

## **CITY COUNCIL**

**TUESDAY 13 SEPTEMBER 2011 AT 6.45 PM**

**PRESENT:** The Mayor (Councillor Earp), Councillors Allison, Bainbridge, Bell, Betton, Bloxham, Boaden, Bowditch, Mrs Bowman, Bowman (S), Mrs Bradley, Cape, Mrs Clarke, Clarke (M), Collier, Craig, Ellis, Mrs Farmer, Mrs Geddes, Glover, Graham, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), McDevitt, Mitchelson, Morton, Nedved, Mrs Parsons, Ms Patrick, Mrs Prest, Ms Quilter, Mrs Riddle, Mrs Robson, Mrs Rutherford, Scarborough, Mrs Southward, Stothard, Tootle, Mrs Vasey, Mrs Warwick, Watson, Weber, Weedall, Whalen and Wilson.

### **C.117/11 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Atkinson and Ms Franklin.

### **C.118/11 MINUTES**

Referring to Minute C.102/11, Councillor Bowditch stated that he had at the last meeting of the City Council raised a question regarding the Carlisle Partnership's AGM held on 17 June 2011 at Tullie House and, in particular, comments made by Mr John Stevenson MP as part of a keynote speech. He asked that the Minute be amended to reflect the question and response.

In response to a procedural issue raised by Councillor Hendry, the Mayor confirmed that the Chairman of the Resources Overview and Scrutiny Panel would move the Panel Minutes later in the meeting. It would therefore be appropriate to raise any questions on those Minutes at that time.

Councillor Morton then moved and Councillor Bloxham seconded the minutes of the meeting of the City Council held on 19 July 2011 as detailed within Minute Volume 38(2).

Following voting thereon and on the casting vote of the Mayor, it was -

**RESOLVED** – That the Minutes of the meeting of the City Council held on 19 July 2011 be received and signed as a true record of the meeting.

### **C.119/11 PUBLIC AND PRESS**

**RESOLVED** – That the Agenda be agreed as circulated.

## **C.120/11     DECLARATIONS OF INTEREST**

Councillor Mitchelson declared a personal interest in accordance with the Council's Code of Conduct in respect of Minute EX.085/11 (Food Law Enforcement Service Plan) and Item 17(v) (Food Law Enforcement). The declaration related to a business interest.

Councillors Cape and Scarborough declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Items 18 and 21 (Carlisle Airport: Audit Commission Report). The interests related to the fact that they were Members of the Development Control Committee. Councillors Cape and Scarborough indicated that they would leave the meeting during consideration of those items of business.

Councillor Ellis declared a personal interest in accordance with the Council's Code of Conduct in respect of Item 10(b)(vi) (Performance and Development Portfolio Holder Report). He stated that he was a Member of the Tullie House Trust.

## **C.121/11     ANNOUNCEMENTS**

### **(a)     The Mayor**

The Mayor announced that his 'blog' was now active and would enable people to find out where he was and what he was doing. He added that blogs were an effective method of engaging with the public and, particularly, young people and invited other Members of the Council to do likewise.

### **(b)     The Leader of the Council**

Councillor Mitchelson reported that, as Members were aware, the Executive had on 30 August 2011 approved an amendment to the Discretionary Rate Relief Policy in order for it to proceed for consideration by Overview and Scrutiny and thereafter to Council (EX.102/11).

He outlined the background to the award of rate relief to the Eden Valley Hospice, commenting that the Executive would now include a discretionary "top up" of 20% within the criteria so that the Hospice was dealt with as a special case. That would take account of the remarkable and unique services provided by the Hospice to Carlisle's communities which were not replicated by others in the district.

Councillor Hendry made reference to the Motion concerning Discretionary Rate Relief set out at Item 16(2). He indicated that, notwithstanding the Leader's assurance, Members would still wish to debate the matter.

### **(c)     Members of the Executive**

There were no announcements from Members of the Executive.

(d) Acting Town Clerk and Chief Executive

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

**C.122/11 QUESTIONS BY MEMBERS OF THE PUBLIC**

Pursuant to Procedure Rule 10.1, the Acting Town Clerk and Chief Executive reported that no questions had been submitted on notice by members of the public.

**C.123/11 PETITIONS AND DEPUTATIONS**

Pursuant to Procedure Rule 10.11, the Acting Town Clerk and Chief Executive reported that no petitions or deputations had been submitted by members of the public.

**C.124/11 QUESTIONS FROM MEMBERS OF THE CITY COUNCIL**

Pursuant to Procedure Rule 11.2, the Acting Town Clerk and Chief Executive reported that no questions had been submitted on notice by Members of the Council.

**C.125/11 EXECUTIVE**

Councillor Mitchelson, having declared a personal interest, made no comment on the Minutes of the Executive.

