

CITY COUNCIL

TUESDAY 5 MARCH 2013 AT 6.45 PM

PRESENT: The Mayor (Councillor Wilson), Councillors Allison, Mrs Atkinson, Atkinson, Bainbridge, Betton, Bloxham, Boaden, Bowditch, Mrs Bowman, Bowman (S), Mrs Bradley, Cape, Mrs Clarke, Collier, Craig, Earp, Ellis, Forrester, Ms Franklin, Mrs Geddes, Glover, Graham, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), McDevitt, Morton, Nedved, Mrs Parsons, Ms Patrick, Mrs Prest, Ms Quilter, Mrs Riddle, Scarborough, Miss Sherriff, Mrs Southward, Mrs Stevenson, Stothard, Tickner, Mrs Vasey, Mrs Warwick, Watson, Weber and Whalen

Town Clerk and Chief Executive
Director of Governance

C.38/13 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bell, Mrs Martlew and Mitchelson.

C.39/13 MINUTES

The Minutes of the meetings of the City Council held on 8 January and 5 February 2013 had been circulated.

Referring to the Minutes of the 5 February 2013 meeting (C.30/13 – Notice of Motion – CCTV), Councillor Bainbridge moved the following amendment, copies of which were tabled at the meeting:

Paragraph 5 (page 2 of Supplementary Minute Book Volume 39(5))

To remove “Following some discussion” and replace with “Following the proposer and the Portfolio Holder speaking”; to add “some discussion on this action” to the next sentence between “Following” and “voting”.

The Director of Governance clarified that Councillor Morton had also spoken following the proposer of the Motion. Councillor Bainbridge accepted that and moved that his amendment be revised so as to read:

“Following the proposer, Councillor Morton and the Portfolio Holder speaking, Councillor Hendry moved under Standing Order 14.11(ii) that the question be now put. Following some discussion on this action voting thereon that course of action was agreed.”

Councillor Mallinson (J) seconded the revised amendment.

Councillor Glover then moved that the Minute as written was accurate and, following voting thereon, the revised amendment was DEFEATED.

Referring to Minute C.18/13(vii) – Capital Budget Overview and Monitoring Report – April to September 2012, Councillor Mrs Bowman stated that she had yet to receive a written response to her question regarding the Central Plaza.

In response, Councillor Tickner undertook to investigate the issue as a matter of urgency.

The Minutes of the meetings of the City Council held on 8 January and 5 February 2013 were then received and signed as a true record of the meetings.

C.40/13 PUBLIC AND PRESS

Referring to Item 21 – Appeals Panel Decision, Councillor Ellis indicated that he could see no information within Report CD.15/13 which suggested that the matter should be considered in private. He therefore requested that the item be moved from Part B to Part A of the Agenda.

The Director of Governance pointed out that the report was marked not for publication by virtue of Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, and explained the weight which should be attributed to those paragraphs.

Having reviewed the substance of the report, the Director of Governance considered that there would be no harm to the business interests of the City Council and therefore the matter could be considered in public.

Councillors Hendry and Mallinson (J) indicated that they accepted the Director's advice.

RESOLVED – That Item 21 – Appeals Panel Decision be dealt with whilst the public and press were present.

C.41/13 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

C.42/13 ANNOUNCEMENTS

(a) The Mayor

It was with great regret that The Mayor reported the death on 24 February 2013 of Mr Hugh Little OBE, who was Mayor of Carlisle in 1973/74; and Honorary Freeman of the City (honour bestowed in 1990).

The Mayor was further deeply saddened to announce that Mrs Gertrude Ida Cynthia Whalley (Trudy), who was Mayor of Carlisle in 1983/84, had died on 25 February 2013.

Members stood for two minutes silence as a mark of respect to the memory of Mr Little and Mrs Whalley.

The Mayor mourned the loss of two wonderful people, who had given so much to Carlisle. He would remember, in particular, their guidance and friendship.

Councillor Hendry commented upon what was a very sad and sombre evening for all. He paid tribute to two remarkable and passionate people from a remarkable generation, who had dedicated their lives to the betterment of Carlisle and indeed Cumbria. The great sorrow being felt at their passing, was tempered by the memory of the causes they had championed. Mr Little and Mrs Whalley had made Carlisle a better place.

Although not having had the privilege of serving on the City Council along with Mr Little and Mrs Whalley, Councillor Mallinson (J) had known them both as friends and mentors. He recalled examples of the friendship and assistance provided by two people who had transcended politics, commenting that this was a bad week for Carlisle and the Labour Group.

Speaking on behalf of the Conservative Group, Councillor Mrs Parsons paid tribute to Mrs Whalley who had been elected Mayor of the City the year she was elected to the Council. Opposing Political Parties made no difference to Mrs Whalley who was always very helpful. In 1983 there were few female Councillors, but she had invited all female Councillors to the Mayor's Dinner; an event previously the reserve of male Councillors.

