EXECUTIVE DECISION NOTICE

CABINET

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 16 August 2006, at 10.00 a.m.

Present

Councillors

Brendan Jameson (Leader) (Chairman)
Andy Shine Deputy Leader and Policy, Performance and Resources Portfolio Holder
Peter Thornton Communities and Well Being Portfolio Holder
Graham Vincent Economic Prosperity and Transport Portfolio Holder
Brenda Woof Environment and Sustainability Portfolio Holder

Apologies for absence were received from Councillors Brenda Gray (Housing and Development Portfolio Holder) and Sonjie Marshall (Central Services Portfolio Holder).

Also in attendance at the meeting were Councillors Colin Hodgson, Janette Jenkinson and Kevin Lancaster.

Officers

Inge Booth Democratic Services Officer
Lawrence Conway Head of Neighbourhood Services
Jack Jones Strategic Director (Resources)
Kate Minty Policy Officer (LSP) (Part)
Peter Ridgway Strategic Director (Customer Services)
Diane Salt Web Content Officer (Part)
Debbie Storr Executive Director (Central Services)
David Sykes Head of Regeneration and Housing Services (Part)
Sandra Walbran Head of Strategy and Performance Services (Part)

STANDING ITEMS/MONITORING REPORTS

Note – At this stage in the proceedings, the Chairman and Leader, Councillor Brendan Jameson, declared a personal and prejudicial interest in the following item of business by virtue of his friendship with the Chairman of the South Lakeland Leisure Trust, as EX/097, relating to Subletting for Coach Parking at Kendal Leisure Centre, was due to be brought up during discussion of the Executive Decision Notices. He left the room during the discussion and voting thereon. Councillor Andy Shine, Deputy Leader, took the Chair for the item.
EX/111 EXECUTIVE DECISION NOTICES

The Executive Director (Central Services) referred to EX/097. It had been indicated that Resolution (3) required some clarification since some confusion had arisen regarding the intention in this regard. At the meeting, concern had been expressed regarding the area for sub-lease and that any agreement should not affect the area outlined for restoration of the Lancaster Canal or other development. It was considered that the insertion of the words, “in the event that any land held by the Council for the restoration of the Lancaster Canal is included in the proposed sub-lease” at the start of (3) would clarify the issue.

The Strategic Director (Customer Services) indicated that his view of the discussions was based on the Leisure Trust ensuring that issues relating to the protection of Council land and assets arising from the development of the canal would need to be reflected in contract negotiations.

Councillor Brenda Woof indicated that she did not intend to vote on this matter as she had not been present at the Cabinet meeting on 19 July 2006.

RESOLVED – That, subject to an amendment being made to Resolution (3) of EX/097 as set out above, the Chairman be authorised to sign, as correct records, the Executive Decisions made during the weeks ending 14, 21 and 28 July 2006.

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EX/112 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that the following declarations of interest were made:-

(1) Councillor Brenda Woof, Minute EX/131; and

(2) Councillor Kevin Lancaster, Minute EX/128.

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EX/113 LOCAL GOVERNMENT ACT 1972 – EXCLUDED ITEMS

RESOLVED – That the items in Part II of the Agenda be dealt with following the exclusion of the press and public.

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EX/114 PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions had been received.

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EX/115 PROGRESS REPORT

Consideration was given to a report detailing progress in relation to Executive Decisions as at 8 August 2006. Members were pleased to note 100% completion of the progress column by officers which was a significant improvement.
Councillor Brenda Woof referred to EX/020 and advised that this matter was currently being looked into by officers.

**RESOLVED – That the report be received.**

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**EX/116 FORWARD PLAN**

Members were provided with copies of the Forward Plan covering the period 1 September to 31 December 2006 which had been published following despatch of today’s Cabinet Agenda. It was pointed out that KD06/020/EP&T, Report from Ulverston and Low Furness Market Town Initiative, had a new decision date for 13 September 2006.

**RESOLVED – That the contents of the Forward Plans covering the periods 1 August to 30 November 2006 and 1 September to 31 December 2006 be noted.**

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**KEY DECISIONS**

**EX/117 PHASE IV EXTENSION OF KERBSIDE RECYCLING SCHEME  (KD06/007/E&S)**

**Summary**

Further to inclusion of funding in the 2006/07 Budget for expansion of kerbside recycling, consideration was given to a report which outlined the plans for the extension to a further 13,000 properties within the Kendal urban area. Due to the extent of work involved in this task, Phase IV would be introduced in March 2007.

