You are requested to attend a meeting of the Cabinet on Wednesday, 21 March 2018, at 10.00 a.m. in the District Council Chamber, South Lakeland House, Kendal

Membership

Councillors

Giles Archibald               Leader of the Council and Finance Portfolio Holder
Jonathan Brook              Deputy Leader and Housing and Innovation Portfolio Holder
Philip Dixon                 Public Health and Wellbeing Portfolio Holder
David Fletcher               Environment Portfolio Holder
Brenda Gray                  Council Organisation and People Portfolio Holder
Matt Severn                  Culture, Media and Leisure Portfolio Holder
Graham Vincent               Economy and Assets Portfolio Holder

Monday, 12 March 2018

Debbie Storr, Director of Policy and Resources (Monitoring Officer)

For all enquiries, please contact Inge Booth, Senior Committee Services Officer.

Telephone: 01539 793190
Email: committeeservices@southlakeland.gov.uk
AGENDA

PART I

1 APOLOGIES
   To receive apologies for absence, if any.

2 CABINET EXECUTIVE DECISIONS
   To authorise the Chairman to sign, as a correct record, the Executive Decisions
   made by Cabinet on 7 February 2018 (copy attached).

3 DELEGATED EXECUTIVE DECISIONS
   To receive the Delegated Executive Decisions made by Portfolio Holders or
   Officers on 1 March 2018 (copy attached).

4 DECLARATIONS OF INTEREST
   To receive declarations by Members of interests in respect of items on this
   Agenda.

   Members are reminded that, in accordance with the revised Code of Conduct,
   they are required to declare any disclosable pecuniary interests or other
   registrable interests which have not already been declared in the Council’s
   Register of Interests.  (It is a criminal offence not to declare a disclosable
   pecuniary interest either in the Register or at the meeting.)

   Members may, however, also decide, in the interests of clarity and
   transparency, to declare at this point in the meeting, any such disclosable
   pecuniary interests which they have already declared in the Register, as well as
   any other registrable or other interests.

   If a Member requires advice on any item involving a possible declaration of
   interest which could affect his/her ability to speak and/or vote, he/she is advised
   to contact the Monitoring Officer at least 24 hours in advance of the meeting.

5 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS
   To consider whether the item in Part II of the Agenda should be considered in
   the presence of the press and public.

6 PUBLIC PARTICIPATION
   Any member of the public who wishes to ask a question, make representations
   or present a deputation or petition at this meeting should apply to do so before
   the commencement of the meeting.  Information on how to make the application
   can be obtained by viewing the Council’s Website www.southlakeland.gov.uk or
   by contacting the Committee Services Team on 01539 733333.

   (1) Questions and Representations
   To receive any questions or representations which have been received
   from members of the public.

   (2) Deputations and Petitions
   To receive any deputations or petitions which have been received from
   members of the public.
7 FORWARD PLAN

To note the contents of the latest Forward Plan published on 20 February 2018 (copy attached).

8 BURTON-IN-KENDAL PSICA (PARTNERSHIP SCHEMES IN CONSERVATION AREAS) (KEY DECISION)

To consider entering into a three year “Partnership Scheme in Conservation Areas” project with Historic England for the Burton-in-Kendal Conservation Area.

9 HEALTHY WEIGHT DECLARATION (KEY DECISION)

To consider the Healthy Weight Declaration for Cumbria which will assist the Authority in making a contribution to the Healthy Weight Environment.

10 HOUSING STANDARDS POLICIES (KEY DECISION)

To consider adoption of the amended Housing Enforcement Policy.

11 SOUTH LAKELAND DISTRICT COUNCIL AND EDEN DISTRICT COUNCIL JOINT OLDER PERSONS’ HOUSING STRATEGY 2018 - 2025 (KEY DECISION)

To consider the South Lakeland District Council and Eden District Council Joint Older Persons’ Housing Strategy 2018 – 2025.

12 SOUTH CUMBRIA COMMUNITY SAFETY PARTNERSHIP PLAN 2018/19 (KEY DECISION)

To consider recommendation of the draft South Cumbria Community Partnership Plan 2018/19 for adoption by Council.

13 INFORMATION REQUESTS

To consider the number of information requests to the Council since 2015 and the adoption of the Environmental Information Regulation Charging Policy.

14 DISPOSAL OF ULVERSTON TOWN HALL (KEY DECISION)

To consider the disposal of Ulverston Town Hall, the Town Hall annexe and Queens Court to South Lakes Housing.

Please also see Part II Appendix 3.

PART II

Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

15 DISPOSAL OF ULVERSTON TOWN HALL (KEY DECISION) - APPENDIX 3

- Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

To consider the disposal of Ulverston Town Hall, the Town Hall annexe and Queens Court to South Lakes Housing.

Please also see Part I Report.
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EXECUTIVE DECISION NOTICE

CABINET

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 7 February 2018, at 10.00 a.m.

Present

Councillors

Giles Archibald (Leader of the Council and Finance Portfolio Holder) (Chairman)
Jonathan Brook Deputy Leader and Housing and Innovation Portfolio Holder
Philip Dixon Public Health and Wellbeing Portfolio Holder
David Fletcher Environment Portfolio Holder
Brenda Gray Council Organisation and People Portfolio Holder
Matt Severn Culture, Media and Leisure Portfolio Holder
Graham Vincent Economy and Assets Portfolio Holder

Also in attendance at the meeting were Shadow Executive Members Tom Harvey (Shadow Cabinet Deputy Leader (Council Organisation and People Portfolio)), John Holmes (Shadow Cabinet (Housing and Innovation Portfolio)), Janette Jenkinson (Shadow Cabinet (Economy and Assets Portfolio)) and Kevin Lancaster (Shadow Cabinet (Finance Portfolio)), and Mark Wilson (Leader of the Labour Group).

Apologies for absence were received from Shadow Executive Members James Airey (Shadow Cabinet (Public Health and Wellbeing Portfolio)), Ben Berry (Shadow Cabinet Leader (Environment Portfolio)) and David Williams (Shadow Cabinet (Culture, Media and Leisure Portfolio)).

Officers

Inge Booth Senior Committee Services Officer
Lawrence Conway Chief Executive
Karen Crump Procurement and Contracts Manager
Ian Hassall Assistant Director Strategic Development
Peter Holland Senior Communications Officer
Anthea Lowe Solicitor to the Council
Shelagh McGregor Assistant Director Resources (Section 151 Officer)
Dan Millican Solicitor
Claire Read Financial Services Officer
Helen Smith Financial Services Manager
Debbie Storr Director of Policy and Resources (Monitoring Officer)
David Sykes Director People and Places
CEX/106  CABINET EXECUTIVE DECISIONS

Attention was drawn to paragraph 3 of CEX/105 and to the fact that the Minute did not reflect the fact that the email referred to had contained exempt information. The Leader requested that the minutes be amended to provide clarification on this point and also advised that the matter was currently being investigated.

RESOLVED – That, subject to the inclusion of the amendment outlined above, the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 24 January 2018.

CEX/107  DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

CEX/108  LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the Agenda.

CEX/109  PUBLIC PARTICIPATION

RESOLVED – That it be noted that no deputations, petitions or questions have been received in respect of this meeting.

CEX/110  COUNCIL PLAN PERFORMANCE MONITORING QUARTER 3 2017/18

Summary

The Council Organisation and People Portfolio Holder presented an update report on progress with the Council Plan 2014-19 for Quarter 3 of 2017/18. Monitoring the success of the Council Plan informed of improvements and ensured that Council services addressed the needs of residents in an open and transparent way. The Council was committed to delivering high quality, cost effective services that met the needs of residents and improved quality of life. The performance management process helped the Council to demonstrate how well it was doing. The report also included the Council’s Strategic Risk Register. The Council Organisation and People Portfolio Holder pointed out that the report demonstrated that the Council was on target to meet its objectives.

The report had also been considered by the Overview and Scrutiny Committee on 2 February 2018.

A lengthy discussion ensued during which Portfolio Holders presented information in relation to their areas of remit and responded, together with officers, to queries raised.

The Housing and Innovation Portfolio Holder undertook to provide clarity in response to a query as to whether the figure of bringing a minimum of 70 empty homes back into use was an annual figure. The Leader and Finance Portfolio Holder took the opportunity to reiterate the appreciation expressed at the last Council meeting on 19 December 2017 for the work carried out by Councillor John Holmes for South Lakes Housing.
Concern was expressed with regard to the 2011 statistics in relation to the health inequality gap for residents in South Lakeland. Councillor Mark Wilson offered to provide assistance in this area by examining Public Health England’s figures together with the relevant Portfolio Holder. The Leader and Finance Portfolio Holder thanked Councillor Wilson for this offer and also for his helpful comments at the last meeting of the Overview and Scrutiny Committee in relation to vulnerable people.

A query was raised with regard to the communication of Customer Connect and new systems to town and parish councils. Although the Cumbrian Association of Local Councils had been informed about the Programme, the importance of making town and parish councils aware in advance of implementation was acknowledged. The Housing and Innovation Portfolio Holder undertook to make enquiries on the strategy for communication.

The issue of the disposal of plastic waste was raised and Members were advised that any residual waste that was not recycled was sent to a mechanical biological treatment plant. The Leader and Finance Portfolio Holder took the opportunity to congratulate the relevant Portfolio Holder, officers and all involved following the recent announcement that plastic and cardboard collections had now been rolled out to 100% of homes which had kerbside recycling within the District.

Decision

RESOLVED – That the following be approved:-

(1) the Summary of Performance as detailed in the report; and

(2) the detailed risk information contained within Appendix 1 to the report.

Reasons for Decision

The report is directly linked to the Council Plan commitment to ensure the Council is equipped to provide the best, most cost effective services. Details regarding performance monitoring are published in line with the Council’s latest Performance Management Framework.

Alternative Options Considered and Rejected

None – the purpose of the report is to receive a performance update. Council must note successes, monitor progress and take action where appropriate.

CEX/111 CORPORATE FINANCIAL PERFORMANCE MONITORING QUARTER 3 2017/18

Summary

The Leader and Finance Portfolio Holder presented the third quarter financial monitoring report of 2017/18 which provided details on the financial position of the Council at 31 December 2017 and, in addition, set out the projected year end position based on performance to the end of Quarter 3.

Appendix 1 set out the revenue variances to date which totalled a projected circa £240,000 underspend. In addition, there were projected to be circa £545,000 of carry forward requests. Trends identified in the base budgets had been fed into the 2018/19 budget process.
Appendix 2 set out the position on the Capital Programme. Spend against the £9.7m Programme to the end of Quarter 3 was £3.05m. There was anticipated to be significant expenditure during Quarter 4 and £0.58m of further re-profiling had been identified. A revised Programme was presented as part of the budget process, including any new schemes prioritised against the available funding.

Appendix 3 provided an update on Treasury Management for the quarter showing that all activity had been within the approved limits. Investments had performed better than the relevant benchmarks. No new borrowing was anticipated up to the end of the financial year.

The report had also been considered by the Overview and Scrutiny Committee on 2 February 2018.

In presenting the report, the Leader and Finance Portfolio Holder highlighted the fact that it demonstrated that the Council had been fairly accurate in forecasting staffing costs. He explained that the surplus of approximately £240,000 was due to income having been higher than anticipated in some areas and that it was assumed that this increase in revenue would continue into the following year. The Leader and Finance Portfolio Holder referred to budget pressures in relation to the area of homelessness which had, sadly, suffered an increase in South Lakeland, as well as nationally. With regard to the Capital Programme, he explained that there would be significant expenditure during Quarter 4 and that some projects, mainly those dependent on partner organisations, would be carried forward into next year. In closing, the Leader and Finance Portfolio Holder expressed thanks to officers for the continued good management of the Council’s finances.

Decision

**RESOLVED – That**

(1)  **the following be noted:-**

   (a)  the contents of the Corporate Financial Monitoring Quarter 3 2017/18 report; and

   (b)  the proposed revisions to the Capital Programme, included in the Budget Report; and

(2)  **approval be given for the virement of £22,000 Homelessness grant to support Homelessness transition costs.**

Reasons for Decision

Regular budget monitoring forms part of the corporate governance arrangements that support all Council priorities.

**Alternative Options Considered and Rejected**

There are no alternative options.
CEX/112 2018/19 TO 2022/23 DRAFT BUDGET REPORT

Summary

The Leader and Finance Portfolio Holder presented a report detailing the latest Draft Budget for 2018/19 to 2022/23. Following the multi-year settlement for 2016/17 to 2019/20, there had been relatively few budget changes arising from the provisional Local Government Finance Settlement. The proposed balanced budget for 2018/19 included an increase in the Band D Council tax of £5, in line with the original Government projections. The Government’s assumed increase to this level now incorporated into the Government’s spending power assumptions (i.e. 2.9% or £5.55) had not been adopted by the Council. Significant savings would be required from 2019/20 onwards to produce balanced budgets for the future. It was expected that the Customer Connect Programme would contribute a large part of the required savings. The achievement of these savings would be closely monitored and the proposals would be reviewed and reported to future committee meetings as part of the progress updates of the Medium Term Financial Plan.

The Leader and Finance Portfolio Holder expressed thanks to the officers involved for their work in presenting a balanced budget for the forthcoming year in a difficult financial environment. He also thanked Members of the Overview and Scrutiny Committee which had considered the report on 12 January 2018; no changes had been proposed.

The Leader and Finance Portfolio, however, drew attention to the Medium Term Financial Plan summary which showed potential significant deficits in future years and pointed out the need to find additional revenue and savings and the importance of ensuring the future financial stability of the Authority.

The Leader and Finance Portfolio Holder highlighted a number of the draft budget proposals for 2018/19 and onwards, with particular reference to the inclusion of £50,000 within the Capital Programme to support the improvement of community run toilets to better serve people with additional needs/disabilities. In response to a query, he confirmed that other grants were available, and that the Council’s support would act as seed money to attract additional funding. Councillor Janette Jenkinson spoke passionately in support of the issue and the Leader and Finance Portfolio Holder suggested that she may wish to participate in the work and champion the cause within the Ulverston area.

The Leader and Finance Portfolio Holder also confirmed that the car parking fees and charges would be amended to include an Early Bird parking offer of £1 per day for arrivals before 9.00 a.m. on part of Broad Street Car Park, Windermere.

In response to a query raised on the medium term prospects regarding the business rate pool and funding from Government, the Assistant Director Resources (Section 151 Officer) advised that this was being regularly monitored and undertook to provide written details. She also confirmed that the budget figures were constantly being checked and updated to reflect the latest Local Government Finance Settlement information.

Council would be requested to approve the final Budget at its meeting on 27 February 2018.
Decision

**RESOLVED – That**

(1) the proposals contained in the report be noted; and

(2) the 2018/19 to 2022/23 Draft Budget be recommended to Council for approval.

Reasons for Decision

The report sets out a first draft budget that provides resources to implement the Council Plan. Setting a sound framework for budget preparation assists in the delivery of all corporate outcomes. This strategy has been developed within the context of the Medium Term Financial Plan.

**Alternative Options Considered and Rejected**

The report presents options in relation to potential budget pressures and savings, new capital programme bids, one-off revenue growth bids and fees and charges. The proposals together meet the Council’s statutory duty to set a balanced budget for 2018/19. An alternative option would be to reject some of the proposals; this would then require further work to ensure a balanced budget was set.

**CEX/113 2018/19 TO 2022/23 DRAFT TREASURY MANAGEMENT FRAMEWORK**

**Summary**

The Leader and Finance Portfolio Holder introduced the 2018/19 to 2022/23 draft Treasury Management Framework.

The Financial Services Officer explained that the Framework was a technical document that fulfilled four key legislative requirements (Prudential Indicators, Minimum Revenue Provision (MRP) Policy, Treasury Management Strategy Statement and Investment Strategy) and provided the framework for officers to work within, whilst focussing on the principals of Security, Liquidity and Return.

The Financial Services Officer took the opportunity to update Members on the assumptions around changes that were part of Government proposals. She advised that the Government had finally published the revised investment guidance and MRP guidance on 2 February 2018. The new guidance was not greatly different from the consultation proposals, the main changes being:-

- the timescales had been amended so that councils were not required to implement all the changes in 2018/19 where reports had already been finalised and the changes to MRP had been deferred to 2019/20 for implementation;

- the definition of non-treasury investments had been amended from the proposals; and

- the proposal to reduce the maximum economic life in the MRP calculation had been dropped.
The framework would be presented to Council on 27 February 2018 as part of the budget.

The Financial Services Officer suggested that Cabinet, under Recommendation 2.1(2), observe that the guidance had changed and request officers to update the report to Council to reflect these changes.

Decision

RESOLVED – That

(1) the report, including Appendices 1 to 4 containing the Prudential Indicators, Treasury Management Strategy, Policy and Indicators and Minimum Revenue Provisions statement be noted;

(2) it be noted that the Minimum Revenue Provisions guidance has changed and officers be requested to update the report to Council to reflect these changes; and

(2) subject to the reflection within the document of the changes at (2) above, Council be recommended to approve the Treasury Management Framework and the authorised borrowing limits within the report.

Reasons for Decision

These arrangements enable the priorities as set out in the Council Plan to be achieved.

Alternative Options Considered and Rejected

No alternative options are proposed; the Treasury Management Framework is driven largely by legislation and external guidance and reflects the 2018/19 budget.

CEX/114  2017/18 AND 2018/19 PROCUREMENT SCHEDULE

Summary

The Leader and Finance Portfolio Holder presented the 2017/18 and 2018/19 Procurement Schedules. The Procurement Schedule for 2017/18 had been approved by Council on 22 February 2017. New procurement exercises had, however, been added during the year (attached at Appendix 1 to the report) which required Council approval. In addition, a review of the current Procurement Schedule (2017/18), detailing the status of the 111 procurement exercises, was attached at Appendix 2. The Procurement Schedule 2018/19 attached at Appendix 3 identified 83 procurement projects.

The Overview and Scrutiny Committee had given consideration to the report at its meeting on 12 January 2018. The Leader and Finance Portfolio Holder reported that the Committee had suggested improvements in the presentation of the Schedule which, it was felt, could be used as document for communication information.

The Leader and Finance Portfolio Holder expressed thanks to the Procurement and Contracts Manager for her work and commended the projects being carried out.

The importance of partnership working was raised.
Decision

RESOLVED – That the following be noted:-

(1) the Procurement Schedule 2017-2018 additions, as attached at Appendix 1 to the report;

(2) the Review of Procurement Schedule 2017-2018, as attached at Appendix 2 to the report; and

(3) the Procurement Schedule 2018-2019, as attached at Appendix 3 to the report.

Reasons for Decision

The decision will contribute to the achievement of Value for Money in the provision of services.

In addition, the decision will assist in the delivery of the Council Plan:-

- Economy: Enabling and delivering opportunities for sustainable economic growth.
- Housing: Providing homes to meet need.
- Environment: Protecting and enhancing our environment.
- Health and Wellbeing: Improving health and reducing health inequalities.

Alternative Options Considered and Rejected

Council could decide not to approve all or part of the Procurement Schedule. This would mean that separate acceptance reports may be required for all or specific tenders.

The meeting ended at 11.40 a.m.
EXECUTIVE DECISION NOTICE

DELEGATED EXECUTIVE DECISIONS

A record of delegated decisions made by individual Portfolio holders or officers on Thursday, 1 March 2018.

The reports (unless exempt under Section 100(B)(2) of the Local Government Act 1972, on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the Paragraphs indicated and, in all the circumstances of the case, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing it) are available for inspection from the Solicitor to the Council, South Lakeland House, Kendal.

DEX/3

LOCALLY IMPORTANT PROJECTS

(Director People and Places)

Summary

Consideration was given to grants which had been recommended by the Locally Important Projects (LIPs) Panel.

The New Homes Bonus had commenced in April 2011 and Cabinet had established that 40% of the funds would be apportioned to LIPs. LIPs funding could be used to support the delivery of appropriate infrastructure works such as additional, or extension of, social facilities and improvements to paths, walkways and the local environment. Parish and town councils and community organisations were eligible to apply for funding for a LIP. Projects would have to meet local community aspirations and needs, address community infrastructure needs and provide good value for money and deliverability.

A sixth round of bids had been opened in December 2017 and 37 applications had been received. The applications had been considered by Members, with officer support, and had been scored against an agreed criteria which included value to the community, links to Council Plan priorities and a high level of match funding and partner buy-in. Grant awards would be subject to any requests for clarification and relevant criteria being satisfied, and the signing of a funding agreement.

Decision

(1) The grants set out be awarded:-

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Project</th>
<th>Proposed Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arnside Educational Institute</td>
<td>Renovation of the Joyce Nicholson Hall.</td>
<td>£9,500</td>
</tr>
<tr>
<td>Burton in Kendal Parish Council</td>
<td>Burton Conservation Area.</td>
<td>£17,000</td>
</tr>
<tr>
<td>Crosthwaite and Lyth Parish</td>
<td>Feasibility study for village footway.</td>
<td>£1,250</td>
</tr>
<tr>
<td>Organisation</td>
<td>Project</td>
<td>Proposed Grant</td>
</tr>
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<td>------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td><strong>Council</strong></td>
<td></td>
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<tr>
<td><strong>Cycling Projects</strong></td>
<td>Accessible cycling equipment for South Lakes Wheels for All.</td>
<td>£10,000</td>
</tr>
<tr>
<td><strong>Friends of Lightburn Park</strong></td>
<td>Phase 2 access improvements and play area.</td>
<td>£20,000</td>
</tr>
<tr>
<td><strong>Friends of Nobles Rest</strong></td>
<td>Phase 2 community led infrastructure and environmental improvements.</td>
<td>£12,000</td>
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<tr>
<td><strong>Greenbank and Castlefield Residents Association</strong></td>
<td>Play area redevelopment.</td>
<td>£20,000</td>
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<tr>
<td><strong>Holme Parish Council</strong></td>
<td>B4RN broadband installation.</td>
<td>£10,000</td>
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<tr>
<td><strong>Kirkby-in-Furness Community Centre</strong></td>
<td>Community Centre refurbishment.</td>
<td>£35,000</td>
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<tr>
<td><strong>Levens Parish Council</strong></td>
<td>B4RN broadband installation.</td>
<td>£15,000</td>
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<tr>
<td><strong>Outside In Kendal</strong></td>
<td>Indoor play centre.</td>
<td>£25,000</td>
</tr>
<tr>
<td><strong>Preston Richard Parish Council</strong></td>
<td>Community Environment Action Plan.</td>
<td>£1,000</td>
</tr>
<tr>
<td><strong>South Lakeland Hydrotherapy Trust</strong></td>
<td>Sandgate Hydrotherapy Pool renewable energy and energy efficiency installation.</td>
<td>£15,000</td>
</tr>
<tr>
<td><strong>Soroptomist International Grange-over-Sands</strong></td>
<td>Sensory Garden refurbishment.</td>
<td>£2,000</td>
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<tr>
<td><strong>Stainton Institute</strong></td>
<td>Completion of Stainton Institute building renovation.</td>
<td>£20,000</td>
</tr>
<tr>
<td><strong>Staveley with Ings Parish Council</strong></td>
<td>Making Barley Bridge viewpoint fully accessible.</td>
<td>£2,000</td>
</tr>
<tr>
<td><strong>Windermere and Bowness Civic Society</strong></td>
<td>Phase 2 Millerground Enhancement Plan.</td>
<td>£10,000</td>
</tr>
<tr>
<td><strong>Windermere and Bowness Civic Society</strong></td>
<td>Cockshott Point Entrance improvements.</td>
<td>£1,750</td>
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<tr>
<td><strong>Windermere Park For All</strong></td>
<td>Play and recreation facilities at Queens Park, Windermere.</td>
<td>£10,000</td>
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<tr>
<td><strong>Windermere Town Council</strong></td>
<td>Restoration and extension of Elleray Woods and Orrest Head Carriage Drive.</td>
<td>£2,500</td>
</tr>
<tr>
<td>Organisation</td>
<td>Project</td>
<td>Proposed Grant</td>
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<tr>
<td>Total recommended:</td>
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<td>£239,000</td>
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</tbody>
</table>

(2) Officers be authorised, in consultation with the Solicitor to the Council, to finalise terms of the separate funding agreements with each organisation.

Reasons for Decision

This will support the Council Plan’s Housing priority – “We will continue to use our resources (e.g. New Homes Bonus and Second Homes Fund) and assess how they are best applied to different delivery models, to help build affordable housing and to support locally important projects.”

Alternative Options Considered and Rejected

The recommendations for allocating the Locally Important Projects funds have been based on an approved objective assessment process. No alternatives are available if the funding is to be allocated within the scheme.
The Council is required to give 28 days' notice when Key Decisions are to be made, and when an executive meeting is to be held in private. The Notice has been drafted to comply with that requirement. It is available for inspection on the Council's website as well as at South Lakeland House, Kendal and sets out the following:-

(1) the matters which the Executive (also known as the Cabinet) believes fall within the definition of a Key Decision (see definition below) to be taken by the Executive or a Senior Officer of the Council;

(2) details of any private meeting (see definition below) of the Executive; and

(3) proposals for the recommendation to Council of any plan, strategy or budget that forms part of the Council's Budget and Policy Framework, and its timetable and arrangements for consultation. The policies which make up the Budget and Policy Framework can be found in Article 4, Part 2 of the Council's Constitution, viewable on the Council's website www.southlakeland.gov.uk

(Budget and Policy Framework Decisions are not Key Decisions (i.e. they are not Executive decisions but are decided by the Full Council; although the Executive may make recommendations to Council about them). In the spirit of openness and transparency the Council has decided to publicise the decision making process for such matters in the same manner as for Key Decisions.)

Documentation

Reports, as well as any background information, will be available for public inspection five working days before the date of the meeting at which the decision is going to made. However, some of the reports may contain confidential information and, in that case, will not be available to the public.

When the Executive is going to consider a confidential report, at least 28 days' notice will be given of the intention to hold the meeting in private. A Notice to this effect will be published on the Council's website.

Background Information

If you wish to inspect background information, which will inform the decision-making process, contact the Lead Officer identified in the Notice as dealing with that matter. When the agenda for the meeting is published on the Council's website, normally at least 5 working days before the meeting, these documents will also be made available via the website. However, you will not be allowed to access any papers which contain exempt or confidential information.

Representations (views you wish to make)

If you wish to make a representation, either about one of the Key Decisions listed (where the meeting is to be held in private), or that an Executive meeting should be open to the public, you must write to the Lead Officer identified as dealing with that decision with your reasons why the meeting should not be held in private. This must be received at least five clear working days before the date of the meeting.
Decision Notice

A Decision Notice for each Key Decision, or other Executive decision, will be produced as soon as practicable after the decision has been taken. These Decision Notices will be available for inspection at South Lakeland House, Kendal and on the Council’s website.

Urgent Decisions

The Law and the Council’s Constitution provide for urgent decisions to be made provided certain criteria are met and relevant Notices published accordingly. None of the decisions detailed in this Notice are deemed to be Urgent Decisions - unless expressly stated.

Key Decision

This definition was adopted by Council on Thursday, 17 December 2015 and is as follows :-

“An executive decision which, in relation to an executive function, has a significant effect on communities in two or more Wards of the Council (or one Ward in respect of two Member Wards) and/or is likely to result in the Authority incurring expenditure or making savings above £100,000.”

Private Meetings

In regard to this Notice, private meetings are meetings of the Executive, or part of a meeting, during which the public are excluded as a result of confidential or exempt information being discussed. A reason will be given why it is felt that there is a need for the public to be excluded. If you wish to make a representation regarding the intention to hold the meeting in private, you must follow the procedure shown above under “Representations”.

The District Council’s Executive Members are:-

Cllr Giles Archibald – Leader and Finance Portfolio Holder
Cllr Jonathan Brook – Deputy Leader and Housing and Innovation Portfolio Holder
Cllr Brenda Gray – Council Organisation and People Portfolio Holder
Cllr Matt Severn – Culture, Media and Leisure Portfolio Holder
Cllr Graham Vincent – Economy and Assets Portfolio Holder
Cllr David Fletcher – Environment Portfolio Holder
Cllr Philip Dixon – Public Health and Wellbeing Portfolio Holder

The District Council’s Chief Officers are:-

Lawrence Conway – Chief Executive
Debbie Storr – Director of Policy and Resources (Monitoring Officer)
David Sykes – Director People and Places
Shelagh McGregor – Assistant Director (Resources) and Chief Finance Officer

The District Council’s Assistant Directors are:-

Ian Hassall – Assistant Director Strategic Development
Simon McVey – Assistant Director Performance and Innovation
Simon Rowley – Assistant Director of Neighbourhood Services
Non-Key Budget and Policy Framework Decision - Budget 2018/19 to 2022/23 (including capital programme and fees and charges)

To set the 2018/19 – 2022/23 capital and revenue budgets and the level of Council Tax increase to apply from 1 April 2018. To also consider the level of reserves, fees and charges.

Proposed Decision Maker (Decision Date): Council (27 Feb 2018)

Also considered by/to be considered by: Cabinet (25 Oct 2017), Cabinet (29 Nov 2017), Cabinet (13 Dec 2017), Council (19 Dec 2017), Overview and Scrutiny Committee (12 Jan 2018), Planning Committee (4 Jan 2018), Licensing Committee (16 Jan 2018), Lake Administration Committee (26 Jan 2018), and Cabinet (7 Feb 2018).

Date notice first published: 22 December 2017

(If Key or Private, decision cannot be until after 19 January 2018)

Open/Exempt: Open

Relevant reports/background papers which are/will be available:
Medium Term Financial Plan 2018/19 – 2022/23

Lead Officer: Shelagh McGregor, Assistant Director Resources (Section 151 Officer)

s.mcgregor@southlakeland.gov.uk

Portfolio Holder: Finance Portfolio Holder (Cllr Giles Archibald)

Non-Key Budget and Policy Framework Decision - Procurement Schedule 2017/18 and 2018/19

To set out the Council’s plans for procurement exercises during 2018/19 and to update the plans for 2017/18 including the decision route for each procurement.

Proposed Decision Maker (Decision Date): Council (27 Feb 2018)

Also considered by/to be considered by: Overview and Scrutiny Committee (12 Jan 2018), Cabinet (7 Feb 2018)

Date notice first published: 22 December 2017

(If Key or Private, decision cannot be until after 19 January 2018)

Open/Exempt: Open

Relevant reports/background papers which are/will be available:
Budget report 2018/19 to 2022/23 to be reported to same Committees.

Lead Officer: Shelagh McGregor, Assistant Director Resources (Section 151 Officer)

s.mcgregor@southlakeland.gov.uk

Portfolio Holder: Finance Portfolio Holder (Cllr Giles Archibald)
Non-Key Budget and Policy Framework Decision - Treasury Management Framework 2018/19 to 2022/23

To set the 2018/19 Prudential Indicators, Treasury Management Strategy, Treasury Management Policy and MRP statement which control the Council’s capital financing, borrowing and investment activities.

Proposed Decision Maker (Decision Date): Council (27 Feb 2018)
Also considered by/to be considered by: Overview and Scrutiny Committee (12 Jan 2018), Cabinet (7 Feb 2018)

Date notice first published: 22 December 2017
(If Key or Private, decision cannot be until after 19 January 2018)

Open/Exempt: Open

Relevant reports/background papers which are/will be available:
Medium Term Financial Plan 2018/19 – 2022/23

Lead Officer: Shelagh McGregor, Assistant Director Resources (Section 151 Officer)
s.mcgregor@southlakeland.gov.uk

Portfolio Holder: Finance Portfolio Holder (Cllr Giles Archibald)

Non-Key Budget and Policy Framework Decision - Updating of 2015 Local Development Scheme

The Local Development Scheme (LDS) sets out the Council’s timetable for preparing Local Plan and related documents, setting out planning policy and planning guidance for South Lakeland District outside the National Parks. The report will propose an updated LDS to replace the LDS approved by Council in July 2015.

Proposed Decision Maker (Decision Date): Council (27 Feb 2018)

Date notice first published: 22 December 2017
(If Key or Private, decision cannot be until after 19 January 2018)

Open/Exempt: Open

Relevant reports/background papers which are/will be available:
South Lakeland Local Development Scheme (February 2018)

Lead Officer: Alastair McNeill, Development Plans Manager a.mcneill@southlakeland.gov.uk, Dan Hudson, Development Strategy and Housing Manager d.hudson@southlakeland.gov.uk

Assistant Director: Ian Hassall, Assistant Director Strategic Development ian.hassall@southlakeland.gov.uk

Portfolio Holder: Housing and Innovation Portfolio Holder (Cllr Jonathan Brook)
### Key Decision - Ulverston Leisure Site Masterplan

To consider the outcome of the second stage feasibility study and to consider options for proceeding to detailed design.

**Proposed Decision Maker (Decision Date):** Cabinet (21 Mar 2018)

- Date notice first published: 28 April 2017
- *(If Key or Private, decision cannot be until after 26 May 2017)*
- **Open/Exempt:** Part exempt

**Reasons for Exemption:**

*Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

**Relevant reports/background papers which are/will be available:**

- Previous report to Cabinet July 2016

**Lead Officer:** David Sykes, Director People and Places d.sykes@southlakeland.gov.uk

**Portfolio Holder:** Culture, Media and Leisure Portfolio Holder (Cllr Matt Severn)

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### Key Decision - Burton-in Kendal - Partnership Scheme in Conservation Area “NEW”

South Lakeland District Council is bidding to Historic England to fund a Partnership Scheme for the Burton-in-Kendal Conservation Area. This would comprise a three-year programme of repairs to historic buildings, public realm improvements and related projects funded by Historic England, with match-funding from South Lakeland District Council and Burton-in-Kendal Parish Council. The report will provide an update on the bid and, subject to its confirmation, seek a scheme of delegation to offer grants for building repairs and the funding of related projects in the scheme.

**Proposed Decision Maker (Decision Date):** Cabinet (21 Mar 2018)

- Date notice first published: 20 February 2018
- *(If Key or Private, decision cannot be until after 20 March 2018)*
- **Open/Exempt:** Open

**Relevant reports/background papers which are/will be available:**

- Supporting information on the proposed Burton-in-Kendal - Partnership Scheme in Conservation Area

**Lead Officer:** Alastair McNeill, Development Plans Manager a.mcneill@southlakeland.gov.uk, Graham Darlington, Conservation Officer g.darlington@southlakeland.gov.uk

**Assistant Director:** Ian Hassall, Assistant Director Strategic Development ian.hassall@southlakeland.gov.uk

**Portfolio Holder:** Housing and Innovation Portfolio Holder (Cllr Jonathan Brook), Culture, Media and Leisure Portfolio Holder (Cllr Matt Severn)
**Key Decision - Disposal of Ulverston Town Hall *NEW***

To consider the sale of Ulverston Town Hall, Ulverston.

<table>
<thead>
<tr>
<th>Proposed Decision Maker (Decision Date): Cabinet (21 Mar 2018)</th>
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</thead>
<tbody>
<tr>
<td>Date notice first published: 20 February 2018</td>
</tr>
<tr>
<td><em>(If Key or Private, decision cannot be until after 20 March 2018)</em></td>
</tr>
<tr>
<td><strong>Open/Exempt:</strong> Part exempt</td>
</tr>
<tr>
<td><strong>Reasons for Exemption:</strong></td>
</tr>
<tr>
<td><em>Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)</em></td>
</tr>
<tr>
<td><strong>Relevant reports/background papers which are/will be available:</strong> None</td>
</tr>
<tr>
<td><strong>Lead Officer:</strong> Sion Thomas, Corporate Asset Manager <a href="mailto:sion.thomas@southlakeland.gov.uk">sion.thomas@southlakeland.gov.uk</a></td>
</tr>
<tr>
<td><strong>Assistant Director:</strong> Ian Hassall, Assistant Director Strategic Development <a href="mailto:ian.hassall@southlakeland.gov.uk">ian.hassall@southlakeland.gov.uk</a></td>
</tr>
<tr>
<td><strong>Portfolio Holder:</strong> Economy and Assets Portfolio Holder (Cllr Graham Vincent)</td>
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</table>

**Key Decision - Healthy Weight Declaration *NEW***

The aim of the Healthy Weight Declaration is to support local authorities in developing and implementing policies which promote healthy weight.

<table>
<thead>
<tr>
<th>Proposed Decision Maker (Decision Date): Cabinet (21 Mar 2018)</th>
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<tbody>
<tr>
<td>Date notice first published: 20 February 2018</td>
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<tr>
<td><em>(If Key or Private, decision cannot be until after 20 March 2018)</em></td>
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<tr>
<td><strong>Open/Exempt:</strong> Open</td>
</tr>
<tr>
<td><strong>Relevant reports/background papers which are/will be available:</strong> The Healthy Weight Declaration document</td>
</tr>
<tr>
<td><strong>Lead Officer:</strong> Rachel Earnshaw, Public Protection Officer <a href="mailto:r.earnshaw@southlakeland.gov.uk">r.earnshaw@southlakeland.gov.uk</a></td>
</tr>
<tr>
<td><strong>Assistant Director:</strong> Simon Rowley, Assistant Director Neighbourhood Services <a href="mailto:s.rowley@southlakeland.gov.uk">s.rowley@southlakeland.gov.uk</a></td>
</tr>
<tr>
<td><strong>Portfolio Holder:</strong> Public Health and Wellbeing Portfolio Holder (Cllr Philip Dixon)</td>
</tr>
<tr>
<td>Key Decision - Housing Standards Policies <em>NEW</em></td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>Updated policies in line with changes to national legislation and consideration of resource implications.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Decision Maker (Decision Date): Cabinet (21 Mar 2018)</th>
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</thead>
<tbody>
<tr>
<td>Date notice first published: 20 February 2018</td>
</tr>
<tr>
<td><em>(If Key or Private, decision cannot be until after 20 March 2018)</em></td>
</tr>
<tr>
<td><strong>Open/Exempt:</strong> Open</td>
</tr>
<tr>
<td><strong>Relevant reports/background papers which are/will be available:</strong></td>
</tr>
<tr>
<td>SLDC Housing Enforcement Policy</td>
</tr>
<tr>
<td>SLDC Disabled Facilities Grants Policy</td>
</tr>
</tbody>
</table>
| **Lead Officer:** David Bradley, Principal Housing Standards Officer  
david.bradley@southlakeland.gov.uk, Tony Whittaker, Housing Strategy and Delivery Manager  
t.whittaker@southlakeland.gov.uk |
| **Assistant Director:** Ian Hassall, Assistant Director Strategic Development  
ian.hassall@southlakeland.gov.uk |
| **Portfolio Holder:** Housing and Innovation Portfolio Holder (Cllr Jonathan Brook) |

<table>
<thead>
<tr>
<th>Key Decision - South Lakeland District Council and Eden District Council Joint Older Persons' Housing Strategy 2018 - 2025 <em>NEW</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>The South Lakeland District Council and Eden District Council Joint Older Persons’ Housing Strategy will address housing needs of older people living in South Lakeland and Eden. The Strategy seeks to increase the supply of housing and housing support suitable for older people including the enabling of extra care housing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Decision Maker (Decision Date): Cabinet (21 Mar 2018)</th>
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</thead>
<tbody>
<tr>
<td>Also considered by/to be considered by: Overview and Scrutiny Committee (2 Feb 2018)</td>
</tr>
<tr>
<td>Date notice first published: 20 February 2018</td>
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<tr>
<td><em>(If Key or Private, decision cannot be until after 20 March 2018)</em></td>
</tr>
<tr>
<td><strong>Open/Exempt:</strong> Open</td>
</tr>
<tr>
<td><strong>Relevant reports/background papers which are/will be available:</strong></td>
</tr>
<tr>
<td>Report of the Overview and Scrutiny Task and Finish Group</td>
</tr>
</tbody>
</table>
| **Lead Officer:** Julie Jackson, Principal Housing Strategy Officer  
j.jackson@southlakeland.gov.uk |
| **Assistant Director:** Ian Hassall, Assistant Director Strategic Development  
ian.hassall@southlakeland.gov.uk |
| **Portfolio Holder:** Housing and Innovation Portfolio Holder (Cllr Jonathan Brook) |
Key Decision - East of Milnthorpe Road, Holme - Draft Development Brief *NEW*

South Lakeland Local Plan: Phase 3b Development Brief: East of Milnthorpe Road, Holme (within Burton and Holme Ward), close to Arnside and Beetham Ward. Seeking Cabinet approval to adopt Development Brief as a Supplementary Planning Document.

Proposed Decision Maker (Decision Date): Cabinet (25 Apr 2018)

Date notice first published: 20 February 2018

(If Key or Private, decision cannot be until after 20 March 2018)

Open/Exempt: Open

Relevant reports/background papers which are/will be available:
Report - Phase 3b Development Brief at East of Milnthorpe Road, Holme (including Appendices to Report - Development Brief for East of Milnthorpe Road, Holme; Equalities Impact Analysis; Health, Social, Economic and Environmental Impact Assessment)
Consultation Statement (will be available via Website)

Lead Officer: Damian Law, Principal Development Plans Officer d.law@southlakeland.gov.uk

Assistant Director: Ian Hassall, Assistant Director Strategic Development
ian.hassall@southlakeland.gov.uk

Portfolio Holder: Housing and Innovation Portfolio Holder (Cllr Jonathan Brook)
South Lakeland District Council
Cabinet
21 March 2018
Burton in Kendal PSiCA
(Partnership Schemes in Conservation Areas)

PORTFOLIO: Councillor Matt Severn - Culture, Media and Leisure
Portfolio Holder
Councillor Jonathan Brook - Housing and Innovation
Portfolio Holder

REPORT FROM: David Sykes - Director People and Places

REPORT AUTHOR: Graham Darlington – Conservation Officer

WARDS: Burton and Holme

FORWARD PLAN: Key Decision included in the Forward Plan as published
on 20 February 2018

1.0 EXPECTED OUTCOME

1.1 If Cabinet approves the Council entering into a ‘Partnership Scheme in Conservation
Areas’ (PSiCA) with Historic England for the Burton in Kendal Conservation Area, it
will result in a 3 year programme of repairs to historic properties, public realm
improvements and the preparation of local design and other guidance for new
development affecting the Conservation Area, to be implemented in close co-
operation with, and the involvement of the Parish Council and local community.
When implemented the scheme will result in the Conservation Area being removed
from Historic England’s Heritage at Risk register.

2.0 RECOMMENDATION

2.1 It is recommended that Cabinet :-

(1) approves the District Council entering into a 3-year ‘Partnership
Scheme in Conservation Areas’ project with Historic England for the
Burton in Kendal Conservation Area, as set out in this report; and

(2) approves a scheme of delegated authority, as set out in paragraphs 3.11
and 3.12, for the Director People and Places to approve the offer of
grant aid to the owners of properties and the funding of public realm
work identified in the scheme.

3.0 BACKGROUND AND PROPOSALS

3.1 In October 2017 Historic England (HE) added the Burton in Kendal Conservation
Area (BKCA) to their ‘Heritage at Risk’ register. This was a result of monitoring over a
five to six year period which recorded ongoing physical decay, an increase in vacant
buildings, the loss of architectural fabric in a key group of buildings; and an appreciable deterioration in the condition of the public realm.

3.2 HE are able to offer financial support to local planning authorities who would like to take positive action to try and reverse such deterioration through the establishment of Partnership Schemes in Conservation Areas (PSiCA). This is a competitive public grant programme that has mostly focussed on conservation areas with underperforming retail and commercial areas, or where heritage conservation could play an important part in regenerating socially deprived areas. The PSiCA offers public grants to property owners to assist them with the repair and restoration of neglected or deteriorating buildings, and funding can also be provided to improve an area’s public realm.

3.3 South Lakeland District Council (SLDC) submitted a detailed Expression of Interest (EoI) in securing a PSiCA for the BKCA to HE in November 2017. This included a provisional estimate of likely costs for repairing a target group of 13 buildings, as well as the physical improvement of the public space known as The Square, located in the centre of the conservation area. Burton in Kendal Parish Council (BPC) were also consulted and they agreed that they would wish to be a contributing partner in any subsequent PSiCA bid.

3.4 In November 2017 HE confirmed that SLDC’s EoI had been successful, largely due to its innovative proposal to show how SLDC and BPC might work with HE to develop a national housing exemplar based on ‘Utilising housing growth to regenerate rural villages & market towns’ by promoting high quality contextual housing design for development that has been earmarked through SLDC’s land allocations programme.

3.5 The Council was invited to make a formal application for a partnership scheme for the BKCA based on the provisional costs and proposals set out in the initial EOI, and on the establishment of a methodology that would help contribute to the above National Housing Exemplar. This application was submitted in mid-January 2018, and contained a request for further financial assistance towards these additional development costs. It also advised HE that BPC intended to apply to SLDC for a Locally Important Projects (LIP) grant so that it could contribute to the required match funding of these additional development costs.

3.6 On 8th February 2018 HE agreed to offer SLDC (with Burton-in-Kendal Parish Council as partners) a 3 year PSiCA grant of up to £137,000, subject to the submission of a detailed and fully costed Delivery Plan for final approval; and conditional upon the BPC LIP application having been successful. It may be noted that the BKCA PSiCA was one of only two successful projects in HE’s North West region to secure such funding in 2018. HE will provide £40k per year to match the £35k per annum made available by SLDC, and the £5k per annum initially allocated by the BPC from its own reserves. The owners of the thirteen targeted properties would also be required to contribute towards any repair cost, at rates to be determined by testing through the Delivery Plan (see 3.8 below). The additional £17k of development funding that has been provided by HE needs to be matched by any LIP monies secured by BPC; and the Delegated Executive Decision (DED) for the LIP scheme that was issued on 1 March 2018, and which is currently subject to call in, has now confirmed that this matching money is in place for Burton in Kendal Parish Council to use, along with the £5k it already has in place, as its contribution to the PSiCA.

3.7 This £34k of additional funding will be used for project development work, and specifically the commissioning of two separate consultancy services: the preparation of a Public Realm Improvement Plan for the design of the physical enhancement works to The Square; and support from professional architects towards the provision
of parts of the Delivery Plan and its methodology, which would be required in two phases:

3.8 Phase One – Spring 2018:
• Provide more detailed surveys on the physical repair and architectural fabric reinstatement needs of the target buildings;
• Prepare costed schedules of repair and technical specifications for the target buildings;
• Undertake before and after property valuations in order to justify any proposed grant intervention rates, and to provide future project monitoring information.
• Provide before and suggested after graphical representations of all thirteen targeted properties in order to demonstrate to applicants and funding partners the potential conservation benefits of the proposals.

• Prepare a ‘Village Design Guide’ to include guidance to cover changes to existing heritage assets as well as on the potential design of new development that will occur within or adjacent to the conservation area. This to be developed in collaboration with the local community via the auspices of the BPC; and will involve liaison with HE on the work on the national housing exemplar for growth in conservation areas, which HE will lead on.

