



# **CARLISLE CITY COUNCIL**

Minutes of Council, Executive,  
Committees and Panels

**Volume 49(6)**

28 February 2023 to 28 March 2023



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**Present:** Councillor Ruth Alcroft, Councillor Trevor Allison, Councillor Louise Atkinson, Councillor James Bainbridge, Councillor Robert Betton, Councillor Jeffrey Bomford, Councillor Mrs Marilyn Bowman, Councillor Lisa Brown, Councillor Nigel Christian, Councillor John Collier, Councillor Dr Helen Davison, Councillor Gareth Ellis, Councillor Ms Jo Ellis-Williams, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Colin Glover, Councillor Stephen Higgs, Councillor Neville Lishman, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson, Councillor Mrs Ann McKerrell, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor David Morton, Councillor Paul Nedved, Councillor Lucy Patrick, Councillor Tim Pickstone, Councillor Fiona Robson, Councillor David Shepherd, Councillor Miss Lee Sherriff, Councillor Christopher Southward, Councillor Peter Sunter, Councillor Dr Les Tickner, Councillor Raymond Tinnion, Councillor Miss Jeanette Whalen, Councillor Christopher Wills

**Officers:** Town Clerk and Chief Executive  
Corporate Director of Governance and Regulatory Services

**C.32/23 Apologies for absence**

Apologies for absence were submitted on behalf of Councillor Mrs Pamela Birks.

**C.33/23 Minutes**

The Mayor moved the receipt and adoption of the minutes of the meetings of the City Council held on 3 January and 7 February 2023.

RESOLVED - That the minutes of the meeting of the City Council held on 3 January and 7 February 2023 be received; and were signed by the Mayor.

**C.34/23 Public and Press**

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in Part B be dealt with in private.

**C.35/23 Declarations of Interest**

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Glover declared a registrable interest in respect of item 15(ii) Project Tullie. The interest related to his being appointed, by the Council, as a Trustee of the Tullie House Trust.

Councillor Patrick declared an interest in respect of item 19(i) The Sands Centre

Redevelopment Contract and GLL Management Fee. The interest related to a family member being employed by a contractor involved in the redevelopment work.

### **C.36/23      Announcements**

#### **(i) The Mayor**

The Mayor announced that he had spoken with Councillor Mrs Birks earlier that day who was recovering from an operation, Councillor Mrs Birks hoped to attend the final meeting of the City Council on 28 March 2023. On behalf of the Council, the Mayor conveyed wishes for Councillor Mrs Birks' speedy recovery.

The Mayor further announced that on 9 March 2023 a 'Charity Party' was to be held in the Old Fire Station to raise funds for the Mayor's Charity, local band Hardwicke Circus would be performing at the event.

Finally, the Mayor announced that the annual Civic Dinner would take place on 16 May 2023, invites were due to be circulated and as it was to be the last Civic Dinner hosted by the City Council the invitation would be extended to Members' partners.

#### **(ii) The Leader of the Council**

There were no announcements from the Leader.

#### **(iii) Members of the Executive**

The Communities, Health and Wellbeing Portfolio Holder announced the city would host its first 'Teenage Market' on 23 April. Teenage Market was a national brand that afforded young people aged 13 to 25 years old an opportunity to gain experience of marketing, selling, presentation and communication skills. The Portfolio Holder also announced that the programme for the Holiday Activities and Food Funding programme for the Easter holidays was now available.

#### **(iv) Town Clerk and Chief Executive**

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

### **C.37/23      Questions by Members of the Public**

Pursuant to Procedure Rule 10.1, the Corporate Director of Governance and Regulatory Services reported that no questions had been submitted on notice by members of the public.

### **C.38/23      Presentation of Petitions and Deputations**

Pursuant to Procedure Rule 10.11, the Corporate Director of Governance and Regulatory Services reported that no petitions or deputations had been submitted by members of the public.

### **C.39/23      Questions from Members of the Council**

#### **(i) Coronation of King Charles III**

Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services reported that the following question had been submitted on notice from Councillor Pickstone:

"The Coronation of King Charles III takes place on Saturday 6 May 2023. I am sure the Leader or Executive Member will agree with me that so many residents throughout the City will want to celebrate, and mark, this important occasion.

The City Council will no longer exist in May, however planning for events and celebrations is taking place now. How is the Council supporting residents, community groups and Town and Parish Councils plan for this important celebration, and how is the Council working with its successor authority to ensure that the occasion is marked appropriately and proudly in the (unparished) City of Carlisle itself?"

The Culture, Heritage and Leisure Portfolio Holder responded that support for community groups was available from the National Lottery Community Fund. It was proposed to waive road closure fees for street parties and consideration was being given to making small grants of up to £200 available to contribute to costs. Events were proposed for Victoria Lawn, Bitts Park and Workington Leisure Centre with 'big screens' showing the coronation as part of a weekend long event which may include the screening of a concert on the Sunday and volunteer fairs on the Bank Holiday Monday. Quotes were coming in for the provision of bunting in key service centres. All the above would need the input and final say of Cumberland Council.

## (ii) Climate Emergency

Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services to report that the following questions have been submitted on notice by Councillor Dr Davison:

"On 5th March 2019 Carlisle City Council passed a motion declaring a climate emergency. In relation to this:

1. Which aspects of the climate emergency motion did the Executive choose not to take forward and what are the reasons for each of these?
2. Why, despite this being a critical area of work that should cross-cut all that council does, didn't the cross-party Climate Change Members' Action Group (MAG) continue meeting beyond June 2021?
3. How many, and which members, of the Executive have undergone Carbon Literacy training?"

The Environment and Transport Portfolio Holder responded noting that there had been 19 bullet points contained in the adopted Climate Emergency motion, to provide an individual response to each matter would take an inordinate time. However the response would provide an overview in relation to each of the points, (see brackets)

1. It was vital that Climate Change action was embedded in the normal working practices of the Council. It cannot be left to special officers or special committees. That is why it is at the heart of the Carlisle Plan (the document that sets out the Councils' key aims) and, consequently, at the heart of the Medium Term Financial Plan, which was reviewed by members every year, and linked the availability of resources to all of the key aims and objectives of the Council, including the Climate Change strategy. (3,7,8,13,14)

The year 2030 had been a brave first stab at a net zero carbon target: it quickly became evident that it was unachievable: the green energy required and the

technology to harness it simply did not exist. However, energy production and technology were greening rapidly and he believed that the adopted target year of 2037 was achievable. The target was also sensible as it aligned with that agreed by the County Council and some 70 other partners through the Zero Carbon Cumbria Project. Zero carbon was not something the City Council could achieve alone, the Environment and Transport Portfolio Holder trusted the new authority would pursue the target. (2,4,9).

This Council's electrical energy was purchased through a partnership arrangement with the County Council. A new agreement was entered into last October, with the blessing of the Shadow Authority. This included a commitment from the contractor to support the Council in achieving net zero targets.

The City Council had published its' Heat Decarbonisation Plan in February 2022 which addressed the Council's estate building-by-building. The Council had not been successful in getting grant funding for the work at that time, but all the works that the Council carried out recently were informed by the Plan. A new energy monitoring system had been installed in the Civic Centre to accurately determine where savings might be made through new equipment or systems and to enable a reaction to heat losses in real-time. (5,7,17)

The conversion of the Council's streetlights to LED's had contributed to a 17% reduction in overall electricity usage. The planned conversion of the Crematorium from gas to electricity, which was contained in the Council's capital programme, would reduce gas consumption by nearly 45% and reduce carbon emissions by more than 8%. (5,17)

It was anticipated that a saving of nearly 3% in overall carbon emissions would be achieved by the closure of the old pools complex and the opening the new pools. That saving would be lost, and the Council's carbon footprint substantially increased, if there was public subsidy to keep the old Victorian Health Suite operating. He urged Members, in the light of the imperative to tackle Climate Change to take a long hard look at any proposals to burn more gas. (7,9)

The last few years had seen unprecedented investment in Carlisle through the Borderlands programmes and the Station Gateway, the High Street Fund and Town's Deal, the University at the Citadels and the Garden Village, totalling well over £100M. Those projects, all with low-carbon living at the heart of them, would come to fruition under the new Council and, with the Walking and Cycling Infrastructure Plan, give Carlisle a fabulous opportunity to become a prosperous low-carbon City. For these programmes the Council must praise the work of the previous administration and local MP John Stephenson, whose support had been invaluable. (15,16,19)

Sixteen double Electric Vehicle charging points had been installed and many more were to be installed through the recently announced award of £1.9M for On Street Residential Charging in Cumbria. Also, electric vehicles would make up 10% of the Councils' fleet when the latest purchases were delivered.

The Council had created an oasis for nature and people at the Swifts, right in the heart of the City, the conservation grassland in parks had increased and mowing reduced in other grassed areas to encourage wild flowers native mammals and birds, as well as to capture carbon. In partnership with others, the Council had planted hundreds of trees and will shortly start to plant 15,000 more in the Kingmoor Woodland Creation Project.(17)



Council staff had been out and about in all weathers consulting and meeting people and achieved well deserved national recognition. Officers had engaged with people of all ages at community centres and on the streets, through our schools' competitions, the Big Buzz at the Swifts, and at Talkin Tarn with Dark Skies and the Fell Foot Forward project, to name a few. The Portfolio Holder concluded that he had not focused on meetings to talk about Climate Change but had got on with the job. (6,10,11,12).

2. The Climate Change Members Action Group supported the development of the Carlisle Local Environment (Climate Change) Strategy which was adopted by the Council in March 2021. Following the normal course of events, Scrutiny Committees, then stepped in to scrutinise the Strategy and Action Plan: as it would in the case of any policy adopted by the Council.

3. Training was a matter for individual Councillors. Every Member has had the opportunity to engage in Carbon Literacy training through APSE, the LGA and the like, and the opportunity to attend any of the training and informative events which all Members were invited to through e-mail. Every Member of this Council was aware of Climate Change, its consequences and what they can do about it in their personal, work and political lives: how they and others responded to the challenge was up to them.

Pursuant to Procedure Rule 11.6 Councillor Dr Davison asked the following supplemental question:

"Given the extent of the climate breakdown was there anything that the Environment and Transport Holder would have done differently?"

The Environment and Transport Portfolio Holder responded that given the budgetary constraints in which the Council operated he would not have acted differently. The City Council had responded as efficiently as it could have; momentum was building, but given Local Government Reorganisation it was for Cumberland Council to take on the challenge and go forward as technological changes allowed.

#### **C.40/23 Minutes of the Executive**

The Leader moved, and the Deputy Leader seconded that the minutes of the meetings of the Executive held on 18 January and 20 February 2023 be received and adopted.

RESOLVED – That the minutes of the meetings of the Executive held on 18 January and 20 February 2023 be received and adopted.

#### **C.41/23 Portfolio Holder Reports**

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

##### **C.41/23 (i) Culture, Heritage and Leisure**

The Culture, Heritage and Leisure Portfolio Holder moved his report and noted that the City of Lights event which had taken place the preceding weekend was thought to have attracted around four thousand visitors. The portfolio Holder responded to questions regarding: the City of Lights event and Tribe.

RESOLVED - That the report of the Culture, Heritage and Leisure Portfolio Holder be received.

**C.41/23 (ii) Communities, Health and Wellbeing**

The Communities, Health and Wellbeing Portfolio Holder moved her report.

RESOLVED - That the report of the Communities, Health and Wellbeing Portfolio Holder be received.

**C.41/23 (iii) Environment and Transport**

The Environment and Transport Portfolio Holder moved his report and responded to questions regarding: electric vehicle charging infrastructure and hydrogen refuelling.

RESOLVED - That the report of the Environment and Transport Portfolio Holder be received.

**C.41/23 (iv) Economy, Enterprise and Housing**

The Economy, Enterprise and Housing Portfolio Holder moved her report and responded to questions regarding: Private Sector Housing Landlord training.

RESOLVED - That the report of the Economy, Enterprise and Housing Portfolio Holder be received.

**C.41/23 (v) Finance, Governance and Resources**

The Finance, Governance and Resources Portfolio Holder moved his report.

RESOLVED - That the report of the Finance, Governance and Resources Portfolio Holder be received.

**C.41/23 (vi) Leader's Portfolio**

The Leader moved his report.

RESOLVED - That the report of the Leader be received.

**C.42/23 Minutes**

The Mayor moved and Councillor Glover seconded receipt and adoption of the minutes of the meetings as detailed within Minute Book Volume 49(5):

<b>Committee</b>	<b>Meeting Date</b>
People Panel	12 January 2023
Place Panel	19 January 2023
Resources Panel	5 January 2023
Regulatory panel	4 January and 8 February 2023
Licensing Committee	4 January 2023

Development Control Committee	18 January and 20 January 2023
Employment Panel	6 February 2023

RESOLVED - That the minutes of the meetings as detailed [Volume 49(5)] above be received and adopted.

#### **C.43/23 Scrutiny**

Copies of reports from the following Scrutiny Panel Chairs had been circulated prior to the meeting:

##### **C.43/23 (i) Chair of the People Panel**

Councillor Glover moved his Chair's Report and responded to questions regarding government funding of the Sustainable Warmth Grant Scheme

RESOLVED - That the Report of the Chair be received.

##### **C.43/23 (ii) Chair of the Place Panel**

Councillor Bainbridge moved his Chair's Report and responded to questions regarding

RESOLVED - That the Report of the Chair be received.

##### **C.43/23 (iii) Chair of the Resources Panel**

Councillor Finlayson moved her Chair's Report.

RESOLVED - That the Report of the Chair be received.

#### **C.44/23 Notice of Motion**

Pursuant to Procedure Rule 12, the Corporate Director of Governance and regulatory Services reported that no motions had been submitted on notice by Members of the Council.

#### **C.45/23 Proposals from the Executive in relation to the Council's Budget and Policy Framework**

##### **C.45/23 (i) Revenue Budget Overview and Monitoring Report- April to December 2022**

Pursuant to Minute EX.18/23, consideration was given to the creation of an earmarked reserve for Talkin Tarn following consideration of the April to December 2022 Revenue Budget Overview and Monitoring Report by the Executive on 20 February 2023. Report RD.66/22 and relevant Minute Extract had been circulated.

The Finance, Governance and Resources Portfolio Holder moved and the Leader seconded the recommendation.

Members raised questions in relation to the reasons for creating the reserve and whether Cumberland Council was required to retain the reserve, which the Finance, Resources and Governance Portfolio Holder responded to.

RESOLVED - That Council approved the creation of an earmarked reserve for Talking Tarn as set out in report RD.66/22.

#### **C.45/23 (ii) Project Tullie**

Pursuant to Minute EX.14/23 consideration was given to proposals for Project Tullie that had been developed by the Tullie House Trust. The Project would be delivered through drawing down on a funding package that included Future High Streets Funding, Town Deal, Arts Council and National Heritage Lottery Funding. Report ED.07/23 and relevant Minute Extract had been circulated.

The Culture, Heritage and Leisure Portfolio Holder moved and the Leader seconded the recommendations.

Members discussed the following matters: the reasons for the increased cost of relocating the sub-station; whether a further increase in costs would impact the viability of the project would be managed in those circumstances; the likelihood of receiving funding from other organisations to contribute to the work.

