

CITY COUNCIL

TUESDAY 29 APRIL 2014 AT 6.45 PM

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

Town Clerk and Chief Executive
Director of Governance

ALSO

PRESENT: Mr J Bomford (Petitioner)

C.69/14 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mrs Southward and Wilson.

C.70/14 MINUTES

Councillor Glover moved and Councillor Mrs Bradley seconded the receipt and adoption of the Minutes of the Meetings of the City Council held on 20 February and 4 March 2014.

Referring to the last meeting of the Council held on 4 March 2014 (Minute C.55/14), Councillor Mrs Bowman stated that she had raised a question concerning the issue of underachievement of income at the Tourist Information Centre - Old Town Hall. Although Councillor Bowman had received a very lengthy response to the question, colleagues had not received a copy and she sought clarification of the process.

In response, the Director of Governance confirmed that written responses to Members' questions should be copied to all Members for their information. He undertook to ensure that was done the following day.

RESOLVED – That the Minutes of the meetings of the City Council held on 20 February and 4 March 2014 be received and signed as a true record of the meetings.

C.71/14 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

C.72/14 DECLARATIONS OF INTEREST

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

C.73/14 ANNOUNCEMENTS

(i) The Mayor

It was with sadness that The Mayor reported the death on 18 April 2014 of:

- Mr Geoff Whalley, who was Consort to The Mayor of Carlisle in 1983/84 and also served as Chairman of Cumbria County Council in 1990/91; and
- Mrs Dorothy Hayhoe, who was Mayoress of Carlisle in 1989/90.

Members stood for a minute's silence as a mark of respect to the memory of Mr Whalley and Mrs Hayhoe.

Councillor Glover (Leader of the Council) rose to place on record thanks to both Mrs Hayhoe and Mr Whalley. Clearly no-one undertook the role of Mayoress or Consort lightly and the support provided by those positions was greatly appreciated.

Although Councillor Glover had not been acquainted with Mrs Hayhoe he was aware that she had carried out her duties in a diligent manner, for which she should be thanked.

Councillor Glover indicated that he had known Mr Whalley to be a diligent County Councillor who had represented people living in the City. Mr Whalley had missed Mrs Whalley greatly and his life had never been the same following her passing. Councillor Glover added that Mr Whalley had maintained friendships with people in the Labour Party and was always ready with words of advice. Mrs Whalley had valued and appreciated his support, as did Labour Group Members.

In conclusion, Councillor Glover expressed sincere thanks and condolences to the families of Mrs Hayhoe and Mr Whalley.

Councillor J Mallinson then rose to endorse the Leader's comments and to convey condolences on behalf of the Conservative Party to both families.

Councillor Mallinson remembered Mrs Hayhoe as a very kind and gracious lady who had provided enormous support to Mr Hayhoe during his Mayoral year. Councillor Mallinson also knew Mr Whalley very well as a person who had the best interests of the people of Carlisle at heart. Mr Whalley was a great friend to Councillor Mallinson and to this City, which was all the worse for his demise.

(ii) The Leader of the Council

Although it did not seem possible, another Municipal Year was drawing to a close. The Leader announced that Councillors P Atkinson, Forrester, Lishman and Mrs Luckley would be standing down as Members of the City Council with effect from the forthcoming City Council elections on 22 May 2014. He wished to place on record the Council's thanks for the significant contribution and tireless work undertaken by the Members during their respective terms in office.

The Leader paid tribute to Councillor P Atkinson who had served the Council for nineteen years, initially in Currock Ward and latterly in the Denton Holme Ward. Although people sometimes said "you are all the same", the Leader emphasised that elected Members did

take on a great deal of work and dealt with many issues on behalf of their constituents. Their service should not therefore be taken for granted.

The Leader reiterated thanks to Councillor Atkinson. Many people had benefitted from his lengthy service which was greatly appreciated by the City Council.

The Leader reminded Members that Councillor Forrester had served on the City Council over the previous two year period. He was aware of the considerable and non-stop work undertaken by Councillor Forrester on behalf of the people of Harraby. The Leader added that he was saddened by Councillor Forrester's decision to stand down and that the Council very much appreciated his exemplary service.

Both Members would be welcomed back should they decide to stand for election in the future.

Speaking as Leader of the Conservative Group, Councillor J Mallinson endorsed the sentiments expressed by the Leader of the Council. He believed that many people did not realise the remarkable effort put in by a conscientious Member.

Councillor Mallinson stated that it had been a pleasure to know Councillor Lishman, and he complimented the Councillor for the considerable work and service he had provided during his term of office.

