CITY COUNCIL

TUESDAY 26 APRIL 2011 AT 6.45 PM

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

C.56/11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Atkinson, McDevitt and Mrs Southward.

C.57/11 MINUTES

The Minutes of the meeting of the City Council held on 1 March 2011 were received and signed as a true record of the meeting.

C.58/11 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

C.59/11 DECLARATION OF INTEREST

Councillor Ellis declared a personal interest in accordance with the Council's Code of Conduct in respect of any reference to Tullie House Museum and Art Gallery. The interest related to the fact that he served on the Tullie House Museum and Art Gallery Trust Board.

C.60/11 ANNOUNCEMENTS

(a) The Mayor

There were no announcements from the Mayor.

(b) The Leader of the Council

There were no announcements from the Leader of the Council.

(c) Members of the Executive

It was with great shock and disappointment that Councillor Bloxham announced that, as reported in the News and Star on 26 April 2011, the Eden Bridge Gardens had been the subject of extensive vandalism. He informed Members that the Gardens had been transformed during an eight month restoration project in 2009 and work to restore the gardens would cost thousands of pounds.

Councillor Bloxham asked the City Council to join with him in expressing concern at what was mindless vandalism.

In response, Members indicated their agreement with the sentiments expressed by Councillor Bloxham.

(d) Town Clerk and Chief Executive

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

C.61/11 QUESTIONS BY MEMBERS OF THE PUBLIC

Pursuant to Procedure Rule 10.1, the Town Clerk and Chief Executive reported the receipt of a question submitted on notice by the Sustainable Carlisle Network. Mr Richard Kavanagh, Equality Consultant, asked the following question:

"In light of the City Council losing almost one million pounds of investment from Sustrans voted for by Carlisle people to improve access around our city and over the unsafe railway bridge in Currock, what are the City Council's plans to ensure that pedestrians and cyclists are prioritised over car travel in Carlisle, and to improve access for low income groups to areas of work?"

The Local Environment Portfolio Holder welcomed the question which afforded an opportunity for the Council to provide further information on the matter. He asked that all those present accept that information in good faith:

In response to the question, the Local Environment Portfolio Holder stated that the Council had not 'lost' £975k of Big Lottery funding; it had in the Council's opinion been unfairly and inappropriately withdrawn by Sustrans.

The Council had written to Sustrans and the Big Lottery seeking copies of their decision making policies and may yet seek engagement of the Department Culture, Media and Sport to gain a better understanding of its legal position.

As he had stated at the last Council meeting, the City Council had so far worked effectively with key partners such as the Environment Agency to deliver over 2,000 m of cycle path between Kingmoor and Currock. Those plans had made a significant impact on the North – South cycle network crossing the City via a safe and pleasurable route.

The Council remained committed to completing the network. The Castle Way ramp was to be delivered via a Section 106 Agreement with Sainsbury's and further work was also being undertaken with a private developer along the Caldew.

The Portfolio Holder added that despite the challenging financial times the City Council would also continue to work with the County Council to try and find a way of replacing their footbridge over the railway at Currock, albeit without Lottery support. He paid tribute to the County Council for taking the initiative on the matter.

Regarding the Council's plans for sustainable and accessible transport solutions the District Council was working with the County Council on the Local Transport Plan (2) and helping develop the Local Transport Plan (3). Those plans sought to deliver an integrated, sustainable and accessible set of transport solutions for Cumbria and in our case specifically Carlisle and District.

The Council was also working on its Local Development Framework and Core Strategy. The Framework would eventually replace the current Local Plan and would serve as a strategy and guide to developers interested in Carlisle.

In conclusion, the Portfolio Holder reported that the Council had recently undertaken a consultation on the key issues for residents and visitors to Carlisle. Of those issues high dependency on the car has been raised as a future planning problem to be addressed. The Council had also received a significant volume of consultation responses focused on transport issues. Those responses would be used to develop the next stage of this process.

In accordance with Procedure Rule 10.1, the Mayor invited Mr Kavanagh to ask a supplementary question should he so wish.

In response, Mr Kavanagh indicated that he had nothing further to add.

C.62/11 PETITIONS AND DEPUTATIONS

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

C.63/11 QUESTIONS FROM MEMBERS OF THE CITY COUNCIL

Pursuant to Procedure Rule 11.2, the Town Clerk and Chief Executive reported the receipt of questions submitted on notice by Councillor Betton.

