

INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY 9 SEPTEMBER 2004 AT 10.00 AM

PRESENT: Councillor Mrs Mallinson (Chairman), Councillors Allison, Mrs Crookdake, Dodd, Im Thurn, Miss Martlew, Mrs Rutherford and Stockdake

ALSO

PRESENT: Councillor Bloxham (Portfolio Holder for Environment, Infrastructure and Transport) attended part of the meeting. Councillor Earp and Mr George Sandford (Consultant) attended as observers.

IOS.100/04 WELCOME

The Chairman welcomed all those present to the meeting and, in particular, Mr Sandford who would be observing the meeting today.

IOS.101/04 APOLOGIES FOR ABSENCE

There were no apologies for absence.

IOS.102/04 DECLARATIONS OF INTEREST

Councillors Mrs Mallinson (Chairman) and Miss Martlew declared Personal interest in accordance with the Council's Code of Conduct in respect of Agenda item A.4 – Repairs to Adopted and Unadopted Back Lanes. The interest related to the fact that Councillor Mrs Mallinson was also a Member of Cumbria County Council. Miss Martlew stated that the street in which she lived was unadopted.

Councillors Allison, Mrs Mallinson, Miss Martlew, and Mrs Rutherford declared prejudicial interests in accordance with the Council's Code of Conduct in respect of Agenda item A.8 – Options for the Future of Fusehill Street Community Gardens. Councillor Mrs Mallinson stated that the interest was commercial and in confidence and she would vacate the Chair and leave the room during consideration of the matter. The remaining Councillors stated that they were Members of the Development Control Committee.

IOS.103/04 MINUTES

The Minutes of the meetings held on 27 May, 28 and 29 June 2004 were agreed as a correct record of the meetings and signed by the Chairman.

The Minutes of the meetings held on 29 July and 4 August 2004 were noted.

IOS.104/04 CALL-IN OF DECISIONS

There were no matters which had been the subject of call-in.

IOS.105/04 MONITORING OF THE FORWARD PLAN

The Overview and Scrutiny Support Officer presented Report LDS.43/04 highlighting the Forward Plan (1 September 2004 – 31 December 2004) issues which fell within the ambit of this Committee. He advised Members that all items were timetabled to come before them.

By way of background information in respect of KD.037/04 – Local Development Scheme, the Local Plans and Conservation Manager advised that the scheme comprised a list of planning documents which the Council would prepare either itself or jointly with other bodies. The matter fell under new legislation published the week before and a draft Scheme had been provided to the Government Office for comment prior to being brought through the Council's Committee process.

Referring to KD.034/04 – Waste Management, the Chairman advised that a meeting of all interested parties was to be held the following week at Whitehaven, which would be a springboard for the way forward on waste management. She stressed that it was extremely important that the outcomes of that meeting be incorporated in the forthcoming report.

In response, the Head of Commercial and Technical Services advised that he was meeting with Cumbria Waste Management that afternoon and would ensure that he received an update on the issues emerging which would be incorporated

At the invitation of the Chairman, the Portfolio Holder for Environment, Infrastructure and Transport clarified that, whilst it was important to look at the Cumbria wide aspect, the Executive wished the Committee to consider options for the future delivery of the waste management service from a Carlisle point of view.

Referring to KD.031/04 – Grass Cutting Service, Members asked whether the Council and Parish Councils would also be consulted and requested that residents' input be incorporated within the report. The Chairman pointed out that Carlisle Housing Association was not included as a consultee.

Mr Battersby responded that a review of the existing service would be undertaken, including consultation with Council representatives, a range of other Local Authorities and issues raised by Parish Councils. Problems encountered and reported by the community would also be taken into account. Two focus group meetings would be held the following week and would result in an initial report which would go through Overview and Scrutiny as part of the consultation process. He suggested that a letter could be sent to all Members of the City Council to ascertain their views, which course of action was welcomed.

Referring to KD.038/04 – Review of the Carlisle District Local Plan, a Member commented that the Committee had in the past dealt with the subject via a number of special meetings. She asked whether that would again be the case.

In response, Mr Hardman advised that work was ongoing on representations received. If it proved to be complex then it would be necessary to convene special meetings of the Committee and he would consult with the Chairman in due course.

RESOLVED – (1) That the Forward Plan (1 September 2004 to 31 December 2004) issues which fell within the ambit of this Committee be noted.

