

# AGENDA

## Community Overview and Scrutiny Panel

Thursday, 11 June 2015 AT 10:00  
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

**\*\*Briefing meeting for Members will be at 9.30 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

5 - 20

To approve the minutes of the meeting held on 26 February 2015  
[Copy Minutes in Minute Book Volume 41(6)]

To note the minutes of the meeting held on 9 April 2015  
[Copy Minutes herewith]

## **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 QUESTIONS BY MEMBERS OF THE PUBLIC**

##### Riverside Carlisle

Pursuant to Procedure Rule 10, the Director of Governance to report the receipt of the following questions to the Chairman which have been submitted on notice by Mr Barker, Secretary of the Carlisle and Rural Tenants' Federation.

Any views or opinions expressed in the questions set out in this Agenda paper are those of the person submitting the question and do not necessarily reflect the position, views or opinions of the Council.

#### **QUESTION ONE**

At the last meeting of the Panel (April 9), the Riverside Housing Association representatives were asked about the composition of the Riverside Tenants' Scrutiny Panel. The representatives said that this panel comprised tenants and also representatives of Riverside and was considered independent of Riverside.

The view was then expressed by the council panel chairman that because of the inclusion of Riverside representatives, the Riverside tenants' panel could not claim to be independent and by implication have the power to hold Riverside effectively to account.

Does the panel agree with the view of its chairman and if so, does the panel feel that representations should be made to Riverside about this absence of independence?

## QUESTION TWO

Following serious criticisms of the working practices and of other aspects of Riverside Housing Association's activities, made at this panel's meetings and at other places, there had subsequently recently been a praiseworthy involvement of the council in attempting to address what apparently are complaints made by Riverside tenants and leaseholders which cannot be resolved.

For at least three years this unsatisfactory situation has been causing real distress and hardship to Riverside tenants and leaseholders, particularly in Longtown.

What further steps does the panel consider necessary to end this unsatisfactory situation?

### **A.3 LOW COST HOME OWNERSHIP POLICY**

**21 - 38**

(Economy, Enterprise and Housing Portfolio)

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

The Policy had been considered by the Executive at their meeting on 1 June 2015.

(Copy Report ED.26/15 herewith. Minute Excerpt to follow)

### **A.4 END OF YEAR PERFORMANCE REPORT 2014-15**

**39 - 58**

(Cross Cutting)

The Policy and Communications Manager to submit a report that updates the Panel on the Council's service standards that help measure performance and updates on key actions contained within the Carlisle Plan.

(Copy Report PC.07/15 herewith)

## **A.5 OVERVIEW REPORT AND WORK PROGRAMME**

**59 - 68**

(Cross Cutting)

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 Key Decisions items relevant to this Panel as set out in the Notice of Executive Key Decisions  
(Copy Report OS.11/15 herewith)

## **FOR INFORMATION ONLY**

**69 - 112**

FOOD LAW ENFORCEMENT SERVICE PLAN  
(Copy Report LE.16/15 herewith. Minute Excerpt to follow)

## **PART B**

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

## **B.1 LEISURE FACILITIES DEVELOPMENT**

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

### **Members of the Community Overview and Scrutiny Panel**

**Conservative** – Ellis, Mrs McKerrell (Vice Chairman), Mrs Vasey, Bainbridge (sub), Bloxham (sub), Mrs Mallinson (sub)

**Labour** – Burns (Chairman), Osgood, Scarborough, Mrs Stevenson, Ms Williams, Caig (sub), Ms Franklin (sub), Harid (sub)

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

**COMMUNITY OVERVIEW AND SCRUTINY PANEL**

**THURSDAY 9 APRIL 2015 AT 10.00AM**

**PRESENT:** Councillor Burns (Chairman), Councillors Ellis, Gee, Mrs Prest and Mrs Stevenson.

**ALSO**

**PRESENT:** Councillor Glover – Leader of the Council  
Councillor Mrs Riddle – Communities, Health and Wellbeing Portfolio Holder  
Dean Butterworth – Director for Riverside Cumbria  
Ian Heywood – Chair of Riverside Cumbria Tenant Scrutiny Panel  
Sgt Tony Kirkbride, Cumbria Constabulary

**OFFICERS:** Deputy Chief Executive  
Housing and Health Manager  
Housing Development Officer  
Overview and Scrutiny Officer

**COSP.18/15 APOLOGIES FOR ABSENCE**

Apologies were for absence were submitted on behalf of Councillors Mrs Bradley, Economy, Enterprise and Housing Portfolio Holder.

**COSP.19/15 DECLARATIONS OF INTEREST**

There were no declarations of interest in respect of the business to be transacted.

**COSP.20/15 PUBLIC AND PRESS**

It was agreed that the items of business in Part A be dealt with in public.

**COSP.21/15 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** – That the minutes of the meeting held on 26 February 2015 be noted.

**COSP.22/15 CALL-IN OF DECISIONS**

There were no matters which had been the subject of call in.

**COSP.23/15 RIVERSIDE CUMBRIA**

The Housing Development Officer introduced Mr Butterworth and Mr Heywood from Riverside Cumbria and summarised the report providing an update in respect of a number of issues raised by Members of the Panel, following the previous report on 31 July 2014. The report updated on maintenance at Longtown, Riverside's Capital Programme within Carlisle District, Welfare Reform and the customer satisfaction report.

Riverside were currently undertaking various works at Longtown including:

- Installing "I Boost" diverters to the electric boiler systems. These diverted electricity generated by the photovoltaic panels to the heating system;

- Servicing and remedial works to all systems, including the installation of thermostatic radiator valves, upgrading pipe lagging and setting systems up to tenants' requirements;
- Installing external wall insulation to Moor Road (flats) and Raefield (all flats and three houses), as well as installing new PVC windows, communal front and rear doors;
- Brick built bin stores constructed to Moor Road flat blocks; and
- Environmental improvements to the rear of Moor Road flat blocks which would include the installation of fencing.

Mr Butterworth had held a meeting last year with tenants of Longtown to go through the outcome of the BRE (Building Research Establishment Group) report and explain the subsequent improvements which would be carried out. The summary of the BRE report was included in the report as an appendix.

The conclusions of the BRE report were:

- Riverside had provided tenants with a modern whole house central heating system;
- As there was no mains gas in Longtown more expensive electricity had to be used;
- Air source heat pumps used electricity efficiently but were not suitable for all houses;
- Electric boilers were generally cheaper to run on E10 tariff;
- Solar photovoltaic (PV) panels provided tenants with some free electricity but the amount may be increased by fitting power diverters; and
- Further investment in insulation and help in setting controls and choosing best tariffs would reduce tenants' energy costs.

Subsequent to the BRE report each of the tenants referred to within the report had been visited by an independent consultant from Cumbria Action for Sustainability (CAFS) offering free advice regarding their heating system and tariffs. In addition Riverside had appointed an Affordable Warmth Officer whose role it was to assist tenants in achieving the most efficient use of their heating systems. Many residents of Longtown had already benefitted from the advice provided.

With regard to new development a total of 88 properties had been delivered within Carlisle District within 2014/15. Riverside had also secured planning permission for eighteen units at the site adjacent to the Border Terrier public house in Morton and thirteen units at Longtown at Lochinvar Close. A further seven Section 106 units were planned for Teasdale Place and Riverside were working on a number of other schemes.

With regard to existing stock various works had been undertaken including:

- Re-roofing works;
- Replacement of 90 external double-glazed security doors;
- Approximately 50 combined kitchen and bathroom replacements;
- Continuation of the bathroom on stilts refurbishment programme;
- Public realm projects;
- Green spaces;
- External boundary fencing and hedging to bungalow community areas; and
- Upgrading existing shared paths to 70 properties on Raffles to provide each property their own access which had promoted ownership by the tenants.

For 2015/16 Riverside's upcoming programme included:

- A continuation of the re-roofing programme which was programmed to replace 300 roofs at Belah, Petteril Bank, Upperby and Raffles;
- Continuation of the bathroom on stilts refurbishment programme;
- External upgrade schemes to Greengarth, Upperby and Moor Crescent, Longtown including insulation, remedial wall repairs, render, the installation of the windows and re-roofing; and
- Garden fencing works to Currock and Raffles neighbourhoods.

Riverside Cumbria continued to fund all major adaptations under £7,000 for its customers. For adaptations over £7,000 a DFG (Disabled Facilities Grant) application could be made to the City Council. In 2014/15 81 adaptations had been completed with a further six due for completion by the end of March 2015. The report outlined the nature of the adaptations undertaken.

The main issue with regard to Welfare Reform lay with the introduction of Universal Credit which currently affected only new claimants. The process for application for Universal Credit relied heavily on the claimant providing information and managing the process carefully. A process also existed to initiate managed payments which were paid to the landlord. However payments could take up to six weeks and may be sporadic and credits were not necessarily for the full period required.

Riverside Cumbria had identified specific members of staff to act as “Champions” to support customers and colleagues dealing with Universal Credit claims. Further assessment was ongoing to evaluate the impact on tenants and the Riverside long term business plan and it was anticipated that there would be an increase in the numbers of arrears cases as the new claimants escalates. However at the present time it was difficult to assess how many claims would be made over the forthcoming months.

Riverside had undertaken its annual customer satisfaction survey which indicated that figures for the last two years had remained fairly static. A survey had also been undertaken by the Riverside Cumbria Tenant Scrutiny Group in 2014. The information was more qualitative in nature and the results were included in the report as an appendix.

Mr Butterworth explained that he was appointed to the post of Director of Riverside Cumbria twelve months previously and had stated four aspects to his vision to take Riverside Cumbria forward. These were to be the best performing division in the group, to make Riverside Cumbria the heart of the organisation and not a satellite group, to drive up staff satisfaction and to drive up customer experience and satisfaction.

Mr Butterworth advised that Riverside Cumbria were now the best performing division in the group and he was pleased with the way staff had worked. The Cumbria division now had more influence on the Riverside Group and Mr Butterworth advised that he was the lead director for estates and tenancy management. Over the next twelve months Mr Butterworth would look at how to drive up customer experience. Patch based management had been introduced to enable tenants to be more aware of who to contact if they have any issues. Staff satisfaction had increased by 20% and Mr Butterworth expected that figure to rise over future months. Customer satisfaction was the area most in need of work and tenants’ view were taken into account and the key objective was to ensure a holistic community strategy was in place. The key driver for this year was to attain a 90% satisfaction rate.

Mr Butterworth believed that some of the challenges as an organisation were around the public's perception of the Group which was in part due to negative stories in the press. Mr Butterworth always responded with robust explanations to those articles but his responses were not always reported. One clear example of that was the manner in which issues in Longtown had been reported. The report highlighted the core issues and how Riverside Cumbria had responded. An additional £500,000 had been invested in Longtown to install power diverters which would divert electricity from solar panels direct to the heating system. At present 83% of residents were satisfied with the service provided by Riverside Cumbria but that left 17% who were not.

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

- *Was the customer satisfaction survey undertaken by Riverside Cumbria?*

Mr Butterworth explained that the survey was undertaken by the Riverside Group but the figures within the report referred to Riverside Cumbria.

- *Where did Riverside Cumbria stand compared to the rest of the Riverside Group?*

Mr Butterworth advised that results were much the same across the Group. Riverside had appointed a new Chief Executive two and a half years ago. The Group was set up on an aspiration to be the biggest social landlord in the country. Riverside Cumbria worked closely with the City Council. The Group now had a smaller growth agenda but were committed to increasing customer satisfaction and experience.

Mr Butterworth explained that Riverside Cumbria was changing how they monitored customer satisfaction. At present there was only one survey carried out per year. That made it difficult to see what was and was not working. By reverting to monthly surveys or as part of contact following work being carried out systems were being changed to ensure the right resources were available in the right areas.

The Chairman invited Mr Heywood to explain the role of the Riverside Cumbria Tenant Scrutiny Panel.

Mr Heywood explained that he had been involved in the first Scrutiny Panel set up five years ago when Riverside recruited people to form part of a group. Riverside invested in training and providing financial statistics. Three and a half years ago Riverside relinquished involvement in the group and it became a totally independent organisation. The group had the opportunity to investigate any aspect of Riverside Cumbria's operations. Information came from various sources including staff and tenants and the group was currently undertaking its third project.

When the group undertook an investigation it went through a process and the findings were then presented to the Board of Riverside Cumbria. Once the Board had approved the findings they were circulated to the rest of the organisation and any staff who were interested. Projects undertaken by the group were strictly confidential and remained so until approved by the Board.

The group had undertaken a customer satisfaction survey as the annual survey was only available to certain tenants across the national platform and the group felt that tenants in different parts of the country had different needs. The Panel therefore decided to carry out its own survey largely by knocking on doors in all areas including Longtown and asking tenants



for their views. That gave a more accurate and meaningful picture as people found it easier to talk to someone in person rather than respond to a postal survey.

- *How were members of the scrutiny group selected?*

Mr Heywood explained that the group had a Chairman, Vice Chairman and Secretary. The Chairman was voted into position by election and the current Vice Chair was also the Chair of the group's Security Panel. The Secretary was an officer of Riverside but was not involved in the day to day activities of the Riverside Group.

Members of the Panel were initially recruited by Riverside who had a knowledge of tenants' involvement but over the years people had left for various reasons and been replaced by new members. Tenants were keen to be part of the Panel and there was no need to go searching for members.

In response to a comment from a Member Mr Heywood confirmed that the Panel was independent and advised that the Vice Chairman was also Vice Chairman on the national scrutiny panel which was also an independent body.

Mr Heywood explained that when the customer satisfaction evaluation was undertaken in some cases the responses were in line with the postal survey. However the face to face evaluation gained more responses from more people than the postal survey. Some members of the Panel had shadowed workmen and asked tenants to complete a questionnaire immediately after the work was carried out. The survey looked at the internal systems and concluded that the main issue was a lack of communication. The Panel had tried to establish guidelines to encourage people to talk to each other and that would be monitored over time.

