EXECUTIVE DECISION NOTICE

CABINET

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 11 June 2008, at 10.00 a.m.

Present

Councillors

Andy Shine
(Deputy Leader and Policy, Performance and Resources Portfolio Holder)
(Chairman)

Brenda Gray  Housing and Development Portfolio Holder
Hilary Stephenson  Central Services Portfolio Holder
Peter Thornton  Communities and Well Being Portfolio Holder
Graham Vincent  Economic Prosperity and Transport
Brenda Woof  Environment and Sustainability Portfolio Holder

An apology for absence was received from Councillor Brendan Jameson (Leader and Promoting South Lakeland Portfolio Holder).

Also in attendance at the meeting were Councillors James Airey, Anne Hall, Tom Harvey, Colin Hodgson and Janette Jenkinson.

Officers

Andrew Aitken  Head of Human Resources (part)
Brian Benson  Head of Information Services (part)
Inge Booth  Democratic Services Officer
Helen Coffey  Media Assistant (part)
Dave Conlin  Head of Commercial and Technical Services
Lawrence Conway  Strategic Director (Customer Services)
Ian Elleray  Community and Housing Manager (part)
Jackie Evans  Head of Legal, Democratic and Member Services
Jack Jones  Strategic Director (Resources)
Lucy Reynolds  Senior Strategy Officer (part)
Peter Ridgway  Chief Executive
Debbie Storr  Executive Director (Central Services)
Sandra Walbran  Corporate Change Manager/Head of Strategy and Performance Services

In addition, Peter Thomas, Chief Executive of South Lakes Housing, was present for part of the meeting.
STANDING ITEMS/MONITORING REPORTS

EX/004 EXECUTIVE DECISION NOTICES

RESOLVED – That the Chairman be authorised to sign, as correct records, the Executive Decisions made during the weeks ending 4, 11 and 18 April and 2 May 2008.

EX/005 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that Councillors Andy Shine and Peter Thornton declared interests in EX/032.

EX/006 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.

EX/007 PUBLIC PARTICIPATION

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

EX/008 TERMS OF REFERENCE

RESOLVED – That the Scheme of Delegation from Cabinet to Officers and Cabinet Procedure Rules be noted.

EX/009 ALLOCATION OF PORTFOLIOS

RESOLVED – That the allocation of Portfolios to Cabinet Members be noted and the respective Cabinet Job Descriptions be signed by each Cabinet Member.

EX/010 PROGRESS REPORT

Consideration was given to a report detailing progress in relation to Executive Decisions as at 3 June 2008.

Particular reference was made to the following items:

- EX/344 (Community Services Overview and Scrutiny Committee Climate Change Report) – The Strategic Director (Customer Services) confirmed that the recently appointed Climate Change Officer was due to commence work on 16 June 2008.
Councillor Andy Shine reported receipt of an email from the Scrutiny Officer on behalf of the Overview and Scrutiny Committees expressing concern in relation to lack of information on progress being made in relation to Cabinet decisions on recommendations from those Committees. The Committees wished to ensure that these decisions were being implemented and that they were kept informed. The Chief Executive drew attention to the fact that a nominated member of the Management Team attended meetings of the Overview and Scrutiny Committees and that this, together with the progress report, provided an informal mechanism for advice.

RESOLVED – That the report be received.

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EX/011 SOUTH LAKELAND DISTRICT COUNCIL HEALTH AND SAFETY COMMITTEE

Councillor Brenda Woof advised that the Committee, made up of members of staff, the Management Team and union representatives, met every two months, and that most of the items discussed at the meetings related to general health and safety issues.

RESOLVED – That the minutes of the meeting of the South Lakeland District Council Health and Safety Committee held on 31 March 2008 be received.

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EX/012 FORWARD PLAN

It was noted that item EX08/019/PP&R (Council-owned land at North Lonsdale Road – to consider market testing the disposal of the site) would now be considered by Cabinet on 16 July 2008. In addition, attention was drawn to the fact that all items with a decision date for 9 July would be considered on 16 July, and those with a decision date for 6 August, on 13 August. These changes were due to recent alterations to Cabinet meeting dates and the changes would be reflected in the 1 July to 31 October 2008 Forward Plan.

RESOLVED – That the contents of the Forward Plan covering the period 1 June to 30 September 2008 be noted.

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GENERAL EXECUTIVE MATTER

EX/013 GARAGE SITES AT WHINFELL DRIVE, KENDAL

Summary

Members considered in principle the disposal of garage sites at Whinfell Drive, Sandylands, Kendal.

The Community and Housing Manager informed Cabinet that he was not in a position to report the views of the Local Ward Member or Kendal Town Council due to sickness absence within his Group. He advised Members, however, that these views would be reported when the item was brought back for approval of details.

Members felt that this was an appropriate use for the land.
Decision

RESOLVED – That, in principle:-

(1) **the garage site be declared as surplus to the Council’s requirements;**

(2) **the site be made available for disposal to a Registered Social Landlord partner for affordable housing development on the Council’s standard scheme in accordance with Priority 1 of the Council’s Corporate Plan, subject to the further approval of the detailed terms and conditions following negotiation and subject to planning consent being obtained.**

Reasons for Decision

- To assist in the delivery of the Council’s Corporate Plan – Housing to Meet Local Needs – homes to meet local needs in accordance with the Cumbria Housing Strategy (Priority 1). Contribution to the target of 430 public-funded homes in the period 2006 to 2011.