(2) That the Head of Commercial and Technical Services be requested to write to all Members of the City Council to ascertain their views as regards improvements to the existing grass cutting service.

IOS.106/04 WORK PROGRAMME 2004/05

The Overview and Scrutiny Support Officer presented the Overview and Scrutiny Work Programme for 2004/05, which took into account matters scheduled to be dealt with by this Committee.

Referring to the Subject Review of Transport: Modal Balance in Carlisle and, in particular, the scheduled visit to York, Dr Taylor reported that a coach would leave Carlisle at 8.30 am, returning to Carlisle between 6.30 – 7.30 pm. Final details would be circulated to Members in the near future. The Chairman asked that substitute Members of the Committee should advise Dr Taylor whether they were able to attend.

Dr Taylor further advised that the Corporate Resources Overview and Scrutiny Committee had recently considered a report on the Asset Management Plan – Strategic Review of Assets and had agreed to hold a workshop session on Thursday 4 November 2004 commencing at 2.00 pm to progress the matter. The Chairman and one other Member of this Committee were invited to attend that session and the Committee may now wish to nominate such a Member.

It was agreed that the Chairman (or Vice-Chairman) and Councillor Miss Martlew (or Councillor Allison as substitute) would attend the workshop session.

The Chairman questioned when the Committee could expect sight of the report regarding Car Park Ticket Machine Replacement. In response, the Service Development Manager advised that it would be submitted to the October meeting of the Committee.

In response to a Member's question, Mr Battersby advised that a report on the Subject Review of Abandoned Vehicles would be forthcoming in November 2004.

RESOLVED – (1) That the work programme be noted.

(2) That the Chairman (or Vice-Chairman) and Councillor Miss Martlew (or Councillor Allison as substitute) attend the workshop session on the Strategic Review of Assets to be held on Thursday 4 November 2004 at 2.00 pm.

IOS.107/04 REPAIRS TO ADOPTED AND UNADOPTED BACK LANES

Councillors Mrs Mallinson (Chairman) and Miss Martlew, having declared personal interests, took part in the discussion on this item of business.

There was submitted reference from the meeting of the City Council held on 3 August 2004 concerning repairs to adopted and unadopted back lanes –

“That the Council recognises the urgent need for repair of many adopted and unadopted back lanes in the City. In order to commence a programme of improvements, the Council requests Officers to prepare a report for submission to the next meeting of the Infrastructure Overview and Scrutiny Committee on a strategy for dealing with the disrepair of back lanes. This should include proposals of a rolling programme of improvements commencing in this current financial year. Following the Infrastructure Overview and Scrutiny Committee meeting the matter be referred to the Executive for progress.”

That item had also been included on the Forward Plan (KD.039/04) for consideration by the Executive on 13 September 2004.

Subsequent to the above resolution, the Head of Commercial and Technical Services presented report CTS.13/04. He reported that, over many years, the condition of back lanes had been deteriorating due to a lack of investment in their maintenance and improvement and that had led to an increasing number of complaints. In the main urban area there were a total of 139 adopted back lanes and 46 unadopted back lanes. The number and condition of such lanes in the rural area was not known and surveys would need to be conducted to gather information.

With regard to the adopted lanes, the City Council was responsible for carrying out maintenance works as part of its claimed rights arrangement with the County Council. The unadopted back lanes were normally the responsibility of those persons whose property abutted the lane.

The City Council had submitted annual funding bids to the County Council to repair the worst of the adopted lanes, so far without any success.

The unadopted lanes were not generally the direct responsibility of the City Council, although there was a responsibility under the Highways Act 1980 for the City Council to ensure the lanes were safe for highway users and, in some instances, the Council may be an adjacent landowner.

The County Council policy on unadopted roads was that they would contribute up to 50% of the cost of works required to bring the road up to an adoptable standard, provided that the following conditions applied –

- the road was a through road
- there was a high density of development along the road
- the road had a direct appearance with a significant visual impact
- the road was prominent within the landscape

It was not certain whether any unadopted back lanes in Carlisle would be deemed to satisfy those conditions and a detailed appraisal would be required to assess those.

The current condition of back lanes had an impact on the delivery of Council services, details of which were provided.

With regard to funding, approaches could be made to the County Council and United Utilities and, for unadopted back lanes, local residents. The City Council was responsible for the maintenance of adopted back lanes, but the claimed rights funding from the County Council had been falling with the result that only essential safety repairs could be funded.