The Head of Neighbourhood Services drew attention to the proposed capital expenditure. He advised that the Council’s Procurement Officer had sourced wheeled bins at a price of approximately £14.50 each which would result in a reduction in capital monies required of approximately £39,000. Two options for the acquisition of vehicles were presented. Option 2, which included two second-hand refurbished stillage vehicles, was the preferred option, although the Council might not be able to lease these. He informed the Cabinet that these vehicles were available now and that to delay a decision would lead to the Council having to go with Option 1 and thereby incur additional costs. Funds for the acquisition were available within the Capital Programme.

Members were informed that, should they decide to approve Option 2 today, they could waive Council’s Contract Procedure Rules in order to allow the purchase of the second hand vehicles if they were satisfied that to do so was justified in special circumstances. Those circumstances were the risk of additional costs to the Council if there was delay in this process.

The Cabinet noted that there would be a total reduction of £102,000 in capital expenditure and congratulated all officers involved for their commitment and enthusiasm.
Decision

RESOLVED – That

(1) **Option 2 for the acquisition of vehicles, as set out in the report, be pursued and Contract Procedure Rules be waived under Rule 3.3 for reasons identified within the minutes to allow the purchase of the two second-hand refurbished stillage vehicles; and**

(2) **subject to balancing the budget, the implementation of Phase IV of Kerbside Recycling to Kendal in March 2007 be approved as detailed within the report.**

Reasons for Decision

This decision links to the Council’s Corporate Plan – Safer Cleaner Greener and Stronger Communities – Theme Priority 1 – Reduced environmental impact of waste production as a result of consumers and businesses reusing and recycling more.

The decision also links to the Cumbria Joint Municipal Waste Management Strategy.

Alternative Options Considered and Rejected

The detailed scheme as set out in the report is the only preferred option. This will enable officers to achieve efficiency savings by increasing productivity with existing staff and to achieve recycling percentages by encompassing Kendal. It allows linkages with previous phases in operation and to progressively encompass the remainder of the District as funding allows.

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EX/118 YOUTH WORK IN CUMBRIA PARTNERSHIP

Lynn Robinson, Youth Work Development Co-ordinator, South Lakes (Youth Work in Cumbria Partnership) addressed the Cabinet, assisted by Alan Moist, Youth Worker (Young Cumbria) and two young members of the group from Sandylands, Kendal.

During the past year, groups of young people in each of the neighbourhood forum areas within South Lakeland had met to discuss with their peers issues that they felt were important to their quality of life. Then, supported by youth workers, they met with local councillors, council officers, Police and other community members to discuss the issues and possible solutions.

The young people had taken up the challenge and opportunity to have a say in the decision-making process. The South Lakeland Youth Participation Video Project had given some of the young people a chance to further develop their ideas and produce a creative record which could be used to lobby support and initiate discussion.

The group hoped to organise a further opportunity for councillors to respond to the issues raised during Local Democracy Week in October.
The group showed three short films.

“Welcome to Sedbergh” by Sedbergh Youth Group was about the lack of facilities for young people in Sedbergh. They wanted to extend and improve an old bus shelter.

“Where’s the Bus?” by Hawkshead Youth Group addressed the lack of accessible bus transport. Local bus services were expensive and very infrequent and often geared around tourists.

“Daniel Beaumont Investigates Sandylands Estate” by Sandylands Detached Project was about the youth of the area having a place to hang out and play football without being moved on by the Police or attracting complaints from older residents.

Members of the Cabinet felt that it would be of benefit for the presentation to be made to a wider audience and suggested that the group attend the next Council meeting. The Cabinet also felt that it would be useful for Members to meet with the youth groups in their own environment.

RESOLVED – That

(1) the presentation be noted; and

(2) arrangements be made for the presentation to be made at a future meeting of full Council and for Members of the Cabinet to meet with the youth groups within their own surroundings.

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KEY DECISIONS

EX/119 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 (KD06/019/E&S)

Summary

Members were advised of the powers included in the Clean Neighbourhoods and Environment Act 2005, which had come into full effect on 1 April 2006. The report identified the powers available to the Council for the issuing of Fixed Penalty Notices for Environmental Signal Crimes. The six Cumbrian District and Borough authorities were being recommended to carry out a joint promotional campaign to highlight the various issues within the Act and to authorise a single, joint approach to Fixed Penalty Notice levels across all Districts.

The Head of Neighbourhood Services drew Members’ attention to Recommendation (8) and the lead-in period of three months which he hoped would commence on 21 August 2006, subject to call-in. He also advised the Cabinet that fixed penalty receipts would be kept within Street Care.

