

AGENDA

Executive

**Monday, 28 October 2013 AT 16:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

PART A

To be considered when the Public and Press are present

A.1 CARLISLE'S PLAY PROVISION

7 - 18

(Key Decision - KD.018/13)

Pursuant to Minute EX.105/13, the Director of Local Environment to submit a report describing the process for reviewing Carlisle City Council's provision of fixed play areas and seeking endorsement of the principles to be adopted in the review. The matter was considered by the Community Overview and Scrutiny Panel on 3 October 2013.

(Copy Report LE.32/13 and Minute Excerpt herewith)

Background Papers - Report LE.29/13 - Carlisle's Play Provision is available on the Council's website - <http://cmis.carlisle.gov.uk/cmis>

A.2 LAND TRANSACTION - WESTWOOD ROAD, MORTON

19 - 28

(Key Decision - KD.025/13)

The Director of Resources to submit a report setting out options for the proposed development of land at Westwood Road, Morton; and seeking approval for the release and disposal of the land.

(Copy Report RD.48A/13 herewith)

A.3 ASSET REVIEW BUSINESS PLAN - REFRESH OF DISPOSAL PROGRAMME

29 - 44

(Key Decision - KD.026/13)

The Director of Resources to submit a report seeking consideration of proposed changes to the Disposal Programme.

(Copy Report RD.47A/13 herewith)

Background Papers - Report CE.39/10 - Draft Asset Business Plan

A.4 NOTICE OF EXECUTIVE KEY DECISIONS

(Non Key Decision)

The Notice of Executive Key Decisions, published on 27 September 2013, is submitted for information.

The Asset Review Business Plan - Refresh of Disposal Programme (KD.026/13) will now be considered in public only.

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

A.5 SCHEDULE OF DECISIONS TAKEN BY PORTFOLIO HOLDERS 45 - 48

(Non Key Decision)

A Schedule of Decisions taken by Portfolio Holders under delegated powers is attached for information.

(Copy Schedule herewith)

Background Papers - the Armed Forces and Community Covenant; Report ED.04/13 - Business Interaction Centre; and the Scheme for the Recovery of Building Charges (for implementation 1 October 2013) are available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

A.6 SCHEDULE OF DECISIONS TAKEN BY OFFICERS 49 - 52

(Non Key Decision)

A Schedule of Decisions taken by Officers under delegated powers is attached for information.

(Copy Schedule herewith)

**A.7 PROVISION OF HACKNEY CARRIAGE (TAXI) RANKS IN
CARLISLE**

53 - 76

(Non Key Decision)

The Director of Local Environment to submit a report concerning the provision of Hackney Carriage (Taxi) Ranks in Carlisle.

(Copy Report LE.33/13 herewith)

Background Papers - Local Government (Miscellaneous Provisions) Act 1976

A.8 JOINT MANAGEMENT TEAM

77 - 78

(Non Key Decision)

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

(Copy Minutes herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

B.1 LAND TRANSACTION - WESTWOOD ROAD, MORTON

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Members of the Executive

Councillor C W Glover (Leader)

Councillor Mrs E B Martlew (Deputy Leader; and Environment and Transport Portfolio Holder)

Councillor Ms A Quilter (Culture, Health, Leisure and Young People Portfolio Holder)

Councillor Mrs J Riddle (Communities and Housing Portfolio Holder)

Councillor Dr L Tickner (Finance, Governance and Resources Portfolio Holder)

Councillor Mrs H M Bradley (Economy and Enterprise Portfolio Holder)

Enquiries to:

Lead Committee Clerk - Morag Durham (tel: 817036)

Notes to Members:

Decisions made at this meeting, if not subject to call-in, will become live on 7 November 2013

Report to Executive

Agenda
Item:

A.1

Meeting Date: 28th October 2013
Portfolio: Environment and Transport
Key Decision: Yes: Recorded in the Notice Ref:KD
Within Policy and Budget Framework YES
Public / Private Public

Title: CARLISLE'S PLAY PROVISION
Report of: The Director of Local Environment
Report Number: LE32/13

Purpose / Summary:

The report describes the process for reviewing Carlisle City Council's provision of fixed play areas and seeks endorsement of the principles to be adopted in the review.

Recommendations:

It is recommended that:-

1. The Executive approve the principles adopted for the review of children's play areas in Carlisle as set out in the report.
2. The Executive delegates 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.

Tracking

Executive:	30 th September 2013
Overview and Scrutiny:	3 rd October 2013
Council:	N/A

1. BACKGROUND

- 1.1 Safe spaces in which to play are a fundamental right for every child. Play is an important part of the learning and development process in children. It teaches them about the basic capabilities of their growing bodies – balance, hand-eye coordination, strength and stretching. During play, children learn how to take calculated risks and how to challenge themselves to extend their abilities.
- 1.2 Play takes many different forms and can be undertaken alone or as part of a group. Definitions of play vary, but often include the principle that it is not supervised by adults – children are free to express themselves in whatever activities or behaviours seem appropriate to them.
- 1.3 Children will find opportunities for play in almost any environment, natural or artificial. While there is evidence to suggest that the radius of movement (with home at the centre) has declined for modern children, there is no doubt that many of them are engaged in similar activities as their parents and grandparents – building dens, collecting conkers, climbing trees etc. However, evidence of declining levels of physical activity among young people is mirrored by increasing incidence of childhood obesity and a concurrent rise in solitary, indoor activities based around a screen. Many initiatives are underway to try and counter this trend which is recognised as a threat to the future health of a generation. One way is to make play spaces as interesting as possible for young people. Local authorities have traditionally provided dedicated spaces for play, equipped with a variety of apparatus designed to encourage children to challenge themselves and have fun.
- 1.4 In addressing the priorities set out in the Carlisle Plan, we shall also contribute to **Equality** (by ensuring that all areas of the City have access to high quality play areas); **Community Safety** (by working with others to create safe play environments, for example by tackling anti-social behaviour); **Environmental Enhancement** (by improving the quality and environment of play areas as part of our on-going programme of improvements to Carlisle's parks and green spaces); and **Accessibility and Social Inclusion** (by ensuring that play areas are accessible and useable by all children and young people).
- 1.5 The views, opinions and experience of children and young people should be central to the planning and design of the environments in which they play.

2. THE RESOURCE

- 2.1** Carlisle City Council operates 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 is now time for the City Council to review its approach to play area management.
- 2.2** The intention will be 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.
- 2.3** To do this successfully our proposed strategy is to focus on quality. A methodology is set out below by which an assessment can be made of the quality, play value and accessibility of each individual equipped play area. The outcome of the assessment will be used to determine the type, specification and maintenance requirements of each site in the future. These may be broadly characterised as:
- 'Destination' sites – where the accessibility and play value combine 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 are managed as spaces for free play by all age groups (500m)

NB. These distances are suggested as a reasonable accessible radius – they can be adjusted if it is considered appropriate.

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

- 2.4** In some instances existing play equipment is either obsolete or poorly located (or both) and is no longer providing a quality play experience. Location of play areas is a key factor and experience shows that those that are overlooked by residential properties are less likely to suffer vandalism and anti-social behaviour. Accordingly we have added an index of 'overlooking' to the review criteria. An estimate of the levels of usage received by each play area can be achieved by observational techniques. Numbers of children present during inspection visits can be recorded and indirect evidence can be gleaned from the condition of the safety surface. Heavy use of a play area results in heavy wear on the surfaces which require

regular repair or replacement. Low levels of use are suggested by lack of wear and tear and in the case of bark-chip surfaces, heavy infestation by weeds (which do not thrive in areas of high footfall). Application of the criteria will differentiate between sites and allow decisions to be made on how their future management can contribute to raising quality standards, the outcome of which could be that the equipment is removed and not replaced.

- 2.5** Advances in the construction of play equipment and the materials used have led to the development of 'low-maintenance' options and these have been extensively utilised in Carlisle, for example stainless steel finishes which requires no re-painting. We have also used natural materials where possible, which provide challenging play experiences at low cost. A good example is the 'octopus' climbing frame at Chances Park (Morton) made from a dead oak tree that had to be felled nearby. It will last for many years with little or no maintenance and when it does start to decay will simply be removed from the site. In recent years we have changed our choice of safety surface away from the very expensive wet-pour (crumbs of bonded rubber, heat-sealed to make a smooth, rubberised surface) and instead used grass-mat (cellular rubber mats that allow grass to grow through). This has the advantages of lower cost but is also low-maintenance. Once the grass is established it can be cut over by machine as the soft rubber matting is hidden in the grass roots.

3. RISK ASSESSMENT

- 3.1** A brief analysis of risks associated with the current play area stock includes:
- Escalating costs of repairs and maintenance of out-dated equipment
 - Low play value of obsolete equipment leads to lack of engagement of children and young people in active play
 - Vandalism – associated costs and safety issues
 - Insurance claims resulting from our inability to maintain high standards of safety on ageing equipment (financial and reputational risks)
 - Staff resources at full capacity on inspections and repairs
 - Limited resources for development and improvement of play areas

4. REVIEW AIM AND EXPECTED OUTCOMES

- 4.1** ***Aim:** Carlisle will be a child-friendly city where all children and young people have access to play opportunities in a range of different settings which offer variety, adventure and challenges. They will be able to play freely and safely and make choices about where, how and when they play.*

4.2 Outcomes: *This play area review focuses upon delivering two priority outcomes:*

- *Children are more physically active, emotionally resilient and are able to experience, judge and manage risk.*
- *Good quality and varied play spaces are widely available to children and young people in Carlisle*

5. REVIEW METHODOLOGY

5.1 The review will be undertaken in 3 parts:

- i. Desk Study – examination of our records, files, inspection sheets, and annual RoSPA (Royal Society for the Prevention of Accidents) reports and risk assessments to get an understanding of the age and condition of each play area.
- ii. Site audit – visit every play area to get an understanding of its location, siting, appearance and evidence of usage levels.
- iii. Mapping – using GIS to map the access radius and status of each play area in order to present the results of 1 and 2 (above) in a way that is easy to visualise and comprehend.

5.2 The criteria by which the assessment is undertaken includes the following:

- **Play Value**
RoSPA use a scoring system against a range of criteria in order to assess 'play value'. Depending upon their total score, play areas are categorised as being 'Excellent', 'Good', 'Average' etc. In practice, the approach means that RoSPA's 'Average' will be in excess of the national average for play areas, as measured by the National Playing Fields Association.
- **Play Space Access Standard**

Residents should have access to at least **one** of the following:

- A play space of 'Average' play value within 500 metres walking distance
- A play space of 'Good' play value within 1200 metres walking distance
- A play space of 'Excellent' play value within 2000 metres walking distance

NB. All play areas will be high quality – 'play value' is a specific measure of the range and type of equipment present.

(Adapted from a similar system used by Edinburgh City Council and based on the RoSPA 'play value' criteria)

6. CONCLUSIONS

- 6.1** The review of play provision in Carlisle is timely and will ensure that the highest standards can be maintained at all times. For the first time the City Council has set out the criteria for assessment and by which our play areas will be measured. As a result the community should be assured that the quality of provision is the best it can be.
- 6.2** In order to fulfil the aims of the review, officers will draw up a programme of work using the outcomes of the review as a guide. The work programme will 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.

