

EXECUTIVE

MONDAY 28 OCTOBER 2013 AT 4.00 PM

PRESENT:

Councillor Glover (Leader)
Councillor Mrs Martlew (Deputy Leader; and Environment and Transport Portfolio Holder)
Councillor Ms Quilter (Culture, Health, Leisure and Young People Portfolio Holder)
Councillor Mrs Riddle (Communities and Housing Portfolio Holder)
Councillor Dr Tickner (Finance, Governance and Resources Portfolio Holder)
Councillor Mrs Bradley (Economy and Enterprise Portfolio Holder)

OFFICERS:

Town Clerk and Chief Executive
Director of Governance
Director of Resources
Director of Community Engagement
Director of Local Environment
Investment and Policy Manager

ALSO PRESENT:

Councillor Mrs Luckley (Chairman of the Community Overview and Scrutiny Panel)

APOLOGIES FOR ABSENCE

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

DECLARATIONS OF INTEREST

Councillor Glover declared a disclosable pecuniary interest, in accordance with the Council's Code of Conduct, in respect of Agenda items A.2 and B.1 – Land Transaction – Proposed Disposal and Development of Land at Westwood Road, Morton. Councillor Glover stated that he was part of the Commissioning Team for the Autism Unit (one of the potential bidders), and he would leave the meeting during consideration of those items of business.

EX.119/13 CARLISLE'S PLAY PROVISION (Key Decision – KD.018/13)

Portfolio Environment and Transport

Relevant Overview and Scrutiny Panel Community

Subject Matter

Pursuant to Minute EX.105/13, the Deputy Leader; and Environment and Transport Portfolio Holder reported (LE.32/13) that the City Council operated 69 play areas serving its population of 106,000. 'Play for Today, Play for Tomorrow' was the City Council's Play Policy and Strategy for Children and Young People 2007 – 2012 and it was now time for the City Council to review its approach to play area management. She reiterated that the intention was to create a legacy of play facilities offering high play value in a safe environment, accessible to every child and allowing them to explore their individual abilities and learn to assess and overcome the risks inherent in physical challenge.

To do that successfully the Council's proposed strategy would focus on quality. Details of a methodology by which an assessment could be made of the quality, play value and accessibility of each individual equipped play area were provided. The outcome thereof would be used to determine the type, specification and maintenance requirements of each site in the future. Those could be broadly characterised as:

- 'Destination' sites – where the accessibility and play value combined to attract visitors from a wider catchment area (2,000m)
- 'Neighbourhood' sites – used by children and young people living in the vicinity (1,200m)
- 'Local Play' – smaller areas that may have no formal equipment but were managed as spaces for free play by all age groups (500m)

The standard adopted would aim to ensure that every child had access to a high quality play area within a reasonable distance of their home.

In some instances existing play equipment was either obsolete or poorly located (or both) and was no longer providing a quality play experience. Application of the criteria would differentiate between sites and allow decisions to be made on how their future management could contribute to raising quality standards, the outcome of which could be that the equipment was removed and not replaced. Advances in the construction of play equipment and the materials used had led to the development of 'low maintenance' options and those had been extensively utilised in Carlisle. The Council also made use of natural materials, where possible, to provide challenging play experiences at low cost.

The Deputy Leader; and Environment and Transport Portfolio Holder further drew Members' attention to the Risk Assessment; Aim and expected Outcomes of the Play Areas Review; Review Methodology; and Criteria, details of which were set out within the report.

The Community Overview and Scrutiny Panel had, on 3 October 2013, considered the matter and resolved:

"1) That Report CD.52/13 – Carlisle's Play Provision – be noted and the comments from the discussion referred to the Executive in consideration of the criteria for the review.

2) That the Executive be asked to consider a capital budget to be made available for the replacement of equipment when and where required."

A copy of Minute Excerpt COSP.66/13 had been circulated.

The Deputy Leader; and Environment and Transport Portfolio Holder further commented upon the full discussion undertaken at the Panel meeting, adding that some of the suggestions highlighted had been incorporated within Report LE.32/13. The only exception was the request for consideration of a capital budget to be made available for the replacement of equipment when and where required, which aspect would be considered as part of the budget process.