Members wished to ensure that all six authorities adopted these enforcement protocols. The Head of Neighbourhood Services pointed out that South Lakeland District Council had, in fact, produced this report which was also being presented to the other five authorities. He thanked the Legal Services Team for their assistance in writing the report. Members in turn thanked all staff involved.
Decision

RESOLVED – That

(1) the Enforcement Protocols contained within the Clean Neighbourhood and Environment Act 2005 be adopted;

(2) the default notice levels for Fixed Penalty Notices be adopted, together with the recommended discount provisions under the Act, as detailed in Appendix 1 to the report;

(3) the Strategic Director (Customer Services) and Head of Neighbourhood Services be authorised to utilise the provisions made available by the Act and to authorise officers to issue Fixed Penalty Notices and deal with other enforcement issues as required;

(4) the £10,000 allocation in the 2006/07 Budget for the sole use of promotion and public education and awareness of the Act be pooled with resources from the other Cumbrian District Councils, to deliver a consistent campaign, through partnership and joint working, across all Authorities;

(5) the consultation procedure be commenced for the making of a Dog Control Order under the Clean Neighbourhoods and Environment Act 2005 Act, prohibiting dog fouling on all relevant land in South Lakeland which is not exempted by the Act;

(6) the consultation procedure be commenced for the whole of the South Lakeland District to be designated an Alarm Notification Area;

(7) the Head of Neighbourhood Services be authorised to identify relevant land within the District which would be appropriate for designation as land where it would be an offence to distribute literature without the consent of the Council, and to carry out the consultation required under schedule 3A of the Environmental Protection Act 1990, the response to be reported to Cabinet to enable the final form of the Order to be confirmed;

(8) the use by authorised officers of the fixed penalty powers which are listed in the table at Appendix 1 (page 17 to 20) to the report be agreed, provided that a lead-in period of three months, commencing 21 August 2006, be agreed before any new fixed penalty powers are used by officers; and

(9) fixed penalty receipts be used for any of the purposes allowed in the Act under which the fixed penalty was issued.
Reasons for Decision

This decision links to the Council's Corporate Plan, as follows:-

Safer Cleaner Greener and Stronger Communities

Theme Priority 1 – Reduced environmental impact of waste production as a result of encouraging consumers and businesses re-using and re-cycling more.

Theme Priority 2 – Cleaner appearance of the district as a result of targeting the environmental impact of behaviours such as litter, graffiti, excess noise and light pollution with education and enforcement activities within communities.

Theme Priority 3 – The Council plays a major role in reducing crime and anti-social behaviour and harm caused by illegal drugs; reducing the fear of crime through the provision of reassurance to the public, and building respect in communities.

The decision also links to the Council’s Crime and Disorder Reduction Partnership Strategy and the Community Strategy.

Alternative Options Considered and Rejected

That no action is taken and the powers in the Act are not adopted by the Council. This is not recommended. In some instances, the powers supplement existing powers used by the Council and, in others, the new powers will be useful for the reasons contained in Appendix 1 to the report.

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EX/120 ADOPTION OF GRANGE-OVER-SANDS CONSERVATION AREA CHARACTER APPRAISAL AND MODIFICATIONS TO THE CONSERVATION AREA BOUNDARY (KD06/015/H&D)

Summary

Cabinet’s support was sought for the formal adoption of the draft Grange-over-Sands Conservation Area Character Appraisal and for amendments to the existing Grange-over-Sands Conservation Area boundary.

The Development Control Overview and Scrutiny Committee, at its meeting held on 15 August 2006, had recommended the adoption of the Character Appraisal and approval of the proposed amendments too the boundaries.

Members were advised of the consultation which had taken place which was felt to be an excellent example of engaging the community. The Cabinet expressed thanks to the Conservation Officer for undertaking this project.
Decision

RESOLVED – That

(1) the draft Grange-over-Sands Conservation Area Character Appraisal be adopted as background evidence for the purposes of the Local Development Framework and for use in Development Control decision-making; and

(2) the proposed amendments to the boundaries of the Grange-over-Sands Conservation Area be approved.

Reasons for Decision

The proposal will contribute directly to the achievement of Priority Objective 3.4 in the Corporate Plan and to specific cross-cutting themes of communicating and engaging directly with local communities and promoting and practising sustainability.

The designation and review of conservation areas in the District contributes too meeting the Community Strategy priority theme of achieving a Quality Environment.

The Grange Conservation Area Character Appraisal and suggested conservation area boundary has been widely consulted on and views sought from a wide spectrum of the community, including disabled groups. The information contained within the appraisal will assist in balancing the protection of the wider heritage with the needs of the whole community.

