

(Approved by Council 1 March 2011)

EXECUTIVE

MONDAY 14 FEBRUARY 2011 AT 1.00 PM

PRESENT:

Councillor Mitchelson (Chairman and Promoting Carlisle Portfolio Holder)
Councillor J Mallinson (Governance and Resources Portfolio Holder)
Councillor Bloxham (Local Environment Portfolio Holder)
Councillor Mrs Bowman (Economic Development Portfolio Holder)
Councillor Ellis (Performance and Development Portfolio Holder)
Councillor Mrs Geddes (Community Engagement Portfolio Holder)

APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillor Bainbridge (Housing Portfolio Holder) and Councillor Mrs Mallinson (Chairman of the Audit Committee)

DECLARATIONS OF INTEREST

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

EX.015/11 HOUSING DESIGN SUPPLEMENTARY PLANNING DOCUMENT (Key Decision)

Portfolio Economic Development

Subject Matter

The Assistant Director (Economic Development) submitted report ED.07/11 setting out the process undertaken in the production of the Housing Design Supplementary Planning Document (SPD).

She explained the background to the matter, informing Members that the Executive had previously received Report DS.45/08 outlining details of four Supplementary Planning Documents (Achieving Well Designed Housing; Planning Obligations; Designing Out Crime; and Trees on Development Sites) prepared in line with their listing in the Council's Local Development Scheme. The latter two SPDs had proceeded to adoption. Members' attention was further drawn to representations received in response to the public consultation together with the proposed changes to the Housing Design Supplementary Planning Document, details of which were provided at Appendix 1 to the report.

In conclusion, the Assistant Director (Economic Development) advised that the draft 'Achieving Well Designed Housing SPD, which expanded on policies in the Local Plan, had been amended in the light of comments received.

The Economic Development Portfolio Holder expressed thanks to all those who had taken the time to respond to the public consultation and, in particular, to Dalston Parish Council. The Portfolio Holder then moved the recommendations set out in the Assistant Director's report.

The Leader was in agreement with the sentiments expressed by the Portfolio Holder, adding that the Executive looked forward to receiving the Environment and Economy Overview and Scrutiny Panel's input on the matter.

Summary of options rejected None

DECISION

1. That Report ED.07/11 concerning the Housing Design Supplementary Planning Document be made available for consideration by the Environment and Economy Overview and Scrutiny Panel.
2. That a further report be submitted to the Executive at its meeting on 14 March 2011 to consider referring the Supplementary Planning Document to Council for adoption on 26 April 2011.

Reasons for Decision

To provide further guidance and clarity in the form of SPD in respect of policies CP5, CP6, CP7, CP8, CP9 and CP10 of the Carlisle District Local Plan.

EX.016/11 DRAFT ENERGY EFFICIENCY SUPPLEMENTARY PLANNING DOCUMENT (Key Decision)

Portfolio Economic Development

Subject Matter

The Assistant Director (Economic Development) submitted report ED.05/11 concerning the draft Energy Efficiency Supplementary Planning Document. She informed Members that the Supplementary Planning Document had been listed as a document for production in the published Local Development Scheme, which formed part of the Local Development Framework to guide development in the District.

The Supplementary Planning Document expanded on Carlisle District Local Plan Policy CP9 which referred to the production of a Supplementary Planning Document on Energy Efficiency and Conservation. It also had regard to Local Plan Policy CP5 Design listing nine key design principles against which all development proposals would be assessed.

The Assistant Director (Economic Development) referred Members to Appendix 1 to her report which set out a summary of the consultation responses received, commenting that finalisation of the document would support Local Plan Policy CP9.

The Leader pointed out that the Chairman of the Environment and Economy Overview and Scrutiny Panel had agreed that the Panel would not consider the report since the matter had been considered at a previous meeting of the Panel (that decision was recorded in the Overview Report and Work Programme (OS.06/11) which would be considered by the Panel at its meeting on 24 February 2011.

The Economic Development Portfolio Holder commented upon the importance of the Supplementary Planning Document, particularly in terms of the provision of clear guidance to developers. In view of the decision taken by the Chairman of the Environment and Economy Overview and Scrutiny Panel, she moved that the Executive refer the matter to Council on 1 March 2011 with a recommendation for adoption.