RESOLVED - That Council:

1. Noted the proposals for Project Tullie outlined in Section 2 of report ED.07/23.
2. Noted the location of the existing substation and the impediment it creates to the formation of the proposed new entrance and orientation point.
3. Approved a budget of £500,000 to be made available to support the Project, which would be held in a ring-fenced capital reserve, within the 2022/23 Capital Programme, which can be released following consideration and approval of a viable and affordable business case by the Executive of Carlisle City Council and/or Cumberland Council, as set out in paragraph 2.5 of report ED.07/23.

#### **C.46/23 Stanwix Community Governance Review**

Consideration was given to a report of the Corporate Director of Governance and Regulatory Services detailing the Community Governance Review which was the result of a petition from local electors. Report GD.07/23 had been circulated which provided an overview of the process of the review and the outcome of the consultation.

The Finance, Governance and Resources Portfolio Holder moved that recommendations e and f, as set out in paragraph 6.4 of the report. The Communities, Health and Wellbeing Portfolio Holder seconded the recommendations.

Discussion ensued during which certain Members outlined their opposition on the grounds that; the response rate to the consultation had been high, 20%, with the majority indicating a preference for creating a Stanwix Urban Parish Council; members ought to have the option to vote on proposed recommendations a - d; the urban area of Carlisle would be the only unparished area within the new Cumberland Council; it was disappointing that work in respect of setting up parishes had not progressed further.

The Finance, Governance and Resources Portfolio Holder and the Communities, Health and Wellbeing Portfolio Holder then responded to the issues raised: emphasising that the majority of residents in the area had not supported the proposal

to create a Parish Council; the carrying out of the Review had utilised resources that would otherwise have been available to administer an urban area wide review; were the Stanwix Urban Parish Council to be created, it would be a separate entity to a Carlisle urban area "town council" and therefore would not be able to participate in any future development thereof; Cumberland Council, in due course would likely carry out a Carlisle urban area wide Community Governance Review, the setting up of a Parish Council in a particular locality within the area was not appropriate.

The Finance, Governance and Resources Portfolio Holder reiterated his proposal that Members resolve to accept recommendations e and f and expressed the hope that Council would support that proposal.

The Council:

RESOLVED - 1) That the decision to create a parish in the Stanwix area, as proposed in the petition, is premature at this stage given other arrangements which could be made for community representation and, accordingly, the City Council recommend to Cumberland Council that a Stanwix Urban Parish Council not be established.

2) That Members agree they wish a Community Governance Review to be carried out in relation to the wider Carlisle Urban area and Officers be instructed to bring a report to a subsequent Council meeting in respect thereof.

#### **C.47/23 Committee Nominations**

RESOLVED - That Council agreed the following amendments to committee membership:

Development Control Committee: Councillor Patrick to replace Councillor Wills

People Panel: Councillor Patrick to replace Councillor Wills

Employment Panel (substitute): Councillor Patrick to replace Councillor Wills

#### **C.48/23 Communications**

There were no communications or items of business brought forward by the Mayor as a matter of urgency to be dealt with at the meeting.

#### **C.49/23 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 numbers (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

#### **C.50/23 Proposals from the Executive in relation to the Council's Budget and Policy Framework**

No Minutes Taken.

#### **C.50/23 (i) The Sands Centre Redevelopment Contract and GLL Management Fee**

(Public and Press excluded by virtue of Paragraph 3)

Pursuant to Minute EX.23/23 consideration was given to a report regarding the realignment of the management fee for the Leisure Contract for 2022/23 with GLL following the confirmed sectional and practical completion of the Sands Centre Redevelopment. Report CS.05/23 and relevant Minute Extract were circulated.

The Leader moved and the Culture, Heritage and Leisure Portfolio Holder seconded the recommendation.

RESOLVED - That Council agreed:

- a) That an additional capital budget requirement set out in paragraph 2.4 of report CS.05/23 will be required to settle the WCL account and complete works removed from main works contract. This budget to be added to the capital programme for 2022/23 which will be funded from prudential borrowing.
- b) That the existing Scheme of Delegation (approved by the Executive) applied to 31st March 2023 and thereafter the delegation to any specific Carlisle senior officer posts are substituted by the relevant Chief Officer of Cumberland Council.
- c) Delegates to the Deputy Chief Executive of Carlisle City Council (and the relevant Executive Director of Cumberland Council from 1st April 2023) the ability to enter into further construction contracts to complete the delivery of the Sands Centre project.
- d) Agreed the revised management fees for 2021/22 and 2022/23 to take into account the revised opening date of the Sands Centre Redevelopment and to fund the additional requirement set out in paragraph 3.10 of this report from underspends in the revenue budget for 2022/23 and approve a virement for recommendation to Council.

#### **C.51/23      Confidential Employment Matter**

*The Town Clerk and Chief Executive and the Corporate Director of Governance and Regulatory services left the meeting for the consideration of the following matters.*

(Public and Press excluded by virtue of Paragraph 3)

Pursuant to Minute EMP.06/23 consideration was given to a recommendation of the Employment Panel. Report CS.08/23 and relevant Minute Extract had been circulated.

The Finance, Governance and Resources Portfolio Holder moved and the Leader seconded the recommendation.

RESOLVED - That Council agreed the recommendation as set out at section 2 of report CS.08/23

#### **C.52/23      Confidential Employment Matter**

(Public and Press excluded by virtue of Paragraph 3)

Pursuant to Minute EMP.07/23 consideration was given to a recommendation of the Employment Panel. Report CS.09/23 and relevant Minute Extract had been circulated.

The Finance, Governance and Resources Portfolio Holder moved and the Leader seconded the recommendation.

RESOLVED - That Council agreed the recommendation as set out at section 2 of report CS.09/23.

**C.53/23      Confidential Employment Matter**

(Public and Press excluded by virtue of Paragraph 3)

Pursuant to Minute EMP.08/23 consideration was given to a recommendation of the Employment Panel. Report CS.10/23 and relevant Minute Extract had been circulated.

The Finance, Governance and Resources Portfolio Holder moved and the Leader seconded the recommendation.

RESOLVED - That Council agreed the recommendation as set out at section 2 of report CS.10/23

The Meeting ended at: 20:18





**Executive**

**Date:** Monday, 20 February 2023

**Time:** 16:00

**Venue:** Flensburg Room

**Present:** Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Gareth Ellis, Councillor Stephen Higgs, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson

**Officer:** Town Clerk and Chief Executive  
Deputy Chief Executive  
Corporate Director of Finance and Resources  
Corporate Director of Governance and Regulatory Services  
Corporate Director of Economic Development

**EX.10/23 CALL IN**

The Leader reported that the Mayor had, on 8 February 2023 agreed that the following items be exempt from call in:

A.1 Project Tullie Phase 3  
A.5 – Revenue Budget Overview and Monitoring Report: April to December 2022  
B.1 – The Sands Centre Redevelopment contract and GLL Management Fee Realignment

If a call-in were to be received, the call-in procedures would overlap the City Council meeting on 28 February 2023 when the Council will consider the matters. Any delay caused by the call-in process would prejudice the Council's interests.

**EX.11/23 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

**EX.12/23 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**EX.13/23 PUBLIC AND PRESS**

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in Part B be dealt with when the Public and Press are excluded.

**EX.14/23 MINUTES OF PREVIOUS MEETING**

RESOLVED - That the minutes of the meeting held on the 18 January 2023 be agreed as a correct record.

**EX.15/23 PROJECT TULLIE**

(Key Decision)

(The Leader has agreed to this Key Decision item being considered at this meeting, although not in the Notice of Key Executive Decisions)

**Portfolio**     Leader's Portfolio

**Relevant Scrutiny Panel**   Place Panel

**Subject Matter:**

The Leader submitted details of the proposals for Project Tullie that have been developed by the Tullie House Trust. The Project would deliver a number of improvements at the site including a new entrance and orientation point. In order for that aspect of the works to be realised it was necessary to consider the location of an existing electricity substation: the Tullie House Trust had commenced discussions with the relevant utility provider on the matter. The Project would be delivered through the drawing down of a funding package that included Future High Street Funding, Town Deal, Arts Council and National Heritage Funding. The report recommended that the Council provide match funding for the project of £500,000 through the creation of a ring fenced ear marked reserve.

The Leader moved the recommendations and the Culture, Heritage and Leisure Portfolio Holder seconded them.

**Summary of options rejected:** not to provide match funding for the project nor note the impediment of the existing substation on the formation of the proposed new entrance and orientation point

**DECISION**

That the Executive:

1. Noted the proposals for Project Tullie outlined in Section 2 of the report
2. Noted the location of the existing substation and the impediment it creates to the formation of the proposed new entrance and orientation point
3. Approved, for recommendation to Council, a budget of £500,000 to be made available to support the project which would be held in a ring-fenced capital reserve, within the 2022/23 Capital Programme.

**Reason for decision:**

The successful implementation of the Project would contribute to the Council's priority of delivering inclusive and sustainable growth by improving the cultural offer of Carlisle and making the City a more attractive place to invest.

**EX.16/23        NOTICE OF EXECUTIVE KEY DECISIONS**

(Non Key Decision)

**Portfolio**     Cross Cutting

**Relevant Scrutiny Panel**

People Panel; Place Panel; Resources Panel

**Subject Matter:**

The Notice of Executive Key Decisions dated 20 January 2023 was submitted for information.

**Summary of options rejected**     None

## **DECISION**

That the Notice of Executive Key Decisions dated 20 January 2023 be received.

**Reason for decision** Not applicable

### **EX.17/23 SCHEDULE OF DECISIONS TAKEN BY OFFICERS**

(Non Key Decision)

**Portfolio** Cross Cutting

#### **Relevant Scrutiny Panel**

People Panel; Place Panel; Resources Panel

#### **Subject Matter:**

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

**Summary of options rejected** None

## **DECISION**

That the decisions attached as Appendix A, be noted.

**Reason for decision** Not applicable

### **EX.18/23 JOINT MANAGEMENT TEAM**

(Non Key Decision)

**Portfolio** Cross Cutting

#### **Relevant Scrutiny Panel**

People Panel; Place Panel; Resources Panel

#### **Subject Matter:**

The minutes of the meeting of the Joint Management Team on the 18 January 2023 were submitted for information.

**Summary of options rejected** None

## **DECISION**

That the minutes of the Joint Management Team, as attached as Appendix B, held on 18 January 2023 be received.

### **EX.19/23 REVENUE BUDGET OVERVIEW & MONITORING REPORT - APRIL TO DECEMBER 2022**

(Non Key Decision)

**Portfolio** Finance, Governance and Resources

## **Relevant Scrutiny Panel** People Panel

### **Subject Matter:**

The Finance, Governance and Resources Portfolio holder submitted report RD.58/22 which provided an overview of the Council's overall budgetary position for the period April to December 2022 for revenue schemes only. (RD.58/22) Details of balance sheet management issues and bad debts written off in the period were also included.

The Finance, Governance and Resources Portfolio Holder moved the recommendations which were seconded by the Leader.

**Summary of options rejected:** none

### **DECISION**

That the Executive:

1. Noted the budgetary performance position of the Council to December 2022;
2. Noted the action by the Corporate Director of Finance and Resources to write off bad debts as detailed in Paragraph 6 of Report RD.58/22
3. Noted the release of reserves as set out in the table at paragraph 2.2, and noted the virements approved as detailed in Appendix A to the report.
4. Approved the creation of an earmarked reserve for Talkin Tarn as set out in paragraph 2.7 for recommendation to Council.

### **Reason 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.20/23      CAPITAL BUDGET OVERVIEW & MONITORING REPORT - APRIL TO DECEMBER 2022**

(Non Key Decision)

**Portfolio**      Finance, Governance and Resources

**Relevant Scrutiny Panel:** People Panel

### **Subject Matter:**

The Finance, Governance and Resources Portfolio Holder submitted a report providing an overview of the Council's overall budgetary position for the period April to December 2022 for the City Council 's capital programme for the period April to December 2022. (RD.59/22)

The Finance, Governance and Resources Portfolio Holder moved the recommendations which were seconded by the Leader.

**Summary of options rejected:** none

### **DECISION**

That the Executive:

1. Noted and had commented on the budgetary position and performance aspects of the capital programme for the period April to December 2022
2. Noted the adjustments to the 2022/23 capital programme as detailed in paragraph 2.1 of report RD.60/22

**Reason for decision**

To inform the Executive of the Council's actual financial position opposite its Capital programme for 2022/23.

**EX.21/23      TREASURY MANAGEMENT OCTOBER - DECEMBER 2022**

(Non Key Decision)

**Portfolio**      Finance, Governance and Resources

**Relevant Scrutiny Panel**      People Panel

**Subject Matter:**

The Finance, Governance and Resources Portfolio Holder submitted report RD.60/22 providing the regular quarterly report on Treasury Transactions, including the requirements of the Prudential Code. (RD.60/22)

The Finance, Governance and Resources Portfolio Holder moved the recommendations which were seconded by the Leader.

**Summary of options rejected**      none

**DECISION**

That the report RD.60/22 be received, and the Prudential Indicators noted as at the end of December 2022.

**Reasons for decision**

To inform the Executive of the Council's Treasury Management issues.

**EX.22/23      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 numbers (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

**EX.23/23      THE SANDS CENTRE REDEVELOPMENT CONTRACT AND GLL MANAGEMENT FEE REALIGNMENT**

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision KD.01/23)

**Portfolio**      Leader, cross cutting

**Relevant Scrutiny Panel**      People Panel

**Subject Matter**

The Leader submitted report CS.05/23 regarding the realignment of the management fee for the Leisure Contract for 2022/23 with GLL following the confirmed sectional and practical completion of the Sands Centre Redevelopment. (CS.05/23).

The Leader moved the recommendations which were seconded by the Environment and Transport Portfolio Holder.

**Summary for options rejected:** not to realign GLL's Management Fee

## **DECISION**

That the Executive:

1. Recommended an additional capital budget requirement set out in Paragraph 2.4 of the report to settle the WCL account and complete works removed from main works contract.
2. Recommended an Existing Scheme of Delegation which applies to 31 March 2023 and thereafter the delegation to any specific Carlisle Senior Officer posts are substituted by the relevant Chief Officer of Cumberland Council.
3. Delegated to the Deputy Chief Executive of Carlisle City Council (and the relevant Executive Director of Cumberland Council) the ability to enter into further construction contracts to complete the delivery of the Sands Centre project.
4. Agreed the revised management fees for 2021/22 and 2022/23 to take into account the revised opening date of the Sands Centre Redevelopment and to fund the additional requirement set out in paragraph 3.8 of the report from underspends in the revenue budget for 2022/23 and approved a virement for recommendation to Council.

## **Reasons for the decision**

The Sands Centre Redevelopment supports a number of priorities with the Carlisle Plan.