7. Analysis

In producing this review we have combined the following analyses:

- i. An audit of all known play areas in the city and district, produced for the City Council by RoSPA, following their 'Playsafe' approach which includes assessing each play area in terms of its age-group provision, age, play value, condition and safety; and
- ii. A spatial analysis, encompassing access to play areas, based upon the agreed access standard.

(Note that the analysis only covers City Council owned and operated sites)

8. RECOMMENDATIONS

8.1 It is recommended that:-

1. The Executive approve the principles adopted for the review of children's play areas in Carlisle as set out in the report.
2. The Executive delegates 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.

9.0 CONSULTATION

9.1 No external consultation has been undertaken up to this point. Ward Councillors, 'Friends' of Parks and residents groups (where appropriate) will be consulted as the review moves to its action phases.

9.2 **The report was considered by the Community Overview & Scrutiny on 3rd October 2013 and comments are shown below:-**

Members would be prepared to support officers in the combined rationalisation of play areas with a capital programme to improve the play areas.

They resolved that:-

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

10.0 CONCLUSION AND REASONS FOR RECOMMENDATIONS

10.1 Raising the standards of our children's play facilities will contribute to a number of 'Carlisle Plan' objectives and will also have an impact on wider social issues such as health and physical activity of young people. We believe the Play Provision Review is an important step towards these better standards.

11.0 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

Aim 2: Develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle. The provision of fixed play equipment allows young people to develop balance, strength and hand-eye coordination, giving them skills they can use in a number of sports and outdoor activities elsewhere. High standard play areas provide challenges to help children measure their own capabilities and assess risks inherent in climbing, balancing and swinging.

Aim 4: Support growth by ensuring a high quality environment which is attractive to new businesses and residents. Facilities for children's play close to where they live is a factor in determining the attractiveness of an area for residents - play areas on well established residential areas need to be kept at the highest possible standard in order to remain as an asset to residents and the children who live nearby. New developments will normally have play areas included as part of

the planning process and where the provision can only be made off-site the Council will seek developer contributions to improve the standard of existing play areas.

Contact Officer: Angela Culleton

Ext: 7325

**Appendices
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- LE 29/13

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Community Engagement – 'The principles for play ground assessment proposed here are wholly appropriate. In keeping with good practice in developing sport and active recreation, the application of these principles will promote access to good quality play opportunity and enhance healthy and active lifestyles'

Economic Development –

Governance – The Council has a responsibility to manage its assets and ensure that those using its play areas (whether by invitation or trespass) are reasonably safe. The proposals in this Report are about ensuring the best management etc of the Council's play assets.

Local Environment –

Resources - This review of the Council's play provision will be undertaken by existing staff and within existing base budgets. Any financial implications arising out of the reviews to provide play facilities and equipment must be met from with existing resources or through the receipt of external funding, which must be subject to the Council's procedures on Grants and External Funding.

EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY PANEL HELD ON 3 OCTOBER 2013

COSP.66/13 CARLISLE'S PLAY PROVISION

The Neighbourhoods and Green Spaces Manager reported (CD.52/13) 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. He explained 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. The standard adopted would aim to ensure that every child had access to a high quality play area within 500 metres 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 identify those 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. The Green Spaces Team had conducted a review of the Council's stock of equipped play areas during 2013.

The report outlined the Risk Assessment; Aim and Outcomes of the Play Areas Review; Review Methodology; and Criteria. Although no external consultation had been undertaken to date, Ward Councillors, 'Friends' of Parks and residents' groups would be consulted (where appropriate) as the review moved to its action phases.

The Executive had, on 30 September 2013, resolved to receive Report LE.29/13 and refer it to this Panel for consideration and comment. A copy of Minute Excerpt EX.105/13 had been circulated prior to this meeting.

The Environment and Transport Portfolio Holder advised that, as she was not able to attend the Executive meeting on 30 September 2013, she had recommended to them that no decision should be made until consultation with the Panel had been undertaken.

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

- *The report indicated that there was no capital funding available for investment in old and obsolete equipment. Where would funding come from to replace old and damaged equipment?*

The Neighbourhoods and Green Spaces Manager explained that where there was a new development the Council could utilise a Section 106 Agreement. However in established play areas there was some revenue funding to replace equipment but stressed that there was a limited budget for that purpose.

- *How would Members be involved in the review?*

The Neighbourhoods and Green Spaces Manager advised that Members could discuss specific areas with him outwith the meeting. Officers needed a set of criteria for all play areas that would achieve good quality play areas across the City.

- *A Member was pleased to see that most of the play areas in the City were above average, good or excellent.*
- *As Chair of the Development Control Committee a Member advised that Members of that Committee stressed to Planning Officers the importance of discussions with developers to provide play areas and their location. Some play areas were hidden away and were often vandalised or used by young people who left broken glass behind.*
- *Less maintenance was required for some types of play equipment. What impact would that have on resources?*

Some play areas were lower maintenance than others eg wooden climbing equipment. Much of the maintenance involved removing broken glass and therefore the siting of play areas was critical. Occasionally young people collect refuse and set fire to it beneath equipment which would require it to be replaced.

- *Members would be prepared to support Officers in the combined rationalisation of play areas with a capital programme to improve the play areas.*

The Neighbourhoods and Green Spaces Manager advised that Officers' intention was to improve the quality of the play areas. If there was a rationalisation of play areas the play spaces would remain but they may look different to how they currently appear.

- *Would the Council be able to match community based initiatives and community fund raising?*

The Environment and Transport Portfolio Holder stated that the intention was to ensure that the equipment in all areas was to a good standard. If the community provided funding and the Council matched the funding it could distort the funding available across the City. Any work with the community would need to be done in relation to the criteria.

The Director of Local Environment explained that Officers were looking at the principles to enable them to undertake the review. If there were opportunities to enhance a play area they may call the community to action to support the Council as the community could access grant funding that may not be available to the Council. The Neighbourhoods and Green Spaces Manager and his Officers were experienced in seeking out grants. The Council had a desire and a will to provide high quality play areas but the community and Members also had a role to play to support inventive ways to obtain funding.

The Neighbourhoods and Green Spaces Manager advised that such schemes had worked well at Hammonds Pond and Belle Vue where Officers had worked with the community. Some community members also provided light maintenance such as litter picking and opening and closing the parks but that situation was not ideal.

- *Why was there a 500m buffer zone between play areas? Would there be the possibility of expanding that distance? The Member believed that 500m was too narrow.*

The Neighbourhoods and Green Spaces Manager explained that such input was what Officers were looking for. The appendix did not include issues such as busy roads.

- *Were there any plans to consult with children and young people?*

The Neighbourhoods and Green Spaces Manager explained that it may be useful but it may result in talks taking place about specific areas. When new play areas were being discussed there was consultation with schools and community centres. The Youth Council could also be consulted.

- *What was the timescale for the review and would there be any feedback to the Panel?*

The Neighbourhoods and Green Spaces Manager advised that it was essential to start the review as there were various budgetary implications. The criteria could then be turned into an action plan.

- *There had been a review and the start of a strategy in 2011 and 2012. Were they finalised?*

The Deputy Chief Executive explained that that work had stopped due to transformation issues and a reduction in staff. The current work was looking at the same issues in respect of the strategy and young people involved in play. If the focus was on the principles behind the review there could be consultation on the types of equipment and how children played. The Council did not have the same resources as in the past to stimulate those discussions and it was important to get community groups involved.

- *Some areas are implementing Play Streets schemes which were working well. It may be interesting to look at such schemes.*

- *The report indicated attendance at play areas. How was that monitored?*

The Neighbourhoods and Green Spaces Manager explained that whilst the Directorate did not have the resources to formally monitor the use of the play areas the figures were based on observations while Officers and staff had been on the sites and from experience. The number of reports of vandalism and broken equipment was also an indicator of the use of the sites.

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

Report to Executive

Agenda
Item:
A.2

Meeting Date: 28 October 2013
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref: KD 025/13
Within Policy and Budget Framework YES
Public / Private Public

Title: **LAND TRANSACTION - Proposed Disposal and Development of Land at Westwood Road, Morton**
Report of: **DIRECTOR OF RESOURCES**
Report Number: **RD 48A/13**

Purpose / Summary:

Several parties have expressed an interest in acquiring and developing land in the ownership of the Council at Westwood Road, Morton. This Report outlines the proposals and seeks approval for Officers to further discussion for the release and disposal of the land for the provision of social rented housing and a children's day nursery. Information on the financial and commercially sensitive aspects of the proposals are considered in Part B.

Recommendations:

It is recommended that:-

- (1) Approval is granted 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" consent is granted for the release and disposal of the land on final terms and conditions agreed by the Property Services Manager.
- (3) Officers work with Creative Support to identify an alternative site for the provision of a special needs Autism Unit.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

1.1. Property

The Council own the freehold interest in just under 2 acres of land at Westwood Road, Morton, shown identified on the attached plan, Appendix 1.

The land has frontage to Wigton Road and is accessed from Westrigg Road. It adjoins the Council's Morton Retail site, which has an outline consent for a Superstore and District Centre, and backs on to housing fronting Ellesmere Way. Also, adjoining the land is a housing development of 18 dwellings undertaken by Two Castles Housing Association in the mid 1990's.

The land is currently part of the Council's operational portfolio, laid to grass, and used by local residents for amenity purposes.

1.2. History

Two Castles Housing Association obtained planning consent in 1992 for the phased development of this site and adjoining land for 48 dwellings. Phase 1, which comprised 18 dwellings, was built out by the Association in 1994 but the remaining land on Phase 2 remains undeveloped.

Following a review of the Council's portfolio in early 2000, the site was declared surplus to requirements with a view to it being marketed for sale on the open market. The Executive Report dated 27 May 2002 EN 060/02 refers. Subsequently the land was marketed and, following a bidding competition, terms were provisionally agreed for a sale to the house builder Senator Homes Limited.

The proposed disposal for residential development led to a number of objections from nearby residents who petitioned the Council seeking to have the land retained as amenity open space. Following further consideration the sale was shelved and for the last 8 years or so the land has been used for amenity purposes.

More recently as a consequence of the progress which has been made in bringing forward the Development Master Plan for Morton on the adjoining Church Commissioner's site, and the drive in the Carlisle Plan for the Council to facilitate housing and business growth, the future use of this site has been re-examined. Coincidentally with this a number of approaches have been received from interested parties to carry out development on the site.

1.3. Planning

Planning consent was granted to Two Castles Housing Association in February 1992 (Application Number 91/1050) for the development of this site and adjoining land with 48 dwellings for rent and shared ownership. Advice has been taken which indicates the original permission has not lapsed and a valid consent still exists to build out the remaining 30 units, subject to the approval of reserved matters.

In terms of the Local Plan, this land was originally allocated for residential use but, following the objections which arose to development in the mid 2000's, this designation was reviewed and the land temporarily re-allocated for primary leisure use. The temporary nature of the allocation was in recognition of the emerging strategic development proposals for South Morton and the plans being formulated for major housing development, retail and employment uses and the provision of structured formal and informal open spaces.

