

EXECUTIVE

MONDAY 22 JUNE 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:

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

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; and there were no declarations of interest affecting the business to be transacted.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

CALL-IN PROCEDURES

The Leader reported that the Mayor had, on 12 June 2020, agreed that the following items of business should be exempt from call-in as call-in procedures would overlap the meeting of the City Council on 14 July 2020 when the matters were scheduled for consideration:

- A.1(a) – Provisional General Fund Revenue Outturn 2019/20
- A.1(b) – Provisional Capital Outturn 2019/20 and Revised Capital Programme 2020/21
- A.1(c) – Treasury Management Outturn 2019/20
- A.2 – Food Law Enforcement Service Plan 2020/21

EX.54/20 **PROVISIONAL GENERAL FUND REVENUE OUTTURN 2019/20

(Key Decision – KD.05/20)

(In accordance with Paragraph 15(i) of the Overview and Scrutiny Procedure Rules, The Mayor had agreed that call-in procedures should not be applied to this item)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader submitted report RD.01/20 summarising the 2019/20 provisional outturn for the General Fund revenue budget and giving reasons for variances. The outturn position would result in returning £485,000 to General Fund reserves (as set out in paragraph 5.3).

Requests had been made to carry forward committed expenditure of £811,000, net transfers to/from reserves and provisions of £1,510,437 and transfer to the building control reserve of £60,247 which, if approved, would result in an overall net underspend position of £69,095 on Council Services; however it was estimated that additional funding from Business Rates income of £475,000 would be realised subject to the completion of the NNDR3 return and confirmation of any pooling gains.

The Deputy Leader considered that the above demonstrated the good work undertaken by the Finance Team and Officers within the Council.

Following completion of the NNDR3 return and final confirmation of the Business Rates Pooling, £237,600 of the additional funding from business rates would be used to support the capital programme and would not be returned to general fund reserves. That would be confirmed as part of the report to Council in July 2020.

Information on the Council's bad debt provision and balance sheet; and the impact of COVID-19 was also provided at Sections 6, 7 and 8 of the report.

The information contained within the report was provisional, subject to the formal audit process. The Draft Statement of Accounts for 2019/20 would be presented to the Audit Committee on 30 July 2020, with final approval of the audited accounts on 27 October 2020.

In conclusion, the Deputy Leader moved the recommendations, which were duly seconded by the Leader.

Summary of options rejected that the creation of new reserves and transfers, and new provisions and transfers should not be approved for recommendation to Council

DECISION

That the Executive:

- (i) Note the net underspend of £2,390,532 for Council Services as at 31 March 2020;
- (ii) Note the committed expenditure totalling £811,000, to be incurred in 2020/21 which had been approved by the Corporate Director of Finance and Resources under delegated powers, and the release of £811,000 from the General Fund Reserve in 2020/21 as detailed in Appendix D1 of the report for recommendation to Council;
- (iii) Approve the creation of new reserves and transfers into and from the new and existing reserves of £1,425,837, in addition to the transfer to the building control reserve of £60,247 as detailed in paragraphs 5.1 and 5.2 and Appendix D2 of the report for recommendation to Council;
- (iv) Approve the creation of new provisions and transfers into the new provisions of £84,600 as detailed in paragraph 5.1 and Appendix D2 of the report for recommendation to Council.

Reasons for Decision

To receive the Report on the Provisional General Fund Revenue Outturn and make recommendations to the City Council

EX.55/20 **PROVISIONAL CAPITAL OUTTURN 2019/20 AND REVISED CAPITAL PROGRAMME 2020/21
(Key Decision – KD.05/20)

(In accordance with Paragraph 15(i) of the Overview and Scrutiny Procedure Rules, The Mayor had agreed that call-in procedures should not be applied to this item)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader submitted report RD.02/20 summarising the 2019/20 provisional outturn for the Council's Capital Budget; and providing details of the revised Capital Programme for 2020/21. The outturn showed that the net underspend for Council services as at 31 March 2020 once committed expenditure totalling £2,568,500 was taken into account was £10,171.

