

## **EXECUTIVE**

**MONDAY, 6 DECEMBER 2004 AT 1.00 P.M.**

### **PRESENT:**

Councillor Mitchelson (Chairman) (Promoting Carlisle Portfolio)  
Councillor Bloxham (Environment Infrastructure and Transport Portfolio)  
Councillor Mrs Bowman (Economic Prosperity Portfolio)  
Councillor Firth (Policy Performance Management Finance and Resources Portfolio)  
Councillor Mrs Geddes (Corporate Resources Portfolio)  
Councillor Knapton (Health and Community Activities Portfolio)

### **ALSO PRESENT:**

Councillors Boaden and Dodd were attended the meeting as representatives of the Community and Infrastructure Overview and Scrutiny Committees respectively.

Councillor Scarborough attended the meeting as Ward Councillor and spoke on the petition from residents of the Kingfisher Park Estate (Minute EX.247/04 refers). Councillor Boaden also spoke as Ward Councillor on the petition.

Councillors McDevitt and Weber attended the meeting as observers.

### **DECLARATIONS OF INTEREST**

Councillor Mitchelson declared a prejudicial interest in accordance with the Council's Code of Conduct on the item relating to the Licensing Policy (Minute EX.249/04) and withdrew from the meeting room whilst the item was dealt with.

### **MINUTES**

The Minutes of the meetings of the Executive held on 13 and 16 September and 11 and 13 October 2004 were signed by the Chairman as a correct record of the meetings.

### **APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Guest, Mrs Mallinson and Mrs Prest.

### **EX.247/04 PETITION – PLAY AREA AT KINGFISHER PARK ESTATE CARLISLE (Non-Key Decision)**

**Portfolio** Health and Community Activities

## **Subject Matter**

To consider a report from the Head of Culture, Leisure and Sport (CLS.21/04) concerning a petition containing 156 names from 102 different addresses on the Kingfisher Park Estate regarding the play area. All except 12 residents were requesting the play area to be removed because of vandalism and anti-social behaviour. Residents of 61 properties had not signed the petition, due to them being away when it was conducted, the house being empty, or they wished to make no comment.

Mrs S Beveridge was present at the meeting and spoke to the Executive. She told the Executive that this had been an issue for residents since the estate had been developed. When she had bought her home it was on the understanding that there was an open outlook. The play area had been built three years after the estate had been developed and an adjoining footpath next to the play area was being used as a short cut to Botcherby. Since the play area had been built there had been nothing but trouble with dog fouling, rubbish and teenagers drinking, fighting and making noise. Park equipment had been covered in dog mess and small children using the play area had been threatened by older youths. The area was used by youths riding motorcycles and electric scooters and the Police had been called on numerous occasions. The path next to the play area had become a dog toilet. There had been thefts from garages and sheds on the Kingfisher Park Estate. Noise from youths at the play area could go on as late as 2am or 3am. There was a nearby park which could be used for play. Mrs Beveridge considered that the play area was not being used for the purposes intended and should be removed.

Two Ward Councillors were present at the meeting and spoke in support of the petitioners.

The Head of Culture, Leisure and Sport reported that the City Council had only recently taken over responsibility for the play area and it was now visited three times a week and litter collected. He believed that the problems with litter and vandalism to the equipment were now much improved. The problem with vandalism and anti-social behaviour at the play area could have been as a result of it being in an unfinished state because of the length of time the developer took to complete the facility.

He further reported that the City Council would seek to involve the Community Policeman and Youth and Play Workers to provide alternative activities for youths in the area. Funding had been sought for a multi-use games area in Melbourne Park which could be used by youths in an evening. Problems with dog fouling could be addressed through the Council's Dog Warden Service. Play was critical to a child's development and the City Council would seek to work with young people, voluntary groups and local residents to ensure that the play area was used properly.

