

EXECUTIVE DECISIONS

DECISIONS MADE AT THE EXECUTIVE MEETING HELD ON 11 MARCH 2013

Date of Publication: 13 March 2013

CALL IN PERIOD ENDS 20 March 2013 at 1700
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Notes:

- (a) Decisions may be called-in by the Chairman or any three Members of the relevant Overview and Scrutiny Committee.
- (b) Requests to call -in must be delivered to the Committee Section (by phone, email or in writing) by the date and time specified.
- (c) In the absence of any call-in, decisions will take effect and can be implemented 5 working days after publication of these Decisions.
- (d) Decision marked ** may not be called-in as they were made under special urgency rules.

Committee Section:	Email – CommitteeServices@carlisle.gov.uk
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Morag Durham – Lead Committee Clerk	01228 817036
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EXECUTIVE

MONDAY 11 MARCH 2013 AT 4.02 PM

PRESENT:

Professor Councillor Hendry (Leader)
Councillor Glover (Deputy Leader; and Economy and Enterprise Portfolio Holder)
Councillor Ms Quilter (Culture, Health, Leisure and Young People Portfolio Holder)
Councillor Mrs Riddle (Communities and Housing Portfolio Holder)
Councillor Mrs Martlew (Environment and Transport Portfolio Holder)
Councillor Dr Tickner (Finance, Governance and Resources Portfolio Holder)

OFFICERS:

Town Clerk and Chief Executive
Deputy Chief Executive
Director of Governance
Director of Resources
Director of Community Engagement
Director of Economic Development
Director of Local Environment
Policy and Communications Manager

ALSO PRESENT:

Councillor Layden (Chairman of the Environment and Economy Overview and Scrutiny Panel)

APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Luckley (Chairman of the Community Overview and Scrutiny Panel)

DECLARATIONS OF INTEREST

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

MINUTES

The Minutes of the meetings of the Executive held on 13 and 17 December 2012; and 14 January 2013 were signed by the Chairman as true records of the meetings.

**EX.22/13 SCHEME OF HOUSING ASSISTANCE (EMPTY PROPERTIES AND
DISABLED FACILITIES GRANTS)**
(Key Decision – KD.041/12)

Portfolio Communities and Housing

Subject Matter

The Communities and Housing Portfolio Holder submitted report CD.16/13 concerning the Scheme of Housing Assistance (Empty Properties and Disabled Facilities Grants).

By way of background, the Communities and Housing Portfolio Holder explained that the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) placed a duty on local authorities to publish a Housing Assistance Policy for the private sector. The RRO had been adopted by the City Council on 9 September 2003 and subsequently amended to allow actions to be taken by Officers in relation to the private housing sector.

She added that Disabled Facilities Grants, which were mandatory and funded via a separate funding stream, would continue to be available under the proposed Housing Assistance Policy. Any other grants and loans which the Council proposed to offer would be discretionary and dependant upon the availability of resources.

Since April 2012 no housing assistance had been available in Carlisle for anything other than Disabled Facilities Grants. However, in recent months, successful bids for external funding had secured the finance necessary to enable assistance to be offered to the owners of empty homes to bring them back into use. Disabled Facilities Grants funding from the Government in 2013/14 was estimated at £663,000 with the City Council contributing a further £200,000. The conditions attached to the funding streams were included in the proposed Housing Assistance Policy document (Appendix 1).

The Communities and Housing Portfolio Holder emphasised that approval of the amended Housing Assistance Policy would enable the Council to offer financial incentives to empty property owners to bring those properties back into use, and in so doing increase the availability of much needed housing accommodation in the area. She added that this sustainable scheme would also improve the environment and help the local economy which was indeed a good news story. Details of the sources of funding obtained and the match funding requirements were provided at Appendix 2 to the report.

In conclusion, the Communities and Housing Portfolio Holder moved the recommendations set out in the report, which were seconded by the Environment and Transport Portfolio Holder.

Summary of options rejected None

DECISION

1. That the Executive approved the new Policy for Housing Assistance and the use of funds as described in Appendix 2 to Report CD.16/13.
2. That the use of the funds outlined at Appendix 2 and granting of grants and loans would be the responsibility of Officers and, as such, delegated to the Director of Community Engagement and Director of Resources.

Reasons for Decision

To enable the provision of loans and grants to the owners of empty property to enable them to be brought back into use. To continue with the provision of Disabled Facilities Grants as described in the Housing Assistance Policy

EX.23/13 PARISH CHARTER
(Key Decision – KD.045/12)

Portfolio Communities and Housing

Relevant Overview and Scrutiny Panel Community

Subject Matter

The Communities and Housing Portfolio Holder submitted report CD.17/13 presenting the Parish Charter for Carlisle and District, and its Formal Agreements, copies of which were attached at Appendix 1 to the report.

