



CARLISLE CITY COUNCIL

Minutes of Council, Executive,
Committees and Panels

Volume 49(4)

7 November 2022 to 2 January 2023

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Council

Date: Tuesday, 08 November 2022

Time: 18:45

Venue: Cathedral Room

Present: Councillor Ruth Alcroft, Councillor Trevor Allison, Councillor James Bainbridge, Councillor Robert Betton, Councillor Pamela Birks, Councillor Jeffrey Bomford, Councillor Mrs Marilyn Bowman, Councillor Lisa Brown, Councillor Nigel Christian, Councillor John Collier, Councillor Dr Helen Davison, Councillor Gareth Ellis, Councillor Ms Jo Ellis-Williams, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Colin Glover, Councillor Stephen Higgs, Councillor Neville Lishman, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson, Councillor Mrs Ann McKerrell, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor David Morton, Councillor Lucy Patrick, Councillor Fiona Robson, Councillor David Shepherd, Councillor Miss Lee Sherriff, Councillor Christopher Southward, Councillor Peter Sunter, Councillor Dr Les Tickner, Councillor Raymond Tinnion, Councillor Miss Jeanette Whalen, Councillor Christopher Wills

Officers: Town Clerk and Chief Executive
Corporate Director of Governance and Regulatory Services

C.133/22 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Louise Atkinson, Councillor Paul Nedved and Councillor Tim Pickstone.

C.134/22 Minutes

The Mayor moved the receipt and adoption of the minutes of the meeting of the City Council held on 11 October 2022.

RESOLVED - That the minutes of the meeting of the City Council held on 11 October 2022 be received; and were signed by the Mayor.

C.135/22 Public and Press

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

C.136/22 Declaration of Interest

In accordance with the Council's Code of Conduct the following declarations of interest were submitted in respect of Item 14. Notice of Motion:

Councillor Mitchelson declared an interest as he was a Member of the Shadow Authority for

Cumberland.

Councillor Mrs Mallinson declared an interest as a family member was employed by Cumbria County Council.

Councillor Mrs Mitchell declared an interest as her husband was a Member of the Shadow Authority for Cumberland.

Councillor Mallinson (J) declared an interest as he was a Member of the Shadow Authority for Cumberland and had a family member who was employed by Cumbria County Council.

Councillor Dr Davison declared an interest as she was a Member of the Shadow Authority for Cumberland.

Councillor Allison declared an interest as he was a Member of the Shadow Authority for Cumberland.

Councillor Southward declared an interest as he was a Member of the Shadow Authority for Cumberland.

Councillor Dr Tickner declared an interest as family members were employed by Cumbria County Council.

Councillor Brown declared an interest as she was the Deputy Leader of the Shadow Authority for Cumberland.

Councillor Miss Whalen declared an interest as she was a Member of the Shadow Authority for Cumberland.

Councillor Mrs Glendinning declared an interest as she was a Member of the Shadow Authority for Cumberland.

Councillor Robson declared a personal and prejudicial interest as she was employed by Cumbria County Council.

Councillor Betton declared an interest as he was a Member of the Shadow Authority for Cumberland.

Councillor Wills declared an interest as he was a Member of the Shadow Authority for Cumberland.

Councillor Glover declared an interest as a family member was employed by Cumbria County Council.

C.137/22 Announcements

(i) The Mayor congratulated everyone involved in the very successful Fireshow which had taken place on 5 November. The show had been well received and enjoyed by everyone.

(ii) The Leader of the Council

There were no announcements from the Leader.

(iii) Members of the Executive

Councillor Mrs Mallinson, Communities, Health and Wellbeing Portfolio Holder, announced that the Disabled Facilities Grants Team had been shortlisted for a national award along with an Assessor from the team. She wished them all well.

(iv) Town Clerk and Chief Executive

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

C.138/22 Questions by Members of the Public

Pursuant to Procedure Rule 10.1, the Corporate Director of Governance and Regulatory Services reported that no questions had been submitted on notice by members of the public.

C.139/22 Presentation of Petitions and Deputations

Pursuant to Procedure Rule 10.11, the Corporate Director of Governance and Regulatory Services reported that no petitions or deputations had been submitted by members of the public.

C.140/22 Questions from Members of the Council

Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services reported that no questions had been submitted on notice by Members of the Council.

C.141/22 Minutes of the Executive

Councillor Mallinson (J) moved, and Councillor Ellis seconded that the minutes of the meetings of the Executive held on 3 October and 24 October 2022 be received and adopted.

RESOLVED – That the minutes of the meetings of the Executive held on 3 October and 24 October 2022 be received and adopted.

C.142/22 Executive - Portfolio Holder Reports

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

C.142/22(i) Culture, Leisure and Heritage

In moving his report the Culture, Heritage and Leisure Portfolio Holder also congratulated the events team and the volunteers involved in the Fireshow and City of Lights. He responded to questions regarding: the air pollution and carbon effect of the Fireshow, the City of Lights concessionary / free tickets; the Sands Centre and the planned Christmas Market.

RESOLVED - 1) That the report of the Culture, Heritage and Leisure Portfolio Holder be received.

2) That the Culture, Heritage and Leisure Portfolio Holder provide:

Councillor Bomford with further information regarding air pollution monitoring during the

Fireshow and measures that were taken to offset any pollution;
Councillor Dr Tickner with details of the fees and charges for the Sands Centre leisure facilities along with the provisions in place for people to attend without membership;
Councillor Brown with a breakdown of the local firms involved in the Christmas Market;
Councillor Miss Whalen with details of ticket distribution for the City of Lights.

C.142/22(ii) Communities, Health and Wellbeing

The Communities, Health and Wellbeing Portfolio Holder moved her report highlighting the multi partner Food Carlisle Summit which was being held in the Civic Centre on 9 November 2022 and responded to questions regarding: the work of the Civil Enforcement Officers; Cost of Living Crisis; racial abuse and inequality and disabled facility adaptations.

RESOLVED - That the report of the Communities, Health and Wellbeing Portfolio Holder be received.

2) That the Communities, Health and Wellbeing Portfolio Holder provide Councillor Dr Davison with the most recent figures for disabled facility adaptations along with comparative data.

C.142/22(iii) Environment and Transport

The Environment and Transport Portfolio Holder moved his report and responded to questions regarding: recycling data, air quality and river bank maintenance.

RESOLVED - 1) That the report of the Environment and Transport Portfolio Holder be received.

2) That the Environment and Transport Portfolio Holder provide Councillor Alcroft with the recycling process data that was held by Cumbria County Council.

C.142/22(iv) Economy, Enterprise and Housing

In moving her report the Economy, Enterprise and Housing Portfolio Holder reported that an Expression of Interest had been submitted to the Investment Zone Initiative and further updates would be provided in due course. The Portfolio Holder informed Council that the St Cuthbert's Garden Village Team had been shortlisted for an award and she wished them well. The Portfolio Holder responded to questions regarding: the Market Square Project, City Centre Performance, rough sleeper count and St Cuthbert's Garden Village.

RESOLVED - That the report of the Economy, Enterprise and Housing Portfolio Holder be received.

C.142/22(v) Finance, Governance and Resources

The Finance, Governance and Resources Portfolio Holder moved his report.

RESOLVED - That the report of the Finance, Governance and Resources Portfolio Holder be received.

C.142/22(vi) Leader

The Leader moved his report informing the Council that a legacy project was being prepared to celebrate the key achievements of the Council, the event would include tours of the Civic Centre and an exhibition at the Tourist Information Centre. The Leader responded to questions regarding the Local Government Reorganisation.

RESOLVED - That the report of the Leader be received.

C.143/22 Minutes

The Mayor moved and Councillor Glover seconded receipt and adoption of the minutes of the meetings as detailed within Minute Book Volume 49(3):

Committee	Meeting Date
People Panel	25 August and 6 October 2022
Place Panel	1 September 2022
Regulatory Panel	14 September and 19 October 2022
Licensing Committee	19 October 2022
Development Control Committee	14 September and 16 September 2022
Audit Committee	28 September 2022

RESOLVED - That the minutes of the meetings as detailed [Volume 49(3)] above be received and adopted.

C.144/22 Scrutiny

Copies of reports from the following Scrutiny Panel Chairs had been circulated prior to the meeting:

C.144/22(i) People Panel

Councillor Glover moved his Chair's Report and responded to questions regarding the Environment Agency's Community Engagement Group which the People Panel had referred to the Place Panel.

RESOLVED - That the Report of the Chair be received.

C.144/22(ii) Place Panel

Councillor Bainbridge moved his Chair's Report and confirmed that the Environment Agency had given the Place Panel assurances that they would increase their community engagement

but had not confirmed the establishment of the Community Engagement Group.

RESOLVED - That the Report of the Chair be received.

C.144/22(iii) Resources Panel

Councillor Finlayson moved her Chair's Report and responded to questions regarding the lack of meetings and the remit of the Resources Panel.

RESOLVED - That the Report of the Chair be received.

C.145/22 Notice of Motion

Having declared an interest Councillors Betton and Robson left the meeting for the consideration of this item.

Councillor Patrick declared an interest as she was a Member of the Shadow Authority for Cumberland.

Pursuant to Procedure Rule 12, the Corporate Director of Governance and Regulatory Services reported the receipt of the following motion submitted on notice by Councillor Bainbridge:

Local Government Reform (LGR)

"This Council agrees to write to the Leader of Cumberland Council; the Chief Executive Designate for Cumberland Council, Andrew Seekings; to each elected member of the Cumberland Council Shadow Authority and to the Chief Executives of all Councils which fall within the footprint of the new Cumberland Council area.

Carlisle City Council is supportive of the moves to a single local authority. It is however also aware that for many of our existing staff and their families, the process of LRG can be an unsettling time. Employees deserve to be respectfully and fairly treated within this important transfer process.

The elected members of Carlisle City Council are greatly concerned by the present situation. Openness and accountability are presently lacking from this process, resulting in many potential employees becoming unsettled by:-

- the lack of information.
- a lack of the accountability within the management of this process.
- the criteria used for decision making as to which positions are 'in-scope' (i.e., ring-fenced) leaving several potentially suitable and able candidates 'out of scope' and restricted from applying for posts that they may be qualified for.
- The over-reliance on current salary banding as contributing factor in the transfer process criteria.

With just 5 months left until Cumberland Council begins, many employees within the existing Councils do not have a clear and informed direction of travel into the new authority. We are concerned by the apparent disengagement of shadow elected members from the scrutiny of this process. Presently, they have only met three times, with their next (and final scheduled meeting before vesting day) over three and a half months away. We feel they are not fully aware of the concerns regarding this process and are consequently failing to discharge their

duties fully.

It is important that the new Council is staffed by the most appropriate officers, recruited in a fair and open process. If recruitment and transfer are allowed to fail, experienced potential staff will lose faith in the process. Without the optimal staffing appointments, the new council will struggle to improve services for the good of all residents.”

Pursuant to Procedure Rule 14.7 Councillor Bainbridge requested the meeting's consent to alter the motion which he had submitted on notice as follows:

“This Council agrees to write to the Leader of Cumberland Council; the Chief Executive Designate for Cumberland Council, Andrew Seekings; to each elected member of the Cumberland Council Shadow Authority and to the Chief Executives of all Councils which fall within the footprint of the new Cumberland Council area.

Carlisle City Council is supportive of the moves to a single local authority. It is however also aware that for many of our existing staff and their families, the process of LRG can be an unsettling time. Employees deserve to be respectfully and fairly treated within this important transfer process.

The elected members of Carlisle City Council are greatly concerned by the present situation. Openness and accountability are presently lacking from this process, resulting in many potential employees becoming unsettled by:-

- the lack of information.
- a lack of the accountability within the management of this process.
- the criteria used for decision making as to which positions are ‘in-scope’ (i.e., ring-fenced) leaving several potentially suitable and able candidates ‘out of scope’ and restricted from applying for posts that they may be qualified for.
- The over-reliance on current salary banding as contributing factor in the transfer process criteria.

With just 5 months left until Cumberland Council begins, many employees within the existing Councils do not have a clear and informed direction of travel into the new authority. We are concerned by the apparent ~~disengagement~~ **disconnection** of shadow elected members from the scrutiny of this process. Presently, they have only met three times, with their next (and final scheduled meeting before vesting day) over three and a half months away. We feel they are not **being** fully **made** aware of the concerns regarding this process and are consequently **failing** **unable** to discharge their duties fully.

It is important that the new Council is staffed by the most appropriate officers, recruited in a fair and open process. If recruitment and transfer are allowed to fail, experienced potential staff will lose faith in the process. Without the optimal staffing appointments, the new council will struggle to improve services for the good of all residents.”

Copies of the amended motion were tabled.

The meeting adjourned at 20:03 to consider the amendment to the motion and reconvened at 20:14.

Following a vote and without discussion the meeting agreed to alter the motion.

The substantive motion as set out below was moved by Councillor Bainbridge and seconded by Councillor Ellis.

"This Council agrees to write to the Leader of Cumberland Council; the Chief Executive Designate for Cumberland Council, Andrew Seekings; to each elected member of the Cumberland Council Shadow Authority and to the Chief Executives of all Councils which fall within the footprint of the new Cumberland Council area.

Carlisle City Council is supportive of the moves to a single local authority. It is however also aware that for many of our existing staff and their families, the process of LRG can be an unsettling time. Employees deserve to be respectfully and fairly treated within this important transfer process.

The elected members of Carlisle City Council are greatly concerned by the present situation. Openness and accountability are presently lacking from this process, resulting in many potential employees becoming unsettled by:-

- the lack of information.
- a lack of the accountability within the management of this process.
- the criteria used for decision making as to which positions are 'in-scope' (i.e., ring-fenced) leaving several potentially suitable and able candidates 'out of scope' and restricted from applying for posts that they may be qualified for.
- The over-reliance on current salary banding as contributing factor in the transfer process criteria.

With just 5 months left until Cumberland Council begins, many employees within the existing Councils do not have a clear and informed direction of travel into the new authority. We are concerned by the apparent disconnection of shadow elected members from the scrutiny of this process. Presently, they have only met three times, with their next (and final scheduled meeting before vesting day) over three and a half months away. We feel they are not being fully made aware of the concerns regarding this process and are consequently unable to discharge their duties fully.

It is important that the new Council is staffed by the most appropriate officers, recruited in a fair and open process. If recruitment and transfer are allowed to fail, experienced potential staff will lose faith in the process. Without the optimal staffing appointments, the new council will struggle to improve services for the good of all residents."

Councillor Bainbridge elaborated on his reasons for the submission of his motion.

Substantial debate ensued, during which various Members expressed support for / opposition to the motion.

The matter was put to the vote and it was:

RESOLVED - That the motion be CARRIED.

Councillors Betton and Robson returned to the meeting.

C.146/22 Proposals from the Executive in relation to the Council's Budget and Policy Framework

C.146/22(i) Food Law Enforcement Service Plan 2022/23

Pursuant to Minute EX.122/22, consideration was given to the Food Law Enforcement Service Plan 2022/23. Report GD.64/22 and relevant Minute Extract had been circulated.

Councillor Christian moved and Councillor Ellis seconded the recommendation.

RESOLVED - That the key actions of the Food Law Enforcement Service Plan be approved in accordance with the Council's Budget and Policy Framework.

C.146/22(ii) UK Shared Prosperity Fund – Year One Delivery of Investment Plan

Pursuant to Minute EX.133/22, consideration was given to the year one delivery of the Investment Plan for the UK Shared Prosperity Fund. Report ED.29/22 and the relevant Minute Extract had been circulated.

Councillor Mrs Bowman moved and Councillor Mallinson (J) seconded the recommendation.

RESOLVED - That Council

1. Noted the delivery programme for Year 1 of the Carlisle UKSPF programme, as set out in Table 1 of report ED.29/22; 2. Approved a budget of £52,000 be added to the Council's Capital Programme, according to the financial profile for 2022-23, as set out in Table 1 of report ED.29/22

3. Approved a budget of £446,138 be added to the Council's Revenue Budget, according to the financial profile for 2022-23, as set out in Table 1 of report ED.29/22.

C.146/22(iii) Charitable and Other Bequests; Local Distress Fund Parker Bequest; and the District Nursing Amenity Fund

Pursuant to Minute EX.139/22, consideration was given to proposals to use City Council charitable and other bequests monies to support three urgent needs across the communities of the Carlisle District. Report CS.34/22 and relevant Minute Extract had been circulated.

Councillor Mrs Mallinson moved and Councillor Christian seconded the recommendation.

RESOLVED - That Council release the funds to be utilised as set out in report CS.34/22.

C.147/22 Operation of the provisions relating to call-in and urgency

Pursuant to Procedure Rule 15(j) of the Overview and Scrutiny Procedure Rules, the Corporate Director of Governance and Regulatory Services reported (GD.65/22) on the Operation of Call-in and Urgency Procedures over the past year.

RESOLVED – That report GD.65/22 be noted.

C.148/22 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: 20:57

Special Council

Date: Tuesday, 13 December 2022

Time: 18:45

Venue: Cathedral Room

Present: Councillor Ruth Alcroft, Councillor Trevor Allison, Councillor James Bainbridge, Councillor Pamela Birks, Councillor Mrs Marilyn Bowman, Councillor Lisa Brown, Councillor Nigel Christian, Councillor John Collier, Councillor Dr Helen Davison, Councillor Gareth Ellis, Councillor Ms Jo Ellis-Williams, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Colin Glover, Councillor Stephen Higgs, Councillor Neville Lishman, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson, Councillor Mrs Ann McKerrell, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor Paul Nedved, Councillor David Shepherd, Councillor Miss Lee Sherriff, Councillor Christopher Southward, Councillor Peter Sunter, Councillor Dr Les Tickner, Councillor Raymond Tinnion, Councillor Christopher Wills

Officers: Town Clerk and Chief Executive
Corporate Director of Governance and Regulatory Services

C.149/22 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Louise Atkinson, Councillor David Morton, Councillor Tim Pickstone, Councillor Fiona Robson and Councillor Jeanette Whalen.

C.150/22 Public and Press

It was agreed that the items of business in Part A be dealt with in public, there were no items to be dealt with in Part B.

C.151/22 Declaration of Interest

Councillor Collier declared an interest in accordance with the Council's Code of Conduct. The interest related to the fact that Councillor Collier was being recommended for admittance as an Honorary Freeman of the City of Carlisle.

C.152/22 Appointment of Honorary Freeman and Freewoman of the City of Carlisle

Councillor Collier, having declared an interest, retired from the meeting during this item of business.

There was submitted a report of the Corporate Director of Governance and Regulatory Services (GD.56/22) regarding the appointment of Honorary Freeman and Freewomen of the City of Carlisle.

The report recorded that Section 249 of the Local Government Act 1972 provided that the Council may admit Honorary Freeman or Freewomen for its area if they

were persons of distinction or who had, in the opinion of the Council, rendered eminent services to the place or area.