- *When Riverside last presented their report to the Panel a Member had been critical of the work undertaken. However that Member now had a better indication and believed that criticism was not justified.*
- *There had been a number of complaints from leaseholders who did not believe things being said by Riverside. They acknowledged that work was being done but believed that time would tell whether the issues had been fully addressed. They were not clear whether the work that had been done was necessary, to the right specifications and to the right costs. Communication was needed with leaseholders to improve satisfaction in performance.*

Mr Butterworth explained that there had been challenges in Longtown and that communication had been difficult from the start of the refurbishment work. Solar panels were installed at the same time as the new heating system and tenants expected that they would get free electricity and heating. That was never the case and Riverside Cumbria were now trying to restore that communication which was lost. Because Longtown did not have access to gas it was necessary to have everything powered by electricity and Riverside Cumbria had tried to make things as efficient as possible. New insulation had been installed and properties in Longtown now exceeded new buildings regulations.

Mr Butterworth acknowledged that there would still be challenges and stated that he welcomed complaints. Tenants could follow the complaints process and if they were still not happy could take their complaint to the Housing Ombudsman service. Riverside were bound to comply with any decision made by the Ombudsman and would comply with any recommendations made.

- *Was the rumour correct that leaseholders would have to deal with Liverpool in future rather than the local office?*

Mr Butterworth acknowledged that the service received in Carlisle had not been to the level expected by leaseholders and added that part of the process of managing the leasehold service was complex. In Carlisle there was one officer who managed the leasehold service who looked at the best way to manage the service and plan a way forward under the Home Ownership Division. The experience and resources were available to provide the right quality of service. The director was based in Liverpool but operatives were local and it was anticipated that more resources would be made available in future.

An existing leaseholder did not have access to the expected programme of works. Over the next twelve months Riverside Cumbria would be putting together a programme of works to be undertaken over the next five years and leaseholders would have access to that. Leaseholders would then know what financial contributions they would be required to make.

The challenge in respect of leaseholders and right to buy was the expectation that there would be no further financial contribution to make. Riverside Cumbria were setting out the obligations for future capital contributions which would be set into individual leases.

There was also a procurement procedure to be followed for work on properties. Under central government legislation Riverside were obliged to seek three tenders and select the best for contract. That would not always be the cheapest as a contract would not be awarded if officers were not satisfied with the quality of work or aftercare.

As part of a Community Engagement Strategy a leasehold forum would be set up that would ensure transparency in what Riverside were doing. For example if a roof required work it would be identified in a stock condition survey and the required specifications would be indicated. There would then be a procurement process and a tender agreed. Whilst Mr Butterworth agreed that there were some things that could be done in a better manner the Group's hands were tied by legislation but it was anticipated that the new forum would help to address some of those issues.

All leaseholders would be invited to attend the forums as the needs of communities were different. The leaseholder would be responsible for the upkeep of the property but it would be necessary to have face to face meetings with leaseholders to achieve a better service.

- *Was there any indication when that group would be set up? And how many leaseholders would be involved?*

Mr Butterworth advised that the first meeting would be held before the middle of July and that there were 250 leaseholders who could be involved.

- *Outside the social sector a management company would hold a sinking fund for maintenance. Were leaseholders putting money aside or would a similar scheme be set up?*

Mr Butterworth explained that Riverside Cumbria did not have a sinking fund and it would be difficult to change leases of existing leaseholders. One key target was to obtain 100% compliance with health and safety legislation. There was currently no requirement in leases

for gas appliances to be checked. That could lead to a situation where within a block of flats some gas appliances would be checked and others not.

With new Right to Buy sales there would be a requirement for such checks and there remained the need for discussion with existing leaseholders. Such changes would incur an additional financial burden but it would be paid monthly into a sinking fund.

- *Would leaseholders be able to buy the freehold of a property?*

Mr Butterworth explained that Riverside held a fund for such situations. If there was one leaseholder in a block of flats and it was possible for Riverside to buy back the property they would consider doing so as that would revert to 100% tenants in that block.

- *Did that mean that if a leaseholder wanted to sell their lease the decision lay with Riverside Cumbria?*

Mr Butterworth advised that ultimately it would be his decision depending upon the viability of the division within the organisation as a whole.

- *Would the newly appointed Affordable Warmth Officer advise tenants on changing tariffs?*

Mr Butterworth stated that he was pleased that an officer had been appointed and her remit, as part of the corporate vision was to make Riverside more than providing traditional services and to have a more holistic approach. The officer had been busy since her appointment and had spent a lot of time in Longtown helping tenants to set up their heating systems efficiently as well as looking at various tariffs. Many tenants still had pre-pay meters which were 20% higher than paying by direct debit. The Affordable Warmth Officer had been working with Benefits Advisors to determine whether any tenants could pay by direct debit.

The Affordable Warmth Officer's role extended across Cumbria but the majority of tenants were within Carlisle. Advice could be sought through a referral service or via home visits. The role of the post would be evaluated after the first six months and if necessary a second officer appointed. Mr Butterworth confirmed that the officer's findings could be reported back to this Panel.

- *Has Riverside Cumbria been working with City Council Officers with regard to the emerging Local Plan?*

Mr Butterworth confirmed that Riverside and City Council Officers had been working together to determine where there were maximum opportunities as part of the drive to increase properties on a neighbourhood level. A Neighbourhood Planner post had been advertised and that officer would look at the data and priorities and would work in partnership with the City Council to pull together a clear action plan. If the Local Plan identified a piece of land Riverside would explore the possibilities for the use of that land.

The Housing Development Officer stated that the Housing and Planning Policy Teams had met with the development managers at Riverside and other housing organisation with regard to the new policies on affordable housing and available sites within the emerging Local Plan.

- *Were the problems with regard to Welfare Reform a result of administration or teething problems because it was a new system?*

Mr Butterworth advised that the under occupancy charges introduced last year had created some problems. However Riverside were now better at obtaining rent but some tenants were still not paying the under occupancy charge. Some had been taken to court and some evicted but in the majority of cases that had resulted in a Suspended Possession Order.

The biggest challenge would come from Universal Credit and if those challenges continued it could affect Riverside's business plan. Mr Butterworth had met with the Shadow Housing Minister last week and looked at the best way for tenants to pay rent. If a resident was unable to pay their rent it should be possible for them to have access to a direct payment.

- *Would that decision be triggered by arrears?*

Mr Butterworth explained it would be triggered either by arrears or by identifying that the resident was vulnerable. If it was known that a tenant could get into arrears because they were vulnerable it would be possible to set up a direct payment to enable them to manage the situation.

- *There was a concern that some tenants who had never paid rent in the past would now get money to pay their rent but may not pay.*

Mr Butterworth advised that Riverside had prudent financial plans in place and reserves available to allow them to deal with those issues and confirmed that there would be no reduction in service. The situation would be monitored. There would be a mix of people affected by Universal Credit but of all the present cases of outstanding rent only three were on Universal Credit.

The Communities, Health and Wellbeing Portfolio Holder advised that in certain circumstances it could be possible for Universal Credit to be paid fortnightly rather than monthly. Council Tax would not be included in Universal Credit. It was important that information was shared between all agencies to ensure tenants knew where to get help.

- *The report stated that 88 new homes had been handed over in the past year. Was that in line with Riverside's target? How was the number of new properties meeting demand?*

Mr Butterworth explained that Riverside had the capacity for new properties when suitable land was available. There was a demand for new build properties and they were allocated as soon as they were ready. However the demographic profile and demand was changing, partly in response to the under occupancy charge. Riverside were looking to continue the life span of existing properties rather than demolish and replace with new builds.

- *How is Riverside Cumbria's relationship with Carlisle City Council?*

Mr Butterworth confirmed that officers at Riverside Cumbria had a good working relationship with officers in the City Council but believed that there could be a better relationship at a strategic level. That could be improved with more meetings between Mr Butterworth and the Leader of the Council and Director of Economic Development. Mr Butterworth stated that he understood the needs of the City council and that they had to prioritise need.

- *And the City Council's relationship with Riverside Cumbria?*

The Housing Development Officer advised that there were some issues connected to the emerging Local Plan and the City Council continued to make social housing a priority.

Officers would continue to work with Riverside Cumbria and other social housing partners to deliver social housing as part of the overall increase in need.

The Housing and Health Manager stated that officers welcomed better working across housing, wellbeing and engagement and the City Council and Riverside Cumbria both have a role to play. Community cohesion, Welfare Reform and homelessness were all relevant issues and officers would continue to identify sites in the City where more houses could be built.

The Chairman thanked Mr Butterworth and Mr Heywood for their input into the meeting and advised that the Panel would look forward to receiving a further report in six months.

RESOLVED: 1. That Riverside's report be noted.

2. That a further update report be submitted to the Panel in six months.

### **COSP.24/15 COMMUNITY TRIGGER**

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

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

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

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

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

trigger did not meet the threshold the reporting person would be informed of the decision and the rationale behind it.

Once all of the information had been returned a review panel date would be set and all relevant partners and officers invited to attend. A process map and list of designated Officers and key representatives were attached to the report as appendices. The panel would be chaired by the Chair of the Community Safety Partnership. Following the review panel the SPOC would notify the reporting person of the outcome. If the reporting person was unhappy or disagreed with the review panel outcome they could request an appeal within a ten day period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- *How was the Community Trigger being publicised?*

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

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

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

- *When would the legislation come into force?*

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

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

2. That the Executive be requested to provide information to the Panel on any reports made under the legislation and any cases that continued to the end of the process.
3. That the Community Trigger be reported to the Panel as part of the performance measures.

## **COSP.25/15 OVERVIEW REPORT AND WORK PROGRAMME**

The Overview and Scrutiny Officer presented report OS.07/15 which provided an overview of matters relating to the work of the Community Overview and Scrutiny Panel and included the latest version of the work programme and Key Decisions of the Executive which related to the Panel.

The Overview and Scrutiny Officer reported:

- that the Notice of Key Executive Decisions, published on 9 March 2015, included the following item which fell within the remit of this Panel.  
  
KD.010/15 – Community Trigger – the Executive will be asked to adopt the proposed countrywide approach for the new Community Trigger legislation. The draft process was to be considered by the Panel as the previous item on the agenda.
- There were no references from the Executive meeting on 2 March 2015 which fell within the remit of this Panel.
- The draft Annual Scrutiny Report had been drafted and was attached to the report as an appendix. Panel Members were asked to comment on the draft which was being considered by all three Overview and Scrutiny Panels. The report would then be



formally approved by the Scrutiny Chairs Group prior to being presented at Council on 28 April 2015.

Part one of the report contained Chairs' submissions and comments from Executive Members.

Part two of the report looked at how scrutiny could move forward and improve. Following on from comments from the Council's peer review a CfPS session was held in March 2015 which was well attended and positive. Issues were identified about where Panels could better focus their time such as Task and Finish Groups and that Panels were not always as productive as they could be. There had been discussions about changes in the structure of Scrutiny and Members had wanted to look at what was wanted from the function of Scrutiny. Notes from that session included a number of questions that were considered at a meeting of the Scrutiny Chairs Group held on 12 March 2015. However there were no proposals forthcoming other than the Panels being more focussed on the Work Programme and the production of action plans at the start of the civic year.

The Scrutiny Officer advised that she would be holding individual meetings with Directors over the next few weeks to start the planning process for the coming year. The Community Overview and Scrutiny Panel had held some good meetings and considered some interesting topics but needed to focus on how they would deal with issues in the coming year.

The Chairman advised that the issue around possible restructuring of Scrutiny would be re-visited in the next civic year.

The questions submitted following the CfPS would be addressed by the Scrutiny Chairs Group in the new civic year.

The Communities, Health and Wellbeing Portfolio Holder stated that the draft report suggested that Members should be more involved in the decision making process of the Council and queried how Members could scrutinise a decision if they had been part of the decision making process. The Portfolio Holder believed that the work of the Litter Bins Task and Finish Group had been very useful and informed the decision making which was different to being involved. Members' comments would be considered by the Executive. The Scrutiny Officer explained that Members believed they should be able to scrutinise potential decisions before the decision was made.

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

- *Some Members were not happy that they did not have any real mechanism to influence the development of policies or decisions unless they were part of the Executive or Scrutiny.*

The Portfolio Holder stated that the report suggested that Members considered reports were too detailed and broad to be of significant use. The Portfolio Holder advised that as a former Scrutiny Member if she needed any further information she would speak to the relevant officers.

The Deputy Chief Executive agreed that some reports could be lengthy and added that there was an issue about how much detail was needed in a report and asked for guidance by Scrutiny Members on the matter in the new year.

- *The main issue was often the knowledge of issues concerned which could be difficult in complex areas.*

The Deputy Chief Executive believed that Members were more willing to deal with Officers directly and that it was not always necessary to have Chief Officers present at the meetings as Officers dealing with the issues daily could have a better understanding of the issues.

- *It was not the role of scrutiny to inform Members of issues. Some Panel meetings had not been well attended and some Members did not take their responsibilities on Scrutiny seriously enough.*

The Scrutiny Officer suggested that attendance at Panel meetings be included in the Overview and Scrutiny Annual Report.

The Deputy Chief Executive advised that Directors had work programmes for the coming year and it may be useful for Scrutiny to have an understanding of the key topics and Directors needed to be clear on what the Executive and Council would be making decisions on. If matters were raised within the Forward Plan they could be picked up by Scrutiny.

The Scrutiny Officer suggested that the first meeting in June would be kept free to develop the Work Programme. She would be asking Directors to assist in that and suggested that they could each provide a presentation covering the work of their Directorates and their priorities for the year.

- *There was discussion about whether it was the role of the City Council to scrutinise issues such as social care and young people over which they had no control as a statutory body.*

The third section of the draft report dealt with call-ins and the Scrutiny Chairs Group had asked that Members look at that process as there were some administrative issues with regard to timescales. Members were requesting that the meeting to consider a call-in should be within ten days instead of the current seven days. That could allow a call-in meeting to be included as part of a scheduled Panel meeting rather than having to convene a special meeting within days of the scheduled meeting.