Councillor Betton asked the following questions:

"Firstly may I say what a good job the Environment, Area Maintenance and Green Spaces Teams do, however, I ask that you listen to my concerns and address my

following questions which are asked as a result of issues raised with me by my Botcherby constituents who are concerned that the Botcherby Ward, while benefiting from my City Council small scale community grant, does not appear to benefit from investment to the same extent as other Wards i.e. Chances Park and Bitts Park:

- 1. Have the three main working teams, Environment, Green Spaces and Area Maintenance been subject to budget and staff cuts, if so, can you provide full financial details relating to the Botcherby Ward?
- 2. Can you provide precise details of the strategy in place to address dog fouling in the Botcherby Ward?
- 3. Can you confirm that motorised gully cleaners will only be used in Botcherby after householders have been pre warned and therefore have been able to move their vehicles to allow effective cleaning? It has been noted that at 8 am, when the gulley cleaners normally come along, householders' cars are parked and a vast majority of the gutters have detritus remaining.
- 4. Recently the Green Spaces Team joined me and the community to clean up Keenan Park. Local residents have praised the Green Spaces Team but asked to have the trees thinned in the park in order that a repetition of fly tipping does not reoccur, and episodes of anti-social behaviour are reduced. Can you confirm that this will be done?

Can Councillor Bloxham provide a written response to Council in addition to a verbal response?"

In response to the latter point the Local Environment Portfolio Holder indicated that, in line with established practice, a verbal response should suffice.

The Portfolio Holder then responded to Councillor Betton's questions in correspondingly numbered paragraphs as follows:

- 1. Like all areas of the Council, the Local Environment Directorate had required to identify savings as a result of financial restrictions and there had been a number of (up to now) voluntary redundancies as a result. However, the Council was at the same time investing in new machinery which would help remaining staff to work more efficiently. The litter bin rounds had been reviewed to increase the effectiveness of the Teams deployed on the task. Taken together, those changes, which would be reviewed and refined as the transformation programme progressed, would result in measurable improvements in the standards of street cleaning. Unfortunately the Council did not keep financial information on a Ward basis.
- The enforcement of Dog Fouling Regulations was currently carried out by the Clean Neighbourhoods Team who had staff trained and authorised to hand out fixed penalty notices. The strategy was to target known hot-spots and identify persistent offenders. However, that was a difficult task as it required Officers to actually witness an offence taking place. Those arrangements would be reviewed under the Transformation Programme with a view to authorising

additional members of staff to be able to issue penalties and therefore increase the deterrent effect of fines.

- 3. The Council did try to pre-warn residents when the gully cleaners were operating in any specific area so that cars could be moved to allow access. Unfortunately the effect of that was always mixed as cars were parked that did not belong to the residents of those streets, and some residents did not receive the notice for a variety of reasons. The Council attempted to overcome that problem by having a second orderly who used a hand-brush to remove any litter from behind parked cars that was not always possible due to operational requirements. The Council would make every effort to issue sufficient notice for future visits to the Botcherby Ward.
- 4. The Portfolio Holder was happy to confirm that there would be further thinning of the plantations in Keenan Park during 2011-12. That work would be programmed for the winter season and would be accompanied, as in 2010-11, by a clearance of litter and fly-tipping. The Neighbourhoods and Green Spaces Team acknowledged the assistance of Councillor Betton and local residents in the recent cleanup and looked forward to working with him (and them) again in the coming year.

Councillor Betton was concerned to hear of the reductions in staff numbers emanating from the need to identify financial savings. He then asked a supplementary question seeking clarification of the numbers of staff involved.

In response, the Local Environment Portfolio Holder offered to seek a mutually convenient date when Councillor Betton, the Assistant Director (Local Environment), the Neighbourhoods and Green Spaces Manager and himself could undertake a visit to the Botcherby Ward. Consideration could be given to addressing any issues thereafter.

C.64/11 EXECUTIVE

Councillor Mitchelson moved and Councillor Mallinson (J) seconded the Minutes of the meeting of the Executive held on 14 March 2011.

The Housing Portfolio Holder then responded to a Member's question regarding the strategy to be adopted in lobbying for more money from Government to fund Disabled Facilities Grants.

RESOLVED – That the Minutes of the meeting of the Executive held on 14 March 2011 be received and adopted.

C.65/11 PORTFOLIO HOLDER REPORTS

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

Promoting Carlisle
Governance and Resources
Community Engagement
Economic Development
Local Environment
Housing
Performance and Development

The Local Environment Portfolio Holder further reported that, as Members were aware, Tesco Stores Ltd had demanded that the City Council's recycling facilities be removed from their Rosehill, Carlisle store forthwith. The site is regarded by the Council as its 'flagship' recycling centre and alone accounts for almost 25% of all the recyclables collected at its 160 plus neighbourhood recycling centres. The decision taken by Tesco was potentially very damaging for Carlisle.

