

EXECUTIVE

MONDAY 22 NOVEMBER 2010 AT 2.04 PM

PRESENT:

Councillor Mitchelson (Chairman and Promoting Carlisle Portfolio Holder)
Councillor J Mallinson (Governance and Resources Portfolio Holder)
Councillor Bainbridge (Housing Portfolio Holder)
Councillor Bloxham (Local Environment Portfolio Holder)
Councillor Mrs Bowman (Economic Development Portfolio Holder)
Councillor Ellis (Performance and Development Portfolio Holder)
Councillor Mrs Geddes (Community Engagement Portfolio Holder)

ALSO PRESENT:

Councillor Allison (Chairman of the Resources Overview and Scrutiny Panel)
Councillors Mrs Farmer and Mrs Mallinson (Observers)
Mr A Hill (Petitioner)

WELCOME

The Leader informed the meeting that Councillor Mrs Luckley (Community Engagement Portfolio Holder) had recently decided to stand down from her role on the Executive. He paid tribute to the considerable contribution which Councillor Luckley had made to the work of the Executive and Council as a whole and wished his appreciation to be placed on record.

The Leader then welcomed Councillors Mrs Geddes (the new Portfolio Holder for Community Engagement) and Bainbridge (the new Portfolio Holder for Housing) to the meeting. He added that those appointments would assist the Executive in focussing on the challenges ahead, including the impact of the Comprehensive Spending Review.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

AGENDA

The Chairman reported that an additional item of business required to be considered as follows:

Agenda item A.22 – Electoral Review of Cumbria which had been included as an urgent item of business in order to meet the consultation response deadline.

DECLARATIONS OF INTEREST

Councillor Mitchelson declared a personal interest in accordance with the Council's Code of Conduct in respect of Agenda item A.2(b)(v) – Review of Charges 2011/12 – Licensing. The interest related to the fact that he is a Licensed Premises Holder.

Councillor Mrs Bowman declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Agenda item A.8 – Discretionary Rate Relief Policy. Councillor Bowman stated that her daughter was employed by a Charity and she would leave the meeting room during consideration of the matter.

The following Councillors declared a personal interest in accordance with the Council's Code of Conduct in respect of Agenda item A.8 – Discretionary Rate Relief Policy for the reasons stated:

Councillor Bainbridge – has connections to a Charity named in the report

Councillor Bloxham – is a Member of a Community Centre Management Committee

Councillor J Mallinson – is a Trustee of a property which had a tenant of an organisation which would benefit; and is a Member of a Community Centre Management Committee

Councillor Mitchelson – is a member of an organisation which will benefit from a grant

MINUTES OF PREVIOUS MEETINGS

The Minutes of the meetings of the Executive held on 2 September and 11 October 2010 were signed by the Chairman as true records of the meetings.

EX.179/10 E-PETITION – “SAY NO TO THE £15 MILLION SANDS CENTRE REDEVELOPMENT (Non-Key Decision)

Portfolio Community Engagement

Subject Matter

The Leader reported the receipt of an e-petition signed by 117 persons requesting that the Council rethink the £15 million redevelopment of the Sands Centre.

The Assistant Director (Community Engagement) had prepared a report in response to the e-petition (CD.22/10), copies of which had been circulated.

He reminded Members that the Executive had, at a special meeting held on 16 September 2009, considered reports associated with the redevelopment of the Sands Centre (CS.47/09, CORP.42/09 and CS.47/09A), at which time the Executive authorised Officers to commission further work including pursuing a planning application and developing a detailed Business Case. It was also recognised that the proposals would, in part, be linked to use of future capital receipts as a contribution to development costs.

The Assistant Director (Community Engagement) added that, to date, the Executive had not given further formal consideration to the project. Any such consideration would need to take account of contemporary land value and any impact that might have on the original proposals.

Mr A Hill (on behalf of the petitioners) said that, although surprised, he welcomed the opportunity to attend the meeting. As stated on the petition, he and several hundreds of others on social networking sites thought that the allocation of such a vast sum of money to the development of the Sands Centre was inappropriate. In general the people of Carlisle felt somewhat let down that their views on the provision of facilities in the town were constantly overlooked, the Lonsdale being one example. The proposed development and demolition of James Street Pools for a building forty years old was appalling, and there must be a better option than spending £1.5 m to revamp The Pools.

He added that he would love Carlisle to be a University town, but cautioned the Council against trying to run before it could walk. He further referred to Press coverage concerning the future position of the University and expressed doubt with regard to the concept of a Sports Academy at the Sands Centre.

Mr Hill invited Members to show bravado and bring forth projects which people had petitioned for over many years. He referred to the sterling work undertaken in respect of the Lonsdale and suggested that if the entertainment aspect was removed from the Sands Centre and Carlisle Leisure Limited ran the Lonsdale it could be free to operate as an entertainment / theatre venue.

He referred to previous fantastic developments on the West e.g. Crindledyke and Caldewgate and expressed regret that development was now insular and cramped into tiny spaces. Such an approach would not turn Carlisle into a vibrant City for sports and culture.

The Leader was pleased to note that residents were taking an interest in the City Council's work programme and thanked Mr Hill for submitting what was the first e-petition received by the Council.

For the record the Leader emphasised that there was no argument between the University of Cumbria and the City Council. The University was important to the future economy of Carlisle and the Council was working with the University to help it become established. He further outlined his belief in the Sands Centre Redevelopment project which had the benefit of outline

planning permission and could be developed when the time was right. However, the Council needed to take account of the current very difficult financial climate in making such a decision. He stressed that the Sands Centre redevelopment would only proceed when the Council could afford to progress the matter, backed by a firm Business Case. There were no plans to demolish the James Street facility.

In conclusion, the Leader commented upon the need to prioritise schemes, adding that the City Council would always look to schemes which would benefit the people of Carlisle.

The Governance and Resources Portfolio Holder said that a seven year envelope existed in which to deliver the Sands Centre redevelopment, however, that would not happen until the necessary criteria were met. He emphasised that the Sands Centre project and the Lonsdale were entirely different and could not be linked. Development of the Lonsdale could proceed if supported by a sound Business Case, but it would not be connected to the Sands Centre. The City Council had no capacity to increase its revenue budget which would, in fact, be drastically reduced.

Summary of options rejected None

DECISION

That the Executive had given consideration to the E-Petition and representations made by Mr Hill on behalf of the petitioners; and noted the current position regarding the Sands Centre Redevelopment set out above.

Reasons for Decision

To respond to an e-petition received from residents entitled “Say NO to the £15 million Sands Centre Redevelopment”

**EX.180/10 2010/11 REVISED REVENUE BASE ESTIMATES AND
UPDATED MEDIUM TERM FINANCIAL PLAN PROJECTIONS
2011/12 TO 2015/16
(Key Decision)**

Portfolio Governance and Resources

Subject Matter

The Financial Services Manager submitted report RD.54/10 providing a summary of the Council's revised revenue base estimates for 2010/11, together with base estimates for 2011/12 and updated reserve projections to 2015/16. The report had been prepared in accordance with the guiding principles for the formulation of the budget over the next five year planning period as set out in the Medium Term Financial Plan (MTFP) and Charging Policy; Capital Strategy; and Asset Management Plan agreed by Council on

14 September 2010. The report set out known revisions to the Medium Term Financial Plan projections, although there were a number of significant factors affecting the budget that were currently unresolved, and she reported in some detail on those key issues which included:

- (a) Government Finance Settlement - RSG and NNDR (including implications of grant funding for Concessionary Fares moving to the County Council)
- (b) Triennial Revaluation of the Pension Fund
- (c) Transformation

The Financial Services Manager informed Members that the potential impact of any new spending pressures and new savings identified was not reflected in the report, as there were a number of options for Member consideration. It was, however, clear at this early stage of the budget process that all of the pressures currently identified could not be accommodated within existing Council resources. Decisions would need to be made to limit budget increases to unavoidable and high priority issues, together with maximising savings and efficiencies to enable a balanced budget position to be recommended to Council in February 2011.