She outlined the background to the matter reminding Members that the City Council and the Parishes had, in 2012, agreed a draft Charter which was consulted on. However, that document could not be formally agreed and was consequently revised to reflect both the comments from the Parishes and the need for further changes reflecting reorganisation within the City Council.

The revised Charter and its Formal Agreements had been agreed at the joint meeting between the City Council and representatives of the Parish Councils on 5 December 2012. They were then sent out for formal consultation which concluded on 20 February 2013.

The Communities and Housing Portfolio Holder informed the meeting that the Parishes had responded positively and no revisions had been made to the original agreed draft.

It had further been agreed that the Planning Agreement would remain in its current form, but would be subject to an ongoing review process due to the large number of significant changes in legislation and also locally (such as the agreement of a Local Plan), which would shortly be going out to consultation.

She added that a formal response to the comments made by the Parishes during the consultation period had been drafted and was attached at Appendix 2 to the report.

In conclusion, the Communities and Housing Portfolio Holder moved the recommendations detailed within report CD.17/13

Whilst seconding the recommendations, the Leader indicated that he was personally delighted by the good will and co-operation shown by the City Council and the Parish Councils in bringing the matter to a successful conclusion.

Summary of options rejected None

DECISION

That the Executive:

1. Noted and approved the Parish Charter and its Formal Agreements for sign off jointly with the Parish Councils on 8 April 2013.
2. Noted and approved the City Council response to Parishes, following the consultation period which ended on 20 February 2013.

Reasons for Decision

The Parish Charter and its Formal Agreements provided the basis for future joint working. Without those arrangements in place, there would be no agreed framework for taking work forward. The delay in agreeing the first draft of the Charter had meant that some key areas of work were unable to be progressed

By agreeing the Charter, the City Council would be able to progress issues such as Planning, for example, which was also of significant importance to Parishes, within an agreed formal working arrangement

EX.24/13 HARRABY CAMPUS DEVELOPMENT PROJECT (Key Decision)

(With the consent of the Chairman, and in accordance with Rule 15 of the Access to Information Procedure Rules; and Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 this item was included on the Agenda as a Key Decision, although not in the Notice of Executive Key Decisions)

Portfolio Communities and Housing

Relevant Overview and Scrutiny Panel Community

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted report SD.02/13 updating Members on progress made to deliver the Harraby Campus Project at the former North Cumbria Technical College site.

The Finance, Governance and Resources Portfolio Holder summarised the background to the matter, commenting that the Harraby Campus Project covered an area of 12 ha and would deliver a new three form entry Primary School and Community facilities for south Carlisle. A map of the site and a schematic drawing of the facilities were included at Appendices A and B to the report.

The total costs of the project were valued at £12.5 million (inclusive of £1.6 million for the community facilities marked with an * at Section 1.5). The project partners had entered into a selection process for a design and build project in line with County Council procurement procedures. Laing O'Rourke had now been selected as the main contractor, with Atkins being selected as Architects for the development.

Work had already commenced to demolish the former NCTC site and the partners wished to commence a full design consultation process week commencing 2 April 2013. Following that ten week design process a final building design would be approved and construction would begin. It was anticipated that the building would be completed and opened in September 2014, in time for the new school year intake.

Details of the development of the project; the proposed funding arrangements; and the future leases and community delivery model required to deliver the new facilities and services were also provided.

In conclusion the Finance, Governance and Resources Portfolio Holder emphasised that the Harraby Campus Project was a significant partnership between the City and County Councils which would bring a range of benefits to local people and wider communities by making available opportunities for training, arts, sport and cultural activities. He therefore moved the recommendations as detailed in the report.

The Leader seconded the recommendations commenting that delivery of the project was very good news for the people of Carlisle South.

Summary of options rejected None

DECISION

That the Executive:

1. Noted the progress on the project to date as detailed in Report SD.02/13 and the ongoing negotiations with the County Council.
2. Approved the release of the £1.6 million over years 2013/14 – 2015/16 from the Capital Programme as the Council's contribution towards the project, delegating responsibility for incurring any spend up to a maximum of £1.6 million to the Director of Community Engagement in conjunction with the Communities and Housing Portfolio Holder; subject to the satisfactory completion of the Funding Agreement.
3. Noted the draft Heads of Terms for the lease arrangements, delegating responsibility of the final terms to the Property Services Manager in conjunction with the Director of Governance and the Director of Resources.