Councillor Mallinson then expressed a special goodbye to Councillor Mrs Luckley, commenting that he had very much appreciated her companionship.

Councillor Allison also thanked Councillor Mrs Luckley for her years of service to both the Liberal Democrat Group and the Council as a whole. He referenced in particular Councillor Luckley's excellent service as a Member of the Executive and wished her a happy and relaxing retirement.

Speaking on behalf of the City Council, the Mayor thanked all four Members for all they had done for the people of the district.

Councillor P Atkinson rose to return thanks to the Members for all of their kind words stating that, for the most part, it had been an interesting and enjoyable nineteen years. A number of prominent and controversial issues had arisen during that time, including the Millennium Project and the proposed demolition of Dixon's Chimney. He remembered colleagues including Councillor McDevitt and Mr Geoff Prest, together with the late Mr David King and Mr Philip Howard for their outstanding personalities and characters.

Councillor Atkinson also remembered with great respect the late Mr Lawrie Eilbeck who had been an outstanding Councillor and Leader of the Council over many years. He also expressed thanks to members of staff for their support, in particular, the Lead Committee Clerk and the Civic and Mayoral Officer.

Councillor Atkinson felt that, after nineteen years, it was impossible to say goodbye. He thanked Members of the Council, commenting that it had been a pleasure working with them.

(iii) Members of the Executive

There were no announcements from Members of the Executive.

(iv) Town Clerk and Chief Executive

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

The Mayor then invited Councillor Betton to pay tribute to the late Mrs Elsie Baty.

Councillor Betton said that he wished to pay tribute to a very special lady, whom he would never forget. Mrs Baty had played an active role in Botcherby for 50 years. She was a cherished and much loved member of the community, one who was never afraid to speak her mind for the benefit of that community.

Councillor Betton outlined the numerous good works undertaken by Mrs Baty which had touched many lives, together with details of the many organisations, fund-raising events and community projects with which she had been associated. Mrs Baty had been particularly proud of the Civic Award presented to her by The Mayor at a Civic Dinner.

In closing, Councillor Betton said that he had many memories of Mrs Baty and was so proud to have known her.

Councillor Scarborough reported that he had the great honour of paying tribute to Mrs Baty at her funeral service. He recalled having first met Mrs Baty when elected to the Council in 2003. Mrs Baty was a very persuasive and engaging person with the drive to help people in the Botcherby Ward.

Councillor Scarborough added that Mrs Baty had been the first person to congratulate him upon his appointment to the Botcherby Community Centre Management Committee, her contribution to the organisation being second to none. Mrs Baty had always adopted a “glass half full, never half empty” attitude and it had been an immense pleasure to work with her over many years.

Councillor Ellis informed the meeting that both Councillor Betton and himself were Botcherby lads. Mrs Baty knew everyone in Botcherby and was the one person whom you would behave around. Mrs Baty engendered respect and whatever was happening, whenever a volunteer was needed to get something done, she was there.

Mrs Baty did not take action for recognition or reward, rather she ‘did’ because she wanted the best and thought the best of many. Mrs Baty never regarded herself as special, she just did what she thought was right.

Councillor Ellis recalled that he had the honour of hosting a table at a Civic Dinner some years before, a dinner to which Mrs Baty had been invited. It had been a picture when Mrs Baty’s name was announced to collect a Civic Award and, despite her commitment to volunteering and adding to the lives of the people of Botcherby over many years, she still felt that what she did was ‘nothing special’. Mrs Baty was in tears that night, as were many when they heard of her passing.

Mrs Bay was a loss not only to her family, but to her community in Botcherby and to this City.

C.74/14 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.75/14 PETITIONS AND DEPUTATIONS

Pursuant to Procedure Rule 10.11, the Town Clerk and Chief Executive reported the receipt of a petition submitted on behalf of the Botcherby community asking the City Council and the leading administration to install new play equipment back into their children's play areas. They further sought assurance that no more children's play areas would be targeted for the removal of play equipment.

Report LE.09/14 prepared by the Director of Local Environment in response to the residents' petition was also submitted.

In accordance with the above Procedure Rule and the Council's Scheme for the Submission of Petitions, Mr Jeffery Bomford had been invited to address the Council on behalf of the petitioners.

Mr Bomford began by stating that, just like the Council, everyone had a budget. However, the last thing any parent would do was to stop their children from being able to have fun. With that in mind, residents of the Botcherby community asked that the Council listen to their concerns regarding the unexpected shutting down of children's play parks in their area by the Council.

