

## **CITY COUNCIL**

**TUESDAY 19 JULY 2011 AT 6.45 PM**

**PRESENT:** The Mayor (Councillor Earp), Councillors Allison, Atkinson, Bainbridge, Bell, Betton, Bloxham, Boaden, Bowditch, Mrs Bowman, Bowman (S), Mrs Bradley, Mrs Clarke, Clarke (M), Collier, Craig, Ellis, Mrs Farmer, Ms Franklin, Mrs Geddes, Glover, Graham, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), McDevitt, Mitchelson, Morton, Nedved, Mrs Parsons, Ms Patrick, Mrs Prest, Ms Quilter, Mrs Riddle, Mrs Robson, Mrs Rutherford, Scarborough, Mrs Southward, Stothard, Tootle, Mrs Vasey, Mrs Warwick, Weber, Weedall, Whalen and Wilson.

### **C.93/11 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Cape and Watson.

### **C.94/11 MINUTES**

The Minutes of the meeting of the City Council held on 26 April and 23 May 2011 were received and signed as a true record of the meeting.

### **C.95/11 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

### **C.96/11 DECLARATIONS OF INTEREST**

Councillor Atkinson declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Item 16 (2) – Notice of Motion – NHS North Cumbria University Trust. The interest was work related and he would leave the meeting during consideration of the matter.

Councillor Ellis declared a personal interest in accordance with the Council's Code of Conduct in respect of Item 10(b)(vi) – Report of Performance and Development Portfolio Holder. Councillor Ellis stated that he was a City Council representative on the Tullie House Trust Board.

## **C.97/11 ANNOUNCEMENTS**

### **(a) The Mayor**

The Mayor indicated that he had a number of announcements to make this evening.

(i) The Mayor referred to the devastation caused in Great Corby as a result of flash floods, commenting that he had visited properties which had been flooded to a depth of between four to six feet and which would be uninhabitable for many months. Stoneybeck bridge, which carried the main access road to the village, had collapsed and a gas mains pipe was ruptured. He stated that representatives of the Highway Authority had been on site yesterday. Residents who were displaced from their homes would not require to pay Council Tax until their return home. Great Corby School had escaped the flooding and was open as usual. He added that the local community was rallying round to do what they could to assist.

Councillor Mrs Parsons extended her sympathy to those affected, stating that she too had been a victim of the 2005 flooding event and knew it to be a dreadful experience. She pointed out that other areas, including Waters Meet and Broadwath had also been affected and urged both the City and County Councils to work as hard as possible to reinstate the culvert. She was delighted that the School had not been affected.

(ii) The Mayor reported that this would be the last meeting of the City Council to be attended by Ms Mooney, Town Clerk and Chief Executive, who would be retiring on 31 August 2011.

The Mayor informed the Council that Ms Mooney commenced employment with the authority on 10 March 2003 as an Executive Director and was appointed as interim Town Clerk and Chief Executive, and subsequently Town Clerk and Chief Executive with effect from 9 March 2005. He paid tribute to the sterling and tireless work undertaken by Ms Mooney during the Carlisle floods, and to her dedication and professionalism in guiding the City Council through significant events, such as the Carlisle Renaissance initiative, Job Evaluation and the Transformation Programme. Ms Mooney had also acted as dual Chief Executive for Carlisle City Council and Allerdale Borough Council for many months.

In conclusion, the Mayor extended best wishes to Ms Mooney in her retirement.

Members applauded Ms Mooney for her considerable and important contribution to the work of the City Council.

(iii) It was with much sadness that the Mayor reported the deaths on 11 June 2011 of Mr Thomas Emmanuel Johnson MBE, a former City Councillor for a period totalling thirty one years and Mayor of the City in 1974/75; and

Mr Ernest Harrison, a former City Councillor for the Belah Ward during the period 1990-94 and 1995-1999.

The Mayor was further greatly saddened to announce the sudden death on 29 June 2011 of Mrs Jennifer Sullivan, the Council's Deputy Electoral Services Officer.