Councillor Mrs Parsons recalled that Mrs Whalley had been Chairman of Development Control; and was Mayor during completion of The Lanes development. Mrs Whalley left an imprint of her hand in the cement at the topping out ceremony which Councillor Mrs Parsons presumed was still there today. She had a great sense of humour, was passionate about Dixon's Chimney and gave many talks on the chimney and also on her year as Mayor to many organisations. Following her retirement from the Council Mrs Whalley, along with her husband Geoff, had regularly supported ceremonial events. She worked tirelessly for Scalesceugh Hall and had been delighted to see the new unit built for the clients in Parkland Village. Mrs Whalley would be missed by many, especially by her husband and their two sons.

Councillor Mrs Parsons thanked Mrs Whalley for all she had done for the City.

Councillor Allison recalled Mr Little as a legend of his time; and recognised the mark which Mrs Whalley had made on the community. He conveyed best wishes and sincere condolences to both families.

Councillor Mrs Bradley stated that Mr Little and Mrs Whalley had both been huge assets to the Labour Party. Mr Little was an amazingly skillful and persuasive speaker who could change the mood of a meeting. He was also a lovely, kind man with a tremendous memory, always ready to spend time with and provide advice to new Councillors.

Although Councillor Mrs Bradley had said all that she could at Mrs Whalley's funeral service earlier in the day, she reiterated that Mrs Whalley had great natural warmth and showed love to everyone.

The Labour Group would miss both Mr Little and Mrs Whalley so much.

Councillor Collier paid tribute to Mr Little who had been Leader of the Council when he was first elected. Councillor Collier remembered Mr Little for his kindness, the advice he provided and his love of civic occasions.

Councillor Collier also had fond memories of Mrs Whalley. He recalled a heated debate on Dixon's Chimney during her time as Chairman of Development Control and also having visited the Great Fair with her. Councillor Collier expressed condolences to both families.

Councillor Glover wished that he had been able to serve on the Council along with Mr Little and Mrs Whalley, neither of whom had lost their enthusiasm when they stood down from active politics.

He knew Mrs Whalley to be a no nonsense politician who had a deep and superb passion for the City. Her passing had been a great shock for the Labour Party and for Carlisle.

Councillor Glover indicated that he had spent much more time with Mr Little who lived in his Ward. Councillor Glover had looked to Mr Little as a mentor, and never lost interest in listening to his tales, particularly about his own life experiences. Mr Little's advice was to never forget that elected Members were there to serve the people.

Mr Little took his role very seriously. In particular he wished to encourage young people to move into public service.

In conclusion, Councillor Glover said that he would miss Mr Little immensely. Although the man had been lost, his legacy had not.

(b) The Leader of the Council

There were no announcements from the Leader.

(c) Members of the Executive

There were no announcements from Members of the Executive.

(d) Town Clerk and Chief Executive

There were no announcements from the Town Clerk and Chief Executive.

C.43/13 COUNCIL TAX 2013/14

Consideration was given to a report of the Director of Resources (RD.81/12) setting out the relevant calculations which the City Council, as Billing Authority, was required to undertake in order to set the overall amount of Council Tax for 2013/14.

The Director of Resources reported that the Localism Act 2011 had made significant changes to the Local Government Finance Act 1992 and now required the billing authority (Carlisle City Council) to calculate a Council Tax requirement for the year, not its budget requirement as previously. He added that, in accordance with the necessary provisions, the City Council had calculated its tax base.

The City Council, Cumbria County Council and the Cumbria Police Authority had calculated their Council Tax requirements for 2013/14 and the County Council had issued a precept upon the City Council in the sum of £35,783,500 which resulted in a Band D Council Tax of £1,161.50 (no increase from 2012/13).

Cumbria Police Authority had issued a precept on the City Council in the sum of £6,305,176 which resulted in a Band D Council Tax of £204.66 (an increase of 1.93%).

The report set out the calculations to be made by the City Council in setting: the change in the City Council budget requirement from £13.457m to £13.453m due to final confirmation of Parish Precepts; the level of basic Council Tax in 2013/14 in respect of City Council Services and the amount to be levied in non parished areas; the level of basic (City) Council Tax to be charged in different parts of the City Council's area to reflect the special items (Parish Precepts); the basic amount of (City) Council Tax applicable to each category of dwelling in each part of the City Council's area; the total amount of Council Tax to be levied in 2013/14, inclusive of Cumbria County Council and Cumbria Police Authority Precepts applicable to each category of dwelling in each part of the City Council's area; and details of how the Council Tax surplus had been calculated.

It was noted that the City Council had held its share of Council Tax at the same level as 2010/11, 2011/12 and 2012/13 (i.e. no increase for 2013/14). The County Council had also held its share at 2012/13 levels and the Police Authority had raised their Council Tax rates for 2013/14 by 1.93%.