The Meeting ended at: 16:07

## Officer Decisions

Below is a list of decisions taken by Officers which they have classed as significant, full details and supporting background documents can be viewed on the Council's website [www.carlisle.gov.uk/CMIS/](http://www.carlisle.gov.uk/CMIS/)

Decision Ref No	Title: Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:	Decision Maker:
OD.5/23	<p>Release of Business Rates Section 31 Grant Earmarked Reserve</p> <p>The Council received compensation for loss of business rates income as a result of the COVID-19 pandemic in 2020/21 in the form of a section 31 grant. This grant was credited to the General Fund in accordance with proper accounting practice as opposed to the Collection Fund where business rates income would normally be held. Therefore, there was a deficit on the Collection Fund in 2021/22 which is to be recovered in 2022/23 as a charge to the General Fund. The Section 31 grant was set aside in an earmarked reserve in 2021/22 and is now required to be released to General Fund in 2022/23 to offset the deficit brought forward.</p> <p>The total deficit brought forward is £3,429,462 and the earmarked reserve balance is £3,155,170.</p>	RD26/22 Business Rates Outturn 2021/22	09 January 2023	Corporate Director of Finance and Resources
OD.6/23	<p>Homeless Prevention and Accommodation Services</p> <p>The Homeless Prevention and Accommodation Service team managers of Carlisle City Council have made the attached decisions <b>date</b>, under the express authorisation delegated to relevant officers in accordance with the Council's policy requirements.</p>	Individual assessments of need and vulnerability are considered on a case by case basis to inform decision making; these include personal sensitive information. The assessments are not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contains exempt information relating to the financial or business affairs of any particular person	10 January 2023	Homelessness Prevention and Accommodation Manager

		(including the authority holding that information).		
OD.7/23	<p>Release of S106 Funds to Capital Programme, 11073 18/0490</p> <ul style="list-style-type: none"> <li>• A sum of £15,000 was received from Top Notch Contractors on 23/04/2019 as part of a Section 106 (developer contribution) agreement for a residential development off Holywell Crescent, Carlisle.</li> <li>• The agreement states that the funds were to be utilised for the maintenance and improvement of public open space and play areas at Melbourne Park or Alexandra Drive.</li> <li>• The Healthy City Team intends to use a proportion of these funds to replace an existing cableway (zip wire) at Melbourne Park play area.</li> <li>• The current cableway is approximately 30 years old and has become uneconomic to repair, the other equipment in the play area was replaced in 2015 and remains in very good condition.</li> <li>• Options for replacing the cableway were limited due to restricted space within the play area, which is fenced to prevent the access of dogs. Amendments to an entry point to the site have allowed a longer cableway to specified, maximising the use of space, and providing greater play value.</li> <li>• The project was tendered to suppliers on the authority's Play Areas Framework Agreement, with five return quotations being received. Following assessment of value for money, quality and aesthetics, an order was placed with Sutcliffe Play Ltd to supply and install a new 25 metre cableway for the total of £11,741.21.</li> <li>• Site preparation and removal of the existing cableway will be completed by council staff and local contractors at a cost of £970.00.</li> <li>• The sum of £12,700.00 therefore requires releasing from the S106 contribution to the capital programme for the 2022/23 financial year to allow for works to be completed in late January/early February 2023.</li> </ul>	None	18 January 2023	Deputy Chief Executive
OD.8/23	Hammond's Pond Access Platform - Budget and Receipt of Funds	None	23 January 2023	Deputy Chief Executive



	<ul style="list-style-type: none"> <li>• Carlisle City Council works cooperatively with the Friends of Hammond's Pond to manage the park in the best interests of all users. The Friends received a donation of approximately £50,000 from a local resident in mid-2020, with a request it be used to deliver improvements across the park.</li> <li>• It was decided that the donation should be spent at the same time as a large-scale infrastructure improvement project (funded by S106 monies) was carried out in the park by the Council and agreed that the money should be used to deliver items/park features which would not normally be provided by the Council, but which would be appropriate to the park and enhance its overall character and aesthetic.</li> <li>• Following the successful commissioning and installation of a public art feature, the Hammond's Pond Swans, in 2022, the next project is to provide an accessible pond platform allowing visitors to gain a different perspective of the site and better view the wildlife which inhabits the water.</li> <li>• The project will be based around an existing concrete platform which, although in sound structural condition, can only be accessed via steep steps and has no perimeter guardrail.</li> <li>• A specification was drawn up to construct a raised, anti-slip, deck on the existing concrete base, set level with the adjacent footpath and featuring steel guardrails, allowing unrestricted public access.</li> <li>• The project was tendered via an existing framework agreement and three quotes were received, the most competitive being from Evans Agricultural Contractors Ltd, for the sum of £19,998.00.</li> <li>• A capital code will therefore be set up with a balance of £20,000 to the authority to procure the new platform and a legal agreement is being made with the Friends of Hammond's Pond, in which they commit to transfer the full sum to the council upon completion of the works.</li> </ul>			
OD.9/23	<p>Licensing Decisions taken between 03/01/23 and 31/03/23</p> <p>The Licensing Manager has granted the attached licences or permissions under an express authorisation delegated to her and in accordance with the Council's policy requirements. (can be viewed on the Council website <a href="http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx">http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx</a>)</p>	Applications for various licences. Private Not for Publication by Virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act.	30 January 2023	Licensing Manager

## JOINT MANAGEMENT TEAM

### MINUTES – 18<sup>th</sup> January 2023

<b>Attendees</b>	Leader; Deputy Leader; PH Culture, Heritage & Leisure; PH Environment & Transport; PH Economy, Enterprise & Housing; PH Communities, Health & Wellbeing; Corporate Director of Governance & Regulatory Services; Corporate Director of Finance & Resources; Corporate Director of Economic Development
<b>Apologies</b>	Chief Executive; Deputy Chief Executive

<b>Agenda Item 1 – Minutes of Meeting 19<sup>th</sup> December 2022</b>	<b>Action</b>
Noted and agreed	
<b>Agenda Item 2 - Updates on Borderlands; St Cuthbert's Garden Village; Central Plaza</b>	
Members of SMT attending provided the Executive with their update on the current position regarding each area	
<b>Agenda Item 3 – Future Items for Notice of Executive Key Decisions</b>	
Noted	
<b>Agenda Item 4 - JMT Forward Plan</b>	
Noted	

<b>Agenda Item 5 – Other Business – Sustainable Warmth</b>	
The Corporate Director of Governance & Regulatory Services provided attendees with a verbal update on the above	



**Present:** Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Stephen Higgs, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson

**Officers:** Town Clerk and Chief Executive  
Corporate Director of Finance and Resources  
Regeneration Manager  
Head of Legal and Democratic Services

### **EX.24/23 CALL IN**

The Leader reported that the Mayor had, on 9 March 2023 agreed that the following items be exempt from call in (all items on the agenda):

- A.1 – Smoke Control Area Emission Report
- A.2 – Notice of Executive Key Decisions
- A.3 – Schedule of Decisions Taken by Officers
- A.4 – Joint Management Team
- A.5 – Carlisle Rural Strategy
- A.6 – Carlisle Enterprise Fund
- B.1 – Disposal of Various Property Assets

The request for the exemption is made as the City Council will no longer exist from 31 March 2023 and this date is within the call in period.

### **EX.25/23 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Gareth Ellis - Finance, Governance and Resources Portfolio Holder, the Deputy Chief Executive, the Corporate Director of Governance and Regulatory Services and the Corporate Director of Economic Development.

### **EX.26/23 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

### **EX.27/23 PUBLIC AND PRESS**

**RESOLVED** - It was agreed that the items in Part A be dealt with in public and the items in Part B be dealt with when the Public and Press are excluded.

## **EX.28/23      MINUTES**

RESOLVED - It was noted that Council had, at its meeting on 28 February 2023, received and adopted the minutes of the meetings held on 4 January 2023 and 20 February 2023.

## **EX.29/23      SMOKE CONTROL AREA EMISSION REPORT**

(Key Decision KD.02/23)

**Portfolio:**    Environment and Transport

**Relevant Scrutiny Panel:**    People Panel

### **Subject Matter:**

The Environment and Transport Portfolio Holder submitted a proposed Smoke Control Area Emission Enforcement Policy following updates to the Clean Air Act 1993, under the Environment Act 2021 (GD.10/23). The adoption of the Policy fed into the air quality priorities under the Air Quality Action Plan 2021 in fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management Framework.

The Environment and Transport Portfolio Holder moved the recommendations which were seconded by the Culture, Heritage and Leisure Portfolio Holder.

**Summary of options rejected:**    Not to approve the Smoke Control Area Emission Enforcement Policy.

## **DECISION**

That the Executive approved the Smoke Control Area Emission Enforcement Policy including the new proposed Civil Penalty Charging Structure as attached to report GD.10/23.

### **Reason for Decision:**

To comply with both the UK standards and the World Health Organisation guidelines and ensure good air quality for the residents of Carlisle.

## **EX.30/23      NOTICE OF EXECUTIVE KEY DECISIONS**

(Non Key Decision)

**Portfolio**      Cross Cutting

### **Relevant Scrutiny Panel**

People Panel; Place Panel; Resources Panel

### **Subject Matter:**

The Notice of Executive Key Decisions dated 17 February 2023 was submitted for information.

**Summary of options rejected**    None

## **DECISION**

That the Notice of Executive Key Decisions dated 17 February 2023 be received.

**Reason for decision** Not applicable

### **EX.31/23 SCHEDULE OF DECISIONS TAKEN BY OFFICERS**

(Non Key Decision)

**Portfolio** Cross Cutting

#### **Relevant Scrutiny Panel**

People Panel; Place Panel; Resources Panel

#### **Subject Matter:**

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

**Summary of options rejected** None

## **DECISION**

That the decisions attached as Appendix A, be noted.

**Reason for decision** Not applicable

### **EX.32/23 JOINT MANAGEMENT TEAM**

(Non Key Decision)

**Portfolio** Cross Cutting

#### **Relevant Scrutiny Panel**

People Panel; Place Panel; Resources Panel

#### **Subject Matter:**

The minutes of the meeting of the Joint Management Team on the 20 February 2023 were submitted for information.

**Summary of options rejected** None

## **DECISION**

That the minutes of the Joint Management Team, as attached as Appendix B, held on 20 February 2023 be received.

**Reason for decision** Not applicable

## **EX.33/23      CARLISLE RURAL STRATEGY**

(Non Key Decision)

**Portfolio**    Economy, Enterprise and Housing

**Relevant Scrutiny Panel**    Place Panel

### **Subject Matter**

The Economy, Enterprise and Housing Portfolio Holder submitted an overview of the emerging Rural Strategy for the Carlisle area. The Strategy had been developed following the workshop with Members that was held on 3 November 2022, where a number of recommendations were made. The Strategy sets out six aims designed to deliver economic, demographic and environmental sustainability for the Carlisle's rural communities and businesses.

The Place Panel had considered the matter at their meeting on 2 March 2023 (Minute Excerpt PLP.17/23 referred)

In moving the recommendations the Economy, Enterprise and Housing Portfolio Holder thanked the Place Panel for their input in preparing the Strategy. The Leader seconded the recommendations.

**Summary of options rejected:**    None

### **DECISION**

That the Executive:

1. Noted the contents of the Strategy in terms of the challenges, opportunities, strategic aims and objectives (ED.06/23)
2. Noted the comments from the Place Panel, which considered the draft Strategy on 2 March 2023.
3. Provided feedback on the Strategy to inform its finalisation for onward recommendation to Cumberland Council.

### **Reason for the Decision**

The Strategy sets out a framework, based on analysis of the key issues, challenges and opportunities, to drive inclusive and sustainable rural growth within the Carlisle area. Its production had been evidence-led in order to ensure that it responded to local needs and opportunities, with the use of up-to-date data so that it was pertinent to the current economic climate and challenges.

## **EX.34/23      CARLISLE ENTERPRISE FUND**

(Non Key Decision)

**Portfolio**    Economy, Enterprise and Housing

**Relevant Scrutiny Panel**    Place Panel



## **Subject Matter**

The Economy, Enterprise and Housing Portfolio Holder provided an overview of the Carlisle Enterprise Fund that had approved in principle by the Executive as part of the Year 1 programme for the UK Shared Prosperity Fund (ED.10/23). The Enterprise Fund formed part of the interventions identified by the Council to deliver against the supporting local business investment priority. The report set out the policy framework and the application and eligibility criteria for the Enterprise Fund and sought delegation for the authorisation of payment of the grants to the Corporate Director of Economic Development, in consultation with the Portfolio Holder of Economy, Enterprise and Housing.

The Economy, Enterprise and Housing Portfolio Holder moved, and the Leader seconded the recommendations.

**Summary of options rejected**    Not to approve the application

## **DECISION**

That the Executive:

1. Approved the application and eligibility criteria for the Carlisle Enterprise Fund (Appendices A and B of report ED.10/23);
2. Delegated authority for the authorisation of payment of the grants to the Director / Assistant Director with responsibility for the delivery of the UKSPF programme, following consultation with the Portfolio Holder, and the S151 Officer;
3. Delegated authority for the Director / Assistant Director with responsibility for the delivery of the UKSPF programme, following consultation with the Portfolio Holder, and the S151 Officer to agree any future amendments to the policy.

## **EX.35/23      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 item of business of the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

## **EX.36/23      DISPOSAL OF VARIOUS PROPERTY ASSETS**

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision KD.03/23)

**Portfolio**    Finance, Governance and Resources

**Relevant Scrutiny Panel**    Place Panel

## **Subject Matter**

The Leader submitted a report regarding the disposal of various property assets.

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

**Summary of options rejected:** Not to dispose of the assets

## **DECISION**

That the Executive agreed for the disposal of various property assets (as detailed in GD.04/23) with the final agreement on heads of terms and sales price delegated to the Head of Property Services (or the relevant Assistant Director of Cumberland Council)

## **Reason for decision**

To achieve a disposal of best consideration of each asset in line with the Council's Asset Management Plan.

## **EX.37/23 LEADER'S COMMENTS**

The Leader noted that this was the last meeting of the City Council's Executive. He thanked everyone who attended the meetings and the Senior Management Team for their support. He thanked the Democratic Services Team for the excellent way in which they had supported meetings of the Executive over many years.

The Executive Members also gave their thanks.