The Chairman of the Community Overview and Scrutiny Panel stated that many of her comments had already been covered by the Deputy Leader. She emphasised that Panel Members were concerned to ensure that quality was sustained since that aspect was a priority in the Carlisle Plan and also a healthy city objective. The Panel was also concerned to ensure that resources were in place to keep the high quality up and the Chairman was reassured by the Deputy Leader's comments.

In conclusion, the Deputy Leader; and Environment and Transport Portfolio Holder reiterated that the review of play provision in Carlisle was timely and would ensure that the highest standards could be maintained at all times. The City Council had, for the first time, set out the criteria for assessment and by which their play areas would be measured. As a result the community would be assured that the quality of provision was the best it could be.

In order to fulfil the aims of the review, Officers would draw up a programme of work using the outcomes of the review as a guide. The work programme would utilise existing City Council resources, plus any external sources of funding that may be available, in order to deliver a portfolio of high quality play facilities accessible to every child.

The Deputy Leader then moved the recommendations.

Summary of options rejected None

DECISION

That the Executive:

1. Approved the principles adopted for the review of children's play areas in Carlisle as set out in Report LE.32/13.
2. Agreed to delegate authority to the Director of Local Environment, in consultation with the Portfolio Holder, to implement the approved principles with regard to the individual play areas in line with the review findings.

Reasons for Decision

Raising the standards of the Council's children's play facilities would contribute to a number of 'Carlisle Plan' objectives and also impact on wider social issues such as health and physical activity of young people.

**EX.120/13 LAND TRANSACTION – PROPOSED DISPOSAL AND DEVELOPMENT
OF LAND AT WESTWOOD ROAD, MORTON**
(Key Decision – KD.025/13)

Councillor Glover (Chairman), having declared a disclosable pecuniary interest, retired from the meeting during consideration of this item of business.

In the absence of the Chairman, the Deputy Leader took the chair.

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder reported (RD.48A/13) that the City Council owned the freehold interest in just under 2 acres of land at Westwood Road, Morton as identified in the plan attached at Appendix 1 to the report. The land was currently part of the Council's operational portfolio, laid to grass, and used by local residents for amenity purposes.

Details of the background to the matter, including the planning history; asset management and Carlisle Plan implications were provided.

The Finance, Governance and Resources Portfolio Holder informed Members that in January 2013 approaches were made to the Council for a site in Carlisle for a special needs Autism Unit from Creative Support, and the provision of a Children's Nursery on the western side of the City by Strawberry How Nursery. Following a trawl of portfolio options the Westwood Road land was identified as a site which met with provider's requirements, and initial discussions took place with the parties to establish the nature of their proposals. More recently, associated with the trawl of land for the provision of sites for future housing development, a third provider, Two Castles Housing Association, had identified the site's suitability for social housing development.

Indicative proposals had been received from all three interested parties for the development, or combined development of this site for Housing, Nursery and Special Needs purposes. Each of these proposals, and the supporting material to hand which had been submitted by the parties, was detailed in Appendix 1 and 2 of Part B of the Report. In brief the outline proposals were as follows:-

- **Two Castles Housing Association**

Two Castles proposed to develop either the whole or part of the site with the provision of social housing for rent. That comprised a mix of 2 and 3-bedroom properties, providing 4 or 5 person units, which would be delivered with support from the Homes and Community Agency. The 1st option, (Sites A and B on the Plan) was to build out all the land with 30 units. The 2nd option was to develop part of the land (Site B on the Plan) with 19 units which left the remainder of the land (Site A on the Plan) available for the Nursery.

- **Creative Support**

Creative Support was an Industrial and Provident Society with Charitable status looking to provide a specialist Autism Unit, together with bungalows and operational offices, utilising the whole of the site. The scheme would see the relocation of their existing Carlisle based offices to Westwood Road and provide the Autism Unit, together with 11 1-bedroom, 2 person bungalows for mobility and wheelchair users.

- **Strawberry How Nursery**

This was a proposal from an established children's nursery provider to develop part of the land (Site A on the Plan) with a new Children's Day Nursery and Training facility in the Morton area. Phase 1 of the scheme would comprise a purpose built nursery provision for 80 children, and Phase 2 a Training Unit for apprentices and nursery providers in the Carlisle area.

The Finance, Governance and Resources Portfolio Holder then explained that a comparative assessment of the proposals had been undertaken to assist in the consideration of the merits of each initiative and the contributions which were likely to be made to the Council's priority plans and objectives. That assessment, which contained financial and commercially sensitive information, was set out in Part B of the Report.