Reasons for Decision

To enable the project to move forward in line with the proposed timetable and to release the City Council's funding contribution in line with the recommendations contained in the report

EX.25/13 NOTICE OF EXECUTIVE KEY DECISIONS
(Non Key Decision)

Portfolio Cross-Cutting

Relevant Overview and Scrutiny Panel

Community; Environment and
Economy; and Resources

Subject Matter

The Notice of Executive Key Decisions dated 8 February 2013 was submitted for information.

The Director of Local Environment was scheduled to report on a proposed change from the use of purple sacks to wheeled bins for certain residents (KD.01/13). The matter was, however, deferred to enable further consultation to take place.

Summary of options rejected None

DECISION

That the Notice of Executive Key Decisions dated 8 February 2013 be noted.

Reasons for Decision

Not applicable

EX.26/13 SCHEDULE OF DECISIONS TAKEN BY PORTFOLIO HOLDERS
(Non Key Decision)

Portfolio Leader

Relevant Overview and Scrutiny Panel

Resources

Subject Matter

Details of a decision taken by the Leader under delegated powers were submitted.

Summary of options rejected None

DECISION

That the decision, attached as Appendix A, be noted.

Reasons for Decision

Not applicable

EX.27/13 SCHEDULE OF DECISIONS TAKEN BY OFFICERS
(Non Key Decision)

Portfolio Finance, Governance and Resources; Communities and Housing

Relevant Overview and Scrutiny Panel

Resources

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 B, be noted.

Reasons for Decision

Not applicable

EX.28/13 JOINT MANAGEMENT TEAM
(Non Key Decision)

Portfolio Cross-Cutting

Relevant Overview and Scrutiny Panel Community; Environment and
Economy; and Resources

Subject Matter

The Minutes of the meetings of the Joint Management Team held on 2 and 14 January 2013 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meetings of the Joint Management Team held on 2 and 14 January 2013, attached as Appendix C, be noted.

Reasons for Decision

Not applicable

EX.29/13 CREMATOR WORKS
(Non Key Decision)

Portfolio Environment and Transport

Relevant Overview and Scrutiny Panel Community

Subject Matter

The Environment and Transport Portfolio Holder submitted report LE.06/13 identifying the need for replacement of specialist brick linings in one of the two cremators at Carlisle Crematorium.

By way of background, the Environment and Transport Portfolio Holder explained that the two cremators at Carlisle Crematorium were last updated in 2007, including the fitting of mercury abatement technology. At the time the specialist contractor (Facultative Technologies) advised that the special heat resistant brick linings would need replacing after approximately five years. That time had now elapsed for the FT3 cremator and an engineer's report, based on a detailed survey of the cremators in January 2013, had confirmed the need to replace the linings.

The work, which would be programmed for summer 2013, would be put out to competitive tender and was likely to cost in the range of £25,000 - £35,000. The budget for cremator repairs and replacement was held in a reserve fund set up following the replacement of the cremators in 2007.

The Environment and Transport Portfolio Holder added that, under the Mercury Abatement Regulations, it was now mandatory that 50% of all cremations carried out in England and Wales were abated. Due to the installation of mercury abatement technology, 100% of cremations in Carlisle were abated. The City Council could therefore trade up to 50% of its cremations and a not for profit company (CAMEO) had been established to administer the trades on a nationwide basis. She added that, once registered (costs £200 for 2013), the Council would receive a payment for each non-abated cremation traded, the projected income being a maximum of £33,500 depending on the number of cremations traded and the agreed fee per cremation. All income from the CAMEO scheme would also be paid into the Cremator Reserve Fund.

The options open for consideration were:

1. Approve the funding and procure the replacement of brick linings in order to allow the crematorium to continue to operate as normal, using income from the CAMEO scheme to top up the Cremator Reserve Fund; or
2. Do nothing, resulting in FT3 becoming unserviceable and therefore reducing by 50% the crematorium's capacity and restricting the end-of-life choices available to bereaved families in the Carlisle area.

In conclusion, the Environment and Transport Portfolio Holder moved that the Executive agree to the release of funds from the Cremator Reserve to enable the replacement of the brick lining of cremator FT3 at Carlisle Crematorium.

Whilst seconding the recommendation, the Leader congratulated all those involved in bringing forward the report.

Summary of options rejected Option 2.

DECISION

The Executive agreed to the release of funds from the Cremator Reserve to enable replacement of the brick lining of Cremator FT3 at Carlisle Crematorium.

