

CITY COUNCIL

TUESDAY 28 APRIL 2015 AT 6.45 PM

PRESENT: The Mayor (Councillor Bowditch), Councillors Allison, Mrs Atkinson, Bainbridge, Bell, Betton, Bloxham, Boaden, Mrs Bowman, Bowman (S), Mrs Bradley, Burns, Caig, Cape, Collier, Dodd, Earp, Ellis, Ms Franklin, Mrs Geddes, Gee, Glover, Graham, Harid, Higgs, Layden, Mrs Mallinson, Mallinson (J), McDevitt, Mrs McKerrell, Mrs Martlew, Mitchelson, Morton, Nedved, Ms Patrick, Mrs Prest, Ms Quilter, Mrs Riddle, Scarborough, Southward, Mrs Southward, Mrs Stevenson, Stothard, Taylor, Tickner, Mrs Vasey, Mrs Warwick, Watson, Weber and Wilson

Town Clerk and Chief Executive
Director of Governance

C.63/15 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mrs Bradley, Mrs Parsons and Miss Sherriff.

C.64/15 MINUTES

Councillor Glover moved and Councillor Mrs Martlew seconded the receipt and adoption of the Minutes of the Meeting of the City Council held on 3 March 2015.

RESOLVED – That the Minutes of the meeting of the City Council held on 3 March 2015 be received and signed as a true record of the meeting.

C.65/15 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

C.66/15 DECLARATIONS OF INTEREST

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

C.67/15 ANNOUNCEMENTS

(i) The Mayor

The Mayor announced that Councillors Mrs Geddes, Mrs Prest, Taylor and Weber would be standing down as Members of the City Council with effect from the forthcoming City Council elections on 7 May 2015. 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.

(ii) The Leader of the Council

The Leader endorsed the sentiments expressed by the Mayor stating that Councillors Mrs Geddes, Mrs Prest, Taylor and Weber had a culmination of 72 years' service in the community and the Council.

The Leader paid tribute to Councillor Mrs Prest highlighting the roles she had undertaken during her thirteen years' service.

The Leader praised Councillor Mrs Geddes for her twenty two years' service to the Council. Councillor Mrs Geddes had contributed to the work of the Council in a number of roles and the pinnacle of her career had been selected to serve as Mayor in 2008/09.

The Leader reminded Members that Councillor Taylor had served on the Council since September 2014 following the sad loss of Councillor Whalen. Councillor Taylor was known for the hard work he undertook in his ward and unfortunately, due to work commitments, he could not continue to serve on the Council.

The Leader paid tribute to Councillor Weber, who after thirty six years on the Council was retiring. Councillor Weber had served as Mayor in 1988/89 and had delivered real improvements in the Harraby Ward and in the City during his time as Councillor and had mentored many new Councillors over the years.

The Leader wished all four Councillors well for the future.

Speaking as Leader of the Conservative Group, Councillor J Mallinson rose to add his sentiments.

Councillor Mallinson stated that he had not known Councillor Taylor well but had been pleased he had joined the Council following on from a popular dedicated Member.

He thanked Councillor Mrs Prest for her thirteen years' service to the Council.

Councillor Mallinson reminded Members that Councillor Mrs Geddes became a Councillor in 1993 but was first a candidate in 1992 in Denton Holme. She had been a long serving Member with a long list of achievements within the Council including seven years as the Chairman of the National Association of Councillors. Councillor Geddes had also had a very successful year charity year during her term as Mayor.

Councillor Mallinson commented that he and Councillor Weber had not always agreed but had always been friends and had worked well together. Councillor Weber had real interest and passion in the workings of the Council and was a very strong community Councillor. He was a credit to the Ward.

Councillor Mallinson wished all four Members a happy retirement.

Councillor Collier wished Councillor Weber well for his future commenting that they had always been friends.

The Deputy Leader applauded Councillors Mrs Geddes and Mrs Prest as dedicated Members of the Council.

The Deputy Leader was sad to see Councillor Taylor leaving but admired his integrity and wished him every success in the future,

The Deputy leader paid tribute to Councillor Weber reminding Members that he had played an important part in reshaping Carlisle. He had been involved in the Lanes development, Tullie House development, building of new homes and the pedestrianisation of the City Centre. He was an excellent Councillor in both the City and County Councils and was the Member who had achieved better relationships between the two Councils.

Councillor Weber also achieved tangible changes in his Ward including better roads and verges due to his total commitment. She summed up by praising Councillor Weber for his work on the Harraby Together We Can project which would not have been achieved without him.