- The decision also relates to the Corporate Property Strategy 2006 – Action Plan – Recommendation 7 – continue to apply tests to potentially surplus properties to determine relevance and need in relation to service provision.

Alternative Options Considered and Rejected

To not sell the land – not preferred as this will not meet affordable homes targets.

**KEY DECISIONS**

EX/014 SINGLE CAPITAL POT AND AFFORDABLE HOUSING (KD08/022/H&D)

Summary

Members were advised that the Council’s Capital Programme was currently being critically reviewed to test its strategic fit and to ensure that resources were allocated to the correct schemes. A further £532,000 had been provided by the Government for Single Capital Pot (SCP) expenditure on housing priorities in 2008/09. Subject to the review, it was proposed that this be allocated to the Council’s Site Assembly Fund for affordable housing and for further expenditure on Disabled Facilities Grants (DFG), and that unspent allocations from 2007/08 be brought forward into 2008/09. Details were also provided on the latest bids to the Housing Corporation for capital grants for new affordable housing.

Members welcomed the proposed schemes for 31 affordable homes and, in particular, the fact that the former Harmony Hill Council Depot at Milnthorpe could be re-used to meet the Council’s prime aim.
**Decision**

**RESOLVED – That**

1. **the use of the £532,000 Single Capital Pot grant for 2008/09** and the carry forward of unspent allocations from 2007/08 for submission as bids as part of the critical review of the Capital Programme, as outlined within the report, be approved;

2. **the Council provides its support for bids to the Housing Corporation for the following schemes (subject to planning permission being approved):**-
   - Harmony Hill, Milnthorpe (10 homes)
   - Broughton Road, Torver (8 homes)
   - Whinfell Drive, Kendal (5 homes)
   - Former Judo Club, New Inn Yard, Kendal phase 2 (8 homes); and

3. **the latest successful Housing Corporation bids as outlined at Appendix 1 to the report be noted.**

**Reasons for Decision**

- To assist in the delivery of the Council’s Corporate Plan - Homes to meet local needs – contribution to the target of 430 new affordable homes through public funding between April 2006 and March 2011.

- In addition, the decision will assist in the delivery of the Community Strategy – affordable housing target (as above).

**Alternative Options Considered and Rejected**

- The SCP funding could be allocated without the need for a review, however this is not recommended as it should be known by then whether it is realistic to spend the sums proposed.

- The Council could decide not to support the four new Housing Corporation bids, however this is not recommended as it would result in less affordable homes being developed.

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**Summary**

It was a statutory requirement that a local housing authority carried out a review of homelessness and published a homelessness strategy at least every five years (Chapter VII Homelessness Act 2002).
The Senior Strategy Officer reported in detail on a newly-completed Homelessness Strategy for South Lakeland District Council. The Strategy was based upon the findings of a review of homelessness in the District. It identified four main areas of work where actions would be taken to reduce homelessness and ensure provision for those who required assistance. These were:

- to maintain the reduction in numbers of households in temporary accommodation, reduce time spent in temporary accommodation and provide good quality temporary accommodation where required;
- to increase long-term housing solutions;
- to focus on homelessness prevention; and
- to ensure provision of suitable accommodation for all types of need, including for those requiring supported accommodation.

Attention was drawn to the importance of partnership working between all agencies.

A lengthy discussion ensued during which concerns were raised with regard to rent differentials and the detrimental impact on low-paid residents in the West of the Area who needed to live close-by to their places of work and community. The Senior Strategy Officer pointed out that the Strategy should, on the whole, address this issue. The Chief Executive added that the boundaries were to be altered in an attempt to mitigate the problem.

Members were advised that, with reference to monitoring of the action plan, it was the intention to report twice yearly to Cabinet. The Chief Executive undertook to examine the possibility of including reportable issues within Covalent.

The Cabinet offered its thanks to the Senior Strategy Officer for an excellent report.

Decision

**RESOLVED – That the Homelessness Strategy for 2008-2013, attached at Appendix 2 to the report, be approved.**

Reasons for Decision

The decision will assist in the delivery of the Council’s Corporate Plan - Values - “Seeking continuous improvement” and “Working in partnership” and the Priority of “Homes to meet local needs”.

The decision also links to the Cumbria Housing Strategy 2006–11 and the South Lakes Community Strategy.

In addition, a homelessness strategy which takes account of the needs of all homeless people contributes to the aim of achieving safer communities.

Alternative Options Considered and Rejected

Not applicable.
REFERRAL TO COUNCIL

EX/016 PERMITS FOR SINGLE DESIGNATED CAR PARKS

Summary

At EX/222 (2007/08), the Cabinet had accepted recommendations made by the Community Services Overview and Scrutiny Committee in relation to the discontinuation of the single designated car park permit scheme. A petition regarding the reintroduction of the permits had subsequently been received by full Council on 27 March 2008 (C/138 (2007/08) refers), when it had been resolved that Cabinet be requested to reconsider the matter of single-designated car parking permits in Ulverston, and to report back to Council.