Mr Battersby summarised the options available to the Council –

Adopted Back Lanes

The City Council could, subject to County Council endorsement, allocate funding and commence work upgrading the adopted lanes. Of 139 identified adopted back lanes in the urban area, 69 had been assessed as requiring repair and those had been ranked into three priorities –

Priority 1 – 10 lanes with a total repair cost of approximately £178,540;

Priority 2 – 10 lanes with a total repair cost of approximately £202,880;

Priority 3 – 49 lanes with a total repair cost of approximately £628,200.

No funding had been set aside in the 2004/05 Budget to undertake a programme of improvements to adopted back lanes. If work was to be undertaken in the current financial year, then a supplementary estimate would need to be approved by the City Council.

The City Council could also refer the issue to the County Council requesting a review of their funding prioritisation with a greater emphasis to be placed on back lanes.

Unadopted Back Lanes

There were 46 unadopted back lanes and investigations would be needed to prepare a costed repair programme identifying works required to bring those unadopted back lanes up to adoptable standard or, in some cases where the lanes were 'no through roads', effect appropriate repairs.

On private streets it was normal practice for the frontagers to make a proportionate contribution to the cost of improvements and all frontagers may not agree to the principle or the apportionment which may frustrate improvements. It may be that a similar policy to that applied by the County Council could be considered.

No detailed assessment had been carried out into the condition of adopted back lanes in the rural area or unadopted back lanes and investigation work would cost approximately £7,500. No funding had been set aside in the 2004/05 Budget for that investigation work.

As regards the legal position, then Section 42 of the Highways Act 1980 provided that the City Council may undertake the maintenance of any eligible highway in the district which was a highway maintainable at the public expense (i.e. an adopted highway). Expenses in carrying out that function may be recoverable from the County Council. Agreement must be reached with the County Council as to what level of work constituted 'maintenance' as opposed to 'improvement'.

Section 2 of the Local Government Act 2000 provided that the Council had the power to do anything it considered likely to achieve, inter alia, the promotion or improvement of the environmental well-being of its area. The power included the power to incur expenditure. Subject to certain caveats, that power could be used on both adopted and unadopted highways. If unadopted highways were to be brought up to adoptable standard then an agreement must be reached with the County Council prior to any works to ensure that it would adopt the said highways. Otherwise, the City Council may become liable for future maintenance thereof.

The Council's insurer should be made fully aware of its proposed course of action.

Mr Battersby added that he and the Portfolio Holder would be meeting with the County Council the following week to discuss the matter further and would represent the Committee's views at that meeting.

Discussion arose, during which Members commented and raised questions as follows –

- (a) It would have been beneficial if representatives of the County Council had been invited to today's meeting.

The Portfolio Holder for Environment, Infrastructure and Transport stated that it was a matter for the Committee as to whom they invited to their meetings. Clearly a problem did exist with back lanes and any action would have to be taken in partnership with the County Council and local residents. Account would also require to be taken of legal implications. He added that the Executive was looking for the Committees' views on the way forward.

- (b) On what basis was the estimated cost of the proposed programme of works based?

Mr Battersby responded that the figures were based upon the Schedule of Rates. Obviously there was a degree of variance, but he was confident that the figures quoted in the report for Priority 1 repairs were accurate. If Members were minded to go ahead with the works then it would be necessary to look at the most appropriate options. It should be noted that Priorities 2 and 3 had been based on comparative costs in the past.

- (c) In many urban areas back lanes had become dumping grounds because of their shabby condition which impacted indirectly upon crime and disorder. Priority should be given to those back lanes which fell within crime and disorder hot spots. Would it be possible to access funding from the Crime and Disorder Budget?

In response, Mr Battersby advised that he was happy to explore every source of funding and would take that up.

- (d) Whilst the difficulties associated with private streets and frontagers being required to make a proportionate contribution to the costs of improvement were noted, the Council had to take the initiative, make a start and then take it from there.

Councillor Bloxham responded that, subject to the Council agreeing to the proposed programme of survey and investigation being undertaken as regards unadopted lanes and the outcome of that work, residents would have to be informed of the likely costs to them. It may also be necessary to explore ways of assisting those residents who would have difficulty in meeting those costs.

- (e) How did the proposals link with the Council's corporate priorities?

Ms Mooney, Acting Town Clerk and Chief Executive, advised that the links were detailed within the report. Discussions were currently taking place on a number of the Council's priorities, many of which had financial implications. A process of prioritisation would commence the following week.