She summarised the movements in base budgets and highlighted for Members the updated MTFP projections; the projected impact on revenue reserves; together with a summary of the financial outlook and budget discipline 2011/12 to 2015/16.

The Leader made reference to the implications of the Government's Comprehensive Spending Review which required a 26% reduction in revenue support grant between 2010/11 and 2014/15. The City Council had planned for a 25% reduction, however the reduction had been front loaded resulting in the City Council being forced to find an additional £0.5m savings in 2011/12. We would need to make further savings of £2.2m over the next 4 years, in addition to which there were other spending pressures eg reduced spending on Council Tax Benefits by 10%, 45% reduction in capital funding to Local Authorities, and the £1m capital the City Council received from the Regional Housing pot was likely to be significantly reduced impacting on Housing Strategy Schemes. It was, therefore, very clear that all of the pressures could not be accommodated within existing resources and difficult decisions would be required.

The Leader outlined the key budget principles and advised that, in the longer term, the Executive would be looking at income generation via the Asset Review. We would need to review the capital programme. New revenue spending would be kept to a minimum.

He added that the Executive recognised that these were challenging times for the Council and residents of Carlisle, and there would therefore be no increase in Council Tax during 2010/11 for the City Council's part.

The Governance and Resources Portfolio Holder acknowledged the difficulties referred to, but expressed the belief that the Council was setting off from a good position. The Transformation Programme had been very successful and would enable the Council to move forward to a sustainable position. Although he was aware of the difficulties for staff and residents, he was happy that the authority was in as good a position as it could be.

Summary of options rejected None

DECISION

1. That the revised base estimates for 2010/11 and base estimates for 2011/12 be noted.
2. That the current Medium Term Financial Plan projections, which would continue to be updated throughout the budget process as key issues became clearer and decisions were taken, be noted.

Reasons for Decision

To note the Revenue Base Estimates and updated Medium Term Financial Plan projections for consideration as part of the 2011/12 budget process

EX.181/10 REVIEW OF CHARGES 2011/12 – LOCAL ENVIRONMENT (Key Decision)

Portfolio Local Environment

Subject Matter

The Assistant Director (Local Environment) submitted report CS.28/10 setting out the proposed fees and charges for 2011/12 in relation to the services falling within the responsibility of the Local Environment Directorate. She further reported on the following additions / amendments to the report:

Page 22 – Long Stay:	2010/11 (Existing)	2011/12 (Proposed)
4 - 6 hours	£4.00	£4.50
6 - 9.5 hours	£4.80	£5.40

Page 40 - Other Bereavement Services - New charge Wesley Recording of Cremation Service should read £36.00 and not £26.00.

Page 41 - Cemeteries - item 7. (a) Woodland Grave - exclusive Burial Right for 50 years, for 2 burials the proposed 2011/12 fee should read £715.20 and not £751.20.

She further informed Members that income generation from car parking had been consistently lower than the level budgeted for a number of years and, in 2009/10, the annual budget had been reduced to represent a more realistic

target which reflected falling demand. The forecast levels for 2010/11 were reduced further by a sum of £212,000 in anticipation of the closure of the Viaduct car parks and the non-achievement of the Green Travel Plan. The net overall car park income target for 2010/11 was £1,182,600 taking account of those reductions, with actual income for the six month period April to September 2010 amounting to £695,400 compared to a profiled projection of £659,800.

Contract parking fees were substantially collected annually in advance and budgets profiled accordingly. Up to September 2010 £105,600 had been collected, amounting to a shortfall of £25,200 on the full twelve month budget of £130,800. Whilst a small number of customers paid on a quarterly basis, it was currently anticipated that there would be a year end shortfall of up to £25,000 in 2010/11. Although income from car parking penalty charge tickets reflected an apparent £2k shortfall over the first six months of operation in 2010/11, it was anticipated that the twelve month budget of £75,000 would be achieved given the level of activity over the Christmas / New Year period. In overall terms, car park ticket sales were £65,100 up on the profiled budget for the six months to September 2010. That equated to a favourable variance of 13.2% as expected given that the Viaduct Car Parks had remained open for business.

On the basis of the figures to date, the full year outturn for all income streams was likely to be in the region of £1,250,000 given the introduction of a 20% rate of VAT with effect from 1 January 2011 (and assuming no interim increase in charging rates) and given the loss of the Shaddongate Car Park to the development of the Community Resource Centre.

The Assistant Director (Local Environment) advised that, in compliance with the Council's current charging policy and the MTFP expectation which took account of all City Council Car Parks being in use during 2011/12, the overall income budget for car parking should be £1,310,500. Taking into account current usage trends, she recommended that:

- short stay charges be increased by 10p to an hourly rate of £1.00 on charges for up to 4 hours, which would include the increase in VAT from 17.5% to 20%. The existing £10.00 charge for stays of between 4 and 9.5 hours would be held at the current rate of £10.00. That would generate an estimated increase in net income of £52,000 taking into account that some drivers would decline to pay the increase and would park elsewhere, and allowed for those drivers without appropriate change who already paid £1.00.
- long stay charges be increased by 10p to an hourly rate of 90p. That would maintain the differential between short and long stay charging; would be an incentive for commuters and all day parkers to make more use of those car parks; and would generate an estimated increase in net income of £59,000 taking into account that some drivers would decline to pay the increase and park elsewhere.

- the short stay area of the Sands car park be changed to long stay in line with the remainder of the car park. That option would generate an estimated net reduction in income of £1,000.
- the Upper Viaduct car park be changed from a long stay car park into a short stay car park. Based on usage statistics in current short stay car parks the estimated extra income would be £38,000 utilising the recommended £1 per hour rate.
- the contract parking charge be increased only to reflect the change in the rate of VAT from 17.5% to 20% in the hope and anticipation that option would result in a neutral overall financial impact.
- it was proposed to retain the current parking charges at Talkin Tarn for 2011/12.

She then outlined other proposed charges in relation to Highways Services, Allotments, Sports Pitches, Environmental Quality, Food Safety, Bulky Waste/Special Collections, Purple Sacks and Bereavement Services.

In conclusion, the Assistant Director (Local Environment) advised that, with the exception of Talkin Tarn, acceptance of the charges highlighted within her report would result in an anticipated level of income of £2,648,500 against the MTFP target of £2,648,000 in 2011/12, representing a minor surplus of £500 against the MTFP target.

For clarity, the Local Environment Portfolio Holder advised that the Executive was not approving charges today, and looked forward to receiving responses from consultees as part of the budget process.

Summary of options rejected None

DECISION

That the Executive agreed for consultation the proposed charges, as set out in Report CS.28/10 and relevant Appendices (and subject to the amendments highlighted above), with effect from 1 April 2011; and noted the impact of those charges on income generation, as detailed within the report.

Reasons for Decision

To ensure that the City Council's Corporate Charging Policy is complied with.

EX.182/10 REVIEW OF CHARGES 2011/12 – COMMUNITY ENGAGEMENT
(Key Decision)

Portfolio Community Engagement

Subject Matter

The Assistant Director (Community Engagement) submitted report CD.21/10 setting out the proposed fees and charges for the services falling within the responsibility of the Community Engagement Directorate.

He reminded Members that a number of factors would impact upon consideration of the charging policy for Tullie House Museum and Art Gallery, principally the proposed transfer of Tullie House to independent Trust status with effect from 1 April 2011. Pending the decision of the Council on trust status for Tullie House or the wider charging structure/Tullie Card review, it was proposed that entry charges be increased by 3.8% in line with other fees and charges by the Council. That would increase the adult admission charge for Tullie House from £5.20 to £5.40 and the income target from £51,000 (2010/11) to £52,900 (2011/12).

He then outlined proposed charges in relation to Housing Services which would result in an income of £419,767 in 2011/12.

In summary, the Assistant Director (Community Engagement) reported that the proposals set out in his report would generate additional income of £17,300 thereby meeting the MTFP target of a 3.8% increase for 2011/12.