The Scrutiny Chairs Group had also requested that substitute Members be allowed to call-in a decision. The Group also requested guidance on the running of call-in meetings.

Members had requested more formal training and the Introduction to Scrutiny had been included in the ethical governance programme and there would be training on the budget process prior to the budget meetings in November. The Scrutiny Officer asked whether Members would find any other training useful. A Member suggested training on how to decide on relevant questions would be useful.

The Scrutiny Officer explained that the draft report would be considered by the Resources Panel at their next meeting and by the Environment and Economy Panel by e-mail to allow the final report to be submitted to Council in April.

- The Work Programme had been attached to the report for comment/amendment.

RESOLVED – 1. That the Overview Report (OS.07/15) incorporating the Work Programme and Notice of Executive Decisions items relevant to this Panel be noted.

2. That the draft Scrutiny Annual Report be amended to reflect the discussions held above.

#### **COSP.26/15 – CHAIRMAN'S ANNOUNCEMENT**

The Chairman expressed his disappointment that three Members of the Panel had not attended or submitted apologies. The Chairman advised that he would discuss the matter with the Leader of the Council and ask him to raise the matter with Group leaders.

The Scrutiny Officer advised that the issue of attendance could be included in the Annual Scrutiny Report.

The Chairman advised that he had been informed that Councillor Mrs Prest was to stand down as a City Councillor at the forthcoming elections. The Chairman thanked Councillor Mrs Prest for her invaluable support as Vice Chairman on the Community Overview and Scrutiny Panel and for her work on this and other Panels.

(The meeting ended at 12.25)



# Report to Community Overview & Scrutiny Panel

Agenda  
Item:  
**A.3**

Meeting Date: 11 June 2015  
Portfolio: Economy, Enterprise and Housing  
Key Decision: Yes  
Within Policy and Budget Framework: Yes  
Public / Private: Public

Title: Low Cost Home Ownership Policy  
Report of: Director of Economic Development  
Report Number: ED 26/15

## Purpose / Summary:

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

A draft policy (included as *Appendix 1*) was submitted to Executive on 1 June 2015 (report ED 17/15), with the recommendation that Executive endorses the Low Cost Home Ownership policy and refers it to 11 June Community Overview & Scrutiny Panel.

## Recommendations:

That Community Overview & Scrutiny Panel review the Low Cost Home Ownership (Discounted Sale) Policy and Guidance and make appropriate comments and recommendations to the Executive.

## Tracking

Executive:	<b>29 June 2015</b>
Overview and Scrutiny:	
Council:	<b>14 July 2015</b>

## 1. BACKGROUND

- 1.1** The Council's Housing team began managing a Low Cost Home Ownership scheme over 15 years ago to help local people who have been priced out of the housing market. Properties are sold at a fixed percentage discount, with the owner passing on the discount upon each successive re-sale. For over 10 years properties provided through the scheme have been at a 30% discount from open market value; however, the older properties are at a 20% discount and a few of the earliest homes included in the scheme are at a 10% discount. Allocation of properties and the waiting list is managed using a bespoke Microsoft Access database but the policy currently only consists of a double-sided leaflet.
- 1.2** The number of Low Cost Home Ownership schemes has steadily increased over time, and the Council now manages 298 discounted sale properties (detailed in *Appendix 1* of the draft policy) through its Low Cost Home Ownership register, with many more currently in the pipeline, including 143 on schemes already on site or with planning permission approved.
- 1.3** These affordable homes have been funded by substantial levels of planning obligation contributions, through Section 106 Agreements, with the cost borne by the landowner and developer. As an approximation, if the 298 homes currently within the scheme was multiplied by the median property price for Carlisle District: £123,221<sup>1</sup> and then the 30% discount (which applies to all but the earliest properties in the scheme) was applied – then the level of equity in the scheme would equate to:-

298 (LCHO properties) x £123,221 (median house price for 2014<sup>1</sup>) x 30% (LCHO discount) = **£11.02 million**.

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

## 2. PROPOSALS

- 2.1** The new policy would seek to give increased priority to households in the greatest housing need for a particular property type. Low Cost Home Ownership properties are currently allocated to qualifying persons, based solely on the date of application, without taking into account the needs of a particular household. The key recommendations to make the Low Cost Home Ownership policy fairer and add clarity are set out in sections 2.2 and 2.3.
- 2.2** The most significant change in the draft policy is in respect of giving a priority to families in need for a particular type of property – i.e. households with children for larger family properties, and older or disabled people in respect of bungalows or adapted accommodation. This is an important issue, as housing need evidence is used when negotiating the type of properties provided through Section 106 Agreements with the developers, but at present applicants are prioritised on a “first come, first served” basis, simply on their date of application, regardless of housing need. This is currently inconsistent with Housing Association affordable rented properties secured through Section 106, which are allocated based on housing need through the ‘Cumbria Choice’ lettings system.

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

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

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

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

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

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

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

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

- Responsible borrowing - it is important that successful applicants for low cost home ownership do not overstretch themselves financially and put their homes at risk. It is therefore recommended that the applicants can borrow no more than 4.5x household income, which is the maximum income multiplier permitted under the Government's *Help to Buy* scheme. This would keep the policy consistent with the Government's flagship equity loan scheme, and the upper borrowing limit reduces the risk of potential repossessions. This is covered in more detail in Section 1.3 of the draft policy in *Appendix 1*.
- Eligibility criteria – applicants would need to demonstrate that they needed the discount to purchase the low cost property, and it would need to be the purchaser's only or main home (they cannot be purchased as buy-to-lets). This is detailed in section 1.6 of the draft policy.
- Local connection criteria – the Section 106 Agreement for each scheme will specify the local connection criteria in respect of the affordable homes; however a standard definition of “qualifying person(s)” is included in section 1.7 of the draft policy. Rural schemes will have stricter criteria due to the shortage of affordable housing in rural areas, meaning people with a connection to (e.g.) the parish receiving an initial priority, eventually “cascading” out to people with a local connection to the District.
- Rights of succession – the beneficiary would need to demonstrate that they met the local connection and eligibility criteria. This is covered in section 1.11 of the draft policy.
- Rental option – occasionally, circumstances may occur whereby the owner of a low cost property has been unable to sell their home, but has a genuine need to move (e.g. due to securing a job in another area). In these circumstances the Council may approve the property being let to a qualifying person at an affordable rent on a temporary basis. Section 1.13 of the draft policy covers this aspect in more detail.

### **3. CONSULTATION**

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

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

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



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

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

**Contact Officer:**            **Jeremy Hewitson**

**Ext:**    **7519**

**Appendices**            **Yes**  
**attached to report:**

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

- **None**

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

**Chief Executive's -**

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

**Economic Development –**

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

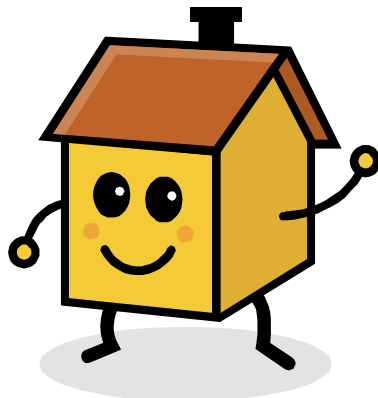
**Local Environment –**

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

# Carlisle City Council



## Low Cost Home Ownership (Discounted Sale) Policy and Guidance



**May 2015**

# Low Cost Home Ownership (Discounted Sale) Policy and Guidance

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# Low Cost Home Ownership (Discounted Sale) Policy and Guidance

## 1.1 Background to Scheme

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

Carlisle City Council's discounted sale scheme for low cost properties has been developed because the Council recognizes that many local people have been priced out of the housing market – in 2014 the median (or typical) property price to household income ratio for Carlisle District was 4.9x, but the "lower quartile" figure (more appropriate to households in need of affordable housing) this increased to 6.2x<sup>2</sup> – well above responsible borrowing levels (see **Section 1.3**).

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

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

## 1.2 Percentage Discount

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

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<sup>2</sup> Source: CACIStreetvalue&CACIPaycheck data

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

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

### **1.3 Responsible Borrowing**

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

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

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

### **1.4 Setting Affordable Values**

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

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

### **1.5 Owner Occupiers**

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

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

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

### **1.6 Eligibility Criteria**

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

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

## 1.7 Local Connection Criteria

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

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

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

## 1.8 Prioritising Applicants

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

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

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

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

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

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

## **1.9 New Developments**

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

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



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

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

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

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

### **1.10 Re-Sales**

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

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

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

### **1.11 Rights of Succession**

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

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

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

### **1.12 Section 106 Agreement – Legal Implications**

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

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

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

### **1.13 Rental Option**

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

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

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

#### **1.14 Annual Review**

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

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

#### **1.15 Appeals**

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

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

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

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

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



# Report to Community Overview and Scrutiny Panel

Agenda  
Item:  
**A.4**

Meeting Date: 11 June 2015  
Portfolio: Finance, Governance and Resources  
Key Decision: No  
Within Policy and Budget Framework YES  
Public / Private Public

Title: END OF YEAR PERFORMANCE REPORT 2014/15  
Report of: Policy and Communications Manager  
Report Number: PC 07/15

## Purpose / Summary:

This Performance Report updates the Panel on the Council's service standards that help measure performance. It also includes updates on key actions contained within the Carlisle Plan.

Details of each service standard are in the table in Section 1. The table illustrates the cumulative year to date figure, a month-by-month breakdown of performance and, where possible, an actual service standard baseline that has been established either locally or nationally. The updates against the actions in the Carlisle Plan follow on from the service standard information in Section 2.

## Recommendations:

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

## Tracking

Executive:	29 June 2015
Overview and Scrutiny:	Community – 11 June 2015 Resources – 18 June 2015 Economy and Environment – 25 June 2015
Council:	<b>N/A</b>

## **1. BACKGROUND**

Service standards were introduced at the beginning of 2012/13. They provide a standard in service that our customers can expect from the City Council and a standard by which we can be held to account. The measures of the standard of services are based on timeliness, accuracy and quality of the service we provide in areas that have a high impact on our customers.

Regarding the information on the Carlisle Plan, the intention is to give the Panel a brief overview of the current position without duplicating the more detailed reporting that takes place within the Overview and Scrutiny agendas and Portfolio Holder reports.

As a new performance framework is developed using the peer review as an assessment, it is the 2014/15 data that will be used as a baseline. With this in mind a Baseline Report has been produced that includes a selection of performance measures from inside and outside of the authority. The measures are not exhaustive and it is recognised that there are service areas that are not represented in the report, but PRISM will pick up all areas up as 2015/16 progresses. The report is attached as an appendix to this end of year document.

## **2. PROPOSALS**

**None**

## **3. CONSULTATION**

The report was reviewed by the Senior Management Team in May 2015 and will be considered by the Overview and Scrutiny Panels on the following dates:

Community – 11 June 2015

Resources – 18 June 2015

Economy and Environment – 25 June 2015

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

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

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



Detail in the report

<b>Contact Officer:</b>	<b>Steven O’Keeffe</b>	<b>Ext:</b>	<b>7258</b>
	<b>Martin Daley</b>		<b>7508</b>

**Appendices**                      **None**  
**attached to report:**

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

- **None**

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

**Chief Executive’s** – Responsible for monitoring and reporting on service standards, customer satisfaction and progress in delivering the Carlisle Plan whilst looking at new ways of gathering and reviewing customer information.

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

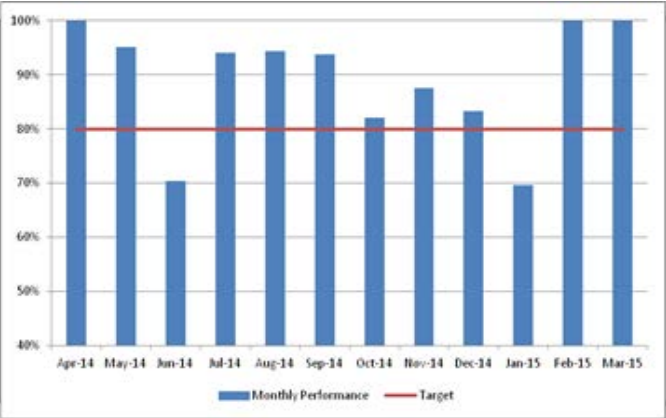
**Governance** – Responsible for corporate governance and managing team level service standards on a day-to-day basis.

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

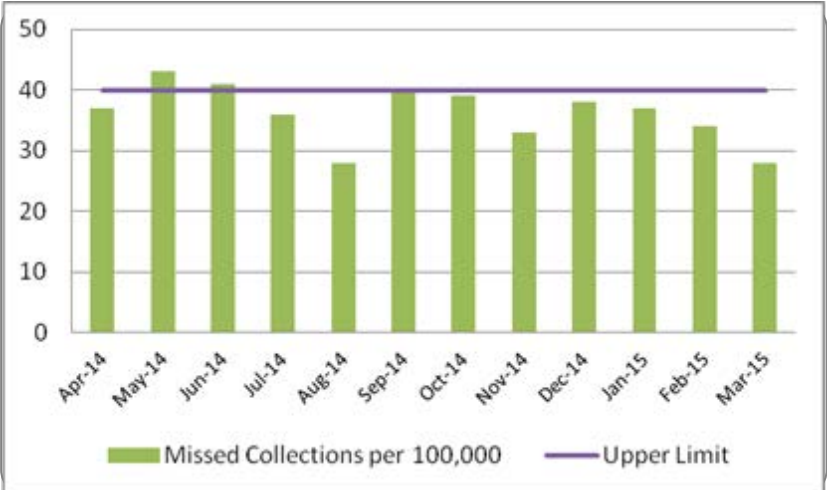
**Resources** – Responsible for managing high level projects team level service standards on a day-to-day basis.

