

CITY COUNCIL

TUESDAY 9 NOVEMBER 2010 AT 6.45 PM

PRESENT: The Mayor (Councillor Mrs Styth), Councillors Allison, Atkinson, Bainbridge, Bell, Betton, Bloxham, Boaden, Bowditch, Mrs Bowman, Bowman (S), Mrs Bradley, Cape, Clarke (M), Collier, Craig, Devlin, Earp, Ellis, Farmer (C), Mrs Farmer, Mrs Geddes, Glover, Graham, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), McDevitt, Mitchelson, Morton, Nedved, Mrs Parsons, Ms Patrick, Ms Quilter, Mrs Riddle, Mrs Robson, Mrs Rutherford, Scarborough, Stothard, Mrs Vasey, Mrs Warwick, Watson, Weber, Weedall and Wilson

C.144/10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Clarke, Mrs Southward and Tootle.

C.145/10 MINUTES

The Minutes of the meeting of the City Council held on 14 September 2010 were received and signed as a true record of the meeting.

C.146/10 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

C.147/10 DECLARATIONS OF INTEREST

Councillors Harid and Mitchelson declared a personal interest in accordance with the Council's Code of Conduct in respect of Item 19(i) – Licensing Act 2003: Review of Statement of Licensing Policy. The interest related to the fact that the Councillors are licensed premises holders.

C.148/10 ANNOUNCEMENTS

(a) The Mayor

The Mayor welcomed Councillor Nedved to his first meeting of the City Council.

The Mayor then informed Members that she had, on 4 November 2010, visited the Heathlands Project (part of the Glenmore Trust) which provided education, development, support and encouragement to people with disabilities. She further drew attention to copies of the Heathlands Project calendar for 2011 and pledge sheet for the Peoples Millions which had been distributed and asked that Members complete the form and pledge ten votes each in support of the Big Lottery grants programme. It was also hoped that staff could be asked to do the same.

She further reminded Members that the Civic Carol Service would take place on 19 December 2010 in St Cuthbert's Church and asked that they note that in their diaries. A formal invitation would be circulated in due course.

(b) The Leader of the Council

It was with much regret that the Leader reported that Councillor Mrs Luckley (Community Engagement Portfolio Holder) would, for personal reasons, be standing down from her position on the Executive.

The Leader stated that Councillor Luckley had worked tirelessly since her appointment as Portfolio Holder on many issues, including Equality and Diversity, Housing and Homelessness, Young People's activities and Health Partnerships. She had, in particular, played a major role in the achievement of Health City status for Carlisle; and 'achieving authority' status under Equality and Diversity for the Council.

On a personal basis the Leader thanked Councillor Luckley for her considerable contribution, adding that he would shortly revise his Scheme of Delegation to take account of her decision.

The Mayor added her personal regret and also recognition of the tremendous work undertaken by Councillor Luckley.

Members applauded Councillor Luckley for her contribution to the work of the City Council.

(c) Members of the Executive

Councillor Mallinson (J) reiterated the sentiments expressed by the Leader in thanking Councillor Luckley. He said she was a true friend and advocate to those in adversity within the City, and would be sorely missed.

(d) Town Clerk and Chief Executive

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

C.149/10 QUESTIONS BY MEMBERS OF THE PUBLIC

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

C.150/10 PETITIONS AND DEPUTATIONS

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

C.151/10 QUESTIONS FROM MEMBERS OF THE CITY COUNCIL

Pursuant to Procedure Rule 11.2, the Town Clerk and Chief Executive reported that no questions had been submitted on notice by Members of the Council.

C.152/10 EXECUTIVE

Councillor Mitchelson moved and Councillor Mallinson (J) seconded the Minutes of the meetings of the Executive held on 2 September, 11 and 25 October 2010.

A Member of the City Council asked a question of the Governance and Resources Portfolio Holder on those Minutes.

RESOLVED – That the Minutes of the meetings of the Executive held on 2 September, 11 and 25 October 2010 be received and adopted.

C.153/10 PORTFOLIO HOLDER REPORTS

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

Promoting Carlisle
Governance and Resources
Local Environment
Economic Development
Community Engagement
Performance and Development

In moving his report, the Leader paid tribute to all members of staff involved in the organisation of the Fire Show when in excess of 35,000 people had attended.

The Local Environment Portfolio Holder reported that the Council was the second best performing authority in the North West in respect of National Performance Indicator NI 191 residual household waste per household (kg/hh), as a direct result of their recycling and waste reduction measures. He asked that the City Council congratulate members of staff and, in particular, the people of Carlisle for that achievement.

The Mayor indicated that she was willing to write a letter of congratulation of all concerned, which course of action was agreed.