Councillor Hendry paid tribute to Mr Harrison who was a life long socialist, devoted to his family, the City and Cathedral. He was a gifted artist and had made a tremendous contribution towards that beautiful building. Members' sympathies went out to his wife, Janice, and family at this sad time.

He further paid tribute to the life and work of Mr Johnson, also a life long socialist, commenting in particular on his loyalty and commitment to young people which had been recognised by the award of an MBE.

The Leader paid tribute to Mrs Sullivan whose knowledge, dedication and expertise had proved invaluable to all Members of the City Council over many years.

The Leader further recognised the service provided by both Mr Johnson and Mr Harrison to the Council and community as a whole. He stated that they would all be very sadly missed.

Councillor Mrs Farmer extended the condolences, thoughts and prayers of the Liberal Democrat Group to the families of Mrs Sullivan and the former Members of the Council.

Councillor Mallinson (J) then fully endorsed all of the sentiments expressed above. He particularly wished to record his thanks and gratitude to Jennifer who had been an integral part of the Council's Election Team. Jennifer had been superb at her job and provided tremendous comfort to her senior Officers. She would be greatly missed by all.

Councillor Mrs Bradley also wished to record her personal thanks to Jennifer for all the help she had provided over many years. She said that Jennifer exemplified all that the Council should expect from its staff, and embodied the spirit of public service. Councillor Bradley was very saddened by her untimely death.

Members stood for a minute's silence as a mark of respect to the memory of Mr Johnson; Mr Harrison and Mrs Sullivan.

(b) The Leader of the Council

The Leader endorsed the thanks expressed to Ms Mooney, commenting that she would be missed by all Members of the City Council and staff. It was difficult to put into words the level of support and assistance which she had provided during her employment with the City Council. He particularly pointed to the tireless work undertaken by Ms Mooney in the aftermath of the floods,

adding that the City's recovery from that event was testament to her leadership.

Speaking on behalf of the Labour Group, Councillor Hendry said that Ms Mooney was a remarkable, courageous, very gifted, talented and passionate woman whose leadership had guided the authority through many difficult challenges. In particular, she had contributed to the continuous educational development of all of the Council's staff. He added that Ms Mooney would be greatly missed and wished her well for the future.

Councillors Allison and Mallinson (J) then echoed the sentiments expressed by the previous speakers.

(c) Members of the Executive

The Environment and Housing Portfolio Holder drew Members' attention to the "Carlisle Love Parks Week" booklet, copies of which had been tabled. The nine-day programme of events, to which residents and visitors were invited, would commence on Saturday 23 July 2011. The Portfolio Holder wished to congratulate members of the Green Spaces Team for putting together what was a very exciting programme.

(d) Town Clerk and Chief Executive

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

**C.98/11 QUESTIONS BY MEMBERS OF THE PUBLIC**

(1) Gardens in Botcherby

Pursuant to Procedure Rule 10.1, the Town Clerk and Chief Executive reported the receipt of a question submitted on notice by Mr C Muir.

Mr Muir asked the following question:

"Many residents in Botcherby take good care of their gardens, but some gardens in Botcherby are in a bad state of repair because the same attention is not paid to them.

Can the Portfolio Holder explain why tenancy agreements regarding gardens are not being enforced by Riverside which results in debris, rubbish and weeds being an eyesore?

I have contacted Riverside on various occasions and nothing has been done. I have had the reply 'wait and see if it gets any worse'. This question does not only relate to a garden beside me but also other areas in Botcherby where many people are being ignored by Riverside also."

The Environment and Housing Portfolio Holder responded that, having received details of Mr Muir's question, he had taken some time to contact both Riverside Carlisle and the Housing Department with a view to obtaining background information.

The Portfolio Holder was aware from discussions that Riverside was taking the matter very seriously throughout the District and Tenancy Agreements were enforced wherever possible. Riverside's "Your Place" service was designed to combat residents' concerns about their neighbourhood. An Environmental Team had been set up in Botcherby in September 2010. There had been 245 live interventions, 153 of which had been undertaken from January 2011 to date. In addition, regular patch walks were undertaken to look at areas of concern.