3.10 The currently estimated breakdown of costs associated with project development, outreach and engagement, and other non-bricks and mortar outputs are as follows:

<table>
<thead>
<tr>
<th>Project Development Element</th>
<th>HE Contribution (2018/19)</th>
<th>SLDC and Parish Contribution</th>
<th>Est total cost</th>
<th>Anticipated commencement date</th>
<th>Anticipated completion date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissions to support production of PSiCA Delivery Plan</td>
<td>£6,000</td>
<td>£6,000</td>
<td>£12,000</td>
<td>Early March 2018</td>
<td>Early May 2018</td>
</tr>
<tr>
<td>Village Design Guide/and National Housing Exemplar</td>
<td>£6,000</td>
<td>£6,000 LIP (with in-house contributions from HE and SLDC)</td>
<td>£12,000</td>
<td>July 2018</td>
<td>March 2019</td>
</tr>
<tr>
<td>Phase 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Realm Improvement Plan (and completion or implementation)</td>
<td>£5,000</td>
<td>£5,000 LIP</td>
<td>£10,000</td>
<td>March 2018 - (Late May 2018)</td>
<td>May 2019 - (June 2020)</td>
</tr>
<tr>
<td>Project Development Element</td>
<td>HE Contribution (2018/19)</td>
<td>SLDC and Parish Contribution</td>
<td>Est total cost</td>
<td>Anticipated commencement date</td>
<td>Anticipated completion date</td>
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</tr>
<tr>
<td>Article 4 review and Conservation area Management Plan</td>
<td>Nil</td>
<td>SLDC produce in-house</td>
<td>Nil</td>
<td>June 2018</td>
<td>March 2019</td>
</tr>
<tr>
<td>Village Repair and Maintenance Handbook</td>
<td>Nil</td>
<td>SLDC produce in-house</td>
<td>Nil</td>
<td>April 2019</td>
<td>March 2020</td>
</tr>
<tr>
<td>Community Outreach and Engagement</td>
<td>Nil</td>
<td>£5,000 LIP plus SLDC in-house</td>
<td>£5,000</td>
<td>July 2018</td>
<td>December 2019</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>£17,000</strong></td>
<td><strong>£22,000</strong></td>
<td><strong>£39,000</strong></td>
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</tbody>
</table>

3.10 Should the Delivery Plan be approved by HE it is anticipated that the Burton in Kendal PSiCA would commence in June or July 2018.

3.11 In order to operate the project it is recommended that a scheme of delegated authority be established to consider and approve the offer of grant aid to property owners. It is proposed that this be by written report to the Director of People and Places, to include a copy of the application; a summary of the heritage significance of the building/site; the range of eligible works; the tendered costings; any professional fees, the proposed grant rate; an assessment of the project against agreed PSiCA Project Outputs; and a recommendation. Grants would be offered with a range of standard terms and conditions, as required by HE and SLDC, including provisions for clawback in certain circumstances.

3.12 Periodic and final inspections would be undertaken by the conservation officer and grant payments would only be made following the submission of receipted invoices from applicants. SLDC would then claim back any funding contribution from HE through the submission of quarterly claims.

3.13 Further negotiations will be required with Cumbria Highways over the material design of the public realm improvement proposals, as well as any subsequent management of that part of the project, for which any fees have not yet identified in the funding of the PSiCA. Any physical work is unlikely to take place until well into 2019, following consultation with the community.

4.0 CONSULTATION

4.1 The council’s conservation officer has engaged with the BPC and ward members during the preparation of all stages of the PSiCA bid, both at a formal public meeting of the council and with a sub group of councillors specifically set up to progress the scheme. He also assisted them with their application for LIP funding. A formal community consultation event would also be held after the launch of the PSiCA in the summer of 2018 in order to explain how the scheme will operate and what its objective are, announce the programme of public engagement activities and communicate project timescales.

4.2 The community will also be extensively involved in the preparation of the Village Design Guidance, which will be undertaken by specialist architectural consultants, while HE will lead with the National Housing exemplar, including all facilitation, tracking development impacts on the village, monitoring economic & environmental
outputs that result from the housing investment, as well as recording the public’s perceptions of the PSiCA.

5.0 ALTERNATIVE OPTIONS

5.1 SLDC officers have identified that, in order to address all of the issues affecting the decline of the BKCA, a minimum of £350k of inward investment, including private sector leverage from property owners, would be required. SLDC and BPC do not have the capacity or resources to tackle such extensive and urgent problems within this conservation area on their own. SLDC are, however, keen to engage in partnerships with other larger and better resourced agencies to deal with problems of this scale; and the chance to pursue partnership funding with HE through the PSiCA represented an unmissable opportunity to find a solution to these issues.

5.2 An alternative option would be to not provide such investment and to miss out on the opportunities for partnership working that the PSiCA represents, and thus allow the historic settlement at Burton in Kendal to deteriorate further. This would mean that the BKCA would remain on the HE Heritage at Risk Register, where its status could deteriorate from its current ‘Poor’ to ‘Very Bad’ and its vulnerability move from ‘declining’ to ‘deteriorating significantly’, and this could result in a considerable reputational risk to the Council.

5.3 Another option would be to deal with the loss of key architectural fabric in these buildings and the visual decay of its public spaces through enforcement activity but much of the change that has occurred has happened through the exercise of householder permitted development rights, and only with the changes made to a small number of listed buildings would this avenue likely to be fruitful.

6.0 LINKS TO COUNCIL PRIORITIES

6.1 Housing (Providing Homes to Meet Need)

- We will help facilitate and enable the delivery of new homes in small rural settlements, including barn conversions.
- We will continue to use our resources (e.g. New Homes Bonus and Second Homes Fund) and assess how they are best applied to different delivery models, to help build affordable housing and to support locally important project.

6.2 One of the PSiCA outputs is to raise standards in the final design of new housing that is proposed for Burton in Kendal through various land allocation sites. The BPC New Homes Bonus derived LIP funding, along with HE’s matching money, would help to fund a Village Design Guide which will demonstrate how high quality contextual design can be achieved in this housing growth area. This will inform the new HE exemplar on ‘Utilising housing growth to regenerate rural villages & market towns’ where the area based PSiCA grant programme will help to build investment confidence, particularly at the Green Dragon mixed use allocation site.

6.3 Economy (Enabling and delivering opportunities for economic growth)

- Engagement with the private sector and public sector partners will be central to our approach to helping to grow and develop the economy. In addition, there will be a renewed focus to unlock our key housing and employment sites.
- We will improve the district’s competitive advantage to succeed in today’s environment, exploring opportunities to influence, engage and work with strategic partners across the northern powerhouse including Lancashire and Furness to support our growth ambition and access external funding.
6.4 The PSiCA aims to invest almost £300k into the Burton in Kendal Conservation Area towards approximately £450k worth of physical repair works, when owners/developers contributions are factored in. Four of the physical repair projects identified would have a wider and more direct benefits to the community and its local economy. Three of the target projects are at Green Dragon Farm, which has been identified by SLDC as a Land Allocation Site for mixed employment and housing use, and the repair of these redundant and dilapidated farm buildings would provide investor confidence in the potential for an adaptive reuse of these buildings for employment uses, and so help to incentivise the viability of the broader mixed use development site. The other key conservation project would be to help restore the Royal Hotel, which would help to enhance the viability of a community asset in the centre of the settlement.

6.5 **Environment (Protecting and Enhancing our Environment)**

The council and its communities will enhance and protect the district’s heritage and high quality environment:

- We will implement our Development Briefs, and encourage the highest standards for new developments. They will demonstrate quality and sustainability in their preparation, planning and operation;
- Through our open space strategy we will work with local communities to improve, manage and promote the public realm and make best use of and care for our parks and open spaces.

6.6 The principle aim of the PSiCA would be to remove the BKCA from the HE Heritage at Risk Register by the end of three years, by rescuing and transforming the area through positive works of preservation and the enhancement. The positive partnership between SLDC, BPC and HE would help to protect and sustain the designated historic area, while also offering the community learning opportunities through a range of heritage and sustainability skills courses.

6.7 The other major PSiCA objective is to raise design standards for the new housing growth that is proposed for Burton in Kendal by building on the adopted SLDC Development Brief prepared for village. The BPC LIP/HE funding would finance the preparation and publication of a Village Design Guide by architectural consultants that would include extensive community involvement, in order to demonstrate how high quality contextual design can be achieved in designated areas.

6.8 **Culture and Wellbeing (Improving wellbeing, reducing inequality and supporting cultural activities)**

6.9 The PSiCA will help to build community confidence and improve the vitality and viability of the settlement, which will support the community’s general wellbeing. It is hoped that the heritage and sustainability skills outreach programme will attract young people to partake and demonstrate to them opportunities for employment in these various skillsets.
7.0 IMPLICATIONS

7.1 Financial and Resources

7.1.1 The core funding for the scheme comprises an offer from Historic England of £40,000 per annum for 3 years, to be matched by confirmed funding of £5,000 per annum from Burton in Kendal Parish Council and £35,000 per annum from SLDC. The District Council’s contribution is funded from New Homes Bonus receipts as a Locally Important Project and is included in the budget that was agreed by Council on 27th February 2018.

7.1.2 The additional funding for project development costs comprises of an additional HE grant of £17,000 that will be matched by the LIP funding awarded to Burton-in-Kendal Parish Council that was approved by a DED on 1st March 2018, and which is currently subject to call in.

7.2 Human Resources

7.2.1 The PSiCA project would be managed principally by the council’s Conservation Officer, with support from the Economic Development Programme Manager, along with occasional assistance from other officers in the Economic Development and Development Management teams. It would, therefore, be met from existing resources. Other activities, such as an accompanying public engagement and outreach programme, would be delivered by the conservation officer and by external organisations using money from the HE/BCP pot.

7.3 Legal

7.3.1 Section 77 of the Planning (Listed Buildings and Conservation Areas Act), 1990 allows Historic England to offer grants, including offers to LPAs, in order to help preserve or enhance conservation areas. Section 77(1) says that “If in the opinion of the Commission any relevant expenditure for preservation has made or will make a significant contribution towards the preservation or enhancement of or enhancement of the character or appearance of any conservation area conservation situated in England or any part of such an area, they may make grants or loans.

7.3.2 Subsection 4 says that a grant or loan may be made subject to such conditions as the Commission or, as the case may be, the Secretary of State may think fit to impose.

7.3.3 The PSiCA scheme for Burton in Kendal will ultimately require the signing of a legal contract between Historic England and the District Council, which will also address how the PSiCA is to be administered and how funds will be disbursed; and it will include various technical terms and conditions to that end.

7.3.4 There will also be a need to enter into grant agreements with the relevant property owners to ensure that the project achieves its stated outcomes and the interests of the Council and HE are properly protected. When entering into such agreements, it will be necessary to make it clear that any arrangements for contractors to undertake works will be a contractual arrangement between the property owner and the contractor and the Council will not be liable for any issues arising out of works being carried out to the properties.

7.3.5 When awarding grants to any organisation or individual, there is a need to consider state aid implications. Each application for grant funding will be considered on its merits in this respect.
### 7.4 Health, Social, Economic and Environmental

#### 7.4.1

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes ☒</th>
<th>No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you completed and Health, Social, Economic and Environmental Impact Assessment?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, please confirm that it is attached to the report in the appendices.</td>
<td>Yes ☒</td>
<td>No ☐</td>
</tr>
<tr>
<td>Summary of health, social, economic and environmental impacts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The PSiCA project will have a very positive impact on the built environment and positive benefits in connection with energy efficiency, housing, transport and skills learning.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 7.5 Equality and Diversity

#### 7.5.1

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes ☒</th>
<th>No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you completed an Equality Impact Analysis?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, please confirm that it is attached to the report in the appendices.</td>
<td>Yes ☒</td>
<td>No ☐</td>
</tr>
<tr>
<td>Summary of equality and diversity impacts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The PSiCA will have a limited impact when grants are being offered to individual property owners as the target group is based solely on building condition and its public prominence in the conservation area, and not on any other factors. The community training and outreach programme will be designed to be as inclusive as possible.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 7.6 Risk

<table>
<thead>
<tr>
<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to spend all partnership funding within the 3 years of the PSiCA</td>
<td>Historic England’s funding is guaranteed for 3 years and any underspend of their money would simply be kept by them, as would SLDC’s own contribution.</td>
<td>Ensure that the PSiCA has a realistic timetable and that the monitoring of progress is undertaken on a quarterly basis. Prepare an annual monitoring report for Cabinet.</td>
</tr>
<tr>
<td>Unexpected additional or more costly works are revealed during the delivery phase</td>
<td>More money would need to be focussed on fewer projects resulting in the BKCA not being removed</td>
<td>Detailed surveys must be undertaken for the Delivery Plan using experienced consultants to reduce cost uncertainty. All grant applications must be reviewed carefully.</td>
</tr>
<tr>
<td>Risk</td>
<td>Consequence</td>
<td>Controls required</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Difficulty in persuading owners to take up opportunity of grants</td>
<td>More money would need to be focussed on fewer projects resulting in the BKCA not being removed from the HE at risk register after 3 years.</td>
<td>Ensure continuous engagement with owners of eligible properties to provide evidence. Utilise postal leafleting, door to door marketing, promotional events etc. Publicise milestones. Review intervention rates as a last resort.</td>
</tr>
<tr>
<td>Lack of conservation skills in local construction sector</td>
<td>Quality of workmanship is substandard and level of building conservation is inadequate, resulting in BKCA not being removed from the HE at risk register after 3 years.</td>
<td>Create list of experienced contractors. Extend heritage craft skills training and demonstrations to local building companies. Ensure that detailed specifications are provided for works. Undertake regular monitoring and management of workmanship. Payments stopped for poor workmanship.</td>
</tr>
<tr>
<td>Design of Public Realm Improvement Plan not supported or adoptable by Highways Authority</td>
<td>Public realm component of the PSiCA would be put in jeopardy. Key reason for BCP’s involvement would be affected. Chief building focused outputs of the PSiCA would not be harmed however.</td>
<td>Seek early engagement with county highways department in design &amp; materials spec. Input from CCC officers into conservation area management plan. Develop shared vision. Include fee allowance in public realm costings to engage outside professionals if necessary</td>
</tr>
<tr>
<td>Lead officers resign / leave project early</td>
<td>Timetable for PSiCA outputs would slip or be severely curtailed.</td>
<td>Senior manager monitors progress and all aspects of the scheme. Ensure good records are kept so that the project does not rely on a single individual. SLDC commitment required to replacement of any personnel.</td>
</tr>
</tbody>
</table>
CONTACT OFFICERS
Report Author – Graham Darlington, Conservation Officer, 01539 793381, g.darlington@southlakeland.gov.uk

APPENDICES ATTACHED TO THIS REPORT

<table>
<thead>
<tr>
<th>Appendix No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Social, Economic and Environmental Impact Assessment</td>
</tr>
<tr>
<td>2</td>
<td>Equality Action Plan</td>
</tr>
</tbody>
</table>

BACKGROUND DOCUMENTS AVAILABLE

<table>
<thead>
<tr>
<th>Name of Background document</th>
<th>Where it is available</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSiCA Application for the Burton in Kendal Conservation Area (Part 1) Please note: Forecast repair cost information on individual properties has been redacted so as not to prejudice future contractor tendering.</td>
<td>PSiCA Application Supporting Document: <a href="https://tinyurl.com/y8j4aq4g">https://tinyurl.com/y8j4aq4g</a></td>
</tr>
<tr>
<td>Guidance Notes for PSiCAs (Part 1)</td>
<td><a href="https://tinyurl.com/y9l9cza8">https://tinyurl.com/y9l9cza8</a></td>
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TRACKING INFORMATION

<table>
<thead>
<tr>
<th>Assistant Director</th>
<th>Portfolio Holder</th>
<th>Solicitor to the Council</th>
<th>SMT</th>
<th>Scrutiny Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>22/02/2018</td>
<td>22/02/2018</td>
<td>22/02/2018</td>
<td>01/03/2018</td>
<td>N/A</td>
</tr>
<tr>
<td>Executive (Cabinet) Committee</td>
<td>Council</td>
<td>Section 151 Officer</td>
<td>Monitoring Officer</td>
<td></td>
</tr>
<tr>
<td>21/03/2018</td>
<td>N/A</td>
<td>N/A</td>
<td>22/02/2018</td>
<td>22/02/2018</td>
</tr>
<tr>
<td>Human Resource Services Manager</td>
<td>Leader</td>
<td>Ward Councillor(s)</td>
<td>Comms Team</td>
<td>Use these boxes for additional tracking</td>
</tr>
<tr>
<td>22/02/2018</td>
<td>N/A</td>
<td>26/02/2018</td>
<td>N/A</td>
<td>Insert date sent or n/a</td>
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</table>
### Project, policy or programme: Burton in Kendal PSiCA

#### Health Impacts | Potential Impacts
<table>
<thead>
<tr>
<th>Health Impacts</th>
<th>Positive</th>
<th>No impact</th>
<th>Negative</th>
<th>Not sure</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental Conditions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air quality</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water quality and pollution</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Built environment</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>The Burton PSiCA would remove the conservation area from Historic England’s Heritage at Risk Register through the positive conservation of buildings and by improving the appearance of the public realm.</td>
</tr>
<tr>
<td>Natural environment and biodiversity</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy consumption/efficiency</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>The PSiCA would include training and outreach that would deliver skills training on sustainability to the local community and the construction sector, including topics such as Energy efficiency in traditional buildings; Renewable energy sources; the care and upgrading of traditional windows etc.</td>
</tr>
<tr>
<td>Noise</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>The public realm improvements would include measures to calm traffic and improve footways for pedestrians and so</td>
</tr>
</tbody>
</table>
### Project, policy or programme: Burton in Kendal PSiCA

#### Health Impacts

<table>
<thead>
<tr>
<th>Potential Impacts</th>
<th>Positive</th>
<th>No impact</th>
<th>Negative</th>
<th>Not sure</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>improve community safety and wellbeing</td>
<td></td>
</tr>
<tr>
<td>Recycling</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Food production</td>
<td>✓</td>
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</tbody>
</table>

#### Social and Economic Factors

| Employment                       | ✓        |           |          |          |                                                  |                                  |
| Income                            | ✓        |           |          |          |                                                  |                                  |
| Poverty                           | ✓        |           |          |          |                                                  |                                  |
| Education, skills and training   | ✓        |           |          |          | The PSiCA would include training and outreach that would deliver skills training to the local community and the construction sector on topics such as Energy efficiency in traditional buildings the use of lime mortars, masonry and blacksmithing; and the care and upgrading of traditional windows etc. |                                  |
| Housing                           | ✓        |           |          |          | The community’s involvement in the production of village design guidance will provide an opportunity for them to help shape the sort of housing growth they would like to see in the village. |                                  |

#### Factors that impact a person’s ability to improve their own health and wellbeing

<p>| Nutrition and diet                | ✓        |           |          |          |                                                  |                                  |
| Physical activity                 | ✓        |           |          |          |                                                  |                                  |</p>
<table>
<thead>
<tr>
<th>Health Impacts</th>
<th>Potential Impacts</th>
<th>Positive</th>
<th>No impact</th>
<th>Negative</th>
<th>Not sure</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drugs</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk taking behaviour</td>
<td></td>
<td>✓</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Smoking</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loneliness and isolation</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Access to services, spaces or social opportunities that impact health</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication methods</td>
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<td>✓</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Active travel</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to leisure</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to culture</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to green spaces</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This page is intentionally left blank
1.0 The public sector equality duty (2011) covers the following eight **protected characteristics**:

- Age, disability, ethnicity, religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity.

The duty also covers marriage and civil partnership, but only relating to the elimination of unlawful discrimination (see below, 2.0).

1.1 SLDC includes “**rurality**” and “**socio-economic disadvantage**” as additional categories in its equality impact assessments. Although socio-economic status and rurality are not recognised protected characteristics under the Equality Act, people on low incomes or in rural isolation are highly likely to be affected by services that are intended to support vulnerable people.

2.0 **The General Equality Duty.**

SLDC, in the exercise of its functions, should:

- **a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.**
- **b. Advance equality of opportunity between people who share a protected characteristic and those who do not.**
- **c. Foster good relations between people who share a protected characteristic and those who do not.**
Step 1

**Summarise the subject and expected outcomes of this EIA.**

This project is a 3 year programme of making public grants available towards the cost of repairing listed and unlisted buildings, and for physical improvements to the public realm; as well as the preparation of local design and other guidance for new development affecting the Conservation Area. This project would be managed by SLDC with the close co-operation and involvement of the Burton in Kendal Parish Council and its local community. When implemented the scheme will result in the Burton in Kendal Conservation Area being removed from Historic England’s Heritage at Risk Register.

**Who are your main stakeholders and list any engagement undertaken (include surveys, feedback forms, complaints, statistics etc.).**

The main stakeholders are the Burton in Kendal Parish Council and its community, together with those individual property owners who might benefit from the availability of public grants towards the cost of building conservation works. SLDC and Historic England would provide the bulk of the inward investment funding but Burton PC would also provide some contributory funding towards the cost of community engagement activities and the preparation of a public realm improvement plan.

The council’s conservation officer has engaged extensively with the PC during the preparation of all stages of the PSiCA bid, both at a formal public meeting of the council and with a sub group of councillors specifically set up to progress the scheme.

A formal community consultation event would also be held after the launch of the PSiCA in the summer of 2018 in order to explain how the scheme will operate and what its objective are, announce the programme of public engagement activities and communicate project timescales. Letter box leafletting and poster campaigns would also be employed and occasional drop-in events will be held to celebrate progress.

The PSiCA Delivery Plan will include a Training and Outreach Plan that includes numerous skills raising events as well as opportunities for community engagement in the production of village design guidance and a property maintenance manual.

The Council will use the Local Plan consultee database to ensure a wide range of stakeholders are consulted prior to the implementation of the Training and Outreach Plan, in order to provide as inclusive as possible outreach.

In achieving this the Council will undertake the following:

- **Write (by email or letter) to individuals** who live or work within the Burton in Kendal conservation area
- **Write (by email or letter) to all groups and organisations** with an interest in the built or historic environment of the conservation area, such as civic societies or amenity groups;
• Place all relevant documents on the Council's website;
• Make all documents available at relevant Council Offices and relevant Local libraries;
• Brief all relevant District Councillors and County Councillors by email/letter on the proposals and consultation process;
• Continue to Brief and closely involve the Parish Council by email/letter on the proposals and consultation process;
• Issue press releases to the local media when appropriate project milestones are reached;
• Used Facebook & Twitter to promote awareness of the development briefs process;
• Enabled all consultation responses to be submitted online, by email, by post or by hand;
• Make sure that all events venues are accessible for wheelchairs/prams, the physically and visually impaired;
• Make sure that officers are on hand to explain, assist and support the public
In providing this service, what are the impacts for the following people?

1. Age (young and old)
2. Black and Minority Ethnic
3. Disabled
4. Faith/Belief
5. Sexual Orientation
6. Gender
7. Gender reassignment
8. Pregnancy and maternity
9. Marriage and Civil Partnership
10. Socio-economic disadvantage (including rural deprivation, ‘rurality’)

(See glossary below for definitions)

<table>
<thead>
<tr>
<th>Positive impacts</th>
<th>Negative impacts</th>
<th>Mitigating actions (to avoid negative impact):</th>
<th>Lead Officer &amp; When</th>
<th>Complete Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AGE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensuring the design and layout of housing and mixed use development responds positively to the interests of all age groups.</td>
<td>Possibly</td>
<td>The village design guidance will include design principles and traffic/movement frameworks and green infrastructure frameworks which should respond positively to the interests of all age groups – particularly with regard to ensuring safe user friendly access through the site and to surrounding areas.</td>
<td>Conservation Officer – Graham Darlington</td>
<td>N</td>
</tr>
<tr>
<td>Ensuring the developments include recreational space and fully accessible pedestrian connectivity that would be of value to all age groups.</td>
<td>Possibly</td>
<td>Proposals include provision of new green space with informal recreational and amenity benefits for all ages, however,</td>
<td>Conservation Officer – Graham Darlington</td>
<td>N</td>
</tr>
</tbody>
</table>
### DISABED PEOPLE

Ensuring the design and layout of future development responds to the interests of disabled people, especially with regard to level and accessible connectivity through and into and out of any development sites.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Possibly</td>
<td>Proposals include design principles and traffic/movement frameworks and green infrastructure frameworks which should respond positively to the interests of disabled people—particularly with regard to ensuring safe user friendly access through the site and to surrounding areas with consideration given to the need for improvements to existing footways/road access to make sites easy to access.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Conservation Officer – Graham Darlington</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N</td>
</tr>
</tbody>
</table>

### PREGNANCY AND MATERNITY

Ensuring the design and layout of development responds to the interests of pregnancy and maternity groups.

<p>| | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>Possibly</td>
<td>Proposals include design principles and traffic/movement frameworks and green infrastructure frameworks which respond positively to the interests of pregnant mothers and parents of young children, particularly with regard to ensuring safe user friendly access through the site and to surrounding areas with consideration given to the need for improvements to existing footpaths easy to access.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Conservation Officer – Graham Darlington</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N</td>
</tr>
</tbody>
</table>
Step 3

Examples of good equality practice you have put in place (For example, all venues used are accessible for people with mobility, hearing and sight impairments)

Methods of engagement to be used will be included in a Training and Outreach Plan which will be produced as part of a PSiCA Delivery Plan for the project. This will ensure that:

- Translation/ other formats available on all documents;
- Improved provision of disabled adaptation;
- Venues for drop in days and other community events will be accessible for those in wheelchairs or with children in prams, and will be held into the evening hours;
- Large print versions of the planning maps will be made available and staff will be on hand to explain and offer assistance;
- Specific activities aimed at children will be part of the consultation on the village design guidance.
- Different methods of responding will be available including drawing onto maps and using post-it notes as well as response forms and the option to write a letter or email.

The council has a list of equality contacts who can be contacted for consultation or to ask advice. The list is on the intranet under Equality and Diversity. If you need any support when completing this Equality Impact Analysis, please contact the Partnerships and Funding Officer.

Date: 21st February 2018
EIA Author(s): Graham Darlington
Assistant Director: Ian Hassall
Document version number: 1
Date for Review: 
EIA forwarded to Policy Officer: Yes

Glossary

**Age**: This refers to a person having a particular age (for example, 32 year-olds) or being within an age group (for example, 18-30 year-olds).

**Civil partnership**: Legal recognition of a same-sex couple’s relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Disability**: A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Includes: Physical/sensory disability, mental health or learning disability.

**Gender reassignment**: A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex.

**Maternity**: The period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Race**: It refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins. Includes, Asian, Black and White minority ethnic groups inc. Eastern Europeans, Irish people and Gypsy Travellers.
### Religion or belief:

“Religion” means any religion, including a reference to a lack of religion. “Belief” includes religious and philosophical beliefs including lack of belief (for example, Atheism). The category includes Christianity, Islam, Judaism, Hinduism, Buddhism, and non religious beliefs such as Humanism.

### Sexual orientation:

This is whether a person’s sexual attraction is towards their own sex, the opposite sex or to both sexes.

### Socio-economic disadvantage:

This includes people on low incomes, as well as issues around rural and urban deprivation, such as access to services and transport. Rurality should be specifically considered as South Lakeland is defined as ‘Rural-80’ – this means we have at least 80 percent of our population in rural settlements and larger market towns.
1.0 EXPECTED OUTCOME

1.1 South Lakeland District Council will sign the Healthy Weight Declaration for Cumbria, and will commence work on the actions specified at 3.7, which have been identified as those which will assist the authority in making a contribution to improving the Healthy Weight Environment. This will support the national educational messages regarding healthy weight and reduce overweight and obesity levels in the local population.

2.0 RECOMMENDATION

2.1 It is recommended that:

(1) Cabinet endorses the principals of the Cumbria Healthy Weight Declaration as detailed in appendix 1.

(2) The Leader of the Council, the portfolio holder of Public Health and Wellbeing and the Chief Executive signs the declaration on behalf of the authority, and

(3) Officers commence co-ordinating work towards actions in the declaration which are relevant and feasible for the district council as set out in the report.

3.0 BACKGROUND AND PROPOSALS

3.1 Obesity is increasing, with a rise in obesity prevalence in the UK from 15% in 1993 to 27% in 2015 (NHS Digital, 2017). Nearly two thirds of adults in England are overweight or obese (63%), (Public Health England, 2017) and there is no evidence that the increasing rates of obesity will plateau soon (Townhead and Lake, 2017).
3.2 The rise in excess weight is believed to be fuelled by a number of factors such as increased consumption of high fat or energy dense meals, a reduction in physical activity (partly due to less manual jobs), changes in transportation and the increased availability of cheap unhealthy food (Public Health England, 2017). The World Health Organisation believes an increase in consumption is more significant in increasing obesity than a decrease in physical activity (Loring and Robertson, 2014).

3.3 For many of the public health outcomes South Lakeland is rated as “better than the England average”, however, there are still an estimated 46,275 adults\(^1\), over half the adult population and 5,680 children\(^2\) in the district who are overweight or obese.

3.4 The Healthy Weight Declaration was initiated to support local authorities in developing and implementing policies which promote healthy weight. It was originally introduced in Blackpool and has since been taken up by other authorities in the North West including Sefton, Lancashire and Blackburn.

3.5 It has been produced by Food Active, a group of North West Directors of Public Health. The declaration has been approved by the North West Regional Association of Directors of Public Health, British Dental Association, Children’s Food Campaign and the UK Health Forum. It is attached as Appendix 1 to this report.

3.6 What we already do to improve the food environment:

- SLDC offers a healthier menus award which businesses who have scored a 4 or 5 on the food hygiene ratings scheme can sign up to. It includes providing healthier food options on the menu on a daily basis, and using healthier cooking techniques. There are 35 businesses with the award at present.
- We also run a breastfeeding friendly business scheme, which started in 2017. Sixty businesses are currently signed up to this.

3.7 The additional measures that SLDC will implement or consider as part of the Healthy Weight Declaration to improve the food landscape are:

- Seek to increase the number of businesses signed up to the healthier menus award, carry out further publicity of the award to improve awareness both for businesses and the general public, and work with CCC Public Health team to review the requirements of the award.
- We are actively looking to take part in the Refill project, which will increase access to drinking water for the general public and reduce usage of disposable plastic bottles.
- We will work with our procurement team to provide healthy food options at events held on behalf of the council.
- We will review the catering that we offer at SLDC events.
- We will consider implementation of supplementary guidance for planning in relation to hot food take-aways.

---


\(^2\) Based on 0-18 year olds - ONS midyear population estimates (2016)
We are currently working towards the “Better Health at Work Award” for staff. Nutrition will be one of the core themes of this piece of work, with the aim being to normalise a healthy weight environment.

3.8 In addition to the content in the Healthy Weight Declaration, we will also look at the feasibility of introducing health impact assessments into the planning process.

3.9 We plan to start work together with our Cumbria partners including other local authorities, the County Council, health partners, local businesses and other relevant groups as officers will be attending Cumbria Healthy Weight Summit on the 23rd March 2018.

4.0 CONSULTATION
4.1 The Public Health Alliance and the Chief Officer’s group are aware and supportive of the implementation of the Healthy Weight Declaration for Cumbria.

4.2 The Public Health & Wellbeing Portfolio Holder is aware of the Healthy Weight Declaration is supportive of its objectives and has attended meetings relating to this.

4.3 The declaration has been approved by the North West Regional Association of Directors of Public Health, British Dental Association, Children’s Food Campaign and the UK Health Forum.

5.0 ALTERNATIVE OPTIONS
5.1 Not signing up to the Healthy Weight Declaration – this would mean that South Lakeland may be isolated amongst the other Cumbrian local authorities and other bodies who have committed to the declaration towards creating a healthy weight environment, with a consequential reputational impact. This would also mean a continuation of the current environment and not participating in the projects highlighted earlier in the report.

6.0 LINKS TO COUNCIL PRIORITIES
6.1 Culture and Wellbeing: We will work to deliver the health and wellbeing strategy – Theme 1: the wider influences on health and wellbeing. This project links directly to the wider influences of health, particularly food production and the built environment.

Theme 2: health improvement through healthy lives – Taking part in a project to improve the local food environment will improve access to healthier foods, and reducing the overconcentration of unhealthy food.

6.2 Environment: The council will help residents to reduce the total amount of household waste and extend the range of recycled materials from the kerbside. Taking part in a project like Refill, which aims to increase public access to fresh drinking water would also decrease the amount of plastic bottles consumed.
7.0 IMPLICATIONS

7.1 Financial and Resources

7.1.1 Signing the declaration does not incur any financial expenditure. Any elements which do require financial resources will be considered individually on their own merits, and where appropriate a further report will be produced.

7.2 Human Resources

7.2.1 The work involved with the healthy weight declaration and associated projects will be met from within existing resources.

7.3 Legal

7.3.1 Introducing supplementary guidance for hot food takeaways will potentially have a legal implication. As the declaration uses the word “consider” the council is not signing up to implementation at this stage, a separate cabinet report will be produced for this element of the declaration should SLDC decide to proceed and, at that time, the legal implications of any such guidance will be considered.

7.3.2 The council will make its suppliers aware of its commitment to the healthy weight declaration.

7.4 Health, Social, Economic and Environmental

<table>
<thead>
<tr>
<th>Have you completed and Health, Social, Economic and Environmental Impact Assessment?</th>
<th>Yes ☒</th>
<th>No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, please confirm that it is attached to the report in the appendices.</td>
<td>Yes ☒</td>
<td>No ☐</td>
</tr>
<tr>
<td>Summary of health, social, economic and environmental impacts.</td>
<td>Positive impacts on: nutrition &amp; diet; food production; the built environment (if implementing supplementary planning guidance); and recycling (as part of the Refill project).</td>
<td></td>
</tr>
</tbody>
</table>

7.5 Equality and Diversity

<table>
<thead>
<tr>
<th>Have you completed an Equality Impact Analysis?</th>
<th>Yes ☒</th>
<th>No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, please confirm that it is attached to the report in the appendices.</td>
<td>Yes ☒</td>
<td>No ☐</td>
</tr>
<tr>
<td>Summary of equality and diversity impacts.</td>
<td>A number of equality groups were identified as being more likely to experience excess weight, this included: disabled people, those from less affluent backgrounds, and increasing age. Pregnancy/maternity was identified as a time when being overweight has additional risk of complications. Improving the food environment should only have a positive impact. No negative impacts have been recognised, though it is acknowledged that</td>
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</table>
7.6 Risk

<table>
<thead>
<tr>
<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not endorsing the declaration.</td>
<td>Reputational risk and negative impact on the local food environment.</td>
<td>Cabinet endorse the declaration.</td>
</tr>
</tbody>
</table>

CONTACT OFFICERS
Rachel Earnshaw, Public Protection Officer, r.earnshaw@southlakeland.gov.uk

APPENDICES ATTACHED TO THIS REPORT

<table>
<thead>
<tr>
<th>Appendix No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cumbria Healthy Weight Declaration</td>
</tr>
<tr>
<td>2</td>
<td>Health, Social, Economic and Environmental Impact Assessment</td>
</tr>
<tr>
<td>3</td>
<td>Equality Impact Assessment</td>
</tr>
</tbody>
</table>

BACKGROUND DOCUMENTS AND REFERENCES AVAILABLE

<table>
<thead>
<tr>
<th>Name of Background document</th>
<th>Where it is available</th>
</tr>
</thead>
</table>
### TRACKING INFORMATION

<table>
<thead>
<tr>
<th>Assistant Director</th>
<th>Portfolio Holder</th>
<th>Solicitor to the Council</th>
<th>SMT</th>
<th>Scrutiny Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/2/18</td>
<td>2/2/18</td>
<td>20/2/18</td>
<td>1/3/18</td>
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<tr>
<td>Executive (Cabinet) Committee</td>
<td>Council</td>
<td>Section 151 Officer</td>
<td>Monitoring Officer</td>
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<td>1/3/18</td>
<td>1/3/18</td>
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<tr>
<td>Human Resource Services Manager</td>
<td>Leader</td>
<td>Ward Councillor(s)</td>
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<td>20/2/18</td>
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LOCAL GOVERNMENT DECLARATION ON HEALTHY WEIGHT

THIS LOCAL GOVERNMENT DECLARATION ON HEALTHY WEIGHT IS A STATEMENT, INDIVIDUALLY OWNED BY ALLERDALE BOROUGH COUNCIL, BARROW BOROUGH COUNCIL, CARLISLE CITY COUNCIL, COPELAND BOROUGH COUNCIL, CUMBRIA COUNTY COUNCIL, EDEN DISTRICT COUNCIL AND SOUTH LAKELAND DISTRICT COUNCIL

It encapsulates a vision to promote healthy weight and improve the health and well-being of the local population. We recognise that we need to exercise our responsibility in developing and implementing policies which promote healthy weight.
WE ACKNOWLEDGE THAT:

- Unhealthy weight has substantial long term well-being, economic and social costs;
- Unhealthy weight is affected by health inequalities and is more common in lower socio-economic groups;
- Poor diet during early life (the period between conception and weaning) can carry adverse health consequences in later life;
- Poor diet and an unhealthy weight are risk factors for cardiovascular disease, cancer and type 2 diabetes which contribute powerfully to poor health and premature death;
- Energy dense food and drinks high in fat and sugar and low in essential nutrients contribute to a significant amount of additional and unnecessary calories in the diet;
- There is greater availability and access to foods and drinks high in fat, sugar and salt which are increasingly eaten outside of the home, contributing to excess energy intake;
- Increased intake of foods high in fat and sugar and low in fruit and vegetables are strongly linked to those in manual occupations;
- People living in more socially deprived areas have less access to healthy foods;
- Advertising and marketing of foods and drinks high in fat, sugar and salt increases their consumption;
- Education, information and the increased availability of healthy alternatives help individuals to make healthy, informed food and drink choices;
- Modern physical activity environments contribute to sedentary lifestyles;
- Urban planning can have a significant impact on opportunities for physical activity, promoting safer environments for walking, cycling and recreation.

AS LOCAL LEADERS IN PUBLIC HEALTH WE WELCOME THE:

- Opportunity for local government to lead local action to prevent obesity, securing the health and well-being of our residents whilst considering available social, environmental and financial NHS and social care resources;
- Opportunity to protect some of the most vulnerable in society by giving children the best start in life and enabling all children, young people and adults to maximise their capabilities and make informed choices;
- National commitment to address childhood obesity;
- Support for the Local Authority Declaration on Healthy Weight from the following organisations: Association of Directors of Public Health North West, British Dental Association, Children’s Food Campaign and the UK Health Forum.
WE COMMIT OUR COUNCIL FROM THIS DATE

00.00.0000

Cumbria’s Local Authorities hereby sign the Declaration to show their commitment to reducing unhealthy weight in our communities, protect the health and wellbeing of staff and public and make an economic impact on the local economy by striving to:

⬆ Engage with the local food and drink sector [retailers, manufacturers, caterers, out of home settings] where appropriate to consider responsible retailing [such as not selling energy drinks to under 18s] offering and promoting healthier food and drink options and reformulating and reducing the portion sizes of high fat, sugar and salt [HFSS] products;

⬆ Consider how commercial procurement partnerships with the food and drink industry may impact on the messages communicated around healthy weight to our local communities;

⬆ Review provision in all our public buildings, facilities and via providers to make healthy foods and drinks more available, convenient and affordable and limit access to high-calorie, low-nutrient foods and drinks [this should be promoted to public institutions such as schools, hospitals, care homes and leisure facilities where possible] through partnership working;

⬆ Increase public access to fresh drinking water on local authority controlled sites;

⬆ Consider supplementary guidance for hot food takeaways, specifically in areas around schools, parks and where access to healthier alternatives are limited;

⬆ Promote plans with our partners including the NHS and all agencies represented on the Health and Well-being Board, Healthy Cities, academic institutions and local communities to address the causes and impacts of obesity;

⬆ Protect our children from inappropriate marketing by the food and drink industry such as advertising and marketing in close proximity to schools and at events on local authority controlled sites;

⬆ Support action at a national level to help local authorities reduce obesity prevalence and health inequalities in our communities;

⬆ Ensure food and drinks provided at public events include healthy provisions, supporting food retailers to deliver this offer;

⬆ Support the health and wellbeing of local authority staff and increase knowledge and understanding of unhealthy weight to create a culture and ethos that normalises healthy weight;

⬆ Promote health literacy of the local population to make informed healthier choices;

⬆ Ensure clear and comprehensive healthy eating messages are consistent with government guidelines using existing resources, available on the Public Health England website;

⬆ Consider how strategies, plans and infrastructures for regeneration and all aspects of planning positively impact on wellbeing;

⬆ The Cumbria Public Health Alliance monitors the progress of our plans against our commitments and public results;

⬆ Demonstrate a willingness and agreement to work collaboratively and share good practice.
IN ADDITION OUR LOCAL AUTHORITY WILL WORK TOWARDS:........

In Cumbria we will be working in partnership to focus on:

- Children [0-5];
- Children and Families [0-19];
- Health inequalities;
- Creating healthier environments;
- Adult healthy weight;
- Workplace and Better Health at Work.

Signatories:

Allerdale Borough Council       Barrow Borough Council       Carlisle City Council       Copeland Borough Council       Cumbria County Council       Eden District Council

South Lakeland District Council       Director of Public Health

To be reviewed by...

The Local Authority Declaration on Healthy Weight has been designed and developed on behalf of Food Active, by the Health Equalities Group and is based on the the Local Authority Declaration on Tobacco Control.

For further information please contact: info@hegroup.org.uk
## Project, policy or programme: Healthy Weight Declaration

### Health Impacts

<table>
<thead>
<tr>
<th>Environmental Conditions</th>
<th>Potential Impacts</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air quality</td>
<td>Positive</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Water quality and pollution</td>
<td>Positive</td>
<td>X</td>
<td>If supplementary planning guidance is enacted to restrict numbers of hot food take aways then this will have an impact on the built environment in the future.</td>
</tr>
<tr>
<td>Built environment</td>
<td>Negative</td>
<td>X</td>
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</tr>
<tr>
<td>Natural environment and biodiversity</td>
<td>Negative</td>
<td>X</td>
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<tr>
<td>Energy consumption/efficiency</td>
<td>Negative</td>
<td>X</td>
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<tr>
<td>Noise</td>
<td>Negative</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Transport</td>
<td>Negative</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Recycling</td>
<td>Positive</td>
<td>X</td>
<td>It is hoped that by taking part in the Refill project to increase access to fresh drinking water that consumption of plastic water bottles will reduce.</td>
</tr>
<tr>
<td>Food production</td>
<td>Positive</td>
<td>X</td>
<td>If products are reformulated to be healthier this will have a positive health benefit for the local population.</td>
</tr>
</tbody>
</table>

### Social and Economic Factors

| Employment | Negative | X        |                 |
| Income     | Negative | X        |                 |
### Potential Impacts

<table>
<thead>
<tr>
<th>Health Impacts</th>
<th>Positive</th>
<th>No Impact</th>
<th>Negative</th>
<th>Not Sure</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poverty</td>
<td>X</td>
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<tr>
<td>Education, skills and training</td>
<td>X</td>
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<tr>
<td>Housing</td>
<td>X</td>
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<tr>
<td>Crime</td>
<td>X</td>
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<tr>
<td>Work environment</td>
<td>X</td>
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</table>

#### Factors that impact a person’s ability to improve their own health and wellbeing

| Nutritional and diet          | X        |           |          |          |          | The aim of the programme is to create a healthier food environment. All of the actions within the declaration would contribute towards improving nutrition and diet. |
| Physical activity             | X        |           |          |          |          |                 |
| Alcohol                       | X        |           |          |          |          |                 |
| Drugs                         | X        |           |          |          |          |                 |
| Risk taking behaviour         | X        |           |          |          |          |                 |
| Smoking                       | X        |           |          |          |          |                 |
| Loneliness and isolation      | X        |           |          |          |          |                 |

#### Access to services, spaces or social opportunities that impact health

| Communication methods         | X        |           |          |          |          |                 |
| Active travel                 | X        |           |          |          |          |                 |
| Access to leisure             | X        |           |          |          |          |                 |
| Access to culture             | X        |           |          |          |          |                 |
**Project, policy or programme:** Healthy Weight Declaration

<table>
<thead>
<tr>
<th>Health Impacts</th>
<th>Potential Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Positive</td>
</tr>
<tr>
<td>Access to green spaces</td>
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</tbody>
</table>

Please tick the appropriate box.
Healthy Weight Declaration

1.0 The public sector equality duty (2011) covers the following eight protected characteristics:

- Age, disability, ethnicity, religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity.
- The duty also covers marriage and civil partnership, but only relating to the elimination of unlawful discrimination (see below, 2.0).

1.1 SLDC includes “rurality” and “socio-economic disadvantage” as additional categories in its equality impact assessments. Although socio-economic status and rurality are not recognised protected characteristics under the Equality Act, people on low incomes or in rural isolation are highly likely to be affected by services that are intended to support vulnerable people.

2.0 The General Equality Duty.
SLDC, in the exercise of its functions, should:

a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

b. Advance equality of opportunity between people who share a protected characteristic and those who do not.

c. Foster good relations between people who share a protected characteristic and those who do not.
Step 1

**Summarise the subject and expected outcomes of this EIA.**

The Healthy Weight Declaration was originally introduced in Blackpool. It has been produced by Food Active, a group of North West Directors of Public Health. The declaration was initiated to support local authorities in developing and implementing policies which promote healthy weight.

**Who are your main stakeholders and list any engagement undertaken (include surveys, feedback forms, complaints, statistics etc.).**

The Public Health Alliance and the Chief Officer’s group are aware and supportive of the implementation of the Healthy Weight Declaration for Cumbria.

The Public Health & Wellbeing Portfolio Holder is aware of the Healthy Weight Declaration and has attended meetings relating to this.