Reasons for Decision

Cremator FT3 had reached the end of the predicted life of the specialist firebrick lining and a technician's report had identified the urgent need to replace those linings. The Cremator Reserve Fund was available for that purpose. It would be topped up by income from the CAMEO scheme once it went live later in 2013

EX.30/13 KINGMOOR NATURE RESERVE (Non Key Decision)

Portfolio Environment and Transport

Relevant Overview and Scrutiny Panel Environment and Economy

Subject Matter

The Environment and Transport Portfolio Holder submitted report LE.07/13 proposing that Kingmoor South Nature Reserve be declared as a Local Nature Reserve pursuant to Section 21 of the National Parks and Access to the Countryside Act 1949. A site plan was attached at Appendix 1 to the report.

She provided an overview of the site history, commenting that Kingmoor South had been managed as a nature reserve for many years, including both leisure use and nature conservation. A number of conservation groups worked regularly within the reserve carrying out ecological work. In addition, the site had a "Volunteer Warden" who patrolled the site regularly helping to keep it tidy and well maintained, and informing Green Spaces staff of any problems.

Referring to the Council's corporate priorities, the Environment and Transport Portfolio Holder advised that:

- The declaration encompassed the values of Carlisle City Council's Corporate Plan by increasing peoples pride and respect in their local area, and improving the quality of the local environment.
- The declaration also tied in very well with the Green Infrastructure Strategy, contributing towards Carlisle being a 'Big Green City' for all four of the core benefits. Those included improving the image and perception of the City, by having a well publicised Local Nature Reserve contributing towards making the City a gateway to the surrounding area, with better access and interpretation for tourists and residents.
- Local Nature Reserves also helped local authorities meet [Local Biodiversity Action Plan](#) (LBAP) and sustainable development targets. In particular some species named in the Cumbria Biodiversity Action Plan were found present at Kingmoor South Nature Reserve, including Bat species, Great Crested Newt and Damselfly and also one habitat, Wet Woodland.

The Environment and Economy Overview and Scrutiny Panel had, on 28 February 2013 (Minute EEOSP.19/13), considered the matter and resolved:

“1) That Members of the Panel supported the designation of the Nature Reserve and:

- Requested a public notice to be placed on the road East of the Nature Reserve
- That the opportunity to apply for the Landfill Tax Credit scheme funding for pathways and improvements in the Nature Reserve be followed up
- To maximise the use of volunteers from a broader range of local organisations including local schools.”

A copy of the Minute Excerpt had been circulated.

The Chairman of the Environment and Economy Overview and Scrutiny Panel confirmed that the Members were supportive of the new designation and pleased that the status of the Nature Reserve was being improved. That would help meet environmental requirements and make it easier to obtain funding.

In response, the Environment and Transport Portfolio Holder expressed thanks for the scrutiny work undertaken by the Environment and Economy Overview and Scrutiny Panel. She added that the proposal meant that Kingmoor Nature Reserve, which was a valuable asset, would be further protected and enhanced which was really good news.

In conclusion, the Environment and Transport Portfolio Holder moved the recommendation detailed within the report.

The Culture, Health, Leisure and Young People Portfolio Holder seconded the recommendation and commended the work of the Volunteer Warden on the Reserve.

Summary of options rejected None

DECISION

That the Executive had considered and approved the proposals to declare the land in its ownership, Kingmoor South Nature Reserve, Carlisle as a Local Nature Reserve pursuant to Section 21 of the National Parks and Access to the Countryside Act 1949.

Reasons for Decision

The benefits of the declaration to Kingmoor South and the city of Carlisle would be:

- Increasing people’s awareness and enjoyment of their natural environment
- Provide an ideal environment for everyone to learn about and study nature
- Help build relationships between local authorities, national and local conservation organisations and local people
- Protect wildlife habitats and natural features
- Offer a positive use for land which local authorities would prefer was left undeveloped
- Make it possible to apply bye laws which could help in managing and protecting the site
- Would raise the profile of the site, nationally, encouraging more people to visit both the site and Carlisle

- Contact with nature was important for people's well-being and quality of life, and everyone should be able to enjoy that contact in safety, without having to make any special effort or journey to do so
- Because Local Nature Reserve was a statutory designation, it was a very clear signal to a local community of the local authority's commitment to nature conservation
- Natural England recommended that there should be 1ha of Local Nature Reserve space per 1000 people in England, and since Carlisle only had one other Local Nature Reserve, the proposal would help meet that target
- Increased potential for attracting external resources

(The meeting ended at 4.10 pm)