Summary of options rejected None

DECISION

That the Executive approved the Energy Efficiency Supplementary Planning Document and referred the matter to the City Council on 1 March 2011 with a recommendation for adoption.

Reasons for Decision

To consider issues raised at the consultation stage and to be able to proceed towards adoption of the Supplementary Planning Document.

EX.017/11 AMENDMENT TO COUNCIL FRAMEWORK FOR MEMBER LEARNING (Key Decision)

Portfolio Performance and Development

Subject Matter

The Organisational Development Manager submitted report CE.01/11 concerning the Member Learning and Development Framework (MLDF) adopted by Council in August 2004 and subsequently amended in June 2008.

The Organisational Development Manager indicated that the Member Learning and Development Working Group (MLDWG) had on 23 November 2010 considered the current MLDF and recommended that changes be made to the sections on Personal Development Reviews (PDRs); the Learning Credits Scheme and parts of the Member Learning and Development Programme (MLDP). Those changes would ensure that Member learning initiatives supported Members in meeting the

challenges proposed in the new Localism Bill and in continuing to champion the needs of their communities.

PDRs had been introduced in 2004 as part of the MLDF, the idea being that Members would meet with a Member Learning and Development Representative (now Member Champions) to discuss their learning needs and develop a Personal Development Plan. The MLDWG had reviewed the PDR process in 2010 and concluded that a new approach was needed to look at a wider range of issues.

The Organisational Development Manager then outlined for Members the following proposals, details of which were set out within her report -

Proposal 1 - replace Personal Development Reviews with a Member / Leader Review;

Proposal 2 - remove the Learning Credits Scheme from the Member Learning and Development Framework; and

Proposal 3 - require new Members and Substitute Members on the Licensing and Development Control Committees; Employment and Appeals Panels to attend relevant training before they sat on a Committee.

She added that the MLDWG was working with the Organisational Development Team to look at new ideas for Member learning opportunities, including workshops in the three key areas mentioned above. They were also looking at new ways to deliver Member learning to encourage more Members to engage with learning and development opportunities.

The Performance and Development Portfolio Holder stated that the proposed changes to the Council Framework were about making Member training as acceptable and efficient as possible. He further moved that the report be made available for consideration by the Resources Overview and Scrutiny Panel.

The Leader added that the matter would be considered by the Executive again on 14 March 2011 prior to recommendation to the City Council on 26 April 2011.

Summary of options rejected None

DECISION

1. That the Executive had considered the proposed changes to the Council Framework for Member Learning contained within Report CE.01/11 and made the report available for consideration by the Resources Overview and Scrutiny Panel.
2. That a further report be submitted to the 14 March 2011 meeting of the Executive to consider referring the matter to Council on 26 April 2011.

Reasons for Decision

To endorse the proposals from the Member Learning Development Working Group to refresh Member learning; and to enable the Policy Framework approved by Council in 2004 to be amended accordingly.

EX.018/11 ORGANISATIONAL DEVELOPMENT PLAN 2011 - 2013 (Non Key Decision)

Portfolio Performance and Development

Subject Matter

The Organisational Development Manager submitted report CE.2/11 concerning the Council's Organisational Development Plan.

The Organisational Development Manager reminded Members that the Council had in 2007 produced the Workforce Development Plan 2006 - 2010 which set out the workforce challenges facing the authority, planned steps to address those challenges, and a range of workforce demographic data. She added that since production of the Plan the City Council, in common with all local authorities, had faced significant financial challenges, the response to which had been implementation of the Transformation Programme.

Clearly the City Council in 2013 would look very different from the authority that existed when the WDP was introduced in 2006. Innovative approaches to service delivery would require staff who could adapt to changing work roles and the City Council would continue to invest in staff development to ensure that necessary skills and abilities were in place.

The Organisational Development Plan, appended to the report, utilised a similar format to the Corporate Plan but, instead of using the City Council's priorities as the key headings, was based upon the five strategic priorities of the Local Government Workforce Strategy 2010, namely organisational development; leadership development; skills development; and recruitment and retention (pay and rewards became recognition and reward). The Plan set out the Council's key objectives, the outcomes for employees, key actions and key measures of success.