Councillor Allison also wished all four Members well for the future, highlighting the excellent work undertaken with Councillor Weber to secure a school bus route from the Garlands Estate.

(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.

C.68/15 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.69/15 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.70/15 QUESTIONS FROM MEMBERS OF THE CITY COUNCIL

(1) Small Scale Community Projects

Pursuant to Procedure Rule 11.2, the Town Clerk and Chief Executive reported the receipt of a question submitted on notice by Councillor Mrs Bowman.

At the invitation of the Mayor, Councillor Mrs Bowman asked the following question:

“Would the Chairman of Resources Overview and Scrutiny Panel confirm that there will be “An additional £1,000 for each Councillor to support small scale community projects in their Wards” as stated in his report to Council on the 3rd March 2015.”

In response, the Chairman of the Resources Overview and Scrutiny Panel clarified that he had stated that he had been pleased that the Executive were proposing an additional £1,000 per Member for Small Scale Community Projects. The 2015/16 budget included a

recurring budget of £52,000, equivalent to £1,000 per Member, for use for Small Scale Community Projects. This replaced the previous non-recurring budget which in 2014/15 was £40,000. He accepted that this was not an additional £1,000 per Member but changes the budget to a recurring budget and increases the overall allocation by £12,000.

In accordance with Procedure Rule 10.1, the Mayor invited Councillor Mrs Bowman to ask a supplementary question should she so wish.

Councillor Mrs Bowman had no further questions.

(2) Agency Staff

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

At the invitation of the Mayor, Councillor Ellis asked the following question:

“Can the Leader of the Council let me know how much the Council spent on Agency staff, and how many staff the Council has employed via this mechanism in the last twelve months?”

In response, the Leader reported that in 2014/15 the total spend on agency staff was £480,000 with the significant amount being spent on waste services staff. He explained that this was not new and in 2011/12 the figure had been £310,000.

There had been £737,000 in savings made in the Local Environment Directorate since 2012/13 and this had a devastating impact on the ability to staff the service appropriately.

The breakdown of agency staff use was as follows:

81 drivers/loaders for the refuse rounds

1 Neighbourhood Services Manager

1 Cleaner

1 Waste Project Manage

1 Interim IT manager

Benefits Processing Staff in Revenues and Benefits with 37% being paid for by the Council.

The 81 agency staff in waste services was to cover vacancies, holidays and sickness as refuse vehicles must be fully staffed and the alternative was to not collect refuse. He explained that the Council would not allow the service to deteriorate as keeping Carlisle clean was a priority. He added that the Council would respond in a robust way and look at new ways of working and different ways of recruiting to reduce the need for agency staff. The Leader summed up by informing Members that many agency staff went on to secure permanent jobs within the Council.

In accordance with Procedure Rule 10.1, the Mayor invited Councillor Ellis to ask a supplementary question should he so wish.

Councillor Ellis had contacted the agency which provided the waste services staff and had been informed that the staff had zero hours contracts with no terms and conditions and

were working for less than the living wage. He asked if the Leader stood by the decision to use the agency staff on those terms.

The Leader responded that only half of the waste services staff came from that particular agency but they were not employed on a zero hours contract. All agency staff knew the hours they would be working.

C.71/15 EXECUTIVE

Councillor Glover moved and Councillor Mrs Martlew seconded the Minutes of the meetings of the Executive held on 2 March and 7 April 2015.

RESOLVED – That the Minutes of the meetings of the Executive held on 2 March and 7 April 2015 be received and adopted.

C.72/15 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, Enterprise and Housing
Communities, Health and Wellbeing
Culture, Leisure and Young People

Each Portfolio Holder moved their report with the Leader moving the Economy, Enterprise and Housing's Portfolio Holder report.

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

RESOLVED – That the reports of the Portfolio Holders be received.

C.73/15 OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN'S REPORTS

(a) Community Overview and Scrutiny Panel

Councillor Burns moved and Councillor Mrs Prest seconded that the Minutes of the Meetings of the Community Overview and Scrutiny Panel held on 26 February and 9 April 2015 be received and adopted.

Councillor Burns presented his Chairman's Report and responded to a Member's request that Social Landlords other than Riverside Carlisle be invited to attend a future Overview and Scrutiny meeting to give their views on housing in the City.

RESOLVED – That the Minutes of the Meetings of the Community Overview and Scrutiny Panel held on 26 February and 9 April 2015 together with the Chairman's Report be received and adopted.

