

## **CITY COUNCIL**

**TUESDAY 13 NOVEMBER 2012 AT 6.45 PM**

**PRESENT:** The Mayor (Councillor Wilson), Councillors Allison, Mrs Atkinson, Atkinson (from 8.35 pm), Bainbridge, Bell, Betton, Bloxham, Boaden, Bowditch, Mrs Bowman, Bowman (S), Mrs Bradley, Cape, Mrs Clarke, Collier, Craig, Earp, Ellis, Forrester, Ms Franklin, Mrs Geddes, Glover, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), Mrs Martlew, McDevitt, Mitchelson, Morton, Nedved, Mrs Parsons, Mrs Prest, Ms Quilter, Mrs Riddle, Scarborough, Miss Sherriff, Mrs Southward, Mrs Stevenson, Stothard, Tickner, Mrs Vasey, Mrs Warwick, Watson, Weber and Whalen

Town Clerk and Chief Executive  
Director of Governance

### **C.156/12 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Graham and Ms Patrick.

### **C.157/12 MINUTES**

The Minutes of the meeting of the City Council held on 11 September 2012 were received and signed as a true record of the meeting.

### **C.158/12 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

### **C.159/12 DECLARATIONS OF INTEREST**

Councillor Stothard declared a disclosable pecuniary interest in accordance with the Council's Code of Conduct in respect of Item 23 – Highways Claimed Rights. The interest related to where he lived.

Councillors Allison, Bell, Betton, Mrs Bradley, Mrs Mallinson, Mallinson (J), McDevitt, Watson, Weber and Whalen declared an interest in accordance with the Council's Code of Conduct in respect of Item 23 – Highways Claimed Rights. The interest related to the fact that they are Members of Cumbria County Council.

### **C.160/12 ANNOUNCEMENTS**

#### **(a) The Mayor**

It was with sadness that The Mayor reported the death on 18 October 2012 of Mr James Colin Paisley, who was Mayor of the City in 1994/95.

Members stood for a Minutes Silence as a mark of respect to the memory of Mr Paisley.

The Mayor announced that he had sent a card to Councillor Graham wishing him a speedy recovery from his recent illness.

The Mayor further welcomed Councillor Ellis to the meeting, expressing the hope that he too had returned to good health.

(b) The Leader of the Council

There were no announcements from the Leader.

(c) Members of the Executive

Councillor Glover reiterated that the Executive was very keen to support business start-ups and business growth. To that end, the intention was to establish an Economic Development Liaison Panel. He added that the Panel would meet in private on an ad hoc basis based upon requests from businesses.

(d) Town Clerk and Chief Executive

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

## **C.161/12 QUESTIONS BY MEMBERS OF THE PUBLIC**

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

## **C.162/12 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.163/12 QUESTIONS FROM MEMBERS OF THE CITY COUNCIL**

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

Councillor Bainbridge asked the following question:

### Proposals for William Street Car Park

“On the 29<sup>th</sup> of May, the Leader of Carlisle City Council and the Deputy Leader of Cumbria County Council appeared in the News and Star to outline a plan to build a combined office in Botchergate. The article stated:

*“The county has invited Carlisle City Council to share its Botchergate site but says the city must make up its mind by September.”*

Given it is now November and neither has the issue appeared on the Forward Plan or been raised at any further public meeting of Carlisle City Council, has this plan now been dropped? If the intention however is still to continue with this project can the Leader of the Council outline the following:

1. The timescale the City Council are now working to.
2. The estimated costs of the project.
3. What work has been done by Carlisle City Council between the announcement and the present day?"

In response, the Leader confirmed that Cumbria County Council had indeed invited the City Council to share its Botchergate site. The request was reasonable and was welcomed. In line with the original timescale a reply was required by September, which was too tight. The County Council had then advised that a response by Christmas would be acceptable.

Officers had reported the outcome of investigations to the Joint Management Team on 8 November 2012. The advice provided was that the project was not viable in the current difficult economic climate and within the tight timescale. It was considered that the project was not practical at this time, and there the matter rested.

The Leader emphasised that the offer had been made in line with current good working relations between the City and County Councils. The authorities were working together on a number of other projects, in addition to the project in Botchergate. He was pleased that the County Council could go ahead with that project.

The Leader added that Carlisle was open for business and if Councillor Bainbridge, or any other Member, wished to discuss any issues his door was always open.

Councillor Bainbridge then asked a supplementary question concerning the impact withdrawal from the project would have upon the Council's Medium Term Financial Plan.

The Leader replied that the County Council now owned both car parks and could now proceed with their project. The whole parking issue had therefore been dealt with.

## **C.164/12 EXECUTIVE**

Councillor Hendry moved and Councillor Glover seconded the Minutes of the meetings of the Executive held on 3 September and 29 October 2012.