In considering the current proposals the principle options were:

- (1) The site to remain in Council ownership and control with the use being retained for the existing amenity provision.
- (2) The site be released for development in its entirety for social rented housing undertaken by Two Castles Housing Association.
- (3) The site be released for combined development for the provision of social housing and a children's nursery / training unit.
- (4) Part only of the site be released for development for the provision of housing or a nursery.
- (5) The site be released as a whole and developed for an Autism Unit and specialist housing needs.

The proposals had been considered at the Strategic Housing Development Group; Senior Management Team; and the Joint Management Team. Views expressed were that all three proposals had merit. However, combining the proposals put forward for additional social housing and a nursery provision into one scheme best met the Council's "Carlisle Plan" position.

It was also noted that the Council owned alternative sites that may be suitable for the Creative Support proposal and discussions should be progressed with them on any alternatives. Proposals for development would require planning approval. That would be subject to the public consultation procedures associated with an application and local residents would be afforded an opportunity to make representations on any proposals which came forward. If a decision to release and sell the open space land was made the

Authority was required to publish notice of that intention, and to consider representations in accordance with the Local Government Act 1972, before exercising any powers of disposal.

In conclusion the Finance, Governance and Resources Portfolio Holder stated that, by being creative, the Executive could accommodate all three proposals. He then moved the recommendations as set out within the report.

The Culture, Health, Leisure and Young People Portfolio Holder seconded the recommendations.

Summary of options rejected other options detailed within the report

DECISION

That the Executive:

1. Granted approval for Officers to further discussions with Two Castles Housing Association and Strawberry How Nursery for the provision of social rented housing and a children's day nursery.
2. Subject to planning and the receipt of "best consideration" granted consent for the release and disposal of the land on final terms and conditions agreed by the Property Services Manager.
3. Instructed Officers to work with Creative Support to identify an alternative site for the provision of a special needs Autism Unit.

Reasons for Decision

To bring forward land enabling the realisation of development opportunities which would further the goals and objectives of the Council, and help meet budgetary targets

Councillor Glover (Chairman) resumed the chair.

EX.121/13 ASSET REVIEW BUSINESS PLAN – REFRESH OF DISPOSAL PROGRAMME

(Key Decision – KD.026/13)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder reported (RD.47A/13) that, in discussion with Portfolio Holders, Officers had undertaken a mid-term review of the Disposal Programme, stocktaking the current position in the light of progress, changing circumstances, and the emerging priorities in the Carlisle Plan 2013-2016 to address future housing needs.

Members' attention was drawn to the Disposal Monitoring Schedule (Appendix 1) which set out the current position and work in progress for each of the original 51 assets earmarked for disposal. Also shown (for those assets where sales had been completed) were the target receipts and actual outcomes; the impact on rental income and leases; and the cost to date of realising sales.

The Finance, Governance and Resources Portfolio Holder also summarised the overall position to date in terms of disposals, acquisitions and the impact on rental income. The cost to date of realising sales including marketing, agency fees and ancillary disbursements, amounted to circa £133k which at 2% of gross receipts was within budget targets.

A significant part of the Business Plan delivery, and the re-engineering of the Council's portfolio, hinged on the release and disposal of the latent value in the Council's retail and residential assets at Morton. There was a risk that delays in the disposal of that asset would have a substantial impact on the Disposal Programme, the capital reinvestment plans and revenue position of the Council. That had been recognised and identified on the Council's Corporate Risk Register and was being carefully monitored.

Turning to the issue of Housing priorities, the Finance, Governance and Resources Portfolio Holder indicated that The Carlisle Plan 2013-16 identified the delivery of housing as a priority action for the Council going forward. A number of sites earmarked for disposal in the original Disposal Programme (10 in total) had the potential, subject to market demand and planning to deliver residential development opportunities in the short to medium and longer term. That could be through the private sector, Registered Social Landlords, a mix of both or bespoke initiatives such as self build schemes.

Additionally a recent trawl of the operational portfolio had been undertaken to identify any vacant land, or assets which may become surplus to requirements in the future, and merit consideration for inclusion in the Disposal Programme as a 2nd Phase of asset sales, which potentially may be suitable for release as housing development land. The sift had resulted in a further 9 assets being identified for possible inclusion in the Disposal Programme, those were shown listed within the Disposal Monitoring Schedule Appendix 1 as "Phase 2".

