

## **EXECUTIVE**

**MONDAY 19 DECEMBER 2011 AT 1.05 PM**

### **PRESENT:**

Councillor Mitchelson (Leader's Portfolio)  
Councillor Bloxham (Environment and Housing Portfolio Holder)  
Councillor Mrs Bowman (Economic Development Portfolio Holder)  
Councillor Ellis (Performance and Development Portfolio Holder)  
Councillor Mrs Geddes (Community Engagement Portfolio Holder)

### **APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors J Mallinson (Governance and Resources Portfolio Holder) and Layden (Chairman of the Resources Overview and Scrutiny Panel).

### **DECLARATIONS OF INTEREST**

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

### **CALL-IN**

The Chairman reported that The Mayor had agreed that item B.1 – Local Environment Database should be exempt from call-in in order that the Council could benefit from discount negotiated up until the end of December 2011. Any delay caused by the call-in process would prejudice the Council's interests in progressing the matter.

### **EX.170/11 REVENUE ESTIMATES: SUMMARY OF OVERALL BUDGETARY POSITION 2012/13 TO 2016/17 (Key Decision)**

**Portfolio** Governance and Resources

### **Subject Matter**

Pursuant to Minute EX.140/11, the Assistant Director (Resources) submitted report RD.70/11 summarising the Council's revised revenue base estimates for 2011/12, together with base estimates for 2012/13 and updated projections to 2016/17. The report had been updated since the Executive meeting in November 2011 and set out the potential impact of new savings

and new spending pressures currently under consideration, and the potential impact on the Council's overall revenue reserves.

He added that it was clear, even at this early stage of the budget process, that all of the pressures currently identified could not be accommodated without identifying additional savings. Decisions would need to be made to limit budget increases to unavoidable and high priority issues, together with maximising savings and efficiencies.

The Assistant Director (Resources) informed Members that there were still a number of significant issues affecting the projections that were not yet known, but which were nonetheless key to the Council's budget process including the Government Finance Settlement; Welfare Reform Act including localisation of Council Tax Benefit; Local Government Resource Review regarding the localisation of Business Rates; impact of the County Council's savings initiatives in the areas of Highways Claimed Rights and Cumbria Waste Partnership; minimum level of Council Reserves; and Transformation.

The Executive was requested to note the updated budget projections for 2011/12 to 2016/17 and make recommendations, in the light of the budget pressures and savings submitted to date, together with the potential use of balances and reserves, in order to issue a draft budget for consultation purposes.

The Leader stated that all of the information referred to would form part of the Executive's Budget resolution.

**Summary of options rejected**    None

## **DECISION**

That the Executive noted the updated budget projections for 2011/12 to 2016/17, and made recommendations in the light of the budget pressures and savings submitted to date, together with the potential use of balances and reserves, in order to issue a draft Budget for consultation purposes.

## **Reasons for Decision**

To enable the Executive's draft Budget proposals for consultation purposes to be prepared.

**EX.171/11    PROVISIONAL CAPITAL PROGRAMME 2012/13 TO 2016/17**  
(Key Decision)

**Portfolio**    Governance and Resources

## **Subject Matter**

Pursuant to Minute EX.148/11, the Assistant Director (Resources) submitted report RD.71/11 providing revised details of the capital programme for 2011/12, together with the proposed method of financing. He reminded Members that a Project Assurance Group of senior Officers continued to take the lead on the prioritisation of investment and the monitoring and evaluation of schemes. The intention was to improve performance monitoring and business case analysis of capital projects.

The report also summarised the proposed programme for 2012/13 to 2016/17 in light of the capital bids submitted to date for consideration; together with the estimated and much reduced capital resources available to fund the programme.

The Leader stated that the Executive's response would form part of the Budget resolution.

**Summary of options rejected**    None

## **DECISION**

That the Executive:

1. Noted the revised Capital Programme and relevant financing for 2011/12 as set out in Appendices A and B of Report RD.71/11.
2. Recommended that Council approve slippage of £4,257,000 from 2011/12 into 2012/13.
3. Made recommendations on the Provisional Capital Programme for 2012/13 to 2016/17 in the light of the capital bids submitted to date, together with the estimated available capital resources for budget consultation purposes.
4. Noted that any capital scheme for which funding had been approved by Council may only proceed after a full report, including business case and financial appraisal, had been approved.

## **Reasons for Decision**

To enable the Executive's draft Budget proposals to be prepared for consultation purposes.

