



**Executive**

**Date:** Monday, 27 September 2021

**Time:** 16:00

**Venue:** Council Chamber

**Chair:** Councillor John Mallinson

**Present:** Councillor Nigel Christian, Councillor Gareth Ellis, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson, Councillor Paul Nedved

**Also Present:** Deputy Chief Executive  
Corporate Director of Governance and Regulatory Services  
Corporate Director of Finance and Resources  
Corporate Director of Economic Development

Councillor Mrs Finlayson, Vice Chair of the Health and Wellbeing Scrutiny Panel

**EX.100/21 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of the Culture, Heritage and Leisure Portfolio Holder and the Town Clerk and Chief Executive.

**EX.101/21 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**EX.102/21 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

**EX.103/21 MINUTES OF PREVIOUS MEETINGS**

RESOLVED - That the minutes of the Executive held on 2 August 2021 and 31 August 2021 were confirmed. The minutes were signed by the Chair.

**EX.104/21 QUESTIONS BY MEMBERS OF THE PUBLIC**

Pursuant to Procedure Rule 10.1, the Corporate Director of Governance and Regulatory Services to report the receipt of the following questions submitted on notice by a member of the public:

**Victorian and Turkish Baths**

**Question 1.**

“The Carlisle Plan was amended by the Executive at their meeting of 31 August 2021 to include the Turkish Baths. Under Delivering the Borderlands Inclusive Growth Deal, the Plan states that “works to the exterior of the building and the installation of new utilities systems” will be implemented. At a meeting of the Council on 27 April 2021, the Council Leader gave a statement in which he said that a budget had been identified within the Borderlands project to fund the exterior and interior work to the baths. Is the budget within the Borderlands project

conditional on the City Council making the site of the 1970s pool building available to the Borderlands project?"

The Leader responded to the question:

"The Station gateway project includes proposals to re-develop the area to the rear of the station to provide a new entrance, additional parking, drop off facilities and replacement bus services.

In order to accommodate the development, the City Council has made available the land currently occupied by the 1970s pools. However, this would require works to the Victorian and Turkish Baths which it was agreed would be funded by the Borderlands Project."

Pursuant to Procedure Rule 10.8 the member of the public asked a supplementary question:

"Were there any conditions tied to the £400,000 budget from the Borderlands Project?"

The Leader responded that he was not aware of any.

### **Question 2.**

"At the meeting of the Executive on August 31st 2021, it was agreed to refer the Asset Management Plan for approval to Council. It was confirmed to the Business Transformation Scrutiny Committee that under the plan the Victorian and Turkish Baths are excluded from the maintenance programme and will be incorporated back into the programme on completion of the interior and exterior work that is to be funded by the budget from the Borderlands Project. Can the Executive detail how maintenance and general repairs to the Victorian and Turkish Baths will be funded between now and the incorporation of the Baths into the maintenance programme?"

The Leader responded to the question:

"With regards the maintenance programme, the Victorian and Turkish Baths has been taken out of the maintenance programme while the capital works are undertaken as part of the Borderlands Station gateway project as there won't be any need for maintenance during this period. Once these works are completed and assessed, the Baths will be included in the programme."

Pursuant to Procedure Rule 10.8 the member of the public asked a supplementary question:

"Was the Council responsible for the works and which budget would the maintenance work come from?"

The Leader responded that the works would be part of the Council's maintenance budget.

## **EX.105/21 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 27 August 2021 was submitted for information. The Leader moved and the Finance, Governance and Resources Portfolio Holder seconded the paper.

**Summary of options rejected**     None

## **DECISION**

That, subject to the above, the Notice of Executive Key Decisions dated 27 August 2021 be received.

**Reasons for Decision**   Not applicable

## **EX.106/21    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 decision taken by Officer under delegated powers were submitted. The Leader moved and the Finance, Governance and Resource Portfolio Holder seconded the paper.

**Summary of options rejected**     None

## **DECISION**

That the decisions, attached as appendix A, be noted.

**Reasons for Decision**     Not applicable

## **EX.107/21    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 31 August 2021 were submitted for information.

The Leader moved and the Finance, Governance and Resources Portfolio Holder seconded the Minutes.

**Summary of options rejected** None

## **DECISION**

That the Minutes of the meeting of the Joint Management Team held on 31 August 2021, attached as Appendix B, be received.