Councillor Graham Vincent reported that he had reconsidered the matter following the request by Council, but did not believe that circumstances had changed since the original pilot had been carried out in 2006 when only 28 people had applied for the permits. He did not believe that the matter should be taken any further.

Cabinet considered the report in detail. Attention was drawn to the fact that the Council’s current full Residents’ Parking Permit represented excellent value for money.

Decision

RESOLVED – That the decision made at EX/222 (2007/08) to discontinue the single designated car park permit scheme be reconfirmed.

Reasons for Decision

The scheme does not make the best use of the Council’s resources.

Alternative Options Considered and Rejected

• Continue with the Ulverston Single Designated Car Park Permit Scheme – rejected, as this would not be equitable.

• Roll out the Single Designated Car Park Permit Scheme to the rest of the District – rejected on the grounds of cost.

• Introduce the Single Designated Car Park Permit Scheme for “unpopular” and under-used car parks only – rejected on the grounds that the pilot scheme shows that the public are not prepared to purchase these permits. Also, increasing the complexity of the permit scheme and possibly staffing levels for a minimal take up would not be the best use of resources.
GENERAL EXECUTIVE MATTERS

EX/017 APPOINTMENTS TO OUTSIDE BODIES

Summary

Further to EX/017 (2006/07), Cabinet considered appointments to outside bodies for 2008/09.

It was reported that further consideration had yet to be given regarding a second representative for the County Council Local Committee for South Lakeland and on the two nominations for South Lakes Housing. In addition, an additional nomination had been made for the Lancaster Canal Restoration Partnership Steering Group in order to ensure that all wards affected were represented. It was queried whether the Local Government Association Cumbria Branch and Cumbria Sub-Regional Assembly still existed, and the Head of Legal, Democratic and Member services undertook to look in to the matter.

Decision

RESOLVED – That

(1) the following appointments of representatives to outside bodies be made -

(a) Councillors Graham Vincent - County Council Local Committee for South Lakeland;

(b) the Leader, Councillor Brendan Jameson - Cumbria Strategic Partnership;

(c) the Leader, Councillor Brendan Jameson and Councillor Graham Vincent – Furness Enterprise Supervisory Board;

(d) Councillor Andy Shine - Lancaster Canal Restoration Partnership – Executive;

(e) Councillors Jonathan Brook, Brian Cooper Sheila Eccles, Clare Feeney-Johnson, Brenda Gray, Andy Shine, Graham Vincent and Brenda Woof - Lancaster Canal Restoration Partnership – Steering Group;

(f) Councillors Stan Collins, Colin Hodgson and Mary Wilson - Local Government Association – Cumbria Branch and Cumbria Sub-Regional Assembly;

(g) Councillor Stan Collins - Local Government Association – Rural Commission;

(h) the Leader, Councillor Brendan Jameson – Local Strategic Partnership;

(i) Councillor Andy Shine - South Lakeland Crime and Disorder Reduction Partnership; and

(j) Councillors Alan Baverstock and Clare Feeney-Johnson - South Lakeland Leisure Board; and
(2) a second nomination to the Cumbria County Council Local Committee for South Lakeland and two nominations to South Lakes Housing (to October 2011) be made at the next meeting of the Cabinet.

Reasons for Decision

- The Council is required to make appointments to these outside bodies.
- The decision will assist in the delivery of the Council's Corporate Plan through Working in Partnership.

Alternative Options Considered and Rejected

Not to make appointments, which could affect the Council's ability to influence partners on important strategic issues.

EX/018 COUNCIL-OWNED LAND – LAND ADJACENT TO RYDAL ROAD CAR PARK, AMBLESIDE

Summary

Consideration was given to an amendment to a previously approved application (comprising a minor disposal, grant of a licence and grant of a permanent easement) relating to land at the above-mentioned location (EX/116 (2005/06) refers).

The Cabinet was advised that the applicant's architect had recently reviewed the original proposal and had come to the conclusion that it was not financially viable and that it was unlikely that planning and listed building consent would be secured. This review had led to a further approach from the applicant, details of which were provided. The applicant wished to purchase a revised area of grassed amenity land of approximately 48 square metres, as opposed to the originally approved sale area of approximately 10 square metres. The area of land over which the applicant wished to take a terminable licence to facilitate the implementation of an improved landscaping scheme had been accordingly reduced.

Members felt that the proposed scheme would enhance the approach to the car park.

Decision

RESOLVED – That an amendment be made to a previous Delegated Executive Decision (EX/116 (2005/06)) to authorise in principle the following:

(1) disposal of an area of land between Rydal Road Car Park and Mill Cottage, Ambleside;

(2) grant of a terminable licence to facilitate the implementation of an improved landscaping scheme; and

(3) grant of a permanent easement to facilitate the creation of a pedestrian right of way from the car park through the applicant’s land into the village centre.
Reasons for Decision

- Under the heading of ‘Resources’ on page 6 of the Council’s Corporate Plan (within Section 3 – ‘Delivering the Plan’) a commitment has been made to Review and monitor the Council’s holdings within the Asset Management Plan (in this case the merits of the subject application have to be assessed against the implications of refusing the application and retaining the subject land).