Two parks enjoyed by Botcherby children had been closed by the Council with little or no warning or pre-consultation with residents. A simple 'Due for Demolition' poster would at least have been courteous.

Mr Bomford emphasised that the children had been left with only three play parks which was nowhere near adequate for the number of children living in the Botcherby community. For example, the Play Park on the Greystone Road side of Melbourne Park, which the Council had closed down, had a slide suitable for toddlers (2 – 5 years). It had been very popular and in good condition and Mr Bomford had used it with his son.

The play park which had escaped closure (on the Metal Box side of Melbourne Park) had no play equipment suitable for children aged between 2 – 5 years. As a consequence, there was no equipment for toddlers visiting with their parents or with older children, the result being that those children had to be taken much further away from home to find suitable play equipment.

Mr Bomford advised Members that the community did not understand why the well used and much needed Melbourne Park play area was closed, particularly as they understood that the Council had received Section 106 funding in the sum of £25,000 from Persimmon to spend on a play park in that area. He added that the community would like to know whether that money had been spent and, if so, on what or where.

The petitioners wished to see the level of Council involvement and investment in play developments in Hammonds Park and Bitts Park also directed to the needs of the children of Botcherby.

In conclusion, Mr Bomford requested that a meeting take place with representatives of the petitioners and the Council to explore the options available and plan the action needed.

The Deputy Leader, and Environment and Transport Portfolio Holder presented report LE.09/14 prepared by the Director of Local Environment in response to the residents' petition.

The report set out the background to the matter, including details of the thorough play area review which had been implemented in February and March 2014. Two out of five play areas in the Botcherby Ward (Broadoaks Grange and Scotby Gardens) had the fixed play equipment removed and were left as informal open space.

The review had highlighted three play areas of strategic importance within the Botcherby Ward (Keenan Park, Melbourne Park – Metal Box and Eden Park Crescent). Those would receive continued investment and development. An additional very good play area immediately on the ward boundary (Scotby Road) that served residents of Botcherby Ward would also receive continued investment and development. The play area at Scotby Gardens, which was situated under the shadow of a fly-over, was not considered conducive to play.

The review recommended that any future improvements to play areas were focussed upon the strategically important sites which provided the most exciting play opportunities for the greatest number of children.

There were opportunities for Section 106 funding to support sports and play provision in Botcherby and it was important that community views were sought on how the funding was spent if and when it became available.

The Deputy Leader had listened intently to Mr Bomford's presentation and, whilst sympathising with certain aspects, she could not agree on others.

The Deputy Leader reiterated the assurance given at the 4 February 2014 Council meeting, that the Executive was happy to engage with local communities and to work with any community groups to facilitate where possible the future management of play areas. She also reminded Members of the very detailed discussions and decision making process, which culminated in acceptance of the criteria by the City Council. The decision had not therefore been undertaken 'on the nod' as had been suggested.

In terms of the way forward the Deputy Leader, and Environment and Transport Portfolio Holder stated that she was happy to facilitate a meeting between representatives of the Botcherby community, Officers and herself to explore the options available to them for future development of play areas in the Botcherby Ward (without prejudice as to any possible outcome).

Councillor Glover seconded the recommendation.

Speaking in his capacity as Ward Member, Councillor Betton stated that if a meeting with the community had been offered in the first place the current situation would not have arisen and Botcherby children would not have suffered. He thanked all those who had signed the petition and who recognised the importance of play equipment for their children and grand children.

Councillor Betton made reference to the consultation / decision making process which had led to the removal of play equipment, together with the Portfolio Holder's comments concerning her willingness to work with communities. In his view the needs of the children of Botcherby had been disregarded by the current administration.

Quoting from section 1.5 of Report LE.09/14, which recorded that there were opportunities for Section 106 funding to support sports and play provision in Botcherby, he considered the decision not to replace equipment in line with petitioners' wishes to be outrageous and incompetent.

Councillor Betton said that presently the administration did not have the Section 106 funding of £107,000 from the Co-operative Dairy proposed development which would not happen for four/five years. There was, however, Section 106 money available from the Barley Edge development (over £88,000 received on 18 December 2013) which was allocated for offsite play and open space in the district. In excess of £47,000 was also allocated for the maintenance of offsite play and open space. Botcherby had not benefitted, but should have. Money was available and the children's play equipment could have been saved.

Councillor Betton added that the role of all Members was to represent the views of the electorate, and he knew that there was not a Councillor in the Chamber who was happy with either the decision to cull twenty play areas or the way in which it had been carried out. He considered the decision to be an act of failure, incompetence and arrogance.

