedings:

- The offence involves flagrant breaches of the law, such that public health, safety or well being is put at risk;
- The offence involves a failure to correct an identified potential risk to food safety arising from the processing, cooking, handling or storage of food, having given the offender a reasonable opportunity to comply with the lawful requirements of an authorised officer;
- The offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- Offences have resulted in the service of a Hygiene Prohibition Notice;
- There is a history of similar offences related to risks to the safety of food.

In deciding whether formal action should be taken, Officers should complete the matrix in Appendix I (matrix to determine informal or formal action) and document their decision with the involvement of the appropriate line manager. Once the officer

is of the opinion that legal proceedings may be instigated, the case is considered in the light of the following factors:

- a. The seriousness of the offence:
  - The risk to public health
  - The number of identifiable victims
  - Failure to comply with a statutory notice served for a significant breach of legislation
  - Disregard for the public health for financial reward
- b. The previous history of the food business operator or company:
  - The offences follow a previous history of similar offences
  - Failure to respond positively to past written notices and warnings
  - Failure to comply with statutory notices
- c. The likelihood of the defendant being able to establish a due diligence defence:
  - Practical steps taken or due diligence defence available but there is doubt about its legal validity
  - Practical steps taken but there is doubt that the due diligence defence has been achieved
  - Practical steps have been taken that are not totally effective, therefore due diligence has not been proved
  - No practical step taken, therefore there is no possibility of proving due diligence
- d. The ability of witnesses and their willingness to co-operate:
  - Witnesses would rather not be involved in prosecution but might be willing if encouraged
  - Witness would require summons to attend
  - Witness would be willing to attend court but may not be effective under cross examination
  - Witness would be willing to attend and will be effective
- e. The willingness of the food business operator or company concerned to prevent a recurrence of the problem:
  - Steps have been taken to prevent a recurrence and there is confidence that these will be effective
  - Steps have been taken to prevent a recurrence but there are doubts that these will be effective
  - Steps to prevent a recurrence have been promised but confidence is low that the promises will be fulfilled

- The food business operator or company are not willing to prevent a recurrence and there is no confidence that the food business operator is capable of preventing a recurrence
- f. The public benefit and interest of a prosecution and the importance of the case for:
- The likely penalty upon conviction
  - The offender's age and state of health
  - The offender's attitude to the offence
  - Whether it might establish a legal precedent
- g. Any explanation offered by the food business operator or the company:
- Explanation is satisfactory, factors appear to be beyond the control of the defendant
  - Explanation shows that prevention was possible but necessary steps had not been taken
  - Explanation poor, blatant failure to control circumstances leading to offence
  - No explanation offered, willful disregard for public health

Authorised officers must complete the matrix in Appendix III (decision whether to prosecute or issue a simple caution) when any of the circumstances outlined in Appendix II are encountered.

## **Types of Legal Proceedings**

On completion of the matrix in Appendix I, and II, and where formal action is considered to be necessary, legal proceedings may take the form of either a simple caution or a prosecution. The officer, the appropriate line manager, and a legal representative should agree the final decision. On completion of the determination matrix, the officer(s) should follow the standard forms to instruct legal to consider the case with a summary of the facts and initial information. If a PACE interview has occurred as part of the initial decision making process, a transcript should be given to legal along with the initial information. An update on legal opinion should be sought within 2 weeks of this instruction.

## **Simple Cautions**

The Council will offer simple cautions as an alternative to prosecutions in order to:

- Deal quickly and simply with less serious offences
- To divert less serious offences away from the Courts and
- To reduce the chances of repeat offences

The Council will only make the offer of a simple caution where:

- There is sufficient evidence of the offender's guilt for a realistic prospect of conviction
- The offender admits the offence and
- The offender clearly understands the significance of a simple caution and gives informed consent to being cautioned.

Where a food business operator declines the offer of a simple caution, the Council will proceed with a prosecution.

---

### **3.0 DECISION MAKING AND AUTHORISATION**

---

- 3.1** All Officers who undertake the enforcement options in this policy will have the necessary qualifications, training, experience and competence to do so. All actions will be in accordance with FLCOP (England) 2008.

All officers will be issued with a formal written record of their authorisation, signed by either the Director of Local Environment or the Environmental Health Manager. Officers will also be issued with an "Authority to Enter" card with a summary of their available powers of entry.