## SECTION 1: 2014/15 SERVICE STANDARDS

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

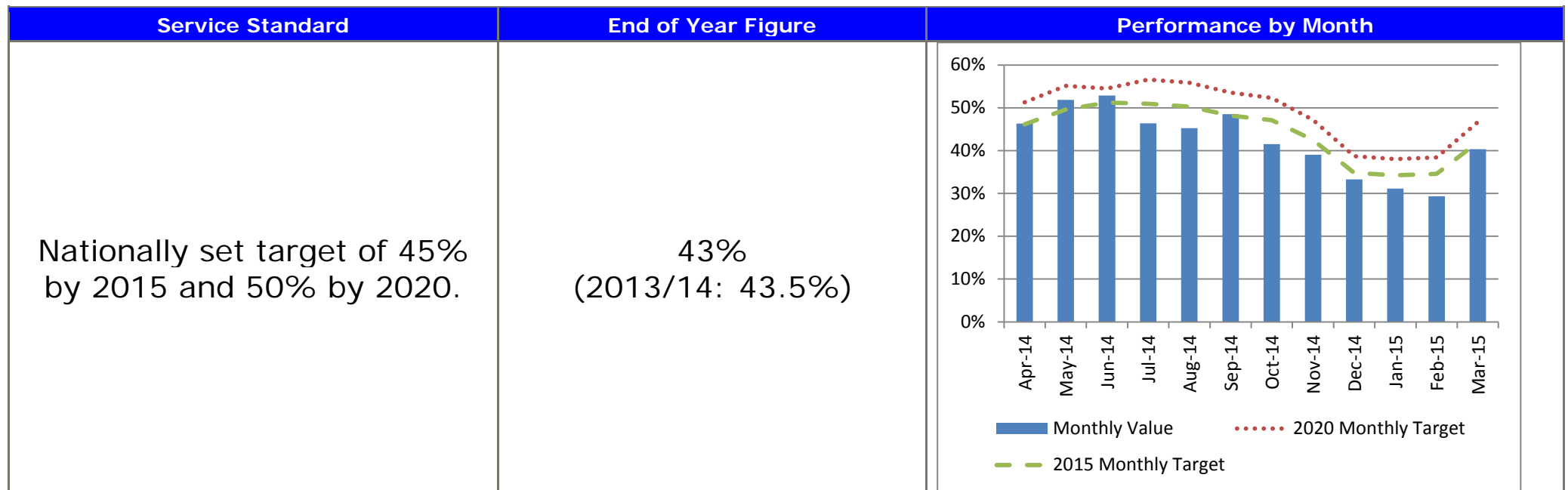
Service Standard	End of Year Figure	Performance by Month																																							
<p>80%</p> <p>(Nationally set target)</p>	<p>89.8%</p> <p>(2013/14: 88%)</p>	 <table border="1"> <caption>Monthly Performance Data (Estimated from Chart)</caption> <thead> <tr> <th>Month</th> <th>Monthly Performance (%)</th> <th>Target (%)</th> </tr> </thead> <tbody> <tr><td>Apr-14</td><td>100</td><td>88</td></tr> <tr><td>May-14</td><td>95</td><td>88</td></tr> <tr><td>Jun-14</td><td>70</td><td>88</td></tr> <tr><td>Jul-14</td><td>94</td><td>88</td></tr> <tr><td>Aug-14</td><td>94</td><td>88</td></tr> <tr><td>Sep-14</td><td>94</td><td>88</td></tr> <tr><td>Oct-14</td><td>82</td><td>88</td></tr> <tr><td>Nov-14</td><td>88</td><td>88</td></tr> <tr><td>Dec-14</td><td>84</td><td>88</td></tr> <tr><td>Jan-15</td><td>70</td><td>88</td></tr> <tr><td>Feb-15</td><td>100</td><td>88</td></tr> <tr><td>Mar-15</td><td>100</td><td>88</td></tr> </tbody> </table>	Month	Monthly Performance (%)	Target (%)	Apr-14	100	88	May-14	95	88	Jun-14	70	88	Jul-14	94	88	Aug-14	94	88	Sep-14	94	88	Oct-14	82	88	Nov-14	88	88	Dec-14	84	88	Jan-15	70	88	Feb-15	100	88	Mar-15	100	88
Month	Monthly Performance (%)	Target (%)																																							
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Feb-15	100	88																																							
Mar-15	100	88																																							

## Service Standard: Number of missed waste or recycling collections

Service Standard	End of Year Figure	Performance by Month																										
40 missed collections per 100,000 (Industry standard)	Average of 36 misses per 100,000 collections per month (2013/14: 36)	 <table><caption>Missed Collections per 100,000 by Month</caption><thead><tr><th>Month</th><th>Missed Collections per 100,000</th></tr></thead><tbody><tr><td>Apr-14</td><td>37</td></tr><tr><td>May-14</td><td>43</td></tr><tr><td>Jun-14</td><td>41</td></tr><tr><td>Jul-14</td><td>36</td></tr><tr><td>Aug-14</td><td>28</td></tr><tr><td>Sep-14</td><td>40</td></tr><tr><td>Oct-14</td><td>39</td></tr><tr><td>Nov-14</td><td>33</td></tr><tr><td>Dec-14</td><td>38</td></tr><tr><td>Jan-15</td><td>37</td></tr><tr><td>Feb-15</td><td>34</td></tr><tr><td>Mar-15</td><td>28</td></tr></tbody></table>	Month	Missed Collections per 100,000	Apr-14	37	May-14	43	Jun-14	41	Jul-14	36	Aug-14	28	Sep-14	40	Oct-14	39	Nov-14	33	Dec-14	38	Jan-15	37	Feb-15	34	Mar-15	28
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This service standard was previously measured as a percentage of all collections made whereas the industry standard is measured per 100,000 collections. To allow an easier comparison to be made with the industry standard and for benchmarking purposes the standard is now measured in the same format as the target. The Council made 4,679,649 collections over the year. The number of failures per 100,000 was 36 which equates to 1,685 actual failures.

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



The national 2015 target is 45% and the 2020 target is 50%. January and February were the lowest months in line with the seasonal trend. The 2014/15 figure of 42.98% compares with 43.5% for the previous year.

**Service Standard: Average number of days to process new benefits claims**

Service Standard	End of Year Figure	Performance by Month
Average number of new claims should be processed within 22 days	27.2 days (2013/14: 21.6 days)	

The unprecedented levels of sickness and vacancies in the shared service over the summer caused a significant backlog of assessments. As illustrated by the graph above, the situation improved during the 3<sup>rd</sup> and 4<sup>th</sup> quarters.

## **Section 2: Carlisle Plan Update**

### **PRIORITY – We will support the growth of more high quality and sustainable business and employment opportunities**

The Council's Key Decisions will support business growth, with its services being viewed as 'business friendly' through working more closely with them to meet business' needs.

#### **Carlisle Local Plan 2015 - 2030**

The emerging Carlisle Local Plan sets out a planning framework for guiding the location and level of development in the District up to 2030, as well as a number of principles that will shape the way that Carlisle will develop between now and then. It allocates land specifically for new employment generating uses and aims to give the certainty required to aid investment decisions within the District.

The necessary permissions to progress through 'publication' and 'submission' preparation stages were secured from the Council on 10 February 2015 and a further stage of public consultation commenced on 4 March, ending on 20 April 2015. The volume and nature of responses support that there has again been a good level of engagement in the process of plan preparation.

The Local Plan remains on track to be submitted to the Government in June 2015, who will appoint an independent Inspector to examine its 'soundness'. Formal adoption of the Plan is anticipated in early 2016.

#### **Promoting Carlisle including Prospectus for Carlisle**

Place Management: The 2015 Ambassador Programme was launched in January and was attended by over 150 people representing businesses across the City. The second meeting at the Carlisle Racecourse was attended by over 170 business people. A Carlisle Ambassador website has been established, along with social media channels which are raising the profile and engaging businesses.

To date over 58 businesses have signed up to become an Ambassador.

## **Employment sites –**

### **Durranhill**

HCA have approved the variation on the existing funding agreement to allow the project to run concurrently with the LEP works. Project funding of £2.25m investment (£2m LEP; £250,000 HCA). This will deliver 6.86 acres of employment land unlocked/enhanced by infrastructure improvements and additional 200 FTE's.

### **Rosehill**

This project is will provide enhanced parking facilities, additional 60 FTE's through £3.5m of private sector investment.

## **PRIORITY - We will develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle**

This priority supports tourism, the arts and creative industries. It is recognised that arts and leisure are important in making Carlisle a great place to work, live and visit. Developing public realm improvements is a key piece of work under this priority. This involves the city and county councils working together.

### **Old Town Hall Phase 2 / TIC**

Phase 2 project works to the Old Town Hall are progressing well with efforts now increasingly switching to focus on the internal fit-out of the first floor and therefore the latter stages of the programmed works. During the initial strip out and demolition works to part of the ground floor of the building however (in order to accommodate the new street level access, lift shaft and staircase), a number of unforeseen structural problems were identified which required immediate repair in order to stabilise the entirety of the structure of the building.

Substantial additional investment to remedy the structural defects and to future proof the building in other regards has been made and in doing so, this important historic asset of Carlisle safeguarded for the long term. The opportunity these works have given rise to was also taken to update and record significant historic details exposed during strip out works, which culminated with an update of the Historic Building Assessment Report for the building.

Whilst the additional emergency structural repairs have added to the programme, every effort is being made to ensure that the project concludes by the previously reported date of July 2015. Despite these unforeseen works the project also remains within the overall parameters of the budget initially set for the project.

### **Public Realm**

Executive approval has been given for the scheme to develop and deliver Gateway signage, City Centre orientation, car park re-naming and improvements to Court Square.

### **Public Realm Caldewgate**



A scheme has been developed to enhance public realm in the Caldewgate area, including environmental improvements to Paddy's Market car park and the seating area at the junction of Milbourne Street, as part of the Sainsbury's Section 106 money.

### **Crindledyke Cycleway**

This project is on hold pending outcome of a report to SMT seeking approval of their preferred specification.

### **Arts Centre**

The official opening of the Old Fire Station took place on Friday 15 May 2015. Sixty events have already been scheduled between now and Christmas 2015.

### **Harraby Campus Development**

The campus development remains on broadly on track with minor slippage due to weather conditions and unforeseen issues with earth works. The campus will now be completed and handed over mid as opposed to early September. This will have particular impact on the school that will not now move it to the new premises until the autumn half term. It will have little operational impact on the Community Centre or sports facilities.

### **Sports Activation Fund**

The sports projects have increased in number from the previous six months with men's and women's activity being added through Football, Archery, Tennis, Trampoline and Black and Minority Ethnic (BME) swimming sessions. The aim of sustaining programmes has been fulfilled, especially with the Activate Young People's projects, all of which have been retained for a second year. Growth through collaborative partnerships is particularly encouraging.

## **PRIORITY - We will work more effectively with partners to achieve the City Council's priorities**

The City Council wants to establish Carlisle as a nationally recognised sub-regional capital by becoming an effective partner in the key areas of housing and economic growth.

### **Homelife Carlisle**

In the last six months we helped 549 people compared to 169 in the first six months of the year. We have assisted 796 people in 2014-15 with measures and interventions as well as providing advice and information.

Homelife has been awarded £25,000 funding from the 'Warm at Home' programme from Foundations Independent Living Trust, national body for home improvement agencies in England. We have also been selected as one of three National Evaluation areas for the project to provide qualitative research in partnership with Sheffield Hallam University.

### **Homelessness Strategy**

Partnership working with key stakeholders, coupled with nationally recognised research into multiple exclusion homelessness has been utilised to form the basis of a strategy for Carlisle, endorsed by Carlisle City Council in March 2015. The strategy will be formally launched around June 2015.

### **Partnership Working**

The Carlisle Partnership continues to enjoy support from all sectors (public, private, voluntary and community). This year we have seen increasing engagement with a large number of new partners and stakeholders, who alongside the committed partnership have contributed to the development of a number of new and diverse projects and areas of work.

This year we have seen the expansion of new subgroups, resulting in an effective Carlisle Food City partnership and the integration and growth of Carlisle Youth Council.

Key partnership activity includes:

- The acceptance, promotion and presentation of a range Carlisle district projects at the World Health Organisation

- Support to bids for investment onto the University STEM labs and Carlisle College facilities
- City Centre wifi and improvements around the Digital agenda
- Engagement and contributions to the Carlisle Plan from each of the subgroups resulting in new sub policies.

**PRIORITY - We will work with partners to develop a skilled and prosperous workforce, fit for the future**

The City Council continues to work closely with partners through the Carlisle Economic Partnership (CEP). The CEP has delivered a range of projects to address the key priority areas of Business Growth, Skills and Employment, Infrastructure and Image, identified within its action plan.

The City Council is supporting the Knowledge Transfer Project which will help maximise the potential of 'e'-commerce by supporting local retailers (SMEs) and especially independents to make use of the internet to promote and grow their business. This two year project will support businesses to develop specific products together with experts from the University of Cumbria with the aim of maximising the use of the City Centre WiFi, using apps, for example, to support the local economy.

The on-line web portal for city centre businesses was launched in November 2014.

The City Council also continues to lead by example as one of Carlisle's large employers by investing in the development of its staff. This includes working with the University of Cumbria, Carlisle College and local training providers to deliver a wide range of technical and professional learning and development opportunities to staff.

## **PRIORITY - Together we will make Carlisle clean and tidy**

The City Council recognises the shared responsibility between it and the community and is committed to a pro-active approach to making Carlisle a place that its residents can be proud of.

### **Clean up Carlisle**

This two-year project is now completed. The outstanding “We are watching you” educational campaign will be rolled out from June onwards.

Some of the achievements of the project over the last 2 years:

The evidence of the reduced dog fouling counts and the reduction in street waste collected by Neighbourhood Services during the campaign supports the perception that Carlisle is cleaner. The improvements to mechanisation and street cleaning have made the cleaning process more efficient and effective. Enforcement and Education has increased during the campaign with many notable successes. The joined up working between the three strands of cleanup, enforcement and education will continue, as will the policies and procedures developed within the City Council and with those external partners such as the Police and Riverside.