Councillor Mitchelson moved and Councillor Mallinson (J) seconded the Minutes of the meetings of the Executive held on 26 July and 30 August 2011.

Councillor Mrs Bradley questioned the delayed presentation of Joint Management Team Minutes to Council and their availability to Members / the public.

Councillor Mitchelson explained that the issue was one of timing. The Minutes were considered by the Executive as a standing Agenda item, and were published on the Council's website along with the Agenda and reports for each meeting of the Executive.

RESOLVED – That the Minutes of the meetings of the Executive held on 26 July and 30 August 2011 be received and adopted.

## **C.126/11      PORTFOLIO HOLDER REPORTS**

Councillor Ellis, having declared a personal interest, presented his Portfolio Holder report and responded to a Member's question.

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

Leader's Portfolio  
Governance and Resources  
Community Engagement  
Economic Development  
Environment and Housing  
Performance and Development

The Community Engagement Portfolio Holder further reported on the very successful CDRP "Fun in the Sun" event held during the summer.

Members questioned individual Portfolio Holders on details of their reports.

Councillor Glover referred to the major difficulties faced by people with disabilities within Carlisle and Cumbria in accessing employment. He felt that the NHS was well placed to assist those people back into employment and questioned why Health Services were not represented on the new Carlisle Partnership Economic Development Group. In response, Councillor Mitchelson undertook to feedback those comments to the Chairman of the Group.

Members referred to work undertaken and achievements recorded within the Environment and Housing Portfolio Holder's report in relation to Housing Services, Waste Services, Green Flag Awards, Big Tidy Ups and the Street Cleansing Team. They expressed their thanks and congratulations for the input of all those involved.

On behalf of the Labour Group, Councillor Glover reiterated the sentiments expressed by the Performance and Development Portfolio Holder with regard to Mr John Mallinson who had left the authority after 30 years service. He recognised the superb contribution which Mr Mallinson had made to emergency planning on both a City-wide and national basis and wished him well for the future.

RESOLVED – (1) That the reports of the Portfolio Holders be received.

(2) That, in response to a question raised by Councillor Bowditch, the Governance and Resources Portfolio Holder undertook to circulate details of the assets disposed of to date under the Asset Review Disposal Programme.

(3) That the Community Engagement Portfolio Holder respond in writing to Councillor Patrick's request for further detail / clarification on the accuracy of the crime figures detailed within her Portfolio Holder report.

(4) That in response to concerns raised by Councillor Whalen regarding Homelessness Prevention and Accommodation Services, the Environment and Housing Portfolio Holder liaise with the Assistant Director (Community Engagement) with a view to arranging a session to enable Members to have a better understanding of the criteria governing homelessness.

#### **C.127/11      OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN'S REPORTS**

##### **(a)      Community Overview and Scrutiny Panel**

Councillor Mrs Luckley moved and Councillor Glover seconded that the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 14 July 2011 be received and adopted.

Councillor Mrs Luckley also presented her Chairman's Report.

RESOLVED – That the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 14 July 2011 together with the Chairman's Report be received and adopted.

##### **(b)      Resources Overview and Scrutiny Panel**

Councillor Layden moved and Councillor Bowman (S) seconded that the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 21 July and 25 August 2011 be received and adopted.

Councillor Layden also presented his Chairman's Report

Councillor Hendry raised the issue of Employee Opinion Surveys (Minute ROSP.48/11). He suggested that, in addition to undertaking surveys of staff, it would be beneficial to also canvass the view of Members and to undertake exit surveys since those processes may result in different data being provided.

Councillor Layden replied that there had been a wide ranging discussion on the matter which would be incorporated within quarterly monitoring reports. He added that the issue could be raised at a future Panel meeting.

RESOLVED – That the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 21 July and 25 August 2011 together with the Chairman's Report be received and adopted.

##### **(c)      Environment and Economy Overview and Scrutiny Panel**

Councillor Mrs Rutherford moved and Councillor Craig seconded that the Minutes of the Meeting of the Environment and Economy Overview and Scrutiny Panel held on 28 July 2011 be received and adopted.

Councillor Mrs Rutherford also presented her Chairman's Report and responded to a Member's question concerning the Development of Carlisle's Visitor Economy – Project Initiation and Update.

RESOLVED – That the Minutes of the meeting of the Environment and Economy Overview and Scrutiny Panel held on 28 July 2011 together with the Chairman's Report be received and adopted.

#### **C.128/11      REGULATORY PANEL**

Councillor Morton moved and Councillor Mrs Parsons seconded the receipt and adoption of the Minutes of the Meetings of the Regulatory Panel held on 6 July and 10 August 2011.