The Meeting ended at: 16:10

## Officer Decisions

Appendix A

Below is a list of decisions taken by Officers which they have classed as significant, full details and supporting background documents can be viewed on the Council's website [www.carlisle.gov.uk/CMIS/](http://www.carlisle.gov.uk/CMIS/)

Decision Ref No	Title: Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:	Decision Maker:
OD.14/23	Landlord's consent to a lease renewal. To grant Landlord's consent to a lease renewal of unit 88 at The Lanes Shopping Centre.	None	09 February 2023	Head of Property Services
OD.15/23	Enforced Sale of an empty property To use the Enforced Sale procedure to recover debts incurred by the Council on an empty property, 11 Red Bank Square, Carlisle, Cumbria, CA2 4BG.	Officer case notes.	20 February 2023	Corporate Director of Governance and Regulatory Services.
OD.16/23	Longtown Draft Place Plan submission to the Borderlands Place Programme Board The submission of the Longtown Place Plan to the Borderlands Place Programme Board, following minor amendments to the document.	ED.02/23	17 February 2023	Corporate Director of Economic Development
OD.17/23	Carlisle Southern Link Road Amendment to the Grant Determination Agreement (January 2023) Homes England have requested an amendment to the existing Grant Determination Agreement (GDA) for the Carlisle Southern Link Road (CSLR). This would make changes and clarifications to the GDA regarding the production of a remediation plan in the event of General Default. Whilst production of a remediation plan is addressed within the original GDA, the proposed amendment provides more detail without materially altering provisions regarding the timing and deliverability. Given the County and Coty Councils are technically already in General Default of the GDA, the changes clarify the process and requirements for continuing such that the issues regarding the General Default can be addressed.	None	09 February 2023	Corporate Director of Economic Development

	Approved the proposed amendment to the existing Grant Determination Agreement for the Carlisle Southern Link Road and progresses the deed of variation for sealing.			
OD.18/23	<p>Petteril Valley Park - Construction of a New Footpath</p> <ul style="list-style-type: none"> <li>• This project forms part of a package of work to former grazing land located off Petteril Bank Road, Harraby, funded by the UK Government's Levelling Up Parks Fund.</li> <li>• The grant totals £85,000 and includes conditions to allocate funds towards specific themes of work, linking together to create a new public green space.</li> <li>• Existing access through the site is informal and focussed on two main desire-lines running North to South across the area. The most heavily used desire line, leading between two existing entrance points, has been selected for upgrade.</li> <li>• The path will be excavated and re-built with a compacted stone sub-base and asphalt surface to a width of 1.5 metres. Passing places will be provided at regular intervals and seating will be included at equal distances.</li> <li>• The entrance points will be replaced with wheelchair and mobility scooter accessible chicanes, constructed from steel and located on concrete bases.</li> <li>• A tender package was distributed to contractors placed on the existing Carlisle City Council Green Spaces Framework Agreement on 10/01/2023 and responses requested by 03/02/2023</li> <li>• Quotations were received from three contractors and the most competitive price was submitted by Evans Agricultural Contractors Ltd at £46,200.</li> </ul>	N/A	15 February 2023	Deputy Chief Executive
OD.19/23	<p>Play Areas - Replacement Safer Surfacing</p> <ul style="list-style-type: none"> <li>• High levels of use and age-related wear and tear have led to a requirement for the replacement and upgrade of play area safer surfacing at three sites in Carlisle.</li> <li>• Heysham Park play area dates from 2011 and features grass surfacing throughout. Heavy use and increasingly wet winters have resulted in the grass struggling to grow and a tendency for</li> </ul>	N/A	15 February 2023	Deputy Chief Executive

	<p>the area to be wet and muddy. The site requires upgrading to accessible, all weather, wet pour surfacing.</p> <ul style="list-style-type: none"> <li>• Denton Holme play area was constructed in 2016, the existing wet pour surfacing has become worn in high use areas and requires overlaying with a new surface course, eliminating damage and injecting fresh colour to the site.</li> <li>• Chances Park play area has seen small upgrades at various times. The oldest section of existing wet pour is now 21 years old and in poor condition, it will be completely replaced with new surfacing.</li> <li>• A tender package, to provide materials and labour to install new wet pour (following site preparation by Carlisle City Council), was distributed to contractors placed on the existing Carlisle City Council Play Areas Framework Agreement on 03/02/2023, with a requirement for works to be completed in March 2023.</li> <li>• Quotations were received from two contractors and, following tender assessment, the decision was made to award the contract to Abacus Playgrounds Ltd for a total value of £39,539.00.</li> <li>• This project is funded by the 2022/23 play areas additional capital funding and revenue maintenance budgets.</li> </ul>			
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## JOINT MANAGEMENT TEAM

### MINUTES – 20<sup>th</sup> February 2023

<b>Attendees</b>	Leader; Deputy Leader; PH Culture, Heritage & Leisure; PH Environment & Transport; PH Economy, Enterprise & Housing; PH Communities, Health & Wellbeing; Chief Executive; Deputy Chief Executive; Corporate Director of Governance & Regulatory Services; Corporate Director of Finance & Resources; Corporate Director of Economic Development
<b>Apologies</b>	None

<b>Agenda Item 1 – Minutes of Meeting 18<sup>th</sup> January 2023</b>	<b>Action</b>
Noted and agreed	
<b>Agenda Item 2 – Local Government Reorganisation</b>	
The Chief Executive updated attendees with information available at this time	
<b>Agenda Item 3 – Transition of Carlisle City Council : Legacy Project</b>	
The Chief Executive updated Members of JMT on the progress made to date on this Project	

<b>Agenda Item 4 - Updates on Borderlands; St Cuthbert's Garden Village; Central Plaza</b>	
Members of SMT attending provided the Executive with their update on the current position regarding each area	
<b>Agenda Item 5 - JMT Forward Plan</b>	
It was agreed to remove this item from the next Agenda which will be the final meeting of JMT	





## **People Panel**

**Date:** Thursday, 23 February 2023

**Time:** 10:00

**Venue:** Flensburg Room

**Present:** Councillor Mrs Christine Finlayson, Councillor Colin Glover, Councillor Mrs Ann McKerrell, Councillor Mrs Linda Mitchell, Councillor Tim Pickstone, Councillor David Shepherd, Councillor Miss Jeanette Whalen, Councillor Christopher Wills

**Also Present:** Councillor Mrs Mallinson - Communities, Health and Wellbeing  
Portfolio Holder  
Councillor Mrs Bowman - Economy, Enterprise and Housing  
Portfolio Holder  
Councillor Higgs- Culture, Heritage and Leisure Portfolio Holder

**Officers:** Corporate Director of Governance and Regulatory Services  
Corporate Director of Economic Development  
Corporate Director of Finance and Resources  
Head of Property Services  
Head of Health and Wellbeing  
Homeless Services Manager  
Policy and Scrutiny Officer  
Mr Rice, Mr McGarry and Mr Barnes – GLL

### **PEP.13/23 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### **PEP.14/23 DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

### **PEP.15/23 PUBLIC AND PRESS**

RESOLVED - That items in Part A be dealt with in public and items in Part B be dealt with in private.

### **PEP.16/23 AGENDA**

RESOLVED - That the Sustainable Warmth Programme Update be the first item of business considered.

### **PEP.17/23 MINUTES OF THE PREVIOUS MEETING**

RESOLVED - The minutes of the meeting held on the 12 January 2023 were agreed as a correct record.

### **PEP.18/23 CHAIR'S COMMENTS**

The Chair noted that the meeting was the final for the Panel as the City Council would dissolve on 31 March 2023. He extended thanks to all who had attended, participated and contributed to the work of the Panel be they public sector partners, Portfolio Holders or Officers. He offered his personal thanks to the Members of the Panel for supporting in his role as Chair as well as to the Democratic Services and Policy and Scrutiny Officer

who supported the work of the Panel. The Chair concluded by wishing all staff and Councillors of the new Cumberland Council very best wishes in the new authority.

## **PEP.19/23      CALL-IN OF DECISIONS**

There were no items which had been subject of call in.

## **PEP.20/23      SUSTAINABLE WARMTH PROGRAMME UPDATE**

The Corporate Director of Governance and Regulatory Services submitted a report which updated members on the progress with the delivery of the Sustainable Warmth funding programme (GD.08/23). The Panel had considered the matter at its January 2023 meeting at which point Members were advised that a request for an extension on the deadline to deliver the scheme had been submitted to the then Department for Business, Energy and Industrial Strategy. That request had been agreed, subject to completion of a managed closure plan and the deadline for the completion of the scheme was put back to September 2023 from end of March 2023.

At the time of Panel's earlier consideration of the programme expenditure had been in the region of £90,000, it now stood at approximately £1M.

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

- The Chair asked if new applications were still being accepted and what would happen to approved applications where works were not complete in May 2023

The Head of Property Services responded that applications were still being received although efforts to publicise the scheme had ceased. Such applications would be fast tracked and those already approved and in the system would hopefully be delivered, any that were not would be passed over to any successor programmes that the Government may implement in the future. As such it was not clear at this stage in the project what the total expenditure / number of applications implemented would be.

The Economy, Enterprise and Housing Portfolio Holder was disappointed that Officers did not have better news to report to the Panel. She thanked the Corporate Director of Governance and Regulatory Services and his team for their work in turning the output of the programme around. She hoped the meeting with government later that day would be fruitful.

The Chair echoed the Portfolio Holder's comments noting the increase in project expenditure.

- Was it likely that the government would apply interest charges on monies the Council would re-pay to it?

The Head of Property confirmed that there was a clause in the contract that allowed interest to be applied on returned monies, there was no suggestion at this stage that the clause would be triggered, but it was a matter the Council needed to be aware of.

On behalf of the Panel the Chair thanked the Corporate Director of Governance and Regulatory Services and the Head of Property Services for their work in turning the project around and making it a success. He requested that Officers update the Panel of the outcome of their meeting with government later that day.

**RESOLVED – 1) That the Panel scrutinised the review of the progress to date with**

delivery of the programme.

2) That the Head of Property Services inform the Panel of the outcome of the meeting with government on 23 February 2023.

## **PEP.21/23      LEISURE CONTRACT UPDATE**

The Head of Health and Wellbeing submitted a report which updated the Panel on the Council's Leisure Contract with GLL, the Sands Centre Redevelopment and how leisure services might develop following the transition to Cumberland Council. (CS.06/23)

Mr Rice delivered a presentation covering the following: Sands Centre re-opening, next steps and challenges; 'the cube' GLL's six principle approach; leisure usage data; tackling health inequalities; membership numbers; community development team; outreach holiday programmes; and the school delivery programme.

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

- A Member commented that youth work often ended up focussed on children (i.e. under 12s), he was keen to find out what was in place to address the issue.

Mr Barnes acknowledged the Member's comments noting that the majority of GLL's youth work taking place in its centres took place with 5 – 12 year olds. The expansion of it to include a wider age range was currently in his scope of work subject to necessary research being carried out.

Mr McGarry noted the current work undertaken with the teenage age group which included a 'junior gym' that had approximately 200 participants and in response to which a series of junior classes would be developed for after school activities that would include both virtual and instructor led classes to help increase accessibility. Sessions were also available for young people at the Trinity School site on weekdays and the offer there was expected to develop over time.

- Some residents found it difficult to access the facility as there was no public transport directly to the site, had discussions taken place with local providers?

The Head of Health and Wellbeing advised that discussions had taken place with Stagecoach, but that it had declined as the cost of overhauling the timetable was prohibitive.

- Usage of the cycle track at Harraby was in decline, what plans were in place to address that?

The Head of Health and Wellbeing explained that the cycle track was managed by GLL on behalf of Carlisle Sports. The Council, with partners, were currently working with stakeholders to identify a way forward for the track. He noted that the facility was still used by clubs, but that common usage had declined.

- Was the Sands Centre able to accept government childcare vouchers to support households being able to attend activities?

Mr Barnes advised that the Sands Centre did not accept the childcare vouchers directly, however some parents did request an invoice for the payments made for their child's attendance which it was understood were required to claim monies back via the voucher

scheme. GLL would look into whether it could implement the voucher scheme.

The Sands Centre did operate the government funded Holiday Activities and Food Programme (HAF) in the longer school holidays. It was noted that there were issues with people booking under that scheme who did not then attend the session rather than notifying the Sands Centre which meant that place for the activity and food could not be used elsewhere.

- How was the issue of energy costs being managed?

Mr Rice advised that currently government subsidy was available but would end in spring. The issue of energy costs was one affecting the whole of the leisure industry, particularly where swimming facilities were available. He anticipated technological solutions would come forward to reduce operating costs. Although the rise in energy costs had created adverse conditions within the industry as a whole, the facilities at the Sands Centre, particularly the swimming pools were very energy efficient.

- A number of Members commented that concerns had been raised by residents about the Sands Centre no longer accepting cash payments, particularly in relation to the purchase of refreshments at the site.

Mr Rice responded that consideration was being given to the development and implementation a mechanism to address the cashless payments issue.

The Chair noted that previously those visiting the Sands Centre to purchase tickets for events had been able to park for free for the short time whilst carrying out the transaction, that facility was no longer available.

The Head of Health and Wellbeing undertook to discuss the matter with the Council's car parking services, where any system to be implemented it was important that it was devised in such a way that it may not be breached.

The Chair understood that Carlisle United Football Club had indicated that it required a training facility to use on weekdays.

Officers understood that the Newman School site and the Sheepmount may have capacity for such activity, they undertook to explore the matter.

The Culture, Heritage and Leisure Portfolio Holder commented that it had been his privilege, as Portfolio Holder, to receive presentations from GLL. It was delightful to see the redeveloped Sands Centre in operation and he commended all those involved in the work to bring that to fruition. He agreed that the issues of cashless only payments and increasing use of the cycle track needed to be addressed.

The Culture, Heritage and Leisure Portfolio Holder thanked the Panel for its observation and wished the Sands Centre all the best for the future.

RESOLVED – 1) That in relation to the loss of subsidy in relation to utility costs, the Panel request that the relevant Portfolio Holder(s) take the issue up with the local MP.

2) That Officers consider the issue of cashless only payments at the Sands Centre.

3) That the Panel welcome discussion with Carlisle United Football Club regarding available facilities for weekday training activity.

4) That the Panel endorse the thanks and comments of the Portfolio Holder for the fantastic achievement of redeveloping the Sands Centre by both Officers and GLL staff.

## **PEP.22/23      VICTORIAN BATHS UPDATE**

The Head of Health and Wellbeing submitted an update on the Victorian Baths, which covered; the conservation requirements for the heritage asset; the investment appraisal; Building management procedures including Building condition surveys; the handover to the Station Gateway project; and the Friends Group's proposals. (CS.07/23)

In response to a question from a Member regarding the interaction between the Station Gateway Project and the Baths, the Corporate Director gave an overview of the proposal for the Project, which Cumbria County Council was the lead authority for. As part of the Project, £1M of Borderlands funding had been allocated to secure the Victorian Baths and provide heating.

The Panel discussed the progression of the Friend's Group proposals and concerns expressed by the Group regarding difficulties in getting required information from the Council to enable the development of plans and also difficulties in having meetings with Officers.

Officers responded gave an overview of interactions between the Council and the Friends, explaining that they understood that all requests from the Group had been met.

The Chair requested that the Corporate Director of Economic Development discuss with The Friends the Community Ownership Fund. The Corporate Director agreed to do so.

The Chair thanked Officers for the update and looked forward to seeing further developments in the future.

RESOLVED – 1) That the Panel received report CS.07/23.

2) That the Corporate Director of Economic Development discuss the Community Ownership Fund with the Friends Group.

## **PEP.23/23      CUMBRIA CHOICE – UPDATE ON THE HOUSING REGISTER**

The Homeless Services Manager submitted report GD.09/23 which provided an update on Cumbria Choice and the impact of the new allocation policy. (GD.09/23)

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

- What circumstances defined urgent need?

The Homeless Services Manager responded that those experiencing homelessness, property disrepair or property overcrowding were deemed to be in urgent need. The Chair further asked if residing in a property that was not fit for human habitation deemed an individual to be in urgent need?

The Homeless Services Manager confirmed that such a property would fall into the category of disrepair and those resident in it would be considered to have urgent need.

- What scale of private sector rental properties were not effectively maintained?  
The Homeless Services Manager did not have data on the matter. He advised that private sector landlords were able to access funding for works through Homelife etc and that insufficient property maintenance was more likely to be experienced by owner

occupiers. In cases where landlords were not conducting appropriate property maintenance, the Council's Environmental Health Service was able to carry out enforcement action.

- Was there any indication that of private landlords selling properties in response to the cost of living crisis?

The Homeless Services Manager responded that there was anecdotal evidence to suggest there had been an increase in sales of properties used in the private rented sector.

- Was data collected and held on the employment status of those using the service?

The Homeless Services Manager undertook to provide a written response on the matter.

The Member further asked if data was collected and held on the numbers of people who transitioned from social rental properties into homeownership.

The Homeless Services Manager advised that housing associations may hold such data, but that the Council did not.

- How successful was the policy in terms of processing applications and bids?

The Homeless Services Manager responded that the website was better than previous versions which made the process of applying and bidding easier. For those unable to access online services paper application forms were still available on request and housing associations were able to offer help to complete the forms.

- Were there differences in social housing availability across the new Cumberland Council area?

Due to its larger population, there was a greater demand for social housing in Carlisle. For example, a social housing property may attract 30 – 40 applications, a similar property in West Cumbria may attract 10 – 20 applications. The Officer undertook to circulate to the Panel figures for social housing properties in West Cumbria.

