

(Approved by Council 29 April 2014)

EXECUTIVE

MONDAY 7 APRIL 2014 AT 4.00 PM

PRESENT:

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

OFFICERS:

Town Clerk and Chief Executive
Deputy Chief Executive
Director of Governance
Director of Resources
Director of Economic Development
Director of Local Environment

ALSO PRESENT:

Councillor Mitchelson (Observer)

WELCOME

The Leader welcomed all those present to the meeting.

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.

PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

CALL-IN

The Leader reported that The Mayor had, on 28 March 2014, agreed that the following item should be exempt from call-in as call-in procedures would overlap the City Council meeting on 29 April 2014:

- A.1 – Carlisle and Eden Community Safety Partnership Annual Plan 2014/15

PROCEDURES PRIOR TO PRIVATE MEETINGS

Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 prescribed that, at least 28 clear days before a private meeting, the decision making body must make available / publish a notice of its intention to hold the meeting in private.

It was noted that the Deputy Chief Executive required to submit an urgent private report to this meeting (Agenda item B.1 – District Wifi – Service Concession Contracts). The assessment of the concession submissions had only just been concluded and Officers now wished to proceed with obtaining Executive approval etc.

Since compliance with the above regulation was impracticable, the Chairman of the Environment and Economy Overview and Scrutiny Panel had agreed that the decision was urgent and could not reasonably be deferred, and that the matter could be dealt with today.

EX.32/14 **CARLISLE AND EDEN COMMUNITY SAFETY PARTNERSHIP ANNUAL PLAN 2014/15
(Key Decision – KD.02/14)

(In accordance with Paragraph 15(i) of the Overview and Scrutiny Procedure Rules, The Mayor had agreed that call-in procedures should not be applied to this item)

Portfolio Communities and Housing

Relevant Overview and Scrutiny Panel Community

Subject Matter

Pursuant to Minute EX.24/14, the Communities and Housing Portfolio Holder reported (SD.04/14) that the Carlisle and Eden Community Safety Partnership (CSP) had developed their Partnership Plan for 2014/15 (a copy of which was attached at Appendix 1) using data from the Community Safety Strategic Assessment.

The Portfolio Holder reminded Members that the Plan, which had been developed by the CSP's Leadership Group with input from City Council Officers and herself, presented the CSP's evidence based strategic priorities. Those were used as the framework to inform a live work and delivery programme, aimed at reducing crime and anti-social behaviour across the district. It should be noted that Hate Crime had been included as a key priority this year. She added that delivery would continue to develop throughout the year and could be influenced and shaped through the City Council's representation on the CSP's Leadership Group.

The Community Overview and Scrutiny Panel had, on 27 March 2014, considered the matter and resolved:

"1) That report SD.03/14 – Carlisle and Eden Community Safety Partnership Annual Plan 2014-15 – be noted.

2) That details of the Problem Solving Groups and their meeting dates be circulated to all Members of the City Council.”

A copy of Minute Excerpt COSP.24/14 had been circulated.

In conclusion, the Communities and Housing Portfolio Holder moved that the Executive consider and approve the Plan and recommend it to Council for adoption.

The Deputy Leader, and Environment and Transport Portfolio Holder seconded the recommendation.

Summary of options rejected None

DECISION

1. That the comments of the Community Overview and Scrutiny Panel, as set out in Minute Excerpt COSP.24/14, be noted and received.
2. That the Executive had considered and approved the Carlisle and Eden Community Safety Partnership Annual Plan 2014/15 and recommended it to Carlisle City Council for adoption.

Reasons for Decision

To enable the report to be considered and approved; and recommended to Council for adoption

EX.33/14 LANDLORD ACCREDITATION SCHEME 2014
(Key Decision – KD.08/14)

Portfolio Communities and Housing

Relevant Overview and Scrutiny Panel Community

Subject Matter

The Communities and Housing Portfolio Holder reported (ED.15/14) that private sector landlords played an important part in the provision of housing within the district, with many landlords providing accommodation of a high standard to their tenants. The existing Landlord Accreditation Scheme operating in Carlisle recognised good practice and responsible letting by landlords who were providing quality rented accommodation. She added that, although the Scheme was entirely free to landlords, it was not cost effective for the Council. That was partly due to the increasing demands on resources, but mainly due to the expansion in the private rented sector.

The Portfolio Holder gave an overview of the changes made to the Scheme (launched in 2009) which was open to all landlords who rented out residential accommodation in the district. The Scheme currently had around 148 landlord members, covering approximately 600 properties.

Although the scheme had been successful it did have inherent problems and, at the present time, was no longer fit for purpose. The increase in the private rented sector had

resulted in a higher demand than expected on scheme, thus resulting in increasing pressures on the Council's ability to physically inspect the properties and to administer the scheme. The provision of additional benefits to the landlords, such as free training and newsletters was also resource intensive and no longer viable when alternative organisations provided that service to landlords.