The declaration has been approved by the North West Regional Association of Directors of Public Health, British Dental Association, Children’s Food Campaign and the UK Health Forum.
## Step 2
### Equality Action Plan

<table>
<thead>
<tr>
<th>In providing this service, what are the impacts for the following people?</th>
<th>Positive impacts</th>
<th>Negative impacts</th>
<th>Mitigating actions (to avoid negative impact):</th>
<th>Lead Officer &amp; When</th>
<th>Complete Y/N</th>
</tr>
</thead>
</table>
| 1. Age (young and old)  
2. Black and Minority Ethnic  
3. Disabled  
4. Faith/Belief  
5. Sexual Orientation  
6. Gender  
7. Gender reassignment  
8. Pregnancy and maternity  
9. Marriage and Civil Partnership  
10. Socio-economic disadvantage (including rural deprivation, ‘rurality’) | | | | | |

(See glossary below for definitions)

1. Age – as people age, numbers of people experiencing excess weight generally increases. This is reflected in the data for South Lakeland on the Public Health Outcomes Framework.

| 1. Age – as people age, numbers of people experiencing excess weight generally increases. This is reflected in the data for South Lakeland on the Public Health Outcomes Framework. | Age has an impact on weight – signing the HWD and taking part in efforts to change the food environment will therefore be of benefit. | | | | |

3. Disabled

<p>| 3. Disabled | Data from the JSNA shows that disabled people are more likely to experience excess weight - – signing the HWD and taking part in efforts to change the food | Although there are no negative impacts anticipated in terms of the declaration, SLDC officers will need to ensure that disabled people | Working with the web team to ensure screen readers can be used on web pages. | Rachel Earnshaw and Web Development Team | N |</p>
<table>
<thead>
<tr>
<th>In providing this service, what are the impacts for the following people?</th>
<th>Positive impacts</th>
<th>Negative impacts</th>
<th>Mitigating actions (to avoid negative impact):</th>
<th>Lead Officer &amp; When</th>
<th>Complete Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Age (young and old)</td>
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<tr>
<td>2. Black and Minority Ethnic</td>
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<td>3. Disabled</td>
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<td>4. Faith/Belief</td>
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<td>5. Sexual Orientation</td>
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<td>6. Gender</td>
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<td>7. Gender reassignment</td>
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<td>8. Pregnancy and maternity</td>
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<td>9. Marriage and Civil Partnership</td>
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<td>10. Socio-economic disadvantage (including rural deprivation, ‘rurality’)</td>
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<tr>
<td>(See glossary below for definitions)</td>
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<tr>
<td><strong>environment will therefore be of benefit.</strong></td>
<td><strong>have access to any communications on the project.</strong></td>
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<tr>
<td><strong>8. Pregnancy and Maternity</strong> – being overweight in pregnancy increases the risk of complications for both the mother and the baby.</td>
<td><strong>This group is identified as one where there are increased risks to being overweight – signing the HWD and taking part in efforts to change the food environment will therefore be of benefit.</strong></td>
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<tr>
<td><strong>11. Socio-economic</strong> – people who have less money are more likely to experience excess weight, although it is an issue across all of society.</td>
<td><strong>This group is identified as one that is more likely to experience excess weight – signing the</strong></td>
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<tr>
<td>In providing this service, what are the impacts for the following people?</td>
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<td>1. Age (young and old)</td>
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<td>2. Black and Minority Ethnic</td>
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<td>4. Faith/Belief</td>
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<td>5. Sexual Orientation</td>
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<td>6. Gender</td>
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<tr>
<td>7. Gender reassignment</td>
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<td>9. Marriage and Civil Partnership</td>
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<td>10. Socio-economic disadvantage (including rural deprivation, ‘rurality’)</td>
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(See glossary below for definitions)

- HWD and taking part in efforts to change the food environment will therefore be of benefit.
Step 3

Examples of good equality practice you have put in place (For example, all venues used are accessible for people with mobility, hearing and sight impairments)

The council has a list of equality contacts who can be contacted for consultation or to ask advice. The list is on the intranet under Equality and Diversity. If you need any support when completing this Equality Impact Analysis, please contact the Partnerships and Funding Officer.

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<td>EIA Author(s):</td>
<td>Rachel Earnshaw</td>
</tr>
<tr>
<td>Assistant Director:</td>
<td>Simon Rowley</td>
</tr>
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<td>Document version number:</td>
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<td>Date for Review:</td>
<td>N/A</td>
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Glossary

**Age:** This refers to a person having a particular age (for example, 32 year-olds) or being within an age group (for example, 18-30 year-olds).

**Civil partnership:** Legal recognition of a same-sex couple’s relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Disability:** A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Includes: Physical/sensory disability, mental health or learning disability.

**Gender reassignment:** A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

**Maternity:** The period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Race:** It refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins. Includes, Asian, Black and White minority ethnic groups inc. Eastern Europeans, Irish people and Gypsy Travellers.

**Religion or belief:** "Religion" means any religion, including a reference to a lack of religion. “Belief” includes religious and philosophical beliefs including lack of belief (for example, Atheism). The category includes Christianity, Islam, Judaism, Hinduism, Buddhism, and non religious beliefs such as Humanism.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Socio-economic disadvantage:** This includes people on low incomes, as well as issues around rural and urban deprivation, such as access to services and transport. Rurality should be specifically considered as South Lakeland is defined as ‘Rural-80’ – this means we have at least 80 percent of our population in rural settlements and larger market towns.
1.0 EXPECTED OUTCOME

1.1 To improve the condition of private sector housing by bringing the Council’s Housing Enforcement Policy up to date with new legislation and to amend the Disabled Facilities Grants policy to reflect current practice and to ensure the services are adequately resourced.

2.0 RECOMMENDATION

2.1 It is recommended that Cabinet:-

(1) Approve the amended Housing Enforcement Policy (shown at Appendix 1), including the civil penalties in the appendix, for adoption with immediate effect; and

(2) Delegate approval to the Assistant Director (Strategic Development) to make minor amendments to the Housing Enforcement Policy once the Regulations, relating to houses in multiple occupation, have been enacted.

(3) Authorise the relevant Officers to exercise the enforcement powers reserved by the legislative changes in the Housing Enforcement Policy.

(4) Approve the amended Disabled Facilities Grant Policy (shown at Appendix 2) for adoption with immediate effect.
3.0 BACKGROUND AND PROPOSALS

3.1 Housing Enforcement Policy

3.1.1 In March 2017 Cabinet approved an updated Policy with a view to reviewing this in March 2018. Since that time the Government has passed secondary legislation to bring into effect legislation regarding rogue landlords (see Appendix 1, section 9) with effect from 1 April 2018. It is proposed that the Council introduce civil penalties, introduced as part of the new legislation, in line with Barrow Borough Council to ensure consistency in South Cumbria.

3.1.2 Furthermore the Government has advised that it intends to proceed with secondary legislation to increase the extent of licensing of homes in multiple occupation (HMOs). Licensing of HMOs is widely recognised as helping to improve the standard of those homes. At the time of writing it is not known exactly when this will be implemented but it is expected to be implemented in two phases with the Regulations coming into force in April 2018 with a six month period of grace for landlords to comply before enforcement action is taken against them.

3.1.3 There are currently 60 licensed HMOs in the District with current legislation only applying to those HMOs over two storeys. The proposed extension (see Appendix 1, section 26) will approximately triple this by including all HMOs regardless of how many storeys are involved.

3.1.4 Hence the Policy has been reviewed and updated (see Appendix 1 showing track changes to the current policy approved by Cabinet in March 2017).

3.2 Disabled Facilities Grant (DFG) Policy

3.2.1 In March 2017 Cabinet approved the Policy with a view to reviewing this in March 2019. However, due to the following it is necessary to amend the Policy now. The changes implemented from April 2017 has led to an increase in referrals (119 received by 31/12/17 compared to 105 and 106 referrals for the whole of 2015/16 and 2016/17 respectively; on course for 159 referrals by 31/3/17, an increase of 50%). There were 49 DFGs completed in 2016/17; it is expected that 89 will be completed in 2017/18 (an increase of 82%).

3.2.2 When the Policy was approved in March 2017 it was expected that Cumbria County Council (CCC) would take on responsibility for applications for stair-lifts with effect from 1 April 2017 and that an amount would be transferred from the District’s DFG budget to CCC (see Appendix 2, section 8). However, CCC subsequently decided that it would not take this on. Hence the Council has continued to process applications for stair-lifts under the DFG policy (as the current policy allows for this where CCC cannot provide the stair-lift). The Policy has been amended to reflect current practice in accordance with CCC’s decision.

3.2.3 The Council is now able to offer an architectural design service, through the Council’s Housing Surveyor, for discretionary grant works such as property extensions for disabled children (see Appendix 2, section 11). The appropriate professional insurance has been put in place. The Council’s Fees and Charges has been amended to include this service from 2018/19. This can prove a more cost effective option, in some cases, than using a private architect. This relates to only a very small number of applications each year.

3.2.4 The ‘Home Adaptations for Disabled People – A Good Practice Guide’ produced by Foundations (the Government-funded agency), states that “housing authorities should bear in mind that DFG is intended to assist towards works not only to dwellings but also to the common parts of buildings containing flats, where the disabled person is the occupant of one of those flats”. Given this it is proposed that the Council’s DFG Policy is amended as follows: ‘discretionary grants up to an
additional £100,000 may be provided to make adaptations to communal areas, e.g. lifts, which will benefit two or more disabled people’.

3.3 Handy Person Scheme

3.3.1 The Council’s Handy Person Scheme, which provides minor repairs to the homes of older and vulnerable people, has recently been re-procured with a new contract due to start in April 2018. The Scheme delivers around 600 jobs per year.

4.0 CONSULTATION

4.1 As the changes to the policies relate to legislative and administrative changes there is no need for any specific consultation.

4.2 The Council’s Housing & Innovation Portfolio Holder is supportive of the proposals.

5.0 ALTERNATIVE OPTIONS

5.1 As the Housing Enforcement Policy changes relate to statutory obligations on the Council there are no alternative options available.

5.2 In terms of the DFG Policy the Council could decide to not offer the architectural design service, however this is not recommended as it can, in some cases, provide a more cost effective solution than using private architects.

6.0 LINKS TO COUNCIL PRIORITIES

6.1 The Policy is linked to the Council Plan priority of “providing homes to meet need”, particularly relating to “the quality and condition of private sector housing will be improved and the number of empty homes reduced”. Also the Housing Strategy priority of “improving housing standards to improve the health and well-being of all residents”.

7.0 IMPLICATIONS

7.1 Financial and Resources

7.1.1 The 50% increase in DFG referrals and 82% increase in completions (higher than expected) together with enhanced enforcement responsibilities (through legislative changes) and additional monitoring of the new Handy Person Scheme contract will require additional resources to manage the increased workload. Further details are shown in 7.2 below.

7.1.2 The extra Housing Standards Officer will cost £34,094 and can be fully covered by the additional fee income raised from HMO licence charges as this is expected to be in the region of £44,000, i.e. 120 licences at £368. Whilst income raised from civil penalties would be rare, any such funds could also assist with staffing costs.

7.1.3 The extra 0.5 FTE Housing Standards Assistant will cost £12,661 and can be fully covered by the additional fee income raised from DFG charges. Fee income was expected to be £40,000 per year which covers the cost of the Housing Surveyor post, but is expected to be at least £53,000 in 2018/19. The fee income target of £40,000 in 2017/18 is expected to be met despite there not having a full year to draw down fees (as fees could not be attributed to DFGs completing in 2017/18 where the applications were made before 1/4/17).

7.1.4 The 2017/18 budget for DFGs is £677,308. This includes an additional £56k grant from the Government announced late in 2017. This has recently been updated to £61k.

7.2 Human Resources

7.2.1 In order to meet the Council’s statutory duty in respect of housing enforcement, specifically to cope with the tripling of HMO licenses, it is proposed that an extra full-
time Housing Standards Officer (HSO) (grade G) is required to supplement the existing HSO post who deals with licensing and enforcement of HMOs. Cabinet were alerted in March 2017 to the Government’s proposal to extend HMOs and that extra resources would be needed.

7.2.2 The additional DFG workload is currently placing considerable pressure on existing resources and is expected to be exacerbated in 2018/19 due to additional monitoring of the new Handyperson contract (although this is proportional to the contract value). Applications for both services are administered by the Housing Standards Assistants (1.5 FTE). A further 0.5 FTE is needed to cope with the DFG workload (a statutory duty) and Handyperson monitoring (non-statutory) which is required as part of the latest procurement and contract. This includes monitoring of key performance indicators and customer satisfaction.

7.2.3 Due to the impending introduction of Customer Connect it is proposed that temporary one year contracts are provided. The Human Resources Committee will consider these proposals at its meeting on 27 March 2018.

7.3 Legal

7.3.1 The relevant legislation is shown in the Policy.

7.3.2 The HMO legislative change which will be enacted once Regulations have been published and implemented. Rather than amend the Policy each time a new Regulation is implemented it is recommended that delegated approval is given to the Assistant Director (Strategic Development) to make minor amendments to the Policy to reflect the fact that one or more Regulations have been enacted.

7.3.3 Legislation allows for the Council to be given discretion to apply civil penalties up to certain limits.

7.3.4 The Construction (Design and Management) Regulations 2015 will apply to the architectural design service. The Council’s Development Strategy and Housing Manager will be accountable for this and all other DFG works.

7.4 Health, Social, Economic and Environmental

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<td>If you have not completed an Impact Assessment, please explain your reasons.</td>
<td>The proposals relate to statutory legislative changes hence an assessment is not appropriate.</td>
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7.5 Equality and Diversity

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7.6 Risk

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<td>That there are insufficient resources available to implement the increased HMO licensing requirements.</td>
<td>Firstly, that the Council will be unable to meet its statutory obligations. Secondly, that the HMOs in question will not be regulated; this could lead to poorer housing conditions which could affect the health and well-being of local residents.</td>
<td>Seek additional resources via the Human Resources Committee.</td>
</tr>
<tr>
<td>That there are insufficient resources available to meet local demand for DFGs and Handy Person requests.</td>
<td>That DFG applications and Handy Person requests will take longer to process.</td>
<td>Seek additional resources via the Human Resources Committee.</td>
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CONTACT OFFICERS

Report Authors

Tony Whittaker, Housing Strategy & Delivery Manager, 01539 793370. 
T.whittaker@southlakeland.gov.uk

David Bradley, Principal Housing Standards Officer, 01539 793216, david.bradley@southlakeland.gov.uk

APPENDICES ATTACHED TO THIS REPORT

<table>
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<th>Appendix No.</th>
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<tr>
<td>1</td>
<td>Housing Enforcement Policy March 2018</td>
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<td>Disabled Facilities Grant Policy March 2018</td>
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BACKGROUND DOCUMENTS AVAILABLE

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<td>Disabled Facilities Grant Policy April 2017</td>
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## TRACKING INFORMATION

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<th>Solicitor to the Council</th>
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<td>Council</td>
<td>Section 151 Officer</td>
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<td>Leader</td>
<td>Ward Councillor(s)</td>
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HOUSING ENFORCEMENT POLICY
MARCH 2018

DATE RATIFIED:  

POLICY AUTHOR / POSITION:  
David Bradley  
Principal Housing Standards Officer

AUTHOR CONTACT DETAILS:  
david.bradley@southlakeland.gov.uk  
01539 733 333

ACCOUNTABLE DIRECTOR:  
David Sykes

REVIEW DATE & AMENDMENTS:  
V.54 March 2018 January 2017 – legislative updates

DATE OF NEXT REVIEW:  
March 202018
1 INTRODUCTION

The aim of this policy is to allow the consistent and fair enforcement of housing legislation to raise standards in the private housing sector.

The policy is based around the Enforcement Concordat produced by the Cabinet Office which this Authority has adopted. The general principles of good enforcement which are set out in the concordat are to be adhered to by the Council in its housing enforcement activities and when carrying out enforcement we will have regard to all legal requirements which may apply to our actions.

All enforcement decisions and actions will be made having due regard to the provisions of equal rights and anti-discrimination legislation. Local Authorities have extensive powers to intervene where they consider housing conditions are unacceptable. The options are mostly contained in the Housing Act 1985, the Housing Grants, Construction and Regeneration Act 1996 and the Housing Act 2004. These interventions include:

- enforcement activity (e.g. serving notices on owners to defer action, repair, demolish or prohibit the use of dwellings);
- slum clearance;
- compulsory purchase order (e.g. for empty homes);
- renewal areas;
- works in default;
- disabled facilities grants; and
- house renovation grants.

Enforcement of housing standards is an integral part of the Council’s Private Sector Housing Strategy. This policy applies to Registered Social Landlords (now known as Registered Providers) as well as private sector landlords.

This policy sets out to ensure the Council undertakes its housing enforcement role in a consistent, practical, open and transparent manner. When an officer is dealing with a property which is below acceptable standards, this housing enforcement policy will be followed.

The policy takes into account the Code of Practice for Crown Prosecutors.

2 WHAT TO EXPECT FROM THE HOUSING TEAM

2.1 LANDLORDS

- We will advise you of the legislation and help you understand how you can comply with it.
- We will advise you as to what action you need to take to comply with the legislation and ask you to respond with your proposal of how you intend to comply within a reasonable timescale.
- If we are satisfied with your proposal we will work with you to comply within agreed timescales.
• If we are not satisfied with your proposal or how the work is progressing we will initiate formal action by either the service of a notice. We may carrying out works in default. Ultimately we can, and/or prosecution prosecute or impose a civil penalty.

• In making the decision to prosecute or to impose a civil penalty we will have regard to how serious the offence is, the benefit of prosecution and whether some other action would be better.

• A charge will be made for the service of a notice.

2.2 TENANTS

• We will expect you to advise your landlord of the issues within your property before contacting us.

• We will advise you as to what action we can take and advise you of the expected timescales.

• We will expect you to cooperate with the landlord to get the works carried out and to advise us of any action taken by the landlord.

2.3 OWNERS

• We will expect owners to maintain the properties they live in.

• Enforcement action will be considered if there is a serious risk to a person’s health and/or the property is causing a statutory nuisance to neighbouring properties.

2.4 OWNERS OF EMPTY HOMES

• We will work with owners of empty homes to bring empty homes back into use.

• Enforcement action (Compulsory Purchase Order, Empty Dwelling Management Order, and Enforced Sale) will be considered if an owner does not cooperate and the empty property has an impact on the neighbourhood.

3 LEGISLATION

The Housing Act 2004, (“the Act”), together with Regulations made under it, prescribes the Housing Health and Safety Rating System as the means by which Local Authorities assess housing conditions and decide on action to deal with poor housing. It is a risk assessment system of the likely effect of housing conditions on the health of occupiers. 29 potential hazards are assessed and scored for their severity. The scores for each hazard are ranked in Bands. Hazards falling into Bands A to C are more serious, and are classed as Category 1. Less serious hazards fall into Bands D to J, and are classed a Category 2. The Council must take appropriate action in respect of a Category 1 hazard, and may do so in relation to Category 2 hazards.

A ‘Category 1 hazard’ arises when a hazard reaches a score of 1000 or more under the Housing Health and Safety Rating System. A ‘Category 2 hazard’ arises when a hazard reaches a score of 999 or less under the Housing Health and Safety Rating System.

The score is based on the risk to the potential occupant who is most vulnerable to that hazard. However, in determining what action to take, the Council will not only take account of the score, but also whether the Council has a duty or discretion to act, the views of occupiers, the risk to the current and likely future occupiers and visitors and the presence of other significant hazards in the property.
The Housing and Planning Act 2016 confers additional enforcement powers as described in this Policy.

4 STATUTORY ACTION

The Housing Act 2004 is the principal Act covering statutory action. If a Category 1 hazard is identified, the Council has a duty to require the owner to remedy the defect. The Council has discretionary powers to deal with Category 2 hazards and the most appropriate course of action will be decided on a case-by-case basis. Where an improvement notice is served, the Council will require sufficient works to abate the hazard for five years.

It is for the Council to determine the most appropriate course of action in relation to the hazard in all circumstances. Consideration is to be given to all relevant factors of the case, to published guidance from central government & professional organisations and to the views of owners and tenants, before formal action is taken.

There are a number of different notices available to the Council which require a person, business or organisation to comply with specific requirements relating to Category 1 and 2 hazards:

4.1 HAZARD AWARENESS NOTICE

- Hazard Awareness Notice relating to Category 1 Hazards; section 28
- Hazard Awareness Notice relating to Category 2 Hazards; section 29

This is used where a hazard has been identified but it is not necessarily serious enough to take more formal action. It is a way of drawing attention to the need for remedial action. This notice should not be used if the situation is considered serious enough for follow up inspections to be made. This notice is not registered as a land charge and has no appeal procedure.

4.2 IMPROVEMENT NOTICE

- Improvement Notices relating to Category 1 Hazards; section 11
- Improvement Notices relating to Category 2 Hazards; section 12

An improvement notice will provide the most appropriate action for most Category 1 hazards where reasonable remedial works can be carried out to reduce the hazard sufficiently.

4.3 PROHIBITION ORDER

- Prohibition Orders relating to Category 1 Hazards; section 20
- Prohibition Orders relating to Category 2 Hazards; section 21

A prohibition order may be appropriate where conditions present a risk but remedial action is unreasonable or impractical e.g. where there is inadequate natural light to a room or no protected means of escape in case of fire. The order may prohibit the use of part or all of a premises for some or all purposes. It may also be used to limit the number of persons occupying the dwelling or prohibit the use of the dwelling by specific groups. In an HMO it can be used to prohibit the use of specified dwelling units.

4.4 SUSPENDED NOTICES & SUSPENDED PROHIBITION ORDERS

- Suspension of Improvement Notice; section 14
• Suspension of Prohibition Order; section 23

These may be suspended where enforcement action can safely be postponed until a specified event or time. This can be a period of time or a change in occupancy. Current occupation and wishes may be taken into account. These may also be used where there is programmed maintenance. The suspensions must be reviewed at the very least every 12 months. The advantage of suspending a notice is that there is a record of the LHA’s involvement and the situation must then be reviewed. It is also recorded as a land charge.

As an alternative to the notices and orders listed above, the Act also provides for the following options to deal with Category 1 hazards:

4.5 EMERGENCY REMEDIAL ACTION, SECTION 40

When the Council is satisfied that a Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers or visitors and no Management Order is in force under Chapter 1 or 2 of Part 4 of the Act, Emergency Remedial Action may be taken by the Authority in respect of one or more Category 1 hazards on the same premises or in the same building containing one or more flats. The action will be whatever remedial action the Council considers necessary to remove an imminent risk of serious harm.

This is likely where the Council considers it is immediately necessary to remove the imminent risk of serious harm, there is no confidence in the integrity of any offer made by the owner to immediately address the hazard, and the imminent risk of serious harm can be adequately addressed through remedial action to negate the need to use an Emergency Prohibition Order. If this action is taken, a notice will be served within 7 days of taking the Emergency Remedial Action, detailing the premises, the hazard, the deficiency, the nature of the remedial action, the date action taken, and the rights of appeal.

4.6 EMERGENCY PROHIBITION ORDERS, SECTION 43

When the Council is satisfied that a Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers of those or any other residential premises and no Management Order is in force under Chapter 1 or 2 of Part 4 of the Act, action may be taken by the Authority in respect of one or more Category 1 hazards on the same premises or in the same building containing one or more flats. The order specifies prohibitions(s) on the use of part or all of the premises with immediate effect.

This is likely where the imminent risk of serious harm cannot be adequately addressed through the use of emergency remedial action for whatever reason. Where this action is taken the Council will, if necessary, take all reasonable steps to help the occupants find other accommodation when the tenants are not able to make their own arrangements.

4.7 DEMOLITION ORDERS, SECTION 46 OF THE HOUSING ACT 2004, AND PART 9 OF THE HOUSING ACT 1985

When the Council is satisfied that a Category 1 hazard exists in a dwelling or HMO which is not a flat, and a Management Order is not in force, or in the case of a building containing one or more flats where the Council is satisfied that a Category 1 hazard exists in one or more of the flats contained in the building or in any common parts of the building, and the circumstances of the case are circumstances specified or described in an Order made by the Secretary of State. At the time of writing this policy, no such order has been made.
4.8 CLEARANCE AREAS, SECTION 47 OF THE HOUSING ACT 2004, AND PART 9 OF THE HOUSING ACT 1985

This may be declared when the Council is satisfied that each of the residential buildings in the area contains a Category 1 hazard and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area, or when the Council is satisfied that the residential buildings in an area are dangerous or harmful to the health or safety of the inhabitants of the area as a result of their bad arrangement or the narrowness or bad arrangement of the street and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area.

4.9 RENT REPAYMENT ORDERS, SECTION 40 OF THE HOUSING AND PLANNING ACT 2016 [implementation pending publication and enactment of Regulations]

This confers power on the First-tier Tribunal to make a rent repayment order where a landlord has committed certain offences, including: failure to comply with an improvement notice; failure to comply with a prohibition order; control or management of an unlicensed HMO; breach of a banning order. A rent repayment order is an order requiring the landlord under a tenancy of housing in England to: repay an amount of rent paid by the tenant, or pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.

5 STATEMENT OF REASONS

All Notices and Orders will have a Statement of Reason attached to them as appropriate. The Statement should include why one type of enforcement was taken over another. A copy of the Statement must accompany the Notice or Order. Before formal enforcement action is taken regarding a fire hazard, the Council will consult with the Fire Authority regarding works required to abate the hazard.

6 RIGHTS OF APPEAL

There is a right of appeal against most notices, orders or decisions made by the Council. Where there is an appeal, the appropriate authority may confirm, quash, vary or suspend any notice, order or decision.

7 VACATED PREMISES

In cases where properties are subject to a statutory notice and the property is subsequently vacated, all Notices or Orders will be reviewed to consider whether the notices or orders may be varied, suspended or revoked. The Council will seek to deter landlords from undertaking retaliatory eviction and will not consider that removal of a tenant achieves compliance with any Notice served, except in overcrowding situations where it was a specific requirement of the notice.

8 CHARGING FOR NOTICES & RECOVERY OF COSTS

Local Authorities can make a charge as a means of recovering expenses incurred in serving an Improvement Notice, making a Prohibition Order, serving a Hazard Awareness Notice, taking Emergency Remedial Action, making an Emergency Prohibition Order or making a Demolition Order under the Housing Act 2004. These costs are in relation to re-inspection of premises, the subsequent consideration of action to be taken and the service of Notices etc. No maximum charge has been set.
by a Government in England. In South Lakeland the standard charge for a Housing Act Notice will be £308.00 for each Notice or Order made, although a lower charge or no charge being made may be determined by the Principal Housing Standards Officer depending on the personal circumstances of the person or persons against whom the enforcement action is being taken.

In accordance with Sections 49 and 50 of the Housing Act 2004, the Council will exercise the right to charge and recover the reasonable expenses incurred in taking enforcement action when serving the following notices:

- an improvement notice;
- a hazard awareness notice;
- a prohibition order;
- a suspended improvement notice or suspended prohibition order;
- emergency remedial action notices;
- making an emergency prohibition order; and
- making a demolition order

Costs will only be waived in exceptional circumstances such as deficiencies caused by tenant neglect and owner occupied premises and only at the discretion of the Principal Housing Standards Officer.

From the time that a ‘demand for payment’ becomes operative the sum will be recorded as a legal charge against the property which is a local land charge. The charge will remain on the property until the sum is repaid in full.

When enforcement costs exceed £500, the Council will normally exercise its rights and remedies under the Law of Property Act 1925 (c.20) which includes by deed having powers of sale and lease, or accepting surrenders of leases and of appointing a receiver to recover costs.

When enforcement costs do not exceed £500, the Council will seek to recover enforcement costs through the small claims court and will use court remedies such as the use of the court bailiff to recover enforcement costs.

The Council will make a charge to cover the cost of carrying out a review of Suspended Improvement Notices or Suspended Prohibition Orders, and for serving a copy of the Council’s decision on a review and that charge will also be registered as a charge against the property.

All enforcement costs incurred and recovered will be based upon the activities listed within section 49 of the Housing Act 2004, and will be charged at an hourly rate. The hourly rate will be based on the actual cost incurred to the Council of performing the chargeable activity.

9 ISSUING MONETARY AND CIVIL PENALTIES AND BANNING ORDERS

Under The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, where an enforcement authority (local authority) is satisfied on the balance of probabilities that a person has failed to comply with the requirement to belong to a redress scheme under article 3 (requirement to belong to a redress scheme: lettings agency work) or article 5 (requirement to belong to a redress scheme: property management work), the authority may require the person to pay a monetary penalty of such amount as the authority may determine, up to a maximum of £5,000.
The Governments expectation is that a £5,000 fine should be considered the norm and that a lower fine should only be charged if the enforcement authority is satisfied that there are extenuating circumstances. Therefore, South Lakeland District Council shall charge a penalty of £5,000 in respect of a failure to belong to a redress scheme, unless extenuating circumstances exist. Such extenuating circumstances shall be decided at the discretion of the Principal Housing Standards Officer after discussion with the Housing Strategy and Delivery Manager.

Under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, enforcement authorities (local authorities) are required to issue a remedial notice where they have reasonable grounds to believe a landlord has not complied with one or more of the requirements of the regulations. The landlord must comply with the notice within 28 days. If they do not, the local authority must carry out the remedial action (where the occupier consents) to ensure the requirements in the regulations are met and can issue a civil penalty of up to £5,000. South Lakeland District Council, working in partnership with the other 5 Cumbrian Authorities, have agreed a penalty of £1000 plus costs to be charged in such circumstances, which is based on a Statement of Principles agreed by Cabinet in January 2016. This can be found in Appendix 1.

The Housing and Planning Act 2016 includes the following measures to tackle rogue landlords and property agents:

- An alternative to prosecution for certain offences under the Housing Act 2004. – whereby local housing authorities will be able to impose a civil penalty for the following offences:
  - Failure to comply with an Improvement Notice;
  - Offences in relation to licensing of Houses in Multiple Occupation;
  - Offences in relation to licensing of houses under Part 3 of the Act;
  - Offences of contravention of an overcrowding notice;

- Banning orders (to be introduced from 1 April 2018) – meaning an order, made by the First-tier Tribunal, banning a person from: letting a house in England; engaging in English letting agency work; engaging in English property management work; or doing two or more of those things. A local authority in England may apply for a banning order against a person who has been convicted of a banning order offence (as specified in regulations made by the Secretary of State). The local authority can impose a civil penalty up to £30,000 for breach of a banning order. South Lakeland District Council will apply a civil penalties in line with Appendix 2.

- Database of rogue landlords and property agents (to be introduced from 1 April 2018) – whereby local housing authorities are responsible for maintaining the content of the database. Local housing authorities must make an entry in the database in respect of a person if: a banning order has been made against the person following an application by the authority, and no entry was made under section 30, before the banning order was made, on the basis of a conviction for the offence to which the banning order relates.

10 WORKS IN DEFAULT OF A STATUTORY NOTICE

The Council will consider undertaking Works in Default of a statutory notice, either with or without agreement, subject to the following conditions:
• The person responsible for undertaking the works has not complied with the enforcement notice to which the works relate; and

• Works in default powers are provided by the specific legislation being used in relation to the case; and

• The Council will register a charge against the premises for the costs incurred in undertaking the works.

In the majority of cases the council will seek to recover the costs incurred in undertaking works.

11 INTEREST CHARGE FOR WORKS UNDERTAKEN IN DEFAULT OF A NOTICE

In accordance with the powers available under each specific piece of legislation at our disposal, expenses incurred by the Council by undertaking works in default of a statutory notice will carry a simple interest rate charge above the Bank of England base rate, where the legislation allows interest to be charged. The interest rate charge will commence from the date that the demand for payment notice becomes overdue and will remain until payment of all sums due.

12 NON-STATUTORY INSPECTION CHARGES

The Private Sector Housing Standards team will charge for inspections that are non-statutory. These include inspections relating to fitness of dwellings for the purposes of immigration requests. The current charge for this service is £102.

Under the Right to Rent, introduced in the Immigration Act 2014, private landlords, including those who sub-let or take in lodgers, must check the right of prospective tenants to be in the country to avoid being issued with a penalty of up to £3000 per tenant. Enforcement rests with the Home Office.

13 OWNER OCCUPIERS

Other than in exceptional circumstances, the Council expects owner-occupiers, including long leaseholders, to take their own action to remedy hazards at their own properties. The Principal Housing Standards Officer will decide whether there are exceptional circumstances in a particular case to justify intervention.

Occasions will arise whereby Category 1 hazards are identified in owner occupied properties where the owner is not eligible for financial assistance, is unwilling to use financial assistance, or where no financial assistance is available from the Council. The duty to take action, as required under Section 5 of the Housing Act 2004 still applies. However it would not generally be in the public interest to enforce compliance unless the hazard in question was adversely affecting an adjoining property or was endangering the health and safety of the public or visitors to the property (such as Postal Service workers).

Where it appears that there would otherwise be little prospect of such a hazard being remedied within the forthcoming 12 months (for example through a grant to install central heating / insulation to remedy the hazard of excess cold) then the hazard will be brought to the attention of the owner by the service of a Hazard Awareness Notice. No charge would generally be made for the service of such a notice. This fulfils the Council’s duty under section 5 of the Housing Act 2004 but has no subsequent enforcement consequences.
In some exceptional cases, in line with the guidance given by the HHSRS Enforcement Guidance, it will be necessary to serve an Improvement Notice or Suspended Improvement Notice in respect of hazards in owner occupied properties. No charge would generally be made for the service of such a notice and the Service will work with the owner to offer advice and assistance in complying with the requirements of the notice. Other examples of exceptional cases where the Council may take enforcement action include:

- Vulnerable elderly people who are judged not-capable of making informed decisions about their own welfare.
- Vulnerable individuals who require the intervention of the Council to ensure their welfare is best protected.
- Hazards that might cause harm to persons other than the occupants.
- Serious risk of life-threatening harm such as electrocution or fire.
- Any other exceptional case determined by the Principal Housing Standards Officer.

14 REGISTERED SOCIAL LANDLORDS / REGISTERED PROVIDERS

RSLs (now called Registered Providers (RPs)) exist to provide suitable and properly maintained accommodation for their tenants. They are managed by Boards (which typically include tenant-representatives) and their performance is scrutinised by the Homes and Communities Agency. RPs normally employ staff to both manage and maintain their properties and will usually have written arrangements for reporting problems, setting out the response times they aim to achieve, and also for registering any complaints about service-failure.

On this basis the Council will not normally take formal action against an RP unless:

- They are satisfied that the problem in question has been properly reported to the RP; and
- The RP has then failed to take appropriate action within a reasonable timescale, taking into account its published or other realistic response targets.

If the Council determines that it is appropriate to take action it will then normally notify the RP that a complaint has been received and/or a hazard identified and seek the RPs comments and proposals. Only in cases where it judges that an unsatisfactory response has been received will the Council take further action, and will then determine which of the available enforcement options is the most appropriate, taking into account the facts of the case. Any exceptions to this approach will be determined by the Principal Housing Standards Officer and the Housing Strategy and Delivery Manager, whom will liaise with the RPs senior management to escalate the case where unsatisfactory progress is being made in dealing with any complaint.

Where we have identified hazards and the Registered Provider has a programme of works to improve or make their stock decent, the officer will take into account the programme when determining the most appropriate course of action, and will liaise with the RP over any works necessary to deal with category 1 and 2 hazards in advance of the planned improvements. In particular, with the Space and Crowding hazard, account will be taken of the availability of suitable alternative accommodation and the priority given to the allocation of alternative accommodation for tenants living in overcrowded conditions which are the subject of a Category 1 or high Category 2 hazard.
15 MANAGEMENT ORDERS

If a property should be licensed, but for whatever reason(s) there is no reasonable prospect of granting a licence, the Council must introduce a Management Order. The Council also has a duty to make an Order where the health and safety condition as described in the Section 104 of the Act is met. Similarly, the Council can also decide to take over the management of some empty properties in order to bring them back into use and those properties where it is decided the Council should intervene for anti-social behaviour reasons.

Management Orders effectively mean that the Council (or its Agent) takes over the running of the property as if it were the landlord, including collecting rents, forming tenancies, carrying out repairs and other management matters; the duties vary between the different orders that can be made. This does not affect the ownership of the property; the owner retains certain rights depending on the type of order including receipt of surplus rental income. Relevant costs are recoverable.

Schedule 3 of the Housing and Planning Act 2016 amends the Housing Act 2004 to allow interim and final management orders to be made in cases where a banning order has been made.

16 INTERIM MANAGEMENT ORDER

An Interim Management Order (IMO) lasts for no longer than 12 months and will be made on a property if it is a licensable HMO but does not have a licence. The Council must make an IMO if they do not anticipate that the HMO will be licensed in the near future or because the Council have revoked the license. The expiry date of the IMO will be determined when it is made.

17 FINAL MANAGEMENT ORDER

Final Management Order (FMO) lasts for no longer than 5 years and must be made on expiry of the IMO where a licence cannot be granted. When a FMO expires a new one may be made if necessary.

18 SPECIAL INTERIM MANAGEMENT ORDER

A Special Interim Management Order (SIMO) is an Order authorised after a successful application to a Residential Property Tribunal (RPT) where circumstances fall within a category of circumstances prescribed by the national authority and it is necessary to protect the health, safety and welfare of occupants, visitors or neighbours. A FMO can follow a SIMO to protect persons on a long term basis as described in the Order.

19 INTERIM EMPTY DWELLING MANAGEMENT ORDER

An Interim Empty Dwelling Management Order (interim EDMO) is an Order authorised after a successful application to a RPT. The dwelling must have been wholly unoccupied for at least two years and there is no reasonable prospect that the dwelling will become occupied in the near future. An interim EDMO enables the Council to take steps to ensure, with the consent of the proprietor, an empty dwelling becomes occupied. An interim EDMO lasts no longer than 12 months.

20 FINAL EMPTY DWELLING MANAGEMENT ORDER

A Final Empty Dwelling Management Order (Final EDMO) may replace an Interim EDMO if the Council feels that unless a Final EDMO is in place the dwelling will become or remain empty. Where
the dwelling is already unoccupied the Council must have taken all appropriate steps under the interim EDMO with a view to ensuring the dwelling becomes occupied. A final EDMO lasts for 7 years; once a Final EDMO expires a new one may be made if necessary. Orders can be varied or revoked in accordance with the provisions of Part 4 of the Act.

The Council is under a duty to issue Interim and Final Management Orders where necessary. Officers will instigate this action where necessary but as a last resort.

21 ADDITIONAL ENFORCEMENT POWERS

The following tools are also available where the Housing Act 2004 measures are not appropriate, or do not sufficiently deal with the problem.

21.1 ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80 - Notices can be served if the officer is of the opinion that there is a statutory nuisance at the premises. The premises must be deemed prejudicial to health or a nuisance.

21.2 BUILDING ACT 1984 SECTION 59/60 - Used to deal with defective drainage issues in existing buildings.

21.3 BUILDING ACT 1984 SECTION 64/65 - Used where sanitary conveniences are insufficient or in need of replacement and are considered prejudicial to health or a nuisance.

21.4 BUILDING ACT 1984 SECTION 76 - Used where the property is so defective so as to be prejudicial to health. This notice notifies the person responsible of the local authority’s intention to remedy the problem (similar to work in default).

21.5 PUBLIC HEALTH ACT 1936 SECTION 45 - Used where there are defective sanitary conveniences due to their repair and/or cleansing ability. They must be in such a state as to be prejudicial to health or a nuisance.

21.6 PUBLIC HEALTH ACT 1936 SECTION 83 – Used where a property is in such a state as to be in a filthy or unwholesome condition or verminous.

21.7 PUBLIC HEALTH ACT 1961 SECTION 17 - Where any drain, private sewer, water closet, waste pipe or soil pipe has not been maintained and can be repaired for less that £250.

21.8 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 SECTION 33 - Used where services such as the water supply are due to be, or have been, cut off to a domestic property.

21.9 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SECTION 29 (NOTICE OF INTENDED ENTRY) - Used to prevent unauthorised access (for example broken windows, doors etc.) to get the owner to secure the premises.

21.10 PREVENTION OF DAMAGE BY PESTS ACT 1949 SECTION 4 - Used where there is evidence of or harbourage of rats or mice at a property.

21.11 HOUSING ACT 1985 (AS AMENDED) - Some provisions within the 1985 Act have not been revoked and may be appropriate to use in some circumstances. In particular the overcrowding
provisions are still available and can be used where the 2004 Act is not sufficient. The other provisions relate to houses in multiple occupation (HMO) and the Housing (Management of Houses in Multiple Occupation) Regulations 1990. These have been revoked with regards to all types of HMO, except certain converted blocks of flats. These regulations can be used to deal with disrepair and management issues of this type of HMO only.

21.11 THE MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION (ENGLAND) REGULATIONS 2006 - These regulations have been introduced to deal with all other types of HMO other than those mentioned above. Therefore, all licensable HMOs, smaller HMOs and flats in multiple occupation are covered by these regulations. Only self-contained flats are exempt as they fall under the regulations mentioned above. The regulations cover the management and repair of the HMO. There are no notice provisions with these regulations therefore if a decision is made to take action under these regulations, the Officer must go straight to prosecution or impose a civil penalty.

21.12 THE REDRESS SCHEMES FOR LETTINGS AGENCY WORK AND PROPERTY MANAGEMENT WORK (REQUIREMENT TO BELONG TO A SCHEME ETC) (ENGLAND) ORDER 2014 – this order requires a person who engages in property management work to be a member of a redress scheme for dealing with complaints in connection with that work.

21.13 THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015 – these regulations were introduced to ensure that private sector landlords install and maintain at least one smoke alarm on every story of their rented properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire or wood burning stove). It also makes it the landlords’ responsibility to ensure that the alarms are in working order at the start of each new tenancy. In addition, the regulations amend the conditions which must be included in a licence under Part 2 or 3 of the Housing Act 2004 (“the 2004 Act”) in respect of smoke and carbon monoxide alarms.

The following legislation is also used as part of the day-to-day collection of information, preparing cases for prosecution and gathering evidence.

21.14 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 SECTION 16 - Used to formally request information about a premises or a person.


21.16 ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) REGULATIONS 2015 (ENERGY ACT 2011)

These regulations make it unlawful for landlords to: grant a new tenancy or renew an existing tenancy of a private rented property with an energy performance certificate (EPC) rating of F or G from 1 April 2018; continue to let a domestic private rented property with EPC ratings of F or G from 1 April 2020. Landlords who do not comply with the regulations face a fine of up to £5000.
22 POWERS OF ENTRY AND POWER TO REQUIRE INFORMATION

Councils have the power of entry to properties at any reasonable time to carry out its duties under Section 239 of the Housing Act 2004 provided that the officer has:

- Written authority from an appropriate officer stating the particular purpose for which entry is authorised.
- Given 24 hours’ notice to the owner (if known) and the occupier (if any) of the premises they intend to enter.

No notice is required where entry is to ascertain whether an offence has been committed under sections 72 (offences in relation to licensing of HMOs), 95 (offences in relation to licensing of houses) or 234(3) (offences in relation to HMO management regulations). If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry then a warrant may be granted by a Justice of the Peace on written application. A warrant under this section includes power to enter by force, if necessary.

Councils also have powers under Section 235 of the Housing Act 2004 to require documentation to be produced in connection with:

- Any purpose connected with the exercise of its functions under Parts 1-4 of the Housing Act 2004.
- Investigating whether any offence has been committed under Parts 1-4 of the Housing Act 2004.

Councils also have powers under Section 237 of the Housing Act 2004 to use the information obtained above and Housing Benefit and Council Tax information obtained by the Council to carry out its functions in relation to these parts of the Act.

23 INFORMAL ACTION

While formal enforcement action is a necessary and important part of the enforcement process, it should generally be viewed as a last resort. In going about their private sector housing activities where the Council identifies premises that contain a minor hazard or hazards, the Council will normally consider the case for drawing this informally to the attention of the owner or landlord as the case may be.

Where the Council has expressed an informal opinion it will provide a written explanation to the owner or landlord. Such written explanation will include an explanation of:

- the remedial action which in the Council’s opinion is needed and the timescale in which the Council considers such action needs to be taken;
- why the Council considers remedial action needs to be taken and the nature of any enforcement action which may be taken by the Council in the future if the owner or landlord does not undertake the works, including explanations of the right to make representations before, and the right of appeal against such action.

The tenant will be given advice and a one-off letter will be sent to the landlord and if the works are of a minor nature, the case will then be closed.
24 WHAT IS EXPECTED OF TENANTS

Before considering taking any action in respect of a tenanted property the tenant(s) will normally be required to contact their landlord about the problems first. This applies to all tenants. Legislation covering landlord and tenant issues require that tenants notify their landlords of any problems with the property. This is because landlords can only carry out their obligations under the legislation once they have been made aware of the problem. Copies of correspondence between the landlord and tenant should be provided for officers.

In certain situations tenants will not be required to write to their landlord first, e.g.:

- where the matter appears to present an imminent risk to the health and safety of the occupants;
- where there is a history of harassment/threatened eviction/poor management practice;
- where the tenant is old and frail or otherwise vulnerable, e.g. where there are pre-school children in the household;
- where the tenant’s first language is not English and this is likely to cause them difficulty;
- where the tenant could not for some other reason be expected to contact their landlord/managing agent;

Tenants are responsible for keeping Officers informed of any contact they have had with their landlord (or the landlord’s agent or builder, etc.) which may affect the action the Council is taking or considering taking.

25 SITUATIONS WHERE A SERVICE TO TENANTS IS NOT PROVIDED

Where any of the following situations arise consideration will be given to either not providing a service or ceasing to provide a service:

- Where the tenant(s) are, of their own free will, shortly to move out of the property;
- Where the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord’s builder, to arrange or carry out works;
- Where the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair, etc.;
- Where the tenant(s) only reason for contacting the Council is in order to get re-housed; if a tenant is not interested in their present accommodation being brought up to standard that service will not be provided;
- Where the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow up letter or appointment card. However account will be taken of the access/disability problems faced by some households.
- Where the tenant(s) have been aggressive, threatening, verbally or physically abusive towards Officers;
- Where there is found to be no justification for the complaint, on visiting the property;
• Where the service has determined, through Council procedures, that the complainant is ‘vexatious’;

• Where the tenant unreasonably refuses to provide the Council with relevant documentation.

26 LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Under the Housing Act 2004 certain types of House in Multiple Occupation (HMO) will require a license to operate. An HMO is a building occupied by more than two households as defined in Part 2 of the Housing Act 2004.

Certain HMO’s, as determined by legislation, must be licensed. Regulations and guidance published by the Department of Communities and Local Government will be followed in the administration of the Council’s HMO Licensing duties and enforcement of satisfactory conditions and standards.

Subject to the introduction of secondary legislation the following will be applied:

Extension of the scope of mandatory HMO licensing:

• It will apply where certain HMOs are occupied by five persons or more in two or more households, regardless of the number of storeys.

• This includes any HMO which is a building or a converted flat where such householders lack or share basic amenities such as a toilet, personal washing facilities or cooking facilities.

• It also applies to purpose built flats where there are up to two flats in the block and one or both are occupied as an HMO.

Minimum room sizes for sleeping accommodation:

• The absolute minimum sizes of rooms that may be used for sleeping (as defined in the Regulations). The Council will, as part of its statutory duties, specify which rooms in an HMO are suitable for sleeping accommodation, and by how many adults and children.

• Where a room does not meet these conditions, the Council will give the landlord a reasonable period of time to remedy the failure and during this period they will not face any sanctions for a breach of the condition (unless the breach was deliberate, in which case sanctions apply).

Refuse disposal and storage facilities in licensed HMOs:

• The licence holder will be required to comply with the Council’s scheme for the provision of facilities for the proper disposal and storage of domestic refuse.

