

EXECUTIVE

WEDNESDAY 29 MAY 2019 AT 4.00 PM

PRESENT:

Councillor J Mallinson (Leader / Chairman)
Councillor Ellis (Deputy Leader, and Finance, Governance and Resources Portfolio Holder)
Councillor Christian (Environment and Transport Portfolio Holder)
Councillor Higgs (Culture, Heritage and Leisure Portfolio Holder)
Councillor Mrs Mallinson (Communities, Health and Wellbeing Portfolio Holder)
Councillor Nedved (Economy, Enterprise and Housing Portfolio Holder)

OFFICERS:

Town Clerk and Chief Executive
Deputy Chief Executive
Corporate Director of Governance and Regulatory Services
Corporate Director of Finance and Resources
Development Manager

ALSO PRESENT:

Councillors Allison and Bainbridge (Observers)

WELCOME

The Leader welcomed all those present to the first meeting of the Executive in the new Municipal Year.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

DECLARATIONS OF INTEREST

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

PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

MINUTES OF PREVIOUS MEETINGS

The Minutes of the meetings of the Executive held on 11 and 18 February; and 11 March 2019 were signed by the Chairman as a true record of the meetings.

EX.36/19 PROVISIONAL GENERAL FUND REVENUE OUTTURN 2018/19
(Key Decision – KD.05/19)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder submitted report RD.01/19 summarising the provisional outturn for the 2018/19 General Fund Revenue Budget and giving reasons for variances. The outturn position showed a net overspend of £18,685 for Council Services as at 31 March 2019, which would require an additional use of General Fund reserves of £41,000 (as set out in paragraph 5.3).

Requests had been made to carry forward committed expenditure of £406,700, net transfers to/from reserves of £206,275 and transfer from the building control reserve of £32,637 which, if approved, would result in an overall net position of £631,660 on Council Services; however additional funding from Business Rates income of £558,000 had also been realised.

Paragraph 5.2 set out a recommendation that the delegations for the release of the Building Control Reserve be amended to allow the Corporate Director of Economic Development to authorise release of the reserve through an Officer Decision Notice. The reserve was ring-fenced by statute to support improvements to the Building Control Service and was not available for general use by the Council and any release would be in line with that condition.

The information contained within the report was provisional, subject to the formal audit process. The Draft Statement of Accounts for 2018/19 would be presented to the Audit Committee on 8 July 2019, with final approval of the audited accounts on 30 July 2019.

Information on the Council's bad debt provision and balance sheet was also provided at Sections 6 and 7 of the report.

The Deputy Leader commented upon the substantial nature of the variances and carry forward requests.

In conclusion, the Deputy Leader, and Finance, Governance and Resources Portfolio Holder recommended that the Business and Transformation Scrutiny Panel be requested to scrutinise the carry forward requests alluded to, prior to the Executive taking a decision on approval thereof for recommendation to Council.

The Environment and Transport Portfolio Holder seconded the recommendation.

Summary of options rejected None

DECISION

That the Business and Transformation Scrutiny Panel be requested to scrutinise the carry forward requests detailed within Report RD.01/19 prior to the Executive taking a decision on approval thereof for recommendation to Council.

Reasons for Decision

To receive the Report on the Provisional General Fund Revenue Outturn and make recommendations to the City Council

EX.37/19 PROVISIONAL CAPITAL OUTTURN 2018/19 AND REVISED CAPITAL PROGRAMME 2019/20
(Key Decision – KD.05/19)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder submitted report RD.02/19 summarising the 2018/19 provisional outturn for the Council's Capital Budget, and providing details of the revised Capital Programme for 2019/20. The outturn showed that the net underspend for Council services as at 31 March 2019 once committed expenditure totalling £2,253,900 was taken into account was £44,083.

The Deputy Leader referenced the position with regard to carry forward requests on the Capital Programme namely that, of the committed carry forwards shown at paragraph 2.2, it was estimated that the full £2,253,900 would be spent in 2019/20. Details of the resources which had been used to fund the 2018/19 Capital Programme, together with the 5 year Capital Programme for the period 2019/20 to 2023/24 were also provided.

The programme for 2019/20 totalling £28,739,700 was based upon the programme as agreed by Council in February 2019 of £25,071,200, the commitments brought forward from 2018/19 as identified of £2,253,900, the commitments brought forward from 2018/19 already approved of £982,100 and an increase of £432,500 for additional Disabled Facilities Grant awarded which had only recently been advised and totalled £1,899,764.