- The decision also links to the South Lakeland Strategic Partnership - 'A Shared Vision for the Future' - The second aim in relation to ‘Accessible Transport’ is the promotion ‘of safe routes for pedestrians and cyclists, especially children.’ The fourth aim in relation to ‘Environment’ is to ‘enhance, maintain and promote the natural environment.’

- In addition, the creation of an alternative pedestrian route from the car park into the village would facilitate improved public safety - avoiding the narrow footway alongside the busy A591.

Alternative Options Considered and Rejected

That the land remains in Council ownership and continues to be maintained by the Council.

EX/019
COUNCIL-OWNED LAND AND PROPERTY – DISPOSAL OF VACANT CHAPEL, WINDERMERE CEMETERY, RAYRIGG ROAD, WINDERMERE

Summary

Pursuant to EX/77 (2003/04), further consideration was given to declaring the above-mentioned land and property surplus to requirements with a view to disposal. A lengthy debate took place on the best way forward and it was concluded that the potential for disposal should be explored.

Decision

RESOLVED – That a previous Cabinet decision (EX/77 (2003/04)) to authorise in principle the sale of a vacant chapel and adjoining land at Windermere Cemetery be endorsed, subject to the further approval of detailed terms and conditions by Cabinet.

Reasons for Decision

Under the heading of ‘Resources’ on page 6 of the Council’s Corporate Plan (within Section 3 – ‘Delivering the Plan’) a commitment has been made to Use Best Value to improve services (in this case potential future maintenance expenditure is a foreseeable drain on the future budgets of the Council’s Cemeteries Service) and to review and monitor the Council’s holdings within the Asset Management Plan (see the Asset Testing process (see Appendix A to the report)).

The decision also relates to the Asset Management Plan – Action 7 - Continue to apply Tests to potentially surplus properties to determine relevance and need in relation to Service Provision.
Alternative Options Considered and Rejected

To overturn the previous Cabinet decision and either:-

- retain ownership of the building; or
- demolish the building and use the site, together with the adjacent land, to provide a public open area for peace and reflection and an area of the interment of cremated remains.

EX/020 CORPORATE PROPERTY STRATEGY

Summary

It was reported that the Council’s Corporate Property Strategy had been updated to reflect changing circumstances. The Strategy set out a high level strategic overview of the Council’s corporate property portfolio and would aid decision-making by relating the portfolio to the Council’s key corporate priorities. It concluded with an Action Plan to move the Strategy forward which would be monitored by the Property Advisory Group.

The five main aims of the Strategy were to:-

- ensure that property resources at all levels made an optimum contribution to the Council’s strategic aims and priorities;
- realise continuous improvement in the management of property-related services;
- optimise construction and maintenance expenditure associated with an excellent standard of building design, construction and maintenance;
- release value from property through efficiencies in usage and running cost savings; and
- raise awareness of property as an asset providing clear decision-making for its management and use.

It was suggested that the Property Advisory Group should develop a means to provide portfolio holders with quarterly reports on buildings within their remit, and that this should also be built into the Covalent system. Members were advised that the Property Advisory Group already reported to the Cabinet.

Decision

RESOLVED – That the Council’s revised Corporate Property Strategy, as attached to the report, be approved and re-endorsed as one of the Council’s suite of policy documents.

Reasons for Decision

To assist in the delivery of the Council’s Corporate Plan. The links to the Corporate Plan are set out in the Strategy. The links to affordable housing, employment land and energy efficiency are particularly relevant through Priorities 1, 2, 3, 4 and 11.
Alternative Options Considered and Rejected

- Not have a Corporate Property Strategy, in which case improvements in the management of the Council's assets may not be achieved

- To not approve this draft, in which case Members will need to suggest what amendments are required.

EX/021 MEMBERS’ USE OF COUNCIL LAPTOPS AND ICT FACILITIES

Summary

At EX/251 (2007/08), Cabinet had approved a policy in relation to Members’ use of ICT facilities. Consideration was now given to a protocol which supported the change in policy. The protocol was required for a pilot scheme for laptops for Members, the experiences of which would feed into the fuller roll out offered across the Council.

The Cabinet was provided with a set of recommendations.

In response to a question, the Head of Information Services advised that Members’ allowances would be adjusted to take account of them being provided with or reimbursed for paper and ink. In addition, he advised that the protocol related to use of Council-purchased computers, and not Councillors’ own home computers. However, Councillors preferring to use their own computers would not be precluded from accessing Council systems.

Decision

RESOLVED – That

(1) subject to the deletion of the top bullet point on page 8 of the report (page 218 in Cabinet Agenda), namely “communications relating to party political issues outside of South Lakeland”, the draft Protocol for Members’ Use of Council Laptops and ICT Facilities be accepted as a working draft for the purpose of the roll out of a pilot scheme of laptops for Members; and

(2) the following be noted:-

(a) the pilot is to be limited to 14 Members, offered to the Cabinet and Shadow Cabinet in the first instance, and that the experiences of this pilot will feed into the fuller roll out offered across the Council; and

(b) the IT Working Group will consider the issues around party political use, and other concerns raised by Members, with a report back to the September Cabinet on a final version of the document, and continuation of the roll out project, taking into account feedback from the pilot scheme.
Reasons for Decision

The decision links to the Transformation and Change Strategy.

