

Council – 14 December 2021

Responses to Councillor questions for which written responses were agreed

Agenda Item No.8 – Affordable Housing Delivery options

Cllr J Holmes recognised the financial receipts the Council has from the Transfer Agreement and asked what will happen to the Transfer Agreement through Local Government Reorganisation (LGR)?

LGR will result in the transfer of SLDC's operations, assets and liabilities to the new Westmorland and Furness Council on Vesting Day. This will include South Lakeland District Council's obligations under the Housing Stock Transfer Agreement between the Council and South Lakes Housing. The Transfer Agreement will continue 'as is,' with the new Council assuming all obligations of South Lakeland District Council.

Amongst many facets of the agreement is the agreement for the Council to receive a share of the proceeds from sales of properties under tenants' preserved Right to Buy. The Council has earmarked these receipts for use in supporting delivery of affordable housing. There is no statutory requirement for the Council to do so.

South Lakes Housing have approached the Council, requesting the Council to consider change to some terms of the transfer agreement. Officers are assessing the request. Any change to the agreement will require formal approval.

Cllr J Holmes asked, if the Council purchase land for affordable housing and yet do not make an agreement with a Registered Provider (RP) for its development prior to LGR, what safeguards could be placed to protect the land from use or sale for commercial purposes by the future council?

Officers have made some detailed consideration of any potential safeguards such as restrictive covenant, restrictions on disposal, purchasing the land in trust, putting the site through planning for outline planning consent. The conclusion is that none of these options would necessarily prevent the land from use or sale for commercial purposes by a future council.

This is due to the fact that all these options would be potentially void following vesting day as SLDC will cease to exist. As an example, a restriction on disposal could be included on the title once the land was purchased by SLDC. This would ensure that any successor in title came to sell the land a certificate would have to be provided by SLDC to deal with the restriction. However, SLDC will cease to exist following vesting date. An outline planning application could be put in but this could be modified or varied at a later date. A restrictive covenant would be worded in negative terms, i.e. not to use the land for any other use other than for the development of affordable housing. However, following LGR SLDC and CCC will cease to exist and the benefit and burden of the restriction would be with the same entity. One cannot enforce a restriction against oneself. Therefore, the restriction would cease to be.

The conclusion is therefore that there is no option that would tie the hands of the successor authority to use the land acquired by SLDC for affordable housing where an RP is not contracted to develop the site before vesting date. To achieve this, an RP would need to be in place and tied in via a grant agreement before vesting date. Further consideration of this would be required as this would limit the potential opportunity for the new Council itself to develop the site for affordable housing given that the Housing Revenue Account (HRA) will once again exist.

Officers will consider these risks and opportunities as work proceeds on acquisition.

Cllr Lancaster asked that the response to the questions also included information on the Social Housing arrangements in the councils forming the new authority.

Eden District Council have transferred their housing stock to Eden Housing Association.

The District Council also own some properties through Heart of Cumbria that will be owned by the Council when the company is closed sometime this year.

Barrow Borough Council is a social housing landlord. They still have an HRA. As far as we are aware, the Council do not build their own.

The following are the main Registered Providers in South Lakeland, Eden and Barrow:

- South Lakes Housing
- Riverside Group
- Castles and Coasts
- Home Group
- Accent
- Eden HA
- Progress Group
- Fair oak (learning disabilities)

Cllr M Wilson then asked about the issue of Council Tax/NNDR in respect of second or holiday homes and whether LGR might have an effect on the position.

Taxation on Holiday/Second Homes

Whether a holiday home is subject to Council Tax or Non Domestic Rates is determined by Legislation. If a property is available to let for short periods that total 140 days or more per year, it will be rated as a self-catering property and valued for non-domestic rating.

If a property is available to let for short periods that total less than 140 days it is regarded as a "second home" and will be subject to Council Tax. The definition of

a second home is a “furnished dwelling that is no one’s main residence” so also includes furnished lets between tenants and second homes for personal use only.

Under the Council Tax (Prescribed Classes of Dwelling) (England) (Amendment) Regulations 2012 local authorities can set the level of discount a second home is entitled to from 50% to 0%. LGR will not have an effect on this situation, rather the level of discount will be a matter for the new Westmorland and Furness Council. Currently all three billing Authorities which will form the new Council have set the level of discount to be awarded on second homes as 0%.

Agenda Item No. 9 – 2022/23 to 2026/27 Draft Budget

Cllr Mark Wilson asked whether the community toilet scheme is progressing in any shape or form?

The draft budget includes a recurring savings proposal through which the current annual payment to Town and Parish Councils will cease at the end of the current financial year. This is on the expiry of the existing 5 year agreements which have made financial contribution on a reducing taper over the term.

Cllr Mark Wilson asked for clarity on the Councils proposed investment in properties in Ulverston. He referred to the capital proposals C2 C3 and C4 in which the commentary suggests the Council’s investment is dependent on UCE and long term lease.

Discussions have been ongoing with UCE for the last 18-24 months to agree a longer term lease. UCE have also been working on a long term business plan, investment strategy and working with several funders to look at development of the both Ulverston Coronation Hall and Ulverston Market. The Coronavirus pandemic, has delayed the production of the business plan and with short term lease in place, it has limited the ability to secure large Capital grants. The Council has just received a copy of the business plan and will review its content.

