

# COUNCIL

## SUMMONS

To the Mayor and Members of Carlisle City Council

You are summoned to attend the Meeting of Carlisle City Council which will be held on **Tuesday, 28 April 2015 at 18:45**, in the **Council Chamber, Civic Centre, Carlisle, CA3 8QG**



Director of Governance

## AGENDA

1. The Mayor will invite the Chaplain to say prayers.
2. The Town Clerk and Chief Executive will open the meeting by calling the roll.

3. **Minutes**

The Council will be asked to receive the Minutes of the meeting of the City Council held on 3 March 2015.

4. **Public and Press**

To determine whether any of the items of business within Part A of the Agenda should be dealt with when the public and press are excluded from the meeting.

To determine whether any of the items of business within Part B of the Agenda should be dealt with when the public and press are present.

**5. Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

**6. Announcements**

- (i) To receive any announcements from the Mayor
- (ii) To receive any announcements from the Leader of the Council
- (iii) To receive any announcements from Members of the Executive
- (iv) To receive any announcements from the Town Clerk and Chief Executive

**7. Questions by Members of the Public**

Pursuant to Procedure Rule 10.1, the Town Clerk and Chief Executive to report that no questions have been submitted on notice by members of the public.

**8. Presentation of Petitions and Deputations**

Pursuant to Procedure Rule 10.11, the Town Clerk and Chief Executive to report that no petitions or deputations have been submitted by members of the public.

**9. Questions from Members of the Council**

Pursuant to Procedure Rule 11.2, the Town Clerk and Chief Executive to report the receipt of the following question submitted on notice by Councillor Mrs Bowman:

"Would the Chairman of Resources Overview and Scrutiny Panel confirm that there will be "An additional £1000 for each Councillor to support small scale community projects in their Wards" as stated in his report to Council on the 3rd March 2015."

## **10. Executive**

### **(a) Minutes**

The Council will be asked to receive the Minutes of the meetings of the Executive held on 2 March and 7 April 2015, and ask questions of the Leader and Portfolio Holders on those Minutes.

### **(b) Portfolio Holder Reports**

The Council will be asked to receive reports from the following Portfolio Holders:

- |  |                |
|--|----------------|
| <b>(i) <u>Leader's Portfolio</u></b>                 | <b>7 - 10</b>  |
| <b>(ii) <u>Finance, Governance and Resources</u></b> | <b>11 - 14</b> |
| <b>(iii) <u>Environment and Transport</u></b>        | <b>15 - 18</b> |
| <b>(iv) <u>Economy, Enterprise and Housing</u></b>   | <b>19 - 22</b> |
| <b>(v) <u>Communities, Health and Wellbeing</u></b>  | <b>23 - 26</b> |
| <b>(vi) <u>Culture, Leisure and Young People</u></b> | <b>27 - 30</b> |
- and ask questions of the Leader and Portfolio Holders on those Reports.  
(Copy Reports herewith)

## **11. Overview and Scrutiny**

The Council will be asked to receive the Minutes from the following meetings of the Overview and Scrutiny Panels and to ask questions of the Chairmen; and receive reports from the Chairmen of the Overview and Scrutiny Panels:

- |       |   |                |
|-------|---|----------------|
| (i)   | <b><u>Community Overview and Scrutiny Panel</u></b>   | <b>31 - 34</b> |
|       | (a) Minutes of the meetings held on 26 February and 9 April 2015<br>(b) Chairman's Report   |                |
| (ii)  | <b><u>Resources Overview and Scrutiny Panel</u></b>   | <b>35 - 36</b> |
|       | (a) Minutes of the meeting held on 5 March 2015<br>(b) Chairman's Report  |                |
| (iii) | <b><u>Environment and Economy Overview and Scrutiny Panel</u></b>   | <b>37 - 38</b> |
|       | (a) Minutes of the meeting held on 12 March 2015<br>(b) Chairman's Report<br><br>(Copy Reports herewith)  |                |
| 12.   | <b><u>Overview and Scrutiny Annual Report 2014/15</u></b>   | <b>39 - 64</b> |
|       | To consider the Annual Report of the Overview and Scrutiny Panels for 2014/15 as required under Article 6 of the Council's Constitution.<br>(Copy Report OS.10/15 and Minute Extracts herewith/to follow) |                |
| 13.   | <b><u>Regulatory Panel</u></b>  |                |
|       | To receive the Minutes of the meeting of the Regulatory Panel held on 25 February 2015.   |                |
| 14.   | <b><u>Development Control Committee</u></b>   |                |
|       | To receive the Minutes of the meetings of the Development Control Committee held on 18 and 20 February; and 25 March 2015.  |                |
| 15.   | <b><u>Appeals Panel</u></b>   |                |
|       | To receive the Minutes of the meeting of the Appeals Panel held on 24 February 2015.  |                |
| 16.   | <b><u>Notice of Motion</u></b>  |                |
|       | Pursuant to Procedure Rule 12, the Town Clerk and Chief Executive to report that no motions have been submitted on notice by Members of the Council.  |                |

- |     |   |                  |
|-----|---|------------------|
| 17. | <b><u>Constitutional Amendments</u></b>   | <b>65 - 74</b>   |
|     | <p>To consider a report of the Monitoring Officer recommending amendments to the Council's Constitution in relation to the deadline for the submission of Motions and Questions; the ability of the Monitoring Officer to make minor amendments; and, compliance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.<br/>(Copy Report GD.25/15 herewith)</p> |                  |
| 18. | <b><u>Overview and Scrutiny Procedure Rules: Appointment of Chairs</u></b>  | <b>75 - 80</b>   |
|     | <p>To consider a report of the Monitoring Officer recommending an amendment to the Overview and Scrutiny Procedure Rules as regards the appointment of Chairs and Vice-Chairs of the Council's Overview and Scrutiny Committees.<br/>(Copy Report GD.22/15 herewith)</p>  |                  |
| 19. | <b><u>Audit Committee's Annual Report</u></b>   | <b>81 - 100</b>  |
|     | <p>To consider the Annual Report of the Audit Committee.<br/>(Copy Report RD.03/15 herewith / Minute Extract to follow)</p>   |                  |
| 20. | <b><u>Operation of Provisions relating to Call In and Urgency</u></b>   | <b>101 - 110</b> |
|     | <p>Pursuant to Overview and Scrutiny Procedure Rule 15(i), the Director of Governance to report on the operation of Call In and Urgency Procedures over the past year.<br/>(Copy Report GD.21/15 herewith)</p>  |                  |
| 21. | <b><u>Communications</u></b>  |                  |
|     | <p>To receive and consider communications and to deal with such other business as may be brought forward by the Mayor as a matter of urgency, in accordance with Procedure Rule 2.1(xiv) to pass such resolution or resolutions thereon as may be considered expedient or desirable.</p>  |                  |

## **PART 'B'**

**To be considered in private**

- NIL -

## **Reception**

The Mayor has agreed to host a reception for Members of the City Council and their spouses/partners at the conclusion of the meeting to mark the end of the Municipal Year, when a finger buffet and drinks will be served on the Reception Area

Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Leaders Portfolio Holder's Report –  
Councillor Colin Glover**

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### **Carlisle Ambassadors**

As you may be aware, the 2015 Carlisle Ambassador programme is now well underway with meetings held on a bi-monthly cycle at interesting venues that showcase Carlisle. The first meeting was held in January at the Halston Aparthotel and was attended by over 150 people representing businesses across the City. The second meeting, in March, was held at Carlisle Racecourse and was attended by 220 business people. Both meetings have been oversubscribed with waiting lists for places. We are looking forward to hosting the next meeting of Carlisle Ambassadors on Thursday 21<sup>st</sup> May 2015 at the newly opened Arts Centre in the Old Fire Station.

Carlisle Ambassadors collaborate to make Carlisle a better place to live, work and visit. They come together to influence the future of our City. Delegates have been keen to stay to network, exchange ideas or collaborate on projects, with a positive energy already driving activity. The key message from the first meeting: 'Positive things happen to positive places' is being repeated and is already inspiring others to action.

Media activity has seen articles in: In Cumbria, Carlisle Living, News & Star and the Cumberland News. The press, local radio (CFM) and ITV Border have conducted interviews and attended Ambassadors meetings with subsequent coverage.

Social media channels have also been established ready to support local business news and events, and the new website is up and running - visit [www.carlisleambassadors.co.uk](http://www.carlisleambassadors.co.uk) to find out more. The programme is generating some high profile social media coverage with individuals and businesses blogging, tweeting, following on Facebook and LinkedIn and writing articles. To date, circa 50 businesses have applied to pay membership fees and become an official Carlisle Ambassador.

### **Carlisle Partnership Executive**

The Carlisle Partnership Executive recently held a meeting and received a presentation from the Director of the Local Economic Partnership focusing on the Strategic Economic Plan and European Structural Investment Fund opportunities. Discussion took place around possible opportunities and collaborative projects across the subgroups and priority areas. The Skills Plan and work readiness / employability was also brought to the Executive for discussion and consideration and partners from a variety of external organisations were invited to add value to the discussion. We thank all partners for their continued valuable contributions.

The Partnership also discussed future opportunities for working together across the partnership. Initial intelligence highlights crosscutting/ emerging collaborative threads as: Infrastructure improvements and the A595; inequalities; connected communities and promoting Carlisle/ attracting resources.

### **Joint Primary Schools Council**

It is important that the Council continues to engage with our young people, to listen to them and build their aspirations into our plans for the future. At the last meeting I was able to report that members and officers had met with the new Carlisle & Eden Member of the UK Youth Parliament and with members of Carlisle Youth Council for their AGM. A few weeks ago it was the turn of the Joint Primary Schools Council to visit us and it was good to listen to them debate the issues that are important to them. Each school started by making a presentation on what they liked about Carlisle and how they would like to see it develop in the future. They then questioned each other and debated a range of issues including leisure activities, safe cycling to school, sporting facilities and volunteering. It was



good to hear how much they care about Carlisle and who knows, there may have been a few councillors of the future amongst them.

### **Cumbria Health and Wellbeing Board**

The first meeting of the revised Cumbria Health and Wellbeing Board was held on Wednesday 15<sup>th</sup> April. The meeting received an update on a variety of issues including the current position of the Health Care system; Public Health Alliance; Better Care Fund and the redevelopment of West Cumberland Hospital. District Councils have a key role to play and are responsible for a number of key determinants of health and wellbeing particularly in relation to the preventative agenda.

### **Emergency Planning**

We hosted the Sellafield Offsite Emergency Plan exercise in March 2015, the exercise went well and a full debrief has been given. Workshops have also been delivered by the County Council's Resilience Unit to familiarise staff with the Resilience Direct planning and response system.

### **Marketing**

As part of the marketing for the Old Fire Station a new programme has been created detailing upcoming events due to take place. The Old Fire Station programme will be placed across the region, with 20,000 programmes to be delivered from the Borders, across North Cumbria and down the M6 corridor as far as Kendal.

### **Events debriefs**

All the main events from 2014 have had debrief meetings; the learning from these will help us improve the events in 2015.

## Events 2015

Carlisle is set to host a packed programme of events in 2015.

The updated events listing is as follows:

- **Saturday 23 - Sunday 24 May:** Carlisle Spring Fling, Carlisle city centre
- **Monday 25 May:** Upperby Gala, Hammond's Pond
- **Saturday 30 May:** Cumberland Show promotional event (bringing the countryside to the city centre)
- **Saturday 6 June:** Cumberland Show, Carlisle Racecourse
- **Friday 12 - Sunday 14 June:** Crime Writing Weekend, Old Fire Station Arts Centre.  
Visit [crimeweekend.carlisle.city](http://crimeweekend.carlisle.city)
- **Wednesday 17 June:** Pride and Prejudice open-air theatre, Talkin Tarn Country Park
- **Saturday 20 June:** Cumbria Pride, Carlisle city centre
- **Saturday 27 June:** Armed Forces Day, Carlisle city centre
- **Saturday 4 July:** Talkin Tarn Regatta
- **Friday 17 July:** The Sorcerer's Apprentice open-air theatre, Bitts Park
- **Saturday 18 - Sunday 19 July:** Carlisle Music City
- **Friday 31 July:** Sir Tom Jones, Bitts Park
- **Thursday 13 August:** Treasure Island open-air theatre, Talkin Tarn Country Park
- **Saturday 22 - Monday 31 August:** Carlisle Pageant, Carlisle city centre
- **Tuesday 8 September & Thursday 10 September:** Tour of Britain
- **Saturday 31 October:** Fireshow Funday, Carlisle city centre
- **Saturday 31 October:** Fireshow, Bitts Park
- **Sunday 8 November:** Remembrance Sunday, Carlisle city centre
- **Sunday 15 November:** Christmas Lights Switch On, Carlisle city centre

Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Finance, Governance and Resources Portfolio Holder's Report –  
Councillor Dr Les Tickner**

## **Licensing**

The Gambling and Licensing Act Statement of Licensing Policies are due for revision and publication before 1<sup>st</sup> January 2016. Work has started on these and draft policies will be going out for consultation in the next few months. Following approval by the Licensing Committee the final draft will go to Full Council at the end of the year for adoption.

There have been many changes in the entertainment regulations over the years, primarily deregulating certain types of entertainment before 11pm at night and where the audience is less than 500 persons. The latest legislative reform takes effect in April 2015 and this deregulates certain entertainment that takes place on local authority, health care providers or school premises.

Under the Licensing Act, 2003, the annual fee payable for licences is fixed by central Government. There has been a proposal and consultation to change this, to make the licensing authority responsible for fee setting. The Government have just announced that this change will not take place in the near future, but may be revisited at some time.

## **Organisational Development**

The Ethical Governance Programme for May to October 2015 has been circulated to all Members. This includes details of essential training for chairs, members and substitutes of key committees and panels in the new Civic year. If you are interested in attending any of the workshops please contact Linda Mattinson.

We are working with other Cumbrian authorities as part of the Cumbrian Member Development Network to bring training courses to Cumbria to reduce travel for Members and increase opportunities to share good practice with neighbouring councils. Information about the programme for the 2015/16 Civic year will be available shortly.

### **Health and Safety**

Work is currently underway with the Organisation Development Team to organise this years Health, Wellbeing and Learning Day which will take place on the 19<sup>th</sup> May 2015.

### **Electoral Services**

Arrangements are being made to administer the Parliamentary, City and Parish elections that are to be held on Thursday 7<sup>th</sup> May.

Notice of election for the City and Parish council elections was published on 20<sup>th</sup> March and the nomination period commenced on 23<sup>rd</sup> March. The Parliamentary Notice of Election was published on 31<sup>st</sup> March and the nomination period commenced on 1<sup>st</sup> April. The close of nominations for all elections was 4pm on 9<sup>th</sup> April. All Polling Stations and count venues are booked and polling staff and count staff are currently being appointed.

### **Risk Management**

The Council's risk management policy is being reviewed and was referred to ROSP on 16<sup>th</sup> April for consultation. The Council is working towards alignment with the risk management standard ISO 31000, the preferred standard by the Council's insurance providers. This is an internationally recognised benchmark for risk management published by International Organisation of Standardisation.

It provides sound principles for effective risk management and corporate governance, and a framework and process for managing risk that can be used by any organisation regardless of its size, activity or sector.

### **Information Management**

Recent counts for information requests (From 1 February – 31 March 2015):

- Environmental Information Regulations requests received: 13
- Environmental Information Regulations requests responded to: 10

- Freedom of Information Act requests received: 100
- Freedom of Information Act requests responded to: 108
- Data Protection Act subject access requests received: 1
- Data Protection Act subject access requests responded to: 1
- Data Protection Act s29/s35 requests received: 6
- Data Protection Act s29/s35 requests responded to: 4



Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Environment & Transport Portfolio Holder's Report –  
Councillor Elsie Martlew**

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## **GREEN SPACES**

**Hammond's Pond** – a backlog of tree maintenance work has been completed at Hammond's Pond (Upperby Park) during the last 2 months. The thinning of scrub woodland has opened out the nature reserve area and made it feel much safer for visitors as well as having long-term benefits for wildlife. Diseased and decaying trees along the boundary path have been removed, creating a safer walking environment for our visitors. Once these trees start to re-grow they will provide an effective landscape buffer between the park and the new housing development adjacent.

**Talkin Tarn** – anyone visiting Talkin Tarn Country Park over Easter will have noticed many positive changes that have taken place recently. One of the greatest improvements has been the resurfacing of the lakeshore path for its entire length. Over 500 tonnes of quarry stone has been tipped, spread and rolled into place in order to create a smoother, more resilient surface. Funding for the project was provided by the agri-environmental grants secured by Green Spaces staff.

**Crematorium Chapel** – the Chapel has been re-decorated. With the help of local and specialist contractors we have fitted new floor to ceiling curtains around the catafalque and have painted the building. Work was carried out over successive weekends in April in order to minimise disruption for customers.