Conservation areas are areas of special environmental quality and their value is reinforced by the documented evidence that such appraisals provide. As such, the adoption of conservation area character appraisals is a significant aspect of the work required for the compiling of background evidence for the Council’s Local Development Framework. This detailed guidance will help the Planning Committee and development control officers, the local community and developers make informed decisions on the appropriateness of development within conservation areas, with a view to retaining and enhancing the unique local character of such areas.

Alternative Options Considered and Rejected

This programme of work is a statutory function that has been long delayed in South Lakeland due to a lack of resources. Further failure to undertake such work will expose the Council to difficulties at planning appeals. This is because character appraisals record the special architectural and historic interest of conservation areas, which designation is designed to protect, and inspectors will pay significant attention to the content of appraisals when considering such appeals.
GENERAL EXECUTIVE MATTERS

EX/121 BALANCING THE BUDGET

Summary

The Chairman announced that there would be an additional Cabinet meeting on 27 September 2006 to address this issue further.

The Council faced budget deficits of £1m to £2m in the next three years. A report was presented which proposed a set of measures with the aim of reducing 2007/08 expenditure by £1.6m. If agreed, selected targeted service reductions would be accompanied by across the board savings and a programme of voluntary redundancies/early retirements. The proposals fell short of the target of £1.6m: Portfolio holders would have to meet with officers to carry out a reality check of the existing proposals and to seek further reductions. Prompt action was required for these reductions to be implemented from 1 April 2007.

The Council had been aware since at least February 2005 that it would have to reduce its spending to make sure that it could set affordable budgets for the future. The processes which had been put in place in February 2006 had produced £572,400 reductions, but had not tackled the major part of the budgetary problems. The proposals in the report comprised a mixture of objectively targeted reductions, an element of rough justice in ‘across the board’ savings, Gershon efficiency savings and a speculative programme of as yet unidentified staff releases. Further time might produce better options but it was essential that action was taken now in order to implement reductions from 1 April 2007. These proposals fell short of the target of £1.6m and intensive work between Members and officers was required, both to produce additional savings and to carry out a reality check on the existing proposals. It was suggested that the exercise should be progressed via a joint workshop on 30 August 2006.

Members expressed concern at the possibility of double counting. The Strategic Director (Resources) advised that, as part of the reality check, managers would have to ensure that this did not happen.

The Cabinet congratulated the Policy, Performance and Resources Portfolio Holder and the Director for their efforts to tackle the situation, however, Members felt this to be an unacceptable situation which was partly the responsibility of Central Government. The Council had received a below-inflation revenue support grant settlement and was continually facing costs imposed by Central Government. It was felt that these concerns should be expressed at Westminster.

Having been invited to address the Cabinet, Councillor Colin Hodgson, Leader of the Opposition, advised that it had been agreed during the last Administration that cross party representatives lobby Central Government on this issue in July 2006. He felt that this was now a matter of urgency. Councillor Kevin Lancaster reiterated this point.

Both the Leader of the Council and the Leader of the Opposition undertook to discuss the issue.
Decision

RESOLVED – That

(1) the target of achieving £1.6m reductions in the 2007/08 Budget be accepted;

(2) the proposals set out in the report for achieving that target be adopted for planning purposes;

(3) portfolio holders meet with the Management Team and Heads of Service to discuss the implications of the report, to identify methods to implement the proposed budget reductions and to identify further actions needed to balance the Budget, with a view to a further report being brought back to Cabinet once these have been considered; and

(4) the Leader of the Council organise a cross-party delegation to seek an early meeting with Ruth Kelly or other relevant Minister at the Department for Communities and Local Government, to express the concerns raised above.

Reasons for Decision

The proposals are based on forecasts that recognise the need for resources to be directed towards developments identified in the Council’s Corporate Plan. The selective targeted reductions are intended to avoid affecting corporate priorities and this approach will be prevalent in formulating detailed plans for the further reductions. However it cannot be guaranteed that the Corporate Plan priorities will not be affected and the time and effort needed to assess and implement these proposals will tend to slow down progress on corporate objectives.

The budget forecasts have been developed from the Medium Term Financial Plan and are broadly consistent with its conclusion that substantial expenditure reductions are needed to ensure affordable budgets.

Some further budget reductions may qualify for Gershon efficiency savings.