The Organisational Development Manager reported that although performance in several of the areas covered by the Organisational Development Plan was measured by a range of existing performance indicators, the intention was to develop new performance indicators from the employee opinion survey, including the percentage of staff rating the Council as a good employer and percentage of staff who felt valued as employees. She added that the demographic data previously included within the Workforce Development Plan would be published as an Annual Report which would be of more use for workforce planning purposes. An Action Plan would also be produced to demonstrate how and when key actions would be achieved.

The Performance and Development Portfolio Holder moved that the report be made available for consideration by the Resources Overview and Scrutiny Panel, adding that he would attend the next Panel meeting and feedback Members' comments to the Executive.

Summary of options rejected None

DECISION

1. That the Executive had considered the Organisational Development Plan 2011 - 2013, as appended to Report CE.2/11 and made the report available for consideration by the Resources Overview and Scrutiny Panel.
2. That a further report be submitted to the Executive at their meeting on 14 March 2011 to consider referral of the matter to Council on 26 April 2011.

Reasons for Decision -

EX.019/11 FORWARD PLAN
(Non Key Decision)

Portfolio Cross-Cutting

Subject Matter

The Forward Plan of Key Decisions for the period 1 February 2011 to 31 May 2011 was submitted for information.

The Assistant Director (Local Environment) was scheduled to report on Parking Connect - Joined Up On / Off Car Parking Enforcement for Cumbria (KD.031/10). The matter was deferred pending the receipt of information from Cumbria County Council.

Summary of options rejected None

DECISION

That the Forward Plan of Key Decisions for the period 1 February 2011 to 31 May 2011 be noted.

Reasons for Decision

Not applicable.

EX.020/11 SCHEDULE OF DECISIONS TAKEN BY OFFICERS
(Non Key Decision)

Portfolio Performance and Development

Subject Matter

Details of decisions taken by Officers under delegated powers were submitted.

Summary of options rejected None

DECISION

That the decisions, attached at Appendix A, be received.

Reasons for Decision

Not applicable.

**EX.021/11 REFERENCE FROM THE AUDIT COMMITTEE – AUDIT OPINION
PLAN 2010/11
(Non Key Decision)**

Portfolio Governance and Resources

Subject Matter

Pursuant to Minute AUC.09/11(a), consideration was given to a reference from the Audit Committee on 14 January 2011 following their consideration of the Audit Opinion Plan 2010/11. The Audit Committee had resolved:

- "(1) That the Audit Committee welcomed the submission of the Audit Opinion Plan 2010/11.
- (2) That the additional risks, detailed on page 6 of the Audit Opinion Plan, be drawn to the attention of the Executive and the Senior Management Team, it being noted that the Audit Committee would monitor the matter at their April 2011 meeting."

Copies of the Minute Excerpt and Audit Opinion Plan had been circulated.

The Governance and Resources Portfolio Holder endorsed what was, in his view, an excellent Audit Opinion Plan. In the absence of the Chairman of the Audit Committee he moved that the Committee's recommendations set out above be noted.

Summary of options rejected None

DECISION

That the reference from the Audit Committee concerning the Audit Opinion Plan 2010/11 be received; and the Audit Committee advised that the Executive noted the additional risks detailed on page 6 of the Plan which would be monitored by the Committee at their April 2011 meeting.

Reasons for Decision

To respond to a reference from the Audit Committee concerning the Audit Opinion Plan 2010/11.

EX.022/11 REFERENCE FROM THE AUDIT COMMITTEE – AUDIT SERVICES PROGRESS REPORT (Non Key Decision)

Portfolio Governance and Resources

Subject Matter

Pursuant to Minute AUC.11/11, consideration was given to a reference from the Audit Committee on 14 January 2011 concerning the Audit Services Progress Report. The Audit Committee had resolved:

- "(1) That report RD.69/10 be received.
- (2) That the Audit Committee wished to draw the Executive's attention to recommendations A.1 (There is no clearly defined standard definition of what constitutes consultancy) and A.2 (There is an unacceptable level of miscoding of expenditure) of the Audit Report on the Use of Consultants.
- (3) That the Senior Management Team give consideration to mandatory training for staff on budgetary control to prevent the miscoding of expenditure in future and that Audit Services monitor the position on a monthly basis.
- (4) The Financial Services Manager to provide a written response to the question raised regarding Carlisle Renaissance costs."

Copies of the Minute Extract and Audit Report on the Use of Consultants had been circulated.