**Keenan Park** – the landscape barrier was completed in March, to prevent unauthorised access to the park by vehicles. A row of bollards has been erected as this was deemed to be the most effective solution. The test of its resilience will come in the next month as the annual Appleby Horse Fair approaches.

**Funding** – Since the previous report the Green Spaces team has secured £25,000 in Landfill Tax grant income (for the wheelchair swing project in Bitts Park). £165,500 in previously agreed S106 funds has been paid over by developers in the period.

## **NEIGHBOURHOOD SERVICES**

**Local Environmental Quality Surveys** - have been completed for Dalston, Denton Holme, Morton, Stanwix Rural and Belah. There were no areas below standard on assessment.

**Litter Bins** - 100 litter bins have been replaced so far in the following wards: Belah, Botcherby, Brampton, Castle, Dalston, Currock, Denton Holme, Harraby, Longtown, Morton, Belle Vue, St Aidans, Wetheral and Yewdale. Another 100 are scheduled to be replaced across the district.

**Litter Picking** - 125 miles of grass verge has been litter picked, including:

- CNDR route
- Carlisle to Longtown
- Carlisle to Dalston
- Carlisle to Gretna border
- A595
- Cargo to Rockcliffe
- Brampton to Smithfield
- Adsa to Rockcliffe
- Longtown to Kershopefoot
- Longtown to Gretna border

**Chewing Gum** - Rentokil have been engaged to remove chewing gum from the City Centre. Four smaller chewing gum removal machines have been purchased for each of the street sweepers to use in the areas of Brampton, Longtown and outside local shops.

**Correct use of gull-proof sacks** - Staff are continuing to monitor the correct use of gull-proof sacks in Botchergate East, Denton Holme and the Newtown area and residents are being advised of the correct way to present waste for collection. A marked improvement has been seen in the cleanliness and presentation of waste (a reduction of almost 70% in Botchergate East and almost 60% in Denton Holme/Newtown). Staff will continue to monitor the situation and take remedial action where necessary:



## **ENVIRONMENTAL HEALTH**

**Carlisle's Airport** development has now started and the Environmental Health team are monitoring the air quality around the area. The development will use a lot of concrete and it is pleasing to report that a mobile cement batching plant has been located on site at the airport. This will help reduce traffic movements as no concrete mixer wagons will need to deliver concrete to the site.

The cement batching plant is inspected by Environmental Health. Eight cement batching plants now operate in Carlisle and are inspected by the Environmental Health Service. The airport plant is in good condition and the permit issued to operate it ensures that dust emissions are controlled. The plant and its use will be kept under observation during its time at the airport. This mobile plant is expected to remain on site till the end of the year.

We are now entering the period where gulls return to our District for breeding. Our Environmental Health Service has written to those landowners and building occupiers where it is known that the gulls like to settle. It is important that the gulls are discouraged from nesting and landowners and building occupiers should consult the General Licence issued by Natural England which confirms what action can be taken, suggestions include the use of netting or wires to prevent landing and the use of bird scarers. The Environmental Health Service have had success on Council land with an acoustic bird scarer that plays a distress call for the specific bird species. The birds are unsettled by the sound and if played daily they eventually move.

Starlings have been an issue this year on Portland Square which is managed by the City Council. The Council has increased the cleaning undertaking in the area and will trim the habitat during the summer when the starlings have moved to their summer residence. It is intended that the bird scarer will be used to unsettle the starlings if they return so that they do not roost in Portland Square next winter.

## **CITY CENTRE/CAR PARKS /CITY ENGINEERS**

**First World War – VC Commemeration Slabs** - In order to commemorate the members of the Armed Services who received a Victoria Cross in the First World War a series of commemorative slabs are being provided in memory of each VC recipient. In the Carlisle area 2 slabs are to be installed in memory of Lt Commander Edward Boyle and Lt Joseph Henry Collins.

Commander Boyle received his citation on the 21<sup>st</sup> May 1915 while commanding submarine E14 in the Sea of Marmora. It is proposed to place the memorial stone in the Greenmarket, beside the War Memorial. The week preceding 27<sup>th</sup> June 2015 is Armed Forces Week and it is proposed to incorporate a ceremony in memory of Commander Boyle into that week. It is hoped a detachment from the Navy will be present.

The second stone will be laid in 2018 to commemorate the citation that was awarded to Lt Collins on the 9<sup>th</sup> April 1918.

**Car Park Charges** - The new parking charges were introduced on the 1<sup>st</sup> April 2015. The new charges are very competitive and a marketing campaign is ongoing to advise our customers, and potential customers, to the good value that we are now offering in our car parks.

**Network Rail** have been delayed in completing the repairs to the railway bridge at Devonshire Walk. As a consequence they have requested and been granted permission to continue to rent space for a works compound on Devonshire Walk car park. This will result in additional income of £17,000.

**Public Realm Improvements** - A number of Public Realm Improvements are now almost ready to be implemented subject to County Council approval for those works due to take place on the highway. The following schemes are in the final stages:-

- Paddy's Market Enhancement
- Milbourne Street Landscape Area
- Rickergate enhancements

**City Centre Pedestrian Area** - Efforts to further improve the area and the income it generates continue. Virgin Media have decided to continue to occupy space in the area until at least the end of July. This will generate £14,000 income to the area to help defray operational costs. A large number of events are planned for the area, some examples are:-  
Hosting Pirelli Rally in May – Vintage cars only this time  
Hosting Pride in June – details to be finalised  
Hosting the International Market in April 6 days over Easter – along with many 'tag ons' including:

- The Fostering Service
- Dumfries Greyhound Rescue
- Maryport Lifeboat
- The Army – Scots Guards
- Community Centre awareness day
- Made in Cumbria
- Hospice @ Home Rainbow Rabbit Ramble @ Bitts Park March

Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Economy, Enterprise and Housing Portfolio Holder's Report –  
Councillor Heather Bradley**

### **Carlisle District Local Plan (2015-2030)**

Consultation on the proposed submission draft of the Carlisle District Local Plan (2015 - 2030) closed on the 20<sup>th</sup> April. A good number of responses have been received with efforts having been made in the final weeks of the consultation to again promote the opportunity for people to have their say.

Two staffed drop in sessions were held in Carlisle Market Hall on Saturday 21<sup>st</sup> March and Saturday 11<sup>th</sup> April with both being well publicised. Both events succeeded in securing a good degree of public interest in the Plan.

Officers will now be considering the responses received and ultimately concluding whether to proceed, as intended, with submitting the Plan to the Secretary of State for independent examination. Initial analysis supports that no significant issues have arisen in response to the consultation.

### **Brampton Irthing Centre Extra Care Scheme**

The scheme, which will provide 38 social rented apartments for older people, has now started on site. The 'sod cutting' ceremony on 25<sup>th</sup> March was attended by local Ward Member, Cllr Mitchelson, and representatives from the Housing Team.

## **HOUSING**

### **Cumbria Landlord Accreditation Scheme (CLAS)**

Since its launch in May 2014, Cumbria Landlord Accreditation Scheme has seen 65 landlords join the scheme across Cumbria, with 50 of those landlords owning or managing property in Carlisle. The scheme operates in partnership with five of the district authorities and the National Landlord Association (NLA), gives landlords the opportunity to gain accreditation by joining the NLA and then completing an online course or attending at a one day training course. The training the landlord receives equips them with the skills they need to ensure their properties are compliant with the legislation and assists them with the knowledge to become responsible landlords. The overall aim is improving the private rented stock in Carlisle.

### **Welfare Advice Services**

In 2014-15 the service has successfully assisted 1,010 cases; with total benefit gains in Carlisle of £2,050,904.30.

### **Hostel Services**

In 2014-15 the service had an average occupancy rate of 92%, accommodating 263 homeless households; and assisting 89% of those households to move on positively in to sustainable and suitable housing for their needs over an average 10 week period.

### **Homelessness Services**

In 2014-15 the service gave advice and assistance to 1,124 homeless households; made 139 statutory homelessness decisions, accepting a full duty to 16 households; and successfully preventing / relieving homelessness with 539 households.

### **Statutory Guidance: Right to move**

The Autumn Statement 2013 announced the government's intention to introduce a Right to Move for social tenants who need to move to take up a job or live closer to work.

To give effect to the Right to Move, the Department of Communities and Local Government have introduced regulations preventing local authorities applying a local connection test that could disadvantage tenants who need to move across local authority boundaries for work related reasons.

This new statutory guidance on social housing allocations is intended to assist Local Authorities to implement these regulations, and to ensure that social tenants who need to move for work related reasons are given appropriate priority under the local authority's allocation scheme.

All Cumbria Local Housing Authorities and partner Housing Associations that have signed up to Cumbria Choice, will review the allocation policy in the coming months to ensure compliance with statutory guidance.

### **Homelife Carlisle**

Homelife continues to grow and has expanded its Domestic Help service. We have been successful in partnership with Age UK in securing a post, starting in May, to help people with Fuel Debt with funding from United Utilities. Homelife have also been selected as one of the 3 National Evaluation Areas for Foundations 'Warm at Home' programme, in partnership with Sheffield Hallam University, securing £25,000 of funding for energy efficiency measures such as draught proofing and boiler repairs.



Report to:

**Council**

Agenda  
Item

10(b)(v)

Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Communities, Health and Wellbeing Portfolio Holder's Report –  
Councillor Jessica Riddle**

## **Community Centres**

The community centre business planning process has come to a close and all of the business plans have been reviewed. Individual feedback has been given to each of the centre managers and trustees. A new service level agreement has been drafted and has been sent out for consultation.

## **Community Centre Promotion Day**

On Wednesday 1<sup>st</sup> April a number of Community Centres (Botcherby, Harraby, Currock, Denton Holme, Greystone, Yewdale and Petteril Bank) with the support of the City Council joined forces to offer a free event to members of the public. The aim of the event was to raise awareness of what each centre has to offer, increase visitors numbers to the centre, showcase the work of the centre's and identify future activities through face to face consultation.

Over 200 bags (including centre information and promotional goodies) were handed out to members of the public but due to the extreme weather a number of the family activities had to be cancelled. Another promotion day has been scheduled for the 4<sup>th</sup> July.

## **Multi-Agency Problem Solving Groups**

The Multi-Agency Problem Solving Group met on Wednesday 22<sup>nd</sup> April, at Riverside offices. Members are welcome to attend the PSG to raise issues or alternatively, if members are aware of any issues or concerns regarding anti-social behaviour in their wards the information can be passed directly to Ruth Crane, Community Development Officer who will ensure the information is passed to the group for discussion.

## **Community Right to Bid**

The Council has added two successful nominations to the Community Asset Register, the Co-operative Store in Hallbankgate, and the Centurion Inn in Walton. In the event of the asset being put up for sale, this gives community groups the opportunity to raise funds and bid for the property. The Co-operative Store, Hallbankgate is currently up for sale and a community group has expressed an interest in bidding for the asset.

## **Customer Services**

At the beginning of March the main Council Tax bills were sent to households in the Carlisle City Council area. Since then an extra 1,180 residents have signed up to receive their Council Tax bills online. In the last year almost 900 extra residents have elected to pay their Council Tax by direct debit. The majority of these have completed their direct debit online.

Carlisle City Council has also added to the services that residents can access online. From 1<sup>st</sup> April 2015 customers have been able to order a waste bin, book an assisted waste collection, report a missed waste collection, order an additional waste container and book a special collection – all online.

## **Food Carlisle**

Food Carlisle continues to advance a number of projects such as the Local Health Options award and Fair Meals Direct. Additionally a piece of research with the university is exploring local food and businesses within a 50 mile radius of the city in order to understand food businesses, independents and local food production and provision. Details are available at



[www.carlisle.gov.uk/foodcarlisle](http://www.carlisle.gov.uk/foodcarlisle) and we would encourage any producers, processors, food businesses and caterers who are within a 50 mile radius of the city to complete this.

## **Healthy Cities**

Carlisle has one of the healthiest high streets in the country, according to a new study and highlights the positive partnership and healthy city work taking place. The Royal Society for Public Health assessed 70 places according to the types of businesses found there. Loan shops, bookmakers, tanning salons and fast food outlets all contributed to a low score, while leisure centres, libraries and health services were seen to have a positive impact on public health. Carlisle ranked 6th in the study and re-emphasises the importance of the consideration of the wider determinants of health. Continuing work with economic development ensures that the above are considered within the local plan, which features a subsection on health.



Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Culture, Leisure and Young People Portfolio Holder's Report –  
Councillor Anne Quilter**

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### **Old Fire Station**

Work on the opening programme of the Old Fire Station is progressing well. There are now 48 events booked in as part of the opening programme, with another 18 awaiting confirmation and a further 22 public events and seven art exhibitions planned.

The Pop Up Exhibition walls have arrived which will offer free exhibiting space to local artists. The roll out dance floor has also arrived and a programme of dance events, workshops and classes is currently being developed, starting with 'Salsa Social' taking place on the opening weekend.

The website for the Old Fire Station is now live and gaining a fantastic response. The Twitter page has 563 followers, which includes many media and arts contacts, and the Facebook page has 1592 likes.

The venue is starting to gain attention from national agents and at the time of writing we have eight agents who want to work with us.

### **Tourism marketing/action plan**

The new Discover Carlisle website is now up and running, with over 2000 visitor sessions rising to 3000 over the Easter break, 79% of the visitors to the website are new visitors. These are encouraging numbers for the new website which has the potential to continue growing.

The 'See & Do' section of the website is now our preferred approach to promoting events in Carlisle. This section provides a visual stunning presentation of the varied programme of events across the district.

## **Sports Development**

The Lawn Tennis Association have granted Carlisle City Council £5K to deliver a tennis development plan. The aim of the plan is to increase tennis participation at Bitts Park and surrounding tennis sites. We are also continuing to deliver our disability tennis plan and have been working with amputee patients at the Cumberland Infirmary to deliver tennis sessions to them.

We delivered a visual impairment tennis day at Bitts Park airdome. This was for local people with visual impairment to come and try tennis. We organised for experienced visual impairment coaches from Newcastle to attend on the day and the whole day was a success with players attending from Cumbria, Newcastle and Scotland.

The skyride cycle rides in partnership with British Cycling have started and take place every Sunday at various locations in the Carlisle area. All rides are free and details can be found at [www.carlisle.gov.uk/cycling](http://www.carlisle.gov.uk/cycling)

We have been developing plans for the new sports facility at Harraby. This will include a full size 3G pitch, three smaller football pens, a multi use games area and an improved sports hall. We have been engaging with local sports clubs and groups to ensure the site will be used to its full potential to support local sports clubs in the Carlisle area.

We have developed a Badminton plan in partnership with Badminton England to increase participation in Badminton in Carlisle and have been granted £1162 to support the plan.

## **TULLIE HOUSE TRUST**

### **Young People Programme**

Tullie House Trust has over the past year developed a programme of activity encouraging young people to use the museum. With the support of the City Council and Arts Council funding they have worked closely with a number of organisations such as the Living Well

Trust, Barnardos, Carlisle Youth Zone and the British Museum. Collaborative working has proved beneficial as it allows us to share resources, experience, and skills.

## **Youth Groups**

With Nacro ( a national charity working with disadvantaged young people, juvenile offenders, and those at risk of offending) our work has provided practical learning for young people, giving them the skills and opportunities they need in order to seek employment or re-enter the education system.

Through partnership working Tullie House Trust have developed their education programme to achieve social outcomes including working with the Barnardos teenage parents group on communication projects to help build self esteem and offering skills training.

The programme provides an inspiring programme of activity for Tullie House's Young Persons Group (Yak Yak) which engages the group with the Museum's exhibition and education activities. The Yak Yaks have undertaken a number of different activities, ranging from a visit to London to meet with other museum youth groups, heritage skills days with the North of England Civic Trust (NECT) such as stone carving and blacksmithing, and researching, designing and producing a digital map and filming in locations across the cultural quarter.

Abstract youth magazine secured funding from Carlisle City Council, and Cumbria County Council, and have been able to take their publication online to reach a wider audience. The group have been able to re-form and start writing articles and reviews, sharing photographs and illustrations, and give a new young person's perspective museums and galleries in Cumbria. The editorial team meet once a week at Tullie House.

Youth project, The Shed, has been an experimental space at Tullie House, and on a limited budget temporary community based exhibitions have been created. There have been four young people exhibitions in The Shed, all of which have offered an opportunity for the young people to demonstrate their talent or skills which may otherwise have gone unnoticed.



Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Community Overview and Scrutiny Chairman's Report – Councillor  
Rob Burns**

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## **COSP Chairs Report - April 2015**

### **Spring Heeled**

My RE teacher at school had a saying which he'd bring out every year after the Easter holidays when he'd start to prepare the timetable for lessons leading up to the exams. 'Spring' he would say 'is the time for plans and projects.'