- Was the increase in the proportion of properties allocated to those with an identified statutory housing need a result of the cost of living crisis?

There had been an increase in people presenting to the service with homelessness due to property affordability, exact figures on the matter would not be available until next year.

The Panel discussed how the local connection criteria operated and was administered.

- What was the general length of time from an application being submitted to the allocation of a property?

The time taken to deal with applications varied, due to the differing circumstances and needs of applicants. Three months was a fairly standard process time, those requiring larger properties would potentially take longer to be allocated.

The Chair thanked the Officer for his report.

RESOLVED – 1) That the Panel considered the content of report GD.09/23

- 2) That the Homeless Services Manager circulate to the Panel:
- i) Data on the employment status of those using Cumbria Choice;
  - ii) Data on social housing figures in West Cumbria.

### **PEP.24/23      REVENUE BUDGET OVERVIEW AND MONITORING REPORT QUARTER 3**

The Corporate Director of Finance and Resources submitted a report which provided an overview of the Council's overall budgetary position for the period April to December 2022. (RD.58/22)

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

- Would the Bereavement Services infrastructure funding assist in meeting rising energy costs?

The Head of Health and Wellbeing advised that the infrastructure monies was to replace the existing assets, consideration was being given to the use of electric cremators which would have a lower energy demand than existing which were gas powered. The matter would be determined by Cumberland Council.

In response to a question from a Member regarding Market Hall income, the Corporate Director explained that the references to the facility contained in the report related to Towns Deal Funding rather than a loss of income. A Business Case to draw down the funding was to be developed.

- The Chair sought clarification on the process of creating an earmarked reserve for Talkin Tarn.

The Corporate Director responded that the matter was to be determined by Council on 28 February 2023. The Council had many existing earmarked reserves, which ring fenced funds to be spent on the particular items they were created for; those would all be transferred to Cumberland Council.

A Member asked if Cumberland Council was able to un-earmark such reserves?

The Corporate Director confirmed that it could adding that the Section 151 Officer would review the ear marked reserves on an annual basis and make recommendations to Council on the continuation / termination of reserves.

- Was the Council able to broaden out the help it offered under the upcoming fuel help scheme?

The Corporate Director explained that in terms of the newer schemes, central government has set up a portal to manage the applications process, the Council's role was simply to provide a check on that process and disburse the monies.

Responding to a follow up question from a Member in relation to a scheme of energy cost support for those without mains gas, the Corporate Director understood that the scheme may be delivered via fuel companies.

The Chair thanked the Corporate Director of Finance and Resources for her report.

**RESOLVED-** That the Panel scrutinised the overall budgetary position for the period April to December.

## **PEP.25/23      CAPITAL BUDGET OVERVIEW AND MONITORING REPORT QUARTER 3**

The Corporate Director of Finance and Resources submitted a report which provided an overview of the Council's capital programme for the period April to December 2022. (RD.59/22)

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

- In relation to the repayment of monies in respect of the Sustainable Warmth Grants, the government was able to levy interest on that sum, had there been any indication whether that would be applied in this case?

The Corporate Director of Finance and Resources responded that as yet there had been no indication on the matter. She noted that when an earlier tranche of funding was returned interest had not been applied to that sum.

- The Chair sought clarification that the monies for the Crematorium Infrastructure had been carried into the 2023/24 budget.

The Corporate Director confirmed that was the case, the matter had been fed across to the Shadow Authority for inclusion in the Cumberland Council Budget and was incorporated into the Shadow Authority's Executive Budget Proposals on 16 February 2022.

- Were the funds secured in relation to the Future High Streets Fund and Town Deal secured and, were it deemed necessary were those funds able to be re-profiled?

The Corporate Director explained that any re-profiling would need to be approved by government through the appropriate change control mechanism.

The Chair thanked the Corporate Director for her report, moreover, he commended her careful stewardship of the authority's finances in her role.

**RESOLVED** - That the Panel scrutinised the overall budgetary position for the period April to December 2022.

## **PEP.26/23      SCRUTINY ANNUAL REPORT AND OVERVIEW REPORT**

The Policy and Scrutiny Officer submitted report OS.06/23 which provided an overview of matters related to the Scrutiny Panel's work. The report also included a draft of this year's Scrutiny Annual Report for comment. (OS.06/23)

In response to a question from the Chair, the Policy and Scrutiny Officer confirmed that she would co-ordinate the delivery of information from the Panel to the relevant Officers and Members at Cumberland Council.

**RESOLVED** - 1) That the Panel noted the items within Panel remit on the most recent Notice of Key Executive Decisions

2) Considered the appended Scrutiny Annual Report 2022-23.

3) That the Policy and Scrutiny Officer co-ordinate the delivery of information from the Panel to the relevant Officers and Members at Cumberland Council



The Meeting ended at: 13:14



**Present:** Councillor Trevor Allison, Councillor James Bainbridge, Councillor Ms Jo Ellis-Williams, Councillor Mrs Anne Glendinning (until 17:22), Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor Peter Sunter, Councillor Dr Les Tickner

**Also Present:** Councillor Mrs Bowman, Economy, Enterprise and a Housing Portfolio Holder

Ms Lappin, Chief Executive of Cumbria LEP

**Officers:** Corporate Director of Economic Development  
Head of Regeneration  
Policy and Scrutiny Officer

**PLP.12/23 APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted.

**PLP.13/23 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**PLP.14/23 PUBLIC AND PRESS**

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in Part B should be dealt with in private.

**PLP.15/23 CALL-IN OF DECISIONS**

There were no items which had been subject of call-in.

**PLP.16/23 CUMBRIA LEP UPDATE**

The Chair gave a warm welcome to Ms Lappin, Chief Executive of the Cumbria LEP.

Ms Lappin gave a presentation to the Panel updating them on the work of Cumbria LEP in enabling economic growth in Cumbria. The presentation covered challenges presented in enabling growth; an overview of the working age population and workforce jobs growth statistics; economic output and productivity in Cumbria; the economic structure and innovation score for Cumbria and projections for Cumberland Council.

Ms Lappin detailed the opportunities for growth and the 'Re-Think' Themes which were the focus of work, she set out the key enablers and reported on the work that would continue regardless of the Local Government reorganisation.

Ms Lapping reported that Cumbria had the slowest growth population and there had been a decline in working age people. Detailed work had been carried out to understand the under 50 existing labour market and how those over 50, who no longer worked, could be encouraged back into work. The change to remote working

enabled people to live in Cumbria and work elsewhere and this should be encouraged.

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

- A Member raised issues in the agricultural market, where remote working was not an option, and felt that problems in this area of productivity needed to be addressed.

Ms Lappin responded that the Innovating for Success Programme aimed to help businesses grow and improve productivity, there had been some real innovation in the farming sector. The focus on agriculture was important and the Future of Food was a priority, this looked at investment, environmental consideration, product output and diversification.

- There had been some staffing challenges for businesses in the area following Brexit and additional pressures due to the rise in energy costs, Cumbria needed to attract major investors.

- It had been reported that there was a significant shortage in heat pump technicians, was it possible to introduce courses to help fill the skills gap?

Ms Lappin acknowledged the skills shortage and reported that there had been courses on offer which had been cancelled due to the lack of interest.

- There was some discussion regarding the statistics presented and Ms Lappin clarified that the statistics reflected everyone in the working age population. She highlighted the excellent work that was undertaken by the Observatory and the work they undertook nationally.

The Economy, Enterprise and Housing Portfolio Holder placed on record her thanks for the excellent work that the Observatory undertook, noting how valuable the monthly information which was provided to Members was.

- A Member felt strongly that there should be a focus on the retention and attraction of people to the area, this should include good social housing.

Ms Lappin agreed that the retention and attraction of people was vital, she outlined the promotional strategy that aimed to change the perception of the location of Cumbria. The strategy showed Cumbria as the centre of Britain with excellent connections. The Futures Campaign would be relaunched for young people at schools, colleges, and universities and the Your Future campaign also engaged with people to encourage them to the area. Ms Lappin agreed that available and affordable housing really mattered and the CLEP had provided a response to a Government Consultation on the matter. She agreed to share the response with the Panel.

- A Member asked if people should return to offices to support the local economy.

Ms Lappin acknowledged that working from home had impacted the economy, however, the change to working also provided opportunities for people to live in Cumbria and work elsewhere. Evidence showed that pre pandemic online shopping accounted for 16% of purchases, this figure had reset to 20%.

RESOLVED - The Panel considered the presentation and noted the work undertaken by the Cumbria LEP.

#### **PLP.17/23      CARLISLE RURAL STRATEGY**

The Regeneration Manager submitted an update on the Carlisle Rural Strategy.  
(ED.06/23)

The Regeneration Manager reported that the Strategy had been developed following a workshop with Members and set out six aims designed to deliver economic, demographic and environmental sustainability rural communities and businesses of Carlisle.

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

- Would new technology for farming be included in the Strategy?

The Regeneration Manager acknowledged that new technology for farming was essential.

- How would services be made more accessible to rural communities, especially given the current cost of living and infrastructure issues.

The Regeneration Manager informed the Panel that the Strategy aimed to strengthen and enhance rural hubs. A rural hub would provide all the services required so individuals would not have to travel longer distances to a larger town or city to access essential services.

- A Member highlighted the challenges facing rural communities including transport and lack of good broadband. He noted that rural communities needed technology to develop businesses and services.

The Regeneration Manager agreed that digital connectivity was an issue and good connectivity would be a solution to some of the other issues rural areas faced.

The Corporate Director of Economic Development reminded the Panel that digital connectivity had been an issue identified in the Borderlands Project. The project had issued vouchers to help people improve their connectivity, however, this was in 2018/19 and technology had changed significantly in that time. The digital connectivity project would need to be revisited and updated.

- A lot of partnership work was undertaken with Eden District Council, how would the Local Government Reorganisation affect the projects?

The Corporate Director of Economic Development responded that there was a statutory duty to co-operate with other authorities and cross border partnership would continue.

- What would happen to the Strategy next?

The Corporate Director of Economic Development explained that the staff structure was different at the new authority and the Strategy would go to the new Policy Development Team to inform decision making and policy development.

RESOLVED - That the Carlisle Rural Strategy be welcomed.

**PLP.18/23      OVERVIEW REPORT AND SCRUTINY ANNUAL REPORT**

The Overview and Scrutiny Officer submitted the Draft Place Panel section of the Scrutiny Annual 2022/23 report. (OS.07/23)

A Member asked that the information on the Section 106 monies, that had previously been requested, be circulated to Members as a priority before Vesting Day.

The Panel noted that this was the last Scrutiny Panel to be held by Carlisle City Council and thanked the Scrutiny and Policy Officer and Democratic Services for their support.

RESOLVED - That the Panel considered the report and commented the attached section of the annual report.

The Meeting ended at: 17:28

**Regulatory Panel**

**Date:** Wednesday, 15 March 2023

**Time:** 16:00

**Venue:** Flensburg Room

**Present:** Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Ms Jo Ellis-Williams, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor David Morton (until 18:04), Councillor Paul Nedved, Councillor Tim Pickstone, Councillor David Shepherd, Councillor Peter Sunter, Councillor Miss Jeanette Whalen

**Officers:** Senior Lawyer  
Licensing Manager  
Licensing Officer  
Environmental Health Officer  
Technical Officer

**RP.13/23 JOHN BELL**

The Chair announced the sad passing of former Councillor John Bell. Mr Bell had been a Member of the City Council from 2007 until 2019. He had been the Chair of the Regulatory Panel and the Licensing Committee from 2012 until his retirement. Mr Bell had provided kindness, advice and support to the Chair, and he would be greatly missed.

The Regulatory Panel held a minute's silence in memory of Mr Bell.

**RP.14/23 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Dr Tickner.

**RP.15/23 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**RP.16/23 PUBLIC AND PRESS**

The Panel discussed the matter that had been submitted as a private report on the agenda, following legal advice it was

RESOLVED - That all agenda items, as circulated, be considered in public. Agenda item B.1 would be moved into public and considered as A.3.

**RP.17/23 MINUTES OF THE PREVIOUS MEETING**

RESOLVED - It was noted that Council had, at its meeting on 28 February 2023, received and adopted the minutes of the meetings held on 4 January 2023 and 8 February 2023.

**RP.18/23 APPLICATION FOR A NEW HACKNEY CARRIAGE VEHICLE LICENSE**

The Licensing Officer submitted an application for a Hackney Carriage Vehicle Licence for a vehicle that had tinted rear windows darker than the Council's required specification of visual light transmission (VLT). (GD.13/23)

Mr Page, the Applicant and Mr Bray, his Representative were in attendance.

The Senior Lawyer outlined the procedure the Panel would follow. The Applicant confirmed that he had received, read and understood the Licensing Manager's report.

The Licensing Officer reported that the Applicant was considering the purchase of a Suzuki Swace Estate car. The vehicle had factory fitted rear tinted windows which showed a consistent reading of 25.1% VLT, the Council's Policy required 30% VLT. The Licensing Officer reminded the Panel that the Policy existed under a Safeguard concern to ensure that members of the public could be seen from outside of the vehicle and that nothing untoward was happening inside.

Officers did not have delegated powers to permit any deviation from the Council's Policy which was entirely proper. The Policy was put in place to improve standards across the entire fleet of licensed vehicles operating in the Carlisle area, to protect public safety and to maintain a consistent and transparent approach to determining applications for licences. The Licensing Officer reported that the matter was an emerging subject, many factories now routinely produced vehicles with darker windows without consideration to safeguarding.

The Licensing Officer had tested the transparency of the window tint of the stated vehicle in various lighting conditions, he confirmed that he could be seen outside of the vehicle clearly with the 25.1% tint. As the vehicles were being produced with the window tints in place it was very costly for owners to change to clear windows. He set out the options available for the Panel asking them to consider relaxing the Policy with regard to LVT limits.

In response to questions the Licensing Officer suggested that the Policy be relaxed so all window tints were accepted except for mirrored windows. He confirmed that both Allerdale Borough Council and Copeland Borough Council did not have a Policy on window tints, there were no restrictions in place for their vehicles.

Mr Bray addressed the Panel, on behalf of the Applicant. He stated that manufacturers place tinted windows in vehicles for health and safety reasons. The tinted glass prevented sunburn on long journeys, with the current global climate it was important that all passengers in the vehicles were kept safe. He stated that large manufacturers were all producing tinted windows, as well as being expensive, changing the windows could put the manufacturer's warranty at risk.

Mr Page, the Applicant, addressed the Panel. He understood the need for safeguarding and that the Panel made the decision regarding window tints case by case. He felt that even clear windows could be difficult to see through in some light especially when the vehicle was moving. The passengers could be seen in this vehicle with the existing window tint and he felt that met the safeguarding requirements.

The Licensing Officer drew Members' attention to the legislation which they must take account of and set out the options for the Panel.



The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The respective parties returned, and it was

RESOLVED - The Panel had carefully considered and read the evidence in report GD.13/23 and heard from the Licensing Officer and the Applicant.

The application had been to Licence a Suzuki Swace 1.8 petrol, hybrid which had factory fitted rear tinted windows with visual light transmission readings of 25.1%. The Council's Policy stated that there should be a visual light transmission reading of 30% or more. The Policy existed under a Safeguard concern to ensure those travelling in the vehicle could be seen by people outside of the vehicle.

The Council was only prepared to deviate from this policy where there were exceptional circumstances which would justify it doing so.