Discussions to date have led to the position that a short term lease extension for a further two years was needed to give the UCE sufficient time to complete their business and investment plans following the pandemic. UCE are keen to ensure that the option for a further two year extension allows them to enter into long term agreements before expiry of the two years.

Whilst the Council accepts that capital investment is needed, it is imperative that the Coronation Hall and Market have business and investment plans in place so that investment is made in the right place. For instance, if the UCE were to develop an investment strategy/ feasibility study which meant reconfiguration of the Coronation Hall then it might be better to site the lift in an alternate location. Therefore it would be better to understand the requirements in full before significant sums of money are spent. Whilst its seen as unlikely that the lift would move, it would make sense to tie any investment in on the back on the UCE’s business plan. The Council is trying to ensure that the investment is made in the

right area and at the right time. It would be the same for the market, so any significant investment in the roof is done at the same time as any proposed investment by the UCE within the market itself which would minimise disruption.

Agenda Item No.15 - Cabinet Question Time

From:	Councillor Giles Archibald
To:	Councillor Dyan Jones, Climate Action and Biodiversity Portfolio Holder
	<p><i>Recently the Countryside Climate Network released its “landscape of leadership” report with insights into ‘five of its most ambitious members’ - of which SLDC was one. This appropriately recognises the national role that we have established under your leadership. In this role, what do you see as the key climate emergency tasks and objectives for this authority during the period of reorganisation?</i></p> <p><i>Cllr Jones’ reply</i></p> <p>There is clearly an important role for local government on climate action, to act locally, think globally. Whilst I am delighted that South Lakeland is attributed as an ambitious member of UK100, there is more rural authorities want to do. Under lib Dem leadership this council has always held local action as a top priority. More than statutory obligations, we are willing to go beyond. South Lakeland’s leadership on Climate Action is something I am proud of.</p> <p>I have spoken before about the desire to do more. Without agency and resources which, let’s face it have been shrinking over the last decade I worry that some of our ambition and vision relies on factors we have very little control of. Pippa Hayling, a Lib Dem cllr at Cambridgeshire and member of UK100, nailed it addressing LGA colleagues at COP26, when she called on Ministers to acknowledge the difference local authorities could make if they were given more autonomy and finance to deliver big solutions locally.</p> <p>Challenges shared by rural council: transport, retro fitting, energy efficiency - points 5 and 7 on the G’ment’s 10 point green industrial revolution. Something that UK100 are working hard to do is influence policy and make this realistic for local authorities who continue to deliver both statutory services and climate action with the backdrop of Brexit, a major pandemic and for Cumbria, instructions from Westminster to start the process of Local Government Reorganisation. Unprecedented times indeed.</p> <p>South Lakeland has demonstrated what is possible despite a decade of Conservative government cuts; we have delivered action and remained agile to challenge. As a new authority we can build on the progress already made. People, place and possibility for biodiversity and carbon sequestration. Catchment wide flood planning and natural flood management and so much more.</p> <p>LGR offers an opportunity to think about new, different approaches</p>

	<p>Westmorland & Furness can offer more</p> <ul style="list-style-type: none"> • in terms of area, population, the functions it carries out, • in terms of the money it spends, its procurement processes, its asset based land and buildings • in terms of the expertise and the weight and strength of lobbying and championing climate action. <p>Westmorland & Furness will be in a position to make substantial contributions to carbon reduction than SLDC is able to alone.</p> <p>I believe that climate action for Westmorland & Furness will be a coalition of the willing. Eden and Barrow Councils have declared climate emergencies and adopted demanding carbon reduction targets in line with the work of the Cumbria Zero Carbon Partnership. So, much to draw on from our own experience and with our neighbours.</p> <p>Westmorland & Furness and its shadow will determine its own priorities and strategic direction. I will insist the new authority makes climate action its top priority; to maintain and deliver carbon reduction to continue and build on the good work already undertaken by South Lakeland, Eden and Barrow.</p>
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From:	Councillor Stephen Coleman
To:	Councillor Dyan Jones, Climate Action and Biodiversity Portfolio Holder
	<p><i>I understand that the work CAfS have been doing on Zero Carbon Ambleside is drawing to close. Please can you outline some of the positive outcomes from this project?</i></p> <p>Cllr Jones' reply:</p> <p>A2Z is a really successful climate action group. Working with CAfS they have commissioned several projects. Looking at reducing waste. Carrying out a survey of potential sites for solar panels in the town. Carbon literacy training. business advice webinars. report on local transport possibilities. worked with university to produce a research paper on energy use in ambleside. Increased biodiversity. investigated potential for hydro energy. lobbied g'ment. Community groups and meetings. Newsletters and more.</p> <p>Follow up question –Are there plans to use the outcome of the work in Ambleside in other areas of the District?</p> <p>Cllr Jones' reply</p> <p>CAfS are bringing a technical report to council next year and this will be an opportunity for members of SlDC and parish and town councils to hear what has been achieved.</p>