In moving her report, the Economic Development Portfolio Holder commented upon the huge success of the Shop Doctor programme, designed to improve retailers' performance by providing specialist advice on how to maximise the impact of the presentation of their goods and how to enhance sales and customer service. In response to a question from the Community Overview and Scrutiny Panel, she was pleased to report that some funding would be available to offer assistance to premises in deprived urban wards on a first come, first served basis.

In moving her report, the Community Engagement Portfolio Holder drew particular attention to the Equality and Diversity section pointing out that the authority had completed a satisfactory assessment against the criteria for an 'achieving authority' as set out in the Equality Framework for Local Government. She expressed thanks to all concerned for that achievement.

Councillor Luckley also thanked the Leader, the Mayor and Councillor Mallinson (J) for their kind words. She further paid tribute to Members and Officers for their support to her portfolio through very difficult times.

Members questioned individual Portfolio Holders on details of their reports, and it was –

RESOLVED – (1) That the reports of the Portfolio Holders be received.

(2) That the Local Environment Portfolio Holder provide a written response to Councillor Cape with regard to his question on whether garden waste processed into compost at Hespin Wood was bought back for use on gardens in Carlisle.

(3) That the Mayor write a letter of congratulation to members of the Waste Services staff.

(4) That the Performance and Development Portfolio Holder provide a detailed written response to the question raised by Councillor Mrs Riddle on the number of items of expenditure over £500 to be published online by January 2011.

C.154/10 OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN'S REPORTS

(a) Community Overview and Scrutiny Panel

Councillor Mrs Bradley moved and it was seconded that the Minutes of the Meetings of the Community Overview and Scrutiny Panel held on 26 August, 7 and 12 October 2010 be received and adopted.

In the absence of the Chairman, she expressed appreciation to Councillor Mrs Luckley for her attendance at meetings of the Panel and for her detailed knowledge of the various issues within the Community Engagement Portfolio. It was a matter of regret that the Councillor would no longer undertake that role.

The Chairman's Report was submitted.

RESOLVED – That the Minutes of the Meetings of the Community Overview and Scrutiny Panel held on 26 August, 7 and 12 October 2010 together with the Chairman's Report be received and adopted.

(b) Resources Overview and Scrutiny Panel

Councillor Allison moved and Councillor Layden seconded that the Minutes of the Meeting of the Resources Overview and Scrutiny Panel held on 2 September 2010 be received and adopted.

Councillor Allison also presented his Chairman's Report.

RESOLVED – (1) That the Minutes of the Meeting of the Resources Overview and Scrutiny Panel held on 2 September 2010 together with the Chairman's Report be received and adopted.

(2) That the Chairman provide a written response to the question raised by Councillor Mrs Bowman as to whether the list of roads covered by the City Council under Claimed Rights had been circulated to all City Councillors and Parish Councillors for their information (Minute ROSP.84/10 refers).

(c) Environment and Economy Overview and Scrutiny Panel

Councillor Mrs Rutherford moved and Councillor Farmer (C) seconded that the Minutes of the Meeting of the Environment and Economy Overview and Scrutiny Panel held on 9 September 2010 be received and adopted.

Councillor Mrs Rutherford also presented her Chairman's Report and updated Members on the current position regarding the work of the Car Parking Task and Finish Group; the Cumbria Joint Scrutiny Committee which would, in future, meet on an ad hoc basis as the need arose; and changes under Waste Services (Minute EEOSP.64/10 refers).

Members asked questions of the Chairman on the Minutes.

RESOLVED – That the Minutes of the meeting of the Environment and Economy Overview and Scrutiny Panel held on 9 September 2010 together with the Chairman's Report be received and adopted.

C.155/10 REGULATORY PANEL

Councillor Morton moved and Councillor Mrs Parsons seconded the receipt and adoption of the Minutes of the Meetings of the Regulatory Panel held on 25 August and 13 October 2010.

RESOLVED – That the Minutes of the Meetings of the Regulatory Panel held on 25 August and 13 October 2010 be received and adopted.

C.156/10 LICENSING COMMITTEE

Councillor Morton moved and Councillor Mrs Parsons seconded the receipt and adoption of the Minutes of the Meetings of the Regulatory Panel held on 25 August and 13 October 2010.

RESOLVED – That the Minutes of the Meetings of the Regulatory Panel held on 25 August and 13 October 2010 be received and adopted.

C.157/10 DEVELOPMENT CONTROL COMMITTEE

Councillor Mrs Parsons moved and Councillor Morton seconded the receipt and adoption of the Minutes of the Meetings of the Development Control Committee held on 18 and 20 August, 29 September and 1 October 2010.

