

**COMBINED MEETING OF THE COMMUNITY,
CORPORATE RESOURCES & INFRASTRUCTURE
OVERVIEW AND SCRUTINY COMMITTEES**

FRIDAY 22 AUGUST 2003 AT 2.00 PM

PRESENT: Councillors Bain, Boaden, C S Bowman, Bradley, Crookdake, Dodd, Earp, Fisher, Glover, Guest, Hendry, Hodgson, Im Thurn, Jefferson, Joscelyne, E Mallinson, J Mallinson, Martlew, McDevitt (substitute for Councillor Styth), Parsons, C Rutherford, K Rutherford and Stothard.

ALSO PRESENT:

Councillor Mitchelson attended the meeting as Leader of the Council to answer questions on the call-in.

Councillors Bloxham, Bowman, Firth, Geddes and Knapton attended the meeting as observers.

OS.1/03 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor Jefferson be appointed Chairman for this meeting.

Councillor Jefferson in the Chair

OS.2/03 APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Styth.

OS.3/03 DECLARATIONS OF INTEREST

There were no declarations of interest.

OS.4/03 CALL IN - REGIONAL GOVERNMENT UPDATE

Members met with Councillor Mitchelson, Leader of the Council, who responded to a number of questions in respect of the Call In of Executive Decision EX.182/03 on the Regional Government Update :

In what way would the Leader feel that the Executive's recommended submission would meet any requirements of the CRED Research, or was the Executive's decision entrenched in that any submission was unlikely to be other than for a Carlisle and Eden Unitary Authority. The CRED Report may not support this option. If it didn't, would the Leader be withdrawing support for a joint option with Eden?

Councillor Mitchelson responded that the Executive were working within the Council's stated policies as resolved at the City Council on 29 August 2002,

3 December 2002 and 4 March 2003. The Council policy was that the best way forward was for an Authority for Carlisle and Eden based on the Local Strategic Partnership. It was not true to say it was the policy was that of a certain group of Members. Eden had decided a similar route. There was a short timescale for the preparation of submissions and because both Councils' policies were the same, it had been decided that a joint submission would be prepared. The matter was being discussed by the Overview and Scrutiny Committee on 26 August 2003, by the Executive on 28 August 2003, and it would be up to the City Council on 4 September 2003 to decide whether the submission should be made jointly with Eden or singly from Carlisle.

A Member noted that the reason for the call-in was on the lack of consultation with the electorate. He did not consider that, at this stage, consultation with the electorate was appropriate. He asked whether the call-in was proper.

The Head of Legal and Democratic Services confirmed that, in his opinion, it was a valid call-in.

A Member asked if the CRED Research did not support Carlisle and Eden as the best option, whether the Executive would change their recommendations.

Councillor Mitchelson responded that the Executive were currently pursuing Council policy. He could not pre-determine the decision of the Executive on 28 August 2003. The Executive would debate the draft submission and give consideration to the CRED Report at that meeting.

A Member referred to the Overview and Scrutiny Workshop Meeting on 26 August 2003 and considered that this did not constitute a formal decision making process. Overview and Scrutiny were being denied the opportunity to make formal recommendations to the Executive.

Councillor Mitchelson indicated that he was unable to comment on matters which Overview and Scrutiny may come up with at their meeting on 26 August 2003. Views from that meeting would be considered by the Executive on 28 August 2003.

If the CRED Report was not favourable, would the Executive change their recommendations?

Councillor Mitchelson responded that the CRED Report would be considered and form part of the debate at the Executive. He could not anticipate the outcome of the debate at the Executive meeting.

The Chairman indicated that there would be an opportunity to have a resolved item at the workshop.

A Member asked whether any other Districts had declared an interest in forming partnerships with Carlisle?

Councillor Mitchelson understood that none other than Eden wanted to join with Carlisle. He understood that other Councils' preferred options were for Allerdale and Copeland and South Lakeland and Barrow, with Barrow favouring a Morecambe Bay Authority.

A Member referred to the fact that the call-in cited lack of consultation with the electorate and pre-judging the outcome of the CRED Research. He considered that the CRED

Research may come up with recommendations on what the best option would be. It would not give a steer over whether a joint submission should be made. However, as the decision for a joint submission with Eden had already been taken, he considered that lack of consultation was not relevant.

Councillor Mitchelson agreed with this point. The Boundary Committee in its guidance had stated that there was no need for Local Authorities to carry out public consultation at this time, as such consultation would be carried out by the Boundary Committee.

With regard to the consultation carried out by CRED, a Member asked who the stakeholders were?