**Reasons for Decision** Not applicable

**EX.108/21 ANNUAL EQUALITY REPORT 2020/21 AND EQUALITY ACTION PLAN 2021**  
(Non Key Decision)

**Portfolio** Communities, Health and Wellbeing

**Relevant Scrutiny Panel** Health and Wellbeing

## **Subject Matter**

The Communities, Health and Wellbeing Portfolio Holder presented the Annual Equality Report for 2020/21 and the Equality Action Plan 2021. The Council had a positive approach to equality both in supporting staff and engaging with the community. This was demonstrated by the commitment to be open and transparent, acknowledging gaps in data and looking at how the Council can improve.

The Equality Action Plan 2021 set out actions on how the Council would work towards achieving the equality objectives and address the issues identified. The Communities Health and Wellbeing Portfolio Holder thanked the Health and Wellbeing Scrutiny Panel for their input.

The Communities, Health and Wellbeing Portfolio Holder moved the recommendation which was seconded by the Economy, Enterprise and Housing Portfolio Holder.

The Health and Wellbeing Scrutiny Panel has considered the report at their meeting on 2 September 2021(Minute Excerpt HWSP.57/21 referred).

The Vice Chair of the Health and Wellbeing Scrutiny Panel was in attendance at the meeting. She noted that the Panel had noted the outstanding work that staff had undertaken during a difficult time and the Panel had welcomed the report.

**Summary of options rejected** None

## **DECISION**

That the Executive had considered and commented on the content of the Annual Equality Report and Equality Action Plan.

## **Reasons for Decision**

The Annual Equality Report enabled the Council to fulfil requirements of the Public Sector Equality Duty.

## **EX.109/21 QUARTER 1 PERFORMANCE REPORT 2021/22**

(Non Key Decision)

**Portfolio** Finance, Governance and Resources

### **Relevant Scrutiny Panel**

Health and Wellbeing; Economic Growth; Business and Transformation

### **Subject Matter**

The Finance, Governance and Resources Portfolio Holder submitted report PC.36/21 containing the Quarter 1 2021/22 performance against the current Service Standards and a baseline position for the Carlisle Plan 2021-23 actions as defined in the draft Plan. Performance against the 2021/22 Key Performance Indicators (KPIs) were included as a dashboard. The recommendations from the Member Task and Finish Group on performance reporting were also detailed.

The Business and Transformation; Health and Wellbeing and Economic Growth Scrutiny Panels had scrutinised the performance at meetings held on 26 August, 2 and 9 September 2021 respectively. Excerpts from the minutes of those meetings were also submitted (BTSP.68/21, HWSP.58/21 and EGSP.57/21 referred).

The Finance, Governance and Resources Portfolio Holder moved the recommendations and the Leader seconded them.

**Summary of options rejected** None

### **DECISION**

That the Executive had:

- 1) given consideration to the performance of the City Council as presented in Report PC.36/21, and the observations of the Scrutiny Panels, with a view to seeking continuous improvement in how the Council delivered its priorities.
- 2) considered and agreed the recommendations made by the Member Task and Finish Group regarding future performance reports.

### **Reasons for Decision**

To seek Executive consideration of the performance of the City Council as presented in the report

## **EX.110/21 AMENDMENT TO THE COMPLAINTS AND FEEDBACK POLICY**

(Non Key Decision)

**Portfolio** Finance, Governance and Resources

**Relevant Scrutiny Panel** Business and Transformation

### **Subject Matter**

The Finance, Governance and Resources Portfolio Holder reported that the Complaints and Feedback Policy was an important mechanism for residents to put forward feedback to

improve Council services. The Council had undertaken a review of the policy to improve the customer experience, better manage expectations and maximise internal efficiency when investigating and responding to complaints. Proposed amendments would highlight best practice and provide valuable feedback for service improvement.

The Finance, Governance and Resources Portfolio Holder moved and the Leader seconded the recommendation.

**Summary of options rejected** Not to approve the revised Policy.

## **DECISION**

That the revised Corporate Complaints and Feedback Policy be approved (CE.10/21)

## **Reasons for Decision**

A defined Corporate Complaints and Feedback Policy would control customer expectation and improve the customer experience

The Meeting ended at: 16:10

**Executive**

**Date:** Monday, 25 October 2021

**Time:** 16:00

**Venue:** Cathedral Room

**Present:** Councillor Nigel Christian, Councillor Gareth Ellis, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson, Councillor Paul Nedved

**Officers:** Town Clerk and Chief Executive  
Corporate Director of Governance and Regulatory Services  
Corporate Director of Finance and Resources  
Corporate Director of Economic Development

**EX.111/21 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of the Culture, Heritage and Leisure Portfolio Holder and the Deputy Chief Executive.

