

EXECUTIVE

MONDAY 30 SEPTEMBER 2013 AT 4.00 PM

PRESENT:

Councillor Glover (Leader)
Councillor Mrs Bradley (Economy and Enterprise Portfolio Holder)
Councillor Mrs Riddle (Communities and Housing Portfolio Holder)
Councillor Dr Tickner (Finance, Governance and Resources Portfolio Holder)

OFFICERS:

Town Clerk and Chief Executive
Deputy Chief Executive
Director of Governance
Director of Resources
Director of Economic Development
Director of Community Engagement
Director of Local Environment

APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mrs Martlew (Deputy Leader; and Environment and Transport Portfolio Holder); and Ms Quilter (Culture, Health, Leisure and Young People Portfolio Holder)

DECLARATIONS OF INTEREST

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

MINUTES

The Minutes of the meetings of the Executive held on 17 June; 1 and 15 July; and 5 August 2013 were signed by the Chairman as true records of the meetings.

EX.105/13 CARLISLE'S PLAY PROVISION (Key Decision – KD.018/13)

Portfolio Environment and Transport

Relevant Overview and Scrutiny Panel Community

Subject Matter

The Leader reported (LE.29/13) that the City Council operated 69 play areas serving its population of 106,000. 'Play for Today, Play for Tomorrow' was the City Council's Play Policy and Strategy for Children and Young People 2007 – 2012 and it was now time for the City Council to review its approach to play area management. He explained that the intention was to create a legacy of play facilities offering high play value in a safe

environment, accessible to every child and allowing them to explore their individual abilities and learn to assess and overcome the risks inherent in physical challenge.

To do that successfully the Council's proposed strategy would focus on quality. Details of a methodology by which an assessment could be made of the quality, play value and accessibility of each individual equipped play area were provided. The outcome thereof would be used to determine the type, specification and maintenance requirements of each site in the future. The standard adopted would aim to ensure that every child had access to a high quality play area within 500 metres of their home.

In some instances existing play equipment was either obsolete or poorly located (or both) and was no longer providing a quality play experience. Application of the criteria would identify those sites and allow decisions to be made on how their future management could contribute to raising quality standards, the outcome of which could be that the equipment was removed and not replaced. The Green Spaces Team had conducted a review of the Council's stock of equipped play areas during 2013.

The Leader further drew Members' attention to the Risk Assessment; Aim and Outcomes of the Play Areas Review; Review Methodology; and Criteria, details of which were set out within the report. He added that, although no external consultation had been undertaken to date, Ward Councillors, 'Friends' of Parks and residents' groups would be consulted (where appropriate) as the review moved to its action phases.

In conclusion, the Leader reiterated that the review of play provision in Carlisle was timely and would ensure that the highest standards could be maintained at all times. The City Council had, for the first time, set out the criteria for assessment and by which their play areas would be measured. As a result the community would be assured that the quality of provision was the best it could be.

The Leader then moved the recommendations which were seconded by the Economy and Enterprise Portfolio Holder.

Summary of options rejected None

DECISION

That the Executive received Report LE.29/13 and referred it to the Community Overview and Scrutiny Panel for consideration and comment.

Reasons for Decision

Raising the standards of the Council's children's play facilities would contribute to a number of 'Carlisle Plan' objectives and also impact on wider social issues such as health and physical activity of young people.

EX.106/13 REPAIRS TO THE CENOTAPH AND OTHER WAR MEMORIALS
(Key Decision – KD.020/13)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder reported (RD.34/13) that July 2014 would mark the 100th anniversary of the start of the First World War, in addition to which several important anniversaries relating to events in that War would take place over the coming four years.

Members would be aware that the City Council had responsibility for maintenance of The Cumberland and Westmorland War Memorial (The Cenotaph) located in Rickerby Park. It was proposed that the City Council prepare for that important anniversary by ensuring that The Cenotaph and other War Memorials in Carlisle were in good condition to show due respect to the sacrifice made by so many local people. It should be noted that major restoration work was required in some cases, whilst in others only cleaning was required.

The Finance, Governance and Resources Portfolio Holder indicated that a major part of the work involved restoration work to The Cenotaph. A schedule of repair work had been prepared which formed the basis of a successful grant application to the War Memorials Trust. He added that landscaping work would also be carried out to the area enclosed by the iron railings surrounding The Cenotaph, the aim being to restore the landscaping to the original design by Sir Robert Lorimer dating from the opening in 1922.

The County Council had been invited to participate in the project. To date they had responded by considering restoration of the memorial suspension bridge in Rickerby Park in time for the anniversary.