RESOLVED – That the Minutes of the meetings of the Executive held on 3 September and 29 October 2012 be received and adopted.

## **C.165/12 PORTFOLIO HOLDER REPORTS**

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

Leader's Portfolio  
Finance, Governance and Resources  
Environment and Transport  
Economy and Enterprise  
Communities and Housing  
Culture, Health, Leisure and Young People

In moving his report the Finance, Governance and Resources Portfolio Holder wished to record his thanks to staff within the Licensing and Electoral Services Teams for their hard work. He reported that the Audit Commission had issued an unqualified opinion on both the Accounts and the VFM Conclusion by the statutory date of 30 September 2012 and congratulated the staff involved on that great achievement. In conclusion, the Portfolio Holder advised that the City Council had been presented with an award for retaining the North West Member Development Charter award in Salford on 26 October 2012 and he thanked the Members and Officers involved.

Whilst moving her report, the Environment and Transport Portfolio Holder expressed congratulations to the workforce for the high quality work undertaken as part of the Abbey Street / Annetwell Street improvements; and to Michael Cunningham on his success in securing a place on the very prestigious food hygiene for milk and dairy products training course in Brescia, Italy in October 2012. She then outlined the position with regard to Enforcement and Education; the Cenotaph; Bereavement Services; and Waste Services. The Portfolio Holder complimented members of the street cleaning teams.

In moving his report, the Economy and Enterprise Portfolio Holder placed on record the thanks of the Leader and himself for the considerable amount of work undertaken by the Shadow Board in relation to the Business Improvement District Bid. He was pleased to report that the Lanes was confident as to the future which was good news. In conclusion, the Portfolio Holder congratulated the CN Business Award Winners for 2012.

In moving her report, the Communities and Housing Portfolio Holder thanked Members of the Community Centres Task and Finish Group for their timely report and very helpful recommendations. She reminded Members that a presentation on the "Mrs Carlisle" project would be provided at the informal Council briefing on 18 December 2012.

Whilst moving her report, the Culture, Health, Leisure and Young People Portfolio Holder provided an update on the forthcoming Christmas Events and the Carlisle Tourism Partnership. She was also delighted to report that on 18 October 2012 Tullie House had won the CN News 2012 Business Award in the Tourism and Hospitality category, and expressed congratulations to all concerned.

Councillor Mrs Luckley referred to the successful second Healthy City Week which had taken place between 22 – 28 October 2012 and thanked Officers involved. The Culture, Health, Leisure and Young People Portfolio Holder concurred with those sentiments.

Members then questioned individual Portfolio Holders on the details of their reports and it was -

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

(2) That the Finance, Governance and Resources Portfolio Holder provide a written response to the question from Councillor Allison as to whether the present occupants of the two portfolios of workshop units being prepared for disposal prior to the end of the financial year would have the opportunity to buy.

(3) That the Economy and Enterprise Portfolio Holder provide a written response to Councillor Mrs Bowman's request for clarification as to what proportion of the budget had been spent on the failed Carlisle Business Improvement District bid to date; and who would fund production of the regular (6 monthly) City Centre Liaison Group news letter.

(4) That the Culture, Health, Leisure and Young People Portfolio Holder provide a written response to Councillor Ellis' question regarding the tender process for the Christmas Lights Switch On (i.e. was the lowest tender accepted and, if not, what criteria was used).

## **C.166/12      OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN'S REPORTS**

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

Councillor Mrs Luckley moved that the Minutes of the Meetings of the Community Overview and Scrutiny Panel held on 6 September and 11 October 2012 be received and adopted.

Councillor Mrs Luckley also presented her Chairman's Report.

RESOLVED – That the Minutes of the Meetings of the Community Overview and Scrutiny Panel held on 6 September and 11 October 2012 together with the Chairman's Report be received and adopted.

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

Councillor Watson moved and Councillor Whalen seconded that the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 30 August and 18 October 2012 be received and adopted.

Councillor Watson also presented, in some detail, his Chairman's Report.

RESOLVED – That the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 30 August and 18 October 2012 together with the Chairman's Report be received and adopted.

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

Councillor Layden moved and Councillor Whalen seconded that the Minutes of the Meeting of the Environment and Economy Overview and Scrutiny Panel held on 13 September 2012 be received and adopted.

Councillor Layden also presented his Chairman's Report.

RESOLVED – That the Minutes of the meeting of the Environment and Economy Overview and Scrutiny Panel held on 13 September 2012 together with the Chairman's Report be received and adopted.

#### **C.167/12      REGULATORY PANEL**

Councillor Bell moved and Councillor Ms Franklin seconded the receipt and adoption of the Minutes of the Meetings of the Regulatory Panel held on 12 September and 17 October 2012.