**EX.172/11    DRAFT    TREASURY    MANAGEMENT    STRATEGY  
STATEMENT, INVESTMENT STRATEGY AND MINIMUM  
REVENUE PROVISION STRATEGY 2012/13  
(Key Decision)**

**Portfolio**    Governance and Resources

## **Subject Matter**

Pursuant to Minute EX.149/11, the Assistant Director (Resources) submitted report RD.72/11 setting out the Council's draft Treasury Management Strategy Statement for 2012/13 in accordance with the CIPFA Code of Practice on Treasury Management.

He informed Members that the draft Investment Strategy and the draft Minimum Revenue Provision Strategy for 2012/13 were incorporated as part of the Statement, as were the draft Prudential Indicators as required within the Prudential Code for Capital Finance in Local Authorities.

The Assistant Director (Resources) added that counterparty limits would be the subject of review during 2012 to take account of anticipated fluctuations in cash balances due to the impact of the asset review with additional capital receipts being received.

The Leader moved that the draft Treasury Management Strategy Statement for 2012/13 be approved.

**Summary of options rejected**    None

## **DECISION**

That the Executive approved the draft Treasury Management Strategy Statement for 2012/13 incorporating the draft Investment Strategy and draft Minimum Revenue Provision Strategy, together with the Prudential Indicators for 2012/13 for draft Budget consultation purposes as set out in Appendix A to Report RD.72/11.

## **Reasons for Decision**

To enable the Executive's draft Budget proposals to be prepared for consultation purposes.

## **EX.173/11    CHARGES REVIEWS** (Key Decision)

**Portfolio**    Cross-Cutting

## **Subject Matter**

Pursuant to Minutes EX.141/11, EX.142/11, EX.143/11 and EX.144/11, further consideration was given to the Charges Reviews in respect of charges falling within the responsibility of the Local Environment; Community Engagement; Economic Development and Governance Directorates. Copies of reports LE.23/11, CD.25/11, ED.39/11 and GD.62/11 had been circulated. In addition, the Assistant Director (Local Environment) had updated her

Charges Report (LE.23/11), copies of which had also been circulated to all Members on 9 December 2011.

Copy Minute Extracts from the meetings of the Community Overview and Scrutiny Panel on 24 November (COSP.95/11); Environment and Economy Overview and Scrutiny Panel on 1 December (EEOSP.74/11, EEOSP.75/11 and EEOSP.77/11); and Resources Overview and Scrutiny Panel on 6 December 2011 (ROSP.90/11) in respect of the charges were also submitted.

The Leader indicated that the Executive had taken on board feedback from the Overview and Scrutiny Panel meetings in formulating its budget proposals, and thanked Panel Members for their contribution.

The Environment and Housing Portfolio Holder then moved the recommendations contained in updated report LE.23/11 in respect of the Local Environment Directorate, subject to the deletion of the proposed charge in respect of 'Low key' commercial use by Dog Walking Companies (Table 5 referred).

The Environment and Housing Portfolio Holder further moved the recommendations contained within report CD.25/11 (Community Engagement Directorate), noting that the majority of the Hostel Services charges had been approved with an implementation date of 1 October 2011, and that the proposed charges for 2012/13 would take effect from 1 April 2012.

The Economic Development Portfolio Holder moved the recommendations contained within report ED.39/11 in respect of the Economic Development Directorate.

The Leader moved the recommendations contained within report GD.62/11 with regard to the Governance Directorate.

**Summary of options rejected** a number of alternative charges as detailed in the above reports

## **DECISION**

1. That the fees and charges as set out within updated Report LE.23/11 and relevant appendices be approved with effect from 1 April 2012 in respect of services falling within the remit of the Local Environment Directorate, with the exception of :

(a) the proposed charge for 'Low key' commercial use by Dog Walking Companies; and

(b) the fees and charges relating to car parks which are approved with effect from the earliest practicable date.

2. That the fees and charges, as set out in report CD.25/11 be approved with effect from 1 April 2012 in respect of the Hostel Services falling within the Community Engagement Directorate.
3. That the fees and charges, as set out in the relevant Appendices to report ED.39/11, be approved with effect from 1 April 2012 for areas falling within the responsibility of the Economic Development Directorate.
4. That the fees and charges, as set out in Appendix A to Report GD.62/11, be approved with effect from 1 April 2012 in respect of the service areas and functions falling within the Governance Directorate.
5. That the Executive noted the Licensing Charges which had been approved by the Regulatory Panel on 19 October 2011.
6. That the Overview and Scrutiny Panels be thanked for their consideration of and contribution to the matter.

