

EXECUTIVE

MONDAY 15 APRIL 2019 AT 4.00 PM

PRESENT:

Councillor Glover (Leader / Chairman)
Councillor Dr Tickner (Deputy Leader, and Finance, Governance and Resources Portfolio Holder)
Councillor Ms Quilter (Culture, Heritage and Leisure Portfolio Holder)
Councillor Miss Sherriff (Communities, Health and Wellbeing Portfolio Holder)
Councillor Southward (Environment and Transport Portfolio Holder)
Councillor Glendinning (Economy, Enterprise and Housing Portfolio Holder)

OFFICERS:

Town Clerk and Chief Executive
Corporate Director of Governance and Regulatory Services
Corporate Director of Finance and Resources

ALSO PRESENT:

Councillor Mrs Birks (Chairman of the Business and Transformation Scrutiny Panel)
Councillor Bomford (Chairman of the Audit Committee)
Councillor Nedved (Chairman of the Economic Growth Scrutiny Panel)

WELCOME

The Leader welcomed all those present to the meeting.

APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of the Deputy Chief Executive and the Corporate Director of Economic Development.

DECLARATIONS OF INTEREST

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

PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

EX.28/19 NOTICE OF EXECUTIVE KEY DECISIONS
(Non Key Decision)

Portfolio Cross-Cutting

Relevant Scrutiny Panel

Health and Wellbeing; Economic Growth;
Business and Transformation

Subject Matter

The Notice of Executive Key Decisions dated 15 March 2019 was submitted for information.

The Leader drew the attention of the meeting to the fact that the Deputy Chief Executive had been scheduled to submit a report on the Sands Centre Redevelopment to a special meeting of the Executive on 1 April 2019 (Key Decision - KD.07/19 referred).

The redevelopment of the Sands Centre was a large and multifaceted project; and, whilst good progress had been made on developing the full capital and revenue implications of the project, governance advice strongly suggested that this was not an appropriate time to seek such a key decision from Executive (and consequently Council) on the Council's future revenue and capital budgets. A revised decision-making timetable would be brought forward following the City Council elections.

Summary of options rejected None

DECISION

That, subject to the above, the Notice of Executive Key Decisions dated 15 March 2019 be received.

Reasons for Decision

Not applicable

EX.29/19 SCHEDULE OF DECISIONS TAKEN BY PORTFOLIO HOLDERS
(Non Key Decision)

Portfolio Leader

Relevant Scrutiny Panel Health and Wellbeing; Business and Transformation

Subject Matter

Details of a decision taken by the Leader under delegated powers were submitted.

Summary of options rejected None

DECISION

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

Reasons for Decision

Not applicable

EX.30/19 SCHEDULE OF DECISIONS TAKEN BY OFFICERS
(Non Key Decision)

Portfolio Cross-cutting

Relevant Scrutiny Panel Health and Wellbeing; Economic Growth;
Business and Transformation

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.

Reasons for Decision

Not applicable

EX.31/19 JOINT MANAGEMENT TEAM
(Non Key Decision)

Portfolio Cross-cutting

Relevant Scrutiny Panel Health and Wellbeing; Economic Growth;
Business and Transformation

Subject Matter

The Minutes of the meeting of the Joint Management Team held on 11 March 2019 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meeting of the Joint Management Team held on 11 March 2019, attached as Appendix C, be received.

Reasons for Decision

Not applicable

EX.32/19 SURVEILLANCE CAMERA POLICY
(Non Key Decision)

Portfolio Finance, Governance and Resources

Subject Matter

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder submitted report GD.20/19 presenting the Council's proposed Surveillance Camera Policy.

Speaking by way of introduction, the Deputy Leader indicated that Carlisle City Council was committed to respecting individuals' right to privacy and supported their entitlement to go about their business. The Council must however balance that right of privacy against the requirement to protect members of the public, to prevent and detect crime, and to protect its assets such as staff, property, equipment and vehicles.

In meeting those requirements, the Council acknowledged the benefits of deploying surveillance cameras as deterrents, as well as a means of live monitoring and information gathering. Appropriate surveillance cameras could assist in successfully identifying an individual, whether they were a culprit, witness or victim, and footage could be used as proof of wrong doing, or proof of innocence.

The Policy was designed to support the Council through the surveillance camera assessment process, to decide when surveillance cameras should be deployed and, to ensure that the Council complied with the Home Office's Surveillance Camera Code of Practice (issued under the Protection of Freedoms Act 2012), and the Information Commissioner's Office (ICO) Code of Practice for Surveillance Cameras and Personal Information.

It sat within the Council's Information Governance Framework which set out the Council's overarching approach to the governance of its information and its commitment to embedding a corporate culture of Information Governance.

The Deputy Leader referenced the background information and purpose of the Policy, details of which were recorded within the report. He further expressed thanks to the members of staff involved for their work in production of the documentation.