Alternative Options Considered and Rejected

The Council does not have the option of delaying tackling its budgetary problems but a range of alternative options for dealing with it would be possible: the Council could set different targets for the 2007/08 Budget and could plan to achieve them by different means. The proposals outlined in the report are a practicable way of making substantial early reductions in its budget.
EX/122

REVENUE BUDGET MONITORING JUNE 2006 – REVIEW OF BUDGET REQUIREMENT

Summary

The Finance Section and Heads of Service had carried out budget monitoring for the period to the end of June 2006. There were a number of significant variances, most notably in concessionary fares. It was predicted that, on current trends, there may be an overspend of £109,000 on General Fund services by the end of the current financial year compared to the Amended Budget. However, this was offset by a current projection of additional investment income of £150,000. In overall terms, projected expenditure could be contained within the budget requirement, with a net increase in the General Fund working balance of £41,000. The Housing Revenue Account was projecting an overspend of £43,000 for the full year. The report was also being presented to Council to enable it to carry out its statutory requirement to review its budget requirement “from time to time”.

Members noted the dramatic increase in the take-up of concessionary fares and were advised that the Development Overview and Scrutiny Committee, at its meeting on 15 August 2006, had established a task group to examine this issue.

A question was raised with regard to the Housing Revenue Account which was not allowed to go into deficit by law. The Strategic Director (Resources) advised that, although the monitoring exercise suggested a potential overspending of £43,000 for the year, the working balance on the Account was estimated at £360,000. This could absorb the overspending without the Account falling into deficit.

Decision

RESOLVED – That

(1) the report be received; and

(2) the latest budget monitoring projections be noted.

Reasons for Decision

A failure to monitor budgets could lead to overspending that cannot be contained within the Council’s resources.

This decision links to the Council’s Corporate Plan Priority of Delivering Excellent Services – Council’s budgets are affordable and aligned to priorities with best financial practices in place – Key Action – To develop tight budgetary control procedures that are fit for purpose.

Alternative Options Considered and Rejected

No practical alternatives.
INTERNAL AUDIT ANNUAL PLAN 2006/07

Summary

The Annual Audit Plan which had been drawn up by Furness Audit was presented for comment before its approval by the General Purposes Committee. The Plan for 2006/07 broadly reflected the Strategic Plan.

The Strategic Director (Resources) informed Members that he would like to change the emphasis of internal audit coverage in the future to reflect the Strategic Risk Register, but this was limited by the volume of mandatory work that had to be accommodated within a relatively small programme.

Decision

RESOLVED – That the General Purposes Committee be recommended to approve the Internal Audit Annual Plan for 2006/07.

Reasons for Decision

Internal Audit is a key component in the Council's arrangements for effective internal control and risk management.

Alternative Options Considered and Rejected

None.

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ELECTORAL ADMINISTRATION ACT 2006

Summary

Members were advised that the new Electoral Administration Bill had gained Royal Assent on 11 July 2006. This Act changed the way in which the annual canvass was undertaken and placed new duties upon Electoral Registration Officers to maximise registration and encourage electoral participation. This would involve additional costs that could not be met from existing budgets. A request for a supplementary revenue estimate would therefore be made to ensure compliance with the new legislation and to address an overspend on the District Elections budget as detailed in the report.

Members felt that this was a genuinely exceptional and inescapable item of expenditure arising from additional legislative responsibilities.

Decision

RESOLVED – That a supplementary revenue estimate of £25,000 be approved for Electoral Services to cover the additional resources imposed by the Electoral Administration Act 2006 and the overspend on the District Elections budget.

Reasons for Decision

The Council must comply with its duties under the Electoral Registration Act 2006.
Alternative Options Considered and Rejected

The only option is with regard to fees charged – the legislation provides that Electoral Registration Officers must make arrangements for at least one or more house to house enquiries and maximise registration.

EX/125 LICENSING – SHARED MANAGEMENT ARRANGEMENTS

Summary

Consideration was given to an opportunity to introduce shared working with Lancaster City Council for Licensing purposes. It was considered that it could be possible for this Council's Licensing Manager to act as Licensing Manager for both South Lakeland and Lancaster. The concept of shared working between authorities was at the forefront of the agenda for Local Government.

The operational arrangements for the Licensing function would continue to work separately, although it was anticipated that there would be scope to further extend joint and shared working at a future date.

The arrangement would be subject to a review following a six month operation.

Details relating to a draft Agreement and Memorandum of Understanding and staffing were set out in Appendices I and II to the report which were excluded from inspection by members of the public. In accordance with Section 100(B) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, and, in all the circumstances of the case, it was considered that the public interest in maintaining the exception outweighed the public interest in disclosing it. Copies of the Appendices were excluded as they contained information as described in Schedule 12A of the Act as follows:-

- Information relating to any individual. (Paragraph 1)

Decision

RESOLVED – That the making of an Agreement with Lancaster City Council to share the services of this Council’s Licensing Manager be approved.

Reasons for Decision

This decision links to the Council’s Corporate Priority of Working in Partnership.

