

EXECUTIVE

WEDNESDAY 27 MAY 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)

ALSO PRESENT:

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

OFFICERS:

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

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.

Councillor Mrs Mallinson declared a disclosable pecuniary interest in accordance with the Council's Code of Conduct in respect of Agenda item A.8 – Update of Private Sector Housing Enforcement Policy – Emergency Updates for COVID-19 Outbreak.

Councillor Mallinson informed the meeting that she is a landlady and would retire during consideration of that item.

Councillor Mallinson (J) declared a disclosable pecuniary interest in accordance with the Council's Code of Conduct in respect of Agenda item A.8 – Update of Private Sector Housing Enforcement Policy – Emergency Updates for COVID-19 Outbreak, due to the fact that he is a private landlord. Councillor Mallinson indicated that he would leave the meeting and request the Deputy Leader to take the chair.

APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of the Corporate Director of Economic Development.

PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

EX.44/20 CARLISLE SOUTHERN LINK ROAD HOUSING INFRASTRUCTURE FUND GRANT DETERMINATION AGREEMENT

(Key Decision – KD.02/20)

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Economic Growth

Subject Matter

The Economy, Enterprise and Housing Portfolio Holder submitted report ED.23/20 which sought approval for the Council to enter into a Grant Determination Agreement (GDA) with Homes England (alongside Cumbria County Council) for £102m of grant funding from the Ministry of Housing Communities and Local Government's Housing Infrastructure Fund (known as HIF) to enable the delivery of the Carlisle Southern Link Road (CSLR) and the consequential facilitation of the development of 10,325 new homes at St Cuthbert's Garden Village to the south of Carlisle. The background position was as recorded at Section 1.

The Portfolio Holder advised that the CSLR would bring significant benefits to both the City of Carlisle and the county. The road scheme would reduce congestion throughout Carlisle, bringing new infrastructure to St Cuthbert's Garden Village. Furthermore, it would result in substantial economic and social benefits, thereby aiding growth within the City.

He also commented upon the Grant Determination Agreement (Section 2), including the conditions applicable to the City Council, the Housing Delivery Statement, and the key overarching obligations. Details of the recovery strategy; the separate co-operation agreement with Cumbria County Council; risks and consultation were also provided.

The Economy, Enterprise and Housing Portfolio Holder concluded by moving the recommendations which were duly seconded by the Environment and Transport Portfolio Holder.

Speaking at the invitation of the Leader, the Environment and Transport Portfolio Holder added that the decision today constituted an important milestone for the CSLR and St Cuthbert's Garden Village. He considered that the fascinating report and appendices demonstrated that the project was gathering pace, and that a considerable amount of work had been undertaken. The Housing Statement in particular brought up many of the points which the cross-party Members' Advisory Group had raised and constituted an important springboard for moving forward.

Summary of options rejected that approval should not be granted

DECISION

That the Executive:

1. Note and accept the obligations upon Carlisle City Council within the GDA to support the delivery of the Carlisle Southern Link Road and to facilitate the development of up to 10,325 new homes at St Cuthbert's Garden Village to the south of Carlisle.
2. Delegate authority to the Corporate Director of Governance and Regulatory Services, following consultation with the Corporate Director of Economic Development, Corporate Director of Finance and Resources, Leader, and Portfolio Holder for Economy, Enterprise and Housing to enter into the Grant Determination Agreement with Homes England, alongside Cumbria County Council (who will receive £102m of grant funding to construct the Carlisle Southern Link Road), in line with the draft agreement attached at Appendix 1.
3. Delegate authority to the Corporate Director of Governance and Regulatory Services, following consultation with the Corporate Director of Economic Development, Corporate Director of Finance and Resources, Leader, and Portfolio Holder for Economy, Enterprise and Housing to enter into a separate Contribution Agreement with Cumbria County Council whereby the City Council will be obliged to pay £5,000,000 towards the cost of the Carlisle Southern Link Road and to cover more detailed practicalities of monitoring, reporting, financial contributions and liabilities within the overall parameters of the GDA. The County Council has supplied some draft heads of terms which are attached at Appendix 2: negotiation on these is needed.