The provision of a play area at the Kingfisher Park Estate was a requirement of the planning permission in accordance with normal policy guidelines. The Head of Legal and Democratic Services reported that any change to the planning requirements would be a matter for the Development Control Committee to determine.

The Chairman thanked the petitioners for attending the meeting and presenting their petition to the Executive. As the provision of a play area formed part of the planning consent for the housing development, the petition would be referred to the Development Control Committee for consideration. The Executive asked that action be taken to monitor and address the problems at the play area with a view to ensuring that local residents were no longer affected by anti-social behaviour from youths congregating at the facility.

### **Summary of options rejected**

None

### **Decision**

1. That the Head of Culture, Leisure and Sport be requested to arrange for the play area to be closely monitored for the next few months.
2. That people of the area be encouraged to use the facilities available to them at Botcherby and Greystone Community Centres.
3. That arrangements be made for the Council's Dog Warden Service to monitor the area to address the problems with dog fouling.
4. That the petition be forwarded to the Development Control Committee for consideration.

### **Reasons for Decision**

The play area is provided for the children of the estate, and for future children of the estate, and its removal would result in the loss of a valuable facility.

Nuisance surrounding a new play area usually subsides as the 'novelty value' wears off.

The provision of a play area is a requirement of planning permission on any development of 40 or more units. The content of the petition is, therefore, being forwarded to the Development Control Committee for consideration.

## **EX.248/04    FEEDBACK    FROM    OVERVIEW    AND    SCRUTINY COMMITTEES TO THE EXECUTIVE'S CONSIDERATION OF BUDGET REPORTS (Key Decision)**

**Portfolio**     Policy, Performance Management, Finance and Resources

### **Subject Matter**

To consider the Minutes of the following Overview and Scrutiny Committees relating to the Budget reports considered by the Executive on 15 November 2004:

Corporate Resources - 22 November 2004;  
Community - 29 November 2004;  
Infrastructure - 1 and 2 December 2004.

The Chairman of the Community Overview and Scrutiny Committee and Vice-Chairman of the Infrastructure Overview and Scrutiny Committee were present at the meeting and given the opportunity to speak. The Chairman of the Corporate Resources Overview and Scrutiny Committee had submitted his apologies through illness.

The Chairman, on behalf of the Executive, wished to thank the Overview and Scrutiny Committees for their deliberations on the Budget and indicated that their input would be taken into account by the Executive when formulating the 2005/06 Budget proposals.

The Head of Finance reported that the Government Rate Support Grant settlement for Carlisle City Council had recently been announced. Carlisle had been awarded a headline 3.73% increase which was more than the 2.5% used for projection purposes. In real terms, the City Council was £130,000 better off than the projected figures. The full implications of the settlement would be the subject of a report to the Executive on 20 December 2004.

### **Summary of options rejected**

None

### **Decision**

That the observations of the Overview and Scrutiny Committees will be taken into account by the Executive when formulating the 2005/06 Budget proposals.

### **Reasons for Decision**

In order for the observations of the Overview and Scrutiny Committees to be taken into account by the Executive in giving further consideration to the 2005/06 Budget.

**EX.249/04 LICENSING POLICY (Key Decision)**

(With the consent of the Chairman, and in accordance with Rule 15 of the Access to Information Procedure Rules, this item had been included on the Agenda as a key decision, although not in the Forward Plan.)

Councillor Mitchelson (Chairman), having declared a prejudicial interest in this item, withdrew from the meeting room whilst the item was dealt with. Councillor Firth chaired the meeting for this item.

**Portfolio** Environment, Infrastructure and Transport

**Subject Matter**

To consider the latest version (8a) of the draft Licensing Policy in order that a recommendation can be made to the City Council.

**Summary of options rejected**

None

**Decision**

That the draft Licensing Policy (Version 8a) be recommended to the City Council for adoption.

**Reasons for Decision**

That the draft Licensing Policy (Version 8a) be recommended to the City Council for adoption.