### **Reasons for Decision**

The proposed charges and options reflected the Corporate Charging Policy as set out in the Medium Term Financial Plan, whilst attempting to recognise service pressures and trends.

## **EX.174/11 EXECUTIVE DRAFT BUDGET PROPOSALS FOR CONSULTATION** (Key Decision)

**Portfolio** Governance and Resources

### **Subject Matter**

The Leader tabled the Executive's draft Budget proposals for consultation and made the following statement on behalf of the Executive:

He commented that the proposed savings contained in the budget proposals were necessary to ensure that the City Council continued to meet the challenges of the reduction in the money received from central Government over the five years which started in 2011/12.

The Executive had successfully identified £3 million in transformational savings and now had a solid financial base in order to set its 2012/13 budget. In the circumstances, the Executive could adopt a more measured approach in spreading the further savings required of £2.337 million over the next four years whilst maintaining a safe and healthy financial future for the Council.

As part of next year's budget, the Executive was proposing a Council Tax freeze for the City Council for 2012/13 which was the first time Carlisle's citizens have had a freeze for two years running.

The Executive was committed to protecting front-line services, such as waste and recycling collections and street cleaning, as they had to take some tough decisions about Council services and future spending.

The Council would continue:

- working in partnership with other Councils or organisations;
- buying in services (where it made good financial sense);
- looking at transferring services to community groups, if appropriate;
- focussing on raising more income from its own assets; and
- making the Council's services even more efficient.

In addition to the Council Tax freeze the key issues within the Executive's budget proposals included:

- shortfalls in income had now been factored into the 2012/13 budget
- as a result of a thorough review of car parking facilities within the City they had an overall reduction in charges for 2012/13
- re-profiling of the Asset Business Plan which would include a sum of £15 million being temporarily invested in the money market to generate additional interest
- continuation of the small scale community budgets for members to spend in their own areas tackling specific ward issues.

There was also a small amount of flexibility within the budget to enable the Executive to fund non-recurring revenue schemes. Those included financial support for the events programme including the Olympic Torch and to celebrate the Queen's Jubilee, and support to enhance the Environmental Enforcement Team for two to three years. Given the Executive's success in delivering savings in previous years, they were confident the current savings target would be met whilst still providing scope to fund those non-recurring schemes.

The proposed savings in the budget covering advice agencies would not be taken. The Executive would continue to support the Law Centre and the Citizens Advice Bureau which was important during a time of recession.

The Environment and Housing Portfolio Holder referred to the financial support available to support the Environmental Enforcement Team. He proposed that the Council work towards the establishment of an Environmental Task Force to progress enforcement on a short term basis to address issues such as fly tipping. He added that savings had been made as part of the transformation programme and additional people would be designated to work proactively on enforcement matters in order to better serve the community. The Assistant Director (Local Environment) would be asked to work up such a scheme.

In conclusion, the Leader recommended that the draft budget proposals be approved for consultation. He added that the Executive looked forward to receiving feedback from the Budget consultation meetings and on line consultation at their meeting in January 2012.

**Summary of options rejected** a number of options which had been considered as part of the Council's 2012/13 budget deliberations as identified in various reports

## **DECISION**

The Executive's draft Budget proposals, as tabled at the meeting and appended to these Minutes as Appendix A, be agreed and circulated for consultation.

### **Reasons for Decision**

To produce the draft Budget proposals for consultation purposes

### **EX.175/11 SUSTAINABLE ENERGY PROJECT AT CIVIC CENTRE, CARLISLE** (Key Decision)

(With the consent of the Chairman, and in accordance with Rule 15 of the Access to Information Procedure Rules, this item was included on the Agenda as a Key Decision, although not in the Forward Plan)

**Portfolio** Governance and Resources

### **Subject Matter**

Pursuant to Minute EX.130/11, the Assistant Director (Resources) submitted report RD.75/11 providing revised details of an opportunity for investment in a renewable energy project at the Civic Centre, Carlisle based upon the reduced feed-in-tariff for micro-generation.

The Assistant Director (Resources) outlined the Executive's previous deliberations on the matter, subsequent to which information had been released into the media that the Government would reduce the feed-in-tariff rate from 32.9p to 15.2p per kWh from 12 December 2011. In addition, the new energy procurement contract had resulted in an increase of 17% in the cost of electricity. He further reported that, because of the upheaval in the solar PV industry due to the unexpected reduction in the tariff and the likelihood that many projects would be cancelled, it was thought that the capital cost of PV modules would reduce. The net effect of those negative and positive factors was that the predicted rate of return on investment for the scheme had reduced from 9% to 6%.