The following War Memorials in the City would also be included as part of the project:

- Stanwix War Memorial
- Harraby War Memorial on London Road
- Botcherby War Memorial on the corner of Warwick Road / Victoria Road
- Carlisle Cemetery War Memorial
- Greenmarket War Memorial
- Civic Centre War Memorial
- Eden Bridge Gardens War Memorial

The work required included stone repairs, restoration of lettering, re-painting of railings, re-pointing of masonry joints, landscaping work and cleaning. In addition to the restoration work the Department of Communities and Local Government was commissioning commemorative paving stones (one for each Victoria Cross recipient) to be located in their home towns. Carlisle would receive two of those stones in commemoration of Rear Admiral Edward Courtney Boyle and Lt Joseph Henry Collins, as detailed at Appendices 1 and 2.

The Finance, Governance and Resources Portfolio Holder further advised that the proposed programme took into account the need for the War Memorials to be available and in good condition on Armistice Day (11 November 2013) and the preceding weekend. Details of the project timetable were provided.

In conclusion the Finance, Governance and Resources Portfolio Holder moved the recommendation, which was duly seconded by the Leader.

Summary of options rejected None

DECISION

That the Executive recommend to Council to approve the development of the project of repairs to the Cenotaph and other war memorials; and the release of capital funding of £40,000 to be spent as detailed at paragraph 4 of Report RD.34/13.

Reasons for Decision

To secure approval of the project to undertake repairs to the Cenotaph and other war memorials, together with the release of funding of £40k

EX.107/13 APPLICATION FOR HEALTHY CITY DESIGNATION (PHASE VI) (Key Decision – KD.021/13)

Portfolio Culture, Health, Leisure and Young People

Relevant Overview and Scrutiny Panel Community

Subject Matter

The Leader reported (CD.46/13) that the Council had held World Health Organisation (WHO) Healthy City Designation since 2009 and needed to re-apply as part of the next phase of the development of the programme, which would focus on reducing health inequalities principally affecting those in our most deprived communities.

Being a 'Healthy City' was a process of building activities, policies and awareness which gradually changed people's behaviour, encouraging them to engage in a healthy lifestyle and also to create a healthy environment. All aspects of the Council's work, from Planning to Leisure Policy, were part of that.

The designation of Carlisle as a WHO Healthy City and the Council's promotion of that ethos as a core theme would also encourage visitors, business investment and raise the City's profile.

In conclusion, the Leader recommended that the Executive approve the Council application for Healthy City Status Phase (VI).

The Economy and Enterprise Portfolio Holder seconded the recommendation.

Summary of options rejected None

DECISION

That the Executive approved the Council application for Healthy City Status (Phase VI).

Reasons for Decision

The Council's support for the programme would raise the City's profile and enhance its reputation as a good place to live and work.

EX.108/13 OLD TOWN HALL

(Key Decision – KD.022/13)

Portfolio Economy and Enterprise

Relevant Overview and Scrutiny Panel Environment and Economy

Subject Matter

The Economy and Enterprise Portfolio Holder submitted report ED.27/13 updating Members on the position following completion of the Phase 1 repair project to the Old Town Hall.

In terms of the project scope, the Portfolio Holder explained that the original Feasibility Study and Business Plan report recommended retention of the Tourist Information Centre in its current location; creating a new public entrance area on the ground floor; and securing improvements to the Assembly Room to support its use as a City Centre venue for exhibition and meeting space. The following areas had been selected by the Steering Group from that Study for further review:

- Restoration and upgrade of the building
- Retention and upgrading of the Tourist Information Centre in its current location
- External upgrades

A previous design team had been appointed for the 2009/10 review however, due to the time gap, a further procurement exercise would be required to appoint a specialist design team to help develop and deliver the Phase 2 works.

The Economy and Enterprise Portfolio Holder said that there were advantages and disadvantages with each option. It was therefore proposed that the Council enter into negotiations in order to establish the best team to develop and deliver Phase 2 of the project.

As part of the development of the project it was further proposed that options would be drawn up which would form the basis for discussion at a Member / Officer Workshop. Items for discussion included access; IT; signage; and use of the Assembly Room.

Members' attention was also drawn to Section 2 of the report which set out details of the initial programme and budget implications. It should also be noted that consideration was being given to other possible sources of funding in mitigation of the Council's costs.

In conclusion, the Economy and Enterprise Portfolio Holder moved the recommendations which were seconded by the Leader.