**EX.250/04 SCHEDULE OF DECISIONS TAKEN BY INDIVIDUAL PORTFOLIO HOLDERS (Non-Key Decision)**

**Portfolio** Health and Community Activities

**Subject Matter**

Details of decisions taken by individual portfolio holders were submitted.

**Summary of options rejected**

Not applicable

**Decision**

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

**Reasons for Decision**

Not applicable

**EX.251/04 SCHEDULE OF OFFICER DECISIONS (Non-Key Decision)**

**Portfolio** Corporate Resources

**Subject Matter**

Details of decisions taken by Officers were submitted.

**Summary of options rejected**

Not applicable

**Decision**

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

**Reasons for Decision**

Not applicable

**EX.252/04 JOINT MANAGEMENT TEAM MINUTES (Non-Key Decision)**

**Portfolio** All

**Subject Matter**

The Minutes of the meetings of the Joint Management Team held on 14 and 28 October 2004 were submitted for information.

**Summary of options rejected**

Not applicable

**Decision**

That the Minutes, attached at Appendix C, be noted.

**Reasons for Decision**

Not applicable

**EX.253/04 CUMBRIA SUB-REGIONAL HOUSING STRATEGY (Non-Key Decision)**

**Portfolio** Environment, Infrastructure and Transport

## **Subject Matter**

To consider the response from the Community Overview and Scrutiny Committee of 18 November 2004 to the Executive's commitment that the City Council will work towards and take a leading role in the development of a Cumbria Sub Regional Housing Strategy. The Overview and Scrutiny Committee welcomed this commitment.

## **Summary of options rejected**

None

## **Decision**

That the support of the Community Overview and Scrutiny Committee be received and welcomed.

## **Reasons for Decision**

The Executive received the Minute of the Community Overview and Scrutiny Committee which welcomed the Executive's commitment that the City Council will work towards and take a leading role in the development of a Cumbria Sub Regional Housing Strategy.

## **EX.254/04 BAD DEBT WRITE OFFS (Non-Key Decision)**

**Portfolio** Policy, Performance Management, Finance and Resources

## **Subject Matter**

To consider a report from the Head of Revenues and Benefits Services (RB.9/04) recommending the writing off of bad debts over £1,000 and informing the Executive of action taken under delegated authority to write-off bad debts under £1,000.

## **Summary of options rejected**

None

## **Decision**

1. That the Head of Finance be authorised to write-off the sum of £50,380.67 in respect of debts over £1,000.
2. That the Head of Finance's action in writing off debts totalling £86,438.52 in respect of bad debts under £1,000 be noted.

3. That it is also noted that £12,117.51 previously written off had been collected and would be credited to accounts as indicated in Report RB.9/04.

### **Reasons for Decision**

To approve the writing off of bad debts over £1,000.

### **EX.255/04 BOARD OF CARLISLE HOUSING ASSOCIATION (Non-Key Decision)**

**Portfolio** Environment, Infrastructure and Transport

### **Subject Matter**

To consider the appointment of a representative to the Board of Carlisle Housing Association in place of Councillor Allison, who has submitted his resignation.

Councillor Bloxham, Environment, Infrastructure and Transport Portfolio Holder, reported that the Labour and Liberal Democrat Political Groups had been invited to submit nominations. The Labour Group had nominated Councillor Hendry to serve on the Carlisle Housing Association Board.

### **Summary of options rejected**

None

### **Decision**

That Councillor Hendry be nominated to serve as a City Council representative on the Board of the Carlisle Housing Association.

### **Reasons for Decision**

To nominate a City Council representative to the Board of Carlisle Housing Association.

### **EX.256/04 FORWARD PLAN OF KEY DECISIONS (Non-Key Decision)**

**Portfolio** Various

### **Subject Matter**

The Forward Plan of key decisions of the Executive covering the period 1 December 2004 to 31 March 2005 was submitted for information.

An item was included in the last Forward Plan for a decision to be taken at this meeting on the contract with Carlisle Housing Association. This item has



been deferred to the 24 January 2005 meeting to allow further Officer discussions on the issues prior to a report being presented to Members.