Bringing forward land for residential development for sale in the market place was commonly a resource intensive and time consuming exercise. Much depended upon the planning situation, whether there was a current housing allocation, the prospect if at all for a future allocation and, if that could be realised, whether the timescale was in the short, medium or longer term.

The suitability of the 19 assets in the original Disposal Programme and "Phase 2" to deliver future housing needs had been assessed through a desk top appraisal by Planning, Housing and Property Officers. Site locations for all the assets involved were shown on the Plan, attached as Appendix 2, edged in red and shaded either green, red, orange or yellow. Land shaded light pink on the Plan highlighted the relationship of those sites with other land in Council ownership.

The desktop evaluation had looked at the pertinent criteria most likely to influence the ability to deliver land for residential development including inter alia current use and occupation, planning, site conditions and constraints, end users, value and market

demand, and timescales. The conclusions from the exercise had been assembled and tabled together; and were presented in Appendix 5 for comment, with a proposed recommendation in terms of disposal strategy and a pipeline delivery programme.

The Finance, Governance and Resources Portfolio Holder then outlined the Disposal Programme going forward, highlighting the undernoted Schedules:

Appendix 3 – detailed the asset sales within the original Programme which had been put on hold, delayed or postponed. The position was noted and a future course of action for each was proposed.

Appendix 4 – set out details for assets which had already received Executive consent to release. Sales were in the pipeline or the preparatory work to bring the assets to the market was already underway. The Executive was invited to note the position.

Appendix 5 – detailed the 19 assets identified from the original Disposal Programme (10), and the recent trawl of operational property (9), which had been assessed for suitability and viability as potential housing development sites with a view to bringing forward a future delivery programme to meet the Council's housing aspirations and budgetary requirements. For each site under assessment the asset details were set out, together with the current planning position, and other material considerations. A proposed course of action was suggested for each individual asset which could be broken down into a number of groupings and proposed outcomes/actions.

In conclusion the Finance, Governance and Resources Portfolio Holder moved the recommendations which were agreed.

Summary of options rejected None

DECISION

That the Executive:

1. Noted the current position and progress with the Disposal Programme.
2. Had considered the proposed changes to the Disposal Programme, and the plans to bring forward potential housing development sites to meet the priorities of the Carlisle Plan, and address future housing needs, as set out in Report RD.47A/13, prior to passing the report to scrutiny for consideration.

Reasons for Decision

To more effectively manage the Council's assets in pursuit of wider strategic and budgetary objectives, and bring forward land for development to meet the goals of the Carlisle Plan to address housing needs

EX.122/13 NOTICE OF EXECUTIVE KEY DECISIONS
(Non Key Decision)

Portfolio Cross-Cutting

Relevant Overview and Scrutiny Panel

Community; Environment and
Economy; and Resources

Subject Matter

The Notice of Executive Key Decisions dated 27 September 2013 was submitted for information.

The Executive noted that:

The Asset Review Business Plan – Refresh of Disposal Programme (KD.026/13) would now only be considered during the public part of the meeting; and

The Director of Community Engagement was scheduled to report on the Tullie House Business Plan (KD.024/13). Tullie House had failed to provide the Business Plan in time to meet reporting deadlines and the matter was therefore deferred.

Summary of options rejected None

DECISION

That, subject to the changes identified, the Notice of Executive Key Decisions dated 27 September 2013 be noted.

Reasons for Decision

Not applicable

EX.123/13 SCHEDULE OF DECISIONS TAKEN BY PORTFOLIO HOLDERS
(Non Key Decision)

Portfolio Communities and Housing; Economy and Enterprise

Relevant Overview and Scrutiny Panel Community; Environment and Economy

Subject Matter

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

Summary of options rejected None

DECISION

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

Reasons for Decision

Not applicable

EX.124/13 SCHEDULE OF DECISIONS TAKEN BY OFFICERS
(Non Key Decision)

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Resources

Subject Matter

Details of decisions taken by the Organisational Development Manager 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.125/13 PROVISION OF HACKNEY CARRIAGE (TAXI) RANKS IN CARLISLE
(Non Key Decision)

Portfolio Environment and Transport

Relevant Overview and Scrutiny Panel Environment and Economy

Subject Matter

The Deputy Leader; and Environment and Transport Portfolio Holder reported (LE.33/13) that Cumbria County Council was the Highway Authority for Cumbria and, as such, had traditionally approved and provided the hackney ranks in Carlisle City Centre. However, as a result of certain changes within the County, they had transferred responsibility for ranks to the District Councils. Carlisle City Council would therefore be responsible for the ranks within the City and must prepare an Order defining those ranks.