1.4. Asset Management & Carlisle Plan

The Carlisle Plan 2013-16 identifies housing and the support of business and employment opportunities as priorities for the Council; the Westwood Road site has potential, subject to planning and release by the Council, to fuel these initiatives. It is considered appropriate to explore any opportunities which may exist to support the Plan's objectives.

The Council is entrusted with optimising the use of its property resource. Landholdings can play an important enabling and facilitating role in bringing forward Council initiatives and priorities, particularly when the economy is stagnant and the financial climate is not conducive to new development. The capital receipts realised from the sale of land can also play a significant role in the Council's budgetary position, generating through investment additional revenue to support services, or fund the purchase of new operational or economic development assets. The Asset Review Business Plan adopted by Council in 2011 did not include this site in the original Disposal Programme. However, a refresh of the programme has recently been undertaken and this site is one that has been identified for inclusion in the programme going forward. The Report RD 47/13 A, also on the Executive agenda, seeks to add this asset into the programme.

2. PROPOSALS

2.1. Initiatives

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 have been held 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, has identified the site's suitability for social housing development.

Indicative proposals have 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 information to hand at this stage which has been submitted by the parties, is detailed in Appendix 1 & 2 of Part B of this Report. In brief the outline proposals are as follows:-

- **Two Castles Housing Association**

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

- **Creative Support**

Creative Support are 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 will 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 is 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 will comprise a purpose built nursery provision for 80 children, and Phase 2 a Training Unit for apprentices and nursery providers in the Carlisle area.

2.2. Options

A comparative assessment of the proposals has been undertaken to assist in the consideration of the merits of each initiative and the contributions which are likely to be made to the Council's priority plans and objectives. This assessment, which contains financial and commercially sensitive information, is set out in Part B of this Report.

In considering the current proposals the principle options are as follows:-

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

3. CONSULTATION/WAY FORWARD

- 3.1.** These proposals have been considered at the Strategic Housing Development Group, Senior Management Team and the Joint Management Team.
- 3.2.** Views expressed were that all 3 proposals had merit. However, combining the proposals put forward for additional social housing and a nursery provision into 1 scheme best met the Council's "Carlisle Plan" position.

- 3.3.** 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.
- 3.4.** Proposals for development will require planning approval. This will be subject to the public consultation procedures associated with an application and local residents will be afforded an opportunity to make representations on any proposals which come forward.
- 3.5.** If a decision to release and sell the open space land is made the Authority is required to publish notice of this intention, and to consider representations in accordance with the Local Government Act 1972, before exercising any powers of disposal.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1.** Conclusions: Subject to the requirements of planning, any open space notification, and agreement of terms and conditions for disposal with the preferred providers, the land should be brought forward for development. This will realise the Council's ambitions in the Carlisle Plan around the provision of housing and employment opportunities and generate a capital receipt to assist meeting budgetary requirements. Whilst amenity open space will in the short term be lost, provision to off set this will materialise in the medium to longer term with the associated Morton Masterplan Development in close vicinity.
- 4.2.** Reasons: To bring forward land enabling the realisation of development opportunities which will further the goals and objectives of the Council and help meet budgetary targets.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1.** It is considered the proposals will support the following priorities:-
- Addressing the current and future housing needs of the City.
 - Promoting partnership working with private and public organisations.
 - Providing capital receipts to support the Asset Business Plan and maintain public services.
 - Supporting the growth of sustainable business and employment opportunities.

- Developing a skilled and prosperous workforce fit for the future through training.

Contact Officer: Raymond Simmons

Ext: 7421

Appendices Appendix 1 – Site Plan
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – The development proposed by Two Castles will enable the City to meet its requirement for affordable housing evidenced in the 2011 housing Need and demand study, through the provision of two and three bedroom affordable rented properties. Early delivery through the Homes and Communities Agency Affordable Homes Guarantee Programme by March 2015 will boost jobs in the building trade and local supply chains, while the additional stock will help Two Castles to grow their business sustaining local jobs.

Economic Development – None

Governance – Under Section 123 of the Local Government Act 1972, the Council may dispose of land held by it in any manner it wishes, save that it shall not dispose of land otherwise than by way of a short tenancy, for a consideration less than the best that can be reasonably obtained. It is particularly important that the receipt of 'best consideration' can be demonstrated via the valuation process as the proposal within this Report is not for a disposal on the open market. This is subject to any restrictive covenants which bind the land and also subject to the proviso that it may not without the consent of the Secretary of State dispose of any land consisting or forming part of a public open space without first advertising its intention to do so and considering any representations received..

Local Environment – The area in question is currently managed as amenity grassland with no specific uses. There is no play equipment or sports provision and the site has

occasionally been the focus for anti-social activities such as unauthorised bonfires. It has little value for wildlife or nature conservation. Alternative play space exists a short distance away on Westwood Road and at the 'village green' off Seatoller Close/Westrigg road. As the Morton Masterplan sites are developed there will be significant allocation of open space including play, amenity and sporting provision (although Wigton Road represents a significant barrier to young children). Depending on the preferred development there may be scope to include some amenity space on site.

Resources – Capital receipts would be generated through the disposal of the asset. The asset was not included in the original Asset Disposal Business Plan however, any receipt generated will contribute to the aims of the Business Plan. There will be no loss of rental income. Any VAT implications arising from the disposals will need careful consideration and will be dependant upon the VAT status of the purchasers and the intended future use of the sites.

Report to Executive

Agenda
Item:

A3

Meeting Date: 28th October 2013
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref: KD.026/13
Within Policy and Budget Framework: Yes
Public / Private: Public

Title: Asset Review Business Plan – Refresh of Disposal Programme
Report of: Director of Resources
Report Number: RD.47A/13

Purpose / Summary:

In discussion with Portfolio Holders Officers' have undertaken a midterm 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. This Report provides an update, proposes some changes to the content of the Programme and outlines proposals to bring forward a pipeline supply of future housing development sites from the revised Disposal Programme. The Executive is invited to consider the changes and, following any comments or amendments, forward the Report to Resources Overview and Scrutiny Panel for scrutiny. Observations from the Panel will come back to the Executive and if it so chooses the revised Programme can then be considered by full Council for adoption.

Recommendations:

1. The Executive note the current position and progress with the Disposal Programme.
2. The Executive considers and comments upon 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, before passing the Report to scrutiny for consideration.

Tracking

Executive:	28th October 2013
Overview and Scrutiny:	ROSP 28th November 2013
Executive:	Executive 16th December 2013
Council:	7th January 2014

1. BACKGROUND

1. Asset Review Business Plan – Disposal Programme

The citizens and businesses of Carlisle benefit from the City Council owning a substantial property portfolio with a value of circa £130m. This portfolio generates income of approximately £5.5m pa – a substantial contribution to the costs of delivering services in the City.

The Asset Review Business Plan was developed by Montagu Evans, working principally with Property Services and the Chief Executive, and approved by Council on 11th January 2011 (Report Ref CE.39/10 refers).

The Plan's objectives are to rationalise and consolidate the portfolio, with a programme of disposals spread over 4 years realising capital receipts of £24 m, and to have:-

- Clear and separate management of the operational, investment and economic development assts.
- Fewer, higher yielding investment assets which are cheaper and easier to manage.
- Maximisation of the embedded value within the portfolio.
- Council owned assets which are well maintained and continue to be attractive for occupiers.
- Increase returns through higher income and lower outgoings.

The capital receipts will be used to fund investment purchases, generating an additional £1m pa to support budget and efficiency savings, and help secure service delivery into the future, and to finance improvements to the operational and economic development portfolios.

A total of 51 assets were identified for disposal over the life of the Plan. The Montagu Evans Business Plan sets out the business case and detailed information on all the assets; this can be accessed on the web link <http://bit.ly/ccc-ARBP>.

Separately there is also an ongoing review of operational property used for service delivery, which includes the Civic Centre office accommodation and the Depots.

2. Current Situation

Disposal Monitoring Schedule

The Disposal Monitoring Schedule sets out in **Appendix1** the current position and work in progress for each of the original 51 assets earmarked for disposal. It also shows, for those assets where sales have been completed, the target receipts and

actual outcomes, the impact on rental income and leases, and the cost to date of realising sales.

Summary Position

The overall position to date in terms of disposals, acquisitions and the impact on the estate and rental income can be summarised in the following table. The cost to date of realising sales including marketing, agency fees and ancillary disbursements amounts to circa £133k which at 2% of gross receipts is within budget targets.

<u>Sales</u>	<u>No Assets</u>	<u>Target Receipt</u>	<u>Actual Receipt</u>
Completed	25	£4.4m	£5.5
In the pipeline	4	£495k	
<u>Purchases</u>			
Completed	7	£2.235m	Rickergate properties, Bhs Woolworth Building, Herbert Atkinson House
In the pipeline	1	£1.1m	Morton land exchange

<u>Rentals</u>	<u>No Assets</u>	<u>No Leases</u>	<u>Amount pa</u>
Losses	25	70	£199k
Gains	7	6	£220k

Morton

A significant part of the Business Plan delivery, and the re-engineering of the Council's portfolio, hinges on the release and disposal of the latent value in the Council's retail and residential assets at Morton. There is a risk that delays in the disposal of this asset will have a substantial impact on the disposal programme, the capital reinvestment plans and revenue position of the Council. This has been recognised and identified on the Council's Corporate Risk Register and is being carefully monitored.

Housing Priorities

The Carlisle Plan 2013-16 identifies 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) have the potential, subject to market demand and planning to deliver residential development opportunities in the short to medium and longer term. This 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 has 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 has resulted in a further 9 assets being identified for possible inclusion in the Disposal Programme, these are shown listed within the Disposal Monitoring Schedule **Appendix 1** as “Phase 2”.

Bringing forward land for residential development for sale in the market place is commonly a resource intensive and time consuming exercise. Much depends on the planning situation, whether there is a current housing allocation, the prospect if at all for a future allocation and, if this can be realised, whether the timescale is 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 has been assessed through a desk top appraisal by Planning, Housing and Property officers. Site locations for all the assets involved are shown on the Plan, attached to this Report as **Appendix 2**, edged in red and shaded either green, red, orange or yellow. Land shaded light pink on the Plan highlights the relationship of these sites with other land in Council ownership.

The desktop evaluation has 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 have been assembled and tabled together; they are presented in **Appendix 5** to the Executive for comment with a proposed recommendation in terms of disposal strategy and a pipeline delivery programme.

2. PROPOSALS

2.1 Disposal Programme Going Forward

- **Appendix 3** – This schedule details the asset sales within the original Programme which have been put on hold, delayed or postponed. The position is noted and a future course of action for each is proposed.
- **Appendix 4** – This schedule sets out details for asset which have already received Executive consent to release. Sales are in the pipeline or the preparatory work to bring the assets to the market is already underway. The Executive is invited to note the position.