Local Authorities have discretionary powers to licence other HMO’s which fall outside the mandatory requirement and other types of residential properties in certain circumstances. However, problems in the Housing Stock in South Lakeland are not such as to require the use of these discretionary powers.

Local Authorities are able to make a charge for the cost of providing an HMO licence. The minimum charge for a licence is £368; each additional letting room above five rooms would cost an additional £25, up to a maximum charge of £600. 2018/19 charges to be inserted once approved by Council (annual budget meeting).

Following licensing, HMOs will be prioritised for assessment under the HHSRS. The owner must deal with all Category 1 hazards within a suitable timescale. If they do not, then the Council is expected to
use their enforcement powers to improve the property. Applicants will be informed of this requirement when the licence is issued and information made available to help them identify and deal with Category One Hazards.

The Council will consider service of a Temporary Exemption Notice (TEN) where a landlord is, or shortly will be, taking steps to make an HMO non-licensable. A TEN can only be granted for a maximum period of three months. A second three-month TEN can be served in exceptional circumstances. Where a licensable HMO is not licensed, the landlord cannot serve notice to quit until the HMO is licensed.

Where a landlord fails to licence an HMO, the Council can consider taking a prosecution case to the Magistrates’ Court Residential Property Tribunal (RPT). The RPT will replace the courts in judging cases relating to some offences and appeals under the Act. On conviction for failure to licence, the RPT has the power to make a Rent Repayment Order requiring that up to 12 months’ rent is repaid to the tenant or to the Council where a tenant is on housing benefits. The licensee has a right of appeal to the RPT against refusal to licence, licensing conditions and the maximum number of occupiers or households specified on the licence.

Where there is no prospect of an HMO being licensed, the act requires that the Council use its interim management powers. This enables the Council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In extreme cases this can be extended to five years, with the Council also having the power to grant tenancies.

If the Council finds that there has been a change of circumstances in an HMO since it was licensed, it has the power to vary the licence. If there is a serious breach or there are repeated breaches of the license conditions or the licensee or manager are no longer fit and proper persons, the licence can be revoked. The licence can also be revoked if the property is no longer a licensable HMO or if the condition of the property means it would not be licensable were an application to be made at the later time.

27 GENERAL

This policy will form part of the Council’s Housing Strategy.

For the purpose of enforcement, the Principal Housing Standards Officer is authorised for the purposes of exercising any and all of the statutory powers and duties contained in the Housing Act 2004 and any Regulations, Orders, Byelaws and statutory instruments from time to time made thereunder, including the entry of premises, service of Notices and Orders and the granting or refusal of licences in Section 64 of the above Act.

This authorisation does not extend to the provisions in the Housing Act 1985 related to Demolition Orders and Clearance Areas.

Situations may arise where there is another authority or body with enforcement powers under other legislation regarding the unsatisfactory matter which may be dealt with by housing legislation. In this case full consultation will be made with that authority or body before housing enforcement action is taken.

28 MONITORING AND REVIEW

In accordance with the Regulators’ Compliance Code, the Council will keep its regulatory activities and interventions under review, with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose.
This document will be subject to regular review. Changes will be introduced to accommodate new legislation, guidance and local needs.

The Council’s service standards in respect of its housing enforcement role is shown at Appendix 2.

The Council’s Principal Housing Standards Officer is responsible for ensuring that officers implement the service in accordance with the Policy. Procedures are in place which include details of how checks are made to ensure compliance with the Policy. Any evidence of non-compliance, both internally and externally, will be reported to the Housing Strategy and Delivery Manager to take appropriate action.

29 CONTACTS

If you have any comments or queries on this policy, please contact:

Principal Housing Standards Officer
South Lakeland District Council
South Lakeland House
Kendal
Cumbria
LA9 4DQ

Telephone: 01539 733 333
Email: housingstandards@southlakeland.gov.uk
30 SOURCES OF FURTHER INFORMATION

The Regulators’ Compliance Code (Statutory Code of Practice for Regulators)
or by phoning the Department for Business, Enterprise & Regulatory Reform on 020 7215 5000

The Housing Health and Safety Rating System – Enforcement Guidance
or by phoning Communities and Local Government on 020 7944 4400
APPENDIX 1

CALCULATING FIXED PENALTY CHARGES – THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015

THE REGULATIONS REQUIRE A STATEMENT OF PRINCIPLES TO BE FOLLOWED IN ORDER TO DETERMINE THE AMOUNT OF A PENALTY CHARGE.

The following principles were considered:

1. That the Regulations would not have allowed a maximum fine of £5000 had it not been envisaged that this is the amount considered fair for Councils to levy.

2. That the cost of the remedy will be relatively low in most cases and that the amount of the penalty charge should reflect a disregard of the duty to remove the risk to life arising from a domestic fire.

3. In calculating the amount of the penalty charge it would be fair to work on the perceived average costs involved within the District.

4. It is necessary to fix and publish the charge that could be expected to be paid so that there is forewarning of the consequences of committing an offence.

5. A reduction to the amount of the penalty charge will be made where the amount is paid before remedial works have to be undertaken and/or where a Court Order does not have to be applied for to recover payment.

The amount of a penalty charge will comprise the following elements:

1. An amount for the average length of time it will take officers of the Council to:-
   - Determine that the standard of the Regulations have been contravened
   - Prepare and send a remedial notice to the landlord
   - Arrange for remedial action if the landlord has not complied with the remedial notice.
   - Serve a penalty charge notice if the landlord has not complied with the remedial notice.
   - Facilitate an appeal against the penalty charge notice
   - Process the payment of the penalty charge amount
   - Recover the penalty charge via a Court Order if the landlord does not pay voluntarily.

2. A level of fine that the offence might attract as though the case had gone before the Magistrates.

The costs have been determined as follows:
DETERMINE THAT THE STANDARD OF THE REGULATIONS HAVE BEEN CONTRAVENED:

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<thead>
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<th>Rate per hr</th>
<th>Time</th>
<th>Cost</th>
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<tr>
<td>Average travel time to visit house</td>
<td>PHSO</td>
<td>£22.00</td>
<td>60 mins</td>
</tr>
<tr>
<td>Average time to verify breach of Regulations</td>
<td>PHSO</td>
<td>£22.00</td>
<td>15 mins</td>
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<tr>
<td>Average time to record notes to computer system</td>
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<td>30 mins</td>
</tr>
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<td><strong>Total</strong></td>
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PREPARE AND SEND A REMEDIAL NOTICE TO THE LANDLORD:

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<th>Rate per hr</th>
<th>Time</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verify landlord’s details</td>
<td>PHSO</td>
<td>£22.00</td>
<td>30 mins</td>
</tr>
<tr>
<td>Administer Notice</td>
<td>PHSO</td>
<td>£22.00</td>
<td>1 hour</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
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ARRANGE FOR REMEDIAL ACTION IF THE LANDLORD HAS NOT COMPLIED WITH THE REMEDIAL NOTICE:

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<tr>
<th>Officer</th>
<th>Rate per hr</th>
<th>Time</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confirm tenant wishes remediation</td>
<td>PHSO</td>
<td>£22.00</td>
<td>15 mins</td>
</tr>
<tr>
<td>Instruct authorised person remediate</td>
<td>PHSO</td>
<td>£22.00</td>
<td>15 mins</td>
</tr>
<tr>
<td>Verify work has been done</td>
<td>PHSO</td>
<td>£22.00</td>
<td>60 mins</td>
</tr>
<tr>
<td>Process payment to Finance</td>
<td>Admin</td>
<td>£11.00</td>
<td>30 mins</td>
</tr>
<tr>
<td>Administration by Finance Department</td>
<td>Admin</td>
<td>£11.00</td>
<td>30 mins</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SERVE A PENALTY CHARGE NOTICE IF THE LANDLORD HAS NOT COMPLIED WITH THE REMEDIAL NOTICE:

<table>
<thead>
<tr>
<th>Officer</th>
<th>Rate per hr</th>
<th>Time</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confirm notice’s non-compliance</td>
<td>PHSO</td>
<td>£22.00</td>
<td>60 mins</td>
</tr>
<tr>
<td>Issue Notice and cover letter</td>
<td>PHSO</td>
<td>£22.00</td>
<td>2 hours</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**FACILITATE AN APPEAL AGAINST THE PENALTY CHARGE NOTICE:**

<table>
<thead>
<tr>
<th>Officer</th>
<th>Rate per hr</th>
<th>Time</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correspond with appellant</td>
<td>PHSO</td>
<td>£22.00</td>
<td>1hr</td>
</tr>
<tr>
<td>Prepare papers</td>
<td>PHSO</td>
<td>£22.00</td>
<td>3hrs</td>
</tr>
<tr>
<td>Hear the appeal</td>
<td>Cllr (s)</td>
<td>£22.00</td>
<td>1hr</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>£110.00</strong></td>
</tr>
</tbody>
</table>

**Total** **£291.50**

NOTE: PHSO and Admin hourly rates (£) based on SCP39 and SCP16 plus 25% on-costs, rounded to nearest £.

http://www.local.gov.uk/documents/10180/49942/Prosecutions+LGA+research.pdf/1bc18f74-e616-4e26-8387-ad0a9bae6768

<table>
<thead>
<tr>
<th>Description</th>
<th>Fine</th>
<th>Council’s stated costs</th>
<th>Costs Awarded</th>
<th>Was this amount requested?</th>
<th>PSH team costs</th>
<th>Legal team costs</th>
<th>Costs</th>
<th>Council’s stated costs</th>
<th>Shortfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 contraventions of HMO management regulations.</td>
<td>£2,600</td>
<td>£6,438</td>
<td>£1,995</td>
<td>Yes</td>
<td>£1,995</td>
<td>£5,443</td>
<td>£1995</td>
<td>£5,443</td>
<td>£5,443</td>
</tr>
<tr>
<td>Failure to comply with an improvement notice regarding nine health hazards.</td>
<td>£3,000</td>
<td>£2,190</td>
<td>£2,190</td>
<td>Yes</td>
<td>£1,765</td>
<td>£425</td>
<td>£2,190</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Three breaches of HMO management regulations.</td>
<td>£5,000</td>
<td>£1,363</td>
<td>£1,363</td>
<td>Yes</td>
<td>£1,038</td>
<td>£325</td>
<td>£1,363</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>5 contraventions of HMO management regulations.</td>
<td>£1,210</td>
<td>£3238</td>
<td>£3238</td>
<td>Yes</td>
<td>£1,090</td>
<td>£2,148</td>
<td>£3,238</td>
<td>N/A</td>
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</tr>
<tr>
<td>Failure to comply with improvement notice.</td>
<td>£100</td>
<td>£787</td>
<td>£787</td>
<td>Yes</td>
<td>£451</td>
<td>£336</td>
<td>£787</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Failure to comply with an improvement notice.</td>
<td>£1,000</td>
<td>£3,000</td>
<td>£1,000</td>
<td>33%</td>
<td>£1,376</td>
<td>£1,624</td>
<td>£3,000</td>
<td>£2,000</td>
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</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>£2151.25</strong></td>
<td><strong>£1893</strong></td>
<td><strong>£1094</strong></td>
<td><strong>£1158</strong></td>
<td><strong>£2252</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
OUTCOME OF RESEARCH:

Suggest first offence fine of £1,291.50 (based on costs plus £1,000 fine)
2nd offence fine of £2,291.50 (based on costs plus £2,000 fine)

FINES INCREASING BY £1000 FOR EACH SUBSEQUENT OFFENCE UP TO THE MAXIMUM ALLOWED OF £5,000.
APPENDIX 2

Application of Civil Penalties under section 126 Housing and Planning Act 2016

Statement of principles

The level of civil penalty to be applied will be determined with reference to the culpability of the offender, and the harm, or potential harm, caused to occupiers as a result of the breach. The principles that the Council will take into account when applying a civil penalty are:

1. The more serious the offence, the higher the penalty should be.
2. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
3. The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
4. Punishment of the offender. A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
5. The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.
6. Deter others from committing similar offences. While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.
7. Remove any financial benefit the offender may have obtained as a result of committing the offence. The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence; it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

These principles will be applied using the Culpability / Harm matrix set out below to arrive at an appropriate penalty.
**Culpability**

**Very High:** The offender intentionally breached or flagrantly disregarded the law. This may be evidenced by numerous previous failures to comply with enforcement action.

**High:** Actual foresight of, or wilful blindness to risk of offending, but risk nevertheless taken. This may be evidenced by some previous enforcement activity.

**Medium:** Offence committed through act or omission which a person exercising reasonable care would not commit.

**Low:** Little fault because, for example, efforts were made to address the risk, albeit they were inadequate on this occasion, or failings were minor and occurred as an isolated incident.

**Harm:**

**Level 1:** Multiple serious failings giving rise to a number of Category 1 Hazards that posed a substantial risk to occupiers, or very serious breach of HMO management regulations.

**Level 2:** Significant risk arising from, for example a single Category 1 Hazard, a number of Category 2 Hazards. Significant breach of HMO management regulations.

**Level 3:** Lower risk arising from one or two Category 2 Hazards only, or from a minor breach of HMO management regulations.

The level of the civil penalty will be calculated with reference to the table below. A history of previous non-compliance and/or evidence of substantial financial gain from the failure to comply will result in a higher penalty within the range being imposed. Previous good character, less financial gain and evidence of efforts to remedy the situation will result in a lower penalty within the range being imposed.

<table>
<thead>
<tr>
<th></th>
<th>Starting Point</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Very High Culpability</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harm Level 1</td>
<td>£20,000</td>
<td>£10,000 - £30,000</td>
</tr>
<tr>
<td>Harm Level 2</td>
<td>£10,000</td>
<td>£5000 - £15,000</td>
</tr>
<tr>
<td>Harm Level 3</td>
<td>£5000</td>
<td>£2500 - £7500</td>
</tr>
<tr>
<td><strong>High Culpability</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harm Level 1</td>
<td>£10,000</td>
<td>£5000 - £15,000</td>
</tr>
<tr>
<td>Harm Level 2</td>
<td>£7500</td>
<td>£3750 - £11,250</td>
</tr>
<tr>
<td>Harm Level 3</td>
<td>£3000</td>
<td>£1500 - £4500</td>
</tr>
<tr>
<td>-------------</td>
<td>-------</td>
<td>---------------</td>
</tr>
<tr>
<td><strong>Medium Culpability</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harm Level 1</td>
<td>£5000</td>
<td>£2500 - £7500</td>
</tr>
<tr>
<td>Harm Level 2</td>
<td>£3500</td>
<td>£1750 - £5250</td>
</tr>
<tr>
<td>Harm Level 3</td>
<td>£2000</td>
<td>£1000 - £3000</td>
</tr>
<tr>
<td><strong>Low Culpability</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harm Level 1</td>
<td>£3000</td>
<td>£1500 - £4500</td>
</tr>
<tr>
<td>Harm Level 2</td>
<td>£2000</td>
<td>£1000 - £3000</td>
</tr>
<tr>
<td>Harm Level 3</td>
<td>£1000</td>
<td>£500 - £1500</td>
</tr>
</tbody>
</table>
APPENDIX 32

Private Sector Housing – how we deal with complaints concerning privately owned or rented properties

About these service standards

We offer advice and guidance on housing conditions to private tenants, owners, agents, trustees and landlords in South Lakeland and improve standards using legal powers where that is in line with our Enforcement Policy and procedures.

This leaflet tells you what you can expect from us when you have made a service request.

Our aims

We want our customers to experience a good standard of service every time they contact us. Our staff will make sure that we deal with your enquiry and complaints appropriately and proceed with enforcement action where required.

We will monitor performance against these service standards.

Our customer service commitment

We are committed to providing the following service to customers who contact the Private Housing Service:

☐ We can be contacted via e-mail, phone, post, in person at our office or visit you at home.

☐ We will deal with telephone calls immediately or, where this is not possible, call you back within five working days (if we transfer your call, we will tell the other member of staff your name and why you are calling).

☐ We will acknowledge your initial letter or e-mail to us within five working days, letting you know what we plan to do. We will respond to any further correspondence from you in 12 working days.

☐ We will provide you with clear, relevant advice and information in response to any query (although the nature of our work sometimes requires us to use technical or legal terms).

☐ We will visit you in your own home if necessary.

☐ We will leave a calling card if you are not in when we visit you at home.

☐ Staff will carry identity documentation at all times. Please always ask to see identification before letting anyone into your home.
We will keep you informed of any significant developments and keep you updated on the progress of your enquiry.

Once your request/complaint has been resolved we will contact you to let you know what the outcome is, that we are closing the case, and why.

We will send you a questionnaire asking you for feedback on our service.

When we will not investigate a complaint concerning privately owned and rented properties:

We will not investigate complaints made by a 'third party' unless there appears to be a serious public health and safety issue or the people affected are children under 18, or vulnerable adults.

We will normally suggest that a private tenant contacts their landlord first, to allow the landlord an opportunity to resolve the problem before we become involved.

When making a complaint regarding your housing conditions:

If your housing conditions involve an imminent risk to health such as overflowing sewage, heating failure in cold weather where there is an elderly person or someone who is disabled or ill and where a warrant has been obtained by a gas, electricity or water company which will be used to disconnect a supply in the next 3 days, your case will be treated as an emergency and initial contact would be made with you within 24 hours. Each case will be assessed on risk.

You will be contacted about all other requests within five working days.

A case officer will contact you to discuss and investigate your complaint and make an appointment to inspect your property if necessary.

As the complaints we deal with vary enormously, it is impossible to give a timescale for how long it will take to deal with a request. However, generally you can expect:

- The officer visiting will inspect your property; this may include the garden, any common parts and outbuildings.

- After the inspection the case officer will complete an assessment and will let you know whether we can or cannot help you.

Where problems are reported that can be dealt with by law and our enforcement policy there is usually a duty on the Council to act. If this is the case we must visit to inspect the whole property and give you and your landlord a minimum of 24 hours notice of inspection, other than a case of emergency. This may happen even if the problem identified is not what you originally complained about. We will explain what the problems we can deal with are and specify a time limit for getting the matter completed (time limits will differ depending on the case).
Where there are problems at a property but we cannot require work to be carried out, but you still want us to continue, we may, if we believe it appropriate, make recommendations to your landlord / your letting agent / the owner etc. However, we would be unable to ensure that these are acted upon.

If you are a private tenant who has applied for rehousing and your accommodation is unsatisfactory or overcrowded we will contact Cumbria Choice, the Homeless Prevention or Rehousing teams within the council as this may assist with your application. However, for problems other than overcrowding our action will be to improve your living conditions and this may or may not assist your application.

The complaint will be dealt with on an informal basis wherever possible unless there is a history of non-compliance by the landlord, letting agent or owner etc or if the condition of the property presents a serious risk of harm or an imminent risk of serious harm to the health and safety of the occupiers or visitors.

If there is an imminent risk of serious harm to the health and safety of the occupiers or visitors the case officer may need to take formal emergency action. For example, if there were exposed live electrical wires a child could easily reach or the main staircase at the property was about to collapse.

You will have opportunity to make comments to the case officer about the work required and any notices we intend to serve will be discussed with you.

The work may be inspected whilst in progress and on completion if necessary. The case will only be closed when it is completed to our satisfaction.

If the work requested has not been completed within the original time frame but there is an acceptable reason for this and reasonable progress has been made, the case officer may extend the timescale.

If there has been little or no progress to carry out or complete the works on an informal basis then legal notice/s requiring works or other remedial action may be served (if we have not already done so).

If at the end of the given timescale on a formal notice requiring work or other remedial action an unreasonably small amount of work or no work at all has been undertaken the case officer and manager will consider whether it is appropriate and cost effective for us to arrange for the work to be carried out.

We will consider prosecuting for the offence of non-compliance with a statutory notice where we have sufficient evidence, there is a reasonable chance of conviction and it is proportionate and in the public interest to do so.

We will:

Treat you with respect and deliver our service in a way that meets your needs.

Train all our staff in equality and diversity issues.
Provide all of our customers with equal access to our services regardless of age, disability, gender, race, religion or sexual orientation.

Communicate clearly, although the nature of our work will sometimes require us to use legal or technical terms.
Provide written documents that are easy to read and offer to translate them where necessary into different languages or large print/braille (except legal notices).

Collect and monitor customer satisfaction and profiles of our service users

Make sure our policies do not treat any group unfairly.

Your views count, contact us.

You will be asked to complete a customer service survey once we have dealt with your request.

We value feedback to help develop our services. If you have any comments please contact us:-

Write to: Housing Standards Team, South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4UF
Telephone: 01539 733333
E-mail: housingstandards@southlakeland.gov.uk
DISABLED FACILITIES
GRANT POLICY
MARCH 2018

DATE RATIFIED: 22 March 2017

POLICY AUTHOR / POSITION: Tony Whittaker, Housing Strategy & Delivery Manager

AUTHOR CONTACT DETAILS: 01539 733333

ACCOUNTABLE DIRECTOR: David Sykes


DATE OF NEXT REVIEW: March 2019
1. Commitment
South Lakeland District Council (‘the Council’) is committed to ensuring that residents of the District are able to live independently in their homes for as long as possible.

Where residents have a disability we will work with them and other agencies to arrange adaptations or provide advice about moving to a more suitable home.

This policy will ensure that the Council will carry out and follow all relevant statutory duties to allow an assessment of need and deliver efficient and quality services to disabled people, including adapting property or facilitating relocation.

2. Regulatory Framework
Disabled Facilities Grants (DFGs) were introduced in 1990 but the principal legal provisions are now contained in the Housing Grants, Construction & Regeneration Act 1996 (HGCRA) as amended, other Acts and Statutory Instruments. The following is a summary of the key legal provisions:

- The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions Relating to Approval or Payment of Grant) General Consent 2008.
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (The Order).
- The Equalities Act 2010.
- The Construction (Design and Management) Regulations 2015

The Housing Grants, Construction and Regeneration Act 1996 (as amended) is the main piece of legislation governing the administration of such grants.

Disabled Facilities Grants are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords, and tenants of Housing Associations. Grants are also available for adaptations to the common parts of buildings containing one or more flats.
The Council has a duty to all within the District, but works closely with Housing Associations in the area to make sure that they can assist their tenants to remain in their own homes and that they have policies and funds to complement the work of the Council in regard to adaptations or relocation.

3. Roles and Responsibilities of Agencies
South Lakeland District Council has the legal duty to provide mandatory grants and can provide discretionary grant aid for eligible works to meet the care and mobility needs of people with disabilities in the District to enable them to live independently with privacy and dignity.

Cumbria County Council has the duty to assess the needs of disabled people for assistance at home and provide practical assistance. This is not limited to assistance eligible for Disabled Facilities Grants. However they engage the Occupational Therapy (OT) Service to assess property and provide recommendations on adaptations. Provided the work is reasonable, practicable and considered appropriate the Council will consider approval of a Disabled Facilities Grant (DFG).

4. Grant Fund Allocation
The Council is given a sum of money each year by the Government, through the Cumbria Better Care Fund, which can be specifically used for providing grants to help disabled people adapt their homes, or to move to a home that, with or without adaptation may be more suitable. The Council also has the ability to supplement the Government funds from its own resources. The Council will work in partnership with all other relevant agencies to provide disabled facilities grants to those eligible for assistance.

The Council will aim to ensure that the overall budget for DFG work will be distributed based on need in the District, however we will annually review expenditure and this policy to ensure that it meets needs.

5. Eligibility Criteria
The Council shall seek to ensure that advice provided to anyone making an enquiry about adaptations stresses the need for all of the available options to be carefully explored, rather than simply discussing 'how to get a DFG'. Assistance will be available to help with completing application forms.

In order that the Council can make decisions about eligibility; about the help it can give and, if the client is eligible for a grant, about the works which are most appropriate, we need to gather and consider a range of information. In addition to the OTs recommendations we must also need to take account of the following:

- the client’s financial circumstances;
- the cost of works;
- the time it is likely to take to deliver the adaptation(s) proposed;
- the extent of any family or other practical support;
• the suitability of the client’s home for adaptation (including the extent of any under-occupation or over-occupation);
• the practicalities of adapting the client’s home (taking into account both the site it sits on and its wider location);
• the length of time for which the client is likely to be able to take advantage of the adaptation(s) (to be expeditiously concluded with applicants’ needs in mind);
• the likely need for future adaptations;
• the availability of, and eligibility for, suitable alternative accommodation; and
• the extent to which the adaptation(s) make appropriate use of the funding available to the Council.

Eligibility for a Disabled Facility Grant is set by legislation (as described previously). The availability of a grant depends on all three of the following criteria being met:

1. the works being necessary and appropriate, and
2. the works being reasonable and practicable, and
3. the applicant’s means-tested contribution being less than the value of the work, or where further adaptation may be required in future that there is a grant with a nil contribution from the Council.

Eligibility will be determined regardless of sex, race, religion or any other potentially discriminatory factor. Legal action may be taken by the Council for any fraudulent claims.

6. Necessary and Appropriate

In order that we can decide if adaptations are ‘necessary and appropriate’ we need an assessment of the client and their home. This is usually carried out by an Occupational Therapist (OT) but may also involve the Council and an architect for substantial adaptation. The assessment focuses on the client’s, or their dependants’ ability to continue living independently in a home of their own.

Once an assessment has been carried out the OT makes a referral to the Council indicating both recommended works and an assessment of the priority for work which the client or dependant should be allocated. Judgements on both these issues have an important part to play in the process.

In reaching a decision as to whether works are ‘necessary and appropriate’ the Council is required to ‘consult the social services authority’. In a majority of cases our practice has been to accept the works recommended in the referral as those which are appropriate, and to use the broad priority specified by the OT. However, if we are to make best use of our resources we shall need to better identify and fully explore alternative solutions and differentiate more precisely between degrees of need. If we do not do so we are at risk of spending our budget on a smaller number of people than we could otherwise help; in effect meeting some clients’ aspirational needs entirely at the expense of increased waiting time for others.

When officers schedule the work to be carried out, they will ensure it meets the needs of the applicant but at the same time they will only prepare a basic minimal
specification. If grant applicants want to have a higher specification that costs more, they will have to pay the difference themselves.

7. Reasonable and Practicable
There are times when it is simply not reasonable and practicable to adapt a property (e.g. if there are multiple or excessive changes in level, if space is limited or where moving existing services would be prohibitively expensive). In cases where it is not possible to adapt a property to an appropriate standard or where the cost of works is considered excessive, the Council can properly take the view that the works are not 'reasonable and practicable'.

8. Eligible Grant Works
In accordance with the legislation, guidance and the Council’s Policy it has been determined that the following works can attract mandatory DFG funding (the list is not exhaustive):

- Work to aid entry and exit from a building e.g. Installation of ramps.
- Work to aid access into and around living areas. Provision of accessible kitchen and bathroom facilities.
- Improvement of access into and around the home.
- Access to suitable sleeping facilities. Through-floor lifts where appropriate.
- Installation of central heating (new and replacement)
- Making good following adaptation installations. This includes painting (new and disturbed surfaces) and repairing disturbed surfaces.
- Provision of dust-free flooring of a reasonable quality laminate or anti-slip flooring.
- Stair-lifts (including, through-floor lifts and step-lifts) will not generally be provided under the DFG service as Cumbria County Council has agreed to take on responsibility for providing these. However, if a stair-lift cannot be provided through this route a DFG application can be made.

Facilitating access
Facilitating access by the disabled occupant:

- to and from the dwelling;
- to a room used or usable as the principle family room;
- to a room used for or usable for sleeping;
- to a room in which there is a lavatory;
- to a room in which there is a bath or shower; and
- to a room with a wash hand basin.

Such works may include:

Ramping and/or handrails to the main external door.
This could alternatively be a rear door in the case of a rear access. Only one access point will normally be allowed for each dwelling. Should external access to a garden be required this may be considered as the main entry to the property.
In some circumstances temporary ramping may be provided by Social Services where the need is considered urgent. The Council will only consider replacement with a permanent ramp (concrete, brick, block and flags) following consideration of the respective case, modular ramps are becoming increasingly popular.

Permanent ramps will not normally be fitted to mobile homes and the Council may consider the installation of semi-temporary or modular ramps wherever necessary.

*Please note: The Council will not provide assistance for the removal of permanent ramps once installed.*

Provision of hard standings (usually 3.6m x 4.8m maximum) will be considered where the disabled person is in a wheelchair or has difficulty walking to the house. This will only be considered where existing on-street parking is deemed unsatisfactory and a marked disabled parking bay is not possible or where it affords a more economical solution than providing additional paths/ramping from the roadside. *Please note: Being a holder of a blue badge is not the eligibility criteria for this item.*

**Access into and around a dwelling**
Widening doors will only be grant aided where these rooms are in essential use by the disabled person and the width of the existing doors is inadequate.

Automatic door opening and communication systems to main entrance doors will only be allowed for persons who have severe mobility problems or are otherwise unable to open the door. Door entry systems will primarily be operated from fixed positions and wireless systems will only being considered where fixed systems will not meet the need.

Other adaptations that are necessary to facilitate access to any of the relevant rooms by the disabled person will be considered.

**Washing/Bathing Facilities**
Adaptation of the facilities in the bathroom and toilet can include the provision of level access showers, lever taps, specialist WCs, Closo-mat or Gerberit etc. In some instances the Council may propose alternative technologies as opposed to full wash/dry WCs etc.

Warranties and other service contracts other than the standard manufacturer’s warranties will not be provided. In some circumstances Adult and Children’s Social Services may be able to assist with maintenance costs where the user is in receipt of a means tested benefit or is otherwise unable to meet the costs.

- Existing sanitary ware will be reused if considered appropriate.
- Existing bathroom tiling will be protected as far as possible. The provision of new tiling will be limited to full height and 300mm beyond the end of each
shower area or to a suitable abutment/change of direction. Shower board will also be considered if requested by the client to avoid cleaning grouting.

- Full shower enclosures will only be provided where a medical need is evidenced.

Usually all free standing equipment within a shower room will not be funded by a DFG and in some circumstances may be provided by Adult and Children’s Social Services.

The adaptation or provision of more than one bathroom to a house e.g. additional ground floor WC, will only be considered if evidenced by functional need and confirmation that appropriate equipment cannot be utilised.

Additional heating, mechanical ventilation and steam resistant lighting will only be considered for the bathroom/shower room as necessary to comply with current building regulations.

**Kitchen Facilities**

Where someone other than the disabled person does and will continue to do the cooking and preparation of meals, normally it will not be necessary to carry out full adaptations. However, it may be possible to carry out minor adaptations to allow the disabled person to prepare light meals or hot drinks; typically this may include a low-level or height adjustable worktop with sink, power points for a kettle/microwave.

Full adaptation will only be considered where the disabled person is the only or main user of the kitchen. Adaptations can include:

- Alteration to the height or position of the kitchen sink, and the type of taps fitted to it. Powered, adjustable-height sinks will not generally be allowed, as the provision of a second sink is a more economical solution.

- A cooker point and oven-housing unit ensuring its height and position is in a safe location and the provision of worktops to either side where spacing allows.

- Work surfaces located beside the sink and on each side of the cooker having a total length of approximately 1.5m, all at a suitable height for the disabled person where spacing allows.

- Food storage in an accessible position, usually space for a refrigerator with power supply.

- Wheelchair access, if necessary, including wider doors, rearrangement of facilities etc.

- Alterations to the kitchen door, light switches and power points, but only if it is necessary.
• Extensions or enlargement to kitchens can only be agreed where they are absolutely necessary in order to provide turning space for a wheelchair and if suitable space cannot be achieved by rearrangement of the existing facilities.

• The provision of cupboard and storage units on an “essential” basis.

• Mechanical ventilation for kitchen schemes are to be in accordance with the current Building Regulations.

• Over hob extraction or odour control systems will not be provided.

• Kitchen appliances such as hobs and ovens will not normally be funded but their installation cost will be considered.

• No other ‘white goods’ will be funded by way of the DFG.

**Other Works**

• Alterations to the height and/or position of light switches and power points to make them accessible to the disabled person (only in rooms accessible to the disabled person).

• Supplementary heating, including central heating, to the rooms that are in everyday use by the disabled person where a medical need can be demonstrated. This does not include repair to existing systems but could include replacement. Changes to the type of heating system will only be allowed if evidenced by medical need.

• Possible upgrading/replacing of boilers where the property has been extended as part of the adaptation.

• Provision of laminate glass or specialist lighting or guards to fires and around radiators where disabled children with violent behavioural problems may harm themselves.

• Provision of enhanced fire alarm systems for those with hearing difficulties.

• Carrying out structural alterations where necessary to provide fixings for disabled equipment provided by Social Services.

• The provision of fixed overhead hoists tracking and fixed electrical wiring for permanent hoist installations when evidenced by a medical need. *Please Note: Social Services will be responsible for the supply and maintenance of all hoisting equipment.*

• Where an adaptation is required to a listed building and additional works are required to comply with requirements.

Where an adaptation cannot be carried out due to disrepair issues those repairs, within reason, may be carried out. Such works as replacement of rotted flooring or
strengthening of the floor as part of a level access shower installation, electrical repairs to enable works to be carried out safely, and dealing with low water pressure. Replacing defective drainage and a full rewire would not be eligible.

Additional bathrooms or bedrooms may be allowed where they are specifically for the disabled person and it can be demonstrated that adaptation of other rooms or space or access to those rooms in the property is unsuitable. Extensions will only be allowed following a detailed and thorough option appraisal process.

In cases of terraced properties with narrow passageways or very difficult access, effective adaptation can only proceed where it can be reasonably and practicably carried out without having a detrimental impact on neighbouring properties.

Requests are sometimes received to provide separate bedrooms where disabled children with behavioural difficulties share a room with other siblings and disturb their sleep. This will only be considered under mandatory grant where it can be demonstrated that:

- The child is prone to violent outbursts and there is a real risk of physical harm to the child or to the other siblings.
- That all other options relating to the use of existing rooms within the property have been considered and that no alternative arrangements can be identified.

**Access to the Garden**

This will only be considered if specifically recommended by an Occupational Therapist. In deciding the extent of any access to the garden, the following will be taken into account:

- Grant assistance will not be given where there is already access to the garden but grant may be given to improve an existing access to make it safe for the disabled occupant to use.
- It does not include providing additional access e.g. creating a side access so a person can also go around the side of a house. Generally, the most modest solution for providing access to both the house and the garden will be considered and this can mean that one access may be sufficient to access both the house and the garden.
- Where homes have communal gardens, e.g. blocks of flats served by a single access, grants will not normally be provided for an individual access to the garden unless it can be demonstrated that because of the disabled persons condition the travel distance to the garden would be excessive and unreasonable.
- The grant will simply be for providing immediate access to the garden and does not include landscaping gardens or fencing etc. to make them more suitable for the disabled person to access.
Where a householder has a preference or aspiration for work that is over and above those recommended or considered reasonable and practicable to meet the disabled person’s needs, the Council will only fund the cost of the original recommended work. The applicant will then be required to fund any additional costs themselves and must enter into a private agreement with the contractor, we would like to be informed of any such agreement.

Where the existing footprint or layout of the dwelling including outbuildings, and garages can be converted or adapted to accommodate the facilities required the Council will not consider any extension to the property. Where an extension is required as there are no other options, consideration will be made to ensure that the most cost effective method of delivering the requirements are considered, this could include the use of a portable extension.

A scheme of adaptations must, in general terms, be reasonable, taking into account costs, building regulations and planning permission and the practicability of carrying out the works. Where a scheme involves substantial structural alterations or extensions, Officers should consider re-housing the applicant as an alternative where and if more suitable accommodation is available.

9. General Expectations
The Council’s decision making will take into account the following specific expectations and presumptions:

- Grant works should properly and fully meet the assessed needs of the client. Grants which only partially meet those needs will only be considered in exceptional cases.

- Works funded by means of DFG will be the simplest and most cost-effective adaptations that will meet the client’s assessed needs. This will include ‘making-good’ any works, such as painting disturbed areas.

- Facilities will be provided on the ground floor unless the Council judges that to be impractical or more costly.

- Ramps – modular ramps will be provided as standard. These can be removed when no longer required and re-used for another applicant, if this is the case, any local land charge will be waived. Concrete ramps will only be considered in exceptional circumstances. If an applicant requests a concrete ramp which is more expensive than a modular ramp they will be liable for paying the additional cost.

- Wherever the Council judges it to be a practicable and realistic option, the re-ordering and/or change of use of existing rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of equipment. This solution will also take precedence if it will result in a reduction in the requirement for, or cost of, equipment.
• There will be a presumption against approving a grant for adaptation of a new home if the client already occupies an adapted home in the area;

• There will be a presumption against the refitting of any adaptations which have previously been removed by, or at the request of, the applicant;

Applications for grant aided work will not normally be considered where works have started but have not been completed or where work has been completed.

10. Mandatory Grants
The Council has a statutory obligation to undertake eligible works up to a value of £30,000, subject to a test of financial resource and households may be required to make a contribution to the work. The means test will not be applied for grant works totalling less than £5000. The Council will promote the availability of the grants.

Where the adaptation is for a child or a young person there is no test of financial resource.

If the applicant fails the test of resource and is liable to pay the full or partial cost and still wishes to continue with the works, we will assist with providing a Schedule and finding a contractor.

There is no limit on the number of grants that can be approved, provided the need and eligibility criteria are satisfied and the work is reasonable, practicable and appropriate.

11. Discretionary Grants
There are a number of circumstances where it may be appropriate to offer help by way of a means tested Discretionary Disabled Facilities Grant. This is where a top-up to a Mandatory Grant is needed where adaptation costs exceed £30,000. Discretionary grants up to an additional £30,000 may be provided; however this is subject to available funds and mandatory grants are prioritised first.

Discretionary grants up to an additional £100,000 may be provided to make adaptations to communal areas, e.g. lifts, which will benefit two or more disabled people.

Our priority will be to process mandatory grants however a discretionary grant may be considered where:

• The existing home is unsuitable for adaptations and the grant will enable the occupant to relocate to a more suitable property and this is a more cost effective solution; and
• There are no other reasonable relocation options available.

This course of action would be discussed with all relevant organizations including the client, Social Services and Occupational Therapists. The grant would be subject to a
test of resource and a recoverable Local Land Charge for discretionary grants paid up to the £30,000 maximum.

Clients will need to agree to architectural services being provided for any works involving discretionary grants. Clients have the option of using the Council’s in-house service or using a private architect. The Council will make a charge for this service and publish the cost on its website.

Any Grant awarded in respect of relocation will be to meet the reasonable costs associated with moving together with the costs of any lesser adaptation that may be appropriate to meet the client’s needs in the new property as identified by Social Services.

Reasonable costs of moving include the following:

- Legal fees;
- Estate agents fees;
- Stamp duty;
- Land registration fees;
- Survey fees;
- Electrical and drainage inspection fees;
- Removal costs (lowest of at least two quotes);
- Installation of telephone where one was provided previously;
- Installation of washing machine or other appliances where installed previously;
- Redirection of mail if necessary (for a period of 12 weeks maximum); and
- Purchase of curtains, blinds, floor coverings and other fitments (to a maximum of £500 and where it can be evidenced that it is not reasonable to re-use existing carpets, curtains etc.).

The above relate only to those reasonable costs incurred as a result of a relocation involving the sale and purchase of a property.

- The Council will consider all relocation cases on their own merits and will give consideration to the most cost effective options/solutions.
- The Council will not normally consider providing funding to meet any cost difference between the new and existing property price.
- The Council will only consider assistance in respect of relocation to a property deemed to be more appropriate to meet the client’s needs.
- The Council will not normally provide assistance relating to a relocation outside the Council boundary however this will be subject to review on a case by case basis.

12. Repayment of Mandatory Grant

There are certain grant conditions that run for a period of time following the completion of the grant (the grant condition period). These conditions will run from the certified date i.e. the date at which the Council has certified that the works have been carried out to its satisfaction.
The Council has resolved that it will demand repayment by the applicant of such part of the mandatory grant that exceeds £5,000 (but will not demand an amount in excess of £10,000) if:

- The grant recipient is an owner occupier and disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and

the Council having considered:

- The extent to which the grant recipient would suffer financial hardship were they to be required to repay all or any of the grant;
- Whether the disposal of the premises is to enable the grant recipient to take up employment or to change the location of their employment;
- Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the grant recipient or of a disabled occupant of the premises; and
- Whether the disposal is made to enable the grant recipient to live with, or near, any person who is disabled or infirm and in need of care which the grant recipient is intending to provide or who is intending to provide care of which the grant recipient is in need by reason of disability or infirmity;

And the Council is satisfied that it is reasonable in all the circumstances to require the repayment.

The assumption is that the part of the grant that can be reclaimed following a disposal of the property will be recovered in full. However, if the grant recipient meets one of the criteria outlined above, the amount reclaimable will be reduced proportionately as follows:

- Breach within one year of the certified date, 100% of the grant will be repayable.
- Breach in the second year, 90% of the grant will be repayable.
- Breach in the third year, 80% of the grant will be repayable.
- Breach in the fourth year, 70% of the grant will be repayable.
- Breach in the fifth year, 60% of the grant will be repayable.
- Breach in the sixth year, 50% of the grant will be repayable.
- Breach in the seventh year, 40% of the grant will be repayable.
- Breach in the eighth year, 30% of the grant will be repayable.
- Breach in the ninth year, 20% of the grant is repayable.
- Breach in the tenth year, 10% of the grant is repayable.

In cases of financial hardship and on representation from the grant recipient, consideration will be given on a case by case basis to further reduce the grant repayable; however this is likely only to occur if the recipient is in negative equity.

- This condition is a local land charge and is binding on any person who is for the time being an owner of the dwelling or building.
o Any income that is generated through the repayment of land charges will be re-invested in further work for adaptations.

o Charges will not be placed on property that is owned by a Housing Association as they will become the owner of the adaptation, unless it is a removable item.

o Charges will not apply where ownership of the adaptation has been signed over to the Council or another organisation.

13. Who can apply for a Disabled Facilities Grant?
To apply for a Disabled Facilities Grant, you should either own the property or be a tenant (or licensee) and be able to provide the Council with an 'owner's certificate' or 'tenant's certificate'. If you apply as a landlord on behalf of a tenant, it should be clear on whose behalf you are doing so.

The criteria used for those applying are:

- The applicant is disabled as described by the Housing Grants, Construction and Regeneration Act 1996 as amended.
- The applicant is resident or will reside in the property as their main home.
- The applicant is over 18 or a guardian.
- The property is a legal residence including dwellings, mobile homes, caravans and houseboats.
- The works are essential and are reasonable and practical to carry out
- There are no category one hazards.
- An Occupational Therapist has recommended the work.
- The owner of the property agrees that the adaptation can be carried out.

14. Should a grant always be considered?
It may be more appropriate for consideration to be given to moving to a home that can be more suitably adapted or already contains the facilities that are more suitable for individuals and families.

The Council will ensure that Housing Associations aim to optimize the use of their stock in this way and offer priority to find a more suitable property.

The choice based lettings scheme for Cumbria will also compliment this work by providing a matching service and ensuring homes that are adapted are clearly advertised. Priority will be given to families that need the adapted home in accordance with the policy.

15. Processing requests
We will maintain a list of all requests and they will be prioritized based on the Occupational Therapist recommendations into High priority or Standard priority.
Cases will be processed by priority and in date order of request. The list will include all the requests for all tenures.

**High Priority**
This is assessed as service users whose adaptations should be a priority due to their identified level of risk.

High priority will be given to those requests where there is a serious and imminent risk to the health and safety of the occupant, or service users have a progressive illness which will deteriorate rapidly and become unmanageable without the provision of an adaptation.

**Standard Priority**
Those who do not meet the above criteria, but are considered to be at some risk, and have an identified need for the recommended adaptation.

### 16. Grant Approval and Process

The Occupational Therapy service will submit recommendations to the Council for all tenures and will provide the details to the relevant Housing Association if it is in their property. This will be for information and for them to action in accordance with their policies.

On receipt of a recommendation from the Occupational Therapy service, details will be recorded by the Council, who will request that an initial test of resources is carried out if necessary.

If the disabled person is the tenant of a private landlord or Housing Association, the landlord/owner must give permission for the work to be carried out, the process cannot proceed without permission unless the client is prepared to relocate. Fixed items such as level access showers will usually become the property of the owner. Removable items that have been provided will normally be signed over to the Council.

A home visit will usually be arranged by the DFG Officer. The Council will normally produce a schedule specification and works sent out to tender to a contractor on the Council’s Procurement Framework. Contractors are selected from the Framework on an alternate basis from the list (there are five lots reflecting the different types of adaptations). If a contractor chooses not to tender then the next contractor on the list will be selected. Checks will be made to ensure prices reflect the costs stated in the original Procurement Framework selection process. If the client wishes to make the arrangements themselves work will only be authorized once two quotes in writing have been obtained by them. Applicants will be liable to pay any additional cost of using their preferred contractor if the cost is above the cost expected through the Council’s Procurement Framework.

When it is confirmed that sufficient financial resources are available and land registry and ownership checks have been carried out, the client will be sent an official Grant Invitation.
Work will not start until there is an agreement in writing that any customer contributions to the cost of the work will be paid.

Once a full application has been received and grant approved the Council is then required to issue a decision within 6 months. We will aim to issue a decision within 6 weeks. Work cannot start until the Council approves the grant in writing.

The Council will aim to facilitate the installation of adaptations within 12 months of the grant approval if approval for works is provided. If the client is using their own contractor then completion will be required within 12 months.

It is strongly recommended that architects are appointed for major works, including design, specification, tendering, planning application, building regulations, drawing up the contract, signing of a Joint Contract Tribunal (JCT) contract and management to completion. Relevant preliminary fees such as these can be included in the grant award. Discretionary grants will only be paid if applicants agree to use and architect.

The Council will retain responsibility for the level of spending and grant approval but the contract is between the client and the contractor. Work and monitoring of the contractor will be carried out by the Council.

During the processing of the request to final completion of the works applicants will be contacted by staff from South Lakeland District Council who will support and signpost the customer through the process providing details of timescales, discussing other options and assessing eligibility.

### 17. Contract Arrangements

The Council will make arrangements for contractors to undertake works, however the contract agreement is between the applicant and contractor; the Council will not be liable for disputes arising between the parties.

The Council will promote the use of JCT contracts (it cannot insist on these) to be drawn up and signed by both parties before any works start (particularly for works over £5000 only). In cases where more than one contractor is needed to complete works then a JCT contract should be drawn up for each contractor where the cost exceeds £5000.

In the event of any disputes between the applicant and the contractor the Council will help to resolve these, however should this not be possible it may be necessary for the applicant to seek legal advice to remedy any dispute.