Details of the resources which had been utilised to fund the 2019/20 Capital Programme, together with the 5 year Capital Programme for the period 2020/21 to 2024/25 were also provided.

The programme for 2020/21 totalling £29,915,800 was based upon the programme as agreed by Council in February 2020 of £14,160,600, the commitments brought forward from 2019/20 as identified of £2,568,500, the commitments brought forward from 2019/20 already approved of £10,952,800, an increase of £432,500 for additional Disabled Facilities Grant awarded which had recently been advised and totalled £1,899,764, an increase to the capital programme of £2,581,400 as approved by Council for the Civic Centre Development project, and a reduction in the programme of £780,000 relating to identified virements and carry forwards to provide the balance of funding for the Civic Centre Development project.

The 2020/21 programme would be continually reviewed to ensure the Council had the capacity to deliver that level of programme. The information contained within the report was provisional and subject to the formal audit process.

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

Summary of options rejected that the net underspend and the revised programme for 2020/21 should not be recommended to Council

DECISION

That the Executive:

- (i) Note the net underspend as at 31 March 2020 of £10,171 which includes committed expenditure to be met totalling £2,568,500, which is recommended by the Corporate Director of Finance and Resources for approval to Council;
- (ii) Had considered the revised programme for 2020/21, together with the proposed methods of financing and proposed carry forward into 2021/22, as detailed at paragraph 5 and Appendix B, for recommendation to Council.

Reasons for Decision

To receive the report on the Provisional Capital Outturn for 2019/20 and make recommendations to the City Council on the 2020/21 Capital Programme

EX.56/20 **TREASURY MANAGEMENT OUTTURN 2019/20
(Key Decision – KD.05/20)

(In accordance with Paragraph 15(i) of the Overview and Scrutiny Procedure Rules, The Mayor had agreed that call-in procedures should not be applied to this item)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader submitted report RD.03/20 providing the annual report on Treasury Management, as required under both the Financial Procedure Rules and the CIPFA Code of Practice on Treasury Management. Also included was the regular report on Treasury Transactions for the period 1 January 2020 to 31 March 2020.

The Deputy Leader commented, in particular, upon the £15m Stock Issue loan taken out in 1995 and in relation to which the authority had paid approximately £32m in interest. The stock issue had since been fully repaid in May 2020, meaning that it would not constitute a burden on our children and grandchildren.

The Deputy Leader concluded his presentation by moving the recommendation set out.

The Leader concurred with the sentiments expressed and duly seconded the recommendation.

Summary of options rejected that the report should not be recommended to Council for approval

DECISION

That Report RD.03/20 be received and recommended to the City Council for approval on 14 July 2020.

Reasons for Decision

To receive the annual report on Treasury Management

EX.57/20 COUNCIL TAX AND NNDR PROVISIONAL OUTTURN 2019/20
(Key Decision – KD.05/20)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader submitted report RD.04/20 summarising the 2019/20 provisional outturn and performance position for Council Tax and National Non-Domestic Rates.

Section 2 recorded that, for 2019/20 the position on the collection fund was estimated to be a surplus of £492,293, with the Council's share being £61,921. When the final position was calculated at the end of 2018/19 the surplus on the Council Tax Collection Fund was actually £562,578 of which the Council's share was £69,394. That increase in the surplus was then taken into account and redistributed in the budgeted estimate for 2020/21.

The actual collection fund position for 2019/20 had been calculated and the surplus had decreased, now standing at £23,142.66. The current position on the Council Tax Collection Fund was as detailed at paragraph 2.1.4 of the report, with the Council's Council Tax collection performance for 2019/20 being 97.1%.

The Deputy Leader commented upon the position with regard to the NNDR provisional outturn for 2019/20 and, in particular, the benefits of participation in the Cumbria Pooling arrangement. Due to the COVID-19 pandemic there had been a delay in being able to close down the Business Rates Collection Fund as the Government had deferred the deadline for the completion of the annual outturn return (NNDR3 form) to 31 July 2020. Therefore, the outturn position shown was based on best estimates of performance. The final outturn would be known once the Statement of Accounts was completed, the final NNDR3 form submitted and final confirmation of any business rates pooling gains for 2019/20.