Reasons for Decision

Entering into the Grant Determination Agreement will secure the £102m of external grant funding investment that has been allocated from the Government's HIF programme to enable the construction of the Carlisle Southern Link Road. In addition to delivering widespread economic and social benefits, the new road also unlocks the full potential of St Cuthbert's Garden Village and the construction across the coming decades of up to 10,325 new homes alongside new employment opportunities

Given the funding is ultimately to deliver new housing, the GDA requires the City Council, in their capacity as the local planning authority, to fulfil a number of obligations with the draw down of the funding explicitly linked to this. If the Council were to opt not to enter into the GDA, funding for the road would not be forthcoming and instead the Government would look to reallocate the earmarked £102m within the wider HIF programme. This latter scenario would represent a missed opportunity to lever in significant external grant funding to help support the economic growth and prosperity of Carlisle

The requested delegated authorities will enable final revisions to be made to the final GDA and the separate cooperation agreement without unduly delaying proceedings and are therefore in the interests of expediency. Should any material amendments be made to the draft GDA, or new significant issues of principle arise through the drafting of the separate cooperation agreement, the agreements would be referred back to the Executive

EX.45/20 FOOD LAW ENFORCEMENT SERVICE PLAN 2020/21
(Key Decision – KD.08/20)

Portfolio Environment and Transport

Subject Matter

The Environment and Transport Portfolio Holder submitted report GD.14/20 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 Portfolio Holder highlighted uncertainties identified within the report. Firstly, paragraph 1.5 recorded that the Food Standards Agency planned to implement and deliver the new regulatory model for food by 2020. It was not to date fully clear what impact the changes would have on the Regulatory Services Department. However, the department would continue to monitor the FSA proposals and respond accordingly through the FSA's 'open policy' approach.

Secondly, although enforcement of EU Food Law would continue until the end of 2020, the Council was not absolutely certain what would happen from 1 January 2021, so again the section would closely monitor developments and ensure that appropriate changes to authorisations, policies and procedures were made prior to the end of the transition period.

The Portfolio Holder expressed huge thanks to the Regulatory Services Team who had been engaged in management of change as a result of the COVID-19 outbreak. Their work was greatly appreciated.

The Environment and Transport Portfolio Holder then moved the recommendations.

The Communities, Health and Wellbeing Portfolio Holder formally seconded the recommendations and, in so doing, highlighted the priorities identified at paragraph 6.1; importantly the priority to 'further develop sports, arts and cultural facilities to support the health and wellbeing of our residents'. She welcomed continued support for the development of the Food City Partnership which provided good quality local food for our residents. The Food Safety Service also had a key role in the delivery of the Local Healthy Options Award and advising food businesses on healthy menu alternatives.

Summary of options rejected that the key actions of the Food Law Enforcement Service Plan should not be agreed

DECISION

That the Executive:

1. Agreed the key actions of the Food Law Enforcement Service Plan as appended to Report GD.14/20.
2. Referred the said Plan to the Health and Wellbeing Scrutiny Panel 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.46/20 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 24 April 2020 was submitted for information.

The Corporate Director of Finance and Resources was scheduled to submit the 2019/20 Provisional Outturn Reports to this meeting (Key Decision – KD.05/20). Changes made to the Accounts and Audit Regulations as a result of COVID-19 had impacted upon the Council's reporting timetable and the matters were therefore deferred.

Summary of options rejected None

DECISION

That, subject to the above, the Notice of Executive Key Decisions dated 24 April 2020 be received.

Reasons for Decision

Not applicable

EX.47/20 SCHEDULE OF DECISIONS TAKEN BY THE LEADER / PORTFOLIO HOLDERS (Non Key Decision)

Portfolio Cross-cutting

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

Subject Matter

Details of decisions taken by the Leader and Portfolio Holders under delegated powers were submitted.

Summary of options rejected None

DECISION

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

Reasons for Decision

Not applicable

EX.48/20 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.49/20 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 meetings of the Joint Management Team held on 9 March and 15 April 2020 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meetings of the Joint Management Team held on 9 March and 15 April 2020, attached as Appendix C, be received.

Reasons for Decision Not applicable

EX.50/20 REVIEW OF EQUALITY POLICY AND OBJECTIVES (Non Key Decision)

Portfolio Communities, Health and Wellbeing

Relevant Scrutiny Panel

Health and Wellbeing

Subject Matter

Pursuant to Minute EX.25/20, the Communities, Health and Wellbeing Portfolio Holder submitted report PC.10/20 presenting the Equality Policy and objectives 2020-24.

The Portfolio Holder summarised the background to what was a very important report for the Council, explaining that the Health and Wellbeing Scrutiny Panel considered the Annual Equality Report 2018/19 at their meeting on 11 July 2019. The Panel noted that the Public Sector Equality Duty required the Council to set equality objectives at least every four years and resolved to establish a Task and Finish Group to undertake a review. The Task Group presented their review work, including the revised draft policy and objectives, to the Health and Wellbeing Scrutiny Panel on 9 January 2020, prior to referring them to the Executive.