The Housing Portfolio Holder moved the report for consultation.

Summary of options rejected None

DECISION

That the Executive agreed for consultation the proposed charges, as set out in the relevant Appendices to Report CD.21/10, with effect from 1 April 2011; and noted the impact thereof on income generation as detailed within the report.

Reasons for Decision

To ensure that the City Council's Corporate Charging Policy is complied with.

**EX.183/10 REVIEW OF CHARGES 2011/12 – ECONOMIC
DEVELOPMENT**
(Key Decision)

Portfolio Economic Development

Subject Matter

The Assistant Director (Economic Development) submitted report ED.37/10 setting out the proposed fees and charges for areas falling within the

responsibility of the Economic Development Directorate. The proposed charges related to Economic Development and Tourism and Planning Services.

He informed Members that the acceptance of the charges highlighted within his report, with the exception of Building Control which was self financing, would result in an anticipated level of income of £670,900 against the Medium Term Financial Plan target of £726,200. That represented a shortfall of £55,300.

The Economic Development Portfolio Holder moved the recommendation.

Summary of options rejected None

DECISION

That the Executive agreed for consultation the proposed charges, as set out in the relevant Appendices to Report ED.37/10, with effect from 1 April 2011; noting the impact those would have on income generation as detailed within the report.

Reasons for Decision

To ensure that the City Council's Corporate Charging Policy is complied with.

EX.184/10 REVIEW OF CHARGES 2011/12 – GOVERNANCE DIRECTORATE (Key Decision)

Portfolio Governance and Resources

Subject Matter

The Assistant Director (Governance) submitted report GD.62/10 setting out the proposed fees and charges for areas falling within the remit of the Governance Directorate.

He outlined the proposed charges in respect of Electoral Registers; Minute Books and Room Bookings; and Local Land Searches, the introduction of which was forecast to generate income of £116,966 in 2011/12. He further pointed out that a non-recurring budget pressure of £241,100 was approved for 2009/10 and 2010/11 through the 2009/10 budget process. That was reduced to £221,000 for 2010/11 in the budget process. The Medium Term Financial Plan assumed a 3.8% increase in income from charges and that uplift applied to the normal base budget for Land Charges would mean that income was expected to achieve £364,000 in 2011/12.

The proposed level of income highlighted meant that there would be a shortfall of £251,334 requiring a budget pressure to be considered in the

budget process. Members should note that any further income shortfalls in future years would need to be incorporated into the overall budget pressures report and viewed in the light of other budget pressures and the overall budget deficit.

The Governance and Resources Portfolio Holder moved the report.

Summary of options rejected None

DECISION

That the Executive agreed for consultation the proposed charges, as set out in Appendix A to Report GD.62/10, with effect from 1 April 2011; and noted the impact thereof on income generation as detailed within the report.

Reasons for Decision

To ensure that the City Council's Corporate Charging Policy is complied with.

EX.185/10 REVIEW OF CHARGES 2011/12 – GOVERNANCE DIRECTORATE - LICENSING (Key Decision)

Councillor Mitchelson, having declared a personal interest, remained within the meeting room but made no comment on the matter.

Portfolio Governance and Resources

Subject Matter

The Assistant Director (Governance) submitted report GD.51/10 setting out the fees and charges for areas falling within the responsibility of the Licensing Section of the Governance Directorate. He advised Members that the Regulatory Panel had responsibility for determining the licence fees and the Panel had, on 13 October 2010, approved the charges set out in Appendices A and B of Report GD.50/10.

The Governance and Resources Portfolio Holder moved the recommendation.

Summary of options rejected None

DECISION

That the Executive noted the Licensing Charges which had been approved by the Regulatory Panel on 13 October 2010, and that there would be an income shortfall of £10,500 against current Medium Term Financial Plan projections.

Reasons for Decision

To ensure that the City Council's Corporate Charging Policy is complied with and sufficient income is generated to cover the costs associated with administering and enforcing the Council's statutory licensing function.

EX.186/10 BUDGET 2011/12 TO 2015/16 - SUMMARY OF NEW REVENUE SPENDING PRESSURES (Key Decision)

Portfolio Governance and Resources

Subject Matter

The Financial Services Manager submitted report RD.56/10 summarising the new revenue spending pressures and reduced income projections which would need to be considered as part of the 2011/12 budget process. She reminded Members that the issues had to be considered in the light of the Council's corporate priorities of Economy and Environment.

The Financial Services Manager then outlined the pressures identified in the report. She added that clearly all of the pressures could not be accommodated within existing resources (including the use of reserves) and decisions would need to be made throughout the budget process to limit pressures to high priority and unavoidable issues to ensure that a balanced budget position was recommended to Council in February 2011.

The Governance and Resources Portfolio Holder referred Members to the table set out at page 92 of the Budget Book which identified revenue pressures. Those pressures were not discretionary and the Council therefore had little choice in that regard.

Summary of options rejected None

DECISION

That Report RD.56/10 on the new revenue spending pressures be received and forwarded to the Overview and Scrutiny Panels for consideration as part of the 2011/12 budget process.

Reasons for Decision

To make arrangements for the new revenue spending pressures to be considered as part of the 2011/12 budget process.

**EX.187/10 BUDGET 2011/12 TO 2015/16 - SUMMARY OF SAVINGS
DELIVERED AND NEW PROPOSALS**
(Key Decision)

Portfolio Governance and Resources

Subject Matter

The Financial Services Manager submitted report RD.57/10 summarising proposals for savings and additional income generation to be considered as part of the 2011/12 budget process. She reminded Members that the Savings Strategy approved by Council on 14 September 2010 focussed on the following areas to deliver the savings required to produce a balanced longer term budget:

- (a) Asset Review;
- (b) Service Delivery Models; and
- (c) Transformation Programme.

The Financial Services Manager reported that, at this stage, the Executive (and Overview and Scrutiny) were being asked to give initial consideration to the new proposals for permanent reductions in base expenditure budgets and also increases to income budgets from 2011/12 onwards. The requests would need to be considered in the light of the projected budget shortfall outlined in Report RD.54/10 and also the spending pressures in RD.56/10. Early work on budget monitoring suggested that the overspends projected for 2010/11 would be contained within existing budgets.

She summarised the proposed savings relating to Transformation Savings, Pay Award, National Insurance and inflation realignment and also highlighted potential increases in income.

The Governance and Resources Portfolio Holder moved the recommendations set out in the report to the relevant Overview and Scrutiny Panel meetings which he would attend.

Summary of options rejected None

DECISION

1. That the proposed reductions to the base budget from 2011/12 onwards, as set out in Report RD.57/10, be received and forwarded to the Overview and Scrutiny Panels for consideration as part of the budget process.
2. That it be noted that the Senior Management Team would continue to investigate efficiencies and savings in accordance with the Transformational Savings Strategy.

3. That the savings achieved / to be achieved via service reviews etc, amounting to £2.890m by 2015/16 to be used to meet the original transformation target of £3m be agreed.

Reasons for Decision

To make arrangements for the proposals for savings and additional income generation to be considered as part of the 2011/12 budget process.

EX.188/10 REVISED CAPITAL PROGRAMME 2010/11 AND PROVISIONAL CAPITAL PROGRAMME 2011/12 TO 2015/16 (Key Decision)

Portfolio Governance and Resources

Subject Matter

The Financial Services Manager submitted report RD.53/10 detailing the revised Capital Programme for 2010/11, together with the proposed method of financing. The report summarised the proposed programme for 2011/12 to 2015/16 in the light of the capital bids submitted to date for consideration, and summarised the estimated capital resources available to fund the programme.

Details of the current and future commitments, together with eight new spending proposals were provided.

The Financial Services Manager highlighted for Members the summary of the estimated resources compared to the proposed programme year on year, which indicated that the current level of capital programme over the next five years was unachievable due to capital funding being used up in 2011/12. Accordingly a further fundamental review (Phase 2) was being carried out, the proposed criteria for which was set out in the report for Members' consideration. The full implications of the Phase 2 Review would be the subject of a further report to the Executive on 13 December 2010.