Speaking in his capacity as Ward Councillor, Councillor Scarborough gave an assurance that he was happy to make himself available to attend any future meetings scheduled to discuss the development of play areas in the Botcherby Ward.

Speaking in his capacity as Ward Councillor, Councillor Boaden commended Mr Bomford for the measured and purposeful manner in which he had presented the petition. Mr Bomford exemplified the best of the Botcherby community and Councillor Boaden looked forward to working with him and residents on the matter.

The City Council then debated the matter, with a number of Members outlining their support / opposition to the petition.

In summing up, the Deputy Leader, and Environment and Transport Portfolio Holder reassured Mr Bomford that the Executive would work with representatives of the Botcherby community to explore available options for the future development of play areas in the Botcherby Ward (without prejudice as to any possible outcome).

RESOLVED – That the City Council thanked Mr Bomford for his attendance at the meeting; and invited representatives of the Botcherby community to meet with Officers and the Portfolio Holder to explore the options available to them for future development of play areas in Botcherby Ward, without prejudice as to any possible outcome.

C.76/14 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.77/14 EXECUTIVE

Councillor Glover moved and Councillor Mrs Martlew seconded the Minutes of the meetings of the Executive held on 10 March and 7 April 2014.

RESOLVED – That the Minutes of the meetings of the Executive held on 10 March and 7 April 2014 be received and adopted.

C.78/14 PORTFOLIO HOLDER REPORTS

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

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

The Leader moved his report drawing Members attention, in particular, to the Pirelli Carlisle RB Foundation Rally. That prestigious event would be held in Carlisle City Centre on 3 – 4 May 2014. The Leader was immensely grateful to Pirelli for inserting the word “Carlisle” into the event title since that helped to put Carlisle on the map. He also encouraged all Members to attend the event.

Whilst moving his report, the Finance, Governance and Resources Portfolio Holder highlighted the sections detailing work by the Licensing Section and Organisational Development. He pointed out that a well being and learning day for staff and Members would take place on 7 May 2014 here at the Civic Centre.

The Deputy Leader, and Environment and Transport Portfolio Holder moved her report, drawing attention to the paragraphs concerning - gull sacks, weed spraying and recycling. On the latter issue, the Portfolio Holder commended Members of the Recycling Task and Finish Group and, in particular, the Overview and Scrutiny Officer for their work and for production of a high quality final report.

In response to comments expressed by Councillors Mrs Mallinson and Nedved, the Deputy Leader, and Environment and Transport Portfolio Holder complimented and thanked Stanwix Ward Members and residents for all their hard work and contribution to the Stanwix Big Tidy Up; the Friends of Rickerby Park, Hammond’s Pond, etc all of whom acted responsibly; and the Green Spaces Team who did a great job, particularly with regard to education and enforcement.

The Economy and Enterprise Portfolio Holder moved her report.

The Communities and Housing Portfolio Holder moved her report highlighting, in particular, the information provided with regard to the Multi-Agency Problem Solving Groups and the Brampton Extra Care Scheme.

In moving her report, the Culture, Health, Leisure and Young People Portfolio Holder congratulated all concerned for the two very successful headline comedy nights which had recently taken place at the Old Fire Station Arts Centre Development. The Portfolio Holder reminded Council that delivery of the Old Fire Station Development was a Labour Party election pledge; it was an excellent and exciting asset which contributed to the local economy.

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 the Leader arrange to:

- (a) provide a written response to Councillor Mitchelson's concerns regarding commercial marketing and potential advertising on lamp posts and street lights, litter bins and recycling sites, etc; and to his request for clarification as to whether the Council was now paying a company (Liquid Design) to undertake event sponsorship and design.
- (b) provide a written response to Councillors Mrs Bowman and Mitchelson as to whether the Roger Albert Clarke Rally would be coming to Carlisle this year.

C.79/14 OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN'S REPORTS

(a) Community Overview and Scrutiny Panel

Councillor Mrs Luckley moved and Councillor Graham seconded that the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 27 March 2014 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 27 March 2014 together with the Chairman's Report be received and adopted.

(b) Resources Overview and Scrutiny Panel

Councillor Watson moved and Councillor Mrs Atkinson seconded that the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 20 February and 3 April 2014 be received and adopted.

Councillor Watson also presented his Chairman's Report. In so doing he congratulated Chief Officers for the achievement of an 18% reduction in absenteeism during 2012/13 compared to the previous year; and also members of staff for their responses to the Employee Opinion Survey 2014.