- (f) It was important to treat adopted and unadopted lanes separately since it may be possible to undertake improvements to some but not others.
- (g) Members agreed, in principle, to the commencement of a rolling programme of work on back lanes, including improvements to unadopted streets and street lighting, and recommended that –
 - (i) Adopted Lanes – option (c), as detailed at paragraph 1.6.1 of the report, be pursued.
 - (ii) Proposed Programme of Works – subject to the availability of funding, activities 1, 2 and 3 at paragraph 1.7 of the report be pursued.
 - (iii) Unadopted Lanes – the proposed programme of survey and investigation work be undertaken, at an estimated cost of £7,500.

Concern was, however, expressed as regards the legal implications for the City Council of undertaking work on unadopted lanes.

(iv) That this Committee receives feedback following the meeting with the County Council.

RESOLVED – (1) That the Executive be advised that it is the recommendation of this Committee that –

(i) Adopted Lanes – option (c), as detailed at paragraph 1.6.1 of report CTS.13/04, be pursued.

(ii) Proposed Programme of Works – subject to the availability of funding, activities 1, 2 and 3 at paragraph 1.7 of the report be pursued.

(iii) Unadopted Lanes – the proposed programme of survey and investigation work be undertaken, at an estimated cost of £7,500. The Committee was, however, concerned as regards the legal implications for the City Council of undertaking work on unadopted lanes.

(2) That the Head of Commercial and Technical Services be requested to report further to this Committee on feedback from the forthcoming meeting with the County Council.

IOS.108/04 SUPPORTING COMMUNITIES BEST VALUE REVIEW

Ms Mooney, Acting Town Clerk and Chief Executive, presented report CE.28/04 updating Members on the Supporting Communities Best Value Review Improvement Plan. A copy of the latest progress report of the Consultant's work was appended covering all the areas of commissioned work.

Also appended was an updated copy of the Improvement Plan which identified outstanding issues to address in the areas of Partnership Policy, mapping of the Council's current commitment to partnership work (Key Issue 7) and consultation feedback (Key Issue 13), an explanation of which was provided.

Those outstanding pieces of work would be progressed, with the next update report submitted to the Committee in November 2004.

The Head of Strategic and Performance Services added that consultation feedback to the Citizens Panel had in the past been done on a sporadic basis. Funding had now been secured to do much more professional and regular feedback.

The Chairman commented that a great deal of work had been undertaken for the Democratic Engagement Best Value Review and one of the criteria which came from that was the need for a corporate consultation policy. She sought an assurance that that policy was being followed. She also questioned whether Ms Mooney would continue to act as lead Officer for this Review.

In response, Ms Mooney confirmed that she would continue to lead the Review and that the corporate consultation policy toolkit was being followed.

A Member noted that the Regeneration Framework, which supported the submission to NWDA, was being developed into an Urban Regeneration Strategy by the City and County Councils. She questioned when the partnership event for all relevant agencies was to be held. Another Member asked for details of the number of partnerships in which the Council was involved.

Ms Mooney undertook to write to the Members with details of the above.

The Chairman further requested sight of the new CPA guidelines for 2005/06 and exit strategy, and looked forward to receiving the next progress report in November.

RESOLVED – That progress on the Supporting Communities Best Value Review Improvement Plan be noted, subject to the Members' comments as outlined above.

IOS.109/04 PERFORMANCE MONITORING OF BUSINESS PLANS: PROPOSALS FOR IMPROVEMENT

The Head of Strategic and Performance Services presented report SP.37/04 outlining proposed improvements in the quarterly reporting of Council business and progress towards objectives.

The reasons why the improvements were considered necessary were outlined and the following proposed improved system detailed –

There would, in future, be one quarterly report produced addressing the performance of all 12 twelve Business Units (a summary of performance for each Business Unit) along with quarterly corporate performance indicator returns and corporate financial returns. There would effectively be 3 sections to quarterly Business Reports in the future:

- (a) A quarterly Performance Indicator Report (covering the whole organisation);
- (b) A quarterly Financial Report (covering the whole organisation), and
- (c) A Narrative Performance Summary for each Business Unit.

Attention was also drawn to the report template appended to the report.

Ms Hook further advised that the matter had been considered by the Overview and Scrutiny Management Committee and Community and Corporate Resources Overview and Scrutiny Committees, who had not been overly enthusiastic. Concerns included the proposed reduction in the narrative and she had agreed to work with Members to refine the proposals.