In moving the recommendations, the Governance and Resources Portfolio Holder said that he was aware of the reprofiling which had been going on for some time.

Summary of options rejected None

DECISION

That the Executive :

1. Noted the revised capital programme and relevant financing for 2010/11 as set out in Appendices A and B of Report RD.53/10;

2. Recommended that the City Council approve slippage of £3,654,300 and savings of £99,700 from 2010/11 identified in Phase 1 of the Review;
3. Had considered the proposed criteria, as suggested by the Senior Management Team, to be used in determining the revised Capital Programme (Phase 2) based on capital resources available;
4. Had given initial consideration to the capital spending requests for 2011/12 to 2015/16 contained in Report RD.53/10 in the light of the estimated available resources; and
5. Noted that any capital scheme for which funding had been approved by the Council may only proceed after a full report, including business case and financial appraisal, had been approved.

Reasons for Decision

To note the details of the revised Capital Programme and relevant financing and make arrangements for the new capital bids to be considered as part of the 2011/12 budget process.

EX.189/10 TREASURY MANAGEMENT JULY – SEPTEMBER AND FORECASTS FOR 2010/11 TO 2015/16 (Key Decision)

Portfolio Governance and Resources

Subject Matter

The Financial Services Manager submitted report RD.55/10 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 2011/12 with projections to 2015/16, and information regarding the requirements of the Prudential Code on local authority capital finance.

The Financial Services Manager informed Members that the main feature of treasury management this year had been the low level of official interest rates which had necessarily impacted upon authorities' investment returns. Whilst those and other steps had been taken to revive the economy, not just in the UK but throughout the globe, the economic recovery remained fragile. The recession was, of course, affecting the authority in a variety of ways of which the effect on the short term interest rates was just one aspect. There were likely to be substantial cuts in local authority funding next year and, until short term interest rates began to rise, the capacity for the treasury function to improve the Council's financial position was likely to be limited.

The Governance and Resources Portfolio Holder moved the recommendation set out in the report.

Summary of options rejected None

DECISION

That Report RD.55/10 be received and the projections for 2011/12 to 2015/16 be incorporated into the Budget reports elsewhere on the Agenda.

Reasons for Decision

To receive the report on Treasury Management for 2010/11 and 2011/12 and refer it as part of the budget process.

EX.190/10 EXECUTIVE ARRANGEMENTS (Key Decision)

Portfolio Cross-Cutting

Subject Matter

Pursuant to Minute EX.083/10, the Assistant Director (Governance) submitted report GD.63/10 concerning the requirement placed upon the Council, under the Public Involvement in Health Act 2007, to choose a new form of Executive Arrangement and make a decision thereon by 31 December 2010.

The Assistant Director (Governance) outlined the legislative background; the choice that must be made between a Leader and Cabinet model or arrangements with an Elected Mayor; together with the results of consultation undertaken.

The existing Leader and Cabinet model operated in Carlisle had created the framework for improved economy, efficiency and effectiveness. The Council had striven to continuously improve and there was no evidence that an elected Mayor model would achieve the same or, indeed, continue the current levels of performance. Given that Carlisle operated in a two tier local authority structure the alleged benefits of an elected Mayor would be difficult to achieve.

He commented that the view remained that the Leader and Cabinet Executive (England) model best served the needs of the City Council and, thereby, Carlisle. Taking into account the results of the consultation and the other matters outlined, it was proposed that the Leader and Cabinet Executive be adopted as the new Executive arrangements for the Council. Details of the proposal were set out at Appendix 1 to his report.

The Assistant Director (Governance) further reported that, under the new regime, the Leader was appointed for a four year term. The legislation provided for the Council to include a provision in its Constitution for the removal of the Leader by resolution. It was proposed that the Council should have the power to remove the Leader by way of resolution by a simple majority i.e. on the basis that a written Motion, signed by at least twelve Councillors, be submitted to the Assistant Director (Governance) no later than ten days before the date of the Council meeting. The Act specified that, if the Council passed such a resolution, a new Leader be elected at the meeting at which the Leader was removed from office or at a subsequent meeting.

On the basis that the Council would wish to have such a provision included within its Constitution, that had been included in Appendix 2 to the report. If approved those would come into effect from May 2011.

In summary, the Assistant Director (Governance) emphasised that there were no alternative options available to implementing new governance arrangements. Should the Council fail to implement the provisions of the Act, the Secretary of State could intervene prior to May 2011 and by Order prescribe the application of the Leader and Cabinet Executive (England) model as from May 2011.

The Resources Overview and Scrutiny Panel had, on 17 June 2010 considered the matter, and agreed that the proposed consultation as set out in report GD.31/10 was sufficient as they recognised that a more extensive consultation could not be carried out due to the expense involved. A copy of Minute Extract ROSP.60/10 had been circulated.

The Chairman of the Resources Overview and Scrutiny Panel reported that the Panel was content that the matter had gone out to consultation, and surprised at how few responses had been received. He was aware that a petition on the matter was currently in circulation. There was clearly a need to be very sure of a Leader who would be elected for a four year period.

The Performance and Development Portfolio Holder referred to the letter received from The Right Honourable Grant Shapps MP, drawing particular attention to two points, namely removal of the Leader and the request that Councils pursue the matter at minimum costs. He added that future changes would be consulted upon again.

Summary of options rejected None

DECISION

Having regard to the requirements of the Local Government and Public Involvement in Health Act 2007 with respect to Executive arrangements, the Executive recommended to Council that, in the light of public consultation and any other relevant considerations:

1. Council determine to adopt, with effect from the third day after the May 2011 Elections, the Strong Leader and Cabinet Executive (England) Model as specified in the said Act.
2. Council approve the consequential amendments to the Council's Constitution as detailed in Appendix 2 to take effect from the day specified in 1. together with the transitional changes as detailed in Appendix 1 to Report GD.63/10.

Reasons for Decision

To comply with the provisions of the Public Involvement in Health Act 2007.

EX.191/10 NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY SUPPLEMENTARY PLANNING DOCUMENTS: PLANNING GUIDELINES AND BUILDING DESIGN GUIDE (Key Decision)

Portfolio Economic Development

Subject Matter

The Assistant Director (Economic Development) submitted report ED.35/10 concerning the North Pennines Area of Outstanding Natural Beauty Supplementary Planning Documents - Planning Guidelines and Building Design Guide.

He outlined for Members the results of a public consultation exercise on the above two SPDs and how they had been amended to reflect the comments received. He added that the SPDs expressed in detail the provisions of Policy DP9 of the Local Plan which made provision for development of the AONB subject to the special characteristics and landscape quality of the area being conserved or enhanced, and how it was to be implemented in practice. They would form part of the Council's Local Development Framework.

The Economic Development Portfolio Holder thanked respondents to the consultation. She commented upon the comprehensive nature of the document, which included consultation responses, indicating that she was particularly impressed at the Building Design Guide and the inclusion of water harvesting.

The Portfolio Holder also thanked Officers and recommended the matter to full Council for adoption.

Summary of options rejected None

DECISION

That the Executive had considered the changes to the North Pennines Area of Outstanding Natural Beauty Supplementary Planning Documents (Planning Guidelines and Building Design Guide) and referred the documents to Council for adoption.

Reasons for Decision

To update the guidance for developers and bring in additional guidance under the Local Development Framework.

EX.192/10 CORE STRATEGY KEY ISSUES PAPER (Key Decision)

Portfolio Economic Development

Subject Matter

The Assistant Director (Economic Development) submitted report ED.36/10 concerning the Core Strategy which was the overarching document in the Local Development Framework (LDF). It set out the future direction for development in Carlisle District over the next 15 - 20 years, together with the parameters / aims for the preparation of other Development Plan documents within the LDF.