From:	Councillor Fiona Hanlon
To:	Councillor Jonathan Brook, Leader and Promoting South Lakeland Portfolio Holder

	<p><i>The Leader will be aware of the devastation caused by storm Arwen and the awful after effects that meant several communities across South Lakeland were without power for several days, some for over a week. Many are still on temporary power supplies, prone to fuel and technical failures. In addition hundreds of households suffered simultaneous telecommunications failures which meant contact and being contacted was impossible. Many homes still have no phone, signal or WiFi over a fortnight after the storm hit. What assurance can the Leader provide that lessons will be learnt and that members of this authority will be able to contribute to any reviews into the response, so that any future disruption and suffering are kept to an absolute minimum?</i></p> <p>Cllr Brook's reply</p> <p>The impact of Storm Arwen was severe for communities and residents who suffered power cuts and it is recognise that full permanent repairs to power supplies will take continued effort by Electricity North West, which they are obliged to do. The power losses also had great impact on mobile communications and fixed communications which now operate by fibre. We also recognise the impacts on the highways due to fallen and dangerous trees necessitating road closures. It was a hugely disruptive event for South Lakeland.</p> <p>I wish to acknowledge the supreme efforts and resourcefulness of local communities which looked out for their neighbours and best ensured local needs were met with the local resources they mustered. It is a real credit to them and the role local people, organisations and councillors played.</p> <p>There is much to learn from the response to the emergency and how the resilience of our communities will be improved in face of future events. It is the role of Cumbria Local Resilience Forum to ensure the breadth of issues are captured, lessons are learned and applied to the emergency planning and the response which plans can mobilise. This Council will be feeding in its experience and advice to that process and I invite Councillors to collate and send their experiences, concerns and advice on what would improve resilience and response in future similar events.</p> <p>Our officer, John Davies, is coordinating our inputs to the review process. Comments can be sent to John at John.Davies@southlakeland.gov.uk</p>
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From:	Councillor Mark Wilson
To:	Councillor Dyan Jones, Climate Action and Biodiversity Portfolio Holder
	<p><i>Please may I ask that SLDC encourage Residents who have gardens and land to plant a range of shrubs that will attract and feed Insects and Birds. I noticed last two years in Lock down that many creatures flock to Fuschia, Forsythia and Buddlea in all of the spring and summer months. These plants are easy to grow in a pot or in the soil. Children love to see how to propagate and watch the creatures visit. If it helps I could prepare a bid for an amount to take this scheme further?</i></p> <p>Cllr Jones' reply</p>

	<p>We are currently reviewing our approach to the delivery of Council Plan objectives on biodiversity in the round, looking at biodiversity net gain in new development, offsetting, management of Council land etc. Whilst our primary focus is on delivering on our carbon targets, enhancing the biodiversity of the District is an important and related priority. That's why, as referenced in the portfolio holder report, the Climate Community Fund has supported a number of projects which enhance biodiversity. The Greening Campaign also supports biodiversity at grassroots level and offers the opportunity to promote better use of gardens. Resources are limited and need to be targeted on areas where there is a clear impact and which would not happen without grant aid. So managing private gardens for biodiversity is probably best achieved through advice at the local level rather than through grant regimes.</p> <p>There are sources of advice available, for example from the RSPB and it would be possible to message through social media feed.</p>
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From:	Councillor Mark Wilson
To:	Councillor Philip Dixon, Customer and Locality Services Portfolio Holder
	<p><i>Re Emergency Planning. Are you able to comment on why a Gold Silver Bronze command system took so long to put in place during and following Storm Barra... also any lessons learned from the scale of the storm and the effectiveness of Electricity suppliers in responding. This took so long that it seemed to end up with a civil emergency!</i></p> <p>Councillor Dixon's reply</p> <p>Cllr Brook has already commented on the question posed by Cllr Hanlon regarding how we can inform the lessons learned which arise from Storm Arwen.</p> <p>I am assuming the question refers to Storm Arwen, rather than Storm Barra as Barra fortunately had little further impact on the South Lakeland area and did not necessitate the declaration of an incident and the mobilisation of the emergency response.</p> <p>With regard to Storm Arwen, the Strategic Coordination Group (SCG), Tactical Coordination Group (TCG) and Operational Coordination Group (OCG) were stood up from the Saturday following the storm. (These groups are the revised terms for 'Gold' 'Silver' and 'Bronze')</p> <p>As in Councillor Brook's response, given the severe disruption caused by the Storm's impact on the electricity network, there will be lessons to be learned and which will include how Electricity North West responded. This will take place through the Cumbria Local Resilience Forum and in which this Council will be fully engaged.</p>

From:	Mark Wilson
To:	Councillor Philip Dixon, Customer and Locality Services Portfolio Holder
	<p><i>Re Waste management. How do monitor "Bring sites" to check that fly tipping does not occur?</i></p>

Councillor Dixon's reply

Bring sites are checked on a regular basis by the locality teams and street cleansing teams and action will be taken to address fly tipping. Mobile cameras can be deployed for bring sites where fly tipping is common. Fly tipping is investigated in circumstances where there is evidence which may lead to the perpetrators.