Alternative Options Considered and Rejected

Not to proceed with the proposal to implement shared working with Lancaster for the purpose of Licensing functions. The Government is, however, encouraging authorities to consider different ways of working and further partnership arrangements.
EX/126 GOVERNMENT CONNECT PROGRAMME – HEAD OF INFORMATION SERVICES

Summary

The Head of Information Services had been invited to sit on the Infrastructure and the Applications Project Boards and Technical Design Authority of the Government Connect Programme. Members were provided with information about the Government Connect Programme and the involvement of the Head of Information Services in this national government sponsored programme was outlined.

Members offered their congratulations to the Head of Information Services and felt that this was a good opportunity for the Council to raise its profile through the Country.

The Leader indicated that he wished to be kept informed of progress, on both the Programme and resources and operational matters within the IS Group.

Decision

RESOLVED – That the Head of Information Services’ involvement in the Government-sponsored Government Connect Programme be supported.

Reasons for Decision

The invitation to be part of the programme presented the Head of Information Services (and the Council) with an opportunity to be involved in a significant project that would change the working relationship between Government, Government agencies and Local Government, influencing the way ‘Government’ services would be delivered in the future.

This decision links to the Council’s Corporate Plan Priority of Delivering Excellent Services. It also links to the e-Government Strategy.

Alternative Options Considered and Rejected

Not applicable.

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EX/127 KENDAL BUSINESS AGAINST CRIME PARTNERSHIP

Summary

The Kendal Business Against Crime Partnership had made a request for formal District Council representation on its Steering Group and Board of Management. Members were informed about the work carried out by the Partnership.

The Portfolio Holder for Communities and Wellbeing informed Members that there was a possibility of this scheme being extended to other towns within the District and he felt that the Council should be represented.
Decision

RESOLVED – That either the Portfolio Holder or nominated other Kendal Member be appointed to represent the Council on Kendal Business Against Crime Partnership, both at Steering Group and Board of Management level, based on a delegated decision by the Portfolio Holder.

Reasons for Decision

This decision will assist in the delivery of the Council's Corporate Priority of Safer Cleaner Greener and Stronger (Theme 3). In addition, it has an indirect link to Prosperous Communities (Theme 3).

South Lakeland Crime and Disorder Reduction Strategy has objectives to promote a safe and vibrant night-time economy and to maintain a safe retail and commercial environment for residents and visitors.

Alternative Options Considered and Rejected

Not to appoint to the Partnership.

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Note – Councillor Kevin Lancaster declared a personal and prejudicial interest in the following item of business by virtue of the fact that he was a Member of Sedbergh Parish Council and left the room during the discussion and voting thereon.

EX/128 SEDBERGH CAR PARKS AND MARKET

Summary

The Cabinet was informed that Sedbergh Parish Council had made an approach to the Council to operate the management of the car park at Joss Lane, Sedbergh. Subsequent discussions had extended proposals to include the weekly market located on the car park.

It was proposed to transfer the management of the car park at Joss Lane Sedbergh and the weekly market to Sedbergh Parish Council in accordance with the terms agreed with effect from 1 January 2007. In addition the Council would terminate the lease for Loftus Hill car park in order to allow the Parish Council to come to an agreement with Sedbergh School regarding the future use of the land.

Concern was expressed with regard to the closed public conveniences on Loftus Hill Car Park and possible liability. The Head of Neighbourhood Services undertook to look into this matter.

All Members present at the meeting thanked the Portfolio Holder and Local Ward Members, past and present, for their work in relation to this project. It was the Council's aim to give local communities more control over local issues.
Details relating to a proposed Agreement and finance were set out in Appendices A, B and C to the report which were excluded from inspection by members of the public. In accordance with Section 100(B) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, and, in all the circumstances of the case, it was considered that the public interest in maintaining the exception outweighed the public interest in disclosing it. Copies of the Appendices were excluded as they contained information as described in Schedule 12A of the Act as follows:-

- Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Paragraph 3)

Decision

RESOLVED – That the agreement to transfer the management of Joss Lane Car Park, Sedbergh, and the market, to Sedbergh Parish Council, be approved, on the terms and conditions set out in the Part II Appendices to the report.

Reasons for Decision

This decision links to the Council’s Corporate Plan through Delivering Excellent Services.

Alternative Options Considered and Rejected

Take no action.

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EX/129 CORPORATE PROPERTY STRATEGY

Summary

The Council’s Asset Management Plan for 2001 – 2005 was now out of date. A new Corporate Property Strategy, incorporating the best elements of the old Asset Management Plan, had now been drafted, and was presented for adoption.