It was recommended that Val Armstrong, Councillor John Collier and the Reverend Keith Teasdale be admitted as Honorary Freewoman and Freemen of the City of Carlisle, each being persons of distinction that had also, in the opinion of the Authority, rendered eminent services to the area.

Councillor J Mallinson rose to formally move the report and Councillor Brown seconded the recommendations set out in the report.

Following voting, where more than two-thirds of those Members present and entitled to vote voted in favour, it was:

RESOLVED –

1. Pursuant to the powers granted to the Council by Section 249 of the Local Government Act 1972, that Val Armstrong, Councillor John Collier and the Reverend Keith Teasdale be admitted as Honorary Freewoman and Freemen of the City of Carlisle, each being persons of distinction that have also, in the opinion of the Authority, rendered eminent services to our area.

2. That the Corporate Director of Governance and Regulatory Services make arrangements for a formal freedom ceremony and the presentation of a casket containing an address to each of the said persons admitted as an Honorary Freewoman and Freemen of the City and a Special Meeting of the Council take place in order to allow such presentation to take place.

The Meeting ended at: 18:53

Present: Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Gareth Ellis, Councillor Stephen Higgs, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson

Officers: Town Clerk and Chief Executive
Corporate Director of Governance and Regulatory Services
Corporate Director of Finance and Resources
Corporate Director of Economic Development

EX.141/22 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of the Deputy Chief Executive.

EX.142/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

EX.143/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in Part B be dealt with when the Public and Press are excluded.

EX.144/22 MINUTES OF PREVIOUS MEETING

RESOLVED - 1) That the minutes of the meetings held on 30 August 2022 and 3 October 2022 be signed by the Leader.

2) That the minutes of the meeting held on 24 October 2022 be agreed as a correct record.

EX.145/22 RURAL ENGLAND PROSPERITY FUND

(Key Decision - KD.23/22)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Place Panel

Subject Matter

The Economy, Enterprise and Housing Portfolio Holder reported that the Government has allocated £474,841 for the Carlisle area from the Rural England Prosperity Fund (REPF). The REPF funding was a top-up to the UK Shared Prosperity Fund (UKSPF), for which the Council recently submitted their investment plan. (ED.30/22).

To access funding under the REPF the Council must submit additional information, as an addendum to the investment plan submitted for UKSPF, to Government setting out how it intended to use the funding to support rural businesses and communities. The report sought approval from the Executive to delegate the

submission of the REPF addendum to the Corporate Director of Economic Development in consultation with the Leader of the Council, the Chief Executive, the Corporate Director of Governance and Regulatory Services, and the Corporate Director of Finance and Resources.

The Economy, Enterprise and Housing Portfolio moved the recommendations as set out in the report, with the following addition: that the Economy, Enterprise and Housing Portfolio Holder be added to the persons consulted by the Corporate Director of Economic Development in regards the finalisation and submission of the addendum to the Department for Levelling Up, Housing and Communities. The Leader seconded the proposals.

Summary of options rejected Not to make the delegations.

DECISION

That the Executive:

1. Noted the aims and objectives of the Rural England Prosperity Fund.
2. Noted the allocation for the Carlisle District and the requirement to submit an addendum to the Carlisle Shared Prosperity Fund Investment Plan.
3. Delegated authority to the Corporate Director of Economic Development, following consultation with the Leader, the Economy, Enterprise and Housing Portfolio Holder, the Chief Executive, the Corporate Director of Governance and Regulatory Services and the Corporate Director of Finance and Resources, to finalise and submit the addendum to the Department for Levelling Up, Housing and Communities.

Reasons for Decision

The successful development and delivery of the REPF programme would support the delivery of the vision set out in the Carlisle Plan, which was to enable Carlisle to grow and prosper as the capital of the Borderlands region. The projects / interventions delivered through the REPF programme would contribute directly to the priority of delivering inclusive and sustainable economic growth, by improving the health and wellbeing of local communities and making Carlisle a more attractive place for investment.

EX.146/22 NOTICE OF EXECUTIVE KEY DECISIONS

(Non Key Decision)

Portfolio: Cross Cutting

Relevant Scrutiny Panel

Place Panel; People Panel; Resources Panel

Subject Matter:

The Notice of Executive Key Decisions dated 21 October 2022 was submitted for information.

Summary of options rejected None

DECISION

That the Notice of Executive Key Decisions dated 21 October 2022 be received.

Reasons for Decision Not applicable

EX.147/22 SCHEDULE OF DECISIONS TAKEN BY THE LEADER - PORTFOLIO HOLDERS

(Non Key Decision)

Portfolio Cross Cutting

Relevant Scrutiny Panel

People Panel; Place Panel; Resources Panel

Subject Matter

Details of decisions taken by the Leader / Portfolio Holders under delegated powers were submitted.

Summary of options rejected None

DECISION

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

Reason for Decision Not applicable

EX.148/22 SCHEDULE OF DECISIONS TAKEN BY OFFICERS

(Non Key Decision)

Portfolio Cross Cutting

Relevant Scrutiny Panel

People Panel; Place Panel; Resources Panel

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.

Reason for Decision Not applicable

EX.149/22 JOINT MANAGEMENT TEAM
(Non Key Decision)

Portfolio Cross Cutting

Relevant Scrutiny Panel

People Panel; Place Panel; Resources Panel

Subject Matter

The minutes of the meeting of the Joint Management Team on 24 October 2022 were submitted for information.

Summary of options rejected None

DECISION

That the minutes of the meeting of the Joint Management Team held on 24 October 2022, attached as Appendix C, be received.

Reasons for Decision Not applicable

**EX.150/22 REVENUE BUDGET OVERVIEW AND MONITORING REPORT -
APRIL TO SEPTEMBER 2022**

(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel People Panel

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted the Revenue Budget Overview and Monitoring Report (RD.41/22) for the period April to September 2022. Outlined within the report were the overall budget position for revenue schemes only and details of balance sheet management issues. Bad debts written off and progress against the budget savings were also set out in the report.

Set out at paragraph 2 was the summarised budgetary position as at September 2022; the main variances were as summarised at paragraph 2.4. The Council's financial position, which was affected by a number of external factors which had a financial impact during the course of the year and ultimately at the year end, would continue to be closely monitored and reported more fully in a future monitoring report. It would be important to maintain a prudent approach so as to ensure a sustainable budget position for future years to avoid any significant variance at the year end.

The Finance, Governance and Resources Portfolio Holder concluded by moving the report, which was seconded by the Leader.

Summary of options rejected none

DECISION

That the Executive:

1. Noted the budgetary performance position of the Council to September 2022;
2. Noted the action by the Corporate Director of Finance and Resources to write off bad debts as detailed in paragraph 6 of Report RD.41/22;
3. Noted the release of reserves as set out in the table at paragraph 2.2, and noted the virements approved as detailed in Appendix A to the report.

Reasons for Decision

To show that the Executive had been informed of the Council's actual financial position compared with the budgeted position, and to bring to their attention any areas of concern.

EX.151/22 CAPITAL BUDGET OVERVIEW & MONITORING REPORT - APRIL TO SEPTEMBER 2022

(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel People Panel

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted report RD.42/22 providing an overview of the budgetary position of the City Council's capital programme for the period April to September 2022. Detailed therein were the capital budget overview; the overall budget position for the various Directorates; the monitoring and control of expenditure against budget allocations and the exercise of virement.

As at the end of September, expenditure of £6,396,970 had been incurred on the Council's core capital programme. When considered against the profiled budget of £8,212,365 that equated to an underspend of £1,815,395.

The unspent balance remaining of the revised annual budget of £38,555,900 was £32,158,930. A review of the 2022/23 capital programme would be undertaken to identify accurate project profiles for the remainder of the financial year, and potential slippage into future years.

In addition, paragraph 3.9 recorded that a number of schemes were included in the capital programme for 2022/23 which required reports to be presented to the Executive for the release of funding before the project could go ahead. The Council's contribution towards the Southern Link Road would not be required in 2023/23 and would need to be added to Cumberland Council's capital programme as an increase to the overall project in 2023/24.

The Finance, Governance and Resources Portfolio Holder then moved the recommendations set out in the report, which were seconded by the Leader.

Summary of options rejected none

DECISION

That the Executive:

1. Noted and had commented on the budgetary position and performance aspects of the capital programme for the period April to September 2022;
2. Noted adjustments to the 2022/23 capital programme as detailed in paragraph 2.1 of report RD.42/22;
3. Approved the reprofiling of £5,000,000 as detailed in paragraph 3.9 and Appendix A into 2023/24.

Reasons for Decision

To inform the Executive of the Council's actual financial position opposite its Capital programme for 2022/23.

EX.152/22 TREASURY MANAGEMENT JULY TO SEPTEMBER 2022

(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel People Panel

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted report RD.43/22 providing the regular quarterly report on Treasury Transactions including the requirement of the Prudential Code. (RD.43/22)

The Finance, Governance and Resources Portfolio Holder concluded by moving the recommendation set out in the report. The Leader seconded the recommendation.

Summary of options rejected none

DECISION

That Report RD.43/22 be received and the Prudential Indicators noted as at the end of September 2022.

Reasons for Decision

To inform the Executive of the Council's Treasury Management issues.

The Meeting ended at: 16:04

Below is a list of decisions taken by Individual Portfolio Holders acting under delegated powers, full details can be viewed on the Council's website www.carlisle.gov.uk:

PF.5/22 **Resurfacing / Improvement works: Sands Centre and Swifts Car Park**

Portfolio Holder who made the Decision: Councillor Nigel Edward Christian

Portfolio Area: Environment and Transport

Subject Matter:

The removal of up to six trees in the Sands Car Park as part of the improvement works to the car park. The planting of replacement trees.

Summary of Options rejected: To take no action. This is not recommended, the trees are in poor condition and lack the ability to source water to assist in feeding the trees as well as damage to the pavement and listed fence is of concern. Action would therefore be needed later, incurring avoidable costs for the Council through ongoing root damage, to new surfaces, further damage to the Listed boundary walls and pavements, with associated risks of slips, trips and falls - leading to financial loss and reputational damage.

DECISION

The removal of up to six trees in the Sands Car Park

Reasons for Decision

Following the redevelopment of the Sands Centre, the next phase of the project is focusing on improvement works to the adjacent car parks. Following a site survey, it has been identified that a number of trees are not only in poor condition, but their root growth is leading to damage to the car park surface, pavements and Listed boundary wall, creating trip hazards and other structural stability concerns. The trees are in poor condition and a state of decline having outgrown their trees pits with insufficient access to water and nutrients, the trees have also suffered impacts from vehicles over the years. Two trees located on the car park perimeter in very close proximity to the Listed fence. We noted the significant damage to the footpath surface where tree roots were breaking through.

The planting of replacement trees in the same location was thought to be a difficult task particularly for trees given the size and likely depth of the existing stump and roots and the difficulty of grinding out the existing stump to sufficient depth to support a new tree. Trees and car parks are not always a good mix leading to problems and complaints for customer from sticky deposits, bird droppings, leaf fall, etc.

Planting of replacement trees will therefore be undertaken in alternative locations. The final details in this regard are still being developed in terms of location and number. The suggested ratio is the planting of 5:1. Five trees planted for each removed.

Background Papers considered:

N/A

Date Decision Made:	10 October 2022	Implementation Date:	2 November 2022
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INDIVIDUAL PORTFOLIO HOLDER DECISIONS

Below is a list of decisions taken by Individual Portfolio Holders acting under delegated powers, full details can be viewed on the Council's website www.carlisle.gov.uk:

PF.6/22

Tullie House Business Plan

Portfolio Holder who made the Decision:

Councillor Stephen Michael Higgs

Portfolio Area:

Culture, Heritage and Leisure

Subject Matter:

On an annual basis, the Tullie House Trust submit a 3-year business plan to be considered by Executive, Overview and Scrutiny and ultimately Council. The plan is used to inform the Council's budget setting process and the core grant provided to the Trust.

Typically, the business plan will be received by Executive, referred to the Place Panel and then come back to Executive before appearing at full council.

This year the alignment of committee dates and the Tullie House Trust Board meetings mean that the draft business plan would not have been formally approved by the Trust board ahead of its first appearance at Executive.

Rather than consider a draft plan or delay the progress of the plan through the Council's democratic cycle, it is proposed that the approved plan will simply be referred directly to Place Panel for consideration and comment before going to Executive and Full Council.

Summary of Options rejected:

None.

DECISION

To refer the Tullie House Business Plan directly to the Place Panel for consideration ahead of its consideration by Executive and Full Council.

Reasons for Decision

To allow an approved plan to be considered by Place Panel, Executive and Full Council without delaying it's passage through the democratic cycle

Background Papers considered:

Date Decision Made:	06 October 2022	Implementation Date:	2 November 2022
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Officer Decisions

Appendix B

Below is a list of decisions taken by Officers which they have classed as significant, full details and supporting background documents can be viewed on the Council's website www.carlisle.gov.uk/CMIS/

Decision Ref No	Title: Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:	Decision Maker:
OD.109/22	Homeless Prevention and Accommodation Services The Homeless Prevention and Accommodation Service team managers of Carlisle City Council have made the attached decisions during 1 July - 30 September 2022, under the express authorisation delegated to relevant officers in accordance with the Council's policy requirements.	Individual assessments of need and vulnerability are considered on a case by case basis to inform decision making; these include personal sensitive information. The assessments are not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).	14 October 2022	Homelessness Prevention and Accommodation Manage
OD.110/22	Purchase of Dataspace live software (submit a plan) Fund the purchase of user licences from the building control reserve for a period of 1 year.	None	13 October 2022	Corporate Director of Economic Development
OD.112/22	Carlisle City Centre Pavement Café Licence issued: - Caffe Nero, William Rufus, LUX Bar, Subway (Green Market), Costa Coffee (Court Square & Scotch Street), The Halston, In The Meantime, Brewed Awakenings, Open Mind. Commercial Promotions: -	Applications received – Private Not for Publication by Virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act.	18 October 2022	City Centre Officer

	<p>The Professional Fundraiser – Cats Protection Promotion (14-16 September 2022).</p> <p>Taylor's Fun Fair (Carousel) 21 – 28 October 2022</p>			
OD.113/22	<p>Licensing Decisions taken between 3 September 2022 to 1 November 2022</p> <p>The Licensing Manager has granted the attached licences or permissions under an express authorisation delegated to her and in accordance with the Council's policy requirements. (can be viewed on the Council website http://CMIS.carlisle.gov.uk/CMIS/CouncilDecisions/OfficerDecisions.aspx)</p>	Applications for various licences. Private Not for Publication by Virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act.	01 November 2022	Licensing Manager
OD.114/22	<p>Carlisle Healthbank Project</p> <p>To issue Cumbria Health on Call one-off grant funding of £23,930.68 in 2022/23, to support the delivery of a bespoke Healthbank Project in Carlisle targeting vulnerable people.</p>	People Panel	08 November 2022	Head of Homeless Prevention and Accommodation Services

JOINT MANAGEMENT TEAM

MINUTES – 24th October 2022

Attendees	Leader; PH Culture, Heritage & Leisure; PH Environment & Transport; PH Economy, Enterprise & Housing; PH Communities, Health & Wellbeing; Chief Executive; Deputy Chief Executive; Corporate Director of Governance & Regulatory Services; Corporate Director of Finance & Resources; Head of Regeneration
Apologies	Deputy Leader; Corporate Director of Economic Development

Agenda Item 1 – Minutes of Meeting 3rd October 2022	Action
Noted and agreed	
Agenda Item 2 - Local Government Reorganisation	
The Chief Executive updated attendees with information available at this time	
Agenda Item 3 – Transition of Carlisle City Council : Legacy Project	
The Chief Executive updated Members of JMT on potential plans for the Project going forward	

Agenda Item 4 – Updates on Borderlands; The Sands; St Cuthbert’s Garden Village; Central Plaza; Turkish Baths	
Members of SMT attending and the Head of Regeneration provided the Executive with their update on the current position regarding each area	
Agenda Item 5 – Future Items for Notice of Executive Key Decisions	
Noted and updated	
Agenda Item 6 - JMT Forward Plan	
Noted	

People Panel

Date: Thursday, 24 November 2022

Time: 10:02

Venue: Flensburg Room

Present: Councillor Mrs Christine Finlayson, Councillor Colin Glover, Councillor Mrs Ann McKerrell, Councillor Mrs Linda Mitchell, Councillor Tim Pickstone, Councillor David Shepherd, Councillor Miss Jeanette Whalen, Councillor Christopher Wills

Also Present: Councillor J Mallinson - Leader
Councillor Ellis - Governance, Finance and Resources Portfolio Holder
Councillor Mrs Mallinson - Communities, Health and Wellbeing Portfolio Holder

Officers: Corporate Director of Finance and Resources
Health and Wellbeing Manager
Head of Property Services
Communities and Culture Officer
Head of Human Resources
Policy and Performance Officer
Policy and Scrutiny Officer

PEP.49/22 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of the Deputy Chief Executive.

PEP.50/22 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct the following declarations were submitted in respect of agenda item A.2 - Community Centre Sustainability - Current and Post LGR:

Councillor Glover declared an interest as he was the City Council's representative on the Currock Community Centre Trustee Board.

Councillor McKerrell declared an interest as she was a Trustee of the Dalston Recreation Centre.

Councillor Pickstone declared an interest as he was a Trustee of the Longtown Memorial Hall Community Centre.

Councillor Miss Whalen declared an interest as she was the City Council's representative on the Yewdale Community Centre Management Committee.

Councillor Wills declared an interest as he was the City Council's representative on the Currock Community Centre Trustee Board.

Councillor Mrs Mitchell declared an interest as she was the City Council's representative on the Harraby Community Centre Management Committee.

Councillor Wills declared an interest in accordance with the Council's Code of

Conduct in respect of agenda item A.3 -Youth Projects and Engagement. His interest related to the fact he was the Vice Chair of the Rock Youth Project.

PEP.51/22 PUBLIC AND PRESS

RESOLVED - That items in Part A be dealt with in public and items in private be dealt with in Part B.

PEP.52/22 MINUTES OF PREVIOUS MEETING

RESOLVED - It was noted that Council, at its meeting on 8 November 2022, received and adopted the minutes of the meetings held on 25 August 2022 and 6 October 2022. The Chair signed the minutes.

PEP.53/22 CALL-IN OF DECISIONS

There were no items which had been subject of call-in.

PEP.54/22 COMMUNITY CENTRE SUSTAINABILITY – CURRENT AND POST LGR

The Head of Health and Wellbeing submitted an overview of the current Carlisle City Council revenue funding, additional support arrangements and lease arrangements of the Community Centres prior to the transfer of assets and support to Cumberland Council on 1 April 2023. (CS.36/22)

The Chair acknowledged the importance of capturing the outcomes from Community Centres and the impact they had on communities, their work was integral in supporting the Council in delivering its priorities.

The Head of Property Services highlighted the lease renewal process detailing why it was vital that all of the outcomes from the Community Centres were captured and how those outcomes would impact the consideration of future lease terms and offer.