The Assistant Director (Economic Development) informed Members that, in order to produce a Core Strategy, it was necessary to establish early on what issues were affecting the area to which it related and identify available options to tackle those issues. He drew Members' attention to the amended draft Key Issues Consultation Paper appended to his report which had been prepared as an initial opportunity to open up discussion. The paper set out the existing relevant strategies and technical studies which formed part of the LDF evidence base and also the spatial portrait of the District, relevant local strategies, key characteristics and facts about settlements, as well as the aims and objectives of other Council and local strategies.

Public consultation was an essential component in the preparation of the LDF and the Council's Statement of Community Involvement set out the minimum consultation required. Formal stages of consultation for the preparation of Development Plan documents were also dictated by regulation, the first formal stage being Regulation 25.

He added that moves were being made towards the new Localism Bill expected before Christmas and, unless there was a significant change in the approach taken as a result thereof, the next stages in the Core Strategy process would be as set out in paragraph 1.11 to report ED.36/10.

In response to a question, the Assistant Director advised that he was conscious of the timetable and Officers would endeavour to speed up the process as far as possible.

The Economic Development Portfolio Holder appreciated the submission of the amended draft Key Issues Paper submitted. She added that a workshop for all Members would take place on 26 November 2010 and that the Executive would monitor the timetable closely.

Summary of options rejected None

DECISION

That the draft Core Strategy Key Issues paper be made available for consideration by the Environment and Economy Overview and Scrutiny Panel; and that subject to any additional information arising from the Scrutiny Panel, it be reported back to the Executive on 13 December 2010 to consider referral to Council for approval for public consultation on 12 January 2011.

Reasons for Decision

To bring forward work on the Core Strategy by involving the public in identifying the key issues affecting Carlisle in preparation for developing the Issues and Options.

EX.193/10 RELEASE OF CAPITAL FUNDING FOR 2010/11 PLAY AREA PROGRAMME (Key Decision)

Portfolio Local Environment

Subject Matter

The Assistant Director (Local Environment) submitted report CS.26/10 setting out the position regarding children's play areas in Carlisle. He reminded Members that in 2006 the Play Area Strategy had been approved by the Executive, together with a prioritised list of play areas to be improved. Since publication of the Strategy the City Council had installed or refurbished fifteen play areas and her report sought to take that work forward during 2010/11.

Current indications were that the Playbuilder Programme would be funded following the Coalition Government's spending review and the City Council could draw upon existing resources, both internal and external, to improve play areas.

The Assistant Director (Local Environment) set out for Members the proposals for the current year, namely:

Play Area	Budget	Source(s) of funding
Keenan Park (Botcherby)	£50,000	Surestart (£15,000) S106 (£30,000, Barratt Homes) Small Project Fund (£5,000)
Dale End Field (Currock)	£50,000	S106 (£50,000, Barratt Homes)
Morton Ward	£53,000	S106 (£53,000, Riverside)
Richmond Green (Yewdale)	£50,000	City Council capital (£50,000)
Total Projected Spend	£203,000	

In all cases the funding was already in place within Council budgets and, for S106 monies the purposes for use of the funding were ring-fenced under planning agreements.

The Community Overview and Scrutiny Panel had, on 25 March 2010, resolved:

- i) That the Panel have considered the options outlined in Report CS.07/10 and recommend to the Executive that they investigate Option C as a way forward for the future of play areas in Carlisle;
- ii) That Ward Members, Neighbourhood Forums and Community Groups be invited to comment on proposals for the transformation of specific play areas as the work progresses;
- iii) That the Panel recommends to the Executive that it would be beneficial to the Council to undertake a review of the Council's Section 106 arrangements.

Following discussion with the Portfolio Holder, the Green Spaces and Community Services teams were undertaking a joint review of play area provision and sources of funding in response to i) and iii) above, whilst ii) was being actively implemented by Officers.

The Local Environment Portfolio Holder moved the recommendations.

Summary of options rejected None

DECISION

1. That the Executive approved the release of capital funds for the improvements to children's play in 2010/11.
2. That the comments of the Community Overview and Scrutiny Panel be noted.

Reasons for Decision

1. To discharge the City Council's obligations under the various Section 106 Agreements.
2. To carry forward the work programme identified in the 2006 Play Area Strategy.

EX.194/10 CARLISLE COMMUNITY PLAN (SUSTAINABLE COMMUNITY STRATEGY) 2011 - 2016 (Key Decision)

Portfolio Promoting Carlisle

Subject Matter

The Assistant Director (Community Engagement) submitted report PPP.42/10 (amended) concerning the Carlisle Community Plan (Sustainable Community Strategy) 2011-16.

He advised Members that the existing Community Plan (Sustainable Community Strategy) for Carlisle expired in 2010 and, at the last meeting of the Carlisle Partnership Executive a process for development of a new Community Plan for Carlisle was agreed, details of which were provided. The process had seen the content of the Community Plan developed directly by partners from across the LSP within the Partnership's Working Groups and a draft Community Plan 2011 - 2016 had been developed, a copy of which was appended to the report.

The Plan had appeared before the Carlisle Partnership's Executive on 15 November 2010 when a number of changes had been agreed.

The Assistant Director (Community Engagement) further reported that the proposed Carlisle Community Plan 2011-16 would effectively be a live document as soon as the City Council adopted it onto their Policy Framework in the New Year. A formal launch was proposed for March 2011. He added that the Plan would be reviewed on an annual basis at the Carlisle Partnership AGM (June each year), and a performance report detailing progress against the headline measures contained within the Plan would also be produced for that meeting. Whilst those headline measures would be used to assess progress made towards delivering the Community Plan on an annual basis, the Partnership's Executive remained keen to instil a more focussed and performance orientated culture within the Partnership. All of the Priority Working Groups were in the process of developing delivery plans to support and deliver the aims of the Community Plan, which would be reported to the Executive on a quarterly basis.

In response to a question, the Assistant Director and Carlisle Partnership Manager advised that a verbal update on the changes agreed at the Carlisle

Partnership's Executive would be provided to the Community Overview and Scrutiny Panel, in addition to which a revised report could be provided.

Summary of options rejected None

DECISION

That the Executive :

1. Received the proposed Community Plan, its vision, ambition and aims for Carlisle, as appended to Report PPP.42/10.
2. Referred the draft Community Plan to the Community Overview and Scrutiny Panel for consideration.
3. The Executive would consider feedback from the Overview and Scrutiny Panel at a meeting in December 2010, following which the draft Community Plan would be recommended to the City Council for formal adoption onto the City Council's Policy Framework.

Reasons for Decision

To consider and consult upon the content of the Community Plan prior to recommendation to Council for adoption.

EX.195/10 DISCRETIONARY RATE RELIEF POLICY (Key Decision)

Councillor Mrs Bowman, having declared a personal and prejudicial interest, retired from the meeting room during consideration of this item of business.

Councillors Bainbridge, Bloxham, J Mallinson and Mitchelson, having declared a personal interest, remained within the meeting room. Councillor J Mallinson took part in discussion on the matter.

Portfolio Governance and Resources

Subject Matter

Pursuant to Minute EX.151/10, the Financial Services Manager submitted report RD.35/10 on the Discretionary Rate Relief Policy.

The Financial Services Manager reminded Members that there had been growth in the number of charities and non-profit making organisations qualifying for discretionary rate relief occupying premises in the Carlisle district area, which trend was continuing. That had resulted in the cost of getting such relief being significantly over the budget available and she set out several options for consideration in addressing the situation.

The Executive had, on 2 September 2010, considered the matter and indicated a preference for option 2.1(iii) as detailed in the report i.e. grant Rate Relief of 80% for all qualifying organisations as the basis for consultation with Overview and Scrutiny Panels.

The Resources Overview and Scrutiny Panel had on 3 November 2010 considered and noted Report RD.35/10 and Minute EX.151/10 setting out the Executive's preferred option.

In conclusion, the Financial Services Manager asked that Members consider ratifying their previous decision as outlined above.