The City Council was not in a position to take action, unless an environmental issue arose which was within the remit of Environmental Services.

The Portfolio Holder pointed out that the City Council was represented on the Riverside Board and expressed the hope that those Members would investigate what action could be taken to address the concerns raised.

In conclusion, the Portfolio Holder apologised that Mr Muir had not received a response from Riverside to his concerns.

In accordance with Procedure Rule 10.8, Mr Muir then asked a supplementary question to the effect that surely Riverside and Councillors could see what he had witnessed during patch walks. He further commented on dog fouling in Ennerdale Avenue and also on the football pitch which detracted from the ability of children to play football.

In response, the Environment and Housing Portfolio Holder said that he too would have expected those to be noted. He added that the City Council could assist by seeking enforcement action if problems with dog fouling were identified.

## (2) Development on land adjacent to Chapel Brow

Pursuant to Procedure Rule 10.1, the Town Clerk and Chief Executive reported the receipt of a question submitted on notice by Mr G Anderson.

Mr Anderson asked the following question:

"With the intent of new build on land adjacent to Chapel Brow by the developer Persimmons; with consultation on this development in my view having been somewhat thin on the ground, I would like to ask the following question:

Has the developer carried out any risk assessments for this development and, if so, where can I view the findings?"

In response, the Economic Development Portfolio Holder confirmed that the Developer had indeed carried out a risk assessment as part of the planning application (10/0792). The Desk Top Study report, comprising 90 pages, produced by Arc-Environmental could be viewed on the Council's website. The City Council's Development Control Officers would provide assistance if requested or, alternatively, she would be happy to forward a direct link if preferred.

In accordance with Procedure Rule 10.8, Mr Anderson then asked a supplementary question seeking clarification as to who would be held responsible if an incident involving a member of the public occurred and the risk assessment was found to be inadequate.

The Economic Development Portfolio Holder replied that responsibility would be dependent upon the particular circumstances of the incident.

### (3) Development on land adjacent to Chapel Brow

Pursuant to Procedure Rule 10.1, the Town Clerk and Chief Executive reported the receipt of a question submitted on notice by Mr J Paton:

Councillor Betton asked the following question on behalf of Mr Paton who was unable to attend the meeting:

"Why has the safety of Durranhill Road not been taken into account in relation to the development by Persimmon Homes?"

The Economic Development Portfolio Holder responded that the question related to a planning application by Persimmon Homes for the erection of 49 dwellings on land immediately to the north east of Alexandra Drive, which was located off Durranhill Road. The land formed part of a larger site allocated for residential development in the Carlisle District Local Plan.

The application had been advertised by means of a site notice and notification letters sent to seventy eight neighbouring properties. To supplement that public consultation exercise, on 3 November 2010 Council Officers held a "drop in session" at Botcherby Community Centre to enable local residents to view and discuss the application.

The application was determined by the Development Control Committee on 15 April following a site visit by Members on 13 April. The report to the Development Control Committee highlighted that the principal concern raised by local residents related to highway issues.

The Highway Authority assessed the proposals from a highway safety perspective and concluded that there was no justifiable reason to refuse the application on highway grounds; however, the Highway Authority had recommended that five highway related planning conditions were imposed.

Four of the recommended conditions were standard highway conditions in that they required the visibility splays to be achieved before development commenced, details of road/footpath construction to be provided and the provision of adequate on-site turning facilities for vehicles associated with the construction phase.

The fifth condition requested by the Highway Authority required the provision of a new pedestrian footpath along the south side of Durranhill Road [along the northern boundary of Alexandra Drive] and the installation of a pedestrian island on Durranhill Road to the north of Pasture Walk [that would include localised road widening on the northern side of Durranhill Road].

The Economic Development Portfolio Holder added that, after considering the merits of the application, the Development Control Committee granted Officers authority to issue an approval, subject to the completion of a Section 106 Agreement to secure the provision of affordable housing and a financial contribution of £136,157 towards the provision and maintenance of public open space.