The enforcement options and levels of authorisation are outlined in Appendix IV.

---

### **4.0 WORKING WITH OTHERS TO SECURE COMPLIANCE**

---

Officers will work closely with others to secure compliance with food safety legislation. Discussion and liaison may be necessary with the following:

➤ **Consumers and businesses**

The views of our stakeholders are essential in obtaining effective compliance with the legislation. The need to protect the health of the consumer whilst acknowledging the concerns of businesses are recognised and are implicit within this policy and the requirements of the Enforcement Concordat and the Regulators Compliance Code.

➤ **Food Standards Agency**

The FSA will be notified of all approvals or any variations issued under product-specific legislation. Under the Food Alert system, the FSA will be notified of any issues, which have a wider concern or where there is a serious localised incident.

### ➤ **Primary Authority Scheme/Home Authority**

If the premises under inspection or investigation are linked to a Primary, Home or Originating Authority, when officers are considering formal action, they will liaise with the identified authority. Where there is an imminent risk to health, action will be taken immediately and the relevant authority will be notified at the earliest available opportunity.

### ➤ **Public Health Information**

Infection control advice and epidemiological support will be requested as necessary.

### ➤ **Health Protection Agency (HPA) and County Analyst**

The expert advice of colleagues within the HPA and the County Analyst may be required in determining the relevant enforcement option. Other specialist organisations e.g. Campden and Chorleywood Food Research Association may assist in investigations.

---

## **5.0 Complaints**

---

Carlisle City Council has an effective complaints procedure and will endeavor to resolve any complaint as quickly as possible. complaints about the service can either be made direct to the Environmental Health Manager by:

**Email** – [environmentalhealth@carlisle.gov.uk](mailto:environmentalhealth@carlisle.gov.uk) or

**Telephone** – 01228 817559

Or through the City Council's official complaints procedure:

**Telephone** – 01228 817000

**In writing** – Free post YGCX – YEYB – Carlisle City Council, Civic Centre, Carlisle, CA3 8QG

**Email** – [complaints@carlisle.gov.uk](mailto:complaints@carlisle.gov.uk)

## MATRIX TO DETERMINE FORMAL OR INFORMAL ACTION

CRITERION	SCORE	WTG	TOTAL
<b>Risk to health</b>			
No risk to health	1	5	
Risk to health possible but unlikely	2	5	
Caused minor ill health, potential for more serious effect in more vulnerable groups	3	5	
Identified or potential serious medical effect	4	5	
<b>Previous history</b>			
Reacted to previous advice, change usually effective	1	4	
Reacts to advice, change not always effective, moderate confidence in management	2	4	
Compliance with previous advice patchy, low confidence in management	3	4	
Failure to respond to previous advice	4	4	
<b>Likelihood of being able to prove due diligence</b>			
Practical steps taken, due diligence possible, some doubt	1	5	
Practical steps taken, but doubt about due diligence	2	5	
Practical steps taken are not totally effective, no due diligence	3	5	
No possibility of proving due diligence	4	5	
<b>Ability of witnesses</b>			
Witness would require summons to attend	1	1	
Witness would rather not attend court but might be persuaded	2	1	
Witness willing to attend but may not be effective under cross examination	3	1	
Witness willing to attend and will be effective	4	1	
<b>Willingness to prevent a recurrence</b>			
Steps taken to prevent a recurrence, confidence that these will be effective	1	2	



Steps taken to prevent recurrence, doubts that these will be effective	<b>2</b>	<b>2</b>	
Steps promised to prevent recurrence, but confidence is low that promise will be fulfilled	<b>3</b>	<b>2</b>	
Not willing to prevent recurrence, no confidence that food business operator is capable of preventing recurrence	<b>4</b>	<b>2</b>	
<b>Probable public benefit</b>			
Publicity is likely to embarrass Council	<b>1</b>	<b>1</b>	
Penalty/publicity will have limited value	<b>2</b>	<b>1</b>	
Penalty/publicity will ensure improvement in the case in question	<b>3</b>	<b>1</b>	
Penalty/publicity will prevent other similar offences	<b>4</b>	<b>1</b>	
<b>Explanation offered by defendant</b>			
Explanation satisfactory, factors appear to have been beyond defendant's control	<b>1</b>	<b>3</b>	
Explanation shows that prevention was possible but that necessary steps had not been taken	<b>2</b>	<b>3</b>	
Explanation poor, blatant failure to control circumstances leading to offence	<b>3</b>	<b>3</b>	
No explanation offered, willful disregard for public health	<b>4</b>	<b>3</b>	

#### NOTES

The weighting is to be used as a multiplier. A separate assessment should be completed for each offence and each food business operator. In many cases the investigating officer may be the only witness and this section should be scored accordingly.