Members were concerned that short leases prevented Community Centres from applying for funding and questioned what options were available to provide assurances or support to Community Centres in applying for vital funding. The Panel also had concerns that Community Centres could not prepare budgets as they did not know if they would receive funding following the transfer to Cumberland Council.

The Head of Health and Wellbeing responded that the Cumberland Council would have a similar budget process and timescales to the City Council which would include consultation that Members and Community Centres could respond to.

The Corporate Director of Finance and Resources explained that all authorities needed a three or five year Medium Term Financial Plan (MTFP). The Community Centre budget was a recurring budget in the City Council's MTFP and this would be transferred to Cumberland Council. The Corporate Director added that the Cumberland Council had some major decisions to make regarding its budget and she would discuss the matter with Cumberland Council's S.151 Officer to determine if the Executive had made their priorities known.

The Communities, Health and Wellbeing Portfolio Holder provided assurances that the health agenda took into consideration the benefits and successes of the Community Centres and this work would be progressed through the health

workstream.

Referring to the lease renewal and linked funding the Head of Property Services reported that the review had just begun and would take approximately a year. Additional staff resource had been brought into the Property Team to focus on the work, the outcome of the review would feed into the 2023/24 budget and help determine the structure and makeup of the leases.

The Chair asked how the Council could support Centres who had shorter leases to access the funding they needed and continue to deliver the outcomes in the community. The Head of Property Services explained that all of the original leases had been for twenty five years, a number of the leases had changed or been extended on a case by case basis. The review had started as the resources were now in place to be able to undertake a full strategic review.

The Chair raised an issue at Morton Community Centre where money had been paid by the Centre for works that would now not be completed before the transfer, he questioned if this money would be returned. The Head of Property Services undertook to investigate the matter further.

The Head of Health and Wellbeing informed the Panel that the Council was committed to support Community Centres to secure funding wherever possible and had contacted funding providers to support the process for the Centres as required.

A Member asked it was possible to grant all Community Centres with an interim renewed lease whilst the review was being undertaken. The Head of Property Services clarified that the City Council no longer had the power to grant leases and any changes to the leases would now be a decision for the Shadow Cumberland Council. He confirmed that there was a process for the Shadow Authority to grant a lease should the need arise.

The Head of Property Services reported that there had been some recruitment issues, however, resources had been secured to undertake the review as a key piece of work. He asked that all Community Centres submit evidence of their successes, good work and best practice so the information could be captured and submitted to the Cumberland Council for consideration as part of their decision making. He stressed that this was an opportunity to showcase the work being carried out the local community and how it could be rationalised or aggregated to improve services and lower operating costs and make the Community Centres even more vibrant.

In response to questions the Head of Health and Wellbeing stated that Carlisle was unique in the way it funded Community Centres adding that Community Centres came under Public Health and Communities in the draft structure for the new authority.

RESOLVED - That the Panel:

1) acknowledged all of the outstanding work being carried out in Community Centres to deliver positive health and wellbeing outcomes;

2) request the following written responses:

- information on the condition survey / maintenance backlogs of Community Centres
- information from the Cumberland Council S.151 Officer on the financial priorities

of the Executive

- information on the return of the monies paid by Morton Community Centre from works not yet carried out

3) request that the Executive seek the opportunity to progress leases which were less than 25 years before 31 March 2023. If this was not possible the Panel asked that the City Council supports the Community Centre in applying for funding where possible;

4) request that a letter be sent to all Community Centres encouraging them to provide details of their output, outcomes, successes and best practice to inform the review.

PEP.55/22 YOUTH PROJECTS AND ENGAGEMENT

The Head of Health and Wellbeing presented an overview of current and potential youth engagement in Carlisle District (CS.37/22).

The Head of Health and Wellbeing reported that representatives of Cumbria County Council had been unable to attend the meeting as planned and would attend a future meeting of the Panel to provide plans for moving into the new authority.

The Communities and Culture Officer detailed a number of projects and their outcomes that had been successful across the district including the Food Summit, work with James Rennie School, ongoing work with the Bulgarian Community, new projects at Hammonds Pond, street art and workshops.

The Chair commented that it was important that youth engagement was well resourced as there was so much potential to address anti-social behaviour issues and get young people involved in and take responsibility for their own communities. He felt it was vital that a proper framework was established to attract funding as the LGR moved forward.

In considering the report and presentation Members raised the following comments and questions:

- Was the Youth Council or Youth Parliament still running?

The Communities and Culture Officer explained that Covid had impacted the work, as a result an opportunity had arisen for the Council to be involved.

- Members noted that engagement needed to happen at an early age and outlined some opportunities for modern engagement which could take place in a short timescale and be meaningful.

The Communities and Culture Officer agreed that strategically it was important to engage with young people before the age of fourteen and give them a sense of belonging and community. He agreed that quick short sessions, that would not require a lot of resources, had the potential to be very successful and could lead to more resourcing.

The Communities, Health and Wellbeing Portfolio Holder acknowledged the excellent work that was being undertaken and felt it was important that Cumberland Council build on the work to date. In addition the Portfolio Holder set out some of the award winning work being carried out to support apprenticeships in the County.

- Did the Council engage with and support young carers?

The Communities and Culture Officer detailed a project with Carlisle United that took twenty five young carers and their families to Carlisle United matches. He reminded the Panel that it was important that the whole family was engaged to ensure that the right support, respite, and opportunities were made available. Although work had been carried out more projects were needed.

- How were young people engaged in the planning process especially for large long term projects such as the St Cuthbert's Garden Village?

The Communities and Culture Officer noted that some of the previous engagement had not been successful, he suggested a more appropriate approach would be for workshop sessions to go to schools that were facilitated by officers.

RESOLVED - That the Panel welcomed the opportunity to bring groups and individuals together to look at different aspects of life in the district and contribute to future planning.

PEP.56/22 SICKNESS ABSENCE QUARTER 2 2022/23

The Head of Human Resources presented the authority's sickness absence levels for the period 1 April and 30 September 2022 and other sickness absence information (CS.35/22).

The Head of Human Resources reported that the Improving Attendance Policy had been in place for a year and it had been anticipated that the benefits of the revised policy would start to be realised during this financial year. The report set out the current sickness statistics, with the number of days lost per FTE equating to 4.9 in the first half of 2022/23, compared with 5.9 for the same period in 2021/22.

The Head of Human Resources stated that there had been a 17% decrease in overall days lost per employee when compared to the same period in the previous year. 39 employees had been absent long-term (4 working weeks or more), 5 less than the same period of the previous year.

There continued to be a clear correlation between long term sickness absence and the overall performance of the council in relation to absence. Overall performance improvement in this area was likely to be achieved through proactive management of long-term sickness absence through regular supportive discussion and early engagement with our occupational health provider, as set out in the Improving Attendance Policy.

Over the course of the last quarter the HR Advisers had again been working closely with managers to oversee absences and the number of employees absent continues to steadily decline. This had resulted in a decrease in number of days lost compared to last year's Quarter 2. Based on current trends it was anticipated that the Council would continue to see a definite and clear improvement in the absence rates for this financial year

In considering the report Members raised the following comments and questions:

- When absences were identified as being muscular skeletal work related was there a procedure in place to learn lessons and change practices or procurement as a result?

The Head of Human Resources confirmed that any work related incidents were followed up through the Council's Health and Safety Team, in addition all incidents discussed at the six weekly trade union meeting. The Head of Health and Wellbeing added that procedures were in place to ensure all equipment being used was fully serviced or new and safety monitoring was also carried out to ensure there were no adverse implications of using equipment.

- How did the authority ensure that staff working from home were not working whilst ill?

The Head of Human Resources responded that it was expected that the manager had a good relationship with staff and were able to monitor the situation and manage effectively.

- Could the nature of the work carried out in Community Services be a reason for the low number of completed Return to Work Interviews and was there an opportunity to review the Policy to allow additional time for services that had outdoor or remote workers?

The Head of Human Resources confirmed that discussions were taking place with managers to determine what the barriers were for completing the interviews within the given timescales, the results of this and how the matter could be addressed would be reported back to the Panel in the next report.

RESOLVED - That the Sickness Absence Report Quarter 2 2022/23 (CS.35/22) be noted.

The meeting adjourned at 12.00noon and reconvened at 12.06pm.

PEP.57/22 REVENUE BUDGET OVERVIEW AND MONITORING BUDGET - APRIL TO SEPTEMBER 2022

The Corporate Director of Finance and Resources submitted an overview of the Council's General Fund revenue budgetary position for the period April to September 2022 for revenue schemes only. The report also included details of balance sheet management issues and bad debts written off in the period. (RD.41/22).

Set out at paragraph 2 was the summarised budgetary position as at September 2022; the main variances were as summarised at paragraph 2.4. The Council's financial position, which was affected by a number of external factors which had a financial impact during the course of the year and ultimately at the year end, would continue to be closely monitored and reported more fully in a future monitoring report. It would be important to maintain a prudent approach so as to ensure a sustainable budget position for future years to avoid any significant variance at the year end.

The matter was considered by the Executive at its meeting on 21 November 2022 (Minute EX.150/22 referred).

In considering the report Members raised the following comments and questions:

- What had been the financial impact of the increase to fuel prices, energy costs and other inflationary issues?

The Corporate Director of Finance and Resources confirmed that a 30% increase in gas cost and a 25% increase in electricity costs had been budgeted for. Energy was provided through a County Council framework and so far there had been no major variances, however the matter was closely monitored.

In response to a further question the Corporate Director of Finance and Resources explained that there was no update available on the delay to the Fair Funding Review and Business Rates Retention Review. Provisions had been agreed for a business rate pooling arrangement for the two new authorities, once the settlement figure was released the authorities had twenty eight days to opt out of the arrangements.

RESOLVED - That the Revenue Budget Overview and Monitoring Report: April to September 2022 (RD.41/22) be noted.

PEP.58/22 CAPITAL BUDGET OVERVIEW AND MONITORING BUDGET - APRIL TO SEPTEMBER 2022

The Corporate Director of Finance and Resources Holder submitted report RD.42/22 providing an overview of the budgetary position of the City Council's capital programme for the period April to September 2022. Detailed therein were the capital budget overview; the overall budget position for the various Directorates; the monitoring and control of expenditure against budget allocations and the exercise of virement.

As at the end of September, expenditure of £6,396,970 had been incurred on the Council's core capital programme. When considered against the profiled budget of £8,212,365 that equated to an underspend of £1,815,395. The unspent balance remaining of the revised annual budget of £38,555,900 was £32,158,930. A review of the 2022/23 capital programme would be undertaken to identify accurate project profiles for the remainder of the financial year, any potential slippage into future years.

In addition, paragraph 3.9 recorded that a number of schemes were included in the capital programme for 2022/23 which required reports to be presented to the Executive for the release of funding before the project could go ahead. The Council's contribution towards the Southern Link Road would not be required in 2023/24 and would need to be added to Cumberland Council's capital programme as an increase to the overall project in 2023/24.

The Executive had considered the matter at its meeting on 21 November 2022 (Minute EX.151/22 referred).

In considering the report Members raised the following comments and questions:

- Could any funding from the Sustainable Warmth Grants be used to support individuals who could not afford to heat their homes?

The Corporate Director of Finance and Resources clarified that the Grants were to support capital schemes to provide insulation and other energy efficiency

measures. She reminded the Panel that there were a number of grants and schemes available to support households in need.

- The Town Deal and Future High Street Funds still had a significant amount money, would this roll over to the new authority?

The Corporate Director of Finance and Resources confirmed the funding would roll over as capital schemes. In response to a further question she stated that should any changes to the use of the money be required it would need to be agreed by government and this would require a discussion with the Corporate Director of Economic Development.

- A Member asked if the scheme for the £110,000, recently agreed by Council, could ensure that some of the money went to rural areas.

The Corporate Director of Finance and Resources responded that the funding had been agreed by Council and the scheme for the distribution of the funds was being prepared. The funds would be available to anyone who met the criteria where ever they lived in the district.

- In response to a question the Head of Health and Wellbeing confirmed that the crematorium infrastructure scheme would not be completed before vesting day as it was an eighteen month project.

- The Panel asked for further information on the Disabled Facilities Grant underspend, feedback on the impact of the changes to the Policy and details of any spend commitments.

The Corporate Director of Finance and Resources agreed to submit a written response to the Panel.

RESOLVED - 1) That the capital Budget Overview and Monitoring Report: April to September 2022 (RD.42/22) be noted;

2) That the Corporate Director of Finance and Resources provide a written response regarding the reasons for the underspend in the Disabled Facilities Grant budget along with feedback on the impact of the changes made to the flexibility of the Policy and an overview of the budget profile including commitments, future spends and challenges.

PEP.59/22 QUARTER 2 PERFORMANCE REPORT 2022/23

The Policy and Performance Officer submitted the quarter 2 2022/23 performance against current Service Standards and an update on the delivery of the Carlisle Plan 2021-23 actions as defined in the Plan. Performance against the Panel's 2022/23 Key Performance Indicators were also included (PC.27/22).

The Policy and Performance Officer drew the Panel's attention to the Summary of Exceptions and the associated reasons.

The Policy and Performance Officer agreed to provide the Panel with a written update regarding the increase of 10% to the end of private rented tenancies and what the Council could do to help the situation moving forward.

RESOLVED - 1) That the Quarter 2 Performance Report 2022/23 (PC.27/22) be

noted;

2) The Policy and Performance Officer provide the Panel with a written update regarding the increase of 10% to the end of private rented tenancies and what the Council could do to help the situation moving forward.

PEP.60/22 OVERVIEW REPORT

The Policy and Scrutiny Officer submitted report OS.24/22 which gave an overview of matters related to the Scrutiny Panel's work.

The Policy and Scrutiny Officer highlighted a number of outstanding resolutions from previous meetings and stated that some would be completed following the meeting. During discussion the Panel agreed that resolutions PEP.33/22 (from 25 August 2022) be changed back to pending for monitoring purposes. Although the Executive had considered the Panel's recommendations the actions had not yet been completed.

The Chair asked that a report on the Victorian Health Suite be submitted to a future meeting to address the outstanding actions and detail the work that had been taken to protect and preserve the site whilst it was vacant.

RESOLVED - 1) That the Overview report OS.24/22 be noted.

2) That resolutions PEP.33/22 be changed back to pending.

3) That a final update report on the Victorian Health Suite be submitted to a future meeting of the Panel.

The Meeting ended at: 13:03

Place Panel

Date: Thursday, 13 October 2022

Time: 16:00

Venue: Flensburg Room

Present: Councillor Trevor Allison, Councillor James Bainbridge, Councillor Ms Jo Ellis-Williams, Councillor Mrs Anne Glendinning, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor Peter Sunter, Councillor Dr Les Tickner

Also Present: Councillor Mrs Bowman - Economy, Enterprise and Housing Portfolio Holder
Councillor Christian - Environment and Transport Portfolio Holder
Councillor Ellis - Finance, Governance and Resources Portfolio Holder

Officers: Corporate Director of Economic Development
Policy and Scrutiny Officer
Mr Rigg, Environment Agency
Mr Mounsey, Environment Agency
Mr Lawton, Environment Agency
Mr Stephenson, Environment Agency
Mr Coyle, Cumbria County Council

PLP.27/22 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

PLP.28/22 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

PLP.29/22 PUBLIC AND PRESS

RESOLVED - That items in Part A be dealt with in public and the items in private be dealt with in Part B.

PLP.30/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - 1) That the Chair sign the minutes of the meeting held on 21 July 2022.

2) That the minutes of the meeting held on 1 September 2022 be agreed as a correct record.

PLP.31/22 CALL-IN OF DECISIONS

There were no items which had been subject of call-in.

PLP.32/22 ENVIRONMENT AGENCY UPDATE ON FLOOD RISK MANAGEMENT IN CARLISLE

The Corporate Director of Economic Development submitted report ED.27/22. The Chair welcomed Mr Rigg, Mr Mounsey, Mr Lawton, Mr Stephenson and Mr Coyle to the meeting

Mr Rigg and Mr Mounsey gave a presentation covering: summary of flood risk management completed works at a variety of sites across the district since 2015; recent improvements to the flood warning service in Carlisle; and planning for climate change on the River Eden.

In considering the presentation, Members raised the following questions and comments:

- A number of Members commented on concerns raised by residents in areas surrounding the Caldew regarding the lack of progress in providing additional flood defence measures following the 2015 flood event (Storm Desmond).

Mr Rigg and Mr Mounsey explained that an initial scheme had been designed but had not been progressed due to issues relating to the technical delivery of the proposal. The Environment Agency was committed to delivering additional flood protection along the Caldew in Carlisle; work including data monitoring and model assurance was currently underway which would form the basis for developing a future scheme. In addition to the technical issues, matters such as riparian ownership and the proximity of residential properties were also factors that would need to be fully considered in the development of a new scheme.

As part of the development of a new scheme for the Caldew consideration would be given to the implementation of measures upstream. Each scheme had to be tailored to the individual circumstances of the particular river's catchment area, therefore the measures included across various schemes would differ.

Members were assured that the existing flood defences in the city were some of the best in the country, affording protection against a 1 in 200 year flood event. Members and Officers discussed how climate change may impact flood events in the future and how the Agency modelled and sought to incorporate the impact of climate change in its future flood resilience schemes.

- A Member noted that earlier in the year, the Environment Agency had indicated it intended to create a stakeholder group for flood resilience in the city, but as yet the group had not been created.

Mr Mounsey responded that he appreciated concern about the likelihood of a flood event occurring increased during the autumn and winter seasons. There was an active website, Flood Hub, which contained information relating to Carlisle Phase 2 schemes in the district, given the comments of Members, it may be useful if information regarding work to develop further flood resilience measures for the Caldew, Caldew Phase 3 were also published on the site for the public to access.

Members would be provided with the Flood Hub website address to enable them to share this with residents or businesses. The Panel were reminded that residents and businesses were able to sign up for flood alerts from the Environment Agency as well as resources to develop a plan for action to take in the event of a flood occurring.

A Member commented that he was reassured that the existing defences in the city were good. He sought information on the Agency's approach to planned maintenance of its structures such as storm drains, screens and grills.

Mr Mounsey explained that maintenance was a key part of the organisation's work in retaining flood resilience. Performance indicators set a target of 98% of assets to be in the required condition to address a flood event. The Agency carried out routine maintenance throughout the year which was augmented by operational maintenance for example additional work in the autumn time removing leave debris from structures to prevent clogging. Should a resident or business wish to contact the Agency regarding a blockage they could do so by ringing 0800 807060.

The Chair commented that the clearance of highways may also be a factor leading to a flood event, he asked how that matter may be looked at.

Mr Coyle (Cumbria County Council) indicated that he was happy to discuss any areas of concern and to work with the relevant local area manager to resolve the issue.

Mr Mounsey added that partnership working between the Agency and the county council was important to enable the full spectrum of flood issues to be addressed.

RESOLVED - 1) That the presentation be noted.

2) That the Panel were concerned that residents were provided with the latest information of developing flood schemes in the district.