The Chairman of the Resources Overview and Scrutiny Panel reported that a number of Members had left the meeting prior to the Panel's consideration of the matter. The issue would clearly have powerful political connotations and it was not therefore considered appropriate to vote on it at that time.

The Governance and Resources Portfolio Holder emphasised once more that many difficult decisions would need to be taken due to the current financial climate. The Discretionary Rate Relief budget was already overspent and steps would have to be taken to address that.

Summary of options rejected Other options set out in the report

DECISION

That the Executive ratified the decision taken on 2 September 2010, namely to grant Rate Relief of 80% for all qualifying organisations, subject to the required twelve months notice being given of the change in Policy.

Reasons for Decision

The Executive is required to consider options to address a shortfall in the Council's Discretionary Rate Relief budget.

EX.196/10 SCHEDULE OF OFFICER DECISIONS (Non Key Decision)

Portfolio Performance and Development

Subject Matter

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

Summary of options rejected None

DECISION

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

Reasons for Decision

Not applicable.

EX.197/10 REFERENCE FROM THE ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL – CAR PARKING TASK AND FINISH GROUP (Non-Key Decision)

Portfolio Local Environment

Subject Matter

Pursuant to Minute EEOSP.61/10, consideration was given to a reference from the Environment and Economy Overview and Scrutiny Panel on 9 September 2010 requesting that the Executive consider the final report of the Parking Task and Finish Group and provide an initial response to the recommendations made within the report to the Panel on 2 December 2010. Copies of the Minute Extract and report OS.23/10 had been circulated.

The Local Environment Portfolio Holder welcomed submission of the report and outlined the Executive's responses to the recommendations as follows:

1. Residential Parking Schemes should break even and consideration needs to be given to how this can be achieved.

The Executive would take that up with the County Council.

2. A review should be undertaken into all of the parking zones within the city with consideration to narrowing zones if they are deemed too wide.

Will be reviewed

3. That the Executive instructs an Officer to look at how car park assets can be maximised.

This is an ongoing programme.

- 4.&5. That consideration is given to offering a larger discount for contract parking for Devonshire Walk Car Park; and that contract parking is available at a pro-rata cost for parking on set days of the week.

Will form part of the budget consultation

6.&7. That the Executive give consideration to linear parking charges; and that consideration is given to introducing Pay by Phone parking.

Further investigation will be given to both of those items.

Summary of options rejected None

DECISION

That the Executive had given consideration to the reference from the Environment and Economy Overview and Scrutiny Panel concerning the final report of the Parking Task and Finish Group and responded to the recommendations contained therein as detailed above.

Reasons for Decision

To respond to a reference from the Environment and Economy Overview and Scrutiny Panel on 9 September 2010 concerning the final report of the Parking Task and Finish Group.

EX.198/10 REFERENCE FROM THE ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL – MAKING SPACE FOR WATER
(Non-Key Decision)

Portfolio Local Environment

Subject Matter

Pursuant to Minute EEOSP.73/10, consideration was given to a reference from the Environment and Economy Overview and Scrutiny Panel on 21 October 2010 following their consideration of a report of the Assistant Director (Local Environment) outlining progress made by the Making Space for Water Group.

The Panel had resolved:

- "1) That the Panel supported the work of the Making Space for Water Group and that it was a good way of working with other agencies.
- 2) That a final report be brought to the Panel in six months time.
- 3) That the Panel had been warned about future funding and urged the Executive, if funding streams were reduced or cut, to look at other methods of funding to ensure that the group could continue to cover other work."

Copies of the Minute Extract had been circulated.

The Local Environment Portfolio Holder welcomed the above recommendations.

Summary of options rejected None

DECISION

That the reference from the Environment and Economy Overview and Scrutiny Panel concerning Making Space for Water be received; and the Panel advised that the Executive welcomed the recommendations.

Reasons for Decision

To respond to a reference from the Environment and Economy Overview and Scrutiny Panel concerning Making Space for Water.

EX.199/10 JOINT MANAGEMENT TEAM MINUTES (Non-Key Decision)

Portfolio Various

Subject Matter

The Minutes of the Joint Management Team held on 30 September 2010 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the Joint Management Team held on 30 September 2010, attached at Appendix B, be received.

Reasons for Decision

Not applicable.

EX.200/10 CUMBRIA LEADERSHIP BOARD (Non-Key Decision)

Portfolio Various

Subject Matter

The Minutes of the meeting of the Cumbria Leadership Board held on 10 September 2010 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meeting of the Cumbria Leadership Board held on 10 September 2010 be received.

Reasons for Decision

Not applicable.

EX.201/10 CUMBRIA STRATEGIC WASTE PARTNERSHIP (Non-Key Decision)

Portfolio Local Environment

Subject Matter

The Minutes of the meeting of the Cumbria Strategic Waste Partnership held on 13 October 2010 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the Cumbria Strategic Waste Partnership held on 13 October 2010 be received.

Reasons for Decision

Not applicable.

EX.202/10 MARKET MANAGEMENT GROUP (Non-Key Decision)

Portfolio Economic Development

Subject Matter

The Minutes of the meeting of the Market Management Group held on 18 October 2010 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meeting of the Market Management Group held on 18 October 2010, attached at Appendix C, be received.

Reasons for Decision

Not applicable.

EX.203/10 CORPORATE PERFORMANCE MONITORING REPORT, FOR MID YEAR 2010/11 (Non-Key Decision)

Portfolio Performance and Development

Subject Matter

The Policy and Performance Manager submitted report PPP.41/10 providing details of the corporate performance of the City Council for the months April to September 2010. He informed Members that the report was presented in the existing format and also in the proposed future format based around the delivery of the Corporate Plan for their consideration.

He added that the replacement of the National Indicator Set and abolition of Comprehensive Area Assessment, Use of Resources and Place Survey presented the Council with an excellent opportunity to review performance management across the authority.

The Performance and Development Portfolio Holder welcomed submission of the report and moved that the Executive would monitor exceptions only.

The Community Engagement Portfolio Holder added that the new layout would be easier to read and understand.

Summary of options rejected None

DECISION

That the Executive had:

1. Considered the presentation and content of the Corporate Performance Monitoring Report PPP.41/10.
2. Considered the two versions (Appendices 1 and 2) of the Report and agreed that reporting should move to the new version by the end of the year.
3. Agreed that exceptions only be reported on a quarterly basis, with all areas being reported as part of an annual report.
4. Made the report available for consideration by the Overview and Scrutiny Panels.

Reasons for Decision

To review the performance of the City Council so far in 2010/11 in order to acknowledge success, highlight areas for improvement and with a view to informing the transformation programme, review of services and delivery of the Corporate Plan.

EX.204/10 REVENUE BUDGET OVERVIEW AND MONITORING REPORT – APRIL TO SEPTEMBER 2010 (Non-Key Decision)

Portfolio Governance and Resources

Subject Matter

The Financial Services Manager submitted the Revenue Budget Overview and Monitoring Report (RD.48/10) for the period April to September 2010. She outlined the overall budget position, the monitoring and control of expenditure against budget allocations and the exercise of virement. Details of balance sheet management issues, high risk budgets, performance management and progress against the Comprehensive Spending Review efficiency statement were also provided.

The Financial Services Manager highlighted a number of key issues, including: the Salary Turnover Savings Budget; the employee budgets for 2010/11; and the corporate savings target for changes due to the Transformation in 2010/11. She also pointed out that the sale of Trade Waste was a new item within the report. The main variances in the Directorates' Budgets were also set out in the report and she gave an overview of the forecast outturn position for 2010/11.

The Governance and Resources Portfolio Holder then moved the report.

Summary of options rejected None

DECISION

That the Executive:

1. Noted the budgetary performance position of the Council to September 2010.
2. Noted the potential forecast year end position for 2010/11, noting that options to address any variances would be considered as part of the 2011/12 budget process.
3. Noted the planned efficiencies.

Reasons for Decision

To show that the Executive had been informed of the Council's actual financial position compared with the budgeted position, and to bring to their attention any areas of concern.