Councillor Mitchelson reported that he did not have a list of who CRED had consulted, as they had approached the stakeholders directly. He understood that M.P's, City Vision Partners and other Local Authorities in Cumbria will have been consulted by CRED.

Would the electorate be part of the consultation undertaken by CRED?

Councillor Mitchelson reported that strict instructions on who to consult with had not been given to CRED and the question would have to be put to CRED as to who they consulted.

A Member asked what consultation had been undertaken with the electorate since August 2002 when the original decision for a Carlisle and Eden Authority had been made by the City Council. The Member considered that there should have been ongoing consultation.

Councillor Mitchelson indicated that the Boundary Committee were doing their own public research and that the Executive had commissioned extra research through CRED. He pointed out that the Council had debated this subject on three occasions and that the Executive were following Council policy. At no time had the Council asked for public consultation.

A Member considered that it would be in the interests of all to ask the Council Taxpayers for their opinion. She asked when was the decision to go with Eden taken, was it on a political whim or on sound basis of what people wanted. She asked when would local people have the opportunity to declare an interest in what the Council was doing on their behalf.

Councillor Mitchelson replied that the Council had debated the issue on three occasions and had a formally resolved position. The Boundary Committee would be involving the public in consultation on several options.

A Member asked on what basis the decision in Minute EX.182/03 had been taken. If the Council had a stated policy then it was up to the Executive to take this forward, rather than go back to the City Council. She referred to the word "endorsement" used in Resolution 6 to Minute EX.182/03 and considered that this implied there was no room for anything other than agreement, and that the process was not, therefore, democratic.

Councillor Mitchelson responded that the Council had made a policy and that the Executive was working up a draft submission on the basis of Council policy. In the interests of openness, a draft submission prepared by an Officer Group was being referred to Overview and Scrutiny and the Executive to consider and pass comment upon, and the City Council would be asked to formally approve a final submission.

If the Council did not make a request to consult the public, neither did it decide to commission CRED Research .

Councillor Mitchelson indicated that the decision to commission CRED research had been taken at the July 2003 Executive meeting.

With regard to public consultation, if the argument was that it had not been undertaken because Council had not requested it, at no time did the Council agree to commission CRED Research, but the Executive did so.

Councillor Mitchelson responded that the Executive agreed a carry forward request, subsequently agreed by the City Council, for CRED Research in view of the tight timescale for the submission to be drawn up and forwarded to the Boundary Committee.

A Member was perplexed at the claim of the Opposition alleging lack of consultation with the electorate. There had been ample time for the Opposition to request this, given that the matter had been to Council three times and was still going to Council on the 4 September 2003. She noted that the CRED Report was not available yet. An Overview and Scrutiny Workshop had been arranged because of the timescale as the best way forward to discuss all matters Members wished to raise. Suggestions could be put forward at the Workshop for alternatives to the joint submission. She was unaware that any other Authority had gone out to public consultation other than to stakeholders.

Councillor Mitchelson noted the comments on the timetable and endorsed his previous comments. He considered that this Local Authority had done more research than any other Council in Cumbria in working up the submission. The Executive wished Overview and Scrutiny to be involved in looking at the draft Submission and coming up with positive suggestions.

Had the impact on different options on the Council Tax payer been investigated?

Councillor Mitchelson responded that he was present to defend the decision made at the Executive which had been the subject of the call-in. He pointed out that a separate meeting had been arranged for debating the principles of the submission.

A Member referred to the CRED terms of reference and the overall aim of the research. He understood that comparisons were to be made with other options as necessary. He asked what other options had been considered.

Councillor Mitchelson responded that the CRED research was independent research and it had been left to CRED to decide what other options to consider.

A Member referred to the tight timetable the Government had imposed, but pointed out that the City Council had been discussing the matter for the last 12 months. He considered that the people with the biggest stake were the Council Taxpayers.

Councillor Mitchelson responded that he understood CRED had consulted a cross section of stakeholders. The public would have the final say on Regional Government and the form of Unitary Government in the region.

The Labour Opposition Group Leader was given the opportunity to sum up her Group's position on the call-in. She indicated that the main thrust of the call-in had focused on the fact that there was little opportunity for overview and scrutiny of the draft document

because there was no formally convened meetings to which those views could be put forward.

Whilst she understood that the Boundary Committee did not require public consultation because they would do it, she felt that this was a major decision for the people in the district and should not be taken without asking local people if they thought it was appropriate to be twinned with Eden. She understood that Eden had not done any work to see if local people in their District wanted to join with Carlisle. She considered the Draft Submission was thin and questioned whether it was a fit document upon which meaningful comments could be made.

The meeting then disbanded into three Overview and Scrutiny Committee meetings to give detailed consideration to the call-in.

(The meeting ended at 2.42 pm)

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