At the request of Members, Officers had also explored the possibility of securing financial payments through the Section 106 Agreement to enable further highway improvements to Durranhill Road, principally the provision of funding towards a footpath on the southern side of Durranhill Road to Rosehill Industrial Estate. That funding would be commensurate with the increased vehicular and pedestrian movements placed on the highway network as part of the residential/employment land allocations in this vicinity. Following consultation between Officers and the Highway Authority, Persimmons had agreed to pay £13,500 towards these works.

In conclusion, the Economic Development Portfolio Holder said that determination of the application was pending the completion of the Section 106 Agreement.

In accordance with Procedure Rule 10.8, Councillor Betton then asked a supplementary question seeking clarification of why public concerns regarding safety had not been taken into account.

In response, the Economic Development Portfolio Holder reiterated that consultation had taken place with affected residents and their comments taken on board.

## **C.99/11      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.100/11 QUESTIONS FROM MEMBERS OF THE CITY COUNCIL**

Pursuant to Procedure Rule 11.2, the Town Clerk and Chief Executive reported the receipt of a question submitted on notice by Councillor Tootle. Councillor Tootle asked the following question:

“At a recent meeting with the group attempting to bring the Waverley Bridge back into use for foot traffic the progress on moving this forward was encouraging. The petition gathered and submitted to Council some time ago shows the strength of feeling by many groups to open up access in this area. It is at the stage where plans and costings are being prepared for a safe pedestrian pathway marked by a secure fence across the bridge.

The only area of concern is ownership of the land at the northern end of the bridge. Could the Portfolio Holder confirm that the land belongs to the Environment Agency and not a private landowner.

As steps down to the footpath at the northern side of the river would be necessary to link to the existing footpath, it would be easier to run down from the edge of the bridge which makes ownership of the land important for ease of access.”

The Environment and Housing Portfolio Holder replied that, unfortunately, one small area of land belonged to a private person who was not supportive of the bridge being used as a public right of way. A map detailing the area of private land could be provided. He added that the option of providing steps down to the footpath was a good one and the matter continued to be pursued.

Councillor Tootle was pleased to hear that the matter was moving forward.

## **C.101/11 EXECUTIVE**

Councillor Mitchelson moved and Councillor Mallinson (J) seconded the Minutes of the meetings of the Executive held on 18 April and 27 June 2011.

Members of the City Council questioned the Leader and Portfolio Holders on those Minutes.

RESOLVED – That the Minutes of the meetings of the Executive held on 18 April and 27 June 2011 be received and adopted.

## **C.102/11 PORTFOLIO HOLDER REPORTS**

Councillor Ellis, having declared a personal interest, remained within the meeting room, presented his Portfolio Holder report and responded to Members' questions.

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

Leader's Portfolio  
Governance and Resources  
Community Engagement  
Economic Development  
Environment and Housing  
Performance and Development

In presenting her report, the Economic Development Portfolio Holder pointed out that the highway at Crindledyke had finally been adopted by the County Council on 20 June 2011. She expressed her thanks and gratitude to the Officers who had supported her over the past nine years in working towards adoption of the road.

In presenting his report, the Performance and Development Portfolio Holder informed Members that works to the Guildhall could be completed within the next few days. It was, therefore, possible that the Guildhall may open this season which would be good news for Carlisle.

He also confirmed that he would provide a written response to Councillor Bowditch's previous question on the Guildhall.

The Portfolio Holder further wished to record his thanks to Councillor Mrs Robson for her contribution towards the work of the Tullie House Museum and Art Gallery Shadow Trust Board, and to welcome Councillor Hendry to the Board.

Members questioned individual Portfolio Holders on details of their reports.

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

(2) That the Environment and Housing Portfolio Holder provide a written response to Councillors Boaden and Whalen with regard to their concerns at the increase in the numbers of homeless people and particularly young people, and also those forced to sleep rough, which required to be dealt with as a matter of urgency. That response to include details of the processes followed in addressing homelessness, and clarification of any related difficulties which could not be resolved by the City Council.

## **C.103/11      OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN'S REPORTS**

### **(a)      Community Overview and Scrutiny Panel**

Councillor Mrs Luckley moved and Councillor Mrs Bradley seconded that the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 9 June 2011 be received and adopted.