EX.205/10 CAPITAL BUDGET OVERVIEW AND MONITORING REPORT – APRIL TO SEPTEMBER 2010 (Non-Key Decision)

Portfolio Governance and Resources

Subject Matter

The Financial Services Manager submitted report RD.49/10 on the budgetary position of the City Council's capital programme for the period April to September 2010. She outlined for Members the overall budget position for the various Directorates; the capital budget overview; the monitoring and control of expenditure against budget allocations and the exercise of virement.

In particular, the Financial Services Manager drew Members' attention to the Families Accommodation replacement scheme which had been the subject of various reports to the Executive, and to the Executive's recommendations on 25 October 2010 authorising progression of the scheme as well as the release of the land. She added that approval was now being sought for the release of the allocated capital funding (£2 million over three years 2010/11 to 2012/13) in order to progress the scheme. A further report regarding the revenue funding for the scheme would be submitted in due course.

The Governance and Resources Portfolio Holder moved the recommendations set out in the report.

Summary of options rejected None

DECISION

That the Executive:

1. Noted the budgetary position and performance aspects of the capital programme for the period April to September 2010.
2. Would use the information contained within Report RD.49/10 to inform the budget considerations for 2011/12 onwards.
3. Noted the recommendations to Council to approve the slippage (£3,645,300) and savings identified (£99,700) as detailed in Report RD.53/10 elsewhere on the Agenda.

4. Approved the release of funding for the Families Accommodation Replacement Project of £2 million over a three year period.

Reasons for Decision

To inform the Executive of the Council's actual financial position opposite its Capital Programme for 2010/11

EX.206/10 REGULATION OF INVESTIGATORY POWERS (Non-Key Decision)

Portfolio Governance and Resources

Subject Matter

The Assistant Director (Governance) submitted report GD.59/10 concerning the Regulation of Investigatory Powers Act (RIPA) 2000 which provided for public authorities (including local authorities) to give authorisation to carry out covert surveillance activities. He outlined the background to the matter, commenting that the basic premise of RIPA was to ensure that covert surveillance was carried out in the appropriate manner, the justification being that it must be both necessary and proportionate. Surveillance was covert if, and only if, carried out in a manner calculated to ensure that persons who were subject to surveillance were unaware that it was taking place. It should be noted that the City Council had never used the powers available to it for the purposes of monitoring any person's private conversations or communications or used any surveillance device that would enable any of those surveillance activities to take place. It was also important to note that, whilst the term surveillance covered a wide range of activities, RIPA applied only to covert surveillance.

The Assistant Director (Governance) informed Members that the Human Rights Act 1998 (HRA) brought into English Law Article 8 of the European Convention on Human Rights, which provided that any person was entitled to respect for his private and family life, his home and his correspondence. A public authority should not act in a manner incompatible with that right since, if it did so, the following consequences may flow:

- any person who had suffered loss due to such breach may claim compensation from the public authority; and/or
- any enforcement proceedings brought by a public authority against a person who had suffered such breach may be subject to 'collateral challenge' by way of defence of non-compliance by the public authority with the HRA.

He then outlined further provisions contained within Article 8, details of which were provided.

The City Council had operated in accordance with the legislation since its inception. Every three years the Office of Surveillance Commissioner carried out a detailed inspection of the procedures operated by the Council in respect of RIPA. The most recent inspection had taken place earlier in the year and a copy of the Inspection Report, which contained a number of helpful recommendations, was attached at Appendix 1. It was pleasing to note that the Inspection Report concluded that Carlisle City Council was an excellent RIPA performing local authority, and the Inspection was pleased to endorse the comments made by the last inspection that Carlisle was one of the better performing local authorities in the UK.

The Assistant Director (Governance) reported that the Inspection Report set out a number of amendments, all of which had been implemented and the Council's protocol amended accordingly. He drew Members' attention, in particular, to the change in Officers authorised to approve requests for RIPA authorisation (the number having been reduced from 15 to 5, with the Town Clerk and Chief Executive being the authorising officer for the use of a juvenile or vulnerable covert human intelligence source. The Council's Assistant Directors (Community Engagement), (Local Environment), and (Economic Development) were authorised, as were two Heads of Service from the shared Revenues and Benefits Services (the primary users of the power). The Assistant Director (Governance) acted as the RIPA Monitoring Officer, with the Legal Services Manager acting as Deputy.

The Inspector had also looked at the Council's CCTV system and recommended that an operational protocol should be in place between the Council and Cumbria Constabulary to cater for use they may wish to make of the system. A protocol had been drafted and was currently with Cumbria Constabulary for their consideration.

The revised and updated RIPA procedure protocol was attached at Appendix 2 to the report. RIPA training would form part of the Council's Ethical Governance Training Programme. All Officers applying for and those authorising surveillance would be trained and also receive refresher training on an occasional yet ongoing basis.

In conclusion, the Assistant Director (Governance) stated that it was important that Members were content that the Council operated its RIPA system properly and, in line with good practice, a report would be provided on an annual basis. He gave an assurance that the City Council only used the powers when necessary and proportionate, and drew attention to Appendix 3 which provided statistical information on that usage from the inception of the legislation.

The Local Environment Portfolio Holder thanked all those involved in preparation of the report.

The Governance and Resources Portfolio Holder was pleased to move the recommendations set out in the report, adding his thanks to all concerned.

The Performance and Development Portfolio Holder was pleased to note that the Council continued to respect the privacy of residents.

Summary of options rejected None

DECISION

That the Executive:

1. Noted and approved the content of Report GD.59/10 concerning the regulation of Investigatory Powers.
2. Approved the revised Regulation of Investigatory Powers Act Protocol and Guidance Notes as appended to that report.
3. Wished to thank the Assistant Director (Governance) and members of staff involved.

Reasons for Decision

To advise Members of the Regulation of Investigatory Powers Act (RIPA) processing procedures operating within the Council and to update the Council's RIPA Protocol.

EX.207/10 DATES AND TIMES OF MEETINGS 2011/12 (Non-Key Decision)

Portfolio All Portfolios

Subject Matter

The Assistant Director (Governance) submitted report GD.60/10 on proposed dates and times of meetings of the City Council, the Executive, Overview and Scrutiny Panels and the Regulatory Committees for 2011/12 in order that a recommendation could be made to the City Council.

The Leader reported that there would be some amendments to the proposed dates and times of meetings of the Executive, details of which would be provided to Committee Services.

The Scrutiny Chairs Group had considered the matter on 8 November 2010 and had agreed that the Executive be asked to give consideration to moving Joint Management Team and Executive Briefing meetings to avoid clashes with meetings of the Overview and Scrutiny Panels (Minute 28/10 refers).

The Chairman of the Resources Overview and Scrutiny Panel understood the difficulties highlighted, adding that it would be useful to have an overlay to highlight such difficulties in advance.

In response to the comments of the Scrutiny Chairs Group, the Leader indicated that he would look to avoid clashes with Overview and Scrutiny Panel meetings wherever possible.

Summary of options rejected None

DECISION

1. That the City Council be requested to agree the schedule of dates and times of meetings in the 2011/12 municipal year as set out in the calendar attached as an Appendix to Report GD.60/10.
2. That the dates and times of meetings of the Executive chosen by the Leader be noted.

Reasons for Decision

In order to recommend to the City Council a schedule of dates and times for meetings covering the 2011/12 Municipal Year as required by Procedure Rule 1.1(ix)

EX.208/10 REGIONAL SPATIAL STRATEGY UPDATE (Non Key Decision)

Portfolio Economic Development

Subject Matter

The Assistant Director (Economic Development) submitted report ED.38/10 informing Members that on 6 July 2010 the Secretary of State for Communities and Local Government had announced the revocation of Regional Spatial Strategies (RSS) with immediate effect. The guidance which followed removed RSS from the Development Plan.