Councillor Tickner moved and it was seconded, and AGREED:

1. That it be noted that at its meeting on 5 March 2013 the City Council calculated the Council Tax Base 2013/14:-
 - a) For the whole Council area as 30,808.05 (Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (The "Act"), and;
 - b) For dwellings in those parts of its area to which a Parish Precept relates as below:

Parish of:	£
Arthuret	652.23
Askerton	51.04
Beaumont	181.30
Bewcastle	128.93
Brampton	1,443.73
Burgh By Sands	452.78
Burtholme	79.75
Carlatton & Cumrew	54.99
Castle Carrock	134.41
Cummersdale	187.43
Cumwhitton	128.27
Dalston	1,001.25
Denton Nether	98.48
Denton Upper	33.04
Farlam	210.96
Hayton	802.50
Hethersgill	126.00
Irthington	309.03
Kingmoor	264.75
Kingwater	61.62
Kirkandrews	148.37
Kirklington	133.78
Midgeholme	23.09
Nicholforest	131.24
Orton	158.90
Rockcliffe	282.62
Scaleby	134.47
Solport & Stapleton	137.44
Stanwix Rural	1,188.40
St Cuthbert Without	1,300.80
Walton	100.08
Waterhead	50.77
Westlinton	134.95
Wetheral	2,210.84
& for the urban area of CARLISLE	18,269.81
Total	30,808.05

2. Calculate that the Council Tax requirement for the Council's own purposes for 2013/14 (excluding Parish Precepts) is £5,959,201

3. That the following amounts be now calculated by the City Council for the year 2013/14 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 (as amended):-
 - (a) 13,452,928 Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils

 - (b) £7,094,377 Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act

 - (c) £6,358,551 Being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the

Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year. (Item R) in the formula in Section 31A(4) of the Act).

- (d) £206.39 Being the amount at 3(c) above (Item R), all divided by Item T (1 above) calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts).
- (e) £399,350 Being the aggregate amount of all special items (Parish Precepts) referred to in Section 34(1) of the Act.
- (f) £193.43 Being the amount at 3(d) above, less the result given by dividing the amount at 3(e) above by Item T (2 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept relates.

4. To note that the County Council, the Police Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below.
5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2013/14 for each part of its area and for each of the categories of dwellings.

VALUATION BANDS								
PART OF THE COUNCIL'S AREA	VALUATION BANDS							
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
Parish of:	£	£	£	£	£	£	£	£
ARTHURET	165.95	193.62	221.27	248.93	304.24	359.57	414.88	497.86
BEAUMONT	148.40	173.15	197.88	222.61	272.07	321.55	371.01	445.22
BEWCASTLE	146.74	171.21	195.66	220.12	269.03	317.95	366.86	440.24
BRAMPTON	161.44	188.35	215.26	242.16	295.97	349.79	403.60	484.32
BURGH BY SANDS	147.50	172.09	196.67	221.25	270.41	319.58	368.75	442.50
BURTHOLME	143.36	167.27	191.16	215.05	262.83	310.63	358.41	430.10
CARLATTON & CUMREW	147.94	172.60	197.26	221.91	271.22	320.54	369.85	443.82
CASTLE CARROCK	150.00	175.01	200.01	225.01	275.01	325.02	375.01	450.02
CUMMERSDALE	149.06	173.92	198.76	223.60	273.28	322.98	372.66	447.20
CUMWHITTON	146.66	171.11	195.55	219.99	268.87	317.76	366.65	439.98
DALSTON	155.27	181.16	207.03	232.91	284.66	336.43	388.18	465.82
DENTON NETHER	149.60	174.55	199.48	224.41	274.27	324.15	374.01	448.82
DENTON UPPER	149.24	174.12	198.99	223.86	273.60	323.35	373.10	447.72
FARLAM	138.38	161.46	184.52	207.58	253.70	299.84	345.96	415.16
HAYTON	140.87	164.36	187.83	211.31	258.26	305.23	352.18	422.62
HETHERSGILL	158.96	185.47	211.96	238.45	291.43	344.43	397.41	476.90
IRTHINGTON	139.46	162.72	185.96	209.20	255.68	302.18	348.66	418.40
KINGMOOR	146.87	171.36	195.83	220.31	269.26	318.23	367.18	440.62
KINGWATER	139.54	162.81	186.06	209.32	255.83	302.35	348.86	418.64
KIRKANDREWS	157.67	183.96	210.23	236.51	289.06	341.63	394.18	473.02
KIRKLINTON	138.12	161.14	184.16	207.18	253.22	299.26	345.30	414.36
NICHOLFOREST	146.35	170.75	195.14	219.53	268.31	317.10	365.88	439.06
ORTON	142.86	166.67	190.48	214.29	261.91	309.53	357.15	428.58
ROCKCLIFFE	134.76	157.22	179.68	202.14	247.06	291.98	336.90	404.28
SCALEBY	153.06	178.57	204.08	229.59	280.61	331.63	382.65	459.18
SOLPORT & STAPLETON	141.76	165.39	189.02	212.64	259.89	307.15	354.40	425.28
STANWIX RURAL	150.08	175.10	200.11	225.12	275.14	325.17	375.20	450.24
ST CUTHBERT WITHOUT	139.92	163.25	186.57	209.89	256.53	303.18	349.81	419.78
WALTON	159.10	185.62	212.14	238.65	291.68	344.72	397.75	477.30
WATERHEAD	141.83	165.48	189.11	212.75	260.02	307.31	354.58	425.50
WESTLINTON	138.20	161.25	184.28	207.31	253.37	299.45	345.51	414.62
WETHERAL	154.25	179.97	205.67	231.38	282.79	334.22	385.63	462.76
All other parts of the City Council's area	128.95	150.45	171.94	193.43	236.41	279.40	322.38	386.86

