

EXECUTIVE

MONDAY 14 SEPTEMBER 2020 AT 4.00 PM

PRESENT:

Councillor J Mallinson (Leader / Chair)
Councillor Ellis (Deputy Leader, and Finance, Governance and Resources Portfolio Holder)
Councillor Christian (Environment and Transport Portfolio Holder)
Councillor Higgs (Culture, Heritage and Leisure Portfolio Holder)
Councillor Mrs Mallinson (Communities, Health and Wellbeing Portfolio Holder)
Councillor Nedved (Economy, Enterprise and Housing Portfolio Holder)

OFFICERS:

Deputy Chief Executive
Corporate Director of Governance and Regulatory Services
Corporate Director of Finance and Resources
Corporate Director of Economic Development

ALSO PRESENT:

Councillor Bainbridge (Chair – Business and Transformation Scrutiny Panel)
Councillor Brown (Chair – Economic Growth Scrutiny Panel)
Councillor Mrs Finlayson (Vice-Chair – Health and Wellbeing Scrutiny Panel)

WELCOME

The Leader welcomed all those present to the meeting.

REGISTER OF ATTENDANCE AND DECLARATIONS OF INTEREST

A roll call of persons in attendance was taken.

Councillor Mrs Mallinson declared a disclosable pecuniary interest in accordance with the Council's Code of Conduct in respect of Agenda item A.8 – Update of Private Sector Housing Enforcement Policy – Electrical Safety and Minimum Energy Efficiency Standards. The interest related to the fact that Councillor Mrs Mallinson is a landlady.

Councillor Mallinson (J) declared a disclosable pecuniary interest in accordance with the Council's Code of Conduct in respect of Agenda item A.8 – Update of Private Sector Housing Enforcement Policy – Electrical Safety and Minimum Energy Efficiency Standards. The interest related to the fact that Councillor Mallinson is a private landlord.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

MINUTES OF PREVIOUS MEETINGS

The Leader moved and the Deputy Leader seconded that the Minutes of the meetings of the Executive held on 20 July and 17 August 2020 be confirmed as a true record of the meetings; which course of action was agreed. The Chair would sign the Minutes at the first practicable opportunity.

EX.101/20 NOTICE OF EXECUTIVE KEY DECISIONS (Non Key Decision)

Portfolio Cross-Cutting

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

Subject Matter

The Notice of Executive Key Decisions dated 14 August 2020 was submitted for information.

The Leader moved and the Deputy Leader seconded the paper.

Summary of options rejected None

DECISION

That the Notice of Executive Key Decisions dated 14 August 2020 be received.

Reasons for Decision

Not applicable

EX.102/20 SCHEDULE OF DECISIONS TAKEN BY THE LEADER / PORTFOLIO **HOLDERS** (Non Key Decision)

Portfolio Cross-cutting

Relevant Scrutiny Panel Health and Wellbeing; Business and Transformation

Subject Matter

Details of a decision taken by the Leader (LD.06/20) under delegated powers was submitted.

The Leader moved and the Deputy Leader seconded the paper.

Summary of options rejected None

DECISION

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

Reasons for Decision

Not applicable

EX.103/20 SCHEDULE OF DECISIONS TAKEN BY OFFICERS
(Non Key Decision)

Portfolio Cross-cutting

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

Subject Matter

Details of decisions taken by Officers under delegated powers were submitted.

The Leader moved and the Deputy Leader seconded the paper.

Summary of options rejected None

DECISION

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

Reasons for Decision

Not applicable

EX.104/20 JOINT MANAGEMENT TEAM
(Non Key Decision)

Portfolio Cross-cutting

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

Subject Matter

The Leader moved and the Deputy Leader seconded that the Minutes of the meeting of the Joint Management Team held on 17 August 2020 be received.

Summary of options rejected None

DECISION

That the Minutes of the meeting of the Joint Management Team held on 17 August 2020, attached as Appendix C, be received.

Reasons for Decision

Not applicable

EX.105/20 ANNUAL EQUALITY REPORT 2019/20 AND EQUALITY ACTION PLAN 2020
(Non Key Decision)

Portfolio Communities, Health and Wellbeing

Relevant Scrutiny Panel Health and Wellbeing; Business and Transformation

Subject Matter

The Communities, Health and Wellbeing Portfolio Holder submitted report PC.18/20 presenting the Annual Equality Report for 2019/20, together with the Equality Action Plan 2020. A summary of the Council's duty under the Equality Act (2010) in terms of decision making, policy development and engagement was set out at Section 1.

The Annual Equality Report 2019/20 (Appendix 1) provided an overview of equality work, including the workforce profile, employee support, customer satisfaction, complaints, consultation and engagement.

The Portfolio Holder informed the meeting that the report had received a great deal of support, including from Scrutiny who had established a Task and Finish Group. The Executive had considered those recommendations, which had been incorporated as necessary.

Support was also forthcoming from the Council's employees; the 2020 Employee Opinion Survey finding that 90.7% of staff rated the Council as a very good or good employer. The authority continued to support the 'Time to Change' Employers' Pledge and was committed to promoting health awareness, including via promotion of Mental Health Awareness Week. In addition, a Wellbeing and Mental Health Statement and a Workplace Healthy Eating Statement had been introduced to help embed that within the organisation.