In the absence of the Chairman of the Audit Committee, the Performance and Development Portfolio Holder drew Members' attention to recommendation (2) as set out above. He reported that, further to the report of the Use of Consultants Task and Finish Group and the concerns expressed in the Audit Report referred to, the Assistant Director (Resources) had prepared a guidance note for staff which would be circulated following consideration by the Senior Management Team.

Summary of options rejected None

DECISION

1. That the reference from the Audit Committee (AUC.11/11) concerning the Audit Report on the Use of Consultants be received.

2. That the Audit Committee be advised that, further to the final report of the Use of Consultants Task and Finish Group and the recommendations contained within the Audit Report on the matter, the Assistant Director (Resources) had prepared guidance for staff which would be made available following consideration by the Senior Management Team.

Reasons for Decision

To respond to a reference from the Audit Committee concerning recommendations contained in the Audit Report on the Use of Consultants.

EX.023/11 JOINT MANAGEMENT TEAM MINUTES (Non Key Decision)

Portfolio Various

Subject Matter

The Minutes of the meetings of the Joint Management Team held on 16 December 2010 and 13 January 2011 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meetings of the Joint Management Team held on 16 December 2010 and 13 January 2011, attached at Appendix B, be received.

Reasons for Decision

Not applicable.

EX.024/11 CUMBRIA LEADERSHIP BOARD (Non Key Decision)

Portfolio Cross-Cutting

Subject Matter

The Minutes of the meeting of the Cumbria Leadership Board held on 21 December 2010 were submitted for information.

Summary of options rejected None

DECISION

That the Minutes of the meeting of the Cumbria Leadership Board held on 21 December 2010 be received.

Reasons for Decision

Not applicable.

EX.025/11 REVENUE BUDGET OVERVIEW AND MONITORING REPORT – APRIL TO DECEMBER 2010 (Non Key Decision)

Portfolio Governance and Resources

Subject Matter

The Assistant Director (Resources) submitted the Revenue Budget Overview and Monitoring Report for April to December 2010 (RD.75/10). He outlined the overall budgetary position and the monitoring and control of expenditure against budget allocations, together with the exercise of virement on a regular basis. He further outlined details of balance sheet management issues, a number of high risk budgets, performance management and progress against the Comprehensive Spending Review 2007 efficiency statement.

The overall position, based on current projections, suggested that:

- the year end position was anticipated to be £626,200 under spent, of which likely carry forward requests of £572,100 had been identified;
- the net underspend available to repair the Council's depleted Revenue reserves was being estimated at £54,100;
- greater savings in 2010/11 on the Transformation initiative at £1.58m against the budget of £1m; and
- most of the Council's high risk income streams had been affected by the economic downturn and were falling short of their targets. With Car Parking and Land Charges currently performing better than their reduced expectations all areas continued to be closely monitored.

The Assistant Director (Resources) then highlighted and reported on a number of key issues, including the Salary Turnover Savings Budget. The main variances in the Directorates' budgets were also set out in the report.

The Leader indicated that further consideration would be given to underspends / carry forward requests.

The Governance and Resources Portfolio Holder agreed with the Leader's comments and moved the recommendations set out in the Assistant Director's report.

Summary of options rejected None

DECISION

That the Executive:

1. Noted the budgetary performance position of the Council to December 2010; the potential forecast year end position for 2010/11; and planned efficiencies.
2. Approved the virement of £37,000 revenue underspends and additional income generated to the capital programme to be used as match funding for the purchase of a plastics and card vehicle.
3. Approved the virement of £42,200 from revenue underspends to the capital programme to be used to fund the purchase of replacement bins and boxes within the Waste Minimisation project.

Reasons for Decision

To show that the Executive had been informed of the Council's actual financial position compared with the budgeted position, and to bring to their attention any areas of concern.

EX.026/11 CAPITAL BUDGET OVERVIEW AND MONITORING REPORT – APRIL TO DECEMBER 2010 (Non Key Decision)

Portfolio Governance and Resources
Subject Matter

The Assistant Director (Resources) submitted Report RD.76/10 on the budgetary position of the City Council's capital programme for the period April to December 2010. He outlined for Members the overall budget position of the various Directorates and the financing of the 2010/11 Capital Programme, details of which were set out in the report.