The Panel had decided to grant the application.

The Panel's reason for the decision was due to a change in the factory setting of window tints since the introduction of the Policy.

The Panel acknowledged that the Policy should be reviewed and that it would be included in the review of all Licensing Policies which would be undertaken by Cumberland Council.

#### **RP.19/23      PRIVATE HIRE OPERATOR**

The Licensing Manager presented report GD.12/23 which requested consideration of a Private Hire Operator Licence following information given to the Licensing Manager.

The Licensing Manager informed the Panel that Miss Brady, the Private Hire Operator was not in attendance but had asked that an email be circulated to the Panel which set out her desire to retain her Licence.

The Panel considered the email and agreed to proceed in the Private Hire Operator's absence.

The Licensing Manager reported that the Private Hire Operator also held a Hackney Carriage Driver Licence and Private Hire Driver Licence. The application for the Private Hire Operator Licence (trading as Border Private Hire) had been received in February for a one year Licence. Based on the information provided, the application was approved and issued on 15 February 2023 for one year. The Licensing Manager asked Members to note that Section 9 of the application requested that the applicant disclosed person(s) who were or would be involved in the operating of vehicles and bookings. The application received in February only stated Miss Brady's name.

The Licensing Manager reminded the Panel of a report they had considered in September 2022 regarding the revocation of Mr Philip Taylor's Private Hire Operator Licence as he had not been considered a fit and proper person

to hold the Licence.

On 28 February 2023 the Licensing Manager was contacted by an officer in the

School Transport Team at Cumbria County Council detailing information that had been received that Mr Taylor was involved in the Private Hire Operation of Border Private Hire. Mr Taylor had sent a text message to an officer in the team stating "Hiya Just letting you know I'm back on DPS with border private hire Cars and drivers available straight away if you need anything Thanks Phil". The Licensing Manager gave an overview of the DPS tendering system used by the School Transport Team. Operators could apply to be on the system and agreed to the Terms and Conditions including agreement to be licenced appropriately at all times, once the application for the DPS was approved operators were permitted to tender for routes.

Mr Taylor also contacted the School Transport Team by telephone and stated that he was acting on behalf of Miss Brady. When officers refused to deal with him, he stated that he would get Miss Brady to give her permission for him to speak on her behalf with regard to the school contracts. Officers refused and he asked was there "anyway around this". Mr Taylor also stated to the School Transport Officer that he had "submitted several bids but had not yet heard anything". It was confirmed by the School Transport Team that some bids had been received from Border Private Hire. It was therefore evident to Licensing Officers that Mr Taylor had an involvement in the Company with regard to the bookings and this should have been disclosed on the application form for the Private Hire Operator Licence.

On 1 March Licensing Officers had attempted, unsuccessfully, to contact Miss Brady several times via telephone and an email had been sent to her. When Miss Brady did not respond a letter was hand delivered to her on 1 March requesting her attendance for an interview on 2 March. Miss Brady responded, via email, on the evening of 1 March, the email was set out in section 4.7 of the report. The email stated that she could not make the appointment and she did not wish to pursue the service further and she would inform Cumbria County Council.

Following a further request Miss Brady attended an interview, with her partner who was a licensed driver, on 3 March. At the interview Miss Brady stated that Mr Taylor had no financial interest in the business and was only involved as a friend giving advice. She stated that Mr Taylor had contacted the School Transport Team on her behalf adding that he had "nothing to do with the contracts" and "he had only been trying to be helpful and show me the ropes". Miss Brady stated that Mr Taylor had got "too involved" and she was aware that he was not allowed to be involved (due to the revocation of his own PHO licence).

In response to questions the Licensing Manager believed that Miss Brady was being used to gain the Licence for Mr Taylor, this was a serious issue. During the interview Licensing Officers felt Miss Brady was vulnerable and anxious, as stated in her email she is struggling with some personal issues.

The Licensing Officer drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

The Officers then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The Officers returned, and it was

RESOLVED - The Panel had carefully considered and read the evidence in the Licensing Manager's report (GD12/23) and heard from the Council's Licensing Manager. The Panel noted that the Private Hire Operator was not in attendance but had submitted a short statement, the Panel had taken into account the statement

when reaching their decision.

The matter had been brought to the Panel following evidence which had come to the attention of the Council regarding the involvement of Mr Phil Taylor in the Border Private Hire business which the Private Hire Operator failed to disclose on their Operator's Licence application form.

The Panel had decided to revoke the Private Hire Operator's Licence.

The Panel gave the following reasons:

1. The Panel had a duty of care to the public and must be satisfied that the person holding the Private Hire Operator's Licence was a fit and proper person to hold that Licence.
2. The application form stated only one person would be involved in the company however evidence came before the Council that Mr Taylor was also involved in the business. The applicant had a duty to disclose all people involved in the business and provide a basic criminal disclosure certificate for each person.
3. Mr Taylor had previously had his Operator's Licence revoked by this Panel who did not consider him to be a fit and proper person to hold such a licence and the Panel were concerned that he was now involved in the running of another business, in particular without the knowledge of the licensing department.

The right of appeals would be contained within the decision letter.

*The Panel adjourned at 17:03 and reconvened at 17:07*

## **RP.20/23      REVIEW OF DOG BREEDER LICENCE**

*Councillor Morton left the meeting during the consideration of the following matter and took no part in the decision.*

The Technical Officer submitted a report detailing an allegation against a licensed dog breeder (GD.14/23)

Mr Atkinson, the Dog Breeder, was in attendance.

The Senior Lawyer outlined the procedure the Panel would follow. Mr Atkinson confirmed that he had received, read and understood the Technical Officer's report. The Senior Lawyer advised Mr Atkinson that he had the right to be represented but he indicated that they would not be so represented.

The Technical Officer reported that the Dog Breeder held a two year, four star breeder's Licence was due to expire on 13 April 2023. The Licence allowed breeding from five bitches with two litters at any one time. The Dog Breeder also ran a professional dog training business called Dakota Gun Dog Training. The training business had a vast reputation whereby dogs were trained for a life with members of the Royal Family.

The Technical Officer reported that UK Animal Cruelty Files (UKACF) was a database which shared information on animal cruelty and prosecutions, convictions and appeals for information. In December 2022, a video was shared by the database which showed a man aggressively shouting and using expletive language at a young black spaniel type dog and in addition to this, this same person then appeared to proceed to kick the dog on more than one occasion. The person named

in the video footage was Mr Atkinson of Dakota Gun Dog Training and this was later confirmed by himself during an interview.

The Technical Officer played the video for the Panel, Mr Atkinson left the room whilst the video was being shown.

As a result of the video the Council invited the Dog Breeder for an interview, under PACE (Police and Criminal Evidence Act) conditions at Carlisle Civic Centre. During this time, the RSPCA also investigated the incident and advised that no further proceedings would be taken as the video evidence available was not clear enough for a veterinary surgeon to certify a level of suffering caused or a definitive time frame as the dog in question had not visited a vet for examination post the incident to check for injury. A verbal warning had been issued.

The interview was conducted on 16 January 2023 whereby the Dog Breeder showed remorse for his actions and indeed was aware of the requirement for positive reward based training. The competence of the Dog Breeder for ensuring the needs of the animals were met and the ability to recognise signs of fear, pain, suffering or distress were evidenced.

The Dog Breeder had forwarded to the Council a series of videos and photographs which evidenced his kennels and his usual training methods. During the investigation into this incident, the Dog Breeder had been co-operative throughout, and remained polite and calm, he showed remorse for his actions and was tearful during the interview. Subsequent videos and photographs were forwarded by the Dog Breeder to demonstrate his typical way of dog training and socialisation which were contrary to that of the video footage. The Dog Breeder also informed the Council of his level of expertise in which he works with dogs, including for the Royal Family which was an indicator of the quality of his work and reputation.

The Council had not received any reports of concerns with regard to the Dog Breeder previously; he had not breached his licensing conditions directly, however, Part 3, Regulation 15 of The Licensing of Activities Involving Animals (England) Regulations 2018 stated: 'A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that (d) it is necessary to protect the welfare of an animal.'

In response to questions the Technical Officer gave an overview of a four star licence which meant that the breeder was rated low risk in areas such as paperwork, health and husbandry. She confirmed that she had seen the video on her own personal Facebook page and the Dog Breeder had filmed and uploaded it himself to his own page.

The Dog Breeder then addressed the Panel. He apologised for the video, he stated he was ashamed by his actions which had resulted in a negative impact on his mental health, his family, and his business. He informed the Panel that he had been training gun dogs for thirty years, and competed with them for ten years. He had qualified for seven championships, made three dogs up to Field Trail Champions and competed at the highest level in the world. He added that he was a B Panel Field Trail Judge for the Kennel Club with expectations to rise to A Panel, to achieve this the applicant must have an exceptional record of judging and competing with dogs. He explained his personal circumstances at the time of incident and acknowledged that he should not have been training that day.

The Dog Breeder explained what he was doing in the video and clarified that he had yanked the dog back, he had not kicked it. He acknowledged that his language was disgusting, and it was not the manner that he trained. The RSPCA said he had not made contact with the dog, he had pulled it back with vigour. Referring to his breeders licence, he stated that he had bred two litters to reinforce the training work. He stated he was ashamed and remorseful.

In response to questions the Dog Breeder clarified the following:

- he had posted the video himself but he had not been in a good mental state at that time due to family news;
- he was ashamed and had never done that before;
- gun dogs needed trust and a bond, his dogs were not frightened
- he was in the top ten trainers and had dogs in Italy, Canada and Germany;
- the impact of the incident had affected his family and his mental health had suffered but he had received support from the industry;
- the Kennel Club Working Party Committee had discussed the matter at their meeting and took no further action

The Dog Breeder submitted a statement to the Panel which included references.

*The Panel adjourned to read the statement at 17:33 and reconvened at 17:37*

The Technical Officer responded to some matters in the Dog Breeder's statement. The Dog Breeder said no verbal warning was given by the RSPCA, he described it as a friendly chat. The Technical Officer had raised the matter with the RSPCA who stated the discussion was a frank and honest discussion and he was in no doubt about the potential legal consequences of his actions, the Technical Officer felt this amounted to a verbal warning.

The Technical Officer drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

The Dog Breeder asked the Panel to reconsider the matter being considered in Part A and the potential impact it may on his family.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The respective parties returned, and it was

RESOLVED - The Panel had carefully considered and read the evidence in report GD.14/23, listened carefully to the responses, watched a short video and heard from the Technical Officer and the Dog Breeder.

The Dog Breeder had been brought before the Panel following evidence that was shared on the UK Animal Cruelty Files database in the form of a video of the Dog Breeder shouting and potentially kicking a dog.

Whilst the Dog Breeder was not breaching his licence conditions in that incident directly, part 2 regulation 15 of the Licensing Activities Involving Animals (England) Regulations 2018 stated that an authority may suspend, revoke or vary a licence if at any time it is satisfied that "(d) it is necessary to protect the welfare of an animal.

The Panel had decided to allow the continuation of the Dog Breeder's Licence.

The Panel made it very clear to the Dog Breeder that they did not condone the behaviour that had been displayed in the video.

Pursuant to Procedure Rule 17.5 the following Councillors requested that it be recorded that they voted against the above decision:

Councillor Ellis-Williams  
Councillor Pickstone  
Councillor Sunter  
Councillor Whalen.

The Meeting ended at: 18:16

**Development Control Committee**

**Date:** Friday, 24 February 2023

**Time:** 10:00

**Venue:** Cathedral Room

**Present:** Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Christopher Southward, Councillor Raymond Tinnion, Councillor Christopher Wills

**Officers:** Corporate Director of Governance and Regulatory Services  
Corporate Director of Economic Development  
Head of Development Management  
Planning Officer (x1)

**DC.012/23 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

**DC.013/23 DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

**DC.014/23 PUBLIC AND PRESS**

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in Part B will be dealt with in private.

**DC.015/23 MINUTES OF PREVIOUS MEETING**

RESOLVED - That minutes of the meeting held on the 20 January 2023 be approved.

**DC.016/23 CONTROL OF DEVELOPMENT AND ADVERTISING**

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions set out in the Schedule of Decisions attached to these minutes.

**1. Application - 22/0403 - Deerview adjacent to Ghyll Bank Caravan Site, Low Harker, Harker, Carlisle, CA6 4DH**

**Proposal: Change of Use of Land To Residential For Single Family Gypsy & Traveller Group Comprising 1no. Static Caravan, 1no. Touring Caravan, 1no. Dayroom, 1no. Storage Shed, Formation Of Area Of Hard Standing & Erection Of Boundary Wall & Installation Of Septic Tank (Part Retrospective)**

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: location plan; existing and proposed site plans, day room, store, wall and septic tank details; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Head of Development Management recommended that:

1) Authority to Issue be given to the Corporate Director of Economic Development to approve the application, subject to imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

A Member asked for clarification of the location of the access point within the allocated site.

The Head of Development Management explained that due to the concerns in relation to the configuration of the highway adjacent to the allocation site, the access for the allocated land would be provided over the land adjacent to the site.

In response to a question from a Member regarding the approval of permissions granted subject to the resolution of the issue of nutrient neutrality, the Head of Development Management give an overview of the approaches that were being developed both locally and nationally to the matter.

A Member moved the Officer's recommendation which was seconded and, following voting it was:

RESOLVED - 1) That Authority to Issue be given to the Corporate Director of Economic Development to approve the application, subject to imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) That, in the event of the issue of nutrient neutrality not being resolved, delegated authority will be given to the Corporate Director of Economic Development to refuse the application.

## **2. Application - 22/0902 - Land at High Harker Farm, Harker, Carlisle, CA6 4DS**

### **Proposal: Removal of Condition 12 (Connection of New Footpath) Of Previously Approved Permission 20/0868 (Erection of 2no. Dwellings) (Revised Application)**

The Planning Officer submitted the report on the application, and advised that following the publication of the report, the Highway Authority had responded to the consultation on the application confirming that it did not object to the proposal. Slides were displayed on screen showing: location site plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

In response to Members' questions Officers confirmed:

- during the application process to develop the adjacent housing, the then applicant had deemed that the service infrastructure installed under the verge prohibited the creation of a footpath as the necessary drainage measures were not able to be provided;
- the physical inability to provide the footpath as conditioning in approved permission



20/0868 along with the likelihood of development on the other side of the road which would incorporate a footpath had led to the recommendation to approve the current application;

- an application for development at the Harker Industrial Estate development had been submitted and included the provision of a footpath that would extend all the way to the A7. The matter was being considered by the Highway Authority.

A Member moved the Officer's recommendation which was seconded and, following voting it was:

RESOLVED – The application was approved with conditions.

**DC.017/23**      Schedule B - Applications determined by other authorities

RESOLVED - That the report be noted.

The Meeting ended at: 10:27

# Schedule of Decisions

## Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

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### Item no: 01

<b>Appn Ref No:</b> 22/0403	<b>Applicant:</b> Mr M Johnstone	<b>Parish:</b> Rockcliffe
<b>Date of Receipt:</b> 16/05/2022	<b>Agent:</b> Mat Design	<b>Ward:</b> Longtown & the Border
<b>Location:</b> Deerview adjacent to Ghyll Bank Caravan Site, Low Harker, Harker, Carlisle, CA6 4DH	<b>Grid Reference:</b> 338416 560978	

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Proposal: Change Of Use Of Land To Residential For Single Family Gypsy & Traveller Group Comprising 1no. Static Caravan, 1no. Touring Caravan, 1no. Dayroom, 1no. Storage Shed, Formation Of Area Of Hard Standing & Erection Of Boundary Wall & Installation Of Septic Tank (Part Retrospective)

Members resolved to give authority to the Corporate Director (Economic Development) to issue approval for the proposal subject to a satisfactory resolution to the issue of nutrient neutrality.