I only recently discovered that the quote was attributed to Leo Tolstoy, who clearly hadn't adopted this philosophy yet when he set about writing his short story, War and Peace!. I don't know why I mention this, other than that it is Spring and that as Councillors, we have begun the process of planning projects for the forthcoming year.

The prospect of some potentially exciting new developments on the horizon immediately lifts the spirit, as does the prospect of the season of Spring itself.

In fact the word itself suggests energy, liveliness, movement and new life, which is why so many of us are energised by it and why it is as near to a rational explanation as I can give to explain why, when I saw a horse called Spring Heeled was running in the Grand National, I rushed out and put my pocket money on it to win.

Unfortunately, like many Springs before, it flattered to deceive, but I know that some of the issues that will be placed before us next year, will not disappoint and so it is with a spring in my step that I tread toward the new civic year with optimism and enthusiasm.

I know there will be colleagues who carry memories of a disproportionate number of false dawns, or too many rainy St Swithin's days or are burdened by the shackles of 'austerity'. But this Council has been through difficult times before and has invested its way through them.

I think the mood in COSP this year has been bullish and positive and hopefully will continue to be so next year.

Go home tonight and listen to Ella Fitzgerald;  
Blue skies smiling at me,  
Nothing but blue skies do I see!!

### **Down by the Riverside**

Continuing the theme of optimism, COSP received a presentation from Riverside Cumbria outlining some of the progress that has been made in its maintenance and capital development programmes during the past six months.

The minutes of the meeting which accompany this report, give a clear picture of an organisation seeking to move forward and whilst Members noted some concerns, particularly relating to the currently disappointing levels of customer satisfaction, Dean Butterworth, the Director of Riverside Cumbria, gave an encouraging assessment of how he saw the company improving that and other areas of their service.

This view was supported by the Chair of Riverside's Tenant Scrutiny Panel, Ian Heywood, who also gave a presentation on behalf of that Panel and whilst highlighting the need to 'continue to improve communication in its many forms' between the organisation and tenants, he too was confident that relationships and services were improving.

It was interesting to note that while there appeared to be a good working relationship between officers of Riverside and the City Council, Mr Butterworth felt that there could be a better relationship on a strategic level.

The City Council of course, continues to make social housing a priority, although there are issues connected to the emerging Local Plan that need to be developed further with Riverside and other partners, if we are to meet the increase in need for social housing across the city.

### **Hi Ho Silver!**

Actually it wasn't the late, great, masked lawman, the Lone Ranger who rode into the last COSP meeting astride his magnificent steed, Silver, but Cumbria Constabulary's Sgt Tony Kirkbride (not to be confused with Roy Rogers) who moseyed along with Trigger, well, Community Trigger to be more precise.

Community Trigger is in fact the latest legislative tool designed to give victims of anti social behaviour, (ASB) or their representatives, the right to ask local agencies to review their responses to complaints and to consider what action might be taken if the behaviour persists.

This 'new' approach encourages Community Safety Partnerships (CSP's) to take a more collaborative problem solving approach to resolving persistent cases of ASB and should improve existing processes and practices.

Members of the public will be able to request a Community Trigger by a variety of means and there will be a single point of contact (SPOC) who, in the case of the Carlisle and Eden CSP, will be the City Council's Community Development Officer.



In Carlisle, Problem Solving Groups have for some time, been useful tools for resolving many social/community disputes and what further impact this new 'trigger' will have, remains to be seen.

I hope that this will not be just another new set of clothes for the Emperor, but any initiative which might bring solace and justice to victims of the misery of ASB should be welcomed and in order to monitor progress, Members of COSP requested that instances of when Community Trigger had been activated, should become part of the Performance Management Report.



# Report to: Council

Agenda  
Item  
  
11(ii)(b)

Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Resources Overview and Scrutiny Panel-Chairman's Report**  
**Councillor Reg Watson OBE**

## **Localisation of Revenue and Shared Benefits**

Our hopes for a successful shared service have not materialised. It is not working well enough and I applaud the decision by the Executive to return the service in house. The Panel's concern was what would happen to the staff involved in the changes. We were glad to hear that the staff transfer agreement will be terminated with agreement of all concerned. We also hope that a smooth change back will not affect the people of Carlisle, who rely on the service provided by our Revenues and Benefits Department.

## **Kingstown and Parkhouse Procurement Project**

The report to the Panel gave details of the choices available to Council by Montague Evans. The report gave four possibilities:

- Do nothing
- Invest in internal resources – HR staff
- Sell the asset
- Joint venture partnership

This will take some time, to gather information and take stock of all the possibilities. Some members, after having just discussed the shared services returning in house, felt the in house choice may be the way forward. The Panel resolved to ask the Executive to continue with the process as set out in the report and asked for the opportunity to scrutinise the recommendation later in the process.

**Cllr R Watson OBE**  
**Chairman**



# Report to: Council

Agenda  
Item

11(iii)(b)

Meeting Date: 28 April 2015

Public/Private\*: Public

Title: **Environment & Economy Overview and Scrutiny Panel-Chairman's Report–  
Councillor Nedved**

The Panel met on the 12th March and were provided with; a Clean Up Carlisle update, Section 106 Agreements and Planning Obligations Update, Quarter Three Performance Report 2014-15, the Draft Final Report of the Litter Bin Task Group and details of the evidence gathering of the Business Support Task Group (to report in Autumn 2015).

Some initial questioning relating to the Notice of Executive Key Decisions published on the 9th March under this Panel's remit was undertaken:

- Release of capital of Vehicle Replacement 2015/16
- Public Realm
- Durrhill Industrial Estate
- Carlisle Old Town Hall Phase 2 Contract Variations and Emergency Repairs

## *Clean Up Carlisle Update.*

A report was provided by the Environmental Health Manager summarising the work carried out since 2012. This covered both the impact of the "Clean Up Carlisle" and "Love Where You Live" campaigns of cleaning, enforcement, educational activities, and the use of the allocation of temporary additional funding. Information was provided as to levels of enforcement in relation to dog fouling, littering, waste receptacles, dogs off leads, flyposting, flytipping, and prosecutions undertaken. Improved mechanisation and the Rapid Response Team were quoted as examples of improved quality in street cleansing, and represented 80% of the clean up money. The role of the Education and Enforcement teams were analysed. Introduction of gull sacks and their effectiveness and some initial problems and solutions were outlined.

Key queries related to customer perception of the service, legacy, partnership working and customer satisfaction. A wide-ranging and lively discussion was undertaken by the Panel and is contained in the Minute Book.

### *Litter Bin Task Group.*

The Lead Member presented the Draft Final Report which provided a series of recommendations to the Executive. The report accompanied a separate audit undertaken by Officers. Task Group Members had joined street cleaning operatives both in Carlisle and Longtown gathering evidence on the number, location, type and usage of public litter bins in the district. They also looked at best practice and new technology in the field e.g. "Big Belly solar bins, complaints information, budget, and cost of service. The Technical Officer was requested to circulate details of the audit in respect to the usage of litter bins to Members. A series of six recommendations followed as contained in the report provided to the Panel. Thanks were expressed to the Waste Services Team, Customer Services staff and Task Group members.

### *Section 106 Agreements and Planning Obligations Update.*

A report was presented by the Director of Economic Development providing Members with information on current legislation relating to 106 agreements and the community infrastructure levy (CIL), future options and approach. Information was supplied on 106 money held, or expected to be received, by the City Council, as well as providing the value of financial contributions secured through 106 agreements.

Questions were asked by Members on; how monies were used within wards, Affordable Housing contributions, smaller developments, involvement of Councillors in the request and usage of 106 monies and the application of the Community Infrastructure Levy.

### *Business Support Task Group.*

The work of this Task Group continues and has recently conducted a visit to the Growth Hub arranged at the invitation of the Chamber of Commerce. This formed part of the scoping evidence gathering of this review which will extend into the next civic year.

Full details of all the discussions to be found within the Minute Book.

Cllr Paul Nedved.

Chairman

## Report to Council

Agenda  
Item:

12

Meeting Date: 28th April 2015  
Portfolio: Cross Cutting  
Key Decision: No  
Within Policy and  
Budget Framework NO  
Public / Private Public

Title: OVERVIEW & SCRUTINY ANNUAL REPORT 2014-15  
Report of: Scrutiny Chairs Group  
Report Number: OS 10/15

### Purpose / Summary:

The Overview and Scrutiny Annual Report 2014/15 is attached. It summarises the work of the scrutiny panels over the last year. The report also looks forward to the next year and makes suggestions how to continue the development of independent Member led scrutiny. Changes to the Call-in process have been discussed and two recommendation require consideration by Council – these are highlighted in the recommendations below.

In accordance with agreed procedure the report was considered by the Community O&S on 9<sup>th</sup> April 2015 and Resources O&S on 16<sup>th</sup> April 2015. Due to timescales the Environment & Economy O&S Panel agreed that consultation would be via email with formal agreement at their panel on 23<sup>rd</sup> April 2015. The Scrutiny Chairs Group formally endorsed the final version of the report via email and copies evidencing this can be provided if requested.

### Recommendations:

1. That Council formally accept the report.
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 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.

## Tracking

Executive:	
Overview and Scrutiny:	<b>COSP 6<sup>th</sup> April 2015, ROSP 16<sup>th</sup> April 2015, E&amp;E (via Email) Scrutiny Chairs Group (via Email)</b>
Council:	

**Contact Officer:** Nicola Edwards **Ext:** 7122

**Appendices** Overview and Scrutiny Annual Report 2014/15  
**attached to report:**

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None



# Overview and Scrutiny

## Annual Report 2014/15





I am pleased to present the 2014/15 Overview and Scrutiny Annual Report to Carlisle City Council.

The Scrutiny Panels continue to monitor and challenge the Chief Officers and Executive Members on behalf of the Council and the people of Carlisle. The pressure on all Councils because of the financial squeeze makes it more important than ever that Scrutiny works and works well. All of the Task and Finish Groups have had positive outcomes this year.

A big thanks to our Scrutiny Support Officer, Chief Officers and Members of the Executive for their help and candour throughout the year.

It is likely that Scrutiny itself will come under scrutiny this year. Can it be shaped better, more streamlined, cheaper and more effective? This next year will force the Council to look for these solutions.

***Cllr Reg Watson OBE***  
***Lead Member, Scrutiny Chairs Group***

#### ***Councillor Colin Glover, Leader of the Council***



Times are changing in Local Government and we are no longer able to do all of the things that we once did or that we would like to do. That means that we need to agree priorities and make choices and difficult decisions sometimes need to be made. Scrutiny has a significant role in influencing those decisions so that we are able to make the right choices as we seek to serve our communities and make Carlisle a better place.

Councillors have a wide range of skills and experience that they are able to bring to the table and that is extremely valuable for scrutiny panel work, task and finish groups and the Council as a whole. Questioning Executive members and their decisions and providing input to policy development is all in a day's work for a scrutiny panel member, but we must never take that commitment for granted, their work and the work of supporting officers is greatly appreciated.

During the past year we have benefitted from advice and guidance from both the Local Government Association 'future council' review and support from the Centre for Public Scrutiny as we look at the role and function of scrutiny and how we can support and add value to its work in the future. I would like to thank everyone who has contributed to the work of scrutiny panels over the past year and we look forward to developing that work into the future, as we continue to play our part in the growth and health & wellbeing of Carlisle.

## Introduction

Scrutiny is considered to be the main check and balance to the power of the Executive and involves many of the Councillors who are not on the Executive. Individual Councillors are selected by their political parties to sit on the scrutiny panels.

The key roles of scrutiny are:

- ensuring the Executive is accountable. This means questioning members of the Executive and senior officers about decisions that have been made or are about to be made. It also involves looking at how well the Council is doing against its policy objectives and targets for achievement.
- reviewing and developing policies. In this role, scrutiny can help the Council to develop its policy and budgetary framework. This might involve research and consultation with the community and other agencies on policy issues, good practice and looking at alternative ways of doing things.
- ensuring the continuous improvement of Council services. Scrutiny can make suggestions to the Executive for service reviews. Members of scrutiny panels are often involved in individual reviews where a particular service or function of the Council is thoroughly examined

In Carlisle, scrutiny operates through three panels - Community Overview and Scrutiny, Resources Overview and Scrutiny and Environment and Economy Overview and Scrutiny. The Scrutiny Chairs Group (Chairs and Vice Chairs of the three Scrutiny Panels) meets on an ad hoc basis to deal with any overarching scrutiny issues.

There are eight non-Executive members on each panel and each panel is politically balanced (ie the proportions of each political party on the panel are the same as on the Council as a whole).

This annual report provides an overview of the work of the scrutiny function during the 2014/15 civic year. The first part of the report provides brief details of the work of the individual panels and gives details of examples of Task Group work. The second part of the report considers current scrutiny practices and issues this year and looks to the future, considering areas where further development could be considered.

## Community Overview & Scrutiny Panel



### Personal View from Cllr Rob Burns, Chair of Community O&S Panel

It has been an interesting year for the scrutiny processes of Carlisle City Council.

There has been some discussion about the effectiveness of our use of scrutiny and, as well as two separate training sessions on it, the Peer Review Team who visited us in October 2014, commented on it as an area for potential future review.

That is not to pre-suppose that the current system is not wholly effective, indeed one trainer commented that he thought we used the process wisely and well, but rather, to help speed up decision making and find ways of making better use of more Members' skills.

Whilst the principles of scrutiny are fairly clear to most Members and are accepted as being fundamental to achieving open and accountable local governance, the practice itself is often underrated.

Tooth-combing policies, strategies and often longwinded, complex and detailed reports isn't always as joyous, or as rewarding, as developing them in the first place and it demands a good deal of considerable goodwill amongst Panel Members to retain enthusiasm and interest in doing so.

As far as the Community Panel is concerned, we have been privileged to effectively contribute and hopefully add value to, the development of a number of projects, services and initiatives which are important to the delivery of the Council's key objectives. Agenda items during the past year have included;

- The new Arts Centre
- The Homelessness Strategy
- The Play Areas Strategy
- Playing Pitches Strategy
- Future proofing Carlisle Leisure Ltd
- The on-going progression of the Tullie House Trust
- Food Law Enforcement Implementation Plan
- The Implementation of Mobile Homes Act
- Community Centres
- Riverside Housing Association's role in delivering the Housing Strategy
- Corporate policies eg Equality, Finance, Local Plan etc
- Customer Service Improvements

Variety is indeed the spice of life!

### Cllr Jessica Riddle, Portfolio Holder for Communities, Health and Wellbeing



I continue to find the Scrutiny Panel an excellent forum for careful and thoughtful examination of Executive decisions

Despite political, philosophical and cultural differences, COSP members have achieved a high degree of unanimity this year and much of that has been down to the input from Officers who have, in the main, presented the issues to us in a straight forward and open style which has encouraged often frank, but always positive exchanges.

The input from Portfolio Holders, who have been diligent in their support of the Panel's work when necessary, was also a key factor in ensuring thorough debate.

In my first year as Chair of the Community Overview and Scrutiny Panel, I admit to having enjoyed not only that role, but the whole experience of being a Councillor, more than I thought I might and this has been due in no small part to the patience, encouragement and support of my longsuffering colleagues and officers, who have tolerated my foibles and accepted my unintended eccentricities, including my occasional tendency to sleepwalk into 'officer mode', with humour and good grace.

This perhaps applies particularly to the Scrutiny Officer, the Member Support Officers and the Committee

Clerks, who continue to defy reasonable expectation by consistently managing to produce consistently coherent notes from the garbled gobbledygook that occasionally passes for informed discussion!



***Cllr Anne Quilter,  
Portfolio Holder for  
Culture, Health,  
Leisure and Young  
People***

The members on Overview and Scrutiny make a very valuable contribution to policy decisions. They ask very valid, probing questions about the various reports they scrutinise and their input is taken into account when decisions are being made. I would like to thank all those concerned for all their hard work.

I will be delighted if I am given the opportunity to serve on this panel again next year, not only because I think there will be many more interesting and important issues to address, but also because, if the matter of how the Council operates its scrutiny processes is itself to be the subject of review and scrutiny, I'd like to be part of that debate.

I think that the outcome ought to be that no Member need feel they are consigned to the margins of the decision and policy making processes, which seems to be one of the main concerns emerging from the as yet incomplete Members' Involvement Working

Group survey on the perceived level of Members' engagement.

The completion of that piece of work alone, including suggestions for resolutions, will in itself be a worthwhile exercise for Scrutiny Members next year.

## Environment and Economy Overview & Scrutiny Panel



### PERSONAL VIEW FROM CLLR PAUL NEDVED, CHAIR

Throughout the year the Economy & Environment Panel have looked at the following issues:

- Talkin Tarn Business Plan
- Claimed Rights
- Rethinking Waste Project
- Local Plan - City Centre Development Framework and the SHMA (Strategic Housing Market Assessment) update
- Durranhill - proposed improvements
- TIC and Public Realm
- Sense of Place programme
- Carlisle Story
- Section 106 Agreements.
- Clean-up Carlisle
- Budget
- Performance Monitoring Reports.
- Development at Rosehill -Call-in
- Task/Finish Executive response to Task group report on recycling.
- Litter bin Review Task and Finish group
- Business Support Task and finish group (evidence gathering).