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

Summary of options rejected None

DECISION

That the Executive:

- (i) Noted the provisional outturn position at 31 March 2020 for Council Tax and NNDR and also noted the position with regard to write offs and bad debt trends, as detailed within Report RD.04/20.
- (ii) Noted that those figures, as presented, were subject to change pending the completion of the NNDR3 return and final confirmation of any business rates pooling gains for 2019/20.

Reasons for Decision

To inform the Executive of the provisional outturn position and comments on performance which would feed into the overall revenue accounts for 2019/20.

EX.58/20 ELECTED MEMBERS' ALLOWANCES – PROVISIONAL OUTTURN FOR 2019/20
(Key Decision – KD.05/20)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader submitted report RD.05/20 setting out the amount of allowances paid to Members as part of the Elected Members' Allowances Scheme for 2019/20. He advised that £290,419 had been paid in allowances to individual Members which represented an underspend of £12,481, the reasons for which were provided at Section 2.

Members were further reminded that historically elected Members' allowances had been underspent and, subject to the proviso that trend continued and monitoring of the position, a commitment was given at the Budget Council meeting on 4 February 2020 that each Councillor would be provided with a budget of £1,500 per annum to fund small scale community projects in the wards they represented. That was important to many individual Members.

The Deputy Leader then moved the recommendation which was seconded by the Leader.

Summary of options rejected None

DECISION

That Report RD.05/20 be received and the overall underspend of £12,481 on Elected Members' Allowances for 2019/20 be noted.

Reasons for Decision

To receive details of the 2019/20 Provisional Outturn in respect of Members' Allowances

EX.59/20 **FOOD LAW ENFORCEMENT SERVICE PLAN 2020/21

(Key Decision – KD.08/20)

(In accordance with Paragraph 15(i) of the Overview and Scrutiny Procedure Rules, The Mayor had agreed that call-in procedures should not be applied to this item)

Portfolio Environment and Transport

Relevant Scrutiny Panel Health and Wellbeing

Subject Matter

Pursuant to Minute EX.45/20, the Environment and Transport Portfolio Holder submitted report GD.20/20 providing details of the Food Law Enforcement Service Plan covering the period 1 April 2020 to 31 March 2021. A summary report of the Plan had also been produced at Appendix 1 for the assistance of Members.

The Plan set out how Regulatory Services would deploy its resources in 2020 to 2021 to improve hygiene standards, prevent food borne diseases and help people live healthier lives. It sought to target interventions to tackle local issues whilst ensuring that Carlisle City Council achieved its national statutory responsibilities.

The Environment and Transport Portfolio Holder indicated that the Health and Wellbeing Scrutiny Panel had chosen to receive the report for information only. He then moved the recommendations set out.

The Leader seconded the recommendations.

Summary of options rejected that the Plan should not be referred to Council for approval

DECISION

That the Executive:

- (i) Agree the key actions of the Food Law Enforcement Service Plan.
- (ii) Refer the said Plan to Council for approval in accordance with the Council's Budget and Policy Framework.

Reasons for Decision

The recommended key actions had been identified following consultation and reflected the resources available to Regulatory Services in the financial year 2020 to 2021

EX.60/20 SOLWAY COAST AONB MANAGEMENT PLAN

(Key Decision – KD.16/20)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Economic Growth

Subject Matter

The Economy, Enterprise and Housing Portfolio Holder reported (ED.21/20) that the City Council had a statutory duty under the Countryside and Rights of Way Act 2000 to prepare and review a management plan for each of its two Areas of Outstanding Natural Beauty (AONBs).

The Solway Coast AONB lay within the boundaries of two adjoining local authorities, namely Carlisle and Allerdale, and wholly within the county of Cumbria.

The Portfolio Holder explained that the current Solway Coast AONB Management Plan ended in 2020 and had therefore been reviewed and redrafted by the Solway Coast AONB Partnership to cover the period 2020 – 2025. He added that the proposals were clearly outlined at paragraphs 2.1 to 2.4 of the covering report, with details of the wide-ranging consultation undertaken being provided at Section 4.