It was with sadness that Councillor Mrs Parsons informed Members that the Development Control Manager was leaving the authority on 12 November 2010.

Councillor Morton reiterated the Chairman's comments and, on behalf of all Members, extended best wishes to Mr Taylor for the future.

A Member then questioned the Chairman on an issue which had arisen under Minute DC.58/10.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 18 and 20 August, 29 September and 1 October 2010 be received and adopted.

C.158/10 AUDIT COMMITTEE

Councillor Mrs Mallinson moved and Councillor Layden seconded the receipt and adoption of the Minutes of the Meeting of the Audit Committee held on 24 September 2010.

RESOLVED – That the Minutes of the Meeting of the Audit Committee held on 24 September 2010 be received and adopted.

C.159/10 APPEALS PANEL

Councillor Mrs Geddes moved and Councillor Earp seconded the receipt and adoption of the Minutes of the Meeting of Appeals Panel No. 2 held on 11 October 2010.

RESOLVED – That the Minutes of the Meeting of Appeals Panel No. 2 held on 11 October 2010 be received and adopted.

C.160/10 NOTICE OF MOTION

Pursuant to Procedure Rule 12, the Town Clerk and Chief Executive reported the receipt of the following Motion submitted on notice by Councillor Watson OBE:

Comprehensive Spending Review

This Council condemns the Conservative / Liberal Democrat government's Comprehensive Spending Review not because of the necessary financial reductions it must make but because of the regressive nature of those reductions as shown in a recent Institute of Fiscal Studies report which found that the poorest families with children lose more than any other group. That cannot be regarded as a progressive taxation.

We call on the government to have a greater regard for the less wealthy people of Carlisle and the rest of the country and to ensure that those that can afford to pay more bear the burden.

This Council calls upon the Executive to ask the government to direct the cuts not at the less fortunate but at the people who caused the problem in the first place, chiefly the banks and money markets.

Councillor Watson moved, and Councillor Glover seconded the motion.

Following substantial debate with input from a number of Members of the City Council, Councillor Glover supported by one fourth of the Members present requested under Procedure Rule 17.4 that a recorded vote be taken.

The following Members voted for the motion of Councillor Watson:

The Mayor (Councillor Mrs Styth), Councillors Atkinson, Bell, Betton, Boaden, Bowditch, Mrs Bradley, Cape, Glover, Graham, Harid, Hendry, McDevitt, Ms Patrick, Ms Quilter, Mrs Riddle, Mrs Rutherford, Scarborough, Stothard, Mrs Warwick, Watson, Weber, Weedall and Wilson.

The following Members voted against the motion of Councillor Watson:

The Deputy Mayor (Councillor Earp), Councillors Allison, Bainbridge, Bloxham, Bowman (S), Mrs Bowman, Clarke (M), Collier, Craig, Devlin, Ellis, Farmer (C), Mrs Farmer, Mrs Geddes, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), Mitchelson, Morton, Nedved, Mrs Parsons, Mrs Robson and Mrs Vasey.

The motion of Councillor Watson was NOT AGREED.

C.161/10 PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE COUNCIL'S BUDGET AND POLICY FRAMEWORK

(i) EX.136/10 and EX.153/10 – Third Local Transport Plan 2011 - 2026

Pursuant to Minute EX.136/10 and EX.153/10, consideration was given to recommendations from the Executive regarding the Third Local Transport Plan. A copy of Report ED.33/10 and relevant Minute Extracts had been circulated.

Councillor Mrs Bowman moved and Councillor Bloxham seconded the recommendations that the City Council approve the completed questionnaire as the formal response of the City Council to the consultation on the Third Local Transport Plan; and the attention of the County Council be drawn to the additional issues raised and listed under paragraphs 1.2 and 1.3 of Report ED.29/10.

RESOLVED – That the City Council approved the completed questionnaire as the formal response of the City Council to the consultation on the Third Local Transport Plan, as detailed within Report ED.29/10; and would draw the attention of the County Council to the additional issues raised and listed under paragraphs 1.2 and 1.3 of the Report.

(ii) EX.165/10 – Review of the Contract Procedure Rules

Pursuant to Minute EX.165/10 consideration was given to a recommendation from the Executive that the City Council consider and approve the proposed changes to the Contract Procedure Rules, as detailed in report RD.47/10, together with the consequential amendments to the Council's Constitution. A copy of Report RD.47/10 and relevant Minute Extracts had been circulated.

Councillor Mallinson (J) moved and Councillor Mitchelson seconded the above recommendation.

RESOLVED – That the proposed changes to the Contract Procedure Rules, as detailed in report RD.47/10, together with the consequential amendments to the Council's Constitution be approved.