**EX.112/21 DECLARATIONS OF INTEREST**

Councillor Mrs Mallinson declared a disclosable pecuniary interest in accordance with the Council's Code of Conduct in respect of Agenda item A.2 – Acceptance of Potential Offer for Sustainable Warmth Competition Local Authority Delivery Phase 3 (LAD3) and home upgrade grants (HUG). The interest related to the fact that Councillor Mrs Mallinson was a private landlord and she would leave the meeting prior to consideration of that item of business.

Councillor J Mallinson declared a disclosable pecuniary interest in accordance with the Council's Code of Conduct in respect of Agenda item A.2 – Acceptance of Potential Offer for Sustainable Warmth Competition Local Authority Delivery Phase 3 (LAD3) and home upgrade grants (HUG). The interest related to the fact that Councillor J Mallinson was a private landlord and he would leave the meeting prior to consideration of that item of business.

**EX.113/21 PUBLIC AND PRESS**

RESOLVED - That the Agenda be agreed as circulated.

**EX.114/21 MINUTES**

RESOLVED - That the minutes of the Executive held on 27 September 2021 were confirmed.

# **EX.115/21 REGULATORY REFORM (HOUSING ASSISTANCE) (ENGLAND AND WALES) ORDER 2002 - CHANGES TO EXISTING HOUSING ASSISTANCE POLICY**

(Key Decision KD.20/21)

**Portfolio** Communities, Health and Wellbeing

**Relevant Scrutiny Panel** Health and Wellbeing

## **Subject Matter**

The Communities, Health and Wellbeing Portfolio Holder presented a review of the existing Regulatory Reform Order (RRO) Housing Renewal Assistance Policy which was last updated in 2018 and approved by Council in January 2019. Revisions had been necessary to ensure the Housing Renewal Assistance Policy was fit for purpose as an offer for residents and reflected the current demands on the service. The revised Policy had been attached to report GD.70/21 as an appendix.

The Communities, Health and Wellbeing noted that the report recommended that the City Council used its discretionary powers under the Regulatory Reform Order to further broaden the scope of the Disabled facilities grants (DFGs) and allow specific DFG funding to be used for grants to assist the elderly, disable or other vulnerable groups to live independently and to improve their living conditions and well-being. Specifically, minor works that supports ill health prevention, promote independence and delay transfer into care. She moved that this be added to the recommendations detailed in the report.

The Portfolio Holder highlighted the excellent work that City Council staff had undertaken with the NHS to support people moving from hospital to their own homes as safely as possible.

The Communities, Health and Wellbeing Portfolio Holder moved the recommendations and the Economy, Enterprise and Housing Portfolio Holder seconded them.

**Summary of options rejected** None

## **DECISION**

That the Executive:

- i) had considered the proposed revised Housing Renewal Assistance Policy 2022 (appendix 1 of report GD.70/21)
- ii) referred the said Policy to the Health and Wellbeing Scrutiny Panel for consideration in accordance with the Council's Budget and Policy Framework;
- ii) that the City Council used its discretionary powers under the Regulatory Reform Order to further broaden the scope of the Disabled facilities grants (DFGs) and allow specific DFG funding to be used for grants to assist the elderly, disable or other vulnerable groups to live independently and to improve their living conditions and well-being. Specifically, minor works that supports ill health prevention, promote independence and delay transfer into care.

## **Reasons for Decision**

The revised Housing Renewal Assistance Policy 2022 will assist in ensuring that best use is made of the DFG capital funding making use of existing capacity and expertise within the Housing and Pollution and Homelife teams.



The introduction of flexibility into the assistance process is being promoted as good practice nationally and in line with government and local policies.