- **Appendix 5** – This schedule details the 19 assets identified from the original Disposal Programme (10), and the recent trawl of operational property (9), which have 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 are set out, together with the current planning position, and other material considerations. A proposed course of action is suggested for each individual asset which can be broken down into the following 5 groupings and proposed outcomes/actions:-
 - **No prospect of housing development** – These assets, shown shaded **red** in Appendix 5, should be released for sale as part of the disposal programme or retained for operational use.
 - **Ripe for immediate sale development** – Most of these assets, shown shaded **dark green** in Appendix 5, are already included in the Disposal Programme and have the benefit, apart from the land at Westwood Road, Morton, of a current planning allocation for primary residential use. The land at Raffles is already in the course of development through the Lovells Partnership Agreement, and the housing site at Lonning Foot, Rockcliffe has been on the market for some time now. It is suggested, for sites which are not already underway, they should be brought forward to the market as soon as possible on the basis of the proposals set out within the schedule. A separate Report RD. 48 A and B/13 has been prepared for the Executive to consider on the Land at Westwood Road.
 - **Strong possibility for development in the short term** – These sites, identified in **light green**, have the potential to be brought forward for housing within the next 2 to 3 years, subject to planning, to meet private house builder demands and also provide a mix of affordable/social housing through Registered Social Landlords. Work to bring these sites forward in order to deliver within the timescale envisaged needs to commence straightaway.
 - **Longer term opportunities** – These are large sites, shown coloured **orange** in the Appendix which, if they are to be brought forward for housing, require a strategic approach worked up over the longer term.
 - **Miscellaneous sites** – Coloured **yellow** in the Appendix these remaining sites, which are relatively small in size, all have intrinsic constraints commonly around access which limit scope for housing purposes unless a special purchaser, such as an Registered Social

Landlord, or specific use for example self build, can be found to unlock any future potential.

3. CONSULTATION

- 3.1.** The Asset Review Business Plan has been endorsed by full Council following an extensive period of consultation with stakeholders and Members. These proposals to refresh the content of the Plan and meet the housing needs of the Carlisle Plan 2013-16 have been discussed at Senior Management Team, Joint Management Team and the Strategic Housing Development Group. Their views and opinions have been incorporated into the Report.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1.** 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.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1.** It is considered the proposals will support the following priorities:-

- Addressing the current and future housing needs of the City.
- Promoting partnership working with private and public organisations.
- Providing capital receipts to support the Asset Business Plan and maintain public services.

Contact Officer: **Raymond Simmons** **Ext: 7421**

Appendices
attached to report: Appendix 1 – Disposal Programme Monitoring Schedule
 Appendix 2 – Housing Sites Location Plan
 Appendix 3 – Asset Sales on Hold
 Appendix 4 – Asset Sales Consented and Underway
 Appendix 5 – Schedule of potential Housing Development Sites

Note: in compliance with Section 100d of the Local Government (Access to Information) Act 1985 the Report has been prepared in part from the following papers: CE 39/10 Draft Asset Business Plan

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

Economic Development – None

Governance – The Council has a fiduciary duty to properly manager its property assets. It has the legal powers to both buy and sell land and, in terms of disposals, should sell surplus land. The Asset Management Plan is part of the Council's reserved Budget & Policy framework and, as such, the Executive is required to consult with Overview & Scrutiny before making a recommendation to Council.

Local Environment – None

Resources – The asset review business plan has been progressing since its implementation and to date has achieved £1m more capital receipts than originally anticipated (£5.5million against £4.5million). Some of these additional receipts have been utilised to progress the Arts Centre proposals. Seven purchases have been completed at a total cost of £2.25million and new income has been generated of £220,000. Lost rental income on assets sold of £199,000 has been incurred. Further assets have been identified for potential disposal which, if sold will provide additional receipts over and above those originally envisaged.

Asset Review Business Plan - Disposal Programme - Monitoring Schedule

Disposal Programme														Progress							Comments & Issues	
Item	Property	Year					Target Receipt (£)	Rental Loss (£)	No of Leases / licences / tenancies	Property	Legal	Planning	Communication	Governance	Marketing	Completion	Records	Gross Receipt Net of VAT (£)	% Change on Target Receipt	No of Leases / licences / tenancies sold		
		10	11	12	13	14																
1	Morton Residential Site (Church Commisioners)								1												Montagu Evans. Linkage Morton Retail. Negs close finalising land exchange. Exec consent 11/2/13	
2	Cumbria University - Paternoster Row/Castle St							94,500	2												Historic Quarter. Tullie Trust.	
3	Carlisle Airport								1												Planning. Development prospects.	
4	Rosehill Industrial Estate (part)						100,000		26												Special purchasers. Marriage value. Contamination. Parking. EDU significance	
5	Whinnie House Residential Ground Lease						6,250		1												Rent Review imminent	
6	Doctors Surgery Fusehill Street						10,000		1									20,000	100.00	1	Sold	
7	Depot R/O Old Raffles Parade						30,000		1									24,000	-20.00	1	Sold	
8	Land between Eastern Way and Durrhill Road								0												Planning & Development	
9	Land at Boundary Road								0												Planning & Development	
10	Land at Dene Crescent								0												Planning & Development	
11	Land at Beverley Rise								1												Planning & Development	
12	Land at Kingwater Close Brampton								2												Planning & Development	
13	Doctors Surgery at Eastern Way						137,500	8,250	1									160,000	16.36	1	Sold	
14	James Street Workshops							51,750	7												Auction in February postponed. Hold in abeyance pending further consideration	
15	Cumbria University - Stanwix House/Cottage						19,200		2												Planning & Development	
16	BBC Annetwell Street								1												Hold in abeyance outcome BBC review. Progress sale Exec consent 30th Oct	
17	Port Road Workshops and Storage Land						300,000	29,925	6									275,000	-8.33	6	Sold	
18	Land at Gelt Rise Brampton						200,000											216,000	8.00		Sold	
19	Land at Low Meadow						324,000											360,000	11.11		Sold	
20	Morton Retail Land								1												Montagu Evans. Linkage Morton Residential land & Viaduct Est.	
21	Treasury Court						13,500		1												Tenant pre emption. Bringing to market Auction 16th Oct	
22	Land at Leabourne Road						24,000		1									14,000	-41.67	1	Sold	
23	Land at Wood Street								1												Planning and Development. Community interest	
24	Hewson Street Workshops						200,000	20,000	5									180,000	-10.00	5	Sold	
25	South John Street Workshops & Storage Land						190,000	15,000	8									164,950	-13.18	8	Sold	
26	Land adjoining Morton Petrol Filling Station						50,000	20	1									47,500	-5.00	1	Sold	
27	Land at central Longtown								0												Planning and Development. Marriage adjoining site discussions in hand	
28	17 Scotch Street (Save the Children)							26,000	1												Linkages with City Centre and sale of Lanes	
29	Retail Units 1,2 & 3 Market Place, Brampton						237,000	23,350	2									240,000	1.27	2	Sold	
30	Viaduct Industrial Estate							21,325	2												Hold in abeyance pending Morton retail site linkage	
31	Burgh Road Industrial Estate						1,000		1									500	-50.00	1	Sold	
32	Land at Lonning Foot Rockcliffe								0												Planning Consent. Autumn 2011 marketing. Sale fallen through remarketing	
33	Currock Road Retail Site						1,393,000	77,000	3									1,910,000	37.11	3	Sold	
34	Long Island Park Industrial Estate						157,000	12,600	3									244,800	55.92	3	Sold	
35	Longtown Industrial Estate						90,000	7,200	3									80,000	-11.11	3	Sold	
36	Willowholme Industrial Estate						300,000	28,756	25									544,000		13	sites 8-11, 12, site adj 13, 15, 18, 20, 21 & 22 completed. Remainder Estate bringing to Auction 16th Oct. Show	
37	Airport Industrial Estate						30,000	4,678	2									63,600	112.00	2	Sold	
38	Sub Stations							87	21												Records. Identification	
39	Rigg Street						5,000		1									12,000	140.00	1	Sold	
40	Residential Enclosures							500	203												Records. Identification	
41	Garages at Isabella Street						12,000		5									19,000	58.33	5	Sold	
42	Garages at Gardenia Street								3												Hold linkage Depot Accommdation Review	
43	Garages at Tullie Street						12,000	502	2									18,000	50.00	2	Sold	
44	Garages at Allason Court Brampton						10,000	1,004	4									11,700	17.00	4	Sold	
45	Garages at Broad Street							1,256	10												Withdrawn Auction. Holding pending further consultation	
46	Land at Old Isolation Hospital, Moorhouse						65,000		2									95,000	46.15	2	Sold	
47	Agricultural land at Carlisle Airport						300,000		5									479,760	59.92	5	Sold	
48	Agricultural land at Harker						32,000		1									39,500	23.44	1	Sold	
49	Land at Gelt Bridge Brampton						150,000		1									210,000	40.00	1	Sold	
50	Esk Street Depot						13,000		0									13,000	0.00		Sold	
51	Raffles Development Land								0									65,000	#DIV/0!		Lovells Partnership Agreement. Dalton Ave & Thomlinson Rd	

Disposal Programme									Progress									Comments & Issues					
Item	Property	Year					Target Receipt (£)	Rental Loss (£)	No of Leases / licences / tenancies	Property	Legal	Planning	Communication	Governance	Marketing	Completion	Records	Gross Receipt Net of VAT (£)	% Change on Target Receipt	No of Leases / licences / tenancies sold			
		10	11	12	13	14																	
	Annual Loss of Rent:						562,653		Total Gross Receipts:							5,507,310		25	properties sold.	Total no' leases, licences & tenancies sold:	72		
	Annual Sales:						4,272,500		Total Disposal costs:							132,727					Net receipts over estimate:		
							Total no' leases, licences & tenancies:											5,374,583			£1,102,083.03		
								371										2%			n.b. Net receipts now includes Willowholme - as from 31/03/13		
KEY:																							
Progress Indicator		Red					Not started																
		Yellow					Underway																
		Green					Completed																
Progress Categories:		Property		Property preparatory sale tasks							Inspection; Plans; Boundaries; Occupations; Utility Services; Highways; Drainage; Use; Rates												
		Legal		Legal preparations for sale							Report on title: Registration; Crichel Down; Public Open Space; Legal Pack												
		Planning		Establishing planning position							Local Development Framework; Site Appraisal; Listing; Designations; Advice; Planning Application												
		Communication		Informing relevant parties							Ward Members; Parish Councils; Tenants; Adjoining owners												
		Governance		Consents & approvals							Executive; Council; Statutory approvals												
		Marketing		Undertaking the sale							Valuation; Disposal route (private treaty/tender/auction); Agency appointment; Marketing budget; Sales particulars; Advertising; Marketing; Viewing; Negotiations; Heads of term; Section 123 Valuation												
		Completion		Completion legal documentation							Instructions; draft documentation; Pre contract enquiries; Exchange; Completion;SDLT; Land Registry												
		Records		Update Records							Finance; Asset Register; Property Database; Terrier plans; Insurance												
																					Date of report: 17 October 2013		
		Phase 2 - Proposed Disposal Programme																					
n/a	Land at California Road							0												Consideration Exec 28th Oct RD 47A/13			
n/a	Bousteads Grassing Depot							0												Consideration Exec 28th Oct RD 47A/13			
n/a	Land at Westwood Road Morton							0												Consideration Exec 28th Oct RD 47A/13			
n/a	Land at Harraby Community Centre							0												Consideration Exec 28th Oct RD 47A/13			
n/a	Currock Bowling Green							0												Consideration Exec 28th Oct RD 47A/13			
n/a	Hadrians Gardens Brampton Road							0												Consideration Exec 28th Oct RD 47A/13			
n/a	Bog Yard Depot							0												Consideration Exec 28th Oct RD 47A/13			
n/a	Land at Sewell Place							0												Consideration Exec 28th Oct RD 47A/13			
n/a	Land at Greta Avenue							0												Consideration Exec 28th Oct RD 47A/13			