From the outset it has been a privilege to Chair the Economy & Environment Panel and I have both valued and enjoyed the depth of robust scrutiny undertaken by Members of the Panel and their substitutes and thank all for their considerable contributions over the year for what has been an extremely busy and challenging agenda.

Equally my thanks extend to Directors and officers who have presented a wide range of wholesome reports and being both prepared to both advise, as well as be subject at times to vigorous questioning from Members. Portfolio Holders have been extremely supportive of the Panel's work and I thank them for their attendance and input.

We have all benefited from the invaluable advice, support and guidance of the Scrutiny Manager. The unenviable



***Cllr Elsie Martlew,  
Portfolio Holder for  
Environment &  
Transport***

Overview and Scrutiny is an important democratic tool and the robust questioning of the Executive and senior officers leads to better and more informed decisions.

Apart from monitoring, questioning and, at times, challenging the Executive they undertake detailed analysis of specific policy areas through the work of the Task and Finish groups. The outcome from this detailed work is invaluable for developing or fine-tuning council policy.

task of the committee clerks and Member Support Officers to provide substantial minutes, notes and research, is also very much appreciated.

With a series of scrutiny training sessions and a peer review there is always scope for re-examining the scrutiny structure, effectiveness of the methods deployed and ensuring Members provide meaningful recommendations and observations to the reports provided. The value of Task and Finish Groups for providing in-depth examination of specific areas has proved especially useful and enjoyed cross-party support.

Two Task and Finish Groups were commissioned during the civic year on Business Support (to be concluded by Autumn 2015) and a Litter Bin review which reported in March. In addition the Executive reported back on the Recycling Task and Finish Group findings and recommendations which have since largely been adopted.

Highlights from the Business Support Task Group working included; holding a Panel meeting at the Business Interaction Centre, with the intention to provide an overview of business support in the District and to undertake a longer review. Representatives from the University of Cumbria, Chamber of Commerce, Federation of Small Business and City Officers and Members were present. A subsequent visit to the Growth Hub was arranged at the invitation of the Chamber of Commerce, which will form part of the scoping and evidence gathering of this review which will extend into the next civic year.

I am grateful for both the cross-party working on this and involvement of newly elected Members.

The Litter Bin Review Task Group was concluded in March and accompanied a separate review undertaken by Officers. Members accompanied street cleaning operatives both in Carlisle and Longtown to assist in gathering evidence on; the number, location, type and usage of public litter bins in the District; look at best practice and new technology in the field e.g. big belly solar bins; complaints information; budget and cost of service. A series of six recommendations ensued as contained in the report provided to the E&E Panel, and was generally well received. Thanks to the Waste Services Team, Customer Services staff and task group members.

The Panel had a heavy agenda this year with 8 meetings and a call-in of the Development at Rosehill Executive Decision, with a series of key themes and agenda items being scrutinised by the Panel.

Central to these were the Draft Carlisle District Local Plan (2015-2030) which required detailed scrutiny working in tandem with the Local Plan Working Group. Both this the, City Centre Development Framework and SHMA update prompted lively and focused discussion. As did the report briefing Members on the section 106 agreements and planning obligations!

Presentations and updates were provided on Public Realm improvements, TIC Phase 2, Sense of Place programme and the Carlisle Story and will be updated again at the April Panel.

The Talkin Tarn update and subsequent detailed business plan in October were aimed at presenting proposals for increasing revenue generated at the Tarn, exploring the opportunities for new activities as well as the catering offer. Improved and new facilities could encourage new visitors whilst protecting the natural beauty and wild life of Talkin Tarn. Marketing, litter, dog-fouling and car-parking charges were issues raised by Members and followed on from the previous year's Task and Finish group.



***Cllr Heather Bradley,  
Portfolio Holder for Economy  
& Enterprise***

I have valued the comments and suggestions put forward by both the Environment and Economy Panel and the Community Panel on major Council documents. For example, the Environment and Economy Panel has continued its scrutiny of the emerging Local Plan 2015-30 and has contributed to its development. Recently, the Community Panel has looked in detail at the draft Homelessness Strategy and has questioned both our own officers and representatives from some of our partner organisations.

Scrutiny plays an important role in holding the Executive to account and in developing and monitoring policies.

The other central themes dominating local environment scrutiny were the ongoing review of Waste Services (rethinking waste project) with a series of reports on the redesign of waste and recycling services and realigning contracts by 2017. The Clean-Up Carlisle report was a summary of the last two years campaign and provoked questioning on; dog fouling enforcement, gull sack implementation, rapid response team, education and future planning and the perception of the public to the campaign in the City Centre and in the rural and urban wards. Once again we were treated to a robust and frank exchange of views from Members and Portfolio Holder!

Overall this has been a most enjoyable and challenging year and despite personally having "broken a bone or two" I am grateful for the support I have received from the Panel and look forward to next year's work programme.



## *Resources Overview & Scrutiny Panel*



### **PERSONAL VIEW FROM CLLR REG WATSON, CHAIR**

Scrutiny is more important than ever in this austerity climate. We have to make every penny count and ensure an efficiently run Council.

The Panel has focused on:

- The Asset Management Plan (a key part of our future funding)
- Performance monitoring (ensuring value for money)
- Revenues and Benefits Shared Service (now returning in house)
- Sickness absence (improving despite the pressures of cuts and workloads)

A big thank you to our Scrutiny Support Officer and Chief Officers for their advice and guidance and a big thank you to panel members for their support over the last 12 months.

I hope we have added value to the Council deliberations

### ***Cllr Dr Les Tickner, Portfolio Holder for Finance, Governance & Resources***



Overview & Scrutiny is a key stage in the democratic process. The members play a vital role in challenge and support of policy proposals. The task and finish workshops are a particularly useful and cost effective means of analysing the many variables associated with policy development.

### **PEER REVIEW, CFPS SESSION AND ACTIONS FROM SCRUTINY CHAIRS**

#### **GROUP**

Carlisle City Council invited a peer team to the Authority in September 2014 to deliver a Future Council Review as part of the LGA offer to support sector led improvement. Peer reviews are delivered by experience elected member and officer peers and the effectiveness of the scrutiny function was an area that was covered within the review.

The following is taken from the formal feedback letter from the review team dated 28<sup>th</sup> October 2014:

#### *“Governance and decision-making*

Partners enjoy good relationships with the council, but can find decision making slow at Carlisle, a not unusual frustration with the public sector. The council needs to make decisions in an accountable and transparent way and the Leadership want to engage a wide range of members in decision making and policy development. Within the executive governance model, scrutiny (including pre-decision scrutiny) is one way this can be achieved. However, the council – including members across all groups – should consider if decision making is as streamlined as it can be and if all stages in decision making are required (for example if there has been pre-decision scrutiny which has been taken into account by the Executive then a call-in may not be adding value or making the best use of limited time). Councils, like other organisations, are working in an increasingly fast moving world and opportunities can be lost when decision making is delayed.

We heard of a number of examples of effective scrutiny, particularly through the use of Task and Finish groups. Examples include the Talkin Tarn country park and Recycling reviews where recommendations were taken up by the Executive. We were also given examples of cross-party working groups which were considered helpful, such as that on the Local Plan. Following the reduction in the level of dedicated support to scrutiny to one officer, a member of SMT has been designated to support each of the three Scrutiny Panels (Community, Environment & Economy, and Resources). The panels are engaging with the SMT sponsor and the Executive in developing their work programmes to ensure that these are aligned to the Council’s priorities. The recent decision to instigate a scrutiny review of Business Support is an example of this.

But we also heard of a number of frustrations with scrutiny – a feeling that it was used for political purposes, especially in some instances of call-in; that it was not clearly adding value and that it can add unnecessary stages to the decision making process. There is also reluctance among some members to serve on scrutiny.

These concerns are not unique to Carlisle, but we feel that it may be timely to review your scrutiny arrangements to make better use of members’ skills and interests and provide a greater focus on council priorities. One option could be to establish a scrutiny commission which could hold the executive to account, along with a policy commission which would establish task and finish groups to

develop future policy. These groups could draw on the relevant talents of all non-executive members, and outside experts where appropriate. The separation of scrutiny and policy commissions could be augmented by establishing member panels to champion, oversee and support the delivery of key elements of the council's agenda, building on the previous success of cross party working groups. Possible areas of responsibility could be Growth or Transformation, with consideration of some delegated responsibilities to help speed decision making “

The Scrutiny Chairs group met on 4<sup>th</sup> November 2014 to discuss their response to these findings. It was agreed that that in order to begin the process of looking at the future of Scrutiny a facilitated discussion with all Members to identify what the authority wanted from Scrutiny would be a useful first step.

The Centre for Public Scrutiny was subsequently commissioned to facilitate this session which was held on 2<sup>nd</sup> March 2015. 17 Scrutiny Members attended covering all three Overview and Scrutiny Panels along with the Leader of the Council, Chief Executive, Director of Governance and the Overview and Scrutiny Officer.

The notes from the session are attached at Appendix 1 for information. The session was discussed at the Scrutiny Chairs Group meeting on 12<sup>th</sup> March 2015 and it was agreed that in order to gain more focus and better outcomes that:

- That each Panel would meet informally in the new municipal year to identify issues and topics that they would like to be scrutinised in the coming year;
- That the Chair of each Panel prepares an Action Plan which contained the issues and topics agreed at the informal Panel meeting with the support of officers. The Action Plan would be monitored by the Panel throughout the year.

The facilitator suggested that Members may wish to consider further the following and these will be addressed by the Scrutiny Chairs Group in the 2015/16 Civic Year:

- How they can get regular access to a small range of “framework documents”, produced by the council and by others, which will collectively tell them a story about local services;
- How they can refine the focus of scrutiny by using these documents to decide what they do and don't look at;
- How they can manage the risk of “things falling between the cracks”, which is inherent in this approach;
- How they can maximise member involvement by ensuring that member insight and views are central to what does and doesn't get looked at;
- How this approach will lead to more high quality scrutiny work.

## CALL-IN

Call-in provides a mechanism for Councillors to intervene when they feel that a decision being made by the Executive needs to be revisited (or possibly changed). It provides a key check and balance in the leader/cabinet system of governance.

According to the Centre for Public Scrutiny<sup>1</sup>, call-in should be regarded as a measure used in exceptional circumstances, rather than day to day, and sits in the context of a range of other tools at scrutiny's disposal to influence decision making.

In the 2014/15 Civic year six requests for Call-in were received.

Decision Ref	Issue	Overview & Scrutiny Panel	Outcome of Call-in Meeting
OD 22/14	Arts Centre Development	Community	(1) That the Community Overview and Scrutiny Panel accepted the explanation for the delay to the Arts Centre project provided by the Town Clerk and Chief Executive. (2) That the matter shall not be referred back and the decision shall take effect from the date of the call-in meeting. (3) That the Panel noted that there were lessons to be learnt in terms of keeping Members informed; and Officers be requested to take that on board in the future.
EX 93/14	Development at Rosehill	Economy & Environment	(1) The Panel were critical of the Executive for dealing with this matter in Part B. Therefore requested that this item is referred back to the Executive to be split into two – the principle in Part A and confidential details in Part B. (2) For transparency and consultation, the Panel request that the Executive review whether the Council is getting value for money in respect of development at Rosehill.
EX 78/14	Business Plan – Arts Centre	Community	That Members of the Panel were happy with the explanations provided and the matter would not therefore be referred back to the Executive.
PF 006/14	Neighbourhood Forum Grants Administered By Cumbria CC	Resources	(1) That the Resources Overview and Scrutiny Panel accepted the explanation provided, as set out above, for the decision to pay out £44,000 Neighbourhood Forum grant in 2014/15 and advise the County in writing of grant reduction for 2015/16,

<sup>1</sup> Key decisions and powers of call-in, Practice Guide 4 – Centre for Public Scrutiny (CfPS) June 2014

			<p>(2) That the matter shall not be referred back and the decision shall take effect from the date of the call-in meeting.</p> <p>(3) That the Panel noted that there were lessons to be learnt and requested that the procedures / formal agreements in place in relation to joint grant funding be strengthened (in particular to include clear guidance on notification periods and the role of the City Council) to avoid similar issues arising in the future.</p>
EX.28/15	Public Realm	Economy & Environment	Ongoing at time of publication

The Scrutiny Chairs Group requested that a small review was undertaken to identify any concerns relating to call-in that they would be able to make recommendations for change. The follow issues were considered by the group:

#### **Who can exercise call-in powers?**

Carlisle City Council allows the Chair or any three members of the appropriate scrutiny committee to request a call-in a decision.

Different Councils have different requirements and CfPS notes that there is no trend relating to those requirements when compared across urban or rural, district, county or unitary or political majority.

The majority of Council's in Cumbria allow non- scrutiny Members to request a call-in:

Cumbria County Council	3 or more non-cabinet members
Allerdale BC	3 Members of the Council
Barrow BC	Scrutiny Chairman or any 3 Members of the Scrutiny Committee
Copeland BC	Chair or Deputy Chair of an O&S Committee or any 3 Members of the Council.
Eden DC	3 Members of the Council
South Lakes	Chairman of O&S or any 3 non-Executive Members

Following discussion at their meeting on 12<sup>th</sup> March 2015 the Scrutiny Chairs Group suggested that the powers of call-in be extended to substitute Members of Overview & Scrutiny Panels.

**Recommendation 1: that the Constitution be amended to extend the power of call-in to substitute Members of Overview and Scrutiny Panels.**

## **What happens at the meeting?**

Many Councils have protocols to define how the call-in meeting will be run. It is usual to convene a separate meeting for this purpose and for the Executive Member and Chief Officer (SMT Officer) for the service involved be invited to give evidence. The Chair can also invite others to give evidence – Council Officers, members of the public directly affected by the decision or representatives of partner organisations.

The Scrutiny Chairs Group requested that draft guidance for the procedure to be followed at Call-in Meetings be drafted and they subsequently approved the guidance at their meeting on 12<sup>th</sup> March 2015. This is attached for information at Appendix 2.

## **Timeframes for meetings**

Carlisle City Council's Constitution states that a meeting of the relevant scrutiny panel to consider the Call-in should be held within 7 clear working days of the decision to call-in. If the matter is referred back to the Executive they are required to meet within a further 7 working days.

The Constitution does not state a timeframe should the matter be referred to Council.

5 and 10 working days are common limitations for the O&S meeting to be held. The "next scheduled meeting" are often referred to, a few Councils allow 14-15 working days and the average for District Councils is 9.6 working days.

An issue for Carlisle which has caused cause administrative problems is that call-in's have been requested late afternoon on the final day for call-in (the 5<sup>th</sup> working day after the decision). As papers have to be sent out 5 working days prior to the meeting and as the meeting has to be held within 7 working days, realistically this only leaves the option of 1 specific date for the meeting.

Following discussion at the Scrutiny Chairs Group on 15<sup>th</sup> March 2015 the Scrutiny Chairs Group agreed that the deadline for holding a call-in meeting be extended from 7 clear working days to 10 clear working days in order to give more flexibility for all involved. The Group also agreed that if deemed appropriate and with the agreement of all parties the Call-in could be heard at the next scheduled meeting of the relevant Overview & Scrutiny Panel.

<p><b>Recommendation 2: 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.</b></p>
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## TRAINING FOR SCRUTINY MEMBERS

It was identified in the 2013/14 Annual Report that more training was required for Scrutiny Members. The following details training sessions that was made available to Scrutiny Members in 2014/15 along with attendance information.

<b>Session</b>	<b>Date</b>	<b>Attendance</b>
<b><i>Introduction to Scrutiny</i></b>	16 <sup>th</sup> June 2014	4 Members  (2 Labour, 1 Conservative, 1 Liberal Democrat)
<b><i>INLOGOV Session on Overview and Scrutiny</i></b>	17 <sup>th</sup> September 2014	10 Members  (7 Conservative, 2 Labour, 1 Liberal Democrat)
<b><i>Budget Scrutiny</i></b>	12 <sup>th</sup> November 2014	14 Members  (8 Conservative, 5 Labour, 1 Liberal Democrat)

The Introduction to Scrutiny session is now included in the Ethical Governance Training Schedule and a session has been timetabled to induct new Scrutiny Members in the 2015/16 Civic year.

Specific training for Chairs and Vice Chairs of Overview and Scrutiny Panels is being coordinated by the 7 Local Authorities in Cumbria in order to share costs and share ideas. This is in the process of being organised by Eden District Council and a date will be arranged early in the next Civic Year.