Precepting Authority	VALUATION BANDS							
	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	£	£	£	£	£	£	£	£
Cumbria County Council	774.33	903.39	1,032.44	1,161.50	1,419.61	1,677.72	1,935.83	2,323.00
Cumbria Police Authority	136.44	159.18	181.92	204.66	250.14	295.62	341.10	409.32

Aggregate of Council Tax requirements

PART OF THE COUNCIL'S AREA	VALUATION BANDS							
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
Parish of:	£	£	£	£	£	£	£	£
ARTHURET	1,076.72	1,256.19	1,435.63	1,615.09	1,973.99	2,332.91	2,691.81	3,230.18
BEAUMONT	1,059.17	1,235.72	1,412.24	1,588.77	1,941.82	2,294.89	2,647.94	3,177.54
BEWCASTLE	1,057.51	1,233.78	1,410.02	1,586.28	1,938.78	2,291.29	2,643.79	3,172.56
BRAMPTON	1,072.21	1,250.92	1,429.62	1,608.32	1,965.72	2,323.13	2,680.53	3,216.64
BURGH BY SANDS	1,058.27	1,234.66	1,411.03	1,587.41	1,940.16	2,292.92	2,645.68	3,174.82
BURTHOLME	1,054.13	1,229.84	1,405.52	1,581.21	1,932.58	2,283.97	2,635.34	3,162.42
CARLATTON & CUMREW	1,058.71	1,235.17	1,411.62	1,588.07	1,940.97	2,293.88	2,646.78	3,176.14
CASTLE CARROCK	1,060.77	1,237.58	1,414.37	1,591.17	1,944.76	2,298.36	2,651.94	3,182.34
CUMMERSDALE	1,059.83	1,236.49	1,413.12	1,589.76	1,943.03	2,296.32	2,649.59	3,179.52
CUMWHITTON	1,057.43	1,233.68	1,409.91	1,586.15	1,938.62	2,291.10	2,643.58	3,172.30
DALSTON	1,066.04	1,243.73	1,421.39	1,599.07	1,954.41	2,309.77	2,665.11	3,198.14
DENTON NETHER	1,060.37	1,237.12	1,413.84	1,590.57	1,944.02	2,297.49	2,650.94	3,181.14
DENTON UPPER	1,060.01	1,236.69	1,413.35	1,590.02	1,943.35	2,296.69	2,650.03	3,180.04
FARLAM	1,049.15	1,224.03	1,398.88	1,573.74	1,923.45	2,273.18	2,622.89	3,147.48
HAYTON	1,051.64	1,226.93	1,402.19	1,577.47	1,928.01	2,278.57	2,629.11	3,154.94
HETHERSGILL	1,069.73	1,248.04	1,426.32	1,604.61	1,961.18	2,317.77	2,674.34	3,209.22
IRTHINGTON	1,050.23	1,225.29	1,400.32	1,575.36	1,925.43	2,275.52	2,625.59	3,150.72
KINGMOOR	1,057.64	1,233.93	1,410.19	1,586.47	1,939.01	2,291.57	2,644.11	3,172.94
KINGWATER	1,050.31	1,225.38	1,400.42	1,575.48	1,925.58	2,275.69	2,625.79	3,150.96
KIRKANDREWS	1,068.44	1,246.53	1,424.59	1,602.67	1,958.81	2,314.97	2,671.11	3,205.34
KIRKLINTON	1,048.89	1,223.71	1,398.52	1,573.34	1,922.97	2,272.60	2,622.23	3,146.68
NICHOLFOREST	1,057.12	1,233.32	1,409.50	1,585.69	1,938.06	2,290.44	2,642.81	3,171.38
ORTON	1,053.63	1,229.24	1,404.84	1,580.45	1,931.66	2,282.87	2,634.08	3,160.90
ROCKCLIFFE	1,045.53	1,219.79	1,394.04	1,568.30	1,916.81	2,265.32	2,613.83	3,136.60
SCALEBY	1,063.83	1,241.14	1,418.44	1,595.75	1,950.36	2,304.97	2,659.58	3,191.50
SOLPORT & STAPLETON	1,052.53	1,227.96	1,403.38	1,578.80	1,929.64	2,280.49	2,631.33	3,157.60
STANWIX RURAL	1,060.85	1,237.67	1,414.47	1,591.28	1,944.89	2,298.51	2,652.13	3,182.56
ST CUTHBERT WITHOUT	1,050.69	1,225.82	1,400.93	1,576.05	1,926.28	2,276.52	2,626.74	3,152.10
WALTON	1,069.87	1,248.19	1,426.50	1,604.81	1,961.43	2,318.06	2,674.68	3,209.62
WATERHEAD	1,052.60	1,228.05	1,403.47	1,578.91	1,929.77	2,280.65	2,631.51	3,157.82
WESTLINTON	1,048.97	1,223.82	1,398.64	1,573.47	1,923.12	2,272.79	2,622.44	3,146.94
WETHERAL	1,065.02	1,242.54	1,420.03	1,597.54	1,952.54	2,307.56	2,662.56	3,195.08
All other parts of the City Council's area	1,039.72	1,213.02	1,386.30	1,559.59	1,906.16	2,252.74	2,599.31	3,119.18