(b) Resources Overview and Scrutiny Panel

Councillor Watson moved and Councillor McDevitt seconded that the Minutes of the Meeting of the Resources Overview and Scrutiny Panel held on 5 March 2015 be received and adopted.

Councillor Watson also presented his Chairman's Report and responded to Members questions regarding the recommendations discussed at the Overview and Scrutiny Panel meeting which were not supported by the Panel with regard to the Future Asset Management Options – Kingstown and Parkhouse Procurement Project.

RESOLVED – That the Minutes of the Meeting of the Resources Overview and Scrutiny Panel held on 5 March 2015 together with the Chairman's Report be received and adopted.

(c) Environment and Economy Overview and Scrutiny Panel

Councillor Nedved moved and Councillor Mrs Bowman seconded that the Minutes of the Meeting of the Environment and Economy Overview and Scrutiny Panel held on 12 March 2015 be received and adopted.

Councillor Nedved also presented his Chairman's Report.

RESOLVED – That the Minutes of the meeting of the Environment and Economy Overview and Scrutiny Panel held on 12 March 2015 together with the Chairman's Report be received and adopted.

C.74/15 OVERVIEW AND SCRUTINY ANNUAL REPORT

A copy of Report OS.10/15 enclosing the Annual Report of the Council's Overview and Scrutiny function for 2014/15 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.

Changes to the Call-in process had been discussed and there were two recommendations for consideration by the City Council:

- That the Constitution be amended to extend the power of call-in to substitute Members of Overview and Scrutiny Panels.
- That the Constitution be amended to extend the deadline for holding a call-in meeting be extended from 7 clear working days to 10 clear working days or the next scheduled meeting of the relevant Overview and Scrutiny Panel with the agreement of all parties.

Councillor Watson moved the report.

RESOLVED – That the Council:

(1) Formally accepted the Annual Report of the Council's Overview and Scrutiny function for 2014/15.

(2) That the Constitution be amended to extend the power of call-in to substitute Members of Overview and Scrutiny Panels.

(3) That the Constitution be amended to extend the deadline for holding a call-in meeting from 7 clear working days to 10 clear working days or the next scheduled meeting of the relevant Overview and Scrutiny Panel with the agreement of all parties.

C.75/15 REGULATORY PANEL

Councillor Bell moved and Councillor Ms Franklin seconded the receipt and adoption of the Minutes of the Meeting of the Regulatory Panel held on 25 February 2015.

RESOLVED – That the Minutes of the Meeting of the Regulatory Panel held on 25 February 2015 be received and adopted.

C.76/15 DEVELOPMENT CONTROL COMMITTEE

Councillor Scarborough moved and Councillor Mrs Warwick seconded the receipt and adoption of the Minutes of the Meetings of the Development Control Committee held on 18 and 20 February; and 25 March 2015.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 18 and 20 February; and 25 March 2015 be received and adopted.

C.77/15 APPEALS PANEL

Councillor Stothard moved and Councillor Bell seconded the receipt and adoption of the Minutes of the Meeting of Appeals Panel 3 held on 24 February 2015.

RESOLVED – That the Minutes of the Meeting of Appeals Panel 3 held on 24 February 2015 be received and adopted.

C.78/15 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.79/15 CONSTITUTIONAL AMENDMENTS

Consideration was given to a report of the Monitoring Officer (GD.25/15) concerning constitutional amendments proposed by the Portfolio Holder for Finance, Governance and Resources.

The report set out for Members proposed changes to the Council's Constitution in relation to the deadline for the submission on Notice of Motions and Questions; the ability of the Monitoring Office to make minor amendments; and, compliance with the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.

Councillor Dr Tickner moved and Councillor Glover seconded, and it was:

RESOLVED – That Council:

1. Approved the revised wording to the Council Procedure Rules (CPR) and authorised the Monitoring Officer to make the necessary changes as follows:
 - a. CPR 10.3 (Notice of Questions by Members of the Public);

“A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Director of Governance no later than midday 11 clear days before the day of the meeting. Each question must give the name and address of the questioner and must, if the questioner wishes the question to be answered by a specific named member, name that member of the Council to whom it is to be put. If the questioner does not name a specific member, then the question will be answered by the leader or such member of the executive whom he/she nominates in respect of any matter for which the executive is responsible, and by the chairman of a relevant committee, sub-committee, panel or working group in respect of that body's functions. “
 - b. CPR11.4 (Notice of Questions by Members);