Summary of options rejected None

DECISION

That the Executive:

1. Noted progress on the preparatory work for Phase 2 Improvements to the Old Town Hall and supported recommended ongoing actions to deliver the project.
2. Approved for recommendation to Council, the re-profiling and release of funding of £797,000, profiled £62,000 in 2013/14, £698,000 in 2014/15 and £38,000 in 2015/16 to commence work on the Phase 2 in line with the programme outlined in Report ED.27/13.

Reasons for Decision

To ensure that the City Council maximised the use and commercialism of the Old Town Hall following completion of the Phase 1 Repair and Restoration works including developing its role as an information hub for Carlisle's historic, cultural and visitor assets

EX.109/13 NOTICE OF EXECUTIVE KEY DECISIONS (Non Key Decision)

Portfolio Cross-Cutting

Relevant Overview and Scrutiny Panel Community; Environment and
Economy; and Resources

Subject Matter

The Notice of Executive Key Decisions dated 30 August 2013 was submitted for information.

Summary of options rejected None

DECISION

That the Notice of Executive Key Decisions dated 30 August 2013 be noted.

Reasons for Decision

Not applicable

EX.110/13 JOINT MANAGEMENT TEAM (Non Key Decision)

Portfolio Various

Relevant Overview and Scrutiny Panel Community; Environment and
Economy; and Resources

Subject Matter

The Minutes of the meetings of the Joint Management Team held on 23 July; 5 and 16 August 2013 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meetings of the Joint Management Team held on 23 July; 5 and 16 August 2013, attached as Appendix A, be received.

Reasons for Decision

Not applicable

EX.111/13 QUARTER ONE PERFORMANCE REPORT 2013/14
(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Community; Environment and Economy;
and Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted report PC.17/13 updating the Executive on the Council's service standards which helped measure performance and customer satisfaction. Also included were updates on the key actions contained within the Carlisle Plan.

Members' attention was drawn to Appendix 1 which set out details of each service standard. The table illustrated the cumulative year to date figure, a month-by-month breakdown of performance and, where possible, an actual service standard baseline which had been established either locally or nationally. The updates against the actions in the Carlisle Plan followed on from the service standard information in Appendix 2.

In conclusion the Finance, Governance and Resources Portfolio Holder moved the recommendation, which was seconded by the Leader.

Summary of options rejected None

DECISION

That the Executive had considered the performance of the City Council presented in Report PC.17/13 with a view to seeking continuous improvement in how the Council delivered its priorities.

Reasons for Decision

To seek Executive consideration of the Quarter One Performance Report 2013/14

EX.112/13 REPRESENTATIVES ON OUTSIDE BODIES
(Non Key Decision)

Portfolio All Areas

Relevant Overview and Scrutiny Panel

Community; Environment and Economy;
and Resources

Subject Matter

Pursuant to EX.60/13 and EX.93/13, the Leader presented Report GD.43/13 which sought the nomination of an elected Member to serve on the Yewdale Community Centre Management Committee following the vacancy left by the death of the former Leader of the City Council.

He also reminded Members that, at the Executive meeting on 5 August 2013, it had been agreed that Councillors Graham and Mrs Parsons be appointed to the Downagate Community Centre Management Committee subject to the agreement of the Management Committee.

The agreement of the Downagate Community Centre Management Committee had been sought, following which the Chairman had agreed that both Councillors could be appointed as City Council representatives on the Management Committee.

The Leader moved and it was seconded and agreed that Councillor Dodd be nominated to fill the vacancy on Yewdale Community Centre Management Committee; and that the representations on the Downagate Community Centre Management Committee be confirmed.

Summary of options rejected None

DECISION

1. That Councillor Dodd be nominated to fill the vacancy on the Yewdale Community Centre Management Committee.
2. That the appointment of Councillors Graham and Mrs Parsons as City Council representatives on the Downagate Community Centre Management Committee be confirmed.

Reasons for Decision

To make appointments to Outside Bodes for 2013/14

EX.113/13 LAND AND PROPERTY TRANSACTIONS:
1. DISPOSAL PROGRAMME – LAND AT ANNETWELL STREET, CARLISLE
2. LAND TO THE REAR OF HARRABY GROVE, CARLISLE
(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel

Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted report RD.41A/13 concerning proposed land and property transactions.

The Portfolio Holder outlined the background to the matter, reminding Members that the Council was seeking to rationalise, consolidate and improve the performance of its property portfolio in support of the Carlisle Plan 2013/16.

In furthering that ambition Executive approval was sought to the release and sale of two properties which had been identified for disposal in accordance with management policies set out in the Council's Asset Management Plan and the Asset Review Business Plan Disposal Programme. Details of the properties (Land at Annetwell Street, Carlisle and land to the rear of Harraby Grove, Carlisle) were set out at Sections 2.1 and 2.2 of the report.