PLP.33/22 HIGH STREET TASKFORCE

The Corporate Director of Economic Development submitted report ED.28/22 which set out background of the High Streets Task Force and contained the 'Unlocking Your Place Potential' report and its recommendations.

In considering the report Members raised the following questions and comments:

- How had the attendees been selected?

The Corporate Director advised that the attendees were all members of the city centre task force which had been invited in its entirety, however not all had been able to attend.

The Member noted that none of the Ward Members had been invited to participate.

The Corporate Director responded that a meeting of the City Centre Task force was scheduled to take place on 27 October where Elected Members would be invited.

- The Chair expressed concern that the change to unitary authority in Cumbria would mean that the Council was less of a presence.

The Corporate Director acknowledged the Member's concerns, she hoped that the City Centre Task Force would gain greater traction as time moved on.

The Economy, Enterprise and Housing Portfolio Holder considered that the City Centre Task Force had a great deal of potential and included a number local businesses. She was supportive of the 'Unlocking Your Place Potential' report and its conclusions which she wished to take forward to create some activation in the city centre.

- A Member noted that there was an active Chamber of Trade and Commerce in the district and felt that the report added another layer to ongoing work. In relation to Local Government

Reorganisation he felt that the work should be left to the new unitary authority. The amount of recently secured investment for the city centre was likely to be a draw, it was important that the other wards in the city were supported too.

The Corporate Director agreed there was a significant level of investment, to be delivered via a variety of projects. It was important that businesses were aware of those initiatives, the City Centre Task Force were aware of the upcoming initiatives; the next step was to consider how best to invigorate and support the evening and night time economy in the city.

The Economy, Enterprise and Housing Portfolio Holder advised that the Chamber of Commerce did not work with SME's, however, one of the roles of the Carlisle Ambassadors, which had in excess of 400 members, was to promote the city. Regarding the suggestion that the recommendations of the 'Unlocking Your Place Potential' be left to Cumberland Council, she stated that she did not wish to have six months of no action, and hoped to take the recommendations forward.

- Was the work a duplication of the city centre working group?

The Corporate Director explained that the 'Unlocking Your Place Potential' report had been funded and delivered as part of the Future High Streets Fund, its conclusions were not a surprise in the context of the economic recovery following the pandemic. An overview of some markers of increasing economic activity was given.

A Member welcomed the report and supported its viewpoint, he hoped that the Council would seek to implement as many of the recommendations therein prior to unitary authority.

RESOLVED - That the Panel request that the Executive implement the recommendations contained in the Unlocking Your Place Potential report.

PLP.34/22 OVERVIEW REPORT

The Policy and Scrutiny Officer submitted the Overview Report (OS.23/22) which gave an overview of the Place Panel. Regarding the Panel's Work Programme, the Policy and Scrutiny Officer noted that the forthcoming two meetings had lengthy agendas; the Chair undertook to liaise with the Corporate Director of Economic Development to ensure that the agendas were manageable for Members.

In discussing the remit of the scrutiny panels, a member requested that the relevant budget monitoring reports for the Place Panel be added to the work programme. It was agreed that the Policy and Scrutiny Officer give consideration to how this could be progressed.

RESOLVED - 1) That report OS.23/22 be noted.

2) That the Chair liaise with the Corporate Director of Economic Development regarding the agenda items for the Panel's forthcoming meetings.

3) That the Scrutiny and Policy Officer consider the inclusion of the budget monitoring reports in the Panel's Work Programme.

The Meeting ended at: 18:05

Place Panel

Date: Thursday, 01 December 2022

Time: 16:00

Venue: Flensburg Room

Present: Councillor Trevor Allison, Councillor James Bainbridge, Councillor Mrs Anne Glendinning, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor Peter Sunter, Councillor Mrs Ann McKerrell (for Councillor Ms Jo Ellis-Williams)

Also Present: Councillor Mrs Bowman - Economy, Enterprise and Housing
Portfolio Holder
Councillor Christian - Environment and Transport Portfolio Holder
Councillor Ellis - Finance, Governance and Resources Portfolio
Holder

Officers: Corporate Director of Economic Development
Head of Regeneration
Head of Health and Wellbeing
Policy and Scrutiny Officer
Mr Mackay, Tullie House
Mr Smith, Tullie House
Ms Smalley, Tullie House
Ms Proud, Tullie House

PLP.35/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Ms Ellis-Williams and Councillor Dr Tickner.

PLP.36/22 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

PLP.37/22 PUBLIC AND PRESS

RESOLVED - That items in Part A be dealt with in public and the items in private be dealt with in Part B.

PLP.38/22 MINUTES OF PREVIOUS MEETING

RESOLVED - 1) That it was noted that Council, at its meeting on 8 November 2022 received and adopted the minutes of the meeting held on 1 September 2022. The Chair signed the minutes.

2) That the minutes of the meeting held on 13 October 2022 be agreed as a correct record.

PLP.39/22 CALL-IN OF DECISIONS

There were no items which had been subject of call-in.

PLP.40/22 UK SHARED PROSPERITY FUND - YEAR ONE DELIVERY OF INVESTMENT PLAN

The Corporate Director of Economic Development submitted a report regarding the UK Shared Prosperity Fund - Year One Delivery of Investment Plan (ED.31/22).

The Corporate Director of Economic Development reported that the UK Shared Prosperity Fund (UKSPF) had allocated funds to all local authorities in the UK to fund revenue and capital projects over a three-year period 2022-2025.

The Government had allocated £4.1 million for the Carlisle area.

To draw it down, the Council had submitted an Investment Plan to the Department for Levelling Up, Homes and Communities setting out how it intended to use and deliver the funding. The submitted Investment Plan set out that the first year of the allocation would be managed and delivered by Carlisle City Council, whilst the second and third years' delivery would be managed and delivered by the new Cumberland Authority.

The Investment Plan for Carlisle was due to be approved in October 2022. However, there was a pressing need to confirm the delivery and spend for Year 1 of the programme, which had allocation of £498,138. A number of projects had been identified through an expression of interest that could be delivered by the end of this financial year, 31 March 2023. The report set out the proposed projects and grant programmes that would comprise the delivery programme for Year 1 of the programme.

The matter was considered and agreed by Council on 8 November 2022 (Minute Excerpt C.146/22(ii) referred).

In considering the report Members raised the following comments and questions:

- A Member asked what the fallback position was in respect of year one delivery?

The Corporate Director stated that the monies for the project which had not been received from government were committed or 'defrayed' i.e. allocated to the projects and able to be drawn down when available.

The Chair asked who was responsible for meeting any cost over run on the projects?

The Head of Regeneration advised that year 1 had been costed well; in terms of year 2 projects may need to re-profile spending to accommodate any cost increases. However, the majority of the projects sought revenue funding and were therefore at a lessened risk of acute cost increase.

- The Chair asked what plans had been made for the artefacts already uncovered at the Cricket Club?

The Head of Regeneration responded that the project listed in the report provided for the extension of the community archaeological dig project. In respect of the future of the artefacts, the matter was currently under consideration. The site itself, due to its location on an active flood plain would be covered over when excavation works were complete to protect the site from erosion, damage or potential loss.

- A Member sought further detail on the 'enterprise fund'.

The Head of Regeneration explained that it was a pot of funding, both revenue and capital to support businesses to grow and develop.

- The Chair asked whether Cumberland Council were aware of the projects.

The Corporate Director advised that the Shadow Authority Executive for Cumberland Council had approved a report on the Fund and its projects.

RESOLVED – That the Place Scrutiny Panel receive report UK Shared Prosperity Fund - Year One Delivery of Investment Plan (ED.31/22).

PLP.41/22 QUARTER 2 PERFORMANCE REPORT 2022-23

The Policy and Scrutiny Officer submitted the quarter 2 2022/23 performance against current Service Standards and an update on the delivery of the Carlisle Plan 2021-23 actions as defined in the Plan. Performance against the Panel's 2022/23 Key Performance Indicators were also included (PC.28/22).

In considering the report Members raised the following comments and questions:

- What works remained outstanding in respect of the redeveloped Sands Centre?

The Head of Health and Wellbeing responded that there were a number of consequential improvements to be carried out to the Events Centre to increase energy efficiency.

In terms of the newly developed portion of the site, in addition to the snagging list, a small dining area was to be installed as well as spectator seating and a balustrade. The Head of Health and Wellbeing emphasised that the works were minor and that the facility was in full operational use.

The Chair noted that there had been a number of reports in the national press regarding GLL (the operator of the facility) reducing the opening hours of a number of its facilities and lowering the temperature of some of its swimming pools, he sought reassurance that the Sands Centre would not be subject to such reductions.

In response the Head of Health and Wellbeing advised that the new pool facilities in the Sands Centre were amongst the most energy efficient in the country and given its use by schools the water temperature had to be maintained at a certain level. The site was operating at full opening hours: 06:30 – 22:00, there were currently no plans to reduce that.

Regarding further questions from Members on the Sands Centre, the Head of Health and Wellbeing provided the following responses:

- the unisex changing rooms on the ground floor had been designed following Sport England guidance;
- a full resurface of the car park had not been possible during the construction phase of the development, the works would be completed some time in early 2023.

- Would the recently developed Rural Strategy continue to be a joint document with Eden District?

The Policy and Scrutiny Officer undertook to provide a written response on the matter to the Panel.

RESOLVED - 1) That the Quarter 2 Performance Report 2022/23 (PC.28/22) be noted.

2) That the Policy and Scrutiny Officer provide a written response to the Panel regarding whether the Rural Strategy would continue to be a joint document with Eden District.

PLP.42/22 OVERVIEW REPORT

The Policy and Scrutiny Officer submitted the Overview Report (OS.25/22) which gave an overview of the Place Panel.

The Chair noted that, due to the large number of items contained in the Work Programme for the January 2023 meeting, an additional, special meeting had been convened where a number of matters scheduled for scrutiny in January would be considered.

With reference to the Work Programme, a Member noted that previous Panels had received updates on the implementation of Section 106 contributions from developers. The Panel agreed that it would be useful to receive a report that provided an update on Section 106 activity.

RESOLVED – 1) That report OS.25/22 be noted.

2) That an update report on Section 106 activity be submitted to a future meeting of the Panel.

PLP.43/22 TALKIN TARN MANAGEMENT ARRANGEMENTS

The Head of Health and Wellbeing provided an update on potential management arrangements at Talkin Tarn Country Park following the Panel's visit to the site to explore the options to maximise the potential in delivering the Council's priorities. (CS.38/22).

The Head of Health and Wellbeing gave an overview of the background for the management of Talkin Tarn and detailed the current internal and external management arrangements. A key issue discussed by the Panel had been the future financial stability of the site. Options were discussed and it was proposed that an extension be added to the front of the building in place of the balcony, all catering would be downstairs and would allow a full offer with extra seating. This would also enable the upstairs space to be rented out for additional income. The proposed floor plan had been included in the report and the budget costings were set out in agenda item B.1.

In considering the report Members raised the following comments and questions:

- Was any of the financial surplus generated able to be put towards the costs of some the proposed capital works?

The Head of Health and Wellbeing responded that the facility generated an annual surplus, which under current Financial Procedure Rules (FPR) was required to be spent within the same financial year. In order to be able to utilise existing and future surpluses to fund some of the capital works proposed in the report, a change would need to be made to the FPR to create an earmarked reserve.

A number of Members considered such an amendment would be useful to assist in the development of the site. A Member proposed that the Executive be asked to consider creating an earmarked reserve for surplus / carry forward monies for Talkin Tarn. The proposal was seconded and the Panel indicated its assent.

The Panel also discussed mechanisms to reduce costs for the facility, in particular whether the levy of National Non Domestic Rates was able to be reduced or the liability to be removed. A Member proposed that the Executive be asked to look into ways to reduce or remove Talkin Tarn's National Non Domestic Rate levy. The proposal was seconded and the Panel indicated its assent.

The Panel overall was supportive of the proposals outline in the report.

The Head of Health and Wellbeing thanked Members for their response. He explained that the figures contained in the report were budget costings and as such were indicative only. For any proposals in the report to be taken forward full Business Cases would need to be developed, the timescales for the production of which would go beyond Vesting Day and therefore would be a matter for Cumberland Council.

A Member proposed that the Panel support in principle the proposals for Talkin Tarn as set out in the report. The proposal was seconded and the Panel indicated its assent.

RESOLVED – That the Place Panel:

1) Ask the Executive to consider creating an earmarked reserve for surplus / carry forward monies for Talkin Tarn.

2) Ask the Executive to look into ways to reduce or remove Talkin Tarn's National Non Domestic Rate levy.

3) Support in principle the proposal for Talkin Tarn set out in report CS.38/22.

PLP.44/22 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 numbers (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

PLP.45/22 TALKIN TARN MANAGEMENT ARRANGEMENTS

(Public and Press excluded by virtue of Paragraph 3)

The Head of Health and Wellbeing submitted the budget costings to be considered alongside report CS.38/22 which had been considered as agenda item A.5 (CS.38/22).

RESOLVED - That the budget costings for the Talkin Tarn Management Arrangements report (public report CS.38/22) be noted.

The meeting adjourned at 16:55 and reconvened at 17:00

PLP.46/22 TULLIE HOUSE BUSINESS PLAN 2021 - 2030 (22/23 REVISIONS)

(Public and Press excluded by virtue of Paragraph 3)

The Head of Health and Wellbeing submitted the update of the Tullie House Museum and Art Gallery Trust 2022/23 - 2031/22 Business Plan for the 2023/24 financial year (CS.33/22).

The Head of Health and Wellbeing reported that purpose of the report was to allow consideration of the Business Plan in order that the Council may in due course agree core funding for the Trust. This was in line with Section 5 of the Partnership Agreement between the Council and Tullie House Trust (THT). The Agreement stated that the Business Plan submitted by the Trust to the City Council should be used as the basis to agree future years funding. Members were asked to note that although the Business Plan was to be considered by Scrutiny, Executive and Council the requirement to agree core funding within the annual budget would fall to Cumberland Council. Carlisle City Council would make a recommendation to Cumberland on the level of core funds.

The Chair welcomed Mr Mackay, Mr Smith, Ms Smalley and Ms Proud from Tullie House to the meeting.

The representatives from Tullie House Trust gave a presentation to the Panel which set out Tullie House's manifesto, the community and educational activities being undertaken, an update on Project Tullie and Tullie House's overall financial position.

Representatives of Tullie House and Officers responded to Members' questions on the presentation and Business Plan.

RESOLVED: That the Place Panel had received the Tullie House Business Plan 2021 – 2030 (22/23 revisions) (CS.33/22)

The Meeting ended at: 17:41

Regulatory Panel

Date: Wednesday, 23 November 2022

Time: 16:00

Venue: Flensburg Room

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Ms Jo Ellis-Williams, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor Peter Sunter, Councillor Dr Les Tickner, Councillor Miss Jeanette Whalen, Councillor John Mallinson (for Councillor David Morton), Councillor Trevor Allison (for Councillor Tim Pickstone)

Officers: Senior Lawyer
Licensing Manager
Licensing Officer (x2)

RP.61/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Pickstone, Councillor Nedved and Councillor Morton.

RP.62/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

RP.63/22 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the item of business in Part B be dealt with then the public and press were excluded.

RP.64/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - That Council, at its meeting on 8 November 2022, received and adopted the minutes of the meetings held on 14 September and 19 October 2022. The Chair signed the minutes.

RP.65/22 APPLICATION FOR A NEW PRIVATE HIRE VEHICLE LICENCE

The Licensing Officer submitted an application for Private Hire Vehicle Licences for two Mercedes vehicles. (GD.64/22)

Ms Waggot, representing the applicant, was in attendance.

The Senior Lawyer outlined the procedure the Panel would follow. Ms Waggot confirmed that she had received, read and understood the Licensing Officer's report. The Senior Lawyer advised Ms Waggot that she had the right to be represented but she indicated that they would not be so represented.

The Licensing Officer reported that Mr Lyttle (the Applicant) had submitted two applications to licence an eight seater V Class Mercedes and a five seater S Class Mercedes as Private Hire vehicles. All relevant documentation had been submitted, however, there were queries regarding the insurance which would be followed up should the Panel grant the licences. The vehicles had factory fitted rear tinted

windows which were considerably darker than the Council's Policy allowed.

The Licensing Officer explained that window tints were measured by the percentage of how much light can pass through the windows. This was called Visible Light Transmission or VLT. The lower the percentage VLT, darker the tint. The S Class had a tint reading of 0.2% on the rear passenger windows and the V Class a reading of 10%. The front windscreen and driver and adjacent passenger windows were clear.

The Council's Policy of a requirement of 70% VLT had been explained to the Applicant, however, he wished to proceed with the applications and requested that the Regulatory Panel consider licensing the vehicles outside the Councils Policy. The Applicant had submitted a letter in support of his application, included as Appendix 2. The website for the Applicant's business detailed the business offer including prom transfers, golfing trips, business trips and airport transfers. Wedding services were also offered but this did not require a Private Hire Vehicle Licence.

The Licensing Officer drew the Panel's attention to section 3 of the report which detailed the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 with regard to tinted windows.

The Licensing Officer responded to questions from the Panel and clarified the following:

- a number of Licensing Authorities had a similar Policy to the City Council, the figures were based on advice from Police and Fire and Rescue;
- there were no vehicles in the Council's taxi fleet that had windows with a tint of less than 70%, any vehicles that did not meet the Policy on application had been changed at the request of the Council;
- the Policy would be revisited in the future as a number of Skoda vehicles were produced with a 65% tint, only 5% under the Policy;
- the Police and Fire and Rescue advised that, for safety reasons, the tint on a vehicle window should allow for the occupants to be seen outside of the vehicle;
- the window tint was considered safe for private vehicles from the manufacturer but not for taxis;
- the vehicles in the application did not have a participation between the driver and the passengers;
- the Private Hire Licence would allow for the cars to be used for any pre booked private hire trip, the same as other Private Hire vehicles.

Ms Waggot addressed the Panel on behalf of the Applicant. She explained that she was a local business owner and she had been with Mr Lyttle for three years. He had run his business in Belfast for fifteen years and had brought his business to Cumbria to be with her. It had been difficult for them to obtain the necessary licences to run the business from Carlisle. Mr Lyttle moved high end clients across the country not just the County and he encouraged tourism to the area. He had not been able to attend the meeting as he was in the USA promoting golf tourism in the area.

With the agreement of the Chair, Ms Waggot circulated two reference letters from clients which confirmed their requirement of privacy when using the vehicles and an additional letter from Mr Lyttle.

The meeting adjourned at 16:20 to read the documents and reconvened at 16:23.

Ms Waggot explained that the letters covered the reasons for the application and

stated that she found the Policy frustrating as vehicles with the same tint as theirs were being used all over the country. She reiterated that the vehicles would not be used on taxi ranks and could only be pre booked, the client usually had an itinerary which was also provided in advance. She stressed that Mr Lyttle wanted to work in the County.