## ATTENDANCE AT MEETINGS

Member attendance at Overview and Scrutiny Panel meeting has been raised as a concern this year. Attendance figures show that attendance has been over 90% for all three Panels – COSP 91%, E&E 90% and ROSP 97%. However on two occasions (E&E 8/9/14 and COSP 9/4/15) only 5 of the 8 Panel Members attended the meeting; 4 of the Members from the E&E Overview and Scrutiny Panel have been absent from 3 or more meetings.

Use of substitute Members has been high this year particularly for the Economy & Environment O&S Panel and although it is acknowledged that Members are not always able to attend every meeting due to busy diaries and commitments elsewhere, consistent scrutiny of ongoing topics requires regular attendance otherwise valuable Panel time can be spend going over old ground.

**Group Leaders are requested therefore to consider the availability of Members to attend scrutiny when allocating Membership of the Overview and Scrutiny Panels.**

## Centre for Public Scrutiny

### CARLISLE: NOTES FROM SESSION ON 2 MARCH

The opinions expressed in this document are those of Ed Hammond, facilitator of the 2 March session, unless expressed otherwise.

#### The national context

There are a number of factors in play nationally which will have a significant effect on the development of scrutiny in local government in the coming years.

- The financial challenge. LGA financial projections suggests that – at a national scale – local government will have a significant funding gap by 2019/20, which will only be filled by profound changes to the way that services are delivered. For many authorities, 2016/17 will be the “crunch year”. Many councils have already progressed some distance down the road of tackling this challenge, but there is more work to be done, and the decisions involved will be difficult ones for councillors;
- The potential for devolution and decentralisation of power. In urban areas this is happening through the rapid development of combined authorities, and the associated central Government “deals” that go along with them. For Greater Manchester, that means more say over the health budget for the city; other combined authority areas will be hoping for similar and greater levels of devolution. Combined authorities are growing in attractiveness for more rural areas, including counties. There will be more of these formal combined arrangements and more informal partnerships – all of which will pose a challenge to governance and accountability;
- The pressure to transform. Different public expectations of services, and the financial challenge (see above) are driving councils to fundamentally rethink how they deliver services, and to whom.

Nationally, scrutiny has an important part to play in this. It has an vital role around transformation, and policy development – challenging assumptions made by the executive, considering alternative options and trying to understand local people’s needs. But the resource available for carrying out scrutiny work has, in recent years, depleted.

#### The role and function of scrutiny

##### Nationally

There are often considered to be two principal elements to the scrutiny role – holding to account (“scrutiny”, the process of looking at decisions after they have been made and challenging on their implementation) and policy development (“overview”, the process of looking at policy options as they are being considered). CfPS has found that a focus on overview, challenging the development of policy, can be more productive – but also more resource intensive.



Scrutiny's powers in legislation are mainly set out in section 9F onwards of the Local Government Act 2000, as well as other legislation. Scrutiny committees may require information and attendance from council officers and Cabinet members, and may require Cabinet to respond to recommendations within two months. Committees may request the attendance of other partners, or that those partners provide them with information.

Ultimately, scrutiny's role is quite broad – committees may look at anything that affects the area or the area's inhabitants.

Scrutiny is a critical part of the council's corporate governance arrangements. It is vital that it is treated with respect by senior officers and cabinet members; it is also important that scrutiny demonstrates a commitment to securing value for money in its own work, by focusing on issues which reflect corporate priorities and/or the priorities of local people. This necessitates careful prioritisation of workload, which itself requires that members lead and own the process.

#### In Carlisle

Carlisle's Member Involvement Survey suggests no huge groundswell of worry and concern about scrutiny and how it operates, although perhaps a sense that members could be more actively involved (rather than informed) in decision-making. There is also a sense that scrutiny's role is not especially focused, which was picked up by the LGA's Future Council review, along with the observation that lots of activity happened in scrutiny but with rather fewer outcomes.

Following is a summary of the discussion which ensued, focusing on four points in particular.

#### **The role of scrutiny in Carlisle**

- Sometimes seen as "giving non-executive members something to do";
- Work programme fed by the executive (certainly insofar as pre-decision scrutiny goes), with the executive not especially open to challenge;
- These and other factors leading to a disengagement from councillors.

There was a sense from councillors that scrutiny was insufficiently challenging, and therefore not as effective as it might be.

#### **How this role might be clarified**

A stronger focus on task and finish groups was seen as beneficial. This would bring about;

- More clarity on outcomes;
- Better focus and use of resources;
- More commitment and member interest and engagement;

Strong and effective scoping was seen as key. The onus for this was seen as resting very much on chairs.

### **Areas to add value in the future**

There was seen to be a need to look more closely at “framework documents” (see below). In particular, these documents could be used on a “by exception” basis to clarify when issues should, or should not, be looked at. This means that members would be able to look at the information and apply a judgment, based on a framework or some criteria, to decide whether something was sufficiently serious to be escalated to committee.

It was also thought that value could be achieved by focusing on issues of interest to members (which would presumably, by extension, be issues of interest and importance to their constituents).

Collectively, these steps would allow members to be clearer on the parameters and outcomes of their work,

Members also considered the need to “cut out” party politics.

### **Key sources of information and advice for carrying out this role**

A wide variety of sources of information exist – performance information, the corporate plan, business cases, contracts, specifications, options appraisals, improvement plans, organisational development plans, risk registers and so on. These would be the documents described above as “framework documents”.

Currently, members considered that reports provided to them were too detailed and broad to be of significant use. Members were particularly keen that information be provided to them to allow them to clarify the priority of their work, rather than as an end in itself.

### **Resourcing**

A range of resourcing options exist for scrutiny. On the officer side, resourcing can be provided by one or more scrutiny officers, by officers within service departments and from officers working in Democratic Services. No one model of officer resourcing necessarily leads to more effective scrutiny, although our research does point to the fact that where one or more dedicated scrutiny officers, providing policy advice to councillors, does exist, scrutiny tends to be more effective.

On the member side, the key limiting factor is members’ ability to commit their own time and resource to the scrutiny function. Members noted the following:

- There was a close link here between member commitment and scrutiny’s success in adding value;
- Scrutiny members had to work closely together as a team.

## Structures

A range of structural options exist, which have been identified by CfPS in its past research.

- Single committee, which commissions task and finish groups;
- Two committees, divided by task (for example, a “policy” committee and a “performance” committee, or similar)
- Two committees, divided by service (for example, “people” and “places”);
- Multiple committees, with terms of reference reflecting corporate priorities, council departments or other division.

There is no one “best approach”.

Members considered what structures they might adopt in future for their committees that would be fit for purpose. This discussion happened in the context of the following:

- Form must follow function (ie, the structure must reflect scrutiny’s role);
- As such, the committee structure is the last thing that should be considered, after other aspects of scrutiny’s work have been discussed and agreed.

It was felt that structures needed to be formal, but to have sufficient flexibility to take account of changing priorities and areas of member interest.

## Next steps

At the Chairs’ meeting, and subsequently, members might wish to consider further:

- How they can get regular access to a small range of “framework documents”, produced by the council and by others, which will collectively tell them a story about local services;
- How they can refine the focus of scrutiny by using these documents to decide what they do and don’t look at;
- How they can manage the risk of “things falling between the cracks”, which is inherent in this approach;
- How they can maximise member involvement by ensuring that member insight and views are central to what does and doesn’t get looked at;
- How this approach will lead to more high quality scrutiny work.

EH

7/3/15

## Carlisle City Council - CALL-IN GUIDANCE

The call-in meeting is an important part of a short decision-making process, which gives scrutiny members a chance to test the merits of the decision. It also provides an opportunity to ask the decision makers to reconsider their decision - if members think this is necessary.

### What are the possible outcomes of this meeting?

In summary, the Overview & Scrutiny Panel can:

- (a) refer the matter back to the decision making body, in this case the Executive, for reconsideration setting out in writing the nature of its concerns;
- (b) refer the matter to full Council if members believe the decision was taken outside the Council's budget or one of the key Council plans or strategies (the Policy Framework).; or
- (c) not refer the matter back to the decision making body, in which case the decision shall take effect from the date of this meeting.

### Suggested Procedure at Meetings

1. The Chair opens the meeting by outlining the call-in meeting procedure and 'order of play';
2. Call-in Members will be requested to nominate a Lead Call-in Member who will be invited by the Chair to present the reasons behind the call-in;
3. The remaining two Call-in Members will be invited to contribute to the Lead Call-in Member's argument;
4. The Executive Member will be invited to respond to the call-in arguments and offer their viewpoint;
5. Any additional appropriate speakers, including the Chief Executive, Deputy Chief Executive and/or Director, will be given the opportunity to explain any technical issues/provide background to the decision;
6. After all appropriate members/officers have spoken, Scrutiny Members may ask call-iners, the Executive member and officers questions of clarification;
7. The Director of Governance or Legal Services representatives may be asked points of clarification about procedures by Scrutiny Members;
8. The Chair will ask firstly the Executive member and then the two lead call-in members to briefly sum up their positions; the Overview and Scrutiny Panel will then discuss the issues around the call-in generally without interjection by call-in members (unless they are also members of the Panel), the Executive member and officers (unless the Panel asks for any further clarification).
9. A member may propose a motion, which needs to be voted on by the Scrutiny Members only. There can be further debate on the motion prior to voting unless the Panel feels that all arguments have already been exhausted;
10. If a second member proposes an AMENDMENT to the motion, the amendment must be voted on first;
11. At the close of the meeting, the Chair should summarise the conclusion (s) of the Panel for clarification of all present.

**CARLISLE CITY COUNCIL**  
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## **EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY PANEL HELD ON 9 APRIL 2015**

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### **COSP.25/15    OVERVIEW REPORT AND WORK PROGRAMME**

The Overview and Scrutiny Officer presented report OS.07/15 which provided an overview of matters relating to the work of the Community Overview and Scrutiny Panel and included the latest version of the work programme and Key Decisions of the Executive which related to the Panel.

The Overview and Scrutiny Officer reported:

- that the Notice of Key Executive Decisions, published on 9 March 2015, included the following item which fell within the remit of this Panel.

KD.010/15 – Community Trigger – the Executive will be asked to adopt the proposed countrywide approach for the new Community Trigger legislation. The draft process was to be considered by the Panel as the previous item on the agenda.

- There were no references from the Executive meeting on 2 March 2015 which fell within the remit of this Panel.
- The draft Annual Scrutiny Report had been drafted and was attached to the report as an appendix. Panel Members were asked to comment on the draft which was being considered by all three Overview and Scrutiny Panels. The report would then be formally approved by the Scrutiny Chairs Group prior to being presented at Council on 28 April 2015.

Part one of the report contained Chairs' submissions and comments from Executive Members.

Part two of the report looked at how scrutiny could move forward and improve. Following on from comments from the Council's peer review a CfPS session was held in March 2015 which was well attended and positive. Issues were identified about where Panels could better focus their time such as Task and Finish Groups and that Panels were not always as productive as they could be. There had been discussions about changes in the structure of Scrutiny and Members had wanted to look at what was wanted from the function of Scrutiny. Notes from that session included a number of questions that were considered at a meeting of the Scrutiny Chairs Group held on 12 March 2015. However there were no proposals forthcoming other than the Panels being more focussed on the Work Programme and the production of action plans at the start of the civic year.

The Scrutiny Officer advised that she would be holding individual meetings with Directors over the next few weeks to start the planning process for the coming year. The Community Overview and Scrutiny Panel had held some good meetings and

considered some interesting topics but needed to focus on how they would deal with issues in the coming year.

The Chairman advised that the issue around possible restructuring of Scrutiny would be re-visited in the next civic year.

The questions submitted following the CfPS would be addressed by the Scrutiny Chairs Group in the new civic year.

The Communities, Health and Wellbeing Portfolio Holder stated that the draft report suggested that Members should be more involved in the decision making process of the Council and queried how Members could scrutinise a decision if they had been part of the decision making process. The Portfolio Holder believed that the work of the Litter Bins Task and Finish Group had been very useful and informed the decision making which was different to being involved. Members' comments would be considered by the Executive. The Scrutiny Officer explained that Members believed they should be able to scrutinise potential decisions before the decision was made.

In considering the report Members raised the following comments and questions:

- *Some Members were not happy that they did not have any real mechanism to influence the development of policies or decisions unless they were part of the Executive or Scrutiny.*

The Portfolio Holder stated that the report suggested that Members considered reports were too detailed and broad to be of significant use. The Portfolio Holder advised that as a former Scrutiny Member if she needed any further information she would speak to the relevant officers.

The Deputy Chief Executive agreed that some reports could be lengthy and added that there was an issue about how much detail was needed in a report and asked for guidance by Scrutiny Members on the matter in the new year.

- *The main issue was often the knowledge of issues concerned which could be difficult in complex areas.*

The Deputy Chief Executive believed that Members were more willing to deal with Officers directly and that it was not always necessary to have Chief Officers present at the meetings as Officers dealing with the issues daily could have a better understanding of the issues.

- *It was not the role of scrutiny to inform Members of issues. Some Panel meetings had not been well attended and some Members did not take their responsibilities on Scrutiny seriously enough.*

The Scrutiny Officer suggested that attendance at Panel meetings be included in the Overview and Scrutiny Annual Report.

The Deputy Chief Executive advised that Directors had work programmes for the coming year and it may be useful for Scrutiny to have an understanding of the key

topics and Directors needed to be clear on what the Executive and Council would be making decisions on. If matters were raised within the Forward Plan they could be picked up by Scrutiny.

The Scrutiny Officer suggested that the first meeting in June would be kept free to develop the Work Programme. She would be asking Directors to assist in that and suggested that they could each provide a presentation covering the work of their Directorates and their priorities for the year.

- *There was discussion about whether it was the role of the City Council to scrutinise issues such as social care and young people over which they had no control as a statutory body.*

The third section of the draft report dealt with call-ins and the Scrutiny Chairs Group had asked that Members look at that process as there were some administrative issues with regard to timescales. Members were requesting that the meeting to consider a call-in should be within ten days instead of the current seven days. That could allow a call-in meeting to be included as part of a scheduled Panel meeting rather than having to convene a special meeting within days of the scheduled meeting.

The Scrutiny Chairs Group had also requested that substitute Members be allowed to call-in a decision. The Group also requested guidance on the running of call-in meetings.

Members had requested more formal training and the Introduction to Scrutiny had been included in the ethical governance programme and there would be training on the budget process prior to the budget meetings in November. The Scrutiny Officer asked whether Members would find any other training useful. A Member suggested training on how to decide on relevant questions would be useful.

The Scrutiny Officer explained that the draft report would be considered by the Resources Panel at their next meeting and by the Environment and Economy Panel by e-mail to allow the final report to be submitted to Council in April.

- The Work Programme had been attached to the report for comment/amendment.

RESOLVED – 1. That the Overview Report (OS.07/15) incorporating the Work Programme and Notice of Executive Decisions items relevant to this Panel be noted.

2. That the draft Scrutiny Annual Report be amended to reflect the discussions held above.



# Report to Council

Agenda  
Item:  
  
**17**

Meeting Date: 28 April 2015  
Portfolio: Leader and Finance, Governance & Resources.  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: CONSTITUTIONAL AMENDMENTS  
Report of: Monitoring Officer  
Report Number: GD.25/15

## Purpose / Summary:

This Report recommends amendments to the Council's Constitution in relation to the deadline for the submission of Motions and Questions; the ability of the Monitoring Officer to make minor amendments; and, compliance with the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.

## Recommendations:

That Council:

1. Approve the revised wording to the Council Procedure Rules (CPR) and authorise 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. Agree 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. Appoint 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 amend its terms of reference accordingly in the Council's Responsibility for Functions section of the Constitution.
- ii. Endorse the invitation on behalf of the Council to the two Independent Persons to be considered for appointment to the Panel and duly appoint 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. Amend 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. Agree that the changes become effective on 11 May 2015.
  - v. Authorise the Monitoring Officer to make the necessary amendments to the Constitution.

### Tracking

Executive:	
Overview and Scrutiny:	
Council:	28 April 2015

The Portfolio Holder for Finance, Governance and Resources has proposed some changes to the Council's Constitution and these are reported on as follows:

**1. Standing Orders – Procedure Rule 12.1 – Deadline for Motions on Notice and CPRs 10.3 and 11.4 Notice of Questions**

- 1.2 Council Procedure Rule 12.1 currently requires that Motions on Notice to Council are delivered to the Director of Governance by Members, no later than midday, seven clear days before the date of any full Council meeting. In practice, this means that they have to be submitted by noon on the Monday of the week before the Council Meeting.
- 1.3 In practice, to comply with the law regarding the despatch of papers, officers have to send the Council papers out on the Friday before that. This means that officers have to prepare the Agenda pack on the Thursday for distribution on the Friday. Often, Members leave the submission of their Motion until the Monday deadline which, as said, is after the Council papers have been despatched. In consequence, if a Motion is submitted after this time then another Agenda has to be prepared and circulated on the Monday.
- 1.4 The second issue, if a motion is submitted after despatch day, is that the electronic version of the agenda pack officers prepare will always have an out of date agenda at the front of it.
- 1.5 The above practice is time consuming and has a cost implication.
- 1.6 The proposal is that the deadline for Motions be brought forward to midday, 11 clear days before the Council meeting (this would be the Thursday lunchtime). This deadline would enable us to have sufficient time to prepare the electronic agenda pack and copy the papers prior to sending them out on the Friday afternoon. The impact on Members is that they would have to submit any Motion sooner than currently but Motions are rarely time critical and if all Members had one clear date to work to then this should not be detrimental.
- 1.7 The revised CPR12.1 would read as follows:

“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.”