Policy Decisions:

Following the regulations and explanations regarding the setting of The Council Tax Prescribed Classes of Dwellings, for England, for the purposes of Section 11A and 11B of the Local Government Finance Act 1992, Members agreed the following recommendations:

Section 11A of the Local Government Finance Act 1992

Classes A and B:

Class A - unoccupied and furnished properties with a planning restriction of at least 28 days (second homes)

Class B – unoccupied and furnished properties which are not restricted by a planning condition (second homes).

Classes A and Class B discount to remain at 10%.

Classes C & D:

Class C – unoccupied and unfurnished.

Class D – Unoccupied unfurnished properties requiring major repairs for a period up to 12 months.

Class C discount to be set at 50% for a period up to 6 months then 25% for a period up to 2 years and zero discount thereafter.

Class D discount to be set at 75%

Classes E & F:

Class E – A property excluded from the long term empty premium due to the relevant person residing elsewhere in accommodation provided for and in connection with their employment with the Ministry of Defence.

Class F – A property which forms part of an annexe to another property and is being used as part of that main residence.

Class E discount to be set at 50% for a period up to 6 months then 25% for a period up to 2 years and zero discount thereafter.

Class F discount to be set at 50% for a period up to 6 months then 25% for a period up to 2 years and zero discount thereafter.

Section 11A of the Local Government Finance Act 1992

Long Term Empty Premium

A long term empty dwelling is a dwelling that has been unoccupied and substantially unfurnished for a continuous period of at least 2 years.

The higher amount for long term empty dwellings to be set at zero

Regulations:

The Local Government Finance Act 2012 - Regulations published:

- The Council Tax (Exempt Dwelling) (England) (Amendment) Order 2012

SI 2012/2965 - coming into force on 1st April 2013

This amendment removes two of the classes from the order (Classes A and C) so they are no longer exempt from Council Tax.

- The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012

SI 2012/2964 - coming into force on 1st April 2013.

S11(2) of the LGFA 1992 (“The Act”) makes provision for empty homes discounts of 50%. Section 11A of the Act makes special provision for England, in relation to the

empty homes discounts, providing for the discounts to be reduced in relation to certain classes of dwelling prescribed by the Secretary of State.

Section 11B of the Act (inserted by the LGFA 2012) makes provision for an empty homes premium to be charged in relation to such classes of long term empty dwellings as the billing authority choose, subject to exceptions prescribed by the Secretary of State.

These regulations relate to England and prescribe one additional class of dwelling for the purposes of S11A of the Act and two further classes of dwelling for the purposes of Section 11B of the Act

The Prescribed Classes:

Class A - unoccupied and furnished properties with a planning restriction of at least 28 days (second homes)

Class B – unoccupied and furnished properties which are not restricted by a planning condition (second homes)

Paragraph (3) of regulation 2 prescribes Classes A and B in the 2003 Regulations for the purposes of Section 11A(4) of the Act. Billing authorities in England will be able to reduce or end the council tax discount for chargeable dwellings which are **unoccupied and furnished**, and the occupation of which is restricted by a planning condition preventing occupation for a continuous period of at least 28 days in the relevant year and therefore fall within Class A. Billing Authorities will also be able to reduce or end the Council Tax discount for chargeable dwellings which are **unoccupied and furnished**, and the occupation of which is not restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year and therefore fall within class B.

In relation to dwellings of any class prescribed by the Secretary of State for the purposes of Section 11A(4A) of the Act (inserted by section 11 of the Local Government Finance Act 2012) an English billing authority may determine that the Council Tax discounts applicable where there is no resident of the dwelling shall be replaced by any percentage of Council Tax up to 100%.