A Member indicated that, whilst she welcomed the proposals, she was concerned that Members would not be sufficiently disciplined to restrict consideration to those indicators within the remit of particular Committees. In response, Ms Hook advised that was why performance indicator reports would continue to be tailored for each Overview and Scrutiny Committee.

A Member expressed the hope that the new system would result in less paperwork. Ms Hook stated that that had been the intention but, bearing in mind Members' concerns regarding the narratives, it would be necessary to try to reach a happy medium.

The Chairman believed that the Executive should have ownership of performance monitoring since it was an extremely important issue for the Authority and suggested that the Executive should be asked that question, which course of action was agreed.

The Acting Town Clerk and Chief Executive stressed the importance of meeting the timetable for production of Business Plans and that it would be difficult to bring a revised document to the next meeting of the Committee. Ms Hook stated that she would work on the narrative performance summaries and amend as necessary as it went along. The Chairman confirmed her agreement to that course of action.

RESOLVED – (1) That the reasons for making changes to the Business Reporting system be noted.

(2) That the comments and concerns of the Committee be taken on board.

(3) That the Executive be requested to advise the Committee on who had corporate ownership of performance in the Authority.

IOS.110/04 PLANNING SERVICES BEST VALUE REVIEW

Pursuant to Minute IOS.18/04, the Local Plans and Conservation Manager presented report P.43/04 concerning the Best Value Review of Planning Services.

Mr Hardman reminded Members of the background to the matter. He outlined the findings of the Review which had been based upon the five themes identified at the start of the review process. In accordance with the themes the Improvement Plan set out a number of actions still required to ensure best value was being attained.

Mr Hardman drew attention to the first draft of the Improvement Plan, commenting that two issues required to be addressed, namely membership of the Improvement Plan Monitoring Group and the resources to undertake the various tasks.

The membership of the Improvement Plan Steering Group was considered to be at a strategic level to ensure that actions were forthcoming. Experience from the Best Value Review Team showed that at operational level meetings were difficult to arrange due to work commitments. A higher level approach was considered more appropriate in order to ensure work progressed on the Improvement Plan. It was therefore suggested that the Team comprise the Head of Planning Services, the Best Value Review Team Leader, Portfolio Holder, Policy and Performance representative and an external representative. External representation had been missing from the Review Team.

Lead Officers would be nominated for each of the actions contained within the Improvement Plan. There was, however, concern that given the high workload and recent difficulties in recruitment, resources would be concentrated on direct performance rather than additional management time. Officers had concerns that resources would easily be diverted with an increasing work programme.

Mr Hardman therefore sought Members comments on the proposed actions and timescale.

In considering the matter, Members raised the following issues –

Theme A – Focussing on what matters to local people

- Where are the community's needs set out – community needs were established in Parish Plans and Village Design Statements in certain areas, but it was a matter of concern that there was currently no urban ownership of the matter.

In response, Mr Hardman advised that a Parish Plan for Denton Holme was currently in the course of preparation, the request for which having come via the Neighbourhood Forum. There was no reason why the concept of Parish Plans could not work in the urban area. The Plan for Denton Holme was in the early stages and if it proved to be successful the initiative may be extended to other areas of the City.

The Chairman stressed the importance of community ownership and asked that the work being undertaken in Denton Holme be considered as a pilot from which lessons could be learnt, and that feedback be brought forward to this Committee.

- Post development assessments – Members had in the past found it useful to revisit sites where permission for development had been granted. It may be useful to encompass that in the way Officers worked so that they were aware of the overall effect of development in particular areas.

The Council was also under pressure to achieve high density development in the urban area. It may be beneficial for Officers/Members to revisit such developments to determine whether they had worked.

Mr Hardman undertook to discuss those issues with colleagues.

- Relationship between county and district on transport matters – had there been any improvement?

Mr Hardman responded that there had been an improvement in certain areas, but additional work was needed.

Theme B – Assuring the quality of development

- Concern that no detailed examination had been undertaken of the enforcement systems.

Mr Hardman explained that the above statement meant that enforcement had not been looked at as part of the Review. The enforcement service was up and running and constantly dealing with enquires.

- Current position on site – action to achieve consistency should also be employed for multiple applications in particular areas.

Theme C – Enhancing customer care

- Negotiation versus speed – customers view – it was pleasing to note that the public was happy with that approach, which endorsed the approach adopted by Members and Officers of the City Council.