Councillor Mrs Luckley also presented her Chairman's Report.

RESOLVED – That the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 9 June 2011 together with the Chairman's Report be received and adopted.

(b) Resources Overview and Scrutiny Panel

Councillor Layden moved and Councillor Allison seconded that the Minutes of the Meeting of the Resources Overview and Scrutiny Panel held on 16 June 2011 be received and adopted.

Councillor Layden also presented his Chairman's Report.

The Leader and Councillor Layden then responded to Councillor Hendry's questions regarding the Regional Growth Fund Bid.

RESOLVED – That the Minutes of the Meeting of the Resources Overview and Scrutiny Panel held on 16 June 2011 together with the Chairman's Report be received and adopted.

(c) Environment and Economy Overview and Scrutiny Panel

Councillor Mrs Rutherford moved and Councillor Mrs Farmer seconded that the Minutes of the Meeting of the Environment and Economy Overview and Scrutiny Panel held on 23 June 2011 be received and adopted.

Councillor Mrs Rutherford also presented her Chairman's Report.

RESOLVED – That the Minutes of the meeting of the Environment and Economy Overview and Scrutiny Panel held on 23 June 2011 together with the Chairman's Report be received and adopted.

**C.104/11                    REGULATORY PANEL**

Councillor Morton moved and Councillor Mrs Parsons seconded the receipt and adoption of the Minutes of the Meetings of the Regulatory Panel held on 20 April and 1 June 2011.

RESOLVED – That the Minutes of the Meetings of the Regulatory Panel held on 20 April and 1 June 2011 be received and adopted.

**C.105/11                    LICENSING COMMITTEE**

Councillor Morton moved and Councillor Mrs Parsons seconded the receipt and adoption of the Minutes of the Meeting of the Licensing Committee held on 1 June 2011.

RESOLVED – That the Minutes of the Meeting of the Licensing Committee held on 1 June 2011 be received and adopted.

#### **C.106/11 DEVELOPMENT CONTROL COMMITTEE**

Councillor Mrs Parsons moved and Councillor Scarborough seconded the receipt and adoption of the Minutes of the Meetings of the Development Control Committee held on 13 and 15 April; and 8 and 10 June 2011.

Councillor Mrs Parsons further reported that the Development Control Committee had on 15 July 2011 approved amendments to the Right to Speak Scheme (with effect from 18 July 2011). A copy of the revised leaflet would be forwarded to all Members.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 13 and 15 April; and 8 and 10 June 2011 be received and adopted.

#### **C.107/11 AUDIT COMMITTEE**

Councillor Mrs Mallinson moved and Councillor Lishman seconded the receipt and adoption of the Minutes of the Meeting of the Audit Committee held on 11 April 2011.

RESOLVED – That the Minutes of the Meeting of the Audit Committee held on 11 April 2011 be received and adopted.

#### **C.108/11 NOTICE OF MOTION**

##### (1) Independent Group

Pursuant to Procedure Rule 12, the Town Clerk and Chief Executive reported the receipt of the following Motion submitted on notice by Councillor Betton.

“To enable the Independent Group to fully represent our constituents, could we have the basic needs which are a small room, equipped with printer, phone, computer and Member Support Officer.

We call upon Members of the City Council to support us in this motion.”

Councillor Betton moved, and Councillor Graham seconded the motion.

Councillor Mitchelson moved and Councillor Mallinson (J) seconded the following amendment:

In third line after “and” insert “...shared access to a...”

Motion now to read:

“To enable the Independent Group to fully represent our constituents, could we have the basic needs which are a small room, equipped with printer, phone, computer and shared access to a Member Support Officer.

We call upon Members of the City Council to support us in this motion.”

Councillor Mitchelson then responded to a Member’s questions on the matter.

Following voting, it was -

RESOLVED – That the substantive motion of Councillor Mitchelson as set out above be AGREED.

(2) NHS North Cumbria University Trust

Councillor Atkinson, having declared a personal and prejudicial interest, retired from the meeting room during consideration of this item of business.