RESOLVED – That the Minutes of the Meetings of the Regulatory Panel held on 12 September and 17 October 2012 be received and adopted.

#### **C.168/12      LICENSING COMMITTEE**

Councillor Bell moved and Councillor Craig seconded the receipt and adoption of the Minutes of the Meeting of the Licensing Committee held on 17 October 2012.

RESOLVED – That the Minutes of the Meeting of the Licensing Committee held on 17 October 2012 be received and adopted.

#### **C.169/12      DEVELOPMENT CONTROL COMMITTEE**

Councillor Scarborough moved and Councillor Whalen seconded the receipt and adoption of the Minutes of the Meetings of the Development Control Committee held on 15 and 17 August; and 26 and 28 September 2012.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 15 and 17 August; and 26 and 28 September 2012 be received and adopted.

#### **C.170/12      AUDIT COMMITTEE**

Councillor Bowditch moved and Councillor Ms Franklin seconded the receipt and adoption of the Minutes of the Meeting of the Audit Committee held on 26 September 2012.

RESOLVED – That the Minutes of the Meeting of the Audit Committee held on 26 September 2012 be received and adopted.

#### **C.171/12      EMPLOYMENT PANEL**

Councillor Glover moved and Councillor Hendry seconded the receipt and adoption of the Minutes of the Meeting of the Employment Panel held on 4 October 2012.

RESOLVED – That the Minutes of the Meeting of the Employment Panel held on 4 October 2012 be received and adopted.

#### **C.172/12      APPEALS PANELS**

Councillor Stothard moved and Councillor Mrs Geddes seconded the receipt and adoption of the Minutes of the Meeting of Appeals Panel 1 held on 3 September 2012.

Councillor Harid moved and Councillor Bell seconded the receipt and adoption of the Minutes of the Meeting of Appeals Panel 2 held on 11 October 2012.

RESOLVED – That the Minutes of the Meeting of the Appeals Panels held on 3 September and 11 October 2012 be received and adopted.

### **C.173/12      STANDARDS COMMITTEE**

Councillor Mrs Bradley moved and Councillor Boaden seconded the receipt and adoption of the Minutes of the Meeting of the Standards Committee held on 31 August 2012.

RESOLVED – That the Minutes of the Meeting of the Standards Committee held on 31 August 2012 be received and adopted.

### **C.174/12      NOTICE OF MOTION**

#### **Housing**

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

“In this present financial climate, social housing is required more than ever. There are families and people on the breadline today, struggling for places to live to accommodate their needs and better their lives. Social affordable means £180,000 and you can have it, meaning the house. Social housing, the true meaning which we as a Council sold off and over looked, now more than ever means housing for people that need it.

Statistics show there are 4716 applicants in Cumbria who are registered for social housing whom are registered with Cumbria Choice base lettings. The Council in the last year has accepted 172 applications from homeless people.

The Council should, instead of selling their land keep it, take the initiative and apply for funding from the government, and develop a scheme whereby the Council set up a building scheme which comprises 50% social (rented) and 50% social affordable (owner-occupied), on brown belt land.

To achieve this I propose the Council:

1.      Keep their brown belt land.
2.      They develop a 50% social and 50% social affordable scheme.
3.      They apply for Government to support the scheme.
4.      The Council manage the scheme in-house, on a small area basis.
5.      Create much needed local employment to do this.
6.      Create, manage and apply in-house training to allow members of staff to gain the appropriate skills to deliver the scheme.”

Councillor Betton moved the motion.

The Mayor asked whether any Member wished to second the Motion. No response was forthcoming and the Motion fell.

## **C.175/12      PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE COUNCIL'S BUDGET AND POLICY FRAMEWORK**

### **(i)      EX.110/12 – Progress Report on Delivering Transformation Savings to Date and Draft Saving Proposals for 2013/14**

Pursuant to Minute EX.110/12, consideration was given to a recommendation from the Executive that the City Council approve the savings of £218,453 which could be delivered immediately in 2012/13 (noting the amendment from £306,452 from the original report), and noting that sum would be returned to Revenue reserves in 2012/13. A copy of Report RD.35/12 and relevant Minute Extracts had been circulated.

Councillor Tickner moved the recommendation.

Councillor Mallinson (J) made a statement clarifying the Conservative Group's position commenting that, although Members understood the need to make additional savings, the report as presented was confusing, difficult to understand and lacked detail. Accordingly Members had no option but to vote against the recommendation.

Following voting, it was -

RESOLVED – That the City Council approved the savings of £218,453 which could be delivered immediately in 2012/13 (noting the amendment from £306,452 from the original report), and noted that sum would be returned to Revenue reserves in 2012/13.