The 2019/20 programme would be continually reviewed to ensure the Council had the capacity to deliver that level of programme. The programme for 2019/20 and 2020/21 may be amended depending upon decisions made in respect of the Sands Centre Redevelopment.

The information contained within the report was provisional and subject to the formal audit process.

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder concluded by recommending that the Business and Transformation Scrutiny Panel be requested to scrutinise the carry forward requests alluded to, prior to the Executive taking a decision on approval thereof for recommendation to Council.

The Environment and Transport Portfolio Holder seconded the recommendation.

Summary of options rejected None

DECISION

That the Business and Transformation Scrutiny Panel be requested to scrutinise the carry forward requests detailed within Report RD.02/19 prior to the Executive taking a decision on approval thereof for recommendation to Council.

Reasons for Decision

To receive the report on the Provisional Capital Outturn for 2018/19 and make recommendations to the City Council on the 2019/20 Capital Programme

EX.38/19 TREASURY MANAGEMENT OUTTURN 2018/19
(Key Decision – KD.05/19)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder submitted report RD.03/19 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 for the period 1 January 2019 to 31 March 2019. Members' attention was further drawn to developments in the Money Markets over the previous twelve months and their effect on the Council's investments, together with the various performance statistics included within the report.

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder commented, in particular, upon the position as regards investment returns and the need to explore the placing of investments, following which he moved that the report be received and recommended to Council for approval.

The Leader recognised that, whilst returns on investment had been modest in recent times, that did not alter the fact that treasury management within the City Council was undertaken very well.

Summary of options rejected None

DECISION

That Report RD.03/19 providing the Annual Report on Treasury Management be received and recommended to the City Council for approval on 16 July 2019.

Reasons for Decision

To receive the annual report on Treasury Management

EX.39/19 COUNCIL TAX AND NNDR PROVISIONAL OUTTURN 2018/19
(Key Decision – KD.05/19)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder submitted report RD.04/19 summarising the 2018/19 provisional outturn and performance position for Council Tax and National Non Domestic Rates.

Section 2 recorded that, for 2018/19 the estimated position on the collection fund was a surplus of £763,657, with the Council's share being £97,179.

When the actual position was calculated at the end of 2017/18 the surplus on the Council Tax Collection Fund was £937,227 of which the Council's share was £117,885. That increase in the surplus was then redistributed in the estimate for 2019/20 for budgeting purposes.

The actual collection fund position for 2018/19 had been calculated and the surplus had decreased, now standing at £542,709. The current position on the Council Tax Collection Fund was as detailed at Section 2.1.4 of the report, with the Council's Council Tax collection performance for 2018/19 being 97.4%.

Also set out were the position with regard to the NNDR provisional outturn for 2018/19; and the benefits of participation in the Cumbria Business Rates Pool.

The Deputy Leader drew Members' attention to the write-offs in respect of Council Tax (£112,435.89) and NNDR (£327,974.85), the latter being a consequence of the changing position on the high street, together with the write-ons detailed at paragraph 6.3.

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder concluded his presentation by formally moving the recommendations.

Summary of options rejected None

DECISION

That the Executive noted the provisional outturn position at 31 March 2019 for Council Tax and NNDR and also the position with regard to write offs and bad debt trends, as detailed within Report RD.04/19.

Reasons for Decision

To inform the Executive of the provisional outturn position and comments on performance which would feed into the overall revenue accounts for 2018/19.

EX.40/19 ELECTED MEMBERS' ALLOWANCES – PROVISIONAL OUTTURN FOR 2018/19
(Key Decision – KD.05/19)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder submitted report RD.05/19 setting out the amount of allowances paid to Members as part of the Elected Members' Allowances Scheme for 2018/19. He informed Members that £349,521 had been paid in allowances to individual Members which represented an underspend of £11,479, the reasons for which were provided at Section 2.

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder then formally moved the recommendation.

Summary of options rejected None

DECISION

That Report RD.05/19 be received and the overall underspend of £11,479 on Elected Members' Allowances for 2018/19 be noted.

Reasons for Decision

To receive details of the 2018/19 Provisional Outturn in respect of Members' Allowances

EX.41/19 FOOD LAW ENFORCEMENT SERVICE PLAN
(Key Decision – KD.10/19)

Portfolio Environment and Transport

Relevant Scrutiny Panel Health and Wellbeing

Subject Matter

The Environment and Transport Portfolio Holder submitted report GD.26/19 providing details of the Food Law Enforcement Service Plan covering the period 1 April 2019 to 31 March 2020. A summary report of the Plan had also been produced at Appendix 1 for the assistance of Members.

