EXECUTIVE DECISION NOTICE

CABINET

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 22 March 2017, at 10.00 a.m.

Present

Councillors

Giles Archibald (Leader of the Council and Promoting South Lakeland Portfolio Holder) (Chairman)

Jonathan Brook Housing and Innovation Portfolio Holder
David Fletcher Environment Portfolio Holder
Chris Hogg Culture and Wellbeing Portfolio Holder
Sue Sanderson Deputy Leader and Council Organisation and People Portfolio Holder
Graham Vincent Economy Portfolio Holder

An apology for absence was received from Councillor Peter Thornton (Finance Portfolio Holder).

Also in attendance at the meeting were Shadow Executive Members Ben Berry (Shadow Cabinet Leader (Promoting South Lakeland Portfolio)), Tom Harvey (Shadow Cabinet Deputy Leader (Council Organisation and People Portfolio)), John Holmes (Shadow Cabinet (Housing and Innovation Portfolio)), Janette Jenkinson (Shadow Cabinet (Economy Portfolio)) and David Williams (Shadow Cabinet (Culture and Wellbeing Portfolio)), and Dyan Jones (Chairman of the Overview and Scrutiny Committee).

Apologies for absence were received from Shadow Executive Members James Airey (Shadow Cabinet (Environment Portfolio)) and Kevin Lancaster (Shadow Cabinet (Finance Portfolio)), and Mark Wilson (Leader of the Labour Group).

Officers

David Bradley Principal Housing Standards Officer
Lawrence Conway Chief Executive
Michael Fisher Revenues and Benefits Services Manager
Paul Florentine Principal Street Scene Officer
Jason Habbershon Committee Services/Scrubtny Officer
Ian Hassall Assistant Director Strategic Development
Peter Holland Senior Communications Officer
Shelagh McGregor Assistant Director Resources (Section 151 Officer)
Simon McVey Assistant Director Performance and Innovation
Paul Rogers Assistant Committee Services Officer
Simon Rowley Assistant Director Neighbourhood Services
Debbie Storr Director of Policy and Resources (Monitoring Officer)
David Sykes Director People and Places
Tony Whittaker Housing Strategy and Delivery Manager
CEX/118 CABINET EXECUTIVE DECISIONS

RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 8 February 2017.

CEX/119 DELEGATED EXECUTIVE DECISIONS

RESOLVED – That the Delegated Executive Decisions made by Portfolio Holders or Officers on 2 February 2017 be received.

CEX/120 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

CEX/121 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the agenda.

CEX/122 PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions have been received in respect of this meeting.

CEX/123 FORWARD PLAN

Copies of the latest draft Forward Plan had been circulated prior to the meeting.

RESOLVED – That the contents of the draft Forward Plan as at 21 March 2017 be noted.

CEX/124 DISABLED FACILITIES GRANTS POLICY (KEY DECISION)

Summary

The Housing and Innovation Portfolio Holder presented a report which gave details of a revised Disabled Facilities Grants (DFGs) Policy that would be introduced which would enable more people to access the service and receive a greater range of adaptations. The policy would help to improve the lives of households with disabled people in the District.

The Portfolio Holder reminded Members that the Council had a statutory duty to provide DFGs in order to deliver adaptations to the homes of households with disabled people. Eligibility had been dictated by national legislation. The Council’s role was to assess eligibility, apply a means-test, liaise with occupational therapists, consider whether the proposed adaptations were necessary and appropriate, arrange with contractors for the works to be undertaken and administer grant funding to cover the cost of the service.

The Council’s existing DFG Policy had been in place for a number of years and, as a matter of good practice, it was appropriate to undertake a review. The DFG service was referred to as a key measure in the Council’s Housing Strategy which had been approved in 2016.
A Member queried the “the length of time for which the client would be likely to be able to take advantage of the adaptation(s)” as referred to in the eligibility criteria in the revised policy (paragraph five of Appendix 1 to the report refers) and the time taken to expedite the grant application process which could disadvantage the applicant. The Housing and Innovation Portfolio Holder responded by informing Members that Occupational Therapists were aware of the need to expedite the application process bearing in mind the imminent needs of applicants.