As Members would be aware, any planning applications considered by the Local Planning Authority must have regard to the Development Plan for Carlisle then primarily comprised the Carlisle District Local Plan 2001-16 adopted in 2008. The Development Control Committee had on 1 October 2010 resolved that the only option was to refer to the Local Plan until such time as new policies were developed.

On 10 November 2010 the Chief Planner at the Department for Communities and Local Government had issued a letter confirming the outcome of a High Court case whereby Cala Homes had challenged the ability for the Secretary of State to revoke all RSS in their entirety. The effect of that High Court decision was to re-establish Regional Strategies as part of the Development Plan. The Local Planning Authority must therefore once again have regard to RSS policies and targets when considering its planning applications. The

Executive had considered report DS.23/06 providing the Council's response to consultation and input into the development of RSS policies and targets.

In making this latest announcement the Secretary of State had reaffirmed his commitment to the removal of RSS and would now put in place the appropriate legislation through the Localism Bill. The recent White Paper on Economic Growth also confirmed that changes to planning would be forthcoming through the new Bill. In the recent announcement the Chief Planner stated that Local Planning Authorities should still have regard to the letter of 27 May 2010 as a material consideration in any decisions. In order to achieve that aim and revisit the targets in an appropriate manner, Report ED.36/10 elsewhere on the Agenda referred to the Issues Paper consultation for the Core Strategy as part of the Local Development Framework.

In conclusion, the Assistant Director (Economic Development) reported that it was appropriate for Members to note that with effect from the letter of 10 November 2010 the Regional Spatial Strategy once more formed part of the Development plan, and that any new policies and targets would be developed through the Local Development Framework process (subject to consideration of the Localism Bill).

The Leader clarified the fact that the housing targets in the Regional Spatial Strategy still formed the basis of housing targets for the Development Plan pending the implementation of new legislation.

The Economic Development Portfolio Holder was pleased to see the document which clarified the position for Members.

Summary of options rejected None

DECISION

That the clarification and latest position regarding Regional Spatial Strategy, as set out in Report ED.38/10, be noted.

Reasons for Decision

To carry out the implications of recent announcements.

EX.209/10 FORWARD PLAN
(Non Key Decision)

Portfolio Cross Cutting

Subject Matter

The Forward Plan of Key Decisions for the period 1 November 2010 to 28 February 2011 was submitted for information.

Summary of options rejected None

DECISION

That the Forward Plan of Key Decisions for the period 1 November 2010 to 28 February 2011 be noted.

Reasons for Decision

Not applicable.

EX.210/10 ELECTORAL REVIEW OF CUMBRIA (Non Key Decision)

Portfolio Promoting Carlisle

Subject Matter

The Deputy Chief Executive submitted a report appending a letter from the Local Boundary Commission in relation to the electoral review of Cumbria. He advised that the deadline for response was 22 November 2010 and the Leader had therefore instructed that the matter be brought before the Executive as an urgent item of business in order to meet that deadline.

Members were invited to consider any response they may wish to make with regard to the Electoral Review of Cumbria.

The Governance and Resources Portfolio Holder stated that the review was clearly overdue since significant anomalies currently existed. He considered a change in the number of Councillors was merited since their numbers had been set at a time when Councillors' work was very different to what it is today. He believed that the current Executive model afforded Councillors more time to work on community aspects, in addition to which significant technological advances had been made, all of which pointed to a smaller number of Councillors. He further referred to the current extremely difficult financial position which Councils across the country found themselves in. Thousands of staff in local government would be faced with compulsory redundancy over the coming years and the number of Councillors should similarly be reduced.

The Portfolio Holder commented that a compromise solution should be achieved for Cumbria. He suggested that 65 Councillors would be more than adequate to serve an average electorate of 6,000.

The Leader indicated his support for the view expressed by the Portfolio Holder. He also commented that in the current climate all Councils should review the number of Councillors. The City Council needed to address the matter in the near future.

Summary of options rejected None

DECISION

That the response of the Executive on the Electoral Review of Cumbria, as set out above, be conveyed to the Local Government Boundary Commission.

Reasons for Decision

In order to enable the Executive to consider any response to consultation on the Electoral Review of Cumbria.

PUBLIC AND PRESS

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

EX.211/10 PARKING CONNECT – JOINED UP ON/OFF CAR PARKING ENFORCEMENT FOR CUMBRIA

(Key Decision)

(Public and Press excluded by virtue of paragraph 3)

Portfolio Local Environment

Subject Matter

The Assistant Director (Local Environment) submitted report CS.27/10 concerning Parking Connect - Joined Up On / Off Car Parking Enforcement for Cumbria.

She reported that the County Council had in 2009 invited the City Council to work up a business case to carry out a countywide on-street Enforcement and Processing Service. That business case had been developed to also incorporate the potential for off street services to Districts in Cumbria and the service would operate under the name of 'Parking Connect'.

The Assistant Director (Local Environment) further outlined for Members the work undertaken, a range of enforcement options, together with the potential benefits and risks of being involved with Parking Connect in order that they could come to a view on whether to agree in principle to proceed with the project.

The Leader congratulated the Assistant Director for her hard work and the manner by which she had dealt with the matter at the recent joint Districts meeting.

The Local Environment Portfolio Holder also recognised the work which the Assistant Director and her team had undertaken and expressed his thanks to all concerned.

Summary of options rejected None

DECISION

That the Executive had:

1. Considered the potential risks and benefits of the various options presented in Report CS.27/10 and, subject to satisfactory negotiation with the County Council on any remaining risks, agreed to progress the Parking Connect proposal.
2. Agreed to invite other District Councils to have their off street services provided by Parking Connect delivered by Carlisle City Council.
3. Granted delegated authority to the Assistant Director (Local Environment), in consultation with the Executive Member for Local Environment and the Executive Member for Resources, to agree the terms of any agency agreements for on and off street parking services.

Reasons for Decision

The main reasons to adopt Parking Connect are discussed in Section 1.8 and Appendix 2 to Report CS.27/10

EX.212/10 DRAFT ASSET BUSINESS PLAN

(Key Decision)

(Public and Press excluded by virtue of paragraph 3)

Portfolio Cross-Cutting

Subject Matter

(With the consent of the Chairman, and in accordance with Rule 15 of the Access to Information Procedure Rules, this item was included on the Agenda as a Key Decision, although not in the Forward Plan)

The Deputy Chief Executive submitted report CE.36/10 presenting the draft Business Plan for the future management of the Council's property assets.

He outlined the background to the matter, which was a product of the Asset Review which Members had directed Officers to carry out with a view to a

more commercial approach to managing the Council's assets. Such an approach would better enable the Council to meet the challenges presented by the Comprehensive Spending Review.

The Resources Overview and Scrutiny Panel had on 3 November 2010 given initial consideration to and noted the matter (Minute ROSP.96/10 refers).

The Deputy Chief Executive invited Members to consider the draft Business Plan and, following any amendments they may wish to make, to forward it to the Resources Overview and Scrutiny Panel for scrutiny. Observations from the Panel would come back to the Executive on 20 December 2010 following which the final Plan could be considered by Council for adoption on 11 January 2011 if that was the Executive's wish.

The Chairman of the Resources Overview and Scrutiny Panel complimented the Executive for allowing the Panel the opportunity to initially scrutinise the draft Asset Business Plan and receive a presentation prior to consideration of the matter by the Executive. He expressed the hope that process could be repeated in the future and be established as the norm.

The Economic Development Portfolio Holder wished to place on record her thanks to Officers involved in what was a plan for action.

The Governance and Resources Portfolio Holder indicated his agreement with the sentiments expressed by his colleagues. He added that the Executive always looked to engage with scrutiny.

He looked forward to the coming years when the Business Plan would be put into practice.

Summary of options rejected None

DECISION

That the Executive had considered the draft Business Plan presented with Report CE.36/10 and made it available for scrutiny as detailed in the report.

Reasons for Decision

To more effectively manage the Council's assets in pursuit of wider strategic objectives

(The meeting ended at 3.30 pm)