The Council ultimately needed to adopt the Management Plan to meet its statutory duty for the conservation and enhancement of the wonderful natural beauty of the Solway coast for the next five-year period.

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

The Environment and Transport Portfolio Holder considered the Management Plan to be interesting, informative and well put together. In addition to the importance of protecting the natural beauty of the area, one must remember that the opportunity for carbon sequestration through the peat lands existed within the county. Consideration should at some point be given to the value of that asset in terms of the carbon strategy.

The Leader agreed that the report was excellent.

Summary of options rejected none

DECISION

That the Executive note the Solway Coast AONB Management Plan ahead of sending it to the Economic Growth Scrutiny Panel for consideration.

Reasons for Decision

The Solway Coast AONB Management Plan required to be adopted by the City Council in fulfilment of its statutory duty under the Countryside and Rights of Way Act 2000. The Plan would be instrumental in conserving and enhancing that nationally protected landscape. It would assist in the implementation of many of the actions and activities that would conserve and enhance the natural and cultural heritage of the AONB and sustain the economy in sustainable ways

It was a plan for the area, and many organisations, individuals and communities would have a role in implementing it. It focused on landscape, biodiversity, geodiversity and cultural heritage, and would also assist with securing external funding for project implementation

EX.61/20 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 22 May 2020 was submitted for information.

Summary of options rejected None

DECISION

That the Notice of Executive Key Decisions dated 22 May 2020 be received.

Reasons for Decision

Not applicable

EX.62/20 SCHEDULE OF DECISIONS TAKEN BY PORTFOLIO HOLDERS
(Non Key Decision)

Portfolio Culture, Heritage and Leisure

Relevant Scrutiny Panel Health and Wellbeing

Subject Matter

Details of a decision taken by the Culture, Heritage and Leisure Portfolio Holder under delegated powers were submitted.

Summary of options rejected None

DECISION

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

Reasons for Decision

Not applicable

EX.63/20 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.

Summary of options rejected None

DECISION

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

Reasons for Decision

Not applicable

EX.64/20 JOINT MANAGEMENT TEAM
(Non Key Decision)

Portfolio Cross-cutting

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

Subject Matter

The Minutes of the meeting of the Joint Management Team held on 26 May 2020 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meeting of the Joint Management Team held on 26 May 2020, attached as Appendix C, be received.

Reasons for Decision

Not applicable

EX.65/20 POTENTIAL DESIGNATION OF CONSERVATION AREAS AT BRISCO AND WREAY
(Non Key Decision)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Economic Growth

Subject Matter

The Economy, Enterprise and Housing Portfolio Holder submitted report ED.24/20 presenting the work which had been undertaken to progress the proposed conservation area designations for the villages of Brisco and Wreay.

The Portfolio Holder outlined in some detail the background and rationale to the proposed designations, the engagement and consultation undertaken with local communities to date, and the feedback received, particulars of which were provided at Sections 1 and 2. He further drew Members' attention to Appendices 1, 2 and 3 attached to the report.

Following a positive response from the residents of Brisco, it was recommended that the Council proceed with the designation of a conservation area. However, due to concerns raised in respect of Wreay, the recommendation was that the Council do not proceed with the designation at this time.

The Economy, Enterprise and Housing Portfolio Holder concluded by moving the recommendations, which were duly seconded by the Communities, Health and Wellbeing Portfolio Holder.

Summary of options rejected other options set out within the report

DECISION

That the Executive:

1. Note the contents of Report ED.24/20 and the consultation feedback from the local residents in relation to the proposed designation of conservation areas for Brisco and Wreay.
2. Authorise the designation of a conservation area for the village of Brisco following the boundary defined on the map at Appendix 3.
3. Defer the decision to designate a conservation area for the village of Wreay to enable further community engagement and clarification on potential impact to residents.