The Council will normally arrange for grant payments to be made directly to contractors upon completion of works. This may be done in phased stages as the work progresses. It is for applicants to pay contractors directly for any contribution they are required to pay. The Council will make clear, in writing, how much applicants will need to pay. If phased payments are required applicants should only pay a percentage of their contribution in line with the Council’s payments, for example, if the Council pays a contractor 50% of the grant as half of the works are complete the applicant should pay the contractor 50% of their contribution. The Council will guide applicants through the payment process.
18. **Fees Charged by the Council**
As part of its DFG service the Council provides discretionary services associated with administering applications, these include assistance with completing forms, devising work specifications, procurement, architectural design and monitoring and payment of contractors. With effect from 1 April 2017 the Council will levy fees for this work and will display these fees on its website. The fees will be added to other costs, therefore increasing the grant provided which means that clients will not be required to pay the costs from their own pocket. Should the standard fees take the total costs beyond the discretionary grant limit the fees levied will be reduced to ensure the discretionary limit is not exceeded, meaning clients are not expected to pay any fees themselves in this instance.

19. **Housing Associations**
Most Housing Associations have their own adaptation policies and set aside finances for works that are needed for their tenants, to assist them to remain in their own homes as set out in their policies.

Where an application request is received by a Housing Association tenant we would always discuss this with their Landlord in the first instance.

As resources are finite Housing Associations will be requested, as part of this policy, to provide financial contributions towards the costs of any works to properties they own.

20. **Maintenance and Repairs of Adaptations**
The work and quality of the adaptation carried out is guaranteed for 12 months following the completion or in accordance with a manufacturers guarantee.

- If there is a maintenance/repair issue during the guarantee period the customer will contact the Council.

- Copies of the guarantee will be provided to the owners or landlords.

After twelve months it will become the customer’s responsibility to maintain and repair unless it has been signed over to the owner (i.e. Landlord / Housing Association) or Cumbria County Council or South Lakeland District Council where items have been provided by them. However, there may be instances where a guarantee is provided with the adaptation, for example stair-lifts. This will be made clear to the customer.

21. **Customer Satisfaction**
South Lakeland District Council are committed to providing the most cost-effective service possible and will aim to meet the deadlines that are set and complete work as quickly as possible.
Prior to the works being undertaken, the client will be asked to sign that they agree to the specification of the works to be carried out (also see section on contract arrangements). Once the work is completed the Occupational Therapist and DFG Officer will inspect the finished works and clients will be asked to sign a completion form indicating the works have been satisfactorily completed.

An Officer from the Council may conduct a sample check of the works completed and authorize any applicable local land charge.

Customers are also asked for feedback through customer satisfaction questionnaires which may highlight any issues, so that continuous improvement and refinement of the system can take place. Customers receive continuous support throughout the process and Officers are available to provide advice and guidance throughout the process.

22. Monitoring and Compliance

The Council’s Principal Housing Standards Officer is responsible for ensuring that officers implement the service in accordance with the Policy. Procedures are in place which includes details of how checks are made to ensure compliance with the Policy. Any evidence of non-compliance, both internally and externally, will be reported to the Housing Strategy and Delivery Manager to take appropriate action.

The Council’s Development Strategy and Housing Manager will be accountable as the ‘client’ for all DFG works.
1.0 EXPECTED OUTCOME

1.1 The South Lakeland District Council and Eden District Council Joint Older Persons’ Housing Strategy 2018 – 2025 will address the housing needs of older people living in South Lakeland and Eden. It is expected that by implementing the Strategy that older people will be better supported to remain at home where appropriate, or downsize into housing that is more suitable to them. The Strategy seeks to address the supply of housing suitable for older people including the enabling of extra care housing.

2.0 RECOMMENDATION

2.1 It is recommended that Overview and Scrutiny Committee:-

(1) Consider the South Lakeland District Council and Eden District Council Joint Older Persons’ Housing Strategy 2018 – 2025, and the report from the Older Persons’ Housing Strategy Task and Finish Group; and

(2) Recommend that Cabinet approve the Strategy.

2.2 It is recommended that Cabinet approve the Strategy and delegate approval to the Assistant Director (Strategic Development) to make minor amendments arising from Eden District Council’s approval process.

3.0 BACKGROUND AND PROPOSALS

3.1 South Lakeland District Council has had an Older Persons’ Housing Strategy in place since 2003 recognising the aging demography and working to address the housing and support needs of older people. The current Joint Older Persons’ Housing Strategy has been in place since 2013 and expires in 2018. This was a joint Strategy
with Eden District Council since both Districts share similar characteristics and demography. The revised South Lakeland Council and Eden District Council Joint Older Persons’ Housing Strategy 2018 – 2025 (Appendix 1) builds upon the work of the current Strategy to further improve the support and availability of suitable housing options for older people. An Overview and Scrutiny Task and Finish Group was established by SLDC to play a key role in the development of the Strategy, with Officers from both Districts involved, working alongside Members from SLDC. Initial stakeholder consultation was undertaken and a subsequent workshop that was held in July 2017. This work has helped to shape the priorities in the new Strategy which are:

1. The promotion of existing services
2. Making best use of existing homes
3. Assisting those who wish to downsize to do so
4. Increasing the supply of housing suitable for older people
5. Partnership working (cross cutting theme)

The work of the Overview and Scrutiny Task and Finish Group cumulated in a report which is attached at Appendix 2. The Strategy identifies key targets and actions which it aims to deliver during its life. The main key targets that apply to South Lakeland District are:

**South Lakeland District Council**

- To enable the completion of 300 new extra care housing homes in the period 2016 to 2025 (target jointly agreed with Cumbria County Council).
- To reduce the % of private sector homes with category 1 hazard (those most serious to the health of inhabitants) from 21.8% to less than 15% by 2025.
- To reduce the percentage of homes in the lowest energy performance certificate (EPC) bands (F and G) from 16.4% to less than 10% by 2025 (in terms of rented homes to reduce to 0% by 2020).
- A minimum of 500 Handyperson jobs completed annually.
- A minimum of 60 DFGs including under £5k jobs completed annually (of which 10 energy efficiency/central heating schemes completed).
- All new homes to be built to M4(2) Category 2 - Accessible and Adaptable Dwellings standard (unless there are exceptional circumstances that would prevent this as outlined within draft Development Management Policy DM11).
- 5% of homes on sites over 40 dwellings to be built to wheelchair adaptable homes meeting the M4 (3) Category (draft Development Management Policy DM11).

**Eden District Council**

- To enable the delivery of at least 2 new extra care housing schemes in the district over the next 5 years.
- To help people remain living safely in their own homes where this is practical and the preference of the resident. This will be achieved through:
  - The efficient delivery of Disabled Facilities Grants
  - Supporting the work of the local ‘Handyman’ service
  - The identification and removal of hazards in the home
  - Understand the level of housing need of older people through delivery of a district wide housing needs survey in 2018.
• Aim to increase the delivery of affordable housing suitable for older people by working with private house builders and housing associations to prioritise the building of bungalows
• To work with Energy Companies to deliver energy efficiency measures aimed at reducing the number of cold homes and levels of fuel poverty
• Complete a minimum of 100 handy person jobs annually

The Strategy’s Action Plan (Appendix 1 of the Strategy) details the actions required to be undertaken to deliver on the targets above. It is proposed that the Action Plan is monitored and updated on an annual basis through South Lakeland District Council’s Housing Advisory Group.

4.0 CONSULTATION
4.1 Initial stakeholder consultation was held with key stakeholders with an interest in older people’s housing. A workshop was held on 3 July 2017 with these stakeholders and members to consider the priorities and key actions that would be taken forward in the Strategy. The draft Strategy was subject to a further consultation period with key stakeholders. The consultation responses and subsequent changes to the Strategy as a result are shown in Appendix 3.

5.0 ALTERNATIVE OPTIONS
5.1 The Council could decide not to approve the Older Persons’ Housing Strategy 2018-2025. However, this is not recommended as the current Older Persons’ Housing Strategy is out of date and without updating the housing needs of older people would not be sufficiently addressed.

6.0 LINKS TO COUNCIL PRIORITIES
6.1 The Joint Older Persons’ Housing Strategy links to the Council Plan priority for ‘Housing’ ‘Providing homes to meet need’.

7.0 IMPLICATIONS
7.1 Financial and Resources
7.1.1 Districts have statutory responsibility to deliver Disabled Facilities Grants under the terms of the Housing Grants, Construction and Regeneration Act 1996. The monies for this are provided through the Better Care Fund administered by Cumbria County Council.

7.1.2 The budget for the Handy Person Scheme and Disabled Facilities Grants in 2017/18 and 2018/19 is set out in the Housing Standards Policies report being also being considered by Cabinet on 21.3.18.

7.2 Human Resources
7.2.1 There are no significant human resource implications as the delivery of the Strategy will be through existing staffing resources.

7.3 Legal
7.3.1 As per 7.1.1, Districts have statutory duties to deliver Disabled Facilities Grants under the terms of the Housing Grants, Construction and Regeneration Act.
7.4 Health, Social, Economic and Environmental

7.4.1 Have you completed and Health, Social, Economic and Environmental Impact Assessment?

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If yes, please confirm that it is attached to the report in the appendices.

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Summary of health, social, economic and environmental impacts.

It is believed that the implementation of the Older Persons’ Housing Strategy and Action Plan will have a positive impact on health, social, economic and environment impacts.

7.5 Equality and Diversity

7.5.1 Have you completed an Equality Impact Analysis?

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If yes, please confirm that it is attached to the report in the appendices.

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Summary of equality and diversity impacts.

It is believed that the implementation of the Older Persons’ Housing Strategy and Action Plan will have a positive impact on equality and diversity.

7.6 Risk

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<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
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<tbody>
<tr>
<td>The housing needs of older people in South Lakeland and Eden are not specifically addressed.</td>
<td>This could impact on the health and wellbeing of older people by there being insufficient supply of suitable accommodation and support.</td>
<td>Approval of the draft South Lakeland District and Eden District Older People’s Housing Strategy.</td>
</tr>
<tr>
<td>Funding is reduced from the Better Care Fund</td>
<td>The District is unable to meet its statutory duties for DFGs.</td>
<td>Partnership work with Cumbria County Council and other partners to ensure the identified needs are addressed.</td>
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</table>

CONTACT OFFICERS

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Appendix 2 – Task and Finish Group report – Author – Jason Habbershon, Committee Services/Scrutiny Officer 01539 793187 jason.habbershon@southlakeland.gov.uk
APPENDICES ATTACHED TO THIS REPORT

<table>
<thead>
<tr>
<th>Appendix No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Report of the Older Persons’ Housing Strategy Task and Finish Group</td>
</tr>
<tr>
<td>3</td>
<td>Consultation Responses</td>
</tr>
<tr>
<td>4</td>
<td>Social, Economic and Environmental Impact Assessment</td>
</tr>
<tr>
<td>5</td>
<td>Equality and Diversity Impact Assessment</td>
</tr>
</tbody>
</table>

BACKGROUND DOCUMENTS AVAILABLE

<table>
<thead>
<tr>
<th>Name of Background document</th>
<th>Where it is available</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Lakeland District Council and Eden District Council Joint Older Persons’ Housing Strategy 2012 - 2018</td>
<td>South Lakeland District Council <a href="#">web-site</a></td>
</tr>
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TRACKING INFORMATION

<table>
<thead>
<tr>
<th>Assistant Director</th>
<th>Portfolio Holder</th>
<th>Solicitor to the Council</th>
<th>SMT</th>
<th>Scrutiny Committee</th>
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<td>18.1.18</td>
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<td>Monitoring Officer</td>
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<td>Leader</td>
<td>Ward Councillor(s)</td>
<td></td>
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</tbody>
</table>
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Appendix 1

South Lakeland District Council and Eden District Council

Older Persons’ Housing Strategy 2018 – 2025

A Housing Strategy for Older People in South Lakeland and Eden (those aged 65 and over)
Foreword

South Lakeland has a super-aging population. This means our population is aging faster than most other areas of the country.

This presents significant challenges to us as a District Council, due to rising levels of need, both in our role as a strategic housing enabler and in respect of our statutory duties to provide Disabled Facility Grants.

The Council recognises that services need to be in place that help older people stay at home for longer, where it is still practical for them to do so.

We also recognise that some older people may be living in accommodation that is too big and is difficult to maintain and heat. This can negatively impact their health and wellbeing.

It is important therefore, that there is suitable alternative local housing to help older people to make the move to downsize, should they wish to do so. Housing that is more adaptable and accessible and extra care housing, where there are additional support needs, will also help to meet the needs of our older population.

This Strategy sets a target to deliver 300 extra care housing units by 2025, working alongside our partners. This Council is seeking to require all new housing, in the South Lakeland District Planning Authority area, to meet adaptable and accessible standards, so it meets residents’ needs over time.

We also want to ensure that older people are aware of what housing services are available, such as our handyperson service for example. This is why we will work to promote these services with our partners. We want to make sure that older people are aware of options to downsize and can be supported in what can be a difficult transition in moving from a home that has been lived in for many years and holds special memories, to starting a new life in a new home that is more suitable.

This Strategy recognises the many challenges. We have set some ambitious targets. We recognise that these challenges will not be met without excellent partnership working across the statutory and voluntary sectors. We therefore look to this strategy to underpin our efforts to work with our partners to deliver the best quality services for our residents over the coming years.

Councillor Jonathan Brook, Deputy Leader and Housing and Innovation Portfolio Holder, South Lakeland District Council
Executive Summary

The South Lakeland District Council and Eden District Council's Older Persons' Housing Strategy seeks to address the housing needs for our ageing population which in turn supports the delivery of the Council Plans and Housing Strategies for both Districts. The South Lakeland Council Plan seeks to provide homes to meet need and the South Lakeland District Housing Strategy seeks to address the need for older persons’ accommodation and services due to a rapidly ageing population, as well as addressing fuel poverty and poor energy efficiency standards in the private housing stock. Within Eden, the Council Plan identifies a corporate priority of providing Decent Homes for All, whilst the Eden Housing and Health Portfolio Plan aims to identify and support projects to meet local housing needs, particularly for the young and elderly. In addition, it aims to support the delivery of housing of differing tenures, improve housing conditions and affordable warmth and promote healthy living.

Key issues that the Strategy aims to address are:

- There is a lack of awareness of what services are currently available for older people and who provides these services.
- Tackling fuel poverty and poor housing conditions in homes occupied by older people.
- The need for housing that is suitable for the needs of older people.
- The need for extra care housing across the District.
- The need for good quality advice on housing options and help to assist older people to downsize if they need to.

The Older Persons’ Housing Strategy will address five key priorities which are (in no particular order):

1. The promotion of existing services
2. Making best use of existing homes
3. Assisting those who wish to downsize to do so
4. Increasing the supply of housing suitable for older people
5. Partnership working (cross cutting theme)

Priority five is a cross cutting theme, as achieving the other four priorities will not be possible without working in partnership with key stakeholders in the statutory and voluntary sector.

The targets that will be used to measure our success are:

**South Lakeland District Council**

1. To enable the completion of 300 new extra care housing homes in the period 2016 to 2025 (target jointly agreed with Cumbria County Council).
2. To reduce the % of private sector homes with category 1 hazard (those most serious to the health of inhabitants) from 21.8% to less than 15% by 2025.
3. To reduce the percentage of homes in the lowest energy performance certificate (EPC) bands (F and G) from 16.4% to less than 10% by 2025 (in terms of rented homes to reduce to 0% by 2020
4. A minimum of 500 Handyperson jobs completed annually
5. A minimum of 60 Disabled Facility Grants (DFGs) including under £5k jobs completed annually (of which 10 energy efficiency/central heating schemes completed).
6. All new homes in the South Lakeland District Council Planning Authority area to be built to M4(2) Category 2 – Accessible and Adaptable Dwellings standard, subject to the adoption of this policy in the Development Management Policies Local Plan document (unless there are exceptional circumstances that would prevent this as outlined within draft Development Management Policy DM11).

7. 5% of homes in the South Lakeland District Council Planning Authority area on sites over 40 dwellings to be built to wheelchair adaptable homes meeting the M4 (3) Category (draft Development Management Policy DM11) subject to the adoption of this policy in the Development Management Policies Local Plan document.

Eden District Council

1. To enable the delivery of at least 2 new extra care housing schemes in the district over the next 5 years.

2. To help people remain living safely in their own homes where this is practical and the preference of the resident. This will be achieved through:
   a. The efficient delivery of Disabled Facilities Grants
   b. Supporting the work of the local ‘Handyman’ service
   c. The identification and removal of hazards in the home

3. Understand the level of housing need of older people through delivery of a district wide housing needs survey in 2018

4. Aim to increase the delivery of affordable housing suitable for older people by working with private housebuilders and housing associations to prioritise the building of bungalows

5. To work with Energy Companies to deliver energy efficiency measures aimed at reducing the number of cold homes and levels of fuel poverty

6. Complete a minimum of 100 handy person jobs annually

This Strategy is focussed on actions that both South Lakeland District Council and Eden District Council need to carry out in their role as housing and planning authorities. Both Councils will continue to actively work in partnership with other statutory and voluntary agencies to support the health and wellbeing of older people in each District.
1.0 Section 1 – Introduction and Purpose of the Strategy

1.1 The South Lakeland District Council and Eden District Council Older Persons’ Housing Strategy has been in place since 2013, recognising the aging demography of both Districts and providing focus to meet the housing needs of older people. The 2014 based population projections show that there will be a significant increase in both the numbers and proportion of the population aged 65 and over. In South Lakeland the total number of people aged 65 and over is expected to increase by 33% over the 20 year period from 2016 to 2036. However, the numbers of older people aged 85+ is due to increase by 108.3% and the numbers of older people aged 75-84 is due to increase in South Lakeland by 41.3%. In Eden 2012 based population projections show that by 2037 there will be approximately over 5,000 more people aged over 65 than at present. The percentage of people aged 65 and over in Eden will have increased from around 26% to 35%.

There will be a significant increase in the number of older people living alone, the number of people unable to manage at least one task on their own, and the number of older people with limiting long term illnesses that limit their day to day activities. All of these factors directly relate to South Lakeland’s and Eden’s ageing population and all point to the need for an increase in the number of homes that are accessible and can be adapted to meet their occupiers’ changing needs over time.

This Strategy will build upon the work of the previous Strategy and address key priorities that have been identified during the Strategy’s development period shown under 1.3 below. The Key Measures that will be addressed throughout the life of the Strategy are set out in 2.
1.2 Our Priorities

1. Promotion of existing services
   The need for older people and stakeholders to be aware of existing services that could be of benefit them.

2. Making best use of existing homes
   Through the provision of services such as the Handy person, use of Disabled Facilities Grants, fuel efficiency measures to address fuel poverty.

3. Assisting those who wish to downsize to do so
   Where older people are occupying a home that is too large for their needs to ensure that there are alternatives and advice available.

4. Increasing the supply of housing suitable for older people
   The need for new housing to be easily accessible/adaptable, the need for bungalow provision and specialist housing such as extra care schemes.

5. Partnership working

All the above priorities are set within a cross-cutting theme of partnership working as little can be achieved without collaborative work with key stakeholders in the private, public and third sector.

1.3 Development of the South Lakeland District Council and Eden District Council 2018 – 2025 Older Persons’ Housing Strategy

A desktop review highlighted successes from the previous 2013 Older Persons’ Strategy, together with work that is either no longer relevant, or work that needs to be taken forward into the current Strategy. Some research using secondary sources of data was undertaken such as data from the Housing Register, POPPI (Projecting Older People Population Information) and PANSI (Projecting Adult Needs and Service Information), Office of National Statistics and internal records.

An Overview and Scrutiny Task and Finish Group was established by SLDC to play a key role in the development of the Strategy. Officers from both local authorities were involved; working with elected members and as part of this work, some initial stakeholder consultation was undertaken; the key findings of which can be found at Appendix 1. A workshop was then held with stakeholders in July 2017 to consider the findings from the consultation and to discuss the identified priorities. Further consideration was given at the workshop on the work that should be undertaken during the life of the Older Persons’ Housing Strategy 2017 – 2025. This has been reflected within the Strategy and resultant actions arising from the five identified priorities.
1.4 The Action Plan

In order to implement this Strategy a detailed Action Plan has been developed which sets out key actions that will be undertaken to deliver the five priorities. The Action Plan will be reviewed annually through South Lakeland’s Housing Advisory Group.

1.5 Successes since 2013

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>The Handyperson Service (available to over 55’s)</th>
<th>Draught Busters Scheme</th>
<th>Central Heating Fund</th>
<th>Disability Facilities Grant (DFG)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SDC</td>
<td>Number of Jobs Completed: 2014-2015</td>
<td>Number of Jobs Completed: 2015-2016</td>
<td>Number of homes benefited over a 2 year period</td>
<td>Number of DFGs completed for older people: 2015-2016</td>
</tr>
<tr>
<td></td>
<td>555</td>
<td>623</td>
<td>48</td>
<td>41 of which 18 (44%) aged 70 and over</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>34 (15/16)</td>
</tr>
<tr>
<td>EDC</td>
<td>Number of Homes benefited over a 2 year period</td>
<td>24</td>
<td></td>
<td>22 (16/17)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>34 (2014-15)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>24 (2015-16)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of Development</th>
<th>Number of Units</th>
<th>Tenure</th>
<th>Property Type</th>
<th>Housing Association/ Developer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kendal Parks Farm, Kendal</td>
<td>4</td>
<td>Low Cost Home Ownership</td>
<td>Bungalow</td>
<td></td>
</tr>
<tr>
<td>Nobles Rest, Kendal</td>
<td>8</td>
<td>Rent</td>
<td>Bungalow</td>
<td>Impact Housing Association</td>
</tr>
<tr>
<td>Fir Tree Rise, Kendal</td>
<td>1</td>
<td>Rent</td>
<td>Bungalow</td>
<td>Two Castles Housing Association</td>
</tr>
<tr>
<td>Guldrey Lane, Sedbergh</td>
<td>3</td>
<td>Rent</td>
<td>Bungalow</td>
<td>Two Castles Housing Association</td>
</tr>
<tr>
<td>Staveley</td>
<td>2</td>
<td>Rent</td>
<td>Bungalow</td>
<td>Two Castles Housing Association</td>
</tr>
<tr>
<td><strong>Total (Not including the Extra Care Schemes)</strong></td>
<td><strong>25</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of Development</th>
<th>Number of Units</th>
<th>Tenure</th>
<th>Property Type</th>
<th>Housing Association/ Developer</th>
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</thead>
<tbody>
<tr>
<td>High Hesket</td>
<td>4</td>
<td>Rent</td>
<td>Bungalow</td>
<td>Eden Housing Association</td>
</tr>
<tr>
<td>Greystoke</td>
<td>3</td>
<td>Rent</td>
<td>Bungalow</td>
<td>Eden Housing Association</td>
</tr>
<tr>
<td>Penrith</td>
<td>8</td>
<td>Rent</td>
<td>Bungalow</td>
<td>Eden Housing Association</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Additionally, in South Lakeland three potential extra care schemes have received an allocation of funding from the Homes and Communities Agency. Some new build flats are likely to be suitable for older people, especially ground floor flats.

1.6 National, regional and local context

1.6.1 National Context

An ageing population (as shown in the table below) means that there will be an increased need for sheltered and extra care housing in the future. National organisations such as Age UK, strongly support the need for affordable extra care housing options for older people on lower incomes.

The National Planning Policy Framework states that local plans should meet full objectively assessed housing needs, which includes homes for older people. The Housing Strategy for England cites that ‘good housing for older people can enable older individuals to live, healthy, independent lives’. In turn, this reduces the pressure on working family members in caring for their older relatives and limits the costs to the NHS and Social Care. The Housing Strategy for England highlights that without action to build suitable homes for older people, they will not have the choice of accommodation with the support that they need.

The Housing and Ageing Alliance (HAA) comprises people from local and national organisations who work together to meet one single objective: to bring about improvements to the housing and living conditions for older people. The HAA believe that homes, communities and housing related services should be planned and designed to enable choice, control, inclusion and independence in later life.

The HAA’s manifesto states the organisation’s aims are to:

- Raise the profile of the housing and housing related care and support needs and aspirations of an ageing population
- To make representations to Government, policy makers and decision making bodies concerning the above
- Create homes, neighbourhoods and services that enable older people to live healthy, independent lives, involved with families, friends & neighbours and contributing to their communities.
1.6.2 Cumbria

Key Statistics

The projected change in population of older persons over the period 2016 – 2036 in South Lakeland is shown in the Table and chart below. As can be seen, the number of older people aged 85+ is set to increase over this period by 108.3% and the number of people aged 65-74 is set to increase by 41.3% in South Lakeland. This broadly follows the National projections for this age group.

Future Change in the Population of Older Persons (South Lakeland compared to Cumbria, North West and England)

<table>
<thead>
<tr>
<th>Under 65</th>
<th>65-74</th>
<th>75-84</th>
<th>85+</th>
<th>Total 65+</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Lakeland</td>
<td>-12.40%</td>
<td>9.00%</td>
<td>41.30%</td>
<td>108.30%</td>
</tr>
<tr>
<td>Cumbria</td>
<td>-12.30%</td>
<td>11.80%</td>
<td>41.10%</td>
<td>113.60%</td>
</tr>
<tr>
<td>North West</td>
<td>-1.20%</td>
<td>22.60%</td>
<td>46.50%</td>
<td>108.70%</td>
</tr>
<tr>
<td>England</td>
<td>5.30%</td>
<td>29.30%</td>
<td>54.20%</td>
<td>113.10%</td>
</tr>
</tbody>
</table>

Source: ONS subnational population projections (2014 based)

The number of people aged 65 and over predicted to live alone is set to increase significantly by 2035 in South Lakeland and Eden, particularly for those aged 75 and over.

| People aged 65 and over living alone, by age and gender, projected to 2035 |
|-----------------|---------|---------|---------|---------|-----------------|
|                  | 2017    | 2020    | 2025    | 2030    | 2035 increase from 2017 – 2035 |
| Cumbria: Total population aged 65-74 predicted to live alone | 16,300 | 16,370 | 16,010 | 17,440 | 18,120 | 10% |
| Cumbria: Total population aged 75+ predicted to live alone | 26,398 | 28,597 | 34,060 | 37,134 | 40,479 | 35% |
| Eden: Total population aged 65-74 predicted to live alone | 1,870 | 1,900 | 1,850 | 1,950 | 2,080 | 10% |
| Eden: Total population aged 75+ predicted to live alone | 3,053 | 3,372 | 4,098 | 4,573 | 4,980 | 39% |
The total population across Cumbria, Eden and South Lakeland living with a limiting long-term illness is also set to increase significantly as shown in the Table below:

<table>
<thead>
<tr>
<th>Source: POPPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>The total population aged 65 and over living in a care home (with or without nursing care) is projected to rise considerably. This is higher in South Lakeland and Eden than the rest of Cumbria as depicted on the Table below:</td>
</tr>
</tbody>
</table>

| People aged 65 and over with a limiting long-term illness, by age, projected to 2035 |
|----------------------------------------|--------|--------|--------|--------|--------|
|                                       | 2017   | 2020   | 2025   | 2030   | 2035   | % increase from 2017 to 2035 |
| Cumbria: Total population aged 65+ with a limiting long term illness whose day-to-day activities are limited a little | 30,160 | 31,666 | 34,832 | 37,878 | 40,199 | 25% |
| Cumbria: Total population aged 65+ with a limiting long term illness whose day-to-day activities are limited a lot | 27,237 | 28,757 | 32,258 | 35,608 | 38,933 | 30% |
| Eden: Total population aged 65+ with a limiting long term illness whose day-to-day activities are limited a little | 3,383  | 3,645  | 3,996  | 4,398  | 4,676  | 28% |
| Eden: Total population aged 65+ with a limiting long term illness whose day-to-day activities are limited a lot | 2,604  | 2,830  | 3,191  | 3,582  | 3,948  | 34% |
| South Lakeland: Total population aged 65+ with a limiting long term illness whose day-to-day activities are limited a little | 7,149  | 7,551  | 8,351  | 9,063  | 9,680  | 26% |
| South Lakeland: Total population aged 65+ with a limiting long term illness whose day-to-day activities are limited a lot | 5,153  | 5,480  | 6,191  | 6,854  | 7,601  | 32% |

| People aged 65 and over living in a care home with or without nursing projected to 2035 |
|----------------------------------------|--------|--------|--------|--------|--------|--------|
|                                       | 2017   | 2020   | 2025   | 2030   | 2035   | % Change from 2017 - 2035 |
| Cumbria: Total population aged 65+ living in a care home with or without nursing | 3,874  | 4,152  | 4,916  | 5,674  | 6,720  | 42% |
| Eden: Total population aged 65+ living in a care home with or without nursing | 403    | 447    | 539    | 636    | 763    | 47% |
| South Lakeland: Total population aged 65+ living in a care home with or without nursing | 921    | 991    | 1,165  | 1,356  | 1,635  | 46% |

Source: POPPI
1.6.3 Cumbria Strategic Priorities

The Cumbria Housing Group is a sub-regional partnership with a shared vision for housing contained within Cumbria Housing Statement 2017:

“Working together to drive housing and economic growth, regenerate poor housing and help people to live independently.”

One of the priorities, particularly to this Strategy is:

“Supporting Independent Living”.

Cumbria Housing Group want to deliver:

- A programme of new extra care housing
- Better designed housing that can be more easily adapted over the lifetime of the occupier
- Greater efficiency and value for money in delivering Disabled Facilities Grants

Cumbria County Council’s Commissioning Strategy for Care and Support delivered by Adult Social Care (2016-20) highlights the following strategic actions.

- Increasing the supply of Extra Care and other supported housing.
- Increasing the use of ‘support at home’ services for older people with lower-level eligible needs.
- Reduction in the overall number of placements of older people in residential and nursing care, with priority given to people with high-level needs.

Cumbria County Council’s Extra Care and Supported Living Strategy 2016 – 2025 identifies a shortfall of 500 extra care units across South Lakeland District and 195 extra care units across Eden District. Further work was undertaken by Cumbria County Council and the District Councils to break the figure down by Housing Market Area to give a general indication of where the need is. It is recognised that where a scheme is developed in a Key Service Centre that some of the need from an adjoining Housing Market Area may be met within the scheme. This is detailed in the tables below.
## South Lakeland District – Summary Extra Care Housing Demand

<table>
<thead>
<tr>
<th>District</th>
<th>HMA</th>
<th>Key Service Centre (KSC)</th>
<th>Includes towns/villages</th>
<th>Average Demand for ECH by 2025</th>
<th>Current ECH Supply (2017)</th>
<th>Average Shortfall for ECH by 2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Lakeland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Lakes</td>
<td></td>
<td>Ambleside, Windermere</td>
<td>Ambleside, Windermere, Hawkshead, Coniston</td>
<td>700</td>
<td>200</td>
<td>500</td>
</tr>
<tr>
<td>Kendal Rural</td>
<td></td>
<td>Kirkby Lonsdale, Milnthorpe</td>
<td>Burneside, Burton&amp; Holme, Crooklands, Levens, Arnside &amp; Beetham, <strong>Helsington, Brigsteer</strong> Milnthorpe, Natland, Lyth Valley, Whinfell, Kirkby Lonsdale, S weavey-in-W estmorland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kendal</td>
<td>Kendal</td>
<td>Kendal</td>
<td>Kendal, Oxenholme,</td>
<td>164</td>
<td>137</td>
<td>27</td>
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<td>Cartmel Peninsula</td>
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<td>0</td>
<td>93</td>
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<td>Ulverston &amp; Furness</td>
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<td>Broughton, Crake Valley, Low Furness, Ulverston</td>
<td>128</td>
<td>0</td>
<td>128</td>
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<td>Dales</td>
<td>Sedbergh</td>
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<td>Sedbergh, Dent, Garsdale</td>
<td>23</td>
<td>0</td>
<td>23</td>
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<tr>
<td>District</td>
<td>Key Service Centre</td>
<td>Includes Wards</td>
<td>Average Demand for ECH by 2025</td>
<td>Current ECH Supply (2017)</td>
<td>Average Shortfall for ECH by 2025</td>
<td></td>
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<td>125</td>
<td>195</td>
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<td>Penrith</td>
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<tr>
<td>Eden</td>
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<td>166</td>
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<td>166</td>
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<tr>
<td>Eden</td>
<td>Outside Key Service Centre</td>
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1.6.4 Local Context

South Lakeland

South Lakeland covers a 600 square mile area with large parts of the District falling within two national parks, the Lake District and Yorkshire Dales National Park. The District is predominantly rural and the housing market is dominated by issues of affordability. South Lakeland is a very popular holiday area with some villages dominated with second and holiday homes. South Lakeland is a popular retirement destination and the resident population is aging considerably as detailed in Section 1.1.

This Strategy sits within the wider context of the South Lakeland District Council Plan and the South Lakeland District Council’s Housing Strategy and in particular, Priority B – Providing specialist housing and services to improve the health and well-being of older, young and vulnerable people, and Priority C - Improving housing standards, especially around energy efficiency, to improve the health and well-being of all residents.

Eden

Eden district covers 833 square miles and covers large parts of the Lake District National Park and the Yorkshire Dales National Park. More than half (55.8%) of Eden’s population live in small villages and hamlets scattered across the district, with only four main market towns. Many of the villages are not on mains gas and homes are hard to heat due to solid wall construction. Fuel costs are disproportionate to income for many households and this particularly impacts on older people.

Eden is also affected by second homes and holiday homes; pushing local housing out of reach for those on lower incomes, and the ageing population is placing more demands upon housing, care and support services.

The Council Plan 2015-2019 identifies several priorities in order to tackle local housing issues; including supporting developments for older people who require supported housing, having a clear understanding of the housing needs of older people so that gaps in provision can be identified, and improving housing conditions to enable independent living and affordable warmth.

Section 2

2.0 What we are looking to achieve and how we will do this

Section 2 sets out how we will achieve our five identified priorities, the Key Targets that we will look to meet and key actions that will be undertaken during the life of the Strategy.
2.1 **Promotion of existing services**

It was evident through the consultation and workshop that there is a lack of awareness of what existing services are available to older people. Without this knowledge, older people may not be accessing services that could help them remain independent and in their own home for longer, or older people may not be able to access suitable alternative accommodation where their home is no longer suitable for them. There needs to be effective partnership working with housing, health and social care and better linkages with the Health and Wellbeing agenda. This Strategy seeks to ensure that:

- Any older person or agency representing or giving advice to older people will be aware of what housing related services are available and where to access them.
- Specialist advice will be available on the qualifying criteria to access services.
- Media will be used to publicise the available services.
- Information will be available at key locations accessed by older people, e.g. Council Offices (including Parish Council venues), GP Surgeries, Hospitals, Housing Association Offices, Age UK, Supermarkets.

2.1.2 **Measures of our success**

**South Lakeland District and Eden District**

<table>
<thead>
<tr>
<th>Key Actions</th>
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<tbody>
<tr>
<td>1a) Produce a directory of services for older people in partnership with statutory and voluntary agencies. This would be available in key locations such as supermarkets, GP surgeries, Councillor Surgeries, Council offices (including Parish Council venues), Village Halls, farming offices, Housing Association offices, and Age UK.</td>
</tr>
<tr>
<td>1b) Work with The Gateway and The Compass one-stop shop web-sites for older people’s services to ensure that housing services are represented in partnership with statutory and voluntary agencies.</td>
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<tr>
<td>1c) Hold regular open days/drop ins for older people and their carers to advise of services available in partnership with housing providers, Age UK, Cumbria County Council.</td>
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<tr>
<td>1d) Develop a media campaign to raise awareness.</td>
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</table>

2.2 **Making best use of existing homes**

Consultation with older people carried out in 2009 by Cumbria County Council and the NHS (Shaping our Lives) reveals that the majority of older people would rather stay in their own home if it is practicable and reasonable to do so. This was further evidenced in the South Lakeland District Council 2014 Strategic Housing Market Assessment which evidenced that 73.5% of older people wished to remain at home. However, in order to maintain independence within the home and prevent hazards which can lead to falls and subsequent hospital admissions, housing services such as DFGs and the handyperson can provide a much needed lifeline. This can then prevent early admissions to residential care or nursing home provision. Recent analysis from the Building Research Establishment in 2017 shows that, installing home adaptations and undertaking home repairs in order to reduce falls on stairs, can lead to savings of £1.62 for every £1 spent,
and a payback period of less than eight months. It reveals that installing minor home adaptations and making improvements to housing can lead to overall savings of at least £500 million each year to the NHS and social care services in the UK through a 26% reduction in falls, which account for over four million hospital bed days each year in England alone.

The most popular DFGs are level access showers, stair lifts and minor adaptations such as grab rails. Home Improvement Agencies offer information, advice and support to enable older people to remain in their own home if this is appropriate. Services provided can prevent hospital admission and delayed discharge. A Home Improvement Agency could play a key role in the delivery of Priority 1 – Promotion of Existing Services set out under 2.1. South Lakeland District Council intends to become an accredited Home Improvement Agency to provide these services.

Districts have statutory responsibility to deliver Disabled Facilities Grants under the terms of the Housing Grants, Construction and Regeneration Act 1996. The monies for this are provided through the Better Care Fund administered by Cumbria County Council. Districts can also, if they choose to do so, provide discretionary DFGs for jobs up to £5000. This is something that South Lakeland District Council now offers. South Lakeland District Council also has an additional £30,000 for discretionary DFGs which are means tested, and usually apply in paediatric cases.

Fuel poverty is a real issue for older people who are often on a low income and further work needs to be undertaken to identify locations where fuel poverty is particularly prevalent. The last South Lakeland Private Sector Stock Condition Survey undertaken in 2012 identified that 9,948 (24.9%) of households in the private sector were in fuel poverty which is above the national average of 21%. A new South Lakeland Private Sector Stock Condition Survey will be carried out in 2018. Resources can then be targeted appropriately. The earlier consultation for the Older Persons’ Housing Strategy highlighted the need for advice and information on reducing the costs of the home. This is particularly relevant in relation to fuel poverty and it could be something that the Home Improvement Agency could assist with.

2.2.1 Measures of success

South Lakeland District

<table>
<thead>
<tr>
<th>Key Targets</th>
</tr>
</thead>
<tbody>
<tr>
<td>A minimum of 500 Handyperson jobs completed annually</td>
</tr>
<tr>
<td>A minimum of 60 DFGs including under £5k jobs completed annually (of which 10 energy efficiency/central heating schemes completed).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Key Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a) Use discretionary non-means tested DFGs for falls prevention.</td>
</tr>
<tr>
<td>2b) Become an accredited Home Improvement Agency in 2018 in South Lakeland.</td>
</tr>
<tr>
<td>2c) Make referrals to the Safe and Well service to carry out home safety checks in partnership with the Fire Service and Ambulance Service.</td>
</tr>
<tr>
<td>2d) Undertake a new Private Sector Stock Condition Survey in 2018. (SLDC &amp; EDC)</td>
</tr>
<tr>
<td>2e) Following completion of the Private Sector Stock Condition Survey, target worst affected areas for fuel poverty with central heating schemes/energy efficiency measures (subject to funding availability).</td>
</tr>
</tbody>
</table>
2f) Undertake a review of the procurement and application process for DFGs. (SLDC & EDC)
2g) Complete the procurement of a new contract for the Handy Person Scheme in South Lakeland in 2018 (SLDC)
2k) Develop a system for DFG Officers to liaise with hospital staff regarding planned discharge of patients where a DFG can assist.

Eden District

Key Targets
- Ensure that all DFG applications are dealt with promptly and at least according to government guidance
- To continue financially supporting the work of the local handyman service or other project that is aimed at enabling older people to remain living in their own homes.
- Through the work of the Environmental Health Officer for Housing help to ensure the removal of hazards in people’s homes to help keep people living safely at home.
- Complete a minimum of 100 handy person jobs annually.

Key Actions
2d) Undertake a new Private Sector Stock Condition Survey in 2018. (SLDC & EDC)
2f) Undertake a review of the procurement and application process for DFGs. (SLDC & EDC)
2i) To work with private landlords to decrease the number of homes let that have the poorest EPC ratings.
2j) To enable and encourage the delivery of ECO schemes delivered in the district that are aimed at increasing EPC ratings.
2k) Develop a system for DFG Officers to liaise with hospital staff regarding planned discharge of patients where a DFG can assist.

2.3 Assisting those who wish to downsize to do so

Consultation and workshop exercises held with a variety of partner agencies, professionals and elected members highlighted the need to look at existing properties within both districts, and see how we can make better use of the housing that is available, as well as supplementing this with specialist new build properties.

It is accepted that a proportion of older people do not wish to leave their family home; which may hold many happy memories and where they have well established links with friends and neighbours and often family support. However, equally some older people struggle physically and financially in older, less well-insulated or more rurally isolated properties, and are keen to move. However, faced with organising removals, removal costs and reconnection charges there can be difficulties, particularly in the private sector,

Key Fact: Shelter estimates that if 20% of under occupying older owner occupiers moved, this would release 840,000 family sized homes into the market nationally.
for older people who need to downsize, that ultimately results in the older person staying in unsuitable accommodation. In cases where older people have been assessed for DFGs but their current accommodation is not appropriate for a DFG and it cannot go ahead, alternative accommodation needs to be considered. However, this can be a real upheaval for an older person who would struggle to organise the move themselves. Money from the DFG budget could be used to assist in these cases to provide support with removal costs and connection charges. Many older people are not aware of what housing options are available and so appropriate advice needs to be available.

In order to address the housing needs in a rural district, there needs to be an appropriate range of options in terms of price, location, tenure and house types. Mixed tenure schemes which include properties for rent and for sale are a good option to address the needs of a wider cross section of the population. Properties should range in size to take into account single people and couples, and whether there may be a need for a spare bedroom for family or a carer to stay over. Consideration also needs to be given to the location of any properties, as there needs to be access to other services such as a GP surgery, local shop, public transport etc.

Partner agencies report that many older people whom they support have a misconception that they won’t qualify for social housing. A further area of development is the promotion of the Cumbria Choice Based Lettings (CBL) Scheme linking back to Section 2.1. Older persons accommodation advertised via the CBL scheme in Cumbria is available to people over the age of 55 in most cases.

Further ideas for consideration were the use of co-operatives and possible mergers of church buildings or land, which could be made available for the development of new properties. It was suggested that landlord grants could be offered in exchange for nomination rights, particularly in the town centre locations. This could ensure that both Councils are addressing the needs of their older residents in return for grants offered.

Both local authorities are keen to develop Planning Policies which encourage developers to include smaller older persons housing units on new build schemes, and both Councils are keen to encourage the Extra Care Housing model. This type of accommodation ensures that older people won’t need to move again if their health deteriorates or their support needs increase, but instead the level of care and support can be increased accordingly. Both Councils have data available via the Strategic Housing Market Assessment (SHMA) documents in relation to local demographics and population profiles. Consideration also needs to be given to the demand for Dementia Friendly design properties.

A further recommendation from the workshop was the use of community resources such as village halls, the local church and community centres to take services to older people. It was suggested that the meals on wheels model or Library van model could be used to deliver services in the more remote parts of both South Lakeland and Eden. A food train model has been established in Scotland and further work could be undertaken to see if this model could work in Eden and South Lakeland.
Colleagues and representatives from both districts acknowledge the number of empty properties across the areas. It was suggested that Local Authority grants could be focussed on bringing suitable empty properties back in to use where there is an identified need for older person’s accommodation, and use this targeted model to increase supply. A further action could be to increase the Council Tax due in order to provide a disincentive to empty properties.

Finally, the Group acknowledged the very important role that carers play and the underfunded pressures of the job – travel time, lack of time to spend with client, work hours spread over day (could be 0700 – 2300)

Section 2.4 details the targets and actions that will be used to increase the available housing for older people who wish to downsize.

Cumbria County Council run a Home Share scheme in South Lakeland and Eden and further work could be undertaken to promote this service.

### 2.3.1 Measures of success

**South Lakeland and Eden**

<table>
<thead>
<tr>
<th>Key Actions</th>
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<tbody>
<tr>
<td>3a) Establish a scheme to facilitate older people in the private sector to downsize targeting households where a DFG would be inappropriate, or where there are Category 1 Hazards in the home.</td>
</tr>
<tr>
<td>3b) Provide downsizing advice through the Home Improvement Agency when established (SLDC).</td>
</tr>
<tr>
<td>3c) Monitor Registered Providers operating downsizing schemes on an annual basis the number of older tenants assisted to downsize to more appropriate accommodation, and encourage new schemes where they do not presently exist.</td>
</tr>
<tr>
<td>3d) Undertake regular promotion of Cumbria Choice through web-sites, statutory and voluntary agencies.</td>
</tr>
<tr>
<td>3e) Promote the Home Share scheme in South Lakeland and Eden through targeted publicity and social media.</td>
</tr>
</tbody>
</table>

### 2.4 Increasing the supply of housing suitable for older people

In particular, there is a need for additional extra care housing across both Districts. Any

**Key Fact:** There is an evidenced need for 500 extra care units by 2025 in South Lakeland and 195 in Eden.

such schemes need to adopt dementia friendly design and the general design principles set out within the Government commissioned HAPPI reports, together with energy efficient designs. This could be via new build extra care schemes (on allocated sites, Council-owned land or land owned by other bodies such as churches, health service etc could be considered), or the remodelling of existing sheltered housing or residential care homes where appropriate. Particular thought needs to be given to the housing needs of
older residents in rural areas and models that could potentially provide an extra care scheme or service to these areas. Cumbria County Council have produced a breakdown of the need to Housing Market Area level set out under 1.6.2.

Empty properties, such as commercial premises, that could be converted to housing suitable for older people by using affordable housing grants could be considered where appropriate.

New homes need to be more easily adaptable and accessible to ensure that resident(s)’

**Key Fact:** There is a current unmet need for wheelchair adaptable dwellings equivalent to 3.5 per 1,000 households in South Lakeland. This indicates a potential need for 243-355 wheelchair adapted homes in South Lakeland over the period 2016-2036.

long term needs are taken into account. Evidence from the South Lakeland Strategic Housing Market Assessment shows that there is a justification for new housing developments to provide homes up to the M4(2) Category 2 - Accessible and Adaptable Dwelling Standard. There is further evidence for a proportion of new dwellings to be built to wheelchair accessible standards. The location of new developments with homes suitable for older people should reflect evidence of need from the Housing Register and the Strategic Housing Market Assessment, as well as any local parish housing needs surveys where they exist. The Joint Strategic Needs Assessment could be used to provide evidence of need. The Local Plan Development Briefs identify larger sites in Key Service Centres that may be appropriate for extra care housing.