Pursuant to Procedure Rule 12, the Town Clerk and Chief Executive reported the receipt of the following Motion submitted on notice by Councillor Hendry:

“The Council calls on the Coalition Government for an extension of the Trust’s financial deadline from 2013/2014 to 2015/2016 to allow consideration of the particular financial and service needs of the North Cumbria Trust to be addressed.

This Council also calls on the Government to ensure that any takeover between the NHS North Cumbria University Trust and any other Trust, maintains the necessary levels and standards of service that the people of Carlisle have a right to expect from their local National Health Service. Further, that Cumbria representatives on any future joint Trust Board would have the authority to veto any changes to levels of front line services that would be detrimental to the NHS service in North Cumbria.”

Councillor Hendry moved and Councillor Mrs Riddle seconded the motion.

Councillor Hendry then elaborated in some detail upon the reasons for submission of the motion expressing the hope that the City Council would, on behalf of the people of north Cumbria, lend their support.

Following substantial debate, with input from a number of Members of the City Council and voting thereon, it was –

RESOLVED – That the Motion of Councillor Hendry, as set out above, be NOT AGREED.

(3) Eden District Council's Invitation to Collaborate

Pursuant to Procedure Rule 12, the Town Clerk and Chief Executive reported the receipt of the following Motion submitted on notice by Councillor Hendry:

"This Council calls for an assurance that there will be no appointment of a shared Chief Executive or shared Management Team between Carlisle and Eden.

Further, while we are prepared to consider the possibility of shared services with any other authorities (including Cumbria County Council and District Councils). We insist that in any agreement there must be a sound and transparent business case that will benefit the citizens of Carlisle."

Councillor Hendry moved and Councillor Boaden seconded the motion.

Councillor Hendry then elaborated upon the reasons for submission of the motion. He stressed that it was not intended to be negative, rather it sought to protect Carlisle.

Following substantial debate, with input from a number of Members of the City Council and voting thereon, it was –

RESOLVED – That the Motion of Councillor Hendry, as set out above, be NOT AGREED.

(4) Member Support

Councillor Betton reported that, subsequent to circulation of the revised Summons for the meeting he had, on behalf of the Independent Group, withdrawn the Motion concerning support for the Group.

**C.109/11 PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE COUNCIL'S BUDGET AND POLICY FRAMEWORK**

(i) EX.060/11 – Provisional General Fund Revenue Outturn 2010/11

Pursuant to Minute EX.060/11, consideration was given to a report of the Assistant Director (Resources) (RD.12/11) which summarised the 2010/11 outturn for the General Fund Revenue Budget and set out reasons for variances to that Budget. The report detailed the underspends which had occurred, together with requests to carry forward £119,200 in respect of new items of expenditure which, if approved, would result in a final underspend to the Council in 2010/11 of £126,497.

Extracts from the Minutes of the Executive and Audit Committee had also been circulated.

Councillor Mallinson (J) moved, Councillor Mitchelson seconded, and it was AGREED that:

- (1) The City Council approved the carry forward requests totalling £1,758,700 (£991,500 to be met in 2011/12, £644,100 in 2012/13 and £123,100 in 2013/14) as set out in Report RD.12/11.
  - (2) The City Council approved the requests to carry forward £119,200 for new items of expenditure (noted as Category 'B' in Appendix B, of which £116,700 to be met in 2011/12 and £2,500 in 2012/13).
  - (3) The City Council approved the transfer of the Job Evaluation Reserve into the Transformation Reserve, as detailed in paragraph 3.3.
  - (4) The City Council approved the provision of £74,400 set aside to cover potential refunds of personal search fees as detailed in paragraph 3.4.
- (ii) EX.061/11 – Provisional Capital Outturn 2010/11 and Revised Capital Programme 2011/12

Pursuant to Minute EX.061/11, consideration was given to a report of the Assistant Director (Resources) (RD.11/11) which provided details of the 2010/11 Provisional Outturn for the Council's Capital Programme, together with details of the revised Capital Programme for 2011/12. The report showed that the net underspend on the Capital Programme as at 31 March 2011 once committed expenditure totalling £1,093,600 was taken into account was £464. A request for a carry forward for a new item of expenditure had been made, which would change the underspend to an overspend of £11,636.