## **EX.116/21 ACCEPTANCE OF POTENTIAL OFFER FOR SUSTAINABLE WARMTH COMPETITION LOCAL AUTHORITY DELIVERY PHASE 3 (LAD3) AND HOME UPGRADE GRANTS (HUG1)**

(Key Decision KD.21/21)

*Councillors Mallinson (J) (Chair) and Mrs Mallinson, having declared disclosable pecuniary interests, retired from the meeting and took no part in the consideration of this item of business.*

*The Deputy Leader assumed the Chair.*

**Portfolio** Economy, Enterprise and Housing

**Relevant Scrutiny Panel** Economic Growth

### **Subject Matter**

The Economy, Enterprise and Housing Portfolio Holder submitted a report requesting that the Executive should accept grant funding, if offered, from Business Energy and Industrial Strategy (BEIS) Sustainable Warmth Competition and act as the lead authority of a Cumbria Consortium of district councils for the delivery of the grant (GD.73/21)

The Economy, Enterprise and Housing Portfolio Holder reported that the City Council had applied for £19,955,000 of funding on behalf of the Cumbrian Sustainable Warmth consortium of district councils to address fuel poverty, improve energy efficiency and carbon savings and help boost the local economy to retrofit a target of 1,310, mainly private sector homes, with energy efficiency measures, including low carbon heating across Cumbria.

The Portfolio Holder thanked the Regulatory Services Manager and the Home Improvement Agency Team Leader for their work, and the Economic Growth Scrutiny Panel for their input.

The Economic Growth Scrutiny Panel had considered the matter at their meeting on 21 October 2021 (minute excerpt EGSP.65/21 referred).

The Economy, Enterprise and Housing Portfolio Holder moved, and the Environment and Transport Portfolio Holder seconded the recommendations.

**Summary of options rejected** not to accept the funding, if offered.

### **DECISION**

That the Executive:

- i) Delegated authority to the Corporate Director for Governance and Regulatory Services to agree and sign the Memorandum of Understanding and, thereby, accept an offer of the Sustainable Warmth grant funding by Department for Business Energy and Industrial Strategy (BEIS).
- ii) Agreed that the Council acts as the accountable body for the Grant on behalf of the Cumbrian Consortium of district councils.

## Reasons for Decision

Carlisle had over 2,250 owner-occupied and over 700 privately rented properties which had an EPC rating of E, F or G but which could achieve a minimum C Rating. This did not include the homes which did not have current EPCs but were still eligible for grant funding. The purpose of the Sustainable Warmth competition was to reduce carbon and make homes more energy efficient which would support the Council's credentials as climate change champions and add to the fuel poverty schemes already on offer. The scheme would also help boost the local economy.

*Councillors Mallinson (J) and Mrs Mallinson returned to the meeting.*

*The Leader assumed the Chair.*

## **EX.117/21 ST CUTHBERT'S GARDEN VILLAGE – DEVELOPMENT CORPORATION BUSINESS CASE PROGRESS REPORT AND KEY NEXT STEPS**

(Key Decision KD.22/21)

**Portfolio** Economy, Enterprise and Housing

**Relevant Scrutiny Panel** Economic Growth

### **Subject Matter**

The Economy, Enterprise and Housing Portfolio Holder provided an update on the Council's award of funding through the Government's New Towns Development Corporation Competition and to endorse the key next steps to develop the Development Corporation Business Case over the next 2 years. (ED.31/21)

The Economy, Enterprise and Housing Portfolio Holder gave a brief overview of the background before highlighting the Key Next Steps and Funding Programme 2021 to 2023.

The Portfolio Holder thanked the Head of Planning Policy and team for their ongoing work.

The Economy, Enterprise and Housing Portfolio Holder moved the recommendations. When seconding the recommendations the Environment and Transport Portfolio Holder was pleased to support the ongoing work for the Garden Village which would be as close to a zero carbon development as was possible. The Carlisle Southern Link Road would not only divert HGVs out of the City but would also provide improved public transport links as well and walking and cycling routes.

**Summary of options rejected** None

### **DECISION**

That the Executive

1. Noted progress on the preparing the Development Corporation Business Case to date;
2. Approved the proposed next steps and hence indicative work programme to advance the Development Corporation Business Case, including proposed indicative funding profile, set out at Section 3;
3. Delegated authority to the Corporate Director of Economic Development to progress procurement, including contract awards (particularly where the winning tender was not necessarily the lowest bidder), where in keeping with the indicative work package and budgets, following consultation with the Portfolio Holder for Economy, Enterprise and housing.

## Reasons for Decision

The Executive's approval for the indicative work packages and funding profile was required given the values involved and the need for transparency given the proposed expenditure of external grant funding. It also reflected that as a major corporate project that the Executive were comfortable with both the progress of the project and the future direction of travel.