“A member may only ask a question under Rule 11.2 or 11.3 if either:

 - (a) they have given notice of the question in writing or by electronic mail to the Director of Governance no later than midday at least 11 clear days before the day of the meeting; or
 - (b) the question relates to urgent matters, they have the consent of the chairman of the Council in respect of any question to be asked at a full Council meeting and the chairman of the relevant committee, sub-committee, panel or working group in respect of any question to be asked at that meeting and the content of the question is given to the Director of Governance by 9.30 a.m. on the day of the meeting.”
 - c. CPR12.1 (Notice of Motions)

“Except for motions to remove the leader under Rule 12.2 and motions which can be moved without notice under Rule 13, written notice of every motion, signed by the member or members of the Council, must be delivered to the Director of Governance not later than midday 11 clear days before the date of the meeting. These will be entered in a book open to public inspection.”
2. Agreed to amend Article 15.02 of the Constitution so as to include the delegation of authority to the Monitoring Officer as follows:

“Textual and factual amendments, including those resulting from changes in legislation, required to keep the Constitution up to date, or consequential amendments as a result of a Council, Executive or Committee decision may be implemented by the Monitoring Officer following consultation with the Portfolio Holder for Finance, Governance and Resources. All Members will be notified of changes made.”
3. To comply with the Local Authorities (Standing Orders)(England)(Regulations) 2001 (as amended by the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015):
 - i. Appointed the Employment Panel as a committee appointed under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Authority and amended its terms

- of reference accordingly in the Council's Responsibility for Functions section of the Constitution.
- ii. Endorsed the invitation on behalf of the Council to the two Independent Persons to be considered for appointment to the Panel and duly appointed Jane Salmon and Keith Thomas as co-opted members of the Employment Panel only for dealing with matters relating to the dismissal of relevant officers in accordance with the statutory procedure.
 - iii. Amended the Council's Officer Employment Procedure Rules and any other reference in the Constitution so as to comply with the amended Local Authorities (Standing Orders)(England) Regulations 2001.
 - iv. Agreed that the changes become effective on 11 May 2015.
 - v. Authorised the Monitoring Officer to make the necessary amendments to the Constitution.

C.80/15 OVERVIEW AND SCRUTINY PROCEDURE RULES: APPOINTMENT OF CHAIRS

Consideration was given to a report of the Monitoring Officer (GD.22/15) regarding the appointment of Chairs and Vice-Chairs of the Council's Overview and Scrutiny Committees.

The report had been prepared in response to a written request from the Leader of the Council, and set out the background position and current regime, together with the proposal that Council amend Rule 6 of the Constitution Overview &Scrutiny Procedure Rules to read as follows (amendments underlined):

"Chairs and vice chairs of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, will be appointed at the Annual Council meeting. The Council requires that each of the two largest political groups has one overview and scrutiny chair and one vice-chair (on separate committees where possible) to be decided in discussion by the leaders of the two largest political groups and, in the absence of agreement, then the Council will decide the appointments in such manner as it determines. The remaining Chair and Vice-Chair appointments to be decided by the Council in such manner as it determines."

Councillor Dr Tickner moved and Councillor Glover seconded, and it was:

RESOLVED – That Rule 6 of the Constitution Overview &Scrutiny Procedure Rules be amended to read as follows (amendments underlined):

"Chairs and vice chairs of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, will be appointed at the Annual Council meeting. The Council requires that each of the two largest political groups has one overview and scrutiny chair and one vice-chair (on separate committees where possible) to be decided in discussion by the leaders of the two largest political groups and, in the absence of agreement, then the Council will decide the appointments in such manner as it determines. The remaining Chair and Vice-Chair appointments to be decided by the Council in such manner as it determines."

C.81/15 REFERENCE FROM THE AUDIT COMMITTEE

Pursuant to Minute AUC.28/15, consideration was given to the Annual Report of the Audit Committee for the municipal year 2014/15 (RD.03/15). An extract from the Minutes of the Audit Committee meeting held on 13 April 2015 had been circulated.

Councillor Ms Patrick moved the Annual Report. In so doing she expressed thanks for the support and input by all Members of the Audit Committee over the course of the year.

Councillor Mrs Mallinson seconded the report.

RESOLVED – That the Council noted and accepted the Audit Committee's Annual Report for 2014/15.

C.82/15 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.21/15 on the Operation of Call-in and Urgency Procedures over the last year.

RESOLVED – That the report be noted.

C.83/15 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.

(The meeting ended at 7.55pm)