- 1.8 The same principle applies to the notice period required for questions submitted by Members and members of the public. The current Council Procedure Rules require both types of questions to be submitted no later than midday, seven clear days before the relevant Meeting. This presents the same issues as specified above. Accordingly, it is recommended that the two rules be amended with the 11 day notice period, to read as follows:

**CPR10.3 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.

**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.

## **2 Delegation of Amendments to Monitoring Officer**

2.1 The Monitoring Officer is tasked with keeping the Constitution up to date and all changes must be approved by the Council. Significant changes (such as the ones proposed in this Report) are and should be reported to Members. However, during the course of a year, there are often minor or legislative changes required which are unavoidable.

- Minor Changes – these could be numbering, job titles, name changes etc.
- Legislative changes are changes in the law regarding which the Council does not have an option.

2.2 Some other Councils have a delegation to the Monitoring Officer to keep the Constitution up to date, for example, 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. All Members will be notified of changes made.”

2.3 It is recommended that our Constitution will be improved by a similar provision but also including a requirement that the Portfolio Holder be consulted. The proposed wording is:

“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.”

2.4 The delegation would be inserted into Article 15.02 of the Constitution which deals with changes to the Constitution.

## **3 Change to Standing Orders/Employment Procedure Rules**

3.1 On the 25<sup>th</sup> March 2015 the Secretary of State for Communities and Local Government laid before Parliament the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015<sup>1</sup>. These regulations come into force on

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<sup>1</sup> SI2105/881

11 May 2015 and the Council is obliged to implement the changes no later than its first ordinary meeting after that date.

3.2 The changes to the rules relate to the procedure to be followed in relation to disciplinary action taken against the Head of the Paid Service, the Monitoring Officer or Chief Finance Officer. Under the outgoing regime, the Council had to appoint a Designated Independent Person (DIP) to investigate a disciplinary matter involving those officers and the Council could then only take action in accordance with the DIP's report and recommendations. The new regulations seek to introduce a new streamlined procedure whilst attempting to retain some independent check within the system. They give the Council's "independent person", appointed by the authority to support the members' conduct framework, a role in the disciplinary process for chief officers.

3.3 In summary, under the new rules, the Council must:

- i. incorporate the procedure set out in the regulations into its Standing Orders and modify any other procedures to conform with the new regulations (including the previous provisions relating to the investigation of alleged misconduct);
- ii. approve any appointment of the head of the paid service before an offer of appointment is made to that person;
- iii. approve the dismissal of an officer designated as the head of the authority's paid service, the authority's chief finance officer or as the authority's monitoring officer (relevant officers) before notice of such a dismissal is given to that person;
- iv. appoint a committee under section 102(4) of the Local Government Act 1972 for the purpose of advising the Council on the dismissal of relevant officers;
- v. invite relevant independent persons to be considered for appointment to the 'Panel' (i.e. the committee referred to in (iv)). A relevant independent person is any person appointed by the Council as an independent person under the standards regime. The Council must appoint to the Panel such relevant independent persons who have accepted the invitation (these can be the City Council's own independent persons or those appointed by another authority);
- vi. must not dismiss a relevant officer unless the procedure specified in the regulations has been complied with;
- vii. before taking a vote at the relevant meeting on whether or not to approve any dismissal, full Council must take into account, in particular –
  - a. any advice, views or recommendations of the Panel;
  - b. the conclusions of any investigation into the proposed dismissal; and

c. any representations from the relevant officer.

- 3.4 The regulations say that any remuneration, allowance or fees paid to an independent person appointed to the Panel must not exceed the level of remuneration payable to that person in their role as an independent person under the Standards regime. It is felt that the current allowance of £348 per annum is sufficient to cover the role of the independent person in both the standards and dismissal regime.
- 3.5 In anticipation of this report, the Monitoring Officer wrote to the Council's two appointed Independent Persons, Jane Salmon and Keith Thomas, to invite them to be considered for appointment to the Panel. Both said that they would be prepared to be considered.
- 3.6 It is recommended that the Council takes the following steps to comply with the new Standing Orders:
- i. Appoint 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 amend its terms of reference accordingly in the Council's Responsibility for Functions section of the Constitution.
  - ii. Endorse the invitation on behalf of the Council to the two Independent Persons to be considered for appointment to the Panel and duly appoint 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. Amend its 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. Agree that the changes become effective on 11 May 2015.
  - v. Authorise the Monitoring Officer to make the necessary amendments to the Constitution.

#### **4 CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 It is proposed that the Council amend its Constitution to reflect the changes recommended in sections 1, 2 and 3 of the Report in order to improve the operation of the Council's administrative system and to comply with the new legislation.



## **5 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 5.1 An efficiently operating system, to support the Council's activities, better enables the authority to deliver its local plan priorities.

**Contact Officer: Mark Lambert**

**Ext: 7019**

**Appendices  
attached to report:**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **None**

### **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's** –The Chief Executive is supportive of the changes proposed in the Report.

**Deputy Chief Executive** – None

**Economic Development** – None

**Governance** – Contained within the body of the Report.

**Local Environment** – None.

**Resources** –There will be a cost saving in terms of not having to re-issue the Agenda for Council Meetings and an efficiency in allowing minor changes to the Constitution without the need for a Report to Council. Human Resources aspects are covered within the Report.



Meeting Date: 28 April 2015

Portfolio: Leader's and Governance, Finance & Resources

Key Decision: No

Within Policy and Budget Framework: Yes

Public/Private\*: Public

Title: **Overview & Scrutiny Procedure Rules: Appointment of Chairs**

Report Number: GD.22/15

Report of: The Monitoring Officer

### **PURPOSE/SUMMARY:**

In response to a written request from the Leader of the Council, this Report recommends an amendment to the Overview & Scrutiny Procedure Rules as regards the appointment of Chairs and Vice-Chairs of the Council's Overview & Scrutiny Committees.

### **RECOMMENDATIONS:**

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.

**TRACKING:**

Executive:	
Overview and Scrutiny:	
Council:	28 April 2015

## 1. BACKGROUND

- 1.1 The Council operates three Overview and Scrutiny Panels: Resources, Environment & Economy and Community. The rules for the Panels are contained in the Council's Constitution and, as regards the appointment of Chairs/Vice-Chairs, Overview & Procedure Rule 6 says:

"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 three 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 three largest political groups and, in the absence of agreement, then the Council will decide the appointments in such manner as it determines."

- 1.2 The current regime was implemented in 2009 following a request in the Panels' Annual Report. Prior to that, the appointments were made at the discretion of the Council. At the time of the change, there were three main political groups, the smallest of which held seven seats on the Council which was 13.4% of the authority's 52 seats. At present, there is no identifiable 'third' Political Group as the Independent Group and Liberal Democrats each have two seats on the Council (3.8%). This state of affairs, should it persist in May, will mean that it will not be possible to comply with the above cited Rule for the reason outlined in this paragraph.

## 2 Proposal

- 2.1 The Portfolio Holder for Finance, Governance and Resources has written to the Monitoring Officer seeking to address this problem with the proposal that the Rule be amended as follows:

"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."

- 2.2 It would, of course, be possible for each of the Panels to appoint its own Chair/Vice-Chair but the way the Council makes the appointments ensures that the authority follows best practice by making sure that the ruling Group does not chair all of the Panels.
- 2.3 Secondly, the proposal does not mean that one of the smaller groups will not have a Chair or Vice-Chair of an Overview & Scrutiny Panel. They could still have a member appointed, provided Council felt that they were the appropriate person to hold such a position. It should be noted that in the Municipal Year 2014/2015, neither of the Liberal Democrats or the Independent Groups had a Panel Chair (the Liberal Democrats have the Vice-Chair of Resources O&S Panel).
- 2.4 On the current seat allocations, the proposal still allows for one of the smaller groups to have a chair/vice-chair of an Overview & Scrutiny Panel, it just removes their right to such an allocation. Given the reduced ratio in terms of the smaller groups' numbers, Council may view this as reasonable position to adopt.

### **3. CONSULTATION**

- 3.1 None.

### **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The Portfolio Holder for Finance, Governance and Resources suggests that the Constitution be amended to better reflect the political balance of the Council. The proposal is reasonable and workable.

### **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 5.1 A properly functioning democratic system is crucial in assisting the Council in achieving its approved plan. An integral part of this democratic system is the Overview & Scrutiny function and the proposed changes will, if approved, better reflect Council's wishes.

**Contact Officer:** Mark Lambert

**Ext:** 7019

**Appendices attached to report:**

In compliance with Section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – None.**

**Economic Development – None**

**Governance** – The Overview & Scrutiny Procedure Rules are contained within the Constitution. Council has reserved the right to amend the said Constitution to itself. The Monitoring Officer is required to report to Council on any proposed changes to the Constitution proposed in writing by a Member (Article 15.02).

**Local Environment – None**

**Resources - None**





# Report to Council

**Agenda  
Item:**  
  
**19**

Meeting Date: 28<sup>th</sup> April 2015  
Portfolio: Finance, Governance and Resources  
Key Decision: No  
Within Policy and Budget Framework YES  
Public / Private Public

Title: AUDIT COMMITTEE'S ANNUAL REPORT  
Report of: Chair of the Audit Committee  
Report Number: RD03/15

## Purpose / Summary:

This report provides a summary of the work undertaken by the Audit Committee during the period 14<sup>th</sup> April 2014 to 13<sup>th</sup> January 2015.

## Recommendations:

It is recommended that Council note and approve this annual report.

## Tracking

Executive:	<b>Not applicable</b>
Overview and Scrutiny:	<b>Not applicable</b>
Council:	<b>28<sup>th</sup> April 2015</b>

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None**

## Audit Committee

Agenda  
Item:

**A.6**

Meeting Date: 13<sup>th</sup> April 2015  
Portfolio: Finance, Governance and Resources  
Key Decision: No  
Within Policy and Budget Framework: Yes  
Public / Private: Public

Title: **AUDIT COMMITTEE'S ANNUAL REPORT**  
Report of: Chair of Audit Committee.  
Report Number: RD03/15

### Purpose / Summary:

This report provides a summary of the work undertaken by the Audit Committee during the period 14<sup>th</sup> April 2014 to 13<sup>th</sup> January 2015.

### Recommendations:

It is recommended that the Audit Committee note and accept this report for recommendation to Council.

### Tracking

Executive:	<b>Not applicable</b>
Overview and Scrutiny:	<b>Not applicable</b>
Council:	<b>28<sup>th</sup> April 2015</b>

## 1 **BACKGROUND**

1.1 In accordance with paragraph 3.3 of the Audit Committee's Rules of Governance - attached to this report for Members' information as **Appendix A** - the Chairman of the Audit Committee is required to present an Annual Report on the work of the Audit Committee to the full Council.

1.2 The Members of the Audit Committee for this municipal year are -

### **Conservative**

Mallinson E

Earp

Layden

Bowman C (Substitute)

Geddes (Substitute)

Parsons (Substitute)

### **Labour**

Patrick (Chair)

Atkinson K

Franklin

Bowditch

Dodd (Substitute)

Boaden (Substitute)

Wilson (Substitute)

This Report covers the meetings of the Audit Committee held on.

14<sup>th</sup> April 2014

10<sup>th</sup> July 2014

24<sup>th</sup> September 2014

13<sup>th</sup> January 2015

## 2 **AUDIT COMMITTEE'S PROGRAMME OF WORK.**

- 2.1 At the commencement of the year, the Committee agreed a Programme of work for the forthcoming year that outlined the areas to be considered at each meeting.
- 2.2 The Programme for the above period included the following topics that were considered at each of the meetings:

**Minutes of the Corporate Resources Overview and Scrutiny Committee** – these were submitted to each meeting of the Audit Committee for information and any member comments.

**Responses from the Executive/Overview and Scrutiny** – these were submitted for consideration and comment.

**Audit Services Progress Reports** – these provided summaries of the work carried out by Audit Services since the previous meeting of the Committee. A copy of each Final Audit Report was appended to these Progress Reports, together with any relevant information relating to any follow-up reviews that had been undertaken where members' attention needed to be drawn to any outstanding recommendations and the reasons for these.

**Annual Governance Statement Action Plan** – this regular report appraises members of progress made on the Annual Governance Statement Action Plan.

**Risk Management Policy and progress** – officers have provided Members of the Committee with information relating to the work of the Corporate Risk Management Group and the updated Corporate Risk Register on a regular basis, for noting and action if necessary.

The programme also included a number of topics that are considered on an annual or an ad-hoc basis -

### 2.2.1 **MEETING HELD 14<sup>TH</sup> APRIL 2014.**

- The Minutes of the meeting of the Audit Committee held on 24 January 2014 were agreed as a correct record and signed by the Chairman.
- The Manager (Grant Thornton) presented the Certification Report for 2012/13, which summarised their overall assessment of the Council's management arrangements in respect of the certification process and drew attention to significant

matters in relation to individual claims. An overview of the approach to certification work, the roles and responsibilities of the various parties involved and the scope of the work performed was set out in the Certification Plan issued to the Council in July 2013.

- The Manager (Grant Thornton) reported some key messages in relation to Certification of the claims and associated recommendations. Both the Housing Benefit and Council Tax Benefit and the National Non Domestic Rates claims were submitted to Grant Thornton on time and certified within the required deadlines

A significant number of errors were identified during detailed testing of the Housing Benefit and Council Tax Benefit claim. Those errors had resulted in amendments to the claim and a qualification letter. That represented a significant deterioration in performance when compared with 2011/12.

Supporting working papers for both claims were good, which enabled certification within the deadline.

- In terms of the way forward, Grant Thornton had set out recommendations to address the key messages referred to above and other findings arising from their certification work which were approved. The Audit Committee noted that the issues and concerns regarding the significant number of errors identified during detailed testing of the Housing Benefit and Council Tax Benefit claim would be addressed through the Action Plan
- The Minutes of the meeting of the Resources Overview and Scrutiny Panel held on 20<sup>th</sup> of February 2014 were submitted and noted.
- The Director (Grant Thornton) presented the 2013/14 Audit Plan for Carlisle City Council. This was noted and received.
- The Manager (Grant Thornton) submitted a paper detailing progress in delivering Grant Thornton's responsibilities as the Council's external auditors. Also included was a summary of emerging national issues and developments which may be of relevance to the authority.
- The Manager (Grant Thornton) reported that, as the Council's appointed external auditor, Grant Thornton undertook grant certification work acting as an agent of the Audit Commission. The only claim which required certification at the City Council for 2013/14 was the Housing Benefit Subsidy claim. The Audit Committee noted the content of the Housing Benefit Subsidy Certification Work Plan.

- The Director (Grant Thornton) presented the Audit fee letter for 2014/15. This was noted and received.
- The Chairman presented report RD.03/14 summarising the work undertaken by the Audit Committee during the period from 15 April 2013 to 24 January 2014.
- The Audit Manager (Carlisle City) reported (RD.02/14) that internal Audit was required, under the mandatory Public Sector Internal Audit Standards (PSIAS) to prepare an annual risk based Audit Plan for approval by the Audit Committee.
- The Audit Manager (Carlisle City) submitted report RD.01/14 summarising the work carried out by Internal Audit and detailing progress made on delivery of the approved 2013/14 Audit Plan.
- The Audit Manager (Carlisle City) reported (RD.05/14) that the Cumbria Shared Internal Audit Service was required to conform to the mandatory Public Sector Internal Audit Standards (PSIAS). Those standards comprised a Definition of Internal Auditing, a Code of Ethics and the Standards by which internal audit work must be conducted. An Audit Charter was one of the key requirements of the PSIAS and failure to approve an Audit Charter may be considered to be a significant deviation from the requirements of the Standards. Committee approved the Internal Audit Charter alongside the 2014/15 Audit Plan.
- The Financial Services and HR Manager submitted report RD.84/13 providing the regular quarterly summary of Treasury Management Transactions for the third quarter of 2013/14. This was noted and received.
- The Director of Governance presented report SD.10/14 providing an update on the Council's risk management arrangements. The Audit Committee had considered and noted the content of Report SD.10/14 as evidence of the continuing commitment to and culture of sound governance arrangements for corporate risk management.
- The Financial Services & HR Manager submitted report RD.04/13 updating Members on the Council's governance arrangements and its systems of internal control in line with CIPFA's Good Governance Framework.

