

CITY COUNCIL

TUESDAY 30 APRIL 2013 AT 6.45 PM

PRESENT: The Deputy Mayor (Councillor Bloxham), Councillors Allison, Mrs Atkinson, Bainbridge, Bell, Betton, Boaden, Bowditch, Mrs Bowman, Bowman (S), Mrs Bradley, Cape, Collier, Craig, Earp, Ellis, Forrester, Ms Franklin, Mrs Geddes, Glover, Graham, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), Mrs Martlew, McDevitt, Mitchelson, Morton, Nedved, Mrs Parsons, Ms Patrick, 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.59/13 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of The Mayor (Councillor Wilson), Councillors Atkinson (P) and Mrs Clarke.

In the absence of the Mayor, the Deputy Mayor took the Chair

C.60/13 MINUTES

The Minutes of the meeting of the City Council held on 5 March 2013 were received and signed as a true record of the meeting.

C.61/13 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

C.62/13 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

C.63/13 ANNOUNCEMENTS

(a) The Deputy Mayor

The Deputy Mayor informed Members that the Mayor was unwell and unable therefore to be present this evening. He expressed the hope that the Mayor would soon be fully recovered.

The reception to mark the end of the Municipal Year, to which all were invited, would go ahead as planned.

(b) The Leader of the Council

There were no announcements from the Leader.

(c) Members of the Executive

Councillor Mrs Martlew referred further to the question posed by Councillor Ellis at the last Council meeting (Minute C.48/13) concerning proposals to charge the organisers of the Motor Cycle event (scheduled for August 2013) for use of the Devonshire Walk Car Park. Having considered his request, she deemed it appropriate to waive parking charges on that occasion. Councillor Mrs Martlew added that the event in question was to mark centenary celebrations and her decision would not therefore set a precedent.

Councillor Mrs Martlew then indicated that she wished to make an announcement concerning the ongoing CCTV debate and, in particular, the situation regarding the invitation from the Police and Crime Commissioner to apply for match funding for anti-social behaviour initiatives. She had today received correspondence from the Commissioner which it had not been possible to include in her Portfolio Holder report.

Councillor Mrs Martlew summarised in some detail the background to the matter, reminding Members of the previous debates by Council on the issue. She further quoted excerpts from Councillor Bainbridge's Twitter site.

The Police and Crime Commissioner had previously advised that he was commissioning a definitive report by his acting Chief Constable to assess the use to the Police of CCTV. That report was available prior to his decision to allocate money to the District Councils, but he chose to ignore its findings when replying to the bids made by the District Councils. In his report, the acting Chief Constable readily acknowledged that CCTV was an important Police tool and he advocated a county-wide service.

In terms of the current position, Councillor Mrs Martlew reported that she, along with the Chief Executive and the Director of Local Environment had on 23 April 2013 met with the Police and Crime Commissioner's Chief Executive and the assistant Chief Constable to discuss talks about CCTV. The City Council wished to speed matters up and, in line with one of the options within the Chief Constable's report, she had offered the gift of the Council's CCTV equipment to the Police as the authority's contribution to a county-wide service. It seemed obvious that the acting Chief Constable should have put on hold the offer to District Councils in order to discuss investing the £600k to fund a county-wide CCTV service. Unfortunately, however, that opportunity had passed.

Further talks on the issue were awaited.

Councillor Mallinson (J) indicated that he wished to challenge the announcement made by Councillor Mrs Martlew.

(d) Town Clerk and Chief Executive

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

C.64/13 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.65/13 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.66/13 QUESTIONS FROM MEMBERS OF THE CITY COUNCIL

Pursuant to Procedure Rule 11.2, the Town Clerk and Chief Executive reported that no questions had been submitted on notice by members of the City Council.

C.67/13 EXECUTIVE

Councillor Hendry moved and Councillor Glover seconded the Minutes of the meetings of the Executive held on 11 March and 8 April 2013.

The Leader then responded to Members' questions on those Minutes.

RESOLVED – (1) That the Minutes of the meetings of the Executive held on 11 March and 8 April 2013 be received and adopted.

(2) That the Leader, in conjunction with the Director of Governance, give consideration to the alleged breach of constitutional procedures raised by Councillor Mitchelson (Minute EX.34/13 – Parish Charter referred).

C.68/13 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

Whist moving his report the Leader highlighted in particular the section concerning the Listening Carlisle events. Further to a previous request from Councillor Nedved, the Leader indicated that he would be happy to include Stanwix within the second series of events planned for the autumn.