The Audit Committee had given consideration to the matter at their meeting on 18 March 2019 (Minute AUC.08/19) resolving:

"That the Audit Committee had reviewed the Surveillance Camera Policy (GD.17/19) and recommended approval of the Policy to the Executive subject to the inclusion of further information of the GDPR legislation on the right to erasure."

The Chairman of the Audit Committee was in attendance but had nothing further to add.

In response, the Deputy Leader confirmed that Section 14 of the Surveillance Camera Policy had been amended to reflect the Audit Committee's recommendation.

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder concluded by formally moving the recommendations set out in the report, which were formally seconded by the Leader.

Summary of options rejected

that the Surveillance Camera Policy be not approved

DECISION

That the Executive:

1. Had taken account of the Audit Committee's advice (Minute reference AUC.08/19) that the Policy include further information of the GDPR legislation on the right to erasure.
2. Had reviewed and approved the Surveillance Camera Policy.

Reasons for Decision

The existence and implementation of an approved Surveillance Camera Policy would serve as evidence to our customers, staff and regulators of the Council's commitment and approach to protecting them as well as its assets, whilst safeguarding privacy. Approval of the Policy and the appended Operating Procedure would ensure the Council managed the risks associated with the deployment of surveillance cameras, and the recording, processing and sharing of personal information for appropriate purposes which may arise

EX.33/19 REGULATION OF INVESTIGATORY POWERS: UPDATE (Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder submitted report GD.19/19 updating the Executive on the Council's use of the surveillance powers open to it under the Regulation of Investigatory Powers Act 2000 (RIPA).

The Deputy Leader provided an overview of the background position set out at Section 1, reminding Members that the basic premise of RIPA was to ensure that covert surveillance was carried out in the appropriate manner, the justification being that it must be both necessary and proportionate. He added that, although the term surveillance covered a wide range of activities, it was important to note that RIPA applied only to covert surveillance.

The rules regulating surveillance were restrictive and it was, since the transfer of the Council's benefit fraud to the Department for Work and Pensions, very unlikely that the Council would need to undertake any covert surveillance activity. The last authorisation for covert surveillance had been in March 2014.

RIPA training formed part of the Ethical Governance Training Programme and, by way of awareness raising, the concept of covert surveillance and its implications was mentioned whenever possible, for example at witness training. In addition, bespoke RIPA training was delivered, with the most recent event taking place in February 2019. Officers from licensing, regulatory services, civil enforcement, waste services and car parking attended and they in turn would raise awareness within their teams.

The Deputy Leader further advised that oversight of the regime was undertaken by the Investigatory Powers Commissioner, with an inspection taking place every three years. They had been made aware that, like many Councils, Carlisle did not make use of the available powers to authorise covert surveillance. On that basis, the last inspector was satisfied that the Council would carry out training as and when necessary. However, the Commissioner required that it be undertaken irrespective of the Council's use of the powers as it was important to dispel any perception that the training led to any undue influence on the recipient thereof.

The most recent inspection had taken place on 26 March 2019. The inspection report would be received in four to six weeks' time however, as an interim update, the Inspector advised that we 'were in a very good place' and he was only going to make one recommendation and a small number of observations. The recommendation would be that Authorising Officers received periodic refresher training.

The Audit Committee had considered the matter on 18 March 2019 (Minute AUC.09/19) resolving:

"That the Audit Committee:

1. Noted and approved the content of Report GD.16/19.
2. Recommended the revised Policy to the Executive for approval.
3. Recommended that the Executive delegate authority to the Corporate Director of Governance and Regulatory Services to update the policy both as necessary and/or to implement any recommendations of the Investigatory Powers Commissioner."

Speaking at the invitation of the Leader, the Chairman of the Audit Committee stated that he had nothing further to add.

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder then formally moved the recommendations which were formally seconded by the Leader.

Summary of options rejected that the revised Policy be not approved

DECISION

That the Executive:

1. Noted and approved the content of Report GD.19/19.
2. Approved the revised Policy as appended to the report.
3. Delegated authority to the Corporate Director of Governance and Regulatory Services to update the Policy both as necessary and/or to implement any recommendations/observations of the Investigatory Powers Commissioner.

Reasons for Decision

Compliance with RIPA assisted the Council in acting lawfully and promoting its enforcement activities in the District

PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

EX.34/19 BIC PROJECT, PATERNOSTER ROW, CARLISLE

(Key Decision – KD.11/19)

(Public and Press excluded by virtue of Paragraph 3)

Portfolio Finance, Governance and Resources; Economy Enterprise and Housing

Relevant Scrutiny Panel Business and Transformation; Economic Growth

Subject Matter

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder submitted private report ED.19/19 concerning the Business Interaction Centre project, Paternoster Row, Carlisle.

Speaking by way of background, the Deputy Leader explained that the building comprising of 4/5 Paternoster Row was owned by the City Council and encompassed over 700m² of office space arranged over three floors. Located within the Historic Quarter, the buildings were Grade II Listed and were located within the City Centre Conservation Area.