The Housing Strategy and Delivery Manager suggested that the wording of the eligibility criteria referred to, could be amended to include the point made about the eligibility process being expeditiously concluded with applicants’ needs in mind.

In response to queries, the Housing and Innovation Portfolio Holder informed Cabinet that the provision of through-floor lifts could be included in the Policy. Once the future provision of stair lifts was being administered by Cumbria County Council, means testing would not apply for that provision.

Decision

RESOLVED – That

(1) subject to the following amendments:-

(a) the following wording in the eligibility criteria being amended “the length of time for which the client would be likely to be able to take advantage of the adaptation(s)” to include the point made about the eligibility process being expeditiously concluded with applicants’ needs in mind; and

(b) the inclusion of through-floor lifts as eligible grant works,

the new Disabled Facilities Grants Policy (DFG) as shown at Appendix 1 to the report, be approved with effect from 1 April 2017; and

(2) in the event of Cumbria County Council not agreeing to the carry forward of the underspend for 2016/17 to 2017/18, the DFG Policy be amended to withdraw the proposal to exclude the means-test for grants under £5,000, as shown at 3.6.5 of the report.

Reasons for the Decision

The proposal is linked to the Council Plan priority ‘homes to meet need’, specifically, “the quality and condition of private sector housing will be improved and the number of empty homes reduced”, and the Housing Strategy key measure to ‘provide Disabled Facilities Grants to adapt existing homes’.

Alternative Options Considered and Rejected

Not include the charges for the Council’s DFG service in the DFG policy. This is not recommended as, although the decision to introduce charging has been taken as part of the annual Budget, the Council’s DFG policy must reflect this in order for these to be legitimately levied.
Retain stair lifts in the DFG process. This is not recommended as Cumbria County Council has agreed to add this to their adaptations equipment service which will result in a better service for applicants.

Not implement the County-wide Procurement Framework. This is not recommended as it would not be in accordance with the Council’s Procurement Strategy and the Council would have to undertake its own procurement exercise which would not be an effective use of resources. The framework is likely to result in greater interest from contractors due to the potential scale of work available, allows prompt arrangements to be made for applicants as a result of the procurement exercise having already been undertaken and will introduce administrative (and therefore cost) efficiencies as there is no need to repeat any competitive processes.

Not include new/replacement heating systems. This is not recommended as it would result in approximately six vulnerable households per year being unable to access funding for essential heating works.

Continue to apply the means-test for DFGs of less than £5,000. This is not recommended as it would result in approximately 30 households per year not being able to afford essential adaptations to their home.

CEX/125 OUTCOMES OF THE INCOME GENERATION WORKSHOP

Summary

The Leader of the Council and Promoting South Lakeland Portfolio Holder complimented the Overview and Scrutiny Committee for the work of the Income Generation Workshop. He felt that the suggestions made by the Workshop were excellent and commended the outcomes contained within the report for consideration by Cabinet.

The Chairman of the Overview and Scrutiny Committee presented the report which provided details of the outcomes of the Overview and Scrutiny Committee’s Income Generation Workshop, with a view to informing and influencing the Council’s future revenue planning and to assist in the continued delivery of the Council’s priorities and services for the residents of South Lakeland. In addition, the Overview and Scrutiny Committee at its meeting on 17 March 2017, had suggested that the Beetham Road car park in Milnthorpe and an area close to the M6 Junction 36, should also be considered as further potential sites for additional motorhome parking.

Decision

RESOLVED – That the comments of the Income Generation Workshop, as attached at Appendix 1 to the report, together with the reference to motorhome parking above, be taken into account in the development of the Council’s future income generation.