The Plan set out how Regulatory Services would deploy its resources in 2019 to 2020 to improve hygiene standards, prevent food borne diseases and help people live healthier lives. It sought to target interventions to tackle local issues whilst ensuring that Carlisle City Council achieved its national statutory responsibilities.

Details of the Food Standard Agency's expectations in terms of the delivery of official controls on feed and food law; the Service's contribution to the Council's Carlisle Plan; the requirements of The Food Law Codes of Practice (March 2017); and the Food Standards Agency's (FSA) Strategy for 2015-2020 were provided.

The Portfolio Holder indicated that the matter was scheduled to proceed to Scrutiny on 6 June 2019, come back to the Executive on 17 June 2019 before onward transmission to Council on 16 July 2019. He would therefore have the opportunity to comment further as part of that process.

The Environment and Transport Portfolio Holder also commented upon the excellent work being undertaken by Regulatory Services' Officers, and moved the recommendations set out.

Summary of options rejected none

DECISION

That the Executive:

1. Agreed the key actions of the Food Law Enforcement Service Plan as appended to Report GD.26/19.
2. Referred the said Plan to the Health and Wellbeing Scrutiny Panel for information in accordance with the Council's Budget and Policy Framework.

Reasons for Decision

The recommended key actions had been identified following consultation and reflected the resources available to Regulatory Services in the financial year 2019 to 2020

EX.42/19 NOTICE OF EXECUTIVE KEY DECISIONS (Non Key Decision)

Portfolio Cross-Cutting

Relevant Scrutiny Panel Health and Wellbeing; Economic Growth;
Business and Transformation

Subject Matter

The Notice of Executive Key Decisions, dated 30 April 2019, was submitted for information.

The Deputy Chief Executive was not in a position to report on the undernoted key decision items at this time and they were therefore deferred:

- Bitts Park Lodge Restoration (KD.12/19)
- Capital Budget Transfer – Tennis Canopy to Bitts Park (KD.13/19)

In addition, the Deputy Chief Executive was scheduled to submit a report on the Sands Centre Redevelopment (Key Decision – KD.14/19). The redevelopment of the Sands Centre is a large and multifaceted project and, whilst good progress had been made on

developing the full capital and revenue implications of this project, further analysis was required.

Summary of options rejected None

DECISION

That, subject to the above, the Notice of Executive Key Decisions dated 30 April 2018 be received.

Reasons for Decision

Not applicable

EX.43/19 SCHEDULE OF DECISIONS TAKEN BY OFFICERS
(Non Key Decision)

Portfolio Cross-cutting

Relevant Scrutiny Panel Health and Wellbeing; Economic Growth;
Business and Transformation

Subject Matter

Details of decisions taken by Officers under delegated powers were submitted.

Summary of options rejected None

DECISION

That the decisions, attached as Appendix A, be noted.

Reasons for Decision

Not applicable

EX.44/19 JOINT MANAGEMENT TEAM
(Non Key Decision)

Portfolio Cross-cutting

Relevant Scrutiny Panel Health and Wellbeing; Economic Growth; Business and
Transformation

Subject Matter

The Minutes of the meeting of the Joint Management Team held on 15 April 2019 were submitted for information.

Summary of options rejected none

DECISION

That the Minutes of the meeting of the Joint Management Team held on 15 April 2019, attached as Appendix B, be received.

Reasons for Decision

Not applicable

EX.45/19 RIGHT TO SPEAK POLICY (Non Key Decision)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Economic Growth

Subject Matter

The Economy, Enterprise and Housing Portfolio Holder reported (ED.21/19) that the Council's Development Control Committee is a public meeting at which members of the public were permitted to listen to the debate prior to determination of planning applications referred to the Committee under the provisions of the Council's Constitution and Scheme of Delegation.

Where the public objected they were allowed to address the Committee under provision of a Right to Speak Policy drawn up by the Committee. The policy was reviewed from time to time to ensure that it reflected the needs of the customers and enabled the smooth operation of the Committee.

In reviewing the current Policy it had become apparent that there had been instances when, through lack of clarity, the operation of the Policy had affected both the smooth running of the meeting and put additional pressures on Officers and the Chairman of the Committee. The current leaflet was short and left many questions unanswered leading to a potentially inconsistent approach.