The commercially sensitive and financial aspects of the proposals would be considered in Part B of the report later in the meeting.

The Finance, Governance and Resources Portfolio Holder then moved the recommendation, which was duly seconded by the Leader.

Summary of options rejected None

DECISION

That the Executive granted consent for the release and freehold disposal of the two properties outlined in Report RD.41A/13, subject to the finalisation of terms and conditions agreed by the Property Services Manager.

Reasons for Decision

In order to more effectively manage the Council's operational and non operational assets, and to bring forward the strategic objectives set out in the Asset Review Business Plan and Asset Management Plan.

EX.114/13 SCRAP METAL DEALERS ACT 2013
(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel

Resources

Subject Matter

Pursuant to Minute RP.43/13, the Finance, Governance and Resources Portfolio Holder reported (GD.44/13) on impending changes to the regulatory regime for scrap metal dealers, which would be implemented through the provisions of the Scrap Metal Dealers Act 2013 (the Act) and would come into force progressively from 1 October 2013.

The 2013 Act replaced the Scrap Metal Dealers Act 1964, which was listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Functions Regulations”), along with the majority of other licensing matters, as not being the responsibility of the Executive. In effect that meant that it was a Council function as opposed to one which fell within the remit of the Executive. The City Council had to date delegated the function to the Regulatory Panel. In addition, the Director of Governance and Licensing Manager each had delegated powers to deal with such applications.

In accordance with normal practice it was expected that the Functions Regulations would be amended by the Government to include reference to the 2013 Act, therefore all local authorities had been working towards their licensing/regulatory committees dealing with that. A report was prepared for the Regulatory Panel on 11 September 2013 for their information and consideration of fees, a copy of which was attached.

The Finance, Governance and Resources Portfolio Holder explained that it had subsequently become apparent that the Home Office had not yet amended (and would not amend before the commencement date) the Functions Regulations to include the 2013 Act. The information was that they were aware it needed to be done, but did not have it programmed into their schedule. Subject to what was said below, contrary to how all other licensing matters operated, that may mean that responsibility for determining fees and applications under the Scrap Metal Dealers Act 2013 fell to the Executive.

Despite the above, there was an alternative position. Section 17 of the Interpretation Act 1978 provided that “Where an Act repeals and re-enacts, with or without modification, a previous enactment then, unless the contrary intention appears ... any reference in any other enactment to the enactment so repealed shall be construed as a reference to the provision re-enacted”. If the 2013 Act was taken to repeal and re-enact the 1964 Act, then, there was no requirement for an amendment to the Functions Regulations. At the time of writing the report, that was not the position which had been taken by Department for Communities and Local Government or the Local Government Association, who maintained that a change to the Functions Regulations would be needed.

The Finance, Governance and Resources Portfolio Holder added that a considerable number of Local Authorities had taken the opposing view, however, and had put pressure on the LGA to confirm its position. The LGA had met with the Department for Communities and Local Government on 13 September 2013 and the position remained unchanged.

Until the Functions Regulations were amended, the 2013 Act would be an Executive function, there would be no scheme of delegation in place and all applications would need to be brought to the Executive for consideration. This report was therefore being brought to Executive in order to protect the Council’s position and enable it to effectively deal with applications, which would begin to be submitted on 1 October 2013.

Section 9E of the Local Government Act 2000 provided that, where a function was the responsibility of the Executive, the senior Executive Member (i.e. the Leader) may arrange for the discharge of any of those functions by another Member of the Executive or by an Officer of the Authority.

Accordingly, until the Government amended the Functions Regulations to include the 2013 Act, the Leader was asked to amend his Scheme of Delegation so as to:

(a) delegate power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collectors' Licences (where no objection was made) to each of the Licensing Manager and the Director of Governance;

(b) delegate power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collector's Licences (where an objection was made) to the Portfolio Holder for Finance, Governance and Resources and the Director of Governance acting together.

(c) delegate power to otherwise refuse or revoke Site Licences and Collectors' Licences to the Portfolio Holder for Finance, Governance and Resources and the Director of Governance acting together;

(d) delegate power to institute, defend or participate in any action or legal proceedings in respect of any matter relating to the 2013 Act (including but not limited to the service of any notice or order, the exercise of any power of entry or inspection; the commencement of a prosecution for any offence under the 2013 Act or the defence of any appeal against a decision of the Council made under the 2013 Act) in any case where the Director of Governance considered that such action was necessary to protect or progress the Council's interests, to the Director of Governance.

The Finance, Governance and Resources Portfolio Holder added that the Regulatory Panel had, on 11 September 2013, considered a report detailing the proposed charges to be levied, and made appropriate decisions.