Reasons for Decision

The proposals support the Council Plan (2017 Update) and aims to ‘make the best use of our Council assets, investing to save and increase income/revenue when and where appropriate to do so’.
Alternative Options Considered and Rejected

Cabinet could choose not to proceed with any recommendations made by the Overview and Scrutiny Committee. However, this may result in a loss of opportunity for more effective revenue planning for the Council.

CEX/126  TACKLING POVERTY TOGETHER

Summary

The Leader of the Council and Promoting South Lakeland Portfolio Holder commended the Overview and Scrutiny Committee and officers for their work on Tackling Poverty Together. He highlighted the importance of addressing this issue across the country. He drew attention to the South Lakeland area and referred to the child poverty statistics, as an example, which he considered to be too high.

He referred to the Tackling Poverty Together Position Statement put forward by the Overview and Scrutiny Committee which he believed contained excellent suggestions with a view to addressing the causes of poverty in South Lakeland. He drew attention to the cross cutting officer group which had been established (referred to in the Position Statement as Appendix 2 to the report) to address the poverty issues in the district.

The report outlined the findings and recommendations of a Tackling Poverty Workshop. The Tackling Poverty Workshop aimed to bring together officers, Councillors and external organisations to help to shape the work of the Council and partners through a better understanding of poverty and by identifying any gaps in service provisions. The workshop sought to raise ideas for improving the prospects of reducing poverty in South Lakeland through the work of both the Council and partner organisations.

At its meeting on 17 March 2017, the Overview and Scrutiny Committee had recommended the adoption of the Tackling Poverty Together Position Statement as attached as Appendix 2 to the report.

The Position Statement would provide the Council and its partners with a collaborative and strategy-led approach to addressing the causes of poverty in South Lakeland. The Position Statement aimed to reach a better understanding of poverty in the area and improved organisational relationships and development which would improve the prospects of reducing poverty across the district.

Decision

RESOLVED – That

(1) the findings of the Tackling Poverty Workshop Tackling be received; and

(2) the Tackling Poverty Together Position Statement as at Appendix 2 to the report be adopted as a collaborative and strategy-led approach to addressing the causes of poverty in South Lakeland.

Reasons for Decision

Each of the Council’s four priorities of Economy, Environment, Health and Wellbeing and Housing are influential in addressing the causes of poverty. The Council Plan 2014-2019 (2017 Update) sets out the following aim within the Economy priority: “We
will continue to protect the vulnerable, mitigate the effects of poverty and work with others in our community to address the pressures on people experiencing poverty in South Lakeland.”

Alternative Options Considered and Rejected

Cabinet could choose not to adopt the Position Statement. This option is not recommended as the content of the statement has been informed by the work of the Overview and Scrutiny Committee and partner organisations and would add value to the work of the Council in its efforts to tackle poverty in South Lakeland.

Cabinet could approve some, but not all, of the recommendations arising from the workshop. However, this could result in a loss of opportunity to help to address issues of poverty in the district.

CEX/127  HOUSING ENFORCEMENT POLICY (KEY DECISION)

Summary

The Housing and Innovation Portfolio Holder presented a report requesting that the Council's Housing Enforcement Policy be brought up to date in line with new legislation thereby, improving the condition of private sector housing.

There had been a number of recent legislative changes relating to the condition of private sector housing which affected the Council's Housing Enforcement Policy. Furthermore, a review of Council's Housing Standards Service in 2016 recommended that arrangements for non-compliance should be clearly defined and documented in the Policy (see Appendix 1, section 28 to the report).

Hence, the Policy had been reviewed and updated (see Appendix 1 to the report showing track changes to the current policy approved by Cabinet in January 2016).

Decision

RESOLVED – That

(1) the amended Housing Enforcement Policy (shown at Appendix 1 to the report) be approved and adopted with immediate effect;

(2) the Assistant Director (Strategic Development) be authorised to make minor amendments to the Policy once the Regulations relating to the legislative changes highlighted in the Policy, have been enacted; and

(3) the relevant Officers be authorised to exercise the enforcement powers reserved by the legislative changes in the Policy.