The Portfolio Holder had written to Tesco and would also write to DEFRA on the matter. He expressed the hope that Members of the City Council would do all that they could to persuade Tesco to reconsider their decision.

Further to preparation of his report, the Housing Portfolio Holder indicated that the extensive refurbishment of St John's Hostel had been undertaken to a very high standard. He wished to place on record his thanks and appreciation to the Officers involved in the project.

The Performance and Development Portfolio Holder updated Members on the current position regarding the Guildhall and Yak Yak Group.

Members questioned individual Portfolio Holders on details of their reports.

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

- (2) That the Community Engagement Portfolio Holder provide a written response to the question raised by Councillor Bowditch as to why the Strategic Partnership and Youth Group had not been made aware of the programme of youth engagement and activity under the Children and Young People's Agenda.
- (3) That the Local Environment Portfolio Holder provide a written response to the question raised by Councillor Bowditch concerning preparation of a three year Development Plan for the Skate Park.
- (4) That the Local Environment Portfolio Holder provide a written response to Councillor Glover on the policy adopted for pruning trees in the City.
- (5) That the Performance and Development Portfolio Holder respond in writing to the request from Councillor Bowditch for details of the current position (including costs) with regard to the Guildhall.

C.66/11 OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN'S REPORTS

(a) Community Overview and Scrutiny Panel

Councillor Mrs Bradley moved and Councillor Mrs Clarke seconded that the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 24 March 2011 be received and adopted.

Councillor Mrs Bradley also presented her Vice-Chairman's Report.

RESOLVED – That the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 24 March 2011 together with the Vice-Chairman's Report be received and adopted.

(b) Resources Overview and Scrutiny Panel

Councillor Layden moved and it was seconded that the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 17 February and 31 March 2011 be received and adopted.

Councillor Layden also presented his Chairman's Report.

RESOLVED – That the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 17 February and 31 March 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 Mrs Luckley seconded that the Minutes of the Meetings of the Environment and Economy Overview and Scrutiny Panel held on 24 February and 7 April 2011 be received and adopted.

Councillor Mrs Rutherford also presented in some detail her Chairman's Report.

RESOLVED – That the Minutes of the meetings of the Environment and Economy Overview and Scrutiny Panel held on 24 February and 7 April 2011 together with the Chairman's Report be received and adopted.

C.67/11 SCRUTINY ANNUAL REPORT

A copy of Report OS.13/11 enclosing the Annual Report of the Council's Overview and Scrutiny function for 2010/11 had been circulated, together with excerpts from

the Minutes of the Community; Environment and Economy; and Resources Overview and Scrutiny Panels.

Councillor Mrs Rutherford moved and Councillor Allison seconded the report and its recommendations.

RESOLVED – That the Annual Report of the Council's Overview and Scrutiny function for 2010/11 be received.

C.68/11 REGULATORY PANEL

Councillor Morton moved and Councillor Mrs Parsons seconded the receipt and adoption of the Minutes of the Meeting of the Regulatory Panel held on 23 March 2011.

RESOLVED – That the Minutes of the Meeting of the Regulatory Panel held on 23 March 2011 be received and adopted.

C.69/11 LICENSING COMMITTEE

Councillor Morton moved and Councillor Mrs Parsons seconded the receipt and adoption of the Minutes of the Meeting of the Licensing Committee held on 23 March 2011.

RESOLVED – That the Minutes of the Meeting of the Licensing Committee held on 23 March 2011 be received and adopted.

C.70/11 DEVELOPMENT CONTROL COMMITTEE

Councillor Mrs Parsons moved and Councillor Bloxham seconded the receipt and adoption of the Minutes of the Meetings of the Development Control Committee held on 28 January, 9 and 11 March 2011.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 28 January, 9 and 11 March 2011 be received and adopted.

C.71/11 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 4 April 2011.

RESOLVED – That the Minutes of the Meeting of the Employment Panel held on 4 April 2011 be received and adopted.

C.72/11 NOTICE OF MOTION

Pursuant to Procedure Rule 12, the Town Clerk and Chief Executive reported the receipt of the following Motion submitted on notice by Councillors Mitchelson and Bainbridge:

BBC Radio Cumbria

"This Council agrees that BBC Radio Cumbria provides an important news and information service to Carlisle and Cumbria and any reductions to locally produced programmes will have a detrimental effect to the area.