In light of the above, the Assistant Director (Resources) requested that the Executive review their decision to approve the fitting of solar photovoltaic modules on the Civic Centre based on the changes to the feed-in-tariff, electricity cost and capital cost provided.

The Environment and Housing Portfolio Holder expressed some sadness that it had not been possible to implement the options for investment in renewable energy considered by the Executive in October 2011. Nevertheless he was pleased to move that the sustainable energy project at the Civic Centre be moved forward forthwith.

**Summary of options rejected**    None

## **DECISION**

That the Executive had reviewed their previous decision (EX.130/11) and approved the fitting of solar photovoltaic modules on the Civic Centre based on the changes to feed-in-tariff, electricity costs and capital cost which resulted in a reduction in rate of return to 6%, which was below the 8% minimum set in the business case.

## **Reasons for Decision**

A review was required as the circumstances affecting the business case had altered significantly reducing the rate of return to a level below the previously agreed minimum.

**EX.176/11    FORWARD PLAN**  
(Non Key Decision)

**Portfolio**    Cross-Cutting

## **Subject Matter**

The Forward Plan of Key Decisions for the period 1 December 2011 to 31 March 2012 was submitted for information.

The Assistant Director (Community Engagement) was scheduled to report on the Housing Strategy and Action Plan 2011 - 15 (KD.023/11). Further amendments were required and the matter was therefore deferred.

The Policy and Communications Manager was scheduled to report on the Mid Year Performance Report (KD.030/11). The Performance Report (PPP.16/11) submitted to the Executive on 22 November 2011 did not raise any significant concerns and therefore an additional report was not required at this time.

**Summary of options rejected**    None

## **DECISION**

That the Forward Plan of Key Decisions for the period 1 December 2011 to 31 March 2012 be noted.

### **Reasons for Decision**

Not applicable.

### **EX.177/11 REPRESENTATIVES ON OUTSIDE BODIES – DIVISIONAL BOARD OF RIVERSIDE CARLISLE** (Non Key Decision)

**Portfolio** Environment and Housing

### **Subject Matter**

The Assistant Director (Governance) submitted report GD.68/11 concerning City Council representation on the Divisional Board of Riverside Carlisle.

The Leader reminded Members that they had on 27 June 2011 (Minute EX.076/11) given consideration to the nomination of City Council representatives on outside bodies, and appointed Councillors Hendry, Layden and Mrs Mallinson and Mr Dodd as representatives on the Riverside Carlisle Board. He further advised that Riverside was a signatory of the National Housing Federation's Code of Governance which set an absolute limit of nine years for any individual to sit on the Board of a Housing Association. Two of the Council's Board appointments had now passed that threshold and the report was submitted to facilitate the appointment of two replacement Council representatives on the Riverside Carlisle Board.

The Leader then moved that:

- (i) the position be noted;
- (ii) the Executive wished to place on record their thanks for the contribution made by Councillor Mrs Mallinson and Mr Dodd during their period of representation on the Riverside Board; and
- (iii) that the matter be brought back before the Executive in January 2012 for the nomination of two representatives to serve on the Divisional Board of Riverside Carlisle.

**Summary of options rejected** None

## **DECISION**

That the Executive:

- (i) noted the position as set out within report GD.68/11;
- (ii) wished to place on record their thanks for the contribution made by Councillor Mrs Mallinson and Mr Dodd during their period of representation on the Riverside Board; and
- (iii) that the matter be brought back before the Executive in January 2012 for the nomination of two representatives to serve on the Divisional Board of Riverside Carlisle.

### **Reasons for Decision**

To comply with the Code of Good Governance as operated by Riverside Carlisle.

### **EX.178/11 CUMBRIA STRATEGIC WASTE PARTNERSHIP** (Non Key Decision)

**Portfolio** Environment and Housing

### **Subject Matter**

The Minutes of the meeting of the Cumbria Strategic Waste Partnership held on 14 September 2011 were submitted for information.

**Summary of options rejected** None

### **DECISION**

That the Minutes of the meeting of the Cumbria Strategic Waste Partnership held on 14 September 2011 be received.

### **Reasons for Decision**

Not applicable.