Ms Waggot responded to questions from the Panel and clarified the following:

- the tint in the current Policy was not sufficient enough for the privacy of the clients;
- the vehicles would be available for prom hire when children would be transported;
- the business had held a Private Hire licence in Belfast;
- other drivers had suggested that Mr Lyttle applied for a licence in Manchester but he wanted the licence to be in Cumbria;
- Mr Lyttle had never had any incidents with passengers.

The Licensing Officer drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The respective parties returned, and it was

RESOLVED - The Panel had carefully considered and read the evidence in report GD.67/22 including the letter submitted in advance from Mr Lyttle and the references submitted at the meeting and listened carefully to the responses and heard from the Council's Licensing Officer and Ms Waggot.

The applications were made to licence an 8 seater V Class Mercedes and a 5 seater V Class Mercedes both which had factory fitted rear tinted windows with visual light transmission readings of 0.2% and 10%. Carlisle City Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 stated that there should be a visual light transmission reading of 70% or more. The reason for the Policy was to enable consistency in decision making, to improve the standards of the fleet in Carlisle and the safety of passengers and drivers.

The Council was only prepared to deviate from the Policy where there were exceptional circumstance which would justify it doing so.

The Panel had decided to grant the Private Hire Vehicle Licences due to the nature of the business which was not a standard Private Hire business.

RP.66/22 PRIVATE HIRE DRIVER – DRIVING UNLICENSED VEHICLE

The Licensing Manager submitted a report regarding a private Hire Driver who had used an unlicensed vehicle for a pre-booked journey to fulfil Coast to Coast Operators contract with Cumbria County Council's School Transport (GD.66/22).

Ms Wildey, the Private Hire Driver was in attendance.

The Senior Lawyer outlined the procedure the Panel would follow. Ms Wildey confirmed that she had received, read and understood the Licensing Manager's report. The Senior Lawyer advised Ms Wildey that she had a right to be represented but she indicated that she would not be so represented.

The Licensing Manager reported that Ms Wildey had held a Private Hire Driver Licence since February 2022; a Private Hire Vehicle Licence since May 2022 and a Private Hire Operator Licence since March 2022. Ms Wildey had no penalty points

under the Hackney Carriage and Private Hire Licensing Policy on her record, however the conduct of Ms Wildey detailed in the report fell under several misconducts and amounted to 37 points.

The Licensing Manager reported that on 19 October 2022 Cumbria County Council School Transport Service informed the Licensing Authority that Ms Wildey had used an unlicensed vehicle to undertake a School Contract from Longtown to a primary school approximately 13 miles away on 11, 12 and 13 October 2022. It was alleged that the vehicle with the registration NA08 MVW had been used to take one child to school from their home in Longtown on the dates stated. The journey was operated by the Private Hire Operator Coast to Coast. The Licensing Authority were informed that the Operator had confirmed that the journey had been undertaken in an unlicensed vehicle and that the contract between the Local Authority and the Operator for that route had been immediately terminated.

Ms Wildey was interviewed by the Licensing Manager on 26 October 2022 where she admitted that the vehicle NA08 MVW had been used by her on the journeys from Longtown to the school and a return on 11 and 12 October and to the school on the morning of 13 October 2022. Ms Wildey stated that as her licensed vehicle had been suspended following its periodical test on 7 October 2022 she had approached the mother of the child and explained the situation and stated that the mother agreed that Ms Wildey could take the child to school in another vehicle "as a family friend" and not as a licensed driver. Ms Wildey stated that it had not been her intention to request payment for the journey from her operator who she would invoice at the end of each month.

Ms Wildey stated that the child's mother took the child to and from school on 10 October and collected her from school on 13 October. Ms Wildey did not inform her Operator of the circumstances or inform him that she was driving an alternative vehicle and would not be claiming for payment. Ms Wildey stated that the vehicle belonged to her son who was the Great-Nephew of Philip Taylor, who currently held the Operator Licence for Coast to Coast. The vehicle was 14 years old and according to online Gov.uk MOT records had 138,809 miles recorded on its odometer at its most recent MOT test in September 2022.

At its meeting on 14 September 2022 the Regulatory Panel resolved to revoke Coast to Coast's Operator Licence. Mr Taylor subsequently lodged an appeal with North Cumbria Magistrates Court and was able to continue to operate until his appeal was exhausted. (Reports GD 47/22 & GD 53/22). Mr Taylor had withdrawn the appeal and the licence had been revoked.

Mr Taylor was interviewed on 28 October 2022 and provided a copy of the Operator records for Coast to Coast for October 2022. The records stated that on the dates concerned, Ms Wildey had undertaken the journeys in the licensed vehicle CK66 CTF and the journey had a Passenger Assistant (DS). Mr Taylor stated that he was now aware that his record did not reflect accurately the journeys on 10 – 13 October 2022 and confirmed that the contract had been terminated by Cumbria County Council.

The Licensing Manager reported that Ms Wildey also held a Private Hire Vehicle Licence, part of the conditions of the licence was for the vehicle to be test on a four monthly basis by the Council's mechanics. The vehicle had been tested on 7 October 2022, the vehicle failed due to dangerous defects, the licence plate was

removed and the vehicle licence suspended until the vehicle was presented back to the mechanic with the defects rectified. Section 2.11 of the report listed the defects. In addition a body work letter had also been issued and the interior condition was not clean and free from tears and damage. Ms Wildey presented the vehicle back to the mechanic on 17 October 2022 and passed following the rectification of the defects. Only one advisory had been addressed at that point.

The Licensing Manager explained that the Hackney Carriage and Private Hire Licensing Policy stated that the compliance test should not be regarded as a substitute for a regular preventative maintenance. Vehicle proprietors were expected to keep their vehicles in a clean, safe and proper manner always.

Ms Wildey also held a Private Hire Operator Licence. During the interview with the Licensing Officers on 26 October 2022 Ms Wildey was asked about the bookings she had operated under the licence as Officers required records. Ms Wildey stated that she had not accepted bookings as an Operator between the date of the licence and 23 October 2022, therefore no records were kept. She stated that the only work she had undertaken as a licensed driver was the school contract.

During Mr Taylor's interview he stated that he believed that Ms Wildey had undertaken airport runs under her Operator licence. At its test in May the mileage of Ms Wildey's vehicle was recorded at 80,345 and on 2 October 2022 it was 94,425, a total of 14,080 miles between the dates. Calculations regarding the distance of the school runs would give an estimated total of 1,620 miles, leaving 12,460 miles unaccounted for.

The Licensing Manager acknowledged that a Private Hire Vehicle could be used for personal use, however, over 12,000 miles was excessive for just over four months use given that the national average mileage in 2019 (pre pandemic levels) was 7,090. Ms Wildey's company, Emma's taxis, was advertised via Yell and facebook (Emma's Private Taxi Hire) and a comment on the page suggested that Ms Wildey had taken a booking.

The Licensing Manager reminded the Panel of the requirements for a Private Hire Operator to keep a record of every journey they operated. Failure to keep records was an offence under the Local Government (MP) Act 1976 and a breach of Licence Conditions.

In response to a question the Licensing Manager confirmed that the vehicle was now in an acceptable condition and had passed the required tests.

Ms Wildey addressed the Panel. She stated that the facebook comment had been her cousin who she had taken, along with her aunt, to Glasgow for no fee. She explained that she had four children which she regularly transported as far as Gretna for football and to and from work. She used the vehicle as her personal vehicle and she did drive friends, family and neighbours for no charge. Referring to the use of an unlicensed vehicle she explained that the child was a family friend, whilst her vehicle was out of action the mother asked if Ms Wildey could take the child to school and Ms Wildey had not realised this was not allowed. She had not charged for the trips; she had undertaken them as a friend. Ms Wildey explained that the child had difficulty getting into unknown vehicles and did not deal well with disruptions to her schedule.

Ms Wildey responded to questions and clarified the following:

- she had fulfilled five trips in her private vehicle;
- she had undertaken the trips as a friend and not taken any payment;
- she had not known that she should have contacted Cumbria County Council to let them know she could not full fill the contract;
- she had not began taking bookings yet, she was waiting for an operation, once that had happened she had everything ready to begin;
- she became a driver at the request of the child's mother, she had been a carer and the mother asked her to become a driver to support her child;
- her ex-husband was related to Mr Taylor, Coast to Coast, she no longer had any contact with him and only contacted Mr Taylor with invoices;
- her school run was Monday - Friday but she only covered Tuesday, Wednesday and Thursday morning when her vehicle was out of action as the child's mother had an accident and was not able to drive herself;
- her school run was escorted, the transport assistant was also a friend and accompanied the journeys in question and she knew the journeys had been a favour to the mother;
- the child would not get in an unknown vehicle;
- despite being a family friend she had to spend additional time with the child prior to becoming her driver;
- she had not informed Coast to Coast that her vehicle was off the road.

With the agreement of the Chair Ms Wildey submitted a letter of support from the child's mother. The Chair read the letter to the Panel.

The Licensing Manager clarified the following:

- applicants for driver licences had to pass an enhanced DBS check, medical, disability awareness test, local knowledge test, wheelchair test and meet the conditions of the licence;
- a driver working for an Operator had a contract with the Operator;
- it was the driver's responsibility to understand the conditions of their licence;
- the appeal against the Panel's decision with regard to Coast to Coast's licence had been withdrawn, they no longer had an Operator licence and no longer had school contracts;
- Ms Wildey could drive under a different Operator or under her own Operator licence.

The Licensing Manager drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The respective parties returned, and it was:

RESOLVED -

The Regulatory panel had carefully considered and read evidence in report GD.66/22 and heard from the Council's Licensing Manager and Ms Wildey.

PRIVATE HIRE DRIVER LICENCE

The Panel noted that Ms Wildey had held a Private Hire Driver Licence since March 2022 and had no Penalty Points under the Hackney Carriage and Private Hire Licensing Policy on her record.

The Panel must be satisfied that Ms Wildey was a fit and proper person to hold a Private Hire Driver's Licence.

The Panel decided to revoke the Private Hire Driver Licence (PD012).

The reasons were:

1. The Panel did not consider Ms Wildey to be a fit and proper person to hold a driver's licence;
2. Ms Wildey made several journeys in an unlicensed vehicle without informing the Operator or Cumbria County Council;
3. The Panel did not feel that Ms Wildey understood the serious implications of her actions or the requirements and conditions of her licence.

PRIVATE HIRE VEHICLE LICENCE

Ms Wildey had been brought before the Panel due to a number of defects and advisory faults that had been found on her Private Hire Vehicle by the City Council mechanic. The vehicle failed its inspection both for mechanical safety and cleanliness. The City Council Policy requires vehicle proprietors to keep their vehicles in a clean, safe and proper manner at all times.

The Panel decided to revoke the Private Hire Vehicle Licence.

The reason was that the Council's Licensing Policy stated that the compliance test was not a substitute for regular preventative maintenance, Ms Wildey had not kept her vehicle in a clean, safe and roadworthy condition.

PRIVATE HIRE OPERATOR LICENCE

Ms Wildey had been brought before the Panel regarding her failure to keep adequate records.

The Panel decided to revoke the Private Hire Operator Licence.

The reasons were:

1. The Panel did not think that Ms Wildey was a fit and proper person to hold the Operator's Licence;
2. Ms Wildey failed to keep adequate records which was an offence under the Local Government (Miscellaneous Provisions) Act 1976 and a breach of the Private Hire Operator Licence conditions.

Ms Wildey would receive written confirmation of the Panel's decision along with her rights of appeal.

Ms Wildey was also informed that she could reapply for her licences at any time.

RP.67/22 PRIVATE HIRE DRIVER – MOTORING CONVICTIONS

The Licensing Officer submitted a report regarding a Licensed Private Hire Driver who had motoring convictions (GD.68/22).

Mr James, the Private Hire Driver, was in attendance.

The Senior Lawyer outlined the procedure the Panel would follow. Mr James confirmed that he had received, read and understood the Licensing Officer's

report. The Senior Lawyer advised Mr James that he had a right to be represented but he indicated that he would not be so represented.

The Licensing Officer reported that Mr James has held a Private Hire Driver Licence since December 2020. The original application had been heard by the Regulatory Panel as he had a conviction for Health and Safety Offences. At that time he also had three points on his DVLA Driver Licence for a speeding conviction in 2018.

The Licensing Officer explained that during a routine driving licence check using First Advantage three endorsements for speeding had been identified which had not been declared to the Licensing Authority within the specified seven days as required by the conditions attached to the Private Hire Driver Licence.

The endorsements were set out in section 2.2 of the report. Mr James had been interviewed by the Licensing Manager and Licensing Officer where Mr James admitted that he had failed to notify the Licensing Authority. He stated that he had failed to read the 'small print' of the terms and conditions. Mr James had said he had told his operator that he had received the points on his licence for at least two of the endorsements and she had advised him to inform the Licensing Authority, he had admitted that he had not done this.

During the interview Mr James was asked to expand on the circumstances of the speeding endorsements, and he said he had only gone over the speed limit slightly and could not recollect the third endorsement for exceeding goods vehicle speed limit. He said he would contact the DVLA and obtain more information and email it through to the Licensing Office. Mr James stated he had no passengers in the vehicle at the time of the two offences on the motorway as he had dropped his passengers off.

Mr James had provided further details of endorsements:

- 31 October 2021
Speed 73mph in a 50mph zone (M6 Northbound)
- 7 February 2022
Speed 69mph in a 60mph zone (M1 Northbound)
- 16 April 2022
Speed 68mph in a 50mph zone (A69 Westbound)

The Licensing Officers had been concerned about Mr James' conduct during the interview, he had stated that he thought it was 'ridiculous' that he had to come to the Civic Centre and at the termination of the interview he opened the door in an aggressive manner causing the door to slam against the wall.

Mr. James was advised by the Licensing Manager of the Penalty Points Scheme and that the endorsement on his licence would incur 6 penalty points for 'Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or convictions or cautions during period of current licence'. He would also incur 4 penalty points for each speeding endorsement. This would be 18 in total.

The Licensing Officer outlined the authority's enforcement arrangements under the Council's Hackney Carriage and Private Hire Licensing Policy.

Mr James addressed the Panel. He explained that he worked primarily on school and airport runs for a Private Hire company. He explained that he had been returning from Manchester Airport when the first endorsement happened. It was 2.30am and work was being undertaken on the central reservation, he had not observed the change in the speed limit for the two lanes. With regard to the second endorsement he explained that he had taken a colleague to Sheffield to purchase a van, on his return he entered a smart motorway. He was driving under the 70mph speed limit but had not seen that the limit on the smart motorway had changed. The third endorsement happened on his way back from Newcastle he was driving an eight seat mini bus, he had not realised that this vehicle was classed as a goods vehicle, he had been driving at 69 in a 60 zone but in goods vehicle this should have been a limit of 50mph.

Mr James apologised for his conduct in the interview, stating he had been disappointed in himself. He relied on the income and he apologised to the Licensing Officer and Licensing Manager,

Mr James responded to questions and clarified the following:

- he had nine points on his driving licence;
- he had not been offered a speed awareness course.

In response to the Licensing Manager, Mr James stated that he had not declared the endorsements to the Licensing Authority as he had not 'read the small print' of his licence. His Operator had told him to inform licensing but he had forgotten. The speeding offences were all out of the area and were not school runs. He wanted to prove he was fit to be a driver and felt he had been unfortunate on some occasions.

The Licensing Officer drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The respective parties returned, and it was

RESOLVED - The Panel had carefully considered and read the evidence in report GD.68/22 and listened carefully to the Licensing Officer and Mr James.

The Panel noted that Mr James had held a Private Hire Driver's Licence since December 2020.

Mr James had been brought before the Panel because the Licensing Authority had received information that Mr James had received three speeding convictions and failed to declare them in accordance with the conditions of the Private Hire Licence.

The Panel must be satisfied that Mr James was a fit and proper persons to hold a Private Hire Driver Licence.

The Panel decided to suspend Mr James' Private Hire Driver Licence for a period of three months during this time he must sit and pass the DSA taxi test including the speed awareness test.

The reasons were:

1. The Panel had to be satisfied that Mr James was a fit and proper person to hold a Private Hire Driver Licence;

2. The Panel were concerned that Mr James received three speeding convictions in a short space of time without becoming more aware of his speed following the first and then second conviction;
3. Mr James failed to report the convictions in accordance with the conditions of his Private Hire Driver Licence.

Mr James would receive written confirmation of the Panel's decision along with his rights of appeal.

The Chair commented that the Panel had taken the matter very seriously, Mr James had 18 Penalty Points on his licence for a two year period. Any additional points would result in an immediate referral back to the Panel.

RP.68/22 STANDING ORDERS

During consideration of the above item it was

RESOLVED - That Council Procedural Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the 3 hour time limit.

The Meeting ended at: 19:20

Development Control Committee

Date: Friday, 28 October 2022

Time: 10:00

Venue: Cathedral Room

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning (from 10:08), Councillor Keith Meller, Councillor David Morton, Councillor Christopher Southward, Councillor Christopher Wills

Officers: Corporate Director of Economic Development
Head of Development Management
Head of Legal and Democratic Services
Principal Planning Officer

DC.87/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Jeffrey Bomford and Raymond Tinnion.

DC.88/22 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

Dc.89/22 PUBLIC AND PRESS

RESOLVED - That the agenda be agreed as circulated.

DC.90/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - 1) That the Chair sign the minutes of the meetings held on 22 June (site visits), 24 June 2022, 3 August (site visits), 5 August 2022.

2) That the minutes of the meeting held on 16 September be approved.

DC.91/22 CONTROL OF DEVELOPMENT AND ADVERTISING

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions set out in the Schedule of Decisions attached to these minutes.

1. Application - 22/0597 - Land at Castle Bank, Hayton, Brampton, CA8 9HR

Proposal: Demolition of existing shed/barn and erection of stable block (Revised Application)

The Chair noted that the Ward Member had requested that the Committee undertake a site visit.

A member proposed that determination of the application be deferred to enable the Committee to undertake a site visit, the proposal was seconded and it was:

RESOLVED - That determination of the application be deferred in order for the Committee to undertake a site visit and that a further report be submitted to a future meeting of the Committee.

2. Application - 22/0718 - Burgh House, Burgh by Sands, Carlisle, CA5 6AN

Proposal: Erection of single storey side extension to provide living room & creation of internal access door (Revised Application) (LBC).

&

3. Application - 22/0719 - Burgh House, Burgh by Sands, Carlisle, CA5 6AN

Proposal: Erection of single storey side extension to provide living room & creation of internal access door (Revised Application)

The Principal Planning Officer submitted the report on the applications. Following the publication of the document pack, consultation responses were received from both the Parish Council and Historic England: no objections were raised. Accordingly, the Principal Planning Officer amended the recommendation in respect of application 22/0719 to approval subject to the imposition of the conditions detailed in the report.

A Member noted that an application for a two storey extension at the site had been refused by the Committee earlier in the year, had the Council been clear in its message that the earlier proposal was not acceptable?