### **2.2.2 MEETING HELD 10th JULY 2014**

- Councillor Ms Patrick was duly appointed as Chairman of the Audit Committee for 2014/15 and it was also moved and seconded that Councillor Mrs Mallinson be appointed Vice-Chairman.
- Councillor Earp was appointed as Chairman of the Audit Committee for this particular meeting.

- Approval of the minutes of the meeting of the Audit Committee held on 14 April 2014 were deferred until the next meeting of the Committee.
- The Manager (Grant Thornton) reported that the final grant certification fee was still to be agreed with the Audit Commission. It was expected to complete the certification work by 30 November 2014 and to issue a grant certification report after that date highlighting any issues that needed to be brought to the Council's attention. The Audit Committee noted the content of the Housing Benefit Subsidy Certification Work Plan.
- The Manager (Grant Thornton) presented a briefing on 'Protecting the Public Purse' with particular regard to Carlisle City Council.
- The Minutes of the meeting of the Resources Overview and Scrutiny Panel held on 3 April 2014 were submitted for information.
- The Financial Services & HR Manager submitted report RD.17/14 providing the City Council's Annual Governance Statement for 2013/14. She informed Members that the Annual Governance Statement (subject to Audit) had been certified by the Council's S151 Officer, Chief Executive and Leader, in accordance with statutory requirements, by 30 June 2014 and would be formally approved following completion of the audit process at the end of September. The Audit Committee noted the content of the 2013/14 Annual Governance Statement, noting that the Statement would accompany the Annual Statement of Accounts.
- The Chief Accountant presented report RD.16/14 enclosing the Council's Statement of Accounts 2013/14 (subject to audit) which had been certified by the S.151 Officer in accordance with statutory requirements by 30 June 2014. They would be subject to audit, which was to be concluded by the statutory deadline of 30 September 2014. He added that the Accounts reflected the summarised financial outturn information recently considered by the Executive and Resources Overview and Scrutiny Panel.
- It was noted that the 2013/14 Statement of Accounts, which had been certified as giving a true and fair view by the Director of Resources, and would now be subject to audit. Also noted that the Annual Governance Statement would be considered and approved separately from the Statement of Accounts as specified in the Accounts and Audit Regulations 2011.
- The Chief Accountant presented the following reports for information:-  
- Provisional General Fund Revenue Outturn 2013/14

-Provisional Capital Outturn 2013/14 and Revised Capital Programme 2014/15.

- The Chief Accountant submitted the Annual Report on Treasury Management (RD.10/14). He informed Members that the report was required under both the Financial Procedure Rules and CIFPA Code of Practice on Treasury Management. The regular report on Treasury Transactions for the period 1 January 2014 - 31 March 2014 was also submitted. This was noted and received.
- The Chief Accountant submitted report RD.06/14 concerning Treasury Management Counterparties. The Audit Committee noted the content of Report RD.06/14, and that the investment proposals referred to would be monitored by the Committee and the Resources Overview and Scrutiny Panel.
- The Audit Manager (Carlisle City) submitted report RD.15/14 summarising the work carried out by Internal Audit and detailing progress made on delivery of the approved Audit Plan during the first quarter of 2014/15. The Committee was pleased to note the position of the follow up of previous audit recommendations and, in particular, that none of the recommendations were recorded as overdue. The report was noted.
- The Audit Manager (Carlisle City) submitted report RD.14/14, the purpose of which was to give her opinion as the Audit Manager for Carlisle City Council on the adequacy and effectiveness of the Council's systems of risk management, governance and internal control from the work undertaken by Internal Audit for the year ended 31 March 2014. She expressly noted that areas of concern highlighted during previous reviews had been or are being corporately addressed for inclusion in future audit reviews. The Audit Manager then outlined the programme of service development projects undertaken by the Shared Internal Audit Service during 2013/14 to deliver the actions identified through the Grant Thornton review of Internal Audit, the requirements of the Public Sector Internal Audit Standards and other service improvements identified through internal and external consultation with staff and clients.
- Subject to the observations expressed above, the Audit Committee noted:

-The progress achieved in 2013/14 in delivering the Audit Plan and the outcomes of completed audit reviews set out in Appendix 1.

-The Audit Manager's opinion of reasonable assurance on the Council's overall systems of governance, risk management and internal control for the year ended 31 March 2014.



- The Audit Manager's declaration of conformance with the mandatory PSIAS.
- The Audit Manager's declaration of Internal Audit independence as required by the PSIAS.
- The Audit Manager (Carlisle City) reported (RD.13/14) that, under the Accounts and Audit Regulations 2011, the Council was required 'to undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control'. Proper practices were now those documented within the Public Sector Internal Audit Standards (PSIAS) and associated Local Government Application Note (LGAN).

In summary, the Audit Manager reported that a comprehensive self-assessment against the PSIAS and LGAN checklist had been undertaken with supporting details. She concluded that the work of Internal Audit had been delivered in conformance with the required standards with a small number of areas for further development and with the exception of a small number of minor areas for development; Cumbria Shared Internal Audit Service was in conformance with the Public Sector Internal Audit Standards and was adequate and effective to deliver the annual opinion of the Head of Internal Audit.

### **2.2.3 MEETING HELD ON 24th SEPTEMBER 2014**

- Subject to the correction regarding additions to the coverage of Members Risk Management Training highlighted by the Chairman, the Minutes of the meetings of the Audit Committee held on 14 April and 10 July 2014 were agreed as a correct record and signed by the Chairman.
- The Audit Committee noted the paper prepared by the Director of Resources outlining progress to date on the Housing Benefit Certification Action Plan and was appreciative of the work undertaken; and would receive an update at their next meeting. The Committee further noted that the Resources Overview and Scrutiny Panel would scrutinise and monitor the matter.
- The Minutes of the meetings of the Resources Overview and Scrutiny Panel held on 26 June and 7 August 2014 were noted and received.
- The Director (Grant Thornton) presented a report highlighting the key matters arising from Grant Thornton's audit of the Council's financial statements for the year ended 31 March 2014. The report was also used to present their audit findings to management and the Audit Committee in accordance with the requirements of International Standard on Auditing 260 (ISA). It was further

her intention to issue an unqualified Value for Money conclusion stating that the Council had proper arrangements to secure economy, efficiency and effectiveness in the use of its resources. The Audit Committee received and noted the very positive Audit Findings Report for the year ended 31 March 2014.

- The Chief Accountant submitted report RD.29/14 attaching a Letter of Representation for 2013/14.
- The Chief Accountant submitted report RD.28/14 concerning the Council's Statement of Accounts 2013/14. The Audit Committee approved the 2013/14 Statement of Accounts subject to correction of the amendments detailed; noting that also included the Annual Governance Statement.
- The Audit Manager (Carlisle City) submitted report RD.30/14 summarising the work carried out by Internal Audit and detailing progress made on delivery of the approved 2014/15 Audit Plan. Report RD.30/14 was received and progress made against the agreed 2014/15 Audit Plan noted with the following points:-
  - The revised arrangements in place to monitor internal audit performance and the current reported position was noted.
  - The position on the follow up of previous audit recommendations was noted.
  - The changes to audit reporting arrangements through the introduction of the revised audit report format was noted; and that where possible Directors and Managers set realistic and achievable timescales for the implementation of audit recommendations.
- The Chief Accountant submitted report RD.22/14 providing the regular quarterly summary of Treasury Management transactions for the first quarter of 2014/15, including the requirements of the Prudential Code. The Audit Committee noted Report RD.22/14 and the positive progress in terms of the LAMIT Property Fund.
- The Deputy Chief Executive presented report SD.19/14 providing an update on the Council's risk management arrangements. Members were informed that the Corporate Risk Register continued to be reviewed quarterly in line with the Council's Risk Management Policy by the Corporate Risk Management Group and Senior Management Team (SMT). The risks considered to be the significant in achieving the City Council's objectives for 2014/15 were considered to be:
  - Asset Business Plan – Asset Disposal Strategy
  - Asset Business Plan – Asset Acquisition Strategy

- Delivering the Carlisle Plan
- Council's Income Targets.

The Audit Committee considered and noted the content of Report SD.19/14 as evidence of the continuing commitment to and culture of sound governance arrangements for corporate risk management.

#### **2.2.4 MEETING HELD ON 13<sup>TH</sup> JANUARY 2015**

- The minutes of the meeting of the Audit Committee held on 24 September 2014 were agreed as a correct record and signed by the Chairman.
- The Minutes of the meetings of the Resources Overview and Scrutiny Panel held on 18 September, 30 October, 27 November and 2 December 2014 were submitted for information and noted
- The Director (Grant Thornton) presented, for information, the Annual Audit Letter for the City Council, the purpose of which was to summarise the key findings from the work carried out for the year ended the 31<sup>st</sup> March 2014, namely auditing the 2013/14 Accounts and Whole of Government Accounts submission; assessing the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources; and certification of grant claims and returns.
- The Audit Manager (Grant Thornton) presented a paper detailing progress in delivering Grant Thornton's responsibilities as the Council's external auditors. Also included was a summary of emerging national issues and developments of relevance to the authority; together with a number of challenge questions in respect of those emerging issues. The Audit Committee was pleased to receive what was a very positive Annual Audit Letter for 2013/14.
- The Manager (Grant Thornton) presented the Protecting the Public Purse Fraud Briefing 2014 which had been produced by the Audit Commission.
- The Financial Services and HR Manager submitted report RD.43/14 providing information on the 2014/15 Final Accounts process. She explained that there were no significant changes in the 2014 Code of Practice on Local Authority Accounting. It was, however, beginning to look more likely that from 2016/17 the deadline for completion of the accounts was going to be brought forward by at least one month. Efforts were therefore going to be made as part of the closedown in 2014/15 to try and complete the accounts to an earlier timetable. The Audit Committee noted the content of Report RD.43/14 and had

considered the accounting policies to be used in the preparation of the 2014/15 Accounts.

- The Financial Services and HR Manager submitted report RD.49/14 updating Members on the Council's governance arrangements and its systems of internal control in line with CIPFA's Good Governance Framework. Updates were provided as to the current position of previous identified issues. Further work was to be progressed by relevant Service Managers and forwarded to future committee. The Code of Corporate Governance Action Plan and the current position relation to the identified issues were noted.
- The Director of Resources submitted report RD.53/14 providing Members with an update on progress against the Housing Benefit and Council Tax Benefit Certification Action Plan. Discussions ensued around the performance and future of the Shared Service. The Audit Committee noted Report RD.53/14 and progress made against the Housing Benefit Certification Action Plan.
- The Financial Services and HR Manager submitted report RD.50/14 providing details of the Council's response to emerging national issues and developments relevant to local government as presented to Members of the Audit Committee over the previous twelve months by the Council's external auditors (Grant Thornton). The Audit Committee noted the response to the issues which had been identified (as set out in Report RD.50/14), together with the actions taken to date and timescales to address any outstanding issues.
- The Financial Services and HR Manager submitted report RD.51/14 setting out details of proposed changes to the authority's Financial Procedure Rules in respect of payments made through the Creditors system. The Audit Committee approved the proposed changes to the authority's Financial Procedure Rules in respect of payments made through the Creditors system for recommendation to Council on 3 March 2015.
- The Audit Manager (Carlisle City) submitted report RD.48/14 summarising the work carried out by Internal Audit and detailing progress made on delivery of the approved 2014/15 Audit Plan.
- The Financial Services and HR Manager submitted report RD.42/14 setting out the Council's Treasury Management Strategy Statement for 2015/16 in accordance with the CIPFA Code of Practice on Treasury Management. She informed Members that the Investment Strategy and the Minimum Revenue Provision Strategy for 2015/16 were incorporated as part of the Statement, as

were the Prudential Indicators as required within the Prudential Code for Capital Finance in Local Authorities. The Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2015/16 were noted.

- The Financial Services and HR Manager submitted report RD.36/14 providing the regular quarterly report on Treasury Transactions, together with an interim report on Treasury Management as required under the Financial Procedure Rules. The report also discussed the City Council's Treasury Management estimates for 2015/16 with projections to 2019/20, and set out information regarding the requirements of the Prudential Code on local authority capital finance.
- The Audit Manager (Carlisle City) submitted Report RD.52/14 appraising Members of the outcome of an internal investigation. Members were asked to note the outcome of the investigation and the detailed Action Plan.

### **3 CONSULTATION**

None

### **4 CONCLUSION AND REASONS FOR RECOMMENDATION.**

- 4.1 The existence of the Audit Committee and its work programme enable the Council to demonstrate that it is following the recommended best practice in respect of the CIPFA Practical Guidance for Audit Committees in Local Authorities. The Committee has strengthened the Council's internal control process through its ability to ensure that systems and controls are robust, that challenges are raised as appropriate, and that adequate follow-up procedures are in operation in relation to Audit recommendations. This has been noted and commented on by the External Auditor's Audit Manager.
- 4.2 It is recommended that the Audit Committee note and accept this report.

### **5 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES.**

- 5.1 To ensure that good governance arrangements are in place to underpin the delivery of Carlisle City's Priorities.

**Contact Officer:** Gill Martin                      Ext: 7294  
Audit Manager  
Shared Internal Audit Service

**Appendix A – Rules  
of Governance  
attached to report:**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **None**

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – not applicable**

**Economic Development – not applicable**

**Governance – not applicable**

**Local Environment – not applicable**

**Resources – not applicable**

## **Appendix A**

### **AUDIT COMMITTEE**

#### **RULES OF GOVERNANCE**

##### **1. STATEMENT OF PURPOSE**

- 1.1 The purpose of an Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

##### **2. TERMS OF REFERENCE**

###### **2.1 Audit Activity**

To consider the Audit Services Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with the Audit Commission over the appointment of the Council's external auditor.

To commission work from internal and external audit.

###### **2.2 Regulatory Framework**

To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Regulations and financial Codes of Conduct and Behaviour.

To review any issue referred to it by the Town Clerk and Chief Executive or a Director, or any Council body.

To monitor the effective development and operation of risk management and corporate governance in the Council.

To monitor Council policies on “Raising Concerns at Work” and the anti-fraud and anti-corruption strategy and the Council’s complaints process.

To oversee the production of and approve the authority’s Annual Governance Statement.

To consider the Council’s arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council’s compliance with its own and other published standards and controls.

## **2.3 Accounts**

To approve the Annual Statement of Accounts, income and expenditure and balance sheet. To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.

## **3. ACCOUNTABILITY**

- 3.1 The Audit Committee will be a stand alone Committee of the Council. All Audit Committee members will act in the interests of the Council and not on behalf of any political party, constituency, ward, or interest group.
- 3.2 The Chairman of the Audit Committee will be appointed by the Committee. The Chairman and the Committee will ensure that relevant issues are promptly brought to the attention of the Executive, Overview and Scrutiny Panels and Regulatory Committees or the full Council.
- 3.3 The Chairman of the Audit Committee will present an Annual Report on the work of the Audit Committee to the full Council.

## **4. AUTHORITY AND ACCESS**

- 4.1 The Audit Committee has a right to request relevant information from appropriate or relevant Members and Officers of the Council.
- 4.2 The Audit Committee will not be able to transact the powers, functions and duties reserved to the full Council, the Executive, Overview and Scrutiny Panels and other Regulatory Committees.
- 4.3 The Audit Committee will have access to in-house financial, legal and any other professional advice necessary to carry out its functions.
- 4.4 The Chairman of the Audit Committee and the external and internal auditor will meet as necessary and the Council’s Audit Services Manager will provide necessary services and support and assistance to the Audit Committee.



- 4.5 Any Member, Officer or member of the public who has any concern covered by the Terms of Reference of the Audit Committee may raise the matter with the Chairman of the Committee who will obtain, if necessary, relevant advice from the Council's Monitoring Officer or the Section 151 Finance Officer before taking any action with regard to the same.

## **5. MEMBERSHIP**

- 5.1 Audit Committee members will be appointed by the Council and consist of 7 members in accordance with the rules governing political balance. No member of the Executive and no chair of the Overview and Scrutiny Panels will be eligible to be a member of the Audit Committee.
- 5.2 The Audit Committee will be provided with administrative support by the Governance Directorate and reports/decisions of the Audit Committee will be recorded and published on CMIS in the usual way. The Resources Directorate will provide technical support to the Committee when required. As the decisions of the Audit Committee will not be of an executive nature, the decisions will not be the subject of a request for call-in. If any Member is concerned about any decision of the Audit Committee, s/he should raise the matter with the Chairman of the Audit Committee, the Monitoring Officer, the Section 151 Finance Officer and/or ask an oral question of the Chairman of the Audit Committee at the Council meeting in accordance with the relevant Council Procedure Rules.