RESOLVED – That the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 20 February and 3 April 2014 together with the Chairman's Report be received and adopted.

(c) Environment and Economy Overview and Scrutiny Panel

Councillor Mrs Bowman moved and Councillor Whalen seconded that the Minutes of the Meeting of the Environment and Economy Overview and Scrutiny Panel held on 27 February 2014 be received and adopted.

Councillor Mrs Bowman also presented her Chairman's Report.

RESOLVED – That the Minutes of the meeting of the Environment and Economy Overview and Scrutiny Panel held on 27 February 2014 together with the Chairman's Report be received and adopted.

C.80/14 OVERVIEW AND SCRUTINY ANNUAL REPORT

A copy of Report OS.14/14 enclosing the Annual Report of the Council's Overview and Scrutiny function for 2013/14 had been circulated. The report summarised the work of the Scrutiny Panels over the last year. It also looked forward to the next year and made suggestions regarding the continued development of independent Member led scrutiny. There were no specific recommendations within the report which required Council approval.

Whist moving the Annual Report, Councillor Whalen paid tribute to the work undertaken by Councillor Mrs Bowman. He believed that it had been a good year for scrutiny, but emphasised that a lot more required to be done, particularly in ensuring that the weakest in society had a real voice.

Councillor Mrs Bowman seconded the report.

RESOLVED – That the Annual Report of the Council's Overview and Scrutiny function for 2013/14 be received.

C.81/14 DEVELOPMENT CONTROL COMMITTEE

Councillor Scarborough moved and Councillor Whalen seconded the receipt and adoption of the Minutes of the Meetings of the Development Control Committee held on 29 and 31 January; and 5 and 7 March 2014.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 29 and 31 January; and 5 and 7 March 2014 be received and adopted.

C.82/14 APPEALS PANELS

Councillor Stothard moved and Councillor Bell seconded the receipt and adoption of the Minutes of the Meetings of Appeals Panel No. 2 held on 18 February and 20 March 2014.

Councillor Harid moved and Councillor Mrs Atkinson seconded the receipt and adoption of the Minutes of the Meeting of Appeals Panel No. 1 held on 3 March 2014.

Councillor Collier moved and Councillor Boaden seconded the receipt and adoption of the Minutes of the Meeting of Appeals Panel No. 3 held on 14 March 2014.

RESOLVED – That the Minutes of the meetings of the Appeals Panels held on 18 February; and 3, 14 and 20 March 2014 be received and adopted.

C.83/14 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.84/14 PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE COUNCIL'S BUDGET AND POLICY FRAMEWORK

EX.24/14 and EX.32/14 – Carlisle and Eden Community Safety Partnership Annual Plan 2014/15

Pursuant to Minute EX.24/14 and EX.32/14, consideration was given to a recommendation from the Executive that the City Council approve the Carlisle and Eden Community Safety Partnership Annual Plan 2014/15 for adoption onto the Council's Policy Framework. A copy of Report SD.06/14 and relevant Minute Extracts had been circulated.

Councillor Mrs Riddle moved and Councillor Mrs Martlew seconded the recommendation.

RESOLVED – That the Carlisle and Eden Community Safety Partnership Annual Plan 2014/15, as appended to Report SD.06/14, be approved and adopted onto the Council's Policy Framework.

C.85/14 REFERENCE FROM THE AUDIT COMMITTEE

Pursuant to Minute AUC.27/14, consideration was given to the Annual Report of the Audit Committee for the municipal year 2013/14 (RD.03/14). An extract from the Minutes of the Audit Committee meeting held on 14 April 2014 had been circulated.

Councillor Ms Patrick moved the Annual Report. In so doing she expressed thanks for the hard work undertaken by all Members of the Audit Committee; and for the support provided by Officers in terms of the preparation of reports and implementation of the Committee's recommendations, all of which had contributed to the success of the authority.

Councillor Mrs Atkinson seconded the report.

RESOLVED – That the Council noted and accepted the Audit Committee's Annual Report for 2013/14.

C.86/14 OPERATION OF THE PROVISIONS RELATING TO CALL-IN AND URGENCY

Pursuant to Procedure Rule 15(i) of the Overview and Scrutiny Procedure Rules, the Director of Governance reported GD.18/14 on the Operation of Call-in and Urgency Procedures over the last year.

RESOLVED – That the report be noted and the current procedures on the operation of call-in and urgency be continued.

C.87/14 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.88/14 MAYOR'S COMMENTS

The Mayor invited Members of the City Council to attend the reception arranged to mark the end of the current Municipal Year.

(The meeting ended at 8.59 pm)