The Council had achieved the Silver Better Health at Work Award and was now working towards the Gold Award. That could not be done without the assistance of staff throughout the process.

The Health and Wellbeing Scrutiny Panel had scrutinised the matter at their meeting held on 27 August 2020 (HWSP.44/20) resolving:

"1) That the Policy and Communications Manager circulate to the Panel:

- i) Further detail on the data set relating to disability and recruitment;
- ii) Information regarding the continuation of post in the Improving The Private Rented Sector – Tackling Rogue project

2) That the Policy and Communications Manager consider how nil-responses on the equalities form be named in future reports.”

The Portfolio Holder further advised that one of the issues raised at the Health and Wellbeing Scrutiny Panel on 27 August 2020 related to whether officers were being afforded sufficient time to attend relevant training. A list of training open to members of staff was provided within the report which demonstrated that the authority was very keen that its staff were fully informed and played an active part.

The Communities, Health and Wellbeing Portfolio Holder concluded by moving the recommendation as written.

The Deputy Leader seconded the recommendation.

The Vice-Chair of the Health and Wellbeing Scrutiny Panel confirmed that she had no wish to comment.

Summary of options rejected None

DECISION

That the Executive had considered and commented upon the content of the Annual Equality Report 2019/20 and Equality Action Plan 2020 as appended to Report PC.18/20, together with the observations of the Health and Wellbeing Scrutiny Panel.

Reasons for Decision

The Annual Equality Report was presented to enable the Council to fulfil the requirements of the Public Sector Equality Duty

EX.106/20 QUARTER 1 PERFORMANCE REPORT 2020/21
(Non Key Decision)

Portfolio Finance, Governance and Resources

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

Subject Matter

The Deputy Leader submitted report PC.22/20 containing the Quarter 1 2020/21 performance against the current Service Standards, together with a summary of the Carlisle Plan actions as defined in the ‘plan on a page’. Performance against the 2020/21 Key Performance Indicators was also included.

Referencing the summary of exceptions, the Deputy Leader indicated that one would find that the performance had been impacted by COVID-19 or changes which had arisen as a result of the pandemic. There was however no reason why, as the country moved forward, matters should not improve.

The Economic Growth; Health and Wellbeing; and Business and Transformation Scrutiny Panels had scrutinised the performance at meetings held on 20 and 27 August, and 3 September 2020 respectively. Excerpts from the minutes of those meetings were also submitted (EGSP.42/20; HWSP.43/20; and BTSP.51/20 referred).

The Deputy Leader noted that the Economic Growth Scrutiny Panel had resolved that the Chair, Vice-Chair, Corporate Director of Economic Development and the Policy and Performance Officer would meet to discuss the future performance information which would be provided to the Panel with a first draft template submitted to the Panel with the Quarter 2 Performance Report.

The Chair of the Economic Growth Scrutiny Panel informed the Executive that she had nothing further to add, other than to confirm that the meeting alluded to had taken place.

The Chair of the Business and Transformation Scrutiny Panel confirmed that the Panel was content with the report. There was, however, some concern that the performance targets were not aiming for the highest quartiles or being sufficiently stretched, and perhaps in the longer term there was a need to look at more challenging and focussed targets.

The Deputy Leader considered the point raised by the Business and Transformation Scrutiny Panel Chair to be fair in terms of how the authority considered and measured its performance with a view to better service delivery.

In conclusion, the Deputy Leader moved the recommendations set out in the report.

Summary of options rejected None

DECISION

That the Executive had given consideration to the performance of the City Council as presented in Report PC.22/20, and the observations of the Scrutiny Panels, with a view to seeking continuous improvement in how the Council delivered its priorities.

Reasons for Decision

To seek Executive consideration of the performance of the City Council as presented in the report

EX.107/20 ECONOMIC GROWTH SCRUTINY PANEL
(Non Key Decision)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Economic Growth

Subject Matter

There was submitted Excerpt from the Minutes of the Economic Growth Scrutiny Panel held on 20 August 2020 (EGSP.40/20) setting out the Panel's observations and recommendations following receipt of an update on the work of the Local Enterprise Partnership. The Panel had resolved:

"1) That Ms Lappin be thanked for her informative and detailed presentation (ED.31/20) on the Cumbria Local Enterprise Partnership;

2) That the Panel request that the Executive promote engagement with the Business and Economy Response and Recovery Group (BERRG) of the Local Resilience Forum, particularly in developing a recovery plan;

3) That the Cumbria Local Enterprise Partnership provide an update briefing note to the Panel Members with key data on impacts of Covid-19 on economic growth in Carlisle;

4) That the Corporate Director of Economic Development liaise with the Chair and the CLEP to link the work of the Economic Growth Scrutiny Panel into the Council's contribution to the CLEP's scrutiny function."

Speaking at the invitation of the Leader, the Chair of the Economic Growth Scrutiny Panel stated that she had little to add to the content of the Minute, and hoped that the Executive would look to work with the BERRG as requested by the Panel.