A decision of informal action will follow where the score is between 0 and 34. A decision of formal action will normally follow where the score is between 35 and 84

**RECOMMENDATION OF INVESTIGATING OFFICER/PEHO**

**INFORMAL /FORMAL ACTION**

**Signed:** .....

**Date:** .....

**ENVIRONMENTAL HEALTH MANAGER**

**AGREE/DISAGREE**

**Signed:**

**Date:** .....

**DECISION OF LEGAL REPRESENTATIVE**

**Comments:**

**Signed:** .....

**Date:**

### Criteria leading to Formal Action

Where any one of the following circumstances apply, officers must complete the matrix in Appendix III, where a decision will be made as to whether a simple caution will be offered or the offender will be prosecuted.

1. Premises confirmed to be associated with an outbreak of food poisoning, which resulted in serious illness and/or death.
2. Repeated breaches giving rise to significant risk, or persistent and significant poor compliance.
3. Management of food safety is poor and gives rise to significant risk.
4. Following the service of a Hygiene Emergency Prohibition Notice/Order.
5. Following the voluntary closure of premises.
6. Repetition of breach that was subject to Simple Caution.
7. False information supplied wilfully, intent to deceive in relation to a matter giving rise to significant risk.
8. Obstruction of an officer.
9. Formal action is required as a means of drawing attention to the need for compliance with the law and to act as a deterrent to others.

**DECISION WHETHER TO PROSECUTE OR ISSUE A SIMPLE CAUTION**

<b>CRITERION</b>	<b>PROSECUTE</b>	<b>OFFER CAUTION</b>
Is the offence serious?	Yes	No
Is the offender an older or disabled person?	No	Yes
Has the offender a previous history of offending?	Yes	No/Unknown
Is the offender willing to prevent a recurrence of the problem?	No	Yes
Would a prosecution be in the public interest?	Yes	No
Is the case likely to establish a legal precedent?	Yes	No
Has the offender offered a reasonable explanation?	No	Yes
<b>TOTAL</b>		

Note

Ring the appropriate response to each criterion and then total the number of rings in each column.

The decision will be based on the total number of rings

**RECOMMENDATION OF INVESTIGATING OFFICER/PEHO****INFORMAL /FORMAL ACTION**

Signed: .....

Date: .....

**DECISION OF ENVIRONMENTAL HEALTH MANAGER****AGREE/DISAGREE**

Signed:

Date: .....

**DECISION OF LEGAL REPRESENTATIVE**

Comments: .....

Signed: .....

Date:.....

**APPENDIX IV**

<b>DECISION MAKING AREA</b>	<b>OFFICERS AUTHORISED TO ACT</b>	<b>OFFICERS WHO MUST BE CONSULTED</b>
Informal action and formal letters	Technical Assistants  Environmental Health Officers  Principal Environmental Health Officer –  Environmental Health Manager  Assistant Director – Local Environment	Principal Environmental Health Officer –to monitor and audit periodically
Hygiene Improvement Notices	Environmental Health Officers  Principal Environmental Health Officer	Environmental Health Officers  Principal Environmental Health Officer
Hygiene Emergency Prohibition Notices	Environmental Health Officers*  Principal Environmental Health Officer *  Environmental Health Manager*	Principal Environmental Health Officer –  Environmental Health Manager  Legal representative
Simple/ 'Formal' Caution	Environmental Health Officers  Principal Environmental Health Officer  Environmental Health Manager	Principal Environmental Health Officer  Environmental Health Manager  Legal representative
Prosecution	Environmental Health Officers*  Principal Environmental Health Officer*  Environmental Health Manager*	Principal Environmental Health Officer  Environmental Health Manager  Legal representative

\* Minimum 2 years post qualification experience of food safety and currently involved in food safety enforcement.