ASSET REVIEW BUSINESS PLAN – DISPOSAL PROGRAMME**SALES ON HOLD – DELAYED OR POSTPONED**

Monitoring Schedule Ref	Montagu Evans Plan Page Ref	Asset	Position	Proposed Action
45	56	Garages at Broad Street	Members postponed proposed auction sale following interest by local residents group to retain as amenity open space.	<ol style="list-style-type: none"> 1. Land – agree terms with Resident Group for lease as amenity open space. 2. Dispose of let garages on open market asap.
16	81	BBC Annetwell Street	Members postponed sale to sitting tenant when cuts threatened future of BBC Radio Cumbria.	BBC position clarified. Progress disposal. Executive consent 30 th Sept 2013
14	72	James Street Workshops	Proposed auction sale. Members put on hold pending further consideration on the way forward.	Hold in abeyance on the Disposal Programme pending further consideration of position

Monitoring Schedule Ref	Montagu Evans Plan Page Ref	Asset	Position	Proposed Action
42	58	Gardenia Street Garages	Hold pending Depot Review, possible access / development	Continue to hold in abeyance until decision on Bog Yard made following Depot Review
30	69	Viaduct Industrial Estate	Strategic site pending outcome Morton transactions	Hold in abeyance until Morton outcome materialises
28	36	17 Scotch Street (Save the Children)	Strategic linkages with The Lanes Shopping Centre and Rickergate	Lanes in new ownership. Discuss incorporating asset into Lanes family portfolio.

ASSET REVIEW BUSINESS PLAN – DISPOSAL PROGRAMME**ASSET SALES CONSENTED & UNDERWAY**

Monitoring Schedule Ref	Montagu Evans Plan Page Ref	Asset	Position	Proposed Action
36	65	Willowholme Industrial Estate	Remaining sites 1 & 4, 3 7, 6, 13, 14, 16, 17	Bringing to market by auction on 16th October
36	n/a	Willowholme Depot	Sale fell through. Back on market	Bringing to market by auction on 16th October
21	33	Treasury Court	Sale to sitting tenant (right of pre-emption) fallen through	Re-marketing with auction on 16 th October
32	117	Lonning Foot, Rockcliffe	Sale fell through. Back on market	Re-marketing for sale by private treaty, possible auction later
40	82	Residential Enclosures	Numerous scattered house / flats freehold reversions. Poor records, resource intensive with little return	Progress sales as priorities & resources allow

APPENDIX 4

Monitoring Schedule Ref	Montagu Evans Plan Page Ref	Asset	Position	Proposed Action
38	83	Electricity Sub Station Sites	Numerous scattered freehold reversionary sites. Poor records, resource intensive with little return	Progress sales as priorities & resources allow
5	94	Whinnie House Road	Outstanding Rent Review to resolve. Several interested parties	Resolve Rent Review. Bring to market formally

ASSET REVIEW BUSINESS PLAN – DISPOSAL PROGRAMME
POTENTIAL HOUSING DEVELOPMENT SITES

LOCTN PLAN REF	MONT. EVANS PLAN PAGE REF	ASSET				PLANNING POSITION				CONSIDERATIONS	PROPOSED ACTION
		Name	Portfolio & Disposal Programme	Area Ha Acs	Use	Local Plan 2001-16	SHLAA Assmt Timing	Density L/M/H	Nos Dwgs		
1	95	Stanwix House & Cottage	Investment Disposal Programme	0.74 1.8	Leased to Cumbria University	Primary Leisure	No	N/A	N/A	Primary Leisure. Hadrians Wall. Redevelopment of buildings acceptable but little prospect on land	Housing scope nil Disposal Programme sale Bring to open market
2	114	Land between Eastern Way & Durrhill Road, Botcherby	Investment Disposal Programme	0.39 0.96	Open space	Amenity Open Space	No	N/A	N/A	No scope. Retain open space or sell to reduce maintenance liabilities	Housing scope nil Review Disposal Programme sale Retain as open space and remove from Disposal Programme
3	N/A	Bousteads Grassing Depot	Operational	1.09 2.69	Depot	Primary Employment	Yes 6-15yrs	M	33	Depot Review. Flood risk. Limited scope for residential.	Housing scope limited Consider future use following accommodation Depot Review
4	N/A	Bog Yard Depot	Operational	0.327 0.81	Depot	White land	No	L	6	Depot Review. Scope but poor access.	Housing scope limited Consider future use following accommodation Depot Review
5	107	Raffles Development Land	Investment Disposal Programme	11.64 28.7	Lovells Dev't Scheme	Residential consent	No	H	248	Lovells Partnership Development Programme. Ph 4,5,6 & Dalton Ave to build out. Affordable houses for sale	Continue to progress housing dev / sales with Lovells Mix affordable Pkte Sector & Social Housing.
6	105	Land at Wood Street	Investment Disposal Programme	0.22 0.55	Former Bowling Green Vacant	Primary Residential	No	L	14	Part Flood Zone. Poor access. Neighbourhood issues. Deliverable	Disposal Programme sale. Bring to market for Partnership social housing/HCA Apprentice Scheme
7	110	Land at English Street, Longtown	Investment Disposal Programme	0.46 1.14	Former Allotments Vacant	Primary Residential	No	H	18	Feasibility of joint development with Catholic Church. Access issues. Consent on neighbouring land issued – see application 11/0279. Deliverable	Pkte Sector Housing Disposal Programme sale. Progress discussions with Church to jointly bring to market
8	117	Land at Lonning Foot, Rockcliffe	Investment Disposal Programme	0.075 0.18	Former Garden land Vacant	Residential	No	L	1	Agreement for sales fallen through Site for 1/2 dwellings	Pkte Sector Housing Disposal Programme sale
9	N/A	Land at Wigton Road, Morton	Operational	0.78 1.93	Open space	Primary Leisure Area	Yes 6-15yrs	M	23	Adjacent Retail Site. Primary leisure area under review Morton – linked with development of Morton allocation. Timing dependant on delivery of	Interest from RSL, Autism provider & nursery use currently being pursued / worked up. Report to Executive on proposals RD 47A/13

										PLA for Morton housing allocation. Developable	
10	100	Land SW of Kingwater Close, Brampton	Investment Disposal Programme	2.32 5.73	Agricultural land	Urban Fringe Landscape	Yes 0-5yrs	M	70	Attractive/desirable site for pvt developers. Access limitations to unpick. Development in conjunction adjoining land.	Pvte Sector Housing Disposal Programme sale. Bring forward into market
11	111	Land at Dene Crescent, Belah	Investment Disposal Programme	2.19 4.93	Open space	Primary Leisure	No	N/A	N/A	Part only assessed for SHLAA . Some potential on part	Mixed Pvte /Social sector Housing scope Disposal Programme sale
12	N/A	Land at California Road, Greymoorhill	Investment	6.54 16.15	Agricultural land	Allotments	Yes 0-5yrs	M	196	Association with Kingstown IE Allotment allocation review. Part only? Access. Possible joint approach but road improvements may be required. Deliverable	Mix Pvte Sector & Social Housing Include in Kingstown / Parkhouse Future Management Options?
13	112	Land at Boundary Road/York Gdns	Investment Disposal Programme	4.70 11.5	Open space	Primary Leisure, Education & Community	Yes 5-10yrs	L	94	Joint opportunity with County. Part Primary Leisure Area. Contamination. May be scope to reconfigure site to retain some open space and allow for limited residential development.	Site for Social Housing. Bring forward longer term with County. Mixed scheme
14	103	Land at Beverley Rise, Harraby	Investment Disposal Programme	2.15 5.30	Agricultural land	Urban Fringe Landscape	Yes 0-5yrs	M	64	Various potential access points. M6 buffer screening required. Deliverable.	Mix Pete Sector & Social Housing Disposal Programme sale. Bring forward to market in longer term.
15	N/A	Land at Harraby Community Centre	Operational	2.92 7.21	Open space	Primary Leisure Community	No	M	88	Harraby Campus Project. Planners to assess in SHLAA.	To assess possibly Mix Pvte Sector & Social Housing
16	N/A	Land at Greta Ave	Operational	0.41 1.00	Former Allotment Vacant	Primary Leisure Area	No	L	8	Planners to review in SHLAA. Scope with limited access. Consider allotment status	Site for Social Housing
17	N/A	Land at Sewell Place, Currock	Operational	0.353 0.87	Former Allotment Vacant	Primary Residential	No	L	7	Vacant Allotment. Access to overcome. Social Housing scope.	Site for Social Housing
18	N/A	Currock Bowling Green	Operational	0.46 1.13	Former Bowling Green Vacant	Primary Leisure Area	No	L	9	Vacant. Review designation. Access restricted, suited to Specialist Housing use? Or small scale open market scheme.	Site for Social Housing unless access can be provided
19	N/A	Hadrians Gardens, Brampton Road	Operational	1.14 2.8	Open space	Not designated	No	L	22	Amenity land. Outside scope. Outside Urban boundary. Planners to review in SHLAA	Site for Social Housing or Self Build or other specialist needs

LEGEND	Red	No Prospect Housing	Dark Green	Immediate Development Sites	Light Green	Short Term Sites
	Orange	Longer term Sites	Yellow	Miscellaneous Housing Sites		

INDIVIDUAL PORTFOLIO HOLDER DECISIONS

Below is a list of decisions taken by Individual Portfolio Holders acting under delegated powers:

REF: **PF.007/13** **Armed Forces and Community Covenant**

Decision of Councillor Jessica Riddle

Portfolio Communities and Housing

Subject Matter

The Armed Forces Covenant is an agreement to be signed between the Armed Forces in Cumbria and the public and third Sector in Cumbria. Carlisle City Council is invited to sign the Covenant as a voluntary act of support.

Summary of Options rejected

None

DECISION

To sign the Armed Forces Covenant

Reasons for Decision

Voluntary statement of mutual support

Date Decision Made

05/08/2013

Implementation Date:

REF: PF.008/13 Business Interaction Centre

Decision of Councillor Mrs Heather Bradley

Portfolio Economy and Enterprise

Subject Matter

City Council contribution of £100,000 towards the capital costs of the Business Interaction Centre (BIC) at Paternoster Rose.

Summary of Options rejected

None

DECISION

To approve the payment of the City Council contribution (£100,000) towards the BIC

Reasons for Decision

- To provide partnership funding towards the development of a BIC to address a key Council priority
- To ensure that the University of Cumbria's obligations are addressed
- To deliver a BIC at Paternoster Row

The University of Cumbria have now provided satisfactorily evidence of the required outputs and with the BIC now open and operating, the City Council contribution of £100,000 identified in the Capital Programme can be released.