### **EX.118/21 TULLIE HOUSE BUSINESS PLAN 2021–2030 (22/23 revision)**

(Key Decision KD.24/21)

**Portfolio** Culture, Heritage and Leisure

**Relevant Scrutiny Panel** Health and Wellbeing

#### **Subject Matter**

The Leader presented report CS.41/21, the purpose of which was to introduce and allow consideration of the Tullie House Museum and Art Gallery Trust 2022/23 Business Plan in order that the Council may, in due course, agree core funding for the Trust. That was in line with Section 5 of the Partnership Agreement between the Council and Tullie House Trust, which stated that the Business Plan submitted by the Trust should be used as the basis for agreeing future years funding.

Details of the background position; core grant; lease arrangements; building and collection financial implications; impact of COVID-19 and impact of the proposals put forward by Tullie House Trust were provided within the report.

The Executive was asked to give initial consideration to the Business Plan and refer that to the Health and Wellbeing Scrutiny Panel for their review and recommendations.

The Leader concluded his presentation by moving the recommendation which was seconded by the Finance, Governance and Resources Portfolio Holder.

**Summary of options rejected** that the Business Plan should not be referred for scrutiny

#### **DECISION**

That the Executive had given initial consideration to the Tullie House Trust Business Plan (Report CS.41/21) and referred it to the Health and Wellbeing Scrutiny Panel on 25 November 2021 for their review and recommendations.

#### **Reasons for Decision**

The recommendations allowed the report, the associated Business Plan and core funding to be approved in line with the Partnership Agreement

### **EX.119/21 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 24 September 2021 was submitted for information.

The Corporate Director of Economic Development was scheduled to submit a report noting the proposals for the redevelopment of the Citadels and approve the land assembly activity required by the Council to enable the delivery of the scheme (Key Decision - KD.23/21). However, discussions with the University of Cumbria are still ongoing to finalise the approach to the delivery of the land assembly work stream for the the project, the matter has been deferred.

The Leader moved and the Finance, Governance and Resources Portfolio Holder seconded the paper.

**Summary of options rejected**    None

## **DECISION**

That, subject to the above, the Notice of Executive Key Decisions dated 24 September 2021 be received.

**Reasons for Decision**    Not applicable

## **EX.120/21    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 decision taken by Officer under delegated powers wee submitted. The Leader moved and the Finance, Governance and Resource Portfolio Holder seconded the paper.

**Summary of options rejected**    None

## **DECISION**

That the decisions, attached as appendix A, be noted.

**Reasons for Decision**    Not applicable

## **EX.121/21 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 27 September 2021 were submitted for information.

The Leader moved and the Finance, Governance and Resources Portfolio Holder seconded the Minutes.

**Summary of options rejected** None

### **DECISION**

That the Minutes of the meeting of the Joint Management Team held on 27 September 2021, attached as Appendix B, be received.

**Reasons for Decision** Not applicable

## **EX.122/21 REGULATION OF INVESTIGATORY POWERS: UPDATE**

(Non Key Decision)

**Portfolio** Finance, Governance and Resources

**Relevant Scrutiny Panel** Business and Transformation

### **Subject Matter**

The Finance, Governance and Resources Portfolio Holder submitted report GD.68/21 which provided an update on the Council's use of the surveillance powers open to it under the Regulation of Investigatory Powers Act 2000 (RIPA).

The Guidance says that elected members of a local authority should review the usage of the surveillance powers and set the policy once each year. The rules regulating surveillance were restrictive and the reality was that, since the transfer of the Council's benefit fraud to the Department for Work and Pensions, it was very unlikely that it would need to undertake any covert surveillance activity. The last authorisation of surveillance by the City Council predated the transfer of the Benefit Fraud Team. In effect, the Council did not make use of any covert surveillance in its activity.

The last authorisation was in March 2014 for a benefit fraud matter. A report was not brought before Members last year due to the fact that no activity had occurred and due to the pandemic lockdown RIPA was simply not relevant.

The Finance, Governance and Resources Portfolio Holder moved the recommendation to note and approve the report and the Leader seconded it.

**Summary of options rejected** None

**DECISION**

That the Executive noted and approved the content of the Report, including the Council's RIPA policy.

**Reasons for Decision**

To comply with the Regulation of Investigatory Powers Act 2000 (RIPA) and its associated Regulations and Guidance.

The Meeting ended at: 16:15