The building had been comprehensively refurbished and leased to the University of Northumbria in 1992 to provide a satellite campus in Carlisle and subsequently to the University of Central Lancashire. The buildings were passed to the University of Cumbria at its formation in 2007 and were used latterly as the Carlisle Business Interaction Centre.

The University of Cumbria withdrew from the building and transitional arrangements covering ICT and security were implemented to keep the building operational. That enabled the businesses sub-leasing office space from the University to remain and allowed the Council to explore other options for the building.

Two options had been identified for the future of the building and the Regeneration Team had been successful in securing European Regional Development Fund (ERDF) funding which would contribute to one of the possible options.

The Deputy Leader provided a comprehensive overview of those options and key considerations in relation thereto; together with the next steps, details of which were recorded within the report.

The matter had been scrutinised by the Business and Transformation Scrutiny Panel and the Economic Growth Scrutiny Panel on 28 March 2019 and 11 April 2019 respectively. Excerpts from the Minutes of those meetings (BTSP.35/19 and EGSP.31/19) were also submitted.

Speaking at the invitation of the Leader, the Chairman of the Business and Transformation Scrutiny Panel reported that the Panel had scrutinised the two options at length and sought clarity from officers on the terms for the ERDF funding; maintenance aspects of the Grade II listed building; under-utilisation / sustainability; how existing tenants would be supported; ownership of the building under both options; the impact on other businesses in the area and support which could be offered to them by the City Council.

The Panel had concluded by unanimously resolving:

“That the Panel had scrutinised the two options for the Business Interaction Centre (ED.12/19) and recommended to the Executive a preference for Option 2 for the future use of the Business Interaction Centre.”

The Chairman of the Economic Growth Scrutiny Panel began by expressing thanks to the Regeneration and Property Services Teams for their work, which should be applauded.

He informed the Executive that, during their scrutiny of the two options, the Panel had sought clarity from Officers regarding the future aspiration for the creative and digital sectors in the City; the return and future return for the Council on both options; the cost of the maintenance to the building; the risks involved with the options; and the impact on jobs within the city.

The Panel had requested that careful consideration be given to the impact that the options had on tenants and that a support package be put in place for tenants to ensure that their businesses were not disrupted more than necessary when moving the options forward.

In conclusion, the Panel had resolved:

“That the Panel had scrutinised the two options for the Business Interaction Centre (ED.18/19) and recommended to the Executive a preference for Option Two for the future use of the Business Interaction Centre with a request that tenants were provided with a support package when moving the option forward.”

In response, the Deputy Leader expressed his appreciation of the work undertaken by the Scrutiny Panels, emphasising that there had been no predetermination by the Executive on the matter. He also responded to the points raised by the Panel Chairmen, indicating that the Executive took on board the request regarding the provision of support to tenants.

The Deputy Leader, and Finance, Governance and Resources Portfolio Holder concluded his presentation by formally moving that, having considered the two options for the Business Interaction Centre, and the recommendations of the Business and Transformation and the Economic Growth Scrutiny Panels (including the request that a support package be provided for tenants moving forward), the Executive recommended that Option Two be pursued; subject to final terms being agreed by the Property Services Manager following consultation with the Corporate Director of Governance and Regulatory Services and himself.

The Economy, Enterprise and Housing Portfolio Holder was in agreement with the Deputy Leader's comments and formally seconded the recommendation.

The Leader added his thanks to Scrutiny Panel Members for their observations; and to the Property Services, Economic Development and Regeneration Teams for the effective and efficient work undertaken.

Summary of options rejected option one as set out within the report

DECISION

That, having considered the two options for the Business Interaction Centre, and the recommendations of the Business and Transformation and the Economic Growth Scrutiny Panels (including the request that a support package be provided for tenants moving forward), the Executive recommended that Option Two be pursued; subject to final terms being agreed by the Property Services Manager following consultation with the Corporate Director of Governance and Regulatory Services and the Portfolio Holder for Finance, Governance and Resources.

Reasons for Decision

As detailed within report ED.19/19

EX.35/19 CHAIRMAN'S COMMENTS

The Leader announced that this was the final scheduled meeting of the Executive for the 2018/19 Municipal Year.

Accordingly, he wished to place on record thanks to all those who had diligently supported the Executive in so many ways, assisted in the delivery of services and the Council's vision, during what are challenging times for local government. That work had been recognised by Government, resulting in the realisation of funding for initiatives such as the Borderlands Inclusive Growth Deal and St Cuthbert's Garden Village.

The Leader wished to express personal appreciation to the Executive Members for the effective and diligent delivery of their respective portfolios over the past year. He also thanked the Senior Management Team, the Democratic Services Officer and Officers throughout the Council, emphasising that their work had not been taken for granted.

[The meeting ended at 4.30 pm]