Reasons for Decision

The Council had a statutory duty to review its area for the potential to designate new conservation areas. The special interests of Wreay and Brisco warranted consideration for designation and a period of public consultation had been undertaken to determine the view of local residents, statutory and Civic bodies and other interested parties in that regard

Both areas contained sufficient quality to justify/warrant conservation area designation. There was local support for the designation at Brisco. However, there was not the same degree of consensus at Wreay and, without widespread support, there was a risk that the designation may not be as effectual

**EX.66/20 REFERENCE FROM THE CITY COUNCIL – NOTICE OF MOTION –
FLOOD PROTECTION AND RESILIENCE**
(Non Key Decision)

Portfolio Environment and Transport

Relevant Scrutiny Panel Economic Growth

Subject Matter

There was submitted reference from the City Council meeting held on 3 March 2020 instructing that the Executive undertake work in relation to flood protection and resilience

measures. A copy of the relevant Minute Excerpt (C.53/20(c)) had been circulated with the papers for this meeting.

The Environment and Transport Portfolio Holder reported that a response was in the course of preparation at this time for report back to Council. He so moved.

The Communities, Health and Wellbeing Portfolio Holder seconded the recommendation.

Summary of options rejected None

DECISION

That the Executive had given consideration to the reference from the City Council; a response was in the course of preparation, and would be reported to the City Council.

Reasons for Decision

To respond to a reference from the City Council

EX.67/20 END OF YEAR PERFORMANCE REPORT 2019/20
(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.14/20 containing the End of Year 2019/20 performance against the current Service Standards, together with a summary of the Carlisle Plan 2015-18 actions as defined in the 'plan on a page'. Performance against the 2019/20 Key Performance Indicators (KPIs) was also included.

The Deputy Leader referenced the summary of exceptions, indicating that those would be explored over the coming year, as would the monitoring of performance to drive improvements for the City Council.

The Deputy Leader concluded by moving the recommendation, which was seconded by the Leader.

Summary of options rejected none

DECISION

That the Executive had considered the performance of the City Council as presented in Report PC.14/20 with a view to seeking continuous improvement in how the Council delivered its priorities.

Reasons for Decision

To consider the performance of the City Council with a view to seeking continuous improvement in how the Council delivered its priorities

EX.68/20 NEW ALLOCATIONS POLICY AND EQUALITY IMPACT ASSESSMENT (Non Key Decision)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Health and Wellbeing

Subject Matter

The Corporate Director of Governance and Regulatory Services presented report GD.22/20 which recorded that Cumbria Choice was the adopted social housing allocation policy of all six district councils in Cumbria, as well as the Registered Social Landlords operating in the county. Cumbria Choice had been in operation since March 2011, and the policy was periodically reviewed by the partnership to ensure it remained fit for purpose and was fully compliant with the latest legislation and good practice.

As the updated draft policy also related to homelessness, and not solely allocations, it fell within the remit of the Council's budget and policy framework, so would need to be considered through the full Committee process. The Executive would on 20 July 2020 consider the response from the Health and Wellbeing Scrutiny Panel and refer any changes to South Lakes District Council (who were the lead authority on Cumbria Choice). If there were no proposed amendments the policy review would be recommended to Council on 8 September 2020 for adoption; however, if there were proposed changes, those would be referred to the Executive on 14 September 2020.

The Economy, Enterprise and Housing Portfolio Holder moved the recommendation set out in the report, which was duly seconded by the Communities, Health and Wellbeing Portfolio Holder.

The Deputy Leader indicated that, whilst he agreed with reference of the matter to the Scrutiny Panel, he was greatly concerned by certain details within the policy. He considered a weakening of the local connection in the Allocations Policy to be a fundamental error, adding that could be discussed in greater detail at Scrutiny or when the matter came back before the Executive.

Summary of options rejected that the proposed Policy should not be referred to Scrutiny

DECISION

That the proposed Allocations Policy and EIA should be referred to the Health and Wellbeing Scrutiny Panel in accordance with the Budget and Policy Framework and considered by Officers.

Reasons for Decision

Approval of the revised Cumbria Choice Allocation Policy, following Scrutiny and consideration by Officers, would ensure greater clarity and consistency for households registering for social housing in Carlisle, while simultaneously complying with legislative changes (including the Homelessness Reduction Act and resultant Statutory Guidance)

[The meeting ended at 4.32 pm]