Alternative Options Considered and Rejected

None applicable.

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EX/022 DATA PROTECTION ACT – MEMBERS’ RESPONSIBILITIES

Summary

Members considered a report which highlighted a range of issues in relation to Members’ use of personal information and their responsibilities under the Data Protection Act. The Data Protection Act regulated the holding and processing of personal information that related to living individuals and which was held on computer or, in some cases, on paper.

In relation to the examples of good and bad practice shown at the Appendix to the report, the Chief Executive asked the Head of Information Services whether a verbal contract was sufficient or if written confirmation was required. The Head of Information Services undertook to look into the matter and provide a response.

Decision

RESOLVED – That

(1) the annual Data Protection notification fee (funded from the IT for Members’ project budget) be paid for each Member of the Council in the current year; and

(2) Members’ awareness be raised of Data Protection issues;

(3) an appropriate revenue budget be made annually; and

(4) support be provided to Members in undertaking the notification process.

Reasons for Decision

• To comply with the Data Protection Act.

• The decision links to the Transformation and Change Strategy.

Alternative Options Considered and Rejected

• To do nothing – to date the Council has not been pro-active with respect to Members and the Data Protection Act; however the recent press coverage of “data losses” has raised the spectre of accountability. This option, which is taken by a number of Councils, however it is not recommended.
To highlight the requirement for members to notify the Information Commissionaire, provide guidance and leave it to members to undertake the notification process as appropriate without support from the Council – this option provides Members with information and, highlights the issues but leaves it to Members to take individual responsibility for the notification procedures. However there is always the possibility that this could lead to reputational damage on the Council if a Member chooses not to notify and is subsequently investigated by the information Commissionaire as a result of a complaint from a disgruntled resident. This option is not recommended. The Council supply the hardware and software to the Members and therefore could be held responsible for the data held on the equipment.


Summary

It was reported that the Accountancy Section and Heads of Service/Budget Managers had carried out budget monitoring throughout the 2007/08 financial year. Detailed revenue budget monitoring reports had been produced on a regular basis, which had included variance analysis and projections to the end of the year. During the year, the Capital Monitoring Working Group had been established, and had considered the capital budget monitoring reports on a monthly basis. In addition, the Capital Programme Prioritisation Group had been set up to undertake a review of the Capital Programme.

Appendix A to the report projected an underspend on General Fund Services of £267,000 against the revised 2007/08 budget. In addition, additional investment interest of £130,000 had been identified recently. The report attached at Appendix B projected an underspend on the Capital Programme of £1,421,600 against the latest approved Capital Programme.

In recent years, any General Fund underspendings had been held in the working balance or transferred to the General Reserve at closedown. It was proposed to make similar adjustments on closing the 2007/08 Accounts.

The budget monitoring cycle for the 2008/09 financial year had been drawn up in advance, and was shown at Appendix C to the report.

The Strategic Director (Resources) reported that the Finance Group was currently closing accounts and provided an update on the situation. The General Fund remained in a similar position to that indicated within the report and accounts would be closed on that basis. The £82,000 overspending predicted for the Housing Revenue Account was likely to reduce significantly. With regard to the Capital Programme, the £1.4m underspend included £0.5m of contingency, and was, therefore £0.9m.

The Cabinet congratulated all involved with regard to the quality of the monitoring which had taken place during the year.
Decision

RESOLVED – That

(1) the report be received;

(2) the final budget monitoring projections be noted; and

(3) it be noted that, at this stage in the year, the budget requirement is clearly adequate.

Reasons for Decision

Cabinet requires a budget monitoring report to be presented.

Alternative Options Considered and Rejected

No practical alternatives.

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EX/024 LOCAL AUTHORITIES BUSINESS GROWTH INCENTIVE SCHEME (LABGI)

Summary

It was reported that a further distribution of LABGI funding was to be made by Communities and Local Government (CLG). The provisional amount was £410,697 and there was an expectation that this would be “topped up” later this year. The trial scheme had now provided over £1m of support to the Council and it was disappointing that its benefits would be all but lost from now on.

The latest distribution would bring the unused grant to £620,000. The transfer of these funds to a new reserve would ensure that it was identified separately from other monies and retained for the delivery of corporate objectives.

The Strategic Director (Resources) advised Members of an update to Recommendation 2 b on the report. As at 31 March 2008, there was a total of £663,712 funds available, with £43,000 expenditure being accounted for in 2008/09.

Decision

RESOLVED – That

(1) the report be noted; and

(2) Council be requested to:-

(a) set up a new reserve that will operate under the policy contained in the report;

(b) transfer the accumulated unused balance of LABGI funding, approximately £640,000, from the General Reserve to the new Reserve in the 2007/08 Accounts; and

(c) approve the principle of transferring all subsequent grant entitlements to the new reserve pending their application to corporate priorities.
Reasons for Decision

The proposal emphasises the principle that LABGI grants will be used to further corporate priorities.

Alternative Options Considered and Rejected

- Retain the grant in the General Reserve without the proposed clarity or control.
- Amend the proposed policy for the use of the new reserve.