The Principal Planning Officer responded that the decision to refuse the earlier proposal had been a clear message which was reinforced in the Schedule of Decisions that set out the reasons for refusal. If the applicant were to resubmit a further application for a two storey extension, it would be refused again.

The Chair moved the Officer's recommendations, which was seconded, and following voting it was:

RESOLVED - That the applications be approved subject to the imposition of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

4 Application - 22/0712 - Cathay, Park Road, Scotby, Carlisle, CA4 8AR

Proposal: Erection of a single storey rear sunroom (Part Retrospective)

The Principal Planning Officer submitted the report on the application.

The Chair moved the Officer's recommendation which was seconded, and it was:

RESOLVED - That the application be approved subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

Councillor Mrs Anne Glendinning having not been present for the Officer's presentation did not vote on the application.

DC.92/22 SCHEDULE B - APPLICATIONS DETERMINED BY OTHER AUTHORITIES

RESOLVED - That the report be noted.

The Meeting ended at: 10:09

Schedule of Decisions

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No: 22/0597	Applicant: Mr Lee Wood	Parish: Hayton
Date of Receipt: 02/08/2022	Agent:	Ward: Brampton & Fellside
Location: Land at Castle Bank, Hayton, Brampton, CA8 9HR	Grid Reference: 350675 557801	

Proposal: Demolition Of Existing Shed/Barn And Erection Of Stable Block (Revised Application)

Members resolved to defer consideration of the proposal in order to undertake a site visit and to await a further report on the application at a future meeting of the Committee.

Item no: 02

Appn Ref No: 22/0718	Applicant: Mr R Miller	Parish: Burgh-by-Sands
Date of Receipt: 15/09/2022 10:00:29	Agent: Summit Town Planning	Ward: Dalston & Burgh
Location: Burgh House, Burgh by Sands, Carlisle, CA5 6AN	Grid Reference: 332476 559123	

Proposal: Erection Of Single Storey Side Extension To Provide Living Room & Creation Of Internal Access Door (Revised Application) (LBC)

Grant Permission

1. The works identified within the approved application shall be commenced within 3 years of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved

documents for this Listed Building Consent which comprise:

1. the submitted planning application form, received 15th September 2022;
2. Location Plan/ Block Plan (Dwg. 18-121-22), received 15th September 2022;
3. As Proposed - Floor Plans & Elevations - (Dwg 18-121-40), received 15th September 2022;
4. Heritage Impact Assessment, received 15th September 2022;
5. Archaeological Evaluation Report (Report 275, dated April 2019), received 15th September 2022;
6. Archaeological Watching Brief (Report 317, dated February 2020), received 15th September 2022;
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. All new windows and doors to be installed in the extension to the listed building shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the frames, means of affixing to the wall, the size and opening arrangements of the window, the method of glazing, frames, sill and lintel arrangement.

Reason: To ensure that the works harmonise as closely as possible with the listed building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. Within 1 month of the completion of the extension a photographic record of completed works shall be submitted to the Local Planning Authority.

Reason: To ensure completeness of records relating to the designated asset.

Relevant Development Plan Policies

Item no: 03

Appn Ref No:
22/0719

Applicant:
Mr Miller

Parish:
Burgh-by-Sands

Date of Receipt:

Agent:

Ward:

Location:

Burgh House, Burgh by Sands, Carlisle, CA5 6AN

Grid Reference:

332476 559123

Proposal: Erection Of Single Storey Side Extension To Provide Living Room
(Revised Application)

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 15th September 2022;
 2. Location Plan/ Block Plan (Dwg. 18-121-22), received 15th September 2022;
 3. As Proposed - Floor Plans & Elevations - (Dwg 18-121-40), received 15th September 2022;
 4. Heritage Impact Assessment, received 15th September 2022;
 5. Archaeological Evaluation Report (Report 275, dated April 2019), received 15th September 2022;
 6. Archaeological Watching Brief (Report 317, dated February 2020), received 15th September 2022;
 7. the Notice of Decision;
 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement of development a written scheme of investigation for an archaeological watching brief must be submitted by the applicant and approved by the Local Planning Authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two months of the completion of the development, a digital copy of the archaeological report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains.

Relevant Development Plan Policies

Item no: 04

Appn Ref No:
22/0712

Applicant:
Mr Barrie Bingham

Parish:
Wetheral

Date of Receipt:
15/09/2022

Agent:

Ward:
Wetheral & Corby

Location:
Cathay, Park Road, Scotby, Carlisle, CA4 8AR

Grid Reference:
343628 555530

Proposal: Erection Of Single Storey Rear Sunroom (Part Retrospective)

Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 15th September 2022;
 2. Site Location Plan and Block Plan (Plan 1), received 15th September 2022;
 3. As Built Plans and Elevations (Plan 3), received 15th September 2022;
 4. the Notice of Decision;
 5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

Relevant Development Plan Policies

Item no: 05

Appn Ref No:
22/0350

Applicant:
Mr S Mohammed

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

26/04/2022

Jock Gordon Architectural Cathedral & Castle
SVS Ltd

Location:

30 Lismore Street, Carlisle, CA1 2AH

Grid Reference:

340870 555748

Proposal: Continued Display Of 2no. Fascia Signs & 1no. Projecting Sign (All
Non-Illuminated) (Revised Application)

Decision: Refuse Permission

Date: 16/06/2022

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 13/10/2022

Development Control Committee

Date: Wednesday 7 December 2022

Time: 10:00

Present: Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Christine Finlayson, Councillor Keith Meller, Councillor David Morton, Councillor Linda Mitchell (as substitute for Councillor John Collier), Councillor Christopher Southward, Councillor Christopher Wills, and Councillor Raymond Tinnion.

Also Present: One representative of Cummersdale Parish Council attended the site visit at 23 Smallholding, Newby Cross, Carlisle, CA5 6JP – application 22/0362.

Officers: Head of Development Management
Principal Planning Officer
Planning Officer x 1

DC.093/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Ruth Alcroft, Councillor Jeffrey Bomford, Councillor John Collier, Councillor Mrs Anne Glendinning, and the Corporate Director of Economic Development.

DC.094/22 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct, the following declaration of interest was made:

Councillor Tinnion declared an interest in respect of application 22/0597 – Land at Castle Bank, Hayton, Brampton, CA8 9HR. The interest related to both objectors and the applicant being known to him. Councillor Tinnion attended the site visit as the Ward Member.

DC.095/22 SITE VISITS

As agreed with the Chair the following site visit was undertaken:

Application	Short Particulars of Development	Applicant and/or Agent	Approx time of Inspection
22/0611	<ul style="list-style-type: none"> Sub-division Of Annexe & Garden To Form Additional Dwelling Together With Formation Of A New Vehicular Access Priory Corner Cottage, Lanercost, Brampton, CA8 2HQ 	Mr J & Mrs E Hore / Harraby Green Associates	10:28 – 10:43am
22/0597	<ul style="list-style-type: none"> Demolition Of Existing Shed/Barn And Erection Of Stable Block (Revised Application) Land at Castle Bank, Hayton, Brampton, CA8 9HR 	Mr Lee Wood	10:58 – 11:17am
21/0623	<ul style="list-style-type: none"> Erection Of 157no. Dwellings (Reserved Matters Application Pursuant To Outline Approval 19/0459) Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle 	Genesis Homes (North) Ltd / Sam Greig Planning Ltd	11:35 – 11:53am

22/0728	<ul style="list-style-type: none"> Erection Of 1no. Dwelling; Change Of Use From Agricultural Land To Pub Car Park And Beer Garden Land South of The Plough Inn, Wreay, Carlisle CA4 0RL 	Mark Carruthers / Dave Andrew Architectural Design	12:04 – 12:17pm
Councillors Finlayson and Southward left the meeting at 12:42pm			
22/0362	<ul style="list-style-type: none"> Demolition Of Glasshouses And Storage Sheds; Erection Of 5no. Industrial/Commercial Units; Formation Of Access, Parking And Landscaping 23 Smallholding, Newby Cross, Carlisle, CA5 6JP 	DMSD Northwest Limited	12:52 – 1:05pm

(The meeting ended at 1:19pm)

Development Control Committee

Date: Friday, 09 December 2022

Time: 10:00

Venue: Cathedral Room

Present: Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Christopher Southward, Councillor Raymond Tinnion, Councillor Christopher Wills, Councillor Mrs Linda Mitchell (for Councillor John Collier)

Officers: Corporate Director of Economic Development

Head of Development Management

Head of Legal Services

Principal Planning Officer

Planning Officer (x2)

Cumbria County Council

DC.096/22 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Ruth Alcroft, Councillor Jeffrey Bomford and Councillor John Collier.

DC.097/22 DECLARATIONS OF INTEREST

In accordance with the Councillors' Code of Conduct the following declarations of interest were submitted:

Councillor Tinnion declared an interest in respect of application 22/0597 – Land at Castle Bank, Hayton, Brampton, CA8 9HR. The interest related to both objectors and the applicant being known to him. Councillor Tinnion advised that he had registered a Right to Speak as Ward Member and would therefore not take part in the Committee's discussion nor determination of the application.

Councillor Christian declared an interest in respect of application 22/0623 – Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle. The interest related to the objectors being known to him.

DC.098/22 PUBLIC AND PRESS

RESOLVED - That the agenda be agreed as circulated.

DC.099/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - 1) That the Chair sign the minutes of the meetings held on 14 September (site visits) and 16 September 2022.

2) That the minutes of the meetings held on 28 October and 7 December 2022 (site visits) be approved.

DC.100/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Head of Legal and Democratic Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

DC.101/22 CONTROL OF DEVELOPMENT AND ADVERTISING

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions set out in the Schedule of Decisions attached to these minutes.

1. Application - 22/0597 - Land at Castle Bank, Hayton, Brampton, CA8 9HR

Proposal: Demolition of Existing shed/bar and erection of stable block (Revised Application).

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 7 December 2022.

Slides were displayed on screen showing: location plan; block plan; elevation and floor plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be approved subject to the imposition of conditions detailed in the report.

Councillor Tinnion (Ward Member) addressed the Committee noting that residents did not object to the provision of a stable in the field, however they felt that it would be better sited in a position further away from the Ancient Scheduled Monument. Councillor Tinnion put the following questions: had the proposal been assessed under Local Plan policy EC 13 – Equestrian Development in relation to odour and vermin; had the proposed access arrangements been considered in terms of highway safety; did the existing shed have planning permission? Councillor Tinnion stated that the Council's Director of Planning in 1985 had stipulated that the field ought to be retained as a 'green wedge' to preserve the view of the Ancient Scheduled Monument and reiterated that residents were not opposed to the erection of a stable at the site, but felt it would be better sited where it would not impact the view of the Monument.

Mr Wood (Applicant) responded in the following terms: he thanked the Committee for undertaking its site visit which he hoped was useful; during the application process he had liaised with neighbours regarding the development, taking on board the issues raised by them; the aboricultural report provided full details in respect of the protected trees and advised the relocation of the barn by 1m to mitigate risk to the trees and their associated Root Protection Areas; the proposal would significantly increase the visual appearance of the site; no Statutory Consultee had objected to the proposal.

A Member moved the Officer's recommendation which was seconded and, following voting it was:

RESOLVED - That the application be approved subject to the imposition of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

2. Application - 21/0623 - Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle

Proposal: Erection of 157no. dwellings (Reserved matters Application pursuant to Outline Approval 19/0459)

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 7 December.

Slides were displayed in screen showing: location plan; Illustrative Masterplan; Housing Schedule Plan; Boundary treatment plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

In relation to the boundary treatment, the Head of Development Management advised that there were some areas in the proposed layout where fence boundaries faced highly pedestrian trafficked areas such as the link between Area C and B and the link to B and A as well as Plot 69 which had a long boundary towards Cumwhinton Drive. These were to be changed to brick piers with low walls and fencing between to break up the visual impact: a revised boundary treatment plan reflecting those changes was to be submitted. The Head of Development Management recommended that:

- 1) Authority to Issue approval be given to the Corporate Director of Economic Development subject to a satisfactory resolution to the issue of nutrient neutrality to ensure no positive loading of phosphates into the River Eden SAC catchment.
- 2) In the event of no satisfactory resolution to the issue of nutrient neutrality being found, delegated authority be given to the Corporate Director of Economic Development to refuse the application.
- 3) The applicant be required to submit a revised boundary treatment plan.
- 4) A follow up investigation of the environmental concerns relating to species and plants not previously identified.

Members gave consideration to the application.

In response to Members' questions, Officers confirmed:

- A small number of trees around Westmorland House were to be removed but the majority of those already at the site were to remain. The protection afforded to the trees on the Garlands development had led to a number becoming overly mature and it was anticipated that they would be replaced. In terms of the proposed development, efforts were being made to keep existing trees out with garden areas;
- The provision of planting throughout the development would discourage parking on verges;
- The cycle/footpath link between areas between areas A & B of the development would be constructed to an adoptable standard, the others within the development were to be accessible shared surface;
- Work in relation to orchid transplantation would begin in the spring.

A Member moved the Officer's recommendation which was seconded, and following voting it was:

RESOLVED - 1) That Authority to Issue approval be given to the Corporate Director of Economic Development subject to a satisfactory resolution to the issue of nutrient

neutrality to ensure no positive loading of phosphates into the River Eden SAC catchment.

2) That in the event of no satisfactory resolution to the issue of nutrient neutrality being found, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

3) The applicant be required to submit a revised boundary treatment plan.

4) A follow up investigation of the environmental concerns relating to species and plants not previously identified.

3. Application - 22/0735 - Land adjacent Forest Gate, Blackbank, Longtown, CA6 5LQ

Proposal: Erection of 1 no. dwelling (Outline) (Revised)

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan, red line boundary plan along with photographs, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be refused for the reasons set out in the report.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: there were no standard definitions of the terms hamlet, village and town; the Officer's view of the hamlet did not seem to include the 26 houses in the cul de sac; there was a regular bus service providing sustainable transport, the proposed dwelling would be the closest dwelling in the settlement to the bus stop; in relation to surface and foul water drainage proposals, were there to be technical difficulties, a local landowner was agreeable to permitting disposal facilities on their land adjacent to the site.

The Chair invited the Officer to respond to the Ward Member's submission.

The Principal Planning Officer made the following points: when the previous application at the site was refused, the Council did not consider Blackbank a village. However, the Inspector was of the view that the application site was at the edge of the village and therefore in open countryside; accordingly, it determined that development at the site was not acceptable.

In relation to public transport, the Planning Inspector considered the provision to be unsustainable as the footpath access was narrow and without streetlighting.

Members gave consideration to the application.

In response to Member's questions Officers confirmed:

- As the application had been recommended for refusal, the applicant had not been required to carry out percolation tests in relation to surface water drainage as Officers deemed they were unnecessary costs for the applicant to pay;
- a number of existing properties in the village had been constructed by Ministry of Defence, the permission process for which was not known, where permission to be sought for such dwellings now, it was unlikely to be granted as it had been the Council's policy to restrict development in that area since the 1990's.

A Member moved the Officer's recommendation which was seconded and following

voting it was:

RESOLVED - That the application be refused for the reasons indicated in the Schedule of Decisions attached to these minutes.

4. Application - 22/0611 - Priory Corner Cottage, Lanercost, Brampton, CA8 2HQ

Proposal: Sub-division of annexe to form additional dwelling together with formation of a new vehicular access.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 7 December 2022.

Slides were displayed on screen showing location plan; block plan as existing and proposed; site and floor plans as proposed; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application approved subject to the imposition of conditions detailed in the report.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED - That the application be approved subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

The meeting adjourned from 11:20am and reconvened at 11:35am.

5. Application - 22/0362 - 23 Smallholding, Newby Cross, Carlisle, CA5 6JP

Proposal: Demolition of glasshouses and storage sheds; erection of 5no. industrial / commercial units; formation of access parking and landscaping.

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 7 December 2022.

Slides were displayed on screen showing: proposed block plan; elevation and floor plans; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be approved subject to the imposition of the conditions detailed in the report.

The Head of Development Management read out an email submitted by Councillor Alison (as Ward Member) which contained the following points: the number of traffic movements would be significantly higher than for the garden centre usage; presumably the existing exit was to remain for the two residential properties on the site; the proposed new access to the roundabout provided for the adjacent livery stables, at peak times, unless denied access vehicles from the new industrial estate may resort to using the existing exit directly onto the A595.

Members gave consideration to the application.

In response to Members' questions Officers confirmed:

- Initial ground works relating to the Carlisle Southern Link Road (CSLR) had commenced and the relevant parcels of land had been purchased;

- a filter lane from the CSLR to the application site would be provided to allow for safe access;
- conditions were contained in the permission which restricted the operation of the development until such time as the access arrangements were fully in place.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED - That the application be approved subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

6. Application - 22/0688 - St Johns Church, Crosby on Eden, Carlisle

Proposal: Erection of single storey extension to provide WC

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan: site plan as proposed; floor plans existing and proposed; NW elevations existing and proposed; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer advised that, following the production of the report, Stanwix Rural Parish Council had responded and recommended that the application be determined locally in accordance with policy and requested to be further consulted regarding the proposals for the internal configuration of the development during the separate Faculty application. The Planning Officer recommended that the application be approved subject to the imposition of the conditions detailed in the report.

Members gave consideration to the application.

In response to Members' questions Officers confirmed:

- Condition 3 required the submission, to the Local Planning Authority for approval, of detailed sectional drawings showing the wall opening in the north side elevation;
- Condition 5 required the submission, to the Local Planning Authority for approval, of samples of materials for the stonework extension. The Officer acknowledged the Member's comments about the need for the materials to be compatible as well as for the size and shape of the block used to match the existing in terms of shape and size.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED - That the application be approved subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

7. Application - 22/0728 - Land South of The Plough Inn, Wreay, Carlisle CA4 0RL

Proposal: Erection of 1no. dwelling: Change of Use from agricultural land to pub car park and beer garden

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 7 December 2022.

Slides were displayed on screen showing: location plan; proposed site plan; proposed elevation plans; existing and proposed parking sketch layouts; and photographs of the site, an explanation of which was provided for the benefit of

Members.

Further to the site visit where issues relating to: construction hours and; the provision of a permeable surface with defined bays for parking in the car park had been raised, the Principal Planning Officer advised that were the application to be approved, he would incorporate conditions into the permission to address those matters. Accordingly, the Principal Planning Officer recommended that:

1) Authority to Issue approval be given to the Corporate Director of Economic Development subject to a satisfactory resolution to the issue of nutrient neutrality to ensure there is no positive loading of phosphates into the River Eden SAC catchment.

2) That if no satisfactory resolution to the issue of nutrient neutrality is found, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

3) That conditions be included in the permission to restrict hours of construction and require the car park surface to be constructed of a permeable material with clearly defined parking bays being marked out.

A Member moved the Officer's recommendation which was seconded, and following voting it was:

RESOLVED - 1) That Authority to Issue approval be given to the Corporate Director of Economic Development subject to a satisfactory resolution to the issue of nutrient neutrality to ensure there is no positive loading of phosphates into the River Eden SAC catchment.