Extracts from the Minutes of the Executive and Audit Committee had also been circulated.

Councillor Mallinson (J) moved, Councillor Mitchelson seconded, and it was AGREED that –

- (1) The City Council approved the carry forward requests totalling £1,093,600 (£1,073,600 to be met in 2011/12 and £20,000 in 2012/13) as set out in Report RD.11/11.
- (2) The City Council approved the requests to carry forward £12,100 for new items of expenditure to be met in 2011/12.
- (3) The City Council approved the use of the Sheepmount Reserve in 2010/11 to fund expenditure on Sheepmount Drainage.
- (4) The revised Capital Programme for 2011/12 onwards be approved.

(iii) EX.062/11 – Treasury Management Outturn 2010/11

Pursuant to Minute EX.062/11, consideration was given to a report of the Assistant Director (Resources) (RD.13/11) providing the annual report on Treasury Management as required under both the Financial Procedure Rules and the CIPFA Code of Practice on Treasury Management. Also included was the regular report on Treasury Transactions.

Extracts from the Minutes of the Executive and Audit Committee had also been circulated.

Councillor Mallinson (J) moved, Councillor Mitchelson seconded, and it was AGREED –

That the Council approved the Treasury Management Outturn report for 2010/11 as required under the CIPFA Code of Practice on Treasury Management.

The Governance and Resources Portfolio Holder then responded to questions concerning the £15m long term loan.

(iv) EX.077/11 and AUC.26/11 – Strategic Audit Plan and Audit Plan for 2011/12

Pursuant to Minutes EX.077/11 and AUC.26/11, consideration was given to a recommendation from the Executive concerning the Strategic Audit Plan and Audit Plan for 2011/12. A copy of Report RD.18/11 and relevant Minute Extracts had been circulated.

Councillor Mrs Mallinson moved the recommendations set out within the report.

RESOLVED – That the Audit Risk Assessment (Strategic Risk Based Plan) and the Internal Audit Plan for 2010/11, as set out in Report RD.18/11 be approved by the City Council.

(v) EX.078/11 and AUC.21/11 – Certification of Claims and Returns – Annual Report

Pursuant to Minute EX.078/11 and AUC.21/11, consideration was given to the Audit Commission's Annual Report on Claims and Returns for 2009/10. A copy of the Report and relevant Minute Extracts had been circulated.

Councillor Mrs Mallinson moved the report, and it was:

AGREED that the Audit Commission's Annual Report on the Certification of Claims and Returns be received.

**C.110/11 REFERENCE FROM THE AUDIT COMMITTEE –  
ARRANGEMENTS FOR THE APPROVAL OF THE  
COUNCIL’S ACCOUNTS**

Pursuant to Minute AUC.25/11, consideration was given to a recommendation from the Audit Committee that responsibility for approval of the City Council’s Accounts should be delegated to the Audit Committee in accordance with Regulation 8 (3) of the Accounts and Audit Regulations 2011.

Members were further asked to note that, if the above recommendation was approved, the City Council would require to grant authority to the Assistant Director (Governance) to make all necessary amendments to the Council’s Constitution, particularly in respect of the Council’s functions and the Rules of Governance of the Audit Committee, to facilitate that delegation and change in responsibility.

A copy of Report RD.7/11 and relevant Minute Extract had been circulated.

Councillor Mrs Mallinson moved and Councillor Lishman seconded the above recommendation.

Councillor Ms Patrick then spoke against the recommendation of the Audit Committee.

Following voting, it was -

RESOLVED – (1) That, in accordance with Regulation 8 (3) of the Accounts and Audit Regulations 2011, the City Council delegated responsibility to the Audit Committee for approval of the Council’s Accounts.

(2) That the Assistant Director (Governance) be authorised to make all necessary amendments to the Council’s Constitution, particularly in respect of the Council’s functions and the Rules of Governance of the Audit Committee, to facilitate the above delegation and change in responsibility.