Class C – unoccupied and unfurnished.

Class D – Unoccupied unfurnished properties requiring major repairs for a period up to 12 months.

Classes C and D are prescribed by paragraph (3) of regulation 2 for the purposes of section 11A(4A). Class D is an additional class inserted into the 2003 Regulations by paragraph (4) of regulation 2 of these Regulations. Billing authorities in England will be able to decide what percentage of Council Tax to charge in relation to these classes of dwelling instead of the discount, up to the full amount. Dwellings which are unoccupied and substantially unfurnished will fall into Class D where they are undergoing, or have undergone within the last six months, major repairs, but they will only fall into this class for a maximum period of 12 months. Dwellings, which are unoccupied and substantially unfurnished will fall into Class C.

Class E – Sole or main residence of an individual where:

That individual is a qualifying person in relation to another dwelling provided by the Secretary of State for defence for the purposes of armed forces accommodation and for which that individual is job-related (no empty homes premium)

Would be the sole or main residence of an individual if that individual were not a qualifying person in relation to another dwelling provided by the Secretary of State for Defence for the purposes of armed forces accommodation and for which that individual is job-related (no empty homes premium)

Class F – property which forms part of a single property which includes at least one other dwelling and which is being used by a resident of that other dwelling, or as the case may be, one of those other dwellings as part of their sole or main residence (no empty homes premium).

Classes E and F are prescribed by paragraph (3) of regulation 2 for the purposes of section 11B(2) of the Act. These classes are inserted into the 2003 Regulations by paragraph (4) of regulation 2 of these Regulations. Billing Authorities in England will not be able to charge an empty homes premium in relation to a dwelling which would be the sole or main residence of a person but which is empty while that person resides in accommodation provided by the Ministry of Defence by reason of their employment i.e. service personnel posted away from home (described by Class E and the definitions and schedule currently in the 2003 Regulations). Billing Authorities will also be prevented from charging an empty homes premium in relation to dwellings which form annexes in a property which are being used as part of the main residence or dwelling in that property (described by Class F in the Regulations).

Higher amount for a long term empty dwelling is prescribed by Section 12 of the LGFA 2012 which inserts Section 11B into the LGFA 1992. A long term empty dwelling is a dwelling that has been unoccupied and substantially unfurnished for a continuous period of at least 2 years.

C.44/13 QUESTIONS BY MEMBERS OF THE PUBLIC

Pursuant to Procedure Rule 10.1, the Town Clerk and Chief Executive reported that no questions had been submitted on notice by members of the public.

C.45/13 PETITIONS AND DEPUTATIONS

Pursuant to Procedure Rule 10.11, the Town Clerk and Chief Executive reported that no petitions or deputations had been submitted by members of the public.

C.46/13 QUESTIONS FROM MEMBERS OF THE CITY COUNCIL

Pursuant to Procedure Rule 11.2, the Town Clerk and Chief Executive reported that no questions had been submitted on notice by members of the City Council.

C.47/13 EXECUTIVE

Councillor Hendry moved the Minutes of the meetings of the Executive held on 14 January and 11 February 2013.

RESOLVED – That the Minutes of the meetings of the Executive held on 14 January and 11 February 2013 be received and adopted.

C.48/13 PORTFOLIO HOLDER REPORTS

Copies of reports from the following Portfolio Holders had been circulated prior to the meeting:

Leader's Portfolio
Finance, Governance and Resources
Environment and Transport
Economy and Enterprise
Communities and Housing
Culture, Health, Leisure and Young People

Whist moving his report, the Leader drew Members' attention to the Rural Support Group which had worked to advance the Parish Charter. The Parish Charter would be considered by the Executive on 11 March 2013, followed by Overview and Scrutiny. He praised Parish Council representatives, in particular Mr Auld, for their hard work and co-operation in moving the matter forward.

At the first meeting of the Rural Support Group the issue of poverty, particularly in relation to young people, had been raised. The Group would continue to look at the issue and the Leader commended the County Council's Poverty Strategy to all. The Leader had also recently met with North Cumbria Young Farmers to listen to their concerns and wished to give them whatever support and encouragement he could.

The Finance, Governance and Resources Portfolio Holder moved his report, highlighting in particular the sections regarding Electoral Services and Organisational Development. He reported that, subsequent to publication of his report, the Council's website had been rated as a 4* from a 2* placing the Council as one of only 20 local authorities in the country. The Portfolio Holder expressed his thanks to all staff involved.

In the absence of the Environment and Transport Portfolio Holder the Leader moved her report, outlining progress around Clean Up Carlisle and congratulated the members of staff involved. He further paid tribute to the Mayor, Councillor Nedved and all those who had taken part in the Stanwix Big Tidy. In addition, the Leader commended the crews who had performed fantastically throughout the Christmas and New Year waste collection period; together with members of staff who maintained the City's Parks.