### **(ii)      EX.111/12 and EX.120/12 – Gambling Act 2005 – Review of Statement of Gambling Policy**

Pursuant to Minute EX.111/12 and EX.120/12, consideration was given to a recommendation from the Executive that the Gambling Policy Statement be adopted. A copy of Report GD.60/12 and relevant Minute Extracts had been circulated.

Councillor Tickner moved and it was:

RESOLVED – That the Gambling Policy Statement as circulated with Report GD.60/12 be approved and adopted by the City Council.

### **(iii)      EX.113/12 – Old Town Hall – Approval of Additional Capital to Ensure Delivery of Preferred Repair and Improvement Programme**

Pursuant to Minute EX.113/12, consideration was given to recommendations from the Executive seeking approval of additional capital to ensure delivery of the preferred repair and improvement programme for the Old Town Hall. A copy of Report ED.30/12 and relevant Minute Extracts had been circulated.

Councillor Glover moved; and it was RESOLVED - that the City Council approve:

i) The revised capital project for the Old Town Hall at a total cost of £490,200, noting that this related to reduced grant from English Heritage and additional City Council match funding;



ii) Additional City Council match funding of £109,400 to be vired from the 2012/13 capital programme as set out in the report to Executive on 3 September 2012 (ED.30/12);

iii) The revised programme of delivery of the project that now proposed a start on site in January 2013, and a completion date of June 2013.

(iv) EX.122/12 – Higher Level Stewardship Grant Offer

Pursuant to Minute EX.122/12, consideration was given to a recommendation from the Executive that the City Council approve acceptance of the Higher Level Scheme grant offer and approve acceptance of the conditions of grant in full. A copy of Report LE.39/12 and relevant Minute Extracts had been circulated.

Councillor Mrs Martlew moved and Councillor Hendry seconded the recommendation.

Councillor Layen moved an amendment to the above recommendation:

“Council is asked to:

Approve acceptance of the Higher Level Scheme grant offer in part, with Rickerby Park being withdrawn from the HLS scheme.”

The amendment was seconded by Councillor Nedved.

Following a request for clarification from the Director of Governance, Councillor Layden agreed that the words “and acceptance of the conditions of grant in full” be added to his amendment.

The amendment would now read:

“Council is asked to:

Approve acceptance of the Higher Level Scheme grant offer in part, with Rickerby Park being withdrawn from the HLS scheme, and acceptance of the conditions of grant in full.”

There then followed substantial discussion, with input from a number of Members.

Councillor Hendry advised that, in response to discussions at the Environment and Economy Overview and Scrutiny Panel on 25 October 2012 (Minute EEOSP.65/12), he had revisited the report and substance of the conditions. In addition, he had sought and received legal advice on the matter, the content of which he accepted.

In response, the Director of Governance confirmed that he had written the legal advice referred to. The same advice had also been provided to a Member of the Conservative Group.

Following voting thereon the amendment of Councillor Layden was NOT AGREED. Following further voting thereon the recommendation of Councillor Mrs Martlew was AGREED, and it was:

RESOLVED – That the City Council approved acceptance of the Higher Level Scheme grant offer and approved acceptance of the conditions of grant in full.

**C.176/12      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 Director of Governance (GD.58/12) on procedures in respect of occasions where decisions taken by the Executive were urgent.

RESOLVED – That the report be noted.

**C.177/12      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.178/12      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.179/12      HIGHWAYS CLAIMED RIGHTS**

(Public and Press excluded by virtue of paragraph 3)

Councillor Stothard, having declared a disclosable pecuniary interest, withdrew from the meeting prior to consideration of this item.

Councillors Allison, Bell, Betton, Mrs Bradley, Mrs Mallinson, Mallinson (J), McDevitt, Watson, Weber and Whalen declared an interest made no comment.

Pursuant to Minutes EX.119/12 and EX.131/12, consideration was given to recommendations from the Executive concerning Highways Claimed Rights. A copy of private Report LE.38/12 and relevant Minute Extracts had been circulated.

Councillor Mrs Martlew moved, and it was RESOLVED - That the City Council had considered the recommendations of the Executive and the comments of the Environment and Economy Overview and Scrutiny Panel and:

1. Approved Option 2; to terminate the current claimed right to carry out the highways maintenance of all urban unclassified roads in the district and instead work in co-operation with the County Council in the delivery of a residual highways services either
  - a) on such day as may be agreed between the City Council and the County Council, or

- b) 6 months after the receipt by the County Council of a notice from the City Council stating the intention to cease to exercise those powers
- 2. delegated authority to the Director of Local Environment, in consultation with the Portfolio holder for Local Environment and Director of Governance, to agree the terms of the termination, any transitional arrangements and a new residual highways agreement with the County Council with a date for new arrangements to come into place in 2013.

(The meeting ended at 9.10 pm)