The Council often suffered from bad press from persons who were not in full possession of the facts. Would it be possible to have increased publicity for the above, the professionalism demonstrated by Officers and the use of IT improvements to existing systems?

Mr Hardman advised that improvements to the IT systems were ongoing and that would be publicised as soon as it was up and running. It was envisaged that the electronic submission of applications would initially be tested by professional people. There may be cost implications for the Council associated to such submission (e.g. the Council would require to send out hard copies of the plans) which would also have to be taken into account.

- Level of service – customer charter – please expand on why a customer charter had not been produced?

Mr Hardman explained that the priority attached to the production of a customer charter had reduced given the increased workload in Development Control.

Theme E – Reinforcing management systems to assure quality

- External resources – consultancy work – would the moratorium on rural housing be of help?

Mr Hardman advised that the moratorium did not appear to have reduced the number of applications being made so far. The current financial climate triggered people to want to undertake development.

- Flexible working for caseloads/dealing with workloads – Did a case exist for the use of external consultants to look at underlying issues, how was work allocated and did any scope exist to adjust pay rates to attract staff?

As had been highlighted previously by the Committee, the Council should be more proactive in its approach to the recruitment of students.

A Member requested that further details of staffing be provided (e.g. the number of staff currently in post as compared with the agreed establishment, absence figures, length of service, etc).

Mr Hardman stated that difficulty in recruitment was currently a national planning problem, due to the low intake of planning students to Universities and increased workloads across the country, which meant that many authorities were looking to recruit additional staff. The remoteness of Carlisle was an additional problem, but he did not consider it wise to employ external consultants. Officers were doing all that they could to address the issue, including the adoption of initiatives such as the use of market factor supplements and changing working hours to suit staff requirements.

Work was allocated in terms of seniority, with the most senior Officers dealing with the more complex planning applications. Salaries were in line with national rates and any increases could be an issue corporately across the Council.

As regards the recruitment of students, then the Council followed the admissions system for each University, but the above point would be taken on board.

Mr Hardman undertook to respond in writing to the Committee on the issue of staffing resources. He stressed that such information would, of course, be confidential.

Referring to apartment type developments, a Member asked that consideration be given to placing parking spaces underneath the buildings so that they were out of view. Mr Hardman replied that that could be raised in discussions with developers but, clearly, it would depend upon the particular site in question.

The Chairman expressed her appreciation to Mr Hardman for the considerable amount of work that he had undertaken on the Review in addition to his normal workload. Notwithstanding that, she believed that

further work was required on the Action Plan to ensure that it met the key priorities.

She stressed the importance of ownership and Mr Hardman commented that he had lead the Review, would continue to do so, but pressure would require to be brought to bear through the Portfolio Holder and Head of Planning Services to ensure that the work was done.

The Chairman then sought the Committee's views as regards external representation on the Improvement Plan Steering Group and Members were of the belief that the representative should not have a planning background. They further agreed, in principle, that a Member of this Committee should serve on the Group.

RESOLVED – (1) That the findings from the Best Value Review of Planning Services be noted.

(2) That the Local Plans and Conservation Manager be requested to take on board the views expressed by Members –

- (a) That a report be submitted to a future meeting of this Committee detailing feedback from the pilot on the Denton Holme Parish Plan and whether that could be rolled out to other urban areas.
- (b) That Members would in future welcome the opportunity to revisit development sites, and consideration be given to the development of a Customer Charter, staffing resources permitting.
- (c) That the Head of Planning Services be requested to investigate initiatives to address recruitment/staffing difficulties in order that the matter may be addressed on a corporate basis.

IOS.111/04 FUTURE OPTIONS FOR FUSEHILL STREET COMMUNITY GARDENS

Councillor Mrs Mallinson (Chairman), having declared a prejudicial interest in the matter, vacated the Chair and retired from the meeting room during consideration thereof.

Councillors Allison, Miss Martlew and Mrs Rutherford, having declared prejudicial interests, remained within the meeting room and took part in the discussion.

Councillor Dodd (Vice-Chairman) in the Chair.