Councillor Mrs Mallinson rose to ask whether the Leader agreed with her that tribute should be paid to the Scouts, Girl Guides and residents who had taken part in the Stanwix clean up. Councillor Mrs Mallinson thanked the Mayor and Mayoress for their participation, commenting that the work built upon that undertaken by the previous Mayor and Mayoress. Speaking on behalf of the Stanwix Ward Councillors, she also wished to place on record thanks for the outstanding work and dedication shown by the Green Spaces Team. The Leader agreed.

The Economy and Enterprise Portfolio Holder moved his report. He provided an update on City Centre Issues, informing Members that around thirty retailers had attended the first regular meeting primarily designed to improve communication and joint working. The meeting was very positive and retailers were very keen to be involved in dialogue with the Council which was excellent news. He looked forward to continued working with retailers in the future.

Whilst moving her report, the Communities and Housing Portfolio Holder clarified for Members the statement that “the increase in burglary in a dwelling is decreasing month by month but still continues to be an issue for both the rural and urban areas.” She also highlighted the fact that the eight new affordable homes built at Cumwhinton had been allocated to rural residents.

In conclusion, the Communities and Housing Portfolio Holder recognised that customer demand was rising steadily via all access channels. She expressed thanks to Customer Services staff for rising to the challenge and for their commitment to the service.

In moving her report, the Culture, Health, Leisure and Young People Portfolio Holder commented that Tullie House had won the Cumberland News 2012 award for Tourism and Hospitality. She further reported that, at the annual North West Region Social Enterprise Awards held at the Hilton Hotel, Blackpool on 22 February 2013, Carlisle and District Sport and Physical Activity Alliance Foundation was awarded Highly Commended in the ‘New Small Enterprise Award Category’ for the work it had achieved during the past year. The Portfolio Holder congratulated all concerned on those achievements.

Members questioned individual Portfolio Holders on details of their reports and it was:

RESOLVED – (1) That the reports of the Portfolio Holders be received.

(2) That, in response to Councillor Ellis’ request, the Finance, Governance and Resources Portfolio Holder provide a more detailed report on the Asset Review Disposal Programme to a future meeting (including details of returns on investment and assets purchased).

(3) That the Leader (on behalf of the Environment and Transport Portfolio Holder) reconsider the City Council’s involvement in the maintenance and cleaning of bus shelters following the termination of Claimed Rights as requested by Councillor Ellis.

(4) That the Communities and Housing Portfolio Holder arrange to provide Councillor Morton with a written response clarifying the crime and disorder performance figures for the Carlisle area; including figures regarding drug related crime.

(5) That the Culture, Health, Leisure and Young People Portfolio Holder arrange for written responses to:

(a) Councillor Earp’s request for clarification of the tendering process in respect of the Discover Carlisle brochure; and

(b) Councillor Ellis’ request that reconsideration be given to the proposals to charge the organisers of the Motor Cycle event (scheduled for August 2013) for use of the Devonshire Walk Car Park.

C.49/13 OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN’S REPORTS

(a) Community Overview and Scrutiny Panel

Councillor Mrs Luckley moved and Councillor Earp seconded that the Minutes of the Meetings of the Community Overview and Scrutiny Panel held on 10 January and 14 February be received and adopted.

Councillor Mrs Luckley also presented her Chairman's Report.

RESOLVED – That the Minutes of the Meetings of the Community Overview and Scrutiny Panel held on 10 January and 14 February 2013 together with the Chairman's Report be received and adopted.

(b) Resources Overview and Scrutiny Panel

Councillor Watson moved and Councillor Whalen seconded that the Minutes of the Meeting of the Resources Overview and Scrutiny Panel held on 3 January 2013 be received and adopted.

Councillor Watson also presented his Chairman's Report.

RESOLVED – That the Minutes of the Meeting of the Resources Overview and Scrutiny Panel held on 3 January 2013 together with the Chairman's Report be received and adopted.

(c) Environment and Economy Overview and Scrutiny Panel

Councillor Layden moved and Councillor Graham seconded that the Minutes of the Meeting of the Environment and Economy Overview and Scrutiny Panel held on 17 January 2013 be received and adopted.

Councillor Layden also presented his Chairman's Report.

RESOLVED – That the Minutes of the meeting of the Environment and Economy Overview and Scrutiny Panel held on 17 January 2013 together with the Chairman's Report be received and adopted.

C.50/13 REGULATORY PANEL

Councillor Ms Franklin moved and Councillor Morton seconded the receipt and adoption of the Minutes of the Meeting of the Regulatory Panel held on 6 February 2013.

RESOLVED – That the Minutes of the Meeting of the Regulatory Panel held on 6 February 2013 be received and adopted.

C.51/13 LICENSING COMMITTEE

Councillor Ms Franklin moved and Councillor Morton seconded the receipt and adoption of the Minutes of the Meeting of the Licensing Committee held on 6 February 2013.