Reasons for Decision

The Policy is linked to the Council Plan priority of ‘homes to meet need’ and the Housing Strategy priority of ‘improving housing standards, particularly energy efficiency, to improve the health and well-being of all residents.’
Alternative Options Considered and Rejected

As the Policy changes relate to statutory obligations on the Council, there are no alternative options available.

CEX/128 REVIEW OF THE DISCRETIONARY RATE RELIEF POLICIES (KEY DECISION)

Summary

The Housing and Innovation Portfolio Holder presented a report regarding a review of the Council’s Discretionary Rate Relief Policies. After detailed consideration of current policies and analysis of those organisations currently qualifying for relief, it was recommended that only minor amendments to current policies would be necessary, in particular to direct organisations to alternative reliefs that may be more beneficial.

A single Discretionary Rate Relief Policy was being proposed to provide a simple understandable process for organisations wishing to apply. Changes to the determination process and the way in which any subsequent appeals were dealt with would remove a significant amount of delay in determining eligibility for relief under the policy. All organisations currently receiving discretionary rate relief would receive 12 months’ notice that the current award was to be terminated. Those organisations would be required to make a new application which would be examined in line with the Policy.

Decision

RESOLVED – That

(1) the Policy guidelines for determining applications for discretionary rate relief shown at Appendix 1 to the report, be approved, to take effect from 1 April 2017 for new claims and the 1 April 2018 for existing recipients; and

(2) the Council’s Constitution be amended to reflect the change to the scheme of delegation.

Reasons for Decision

The current discretionary rate relief scheme(s) through reducing or removing rate liability, help the finances of many organisations that assist the Council in meeting the targets in the Council Plan, particularly, in this Council’s culture, wellbeing and housing needs.

Alternative Options Considered and Rejected

A blanket Policy not to award relief to any organisation could be introduced but this would not be in accordance with good practice and could be subject to legal challenge.

Cabinet could decide to maintain the existing scheme together with its current administrative procedures.

Cabinet could consider and determine each individual application on its merits without overall policy guidelines but this could result in similar cases being treated differently resulting in an unfair scheme and a lack of public confidence.
CEX/129 PHASE 3A DRAFT DEVELOPMENT BRIEFS (NORTH OF SYCAMORE CLOSE, ENDMOOR; GREEN DRAGON FARM, BURTON-IN-KENDAL) (KEY DECISION)

Summary

The Housing and Innovation Portfolio Holder presented a report which proposed two Draft Development Briefs for the sites North of Sycamore Close, Endmoor and at Green Dragon Farm, Burton-in-Kendal. Approval of the proposal would contribute further to the delivery of the South Lakeland Local Plan. It would enable communities to have a further say in how development on those sites should be shaped, by directly influencing the preparation of final guidance to be used in the development management decision making process. The outcome would support the aim for improved quality development on the sites. The Portfolio Holder expressed his thanks to officers for their excellent work in producing the aforementioned Briefs and for their overall work carried out to date in producing development plans for the District.

Decision

RESOLVED – That

(1) the two Draft Development Briefs (for the allocated sites listed below), attached at Appendix 1 to the report, be approved for a seven week public consultation under Regulation 12 of the Town & Country Planning Regulations 2012:

- North of Sycamore Close, Endmoor
- Green Dragon Farm, Burton in Kendal; and

(2) officers be authorised, in consultation with the Portfolio Holder, to make minor presentational and non-substantive changes to the Draft Development Briefs (as at Appendix 1 to the report) prior to the commencement of formal consultation.

Reasons for Decision

The production of the Development Brief for the sites referred to above will assist in the delivery of the Council’s long term ambitions for delivering housing and economic development. It is therefore significant for the delivery of the 2014 – 2019 (2017 Update) Council Plan.