Date Decision Made

3 October 2013

Implementation Date:

REF: PF.009/13 The Building (Local Authority Charges) Regulations 2010

Decision of Councillor Mrs Heather Bradley

Portfolio Economy and Environment

Subject Matter

The Building (Local Authority Charges) Regulations 2010

Summary of Options rejected

Retain charges at current levels

DECISION

Accept the Scheme (as attached)

Reasons for Decision

To set the Building Control charges from 1 October 2013 to recover the costs associated with carrying out those works.

Date Decision Made

4 October 2013

Implementation Date:

OFFICER DECISIONS

Below is a list of decisions taken by Officers which they have classed as significant:-

REF: **OD.026/13** **The Future of the National Planning System - Member Training**

Decision of Emma Titley, Organisational Development Manager

Portfolio: Finance, Governance and Resources

Subject Matter:

To allow Councillor Craig to attend the Future of the National Planning System at Central London on 31 Octoberber 2013 at a cost of £301.75

Summary of Options rejected:

Not to attend

DECISION:

That Councillor Craig be authorised to attend the Future of the National Planning System at Central London on 31 Octoberber 2013 at a cost of £301.75

Reasons for Decision:

Appropriate event for elected Members - sufficient training budget (Conservative group) to accommodate

Date Decision Made : 16-Sep-13

REF: **OD.027/13** **Elected Member Training**

Decision of Emma Titley, Organisational Development Manager

Portfolio: Finance, Governance and Resources

Subject Matter:

Councillor Ellis annual subscription and fees in order to attend monthly Toastmasters sessions at Carlisle at a cost of £155

Summary of Options rejected:

Not to attend

DECISION:

Allow Councillor Ellis to attend event

Reasons for Decision:

Appropriate event for elected Members - sufficient training budget (Conservative group) to accommodate

Date Decision Made : 02-Oct-13

REF: OD.028/13 **LGA Young Councillor Event - Member Training**

Decision of Emma Titley, Organisational Development Manager

Portfolio: Finance, Governance and Resources

Subject Matter:

To allow Councillor Dodd to attend the LGA Young Councillor Event at Warwick Conference Centre on 23-24 November 2013 at a cost of £150

Summary of Options rejected:

Not to attend

DECISION:

That Councillor Dodd be authorised to attend the LGA Young Councillor Event at Warwick Conference Centre on 23-24 November 2013 at a cost of £150

Reasons for Decision:

Appropriate event for elected Members - sufficient training budget (Labour group) to accommodate

Date Decision Made : 07-Oct-13

REF: OD.029/13 **North West Employers Northern HR Conference - Member Training**

Decision of Emma Titley, Organisational Development Manager

Portfolio: Finance, Governance and Resources

Subject Matter:

To allow Councillor Tickner to attend the North West Employers Northern HR Conference in Harrogate on 3 October 2013 at a cost of £60 plus VAT

Summary of Options rejected:

Not to attend

DECISION:

That Councillor Tickner be authorised to attend the North West Employers Northern HR Conference in Harrogate on 3 October 2013 at a cost of £60 plus VAT

Reasons for Decision:

Appropriate event for elected Members - sufficient training budget (Executive) to accommodate

Date Decision Made : 09-Oct-13

Report to Executive

Agenda
Item:

A.7

Meeting Date: 28th October 2013
Portfolio: Environment and Transport
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: PROVISION OF HACKNEY CARRIAGE (TAXI) RANKS IN
CARLISLE
Report of: Director of Local Environment
Report Number: LE 33/13

Purpose / Summary:

Cumbria County Council, as the Highways Authority, has traditionally provided the taxi ranks throughout Cumbria including those in Carlisle city centre. They have transferred this responsibility to Carlisle City Council and a new Order is required to adopt ranks within the City.

Recommendations:

It is recommended that after considering the report and letters of representation, the Executive:

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

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. **BACKGROUND**

- 1.1 Cumbria County Council are the Highway Authority for Cumbria and have traditionally approved and provided the hackney ranks in Carlisle City Centre. As a result of certain changes within the County, they have transferred the responsibility for ranks to the District Councils. Carlisle City Council will therefore be responsible for the ranks within the City and must prepare an Order defining these rank.

The provision of stands for hackney carriages is covered by Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

- (1) For the purposes of their functions under the Act of 1847, a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand.
- (2) Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

2. **PROPOSAL**

- 2.1 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 was prepared for consultation (Appendix A).
- 2.2 This Order consolidates the current County Council Orders and simply replicates the current rank provision. All of the rank spaces are already marked and signed.
- 2.3 An advert was placed in the Cumberland News on 26 April 2013 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 of the proposal was sent to Cumbria Constabulary.

- 2.4 In response to the consultation process the Council received six letters of representation, shown at Appendix B. These all referred to the proposed rank outlined in Schedule 1, Lonsdale Street. There were no comments relating to other ranks.
- 2.5 It will be noted that the main point of the representations are that there is already taxi provision on the south side of Lonsdale Street, and therefore there is no requirement for a further rank space on the north side.
- 2.6 Enquires have revealed that the TRO for the stand for one taxi at this location had been removed but the signs and markings are still in place which could allow the rank to still be utilised if it is included within the new proposed order.
- 2.7 It is proposed that the Executive confirm the proposed order minus the Lonsdale Street rank, it will thereafter have to go to the County Council as Highway Authority for approval as required under the LGMPA 1976 (by Carlisle Local Committee under delegated authority) before it can be sealed by the City Council.

3 CONSULTATION

- 3.1 The proposed taxi rank order has already been the subject of public consultation which is detailed in this report. The recommendations take account of the results of the consultation.

4 CONCLUSIONS AND REASONS FOR RECOMMENDATIONS

- 4.1 The proposed order is necessary due to the County Council transferring responsibility for taxi rank orders to district councils. The consultation undertaken has raised objections to the proposed rank in Lonsdale Street and the recommendations are that the rank in Lonsdale Street be deleted from the proposed order.

5 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1 The recommendations take account of the views of local city centre businesses.

Contact Officer: Angela Culleton

Ext: 7325

Appendices attached to report:

- A** – The Council of the City of Carlisle (Designated Taxi Ranks) Order 2013
- B**- Letter from Donaldsons
- C**- Letter from Allan Estate Agents
- D**- Letter from Lamont Pridmore
- E**- Letter from County House Outdoor
- F**- Letter from K France Opticians
- G**- Letter from Cumbria Cumberland Federation of W.I.

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Local Government (Miscellaneous Provisions) Act 1976

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – N/A

Community Engagement – N/A

Economic Development – N/A

Governance – Included within report

Local Environment – N/A

Resources –



Draft 9

The Council of the City of Carlisle
(Designated Taxi Ranks) Order 2013

Made by the Council
on

**** 2013**

THE COUNCIL OF THE CITY OF CARLISLE

(Designated Taxi Ranks) Order 2013

The Council of the City of Carlisle (hereinafter called “The Council”) in exercise of powers under Section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) and after consulting with the Chief Officer of Police in accordance with s.63(2) of the 1976 Act and with the consent of Cumbria County Council in accordance with s.63(3)(c) of the 1976 Act and pursuant to the Refuse Disposal (Amenity) Act 1978 as amended and to the Clean Neighbourhoods and Environment Act 2005 and to the Traffic Management Act 2004 and in exercise of all other enabling powers hereby makes the following Order:

PART 1

GENERAL

1. Provisions of this Order shall come into operation on **** 2013 and may be cited as THE COUNCIL OF THE CITY OF CARLISLE (Designated Taxi Ranks) Order 2013.
2. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:-

“**carriageway**” means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles

“**Civil Enforcement Officer**” means a person as defined in Section 63A of the Road Traffic Regulation Act, 1984 (“the 1984 Act”) and Part 6 of the Traffic Management Act 2004;

“**contravention**” means a contravention of the provisions of this Order and a contravention may result in a Penalty Charge Notice being issued as detailed in Part IV of this Order;

“**disabled person**” means a disabled person of a description prescribed by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended

“**disabled person’s badge**” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

“disabled person’s vehicle” means

- a) A vehicle which is lawfully displaying a disabled person’s badge in the relevant position and is a vehicle which, immediately before or after any period of waiting allowed by a provision of this Order, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying one or more disabled persons as passengers; or
- b) An invalid carriage as prescribed in section 136 of the 1984 Act

“driver” in relation to a vehicle waiting in a taxi rank, means the person driving the vehicle at the time it was left in a taxi rank;

“enactment” means any enactment, whether public, general or local, and includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated re-enacted by or as having effect by virtue of any subsequent enactment

“licensed taxi” shall for the purpose of this Order have the same meaning as a vehicle licensed under Section 37 and 38 of the Town Police Clauses Act 1847 and pursuant to section 47 of the 1976 Act but complying with the requirements of the Council or the relevant licensing authority (otherwise known as “licensed hackney carriage”)

“motor vehicle” means any vehicle as defined in Section 136(1) of the 1984 Act

“owner” has the same meaning as in Section 92(1) of the Traffic Management Act 2004

“parking disc” has the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000

“passenger vehicle” means a motor vehicle/other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than eight passengers exclusive of the driver and not drawing a trailer

“penalty charge” means a charge issued in compliance with the provisions of Part 6 of the Traffic Management Act 2004

“penalty charge notice” a notice of a penalty charge which is issued in accordance with the provisions of Part IV of this Order

“prescribed hours” means:-

- (a) In relation to No.s 1-6 inclusive of Schedule 1 to this Order, 24 hours a day, seven days a week;
- (b) In relation to No. 1 of Schedule 2 to this Order, between the hours of 9pm on one day and 6am the following day, seven days a week;
- (c) In relation to No.1 of Schedule 3 to this Order, between the hours of 8.30am and 6pm the same day, seven days a week; and
- (d) In relation to No’s.1-7 inclusive of Schedule 4 to this Order, between Midnight and 5am seven days a week.

“registered keeper” means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994

“relevant position” has the same meaning as in the Local Authorities Orders (Exemption for Disabled Persons) (England) Regulations 2000

“road” means the entire width of the highway or other road to which the public have access including footway and verges

“road markings” has the meaning as ascribed by Chapter 5 of the Traffic Signs Manual 2003

“taxi rank” means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 and being a length and side of road specified in Schedule 1, 2, 3 and 4 to this Order which is provided for the waiting or stopping of licensed taxis and which is otherwise known as an “appointed Hackney carriage stand” as prescribed by section 63 of the 1976 Act

“vehicle” means any vehicle, whether or not it is in a fit state for use on a road, and includes chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle

3. Save as provided in Article 5 no person shall except upon the direction or with the permission of a Civil Enforcement Officer in uniform or a Police Constable in uniform cause or permit any vehicle, other than a licensed taxi, to wait in the lengths of road or sides of road specified in Schedules 1, 2, 3 and 4 of this Order which have been designated as a taxi rank during the prescribed hours.
4. Save as provided in Article 5 no person shall except upon the direction or with the permission of a Civil Enforcement Officer in uniform or a Police Constable in uniform, cause or permit any vehicle other than a licensed taxi to stop in the

lengths of road or sides of road specified in Schedules 1, 2, 3 and 4 of this Order which have been designated as a taxi rank during the prescribed hours.