### **Rethinking Waste Project**

Enforcement of no side waste on gull sack rounds has led to drastic improvement in use of the gull sacks and reduced street litter further. A planned approach was taken to educate, raise awareness and then move towards an enforcement position.

Procurement for a partner to deliver the food digester project has begun.

The second set of modelling has reported on two main options and recycling credit sensitivity.

The recruitment to a pool team of drivers and loaders will reduce reliance on agency staff.

## **PRIORITY - We will address Carlisle's current and future housing needs**

The key to this priority is the delivery of the City Council's housing strategy and timely progression with regards to the adoption of the new Local Plan (2015-2030) and the housing allocations within.

### **Housing Delivery**

Interim analysis shows that there were approximately 430 (net) new homes completed during 2014/15 which is the highest rate of delivery in almost a decade. Looking forward the pipeline of new completions looks encouraging and supports that the housing and development market within the District, and ultimately confidence to invest in Carlisle, is recovering well.

### **Affordable Housing**

The number of affordable homes completed in 2014/15 was 133, including 58 affordable rented units completed at Raffles on two sites provided by the Council and funded by the HCA.

The Brampton Extra Care scheme started on site in March 2015 providing 38 social rented units, while Riverside secured planning permission for 2 sites at Morton and Longtown providing 18 and 13 units respectively. The Riverside projects were funded through the HCA's Affordable Homes Programme.

A joint Planning and Housing event was held with local Housing Associations in January around emerging Local Plan site allocations and policies, as well as Housing Association capacity to meet increased development targets.

### **Empty Homes: Cluster of Empty Properties funding stream**

The project was successfully completed by the deadline of 31 March 2015. Benefits include 19 FTE jobs, potential to house 173 people, creating 10 new dwellings out of the 54 total brought back into use. The positive publicity has been generated at City, County & National levels.

## **BASELINE REPORT – 2014/15 End of Year**

<b><u>Employees</u></b>	<b>Data</b>	<b>Year</b>	<b>Notes</b>
Total workforce FTEs	461	2014/15	@ 31 March 2015
Employee satisfaction	90.8% classed as a good employer	2014	39.6% return rate. No EOS carried out in 2015.
Total FTEs days lost to sickness	12.1 days	2014/15	Up by 3.3 days on 2013/14

<b><u>Finance</u></b>	<b>Data</b>	<b>Year</b>	<b>Notes</b>
NNDR collection rates	98.6%	2014/15	
Council Tax collection rates	97.7%	2014/15	
Spend vs Budget	Budget = £13,364,700 Spend = £9,847,356	2014/15	
Income from major leased assets	£4,936,540	2014/15	
% debt over 90 days old	6.5%	2014/15	

<b><u>Service Delivery</u></b>	<b>Data</b>	<b>Year</b>	<b>Notes</b>
Street Cleanliness (Local Environment Quality Checks)	298 Transects scored A-D	From December to March 2014/15	A transect is a 50-meter long section of a street. The cleanliness is graded from A (Good) to D (Poor)
Litter	227 B or above		
Detritus	267 B or above		
Graffiti	294 B or above		
Fly Posting	297 B or above		

Food establishments in the area which are broadly compliant with	90%	2014/15	
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food hygiene law			
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Planning applications processed in time (Minor)	75.84%	2014/15	
Planning applications processed in time (Major)	54.55%	2014/15	
Planning applications processed in time (Other)	87.32%	2014/15	
Planning Enforcement cases resolved	62.8%	2014/15	125 of 199 recorded
% of Land Charges searches issued within ten days	12.77%	2014/15	158 of 1247 searches

Number of affordable homes delivered	133	2014/15	
Homelife	796 people assisted	2014/15	
	£305,268 worth of work carried out		

% of the 221 units available that are let	76.55%	2014/15	
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Customer Satisfaction (overall satisfaction)	61.25% very or fairly satisfied	2014/15	
% of corporate complaints concluded at stage one	88% (75 of 85)	2014/15	
% of corporate complaints responded to within target time	71% (60 of 85)		
Complaints made to the Ombudsman	6	2014/15	No cases of maladministration

Number of people given Housing advice from Homelessness Team	983	2014/15	
Number of homeless decisions	140	2014/15	
Number of rough sleepers	0	2014/15	
Number of homeless preventions	576	2014/15	



Number of homeless acceptances	16	2014/15	
Multiple Exclusion Homelessness (MEH)	29	2014/15	MEH is a strategy for tackling homelessness
Number of unauthorised traveller encampments	8	2014/15	
Number of homeless 16/17 year olds using B&Bs	0	2014/15	
Number of homeless families using B&Bs	0	2014/15	
Number of welfare advice claimants assisted	800	2014/15	
Total benefit gains	£2 million	2014/15	
Number of households accommodated in temporary homeless accommodation (hostels)	275	2014/15	
Number of welfare advice claimants assisted	800	2014/15	

<b><u>Contextual Data</u></b>	<b>Data</b>	<b>Year</b>	<b>Notes</b>
In Employment	52,300 of 56,500	2013/14	
STEAM*	7.34 million	2013	
Educational Attainment	67.1% NVQ 2 and above	2013	

\*STEAM is a complex calculation obtained from the Cumbria Tourist Board. The Scarborough Tourism Economic Activity Monitor includes information obtained from a variety of sources. Other specific information (i.e. The Lanes footfall, TIC visitors etc) is available upon request.



# Community Overview and Scrutiny Panel

Agenda  
Item:  
**A.5**

Meeting Date: 11<sup>th</sup> June 2015  
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 11/15

## 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

Contact Officer: Nicola Edwards

Ext: 7122

Appendices attached to report:

1. Community O&S Panel Work Programme 2015/16

## 1. Notice of Key Executive Decisions

The most recent Notice of Key Executive Decisions will be published on 1<sup>st</sup> May 2015 and was circulated to all Members. The following items fall into the remit of this Panel:

**KD.10/15 - Community Trigger** – considered at the meeting of the Panel on 9<sup>th</sup> April 2015.

**KD.11/15 Low Cost Home Ownership Policy** – on the agenda of this meeting of the Panel.

**KD.14/15 Food Law Enforcement Service Plan** – attached for information only

## 2. References from the Executive

Any references from the Executive meeting of 1<sup>st</sup> June 2015 will be circulated separately as this is later than the publication date of this report.

## 3. Future Meeting Dates

Members should also note that the Panel has a diary clash with Cumbria County Council meetings on the following dates:

14 <sup>th</sup> January 2016	Cumbria County Council Full Council Meeting
18 <sup>th</sup> February 2016	Cumbria County Council Full Council Meeting

## 4. Work Programme

The Panel's current work programme is attached at **Appendix 1** for comment/amendment. The Panel need to discuss and develop the work programme for 2015/16. Members of the Panels, 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. Guidance on Scrutiny Agenda Planning is attached at **Appendix 2** and Members are encouraged to use the prioritisation aid contained in the guidance to ensure that items placed on the work programme are those that scrutiny can add value to.

**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**

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		11 Jun 15	23 Jul 15	3 Sep 15	15 Oct 15	19 Nov 15	14 Jan 16	18 Feb 16	31 Mar 16
CURRENT MEETING – 11 June 2015															
Performance Monitoring Reports	✓						Reporting of performance relevant to remit of Panel	✓		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Leisure Facilities Development							Private report on options for future delivery	✓							
Low Cost Home Ownership Policy		✓					Scrutiny of Executive Report	✓							
Future Items															
Scrutiny Annual Report			<input type="checkbox"/>		<input type="checkbox"/>		Draft report for comment before Chairs Group								✓
Budget 15/16 – 19/20		✓	✓				Consideration of service implications					✓			
INFORMATION ONLY ITEMS															
Details									Date Circulated						
Food Law Enforcement Service Plan									1 <sup>st</sup> June 2015						



# Overview and Scrutiny

## Guidance on Scrutiny Agenda Planning

# SCRUTINY AGENDA PLANNING

## INTRODUCTION

Scrutiny meetings should have manageable focused agendas which result in meaningful outcomes. It is better to do fewer things well than more things superficially. Whilst the responsibility for agenda planning lies with the Chair of the Panel, all Scrutiny Members can be involved in the process and this guidance is therefore provided to assist all Scrutiny Members in ensuring that items on a scrutiny meeting agenda are worthwhile and timely. Guidance is also provided for Chairs of Scrutiny Panels on their role and tips on making appropriate, realistic and clear resolutions.

## PRIORITISING OVER LONG AGENDAS

No item which simply provides information should appear on an Overview and Scrutiny agenda. If there is no substantive work for the Panel to do on that item then the information should be conveyed to Members in a suitable format outside of the Panel process. An acid test would be that any item where a report is likely to be noted, received or similarly dealt with without a substantive resolution from the Panel should not appear on the agenda at all.

An over arching criteria for including an item on the agenda is that the Panel must be able to **add value** or **make a difference** to the issue; if it cannot make a difference it should not waste valuable time and effort considering it.

Successful O&S Panels will wish to include issues that are forward looking in their nature and involve creative or highly innovative approaches. These criteria should also extend to the workshops, Task and Finish Groups and other participative approaches over traditional reports where appropriate.

The Chair is responsible for drawing up the agenda for each meeting in advance. Ideally the framework for the next meeting should be set at the end of the last meeting. In this way the Chair can make sure that all Members have an opportunity to contribute to the agenda and to the identification of guest speakers or witnesses.

If all Members contribute to the agenda beforehand, it will encourage them to have ownership of the meeting, and as a result will have a vested interest in getting through the agenda and achieving a positive outcome. Examples of positive outcomes might include:

- ✓ Reviewing a topic /service of public interest
- ✓ Getting general consensus concerning recommendations for the Executive
- ✓ Good debates which result in conclusions being drawn

Some issues will self-evidently be of high priority, for example, policy framework proposals and policy development sessions. Subject Reviews should be of high priority as they are both of the Panel's own choosing and also should be looking at issues which are topical. Other items would be



of low priority, for example, an officer report which does not highlight potential scrutiny opportunities or seek views on various points or present options for scrutiny's evaluation.

A prioritisation aid is included at the back of this guidance to assist Members in their agenda planning.

### TIPS ON FORMING O&S RESOLUTIONS

- Try to avoid a long 'summing up' at the end of each item – the minutes will provide a record of what Members said during discussion. A short summing up focussing on the resolutions to be made will be more useful and effective;
- A resolution should stem from the Panel's discussions;
- For the more straightforward items involving a formal report from an officer, use the officer's recommendations to develop the resolution;
- Be realistic – an O&S panel's resolutions should focus on achievable actions;
- Try and keep each resolution as short as possible – separate the decision out into several if it seems likely to become too long;
- Always think (a) who is this resolution/recommendation addressed to (b) what are we asking them to do (c) is the Panel expecting a response to the resolution. Make these things absolutely clear in the resolution.
- Language – the language used should reflect the panel's view – stronger words and emphasis should be used only when the Panel clearly feels strongly about an issue;

### KEY OBJECTIVES FOR CHAIRMEN

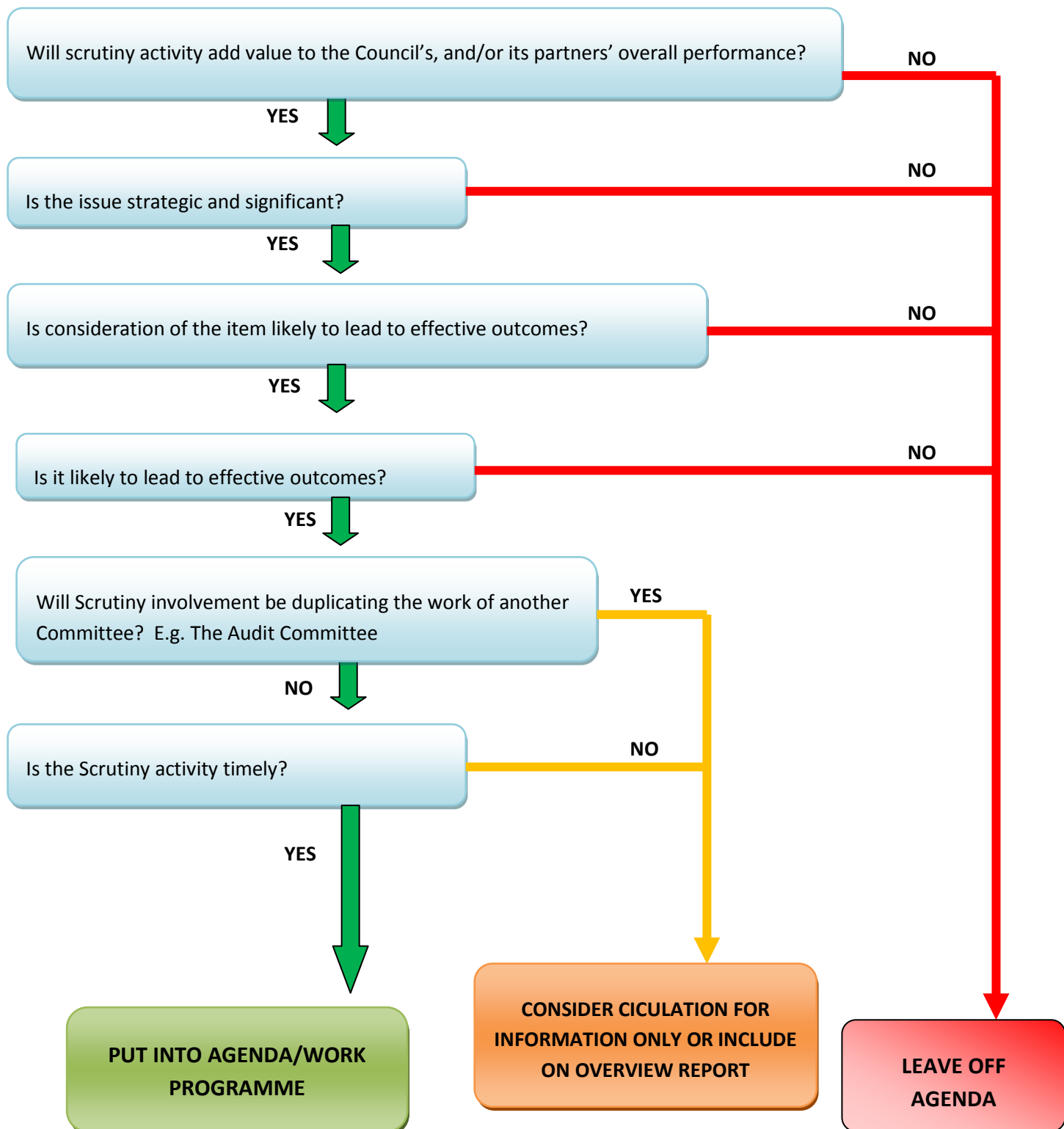
The Aims translate into the following which should be the key objectives for an O&S chairman to achieve best practise in meetings:-