RESOLVED – That the Minutes of the Meetings of the Regulatory Panel held on 6 July and 10 August 2011 be received and adopted.

#### **C.129/11      DEVELOPMENT CONTROL COMMITTEE**

Councillor Mrs Parsons moved and Councillor Scarborough seconded the receipt and adoption of the Minutes of the Meetings of the Development Control Committee held on 6, 8, 13 and 15 July 2011.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 6, 8, 13 and 15 July 2011 be received and adopted.

#### **C.130/11      AUDIT COMMITTEE**

Councillor Mrs Mallinson moved and Councillor Ms Patrick seconded the receipt and adoption of the Minutes of the Meetings of the Audit Committee held on 5 July and 15 August 2011.

RESOLVED – That the Minutes of the Meetings of the Audit Committee held on 5 July and 15 August 2011 be received and adopted.

#### **C.131/11      EMPLOYMENT PANEL**

Councillor Mallinson (J) moved and Councillor Mitchelson seconded the receipt and adoption of the Minutes of the Meeting of the Employment Panel held on 8 July 2011.

Councillor Mallinson (J) further reported that the Employment Panel had, at their meeting on 9 September 2011, interviewed candidates for the post of Assistant Director (Economic Development) and, subject to formal approval by the City Council, had recommended the appointment of Mrs Jane Meek to

that post. A report would be submitted to the City Council at their November 2011 meeting.

RESOLVED – That the Minutes of the Meeting of the Employment Panel held on 8 July 2011 be received and adopted.

## **C.132/11 NOTICE OF MOTION**

### **(1) Education Maintenance Allowance**

Pursuant to Procedure Rule 12, the Acting Town Clerk and Chief Executive reported the receipt of the following Motion submitted on notice by Councillor Hendry:

“On behalf of the young people of Carlisle, this Council calls on the Coalition Government to deliver their pledge to take at least 400,000 young people out of unemployment.

To this end restore the Educational Maintenance Allowance, and recognise that 47% of 16-19 year olds in Cumbria are on EMA and will be greatly disadvantaged in their future life chances by the abolition of EMA.”

Councillor Hendry moved, and Councillor Weedall seconded the motion.

Following substantial debate, with input from a number of Members of the City Council and voting thereon, the Motion of Councillor Hendry was CARRIED.

### **(2) Discretionary Rate Relief**

Pursuant to Procedure Rule 12, the Acting Town Clerk and Chief Executive reported the receipt of the following Motion submitted on notice by Councillor Hendry:

“This Council agrees that no matter what the final decision made by this Council on criteria for rate relief for charities, Eden Valley Hospice be regarded as a special case, because of the nature of its work, and therefore not be subject to any reduction in rate relief provided by the City Council and it be maintained at 100%.”

Councillor Hendry moved the motion. He further made reference to an article which had appeared in the Cumberland News on 9 September 2011 reporting that the Leader had made a pledge that the City Council would not penalise the Hospice; that the Hospice would be made a special case; and its rate relief would be 100 per cent. Councillor Hendry congratulated the Leader on that statement.

Councillor Bloxham seconded the motion, which was AGREED.

**C.133/11 PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE COUNCIL'S BUDGET AND POLICY FRAMEWORK**

(i) EX.082/11 and EX.098/11 - Medium Term Financial Plan (Incorporating the Corporate Charging Policy) 2012/13 – 2016/17

Pursuant to Minute EX.082/11 and EX.098/11, consideration was given to a recommendation from the Executive regarding the Medium Term Financial Plan (Incorporating the Corporate Charging Policy) 2012/13 – 2016/17. A copy of Report RD.27/11 and relevant Minute Extracts had been circulated.

Councillor Mallinson (J) moved and Councillor Mitchelson seconded the recommendation that the Medium Term Financial Plan (Incorporating the Corporate Charging Policy) 2012/13 to 2016/17 be approved.

RESOLVED – That the Medium Term Financial Plan (Incorporating the Corporate Charging Policy) 2012/13 to 2016/17 as attached to Report RD.27/11 be approved.

(ii) EX.083/11 and EX.099/11 - Capital Strategy 2012/13 – 2016/17

Pursuant to Minute EX.083/11 and EX.099/11, consideration was given to a recommendation from the Executive regarding the Capital Strategy for 2012/13 – 2016/17. A copy of Report RD.28/11 and relevant Minute Extracts had been circulated.

Councillor Mallinson (J) moved and Councillor Mitchelson seconded the recommendation that the Capital Strategy be approved.

RESOLVED – That the Capital Strategy 2012/13 to 2016/17 as attached to Report RD.28/11 be approved.