Details of the benefits which had been delivered and taken up by landlords participating in the scheme over the past year, together with other benefits proposed through the scheme but not fully realised due to the significant resource implications were provided.

It was also noted that the Carlisle scheme did not require the accredited landlords to notify the Council of any changes to their property portfolio or to their contact details. That had resulted in inaccuracies in the accreditation database and created difficulties in maintaining good communication with landlords. In addition Officers had not been able to verify any conditions in properties.

The Communities and Housing Portfolio Holder advised that the National Landlords Association currently represented more than 20,000 landlords nationwide. Their landlord accreditation scheme provided a set of standards relating to the management and physical condition of privately rented housing. Landlords who joined the scheme and abided by the standards were accredited. The use of the NLA logo was widely recognised and identified members as good landlords.

There was no requirement under the Carlisle scheme for landlords to keep their knowledge of housing law and best practice up to date, which could prove detrimental to both the landlords and their tenants. To retain their membership of the NLA scheme, landlords must continue their professional development. The type and duration of training undertaken by NLA members was closely monitored by the NLA who would ensure that the minimum annual requirement was achieved.

The Portfolio Holder further outlined details of the proposed scheme which would continue to offer existing incentives and introduce new incentives, the most popular incentives put forward through consultation being:

- 10% discount for landlords on HMO licence fees (to be reviewed annually)
- fees frozen at April 2014 rates for member landlords until April 2016
- access and marketing on the University of Cumbria database/web pages
- inclusion on the Accredited Landlords List published on the Council's website
- access to management and repair services offered by Homelife Carlisle, Home Improvement Agency (HIA)

The proposed scheme would be fully administered by the NLA at no cost to the Council and would not interfere with the Council's statutory enforcement role.

Details of the arrangements for dealing with any complaints received regarding landlords; the consultation undertaken/feedback received; and next steps were also provided.

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

Summary of options rejected the Residential National Landlords Association (RNLA)

DECISION

1. That the proposed Landlord Accreditation Scheme to be managed by the National Landlords Association, as set out in Section 5 of Report ED.15/14, be approved.
2. That the existing Carlisle City Council Landlord Accreditation Scheme be closed down over the next 12 months.
3. That the terms of the agreement with the NLA be approved.

Reasons for Decision

The adoption of a Landlord Accreditation Scheme managed by the National Landlords Association would help promote good practice in the private rented sector. It would take away from the Council the administrative burden for the management of the scheme, but enable it to retain incentives which supported landlords renting out accommodation in the Carlisle area

EX.34/14 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 7 March 2014 was submitted for information.

The Director of Governance was scheduled to report on the Asset Review Business Plan – Refresh of Disposal Programme (KD.06/14). The matter would be the subject of further review and, as such, was not ready for publication. It was therefore deferred.

Summary of options rejected None

DECISION

That the Notice of Executive Key Decisions dated 7 March 2014 be noted.

Reasons for Decision

Not applicable

EX.35/14 SCHEDULE OF DECISIONS TAKEN BY OFFICERS (Non Key Decision)

Portfolio Environment and Transport; Economy and Enterprise

Relevant Overview and Scrutiny Panel Community; and Environment and
Economy

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.

Reasons for Decision

Not applicable

EX.36/14 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 meeting of the Joint Management Team held on 10 February 2014 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meeting of the Joint Management Team held on 10 February 2014, attached as Appendix B, be received.

Reasons for Decision

Not applicable

EX.37/14 HATE CRIME
(Non Key Decision)

Portfolio Communities and Housing

Relevant Overview and Scrutiny Panel Community

Subject Matter

Pursuant to Minute COSP.23/14, consideration was given to a reference from the Community Overview and Scrutiny Panel regarding the final report of the Hate Crime Task and Finish Group. The Panel had resolved:

“That the Panel endorse the recommendations of the Hate Crime Task and Finish Group as set out in report OS18/14 with the following amendment:

Recommendation 4 – change ‘ensure’ to ‘encourage’

and refer it to the Executive for a formal response to the recommendations.”

Copies of Report OS.12/14 and the Minute Excerpt had been circulated.

The Communities and Housing Portfolio Holder began by expressing thanks to Members of the Hate Crime Task and Finish Group for their work on the matter. The review had highlighted the need to raise awareness of hate crime which was very much under reported. Although Cumbria Constabulary had a lead role in terms of responsibility, she emphasised the personal responsibility that each Member had to raise awareness, as identified in the Task Group’s recommendations.

The Task Group had made a number of recommendations for consideration by the Executive, as set out at page 3 of the final report.

The Communities and Housing Portfolio Holder read out each of the Task Group’s recommendations in turn, together with the Executive’s response thereto:

Recommendation 1

“That the Executive give consideration as to how the Council can raise awareness of tackling prejudice and hate related incidents in order to deter such behaviour and also to encourage victims to report incidents of abuse and promote understanding about the impact of hate incidents on people affected by such crimes and on Council’s Plan (including Events) for fostering good relations among diverse communities. Cumbria Constabulary aim to re-launch the hate incident reporting scheme in March and have stated that they would appreciate if the Council would also actively promote the service.”