The summer/autumn edition of Carlisle Focus was in the course of preparation, and the Leader commended all those involved for their input.

The Leader further spoke to commend the first class Portfolio Holder reports submitted by Executive Members which were making a very positive difference to the City. He was also very grateful for the advice and assistance provided by Officers.

The Finance, Governance and Resources Portfolio Holder moved his report, drawing Members' attention to the very detailed information provided with regard to organisational development (including results of an Employee Opinion Survey; a wellbeing and learning day for staff and Members scheduled for 14 May 2013; and the Council's Cycle to Work Scheme).

In moving her report, the Environment and Transport Portfolio Holder outlined progress around Highways Claimed Rights; the project to repair and clean the Cenotaph and other war memorials in the City; and street cleaning works.

The Environment and Transport Portfolio Holder complemented the Food Safety Team for their prompt action in response to very poor hygiene conditions found following a visit to an unregistered food business. The Green Spaces Team had taken back the maintenance and operation of St James Park, Denton Holme from Carlisle Leisure and she thanked Councillor McDevitt for investing in the green infrastructure. The Portfolio Holder further commended those staff involved for work undertaken at Hammond's Pond.

In conclusion, the Environment and Transport Portfolio Holder informed Council that the Director of Local Environment had over the Easter break visited India in her own time. The Director had visited four sites, reviewing house to house collections and opportunities for safer working conditions. It was a real credit to the Director's professionalism that she had been invited to undertake that work and the Portfolio Holder congratulated her.

The Deputy Mayor endorsed the sentiments expressed by the Portfolio Holder.

Councillor Mallinson (J) referred to the statement made by the Environment and Transport Portfolio Holder earlier in the meeting in relation to CCTV. He felt sure that the Portfolio Holder was aware that a county-wide option was being sought, and very positive meetings had taken place with other local authorities and the Police and Crime Commissioner.

The Economy and Enterprise Portfolio Holder moved his report referring Members, in particular, to the section concerning the Local Plan. A cross party Working Group had met continuously over the previous two year period and the Portfolio Holder commended past and present Members of the Group for working in a very non political manner and engaging closely with Officers.

The Economy and Enterprise Portfolio Holder also wished to place on record the Council's thanks to the Planning Policy Team who had been outstanding in bringing forward issues in an exceptionally comprehensive manner.

The involvement of the Working Group would continue throughout the Local Plan Preferred Options public consultation scheduled to take place at the end of July 2013. The Portfolio Holder asked that Members give careful consideration to the consultation in order that the end result would be the best possible Local Plan to set planning schemes for the next fifteen years.

The Communities and Housing Portfolio Holder moved her report. She also endorsed Councillor Mrs Luckley's expression of appreciation to all those involved in development of the replacement Women and Family Accommodation.

In moving her report, the Culture, Health, Leisure and Young People Portfolio Holder clarified that the Tourism Conference held on 26 April 2013 was not in fact the first Conference. She also congratulated all concerned for their work towards the redesign of the Sands and Bitts Park subways.

Members questioned individual Portfolio Holders on 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 written details of the assets purchased using the capital receipts from the sale of assets under the disposal programme (in particular whether reinvestment of the receipts would achieve a higher yield), in response to the request raised by Councillor Ellis.

(3) That, further to the question posed by Councillor Bainbridge, the Communities and Housing Portfolio Holder arrange to provide Councillor Morton with contact details in order that he may, if he wished, obtain crime and disorder performance figures for the Carlisle area.

(4) That, should arrangements for the Carlisle Proclamation differ from those of previous years, the Culture, Health, Leisure and Young People Portfolio Holder would provide written details to Councillor Mrs Parsons.

C.69/13 OVERVIEW AND SCRUTINY MINUTES AND CHAIRMEN'S REPORTS

(a) Community Overview and Scrutiny Panel

Councillor Mrs Luckley moved and Councillor Earp seconded that the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 28 March 2013 be received and adopted.

Councillor Mrs Luckley also presented her Chairman's Report.

RESOLVED – That the Minutes of the Meeting of the Community Overview and Scrutiny Panel held on 28 March 2013 together with the Chairman's Report be received and adopted.

(b) Resources Overview and Scrutiny Panel

Councillor Watson moved and Councillor Craig seconded that the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 21 February, 5 March and 4 April 2013 be received and adopted.

Councillor Watson also presented his Chairman's Report.