The Strategy was best summed up as follows:

“The Council’s vision for property should be to have a flexible approach to property ownership (freehold/leasehold/public private partnership), to secure a portfolio of the right size, quality, cost and location to support its objectives that is responsive to service needs and managed under best value principles.”

The Policy, Performance and Resources Portfolio Holder advised the Cabinet that the implementation of this Strategy had been recommended within the Use of Resources Assessment. A Property Advisory Group would be responsible for assisting in the continuing development, review and implementation of the Strategy.

The Strategic Director (Customer Services) drew attention to the challenges of Energy Efficiency and Disability Access which were the two areas with the least resources and was keen to see provision for this by Norfolk Property Services as the Council did not have the expertise to take this on board. The Property Advisory Group would report back to Cabinet on developments.
Decision

RESOLVED – That

(1) the Corporate Property (including Asset Management Plan) as attached to the report be approved and adopted; and

(2) the Management Team be instructed to consider how to implement the Action Plan where resources permit.

Reasons for Decision

To assist in the delivery of the Council’s Corporate Plan. The links to the new Corporate Plan are set out in Section 4 (iii) of the Strategy. The links to affordable housing, employment land and energy efficiency are particularly relevant through Housing to Meet Local Needs Priority Theme 1, Prosperous Communities Priority Theme 4 and Safer, Cleaner, Greener and Stronger Communities Priority Theme 4 respectively.

The Strategy makes reference to Energy Policy and Energy Efficiency measures that can have a significant environmental effect. Adoption of the Strategy will show that the Council is debating this issue and considering actions for improvement.

Alternative Options Considered and Rejected

One alternative option is to not have a Corporate Property Strategy in which case improvements in the management of the Corporate Property Portfolio may not be achieved.

Another alternative option is to not approve this draft in which case Members will need to suggest what amendments are required.

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EX/130 ANNUAL REPORT ON SOUTH LAKELAND DISTRICT COUNCIL’S ACTIVITIES UNDER LOCAL AUTHORITY POLLUTION PREVENTION AND CONTROL

Summary

Members were advised about the work of the Environmental Protection Group in the regulation of installations within South Lakeland. As at 31 March 2006, 63 installations had been permitted by the Council, details of which were presented.

Decision

RESOLVED – That the contents of the report and the work of the Environmental Protection Group in this subject be noted.

Reasons for Decision

Regulation of prescribed industrial processes and installations is a Key Action under Priority 5.4 (Health and Wellbeing) of the Council’s Corporate Plan.

This decision also links to Best Value Performance Indicator 217.
Alternative Options Considered and Rejected

There are no alternative options directly related to this report.

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MATTERS REFERRED TO CABINET BY OVERVIEW AND SCRUTINY COMMITTEES

Note – Councillor Brenda Woof declared a personal interest in this item of business by virtue of the fact that the work of the Cumbria Strategic Waste Partnership of which she was a member could have implications for South Lakeland District Council.

EX/131 CUMBRIA SCRUTINY NETWORK REPORT ON THE CUMBRIA STRATEGIC WASTE PARTNERSHIP

Summary

Further to EX/095, the Cabinet gave consideration to the nine recommendations from the Cumbria Scrutiny Network scrutiny review of the Cumbria Strategic Waste Partnership.

The Cumbria Waste Partnership was a partnership of Cumbrian local authorities which had been established to tackle waste issues across the County in a co-ordinated manner. The need to reduce landfill was, perhaps, the key driver for the Partnership.

The reasons for the joint scrutiny review of the Cumbria Strategic Waste Partnership lay in the serious concerns which had been expressed by the Audit Commission over the rate and nature of progress on strategic waste matters in Cumbria. Of particular concern to local authorities in Cumbria were the potential financial penalties arising from Cumbria failing to meet its landfill reduction targets.

The Environment and Sustainability Portfolio Holder informed the Cabinet about the work of the Partnership. The work was financed only by Environmental Improvement Grant funding and, although South Lakeland did not make any cash contribution, this Council did provide officer time. She felt that concerns which had been expressed last November had been addressed and that improvements had been made, e.g. no fines, reduction in landfill and banked credits. There was, however, still a lot of work to be done.

The Head of Neighbourhood Services reported on a grant from WRAP (Waste and Resource Action Programme) which was a national body which distributed funds to assist councils to minimise waste. Cumbria County Council had also assisted the District Council by taking on £0.5m cost of Kendal Fell. South Lakeland District Council had been the only council paying a contribution as it was tied into a legal contract. South Lakeland was now getting a higher rate of recycling credits.