He further commented upon performance against the 2010/11 programme, informing Members that the Senior Management Team would provide a strategic overview and monitor the effectiveness of the overall programme of work in delivering the Council's priorities and objectives. Technical project support and quality assurance of business cases and associated project management activities would be managed by a Project Assurance Group chaired by the Deputy Chief Executive. Decisions to proceed or otherwise with proposed projects would be made in the usual way in accordance with the Council's decision making framework.

In summary, the Assistant Director (Resources) said that a review of all capital expenditure incurred was ongoing to ensure that the expenditure had been correctly allocated between revenue and capital schemes. That work would facilitate the year end classification of assets.

The Governance and Resources Portfolio Holder then moved the recommendations set out within the report.

Summary of options rejected None

DECISION

That the Executive:

1. Noted the budgetary position and performance aspects of the capital programme for the period April to December 2010.
2. Approved the virement of £6,300 from the DDA Accessibility Improvements Budget for use at the Resource Centre for DDA improvements.
3. Approved £37,000 from revenue underspends and additional income generated to be used as match funding for the purchase of a plastics and card vehicle.
4. Approved £42,200 from revenue underspends to be used to fund the purchase of replacement bins and boxes within the Waste Minimisation Project.

Reasons for Decision

To inform the Executive of the Council's actual financial position opposite its Capital Programme for 2010/11.

EX.027/11 TREASURY MANAGEMENT: OCTOBER – DECEMBER 2010
(Non Key Decision)

Portfolio Governance and Resources

Subject Matter

The Assistant Director (Resources) submitted report RD.77/10 providing the regular quarterly report on Treasury Transactions, including the requirements of the Prudential Code.

The Assistant Director (Resources) drew Members' attention to Appendix 1 to his report, emphasising that the main area of concern related to interest receivable. He reported that current money rates were now below the level anticipated at the time of the budget, although that factor had been somewhat mitigated through cash balances being generally higher than forecast. Overall, final investment interest for the year was likely to fall short of the original budget (£513,000) due to investment rates not increasing as expected, however, the position continued to be monitored

closely. He added that most other budget heads were performing very much in line with the original estimate.

The Governance and Resources Portfolio Holder then moved the recommendation set out in the report.

Summary of options rejected None

DECISION

That Report RD.77/10 be received and the Prudential Indicators noted as at 31 December 2010.

Reasons for Decision

To advise Members of the Council's Treasury Transactions.

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.028/11 PARKING CONNECT – JOINED UP ON / OFF CAR PARKING ENFORCEMENT FOR CUMBRIA

(Non Key Decision)

(Public and Press excluded by virtue of paragraph 3)

Portfolio Local Environment

Subject Matter

The Strategic Director presented a report of the Assistant Director (Local Environment) LE.01/11 concerning Parking Connect - Joined Up On / Off Car Parking Enforcement for Cumbria. He outlined the current position with regard to the project highlighting, in particular, the additional risks from the delay in progressing the matter details of which were set out at Appendix 1 to the report.

In conclusion, the Strategic Director recommended that Members give consideration to the additional risks referred to; further consideration to the Executive's previous recommendations made in November 2010; and alternative options for car parking enforcement in Carlisle should Parking Connect delivered by the City Council fail to proceed.

The Local Environment Portfolio Holder said that it was important that the Executive noted the delay and ensuing risks detailed within the report. Referring to the various options, he moved that the Executive instruct Officers to further evaluate Option B, subject to the inclusion of Eden. He further moved that the Executive formally authorise the termination of the current Agency Agreement between Cumbria County Council and Carlisle City Council.

Summary of options rejected Other options set out in the report

DECISION

That the Executive:

1. Had considered and noted the additional risks resulting from the delay by Cumbria County Council, as outlined in Appendix 1 to Report LE.01/11, and had given further consideration to the previous recommendations made in November 2010 (Report CS.27/10).
2. Instructed Officers to further evaluate Option B as detailed within the report, subject to the inclusion of Eden; and
3. Agreed to authorise the Assistant Director (Local Environment) to give notice to the County Council to terminate the current Agency Agreement between Cumbria County Council (1) and Carlisle City Council (2) titled "Parking Agreement" dated 23 November 2001. The notice of termination to be in accordance with the terms of the said Agreement.

Reasons for Decision

To bring to the attention of the Executive the current position regarding Parking Connect and additional risks associated with the delay as set out in the report.

(The meeting ended at 1.22 pm)