## **6. ATTENDANCE**

- 6.1 The Audit Committee shall meet on a regular basis as provided for in paragraph 7 below. Officers and others may attend all or part of the meeting at the invitation of the Committee. Attendees may include:
- The Leader or Deputy Leader
  - The Portfolio Holder for Finance
  - Town Clerk and Chief Executive
  - Director of Resources (Section 151 Finance Officer)
  - Director of Governance (Monitoring Officer)
  - Financial Services and Human Resources Manager.
  - Audit Services Manager.
  - Other Directors and Managers, as required
- 6.2 Subject to the relevant meeting complying with the Access to Information paragraphs for the exclusion of members of the public, the Audit Committee will at least annually meet :
- (i) in private, with the external and internal auditors together; and/or
  - (ii) in private, with the external auditor.

## **7. MEETINGS**

- 7.1 The Audit Committee will meet at least four times a year in accordance with the schedule of meetings agreed by the Council. The External Auditor or the Audit Services Manager may request a meeting if they consider it necessary and other special meetings may be called in accordance with the Council's Procedure Rules.
- 7.2 The members of the Audit Committee will commit to receiving appropriate training and development necessary to fulfil their roles.

## **8. QUORUM**

- 8.1 The quorum for any meeting will be one quarter of the elected members of the Committee, subject to there being not less than two elected members present at any time.

## **9. WORK PROFILE OF THE AUDIT COMMITTEE**

- 9.1 In furtherance of the Terms of Reference and not otherwise, the Audit Committee is likely to receive and advise upon the following areas of work :
- Whether there is an appropriate culture of risk management and related control throughout the Council;
  - the Annual Governance Statement;
  - the annual Statement of Accounts, including changes in and compliance with accounting policies and practices, major judgemental areas and significant adjustments resulting from the audit;
  - significant changes required to Financial Procedure Rules and the Contracts Procedure Rules.
  - the framework and processes for risk assessment, analysis and management within the Council;
  - the effective co-ordination between internal and external audit;
  - the budget needed to resource effective internal and external audit and other responsibilities of the Audit Committee; and
  - generally, on how the Audit Committee could add value to the work and operation of the Council.
- 9.2 External Audit and Inspection Agencies
- To note the fees and terms of engagement of the external auditor.
  - To review the planned programme of work with the external auditor.
  - To consider the annual statutory audit and to advise the Executive on any response to any audit management letters, reports and investigations, including Value for Money studies and other inspection reports.

- To review whether agreed external or internal audit or inspection recommendations have been implemented by the Executive as timetabled.
- To discuss with the external auditor any problems, reservations or issues arising from the interim or final audit or other investigations.
- To review the external auditor's independence and objectivity and annually appraise the Executive on the effectiveness and value for money of the external audit service.

### 9.3 Corporate Governance Framework

- To review and advise the Executive on the embedding and maintenance of an effective system of corporate governance including internal control and risk management.
- To give an assurance to the Council that there is a sufficient and systematic review of the corporate governance, internal control and risk management arrangements within the Council.
- To review the Annual Governance Statement and make appropriate recommendations to the Council, the Executive, the Overview and Scrutiny Panels and Regulatory Committees.
- To ensure that any significant weaknesses identified are remedied.
- To commission, if necessary, any relevant investigations into matters of particular concern relating to internal control.
- To ensure that the impact of any alleged or fraudulent activity on the Council's framework of internal control is reviewed and, where necessary, to recommend changes to strengthen the control framework.
- To receive reports relating to those aspects of whistle blowing or alleged or actual fraudulent activity which relate to the Terms of Reference of the Audit Committee.

### 9.4 Internal Audit

To review and make recommendations to the Executive regarding :

- The effectiveness of internal audit;
- the internal audit function to ensure it is adequately resourced;
- the internal audit strategy, annual plan and to monitor delivery of the plan;
- any internal audit protocols and policies;
- significant audit findings, together with the response from managers to these reports;
- any difficulties encountered by internal audit including any restrictions on the scope of activities or access to required information;

- agreed internal audit recommendations to ensure they are implemented by management as timetabled; and
- the annual report from the Audit Services Manager.

#### 9.5 Other

To consider and make recommendations to the Executive on:

- the selection and terms of appointment of other appropriate advisors and consultants;
- governance issues relating to the operation of the Audit Committee, and
- the proportionality, independence, and appropriateness of any of the Council's policies relating to any audit or governance matters;
- such other matters of an audit, financial or governance nature as fall within the terms of reference of the Committee or as may be referred by the Council.

# Report to Council

**Agenda  
Item:**  
  
**20**

Meeting Date: 28 April 2015  
Portfolio: Cross Cutting  
Key Decision: Not Applicable  
Within Policy and Budget Framework: NO  
Public / Private: Public

Title: OPERATION OF THE PROVISIONS RELATING TO CALL-IN AND URGENCY  
Report of: Director of Governance  
Report Number: GD.21/15

## Purpose / Summary:

To report on the operation of call-in and urgency over the past twelve months to comply with Rule 15(j) of the Overview and Scrutiny procedure rules.

## Recommendations:

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

## Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	28 April 2015

## **1. BACKGROUND**

- 1.1** This report has been prepared in accordance with Rule 15(j) of the Overview and Scrutiny Procedure Rules which requires the operation of the provisions relating to call-in and urgency to be monitored annually, and a report submitted to Council.

## **2. OPERATION OF THE PROVISIONS RELATING TO CALL IN AND URGENCY**

### **2.1 Call-Ins**

Rule 15 of the Overview and Scrutiny Procedure Rules sets out the procedures in which Overview and Scrutiny can call-in decisions of the Executive, Individual Portfolio Holders and Officers.

During the 2014/15 Municipal Year there had been five call-ins, details of which can be found in appendix 1. The fifth call in had been received on 15 April 2015 and would be considered by the Environment and Economy Overview and Scrutiny Panel on 23 April 2015.

### **2.2 Urgency Rules**

Rule 15(i) of the Overview and Scrutiny Procedure Rules provides that call-in procedures shall not apply where a decision being taken by the Executive is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest.

In these circumstances, the Chairman of the Council (i.e. the Mayor) has to agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

During the 2014/15 Municipal Year, the Mayor has agreed that the decisions of the Executive, Individual Portfolio Holders and Officers as set out in appendix 2 were urgent and should not be subject to call-in procedures.

### **2.3 Private Meetings**

Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 provides that the intention to hold a meeting in private must be published 28 days prior to that meeting.

Where the date by which a meeting must be held makes compliance with the regulation impracticable, the Chairman of the relevant Overview and Scrutiny Panel

or the Chairman of the Council may agree that the meeting is urgent and cannot reasonably be deferred.

During the 2014/15 Municipal Year, the Mayor and the relevant Overview and Scrutiny Chairman had agreed that the items detailed in appendix 3 were urgent and could not reasonably be deferred.

## **2.4 Items Not in the Notice of Executive Key Decisions**

Rule 15 of the Access to Information procedure Rules sets out the provision for key decisions to be considered when they have not been included in the Notice of Executive Key Decisions. Appendix 4 details key decisions which have been considered by the Executive under General Exception rules as they were not included in the Notice of Executive Key Decisions.

## **3. SUMMARY**

- 3.1 In the past 12 months there have been five call-ins. Procedures to deal with call-ins are in place and a pro-forma is available for Members to use in calling in decisions on which Members are asked to identify the reasons for the call-in. The identification of specific reasons gives Portfolio Holders the opportunity to be prepared and briefed at call-in meetings although identifying the specific reason is not mandatory in the call-in process. It is considered that the system and processes already in place to deal with call-ins are satisfactory.
- 3.2 With regard to the urgency rules, the decisions on items deemed by the Mayor to be urgent and not subject to 'call in' have related to instances where recommendations from the Executive have been referred to the City Council for decision and the call-in period would overlap the date of the City Council.

## **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 That the report be noted and the current procedures on the operation of call-in and urgency be continued in accordance with Rule 15(j) of the Overview and Scrutiny Procedures Rules.

**Contact Officer:** Rachel Rooney

**Ext:** 7039

**Appendices  
attached to report:** None

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **Carlisle City Council's Constitution**  
([http://www.carlisle.gov.uk/council\\_and\\_democracy/democracy\\_and\\_elections/about\\_the\\_council/constitution.aspx](http://www.carlisle.gov.uk/council_and_democracy/democracy_and_elections/about_the_council/constitution.aspx))
- **The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – N/A**

**Deputy Chief Executive – N/A**

**Economic Development – N/A**

**Governance –** Report is by the Director of Governance and legal comments are included.

**Local Environment – N/A**

**Resources - N/A**



## 2.1 - Appendix 1 – Call Ins

<b>Title</b>	<b>Decision Taken By</b>	<b>Called in by</b>	<b>Relevant Overview and Scrutiny Panel</b>	<b>Date scrutinised</b>	<b>Minute Reference and Decision</b>
OD.22/15 – Arts Centre Development	Officer Decision taken on 2 July 2014 by the Town Clerk and Chief Executive in conjunction with the Culture, Leisure and Young People Portfolio Holder	Councillors Ellis, Mrs Prest and Mrs Vasey	Community Overview and Scrutiny Panel	18 July 2014	COSP.38/14 “(1) That the Community Overview and Scrutiny Panel accepted the explanation for the delay to the Arts Centre project provided by the Town Clerk and Chief Executive. (2) That the matter shall not be referred back and the decision shall take effect from the date of this meeting. (3) That the Panel noted that there were lessons to be learnt in terms of keeping Members informed; and Officers be requested to take that on board in the future. (4) That it be noted that future discussion on the operation of the Arts Centre should refer to the proposed ‘Business Plan’ rather than the ‘Business Case
EX.78/14 – Business Plan – Arts Centre	Executive Decision taken on 18 August 2014	Councillors Ellis, Mrs Prest and Mrs Vasey	Community Overview and Scrutiny Panel	8 September 2014	COSP.50/14 “Members of the Panel were happy with the explanations provided and the matter would not therefore be referred back to the Executive.”
EX.93/14 – Development at Rosehill	Executive Decision taken on 18 August 2014	Councillor Nedved, Chairman	Environment and Economy Overview and Scrutiny Panel	8 September 2014	EEOSP.55/14 “1. That the Environment and Economy Overview and Scrutiny Panel were critical of the Executive for dealing with this matter in Part B. Therefore the Panel request that this item is referred back to the Executive to be split into two – the principle in Part A and confidential details

					<p>in Part B.</p> <p>2) For transparency and consultation, the Panel request that the Executive review whether the Council is getting value for money in respect of development at Rosehill.”</p>
PF.006/14 – Neighbourhood Forum Grants Administered by the County Council	Individual Portfolio Holder Decision taken by the Communities, Health and Wellbeing Portfolio Holder on 10 November 2014	Councillors C Bowman, Higgs and J Mallinson	Resources Overview and Scrutiny Panel	27 November 2014	<p>ROSP.68/14</p> <p>“(1) That the Resources Overview and Scrutiny Panel accepted the explanation provided, as set out above, for the decision to pay out £44,000 Neighbourhood Forum grant in 2014/15 and advise the County in writing of grant reduction for 2015/16,</p> <p>(2) That the matter shall not be referred back and the decision shall take effect from the date of this meeting.</p> <p>(3) That the Panel noted that there were lessons to be learnt and requested that the procedures / formal agreements in place in relation to joint grant funding be strengthened (in particular to include clear guidance on notification periods and the role of the City Council) to avoid similar issues arising in the future.”</p>
EX.028/15 – Public Realm	Executive Decision taken on 7 April 2015	Councillor Nedved, Chairman of the Environment and Economy Overview and Scrutiny Panel	Environment and Economy Overview and Scrutiny Panel	23 April 2015	The meeting of the Panel takes place after the required publication of this report.

## 2.2 - Appendix 2 –Urgency Rules

Meeting	Date	Decision Exempt from Call in and Reason
Executive	23 June 2014	<p>EX.48/14 – Provisional General Fund Revenue Outturn 2013/14</p> <p>EX.49/14 – Provisional Capital Outturn 2013/14 And Revised Capital Programme 2014/15</p> <p>EX.50/14 – Treasury Management Outturn 2013/14</p> <p>EX.54/14 – Treasury Management Counterparties</p> <p>If a call-in was received, the call-in procedures would overlap the City Council meeting on 15 July 2014 when the Council will be asked to approve the above matters. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	21 July 2014	<p>EX.76/14 – Proposed Settlement</p> <p>The settlement figures have only just been received and the settlement needs to be accepted (the August 2014 meeting of the Executive being too late). Any delay caused by the call-in process would therefore prejudice the Council's interests.</p>
Executive	18 August 2014	<p>EX.77/14 – Food Law Enforcement Service Plan</p> <p>EX.79/14 – Medium Term Financial Plan 2015/16 to 2019/20</p> <p>EX.80/14 – Capital Strategy 2015/16 to 2019/20</p> <p>EX.81/14 – Asset Management Plan 2014 to 2019</p> <p>EX.82/14 – North Pennines AONB Management Plan</p> <p>If a call-in was received, the call-in procedures would overlap the City Council meeting on 9 September 2014 when the Council will be asked to approve the above matters. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Portfolio Holder Decision (Transport and Environment Portfolio Holder)	13 November 2014	<p>PF.007/15 - Food Digesters</p> <p>If a call-in was received, the call-in procedures would overlap the Environment and Economy Overview and Scrutiny Panel meeting on 27 November 2014 when the Panel will be asked to consider the report. Any delay caused by the call-in process would prevent the matter being scrutinised before being considered by the Executive on 15 December 2014.</p>
Officer Decision (Director of Governance and Director of Resources)	18 November 2014	<p>OD.038/14 – Land and Property Transaction at Morton</p> <p>Once the decision to proceed with the transaction had been taken, practical completion of the transaction will be triggered and the effect of this would be to bind the Council to an unconditional contract and the payment of contractual consideration, which would be forfeited</p>

		<p>should a call-in result in the Officer Decision being revoked.</p> <p>Furthermore, having to delay this transaction in order to comply with the call-in procedures may prejudice and put at risk the Council's ability to conclude a highly significant commercial property transaction that has been the subject of extensive and detailed negotiation over a period of years and forms part of the Council's Disposal Programme and Medium Term Financial Plan and forms part of Carlisle City council's budget.</p>
Executive	15 December 2014	<p>EX.140/14 – Tullie House Business Plan 2015-2018</p> <p>EX.141/14 – Review of Polling Arrangements</p> <p>If a call-in was received, the call-in procedures would overlap the City Council meeting on 6 January 2015 when the Council were asked to approve the matters. Any delay in the call-in process would prejudice the Council's interests.</p>
Executive	14 January 2015	<p>EX.02/15 – Budget Update Revenue and Capital 2015/16 – 2019/20</p> <p>EX.03/15 – Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2015/16</p> <p>EX.04/15 – Executive Response to the Budget Consultation and Recommendations for the 2015/16 Budget</p> <p>EX.10/15 – Land and Property Transactions</p> <p>If a call-in had been received, the call-in procedures would overlap the special City Council meeting on 3 February 2015 when the Council considered the Executive's Budget proposals for 2015/16 and private report. Any delay caused by the call-in process would prejudice the Council's interests in agreeing a Budget for 2015/16 and progressing the proposed land and property transaction.</p>
Executive	26 January 2015	<p>EX.11/15 – Carlisle District Local Plan (2015-2030) Proposed Submission Draft</p> <p>If a call-in had been received, the call-in procedures would overlap the special City Council meeting on 10 February 2015 when the Council was asked to approve the matter. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Officer Decision	28 January 2015	OD.007/15 – City Centre and Car Parks Restructure
Portfolio Holder Decision	3 March 2015	PF.002/15 – Carlisle Old Town Hall Phase 2: Emergency Repair Work

## 2.3 - Appendix 3 –Private Meetings

Meeting	Date	Decision Exempt from Call in and Reason
Agreement from the Chairman of the Environment and Economy to hold the Executive meeting in Private	17 September 2014	<p>EX.102/14 – Development at Rosehill: Call-In of Executive Decision EX.93/14</p> <p>EX.104/14 – Development at Rosehill: Call-In of Executive Decision EX.93/14</p> <p>The Panel further decided to refer the matter back to the Executive for reconsideration. The Overview and Scrutiny Procedure Rules (within the Council's Constitution) require that the Executive reconsider any such reference back within 7 clear working days before adopting a final decision. For those reasons compliance with Regulation 5 was impracticable.</p>

## 2.4 Items Not in the Notice of Executive Key Decisions

<b>Executive Meeting Date</b>	<b>Reference</b>	<b>Title</b>
12 May 2014	EX.40/15	Treasury Management Counterparties
21 July 2014	EX.76/14	Proposed Settlement
17 September 2014	EX.102/14 EX.104/15	Development at Rosehill: Call-In of Executive Decision EX.93/14
14 January 2015	EX.10/15	Land and Property Transactions