5. Nothing in Articles 3 or 4 of this Order shall apply so as to render it unlawful for a person to cause or permit a vehicle to wait in the lengths of road specified therein during the prescribed hours if the vehicle is: -
 - (a) Waiting only so long as is necessary to enable goods or merchandise to be loaded onto or unloaded from a vehicle provided such activity is directed by or with the permission of a Civil Enforcement Officer in uniform or a Police Constable in uniform;
 - (b) Waiting owing to the driver being prevented from proceeding by circumstances beyond his or her control or such waiting be necessary in order to avoid accidents or by virtue of being required by law to stop;
 - (c) A vehicle used for Police, Fire, Ambulance or vehicle recovery purposes or a vehicle (other than a passenger vehicle) to be used in the service of a local authority or its contractors in pursuance of statutory powers or duties;
 - (d) Waiting to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) Being used in connection with any building operation or demolition, the maintenance, improvement of the taxi rank, or the laying, erection, alteration or repair in or near to the said taxi rank of any sewer or of any main, pipe or apparatus for the supply of gas, water, electricity or of any electronic communications apparatus as defined in the Communications Act 2003;
 - (f) Enabling a person to board or alight from a licensed taxi.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II

USE OF LAND AND TAXI RANK

7. Save as provided in Article 8 in this Part II
 - (1) Each area of land specified by name in Schedules 1, 2, 3 & 4 may be used, subject to the following provisions of this clause as a taxi rank.
 - (2) Where in Schedules 1, 2, 3 and 4 a taxi rank is described as available for vehicles plying for hire or allowing passengers to board and alight to wait, the driver of the vehicle shall not permit it to wait in that taxi rank unless it is marked up as a licensed taxi or hackney carriage.

- (3) Notwithstanding that a disabled persons vehicle may have a disabled persons badge and a parking disc displayed in a relevant position no road markings contained within any taxi rank shall entitle any disabled persons vehicle to wait in any taxi rank during the prescribed hours
- 8.
 - (1) The Council may, by notice placed on or near a taxi rank, suspend the use of or close that taxi rank or any part thereof for any period and the driver of a vehicle shall not, without consent of the Council, cause or permit that vehicle to wait in that taxi rank or any part thereof which is suspended or closed.
 - (2) The Council may, by notice placed in or near a taxi rank, designate that taxi rank or any part thereof for free use by vehicles waiting in connection with functions or purposes authorised by the Council and the driver of a vehicle shall not cause or permit that vehicle to wait in that taxi rank or part thereof so designated unless in connection with that function or purpose.
 - (3) Nothing in Article 8 (2) of this Part II shall apply to any vehicles identified in Article 5(a) – 5(e) inclusive of this Order.
- 9. A licensed taxi must be left in the taxi rank so that :
 - (i) the left or nearside of the motor vehicle is adjacent to the left hand edge of the carriageway
 - (ii) the distance between the edge of the carriageway and the nearest wheel is not more than 300 millimetres
 - (iii) every part of a vehicle is within the limits of the taxi rank.
- 10. Each taxi rank may be used, subject to the provisions of this Order for the waiting for hire during 'the prescribed hours' of any licensed taxi.
- 11. The driver of a vehicle referred to in Article 10 using a taxi rank shall :
 - 11.1 stop the engine as soon as the vehicle is in position in the taxi rank and shall not start the engine except when about to change the position of the vehicle or to depart from the taxi rank.
 - 11.2 not leave the vehicle unattended on a taxi rank during the prescribed hours.
- 12. No person shall use a vehicle while it is in the taxi rank either for the purpose of selling it or in connection with the sale of any article to any person in or near the taxi rank or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity or carry out or permit the carrying out of any work of maintenance or repair as may be necessary to enable the vehicle to be moved from the taxi rank.

13. Where a vehicle is standing in a taxi rank in contravention of the provisions of Article 9 of the Order a Civil Enforcement Officer in uniform or a Police Constable in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
14. When a vehicle is left in a taxi rank in contravention of any of the provisions contained in this Order or when a vehicle other than a licensed taxi is left in a taxi rank in contravention of the provisions of this Order, a Civil Enforcement Officer in uniform or a Police Constable in uniform may remove or arrange for the removal of the vehicle from the taxi rank.
15. A Civilian Enforcement Officer in uniform or a Police Constable in uniform removing a vehicle by virtue of Article 14 of this Order may do so by towing or driving the vehicle in such other manner as that Civilian Enforcement Officer in uniform or Police Constable in uniform may think necessary and may take such measures in relation to that vehicle as may be thought necessary to enable the removal as aforesaid.
16. When a Civilian Enforcement Officer in uniform or a Police Constable in uniform removes or makes arrangements for the removal of a vehicle from a taxi rank by virtue of Article 15 of this Order that Civilian Enforcement Officer in uniform or Police Constable in uniform shall make such arrangements as may be reasonably necessary for the safe custody of that vehicle and its contents.
17. (i) Where a Civil Enforcement Officer in uniform has removed or caused to be removed a vehicle in accordance with Article 15 the Council shall be entitled to recover from the person responsible such charges in respect of the removal storage and disposal of the vehicle as it might prescribe from time to time.
- (ii) The provisions of the 1984 Act as amended or of the Refuse Disposal (Amenity) Act 1978 as amended and of the Clean Neighbourhoods and Environment Act 2005 as appropriate shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.

PART III

OTHER PROVISIONS

18. The driver of a vehicle shall not permit that vehicle to use a taxi rank unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by a driver such a policy of insurance as complies with the requirement of Part VI of the Road Traffic Act 1988.

19. No licensed taxi shall be allowed to wait in a taxi rank for longer than is necessary to pick up a fare or wait in excess of the limit of the prescribed hours specified in Schedules 1, 2, 3 and 4.
20. The Council may suspend the application of all or any of the foregoing provisions to any taxi rank or part thereof and may consent to the use of that taxi rank or part thereof for specified purposes.

PART IV

PENALTY CHARGE AT TAXI RANKS

21. (1) If a vehicle is left in a taxi rank in contravention of or non-compliance with any of the relevant provisions of this Order and in respect of which a Penalty Charge may be issued it shall be the duty of a Civil Enforcement Officer to issue a Penalty Charge, pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007(Statutory Instrument Number 2007/3483) or such other Act or Regulation or Statutory Instrument as shall replace or repeal all or part of the said Statutory Instrument Number 2007/3483 (“hereinafter referred to as SI 2007/3483”).
- (2) The Penalty Charge Notice shall be payable by the owner for each day of the said contravention or non compliance to the Council. The amount of the charge being any amount recommended by the Secretary of State and approved by Members of the Council from time to time.
22. The contents of a Penalty Charge Notice served under the provisions of this Order will contain all relevant information set out in regulation 9 or 10 of SI 2007/3483.
23. If a vehicle is left in a taxi rank in contravention of or without complying with the requirements of this Order a contravention shall have occurred and a Penalty Charge shall be payable and/or the vehicle may be removed from that location in accordance with the provisions of this Order.
24. (1) Payment of the penalty charge to the Council or its designated agent shall either be by cash, cheque, postal order, credit or debit card or by electronic memo.
- (2) In the event of payment being received in relation to any Penalty Charge Notice having been correctly served within 14 days of the date the Penalty Charge Notice was issued the amount payable of the Penalty Charge Notice shall be reduced to an amount recommended by the Secretary of State and approved by the Council; the said payment shall be accepted in full settlement of the Penalty Charge Notice payable under the terms hereof;

- (3) Payments can be delivered, sent by post, by telephone or via electronic means as appropriate so as to reach the relevant department/office of the Council or the Council's contractor as stated on the Penalty Charge Notice;
 - (4) Payment must be made by the date specified on the Penalty Charge Notice but should the said Council department/office or the office of the Councils contractor be closed on the said date specified the period for receiving payment will be extended until the next full working day;
 - (5) Payment of the Penalty Charge Notice (whether or not the same is reduced under the provisions of paragraph 2 hereof) will not exonerate any persons from payment of any expenses recoverable in respect of the removal and disposal of the vehicle pursuant to the provisions for the time being in force or from any claim to damages which the Council may have in respect of damage incurred in relation to the parking of the vehicle howsoever arising.
- 25.** The particulars detailed on the Penalty Charge Notice, notified in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
- 26.** The enforcement of Penalty Charges will be carried out in accordance with the provisions of Part V of SI 2007/3483
- 27.** The registered keeper at the relevant date shall, pursuant to the provisions of Vehicle Excise and Registration Act 1994, be deemed to be responsible for any contravention or non-compliance with this Order unless the registered keeper can prove in any proceedings:-
- (i) that the registered keeper was neither the owner nor the keeper of the vehicles at the time of the contravention; or
 - (ii) that the vehicle was being used on that date without the consent of the registered keeper.

Provided that the Council shall be entitled to proceed against any other persons who the Council proves to be either the owner or the keeper or the driver of the vehicle at the time of the contravention instead of the registered keeper.

PART V

LIABILITIES AND PENALTIES

- 28.** The Council accepts no liability for the loss or damage to vehicles or other property left in any vehicle waiting in the taxi ranks referred to in this Order.

- 29.** (1) Any person who contravenes or fails to comply with any provision of Part II and/or Part III of this Order shall be guilty of an offence pursuant to Section 64 of the 1976 Act or pursuant to s.2 Refuse Disposal (Amenity) Act 1978 as amended as the case may be.