The Executive would be working in partnership with Cumbria Constabulary to re-launch the Hate Incident Reporting Scheme, and would encourage partners to take up opportunities already offered in the events programme to raise awareness of hate crime.

Recommendation 2

“That the Executive give consideration to how Carlisle City Council can help meet the aims and objectives of the Cumbria Multi-agency Tackling Hate Crime 2013-15 and give assurance that a representative from Carlisle City Council will attend future Cumbria Multiagency events.”

Indirect representation was provided at all multi-agency events as a result of the work undertaken by the Community Safety Panel. The Executive would, however, look at providing direct representation in future.

Recommendation 3

“That the Carlisle and Eden Community Safety Partnership give priority to hate crime and in particular the relation with the night time economy within their annual partnership plan.”

Already actioned.

Recommendation 4

“That the Council reinstate Equality and Diversity Training for all staff and Members. Group leaders should be asked to encourage Councillors within their political group attend such training.”

As stated at the Community Overview and Scrutiny Panel meeting, although the Council had a part to play, each Member had an individual responsibility. The City Council had in place an e-learning pool whereby Members and Officers could access a wide variety of modules, including Disability Awareness, Mental Health Awareness, Equality and Diversity, and Learning Disability.

In addition, negotiations were ongoing with Cumbrian local authorities to look at a shared approach, the outcome of which would emerge later in the year. It was hoped that Group Leaders would encourage Members to attend such training.

Recommendation 5

“When available, the DVD produced by Mencap and any other resources produced by other organisations should be viewed at an informal Council session in order to raise Member awareness. If deemed appropriate a representative from Cumbria Constabulary should also be invited to this session to inform Members about hate crime in the District and how Members can encourage their constituents to report all incidents of abuse.”

The Executive considered that informal Council briefings presented the ideal opportunity to brief Members on issues such as Hate Crime.

Recommendation 6

“That a policy is developed to inform staff and Members what to do if they are cyber bullied and the action that will be taken against those who partake in cyber-bullying.”

The Executive would raise awareness of the impact of cyber-bullying on victims in the next edition of the Staff Newsletter. Cumbria Constabulary’s website also provided very good advice on the subject.

Recommendation 7

“That the Community Overview and Scrutiny Panel receive an annual report on Equality and Diversity issues including the annual review of all appropriate policies.”

The Policy and Communications Manager would arrange to meet the Chairman of the Community Overview and Scrutiny Panel to scope and timetable an annual report on Equality and Diversity issues.

In conclusion, the Communities and Housing Portfolio Holder moved the Executive’s responses as detailed above for submission to the Community Overview and Scrutiny Panel on 19 June 2014

The Culture, Health, Leisure and Young People Portfolio Holder seconded the recommendation.

Summary of options rejected None

DECISION

1. That the Executive had considered the final report of the Hate Crime Task and Finish Group.
2. That the Executive's response to each of the Task Group's recommendations, as detailed above, be submitted to the Community Overview and Scrutiny Panel on 19 June 2014.

Reasons for Decision

To respond to recommendations from the Hate Crime Task and Finish Group

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 on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

EX.38/14 DISTRICT WIFI – SERVICE CONCESSION CONTRACTS (Key Decision)

(Public and Press excluded by virtue of paragraph 3)

(In accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chairman of the Environment and Economy Overview and Scrutiny Panel had agreed that this item of business was urgent and could not reasonably be deferred)

(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 Leader

Relevant Overview and Scrutiny Panel Environment and Economy

Subject Matter

The Leader submitted private report SD.11/14 concerning District Wifi service concession contracts.

The Leader outlined the background position, together with details of the procurement process; the evaluation process and outcomes; and the British Telecom Bid submission.

He added that the Carlisle Public Wireless Concession would use Council owned property and street assets to enable realisation of the key benefits set out at Section 5 of the report.

In conclusion, the Leader moved the recommendations which were duly seconded by the Economy and Enterprise Portfolio Holder.

Summary of options rejected None

DECISION

1. That the Executive had reviewed the content of Report SD.11/14 and agreed to enter a Wifi service concession contract with the successful provider (British Telecommunications PLC) for the period of eight years, with a potential extension of two further years at the sole discretion of the City Council.

2. That further to recommendation 1. the Executive agreed to grant a licence to the successful provider (British Telecommunications PLC) to use City Council assets for the deployment of Wifi and small cell equipment in the manner as laid out in the draft Licence attached at Appendix A.

Reasons for Decision

To seek Executive approval for implementation of the project and the granting of a licence to the successful provider for the use of city assets

(The meeting ended at 4.18 pm)