(iii) EX.084/11 and EX.100/11 - Asset Management Plan 2011 - 2016

Pursuant to Minute EX.084/11 and EX.100/11, consideration was given to a recommendation from the Executive that the Asset Management Plan be adopted. A copy of Report RD.38/11 and relevant Minute Extracts had been circulated.

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

RESOLVED – That the Asset Management Plan as attached to Report RD.38/11 be approved and adopted.



(iv) EX.065/11 and EX.101/11 – Core Strategy Issues and Options Paper

Pursuant to Minute EX.065/11 and EX.101/11, consideration was given to a recommendation from the Executive that the Core Strategy Issues and Options Paper be referred to Council to consider approval to consult on the content of the draft Paper. A copy of Report ED.32/11 and relevant Minute Extracts had been circulated.

Councillor Mrs Bowman moved and Councillor Bloxham seconded the recommendation that the Core Strategy Issues and Options Paper be approved for public consultation.

RESOLVED – That the Core Strategy Issues and Options Paper, as attached to Report ED.32/11, be approved for public consultation.

(v) EX.066/11 and EX.085/11 – Food Law Enforcement

Councillor Mitchelson, having declared a personal interest, made no comment on this item of business.

Pursuant to Minute EX.066/11 and EX.085/11, consideration was given to a recommendation from the Executive that the Environmental Health Service's Food Law Enforcement Plan and the General Plan 2011 to 2012 be approved. A copy of Report LE.19/11 and relevant Minute Extracts had been circulated.

Councillor Bloxham moved and Councillor Mallinson (J) seconded the above recommendation.

RESOLVED – That the key actions of the Environmental Health Service's Food Law Enforcement Plan and the General Plan 2011 to 2012, as attached to Report LE.19/11, be approved.

**C.134/11 CARLISLE AIRPORT: AUDIT COMMISSION REPORT**

Councillors Cape and Scarborough, having declared a personal and prejudicial interest, withdrew from the meeting during consideration of this item of business.

Consideration was given to a report of the Assistant Director (Governance) GD.55/11 informing Members that in August 2010 a local government elector had made an objection to the Council's 2009/10 Accounts under Section 16 of the Audit Commission Act 1998. Accordingly, an investigation into the matter had been conducted by the external auditor appointed by the Audit Commission.

The Audit Commission's summary investigation report and the Council's recommended Action Plan in response were attached at Appendices 1 and 2 to the report. The detailed investigation report would also be considered within Part B of the agenda.

The Assistant Director (Governance) recommended that the City Council receive the Audit Commission report; approve the Action Plan (Appendix 2); and refer the Audit Commission reports to the Audit Committee for further consideration, instructing the said Committee to monitor the implementation of the recommendations in the Action Plan.

Councillor Mitchelson moved and Councillor Mallinson (J) seconded the above recommendations.

Councillor Hendry indicated his acceptance of the recommendations.

RESOLVED – (1) That the Audit Commission Report, appended to Report GD.55/11, be received.

(2) That the Action Plan attached as Appendix 2 to the report be approved.

(3) That the Audit Commission Reports be referred to the Audit Committee for further consideration and the said Committee be instructed to monitor the implementation of the recommendations in the Action Plan.

#### **C.135/11      OVERVIEW AND SCRUTINY PROCEDURE RULES CALL-IN AND URGENCY**

Pursuant to Overview and Scrutiny Procedure Rule 15(i), consideration was given to a report of the Assistant Director (Governance) (GD.49/11) on procedures in respect of occasions where decisions taken by the Executive were urgent.

RESOLVED – That the report be noted.

#### **C.136/11                      COMMUNICATIONS**

There were no communications or items of business brought forward by the Mayor as a matter of urgency to be dealt with at the meeting.

#### **C.137/11      PUBLIC AND PRESS**

RESOLVED – That in accordance with Section 100(A)(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.

## **C.138/11      CARLISLE AIRPORT: AUDIT COMMISSION REPORT**

(Public and Press excluded by virtue of paragraphs 1, 2 and 3)

Councillors Cape and Scarborough, having declared a personal and prejudicial interest, withdrew from the meeting during consideration of this item of business.

Consideration was given to a private report of the Assistant Director (Governance) providing the Audit Commission's detailed investigation report into an objection made by an elector to the Council's 2009/10 Accounts.

A copy of private Report GD.56/11 had been circulated.

Councillor Mitchelson moved and Councillor Mallinson (J) seconded the recommendations set out in the report.

Councillor Hendry concurred with the recommendations.

RESOLVED – (1) That the Audit Commission report, attached to Report GD.56/11, be received.

(2) That the Action Plan (Appendix 2 of Report GD.55/11) be approved.

(3) That the Audit Commission Reports be referred to the Audit Committee for further consideration and the said Committee instructed to monitor the implementation of the recommendations in the Action Plan.

(The meeting ended at 8.33 pm)