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EX/025  HUMAN RESOURCES: REQUEST FOR SUPPLEMENTARY REVENUE ESTIMATE

Summary

Following a recommendation from the Heads of Service Team and subsequent support from the Council’s Management Team, Cabinet was asked to consider granting a Supplementary Revenue Estimate for the Human Resources Group to address potential capacity concerns pending the departure of the temporary Human Resources Consultant, i.e. deleting an existing 0.8FTE vacancy held within the Group (Human Resources Officer/Job Analyst (Post No.1713)) and replacing it with a full-time post of Employee Relations Officer.

Although Members were content with the proposal to establish an Employee Relations Officer post within the Human Resources Group, they were uncomfortable with regard to the use of a Supplementary Revenue Estimate for this purpose. It was felt that the post should be funded from within existing corporate budgets.

Decision

RESOLVED – That Cabinet agree with the principle of the establishment of the post of an Employee Relations Officer on a full-time basis, but the Chief Executive be requested to find an alternative means to secure funding for the post from within existing budgets.

Reasons for Decision

- Financing of the additional costs within existing budgets rather than by a Supplementary Revenue Estimate, will prevent this increasing financial pressure on future years’ budgets.

- The development of an effective and efficient Human Resources Service is crucial for the Council to deliver against the key priorities of its Corporate Plan and improvement programmes.

- The structure outlined will assist the Council in embedding its values in particular working in partnership, communicating and engaging effectively, seeking continuous improvement recognising diversity and promoting equality and acting as an adviser and advocate for all stakeholders both internal and external to the Council.
The decision also links to the People Strategy: Priority Theme 4 (Recruitment & Retention) with partners, taking action to address key future occupational skills shortages, promote jobs and careers, identify, develop and motivate talent and address diversity issues.

Diversity runs through all aspects of the Council's Policies and managing this is integral within all our Policies and Procedures, thus ensuring compliance with legislative requirements and best practice as outlined by ACAS and the DTI.

**Alternative Options Considered and Rejected**

Not to alter the HR Group’s establishment by deleting an existing vacancy and replacing it with a new post, as outlined, which would lead to capacity problems and reduced service provision to all our stakeholders.

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**EX/026 2007/08 REVENUE BUDGET – GENERAL FUND SERVICES: REQUESTS TO CARRY FORWARD UNSPENT ESTIMATES**

**Summary**

Members were advised of six requests which had been made to carry forward unspent estimates from 2007/08 into 2008/09. The requests related to:-

- Community Development;
- Community Safety;
- Arts Development;
- Tourism Publications and Promotions;
- Electoral Registration and Elections; and
- Human Resources Group.

The Cabinet gave consideration to the requests in the context of the Constitution’s Financial Procedural Rules.

The Strategic Director (Resources) drew attention to the request relating to Tourism Publications and Promotions and the item relating to the Tourism Service which was to be discussed later on the Agenda regarding Kirkby Lonsdale TIC and options for the future provision. He felt that a planned reduction in the budget for that TIC in the current year might not be possible.

**Decision**

**RESOLVED – That**

1. the report be noted;
2. the five requests totalling £43,600 relating to Community Development, Community Safety, Arts Development, Electoral Registration and Elections and the Human Resources Group to carry forward estimates from 2007/08 into 2008/09 be approved by granting supplementary revenue estimates;
(3) the £15,000 unspent estimate relating to Tourism Publications and Promotions be also carried forward, but not allocated at this stage; and

(4) approvals be revisited in the light of any unforeseen difficulties arising from closure of the 2007/08 Accounts.

Reasons for Decision

In accordance with Council policy.

Alternative Options Considered and Rejected

Indicated within the report.

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EX/027 PROGRESS REPORT ON TRANSFORMATION PROGRAMME

Summary

Members were provided with the first quarterly update on progress being made within the Transformation and Change Programme.

There was a total of 14 Projects across the entire Programme. Nine projects were currently underway and with PIDs approved; three projects were in draft form and awaiting final approval of the PID; and two of the projects were yet to be approved for delivery. The largely internally-delivered Improvement Programme was making sound progress and the Programme continued to build upon the work undertaken in previous years. There were risks to delivery that were more evident within the Transformation Programme. Work was being undertaken to improve progress on a number of key projects, including Information Management, Community Intelligence, Service Design and Access Channels. However, partnership support was critical for delivery on a number of these projects, and negotiations and discussions were currently taking place within Cumbria to enable further progress to be made.

The Programme had been successfully launched to Members in March and through a series of launch events for staff during April. The feedback from these events was currently being considered and would help to inform and shape the Programme over the next three years. The Communications Plan is being implemented further and this would see the engagement of key stakeholders outside of the Council.

An interim review had been conducted on the effectiveness of the delivery of the Programme to date. A presentation was to be provided to Management Team during June, when options for change would be considered. Cabinet would be updated on any changes as part of the next progress report.

The Corporate Change Manager/Head of Strategy and Performance Services provided Members with Appendix 1 to the report (Progress Summary Transformation and Improvement Programme (May 2008) which had been omitted from the Agenda in error. She advised that the two items in red – Information Management and Community Intelligence - were now in amber. In summary, she acknowledged that the Programme was challenging and ambitious, however, that it would be possible to deliver.
A lengthy discussion ensued and Members thanked the Corporate Change Manager/Head of Strategy and Performance Services and her team for this exciting new agenda. The importance of ensuring all Members were kept informed was stressed.