### **EX.179/11 JOINT MANAGEMENT TEAM** (Non Key Decision)

**Portfolio** Various

### **Subject Matter**

The Minutes of the meetings of the Joint Management Team held on 27 October and 10 November 2011 were submitted for information.

**Summary of options rejected** None

## **DECISION**

That the Minutes of the meetings of the Joint Management Team held on 27 October and 10 November 2011, attached as Appendix B, be received.

### **Reasons for Decision**

Not applicable.

## **EX.180/11 CUMBRIA LEADERSHIP BOARD** (Non Key Decision)

**Portfolio** Cross-Cutting

### **Subject Matter**

The Minutes of the meeting of the Cumbria Leadership Board held on 2 September 2011 were submitted for information.

**Summary of options rejected** None

## **DECISION**

That the Minutes of the meeting of the Cumbria Leadership Board held on 2 September 2011 be received.

### **Reasons for Decision**

Not applicable.

## **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 number (as indicated in brackets against each minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

## **EX.181/11 LOCAL ENVIRONMENT DATABASE** (Key Decision)

(Public and Press excluded by virtue of Paragraph 3)

(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**     Environment and Housing

**Subject Matter**

The Assistant Director (Local Environment) submitted private report LE.28/11 providing details of a proposal to extend the existing Environmental Health database to cover the whole of the Local Environment directorate.

The Environment and Housing Portfolio Holder then moved the recommendations as set out in the report.

**Summary of options rejected**     None

**DECISION**

That the Executive:

1. Noted that Civica UK Ltd were the only possible contractor in relation to the relevant contract as detailed within Report LE.28/11; and
2. In accordance with Contract Procedure Rule 10(c), gave approval to the Assistant Director (Local Environment) to invite and if, following consultation with the Portfolio Holder for Environment and Housing, she deemed it acceptable, approve a tender from Civica UK Ltd.

**Reasons for Decision**

It is proposed to extend the existing data base in Environmental Health across Local Environment, and it is necessary to undertake the procurement on the basis that there is only a single supplier that could provide the system required.

**EX.182/11     ECONOMIC DEVELOPMENT ACQUISITIONS**  
(Key Decision)

(Public and Press excluded by virtue of Paragraph 3)

(With the consent of the Chairman, and in accordance with Rule 15 of the Access to Information Procedure Rules, this item was included on the Agenda as a Key Decision, although not in the Forward Plan)

**Portfolio**     Governance and Resources; Economic Development

## **Subject Matter**

The Assistant Director (Resources) submitted joint private report with the Assistant Director (Economic Development) (RD.74/11 and ED.40/11) concerning economic development acquisitions. He further drew attention to details of the financial implications copies of which had been circulated.

In summary, the Assistant Director (Resources) requested that the Executive approve the transfer of the assets identified within the report into City Council ownership, together with the release of the £200,000 to fund the acquisitions.

The Economic Development Portfolio Holder welcomed the submission of the report and moved the recommendation, including the release of the funding identified.

**Summary of options rejected**    None

## **DECISION**

That the Executive approved:

(i) the asset transfers, as detailed within private Report RD.74/11 and ED.40/11, subject to agreement of terms and conditions by the Property Services Manager; and final approval by the Portfolio Holders for Governance and Resources, and Economic Development; and

(ii) the release of the £200,000 identified to fund the acquisitions.

## **Reasons for Decision**

To retain key assets which have strategic economic development potential in public ownership and control.

**EX.183/11    ASSET    REVIEW    BUSINESS    PLAN    –    DISPOSAL  
PROGRAMME**

(Non Key Decision)

(Public and Press excluded by virtue of Paragraph 3)

**Portfolio**    Governance and Resources

## **Subject Matter**

The Assistant Director (Resources) submitted private report RD.73/11 seeking Executive approval to the release of a number of surplus assets identified for sale in accordance with the Asset Review Business Plan Disposal Programme, details of which were provided.

The Economic Development Portfolio Holder welcomed submission of what was a really good report.

The Leader then moved that the Executive grant consent to the release and freehold disposal of assets (i) and (iii) identified within the report.

**Summary of options rejected** Disposal of asset (ii) as detailed within the report

## **DECISION**

That the Executive grant consent to the release and freehold disposal of assets (i) and (iii) set out in private Report RD.73/11, subject to final terms agreed by the Property Services Manager.

## **Reasons for Decision**

To more effectively manage the Council's assets by bringing forward the disposal of surplus property in pursuit of the strategic objectives set out in the Asset Review Business Plan.

(The meeting ended at 1.24 pm)