The revised Equality Policy (Appendix 1) included the equality objectives 2020-24 which would ensure that the Council continued to meet the Public Sector Equality Duty and promoted equality of opportunity in all of its functions. The equality objectives had been developed to reflect the Council's achievements so far and continued to strengthen that work.

The existing Equality Action Plan on how the Council would work towards achieving the objectives would be updated; and progress reported to the Senior Management Team, the Executive and Scrutiny through the Annual Equality Report.

Speaking at the invitation of the Leader, the Vice-Chair of the Health and Wellbeing Scrutiny Panel confirmed that the report was comprehensively reviewed by the Task and Finish Group and the Scrutiny Panel. The equality objectives were found to be in good shape, only requiring some updating and revision.

The Leader thanked the Vice-Chair for her input, adding that the Executive did respect and appreciate Scrutiny's involvement in the decision-making process.

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

Summary of options rejected

that the Equality Policy and objectives should not be approved

DECISION

That the Executive approve the Equality Policy and objectives appended to Report PC.10/20.

Reasons for Decision

To enable the Council to continue to fulfil the Public Sector Equality Duty

**EX.51/20 UPDATE OF PRIVATE SECTOR HOUSING ENFORCEMENT POLICY
EMERGENCY UPDATES FOR COVID-19 OUTBREAK**
(Non Key Decision)

Councillors Mrs Mallinson and Mallinson (J)(Chair), having declared a disclosable pecuniary interest, retired from the meeting during consideration of this item of business

The Deputy Leader took the Chair

Portfolio Economy, Enterprise and Housing

Relevant Scrutiny Panel Health and Wellbeing

Subject Matter

The Economy, Enterprise and Housing Portfolio Holder submitted report GD.15/20, the purpose of which was to put forward an updated Private Sector Housing Enforcement Policy, required to reflect the legislative changes faced as a result of the COVID-19 outbreak and the best practice guidance available to respond to the Council's statutory duties.

The Portfolio Holder referred Members to the draft amended Policy appended to the report, which included amendments to the complaint, investigation, inspection and enforcement processes in how the Council's responded in this period. The updates were within the body of the existing Policy and at the end of the document. The Policy change must also consider the risk assessments and procedures put in place within the Environmental Health Team and the Council as a whole.

He added that it was absolutely essential that the authority was fully aware of the safe working practices for members of staff and the public in response to the COVID-19 pandemic and highlighted the additions to the Enforcement Policy March 2020 (response to COVID-19) detailed at the end of the Enforcement Policy.

The Economy, Enterprise and Housing Portfolio Holder concluded by moving the recommendation as set out within the report, which was duly seconded by the Environment and Transport Portfolio Holder.

Summary of options rejected that the updated Policy should not be approved

DECISION

That the Executive approve the updated Private Sector Housing Enforcement Policy, including the new charges specified therein.

Reasons for Decision

The revised Enforcement Policy would enable Officers to apply enforcement in a fair and consistent manner in recognition of the Enforcement Concordat and the Regulators' Compliance Code. The Policy was also the foundation for the future of private sector housing enforcement at the Council

Councillors Mrs Mallinson and Mallinson (J) joined the meeting

Councillor Mallinson (J) resumed the Chair

EX.52/20 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(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.

EX.53/20 DISPOSAL OF ASSET
(Key Decision – KD.14/20)
(Public and Press excluded by virtue of Paragraph 3)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Business and Transformation

Subject Matter

The Deputy Leader submitted private report GD.16/20 which was designed to provide an update on the negotiations which had been taking place for the disposal of the property asset, and to seek approval to progress the disposal.

Details of the background position; proposals under consideration; associated risks and consultation were provided within the report.

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

Summary of options rejected that authority should not be granted

DECISION

That the Executive:

1. Authorise the disposal of the property asset in this location i.e. the land at Georgian Way, Carlisle (hereafter referred to as the Subject Asset) which is shown edged red on attached Plan 1 that forms Appendix 1 to Report GD.16/20.
2. Authorise the Corporate Director of Governance and Regulatory Services to agree and finalise the heads of terms for the disposal of the Subject Asset provided that the Property Services Manager is satisfied that the disposal represents best consideration.
3. Authorise the Corporate Director of Governance and Regulatory Services to complete all necessary legal and other relevant documentation required to progress the disposal of the Subject Asset to completion.

Reasons for Decision

As detailed within the report

[The meeting ended at 4.34 pm]