The Deputy Mayor; the Chairman of the Resources Overview and Scrutiny Panel; and the Finance, Governance and Resources Portfolio Holder responded to concerns expressed by Councillor Mrs Mallinson regarding the Task Group review on options for saving paper. Councillor Mrs Mallinson was particularly concerned to ensure that the use of tablets adhered to ICT security regulations and that an Equality Impact Assessment was undertaken to address potential issues for people with disabilities.

The Town Clerk and Chief Executive gave an assurance that no security regulations had been breached during the recent MyCMIS (paperless meetings) pilot.

RESOLVED – That the Minutes of the Meetings of the Resources Overview and Scrutiny Panel held on 21 February, 5 March and 4 April 2013 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 28 February 2013 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 28 February 2013 together with the Chairman’s Report be received and adopted.

C.70/13 OVERVIEW AND SCRUTINY ANNUAL REPORT

A copy of Report OS.11/13 enclosing the Annual Report of the Council’s Overview and Scrutiny function for 2012/13 had been circulated. The report summarised the work of the Scrutiny Panels over the last year. It also looked forward to the next year and made suggestions regarding the continued development of independent Member led scrutiny. There were no specific recommendations within the report which required Council approval.

Councillor Whalen moved the report highlighting the effective work undertaken for the good of the people of Carlisle, which went beyond party politics. He was, however, disappointed that on occasions the Press were not present when important issues were under scrutiny.

In conclusion, Councillor Whalen thanked Portfolio Holders and Officers for their contribution.

Councillor Mrs Prest also thanked the Officers involved in preparation of the Annual Report.

Councillor Layden commented that scrutiny had proved to be a very positive experience during his past five years on the Council.

RESOLVED – That the Annual Report of the Council’s Overview and Scrutiny function for 2012/13 be received.

C.71/13 REGULATORY PANEL

Councillor Bell moved and Councillor Ms Franklin seconded the receipt and adoption of the Minutes of the Meeting of the Regulatory Panel held on 13 March 2013.

RESOLVED – That the Minutes of the Meeting of the Regulatory Panel held on 13 March 2013 be received and adopted.

C.72/13 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 6 and 8 March 2013.

RESOLVED – That the Minutes of the Meetings of the Development Control Committee held on 6 and 8 March 2013 be received and adopted.

C.73/13 APPEALS PANEL

Councillor Collier moved and Councillor Boaden seconded the receipt and adoption of the Minutes of the Meeting of Appeals Panel No. 3 held on 27 March 2013.

RESOLVED – That the Minutes of the Meeting of Appeals Panel No.3 held on 27 March 2013 be received and adopted.

C.74/13 NOTICE OF MOTION

(1) Bedroom Tax

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

“This Council calls on the Coalition Government to abandon its policy on ‘the Bedroom Tax’. This policy is not only unfair to the people of Carlisle. It simply won’t work. There are not enough smaller homes for people to move to. This measure is both hard hearted and incompetent.

This Council further calls on the two Members of Parliament for Carlisle District to publically disassociate themselves from this ‘Bedroom Tax’ proposal.”

Councillor Hendry moved and Councillor Tickner seconded the motion.

Councillor Henry then elaborated in some detail upon the reasons for submission of the motion, expressing the hope that the City Council would lend their unanimous support to the Motion.

Following substantial discussion, with input from a number of Members of the City Council, and voting thereon, it was:

RESOLVED – That the Motion of Councillor Hendry as set out above be CARRIED.

(2) Benefits Cap

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

“This Council support the Government’s introduction of a benefits cap at £26,000 a year (£500 a week), with the principle that a household on benefits should not be better off than one on average annual earnings.”

Councillor Ellis moved and Councillor Bainbridge seconded the motion.

Councillor Ellis then elaborated in some detail upon the reasons for submission of the motion, and asked that the City Council lend their support.

Councillor Glover gave notice of the following amendment, copies of which were tabled:

Delete: “support the Government’s introduction of a benefits cap at £26,000 a year (£500 a week),”

and replace with: “..... accepts the need for a benefits cap on working age households,”

Add at the end: “Any caps should take account of variations in housing costs and different levels of housing benefit in different parts of the country.”

The substantive Motion would read:

“This Council accepts the need for a benefits cap on working age households, with the principle that a household on benefits should not be better off than one on average annual earnings.

Any caps should take account of variations in housing costs and different levels of housing benefit in different parts of the country.”

The Deputy Mayor agreed to a short recess in order that Members may consider the amendment of Councillor Glover.

The meeting adjourned at 9.10 pm and reconvened at 9.17 pm

Councillor Glover moved his amendment, which was seconded by Councillor Whalen.