2) That should no satisfactory resolution to the issue of nutrient neutrality be found, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

3) That conditions be included in the permission to restrict hours of construction and require the car park surface to be constructed of a permeable material with clearly defined parking bays being marked out.

8. Application - 22/0734 - Land between Durdar Road and Scalegate Road, Carlisle

Proposal: Change of Use from agricultural land to park / public open space

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan, illustrative masterplan framework and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

In response to a Member seeking confirmation that no development would take place at the site in future, Officers advised that policies in the Carlisle District Local Plan 2015 – 30 protect area of open space. In the masterplanning exercise as part of the development of the St Cuthbert's Garden Village Local Plan the site had been identified as open space.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED - That the application be approved subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

CHAIR'S COMMENTS

The Chair, noting that the Head of Legal and Democratic Services was leaving the authority expressed thanks on behalf of himself and the Members for her diligent work in support of the Committee and the advice she had provided in respect of their work over the years. He wished her well in her future role.

The Chair further thanked the Development Management and Democratic Services Officers for their support of the work of the Committee during the year.

The Meeting ended at: 12:17

Schedule of Decisions

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No:
22/0597

Applicant:
Mr Lee Wood

Parish:
Hayton

Date of Receipt:
02/08/2022

Agent:

Ward:
Brampton & Fellside

Location:
Land at Castle Bank, Hayton, Brampton, CA8 9HR

Grid Reference:
350675 557801

Proposal: Demolition Of Existing Shed/Barn And Erection Of Stable Block (Revised Application)

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 2nd August 2022;
 2. Location Plan, received 2nd August 2022;
 3. Block Plan (Dwg 01 Rev 0), received 30th September 2022;
 4. Proposed Floor Plan & Elevations, received 2nd August 2022;
 5. Arboricultural Impact Assessment & Method Statement, received 30th September 2022;
 6. Supporting Letter (containing Construction Management Plan) dated 26th September 2022, received 30th September 2022;
 7. the Notice of Decision;
 8. any such variation as may subsequently be approved in writing by the

Local Planning Authority.

Reason: To define the permission.

3. The development shall be undertaken in strict accordance with the Arboricultural Impact Assessment and Method Statement, received 30th September 2022.

Reason: To ensure that the proposal would not have an adverse impact on the protected trees, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

4. The development shall be undertaken in strict accordance with the Construction Management Plan outlined in the letter dated 26th September 2022 and received on 30th September 2022.

Reason: To ensure that the proposal would not have an adverse impact on highway safety or the occupiers of neighbouring properties.

5. The approved works consented to in this Decision Notice shall be carried out by an adequately qualified and insured tree surgeon and in accordance with British Standards: 'BS3998:2010 - Recommendation for Tree Works. If you allow unauthorised tree pruning or felling to take place, both you and your contractor could be prosecuted. The Arboricultural Association's directory of tree surgeons has lists of suitably qualified and insured contractors who work to the required standards. It is advisable that you check with your contractor to ensure they will adhere to these requirements

Reason: In accordance with Section 198 of the 1990 Town and Country Planning Act and in accord with good forestry and arboricultural practice.

6. The building hereby approved shall be used only for private use for the stabling of horses with ancillary storage facilities and shall at no time be used for any commercial purposes.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies SP6 and EC13 of the Carlisle District Local Plan 2015-2030.

Relevant Development Plan Policies

Item no: 02

Appn Ref No:
21/0623

Applicant:
Genesis Homes (North)
Ltd

Parish:
St Cuthbert Without

Date of Receipt:
21/06/2021

Agent:
Sam Greig Planning Ltd

Ward:
Harraby South & Parklands

Location:

Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle

Grid Reference:

343345 553502

Proposal: Erection Of 157no. Dwellings (Reserved Matters Application Pursuant To Outline Approval 19/0459)

Members resolved to give authority to the Corporate Director (Economic Development) to issue approval for the proposal subject to satisfactory resolution to the issue of nutrient neutrality, updating the boundary treatment plan and investigation of issues raised relating to environmental concerns (esp. orchids). If these issues were not resolved, Members resolved to give authority to the Corporate Director of Economic Development to issue refusal of the proposal.

Item no: 03**Appn Ref No:**

22/0735

Applicant:

Mr J Wilson

Parish:

Kirkandrews

Date of Receipt:

21/09/2022 23:00:17

Agent:**Ward:**

Longtown & the Border

Location:

Land adjacent Forest Gate, Blackbank, Longtown, CA6 5LQ

Grid Reference:

334831 567582

Proposal: Erection Of 1no. Dwelling (Outline) (Revised)

Refuse Permission

1. **Reason:** The proposed development of a dwelling on the application site would conflict with Policies HO2, HO6 and SP2 of the Carlisle District Local Plan 2015-2030 and with Paragraphs 79 and 80 of the National Planning Policy Framework (2019, as updated in 2021) because:
 - (i) The proposal would result in a form of development that would encroach into the countryside beyond the north-eastern edge of the settlement on this side of the lane and would, therefore, be contrary to Policy HO2 (Windfall Housing Development);
 - (ii) The development would not represent exceptional circumstances as required by Policy HO6 (Other Housing in the Open Countryside);
 - (iii) Because the development would not be situated within a village, meaning that it would be open countryside, there is no need for it to be in the location specified and it would therefore not be in accord with either Policy SP2 (Strategic Growth and Distribution) or Paragraphs 79 and 80 of the

NPPF.

The application would consequently not meet the objectives of all the above local and national policies because it would fail to ensure that all new housing, which is not required due to any exceptional circumstances, is located only in sustainable locations within villages or other service settlements.

Relevant Development Plan Policies

Item no: 04

Appn Ref No:
22/0611

Applicant:
Mr J and Mrs E Hore

Parish:
Burtholme

Date of Receipt:
05/08/2022 23:00:11

Agent:
Harraby Green Associates

Ward:
Brampton & Fellside

Location:
Priory Corner Cottage, Lanercost, Brampton, CA8
2HQ

Grid Reference:
355380 563834

Proposal: Sub-division Of Annexe & Garden To Form Additional Dwelling Together
With Formation Of A New Vehicular Access

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the Planning Application Form received 5th August 2022;
 2. the Location Plan received 18th November 2022 (Drawing no. 2270/A-01 Rev D);
 3. the Block Plan As Proposed received 18th November 2022 (Drawing no. 2270/A-03 Rev B);
 4. the Site Plan As Proposed received 18th November 2022 (Drawing no. 2270/A-05 Rev C);
 5. the Notice of Decision;
 6. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. The occupation of Priory Corner Cottage and Annexe building as separate dwellings shall not take place until the sandstone wall shown in the Proposed Site Plan (Drawing no. 2270/A-05 Rev C) has been constructed and completed using materials that are similar to those of priority Corner Cottage. The wall shall be retained thereafter and shall not be altered unless otherwise agreed in writing by the local planning authority.

Reason: To ensure an appropriate means of boundary treatment to protect the amenity of the occupier of the two properties in accordance with Policies SP6 and HO9 of the Carlisle District Local Plan 2015-2030.

4. The occupation of Priory Corner Cottage and Annexe building as separate dwellings shall not take place until electric vehicle charging points for each property have been provided. The charging point shall be maintained and kept available and operational for electric vehicles thereafter.

Reason: To make provision to include support sustainable vehicle technology in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

5. Prior to the occupation of any dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle district.

Reason: In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

6. Other than the provision of the visibility splays, no development shall not commence until visibility splays providing clear visibility of 2 metres x 43 metres in both directions have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of road safety and to secure an appropriate means of access in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Highways Authority.

Reason: In the interests of road safety and to secure an appropriate means of access in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. The occupation of Priory Corner Cottage and Annexe building as separate dwellings shall not take place until the parking and turning area shown on the Proposed Site Plan (Drawing no. 2270/A-05 Rev C) has been constructed and completed in strict accordance with the approved plans and shall be retained and available or use thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate access is available for each occupier in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

Relevant Development Plan Policies

Item no: 05

Appn Ref No: 22/0362	Applicant: DMSD Northwest Limited	Parish: Cummersdale
Date of Receipt: 03/05/2022	Agent:	Ward: Dalston & Burgh
Location: 23 Smallholding, Newby Cross, Carlisle, CA5 6JP	Grid Reference: 337019 553280	

Proposal: Demolition Of Glasshouses And Storage Sheds; Erection Of 5no. Industrial/Commercial Units; Formation Of Access, Parking And Landscaping

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 3rd May 2022;

2. Location Plan (Dwg NC/VS/C Rev A), received 3rd May 2022;
3. Proposed Block Plan (Dwg NC/PBP/b Rev C), received 3rd May 2022;
4. Unit 1 - Floor Plans & Elevations (Dwg NC/EP/234 Rev A), received 26th August 2022;
5. Unit 2 - Floor Plans & Elevations (Dwg NC/EP/23 Rev A), received 26th August 2022;
6. Units 3, 4 & 5 - Floor Plans & Elevations (Dwg NC/EP/345 Rev A), received 18th November 2022;
7. Drainage & Access Plan (Dwg NC/DP Rev A), received 10th August 2022;
8. Design & Access Statement, received 3rd May 2022;
9. Desktop Contamination Report, received 3rd May 2022;
10. Transport Assessment, received 3rd May 2022;
11. the Notice of Decision;
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The units hereby approved shall be used for storage and distribution (Class B8) and any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area (Use Class E(g)(iii)) and for no other purpose including any other purpose in Class E of the Schedule to the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To ensure that the development does not have an adverse impact on the occupiers of neighbouring properties, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The approved units shall not be open for business and operating except between 08:00 hours and 18:00 hours on from Mondays to Fridays and between 08:00 hours and 13:00 hours on Saturdays. The units shall not be open for business at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority.

Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the occupation of any of the units hereby approved, the amenity area shown on the Proposed Block Plan (Dwg NC/PBP/b Rev C, received 10th October 2022), shall be provided. The amenity space shall then be retained in perpetuity.

Reason: To ensure that amenity space is provided, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. Prior to its installation, details of any external lighting (including location and specification) to be installed on the site shall be agreed in writing with the Local Planning Authority. The development shall then be undertaken in strict accordance with these details.

Reason: To ensure that the proposal does not have an adverse impact on the amenity of the area, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

9. Prior to the occupation of any of the units hereby approved, electrical vehicle charging points shall be installed in accordance with details that have first been agreed in writing with the Local Planning Authority. The electrical charging points shall then be maintained in perpetuity.

Reason: To ensure that electric vehicle charging points are provided within the development, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

10. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at

all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of development, the applicant shall submit a Construction Environmental Management Plan (CEMP) for approval in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the details contained within the CEMP.

Reason: In order to protect the amenity of adjoining properties, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include: (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and (v) Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

14. Prior to the occupation of any of the units hereby approved, the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason: To minimise highway danger and the avoidance of doubt and to support Local Transport Plan Policies LD5, LD7 & LD8.

15. The carriageway and footways shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

16. Prior to the occupation of any of the units hereby approved, the footway as indicatively shown on the Drainage & Access Plan (Dwg NC/DP Rev A, received 10th October 2022) shall be completed in accordance with the details approved by the Local Planning Authority.

Reason: In the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 & LD8.

17. Prior to the occupation of any of the units hereby approved, the access and parking requirements shall have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5 & LD7.

18. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning authority. The CTMP shall include details of:

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian);
- surface water management details during the construction phase.

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety and to support Local Transport Plan Policies WS3 & LD4.

19. In the event that contamination is found at any time when carrying out the

approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

20. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

Relevant Development Plan Policies

Item no: 06

Appn Ref No:
22/0688

Applicant:
The Parochial Church
Council

Parish:
Stanwix Rural

Date of Receipt:
02/09/2022 12:00:22

Agent:
Paul Grout Associates

Ward:
Stanwix & Houghton

Location:
St Johns Church, Crosby on Eden, Carlisle

Grid Reference:
344806 559607

Proposal: Erection Of Single Storey Extension To Provide WC

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and

Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form received 2nd September 2022;
 2. the site location plan received 2nd September 2022 (Dwg No. 461/LP01);
 3. the block plan received 9th November 2022 (Dwg No. 461/SP01B);
 4. the proposed flood plan received 9th November 2022 (Dwg No. 461/01C);
 5. the proposed elevations received 2nd September 2022 (Dwg No. 461/02A);
 6. the design and access and heritage statement received 2nd September 2022;
 7. the flood risk assessment received 12th September 2022;
 8. the Notice of Decision;
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement of any development, detailed sectional drawing(s) showing the wall opening in the north side elevation shall be submitted to and approved in writing by the Local Planning Authority. The development shall then take place strictly in accordance with the approved details.

Reason: To ensure that the works harmonise as closely as possible with the listed building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of development a bedding and pointing specification shall be submitted to and approved in writing by the local planning authority. All bedding and pointing shall then be undertaken in accordance with the approved specification.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. A sample area of the stonework for the proposed extension measuring no less than 1m x 1m, including a corner detail as well as proposed mortar and pointing details, shall be prepared and approved in writing by the local planning authority

in advance of the erection of the extension. The extension shall then be constructed in strict accordance with the approved sample area.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

6. Prior to the commencement of development, a written scheme of archaeological investigation shall be submitted by the applicant and approved by the Local Planning Authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two months of the completion of the development, a digital copy of the archaeological report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains.

7. Once works are complete, a photographic schedule showing interior works and exterior views of the extension should be provided to the Local Planning Authority.

Reason: To confirm that works have been carried out in accordance with the approved plans and to maintain an accurate record of the building.

Relevant Development Plan Policies

Item no: 07

Appn Ref No:
22/0728

Applicant:
Mark Carruthers

Parish:
St Cuthbert Without

Date of Receipt:
20/09/2022

Agent:
Dave Andrew Architectural
Design

Ward:
Dalston & Burgh

Location:
Land South of The Plough Inn, Wreay, Carlisle CA4
0RL

Grid Reference:
343629 548868

Proposal: Erection Of 1no. Dwelling; Change Of Use From Agricultural Land To Pub Car Park And Beer Garden

Members resolved to give authority to the Corporate Director (Economic Development) to issue approval for the proposal subject to conditions and a satisfactory solution to deal with nutrient neutrality.

Granted Subject To Nutrient Resolution

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 20th September and 23rd September 2022;
 2. Location Plan (Dwg DJA22.02.01B), received 13th October 2022;
 3. Proposed Site Plan (Dwg DJA22.02.02A), received 24th November 2022;
 4. Proposed Ground Floor Plan (Dwg DJA22.02.03), received 20th September 2022;
 5. Proposed First Floor Plan (Dwg DJA22.02.04), received 20th September 2022;
 6. Proposed Elevations (Dwg DJA22.02.05), received 20th September 2022;
 7. Proposed Parking Layout (Dwg DJA22.02 SK2), received 20th September 2022;
 8. Highway Analysis (Dwg DJA22.02 SK11A), received 20th September 2022;
 9. Driveway Proposals (Dwg DJA22.02 SK12), received 20th September 2022;
 10. Driveway Material Information, received 20th September 2022;
 11. Sewage Treatment Booklet, received 20th September 2022;
 12. the Notice of Decision;
 13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the following forms of development within the provisions of Part 1 to Schedule 2 of the Order shall not be undertaken without the express permission in writing of the council:

1. Extension or enlargement
2. Additions or alterations to roofs
3. Detached outbuildings
4. Porches
5. Chimneys and flues

Reason: The further extension or alteration of this (these) dwelling(s) or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area, to accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The beer garden hereby approved shall not be in use before 11:00 hours or remain in operation after 22:00 hours on Mondays-Sunday including Statutory Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

6. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees to be retained at the extent of the Root Protection Area based on the formula set out in B.S. 5837 in accordance with details to be agreed in writing with the Local Planning Authority. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

7. The development shall not commence until visibility splays providing clear visibility have been provided in accordance with the details shown on drawing no DJAA22-02SK||A. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the

visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

8. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5m inside the site, as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

9. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

10. The proposed car park shall be provided in accordance with the approved plans and shall be operational, prior to works commencing on the construction of the dwelling.

Reason: To ensure that sufficient car parking is provided at all times, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

11. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of development, details of the proposed materials to be used on the car park shall be submitted to the Local Planning Authority for approval. The car park shall then be constructed in strict accordance with these details.

Reason: To ensure that the car park is surfaced in appropriate materials in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030.

Relevant Development Plan Policies

Item no: 08

Appn Ref No:
22/0734

Applicant:
Carlisle City Council

Parish:
St Cuthbert Without

Date of Receipt:
22/09/2022

Agent:

Ward:
Dalston & Burgh

Location:
Land between Durdar Road and Scalegate Road,
Carlisle

Grid Reference:
341047 551658

Proposal: Change Of Use From Agricultural Land To Park/Public Open Space

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 22nd September 2022;
 2. Location Plan, received 22nd September 2022;
 3. Planning Statement, received 22nd September 2022;
 4. the Notice of Decision;
 5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

Relevant Development Plan Policies

Audit Committee

Date: Thursday, 10 November 2022

Time: 10:00

Venue: Flensburg Room

Present: Councillor Robert Betton (from 10:10am), Councillor Pamela Birks, Councillor Jeffrey Bomford, Councillor Mrs Christine Finlayson, Councillor Neville Lishman, Councillor Mrs Linda Mitchell, Councillor Dr Les Tickner (for Councillor Lucy Patrick)

Also Present: Councillor Ellis - Finance, Governance and Resources Portfolio Holder

Officers: Head of Financial Services (Deputy S.151)
Director, Audit (Grant Thornton)
Public Sector Audit Senior Manager (Grant Thornton)
Senior Lead Lawyer (Commercial Property and Regeneration)

AUC.55/22 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Patrick.

AUC.56/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

AUC.57/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

AUC.58/22 DRAFT AUDIT FINDINGS REPORT 2021-22 FOR CARLISLE CITY COUNCIL

The Director, Audit (Grant Thornton) presented the Draft External Audit Findings Report for 2021/22 for Carlisle City Council. Overall, the External Audit work was substantially complete and the Director anticipated that the audit report opinion would be unmodified and noted the Annual Governance Statement and Narrative Report was of a high standard.

The statutory deadline for the completion of the External Audit process was 30 November 2022, the Director, Audit stated that the work would not be completed by then due to a national auditing issue in relation to infrastructure assets which may have a material impact on the Council's Financial Statements. A statutory override mechanism would come into force on 25 December 2022, accordingly, the formal sign off of the Council's accounts would not take place until January 2023. The Director emphasised that the matter was a national issue and not a reflection on the Council's processes or performance.

The Director, Audit, gave an overview of the external auditor's work in preparation for Local Government Organisation and responded to a question from a Member regarding the Minimum

Revenue positions of the sovereign Councils that would be superseded by Cumberland Council.

In relation to the financial statements external audit findings, six adjustments had been identified and accepted by management which had resulted in a £0.724M increase in the Council's Comprehensive Income and Expenditure Statement. Appendix C detailed each of the adjustments recommend by Grant Thornton, with the follow up recommendations from the previous year's audit set out in Appendix B.