RESOLVED – That the Minutes of the Meeting of the Licensing Committee held on 6 February 2013 be received and adopted.

C.52/13 DEVELOPMENT CONTROL COMMITTEE

Councillor Scarborough moved and Councillor Earp seconded the receipt and adoption of the Minutes of the Meetings of the Development Control Committee held on 12 and 14 December 2012; and 23 and 25 January 2013.

Referring to Minute DC.08/13 (Update on Application 10/1116: Carlisle Lake District Airport, Carlisle, Cumbria), Councillor Bainbridge sought an assurance that all Members were happy with the training provided by the authority. He further requested that Members be kept up-to-date on the matter.

In response to a request for legal advice, the Director of Governance explained that all Members of the Development Control Committee were required to undertake mandatory training prior to sitting on the Committee. Members of the Committee had indicated that they had received all information necessary to make an informed decision on the planning application.

In addition, the Council operated an Ethical Governance Group, which delivered appropriate and relevant training to Members and Officers. Members had given no indication that the training was lacking in any area.

On the latter point and in the interests of transparency, the Director of Governance stated that the Council had received a Letter before Action in relation to its decision to grant planning permission for the Airport. The Council was in the process of considering its position and would respond to the Letter in due course.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 12 and 14 December 2012; and 23 and 25 January 2013 be received and adopted.

C.53/13 AUDIT COMMITTEE

Councillor Bowditch moved the receipt and adoption of the Minutes of the Meeting of the Audit Committee held on 11 January 2013.

RESOLVED – That the Minutes of the Meeting of the Audit Committee held on 11 January 2013 be received and adopted.

C.54/13 EMPLOYMENT PANEL

Councillor Glover moved and Councillor Atkinson seconded the receipt and adoption of the Minutes of the Meeting of the Employment Panel held on 14 January 2013.

RESOLVED – That the Minutes of the Meeting of the Employment Panel held on 14 January 2013 be received and adopted.

C.55/13 APPEALS PANEL

Councillor Harid moved and Councillor Bloxham seconded the receipt and adoption of the Minutes of the Meeting of Appeals Panel No. 2 held on 29 January 2013.

RESOLVED – That the Minutes of the Meeting of Appeals Panel No. 2 held on 29 January 2013 be received and adopted.

C.56/13 NOTICE OF MOTION

Pursuant to Procedure Rule 12, the Town Clerk and Chief Executive reported that no motions had been submitted on notice by Members of the Council.

C.57/13 COMMUNICATIONS

There were no communications or items of business brought forward by the Mayor as a matter of urgency to be dealt with at the meeting.

C.58/13 APPEALS PANEL DECISION – PROPOSED SETTLEMENT UNDER SECTION 92 OF THE LOCAL GOVERNMENT ACT 2000

Further to a meeting of Appeals Panel No 2 held on 29 January 2013, consideration was given to a report of the Director of Community Engagement (CD.15/13) in pursuance of a recommendation from the Appeals Panel that the complainant receive a payment of £200 to compensate him for any inconvenience caused as a result of any maladministration on the part of the Council which contributed towards the loss of his vehicle.

Councillor Harid moved the recommendation, which was seconded by Councillor Bloxham.

In response to a question from Councillor Ellis, Councillor Harid (in his capacity as Chairman of the Appeals Panel) confirmed that, having given detailed consideration to all of the information and evidence provided and following legal advice, the Panel considered the sum of £200 compensation to be appropriate. The complainant had indicated that he was satisfied with that settlement.

Councillor Ellis then moved that the City Council should make a payment of £400 in compensation to the complainant.

Discussion arose, during which several Members of the Council expressed concern that the motion of Councillor Ellis constituted a departure from the Council's decision making procedures.

The Director of Governance explained that, under Section 92 of the Local Government Act 2000, where the Council considered that action taken by or on behalf of the authority in the exercise of its functions amounted to, or may amount to, maladministration and a person had, or may have been, adversely affected, then it may if it thought appropriate make a payment or provide some other benefit to that person. The Council therefore had the ability to make the payments recommended by the Appeals Panel if it considered that to be appropriate. The matter was referred to full Council because that was where the ability to exercise those powers had been reserved under the Article 4 of the Constitution.

He emphasised that the City Council was required to take due and proper account of any such recommendation made to it. So that the Council's scheme of delegation worked correctly, the preferable manner to deal with any change would be for Council to refer the matter back to its recommending Committee for reconsideration, albeit that, ultimately, Council was sovereign.

Councillor Ellis then withdrew his motion.

Councillor Mrs Mallinson noted that the Appeals Panel had identified, with concern, some gaps within the City Council's procedures for removing abandoned vehicles and requested that the procedures should be reviewed and updated. She suggested that the Audit Committee may be the appropriate body to look into the governance aspect.

RESOLVED – That the offer in payment of a settlement in the sum of £200 as set out in Report CD.15/13 be agreed.

(The meeting ended at 8.22 pm)