- ✓ Manageable, focussed agendas
- ✓ Quality work with meaningful outcomes
- ✓ Do fewer things well rather than more things superficially
- ✓ Meetings approximately two hours long
- ✓ Agendas include a maximum of nine items in total
- ✓ No information items on agendas.
- ✓ Always a substantive resolution
- ✓ Promote equality and respect for all attendees

## GENERAL TIPS FOR O&S CHAIRMEN

- ✓ Promote fairness and equality – make sure that all Members get a chance to speak and try and involve all Members. And make sure that those before the Panel are treated with respect;
- ✓ Sometimes, it may be worth reminding the Panel why an item is before them and what they are expected to do with it. If the discussion then strays away from the topic concerned, be firm and bring it back to the matter at hand;
- ✓ The meeting is owned by you and the Panel. Officers and Members are there to assist the Panel, not to direct it;
- ✓ As a result of the agenda planning, you should have a good idea how much time should be given to each item. Use this information to keep the meeting moving along but don't be too rigid – sometimes the discussion and debate may have revealed new information and the Panel may need a little longer to come to a view.

## SCRUTINY AGENDA PRIORITISATION AID





# Report to Community Overview and Scrutiny Panel FOR INFORMATION ONLY

Agenda  
Item:

Meeting Date: Thursday 11th June 2015  
Portfolio: Environment and Transport  
Key Decision: Yes: Recorded in the Notice Ref:KD  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: FOOD LAW ENFORCEMENT SERVICE PLAN  
Report of: The Director of Local Environment  
Report Number: LE16/15

## Purpose / Summary:

The Food Law Enforcement Plan sets out how the Environmental Health Service will deploy its resources in 2015 to 2016 to improve hygiene standards, prevent food borne diseases and help people live healthier lives. It seeks to target intervention to tackle local issues whilst ensuring Carlisle City Council achieves its national statutory responsibilities.

## Recommendations:

That the Community Overview & Scrutiny Panel note the contents of this report.

## Tracking

Executive:	01/06 15 & 29/06/15
Overview and Scrutiny:	11/06/15
Council:	14/07/15

## Report to Executive

Agenda  
Item:

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

Title: FOOD LAW ENFORCEMENT SERVICE PLAN  
Report of: The Director of Local Environment  
Report Number: LE 06/15

### Purpose / Summary:

The Food Law Enforcement Plan sets out how the Environmental Health Service will deploy its resources in 2015 to 2016 to improve hygiene standards, prevent food borne diseases and help people live healthier lives. It seeks to target intervention to tackle local issues whilst ensuring Carlisle City Council achieves its national statutory responsibilities.

### Recommendations:

That the Executive:

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

### Tracking

Executive:	1 <sup>st</sup> June 2015 & 29 <sup>th</sup> June 2015
Overview and Scrutiny:	11 <sup>th</sup> June 2015
Council:	14 <sup>th</sup> July 2015

## **1. BACKGROUND**

- 1.1 Standards of hygiene when eating out was the main concern for members of the public who took part in the 2013 Food Standards Agency's (FSA) Biannual Public Attitudes Tracker Survey. Other concerns from the survey include additives in food, food poisoning, the increasing prices of food and the amount of food waste. The City Council through its Environmental Health Service plays a significant role in protecting the public by its food inspections and infectious disease investigations.
- 1.2 The Food Standards Agency (FSA) Food Law Code of Practice in England provides statutory guidance to the City Council in its role as a "Food Authority" on how we should be carrying out our interventions and official controls. On 7<sup>th</sup> April 2015 the FSA published a revised copy of the code which introduced a new competency framework for authorised food officers. The Lead Officer for food will need consider the relevant competencies needed for the roles of all authorised food officers. Local Authorities will need to implement these competency requirements by 1 April 2016 and this has been included in the Food Law Enforcement Service Plan for 2015-2016.
- 1.3 The Food Law Enforcement Policy sets out how the Environmental Health Service will protect food safety in Carlisle during 2015 to 2016. The Food Law Enforcement Policy seeks to direct resources into achieving the priority outcomes for regulatory services as detailed in the Better Regulation Delivery Office document "Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services" (November 2011).
- 1.4 Executive will recall that on 1<sup>st</sup> July 2013 the Food Law Enforcement Policy was approved by Executive before being referred to Full Council. The Food Law Enforcement Policy (Appendix 2) outlines the decision process the Environmental Health Officers will go through when breaches of Food Safety Legislation are found. The Food Law Enforcement Policy is written with regard to the Food Standard Agency's Framework Agreement with local authorities and the Enforcement Concordant and the Regulators Code. Following the introduction of the new Regulators Code (2014) and the revised Food Law Code of Practice (England) 2015, the Enforcement Policy has been reviewed and amended. The amendments made relate to a change in definitions and no changes have been necessary to the enforcement policy decision making criteria.
- 1.5 In improving food standards the Environmental Health Service is contributing to ensuring a safe, healthy and sustainable food chain for the benefit of consumers. Service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans help local authorities to:
  - follow the principles of good regulation;

- focus on key delivery issues and outcomes;
- provide an essential link with corporate and financial planning;
- set objectives for the future, and identify major issues that cross service boundaries;
- provide a means of managing performance and making performance comparisons;
- Provide information on an authority's service delivery to stakeholders, including businesses and consumers.

- 1.6 The Food Standards Agency's (FSA) Food Law Codes of Practice (2015) details national food policy but allows local authorities flexibility over how to deliver the national food controls. The Plan sets out how and at what level official food controls will be provided, in accordance with the Codes of Practice. The "Framework Agreement on Official Feed and Food Controls by Local Authorities" (2010) sets out what the Food Standard Agency expects from Carlisle City Council in delivering official controls on feed and food law.
- 1.7 In 2012 the Food Standard's Agency carried out a review on the delivery of "Official Controls for Food Safety." The FSA have concluded that although under pressure the Local Authorities are able to deliver a food safety service. The FSA Board confirmed the strategic importance of the delivery of official controls and the relationship between the FSA and local authorities.
- 1.8 To help to ensure local transparency and accountability, and to show the Service's contribution to the authority's Carlisle Plan, the Framework Agreement recommends that food service plans are approved at the relevant level established for that local authority. The Food Law Enforcement Service Plan is in Carlisle City Council's Policy Framework in Article 4 of the Constitution.
- 1.9 The Plan covers the period 1st April 2015 to the 31st March 2016 and includes targeted educational and promotional work under taken by the section along with the required food premise inspections.



## **2. PROPOSALS**

### **2.1** That the Executive:

- iii. Agree the key actions of the Food Law Enforcement Service Plan and approve the reviewed Food Law Enforcement Policy
- iv. Refer the said plan to Council for approval in accordance with the Council's Budget and Policy Framework.

## **3. CONSULTATION**

**3.1** Consultation to Date. - The Plan has been drafted in consultation with officers in the Environmental Health Service.

**3.2** Consultation proposed. - The Plan is to be considered by the Community Overview and Scrutiny Committee on the 11<sup>th</sup> June 2015.

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

**4.1** The recommended key actions have been identified following consultation and reflect the resources available to the Environmental Health Service in the financial year 2015 to 2016.

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

- 5.1** **Priority 1:** Fostering more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bring new ones in.
- A key requirement of the regulators code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance. Through its Service Plan and Enforcement Policy the Environmental Health Service provides free and impartial advice to business on both legal and technical matters relevant to their trade.
  - Hygiene compliance standards and inspections by the City Council's Environmental Health Service are essential for those food companies looking to export overseas.

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

- In delivering its food safety responsibilities the Environmental Health Service operates within guidelines and national agreements with partner organisations including: the Food Standards Agency; the Department for Environment and Rural Affairs (Defra); and Public Health England.
- The Food Safety Team work in partnership in delivering projects with organisations such as: Cumbria County Council Trading Standards, Cumbria Food Group (made up of all 6 Cumbrian Local Authorities), Public Health England Laboratory (Preston), Public Health England Health Protection Team and the Food Standards Agency.

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

- Working alongside other teams within Local Environment, the Food Safety Team tackles the safe storage of waste. The Food Safety team ensures commercial food waste is stored and disposed of correctly.

**Contact Officer: Angela Culleton**

**Ext: Ex 7325**

**Appendices attached to report: Appendix 1 – Food Law Enforcement Service Plan 2015 to 2016  
Appendix 2 – Food Safety Enforcement Policy**

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

- None

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

**Chief Executive's -**

**Deputy Chief Executive –**

**Economic Development –**

**Governance** – The Council has a Food Law Enforcement Service Plan in accordance with the Food Standard Agency's Framework Agreement which applies to local enforcement of

all feed and food laws, and incorporates the latest guidance and standards on feed and food law enforcement. As stated in the report, the Food Law Enforcement Service Plan forms part of the Council's revised Policy Framework and, as such, requires consideration by the relevant Overview & Scrutiny Panel before being referred for approval to Council by the Executive.

#### **Local Environment –**

**Resources** – The costs of implementing and monitoring this Food Law Enforcement Service Plan can be met from within existing base budgets under the control of the Local Environment Directorate in 2015/16.

## **FOOD LAW ENFORCEMENT SERVICE PLAN 2015 - 2016**

**Carlisle City Council**

Environmental Health Service

**Local Environment**

## **1. Introduction**

This Service Plan sets out how Carlisle City Council intends to provide an effective food safety service that meets the requirements of the Food Standards (FSA) Framework Agreement. It covers the functions carried out by authorised officers of the Food and Safety Team under the provisions of the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 and relevant regulations made under the European Communities Act 1992.

## **2. Service aims and objectives**

To ensure that all food and drink intended for sale for human consumption that is produced, stored, distributed, handled or consumed in Carlisle City is safe, hygienic and compliant with food hygiene and standards legislation and that all food premises and food handlers comply with the Food Hygiene Regulations. This will be achieved through:

- Programmed inspections
- Targeted interventions
- Investigation of complaints
- Investigation and control of infectious diseases
- Sampling initiatives
- Training
- Advisory visits
- Promotional events
- Fully qualified and competent Food Officers

### **2.1 Links to Corporate Priorities and Plans**

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

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

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

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

- We operate within guidelines and national agreements with partner organisations which include: The Food Standards Agency; Public Health England and the Department for Environment and Rural Affairs (Defra).

- We work in partnership in delivering projects with organisations such as: Cumbria County Council Trading Standards, Cumbria Food Group (made up of all 6 Cumbrian Local Authorities), PHE Laboratory Preston, PHE Health Protection Team, Food Standards Agency.

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

- Working alongside other teams within Local Environment, the Food and Safety Team ensure domestic and commercial waste is not a public health concern

## **2.2 Links to Other Strategies**

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

- Regulatory Priority Outcomes:**
1. Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment. **(Direct Link to the Carlisle Plan)**
  2. Improve quality of life and well being by ensuring clean and safe neighbourhoods **(Direct Link to the Carlisle Plan)**
  3. Help people live healthier lives by preventing ill health and harm and promoting public health.
  4. Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy

The “**Regulators’ Code 2014**” made under section 23 of the Legislative and Regulatory Reform Act 2006, applies to all the activities delivered by the Environmental Health Service. The code requires the Environmental Health Service, along with its principal function of protecting public health, to engage with and support business growth.

All interventions with businesses and members of the community are carried out with regard to the local authority’s commitment to equality of opportunity for local people as stated in the Equal Opportunities Policy.

## **3 Background**

### **3.1 Organisational structure**

The structure of Food and Safety Team can be seen in page 12. The Principal Environmental Health Officer (Food and Safety) is responsible for the day to day supervision of the team and has a lead responsibility for the food hygiene function. The Food and Safety Team also perform other regulatory duties, including Health and Safety, Public Health and nuisance complaints.

### **3.2 Scope of the service**

The Food and Safety Team is responsible for the enforcement of the Food Safety and Hygiene (England) Regulations 2013 and the food hygiene legislation made thereunder.

Carlisle City Council carries out all functions relating to food safety matters, including the following:

- Carrying out interventions e.g. inspections, audits, sampling at food establishments
- Providing advice to food business operators including help on implementing the Food Standards Agency's Safer Food, Better Business food safety management system
- Providing advice to food business operators including help on implementing the most appropriate food safety management system to the business
- Operating inland imported food control at retail and catering establishments etc.
- Registration and approval of food establishments
- Identifying and assessing premises that require approval of specific food products and ensuring that they are issued with conditional and full approval as necessary
- Undertaking food sampling
- Issuing export certificates
- Investigation of complaints concerning food establishments and food handling practices
- Investigation of cases of suspected and confirmed food poisoning
- Providing food hygiene training to Operating a food safety education programme, including the CIEH level 2 Award in Food Safety.
- Liaison with the local authority's procurement team when selecting new food contracts

### **3.3 Demands on the food enforcement service**

The City Council's food safety service is delivered from the 5<sup>th</sup> Floor of the Civic Centre, Ricker Gate, Carlisle Tel 01228 817559  
Email: [environmentalhealth@carlisle.gov.uk](mailto:environmentalhealth@carlisle.gov.uk).