Decision

RESOLVED – That all nine recommendations made by the Cumbria Scrutiny Network set out at Appendix 1 to the report be noted.
Reasons for Decision

There are potentially significant financial penalties for local authorities in Cumbria if targets for reducing landfill are not met.

This decision will assist in the delivery of the Council’s Corporate Priority Objective 31. – Reduce the environmental impact of waste production, encouraging consumers and business to reduce, re-use and recycle.

Alternative Options Considered and Rejected

Not to consider and respond to the recommendations.

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REFERRALS TO COUNCIL

EX/132  AUDIT COMMITTEE – CONSULTATION ON OPTIONS

Summary

A report was presented which outlined the options and implications for the creation of an Audit Committee. Members were being requested to make recommendations to Council on the preferred option for the decision making structure of the Council, as well as the size and composition of the Council’s Committees.

Proposals on different options for the creation of an Audit Committee were set out at Appendix A to the report. Following consultation, the full Council, on 5 September 2006, would be requested to consider making amendments to the Council’s Committee structure, Constitution and delegation arrangements, to accommodate the creation of an Audit Committee with effect from 1 October 2006.

The Executive Director (Central Services) advised Members that ongoing consultation was taking place on this matter. A seminar prior to full Council had taken place, and a workshop, which had been well attended by Members, had also been held.

The Director reported that the general consensus thus far was that there was agreement in principle to the establishment of an Audit Committee with a membership of five Members, independent of the Executive. There was discussion as to whether it should also be independent of the Scrutiny function. Co-option could be considered in the future, after the Audit Committee had become embedded.

Members had accepted the principle of an Accounts Committee of six Members, comprising no more than three Members of the Executive, with the balance being made of Scrutiny Members.

It had been felt that the General Purposes Committee should disappear under the new proposals and that the Lake Administration Sub-Committee should report direct to full Council. Instead of General Purposes, Members had been of the opinion that a Human Resources Committee should be established, with a membership of nine to include at least one Cabinet Member. A Sub-Committee for employment related appeals would need to be drawn from that membership. It was proposed that officers be given more delegated powers to deal with discretionary rate relief and homelessness appeals (it was pointed out that South Lakeland was one of few councils where this did not already happen).
A lot of debate had taken place with regard to the Overview and Scrutiny function and it had been recognised that the status quo was not an option. Consideration had been given to two other options: one Overview and Scrutiny Committee with task and finish groups from membership outside of the Executive; two Overview and Scrutiny Committees, one looking inward and one outward. It seemed that the preferred option thus far was for two Committees with a membership of between 19 and 25 on each.

The Executive Director (Central Services) asked Members of the Cabinet for their views.

Members of the Cabinet were pleased with the general consensus of opinion, with the exception of the Overview and Scrutiny function. They were disappointed that the opportunity which would be provided by a single Committee had not been realised. The Cabinet felt that a single Committee with a membership of 21 would allow Members to take both an inward and outward look through different areas of work. It was felt that individuals’ skills could be wasted if there were two committees. The Cabinet felt that some thought would need to be given to how to cope with a large number of task and finish groups. Consideration also needed to be given to the financial implications to the Council.

Non-Executive Members in attendance at the meeting, Councillors Hodgson, Jenkinson and Lancaster, were asked for their comments in discussing this item. They did not agree with the option for a single Overview and Scrutiny Committee which they felt would be unmanageable. They felt that two committees would provide more opportunity for Member involvement and thereby avoid alienation and disenfranchisement of councillors.

Decision

RESOLVED – That

(1) the report be noted; and

(2) the following recommendations be made to Council:-

(a) the establishment of an Audit Committee with a membership of five, independent of the Executive and Scrutiny, co-optees to be considered at a later stage once the Committee has been established;

(b) the establishment of an Accounts Committee with a membership of six, comprising no more than three Executive Members, with the balance from Overview and Scrutiny Members;

(c) the General Purposes Committee be discontinued;

(d) Lake Administration to report direct to full Council;

(e) the establishment of a new Human Resources Committee with a suggested membership of nine which complies with Officer Employment Procedure Rules;
(f) an Appeals Committee to be drawn from the Human Resources Committee, with officer delegation for some appeals and other non-executive functions; and

(g) with regard to possible changes to Overview and Scrutiny, the Cabinet’s preferred option is Option 3, one committee with a membership of 21 or 24.

Reasons for Decision

There is a clear requirement from the Key Lines of Enquiry in the Use of Resources Assessment that the Council is expected to have a fully functioning Audit Committee.

Alternative Options Considered and Rejected

The report contained three options for Members’ consideration.

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The meeting ended at 12.40 p.m.