There was submitted Minute Excerpt EX.160/04 of the Executive meeting on 17 August 2004 detailing the outcome of the Executive's deliberations on this Committee's recommendations on the future of the Fusehill Street Community Gardens. The decision of the Executive was:

1. That the Town Clerk and Chief Executive be requested to arrange for Officers to make arrangements to undertake further consultation with the community by way of –
 - (a) sending a letter to all residents in the adjoining streets to the Fusehill Street site outlining the proposals and seeking their views;
 - (b) arranging a public display of the proposals for the Fusehill Street site at Greystone Community Centre for a period of one week and inviting comments.
2. That all Members of the Executive will make arrangements to visit the site at Fusehill Street and surrounding area.
3. That the outcome of the further consultation be reported to a meeting of the Executive in September 2004 when a decision will be taken on the future of the site.

Further, and at the request of the Chairman, a letter dated 20 August 2004 from Miss Marian E Smith, 53 Rydal Street, Carlisle concerning the above decision was submitted for consideration.

Referring to the Executive decision, Ms Mooney (Acting Town Clerk and Chief Executive) reported that –

- A letter had been sent to residents on 25 August, the deadline for responses being 3 September 2004.
- A Public display of the proposals had been established at Greystone Community Centre on 24 August and closed on 3 September. Also included was 100 reply forms in order that members of the public could submit their views.
- Members of the Executive had visited the site.
- A decision on the matter would be taken at a special meeting of the Executive to be held on 16 September 2004.

Discussion arose, during which Members raised the following concerns -

1. One of this Committee's recommendations had been that a public meeting be held to afford people the opportunity to ask questions of the Executive and Officers, obtain further information and make their views known. That had not been undertaken.

In response, Ms Mooney advised that the Executive and Officers had considered the matter of a public meeting. However, based on experience of consultation, prior such meetings and the particular circumstances in question, it was considered that such a meeting would have limited benefits (i.e. not many people would turn up and it would not serve to include hard to reach members of the public). The provision of a public display was felt to be more accessible and less intimidating to local people.

2. The second recommendation of this Committee was that the Executive investigate the manner by which public consultation was undertaken across the Authority, particularly regarding community issues, with a view to making such consultation as wide ranging as possible. Confirmation that the Executive would take that on board was sought.

The Portfolio Holder for Environment, Infrastructure and Transport responded that the Executive was prepared to look at that issue and Officers would be bringing forward suggestions for consideration. He further understood that the responses coming from the public display were quite encouraging.

Councillor Bloxham did, however, wish it to be placed on record that the above statement in no way implied that he agreed that the Council had not undertaken proper consultation in the matter.

3. Reference was made to the Minutes of the meeting held on 29 July 2004 and, in particular, the representations made by the Ward Member that “the lack of consultation is the main problem as locals perceive it.”, and to the comment contained in Miss Smith’s letter that “clearly this is more of the usual gesture consultation used to push through biased proposals quickly.”

A Member commented that the proposal for a public meeting had been brushed aside. He believed that consultation should mean that people were furnished with information and options, had the opportunity to discuss and respond to the same, and had a sincere and transparent perception that their views would count. He considered that the consultation had been undertaken in a clumsy manner, which was a shame, and questioned whether it would not have been better to hold a public meeting in any case.

In response, Ms Mooney expressed regret that the Member felt that the proposal for a public meeting had been brushed aside. She stressed that the consultation process had been lengthy and the consultation referred to was additional to the statutory consultation process. Meetings had also been held with the Petitioners who felt most strongly about the options. Clearly lessons could be learnt from the matter, but it was felt that the right course of action had been taken.

The Head of Strategic and Performance Services advised that the response rate from the latest consultation was +27% which was good. Public perception was, of course, very important. The consultation document itself had been developed by an Officer in her Unit who was a qualified member of the Market Research Unit and had been very careful to ensure that the questions posed were impartial.

A Member asked if Miss Smith could explain why she considered the consultation to be biased and Ms Mooney read out to the meeting the content of consultation letter and questionnaire by way of a reminder.

At the invitation of the Chairman Miss Smith, who was in attendance at the meeting, stated that she had been advised that the questions put to the public were biased. They should have asked whether the public wished to see any building on the site or to have it retained as open space. Because of the questions asked the play area upgrade was now associated with the development of the Medical Centre in the minds of the public. The phraseology had been designed to get people to say yes.

In conclusion, Members asked that their disappointment that this Committee's recommendations had not been fully followed be conveyed to the Executive.

RESOLVED – (1) That the decision of the Executive be noted.

(2) That the Executive be advised of this Committee's disappointment that its recommendations contained in Minute IOS.95/04 had not been fully implemented.

[The meeting ended at 12.48 pm]