In terms of housing, the Development Briefs will assist in facilitating delivery of 1,000 affordable homes to rent over the period 2014-2025 and enable new affordable housing and open market housing through private sector led developments within Endmoor and Burton-in-Kendal. In terms of economy, the Briefs will assist in facilitating achieving inward investment enabling the creation of 1,000 new jobs in South Lakeland by 2025 aiding the delivery of new employment development in Burton-in-Kendal. They will support the local economy by enabling sustainable development to take place within Endmoor and Burton-in-Kendal.

In terms of environment through the implementation of Development Briefs, the highest standard for new development will be encouraged, demonstrating quality and sustainability in their preparation, planning and operation. Application of the policy framework, draft briefs and Development Management, can work to deliver development resilient to climate change. In terms of culture and wellbeing, the Briefs
will facilitate the creation of new green spaces and green networks that will support the health and well-being of new prospective residents and existing residents of Endmoor and Burton-in-Kendal and surrounding areas. The Briefs will facilitate promotion of active travel, as they include a requirement for new development to provide safe cycle and walking access and routes within and from the sites to surrounding areas.

**Alternative Options Considered and Rejected**

Do Not Proceed with Consultation Option. Cabinet could decide not to approve the Draft Development Briefs for consultation. This would prevent the completion of preparation of the Briefs as public consultation is a requirement for Supplementary Planning Documents under the Town and Country Planning Regulations.

Delay Consultation Option. Cabinet could decide to delay consultation in order to further review the content of the draft brief. A delay would reduce the Council’s capacity to produce the Briefs to a satisfactory timetable in terms of delivery of the Local Plan and may require the need for further engagement with key bodies. It would also delay the timescale for the development of much-needed housing.

**CEX/130 RECYCLING BRING SITE CONTRACT (KEY DECISION)**

**Summary**

The Environment Portfolio Holder presented a report regarding the procurement of a sustainable recycling bring site contract, to deliver a service that, in conjunction with the kerbside recycling services, would meet the needs of communities in South Lakeland.

South Lakeland District Council had provided recycling collection facilities to communities throughout the district by way of kerbside collections and recycling banks (known as bring sites). The kerbside collection service had been provided as a universal service to almost all residents; with recyclables collected from the kerbside, near to their homes, on alternate weeks.

Details of the revised scope of the bring site contract and service provision were set out in paragraphs 3.5 to 3.15 of the report.

In response to a query, the Principal Street Scene Officer informed Cabinet that discussions regarding future paper recycling would be held with schools who currently had paper banks on their premises, prior to the banks currently provided by the District Council being removed.

**Decision**

*RESOLVED – That a revised scope for Recycling Bring Site service provision, as detailed in the paragraphs 3.5 to 3.15 report, be approved.*

**Reasons for Decision**

To increase the percentage of household waste sent for reuse, recycling and composting to 50%.

To maintain and improve satisfaction of residents with the Council’s waste and recycling collection services.

To achieve a sustainable and balanced budget.
Alternative Options Considered and Rejected

The closure of the service and cessation of the contract is not currently recommended as the current level of usage and customer satisfaction demonstrates the community need for continued provision of the service. There is also an inter-dependency across the bring site service and the kerbside service to deliver a level of capacity to meet user requirements which cannot be addressed in advance of anticipated increases in the frequency of kerbside recycling collections.

The option to continue the service without review is not recommended as the cost of service is likely to rise whilst the use of sites is reducing.

The option to deliver the service using in-house resources is not recommended as the investment in vehicles and recycling banks required to deliver the service is not economic.

In recommending removal of sites identified in paragraphs 3.11 to 3.14 of the report, those sites have access to alternative arrangements. They will be advised of the changes, if agreed, and the current service provider has indicated that they would be willing to consider continuation of service delivery by way of a separate agreement, directly with these sites. This will be ahead of the procurement process as detailed in this report.

The meeting ended at 11.32 a.m.