The Director, Audit advised that Grant Thornton continued to lease an area within the Civic Centre to provide office space for those conducting external audit work, he did not consider the arrangement fettered the work of external audit. The Director further advised that his tenure as external auditor to the City Council had been extended so that he would remain in the role until the completion of the 2022/23 external audit process. Generally external auditors were appointed for a five year term, however, given the imminent reorganisation of local government in Cumbria, it had been agreed that he remain in the role to ensure a consistent audit quality. The matter would be included in the final external audit report.

The Public Sector Audit Senior Manager drew Member's attention to and summarised the following areas of the report: Management Override of Controls; Financial Statements - Significant Risk; Financial Statements - new issues and risks; Financial Statement - key judgements and estimates; Financial Statements - Internal Controls; Financial Statements - matters discussed with management; and Financial Statements - other responsibilities under the Code. Furthermore, she thanked Officers for their assistance in the external audit work.

The Value For Money aspect of the External Audit was not yet complete, an audit letter explaining the reasons for the delay was reproduced in the report (Appendix G refers). Resultantly, Grant Thornton had not been in a position to issue its External Auditor's Annual Report, it was expected that the Report would be issued in December 2022 which remained in accordance with the National Audit Office's requirement that the Report be published within three months of the publication of the External Auditor's opinion on the Council's Financial Statements.

In considering the Draft Audit Findings Report, Members raised the following questions and comments:

- In relation to the valuation of land and buildings and investment property, a Member sought clarification on the level of valuation for The Lanes and The Market Hall individually.

The Public Sector Audit Senior Manager undertook to incorporate the individualised valuations in the final report.

- Responding to a question from a Member, regarding the valuation of rents, the Head of Financial Services advised that the Council used a different types of valuation bases, depending upon the nature of the asset. For example, depreciation valuation costs would vary by type of asset.

The Public Sector Audit Senior Manager noted that there had been two queries in respect of investment properties which the Council was to respond to in order for the work in that area to be complete.

The Head of Financial Services (Deputy S.151) advised that a response on those matters had been received from the Council's valuers that morning: he would review the content of the response before circulating it to the external auditors.

- A Member sought clarification on the position of the valuation of pension fund net liability.

The Public Sector Audit Senior Manager explained that the Local Government Pension Scheme Auditors (for the national scheme) had identified a number of errors including: the opening position not being correct which had led to an overstatement of the pension fund net assets being identified and subsequently confirmed by independent valuation. The net impact of the overstatement was a £0.373M pension liability understatement.

- A Member asked why management had decided not to implement IFRS16?

The Head of Financial Services (Deputy S.151) explained that the IFRS16 related to the accounting of leases. Given that upcoming transition to unitary authority in Cumbria and the different positions of the sovereign councils on the matter, it had been considered prudent to not early adopt the practice. Cumberland Council would pick up the matter prior to the implementation date of 1 April 2024.

The Member proposed that the Panel recommend that the City Council implement IFRS16.

Another Member responded that he appreciated and agreed with the Officer's explanation on the matter. He stated that the role of Members of the Committee was to address audit matters relating to Carlisle City Council, not Cumberland Council.

The Chair agreed with the Member noting that the Officer's response had provided assurance that the decision taken was appropriate.

- Regarding the 44 of the 148 assets with a nil net book value that had been identified, the Chair asked what type of assets they were.

The Head of Financial Services (Deputy S.151) explained that they were primarily vehicles, plant and equipment, with some IT assets. The assets may have been kept for longer than originally intended but remained in use. The work to update the register was significant and would be completed by 31 March 2023.

The Chair responded that in relation to vehicles, would using vehicles kept longer than planned impact on the organisation's carbon footprint?

The Head of Financial Services advised that such assets were not retained as part of the operational fleet but were used to support service delivery capacity, for example a vehicle would in the event of a vehicle in the operational fleet going to be serviced.

RESOLVED - That the Audit Committee welcomed the unqualified external audit opinion and looked forward to receiving the Value For Money audit opinion in due course.

AUC.59/22 STATEMENT OF ACCOUNTS 2021/22

The Head of Financial Services (Deputy S.151) reported (RD.39/22) that the Council's Statement of Accounts 2021/22 had been subject to an audit process which commenced in July and was required to be completed by the end of November in line with amended statutory regulations.

With reference to the preceding item of business: Draft Audit Findings Report 2021-22 for Carlisle City Council, all adjustments identified therein were incorporated into the Statement. As a result of the outstanding matter regarding asset valuations it was likely that the

Statement would require amendment. The bulk of the work in relation to that matter was complete, no material or significant issues had been identified that were likely to necessitate an adjustment to the values in the financial statements. However, it was feasible that the Narrative Report may require amendment once the work had been finalised.

The report recommended that the Committee approve the 2021/22 Statement of Accounts including the Annual Governance Statement. Given the issue of asset valuations set out above, the Head of Financial Services (Deputy S.151) suggested that the Committee consider: whether it was minded to approve the Statement of Accounts subject to the completion of the work on asset valuations, with the updated Statement being submitted to the Committee at its December 2022 meeting; or, that authority be delegated to the Chair of the Committee and the Corporate Director of Finance and Resources to approve and sign-off the Statement of Accounts once the asset valuation work was complete.

In considering the Statement of Accounts 2021/22 Members raised the following questions and comments:

- With reference to the Key Risks section (page 68 refers), was it possible that were the Carlisle Southern Link Road (CSLR) not to be realised that the City Council would require to take out a loan of £5M to meet its liability to Cumbria County Council?

The Head of Financial Services (Deputy S.151) advised that the £5M was included in the existing Medium Term Financial Plan as a cost. The timeline of the project extended beyond Vesting Day for Cumberland Council, therefore the matter would be addressed by that authority and was not a significant issue for Carlisle City Council.

Another Member asked whether it was known that Cumbria County Council had the relevant funding earmarked?

The Head of Financial Services (Deputy S.151) responded that at the time the costs of the CSLR project were agreed, both City and County Councils agreed to a £5M contribution, however, given the creation of unitary local authority, the matter would be dealt with by Cumberland Council.

- Had all the Council's civic regalia been valued?

The Head of Financial Services (Deputy S.151) confirmed that all the City Council's civic regalia were valued and registered for insurance purposes.

The Finance, Governance and Resources Portfolio Holder noted that Council at its meeting of 8 November 2022, had approved a proposal that civic regalia items were, upon the termination of Carlisle City Council, to come under the charge of a Charter of Trustees the membership of which would be determined by parliament.

Members considered the recommendations presented by the Head of Financial Services (Deputy S.151) in respect of the Statement of Accounts 2021/22.

RESOLVED - That the Audit Committee delegate authority to approve the Statement of Accounts 2021/22 including the Annual Governance Statement to the Chair of the Committee following consultation with the Corporate Director of Finance and Resources subject to the completion of work in relation to asset valuations.

AUC.60/22 LETTER OF REPRESENTATION 2021/22

The Head of Financial Services (Deputy S.151) reported (RD.40/22) submitted the Letter of Representation 2021/22 which set out the adjustments made to the accounts and confirmed the Council's fulfilment of its auditing obligations. Members were asked to approve the Letter of Representation 2021/22.

RESOLVED – That the Audit Committee approved the Letter of Representation for 2021/22.

The Meeting ended at: 11:18

Audit Committee

Date: Thursday, 08 December 2022

Time: 10:03

Venue: Flensburg Room

Present: Councillor Robert Betton (until 11:35), Councillor Pamela Birks, Councillor Jeffrey Bomford (until 11:35), Councillor Mrs Christine Finlayson, Councillor Neville Lishman, Councillor Lucy Patrick

Also Present: Councillor Christian, Environment and Transport Portfolio Holder
Ms Philp, Public Sector Audit Senior Manager (Grant Thornton)

Officers: Town Clerk and Chief Executive
Corporate Director of Governance and Regulatory Services
Corporate Director of Finance and Resources
Audit Services Manager
Accountancy Services Manager

AUC.61/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Mrs Mitchell and the Director, Audit (Grant Thornton).

AUC.62/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

AUC.63/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

AUC.64/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - 1) It was noted that Council, on 8 November 2022, received and adopted the minutes of the meeting held on 28 September 2022. The Chair signed the minutes.

2) That the minutes of the meeting held on 10 November 2022 be agreed.

AUC.65/22 AGENDA

RESOLVED - That agenda items A.2 - Treasury Management July to September 2022 and A.3 - Statement of Accounts 2022/23 be moved to the first items on the agenda.

AUC.66/22 TREASURY MANAGEMENT JULY TO SEPTEMBER 2022

The Accountancy Services Manager submitted the regular quarterly summary of Treasury Management transactions for the second quarter of 2022/23 (RD.43/22).

A full schedule of investment transactions was set out in Appendix A2 with Appendix A3 showing outstanding investments at end of September 2022.

The Accountancy Services Manager drew Members' attention to the table at Section 5 which depicted performance on treasury management budget to the end of September 2022. Interest receivable was ahead of expectations due to higher than forecast average cash balances and increased interest rates.

RESOLVED – That the Treasury Management: July to September 2022 report be noted (RD.43/22)

AUC.67/22 STATEMENT OF ACCOUNTS 2022/23

The Corporate Director of Finance and Resources provided information regarding the forthcoming 2022/23 Final Accounts process (RD.45/22). She also provided the draft accounting policies that would be used in the close down of the 2022/23 accounts.

The Corporate Director of Finance and Resources reported that the existing Accounting Policies had been updated for the 2022/23 Statement of Accounts. However, the 2022/23 Code of Practice Guidance notes had not yet been published showing the required changes in Accounting Policies for 2022/23. The updated policies were included in the report and Members were asked to consider the accounting policies as outlined to provide the basis for the preparation of the 2022/23 Accounts. The accounts would be prepared by Cumberland Council on behalf of Carlisle City Council and would be signed off by Cumberland's S.151 Officer. If there were any subsequent significant changes to the policies following publication of the Guidance Notes, they would be reported to the Committee at the next available meeting.

In response to a question the Public Sector Audit Senior Manager (Grant Thornton) clarified the position regarding the preparation of the accounts as a going concern.

The Committee noted that the Carlisle City Council accounts process was in an excellent position for the move to Unitary Councils and congratulated the Corporate Director of Finance and Resources, her team and auditors for their due diligence and hard work.

RESOLVED - That the Audit Committee noted the update on the 2022/23 accounts and considered the draft accounting policies to be used in the preparation of the 2022/23 accounts (RD.45/22).

AUC.68/22 INTERNAL AUDIT PROGRESS 2022/23 (OCTOBER-NOVEMBER)

The Audit Services Manager submitted report RD.44/22 providing an overview of the work carried out by Internal Audit between October and November of 2022.

The Audit Services Manager reported that 53% of planned reviews had been finalised and a further 21% were underway, indicating good progress against the audit plan. Seven planned pieces of work had been finalised in the period and were submitted as separate agenda items for the Committee's consideration.

The Audit Services Manager highlighted amendments to the Internal Audit Plan in section 5.3, the proposed amendments were:
- remove the proposed review of CT Services;

- increase ICT follow up scope;
- increase general contingency.

The Committee noted that there continued to be significant concern with the number of completed actions and limited responses to audit requests for updates. The Committee sought reassurance that the issues were being addressed.

The Audit Services Manager confirmed that the Senior Management Team (SMT) had given a clear and robust message to officers with regard to audit responses, where issues continued and it was appropriate, Audit Services had arranged one to one meetings with managers. In addition the Town Clerk and Chief Executive highlighted issues across the authority regarding recruitment and retention and the work that staff were undertaking for LGR alongside their day to day work. SMT were addressing the issues where risks were significant.

The Corporate Director of Finance and Resources gave an update on eight of the outstanding responses within her Directorate. She also advised Members, following the receipt of the outcome of the BEIS review, that they and the National Audit Office were satisfied that our processes in place for the distribution of Covid grants was robust, and that the letter would be given to Internal Audit as evidence.

RESOLVED - That the Audit Committee:

- noted the progress against the audit plan for 2022/23 (RD.44/22);
- received the final audit assignments as outlined in paragraph 2.3;
- noted the progress made on audit recommendations to date outlined in Appendix 2;
- approved the amendment to the Internal Audit Plan outlined in paragraph 5.3.

AUC.69/22 INTERNAL AUDIT REPORT – CORPORATE INTERNAL CONTROLS

The Audit Services Manager submitted the Corporate Internal Controls internal audit report (RD.46/22).

The Audit Services Manager reported that the Corporate Internal Controls (Appraisals, E-Learning & Intranet) received a substantial assurance level.

RESOLVED - That the Internal Audit Report - Corporate Internal Controls (Appraisals, E-Learning & Intranet) be received (RD.46/22).

AUC.70/22 INTERNAL AUDIT REPORT – RISK MANAGEMENT

The Audit Services Manager submitted the Risk Management internal audit report (RD.47/22).

The Audit Services Manager reported that the Audit of Risk Management received a reasonable assurance level.

In response to a Member's concern the Corporate Director of Finance and Resources assured the Committee that Managers were reminded periodically that risks should be identified by the team and not in isolation.

RESOLVED - That the Internal Audit Report - Risk Management be received (RD.47/22)

AUC.71/22 INTERNAL AUDIT REPORT – FLEET MANAGEMENT STRATEGY

The Audit Services Manager submitted the Fleet Management Strategy internal audit report (RD.48/22).

The Audit Services Manager reported that the Fleet Management Strategy received a reasonable assurance level.

A Member highlighted outstanding advisory comments (2.2.10, 2.2.12) and questioned why the actions had not been completed. The Audit Services Manager agreed to follow up on the actions and advise the Committee on the outcome. He also advised that the Key Performance Indicators would be part of the quarterly performance reports.

RESOLVED - That the Internal Audit Report - Fleet Management Strategy be received (RD.48/22)

AUC.72/22 INTERNAL AUDIT REPORT - SUSTAINABLE WARMTH GRANT

The Audit Services Manager submitted the Sustainable Warmth Grant internal audit report (RD.49/22).

The Audit Services Manager reported that the Sustainable Warmth Grant received a partial assurance with one high grade and three medium recommendations. The matter had been taken to SMT and Scrutiny and had been added to the Corporate Risk Register.

The Corporate Director of Governance and Regulatory Services shared the Committee's concerns regarding the project and gave a detailed update on the changes made to the management structure and recruitment to move the project forward. He reminded the Committee that the Council had been awarded £19m in funding which had to be spent by March 2023, however there was an option to apply for an extension.

The Corporate Director informed the Committee that the Council had worked closely with the Department for Business, Energy and Industrial Strategy (BEIS) to revise the plans and prepare an assessment to in order that the BEIS project team could decide how the project should move forward, including whether any of the grant monies would need to be repaid. He explained that the Memorandum of Understanding sub-agreements with some of the other District Councils had not yet been signed which had also caused delay. Based on the output by the team in November a significant amount of the funding was hoped to be allocated before the March deadline.

The Town Clerk and Chief Executive acknowledged that mistakes had been made, however, they were addressed as soon as they came to light. The culture of the organisation empowered teams, this required trust. In this case there was failed behaviour and mistakes were not addressed. He reiterated the changes that had been implemented and the improvement in the delivery of the project.

The Committee had been disappointed with the management of the project and requested that an update on the project, referencing the Audit Report, be submitted to the People Panel for scrutiny. The Committee agreed that this would be most

beneficial following the receipt of the BEIS deliberations.

RESOLVED - 1) That the Internal Audit Report - Sustainable Warmth Grant be received (RD.49/22)

2) That an update on the implementation of the Sustainable Warmth Grant Project be referred to the People Panel following the BEIS consideration of the position. The update should include information on the outcomes and delivery of the grants as well as a reference to the Audit report (RD.49/22).

The meeting adjourned at 11:35 and reconvened at 11:40.

AUC.73/22 INTERNAL AUDIT REPORT - FINANCIAL SERVICES GOVERNANCE ARRANGEMENTS

The Audit Services Manager submitted the Financial Services Governance Arrangements internal audit report (RD.50/22).

The Audit Services Manager reported that the Financial Services Governance Arrangements received a reasonable assurance level.

RESOLVED - That the Internal Audit Report - Financial Services Governance Arrangements be received (RD.50/22)

AUC.74/22 INTERNAL AUDIT REPORT - BEREAVEMENT SERVICES

The Audit Services Manager submitted the Bereavement Services internal audit report (RD.51/22).

The Audit Services Manager reported that the Bereavement Services received a reasonable assurance level.

RESOLVED - That the Internal Audit Report - Bereavement Services be received (RD.51/22)

AUC.75/22 INTERNAL AUDIT REPORT - TREASURY MANAGEMENT

The Audit Services Manager submitted the Treasury Management internal audit report (RD.51/22).

The Audit Services Manager reported that Treasury Management received a substantial assurance level.

RESOLVED - That the Internal Audit Report - Treasury Management be received (RD.51/22)

The Meeting ended at: 11:50

Appeals Panel 2

Date: Tuesday, 25 October 2022

Time: 10:00

Venue: Flensburg Room

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Raymond Tinnion

Also Present: Appellant
Appellant's Representative

Officers: Deputy Chief Executive
Corporate Director of Governance and Regulatory Services
Senior Lead Lawyer (Commercial Property and Regeneration)
Head of Human Resources
Head of Property Services
Buildings and Facilities Manager
Senior HR Adviser
HR Adviser

AP2.01/22 APPOINTMENT OF CHAIR

RESOLVED - That Councillor Alcroft be appointed as the Chair of the Appeals Panel 2 for this meeting only.

AP2.02/22 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

AP2.03/22 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

AP2.04/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

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 Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

AP2.05/22 APPEAL AGAINST REDUNDANCY REQUEST

(Public and Press excluded by virtue of Paragraph 1)

The Chair welcomed everyone to the meeting and asked all those in attendance to introduce themselves and their role in the appeal.

The Chair set out the purpose of the hearing and the options available for the Panel. The Chair informed the Panel that the meeting would be conducted as part of the Early Redundancy and Early Release Scheme - Guidance Notes and Procedures and a written record of the meeting would be made.

The Chair outlined the conclusions reached at the first appeal hearing and the evidence which those conclusions were based upon. She then asked the Appellant to set out their side of events and ways in which they believed that the conclusions of the first appeal hearing was flawed.

The Appellant addressed the Panel setting out the circumstances of the first meeting, his understanding of the meeting and the outcomes and the impact it had on his family and mental health.

The Chair and the Panel asked questions of the Appellant and the witnesses.

The Chair summed up the key points of the meeting and informed the Appellant that the Panel's decision would be sent to him in writing within in seven days. She also informed him that the Panel's decision was final and there was no further opportunity for appeal.

The Appellant, his representative and the witnesses left the room at 10:58.

RESOLVED - That the Appeals Panel 2 uphold the decision to decline the Appellant's redundancy request.

The Meeting ended at: 11:26