2.4.1 Measures of success

South Lakeland

<table>
<thead>
<tr>
<th>Key Targets</th>
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<tbody>
<tr>
<td><strong>Key Target</strong> – all new homes in the South Lakeland District Council Planning Authority area to be built to M4(2) Category 2 - Accessible and Adaptable Dwellings standard subject to the adoption of this policy in the Development Management Policies Local Plan document (unless there are exceptional circumstances that would prevent this as outlined within draft Development Management Policy DM11).</td>
</tr>
<tr>
<td><strong>Key Target</strong> – 5% of homes in the South Lakeland District Council Planning Authority area on sites over 40 dwellings to be built to wheelchair adaptable homes meeting the M4 (3) Category (draft Development Management Policy DM11) subject to the adoption of this policy in the Development Management Policies Local Plan document.</td>
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<tr>
<td><strong>Key Target</strong> – 300 extra care units developed in South Lakeland to 2025.</td>
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<tr>
<th>Key Actions</th>
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<tbody>
<tr>
<td>4a) Work in partnership with Cumbria County Council and Registered Providers to enable extra care schemes to be developed in line with evidenced need. (SLDC &amp; EDC)</td>
</tr>
<tr>
<td>4b) Consider viability assessment evidence to consider impact of bungalow provision on suitable development sites.</td>
</tr>
</tbody>
</table>
4c) Update Development Management Policy to require all new homes to be built to M4(2) Category 2 – Accessible and Adaptable Dwellings standard, and 5% of homes on sites over 40 dwellings to be built to M4(3) Wheelchair Adaptable Standard.
4d) Assist Cumbria County Council in identifying options for extra care provision in rural areas.
4e) Use affordable housing renovation grants to convert non-residential premises where available and appropriate to provide housing suitable for older people.

Eden

Key Targets

- **Key Target** – 80 extra care units developed in Eden up to 2025.
- **Key Target** – The delivery of at least 2 new extra care housing schemes in the district by 2022.
- **Key Target** – 195 extra care units developed in Eden to 2025.

Key Actions

4f) To increase the number of affordable bungalows built as a proportion of the total number of affordable homes delivered in the district.

2.5 Partnership Working

It is recognised that the key actions will be undertaken in partnership with others in the voluntary, statutory and private sector. Additionally, within the provisions of the Care Act, housing plays a more pivotal role recognising the importance of suitable housing on the health and wellbeing of residents. Housing needs to play an important role on Health and Wellbeing Boards, and in particular, the Locality Groups. This will support statutory agencies to carry out their functions and alleviate pressure on their targets through the provision of suitable housing and housing related services that can reduce spend in health and social care.

Key Actions – South Lakeland and Eden

5a) Develop links with the Health and Wellbeing Board Locality Groups.
5b) Review Hospital Discharge Protocol, working with Integrated Care Commission and Care Navigator.

Section 3 – Implementing the Strategy

3.0 Funding

3.1 Funding for DFGs is provided through the Better Care Fund, held by Cumbria County Council. This funding is distributed to District Councils who have a statutory responsibility under the Housing Grants, Construction and Regeneration Act 1996. A key action within this Strategy will be the development of a Home Improvement Agency which will add value to the delivery of DFGs and open up other sources of funding.
Capital funding can be sourced for extra care housing schemes through Homes for England, and Cumbria County Council have recently commissioned a framework for providers of extra care housing. This will assist in the delivery of affordable extra care schemes across Cumbria. Revenue funding for the care team would be provided by Cumbria County Council and a small pot of capital funding is available subject to a prioritisation process. The District Councils as housing enablers can release suitable council-owned land where available for extra care housing, although sites in South Lakeland are very scarce. Planning negotiations that lead to the provision of a commuted sum could be utilised to help fund extra care housing scheme where there is a shortfall of capital finance.

South Lakeland District Council provides funding for the Handyperson Scheme to enable up to 600 jobs annually in line with the target outlined in 2.2.1.

3.2 Monitoring and Review

The Strategy will be reviewed in 2019 and the Action Plan will be monitored and reviewed on an annual basis by the Housing Advisory Group in South Lakeland.
Glossary

**Affordable housing** – social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

**Category 1 Hazard** - introduced under the Housing Act 2004 and applies to residential properties in England and Wales. The Housing Health and Safety Rating System (HHSRS) assesses 29 categories of housing hazard. Each hazard has a weighting which will help determine whether the property is rated as having category 1 (serious) or category 2 (other).

**Disabled Facilities Grants** – a means tested grant that enables the home of disabled homeowners and private tenants to be adapted to meet their needs, with for example, a walk-in shower.

**Extra Care Housing** - Extra Care Housing is housing designed with the needs of frailer older people in mind and with varying levels of care and support available on site. People who live in Extra Care Housing have their own self-contained homes, their own front doors and a legal right to occupy the property. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'. It comes in many built forms, including blocks of flats, bungalow estates and retirement villages.

**Fuel poverty** - households that spend more than 10% of their total income on fuel use, which not only includes heating the home but also providing hot water, lighting and the use of appliances. However this doesn’t take into account the actual amount spent on fuel or the amount available to spend on fuel.

**Home Improvement Agency (HIA)** – not for profit organisations funded and supported by local and central government. They can also be accredited local authority run in-house. They provide advice, support and assistance to elderly, disabled and vulnerable people who own and live in their own property. They help people to repair, improve, maintain and adapt their home to meet their changing needs.

**Nursing Care Home** - a place of residence for people who require continual nursing care and have significant difficulty coping with the required activities of daily living.

**Residential Care Home** - a residential setting where a number of older people live, usually in single rooms, and have access to on-site care services. A home registered simply as a care home will provide personal care only - help with washing, dressing and giving medication.

**Strategic Housing Market Assessment (SHMA)** – an approach to assessing housing need and demand which can inform the development of local plans and housing policies.
Appendix 1 Initial Stakeholder Consultation Feedback

Members and Parish Councils

❖ Rural Issues
  o Lack of Transport and difficulty accessing services in rural areas were cited as common issues for Older People
  o Lack of suitable housing for older people in rural areas was raised as a concern by more than one respondent
  o 1no. Respondent raised a concern that there is a risk to older/frailer residents 'being forgotten'; 'Most of our frail residents have no access to specialist housing to meet their needs in their home community. In our rural area with no public transport older vulnerable people can get forgotten by authorities’

❖ Health
  o Mobile Services (such as opticians, chiropodists) were suggested to enable more ‘face to face’ interaction

❖ Adaptations
  o 'Accessibility issues around homes' was found to be the most common housing related problem/issue older constituents seek help with for (41%)

❖ Home Care
  o Home Care Agencies, GP Practices and Cumbria County Council were all cited more than once as additional services Local Authorities should work with
  o 63% of respondents rated 'Assistance with day to day h/hold tasks' as 'Very Important'
  o More 'practical home care' was a frequent point raised. With examples such as mobile health services (such as chiropodists, Meals on Wheels) suggested

❖ Fuel Poverty
  o 80% of respondents (29) felt Advice/Information on reducing the costs of the home is either Very Important or Important in assisting residents to stay in their homes longer

❖ Housing Specifically for Older People
  o The majority of respondents (44%) felt that the facilitation of an increase of Older People's Housing Schemes is required

❖ Services Provided by Local Authorities
  o The majority of respondents (44%) felt the services the local LAs provide are not very effective
  o 44% respondents were unsure whether the services offered by the LA's helped individuals to remain in their homes for longer
  o Better promotion of the schemes services available was reflected in the comments and responses (25% felt that the Promotion of schemes/services aimed at older people would be beneficial). This is again reinforced by 77% of respondents stating that 'Advice and information on accessing available support is 'very important' in assisting residents to stay in their homes as they grow older
  o Age UK and Housing Associations were commonly referenced as other agencies LA's should/could be working with
Internal Staff Members

❖ Rural Issues
   o The requirement of a wide range of services available in rural areas was identified (due to transport issues)

❖ Health
   o 1 respondent stated it is important to determine how budgets with health services can be combined in order to pursue the Health and Wellbeing Agenda

❖ Adaptions
   o ‘Accessibility issues around homes’ was found to be the most common housing related problem/issue older customers seek help with for (43%)
   o The creation of a Home Improvement Agency was stated twice as an additional service that the Council could offer

❖ Home Care
   o Providing a range of different property types and offering more support scheme/services were some of the main examples given of extra services that could be provided by the Local Authorities
   o 81% of respondents stated that ‘Assistance with day to day hold tasks’ is ‘Very Important’ in assisting residents to stay in their homes as they grow older

❖ Fuel Poverty
   o All respondents (16) felt Advice/Information on reducing the costs of the home is either Very Important or Important in assisting residents to stay in their homes longer

❖ Housing Specifically for Older People
   o 81% of respondents felt that there are additional services the Council could offer to help people stay in their homes longer
   o Facilitating an increased level of Older Peoples' Housing Schemes was the most commonly selected option when identifying the main priority for local authorities when trying to meet the housing needs of older residents (43%)

❖ Services Provided by Local Authority
   o Time taken to process requests for the current services was raised as a concern
   o 43% of respondents feel the services offered by the LA’s are effective (however one respondent felt more services are required)
   o 8 respondents do not feel the services currently provided are utilised to the maximum (7 'Don't Know'). This could link with increased promotion as identified through the Members responses
   o 93% of respondents felt that there are additional agencies that we should be working with. The most common examples given were: Age UK, GPs, The NHS and Cumbria County Council

Registered Providers

❖ Responses received from 6 Housing Associations;
   o South Lakes Housing
   o Progress Housing Group
   o Two Castles
   o Riverside
   o Home Group
   o Eden Housing Association
Health
- The majority of the responses stated that a low proportion of their older residents have had to move to alternative accommodation due to changing age related needs

Adaptions
- 1 respondent suggested that adaptions to existing properties would be beneficial

Home Care
- All of the respondents identified Assistance with day to day household tasks as either 'Very Important' or 'Important'

Fuel Poverty
- 83% (5) of respondents identified Advice/Information on reducing the costs of the home as Important in assisting residents to stay in their homes longer
- 1 respondent identified Advice/Information on reducing the costs of the home is of Little Importance in assisting residents to stay in their homes longer

Housing Specifically for Older People
- 'Lack of suitable housing' was most commonly selected as the greatest housing challenge for older tenants
- The inability to offer a varied range of housing options was most commonly selected as the greatest housing challenge the respondents face when providing accommodation for elderly residents
- The majority of respondents (83%) were unsure as to whether their current housing stock will meet the needs of their tenants as they grow older

Services Provided by Local Authority
- The majority of respondents (66%) felt that there are not any additional services that the Council could offer to help people stay in their homes longer

Service Providers
- Responses were received from 4 Service Providers;
  - Age UK Carlisle and Eden
  - Eden Independent Living
  - CCG
  - CPFT

Rural Issues
- Transport to social activities was identified as an additional service that the Council could provide

Home Care
- All respondents stated that Assistance with day to day household tasks was either Very Important or Important when assisting residents to stay in their homes as they grow older

Fuel Poverty
- 1 respondent stated that Advice/Information on reducing the costs of the home was Of Little Importance when assisting residents to stay in their homes as they grow older
Housing Specifically for Older People

- 50% of the respondents stated that *Facilitating an increased level of Older Peoples' Housing Schemes* is the LA's main priority to meet the housing needs of older residents.

Services Provided by the Local Authority

- The majority of respondents identified *Access to services* as the most common problem/issue their older customers seek help with/for.
- 50% of respondents stated that the *promotion of schemes/services that are aimed at older people* is the LA's main priority to meet the housing needs of older residents.
- 50% of respondents stated that they felt the current services offered by the LA’s are *Not Very Effective*.

Common Themes from ALL Participants

- *Accessibility issues to services* was identified as the most common housing related problem/issue older residents seek help with for.

<table>
<thead>
<tr>
<th>What is the most common housing related problem/issue your older customers/constituents seek help with/for?</th>
<th>Internal Staff Members</th>
<th>Service Providers</th>
<th>RPs</th>
<th>Members and Parish Councils</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repairs or Maintenance of Homes</td>
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<td>0</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Accessibility issues (around homes)</td>
<td>7</td>
<td></td>
<td>4</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Accessibility issues (to services)</td>
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<td>3</td>
<td>15</td>
<td>20</td>
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</tr>
<tr>
<td>Housing Options Advice</td>
<td>2</td>
<td></td>
<td>3</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>1</td>
<td>10</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Question Skipped</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>4</td>
<td>36</td>
<td>56</td>
<td>56</td>
</tr>
</tbody>
</table>

- 61% of all respondents asked if ‘*there are any other services that you feel the council could offer to help people stay in their homes longer* answered ‘yes’.

- *Facilitating an increased level of Older People’s Housing Schemes* and *The Promotion of schemes/services that are aimed at older people* were identified as the main priorities for Local Authorities.

<table>
<thead>
<tr>
<th></th>
<th>Internal Staff Members</th>
<th>Service Providers</th>
<th>RPs</th>
<th>Members and Parish Councils</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilitating an increased level of Older Peoples’ Housing Schemes</td>
<td>7</td>
<td>2</td>
<td></td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>Holding regular consultations to determine the changing needs of older residents</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Promotion of schemes/services that are aimed at older people</td>
<td>6</td>
<td>2</td>
<td></td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
<td></td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>All</td>
<td>0</td>
<td>0</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Question Skipped</td>
<td>1</td>
<td>0</td>
<td></td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>4</td>
<td></td>
<td>36</td>
<td>56</td>
</tr>
</tbody>
</table>

- 80% of the respondents asked if they felt the Local Authority could work with additional agencies answered ‘yes.’
The following additional services or agencies were mentioned more than once across all participants:
- Public Transport: 8
- GPs/NHS: 12
- Age UK/Age Concern: 14
- Housing Associations: 10

39% of all respondents asked the question ‘How effective are the services that the Council offers/provides for older residents’ stated they are ‘Not Very Effective’;

<table>
<thead>
<tr>
<th></th>
<th>Internal Staff Members</th>
<th>Service Providers</th>
<th>RPs</th>
<th>Members and Parish Councils</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Effective</td>
<td>3</td>
<td>1</td>
<td></td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Effective</td>
<td>7</td>
<td>1</td>
<td></td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>Not Very Effective</td>
<td>4</td>
<td>2</td>
<td></td>
<td>16</td>
<td>22</td>
</tr>
<tr>
<td>Not Effective At All</td>
<td>0</td>
<td>0</td>
<td></td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Unable to Answer</td>
<td>2</td>
<td>0</td>
<td></td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Question Skipped</td>
<td>0</td>
<td>0</td>
<td></td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>4</td>
<td></td>
<td>36</td>
<td>56</td>
</tr>
</tbody>
</table>

The following table shows the full break down of the ratings given to the below measures that might assist residents to stay in their homes longer as they grow older;

<table>
<thead>
<tr>
<th></th>
<th>Very Important</th>
<th>Important</th>
<th>Of Little Importance</th>
<th>Unimportant</th>
<th>Did not rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Internal Staff</td>
<td>Service Providers</td>
<td>RPs</td>
<td>Members and Parish Councils</td>
<td>Total</td>
</tr>
<tr>
<td>Assistance with day to day household tasks</td>
<td>13</td>
<td>3</td>
<td>3</td>
<td>23</td>
<td>42</td>
</tr>
<tr>
<td>Advice/information on reducing costs of the home</td>
<td>7</td>
<td>3</td>
<td>0</td>
<td>13</td>
<td>23</td>
</tr>
<tr>
<td>Advice/information on accessing available support</td>
<td>14</td>
<td>3</td>
<td>1</td>
<td>28</td>
<td>46</td>
</tr>
<tr>
<td>Practical help with repairs</td>
<td>10</td>
<td>2</td>
<td>3</td>
<td>17</td>
<td>33</td>
</tr>
</tbody>
</table>

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### Appendix 2  Older Persons’ Housing Strategy 2018 – 2025 Action Plan

#### Key Priorities

1. Promotion of existing services.
3. Assisting those who wish to downsize to do so
4. Increasing the supply of housing suitable for older people
5. Cross Cutting – Partnership Working

#### Action

<table>
<thead>
<tr>
<th>Action</th>
<th>Milestones</th>
<th>Timescale</th>
<th>Target</th>
<th>Lead Officer</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Promotion of existing services</td>
<td>1a) Produce a directory of services for older people in partnership with statutory and voluntary agencies.</td>
<td>December 2018</td>
<td>AHO/PHStraO H&amp;WBO HN&amp;PO Eden – H&amp;WBO</td>
<td>Within existing resources.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Production of a directory of services available to older people and statutory and voluntary agencies that support older people.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Distribute to key locations such as supermarkets, GP surgeries, Council offices (including Parish Council venues), Village Halls, farming offices, Housing Association offices, and Age UK.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 1b) Work with The Gateway and The Compass one-stop shop web-sites for older people’s services to ensure that housing services are represented.

- Work with The Gateway and The Compass one-stop shop web-sites for older people’s services in partnership with statutory and voluntary agencies and other bodies such as private sector housing providers, housing associations, advice agencies and Parish Councils. This will ensure that housing services are correctly represented.

<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
<th>Responsible</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHO</td>
<td>Within existing resources</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 1c) Hold regular open days/drop ins for older people and their carers to advise of services available in partnership with housing providers, Age UK, Cumbria County Council.

- Organise regular open days and/or drop ins for older people and their carers to find out more about services available and specific housing such as sheltered and extra care in partnership with housing organisations, Age UK, Cumbria County Council and other agencies.

<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
<th>Responsible</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 1d) Develop a media campaign to raise awareness.

- Publicity of existing services by using social and local media to raise awareness.

<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
<th>Responsible</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 2. Making best use of existing homes

#### 2a) Use discretionary non-means tested

- Use of discretionary non-means tested DFGs under £5000 to prevent falls such as

<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
<th>Responsible</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| AHO | Within existing resources | | |

| PHStanO (SLDC) | DFG Budget (SLDC) | | |
| **DFGs for falls prevention (SLDC)** | level access showers, stair lifts and ramps in South Lakeland.  
- In Eden, currently there is full spend of Better Care Funding on statutory provision of means tested DFGs, and as such the matter will be reviewed on a year by year basis following identification of any potential available funding. | life of the Strategy | including under £5k jobs completed annually (of which 10 energy efficiency/central heating schemes completed). |  |
| **2b) Become an accredited Home Improvement Agency in 2018 in South Lakeland. (SLDC)** | - Establish a Home Improvement Agency in 2018 in South Lakeland  
- Eden will undertake a review of the needs/benefits of establishing a Home Improvement Agency within Eden. | July 2018 |  | PHStanO (SLDC)  
Eden EHO  
Within existing resources. |
| **2c) Make referrals to the Safe and Well service to carry out home safety checks in partnership with the Fire Service and Ambulance Service. (SLDC & EDC)** | - Establish links between SLDC & EDC Handy Person Scheme and the Fire Service ‘Safe and Well’ service in conjunction with the Ambulance Service.  
- Monitor number of home safety checks carried out.  
- Set up a referral process in order to refer older and vulnerable people for home safety checks to prevent slips and falls, etc. (EDC) | Ongoing though out the life of the Strategy |  | EIL (EDC)  
PHStanO (SLDC)  
Within existing resources. |
| 2d) Undertake a new Private Sector Stock Condition Survey in 2018. (SLDC & EDC) | • New Private Sector Stock Condition Survey to be commissioned and completed in 2018 to evidence locations with higher fuel poverty.  
• Eden to undertake a review of undertaking Private Sector Stock Survey and to identify and approve required resources - 2018 | 2018 | PHStanO EHO/H&HM | Growth bid made and included in draft budget (SLDC) |
|---|---|---|---|---|
| 2e) Following completion of the Private Sector Stock Condition Survey, target worst affected areas for fuel poverty with central heating schemes/energy efficiency measures (subject to funding availability). | • Identify the worst affected areas for fuel poverty and property condition arising from the Private Sector Stock Condition Survey.  
• Target these locations to provide central heating schemes/energy efficiency measures and other works.  
• Provide annual reports to the Housing Advisory Group (HAG) (SLDC) and Portfolio/Health and Wellbeing Forum (EDC) | 2018 - 2025 | To reduce the percentage of homes in the lowest energy performance certificate (EPC) bands (F and G) from 16.4% to less than 10% by 2025 (in terms of rented homes to reduce to 0% by 2020) | PHStanO (SLDC) H&HM/DFGO (EDC) | Bids to be made to external sources of funding. |
| 2f) Undertake a review of the procurement and application process for DFGs. (SLDC & EDC) | • Work in partnership with Cumbria County Council, Health, housing providers, and other District Councils to streamline the procurement and application process for DFGs. | 2018-2019 | PHStanO (SLDC) EHO/H&HM | Within existing resources |
| 2g) Complete the procurement of a new contract for the Handy Person Scheme in South Lakeland in 2018 (SLDC) | • Complete Brief and undertake procurement process.  
• Develop contract with Eden Independent Living for the ongoing delivery of the Handyperson service. | April 2018  
April 2018 | A minimum of 500 Handyperson jobs completed annually  
Monitor take up of services and complete a minimum of 100 handyperson jobs annually | PHStanO  
EHO/DFGO | New Homes Bonus monies. Existing resources (EDC) |
| 2h) Commission a district wide Housing Needs Survey early in 2018. (EDC) | • Eden undergoing procurement of district wide Housing Needs Survey to be implemented early 2018 | March 2019 | Completion and publication of district wide Housing Needs Survey | HRO | Existing resources |
| 2i) To work with private landlords to decrease the number of homes let that have the poorest EPC ratings. (EDC) | • Eden to undertake engagement and information programme with Letting Agents and Private Landlords to advise on requirements of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 | December 2018 | To reduce the percentage of homes in the lowest energy performance certificate (EPC) bands (F and G) from 16.4% to less than 10% by 2025 (in terms of rented homes to reduce to 0% by 2020 | EHO | Existing resources. |
| 2j) To enable and encourage the delivery of ECO schemes delivered in the district that are aimed at increasing EPC ratings. (EDC) | • To engage with partners and other organisations to encourage uptake of schemes delivered through the ECO schemes | Ongoing throughout the life of the Strategy | To reduce the percentage of homes in the lowest energy performance certificate (EPC) bands (F and G) from 16.4% to less than 10% by 2025 | H&WBO | Existing resources. |
### 2k) Develop a system for DFG Officers to liaise with hospital staff regarding planned discharge of patients where a DFG can assist.

- Set up system with hospital staff in conjunction with Hospital Discharge Protocol.
- Continue to review DFG spend annually against budget, and identify potential funding sources.

<table>
<thead>
<tr>
<th>Year</th>
<th>Activities</th>
<th>Responsible Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-19</td>
<td>A minimum of 60 Disabled Facility Grants (DFGs) including under £5k jobs completed annually (of which 10 energy efficiency/central heating schemes completed).</td>
<td>PHStanO HDO/H&amp;WBO</td>
</tr>
</tbody>
</table>

### 3. Assisting those who wish to downsize to do so

#### 3a) Establish a scheme to facilitate older people in the private sector to downsize targeting households where a DFG would be inappropriate, or where there are Category 1 Hazards in the home. (SLDC)

- Set up a scheme using non-means tested DFGs in South Lakeland to assist older people with removals and connections.
- Work in partnership with Cumbria Choice Based Lettings partners to assist older people with housing applications for social rented housing.
- Provide statistical information to Planning colleagues to influence the development of additional smaller units in both districts.

<table>
<thead>
<tr>
<th>Year</th>
<th>Activities</th>
<th>Responsible Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-2025</td>
<td>A minimum of 60 Disabled Facility Grants (DFGs) including under £5k jobs completed annually (of which 10 energy efficiency/central heating schemes completed).</td>
<td>HN&amp;PO/HRO PHStanO</td>
</tr>
</tbody>
</table>

### 3b) Provide downsizing advice through the Home Improvement Agency when established (SLDC).

- Set up Home Improvement Agency and provide downsizing advice.
- Eden to undertake a review of the needs/benefits of establishing a Home Improvement Agency.

<table>
<thead>
<tr>
<th>Year</th>
<th>Activities</th>
<th>Responsible Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 and ongoing through out the life of the Strategy</td>
<td></td>
<td>PHStanO EHO</td>
</tr>
</tbody>
</table>

Within existing resources.
<table>
<thead>
<tr>
<th>Improvement Agency within Eden (EDC).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3c) Monitor Registered Providers operating downsizing schemes on an annual basis the number of older tenants assisted to downsize to more appropriate accommodation, and encourage new schemes where they do not presently exist.</strong></td>
</tr>
<tr>
<td>- Set up monitoring system to collect data from Registered Providers and report to the Housing Advisory Group annually.</td>
</tr>
<tr>
<td>2018 and ongoing throughout the life of the Strategy</td>
</tr>
<tr>
<td>PHStraO HRO</td>
</tr>
<tr>
<td>Within existing resources.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3d) Undertake regular promotion of Cumbria Choice through web-sites, statutory and voluntary agencies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Provide information and materials to statutory and voluntary agencies.</td>
</tr>
<tr>
<td>- Provide training where necessary.</td>
</tr>
<tr>
<td>Ongoing throughout the life of the Strategy</td>
</tr>
<tr>
<td>Cumbria Choice Co-Ordinator</td>
</tr>
<tr>
<td>Cumbria Choice Budget.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3e) Promote the Home Share scheme in South Lakeland and Eden through targeted publicity and social media.</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Provide publicity materials and links to the web-site to statutory and voluntary agencies.</td>
</tr>
<tr>
<td>- Promote through local newsletter.</td>
</tr>
<tr>
<td>Ongoing throughout the life of the Strategy</td>
</tr>
<tr>
<td>PHStanO &amp; PHStraO (SLDC) HN&amp;PO (Eden)</td>
</tr>
<tr>
<td>Within existing resources.</td>
</tr>
</tbody>
</table>

4. Increasing the supply of housing suitable for older people

<table>
<thead>
<tr>
<th>4a) Work in partnership with Cumbria County Council and Registered Providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Work in partnership with Cumbria County Council and Registered Providers to enable extra care schemes to be</td>
</tr>
<tr>
<td>2018 – 2025</td>
</tr>
<tr>
<td>300 extra care units developed in South Lakeland by 2025 (SLDC).</td>
</tr>
<tr>
<td>PHStraO HDO</td>
</tr>
<tr>
<td>Within existing resources Homes and Communities</td>
</tr>
</tbody>
</table>
to enable extra care schemes to be developed in line with evidenced need. (SLDC & EDC)

|  | developed in line with evidenced need.  
  | - Consider suitable sites including sites that have been identified through Neighbourhood Plans. | 80 extra care units developed in Eden by 2025 | Agency funding, Cumbria County Council capital and revenue funding. |

| 4b) Complete viability assessment to increase bungalow provision in suitable development sites (EDC). Consider viability assessment evidence to consider impact of bungalow provision on suitable development sites (SLDC). | • Commission and complete a viability assessment to increase bungalow provision in suitable development sites.  
  | • Consider viability evidence from the Viability Study undertaken for SLDC in relation to bungalows on development sites.  
  | • Encourage development of more bungalows or suitable alternatives where appropriate on development sites | Increased bungalow provision | AHO HDO (EDC) | Within existing resources. |

<p>| 4c) Update Development Management Policy to require all new homes in the South Lakeland District Council | • All new homes in the South Lakeland District Council Planning Authority area to be built to M4(2) Category 2 - Accessible and Adaptable Dwellings standard subject to the Development Strategy | All new homes in the South Lakeland District Council Planning Authority area to be built to Development Strategy | Within existing resources. |</p>
<table>
<thead>
<tr>
<th>Planning Authority area to be built to M4(2) Category 2 – Accessible and Adaptable Dwellings standard and a percentage to be built to M4(3) category wheelchair adaptable standard (SLDC).</th>
<th>adoption of this policy in the Development Management Policies Local Plan document (unless there are exceptional circumstances that would prevent this as outlined within draft Development Management Policy DM11) (SLDC).</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 5% of homes in the South Lakeland District Council Planning Authority area on sites over 40 dwellings to be built to wheelchair adaptable homes meeting the M4 (3) Category (draft Development Management Policy DM11) subject to the adoption of this policy in the Development Management Policies Local Plan document (SLDC).</td>
<td>M4(2) Category 2 - Accessible and Adaptable Dwellings standard subject to the adoption of this policy in the Development Management Policies Local Plan document (draft Development Management Policy DM11).</td>
</tr>
<tr>
<td>5% of homes on sites over 40 dwellings in the South Lakeland District Council Planning Authority area to be built to wheelchair adaptable homes meeting the M4 (3) Category (draft Development Management Policy DM11) subject to the adoption of this policy in the Development Management Policies Local Plan document (SLDC).</td>
<td>5% of homes on sites over 40 dwellings in the South Lakeland District Council Planning Authority area to be built to wheelchair adaptable homes meeting the M4 (3) Category (draft Development Management Policy DM11) subject to the adoption of this policy in the Development Management Policies Local Plan document (SLDC).</td>
</tr>
<tr>
<td>4d) Assist Cumbria County Council in identifying options for extra care provision in rural areas.</td>
<td>• Consider appropriate options for extra care provision in rural areas where there is evidenced need, working with partners at Cumbria County Council, SLDC Planning Authority and the National Park Authorities.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>4e) Use affordable housing renovation grants to convert non-residential premises where available and appropriate to provide housing suitable for older people.</td>
<td>• Use of affordable housing renovation grants in former commercial premises to enable housing suitable for older people.</td>
</tr>
<tr>
<td>4f) To increase the number of affordable bungalows built as a proportion of the total number of affordable homes delivered in the district. (EDC)</td>
<td>• To work with Planning Section on the development of a new Housing Supplementary Planning Document for Housing following adoption of Local Plan and to work with Planning on individual Section106 agreements</td>
</tr>
</tbody>
</table>

## 5. Partnership Working

| 5a) Develop links with the Health and Wellbeing Board Locality Groups. | • Ensure that Housing is represented on Locality Groups in Eden and South Lakeland. | 2018-19 | | Health & Wellbeing Officers | Within existing resources. |
| 5b) Review Hospital Discharge Protocol, working with the Integrated Care Commission and Care Navigators. | • Review current Hospital Discharge Protocol to ensure that older people’s issues are covered. | 2018-19 | HOM (SLDC) H&WBO (EDC) | Within existing resources. |

Key:
SLDC – South Lakeland District Council - PHStraO – Principal Housing Strategy Officer, PHStanO – Principal Housing Standards Officer, AHO – Affordable Housing Officer, HAG – Housing Advisory Group, HOM – Housing Options Manager

EDC – Eden District Council – HDO – Housing Development Officer, HN&PO – Housing Needs & Policy Officer, H&HM – Housing & Health Manager, EHO – Environmental Health Officer, H&WBO – Health & Wellbeing Officer, HRO – Housing Research Officer, EIL – Eden Independent Living
South Lakeland District Council
Overview and Scrutiny Committee

Report from the Older Persons’ Housing Task and Finish Group
January 2018

Chairman’s Foreword 2
Introduction 2
Task and Finish Group Membership 2
Methodology 2
Recommendations 4
Chairman’s Foreword

The group was formed to look at housing provision in the district for residents often referred to as ‘older’, and to look at location, services and longevity of housing required to meet the needs of a growing section of the population.

Together with partners, we looked at the issues facing residents and the opportunities to improve and sustain communities through a better understanding of the challenges they will face in the future.

To this end, we recommend that the Overview and Scrutiny Committee and Cabinet approve the new Joint Older Persons’ Housing Strategy 2018 – 2025.

I’d like to thank all those committed participants who added value and gravitas to the work of this task and finish group.

-Councillor Dyan Jones

Introduction

South Lakeland District Council has had an Older Persons’ Housing Strategy in place since 2003, with a subsequent joint strategy with Eden District Council being developed in 2012, recognising the aging demographic of the two districts and providing the focus needed to meet the housing needs of older people in the area. This Joint Older Persons’ Housing Strategy was created to cover the period 2012 to 2017.

As part of its 2016/17 Work Programme, the Overview and Scrutiny Committee recognised that the development of the new Joint Older Persons’ Housing Strategy (the strategy) was a key step in addressing the housing and support needs of the older people within the communities of Eden and South Lakeland. The Overview and Scrutiny Committee resolved to create a task and finish group to assist officers and portfolio holders in the review and subsequent development of the strategy. This report is the culmination of that work.

Membership of the Older Persons’ Housing Task and Finish Group was open to any councillor who was not a member of the Cabinet. As has been the case previously, the group was made up of five elected members from South Lakeland District Council, from across all three of the Council’s political groups. The members of the task and finish group represented wards from areas across the district. Three of the five councillors on the group were members of the Overview and Scrutiny Committee.

Task and Finish Group Membership

- Councillor Brian Cooper
- Councillor Janette Jenkinson
- Councillor Dyan Jones (Chairman)
- Councillor Mel Mackie
- Councillor Mark Wilson

Methodology

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 March 2017</td>
<td>Election of task and finish group chairman, agree terms of reference, introduction to Joint Older Persons’ Housing Strategy 2012 – 2017 and potential review areas.</td>
</tr>
</tbody>
</table>
Meeting Date | Purpose
--- | ---
23 May 2017 | Consideration of initial stakeholder consultation responses, identification of witnesses and strategy priorities.
3 July 2017 | Workshop event with internal and external witnesses, identification of potential key measures and actions.

The first meeting of the Older Persons’ Housing Task and Finish Group was held on 22 March 2017. Councillor Dyan Jones was appointed as Chairman of the Task and Finish Group and the following terms of reference were adopted:-

- to assist in the review of the Council’s Older Persons’ Housing Strategy (OPHS);
- to receive and consider key stakeholder views on the current OPHS and the proposed changes;
- to consider the District Council’s role within the provision of older persons’ housing and addressing these needs; and
- to report findings and recommendations to the Overview and Scrutiny Committee to assist in consideration of the revised OPHS.

The task and finish group’s second meeting was held on Tuesday, 23 May 2017. Members considered the responses and issues raised as part of an initial stakeholder consultation which had been carried out by officers. It was agreed that a workshop-style event should be held to allow a number of witnesses to attend and provide evidence. Members identified a number of important internal and external witnesses to invite to the workshop.

Key themes raised during the discussions of the first two meetings were collated and the task and finish group was asked to prioritise them. The five priority themes would then go on to influence the discussions of the workshop event and, eventually, the structure of the final strategy. The members of the Older Persons’ Housing Strategy Task and Finish Group selected the following five priorities:-

- Partnership working
- Promotion of existing services
- Making existing homes suitable for older people to live in for longer
- Assisting those who wish to downsize to do so
- Lack of appropriate housing for older people

The workshop took place on Monday, 3 July 2017, with the following witnesses present:-

**South Lakeland District Council**

- Cllr Jonathan Brook  Deputy Leader and Housing and Innovation Portfolio Holder
- David Bradley  Senior Housing Standards Officer
- Laura Chamberlain  Senior Policy Officer, Development Plans
- Megan Henderson  Housing Strategy Officer
- Julie Jackson  Senior Housing Strategy Officer
- Fleur Laverack  Housing Standards Assistant
- Alastair McNeill  Development Plans Manager
- Mark Shipman  Development Management Group Manager

**Eden District Council**

- Louise Jeffery  Housing Needs and Policy Officer
- Cherry Marshall  Housing Technical Officer
- Jo Smailes  Housing Development Officer
The workshop was a successful event and was well received by those in attendance. The session allowed members, officers and partners to share ideas about how to address the issues of housing for older people in both South Lakeland and Eden. The discussions provided not only suggestions for actions that could be incorporated within the strategy, but also reinforced the priorities previously selected as key to ensuring that the right services could be available to the older people within both districts.

Following the workshop, officers produced a draft of the strategy, incorporating the ideas raised during previous discussions and by witnesses at the workshop.

The fourth and final meeting of the Older Persons’ Housing Strategy Task and Finish Group took place on Wednesday, 6 December 2017. Members were asked to consider the draft strategy prior to it being published for consultation. The members of the task and finish group were very positive regarding the draft strategy and, subject to some minor amendments which have subsequently been made, and concluded that the draft Joint Older Persons’ Housing Strategy 2018 – 2025 should be endorsed by the Overview and Scrutiny Committee.

Following consideration by the Overview and Scrutiny Committee on 2 February, the final strategy will be presented to Cabinet on 21 March.

At the time of writing, a draft of the strategy is subject to a public consultation. The Overview and Scrutiny Committee will be informed of any comments raised during the consultation period as part of the Principal Housing Strategy Officer’s covering report.

Recommendations

Throughout the work of the Older Persons’ Housing Strategy Task and Finish Group a number of recommendations were made which have been incorporated into the final strategy by officers and the Housing and Innovation Portfolio Holder. Those suggestions include agreement of the five key priorities of the strategy, extending the length of the strategy to 2025 to align it with the Council’s other housing strategies, the amendment of the definition of older people that the strategy applies from 55 to 65, as well as proposals around wording and key actions throughout the document.

Members of the task and finish group are pleased to see these recommendations being included within the draft strategy and thank the officers involved for producing a positive and achievable strategy, the work of which will go a long way to helping to address the issues of housing for older people in both South Lakeland and Eden.

The Older Persons’ Housing Strategy Task and Finish Group therefore recommends that, subject to any issues being addressed which may be raised as part of the public consultation, the Overview and Scrutiny Committee endorse the draft Joint Older Persons’ Housing Strategy 2018 – 2025 for approval by Cabinet.
## Appendix 3

**South Lakeland District Council and Eden District Council Joint Older Persons’ Housing Strategy 2018 – 2025**

### Consultation Responses

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Comments</th>
<th>SLDC Response</th>
<th>Change Required to the Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal Officer SLDC</td>
<td>In relation to the Action “Produce a directory of services for older people in partnership with statutory and voluntary agencies. This would be available in key locations such as supermarkets, GP surgeries, Councillor Surgeries, Council offices (including Parish Council venues), Housing Association offices, and Age UK.” – When I first started at the council I am sure this had been commissioned by Claire Gould and Age UK produced a directory (I realise this will be 8 years old now, however it would be worth discussing with Claire and finding out how well received it was). Also there is the Gateway website which you may be able to adapt/take the info from: <a href="http://www.gatewayhub.org.uk/">http://www.gatewayhub.org.uk/</a> Set up a one-stop shop web-site for older people’s services in partnership with statutory and voluntary agencies. This already exists via the Gateway – <a href="http://www.gatewayhub.org.uk/">http://www.gatewayhub.org.uk/</a> At 5a it states: <strong>Develop links with the Health and Wellbeing Board Locality Groups</strong>. Do you mean the Cumbria Health and Wellbeing Board, or the locality forums? There is also the Public Health Alliance.</td>
<td>The Gateway provides limited housing related information (some of which is rather out-of-date) but gives a good foundation to work with to ensure it is more representative and therefore fits in well with this action. As per above. Replied that it is the Locality Forum.</td>
<td>Could reflect the Gateway Hub in the Action Plan to work with partners to update with housing information. As above No change required.</td>
</tr>
<tr>
<td>Yorkshire Dales National Park Authority</td>
<td>Much of the content of the strategy is beyond the Authority’s remit, so I’ve just got a couple of brief observations: Action 4a &amp; 4d – extra care housing – the Authority is particularly supportive of these actions. It has a development plan policy (see Policy C8 in the document linked below) that seeks to encourage the development of elderly and vulnerable persons’ accommodation on a range of potential sites in or adjacent to service centres. Sedbergh</td>
<td>It is good to know that this is supported by YDNPA and that they are willing to work in partnership with SLDC to enable extra care housing.</td>
<td>No change required.</td>
</tr>
</tbody>
</table>
would be the most obvious candidate, since it is the National Park’s largest town, and offers the best potential to meet the identified need for 23 units of ECH in the ‘Dales’ sub area of the District. The policy also supports older persons’ housing on conventional housing sites and home adaptations so there is synergy with some of the other objectives in the strategy. The Authority would be happy to work closely with both Councils in identifying suitable sites should this be deemed appropriate. http://www.yorkshiredales.org.uk/__data/assets/pdf_file/0011/857558/Local-Plan-inc-front-cover.pdf

Action 4c – Development Management Policy – this emerging policy will not apply in the part of SLDC within the National Park, so the bracketed part might more accurately read “SLDC outside the National Parks”. We will consider whether a similar requirement is suitable in the National Park of both SLDC and EDC when we next review our Local Plan, however this may be some way off.

<table>
<thead>
<tr>
<th>Internal Officer</th>
<th>Thanks for the draft. It reads very well. I believe that DFG/ Better Care Fund is undergoing a review so not sure what the impact would be?</th>
</tr>
</thead>
<tbody>
<tr>
<td>SLDC</td>
<td>Yes I understand this is the case. May need to reflect this review at some point when the Action Plan is reviewed next year.</td>
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<tr>
<td></td>
<td>No change at present.</td>
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| Internal Officers | 1. All new homes to be built to M4(2) Category 2 - Accessible and Adaptable Dwellings standard, subject to the adoption of this policy in the Development Management Policies Local Plan document (unless there are exceptional circumstances that would prevent this as outlined within draft Development Management Policy DM11). 2. 5% of homes on sites over 40 dwellings to be built to wheelchair adaptable homes meeting the M4 (3) Category (draft Development Management Policy DM11) subject to the adoption of this policy in the Development Management Policies Local Plan document. |
| SLDC Development Strategy | Yes agreed. |
|                  | Yes agreed. |

**Could update the population projections to include latest 2014 ones.**

“Action 4b) Consider viability assessment evidence to consider impact of bungalow provision on suitable development sites.” Presume this an action for SLDC to take as Local planning authority - it would do this

Yes as per suggestion.
<table>
<thead>
<tr>
<th>Developer</th>
<th>I liked the following from the report</th>
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<tbody>
<tr>
<td></td>
<td>The need for housing that is suitable for the needs of older people</td>
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<tr>
<td></td>
<td>Assist those who wish to downsize</td>
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<td></td>
<td>Increasing the supply of housing suitable for older people</td>
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<td></td>
<td>Better designed housing that can be more easily adapted over the lifetime of the occupier</td>
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<tr>
<td></td>
<td>Assisting those who are keen to move and wish to downsize</td>
</tr>
<tr>
<td>Russell Armer</td>
<td>Older Persons Housing Draft Strategy– Cumbria House Builders Group and The HBF have objected to the SLDC Draft DM DPD in particular the sections on M4 housing (DM11), mainly on viability grounds / the impact on the ability of schemes to support 35% affordable homes as a result of the proposed policy burden. This will be tested by an inspector and it therefore should not be taken as read that these policies will be approved. Russell Armer Homes welcome 4b in the appendix 1. We are often asked to provide some affordable bungalows in schemes. It would be helpful if policy would recognise that the provision of affordable bungalows can be done but at a level which is sub 35% affordable homes. For example an acceptance of a simple ratio of say 2 bungalows is the equivalent of 4 houses and is therefore policy compliant. This would be simple to understand and encourage developers to include bungalows in the affordable homes mix. The current situation of having to submit a full viability is costly and adds time and uncertainty to the process for all stakeholders.</td>
</tr>
<tr>
<td></td>
<td>Yes to change to state it is the SLDC Planning Authority Area and that it is subject to approval.</td>
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| Currently if a developer said that delivering a proportion of bungalows made a site unviable. "The Strategy will be reviewed in 2019 and the Action Plan will be monitored and reviewed on an annual basis by the Housing Advisory Group in South Lakeland" We will need to develop a way of monitoring the implementation of the new optional housing standards - hopefully the new DM/Building Control software will assist. |
| Yes agreed. |
| Planning Authority. |
| No change required. |

| Yes to incorporate some changes to document to reflect the draft nature and that it is subject to approval. |

| Yes agreed. |
| Planning Authority. |
| No change required. |
Properties should range in size to take into account single people and couples, and whether there may be a need for a spare bedroom for family or a carer to stay over. Consideration also needs to be given to the location of any properties. New homes need to be more easily adaptable and accessible. The fact that we have had massive interest in our development, from single people and couples wanting to downsize from large properties only emphasizes the shortage of this type of accommodation.

Our development is 8 x two-bedroom flats in a town centre location. There will be a lift within the development for easy access.

The idea behind the scheme, was to develop the equivalent of 8 x two-bedroom bungalows.

| Windermere Town Council | Many thanks for the opportunity to comment on the draft strategy. Windermere Town Councillors discussed in general the contents at their meeting last week. Overall, given that the aims of the strategy are so general, there is nothing that Town Councillors can disagree with. The important point that they wish to seek an answer on is to ask how SLDC and Eden will work with the Lake District National Park, given that all of our area comes within that planning authority. There is no mention of this in your strategy, but, clearly, if you live within the National Park, it is important that the planning authority is a key part of the partnership. I would welcome a response to our question. Once I have received a response from you, I will feed that back to the Town Councillors. | The Lake District National Park is a consultee to the Strategy and we will work with them on a number of the actions, particularly with reference to increasing the supply of accommodation suitable for older people. This will be particularly the case to address the evidenced need for extra care housing in the Central Lakes Housing Market Area (which includes Windermere, Ambleside, Grasmere, Hawkshead and other areas in the National Park) and the action to consider a model that could | Small change to Action Plan 4d) to show work in partnership with National Park Authorities. |

| **Windermere Town Council** | Many thanks for the opportunity to comment on the draft strategy. Windermere Town Councillors discussed in general the contents at their meeting last week. Overall, given that the aims of the strategy are so general, there is nothing that Town Councillors can disagree with. The important point that they wish to seek an answer on is to ask how SLDC and Eden will work with the Lake District National Park, given that all of our area comes within that planning authority. There is no mention of this in your strategy, but, clearly, if you live within the National Park, it is important that the planning authority is a key part of the partnership. I would welcome a response to our question. Once I have received a response from you, I will feed that back to the Town Councillors. | The Lake District National Park is a consultee to the Strategy and we will work with them on a number of the actions, particularly with reference to increasing the supply of accommodation suitable for older people. This will be particularly the case to address the evidenced need for extra care housing in the Central Lakes Housing Market Area (which includes Windermere, Ambleside, Grasmere, Hawkshead and other areas in the National Park) and the action to consider a model that could | Small change to Action Plan 4d) to show work in partnership with National Park Authorities. |
work in rural areas. A representative from the National Park has inputted into the Strategy’s development which has been useful. The Actions are to be reviewed on an annual basis and again this will be done in consultation with the National Park Authorities through the Housing Advisory Group. The Lake District National Park Authority regularly attends these meetings. This may mean other actions are added to the Strategy as existing actions are completed or as new initiatives come forward.

| South Lakes Housing | Agree with all five priorities. Can’t think of any additional or higher ones. Key Actions in section 2.1.2, if it is proposed to create paper directories these methods of communicating are outdated and have been tried out in the past with varying degrees of success. • A paper directory of service would be time consuming to pull together and would be out of date as soon as it was published and it’s likely to sit on the shelves of professionals. If, however this were to be pulled together as an electronic document saved on for example SharePoint and each organisation completed and kept their own section up to date it might work. | It is good that the priorities are supported. Yes this could be the case, though, depending on how the directory is developed, it could signpost to other resources and could be available electronically as well. | No change | No change |
- Setting up a one-stop-shop web site would potentially be duplication of what Age UK already do – The Compass
- Open days have been tried in the past and have often been poorly attended.