Councillor Glover then elaborated in some detail upon the reasons for submission of the amendment, expressing the hope that the City Council would lend their support.

Substantial discussion took place on the amendment, with input from a number of Members of the City Council.

Councillor Boaden, supported by one fourth of the Members present, requested under Procedure Rule 17.4 that a recorded vote be taken.

The following Members voted for the Amendment of Councillor Glover:

Councillors Mrs Atkinson, Bell, Betton, Boaden, Bowditch, Mrs Bradley, Cape, Forrester, Ms Franklin, Glover, Graham, Harid, Hendry, Mrs Martlew, McDevitt, Ms Patrick, Ms Quilter, Mrs Riddle, Scarborough, Miss Sherriff, Mrs Southward, Mrs Stevenson, Stothard, Tickner, Mrs Warwick, Watson, Weber and Whalen

The following Members voted against the Amendment of Councillor Glover:

The Deputy Mayor (Councillor Bloxham), Councillors Allison, Bainbridge, Bowman (S), Mrs Bowman, Collier, Craig, Earp, Ellis, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), Mitchelson, Morton, Nedved, Mrs Parsons, Mrs Prest and Mrs Vasey

The Amendment of Councillor Glover (the Substantive Motion) was CARRIED.

Councillor Boaden, supported by one fourth of the Members present, requested under Procedure Rule 17.4 that a recorded vote be taken on the Substantive Motion.

In light of the previous vote, Councillor Mallinson (J) indicated that the Conservative Group would not oppose the Substantive Motion.

The following Members voted for the Substantive Motion:

The Deputy Mayor (Councillor Bloxham), Councillors Allison, Mrs Atkinson, Bainbridge, Bell, Betton, Boaden, Bowditch, Mrs Bradley, Cape, Craig, Earp, Ellis, Forrester, Ms Franklin, Glover, Graham, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), Mrs Martlew, McDevitt, Mrs Parsons, Ms Patrick, Ms Quilter, Mrs Riddle, Scarborough, Miss Sherriff, Mrs Southward, Mrs Stevenson, Stothard, Tickner, Mrs Warwick, Watson, Weber and Whalen

The following Member voted against the Substantive Motion:

Councillor Collier

The following Members abstained from voting:

Councillors Bowman (S), Mrs Bowman, Mitchelson, Morton, Nedved, Mrs Prest and Mrs Vasey

RESOLVED – That the Substantive Motion as set out below be CARRIED:

“This Council accepts the need for a benefits cap on working age households, with the principle that a household on benefits should not be better off than one on average annual earnings.

Any caps should take account of variations in housing costs and different levels of housing benefit in different parts of the country.”

C.75/13 SUSPENSION OF STANDING ORDERS

Pursuant to Council Procedure Rule 9, Councillor Whalen moved and it was seconded and AGREED that the meeting should continue beyond three hours in duration to enable the remaining items of business to be transacted.

C.76/13 PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE COUNCIL'S BUDGET AND POLICY FRAMEWORK

EX.10/13 and EX.33/13 – Carlisle Plan 2013 – 2016

Pursuant to Minute EX.10/13 and EX.33/13, consideration was given to a recommendation from the Executive that the City Council approve the Carlisle Plan 2013 – 2016 for adoption to the Council's Policy Framework. A copy of Report PC.09/13 and relevant Minute Extracts had been circulated.

Councillor Tickner moved and Councillor Hendry seconded the recommendation.

Councillor Tickner also thanked the Town Clerk and Chief Executive, the Deputy Chief Executive and Directors, without whose help the priorities could not have been developed.

RESOLVED – That the Carlisle Plan 2013 – 2016, as appended to Report PC.09/13, be approved for adoption to the Council's Policy Framework.

C.77/13 REFERENCE FROM THE AUDIT COMMITTEE

Pursuant to Minute AUC.22/13, consideration was given to the Annual Report of the Audit Committee for the municipal year 2012/13 (RD.04/13). An extract from the draft Minutes of the Audit Committee had been circulated.

Councillor Bowditch moved and Councillor Ms Franklin seconded the report.

RESOLVED – That the Council noted and accepted the Audit Committee's Annual Report for 2012/13.

C.78/13 OPERATION OF THE PROVISIONS RELATING TO CALL-IN AND URGENCY

Pursuant to Procedure Rule 15(i) of the Overview and Scrutiny Procedure Rules, the Director of Governance reported GD.18/13 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.79/13 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.

(The meeting ended at 10.05 pm)