Decision

**RESOLVED – That the progress made across the Transformation Programme be noted.**

**Reasons for Decision**

The Transformation Programme is a key component of the Council’s Corporate Plan and has particular links in delivering Priority Outcome 6 – Stronger communities as a result of increased community involvement in the design, delivery of and access to high quality local services.

**Alternative Options Considered and Rejected**

Not applicable.

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**EX/028 SOUTH LAKES HOUSING (SLH) – PERFORMANCE MONITORING**

**Summary**

Peter Thomas, Chief Executive of South Lakes Housing reported on performance by the Organisation at the year end in relation to performance indicators, decent homes and the delivery plan.

Mr Thomas informed the Cabinet that he intended to engage with the Portfolio Holder, South Lakes Housing Board and tenant representatives in order to decrease the large number of performance indicators to focus on fewer, more important ones. He reported details in relation to the under-performing performance indicators and, in particular, in relation to financial indicators, made a promise for substantial improvement during the next financial year.

The Cabinet agreed that the performance indicators required streamlining. It was suggested that Cabinet be presented with a quarterly report from now on and that consideration be given to incorporating the information onto the Council’s Covalent System. Members urged the Organisation not to allow slippage to occur in the future.

**Decision**

**RESOLVED – That the progress report be noted.**
Reasons for Decision

- The report was to be noted.
- Consideration of regular progress reports assists in the delivery of the Council’s Corporate Plan – Value – Seeking continuous improvement – Priority – Homes to meet local needs. Achieving Decent Homes is a target of the Priority – Housing to meet local needs.
- This subject also links to the Cumbria Housing Strategy 2006-11.

Alternative Options Considered and Rejected

Not applicable.

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EX/029  
KIRKBY LONSDALE TIC – OPTIONS FOR FUTURE PROVISION

Summary

Cabinet’s approval was sought for resolving the future delivery of Kirkby Lonsdale Tourist Information Centre. A detailed range of options was presented, including alternative partnership arrangements, either with other public sector organisations, private enterprise or with a community owned enterprise and including closure of the Service. The future of the Centre was important to the Council’s plans for achieving its ‘Focussing the Budget’ exercise.

The Chief Executive drew attention to the fact that the proposals to try to sustain the service at Kirkby Lonsdale TIC had already continued for 18 months longer than originally proposed. He felt that the recommendations proposed would provide an opportunity for the local community to become involved.

Information relating to staffing issues would be considered at EX/031 below.

Decision

**RESOLVED – That**

1. the option to establish an information service within the Library (Option 4 at Appendix 1 to the report) be further investigated; and

2. if this option (at Resolution (1) above) proves to be unfeasible, the Council consult Kirkby Lonsdale Town Council and local organisations on its intention to cease the current TIC operation at the end of September 2008.
Reasons for Decision

- The TIC Service is contributory to the Council delivering its priority of Prosperous Communities, more particularly that economic growth achieved and incomes increased through development of key business sectors.

- The South Lakeland Community Strategy identifies the importance of investment in key business sectors.

- The Medium Term Financial Plan assumes that the full £20,000 saving is made in 2008/09 and maintained in subsequent years.

Alternative Options Considered and Rejected

Full details are provided in Appendix 1 to the report.

**EX/030 PRESS AND PUBLIC**

**RESOLVED – That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, by virtue of the Paragraphs indicated.**

**EX/031 KIRKBY LONSDALE TIC – OPTIONS FOR FUTURE PROVISION – APPENDIX 2**

- Information relating to any individual. (Paragraph 1)

Summary

Cabinet gave consideration to staffing issues relating to EX/029 above.

Decision

**RESOLVED – That the contents of the report be noted.**

Reasons for Decision

See EX/029 above.

Alternative Options Considered and Rejected

See EX/029 above.
Note – Councillor Andy Shine declared a personal and prejudicial interest in the following item of business by virtue of the fact that he was a member of the Lancaster Canal Restoration Partnership Executive. Councillor Peter Thornton declared a personal and prejudicial interest by virtue of the fact that his daughter lived on Lound Street. Both Councillors left the room for the remainder of the meeting. In Councillor Shine’s absence, Councillor Brenda Woof took the Chair.

EX/032 LOUND PLACE, KENDAL - PROPOSED REMOVAL OF COVENANT

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

Summary

Consideration was given to release of a legal covenant restricting access to Lound Place, Kendal, thereby permitting an affordable housing development to proceed and assisting the facilitation of the Kendal Canal restoration.

Members were provided with a colour copy of the site plan.

Decision

RESOLVED – That the restrictive covenant restricting access to Lound Place, Kendal, be removed, provided that the applicant:-

(1) transfers to the Council, at no cost, land identified for canal restoration;

(2) surrenders all rights of way that could interfere with canal reinstatement;

(3) agrees to restrict the future use of the site to affordable housing for local people in perpetuity; and

(4) pays the Council’s legal and surveyors costs.

Reasons for Decision

To assist in the delivery of the Council’s Corporate Plan –

- Housing to meet local needs – Homes to meet local needs in accordance with the Cumbria Housing Strategy (Priority 1).