In response, the Economy, Enterprise and Housing Portfolio Holder firstly wished to thank the Economic Growth Scrutiny Panel for staging an informative and detailed presentation from Ms Lappin.

The Portfolio Holder stated that the Executive was keen to promote and engage with the BERRG of the Local Resilience Forum. The BERRG was responsible for assessing the implications of COVID-19 on Cumbria's economy and businesses, identifying how those might be addressed and in turn raising key issues and concerns with central Government.

Carlisle City Council had been actively engaged with the LEP on BERRG, being one of the six local authorities with a presence within the Group and worked together to distribute the Government's local authority discretionary grants.

Turning to the recovery plan, the Portfolio Holder advised that evidence was being gathered in order to target the actions.

The Economy, Enterprise and Housing Portfolio Holder then moved the above response, which was seconded by the Communities, Health and Wellbeing Portfolio Holder.

Summary of options rejected

None

DECISION

That the response of the Executive, as detailed above, be conveyed to the Economic Growth Scrutiny Panel.

Reasons for Decision

To respond to a request from the Economic Growth Scrutiny Panel

EX.108/20 UPDATE OF PRIVATE SECTOR HOUSING ENFORCEMENT POLICY ELECTRICAL SAFETY AND MINIMUM ENERGY EFFICIENCY STANDARDS

(Key Decision – KD.21/20)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Health and Wellbeing

Subject Matter

Councillors Mallinson (J) and Mrs Mallinson, having declared disclosable pecuniary interests, retired from the meeting prior to commencement of this item of business.

The Deputy Leader assumed the Chair.

The Economy, Enterprise and Housing Portfolio Holder submitted report GD.35/20, the purpose of which was to put forward an updated Private Sector Housing Enforcement Policy to that previously approved by the Executive. The background position was as detailed at paragraphs 1.1 – 1.3.

The Portfolio Holder explained that the update was required to reflect the legislative challenges introduced to further improve health and safety standards in the private rented sector and to reflect the best practice guidance available to respond to the City Council's statutory duties. Details of the proposed changes were recorded at Section 2.

Guidelines for financial penalties for breaches of the Regulations were set out on page 127 of the document pack.

The Policy also included an update to accommodate changes in legislation in future and to enable small amendments to be made in conjunction with the Service Director and the Portfolio Holder which would be documented in an Officer Decision Notice.

The Economy, Enterprise and Housing Portfolio Holder concluded his presentation by moving the recommendation, which was duly seconded by the Culture, Heritage and Leisure Portfolio Holder.

The Environment and Transport Portfolio Holder referenced Part 5 – Minimum Energy Efficiency Standards (page 125 of the pack) commenting that, of course, the Council did not set the standards. Rather its job was one of enforcement. It was further worth noting that the standards currently in place were actually relatively low and there had been a national move to try to achieve zero carbon for new housing by 2030.

In his view, the Council should support that move due to the fact that greenhouse gas emissions relative to housing were quite high.

Summary of options rejected that the updated Enforcement Policy should not be approved

DECISION

That the Executive approved the updated Private Sector Housing Enforcement Policy appended to Report GD.35/20, including the new charges specified therein.

Reasons for Decision

The revised Enforcement Policy would enable Officers to apply enforcement in a fair and consistent manner in recognition of the Enforcement Concordat and the Regulators' Compliance Code. The Policy was also a foundation for the future of private sector housing enforcement at the Council

EX.109/20 PUBLIC AND PRESS

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

EX.110/20 DISPOSAL OF ASSET (PROPERTY AT 17 SCOTCH STREET, CARLISLE)
(Key Decision – KD.22/20)
(Public and Press excluded by virtue of Paragraph 3)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader submitted private report GD.40/20 designed to update the Executive on the negotiations that had been taking place for the disposal of the property asset, and to seek approval to progress the disposal.

Details of the background position, proposals and risks were set out within the report.

The Deputy Leader concluded by moving the recommendations, which were seconded by the Leader.

Summary of options rejected other options detailed within the report

DECISION

That the Executive:

- 1) Authorise the disposal of the property asset in this location i.e. the property at 17 Scotch Street, Carlisle (hereafter referred to as the Subject Asset) which was shown edged red on attached Plan 1 that formed Appendix 1 to the report.

- 2) Authorise the Corporate Director of Governance and Regulatory Services to finalise and agree the heads of terms and if necessary, re-market and complete the disposal of the Subject Asset provided that the Property Services Manager is satisfied that the disposal represents best consideration.
- 3) In the event of the proposed disposal not proceeding as planned, authorise the Corporate Director of Governance and Regulatory Services to re-market the Subject Asset by any appropriate property disposal method, such as a sale by auction, and agree the heads of terms for its disposal provided:
 - a) The Subject Asset is exposed to the open market
 - b) The Property Services Manager is satisfied that the disposal represents best consideration
 - c) The disposal is progressed at a value that is equal to or greater than the amount specified in Report GD.40/20.
- 4) Authorise the Corporate Director of Governance and Regulatory Services to complete all necessary legal and other relevant documentation required to progress the disposal of the Subject Asset

Reasons for Decision

As detailed within the report

[The meeting ended at 4.23 pm]