**Procedure Rules**

It was moved, seconded and agreed that the Council’s Procedure Rules should be suspended to enable the remainder of the business to be dealt with.

**C.111/11 REFERENCE FROM THE EMPLOYMENT PANEL –  
ASSISTANT DIRECTOR – VACANCY MANAGEMENT AND  
CAPACITY**

Pursuant to Minute EMP.25/11, consideration was given to a recommendation from the Employment Panel that the current Assistant Director structure be retained and that an external recruitment process be put in place to

permanently appoint to the post of Assistant Director (Economic Development). A copy of Report SD.07/11 and relevant Minute Extract had been circulated.

Councillor Mallinson (J) moved and Councillor Mitchelson seconded the above recommendation.

Councillor Hendry indicated that, subsequent to the meeting of the Employment Panel on 8 July 2011, Labour Group Members had reflected upon the Panel's recommendations and considered Option 3 (continue with a temporary appointment whilst determining potential sharing arrangements and future Council needs for a Senior Management Team) to be a wiser option.

Councillor Boaden strongly recommended that the City Council approve Option 3 as detailed within Report SD.06/11.

Discussion arose, during which several Members outlined their support and opposition to the change of position by Labour Group Members.

Following voting, it was -

RESOLVED - That the current Assistant Director structure, as appended to Report SD.07/11, be retained and an external recruitment process be put in place to permanently appoint to the post of Assistant Director (Economic Development).

### **C.112/11 REPRESENTATIVES ON OUTSIDE BODIES**

Consideration was given to a report of the Assistant Director (Governance) (GD.26/11) regarding City Council nominations on outside bodies.

Councillor Mitchelson moved the following nominations:

- Cumbria Pensions Forum – Councillor Mallinson (J)
- Reserve Forces and Cadets Association for the North West of England – Councillor Mrs Parsons

It was further noted that representation was no longer required in respect of the Cumbria Joint Scrutiny Committee.

RESOLVED – (1) That Councillor Mallinson (J) be nominated as the City Council's Representative on the Cumbria Pensions Forum.

(2) That Councillor Mrs Parsons be nominated as the City Council's Representative on the Reserve Forces and Cadets Association for the North West of England.

(3) That it be noted that representation was no longer required in respect of the Cumbria Joint Scrutiny Committee.

**C.113/11 OVERVIEW AND SCRUTINY PROCEDURE RULES CALL-IN AND URGENCY**

Pursuant to Overview and Scrutiny Procedure Rule 15(i), consideration was given to a report of the Assistant Director (Governance) (GD.43/11) on procedures in respect of occasions where decisions taken by the Executive are urgent.

RESOLVED – That the report be noted.

**C.114/11 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.115/11 PUBLIC AND PRESS**

RESOLVED – That in accordance with Section 100(A)(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

**C.116/11 REFERENCE FROM THE EMPLOYMENT PANEL – OPTIONS FOR TRANSITIONAL ARRANGEMENTS FOLLOWING THE RETIREMENT OF THE TOWN CLERK AND CHIEF EXECUTIVE**

(Public and Press excluded by virtue of paragraph 1)

Pursuant to Minute EMP.27/11, consideration was given to recommendations from the Employment Panel that the City Council approve Option (vii) of report CE.15/11 - appoint the Deputy Chief Executive as the 'Acting' Town Clerk and Chief Executive including acting as Head of Paid Service during the transition period; and that the recruitment process for the permanent Town Clerk and Chief Executive post begin as soon as possible following the Council meeting on 19 July 2011.

A copy of private Report CE.22/11 and relevant Minute Extract had been circulated.

Councillor Mallinson (J) moved and Councillor Mitchelson seconded the above recommendations.

Councillor Hendry added that the Labour Group also supported the recommendations.

RESOLVED – (1) That the City Council approved Option (vii) of Report CE.15/11 – appoint the Deputy Chief Executive as the ‘Acting’ Town Clerk and Chief Executive including acting as Head of Paid Service during the transition period.

(2) That the recruitment process for the permanent Town Clerk and Chief Executive post should begin as soon as possible following this meeting.

(The meeting ended at 10.00 pm)