- Prosperous communities – our towns become vibrant centres for enhancing employment, local services, retail and community facilities (Priority 3).

Alternative Options Considered and Rejected

To not remove the covenant – not preferred as this would put the affordable housing development at risk and lose the opportunity for the Council to acquire land for future canal restoration.

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The meeting ended at 12.55 p.m.
DELEGATED DECISIONS

A record of delegated decisions made by officers week ending Friday, 13 June 2008.

The reports (unless exempt under Section 100(B)(2) of the Local Government Act 1972, on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the Paragraphs indicated and, in all the circumstances of the case, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing it) are available for inspection from the Democratic and Member Services Manager, South Lakeland House, Kendal.

EX/033 KIRKBY LONSDALE RUGBY CLUB

(STRATEGIC DIRECTOR (CUSTOMER SERVICES))

Summary

Kirkby Lonsdale Rugby Club (KLRC) was in the process of developing a project to improve its facilities. It was estimated that the re-development work would cost approximately £750,000, of which around £400,000 had already been secured from the Rugby Football Union (RFU), the Club and other sources. Last year, the Authority had granted £15,000 towards the project. The Club had already undertaken elements of the project such as improvement to the access road and other infrastructure type works.

Decision

£7,500 of the £15,000 capital allocation be released to the Kirkby Lonsdale Rugby Club to cover costs associated with the improvements to date, such as architects fees and professional fees.

Reasons for Decision

- To assist in the delivery of the Council’s Corporate Plan – Health Communities – Priority 11 – Quality of life is enhanced through improving access and participation in cultural, sporting and leisure facilities.

- The decision also links to the RFU Facilities Strategy and the Cumbria Sport and Physical Activity Strategy.

Alternative Options Considered and Rejected

Not to award the grant would mean that the Club would struggle to take the project to the next stages of development. The Club is seeking the funding shortfall at present, and requires professional input, which carries a cost.
EX/034 USE OF COUNCIL PROPERTY TO DELIVER REGENERATION INITIATIVES IN KENDAL

(STRATEGIC DIRECTOR (CUSTOMER SERVICES))

Summary

Cumbria Rural Enterprise Agency (CREA) had been asked by the Council to deliver enhanced Business Support services. This would include the provision of a Business Advisor for Kendal retail businesses. The Business Advisor required a base in Kendal Town Centre for one day per week for 30 weeks. It was proposed that Council owned property at 32 Market Place, Kendal, be used for this purpose. CREA would work from this office with Cumbria Chamber of Trade, with whom CREA was shortly to merge.

It was felt that further information on future potential use of 32 Market Place was required before any decision could be taken.

Decision

*Decision deferred pending the receipt of further information on the future potential use of this Council asset.*

Reasons for Decision

To enable an informed decision to be made.

Alternative Options Considered and Rejected

To agree to the request as per report.

EX/035 PATH ALONGSIDE CASTLE DRIVE, CASTLE ESTATE, KENDAL

(STRATEGIC DIRECTOR (CUSTOMER SERVICES))

Summary

Consideration was given to a proposal to form a hard surfaced path to link Castle Walk Sheltered Housing Scheme with Castle Stores to improve access and safety for residents. The path had been proposed by South Lakes Housing and had the support of the Ward Member. Funding would come from the Council’s Decent Homes Programme and the residents of Castle Walk.

Decision

(1) Approval be given to the formation of a permissive path linking Castle Walk Sheltered Housing Scheme and Castle Stores, Kendal, on the alignment shown on the plan attached to the report as Appendix 1.

(2) The works be financed by £10,000 from the Decent Homes Programme and £10,000 from the residents of Castle Walk.
South Lakes Housing be permitted to construct the path on behalf of the Council in accordance with the specification summarised in paragraph 4 of the report.

Appropriate precautions are taken to ensure that no right of way develops through use of the path.

Reasons for Decision

- To assist in the delivery of the Council’s Corporate Plan – Safer Communities.

- To provide a traffic free route and make access easier for all residents, particularly elderly residents, at Castle Walk.

- The proposal should contribute towards increased pedestrian safety, principally for local residents.

Alternative Options Considered and Rejected

- Not to allow the creation of the path. To make this decision would be to ignore the wishes of residents at Castle Walk and would result in a lost opportunity.

- To delay making a decision until further negotiations have taken place and an agreement had been reached with Cumbria County Council to adopt and maintain a footpath alongside Castle Drive. This is not recommended as Cumbria County Council has shown no interest in this proposal. Cumbria County Council could, however, change its view on the merits of adoption in the future, in which case the Council could re-consider the matter. Before proceeding down the route of such adoption, the District Council would need to be satisfied that the benefits of adoption outweigh the reduction in flexibility concerning future use of the land.

EX/036 APPLICATION FOR DISCRETIONARY RATE RELIEF (REF.52532054)

(STRATEGIC DIRECTOR (RESOURCES))

Summary

Consideration was given to an application for discretionary rate relief.

Decision

In respect of Case Ref.52532054, 20% discretionary rate relief be awarded from 1 April 2008 to 31 March 2009.

Reasons for Decision

In accordance with current policy.

Alternative Options Considered and Rejected

To refuse the application or make a lower award, but this would not be in accordance with policy guidelines and would result in disparity between similar applications.