Common Seal of THE COUNCIL OF)
THE CITY OF CARLISLE in the)
presence of:)

Director of Governance

Schedule 1

Prohibition of waiting except for licensed taxis 24 hours Monday to Sunday

No.	Street Name	Time	Street Side	Restricted Length	No of taxis
1	Lonsdale Street	24hrs Monday to Sunday	North side	From a point 93m from it's junction with Lowther Street for a distance of 8m in an easterly direction	1
2	English Street	24hrs Monday to Sunday	North east side	From a point 5m from it's junction with Citadel Row for a distance of 26m in a north westerly direction	5
3	Warwick Road	24hrs Monday to Sunday	South side	From a point 61m from it's junction with Cecil Street for a distance of 31m in a westerly direction	6
4	St Nicholas Street	24hrs Monday to Sunday	West side	From a point 18m from it's junction with Albion Street for a distance of 10m in a northerly direction	2
5	Court Square Brow(railway station)	24hrs Monday to Sunday	North side	From a point 45m from it's junction with English Street for a distance of 68m	13
6	Portland Place	24hrs Monday to Sunday	South east side	From a point 47m from it's junction with Cecil Street for a distance of 34m in a south westerly direction	5

Schedule 2

Prohibition of waiting except for licensed taxis 9pm-6am Monday to Sunday

No.	Street Name	Time	Street Side	Restricted Length	No of taxis
1	English Street	9pm-6am Monday to Sunday	South west side	From a point 21m from it's junction with Victoria Viaduct for a distance of 16m in a south easterly direction (in the existing loading bay)	3

Schedule 3

Prohibition of waiting except for licensed taxis 8.30am-6pm Monday to Sunday

No.	Street Name	Time	Street Side	Restricted Length	No of taxis
1	Rickergate	8.30am-6pm Monday to Sunday	West side	From a point 40m from it's junction with Warwick Street for a distance of 12m in a northerly direction	2

Schedule 4

Prohibition of waiting except for licensed taxis Midnight -5am Monday to Sunday

No.	Street Name	Time	Street Side	Restricted Length	No of taxis
1	The Crescent	Midnight - 5am Monday to Sunday	East side	From a point 7m from it's junction with Warwick Road for a distance of 51m in a southerly direction	10
2	English Street	Midnight - 5am Monday to Sunday	West side	From a point 4m from it's junction with Court Square Brow for a distance of 15m in a north westerly direction	3
3	English Street	Midnight - 5am Monday to Sunday	West side	From a point 22m from it's junction with Court Square Brow for a distance of 15m in a north westerly direction	3
4	English Street	Midnight - 5am Monday to Sunday	West side	From a point 46m from it's junction with Victoria Viaduct for a distance of 15m in a south easterly direction	3
5	English Street	Midnight - 5am Monday to Sunday	West side	From a point 67m from it's junction with Victoria Viaduct for a distance of 15m in a south easterly direction	3
6	English Street	Midnight - 5am Monday to Sunday	West side	From a point 87m from it's junction with Victoria Viaduct for a distance of 15m in a south easterly direction	3
7	Court Square Brow	Midnight - 5am Monday to Sunday	South side	From a point 117m from it's junction with Botchergate for a distance of 6m in an easterly direction	1

DONALDSONS

CUMBERLANDS FRIENDLIEST FURNISHERS

KENNEDY CENTER,

LONSDALE STREET,
CARLISLE CA1 1BJ

Tel: 01228 810920

Fax: 01228 818344

Angela Culleton
Civic Centre
Carlisle.

Further to the taxi rank proposal.

Over the last 30 years that we have worked from Lonsdale St, this in memory is the 4th time a proposal for a taxi rank has been made.

It has failed 3 times.

As I remember pointing out the 1st time that it would not be needed and would be abused I was then proved correct.

There is taxi provision on the South side of the road, which is not used until a week prior to orders like this one to try and prove it is used.

This happened to the last one on the north side when no taxis used it. On speaking to a taxi driver he said they had been asked to try and use it even though it had proved unsuccessful, in an effort to keep it.

It would be more useful to put an order in for more parking, this in turn will benefit the city and attract more people. We need people, we need customers, the town needs customers, this should be the priority.

Instead we are looking at a traffic order that has failed 3 times and you are wanting to try it again, please can you tell me where is the sense in this?

I obviously object to the provision of a taxi space for obvious reasons.

Yours Sincerely

Giles Vasey

Allan

Estate Agents

26-30 Lonsdale Street, Carlisle, Cumbria CA1 1DB
22 High Street, Wigton, Cumbria CA7 9NJ
T: 01228 511711 E: info@allanestateagents.co.uk
W: www.allanestateagents.co.uk

To: Angela Culleton
Local Environment

24th May 2013

Ref: SJ

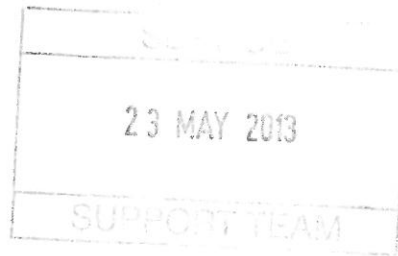
With regard to the proposed taxi space on the North side of Lonsdale Street.

We are concerned we already have a taxi space on the South side of the street which is very rarely used by taxi's, in the past we have had taxi space on the North side and this did not get used.

The businesses on the street require short term parking for customers and loosing valuable car park spaces is a concern to us.

Regards

Tina Murray
Partner



Angela Culleton
Director of Local Environment
Civic Centre
Carlisle
CA3 8QG

**Lamont
Pridmore**

Chartered Accountants
Tax & Business Advisers

22nd May 2013

Your Ref: SJ

Dear Ms Culleton

Proposed Taxi Rank on Lonsdale Street

We refer to your proposal to convert part of the on-street parking areas on Lonsdale Street into a taxi rank.

We wish to register our opposition to this proposal on a number of grounds as follows:

1. There is limited on-street parking in the immediate vicinity and the spaces currently available are of major benefit to the local businesses, particularly for those wishing to drop-off or collect goods from the local shop and office premises.
2. There is already significant provision for taxi ranks throughout the city and there appears to be little evidence of any requirement for further taxi rank spaces.
3. There appears to be no logic for sighting additional ranks in Lonsdale Street. It is not a central location for those travelling to the city centre by taxi and is not adjacent to other services such as the train station. The people utilising the bus station are extremely unlikely to arrive by taxi and then wish to continue their journey by bus or alternatively arrive by bus for onward travel by taxi.

We strongly object to this proposal as additional taxi rank spaces, particularly in this vicinity, are not required and there seems little justification to lose more of the already limited on-street parking in the city centre.

Yours faithfully

Peter Brooks
Managing Director



INVESTOR IN PEOPLE

Lamont Pridmore Limited Registered Office: 31 Lonsdale Street, Carlisle, Cumbria CA1 1BJ
Tel: 01228 520118 • Fax: 01228 511999 • Email: carlisle@lamontpridmore.co.uk • www.lamontpridmore.co.uk

Lamont Pridmore is a trading name of Lamont Pridmore Limited. Registered in England No. 06328629
A list of Directors and our offices throughout Cumbria is available from 31 Lonsdale Street, Carlisle, Cumbria CA1 1BJ

CountryHouseOutdoor

Lifestyle Clothing & Footwear

Angela Culleton, director for the local environment
Civic Centre
Rickergate
Carlisle
CA3 8QG

24-05-2013

Ref: SJ

Dear Mrs Culleton,

I write regarding the proposed taxi space for the North side of Lonsdale Street, we currently have this facility on the South side which is very rarely used so I am at a loss as to why you see the need for another one on the North side, we need more parking to help local business survive not less.

Clearly I object strongly to this proposal, I also feel it necessary to point out that over the years there has been various proposals for this area all of which have failed-this must have cost the tax payer an awful lot of money and with all the reported government cut backs surely this has not been a good use of tax payers money, I urge you to stop meddling and leave our street alone.

Yours sincerely

Anthony Irving

Managing Director



K.FRANCE OPTICIANS LTD
26 SPENCER STREET,
CARLISLE, CUMBRIA CA1 1BG
TELEPHONE 01228 521813
EMAIL: contact@k-france.co.uk
WEBSITE: www.k-france.co.uk

22nd May 2013

Angela Culleton,
Director for Local Environment,
Carlisle City Council,
CARLISLE

Dear Ms Culleton,

I am writing to register my objection to the proposed creation of a taxi rank on the north side of Lonsdale Street in Carlisle. There have been taxi ranks there before which have been removed and the existing taxi rank on the south side is unused and occupies a valuable parking space, which could be made available for visitors to the local businesses.

I am surprised that the council persists in forcing these changes onto the business rate payers of the area. I have canvassed opinion amongst the businesses and offices in this street on previous parking alterations and we do not want a taxi rank during daytime. The previous night clubs that had a demand for taxi's are no longer open!

Yours sincerely,

Tim Harper, director

Business Hours Monday to Friday: 9.00am - 5.30pm • Saturday: 9.00am - 12.30pm

DIRECTORS: **M.K. Golden** BSc (Hons), MSc., M.C. Optom **T.R. Harper** BSc (Hons), M.C. Optom

REGISTERED OFFICE: 31, Asda Supermarket, Carlisle, Cumbria, CA1 1BG. COMPANY REGISTRATION NO: 3881374 VAT NO: 514309865
https://docs.google.com/document/d/1sJNtB592JRV_H0JqGX7PXB1AAtuTORD1cauf0/edit



Cumbria-Cumberland

W.I. House, 33 Lonsdale Street, Carlisle. CA1 1BJ

Tel & Fax 01228 521774

E-mail secretary@ccfwi.co.uk www.ccfwi.org.uk

Chairman : Mrs P Jago
Honorary Treasurer : Mrs J Baker
Federation Secretary : Mrs S Rogerson

Office open to visitors: Monday 1.00pm to 4.00pm
Tuesday/Wednesday 10.00am to 4.00pm
Thursday 10.00am to 12noon

23rd May 213

Angela Culleton
Director of Local Environment
Civic Centre
Carlisle CA3 8QG

REFERENCE SJ

The Trustees of the Cumbria Cumberland Federation of Women's Institutes are very concerned about the proposed taxi rank on Lonsdale Street. The Federation has nearly 2,000 members and 33 Lonsdale Street is their Federation Office and meeting place.

Over recent years it has become increasingly difficult for our members to park anywhere near to WI House. We hold many workshops a year which members attend but quite often they just want to call in for ten minutes to either collect or drop something off. This is proving virtually impossible due to the lack of parking in the immediate vicinity. Many of our members are elderly, although not necessarily disabled, and are not able to walk very far.

I understand that cars are now parking all day outside Donaldson's instead of the one hour parking disc that used to be required. This reduces even further our member's chances of finding a nearby parking space. This will have a knock on effect with businesses in the town. In the past many of our members have come into WI House to do their committee business and then gone on to do some shopping or have coffee or lunch in the town. Now that City centre parking is becoming harder and harder many members prefer to do their transactions with us by post.

As there are several taxi ranks already dotted around the town (are these really used very much in daytime hours!) we would like to see the reinstatement of one hour disc parking outside Donaldson's with perhaps one parking space for disabled.

I hope that you will give this letter due care and consideration.

Yours sincerely

Sandra Rogerson
Federation Secretary

JOINT MANAGEMENT TEAM

Monday, 2nd September 2013

MINUTES

Present:	Councillors Colin Glover (Chair), E Martlew, J Riddle, H Bradley and L Tickner
	D Crossley, A Culleton, K Gerrard, J Gooding, M Lambert, P Mason, J Meek
Apologies:	Councillor A Quilter

JMT 63/13 – JMT minutes of previous meeting	
Minutes of the previous meeting were discussed and agreed.	ACTION:
JMT 64/13 – Use of Section 106 Funds	
J Meek provided a verbal update on the above. A full discussion was held following the update and options will be brought back to JMT.	ACTION: J Meek, A Culleton
JMT 65/13 – World Health Organisation	
K Gerrard provided copies of a Draft Report for consideration by JMT explaining current background. The matter will be discussed again when Cllr Quilter is available and K Gerrard will confirm which date this will come back to JMT.	ACTION: K Gerrard
JMT 66/13 – Fair Finance City	
Cllr Glover provided an overview on the background to this following a recent meeting he attended. This topic was discussed by all with various points raised and the way forward will be scheduled by K Gerrard. Cllr Riddle agreed to circulate a paper on the topic to all.	ACTION: Cllr Riddle K Gerrard
JMT 67/13 – Notice of Executive Key Decisions	
No amendments advised.	
JMT 68/13 – JMT Forward Plan	
Discussed and updated.	
JMT 67/13 - AOB	
A Culleton advised on restructure consultation taking place within Waste Services.	