As of 1<sup>st</sup> April 2015 a total of 1173 food premises are subject to programmed food hygiene interventions as per the table below:

Type of Premises	Number
Distributors/Transporters (F)	16
Manufacturers (C)	20
Producers (A)	15
Retailers (G)	245
Restaurants and other caterers (H)	853
Manufacturer selling by retail (J)	24
<b>Total</b>	<b>1173</b>

The City Council also has 6 “approved” processes subject to Regulation 853/2004.

Ref no	Name	Product	App Number
20131	Nestle	Dairy - Milk powder/cream	VK302
20314	Esk	Dairy - Milk/cream	VK010
20052	Cavaghan and & Gray	Meat / Fish Products	VK001 & VK011
50021	Bells Fishmongers	Fish	VK007
20101	Calder Foods	Meat Products	VK004
20041	Pioneer Food	Meat Products	VK005

All food premises are rated according to their level of risk, as defined by the Food Standards Agency Code of Practice. The risk rating determines the frequency and nature of the interventions that are classed as official controls. The table below provides a summary of the food business risk profile:

Category	Intervention Type	Frequency	Number of premises
A	Full & Partial Inspection / Audit	6 months	2
B	Full & Partial Inspection / Audit	12 months	46
C	Full & Partial Inspection / Audit / Other Official control - Broadly compliant premises	18 months	205
D	Inspection / Audit / Other Official Control (e.g. surveillance, verification, sampling)	24 months	415
E	Inspection / alternative enforcement strategy	36 months	418
UNRATED	Awaiting inspection		44
OUTSIDE	Outside inspection programme		43



Officers will aim to inspect new food premises within 28 days of being notified to the City Council. Each business will be rated in accordance with the Food Law Code of Practice and incorporated into the inspection programme. Officers will decide if a revisit is necessary following an inspection and the Civica database will be used to programme the revisit date. The food sampling programme is an intervention that supports the official controls undertaken by officers.

The Food and Safety Team is also required to meet additional demands arising from local activities, such as inspecting the visiting continental markets and other seasonal festivals.

Officers are required to undertake inspections/interventions outside normal working hours, for example where food businesses operate only at night or at weekends to attend markets and festivals.

The City Council has procedures in place to share its food premises database with the County Council's Trading Standards Department who have responsibility for Food Standards within the District.

In addition to businesses that form part of the programme, the local authority annually inspected approximately 35 new food businesses.

In 2014 -15 the local authority dealt with a range of incidents and enquiries. These are set out in the following table.

Type of Incident / Action	Number
Premises hygiene complaints / Food Complaints	116
FSA Food Alerts (inc Product Recall)	37
FSA Food alerts for action by LA	3
FSA Allergy Alerts	48
Training requests	1
Requests for food advice	72
Infectious disease cases	188
Food and environmental food sampling	121

Summary of non-programmed food hygiene related visits made 2014/15

Type of visit:	Number
Food Hygiene Complaint Visits	77
Food Hygiene Revisits following inspection	59
Food Hygiene Rating Scheme (FHRS) Re-score Visits	6
Food Sampling Visits	75
Food Advisory Visits	72
Food Hygiene Other Visits	25
Total	314

## **4 Service Delivery**

### **4.1 Food interventions**

In the financial year 2015-2016, inspections/interventions are due to be carried out at 712 premises. The target for each category is detailed on page 14.

Risk Category	No of premises
A	2
B	46
C	148
D	243
E	229
Unrated	44
TOTAL	712

These numbers will alter throughout the year as new businesses open and existing businesses close.

Priority will always be given to high risk food businesses and any national or local situations which require urgent attention for example Food Standards Agency food alerts or food poisoning outbreaks.

Category E premises that received a visit at the last intervention date will be contacted by Alternative Enforcement Questionnaire. Those who fail to respond to the questionnaire will be contacted by the department and may ultimately receive an inspection.

Revisits following an inspection will be undertaken by officers when deemed necessary or in response to a requested revisit or appeal under the Food Hygiene Rating Scheme (FHRS). A total of 65 revisits were undertaken in 2014/15 of which 6 were requested revisits under the FHRS.

During the course of delivering the food safety service, officers may need to resort to formal action in some circumstances. During 2014/15 officers issued 155 written warnings for food hygiene contraventions, 5 Hygiene Improvement Notices and requested 2 food businesses to close voluntarily.

### **4.2 Enforcement policy**

The Environmental Health Department adopt the principles laid down in the Enforcement Concordat, which states that enforcement must be fair, consistent and equitable. The local authority's Food Safety Enforcement Policy outlines the enforcement options available for dealing with problems relating to non-compliance with the legislation. The Policy has been written having regard to Government's Regulators Code and can be found on the website: [http://www.carlisle.gov.uk/downloads/env\\_heal\\_food\\_enforcement\\_policy.pdf](http://www.carlisle.gov.uk/downloads/env_heal_food_enforcement_policy.pdf)

### **4.3 Food complaints**

The investigation of customer's complaints regarding food safety is an important area of work for the team. The local authority has a response target of 5 days for such complaints, however more serious complaints/allegations will be visited on the day of receipt where possible. In 2014/15 the local authority dealt with 116 food hygiene related complaints.

### **4.4 Primary and home authority principle**

The Home Authority Principle was developed by food and trading standards authorities to aid consistent enforcement. The scheme provides businesses with a home authority source of guidance and advice and provides a system for the resolution of disputes.

Alternatively, businesses can form a 'Primary Authority' statutory partnership with a local authority to assist with consistent enforcement. The guidance and advice the local authority provides will be taken into consideration by officers carrying out inspections and dealing with instances of non-compliance.

Carlisle City Council fully endorses the Home authority and Primary Authority principle but has yet not received any requests for business support in this area.

### **4.5 Advice to business**

The Food and Safety Team provide advice and support for all food businesses on request. Information is available on the local authority website, [http://www.carlisle.gov.uk/environment\\_and\\_waste/environmental\\_health/food\\_infectious\\_diseases.aspx](http://www.carlisle.gov.uk/environment_and_waste/environmental_health/food_infectious_diseases.aspx). Information leaflets are also available from the Civic Centre Offices. Officers are available to visit businesses to advise on any aspect of food safety and hygiene. Advice is also given during the planning and building control processes. Coaching in Safer Food Better Business is an integral part of the business support package.

### **4.6 Food inspection and sampling**

A food sampling programme is produced every year which outlines the local authority's sampling strategy and approach to specific local and national demands.

The Cumbria Sampling Group co-ordinate the sampling programme for Carlisle, Allerdale, Copeland and Eden. The plan is developed by the group to incorporate priorities identified by Public Health England and the Food Standards Agency.

Microbiological examinations are undertaken by Public Health England, Food, Water and Environmental Microbiology Laboratory, Preston, Royal Preston Hospital, Sharoe Green Lane, Preston PR2 9HT.

In 2014/15 the Food and Safety Team took 122 food samples, 103 of which were reported as satisfactory, 12 unsatisfactory and 7 borderline. Visits are made to those

premises to identify reasons why the food samples will have been unsatisfactory or borderline and repeat sampling is undertaken.

When necessary, food complaint samples are sent to the Public Analyst at Lancashire County Scientific Services, Pedders Way, Ashton-on-Ribble, Preston PR2 2TX for food analysis. The analysis includes testing for food composition and contamination. No samples were submitted for analysis for the period 2014/15.

#### **4.7 Control and investigation of outbreaks and food-related infectious disease**

The Food and Safety Team will investigate food-related infectious disease notifications in accordance with procedures agreed with Public Health England. The response to notifications of illness will be dependant on the severity of illness ranging from immediate response in the case of serious infections e.g. E.coli 0157 & typhoid; to postal questionnaires for cases of campylobacter.

Investigation of outbreaks will be in accordance with the Outbreak Control Plan agreed with the Public Health England.

The table below summarises the number of cases notified to Carlisle City Council in 2014/15.

<b>Disease</b>	<b>Number</b>
Campylobacter	125
Salmonella	8
Norovirus	13*
Hepatitis A	0
Shigella Dysentery	1
E. coli 0157	1
Cryptosporidium	21
Giardia lamblia	7
Giardia duodenalis	8
Other viral	1

\*number of outbreaks e.g. residential homes

There were no confirmed food poisoning outbreaks during 2014/15; however officers of the Food & Safety Team investigated a number of norovirus outbreaks associated with residential care settings.

#### **4.8 Food safety incidents**

Food alerts are issued by the Food Standards Agency to relate information on national food issues to local authorities, the majority being for information only. Food alerts for action require officers to undertake a wide variety of courses of action dependent upon the issue at hand. In 2014/15 a total of 37 Food Alerts were received by the authority, of which 3 required action by the Food & Safety Team.

## 4.9 Liaison with other organisations

Environmental Health involves a number of stakeholders in the supply and operation of its food hygiene services including:

- Public Health England
- The County Council's Public Health and Trading Standards Departments
- Cumbria Food Liaison Group
- Cumbria Health Protection Liaison Group
- Care Quality Commission
- Cumbria Chamber of Commerce and the Carlisle and Penrith Federation of Small Business
- Food Standards Agency
- Better Regulation Delivery Office
- Carlisle Food City Steering Group

## 4.10 Food safety and promotions

Carlisle City Council participates in the Food Standards Agency National Food Hygiene Ratings Scheme. The scheme is designed to provide information about business hygiene standards to members of the public but is also a useful tool to drive up performance standards of food businesses. Other promotional initiatives used included:

- Local Healthy Options Award – launched January 2015
- Safer Food Better Business workshops
- Food Safety Week
- Attendance at local events
- Food Hygiene Training

## 5.0 Resources

### 5.1 Staffing resource

A structure chart is available on page 12. The number of full time equivalent (FTE) officers estimated to be deployed solely on food safety is set out in the following table:

Officer Post	FTE
Environmental Health Manager	0.2
Principal EHO	0.7
Environmental Health Officer	3.0

### 5.2 Officer development

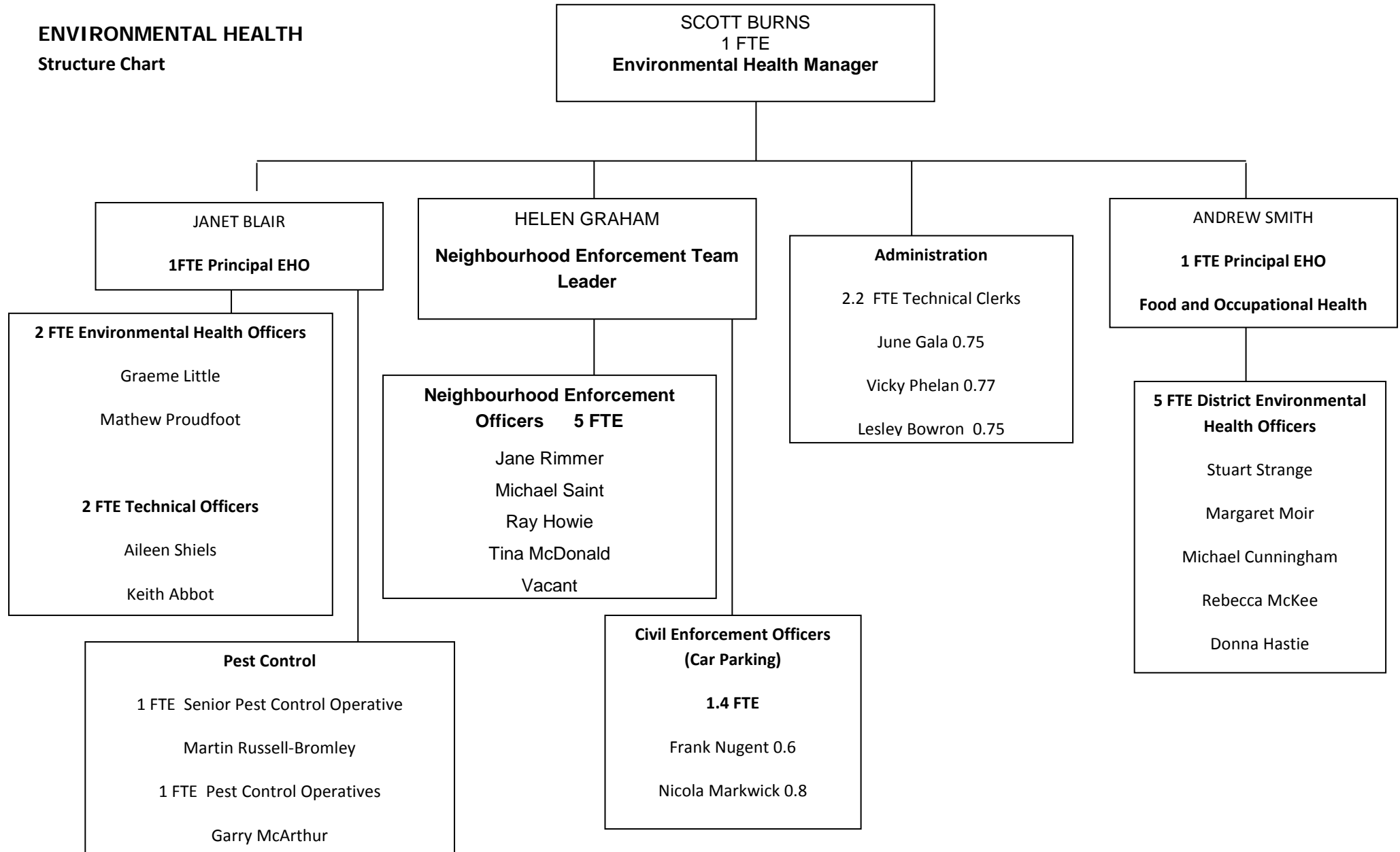
Carlisle City Council are committed to ensuring officers authorised to perform food safety enforcement functions receive relevant structured ongoing training to promote competency, ensure understanding of legislation and technological developments. As stipulated within the Food Law Code of Practice (England) April 2015, all authorised officers will receive a minimum of 10 hours training on food safety issues.