In order to address the concerns a workshop was held with members of the Development Control Committee. The Development Manager subsequently presented a revised Policy to the Committee on 26 April 2019 (a copy of which was appended) and the Portfolio Holder thanked the Officer for his contribution. An excerpt from the minutes of that meeting (DC.46/19) was also submitted.

The Economy, Enterprise and Housing Portfolio Holder concluded his presentation by formally moving the recommendation that the Right to Speak Policy be adopted.

Speaking as a local Ward Member, the Leader acknowledged that there had been an issue around the right of Parish Councils to address Members during the Committee's Site Visits. Taking account of the Development Manager's comments on the matter detailed within Minute DC.46/19, he was content.

The Environment and Transport Portfolio Holder outlined the careful consideration afforded to the matter by the Development Control Committee prior to their referral of the Policy to the Executive today.

In response to questions, the Corporate Director of Governance and Regulatory Services advised that the aim of the Council in conducting its business was one of openness and transparency; and that the decision regarding adoption of the Right to Speak Policy lay with the Executive.

Summary of options rejected that the Right to Speak Policy be not adopted

DECISION

That the Executive adopted the Right to Speak Policy appended to Report ED.21/19.

Reasons for Decision

To enable adoption of the revised Right to Speak Policy

EX.46/19 ROUGH SLEEPING INITIATIVE PROGRAMME
(Non Key Decision)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Health and Wellbeing

Subject Matter

The Economy, Enterprise and Housing Portfolio Holder reported (GD.27/19) that Carlisle City Council, as the lead authority, had submitted two successful bids on behalf of all the Cumbrian district local authorities to support rough sleepers and those at risk of rough sleeping:

- £311,640 (countywide) had been awarded from the Rapid Rehousing Pathway fund from the Ministry of Housing, Communities and Local Government, to fund supported lettings and local lettings agencies;
- £80,000 had been awarded from the Ministry of Housing, Communities and Local Government to fund rough sleeping coordinator roles; and formed part of the commitment to tackle and end rough sleeping as outlined within the Government's Rough Sleeping Strategy.

In addition, a total of £36,000 had been committed from the district local authorities homelessness teams, using external flexible homeless grant funding to support the Rough Sleeping Initiative programme.

The total combined funding of £116,000 would be utilised to cover all associated staffing costs linked to the Rough Sleeping Coordinator posts.

In terms of the proposals, the Portfolio Holder explained that the MHCLG and all district local authority partners agreed that in terms of consistency, value and increased performance, the rough sleeping coordinators would be employed by the same authority.

It was proposed that Carlisle City Council, as the lead authority, utilise the funding to employ 3 FTE rough sleeping coordinators (on a 12-month fixed term basis) to work across the district areas as follows: Carlisle and Eden; Allerdale and Copeland; South Lakeland and Barrow.

All districts councils would provide office space for the relevant rough sleeping coordinators to utilise when required on a hot desking basis; note that those roles were predominantly outreach with clients and in-reach to other key organisations / services.

The requirements placed upon 3 FTE rough sleeping coordinators were as detailed at paragraph 2.4; with the rough sleeping coordinator post job descriptions having been drafted and evaluated at a grade F.

Details of the risks were also provided at Section 3 of the report.

The Economy, Enterprise and Housing Portfolio Holder expressed thanks to the Homelessness Prevention and Accommodation Manager for her very comprehensive report, and moved the recommendations set out therein.

The Economy, Enterprise and Housing Portfolio Holder and the Corporate Director of Governance and Regulatory Services then responded to questions concerning the potential risks identified at paragraphs 3.1 and 3.3.

Summary of options rejected that approval be not granted

DECISION

That the Executive:

1. Approved utilising £116,000 of the funding awarded to employ 3 full time equivalent staff (on a 12-month fixed term basis) who would work across all district local authorities on the Rough Sleeping Initiative Programme.
2. In accordance with Section 2a of the Council's Constitution, subject to formal agreements being in place between the authorities, approved the placing of two of those staff at the disposal of partner authorities: one to Allerdale Borough Council/Copeland Borough Council and one to South Lakeland District Council/Barrow Borough Council.

Reasons for Decision

This is a great opportunity for Cumbria to utilise the project findings to understand the scale and the needs of those who are / and at risk of rough sleeping to develop and publish a Rough Sleeping Strategy in 2019/20 to meet statutory requirements and inform future funding allocations / commissioning

[The meeting ended at 4.24 pm]