If a satisfactory resolution is not achieved, Members resolved to give authority to the Corporate Director of Economic Development to issue refusal of the proposal.

### Item no: 02

<b>Appn Ref No:</b> 22/0902	<b>Applicant:</b> Mr William Wilson	<b>Parish:</b> Rockcliffe
<b>Date of Receipt:</b> 30/11/2022	<b>Agent:</b> Mr Rodney Jeremiah	<b>Ward:</b> Longtown & the Border
<b>Location:</b> Land at High Harker Farm, Harker, Carlisle, CA6 4DS	<b>Grid Reference:</b> 339414 560910	

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Proposal: Removal Of Condition 12 (Connection Of New Footpath) Of Previously Approved Permission 20/0868 (Erection Of 2no. Dwellings (Revised Application))

Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the Planning Application Form received 18th December 2020 approved as part of application 20/0868 as amended by the Planning Application Form received 30th November 2022;
  2. the Site Location Plan received 18th December 2020 approved as part of application 20/0868;
  3. the Site/ Block Plan As Proposed received 23rd April 2021 (Drawing no. 4656-2) approved as part of application 20/0868;
  4. the Floor Plans As Proposed received 18th December 2020 (Drawing no. 4654-1) approved as part of application 20/0868;
  5. the Floor Plans & Typical Sections received 18th December 2020 (Drawing no. 4652-1) approved as part of application 20/0868;
  6. the Elevations As Proposed received 18th December 2020 (Drawing no. 4653-1) approved as part of application 20/0868;
  7. the Elevations As Proposed received 18th December 2020 (Drawing no. 4655-1) approved as part of application 20/0868;
  8. the Visibility Splays received 17th May 2021 approved as part of application 20/0868;
  9. the Historic Statement 18th December 2020 approved as part of application 20/0868;
  10. the Notice of Decision;
  11. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

2. The development hereby approved shall be undertaken in strict accordance with the ground and finished floor surface levels required by condition 3 of application 20/0868 and approved as part of application 21/0721.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

3. The development hereby approved shall be undertaken in strict accordance with the surface water drainage scheme required by condition 4 of application 20/0868 and approved as part of application 21/0721.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning

Practice Guidance.

4. The development hereby approved shall be undertaken in strict accordance with the foul drainage scheme required by condition 5 of application 20/0868 and approved as part of application 21/0721.

**Reason:** To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

5. The development hereby approved shall be undertaken in strict accordance with the ground and finished floor surface levels required by condition 6 of application 20/0868 and approved as part of application 21/0721.

**Reason:** In order that the approved development is appropriate to the topography of the site and neighbouring properties in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

6. The development hereby approved shall be undertaken in strict accordance with the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors facilities required by condition 7 of application 20/0868 and approved as part of application 21/0899.

**Reason:** To ensure that vehicles can be properly and safely accommodated clear of the highway in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

7. The development hereby approved shall be undertaken in strict accordance with the external materials required by condition 8 of application 20/0868 and approved as part of application 21/0899.

**Reason:** In the interests of visual amenity in accordance with Policies HO2 and CM5 of the Carlisle District Local Plan 2015-2030.

8. The development hereby approved shall be undertaken in strict accordance with the hard surface details required by condition 9 of application 20/0868 and approved as part of application 22/0813.

**Reason:** In the interests of visual amenity in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

9. The development hereby approved shall be undertaken in strict accordance with the boundary details required by condition 10 of application 20/0868 and

approved as part of application 21/0899.

**Reason:** To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. The development hereby approved shall be undertaken in strict accordance with the landscaping scheme required by condition 11 of application 20/0868 and approved as part of application 21/0899.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

11. The development hereby approved shall be undertaken in strict accordance with the underground service ducts required by condition 13 of application 20/0868 and approved as part of application 21/0899.

**Reason:** To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

12. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

13. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle district.

**Reason:** In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

15. The development shall not commence until visibility splays providing clear visibility of 165 metres east and 215 metres west measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

**Reason:** In the interests of highway and pedestrian safety.in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

16. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied into use.

**Reason:** In the interests of highway and pedestrian safety.in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

17. A 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

**Reason:** To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in

accordance with Policies SP6 and HO2 of the Carlisle District  
Local Plan 2015-2030.

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## Relevant Development Plan Policies

### Item no: 03

**Appn Ref No:**  
21/0299

**Applicant:**  
Mr Rodney Lovell

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
31/03/2021

**Agent:**  
Sam Greig Planning Ltd

**Ward:**  
Stanwix & Houghton

**Location:**  
South View, The Green, Houghton, Carlisle, CA3  
0LN

**Grid Reference:**  
340563 559181

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Proposal: Change Of Use Of Former Equestrian Manege To Vehicle Storage Area  
(Retrospective)

**Decision:** Refuse    Permission

**Date:** 06/10/2021

**Decision of:** Planning Inspectorate

**Decision Type:** Appeal Dismissed

**Date:** 09/01/2023

### Item no: 04

**Appn Ref No:**  
21/1137

**Applicant:**  
Mr & Mrs Armstrong

**Parish:**  
Irthington

**Date of Receipt:**  
13/12/2021

**Agent:**  
Sam Greig Planning Ltd

**Ward:**  
Longtown & the Border

**Location:**  
Rose Cottage, Laversdale Lane End, Irthington,  
Carlisle, CA6 4PS

**Grid Reference:**  
347894 563684

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Proposal: Change Of Use Of Self Contained Annexe To A Dwelling

**Decision:** Refuse    Permission

**Date:** 08/04/2022

**Decision of:** Planning Inspectorate

**Decision Type:** Appeal Allowed with Conditions

**Date:** 20/01/2023

**Item no: 05**

**Appn Ref No:**  
22/0307

**Applicant:**  
Mr S Mohammed

**Parish:**  
Carlisle

**Date of Receipt:**  
12/04/2022

**Agent:**  
Jock Gordon Architectural  
SVS Ltd

**Ward:**  
Cathedral & Castle

**Location:**  
30 Lismore Street, Carlisle, CA1 2AH

**Grid Reference:**  
340870 555748

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Proposal: Installation Of New Shop Front (Part Retrospective/Revised Application)

**Decision:** Refuse    Permission

**Date:** 21/07/2022

**Decision of:** Planning Inspectorate

**Decision Type:** Appeal Dismissed

**Date:** 25/01/2023

**Item no: 06**

**Appn Ref No:**  
22/0711

**Applicant:**  
Redtail Media Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
14/09/2022 10:00:15

**Agent:**

**Ward:**  
Belah & Kingmoor

**Location:**  
101 Kingstown Road, Carlisle, CA3 0AL

**Grid Reference:**  
339700 558262

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Proposal: Display Of 1no. LED Digital Sign

**Decision:** Refuse    Permission

**Date:** 14/11/2022

**Decision of:** Planning Inspectorate

**Decision Type:** Appeal Dismissed

**Date:** 30/01/2023

**Item no: 07**

**Appn Ref No:**

**Applicant:**

**Parish:**



21/9003                      Lee Hardy                      Brampton

**Date of Receipt:**                      **Agent:**                      **Ward:**  
30/03/2022                      Cumbria County Council -                      Brampton & Fellside  
Economy & Planning

**Location:**                      **Grid Reference:**  
Fox Group Ltd, Plot 8, Townfoot Industrial Estate,                      351886 561209  
Brampton

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Proposal: Change Of Use Of Unused Land On An Industrial Estate To Storage Of Vehicles, Siting Of Screening And Crushing Plant For An Inert Waste Recycling Facility, Storage Of Inert Soil And Aggregate Within Class B2; Erection Of A Vehicle Workshop And Ancillary Facilities

**Decision:** City Council Observation - Observations                      **Date:** 23/11/2022

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission                      **Date:** 30/01/2023

**Item no: 08**

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
22/9007                      Cumbria County Council                      Carlisle

**Date of Receipt:**                      **Agent:**                      **Ward:**  
23/11/2022                      Cumbria County Council -                      Sandsfield & Morton West  
Economy & Planning

**Location:**                      **Grid Reference:**  
Former St Edmund Church, St Edmunds Park,                      337104 554935  
Carlisle, CA2 6TS

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Proposal: Extension And Alteration Of Former Church To Form Sixth Form Campus For Pupils From James Rennie School (Revised Application To Include New External Fire Escape, Removal Of Lift Shaft Projection And Amended Window To Extension)

**Decision:** City Council Observation - Raise No Objection                      **Date:** 30/11/2022

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission                      **Date:** 18/01/2023



**Audit Committee**

**Date:** Friday, 17 March 2023

**Time:** 10:00

**Venue:** Flensburg Room

**Present:** Councillor Robert Betton (from 10:07), Councillor Jeffrey Bomford, Councillor Mrs Christine Finlayson, Councillor Neville Lishman, Councillor Mrs Linda Mitchell  
Councillor Dr Les Tickner (for Councillor Pamela Birks)

**Also Present:** Mr Kelly, Director, Audit - Grant Thornton

**Officers:** Corporate Director of Finance and Resources  
Lead Senior Lawyer  
Head of Financial Services  
Audit Services Manager

**AUC.01/23 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Mrs Birks and Councillor Patrick.

**AUC.02/23 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**AUC.03/23 PUBLIC AND PRESS**

It was agreed that the items in Part A be dealt with in public and there were no items to be dealt with in Part B.

**AUC.04/23 MINUTES OF THE PREVIOUS MEETING**

RESOLVED - It was noted that Council had, on 3 January 2023, received and adopted the minutes of the meeting held on 8 December 2022. The Chair signed the minutes.

**AUC.05/23 MINUTES OF THE PEOPLE PANEL**

The minutes of the meeting of the People Panel held on 23 February 2023 were submitted for information.

RESOLVED - That the minutes of the meeting of the People Panel held on 23 February 2023 be noted.

**AUC.06/23 EXTERNAL AUDITOR'S ANNUAL REPORT ON CARLISLE CITY COUNCIL**

Mr Kelly, Grant Thornton provided a verbal update with regard to the External Auditor's Annual Report on Carlisle City Council.

Mr Kelly reported that the document would be finalised by Friday 24 March 2023 and the Finance, Governance and Resources Portfolio Holder would provide a verbal update at Council on 28 March 2023.

Mr Kelly stated that, overall, the report was very positive and there were no significant weaknesses identified. This reflected the Council's strong governance arrangements. The document also reflected the transition of the Council and regeneration projects that the Council had undertaken, the document underlined the importance of continuing the momentum of the projects to enable financial sustainability. The Medium Term Financial Plan had highlighted a £2m annual budget gap moving forward and this would be included in the transition to Cumberland Council and had been highlighted in the report.

RESOLVED - 1) That the Audit Committee welcomed the update from Grant Thornton;

2) That the final Annual Report be circulated to the Chair and all Members of the Audit Committee.

### **AUC.07/23      VALUE FOR MONEY CONCLUSION**

Mr Kelly, Grant Thornton, gave a verbal update on the Value for Money Conclusion.

Mr Kelly reported that Grant Thornton was the external auditor of all seven local authorities in Cumbria and they had undertaken an overarching review of the Local Government Reorganisation (LGR) as part of its 2021/22 Value for Money (VfM) work in relation to the seven authorities. A copy of the Review had been circulated to the Committee.

Mr Kelly set out the background, context and approach to the Review and drew attention to the financial sustainability with regard to the two new authorities. He detailed the financial planning for the new unitary councils, the capital programme position and the importance of the organisational resilience moving forward. He noted that the majority of staff at the sovereign councils had focused on 'business as usual' during the period of LGR transition but many of the top four tiers of officers at each authority also had LGR roles. The LGR followed on from the pandemic, he acknowledged that many officers had been working extremely hard over a number of years.

The report covered improving economy, efficiency and effectiveness and the challenges that the new Councils' faced, particularly around the financial systems.

Mr Kelly summed up the conclusion of the report which highlighted areas which would need addressed early on to drive transformational changes forward. The report also praised Carlisle City Council on its good governance via an effective Audit Committee.

Mr Kelly gave personal thanks the Chief Executive, the Corporate Director of Governance and Regulatory Services, Corporate Director of Finance and Resources and the Head of Financial Services for their professionalism and dedication. The Council had an effective Audit Committee with strong internal Audit and excellent governance arrangements.

The Chair also added his thanks to the Corporate Director of Finance and Resources, the Head of Financial Services and the Internal Audit Manager for their outstanding work in ensuring the Council was in the best financial position possible moving forward.

The Committee noted the audit opinions that were outstanding at Copeland Borough

Council and questioned what the impact would be on Cumberland Council and its borrowing or funding options.

Mr Kelly confirmed that the matter presented a significant challenge for the new authority, without the opinions the Council would not have an accurate opening balance. Grant Thornton had been supporting Copeland Borough Council during the last 18 months, part of their accounts were very solid, however, the revenue side was not in an audited position. Discussions were taking place with DLUHC to progress the matter at pace.

The Corporate Director of Finance and Resources clarified that the balance sheet would not be completed until September. At that point the disaggregation / aggregation would begin. She confirmed that the Cumberland Council Section 151 Officer was in the process of reviewing the finance structure and the corporate finance team would have a legacy team included to deal with legacy accounts.

RESOVLED - That the Committee welcomed the update on the Value for Money Conclusion and the Review of the Local Government Organisation in Cumbria report.

#### **AUC.08/23      INTERNAL AUDIT PROGRESS REPORT 2022/23 (DECEMBER 2022 - MARCH 2023)**

The Audit Services Manager submitted report RD.70/22 providing an overview of the work carried out by Internal Audit between December and March of 2022/23.

The Audit Services Manager reported on the final outcomes against the audit plan stating that four planned pieces of work were finalised in the period: National Non Domestic Rates; Neighbourhood Services (Culture); Car Parking Income and Town Deal - Business Assurance Framework.

The Audit Manager highlighted section 2.4 of the report which set out why the proposed formal follow up of ICT recommendations would not be progressed and provided alternative assurances obtained by Internal Audit. He also gave an update on the Sustainable Warmth Grant audit, should an extension be approved Internal Audit would liaise with responsible officers to determine what further assurances were required for ongoing delivery of the project.

The Audit Manager reported that that there had been significant improvements to responses for outstanding actions as a result of the work undertaken by Internal Audit during the period.

Referring to the Sustainable Warmth Grants, a Member asked for further information should the extension be received and the project moved to Cumberland Council.

The Audit Services Manager provided assurances that should Cumberland Council progress with the project there would be an early audit follow up to ensure the Council had adequate processes in place to maximise delivery of the grant.

The Corporate Director of Finance and Resources confirmed that should the extension be agreed the project would be continued by Cumberland under the transition arrangements and the grants would still be available to everyone in Cumbria.

RESOLVED - That the Audit Committee:

- i) noted the progress against the audit plan for 2022/23 (RD.70/22);

- ii) received the final audit assignments as outlined in paragraph 2.2;
- iii) noted the progress made on audit recommendations to date outlined in Appendix 1.

#### **AUC.09/23      INTERNAL AUDIT REPORT - NATIONAL NON-DOMESTIC RATES**

The Audit Services Manager submitted the National Non Domestic Rates internal audit report (RD.71/22).