Agree with the principals of 2.3.1
- SLH has operated a downsizing scheme for some years now, however older people are not the group who tend to make use of the scheme. Additional funding to support the scheme would be welcome.
- In addition, it might be helpful if organisations were to promote Cumbria Choice through social media.

Agree with Key Actions in 2.4.1
- We are supportive of both targets relating to new homes, this is good practice.

Agree with Key Actions in 2.5 Partnership Working this supports the work of the Kendal Integrated Care Community and other established partnerships.

We would support a review of the hospital discharge protocol and would welcome being part of the review in relation to older persons.
In principal we are supportive of additional extra care units being developed in South Lakeland. However, when a property becomes void if there isn’t a new extra care tenant the vacancy would be filled with an older person who doesn’t need extra care support to avoid loss of rental income.

Additional comments/thoughts:
Page 17: South Lakes Housing advertise older persons accommodation on Cumbria CBL for those people of pension credit age or above (currently 64 years) not 55 and above.

Like the Gateway Hub above, this seems to focus more on Social Care and Health so it would be useful to link with both of these Hubs to ensure that information is not duplicated and that housing services are correctly identified.
Open days could be piloted and discussion on where they should be held would be useful as it should be somewhere where older people normally go rather than expecting older people to go somewhere.

Yes using social media is an option to promote Cumbria Choice.

It is good that South Lakes Housing are supportive of the various provisions in the Strategy.

Requires a small change to make this clear in the Strategy re age.

The service has recently been tendered and a new provider will shortly be appointed.

To change Action 1b) to reflect The Gateway and The Compass on-stop shop web-sites to ensure that housing services are properly identified in partnership with the relevant statutory and voluntary agencies.

No change

Changed on page 17 to state that “All older persons accommodation advertised via
| Member of Duddon Parish Council | Extremely good that the SLDC is investing thought into this issue – it is overdue but now the process has been highlighted the issues really do need to be addressed and funded – this problem, as is obvious in the statistics of this report, is already a huge issue for this area (the projected figures and the wider implications for the area are frightening) and will grow exponentially if not tackled effectively - and bravely.

(There were one or two typos and some clunky language which if no one else has highlighted I am happy to do so)

I have read the report through but not necessarily followed up by checking various points out. Initially the number of roles involved is a concern – questions that sprang to mind immediately were:

- How many of those mentioned are new roles?
- How many are existing roles/responsibilities have been merely revamped or renamed?
- How will those already in post in existing roles cope with the extended responsibilities? Especially if those responsibilities should be but are not being met already for whatever reason

Laudable aims for building, renovation and adaptation of housing for disabled people – but not brave enough – for instance (p4) how many sites will there be of over 40 dwellings? And especially in the more rural areas where existing availability is thin at best?

One of the difficulties I think will be in reaching the intended audiences especially in the more rural areas. The very vulnerable may well be those most likely to miss out on available information and help. Even in |

| | Yes agreed. The Older Persons’ Housing Strategy has been in place since 2003. |
| | Yes there has been some amendments to address typos. |
| | The actions will be undertaken primarily using existing resources. |
| | Yes agreed. The CBL scheme in Cumbria is available to people over the age of 55 in most cases. |
the report some of the aims sound fine but what do they actually mean? On p14 ‘Specialist advice will be available on the qualifying criteria to access services’... And ‘Media will be used to publicise the available services’ – on-line? That would not be hugely effective – signal, availability, competency issues. Just as using ‘key locations’ – in rural areas shops (even pubs) are few and far between.. GPs and District Nurses (if there still are such professionals) are over-stretched but possibly the best-placed to reach elderly and vulnerable people in more rural areas – as are postmen and women – also a dwindling rural lifeline. To coordinate coverage will take someone with local knowledge and a funded flexible brief.

Having read the Key Actions in the Measures of Success section I would see a fair degree of sensible action points but there are areas which seem weak – the influx of reasonably well-off persons moving into the area often prohibits local people from purchasing the smaller homes (young people who might wish to stay in the area and therefore nearer ageing relatives are particularly affected by this trend) Cannot the Council look to measures to support local precedence? And the qualifying statement ‘subject to funding availability’ is risible – unless the Council is prepared to cost and fund then it is merely a paper exercise to look more impressive and counts for absolutely nothing. Government Guidance may not be as stringent in the need to deal with applications promptly – here in SLDC area we need to be better than average if there is to be sufficient progress to avoid a crisis/tragedy.

The role of Social Worker could and arguably should be important in this section 2k, too. And the importance of carers (p18) cannot be over-estimated: well-trained, well-organised, appreciated and well-paid. Anything less and it risks becoming an ineffectual waste of time and money. The Council must also remember that loneliness is a massive issue and a nice small warm house will not guarantee health and well-being.

"this is an identified need, work can be done with partners to help deliver housing that would be suitable to meet these needs.
It would be good to work with Parish Councils to ensure that we cover as many areas as possible.
Yes the Council’s Housing Strategy addresses the need to have a range of housing suitable for the needs of younger people as well as older people. Some actions will be subject to funding availability unfortunately. However, disagree that this is a paper exercise as the Council has a good track record of delivery of affordable homes and homes to meet need.
Yes agreed.
Change made to include Village Halls and farming offices.
No change."
The desire of some to downsize to somewhere pleasant and homely is probably achievable but remains somewhat hopeful probably. There is also the issue that many older residents have families who do not want their parents to sell and move – but wish to keep the family home for holiday or profit. This is an on-going blight in our rural areas – one which needs address – at Westminster level. The Council must examine ways to avoid yet more homes disappearing into the holiday and second home market. Included in this consideration ought to be the purchase of smaller homes which are then ‘renovated’ into enormous properties – taking up space, increasing pressure on local public services and pricing most local people out of any possible future purchase.

Surely the Council should be requiring rather than encouraging developers to include smaller dwellings for older people (and younger/families). Be brave. Bring back into use empty properties – many empty because owners have died intestate or with no known next-of-kin – not just the holiday and second homes. Convert unused commercial properties - a great idea particularly for the more urban area. Be bold but fair – raise council tax as a real disincentive to empty properties.

The irony of so much of this report is that we had so many of the services the report now highlights as means to improve the situation and deliver the objectives of the report!! Meals-on-Wheels, the Library van...

On p19 there are fine words but unless those developing new homes are required to provide generous quotas of good quality housing appropriate for older and disabled people and absolutely held to account then fine words is all it will remain. Housing developments must be about the needs of our communities not the profit of the developer. As the report points out we need smaller housing for local people not

<table>
<thead>
<tr>
<th>Yes agreed. New affordable homes contain a condition that they must be used as an only/principle home. The Council increased Council Tax on second homes to invest into affordable homes.</th>
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<tbody>
<tr>
<td>The Housing Strategy encourages a range of accommodation to meet local need. This includes smaller properties for older people and younger people and families to meet evidenced need. The Empty Homes Strategy addresses the issue of bringing back empty homes back into use. Council Tax is charged at 150% on empty homes over 2 years empty. As above there needs to be a range of different housing to meet the needs of both the older population, younger people and families.</td>
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<tr>
<td>No change.</td>
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more larger detached houses using available space for the few at the expense of the many the SLDC are aiming to target.

The key targets for providing more homes is again laudable.

A small query – point 2.4.1 key action 4d – an example of who – this is an important responsibility and needs a strong brief to ensure effective practice.

In perusing the actual plan, the following seem to warrant comment albeit somewhat blanket:

- Actual people do not feature very prominently in this plan. SLDC should never lose sight of the reason for the action plan in the first place
- ‘within existing resources’ is extremely worrying. If the area is so woefully under-provided it would suggest existing inadequacy – funding is essential – or redirection of funds from other projects, even outside/private investment of the no-strings attached philanthropic kind
- Even more worrying is where there is no reference to any resourcing
- Personnel involved at all levels need to be impartial, well-qualified and trained and given the time, clear responsibilities and support to be able to deliver effectively
- Where timescales are ‘on-going’ is there a measure of how on-going?
- Is there a ‘directory’ of the registered providers spoken of in 3c?
- 4c is highly laudable but does it really mean all homes and could SLDC really ensure/enforce this?

Agreed.

- Responsible officers are shown in the Action Plan. This has been checked again to ensure there is no missing ones. Existing staff resources will be used to deliver various actions in the Action Plan. This will be reviewed if necessary though. Funding is covered under 3.0.
- During the life of the Strategy. Yes provided the draft Development Management Policies are approved.

No change.

- Small change as a couple of Actions missed responsible officers.
- Change made to Action Plan to reflect this.

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<thead>
<tr>
<th>Grange Town Council</th>
<th>Question 1</th>
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<tr>
<td></td>
<td>The Strategy contains a number of priorities</td>
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The proposed five priorities; in particular whether these are supported or whether any others should be included and why?

GTC comments:

1. Proposed Five Priorities
   The Strategy focuses on older people staying in their own homes. There is no mention of support for carers and family, and how this would actually function. A strategy for support for carers needs to be included as a priority.

2. Priority: Making best use of existing homes
   The priority to make best use of existing homes could mean that a disproportionate number of homes are adapted so are not suitable for others wishing to move into the area.

Question 3

The proposed key targets; are they the most important measures?

GTC comments:

Proposed Key Target number 3: EPC Bands - This is not a valid target as the reduction of homes in the lowest energy performance certificate bands is being introduced as government legislation anyway.

Question 3

The actions; and whether there are additional actions that should be considered and what they are?

1. Action Plan point 4a)

Additional actions:

i) Evaluate land allocated in emerging Neighbourhood Plan for Grange Over Sands (allocated as priority site for housing for elderly) and incorporate into forward planning.

ii) Work in partnership with CCC, Cumbria Housebuilders Group and Age UK to find other forms/types/styles of extra including helping older people stay in their own homes where this is practical. However, the other priorities include helping older people to downsize and increasing the supply of accommodation to meet their needs. Some homes will need adapting through the Disabled Facilities Grants (DFG) process, however, this links with the potential downsizing scheme where it would not be possible to use a DFG.

This action was replicated from the current Housing Strategy. It goes further than the legislative requirement concerning rented accommodation and will be reviewed.

Yes land will need evaluating such as sites identified by Neighbourhood Plan as to whether they are suitable for older people’s housing schemes such as extra care.

Change made to action to include wording: Consider suitable sites including sites that have been
<p>| Sedbergh Parish Council | The Council welcomes the attention being given to the issue of housing for older people and agrees that the five priorities are appropriate. The need for extra care accommodation in rural areas is considered to be pressing and the Council would support any measure to secure such provision, including the use of affordable housing renovation grants to convert non-residential premises. | Yes agreed. | No change required. |</p>
<table>
<thead>
<tr>
<th>Parish Council</th>
<th>Comments</th>
<th>Agreement</th>
<th>Additional Notes</th>
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<tbody>
<tr>
<td>Lower Holker Parish Council</td>
<td>Lower Holker Parish Council considered this draft strategy at their meeting yesterday evening and I would advise that they agreed with the proposed five priorities and the key targets.</td>
<td>Yes agreed.</td>
<td>No change required.</td>
</tr>
<tr>
<td>Helsington Parish Council</td>
<td>Helsington Parish Council welcomes this document. Nearly half of residents in Helsington are over 55 (2011 national census) and 67% of residents identify (via the Community Lead Plan) a need for ‘sheltered housing’, the lack of which causes concern to residents who fear that as they age they may have move to residential care away from friends, neighbours and community links. This concern is ameliorated by the strong cohesion and support in the local community but exacerbated by the lack of local infrastructure e.g. shops, GPs or any public transport to access this. It is an omission that neither the parish of Helsington nor the village of Brigsteer are mentioned by name in Housing Strategy, although smaller communities are (e.g. page 11 Rural kendal). Please can this be corrected? Priority 1 Promoting existing services. Supported The presence of a manual, campaigns and one-stop-shop website is welcome. We feel provision of advice (and services) should be at the time that increased risk is recognised and should be PREVENTATIVE OF rather than IN RESPONSE TO adverse incidents e.g. hospital admission.</td>
<td>It is good that Helsington support the document.</td>
<td>Agreed. Amended accordingly.</td>
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On a matter of detail, Sedbergh serves a wide rural community including the villages of Dent and Garsdale and it is considered that this should be acknowledged in the table on page 11 of the consultation document. This might also require some adjustment to the assessment of need in the Sedbergh area. The Council would welcome discussions with officers of the District and County Councils to examine practical ways of funding and developing extra care housing within Sedbergh, particularly in relation to potential sites identified in the Yorkshire Dales Local Plan.

Yes agreed. Yes discussions would be welcome to consider extra care provision in Sedbergh along with the County Council and National Park. Table updated accordingly. No change required.
This is particularly true in relation to slips trips and falls – where low or no cost changes e.g. improved lighting, handrails, attention to trailing wires, rugs etc. can significantly reduce risk and consequent use of secondary services. (ROSPA).

This would result in significant cost saving. For example North West Ambulance Service (NWAS) data indicates that falls comprise approximately 88% of all injuries serious enough to warrant an ambulance call out for people aged 50 years and over.

A further concern is that if greater awareness of services results in greater uptake, are services and provisions, e.g. handyperson service and processing DFG claims sufficiently well resourced to meet that increased demand?

SLDC becoming Accredited Home Improvement Agency should be a very positive step towards providing reliable & high quality home modifications although again it is a concern that this should be easily accessed and timely. It is noted that this is to be provided within existing resources, despite the anticipated significant increase in eligible applicants and increased uptake resulting from the information campaign. SS/MC January 2018

In order to be a “spend to save” grants for home modification and the handyperson service should be timely and via self-referral or community based practitioners e.g. GP, as access at the time of hospital discharge planning is too late.

Priority 3 – Assisting Those Who Wish to Downsize - Supported

However it is important that the individual is enabled to freely choose where they live and that their choice is not governed by a lack of available support, including support to access public services and/or adaption of their existing home.

This is particularly true for older people living in rural settings, for whom more detailed consideration is needed. They may well wish to remain in the rural area and/or community, which has been their home for many years.

Priority 4 – Increasing the supply of housing suitable for older people to hospital through home safety checks that could prevent falls.

Yes it is a concern, though targets have been set for delivery of handyperson jobs and DFGs which are reviewed annually. The Home Improvement Agency can open up further funding streams which will hopefully help with demand.

Yes this happens currently.

Yes it is very much based on the individual’s choice to move which tends to be based on their circumstances.
HPC approve this area as a key action. Again the particular needs of rural populations need further consideration, particularly recognising the total lack of any extra care housing or extra care services for older people in rural Kendal, especially considering the lack of public transport for those who have had to give up driving. As well as new build accessibility and adaptability standards (M4 (2) and M4 (3)) EPC ratings, low maintenance costs, and eco friendly features should be detailed in strategy.

Priority 5 – Partnership Working

This crosscutting theme is obviously crucial but is always challenging, especially as savings in one agency may be at the cost of spending by a partner agency, (raising the issue of pooled budgets). It may be helpful at least to link/reference other strategy documents (e.g. Older People Topic Summary Cumbria Joint Strategic Needs Assessment January 2016).

Yes agreed.

Yes agreed.

Yes agreed.

Text in 2.4 amended to reflect the need for new homes to be energy efficient.

Amendment made in text to reflect the Joint Strategic Needs Assessment evidence.

Cumbria County Council

Introduction

Cumbria has a population that is ‘super-ageing’, which means that it is ageing faster than the rest of the UK population. By 2020, nearly 25% of the Cumbria population will be aged over 65. This strategy is very important in helping to address the needs of this ageing population in South Lakeland and Eden Districts. The priorities and actions identified in the Strategy will help achieve this and contribute towards improvements in the health and wellbeing of older people in Eden and South Lakeland Districts.

Agreed.
General Comments
It is considered the structure of Section 1 of the document could be improved to provide a clearer flow from the policy context, through to the development of strategy and the identification of priorities and action plan. It is suggested that section 1.6 on the National, regional and local context should be moved to Section 1.2 followed by the sections on Development of the Housing Strategy, Successes since 2013, Our Priorities and The Action Plan.
Under Section 2.3 there is an error with the second paragraph on P18. It refers to Section 2.4 detailing the targets and actions to be used to increase housing for those wishing to downsize. This issue is addressed under Section 2.3.

Priorities
The key priorities identified in the Strategy are supported. These will help address the needs of older persons and help achieve a range of public health outcomes. As people grow older, their health needs become more complex with physical and mental health needs impacting on each other. This means that there is high demand on public services like health, housing and social care, and consequently it is vital to plan effectively to meet the future needs of older people. We consider that the identified priority of “increasing the supply of housing suitable for older people” is vital to providing a sustainable means to providing the required amount of housing supply and enable people to live in their existing house as long as possible with the consequential benefits. Consequently we support Policy DM11 of the South Lakeland Development Management Policies Development Plan Document. The Policy provides a clear position regarding the requirement for Category 2 Accessible and Adaptable Dwellings for all new build. It also provides a strong evidence base for the inclusion of 5% of dwellings on sites of more than 40 dwellings to be wheelchair adaptable dwellings. This was endorsed by the Council’s Cabinet at its meeting of 21st December 2017.

Section 1 shows the purpose of the Strategy, the priorities and Strategy’s development before moving on to the National, Regional and Local Context which seems a reasonable approach.

The Section 2.4 this refers to is concerned with increasing supply so this is correct.

This is good to know that the draft Policy is supported. No change required.

No change required.

No change required.
Key Actions
The rurality of Cumbria, Eden and South Lakes in particular, is a significant factor for older people and access to social activities, health and social care and suitable housing can be an issue. Consequently promoting the options available to people via a media campaign and other events is supported as a key action. This will encourage people to think about their future at an earlier age than perhaps they would otherwise.
As identified in the Strategy fuel poverty is a significant issue for older people on low income. Reducing the number of cold homes and levels of fuel poverty across the districts needs to be a key action. This will contribute to supporting older people to live healthy lives at home for longer. The Warm Homes Fund is available for applications until the end of 2018.
In terms of public health a key aim is to develop interventions that can prevent or delay the onset of chronic disease and increase healthy life expectancy.
Two major issues facing the local health and care system in the County are the number of people living with dementia and the number of older people who fall and are injured. There are an estimated 7,721 people living with dementia in Cumbria, with around 1,800 people being diagnosed each year. As our population ages, this number is expected to rise substantially to 12,410 by 2030. The majority of people with dementia live at home so housing development that considers dementia design aspects is welcomed as a way to support more people with the condition to live well in the community.
Reducing the number of falls in the community is an important public health objective in Cumbria. There are approximately 2,000 emergency hospital admissions for falls each year in people aged 65 and over and a large number of these falls happen at home. Data from the North West Ambulance Service (NWAS) indicates that falls comprise approximately 88% of all injuries serious enough to warrant an ambulance call out for people aged 50 years and over. Handyperson services are a valued service that supports older people to maintain

| It is hoped that this will be the case. |
| Yes this is covered in the Actions 2d and 2e. A new Private Sector Stock Condition Survey is to be carried out which will properties in poor condition and potential fuel poverty. Then when this evidence is available resources can target these areas to help alleviate fuel poverty and improve property conditions. Information on the Warm Homes Fund could be placed in the Directory of Services so it is useful to know about this. |
| No change required. |


their independence by contributing to the reduction of hazards in the home.

**Key Targets**

There is a lack of consistency regarding the key targets and the Action Plan set for Extra Care development in both Eden and South Lakeland. We are in agreement with the Tables for the Summary Extra Care Housing Demand for both Districts after 1.6.2. This shows an overall shortfall in South Lakeland District of 500 and in Eden District of 195 by 2025. However this position for both South Lakeland District and Eden District is at variant with the Key Targets under 2.4.1, the Action Plan in Appendix 1 and the targets set out in the Executive Summary.

With regard to South Lakeland one of the key targets indicates only 300 extra care units are to be developed in the District by 2025. There does not appear to be a rationale or explanation as to why this target set is 200 units short of the acknowledged overall shortfall. The figure of 300 units is also incorporated under points 4a and 4d of the Action Plan in Appendix 1.

With regard to Eden the following three Key Targets under 2.4.1 are set out:

- 80 Extra Care Units units developed in Eden up to 2025
- The delivery of at least 2 new Extra Care Housing schemes by 2022
- 195 Extra Care units developed in Eden to 2025

However, Action Plan item 4a in Appendix 1 only refers to the target of 80 Extra Care Units to be developed.

There needs to be a review of the key targets and related information in the Action Plan to provide clarity and consistency.

With regard to “Increasing the supply of housing suitable for older people” we support for the reasons outlined under “Priorities” the following key targets:

- all new homes to be built to M4(2) Category 2 – Accessible and Adaptable Dwellings standard; and
- 5% of homes on sites over 40 dwellings to be built as wheelchair adaptable homes.

The extra care housing target was agreed with Cumbria County Council. The Strategy is to be reviewed in 2019 so the target could be examined again then. The Action Plan will be reviewed on an annual basis. This is set out in Section 3.2.

It is good to know that these are supported.
### Project, policy or programme: Older Persons Housing Strategy

#### Health Impacts

<table>
<thead>
<tr>
<th>Health Impacts</th>
<th>Potential Impacts</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Positive</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No impact</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Negative</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Not sure</strong></td>
<td></td>
<td></td>
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</tr>
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</table>

Please tick the appropriate box

#### Environmental Conditions

<table>
<thead>
<tr>
<th>Environmental Conditions</th>
<th>Y</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Air quality</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water quality and pollution</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Built environment</td>
<td>Y</td>
<td>Delivery of the Strategy will help to improve the built environment by improving existing homes and providing more accessible new homes and specialist homes such as extra care housing.</td>
<td></td>
</tr>
<tr>
<td>Natural environment and biodiversity</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy consumption/efficiency</td>
<td>Y</td>
<td>Delivery of the Strategy will help to improve the energy efficiency of existing homes occupied by older people and reduce fuel poverty.</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport</td>
<td>Y</td>
<td>The provision of new accommodation close to transport links.</td>
<td></td>
</tr>
<tr>
<td>Recycling</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food production</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Social and Economic Factors

<table>
<thead>
<tr>
<th>Social and Economic Factors</th>
<th>Y</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poverty</td>
<td>Y</td>
<td>Reduction in fuel poverty among older</td>
<td></td>
</tr>
</tbody>
</table>
## Health Impacts

<table>
<thead>
<tr>
<th>Potential Impacts</th>
<th>Positive</th>
<th>No impact</th>
<th>Negative</th>
<th>Not sure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Comments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Recommendations</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please tick the appropriate box.

- **Education, skills and training**: Y

- **Housing**: Y
  - Improvement in the supply of suitable accommodation for older people, allowing them to downsize from unsuitable accommodation. Improvement in existing housing

- **Crime**: Y

- **Work environment**: Y

---

### Factors that impact a person's ability to improve their own health and wellbeing

<table>
<thead>
<tr>
<th>Factor</th>
<th>Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nutrition and diet</strong></td>
<td>Y</td>
</tr>
<tr>
<td><strong>Physical activity</strong></td>
<td>Y</td>
</tr>
<tr>
<td><strong>Alcohol</strong></td>
<td>Y</td>
</tr>
<tr>
<td><strong>Drugs</strong></td>
<td>Y</td>
</tr>
<tr>
<td><strong>Risk taking behaviour</strong></td>
<td>Y</td>
</tr>
<tr>
<td><strong>Smoking</strong></td>
<td>Y</td>
</tr>
<tr>
<td><strong>Loneliness and isolation</strong></td>
<td>Y</td>
</tr>
</tbody>
</table>
  - Improved access to existing services for older people who may not be aware of what is available. Delivery of specialist housing with communal facilities allows residents to interact with others.

---

### Access to services, spaces or social opportunities that impact health

<table>
<thead>
<tr>
<th>Service</th>
<th>Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Communication methods</strong></td>
<td>Y</td>
</tr>
<tr>
<td><strong>Active travel</strong></td>
<td>Y</td>
</tr>
</tbody>
</table>
## Project, policy or programme: Older Persons Housing Strategy

### Health Impacts

<table>
<thead>
<tr>
<th>Potential Impacts</th>
<th>Positive</th>
<th>No impact</th>
<th>Negative</th>
<th>Not sure</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to leisure</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to culture</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to green spaces</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Leisure facilities are often provided in specialist extra care housing schemes.

Cultural activities are often provided in extra care housing schemes.
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1.0 The public sector equality duty (2011) covers the following eight **protected characteristics**:

*Age, disability, ethnicity, religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity.*

The duty also covers marriage and civil partnership, but only relating to the elimination of unlawful discrimination (see below, 2.0).

1.1 SLDC includes “**rurality**” and “**socio-economic disadvantage**” as additional categories in its equality impact assessments. Although socio-economic status and rurality are not recognised protected characteristics under the Equality Act, people on low incomes or in rural isolation are highly likely to be affected by services that are intended to support vulnerable people.

2.0 **The General Equality Duty.**

SLDC, in the exercise of its functions, should:

a. **Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.**

b. **Advance equality of opportunity between people who share a protected characteristic and those who do not.**

c. **Foster good relations between people who share a protected characteristic and those who do not.**
Step 1

Summarise the subject and expected outcomes of this EIA.

This EIA relates to a new Older Persons Housing Strategy for South Lakeland and Eden District Councils. The sets out the actions both councils will take during the next 5 years to enable housing and housing related services fitting the needs of aspirations of older people.

Who are your main stakeholders and list any engagement undertaken (include surveys, feedback forms, complaints, statistics etc.).

Stakeholders: Older people themselves, Age UK (Kendal and Penrith offices), Cumbria County Council Adult services, Registered Providers.

Stakeholder consultation has taken place with the key stakeholders identified above. The draft Older Persons’ Housing Strategy will be presented to SLDC’s Housing Advisory Group in February 2018. This includes representatives from CALC, Registered Providers and local private house builders.
## Step 2
### Equality Action Plan

In providing this service, what are the impacts for the following people?

1. Age (young and old)
2. Black and Minority Ethnic
3. Disabled
4. Faith/Belief
5. Sexual Orientation
6. Gender
7. Gender reassignment
8. Pregnancy and maternity
9. Marriage and Civil Partnership
10. Socio-economic disadvantage (including rural deprivation, ‘rurality’)

(See glossary below for definitions)

<table>
<thead>
<tr>
<th></th>
<th>Positive impacts</th>
<th>Negative impacts</th>
<th>Mitigating actions (to avoid negative impact):</th>
<th>Lead Officer &amp; When</th>
<th>Complete Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Age - while it is not believed that there are any direct negative impacts in implementing the Older Persons’ Housing Strategy and following the action plan suggested, it will be important to recognise diversity among the older populations and ensure new and existing services recognise this.</td>
<td>Y</td>
<td></td>
<td>Ensure a range of accommodation options to reflect the diverse needs of older people.</td>
<td>Julie Jackson</td>
<td></td>
</tr>
<tr>
<td>2. Disabled – it is not believe that there will be negative impacts, however, the Strategy recognises the need for new developments to be accessible and adaptable, as well as having some provision for wheelchair accessible units.</td>
<td>Y</td>
<td></td>
<td>Monitor new developments to ensure that the new accessible and adaptable standards are delivered, as well as a proportion of units being built to wheelchair accessible standards.</td>
<td>Julie Jackson/ Development Management</td>
<td></td>
</tr>
</tbody>
</table>
In providing this service, what are the impacts for the following people?

1. Age (young and old)
2. Black and Minority Ethnic
3. Disabled
4. Faith/Belief
5. Sexual Orientation
6. Gender
7. Gender reassignment
8. Pregnancy and maternity
9. Marriage and Civil Partnership
10. Socio-economic disadvantage (including rural deprivation, ‘rurality’)

(See glossary below for definitions)

<table>
<thead>
<tr>
<th>Positive impacts</th>
<th>Negative impacts</th>
<th>Mitigating actions (to avoid negative impact):</th>
<th>Lead Officer &amp; When</th>
<th>Complete Y/N</th>
</tr>
</thead>
</table>

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Step 3

Examples of good equality practice you have put in place (For example, all venues used are accessible for people with mobility, hearing and sight impairments)

A principal purpose of the strategy is to combat the obstacles which may prevent older people being able to live full and independent lives as they become older. It has analysed the gaps in current housing and housing related services and the aims of the action plan are to address them.

The council has a list of equality contacts who can be contacted for consultation or to ask advice. The list is on the intranet under Equality and Diversity. If you need any support when completing this Equality Impact Analysis, please contact the Partnerships and Funding Officer.

Date: 7.11.17
EIA Author(s): Julie Jackson
Assistant Director: Ian Hassall
Document version number: 1
Date for Review: November 2018
EIA forwarded to Policy Officer Y

Glossary

Age: This refers to a person having a particular age (for example, 32 year-olds) or being within an age group (for example, 18-30 year-olds).

Civil partnership: Legal recognition of a same-sex couple’s relationship. Civil partners must be treated the same as married couples on a range of legal matters.

Disability: A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Includes: Physical/sensory disability, mental health or learning disability.

Gender reassignment: A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Maternity: The period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

Race: It refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins. Includes, Asian, Black and White minority ethnic groups inc. Eastern Europeans, Irish people and Gypsy Travellers.

Religion or belief: “Religion” means any religion, including a reference to a lack of religion. “Belief” includes religious and philosophical beliefs including lack of belief (for example, Atheism). The category includes Christianity, Islam, Judaism, Hinduism, Buddhism, and non religious beliefs such as Humanism.

Sexual orientation: This is whether a person’s sexual attraction is towards their own sex, the opposite sex or to both sexes.

Socio-economic disadvantage: This includes people on low incomes, as well as issues around rural and urban deprivation, such as access to services and transport. Rurality should be specifically considered as South Lakeland is defined as ‘Rural-80’ – this means we have at least 80 percent of our population in rural settlements and larger market towns.
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South Lakeland District Council
Cabinet
21 March 2018
South Cumbria Community Safety Partnership Plan
2018/19

<table>
<thead>
<tr>
<th>PORTFOLIO:</th>
<th>Councillor Philip Dixon - Public Health and Wellbeing Portfolio Holder</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT FROM:</td>
<td>Debbie Storr - Director of Policy and Resources (Monitoring Officer)</td>
</tr>
<tr>
<td>REPORT AUTHOR:</td>
<td>Simon Blyth - Principal Partnerships and Communities Officer</td>
</tr>
<tr>
<td>WARDS:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>FORWARD PLAN:</td>
<td>Budget and Policy Framework Decision</td>
</tr>
</tbody>
</table>

1.0 EXPECTED OUTCOME
1.1 SLDC approves the new South Cumbria Community Partnership (CSP) Plan 2018/19 and recognises the effective collaboration in place between SLDC and Barrow Borough Council, Cumbria Police and partner agencies including Safer Cumbria.

2.0 RECOMMENDATION
2.1 It is recommended that Cabinet approve the South Cumbria Community Safety Partnership Plan (2018/19) for referral to Council for adoption.

3.0 BACKGROUND AND PROPOSALS
3.1 The Community Safety Partnership Plan is part of the Council’s Policy Framework. The attached Plan is a draft version for the full CSP Executive (13 March) provisionally agreed by CSP officers and members from SLDC, Barrow Borough Council and the South Cumbria Police Superintendent and vice Chair of the CSP.

3.2 Once agreed, specific actions under the priorities will be approved at the CSP and sub group’s formed to deliver projects. Funding from the Police and Crime Commissioner supports delivery of projects. Projects will be monitored and there will be reports on outcomes to the CSP at the conclusion of the projects.

3.3 CSP’s are statutorily responsible for reducing crime and disorder, substance misuse and re-offending in each local authority area. Each CSP is made up of 5 ‘responsible authorities’, currently comprising:

• police
• local authority
• fire and rescue service
• probation trust
• CCG.

3.4 The South Cumbria CSP is an amalgamation of South Lakeland and Barrow CSP’s and was formally agreed on 25 January 2017. This now means Cumbria is covered by 3 CSP’S: South, West and North, each covering 2 District areas.

3.5 The CSP aims to reduce crime and enable local communities to remain safe and reassured, without fear or threat of crime. It does this through identifying priorities (related to crime figures and trends, and the Police and Crime Plan) for its annual Partnership Plan. Sub-groups are convened to develop projects and actions.

3.6 There are 4 joint meetings per annum, currently held in the Coronation Hall in Ulverston. The Chair is Councillor Brendan Sweeney (Deputy Leader of Barrow Borough Council) who was appointed in October 2016. The vice chair is Police Superintendent Rob O’Connor.

3.7 SLDC provides the CSP coordinator who, along with the Chair, attends County wide Safer Cumbria meetings. This ensures the CSP’s work links in with wider Cumbrian projects and initiatives (for example the “Staying Safe online” programme).

3.8 There has been a focus on serious and organised crime at recent meetings with the Police providing verbal updates of the situation in South Cumbria, giving the opportunity for partners to be aware and work collaboratively where applicable.

3.9 In 2017 the CSP agreed to focus its Plan on 2 priorities: Alcohol and violent crime/ sexual offences and online child sexual exploitation and staying safe. A number of projects were initiated to tackle these issues including:

- Applied Theatre in Cumbria: SLDC, in conjunction with partners including the Arts Council/ Curious Minds, Office of the Police and Crime Commissioner (OPCC), Cumbria County Council, and Barrow Borough Council, raised £150,000 to commission the Brewery Arts Centre to write and perform plays in 10 schools in South Cumbria. These professional productions, with a national award winning playwright, will focus on community safety and health and wellbeing.

- A campaign to educate the public on cross County drug lines to empower them to report drug dealing activities and exploitation anonymously. This project will also receive community intelligence on those who are travelling from urban areas outside Cumbria to set up drug networks, raise awareness of the issue with professionals throughout South Lakeland, make the public and criminals aware in urban areas that proactive activities are taking place to detect and disrupt their activities, make vulnerable children and adults aware that they are being targeted by criminals and to give them or their friends an anonymous way of reporting.
• Early intervention problem solving training was funded for Multi agency partners. This training will go towards the setting up of community safety hubs in Kendal and Barrow.
• £4000 to Cumbria Alcohol and Drug Addiction Service (CADAS) to contribute to the reduction of alcohol related crime, CSE and hospital admissions in South Cumbria using workshops for young people and CPD sessions for professionals working with children and young people in generic and specific drug and alcohol topics as well as risk taking behaviour.

3.10 The draft Partnership Plan for 2018/19 is in appendix 1. Priorities proposed are: Alcohol and violent crime, Child sexual exploitation (CSE), Domestic abuse and Mental Health.

3.11 Alcohol and violent crime and CSE remain in the Plan as alcohol is a significant causal factor in violent (and other) crime. CSE remains a key issue for South Cumbria (as it is nationally). The CSP intends to target messages at parents as well as children to raise awareness of Domestic abuse and CSE. Domestic abuse offences have increased in South Lakeland by 8.6% over the last 3 years (8% compared with last year). The CSP will work with the Safer Cumbria Domestic abuse Strategy (2018-2020).

4.0 CONSULTATION
4.1 The CSP Partnership Plan links in with consultation done as part of the Cumbria Police and Crime Plan. The Plan is also circulated and discussed among CSP members. A report is provided to the SLDC Overview and Scrutiny Committee on the CSP twice annually from 2018 – the last meeting was on 2 February 2018 (link here, O&S 56).

5.0 ALTERNATIVE OPTIONS
5.1 CSP’s have a statutory responsibility to produce a Partnership Plan.

6.0 LINKS TO COUNCIL PRIORITIES
6.1 This report links to the Council Plan target: “We will work with partners to reduce the number of people affected by domestic violence, alcohol related crime, substance misuse, anti-social behaviour and serious and organised crime through our excellent Community Safety Partnership work” and “improving health and reducing health inequalities”.

7.0 IMPLICATIONS
7.1 Financial and Resources
7.1.1 SLDC act as accountable body for the partnership and hold and administer all funding as directed by the CSP. The Police and Crime Commissioner allocated £20,000 to each CSP area (i.e. north, south and west) with effect from 2017/18. In addition, £15,000 is allocated to each CSP area towards the cost of managing the work of the CSP. The PCC has also allocated £15,000 towards the maintenance of Barwatch schemes across the county, with a direct benefit to Business Against Crime South Lakeland Partnership.
<table>
<thead>
<tr>
<th>AMOUNT (per annum to March 2020)</th>
<th>PURPOSE</th>
<th>ORGANISATION receiving funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>£15,000</td>
<td>Contribution to costs of CSP co-ordinator in administering the CSP and delivering on projects.</td>
<td>SLDC</td>
</tr>
<tr>
<td>£20,000</td>
<td>Funding for local projects that support the Police and Crime Plan and the local CSP action plan aimed at reducing crime and anti-social behaviour and supporting victims of crime and tackling emerging issues.</td>
<td>SLDC</td>
</tr>
<tr>
<td>£15,000</td>
<td>Contribution to Barwatch schemes across Barrow and South Lakeland</td>
<td>Business Against Crime South Lakeland Partnership (BACSLP)</td>
</tr>
</tbody>
</table>

7.2 Human Resources

7.2.1 SLDC provides the coordination of the CSP and administrative support. This is funded through the OPCC. No other specific SLDC issues have been identified.

7.3 Legal

7.3.1 This report relates to statutory responsibilities detailed in the Crime and Disorder Act 1998, the Police and Justice Act 2006 and the Policing and Crime Act 2009 (Section 108)

7.3.2 There remains a statutory requirement for CSPs to produce a Strategic Assessment, currently undertaken by the Cumbria Intelligence Observatory and an annual Partnership Plan.

7.4 Health, Social, Economic and Environmental

| Have you completed and Health, Social, Economic and Environmental Impact Assessment? | Yes ☐ | No ☒ |
| If yes, please confirm that it is attached to the report in the appendices. | Yes ☐ | No ☒ |
| If you have not completed an Impact Assessment, please explain your reasons. | The report (and the CSP Plan) details the social impacts around crime, alcohol, drugs, risk-taking behaviour and loneliness and isolation. |
7.5 Equality and Diversity

<table>
<thead>
<tr>
<th>Have you completed an Equality Impact Analysis?</th>
<th>Yes ☐</th>
<th>No ☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, please confirm that it is attached to the report in the appendices.</td>
<td>Yes ☐</td>
<td>No ☒</td>
</tr>
<tr>
<td>If you have not completed an Impact Assessment, please explain your reasons.</td>
<td>Equality impacts will be completed as part of the projects funded by the CSP.</td>
<td></td>
</tr>
</tbody>
</table>

7.6 Risk

<table>
<thead>
<tr>
<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Plan is not representative of CSP interests.</td>
<td>Partners will not support the Plan and the credibility of the CSP will be damaged.</td>
<td>The Plan has been drawn up with reference to the Cumbria Police and Crime Plan, the South Cumbria Police Superintendent and will be fully discussed and agreed at the CSP Executive meeting before approval.</td>
</tr>
</tbody>
</table>

CONTACT OFFICERS

Report Author - Simon Blyth, Principal Partnership and Communities Officer, Partnerships and Organisational Development, 01539 793262, email: s.blyth@southlakeland.gov.uk

APPENDICES ATTACHED TO THIS REPORT

<table>
<thead>
<tr>
<th>Appendix No.</th>
<th>Draft South Cumbria CSP Partnership Plan 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

BACKGROUND DOCUMENTS AVAILABLE N/A

TRACKING INFORMATION

<table>
<thead>
<tr>
<th>Assistant Director</th>
<th>Portfolio Holder</th>
<th>Solicitor to the Council</th>
<th>SMT</th>
<th>Scrutiny Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive (Cabinet)</td>
<td>Committee</td>
<td>Council</td>
<td>Section 151 Officer</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>28/3/2018</td>
<td>1/3/2018</td>
<td>1/3/2018</td>
</tr>
<tr>
<td>Human Resource Services Manager</td>
<td>Leader</td>
<td>Ward Councillor(s)</td>
<td>Comms Team</td>
<td></td>
</tr>
<tr>
<td>1/3/2018</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
This page is intentionally left blank
Message from the Chair of South Cumbria Community Safety Partnership (CSP)

Our vision is to keep South Cumbria communities safe. We do this by identifying priorities based on Police and strategic partner's statistics, knowledge and experience. With funding from the Cumbria Police and Crime Commissioner we run local crime prevention projects and campaigns aimed at tackling current areas of concern. You can see what we did last year on the right.

The CSP is a unique opportunity for partners to discuss issues, pool best practice and deliver innovative as well as tried and tested projects to reduce crime.

Cllr Brendan Sweeney, Chair, South Cumbria CSP

Key priorities 2018-19

Keeping South Cumbria safe

- Alcohol and violent crime
- Child sexual exploitation
- Domestic abuse
- Mental health

What we did in 2017/18

Applied Theatre in Schools: Using drama to raise awareness among 13 and 14 year-olds of personal resilience and mental health the CSP commissioned the Brewery Arts centre to perform in ten schools throughout April and May 2018. Carlisle and Eden MIND supported the performances with workshops where they provided the tools and techniques to stay healthy and safe. This work was supplemented with CADAS and The Well providing educative workshops, newsletters and counselling for vulnerable young people around alcohol and drugs.

Tackling crime in South Cumbria

Cumbria has the second lowest number of recorded crimes in England and Wales for 2017.

- Askam-in-Furness (Barrow Borough) was the safest small sized town in the whole North West Region in 2017.
- Grange-over-Sands and Sedbergh (SLDC) were the fourth and seventh safest respectively.
- Ulverston (SLDC) was the safest mid sized town in the whole North West Region.
- South Cumbria has a population of approx 170,000 residents, with house burglary numbers being less than one per day, making it one of the safest areas in the UK.
- Over a quarter of all crime results in a positive outcome, which is the second highest in England and Wales, meaning offenders face justice.

To view the Community Safety Strategic Assessment on which this plan is based please go to: www.cumbriaobservatory.org.uk/Crime/Crimeanddisorder.asp
South Lakeland District Council
Cabinet
21 March 2018
Information requests

| PORTFOLIO: | Councillor Brenda Gray - Council Organisation and People Portfolio Holder |
| REPORT FROM: | Debbie Storr – Director of Policy and Resources |
| REPORT AUTHOR: | Emma Nichols – Community Engagement Officer |
| WARDS: | Not applicable |
| KEY DECISION: | Not applicable |

1.0 EXPECTED OUTCOME
1.1 This report provides information on the number of Information Requests made under the Freedom of Information Act 2000, and Environmental Information Regulations 2004 and Data Protection legislation since 2015 and seeks approval for an Environmental Information Regulations Charging Policy.

2.0 RECOMMENDATION
2.1 It is recommended that Cabinet -
(1) Receives the report; and
(2) Approves the Environmental Information Regulations Charging Policy as attached at appendix 1 to the report

3.0 BACKGROUND AND PROPOSALS
3.1 The Freedom of Information Act (FOI) 2000 gives a general right of access to all types of recorded information held by public authorities. Under the Act, an applicant has the right to be told whether the Council holds the information requested and, if so, to receive it unless there are any legal exemptions. The Council has been obliged to respond to individual requests since 1 January 2005 when Section.1 of the FOI came into force.

3.2 As well as Freedom of Information requests, the Council also responds to requests for information as detailed under the Environmental Information Regulations 2004. Requests for environmental information are dealt with in much the same way as Freedom of Information requests. For the purposes of this report all reference to information requests includes any requests under the Environmental Information Regulations (EIR). Requests and Data protection are regulated by the Information Commissioner's Office (ICO).

3.3 The number of recorded requests received by the Council has increased year on year since 2005. In 2005 the Council received 80 requests, in 2017 the Council received 784 requests, of which 696 were for FOI and 81 for EIR. The trend for increases in numbers of requests is continuing, so far from 1 January to the 9 February 2018 the Council has received 111 requests.
3.4 Freedom of Information requests are managed centrally through the Partnerships and Organisational Development Team. The Council must respond to requests promptly and in any event within 20 working days of receipt. In some cases time can be extended by a further 20 working days, to allow consideration of a public interest test if it is required for an exemption, or for complex EIR requests. No extensions in time have been used in 2017.

3.5 Where appropriate exemptions may be applied refusing all or part of a request. Exemptions cover issues such as the Council not holding the information, the request exceeding the 18 hour time limit for preparing a response, information is already published elsewhere eg on a website, personal information or the request is vexatious in nature etc. The Council has a duty to advise and assist requestors which can include directing the requestor to whomever may hold the information, or to where information is already available including links to and page numbers of documents.

3.6 Disclosure under the Freedom of Information Act 2000 is considered disclosure to the public at large and not the individual applicant. The Freedom of Information Act 2000 is not concerned with who made the request or why the request was made. Any disclosure cannot take the identity, intentions or purpose of the applicant into account.

3.7 The Council receives requests from all sections of the community including individuals, journalists, community groups, Members of Parliament and businesses.

3.8 Requests cover all areas of the Council including licensing, parking, IT equipment, Non-Domestic Rates, staffing, planning, finance, public burials, and procurement. The requests are varied in their complexity and are used on occasion to circumvent established ways to access information.

3.9 The Council regularly publishes data, statistics and information through open data under the Transparency Code 2015. The Council also proactively publishes further data beyond the minimum requirements as our approach is predominantly to release information wherever possible rather than finding a legal reason why information should not be available. Analysis of requests can help identify frequently requested information and data, which could be proactively published as open data. This would potentially reduce the numbers of requests received, or at the very least make it quicker to respond by refusing the request under Section. 21: Information accessible to applicant by other means and directing them to where the information is available, under our duty to advise and assist. It also shows the public that the Council is open, transparent and has nothing to hide. The Councils FOI Publication Scheme was also updated in 2017.

3.10 The Council has a duty to respond to requests for personal and sensitive information. Individuals have the right to request information held about themselves personally under the Subject Access Request procedures defined in the Data Protection Act 1998. The introduction of the General Data Protection Regulations in May 2018 will change response times for requests with a reduction in time from 40 days to one month and an introduction of wider rights such as the Right To Be Forgotten.

3.11 In addition to Subject Access Requests, the Council has a duty to respond to requests for personal information in line with Sections 29 and 35 of the Data Protection Act. Essentially Section 29 requests relate to personal information required for the ‘prevention, investigation and detection of a crime’. Section 35 requests relate to personal information required to carry out ‘legal proceedings’ or for the purposes of ‘establishing, exercising or defending legal rights’. Details of the number of Section 29 and 35 requests received by the Council are provided in paragraph 4.4 of this report.

3.12 An increase in Environmental requests and a change in the approach nationally to requests following decisions by the ICO and clarification of the legislation that environmental information can be charged for in certain circumstances, has led to an EIR Charging Policy being drafted as shown at Appendix 1.
The overarching purpose of the EIR is to encourage straightforward access to environmental information. However, in certain instances, public authorities can charge for supplying environmental information, but the charge must be reasonable and take into account the aims of EIR. A routine charge for EIR requests should be avoided and the Policy sets out examples of the type of information that will and will not be charged for.