An item had been included in the last Forward Plan for a decision to be taken at this meeting on the Partnership Policy. This item is deferred to the 20 December 2004 Executive to allow sufficient time for the comments of the Infrastructure Overview and Scrutiny Committee to be addressed within the Policy.

An item was also include in the last Forward Plan for a decision to be taken at the 20 December 2004 meeting on the Carlisle and District Local Plan. This item is deferred to the 21 February 2005 Executive to allow sufficient time for Overview and Scrutiny consultation.

### **Summary of options rejected**

Not applicable

### **Decision**

1. That the Forward Plan be noted.
2. That the position regarding the deferred items be noted.

### **Reasons for Decision**

Not applicable

## **EX.257/04 BROADBAND FOR MEMBERS (Non-Key Decision)**

**Portfolio** Corporate Resources

### **Subject Matter**

Decision EX.223/04 of the Executive of 8 November 2004 was called in by the Corporate Resources Overview and Scrutiny Committee. Report CIS.02/04 of the Head of Customer and Information Services and relevant Minute Excerpts were submitted by way of background information.

The Corporate Resources Overview and Scrutiny Committee had, on 25 November 2004, decided that the issue of Broadband for Members be referred back to the Executive for reconsideration, together with the comments of the Committee and the following suggestion:-

- (a) the Executive should decide how many places to allocate to the pilot scheme;
- (b) those places to be decided proportionally to the total number of Members on the Council; and

(c) Political Groups would then nominate their share of the Members.

Following questions from Councillor Geddes, Corporate Resources Portfolio Holder, the Head of Customer and Information Services reported that the outcome of a pilot scheme to provide Broadband for Members would help to identify those areas where the Council's Members' E-Mail and Internet Protocol may need amending. If a short term pilot with a small number of Members is proposed, then this could be undertaken using existing budgets.

### **Summary of options rejected**

None

### **Decision**

1. That the Head of Customer and Information Services be requested to progress a small pilot providing Broadband for 5 Members (2 Conservatives, 2 Labour and 1 Liberal Democrat) with nominations to be made by the Group Leaders.
2. That the Head of Customer and Information Services be requested to submit a report on the outcome of the pilot scheme to a future meeting of the Executive.

### **Reasons for Decision**

A small pilot scheme with 5 Members will allow the pilot to be conducted as soon as possible using existing budgets.

### **PUBLIC AND PRESS**

RESOLVED – That, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involves 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 Local Government Act 1972.

### **EX.258/04 BAD DEBT WRITE OFFS (Non-Key Decision)**

(Public and Press excluded by virtue of Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

**Portfolio** Policy, Performance Management, Finance and Resources

### **Subject Matter**

To consider a report from the Head of Revenues and Benefits Services (RB.9/04) on details of individual bad debt cases which the Executive have agreed should be written off as part of Minute EX.254/04 preceding.

### **Summary of options rejected**

None

### **Decision**

That the individual bad debts be written off.

### **Reasons for Decision**

To receive details of individual bad debt cases.

### **EX.259/04 LAND AND PROPERTY TRANSACTIONS (Non-Key Decision)**

(Public and press excluded by virtue of Paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972)

**Portfolio** Policy, Performance Management, Finance and Resources

### **Subject Matter**

To consider a report of the Head of Property Services (PS.27/04) seeking a decision on a land and property issue in accordance with the Scheme of Delegation, whilst a leasehold development agreement at Parkhouse is reported for noting.

### **Summary of options rejected**

None

### **Decision**

1. That the freehold interest in land adjoining 97 Newtown Road be disposed of on terms agreed.
2. That the position regarding a leasehold development agreement at Parkhouse be noted.

### **Reasons for Decision**

To approve a land and property transaction according to the Leader's Scheme of Delegation and to report on another land and property transaction of significance.

(The meeting ended at 1.45pm)