This Council disagrees with the proposals and agrees to object in the strongest possible terms to the Director General of the BBC and Ofcom."

Councillor Bainbridge moved, and Councillor Mitchelson seconded the motion.

Councillor Bainbridge then elaborated in some detail on the reasons for submission of the above motion commenting that, under the grandly titled (if not a little ironic) Delivering Quality First, the BBC had raised the prospect of replacing local radio with a five live broadcast at all but two times in the day. That would effectively result in the dismantling of local radio coverage of sport, news and information in Cumbria.

Councillor Bainbridge added that issues in Cumbria did not happen at times to suit a breakfast and evening show. In times of flooding, school closures, weather events and the like advice was often to tune into the local radio for further details. Broadband to homes was not advanced in outlying areas at the current time. He acknowledged that some would view local radio as a little dated in an age of the internet and multi channel television but, if people were without power, they could connect to a reliable and local broadcast service with just two batteries. That may not always be the case under the plans presented. He therefore felt it important that the Council raise its concerns now before decision making gathered pace.

Sony award winning BBC Radio Cumbria had shown its worth and had been the BBC's eyes on the ground from Lockerbie through to the West Coast shootings, actually feeding into the national news network based over 300 miles away. Radio Cumbria had on the internet a short broadcast of some of the national and international events they had covered ahead of the national media, which surely highlighted their effectiveness.

Much of the reasoning of the Trust in outlining the proposal was that a merged service would save money. In 2010, the total operating expenditure for the 40 BBC Local Radio Stations in England was £137.7 million – just 3.2p per user per hour – and together they produced more than 240,000 hours of output. By way of comparison, Mr J Ross was paid £15 million but managed around 500 hours of broadcasting.

In conclusion, Councillor Bainbridge said that a merged Radio Five and Local Radio would not compliment each other. Five Live as a national talk and sport station had a listenership of over 7 million; local radio had a listenership of over 10 million, but very few actually listened to both. Much of the local knowledge in local radio would no doubt

go if those changes progressed. He added that the BBC had said that it was not a firm proposal. They had however chosen to raise it and he expressed the hope that the City Council would be able to resolve to support the firm but honest view that the idea be quickly dropped.

A Member suggested that local MPs be also asked to lend their support to the objections raised

RESOLVED – That the motion of Councillors Mitchelson and Bainbridge as set out above be agreed.

C.73/11 PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE COUNCIL'S BUDGET AND POLICY FRAMEWORK

(i) <u>EX.015/11 and EX.030/11 – Housing Design Supplementary Planning Document</u>

Pursuant to Minute EX.015/11 and EX.030/11, consideration was given to a recommendation from the Executive that the Housing Design Supplementary Planning Document be adopted as part of the Council's Local Development Framework. A copy of Report ED.18/11 and relevant Minute Extracts had been circulated.

Councillor Mrs Bowman moved and Councillor Bloxham seconded the above recommendation.

RESOLVED – That the Housing Design Supplementary Planning Document as attached to Report ED.18/11 be approved and adopted as part of the Council's Local Development Framework.

(ii) <u>EX.225/10 and EX.031/11 – Revised Procurement and Commissioning Strategy 2010-12</u>

Pursuant to Minute EX.225/10 and EX.031/11, consideration was given to a recommendation from the Executive that the Revised Procurement and Commissioning Strategy 2010-12 be approved and adopted. A copy of Report RD.65/10 and relevant Minute Extracts had been circulated.

Councillor Mitchelson moved and Councillor Bloxham seconded the above recommendation.

RESOLVED – That the Revised Procurement and Commissioning Strategy, as attached to Report RD.65/10 be approved and adopted.

(iii) <u>EX.017/11 and EX.034/11 – Amendment to Council Framework for Member Learning</u>

Pursuant to Minute EX.017/11 and EX.034/11, consideration was given to a recommendation from the Executive that the amended Council Framework for

Member Learning be adopted. A copy of Report CE.12/11 and relevant Minute Extracts had been circulated.

Councillor Ellis moved and Councillor Mitchelson seconded the above recommendation.

RESOLVED – That the amended Council Framework for Member Learning, as attached to Report CE.12/11, be approved and adopted.

(iv) <u>EX.044/11 – Local Government Boundary Commission (LGBCE) Consultation</u>

Pursuant to Minute EX.044/11, consideration was given to a recommendation from the Executive that the City Council agree that a significant reduction in the number of City Councillors was required and that the Local Government Boundary Commission be requested to commence an electoral review of the matter. A copy of the Leader's Report CE.13/11 and relevant Minute Extract had been circulated.