C.162/10 REFERENCES FROM OTHER COMMITTEES

(i) LC.26/10 – Licensing Act 2003: Review of Statement of Licensing Policy

Pursuant to Minute LC.26/10, consideration was given to a recommendation from the Licensing Committee that the City Council adopt the final draft of the reviewed Statement of Licensing Policy, as appended to Report GD.55/10, and in accordance with paragraph 4.6.7 of the Policy, recognise Cumbria County Council, Children's Services, as the 'Responsible Authority' for matters in relation to the protection of children from harm. A copy of Report GD.55/10 and relevant Minutes had been circulated.

Councillor Morton moved and Councillor Mrs Parsons seconded the recommendations set out in the report.

RESOLVED – (1) That the final draft of the reviewed Statement of Licensing Policy, as appended to Report GD.55/10, be approved and adopted.

(2) That, in accordance with paragraph 4.6.7 of the Policy, the City Council recognised Cumbria County Council (Children's Services) as the 'Responsible Body' for matters in relation to the protection of children from harm.

(ii) RP.37/10 – Licensing of Sexual Entertainment Venues

Pursuant to Minute RP.37/10, consideration was given to a recommendation from the Regulatory Panel that the City Council adopts the provisions in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 Policing and Crime Act 2009, in relation to the administrative area of Carlisle; and makes the appropriate amendment to the Scheme of Delegation within the Constitution. A copy of Report GD.56/10 and relevant Minutes had been circulated.

Councillor Morton moved and Councillor Mrs Parsons seconded the recommendations.

RESOLVED – (1) That the provisions in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 Policing and Crime Act 2009, for the Licensing of Sexual Entertainment Venues in relation to the administrative area of Carlisle, as detailed within Report GD.56/10, be approved.

(2) That the Assistant Director (Governance) be authorised to make the appropriate amendment to the Scheme of Delegation within the City Council's Constitution.

C.163/10 AUDIT OF ACCOUNTS – YEAR ENDED 31 MARCH 2010

Pursuant to Minute AUC.55/10, consideration was given to a report of the Assistant Director (Resources) RD.50/10 regarding the audit of the City Council's accounts for the year ending 31 March 2010.

Councillor Mrs Mallinson reported that the audit of the City Council accounts for the year ending 31 March 2010 had now been concluded, significant improvements had been made which had resulted in no material errors to the Accounts.

A Member questioned why the full Statement of Accounts was not submitted to the City Council.

Councillor Mrs Mallinson and the Governance and Resources Portfolio Holder then responded to questions regarding the formal objection to the Accounts; the increase in the audit fee; the IT Shared Service; and potential loss of scrutiny following the abolition of the Audit Commission.

RESOLVED – That the Council noted that the Audit of Accounts for 2009/10 had now been concluded and that there had been significant improvements made which had resulted in no material errors to the Accounts.

C.164/10 DECISIONS TAKEN UNDER SPECIAL URGENCY

Pursuant to Procedure Rule 17.3, consideration was given to the report of the Leader concerning a decision taken by the Performance and Development Portfolio Holder under special urgency.

RESOLVED – That the report be noted.

C.165/10 COMMITTEE NOMINATIONS

The Leader reported on changes to Conservative Group membership on the following Committees / Panels:

Development Control Committee

Councillor Nedved to replace Councillor Bainbridge as a substitute Member

Community Overview and Scrutiny Panel

Councillor Nedved to replace Councillor Mrs Parsons as a Member

Councillor Mrs Parsons to replace Councillor Mrs Mallinson as a substitute Member

Resources Overview and Scrutiny Panel

Councillor Bowman (S) to replace Councillor Bainbridge as a Member
Councillor Earp to replace Councillor Bowman (S) as a substitute Member

Environment and Economy Overview and Scrutiny Panel

Councillor Craig to replace Councillor Bainbridge as a Member
Councillor Nedved to replace Councillor Craig as a substitute Member

Appeals Panel 2

Councillor Nedved to replace Councillor Mrs Geddes as a Member

Councillor Watson reported on changes to Labour Group membership on the following Committees / Panels:

Development Control Committee

Councillor Bowditch to replace Councillor Watson as a substitute Member

Appeals Panel 2

Councillor Scarborough to replace Councillor Mrs Styth as a substitute Member

Regulatory Panel and Licensing Committee

Councillor Cape to replace Councillor Mrs Rutherford as a Member
Councillor Boaden to replace Councillor Cape as a substitute Member

RESOLVED – That the changes to Conservative and Labour Group membership on Committees / Panels, as detailed above, be agreed:

C.166/10 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.

(The meeting ended at 8.58 pm)