The provision of stands for hackney carriages were covered by Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, details of which were provided.

The Deputy Leader informed Members that, following discussions with Legal Services, Local Environment and Cumbria County Council, a draft of The Council of the City of Carlisle (Designated Taxi Ranks) Order 2013 had been prepared for consultation (Appendix A referred). She added that the Order consolidated the current County Council Orders and simply replicated the current rank provision. All of the rank spaces were already marked and signed.

On 26 April 2013 an advert had been placed in the Cumberland News requiring any representations to be received by 24 May 2013. In addition, a notice was placed on each rank; on the Civic Centre public notice board; City Centre notice board and on the Council website. A letter detailing the proposal was also sent to Cumbria Constabulary.

Six letters of representation had been received in response to the consultation, all of which referred to the proposed rank outlined in Schedule 1, Lonsdale Street. Members noted that the main point of the representations related to the fact that there was already taxi provision on the south side of Lonsdale Street and there was, therefore, no requirement for a further rank space on the north side. No comments had been received in relation to the other ranks.

The Deputy Leader; and Environment and Transport Portfolio Holder explained that enquiries had revealed that the Traffic Regulation Order (TRO) for the stand for one taxi at that location had been removed but the signs and markings were still in place which could allow the rank to still be utilised if it was included within the new proposed Order.

In conclusion, the Deputy Leader; and Environment and Transport Portfolio Holder moved the recommendations set out in the report, which were seconded by the Leader.

Summary of options rejected None

DECISION

That the Executive approved The Council of the City of Carlisle (Designated Taxi Ranks) Order 2013, with the exception of the rank described in Schedule 1, Lonsdale Street.

Reasons for Decision

The proposed Order was necessary due to the County Council transferring responsibility for taxi rank orders to District Councils. The consultation undertaken had raised objections to the proposed rank in Lonsdale Street and the recommendations were that the rank in Lonsdale Street be deleted from the proposed Order

EX.126/13 JOINT MANAGEMENT TEAM
(Non Key Decision)

Portfolio Various

Relevant Overview and Scrutiny Panel Community; Environment and
Economy; and Resources

Subject Matter

The Minutes of the meeting of the Joint Management Team held on 2 September 2013 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meeting of the Joint Management Team held on 2 September 2013, attached as Appendix C, be received.

Reasons for Decision

Not applicable

LEADER'S COMMENTS

The Leader reported that the Director of Community Engagement was leaving the authority and this was the last meeting of the Executive at which he would be present.

Speaking on behalf of the Executive, the Leader wished to place on record sincere thanks for all the hard work undertaken by the Director and the contribution which he had made to the life of the City during his time in Carlisle.

The Leader stated that the Director had been involved in some key projects, including the development of an Arts Centre for Carlisle, and he hoped that the Director would come back and join Members when that project reached completion.

In conclusion, the Leader wished the Director well for the future.

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.127/13 LAND TRANSACTION – PROPOSED DISPOSAL AND DEVELOPMENT OF LAND AT WESTWOOD ROAD, MORTON
(Key Decision – KD.025/13)
(Public and Press excluded by virtue of Paragraph 3)

Councillor Glover (Chairman), having declared a disclosable pecuniary interest, retired from the meeting during consideration of this item of business.

In the absence of the Chairman, the Deputy Leader took the chair.

Portfolio Finance, Governance and Resources

Relevant Overview and Scrutiny Panel Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted private report RD.48B/13 providing the supporting information, commercially sensitive and financial

aspects to the proposals set out in Part A, to develop and dispose of land at Westwood Road, Morton for a number of alternative uses.

The Finance, Governance and Resources Portfolio Holder moved the recommendation, which was duly seconded by the Culture, Health, Leisure and Young People Portfolio Holder.

Summary of options rejected None

DECISION

That the Executive noted the information provided and the financial aspects of the various proposals submitted in support of the Part A Report to release land at Westwood Road, Morton for development.

Reasons for Decision

To bring forward land enabling the realisation of development opportunities which would further the goals and objectives of the Council, and help meet budgetary targets

(The meeting ended at 4.15 pm)