The Executive was further asked to note the recommendation of the Regulatory Panel meeting of 11 September 2013 and determine the appropriate fees to be charged.

In conclusion the Finance, Governance and Resources Portfolio Holder moved that the Leader amend his Scheme of Delegation in the manner described; that the recommendations of the Regulatory Panel be noted and the fees be agreed as identified.

The Leader seconded the recommendations.

Summary of options rejected None

DECISION

1. That the Leader would amend his Scheme of Delegation in the manner described in paragraph 2.2 (a) – (d) of Report GD.44/13.
2. That the Executive noted the recommendations of the Regulatory Panel meeting of 11 September 2013 and agreed the fees to be charged as identified by the Panel.

Reasons for Decision

To ensure that the Council had the appropriate approvals and systems in place to administer the new arrangements

EX.115/13 FINANCIAL RESILIENCE REPORT 2012/13
(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted report RD.46/13 presenting the findings from the external auditor (Grant Thornton) on the Council's arrangements for securing Financial Resilience.

He informed Members that the report had been prepared by Grant Thornton as part of the review of the Council's accounts for 2012/13 and had been presented by the Auditor to the Audit Committee at their meeting on 26 September 2013.

The Audit Committee had on 26 September 2013 considered the matter and resolved that the monitoring of the Capital Programme process be strengthened. An excerpt from the draft Minutes of that meeting (AUC.48/13) had been circulated prior to the Executive today.

The Finance, Governance and Resources Portfolio Holder emphasised that the report evidenced the excellent stewardship demonstrated within the Council and particularly by the Finance and Legal Services Teams. He expressed thanks to the staff involved for their strategic and financial control during what were difficult economic times.

In conclusion the Finance, Governance and Resources Portfolio Holder moved the recommendation.

In seconding the recommendation the Leader concurred with the sentiments expressed by the Portfolio Holder.

Summary of options rejected None

DECISION

That the Executive noted the content of the Financial Resilience Report 2012/13.

Reasons for Decision

To make the Executive aware of the content of the external auditor's Financial Resilience Report

EX.116/13 SCHEDULE OF DECISIONS TAKEN BY OFFICERS
(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Resources

Subject Matter

Details of a decision taken by the Organisational Development Manager under delegated powers were submitted.

Summary of options rejected None

DECISION

That the decision, attached as Appendix B, be noted.

Reasons for Decision

Not applicable

PUBLIC AND PRESS

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

EX.117/13 DEVELOPMENT AT ROSEHILL
(Key Decision – KD.023/13)
(Public and Press excluded by virtue of Paragraph 3)

Portfolio Economy and Enterprise / Resources

Relevant Overview and Scrutiny Panel Environment and Economy

Subject Matter

The Economy and Enterprise Portfolio Holder submitted private report ED.26/13, the purpose of which was to brief the Executive on a proposed development at Rosehill.

She explained in some detail the background to the matter, together with the proposals in question. Details of the positive benefits and key concerns were also provided.

In conclusion, the Economy and Enterprise Portfolio Holder moved the recommendations set out within the report.

The Finance, Governance and Resources Portfolio Holder indicated his support for the comments expressed by the Economy and Enterprise Portfolio Holder, and duly seconded the recommendations.

Summary of options rejected None

DECISION

That the Executive:

1. Noted the development proposals contained within private Report ED.26/13.

2. Resolved that the Director of Economic Development and the Property Services Manager be authorised to enter into negotiations with H & H on a development agreement to re-develop the car park at Rosehill.
3. Agreed that a further report on the final scheme and recommended transactional terms be brought to a future meeting of the Executive.

Reasons for Decision

To enable negotiations on the proposal to proceed

EX.118/13 LAND AND PROPERTY TRANSACTIONS

(Non Key Decision)

(Public and Press excluded by virtue of Paragraph 3)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted private report RD.41B/13 outlining the commercially sensitive and financial aspects of the proposals set out in Part A to release and dispose of assets which were surplus to requirements.

The Finance, Governance and Resources Portfolio Holder then moved the recommendation that the Executive note and endorse the financial aspects of the proposals to dispose of surplus assets set out in Part A.

The Leader seconded the recommendation.

Summary of options rejected None

DECISION

That the Executive noted and endorsed the financial aspects of the proposals to dispose of surplus assets set out in public Report RD.41A/13.

Reasons for Decision

To more effectively manage the Council's operational and non-operational assets by bringing forward the strategic objectives set out in the Asset Review Business Plan and Asset Management Plan

(The meeting ended at 4.15 pm)