All existing officers have obtained the Certificate of Registration of the Environmental Health Registration Board (EHRB) or the Diploma in Environmental Health award by the Royal Environmental Health Institute of Scotland (REHIS). A record of certificates of registration, qualifications and records of on-going training for authorised officers are stored and maintained by the department. The Principal EHO for Food Safety is required to monitor and report on compliance with our competency requirements. Any essential training needs identified will be provided either in-house or externally.

### **5.3 Quality assessment and performance management**

The Principal EHO and the Environmental Health Manager will monitor quality and performance on a monthly basis. Audit actions will be recorded on the department's database management system (FLARE – Civica App). The Cumbria Food Safety Technical Working Group will provide peer review for standardised food safety enforcement in the County.

**ENVIRONMENTAL HEALTH**  
Structure Chart



Outcome	Key Actions	2014/15 Performance	Target 2015/16	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.	<p>94% of businesses inspected agree or strongly agree they were treated fairly.</p> <p>92% of businesses inspected agree or strongly agree they the inspection was helpful.</p> <p>Assisted a FSB event in City Centre.</p> <p>Successful launch of Local Healthy Options Award – food safety officers and food businesses invited to attend the launch event.</p>	<p>85% target for the survey responses to fairness and helpfulness.</p> <p>Develop initiatives with the FSB and the Cumbria Chamber of Commerce.</p> <p>Promote and follow the Business Support Strategy.</p>	.
	Improve communication between the County's Regulatory Services through working through Cumbria's Food Liaison Group and Public Protection Group.	Full representation at Cumbria Food Liaison Group & Public Protection Group Meetings.	Full representation and contribution at Food Liaison Group and Public Protection Group Meetings.	



	Review the Council's Web Site in relation to service provided by the Food & Safety Team to ensure information to the public is relevant and accessible and facilitates e-government for accessing application forms etc and specifying service provision and charges where appropriate.		Review all Food & Safety web pages to ensure information is accurate and reliable.	
	Provide an informal out of hour's service for Food & Health and Safety where circumstances necessitate.	Arrangements made for out of hours food hygiene inspections and special events (e.g. Tattoo Fair), also necessary nuisance visits.	React to out of hours requests where circumstances necessitate.	

<ul style="list-style-type: none"> <li>• <b>Sustainable Food Chain</b></li> <li>• <b>Healthier lives</b></li> </ul>	Inspect food businesses at intervals in accordance with the Food Standard's Agencies Code of Practice and educate and enforce where necessary.		Category A – 100% Category B – 100% Category C – 95% Category D – 95% Category E – 90% <b>through the Alternative Enforcement Programme</b>	
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			Unrated – 100%	
	To respond to all service requests within 5 working days	94%	100%	
	Respond to consultations from Licensing and Planning within 28 days.	96%	100%	
	Contribute to the Multi Agency “Problem Solving Groups”	Attendance at meetings	Active assistance to the Licensing Best Bar None Scheme	
	Continue to work with and promote the National Food Hygiene Rating System.	100% of all registered food businesses within the scope of the scheme are published on FHRS website and issued window sticker.  Continued compliance with the Food Standard Agencies branding agreement	Ensure continued compliance with the Food Standards Agency branding agreement.  100% of all registered food businesses within the scope of the scheme are issued a rating displayed on the FHRS website.	Check on: <ul style="list-style-type: none"> <li>• <a href="https://www.food.gov.uk/ratings">food.gov.uk/ratings</a></li> <li>• FHRS Web Data Tool</li> </ul>
	To sample foodstuffs for microbiological safety in accordance with local and national need	Participation in PHE coordinated surveys.  122 samples taken: <ul style="list-style-type: none"> <li>• 103 satisfactory</li> <li>• 12 unsatisfactory</li> </ul>	Collect samples as requested by the Public Health England coordinated sampling programme and local	

		<ul style="list-style-type: none"> <li>• 7 borderline</li> </ul>	<p>samples as determined by risk.</p> <p>Continue with the ATP swabbing programme (measures surface cleanliness).</p>	
	To actively take part in Cumbria Food Liaison Group (FLG) plan of work	<p>Representation at all FLG meetings</p> <p>Contributed to FLG work plan</p>	Full Contribution and Attendance at meetings and development of Action Plan	
	Advise and support businesses in the implementation of the Food Information Regulations – Food Allergy provisions	NEW	Provide advice to food businesses on the new requirements of the Food Information Regulations in relation to Food Allergy information – as part of programmed food safety interventions	
	Work with the Healthy Cities Steering Group and Carlisle Food Sub-group on actions in delivering the Healthy Cities Improvement Action Plan	<p>Contributed to Health &amp; Wellbeing Day with a focus on nutrition.</p> <p>Attended event at University of Cumbria – hand hygiene awareness and promotion of the</p>	Continued support of Healthy Cities Steering Group & Healthy Communities Working Group. Participate in at least one coordinated campaign	

	Deliver a Local Healthy Options Award.	Food Hygiene Rating Scheme.  Formal launch of Local Healthy Options Award -13 businesses issued with certificate (9 Gold Awards)	<ul style="list-style-type: none"> <li>• 5 x food establishments to be issued with the Award</li> <li>• promote award as part of routine food safety interventions</li> </ul>	
	Undertake basic food hygiene training for hard to reach groups	16 local Chinese food handlers trained – 100% pass rate achieved.	Undertake basic food hygiene training for a hard to reach group.	
	Formulate and implement a strategy to increase the number of broadly compliant food businesses.	97.4% of all food businesses broadly compliant	Identify all non-compliant businesses / 0-2 FHRS rated food businesses and develop a strategy to improve compliance.  98% of food businesses broadly compliant	
	Participate in “public health” related activity as requested by partners such as the County Council, Public Health England and the Food Standards Agency.	Food Safety Week 2014 – issuing of press release  Christmas Food Safety press release  Attended event at University of Cumbria – hand	At least one campaign per year	

		hygiene awareness and promotion of Food Hygiene Rating Scheme		
	Implement the revisions to the Food Law Code of Practice – (Issued April 2015)	NEW	Identify the key procedural changes to the Food Law Code of Practice and amend internal procedures.  Implement the new competency framework for authorised food officers.	
	Investigate the implementation of the UK Food Surveillance System to improve the national reporting of sampling carried out by Carlisle City Council.	NEW	Identify the key benefits and any financial implications of implementing UKFSS & integration with current database management system (FLARE).  Identify funding availability from FSA for UKFSS implementation.	
	Adopt the revised Sanitary Accommodation Standard for places of refreshment (Sect 20 Local Govt (Misc Prov) Act 1976	NEW	Arrange for the Sanitary Standard to be adopted through the relevant committee.	

# **FOOD SAFETY ENFORCEMENT POLICY**

**Carlisle City Council**

Environmental Health Service

**Local Environment**

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## **1.0 POLICY STATEMENT**

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- 1.1 Carlisle City Council aims to ensure that food and drink intended for human consumption, that is produced, stored, distributed, handled or sold within the Council's area, is without risk to the health or safety of the consumer. In carrying out its Food Law enforcement the City Council will encourage food businesses and regulated bodies to comply with their food safety obligations and grow as businesses.
- 1.2 This Policy has been written having regard to the Food Standards Agency's Framework Agreement, the Enforcement Concordat and the Regulators Code 2014. Officers will therefore have regard to and implement the principles of proportionality, consistency, transparency and targeting.
- 1.3 Inspections of food businesses and other food safety activities will be in accordance with legislation, statutory Codes of Practice and guidance issued by the Food Standards Agency and the Better Regulation Delivery Office.
- 1.4 The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action is in strict accordance with the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Act 1984 (as amended).
- 1.5 The Council recognises that the particular interests of different consumers within its area will need to be taken account of to ensure that legislation is enforced fairly and consistently. Interpreters will be used where there is difficulty in understanding the English language. Where possible, translated advisory leaflets will be made available. Any visits that are required out of hours will be undertaken as necessary.
- 1.6 We are fully committed to the Home Authority Principle and the Primary Authority Scheme and will utilise the principle whenever enforcement activity is considered, especially where the issue has national implications. We will use inspection plans created under Primary Authority when inspecting relevant businesses.

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

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

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## **2.0 ENFORCEMENT OPTIONS**

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

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

### **2.2 No Action**

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



## **2.3 Informal Action**

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

Informal action will be appropriate in the following circumstances:

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

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

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

## **2.4 Formal letters**

Formal letters will be considered appropriate in the following circumstances:

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

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

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

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

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

## **2.5 Statutory Notices**

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

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

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

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

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

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

The use of Hygiene Improvement Notices will be related to risk to health and they will not be used for minor contraventions of the legislation. They will not be used where the contraventions might be a continuing one or in transient situations i.e. personal cleanliness of staff or one day festival or sporting event.

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

The authorised officer will check compliance as soon as practicable after notification that the work has been completed or at the latest, the day following the expiry of the notice. The authorised officer will confirm in writing that the works have been satisfactorily completed.

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

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

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

The officer will advise the Primary Authority and Home/Lead Authority where relevant, of any actions intended and seek written agreement. Officers will refer to the Local Better Regulation Office (LBRO) website for details of Primary Authority arrangements, <https://primaryauthorityregister.info/par/index.php/home>.

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

The use of Hygiene Emergency Prohibition Notices will be deemed appropriate where there is an imminent risk of injury to health and where for example, the

circumstances outlined in the FLCOP (England) and practical guidance are fulfilled. Examples are as follows:

Health risk conditions where prohibition of premises may be appropriate:

- Infestation by rats, mice, cockroaches, birds or other vermin, serious enough to result in the actual contamination of food or a significant risk of contamination.
- Very poor structural condition and poor equipment and/or poor maintenance or routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter, resulting in the actual contamination of food or a significant risk of food contamination.
- Drainage defects or flooding of the establishment, serious enough to result in the actual contamination of food, or a significant risk of food contamination
- Premises or practices which seriously contravene food law and have been, or are implicated, in an outbreak of food poisoning.
- Any combination of the above, or the cumulative effect of contraventions which, taken together, represent the fulfilment of the health risk condition.

Health conditions where the prohibition of equipment may be appropriate:

- Use of equipment for the processing of high-risk foods that has been inadequately cleaned or disinfected or which is grossly contaminated and can no longer be properly cleaned.
- Dual use of complex equipment, such as vacuum packers, slicers and mincers for raw and ready-to-eat foods.
- Use of storage facilities or transport vehicles for primary produce where the storage facilities or transport vehicles have been inadequately cleaned or disinfected.

Health risk conditions where prohibition of a process may be appropriate:

- Serious risk of cross contamination.
- Failure to achieve sufficiently high processing temperatures
- Operation outside critical control criteria, for example, incorrect pH of a product which may allow *Clostridium botulinum* to multiply.
- The use of a process for a product for which it is inappropriate.

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

Authorised officers will use powers to inspect, detain, seize and arrange for the condemnation of food if they have reasonable grounds that the food does not comply with the food safety requirements in the Food Safety Act 1990 and Article 14 of EC Regulation 178/2002.

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

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

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

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

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

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

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

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

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

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

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

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

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

In deciding whether formal action should be taken, Officers should complete the matrix in Appendix I (matrix to determine informal or formal action) and document their decision with the involvement of the appropriate line manager. Once the officer is of the opinion that legal proceedings may be instigated, the case is considered in the light of the following factors:

a. The seriousness of the offence:

- The risk to public health
- The number of identifiable victims
- Failure to comply with a statutory notice served for a significant breach of legislation
- Disregard for the public health for financial reward

b. The previous history of the food business operator or company:

- The offences follow a previous history of similar offences
- Failure to respond positively to past written notices and warnings
- Failure to comply with statutory notices

c. The likelihood of the defendant being able to establish a due diligence defence:

- Practical steps taken or due diligence defence available but there is doubt about its legal validity
- Practical steps taken but there is doubt that the due diligence defence has been achieved
- Practical steps have been taken that are not totally effective, therefore due diligence has not been proved
- No practical step taken, therefore there is no possibility of proving due diligence

- d. The ability of witnesses and their willingness to co-operate:
- Witnesses would rather not be involved in prosecution but might be willing if encouraged
  - Witness would require summons to attend
  - Witness would be willing to attend court but may not be effective under cross examination
  - Witness would be willing to attend and will be effective
- e. The willingness of the food business operator or company concerned to prevent a recurrence of the problem:
- Steps have been taken to prevent a recurrence and there is confidence that these will be effective
  - Steps have been taken to prevent a recurrence but there are doubts that these will be effective
  - Steps to prevent a recurrence have been promised but confidence is low that the promises will be fulfilled
  - The food business operator or company are not willing to prevent a recurrence and there is no confidence that the food business operator is capable of preventing a recurrence
- f. The public benefit and interest of a prosecution and the importance of the case for:
- The likely penalty upon conviction
  - The offender's age and state of health
  - The offender's attitude to the offence
  - Whether it might establish a legal precedent
- g. Any explanation offered by the food business operator or the company:
- Explanation is satisfactory, factors appear to be beyond the control of the defendant
  - Explanation shows that prevention was possible but necessary steps had not been taken
  - Explanation poor, blatant failure to control circumstances leading to offence
  - No explanation offered, willful disregard for public health

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

### **Types of Legal Proceedings**

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

### **Simple Cautions**

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

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

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

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

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

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## **3.0 DECISION MAKING AND AUTHORISATION**

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



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

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

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

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

➤ **Consumers and businesses**

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

➤ **Food Standards Agency**

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

➤ **Primary Authority Scheme/Home Authority**

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

➤ **Public Health Information**

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

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

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

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## 5.0 Complaints

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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	2	2	

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**

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

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

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