Councillor Mitchelson moved and Councillor Bloxham seconded the recommendations.

Certain Members expressed some confusion regarding the recommendations being put forward.

At the request of the Mayor, the Legal Services Manager clarified that the recommendations under debate were two fold, i.e. that a significant reduction in the number of City Councillors was required; and that the Local Boundary Commission be requested to commence an electoral review of the matter.

There then followed substantial debate with input from a number of Members of the City Council, during which several Members outlined their support for the recommendations. Other Members were, however, extremely concerned at the apparent lack of rationale / evidence to support the recommendations. They therefore outlined their opposition to the recommendations put forward at the current time.

Councillor Mrs Robson, supported by one fourth of the Members present, requested that a vote be taken.

Following voting, it was

RESOLVED – That the City Council agreed that a significant reduction in the number of City Councillors was required and that the Local Boundary Commission be requested to commence an electoral review of the matter.

(v) <u>EX.050/11 – Accommodation Review: Options for Vacated Bousteads</u> Grassing Office Space

Pursuant to Minute EX.050/11, consideration was given to recommendations from the Executive that the demolition costs identified in Option 3 (Report RD.81/10) of £166,500 be added to the Council's capital programme and be funded from capital

receipts. Also, that a revenue contribution to the capital programme be made of £64,800 in 2011/12 and 2012/13; and £36,900 in 2013/14 to replenish the capital balances used to fund the demolition costs.

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

RESOLVED – That the City Council agreed that the demolition costs identified in Option 3 (Report RD.81/10) of £166,500 be added to the Council's capital programme and be funded from capital receipts. Also, that a revenue contribution to the capital programme be made of £64,800 in 2011/12 and 2012/13; and £36,900 in 2013/14 to replenish the capital balances used to fund the demolition costs.

C.74/11 REFERENCE FROM REGULATORY PLANEL - LICENSING OF SEXUAL ENTERTAINMENT VENUES

Pursuant to Minute RP.23/11, to consider a recommendation from the Regulatory Panel that the City Council amends the implementation date for adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 from 1 March 2011 to 1 June 2011. A copy of Report GD.24/11 and relevant Minute Extract had been circulated.

Councillor Morton moved and Councillor Mrs Parsons seconded the recommendation.

RESOLVED – That the City Council agrees that the implementation date for adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 be 1 June 2011.

C.75/11 REFERENCE FROM THE AUDIT COMMITTEE – ANNUAL REPORT 2010/11

Pursuant to Minute AUC.23/11, Councillor Mrs Mallinson presented the Annual Report of the Audit Committee for the municipal year 2010/11. Councillor Mrs Mallinson paid tribute to the Audit Commission, Members of the Audit Committee and Officers for the work which they had undertaken over the last year.

RESOLVED – That the Council note and accept the Audit Committee's Annual Report for 2010/11.

C.76/11 OPERATION OF PROVISIONS RELATING TO CALL-IN AND URGENCY ANNUAL REPORT

Pursuant to Procedure Rule 15(1) of the Overview and Scrutiny Procedure Rules, the Assistant Director (Governance) reported GD.33/11 on the Operation of Call-in and Urgency Procedures over the last year.

RESOLVED – That the report be noted and the current procedures on the operation of call-in and urgency be continued.

C.77/11 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.78/11 ANNOUNCEMENTS

The Mayor thanked Members and Officers for their friendship and support during her Mayoral year. In particular, she expressed her appreciation to the Leader of the Council; the Town Clerk and Chief Executive and her team; the Deputy Chief Executive; the Public Relations Officer; Councillors Mrs Riddle and Mrs Parsons; and colleagues in the Labour Group.

The Mayor also invited all Members and Officers to stay behind at the conclusion of the meeting for a small reception to mark the end of the Civic year.

C.79/11 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 paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

C.80/11 **EX.045/11 – Tullie House Trust Property Arrangements**

(Public and Press excluded by virtue of paragraph 3)

Pursuant to Minute EX.045/11, consideration was given to a recommendation from the Executive that the City Council approve the leasing of the Tullie House Museum and Art Gallery premises to the new Trust at peppercorn rents which were less than best consideration. A copy of Report RD.84/11 and relevant Minute Extract had been circulated.

Councillor Ellis moved and Councillor Bloxham seconded the above recommendation.

Following discussion and voting, it was -

RESOLVED – That the leasing of the Tullie House Museum and Art Gallery premises to the new Trust at peppercorn rents which were less than best consideration be approved.

(The meeting ended at 9.12 pm)