The Audit Services Manager reported that the audit provided reasonable assurances with 4 medium graded recommendations.

RESOLVED - That the Internal Audit Report - National Non-Domestic Rates (RD.71/22) be received.

#### **AUC.10/23      INTERNAL AUDIT REPORT - NEIGHBOURHOOD SERVICES - (CULTURE) FOLLOW UP**

The Audit Services Manager submitted the Neighbourhood Services (culture) follow up internal audit report (RD.72/22).

The Audit Services Manager reported that the audit provided reasonable assurances (increased from partial) with 2 medium graded recommendations.

RESOLVED - That the Internal Audit Report - Neighbourhood Services (culture) follow up (RD.72/22) be received.

#### **AUC.11/23      INTERNAL AUDIT REPORT - CAR PARKING INCOME**

The Audit Services Manager submitted the Car Parking Income internal audit report (RD.73/22).

The Audit Services Manager reported that the audit provided reasonable assurances with 6 medium graded recommendations. In response to a question the Audit Services Manager confirmed that the number of unaccounted foreign coins was minimal, however, there needed to be some further guidance on how they could be stored.

RESOLVED - That the Internal Audit - Car Parking Income (RD.73/22) be received.

#### **AUC.12/23      INTERNAL AUDIT REPORT - TOWN DEAL (BUSINESS ASSURANCE FRAMEWORK)**

The Audit Services Manager submitted the Town Teal (Business Assurance Framework) internal audit report (RD.71/22).

The Audit Services Manager reported that the audit provided reasonable assurances with 2 medium graded recommendations.

RESOLVED - That the Internal Audit - Town Feal (Business Assurance Framework) (RD.71/22) be received.

#### **AUC.13/23      AUDIT COMMITTEE'S ANNUAL REPORT**

The Chair presented report RD.64/22, which summarised the work carried out by the Audit Committee during 2022/23 demonstrating to Council and stakeholders the

effectiveness of the Committee in maintaining the organisation's internal control environment and governance arrangements.

RESOLVED - That the Audit Committee noted and accepted the report for recommendation to Council.

#### **AUC.14/23      TREASURY MANAGEMENT OCTOBER TO DECEMBER 2022**

The Head of Financial Services submitted the Treasury Management October - December 2022 (RD.60/22) which provided the regular quarterly report on Treasury Transactions including the requirements of the Prudential Code.

The Head of Financial Services informed the Committee that the majority of the investments would be back before 31 March 2023 to satisfy the Council's cash position, any balance as at 31 March would transfer to Cumberland Council.

A Member asked for details of cash and assets that would be transferred to Cumberland Council, the Corporate Director explained that information would be available, however, the final figures would not be known until the audit was finalised in September. A draft balance sheet would be available at the end of May 2023, but this would be after Vesting Day.

In response to a question the Head of Financial Services confirmed that any grants that the City Council had not yet spent had been invested and included in the report, this included the unspent Sustainable Warmth Grant.

RESOLVED - That the Treasury Management Report October - December 2022 (RD.60/22) be noted.

#### **AUC.15/23      INTERNAL AUDIT ANNUAL REPORT 2022/23**

The Head of Financial Services provided a summary of the outcomes of the work undertaken by Internal Audit for Carlisle City Council in 2022/23, including the Designated Head of Internal Audit's draft opinion on the effectiveness of the Council's arrangements for risk management, governance and internal control in accordance with the requirements of the Public Sector Internal Audit Standards (PSIAS) (RD.65/22)

The Head of Financial Services explained that this report had been brought to the Committee early due to LGR, the opinion was at a draft stage based upon work undertaken by Internal Audit to date. He noted that 73% of proposed reviews had been completed with a further 3 expected to be completed by 31 March, taking the estimated completion to 89% which exceeded the usual position.

The opinion, based on the completed audit work, the overall framework of governance, risk and internal control was reasonable and audit testing had confirmed that controls were generally working effectively in practice, although there were specific control concerns in relation to ICT services and general concerns about Council resources.

RESOLVED - That the Audit Committee noted

(i) The progress achieved in 2022/23 in delivering the Audit Plan and the outcomes of completed audit reviews as set out at Appendix A, RD.65/55;

(ii) The Designated Head of Internal Audit's draft opinion of reasonable assurance on the Council's overall systems of governance, risk management and internal control

for the year ended 31 March 2023;

(iii) The Designated Head of Internal Audit's declaration of Internal Audit's independence as required by the mandatory PSIAS;

(iv) The Designated Head of Internal Audit's declaration of conformance with the mandatory PSIAS;

(v) The performance of the Internal Audit service as shown at Appendix B, RD.65/22.

### **AUC.16/23      DRAFT ANNUAL GOVERNANCE STATEMENT AND NARRATIVE STATEMENT**

The Head of Financial Services presented the draft Annual Governance Statement and Draft Narrative Statement that would be included in the City Council's Statement of Accounts for 2022/23 (RD.75/22).

The Head of Financial Services reported that as the City Council would cease to exist on 31st March and its duties taken on by Cumberland Council, the Statement of Accounts and Annual Governance Statement (AGS) would be approved by Cumberland Council. Therefore, as the Committee that had delegated responsibility to approve the Statement of Accounts and AGS for the Council, it was deemed appropriate that at this last meeting of the Committee the Audit Committee saw the proposed draft documents and ensured that they reflected the activity of the City Council in 2022/23.

RESOLVED - That the Audit Committee noted the two draft statements prepared in advance of the City Council's demise and recommended them to Cumberland Council (RD.75/22)

The Meeting ended at: 11:18



**Appeals Panel 3**

**Date:** Wednesday, 15 February 2023

**Time:** 14:00

**Venue:** Slupsk Room

**Present:** Councillor Colin Glover, Councillor Mrs Elizabeth Mallinson

**Officers:** Head of Human Resources  
Management Representative  
Senior Lawyer  
Appellant

**AP3.01/23 APPOINTMENT OF A CHAIR**

RESOLED - That Councillor Mrs Mallinson be appointed as Chair of Appeals Panel 3 for the 2022/23 municipal year.

**AP3.02/23 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

**AP3.03/23 DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

**AP3.04/23 PUBLIC AND PRESS**

It was agreed that items in Part A be dealt with in public and items in private be dealt with in Part B.

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 item of business of the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

**AP3.04/23 APPEAL AGAINST VOLUNTARY REDUNDANCY REQUEST**

(Public and Press excluded by virtue of Paragraph 1)

The Chair welcomed all parties and set out the purpose of and process to be used during the meeting; she confirmed that copies of the submission by the Appellant which had been circulated had been received.

At the invitation of the Chair, the Appellant addressed the Panel setting out their reasons for the appeal.

The Deputy Chief Executive then set out the management case.

The Panel asked questions of both the Appellant and the Deputy Chief Executive.

The Panel retired to consider the appeal.

The Chair summed up the key points of the meeting and set out the Panel's

determination of the Appeal. The Appellant was advised that they would receive the decision in writing within seven working days.

RESOLVED - That the decision to decline the voluntary redundancy request be upheld.

The Meeting ended at: 15:30

**Appeals Panel 2**

**Date:** Monday, 06 March 2023

**Time:** 10:00

**Venue:** Slupsk Room

**Present:** Councillor Mrs Marilyn Bowman, Councillor Raymond Tinnion

**Also Present:** Complainant  
Complainant's Representative  
Appellant  
Appellant's Representative

**Officers:** HR Officer  
Senior Lawyer  
Principal Health and Housing Officer  
Housing and Public Health Officer  
Head of Neighbourhoods  
Operations Manager

**AP2.01/23 APPOINTMENT OF CHAIR**

RESOLVED - That Councillor Mrs Bowman be appointed Chair of the Appeals Panel 2.

**AP2.02/23 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Alcroft.

**AP2.03/23 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**AP2.04/23 PUBLIC AND PRESS**

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

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 item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

**AP2.05/23 COMPLAINT AGAINST - ENVIRONMENTAL SERVICES**

(Public and Press excluded by virtue of Paragraph 1)

The Chair welcomed everyone to the meeting and introduced the Panel and Officers.

The Chair invited the Complainant to tell the Panel about their complaint.

The Complainant's Representative noted that the agenda document pack had not included three letters to the Council which had detailed the Complaint's complaint. He explained that the three documents were vital for the consideration of

the complaint.

The Chair agreed for the three letters to be circulated to the Panel and adjourned the meeting to allow for full consideration of the information.

*The meeting adjourned at 10:11 and reconvened at 10:41.*

The Complainant's Representative stated that they felt that the process had not been followed correctly. The initial complaint letter sent in October 2022 had not been dealt with as complaint, the Complainant felt that the response was inadequate, generic and did not make a reference to the next stage in the complaints process. He reminded the Panel of the requirements of the Council's Complaint's Policy.

The Complainant's Representative drew the Panel's attention to the letter dated 19 December 2022, which set out the request to move to Stage 3 and the three main points of the complaint:

- The authority failed to recognise that the Complainant could have been considered a vulnerable adult, despite having been given prior information;
- The authority failed to apply Enforcement Guidance 2.19 to the case, this was more appropriate than the 2.18 which was used;
- The authority refused to concede that its failure to deal with the issues raised by the Complainant in an appropriate manner, resulted in the Complainant being issued with a retaliatory notice to terminate her tenancy by her landlord.

The Complainant's Representative highlighted some confidential case notes which had not been released to the Complainant and questioned what was being hidden.

The Chair summed up the Complaint, which the Complainant's representative agreed, and asked the Complainant what outcome they would like.

The Complainant's Representative stated that the Complainant would like an acknowledgment that the authority's failure to issue a repair notice on the landlord in a timely manner had resulted in the retaliatory notice and an apology. The Complainant's Representative surmised why the authority had not taken action on the landlord, who was known to the Representative in his role.

The Chair thanked the Complainant and the Complainant's Representative for attending the meeting and advised that a letter informing them of the Panel's decision would be sent within 15 working days.

The Complainant and the Complainant's representative left the meeting at 10:59.

Consideration was given by the Panel as to which Officers they wished to speak to in order to clarify any issues relating to the complaint.

The Principal Health and Housing Officer and the Housing and Public Health Officer were invited to attend the meeting at 11:11.

The Chair outlined the complaint, she had been disappointed that the report had not included the Complainant's three letters of complaint or any of the correspondence between officers and the Complainant. The Chair informed the Officers that the Panel would hear their side of the case and then adjourn until after consideration of item B.2 at which point the Officers were to provide a copy of all of

the correspondence and the relevant Guidance to the Panel for their consideration before they made a decision.

The Chair asked the Officers to respond to the complaint.

The Principal Health and Housing Officer gave an overview of the complaint. She acknowledged that the Team had formally been made aware of the Complainant's vulnerable status in the letter received in October, as a result of this Officers acted within the Policy guidelines. She clarified that the Council were regulators and should not be acting as remediators between tenants and landlords when relationships break down, this is what had happened in this case.

Referring to the vulnerable status of the Complainant, the Principal Health and Housing Officer explained that vulnerability was defined in legislation with regard to property repairs, when dealing with vulnerable people Environmental Health signpost to other services or raise safeguarding issues when required. During the inspection to the property it was evident that the Complainant was anxious, however, it was not unusual for people to be anxious during the inspections.

The Principal Health and Housing Officer detailed the issues they had encountered with the landlord and the action they had taken, she explained the background to the confidential note, which was non disclosable, and gave an overview of issues regarding access to the property and lack of communication from the Complainant.

The Principal Health and Housing Officer set out the training that officers undertook and the options available for individuals who needed further support. She confirmed that the initial informal approach had been the correct approach due to the low level repairs needed, which were categorised level as 2 hazards. The Complainant was not classed as vulnerable under the legislation in relation to the repairs that were required in the property. She understood that several small repairs in one property could impact a person's physical and mental health, however, the first step was always to engage with the landlord and educate. The landlord had been given three months to undertake the repairs, when they had not been completed after four months a case review was undertaken. At this stage the electrical safety notice had not been received for the property, this resulted in a formal notice being issued to the landlord.

If a retaliatory notice had been issued following the formal notice from the Council then it would have given the Complainant a further six months in the property, however, this would be six months in a property that still required the repairs. The Council notice did not prevent the retaliatory notice as the notice was served because the property was being sold. The property would be sold and the new owners would inherit the improvement notice.

The Chair thanked the Officers for attending and asked them to provide the additional information following the consideration of the next agenda item.

The Officers left at 11:53.

*The meeting adjourned at 11:54 and reconvened at 12:25.*

## **AP2.06/23      APPEAL AGAINST DISMISSAL**

(Public and Press excluded by virtue of Paragraph 1)

The Chair welcomed everyone to the meeting and introduced the Panel.

The Chair asked the Appellant to set out their side of events and ways in which they believed that the decision for dismissal was incorrect.

The Appellant addressed the Panel setting out their feelings with regard to the support offered by the Council, his personal circumstances and support he was receiving privately. He detailed his length of service and past history with the authority. He was disappointed in the circumstances as he loved his job and wanted to work.

The Head of Neighbourhoods detailed the history to the dismissal, the impact of the absences, the costs associated and the reasons why the decision was reached to dismiss.

The Operations Manager responded to the Panel's questions with regard to regular meetings with the Appellant which was disputed by the Appellant.

The Appellant and the Head of Neighbourhoods summed up for the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The Appellant and the Appellant's Representative returned, and it was

RESOLVED - That Appeals Panel upheld the decision of dismissal.

#### **AP2.06/23      COMPLAINT AGAINST - ENVIRONMENTAL SERVICES**

The Principal Health and Housing Officer provided the Panel with a copy of all email correspondence between the Council, the landlord and the Complainant, records of telephone conversations, Housing Health and Safety Rating System Enforcement Guidance Housing Act 2004 (HHSRS) and the Council's Enforcement Guidance.

The Panel considered all of the information provided and put further questions to the Principal Health and Housing Officer.

The Principal Health and Housing Officer clarified the vulnerability categories with regard to hazards and the signposting /safeguarding offered to those who needed additional support. She explained that the hazards in the property were classed as a low category, including the staircase which was structurally safe. Referring to the use of 2.18 in the guidance over 2.19, the Principal Health and Housing Officer stated that the 2.19 would be used for an immanent risk, which the Complainant was not. She agreed that the formal notice could have been issued sooner, however, this would not have prevented the serving of the retaliatory notice. She reiterated that it was best practice to have an informal process where possible to engage and educate the landlord.

The Principal Health and Housing Officer left the meeting at 13:56.

The Panel then considered all the evidence presented to it prior and during the hearing and:

RESOLVED – That the appeal not be upheld on that grounds that in dealing with the complaint Officers had complied with the requirements of relevant Council policy and legislation:

*- The authority failed to recognise that the Complainant could have been considered a vulnerable adult, despite having been given prior information;*  
The Council had dealt with the Complainant as a vulnerable adult and the Panel noted that the Complainant was not classed as vulnerable within legislation with regard to the repairs in the property.

*- The authority failed to apply Enforcement Guidance 2.19 to the case, this was more appropriate than the 2.18 which was used;*  
The Council had used the correct section of the Enforcement Guidance as the Complainant was not at imminent risk.

*- The authority refused to concede that its failure to deal with the issues raised by the Complainant in an appropriate manner, resulted in the Complainant being issued with a retaliatory notice to terminate her tenancy by her landlord.*  
The Council had dealt with the issues raised in a timely manner and the serving of the formal notice would not have prevented the issuing of the retaliatory notice by the landlord.

The Meeting ended at: 14:15