A charge cannot be made where an applicant wishes to inspect the information or a list or register in situ. Allowable costs include staff time, overheads and disbursements. Other costs such as maintaining a database cannot be included. Commercial charges are permitted in relevant circumstances.

A charge can include:

- staff costs (including overheads) in locating and supplying the information to the applicant
- disbursements costs eg printing and postage cost of providing the information requested

It cannot include:

- cost of maintaining a database or register of information
- charge for inspecting any lists, registers or information in situ
- redaction costs eg staff time to remove any personal information from documents
- penalising an applicant for poor records management by the Council

A schedule of charges must be published, as well as information on when charges will be waived.

In terms of key issues, the Policy aims to highlight the type of information that is subject to a charge (or not as the case may be), how the charge is calculated, the process when a charge is applied and any exclusions to the Policy. A simple guide to the policy will be available on the website to help those wishing to make requests for environmental information.

4.0 CONSULTATION

4.1 An overview of the number of requests received and responded to within the statutory 20 working day limit by the Council are in the table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Received</th>
<th>Percentage within 20 Working Days</th>
<th>Average number of days to respond</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>684</td>
<td>82%</td>
<td>14.06</td>
</tr>
<tr>
<td>2015</td>
<td>574</td>
<td>69%</td>
<td>15.88</td>
</tr>
<tr>
<td>2016</td>
<td>674</td>
<td>87%</td>
<td>11.68</td>
</tr>
<tr>
<td>2017</td>
<td>784</td>
<td>94%</td>
<td>9.10</td>
</tr>
<tr>
<td>2018 (to 9 February)</td>
<td>111</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.2 There has been a significant increase in requests, for both FOI and EIR. An amended approach for handling responses following ICO guidance will lead to a number of requests previously processed as FOIs being handled in the future as EIRs, where they are for environmental information as per best practice, and these will be reported for next year.

4.3 There has been an increase in complex requests which has also led to an increase in Internal Reviews. Since the 2017 report there has been one complaint to the Information Commissioners Office (ICO) in January 2018 about an FOI in 2017, which is awaiting decision from the ICO. In 2017 a decision by the ICO upholding the Councils refusal of a request, was appealed at the First-tier Tribunal, which dismissed the appeal.

4.4 The table below shows the number of requests received by month for 2016 and 2017.
4.5 It is important to note that any received request for information is normally made up of a number of different sub-requests. For example, information may be asked for information relating to IT, finance and procurement all in the one request.

4.6 As a consequence even though the Council responds to a request individually the request can contain multiple questions each of which may have involved various different teams and officers. Occasionally follow up questions are asked as a result of or to help understand the information provided, these are now being logged as new requests.

4.7 Response times, have been improved through the use of Information@work from last year, in spite of the increasing numbers of requests to the Council. 94% of requests were responded to in 20 working days, of the requests over 20 working days, 30 were at 21 days and 6 were at 22 days. Only 2% of requests took longer than 22 days in 2017. The tables below show response times by month

Count of time taken to respond, by month
(By the month the request was received)

<table>
<thead>
<tr>
<th>Document Type</th>
<th>2017</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>EIR Request within 20 days</td>
<td>71</td>
<td>7</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>13</td>
<td>10</td>
<td>2</td>
<td>8</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>EIR Request over 20 days</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>FOI Request within 20 days</td>
<td>645</td>
<td>72</td>
<td>64</td>
<td>52</td>
<td>50</td>
<td>43</td>
<td>53</td>
<td>59</td>
<td>39</td>
<td>53</td>
<td>63</td>
<td>47</td>
<td></td>
</tr>
<tr>
<td>FOI Request over 20 days</td>
<td>39</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Internal Review within 20 days</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Internal Review over 20 days</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Grand Total</td>
<td>766</td>
<td>84</td>
<td>69</td>
<td>56</td>
<td>54</td>
<td>57</td>
<td>47</td>
<td>73</td>
<td>78</td>
<td>49</td>
<td>67</td>
<td>71</td>
<td>61</td>
</tr>
<tr>
<td>% Within 20 working days</td>
<td>94%</td>
<td>94%</td>
<td>97%</td>
<td>100%</td>
<td>96%</td>
<td>95%</td>
<td>96%</td>
<td>90%</td>
<td>88%</td>
<td>84%</td>
<td>91%</td>
<td>96%</td>
<td>95%</td>
</tr>
</tbody>
</table>
### 4.8 The table below shows number of responses by release type:

<table>
<thead>
<tr>
<th>Release Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full</td>
<td>437</td>
</tr>
<tr>
<td>Partial</td>
<td>107</td>
</tr>
<tr>
<td>Refused</td>
<td>216</td>
</tr>
<tr>
<td>Internal Review</td>
<td>7</td>
</tr>
</tbody>
</table>

### 4.9 Of the 216 responses refused, the reasons for the refusal are shown in the table below, the council only used specific exemptions to completely withhold information 23 times in 2017.

<table>
<thead>
<tr>
<th>Refusal reason</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not held</td>
<td>136</td>
</tr>
<tr>
<td>Already published</td>
<td>66</td>
</tr>
<tr>
<td>Exemption used</td>
<td>23</td>
</tr>
</tbody>
</table>

It is worth noting that some partial releases may also use exemptions for some of the information, the type of exemption is not recorded.

### 4.10 The Council is duty bound to respond to requests for information even if the Council does not hold the requested information. The emphasis, under the Freedom of Information Act, is that the Council takes on the burden of the processes involved in responding to requests. It is for the Council to make its information available and help customers access its information or direct requestor to where it is already available or who might hold it instead of us. In 2017 136 requests were made for information not held by the Council. It is worth noting that some requests are sent to every council irrespective of the services that council offers.

### 4.11 Requests cover all sections of the Council. The table below shows the different broad categories of data asked in the last three years, giving an indication of the scope of requests and areas where request numbers have increased over time. As for last year some areas have continued to see increases in requests over the last year, these are Property Searches, Land and Building, Environmental Health and Staff.

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Data Category</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>EIRREQ</td>
<td>Building Control</td>
<td>9</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>EIRREQ</td>
<td>Environmental Health</td>
<td>4</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>EIRREQ</td>
<td>Land and building</td>
<td>8</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>EIRREQ</td>
<td>Not SLDC</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>EIRREQ</td>
<td>Parking</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>EIRREQ</td>
<td>Planning</td>
<td>4</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>EIRREQ</td>
<td>Property Search</td>
<td>54</td>
<td>45</td>
<td>10</td>
</tr>
</tbody>
</table>
### Table: Requested Information Overview

<table>
<thead>
<tr>
<th>Section</th>
<th>EIRREQ</th>
<th>FOIREQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste and Recycling</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Building Control</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Business Rates</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Community Safety</td>
<td>89</td>
<td>88</td>
</tr>
<tr>
<td>Council Tax</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Councillors</td>
<td>19</td>
<td>22</td>
</tr>
<tr>
<td>Customer Services</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Data protection</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>EIR</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Elections</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>39</td>
<td>26</td>
</tr>
<tr>
<td>Finance</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>FOI</td>
<td>36</td>
<td>31</td>
</tr>
<tr>
<td>Health and Safety</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Homelessness</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Housing</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Housing benefit</td>
<td>54</td>
<td>48</td>
</tr>
<tr>
<td>Housing benefit</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>IT</td>
<td>33</td>
<td>24</td>
</tr>
<tr>
<td>Land and building</td>
<td>54</td>
<td>48</td>
</tr>
<tr>
<td>Legal</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Leisure facilities</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Licensing</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Organisation</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Parking</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>Parks and open spaces</td>
<td>25</td>
<td>47</td>
</tr>
<tr>
<td>Planning</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Procurement</td>
<td>13</td>
<td>23</td>
</tr>
<tr>
<td>Property Search</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Public Burials</td>
<td>57</td>
<td>34</td>
</tr>
<tr>
<td>Safeguarding</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Staff</td>
<td>28</td>
<td>24</td>
</tr>
</tbody>
</table>

### Grand Total: 777 674 561

#### 4.11 Information which is frequently requested and measures taken to proactively reduce numbers of requests have been:
<table>
<thead>
<tr>
<th>Category</th>
<th>Action taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Burials</td>
<td>Repeat requests refused</td>
</tr>
<tr>
<td>Business Rates:</td>
<td>• Published as open data</td>
</tr>
<tr>
<td></td>
<td>• Initially published as open data, after review now refused under prevention of crime, with frequent repeat requests refused</td>
</tr>
<tr>
<td>Credits and write ons</td>
<td></td>
</tr>
<tr>
<td>IT Contracts</td>
<td>Published as open data</td>
</tr>
</tbody>
</table>

4.12 Work with the Planning team encouraging that everything that can be published for each application is available on the planning portal may have led to a reduction in planning requests from 47 in 2016 to 25 in 2017.

4.13 Working with services to publish more information online, can reduce the number of requests and if not at least make them quicker to respond to by refusing the request and referring them to where the information is already available, the number of requests refused as already published has increased from 14 in 2016 to 66 in 2017.

4.14 Work is commencing on the production of a disclosure log which will publish the outcomes of each request, including those refused, on the Council's website. By publishing the details of requests it is hoped to also reduce the numbers of requests received and make it easier to respond to requests by referring to those that have already been answered.

4.15 The introduction of an Environmental Information Regulation Charging Policy follows a change in guidance and decisions by the ICO which allow the charging for release of environmental information in certain circumstances. The Policy sets out when a charge may or may not apply and the process for applying the charge. The introduction of a charging regime is a positive approach and one which recognises the burden of processing such requests on officers across the council as a means to offset the costs in officer time to fulfil these requests.

4.16 Approval is sought for implementation of the EIR Charging Policy as attached to the report.

5.0 ALTERNATIVE OPTIONS

5.1 Failure to comply with the statutory provisions of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998 could lead to enforcement action by the Information Commissioners Office.

6.0 LINKS TO COUNCIL PRIORITIES

6.1 The Council’s response to the requirements of the Freedom of Information Act is underpinned by the Council’s values; Empowering people, excellence and being open and transparent.

7.0 IMPLICATIONS

7.1 Financial and Resources

7.1.1 The cost to the Council in managing, processing and responding to any Information Request is based on the average staff salaries and overheads equating to £25.00 per hour. When averaged out one complete information request takes 5.75 hours in officer time. This means on average every request costs the Council £143.75. This calculation is generally in line with other local authorities who report information request costs.

7.1.2 Taking the number of 784 for the 2017 period, means that it cost the Council £112,700
7.1.3 The cost per year in handling Freedom of Information requests since 2015 is below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total requests received</th>
<th>Cost per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>574</td>
<td>£82,513</td>
</tr>
<tr>
<td>2016</td>
<td>674</td>
<td>£96,888</td>
</tr>
<tr>
<td>2017</td>
<td>784</td>
<td>£112,700</td>
</tr>
</tbody>
</table>

7.1.4 The introduction of charging for EIR requests will lead to income to off set costs detailed above, a cost code has been identified for the income.

7.2 Human Resources

7.2.1 The Partnerships and Organisational Development Team has principal responsibility for managing the Council’s Freedom of Information Requests. Council officers across departments provide the team with appropriate information in addition of their day-to-day responsibilities.

7.3 Legal

7.3.1 The Council is legally required to respond to requests made under the FOI and EIR. Failure to comply with statutory provisions could lead to enforcement action by the Information Commissioners Office, which, in turn, could lead to adverse publicity.

7.4 Health, Social, Economic and Environmental

<table>
<thead>
<tr>
<th>Have you completed and Health, Social, Economic and Environmental Impact Assessment?</th>
<th>Yes ☐</th>
<th>No ☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you have not completed an Impact Assessment, please explain your reasons.</td>
<td>FOI and EIR are statutory duties</td>
<td></td>
</tr>
</tbody>
</table>

7.5 Equality and Diversity

<table>
<thead>
<tr>
<th>Have you completed an Equality Impact Analysis?</th>
<th>Yes ☒</th>
<th>No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you have not completed an Impact Assessment, please explain your reasons.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7.6 Risk

<table>
<thead>
<tr>
<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responses to FOI requests routinely exceeding the 20 working day rule.</td>
<td>• Criticism from or enforcement action by the Information Commissioner.</td>
<td>• Regularly monitor the handling of requests</td>
</tr>
<tr>
<td></td>
<td>• Reputational risk</td>
<td>• work closely with services who are routinely responding late</td>
</tr>
<tr>
<td>FOI requests not being responded to at all.</td>
<td>• Criticism from or enforcement action by the Information Commissioner.</td>
<td>Maintain central FOI management resource.</td>
</tr>
<tr>
<td></td>
<td>• Reputational risk</td>
<td></td>
</tr>
<tr>
<td>Risk</td>
<td>Consequence</td>
<td>Controls required</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Inadequate system to deal with increasing number of requests.</td>
<td>• Criticism from or enforcement action by the Information Commissioner.</td>
<td>• Ensure information@work is kept up to date</td>
</tr>
<tr>
<td></td>
<td>• Reputational risk</td>
<td>• Ensure appropriate officer time is available to manage requests</td>
</tr>
<tr>
<td>EIR charges set too high</td>
<td>• prevents requests being made</td>
<td>• mitigations for high costs have been made</td>
</tr>
<tr>
<td></td>
<td></td>
<td>in the policy and through the duty to advise and assist requestors on how their request can be reduced</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• expect low numbers of requests will meet the chargeable criteria</td>
</tr>
</tbody>
</table>

**CONTACT OFFICERS**

Report Author – Emma Nichols, Community Engagement Officer, 01539 793268 and e.nichols@southlakeland.gov.uk

**BACKGROUND DOCUMENTS AVAILABLE**

<table>
<thead>
<tr>
<th>Name of Background document</th>
<th>Where it is available (examples as shown)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICO guidance</td>
<td>The guidance is linked to within the EIR charging Policy Document (Appendix 1)</td>
</tr>
<tr>
<td>Detailed report of FOI requests</td>
<td>On request via <a href="mailto:foi@southlakeland.gov.uk">foi@southlakeland.gov.uk</a></td>
</tr>
</tbody>
</table>

**APPENDICES ATTACHED TO THIS REPORT**

<table>
<thead>
<tr>
<th>Appendix No.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EIR Charging Policy</td>
</tr>
<tr>
<td>2</td>
<td>Equality Impact Assessment</td>
</tr>
</tbody>
</table>

**TRACKING INFORMATION**

<table>
<thead>
<tr>
<th>Assistant Director</th>
<th>Portfolio Holder (Cabinet)</th>
<th>Solicitor to the Council</th>
<th>SMT</th>
<th>Scrutiny Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/2/2018</td>
<td>15/2/2018</td>
<td>9/2/2018</td>
<td>15/2/2018</td>
<td>n/a</td>
</tr>
<tr>
<td>Executive Committee</td>
<td>Council</td>
<td>Section 151 Officer</td>
<td></td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>21/03/2018</td>
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<td>9/2/2018</td>
<td>9/2/2018</td>
<td></td>
</tr>
<tr>
<td>Human Resource Services Manager</td>
<td>Leader</td>
<td>Ward Councillor(s)</td>
<td>Communication s</td>
<td></td>
</tr>
<tr>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>13/2/2018</td>
<td></td>
</tr>
</tbody>
</table>
South Lakeland District Council

Environmental Information Regulations 2004 Charging Policy

Introduction


For a comprehensive overview of EIR, please refer to the Information Commissioner’s Office guidance what are the Environmental Information Regulations

The overarching purpose of the EIR is to encourage straightforward access to environmental information. However, in certain instances, public authorities can charge for supplying environmental information, but the charge must be reasonable and take into account the aims of EIR.

A routine charge for EIR requests should be avoided and this Policy sets out examples of the type of information that will and will not be charged for. A charge cannot be made where an applicant wishes to inspect the information or a list or register in situ. Allowable costs include staff time, overheads and disbursements. Other costs such as maintaining a database cannot be included. Commercial charges are permitted in relevant circumstances.

Information that is not deemed as environmental for the purposes of the EIR will be dealt with under the appropriate legislation (such as the Freedom of Information Act 2000, Data Protection Act 1998) and this Policy will not apply.

This Policy sets out when a charge may or may not apply and the process for applying the charge and has been based on guidance issued by the Information Commissioner’s Office (ICO).

Background

Objectives - what the policy aims to achieve

The Council receives many requests for information, some of which are determined as environmental related information under the Environmental Information Regulations 2004 (EIR).

The Policy has been produced to ensure that any application of charges is reasonable and balanced with the overarching transparency and access aims of the EIR.

It is also essential that staff and requestors are clear as to the type of information that is deemed as environmental under the EIR, what information will be subject to a charge under Regulation 8 of the EIR, what the charge will be and any special measures and exclusions to the general Policy.

Aims

The Policy applies to all requests for information validly submitted under the EIR and includes elected members, contract, agency and temporary staff, volunteers and employees of partner organisations working for the Council.

The Policy is also designed to provide members of the public with a comprehensive outline of the approach to charging to ensure the Council is being open and transparent.

In terms of key issues, the Policy aims to highlight the type of information that is subject to a charge (or not as the case may be), how the charge is calculated, the process when a charge is applied and any exclusions to the Policy.
What is environmental information covered by EIR

According to the EIR, environmental information is broadly any information on:

- the state of the elements of the environment and the interaction among these elements;
- factors affecting or likely to affect those elements;
- measures or activities affecting or likely to affect those factors or elements, or designed to protect those elements;
- reports on the implementation of environmental legislation;
- cost–benefit and other economic analyses and assumptions used within the framework of those measures and activities;
- the state of human health and safety, conditions of human life, cultural sites and built structures in as much as they are or may be affected by those elements.

Usually, it will be obvious when requested information is environmental; for example, information about land development, pollution levels, energy production, and waste management.

However, sometimes information may seem like environmental information but it does not fall under the definition of ‘environmental information’.

Similarly, sometimes information might not seem to be obviously environmental but could still fall under the definition.

For this reason it is important to refer to the full definition of environmental information provided at regulation 2(1) before making a final decision on whether information is environmental or not and which legislation applies.

Further detail is available in the ICO guidance [What is Environmental Information](#).

Policy details

The following considerations have been drawn up by referring to the ICO guidance; [Charging for Environmental Information (Regulation 8)](#), which provides further detail.

General charging principles

As previously stated, the overarching purpose of the EIR is to encourage straightforward access to environmental information. A charge can be made for supplying the information, as long as the charge is reasonable and takes into account the aims of EIR.

A routine charge for all EIR requests should be avoided. A charge can include:

- staff costs (including overheads) in locating and supplying the information to the applicant;
- disbursements costs eg printing and postage cost of providing the information requested.

It cannot include:

- cost of maintaining a database or register of information;
- charge for inspecting any lists, registers or information in situ;
- redaction costs eg staff time to remove any personal information from documents;
- penalising an applicant for poor records management by the Council.

A schedule of charges must be published, as well as information on when charges will be waived.

What information can be provided with or without a charge?

When deciding whether or not information can be provided with or without a charge, the Council needs to consider the requirement to:

- maintain any application of charges as reasonable;
- balance the overarching transparency and access aims of the EIR.
- not routinely apply a charge

The Council has used the approach that high level, factual information should be supplied without charge, whereas underlying and background information (such as email trails informing decisions or results, background documents, third party exchanges and information covered by a commercial charge) would be subject to a charge.

This approach would allow the Council to adhere to the general principles of the EIR, in that information expected to be published would be provided free of charge where publication has not already occurred, whilst applying charges to information the EIR would not expect to be routinely published.

As a guide, the type of information that is likely to be supplied without charge includes:

- Information from Lists and Registers (see below for further information)
- Survey, emission or investigation results collated as part of the Council's statutory obligations

Information that is likely to result in a charge being requested includes:

- Reviewing e-mails
- File and data checks within network storage
- Other document checks, hard copies, microfiche etc
- 3rd party consultation: discussions/consultations with any affected 3rd party liaison with SLDC Officers
- Final approval for the accuracy of the information (if not covered above)
- Time taken to locate the information (if not covered above)
- Time taken to retrieve the information (if not covered above)
- Time taken to extract the relevant information from larger documents (not including editing/redaction) (if not covered above)
- Data including survey, emission or investigation results held as part of non-statutory obligations and collected in relation to commercial activities by the Council.

It should be noted, that even where the Policy provides for the release of information without charge, exceptions under EIR may be applied. This means that some information may be withheld for reasons under the relevant exception(s) and is dependent on the information being requested in each situation.

Easy to read information explaining this policy will be available on the website for those who wish to make environmental information requests.

**What is a reasonable charge?**

The Council cannot include the cost of maintaining a database or register, but it can include locating, extracting and supplying the information, as long as poor records management does not mean that the applicant will be charged unfairly or excessively. The charge must not have a deterrent effect on the right to obtain the information. The Customer Connect Programme and the production of the Information Asset Register will help improve record management and access to that information across the council.

The context of a request can influence the reasonableness test. Therefore information supplied as part of necessary commercial transactions (such as a property search) may differ from a request from a local residents group concerned about pollution on their estate.

The intention of EIR is to increase public access to environmental information. Charges must be compatible with encouraging transparency and not be an obstacle. The general principle is that charges should not exceed the actual costs of producing the information.
Regulation 4 of the EIR require authorities to implement measures to improve access to environmental information. Therefore, if the Council has failed to make high level environmental information available such as through general publication on its website, it is unlikely that a charge can be made for staff time. The Council is also expected to make certain information available under the INSPIRE Regulations 2009.

Where the Council requests a charge for environmental information, it must also offer advice and assistance to the requestor so they can change or narrow the request to avoid the charge.

The Council must also be able to demonstrate how the fee was calculated, so that the requestor can understand the basis for the fee. The ICO will expect the Council to be able to justify the basis of this charge. This charge has been calculated at £25 per hour in line with FOI guidelines, with a minimum charge of £25.

The charge amount will be reviewed at the start of each financial year as a minimum. Details of how this charge has been arrived at are included in Appendix 1 EIR Fees and Charges schedule.

Disbursements

The Regulations also allow for disbursements to be charged for in relation to EIR requests, such as photocopying charges for information supplied in hard copy format. The Council’s standard charges will apply and as a guide, black and white A4 copies are charged at 10p per sheet. Full details can be found in our Fees and Charges Schedule.

Commercial charges

The general principle of the EIR, is that a charge should not exceed the cost of making the information available. However, there are exceptions to this such as when commercial considerations are taken into account and override the general principles of the EIR.

A market based charge can be considered as reasonable where a commercial charge is normally applied and is necessary to ensure the information continues to be collected and published by the Council in a particular manner and were the charge to cease, the information would no longer be collated in this way. The charge would relate to the actual time it takes to maintain the information and not limited to the EIR fees limit.

A Commercial charge could not generally be applied to statutory information that the Council is expected to keep or compile within the course of its role as a local authority, or to environmental data that is collected, for example, as part of a Council run project.

Details of many of our standard services and charges can be found on the Council’s website or our fees and charges.

Other legislation

Where other legislation allows for charging, such as for property searches, where it is the case that the EIR override this and information can be requested under the EIR regime, the general EIR charging considerations will apply, see further considerations below for more detail.

Re-use of Information

Where the Council makes a charge for information, it cannot then charge for reuse of the information. In most cases reuse will be allowed under the Re-use of Public Sector Information Regulations 2015 and will generally be available to re-use under the Open Government Licence.

This is to avoid ‘double charging’ which the EIR prevents.
Public lists and registers

The intention of the EIR is to allow the public free access to environmental information. Therefore providing lists and registers is one method and publishing some of these under the Council’s Publication Scheme Lists and Registers section, as well as on our general website are ways that we do this.

This is an obligation under Regulation 4 of EIR to proactively and progressively disseminate environmental information held by the Council. This includes documents that the public are entitled to access under statutory legislation, such as:

- the Planning Register
- the Building Control Register
- Burial Registers
- Conservation Areas
- Licensing Registers
- Environmental Permitting Register
- Contaminated Land Register

However, the EIR is not limited to statutory lists and registers and should include lists and registers compiled for a number of reasons. This also includes documents relating to decision making.

As highlighted earlier, the exception to this is where a list or register is not a statutory requirement and is only kept up to date on the basis of the Council carrying out a commercial, paid for activity. In this instance, where providing the information for free rather than applying a commercial charge would result in the ceasing of collecting this non-statutory information, the EIRs allow for charging to occur.

Examination of information in situ

The Council cannot make a charge for the public to view information in situ at South Lakeland House, Kendal. However, a charge can be made for preparing and obtaining the information to be viewed, if it is not straightforward to extract and therefore reasonable to apply a charge.

If the information can be viewed for free at an office location, then this option must be offered if proposing to charge the applicant for sending the information to them. For example, there could be no charge where someone wishes to view air and water readings at various sites and the applicant wishes to inspect the information at an office (if it is simply a case of extracting the data from a system)

Schedule of charges

The Regulations oblige the Council to publish a schedule of charges as part of the Council’s Publication Scheme and should include when a charge can be waived. The following information must be included:

- Standard costs involved in the supply of information, such as the charge per sheet of photocopying and the charge for providing information on CD-ROM and other formats.
- A list of priced publications.
- Any concessions offered to applicants such as pensioners and those receiving benefits.
- Circumstances where the supply of information is conditional on advance payment.
- An explanation of how charges for staff time will be calculated.

Appendix 1 details the EIR fees and charges schedule. Full details of the Council’s fees and charges can be found in the Fees and Charges book for each year in the finance section of the website.
Advance payment

The EIR oblige the Council to request payment within 20 working days of receiving the request and the applicant then has 60 days to return the payment. Once the payment is received the clock/response time officially starts.

To issue a charge, an EIR Fees Notice will be sent to the requestor within 5 working days of receipt, which outlines the fee payable, how the fee was calculated, how to make payment, how long the requestor has to make a payment and how to narrow down the request to avoid a charge (where possible).

Where a narrowed or different request is received to the original request rather than receipt of the fee, this will be deemed as a new request and the 20 working time frame will re-start.

Payment can be made by telephone by calling 01539 733 333, on the website or cheque in person at a Council Office. The requestor must quote the unique reference number which will be provided on the fees request letter when making the payment and advise that payment is in relation to an EIR request. The payment will then be assigned under the relevant Ledger Code by the Council.

Refunds

If the cost of complying with the request turns out to be less than the Council’s estimate, the balance will be returned to the requestor if it exceeds £25. Therefore each service will keep a record of the number of hours spent on requests when a charge has been made, and will report this when providing the requested information to the Partnerships and Organisational Development Team for response, monitoring and in order to ensure consistency for audit purposes.

Affordability issues

The Council recognises that paying a charge will not be financially viable for some people. The Council will therefore offer requestors reasonable advice and assistance in order to help them narrow down the scope of their request, to bring them within the charging threshold.

Other considerations

Manifestly Unreasonable requests

Where it is estimated that complying with a request will exceed approximately 18 hours (timeframe limit under the Freedom of Information Act), the Council will consider whether the request is in fact Manifestly Unreasonable under Regulation 12(4)(b) of the EIR and will use existing procedures for doing so. This includes applying the Public Interest Test and proving advice and assistance to the requestor in order to narrow down the scope of their request. For more information see the ICO guidance on the Public Interest Test.

Con 29 (Property Search) requests

The ICO’s guidance document, Property Searches and the EIR has been considered in relation to the points below which cover the Council’s approach to dealing with Con 29 (Property Search Requests).

Where an official response is asked for, usually by a solicitor, the Council will apply the charges it has set out under the Charges for Property Searches Regulations (CPSR) under its full expedited service.

However, when just the underlying information is requested (usually by Property Search Agents), the EIRs take precedent and the CPSR cannot be used. In this instance, the following principles will apply:

- if an applicant wishes to inspect the information in situ, then no charge can be made
if the underlying information is asked to be sent electronically, then a reasonable charge can be made under EIR, taking into account the general charging considerations outlined earlier. Alternatively, the ICO recommend publishing the raw data as part of the Council’s publication scheme and the Council is aiming to publish as much of this information under transparency, as possible.

Further information on land charges/property searches can be found on the Council’s Local Land Charges page.

Management

Policy management

The Partnerships and Organisational Development team in the Performance and Innovation Directorate is responsible for implementing and managing the Policy, as well as ensuring relevant guidance and training is available.

Breaches and non-compliance

The Partnerships and Organisational Development staff dealing with EIR requests will take this Policy into account when dealing with EIR requests. Any breaches or non-compliance should be reported to the Principal Research and Intelligence Officer for consideration of any further investigation or action.

How the impact of the policy will be measured

The Community Engagement Officer, will keep a record of the following information:

- Monitor volume of EIR requests received
- Number of EIR requests “withdrawn” once charges requested
- Costs recouped by the Council as a result of this policy
- Staff time spent on EIR requests once charging policy introduced

Additional or different information may be collected as appropriate during the application of the Policy.

Evaluation and review

As a minimum, the Policy will be formally reviewed every 2 years or earlier, if changes to legislation or ICO guidance occur.

Partnerships and Organisational Development
Performance and Innovation
Email: foi@southlakeland.gov.uk
Tel: 01539 733 333
January 2018
Version 1 – to be reviewed February 2020
Appendix 1:

Environmental Information Regulations (EIR) Fees and Charges Schedule

Environmental Information Regulations (EIR) Requests
Cost of dealing with a request for environmental information under the Environmental Information Regulations - £25 per hour, see EIR charging policy for further detail on what information is chargeable.

This cost has been calculated based on the Information Commissioner’s Office (ICO) Guidance, Charging for Environmental Information (Regulation 8) and the FOI appropriate limit of £450 which is based on 18 hours at £25 per hour. In addition Disbursements may be charged see section below.

Disbursements for EIR
The following fees have been drafted using the guidance: Fees that may be charged when the cost of compliance does not exceed the appropriate limit

<table>
<thead>
<tr>
<th>Hard copy information</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-RW disks</td>
<td>£1.20</td>
</tr>
<tr>
<td>A0 (841mm x 1189mm) Black and white</td>
<td>£12.00 per sheet including VAT</td>
</tr>
<tr>
<td>A1 (594mm x 841mm) Black and white</td>
<td>£12.00 per sheet including VAT</td>
</tr>
<tr>
<td>A2 (420mm x 594mm) Black and white</td>
<td>£12.00 per sheet including VAT</td>
</tr>
<tr>
<td>A3 (297mm x 420mm) Black and white</td>
<td>£0.50 per sheet</td>
</tr>
<tr>
<td>A4 (210mm x 297mm) Black and white</td>
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<td>£12.00 per sheet including VAT</td>
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<td>A1 (594mm x 841mm) Colour</td>
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<tr>
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<td>As quoted</td>
</tr>
<tr>
<td>Postal charge for sending copies</td>
<td>As quoted</td>
</tr>
</tbody>
</table>
EIA Title: Environmental Information Regulations Charging Policy

1.0 The public sector equality duty (2011) covers the following eight protected characteristics:

**Age, disability, ethnicity, religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity.**

The duty also covers marriage and civil partnership, but only relating to the elimination of unlawful discrimination (see below, 2.0).

1.1 SLDC includes “rurality” and “socio-economic disadvantage” as additional categories in its equality impact assessments. Although socio-economic status and rurality are not recognised protected characteristics under the Equality Act, people on low incomes or in rural isolation are highly likely to be affected by services that are intended to support vulnerable people.

2.0 The General Equality Duty.

SLDC, in the exercise of its functions, should:

a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

b. Advance equality of opportunity between people who share a protected characteristic and those who do not.

c. Foster good relations between people who share a protected characteristic and those who do not.
### Step 1

**Summarise the subject and expected outcomes of this EIA.**

<table>
<thead>
<tr>
<th>An increase in Environmental requests and a change in the approach nationally to requests following decisions by the ICO and clarification of the legislation that environmental information can be charged for in certain circumstances, has led to an EIR Charging Policy being drafted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The overarching purpose of the EIR is to encourage straightforward access to environmental information. However, in certain instances, public authorities can charge for supplying environmental information, but the charge must be reasonable and take into account the aims of EIR. A routine charge for EIR requests should be avoided and the Policy sets out examples of the type of information that will and will not be charged for.</td>
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<tr>
<td>A charge cannot be made where an applicant wishes to inspect the information or a list or register in situ. Allowable costs include staff time, overheads and disbursements. Other costs such as maintaining a database cannot be included. Commercial charges are permitted in relevant circumstances.</td>
</tr>
</tbody>
</table>

**Who are your main stakeholders and list any engagement undertaken (include surveys, feedback forms, complaints, statistics etc.).**
Stakeholders are those who make information requests for environmental information.

Requests are generally made by members of the public, businesses, media, students and MPs/Political parties. When handling requests the Council is motive and requestor blind and cannot treat requestors differently based on who they are or what they are asking for.

There is an exception to this, in understanding the context of the information being requested, to ensure the request is understood and fulfilled and in the requestor's ability to understand the information being provided and/or the format of the information eg electronic documents which are machine readable instead of hard copy.
### Step 2
Equality Action Plan

<table>
<thead>
<tr>
<th>In providing this service, what are the impacts for the following people?</th>
<th>Positive impacts</th>
<th>Negative impacts</th>
<th>Mitigating actions (to avoid negative impact):</th>
<th>Lead Officer &amp; When</th>
<th>Complete Y/N</th>
</tr>
</thead>
</table>
| 1. Age (young and old)  
2. Black and Minority Ethnic  
3. Disabled  
4. Faith/Belief  
5. Sexual Orientation  
6. Gender  
7. Gender reassignment  
8. Pregnancy and maternity  
9. Marriage and Civil Partnership  
10. Socio-economic disadvantage (including rural deprivation, ‘rurality’) | | | | | |

(See glossary below for definitions)

| 10. Socio-economic disadvantage (including rural deprivation, ‘rurality’) | Information is available to all requestors, request are motive and requestor blind | A charge may be made for the information if it is a chargeable request | If a requestor can not afford the charge, we will work with them to refine their request to reduce any charge:  
- We will clarify that they require all the chargeable information  
- There may be specific elements which may or may not be chargeable.  
If request can’t be refined, we will encourage visiting South Lakeland House to view the information free of charge | Community Engagement Officer, ongoing | On going |

Information is available to all requestors, request are motive and requestor blind. A charge may be made for the information if it is a chargeable request. If a requestor cannot afford the charge, we will work with them to refine their request to reduce any charge:
- We will clarify that they require all the chargeable information.
- There may be specific elements which may or may not be chargeable.
If request cannot be refined, we will encourage visiting South Lakeland House to view the information free of charge.

<table>
<thead>
<tr>
<th>Lead Officer &amp; When</th>
<th>Complete Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Engagement Officer, ongoing</td>
<td>On going</td>
</tr>
<tr>
<td>3. Disabled</td>
<td>Information is available to all requestors, request are motive and requestor blind</td>
</tr>
</tbody>
</table>
Step 3

Examples of good equality practice you have put in place (For example, all venues used are accessible for people with mobility, hearing and sight impairments)

See above mitigations.

The council has a list of equality contacts who can be contacted for consultation or to ask advice. The list is on the intranet under Equality and Diversity. If you need any support when completing this Equality Impact Analysis, please contact the Partnerships and Funding Officer.

Date: 2 March 2018
EIA Author(s): Community Engagement Officer
Assistant Director: Simon McVey
Document version number: 1
Date for Review: When EIR Charging Policy is reviewed, 2 years.
EIA forwarded to Policy Officer Yes

Glossary

Age: This refers to a person having a particular age (for example, 32 year-olds) or being within an age group (for example, 18-30 year-olds).

Civil partnership: Legal recognition of a same-sex couple’s relationship. Civil partners must be treated the same as married couples on a range of legal matters.

Disability: A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Includes: Physical/sensory disability, mental health or learning disability.

Gender reassignment: A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex.

Maternity: The period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

Race: It refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins. Includes, Asian, Black and White minority ethnic groups inc. Eastern Europeans, Irish people and Gypsy Travellers.

Religion or belief: “Religion” means any religion, including a reference to a lack of religion. “Belief” includes religious and philosophical beliefs including lack of belief (for example, Atheism). The category includes Christianity, Islam, Judaism, Hinduism, Buddhism, and non-religious beliefs such as Humanism.

Sexual orientation: This is whether a person’s sexual attraction is towards their own sex, the opposite sex or to both sexes.

Socio-economic disadvantage: This includes people on low incomes, as well as issues around rural and urban deprivation, such as access to services and transport. Rurality should be specifically considered as South Lakeland is defined as ‘Rural-80’ – this means we have at least 80 percent of our population in rural settlements and larger market towns.
1.0 EXPECTED OUTCOME
1.1 The expected outcome is the transfer of Ulverston Town Hall, the Town Hall annexe and Queens Court to South Lakes Housing to facilitate much needed investment in affordable housing in Ulverston town centre.

2.0 RECOMMENDATION
2.1 It is recommended that Cabinet:
   (1) Approves the disposal of Ulverston Town Hall, the Annexe and Queens’s Court to South Lakes Housing as detailed in the report in order for South Lakes Housing to deliver a defined affordable housing scheme
   (2) Delegates Authority to the Assistant Director Strategic Development, in consultation with the Solicitor to the Council, to agree the detailed heads of terms to facilitate the proposed investment and protect the Council’s interests going forward

3.0 BACKGROUND AND PROPOSALS
3.1 Following a decision by Cabinet on 27 August 2014, Ulverston Town Hall was declared surplus to requirements on the understanding that proposals would be developed to convert the building and adjoining land into a town centre affordable housing scheme, with the negotiation and approval of terms being delegated to the Assistant Director Strategic Planning (now Strategic Development), in consultation with the Portfolio Holder Strategic Growth.

3.2 Following extensive project development, consultation and negotiation it is proposed that Ulverston Town Hall be sold to South Lakes Housing at less than best consideration. The market valuation of Ulverston Town Hall is noted in the Part II Appendix 3 of this report. Please note that in accordance with Section 100B(2) of the Local Government Act 1972, copies of this appendix are excluded from inspection by
members of the public as the appendix contains information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely – Information relating to the financial or business affairs of any particular person (including the authority holding that information). The proposed scheme by South Lakes Housing which now has the benefit of planning permission, will provide 17 affordable housing units as follows (main building 8 x 1 bed flats, 1 x 2 bed flat, annexe 3 x 1 bed flats, 5 x 2 bed flats) All those units to be provided are to be made available in perpetuity for rent (and, save for any statutory requirements, not for sale) on assured tenancies (or other agreed form of short term tenancy) at affordable rental levels – maximum 80% of the open market rent (including service charges) and no more than the appropriate Local Housing Allowance (as may be updated, replaced or substituted from time to time).

3.3 Members are recommended to approve the disposal and delegate authority to the Assistant Director (Strategy and Planning), in consultation with the Solicitor to the Council, to agree the detailed heads of terms to facilitate the disposal.

4.0 CONSULTATION

4.1 Cllr Vincent - Portfolio Holder for Economic Development and Assets has been consulted and is supportive of the proposed sale.

4.2 Cllr Brook – Portfolio Holder for Housing and Innovation has been consulted and is supportive of the proposed sale to South Lakes Housing.

4.3 Consultation was also undertaken as part of the planning application process and was taken into consideration when the decision to grant planning permission was made.

5.0 ALTERNATIVE OPTIONS

5.1 To mothball the building until an alternative and viable development proposal can be identified. This option was discounted as the stated original intention when the building was declared surplus was to work towards using the premises to facilitate an affordable housing scheme. This option would also have a negative impact on the Council’s reputation and add an additional burden to the Council’s repair and maintenance budget.

5.2 To offer the building for sale on the open market. This has been discounted as a use has been identified for the building in accordance with the original intentions when declaring the premises surplus. This use is exactly in line with the Council Plan objective to maximise delivery of new market and affordable homes including the creation of 1,000 new affordable homes for rent in the period 2014-2025.

6.0 LINKS TO COUNCIL PRIORITIES

6.1 This decision links to the Housing section of the Council Plan 2014-19, in which it confirms:

“We will work with our partners to help deliver and promote housing....”

'We will continue to use our resources (e.g. New Homes Bonus and Second Homes Fund) and assess how they are best applied to different delivery models, to help build affordable housing and to support locally important projects.'

'We will through our South Lakeland Housing Strategy continue to work with private housing developers to maximise delivery of new market and affordable homes on allocated housing sites, including the creation of 1,000 new affordable homes for rent from the period 2014-2025.'
7.0 IMPLICATIONS

7.1 Financial and Resources

7.1.1 The transfer of Ulverston Town Hall and adjoining land will remove any repair and maintenance liability on the Council. All servicing in line with statutory regulations will cease when the building has been transferred to South Lakes Housing.

To support the delivery of the scheme proposed by South Lakes Housing, the Council has approved in principal to invest a capital sum by way of grant for £495,000 to be funded from the right to buy receipts.

The proposed development is not commercially viable and can only be viable with the grant support from the Council and the transfer of the Town Hall at a nominal sum. In approving the disposal, cabinet’s attention is drawn to the open market valuation provided at Part II Appendix 3. In accordance with Section 100B(2) of the Local Government Act 1972, copies of this valuation report are excluded from inspection by members of the public as the report contains financial and business information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

7.2 Human Resources

7.2.1 There are no Human Resource implications within this proposal.

7.3 Legal

7.3.1 In general, a local authority has a duty not to dispose of land for less than best consideration that can reasonably be obtained under the provisions of s.123 Local Government Act 1972. However, under the Local Government Act 1972: General Disposal Consent (England) Order 2003, a local authority is able to dispose of land at an undervalue providing that undervalue does not exceed £2,000,000.

7.3.2 As well as considering the position in relation to the Council’s powers to dispose of land at an undervalue, it is necessary to consider whether or not such a sale would constitute state aid. There are state aid implications in connection with the proposal but steps will be taken to ensure that the relevant statutory requirements are complied with.

7.4 Health, Social, Economic and Environmental

7.4.1

| Have you completed and Health, Social, Economic and Environmental Impact Assessment? | Yes ☒ | No ☐ |
| If yes, please confirm that it is attached to the report in the appendices. | Yes ☒ | No ☐ |
| If you have not completed an Impact Assessment, please explain your reasons. | N/A |
| Summary of health, social, economic and environmental impacts. | N/A |
7.5 Equality and Diversity

7.5.1

<table>
<thead>
<tr>
<th>Have you completed an Equality Impact Analysis?</th>
<th>Yes ☐ No ☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, please confirm that it is attached to the report in the appendices.</td>
<td>Yes ☐ No ☒</td>
</tr>
<tr>
<td>If you have not completed an Impact Assessment, please explain your reasons.</td>
<td>N/A</td>
</tr>
<tr>
<td>Summary of equality and diversity impacts.</td>
<td>N/A</td>
</tr>
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</table>

7.6 Risk

<table>
<thead>
<tr>
<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
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</thead>
<tbody>
<tr>
<td>Building fails to be transferred to affordable housing provider.</td>
<td>Council’s affordable housing targets may not be met.</td>
<td>Complete the transfer within a realistic timeframe.</td>
</tr>
<tr>
<td>Building fails to be transferred to affordable housing provider.</td>
<td>Council’s repair and maintenance liability increases with the building vacant and structure deteriorating through lack of investment.</td>
<td>Complete the transfer within a realistic timeframe.</td>
</tr>
</tbody>
</table>

CONTACT OFFICERS

Report Author - Sion Thomas, Property Services Contract Manager, 01539 793192, sion.thomas@southlakeland.gov.uk

APPENDICES ATTACHED TO THIS REPORT

<table>
<thead>
<tr>
<th>Appendix No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>OS Plan.</td>
</tr>
<tr>
<td>2</td>
<td>Health, Social, Economic and Environmental impact assessment.</td>
</tr>
<tr>
<td>3</td>
<td>Financial valuation of land subject to the provisions of Section 100B(2) of the Local Government Act 1972, copies of this appendix are excluded from inspection by members of the public as it contains information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, as follows: - Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3)</td>
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### BACKGROUND DOCUMENTS AVAILABLE

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<th>Name of Background document</th>
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<tbody>
<tr>
<td>Ulverston Town Hall and Coronation Hall review. KD No. KD44/2014.</td>
</tr>
<tr>
<td>Ulverston Town Hall and Coronation Hall review. KD No. KD44/2014.</td>
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<td><a href="http://democracy.southlakeland.gov.uk/documents/g3540/Printed%20minutes%20Wednesday%2027-Aug-2014%2010.30%20Cabinet.pdf?T=1">http://democracy.southlakeland.gov.uk/documents/g3540/Printed%20minutes%20Wednesday%2027-Aug-2014%2010.30%20Cabinet.pdf?T=1</a></td>
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### TRACKING INFORMATION

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<thead>
<tr>
<th>Assistant Director</th>
<th>Portfolio Holder</th>
<th>Solicitor to the Council</th>
<th>SMT</th>
<th>Scrutiny Committee</th>
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<td>22.02.18</td>
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<td>Section 151 Officer</td>
<td>Monitoring Officer</td>
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<td>Leader</td>
<td>Ward Councillor(s)</td>
<td>Comms Team</td>
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This page is intentionally left blank
## Project, policy or programme: Transfer of Ulverston Town Hall to South Lakes Housing.

### Health Impacts

<table>
<thead>
<tr>
<th>Health Impacts</th>
<th>Potential Impacts</th>
<th>Positive</th>
<th>No impact</th>
<th>Negative</th>
<th>Not sure</th>
<th>Comments</th>
<th>Recommendations</th>
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<td><strong>Social and Economic Factors</strong></td>
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<td>Education, skills and training</td>
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<tr>
<td>Housing</td>
<td></td>
<td>x</td>
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<td></td>
<td></td>
<td></td>
<td>South Lakes Housing to refurbish the Town Hall to create new affordable housing in Ulverston Town Centre.</td>
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<tr>
<td>Crime</td>
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<td>x</td>
<td></td>
<td></td>
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<td></td>
<td>Detailed terms to be agreed by the AD for Strategic Development.</td>
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</table>
### Health Impacts

<table>
<thead>
<tr>
<th>Health Impacts</th>
<th>Potential Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Positive</td>
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<tr>
<td>Work environment</td>
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### Factors that impact a person’s ability to improve their own health and wellbeing

<table>
<thead>
<tr>
<th>Factors</th>
<th>Potential Impacts</th>
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<tbody>
<tr>
<td>Nutrition and diet</td>
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<tr>
<td>Physical activity</td>
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<td>Alcohol</td>
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<tr>
<td>Drugs</td>
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<tr>
<td>Risk taking behaviour</td>
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<tr>
<td>Smoking</td>
<td>x</td>
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<tr>
<td>Loneliness and isolation</td>
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</tbody>
</table>

### Access to services, spaces or social opportunities that impact health

<table>
<thead>
<tr>
<th>Services</th>
<th>Potential Impacts</th>
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<tbody>
<tr>
<td>Communication methods</td>
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<td>Active travel</td>
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<td>Access to leisure</td>
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<td>Access to culture</td>
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<tr>
<td>Access to green spaces</td>
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
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