

**EXECUTIVE DECISION NOTICE****CABINET**

**A record of the decisions made at the meeting of the Cabinet held on Wednesday, 3 February 2021, at 10.00 a.m.**

Present

Councillors

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

Robin Ashcroft	Economy, Culture and Leisure Portfolio Holder
Jonathan Brook	Deputy Leader and Housing and Innovation Portfolio Holder
Philip Dixon	Customer and Commercial Services and People Portfolio Holder
Andrew Jarvis	Finance and Resources Portfolio Holder
Dyan Jones	Climate Emergency and Localism Portfolio Holder
Suzie Pye	Health, Wellbeing and Financial Resilience Portfolio Holder

No apologies for absence were received.

Also in attendance at the meeting were Shadow Executive Members Also in attendance at the meeting were Shadow Executive Members Pat Bell (Shadow Cabinet (Health, Wellbeing and Financial Resilience Portfolio)), Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)), Tom Harvey (Shadow Cabinet Leader (Climate Emergency and Localism Portfolio)), Helen Irving (Shadow Cabinet (Customer and Commercial Services and People Portfolio)), Kevin Lancaster (Shadow Cabinet (Housing and Innovation Portfolio)) and Mark Wilson (Leader of the Labour Group).

No apologies for absence were received from Shadow Executive Members.

Officers

Gareth Candlin	Operational Lead Specialist Services
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Vicky McDonald	Operational Lead Case Management
Alastair McNeill	Senior Specialist (Strategy Group)
Adam Moffatt	Specialist - Legal, Governance and Democracy
Claire Read	Finance Specialist
Simon Rowley	Director of Customer and Commercial Services
David Sykes	Director of Strategy, Innovation and Resources
Sion Thomas	Operational Lead Delivery and Commercial Services

**CEX/118 CHAIRMAN'S INTRODUCTION**

Following confirmation that the live stream of the meeting had commenced, the Leader thanked Officer's for their hard work throughout the Covid-19 crisis and for ensuring the

Council's work was continued. He also thanked Members for their commitment to working with officers and with communities in difficult times.

The Leader paid his respects to the late Captain Sir Tom Moore and expressed his deepest condolences to his family. In doing so he paid tribute to Captain Sir Tom Moore his life and incredible achievements while fundraising during the recent year. He asked all present at the meeting reflect for a minutes silence in remembrance.

The Leader referred to the new Government legislation allowing councils to conduct remote meetings and explained in detail to all taking part, and for the benefit of members of the public, the procedures for the meeting. He then invited Members of the Cabinet, the Shadow Cabinet and the Leader of the Labour Group to introduce themselves, to advise whether they were taking part by video or audio and to confirm that they were able to see (where practicable) and hear all Members participating in the meeting. All Members present, including the Leader himself, having indicated that this was the case, he referred to officers present at the meeting who would introduce themselves when asked to address the meeting.

The Leader welcomed Doug Coyle and Anthony Lane from Cumbria County Council for Item 14 – Cumbria Coastal Strategy and proposed that Item 14, be moved ahead of Item 8 – Corporate Financial Update Quarter 3 2020/21. The Leader also welcomed Michael Wallwork from Lambert Smith Hampton for Item 17 – Disposal of Council Owned land in Burton in Kendal.

#### **CEX/119 CABINET EXECUTIVE DECISIONS**

No Member having raised concern when asked by the Chairman, it was

***RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 20 January 2021.***

#### **CEX/120 DECLARATIONS OF INTEREST**

***RESOLVED – That it be noted that:-***

- (1) Councillor Phillip Dixon declared a non-pecuniary interest in relation to Agenda Item 17 – Disposal of Council Owned Land in Burton in Kendal (as detailed in CEX/134 below);***
- (2) Councillor John Holmes declared a non-pecuniary interest in relation to Agenda Item 13 – Review of Council Tax Discount and Premia (as detailed in CEX/130 below) and a disclosable pecuniary interest in relation to Agenda Item 17 – Disposal of Council Owned Land in Burton in Kendal (as detailed in CEX/134 below); and***
- (3) Councillor Kevin Lancaster declared a disclosable pecuniary interest in Agenda Item 13 – Review of Council Tax Discount and Premia (as detailed in CEX/130 below).***

#### **CEX/121 EMERGENCY DELEGATED EXECUTIVE DECISIONS**

No Member having raised concern when asked by the Chairman, it was

***RESOLVED – That the Emergency Delegated Executive Decision made by the***

***Chief Executive on 18 January 2021, in accordance with the Leader's decision noted by Cabinet at CEX/104 (2019/20), be received.***

The Leader and Promoting South Lakeland Portfolio Holder informed Members that there was a further emergency delegated executive decision relating to free parking, extending the decision of the 25 March 2020 and being offered by the Council at the Westmorland Shopping Centre Car Park for anyone receiving the Covid-19 vaccine.

**CEX/122 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

To consider whether the item in Part II of the Agenda should be considered in the presence of the press and public.

**CEX/123 PUBLIC PARTICIPATION**

No questions, representations, deputations or petitions had been received from members of the public in respect of this meeting.

**CEX/124 FORWARD PLAN**

No Member having raised concern when asked by the Chairman, it was

***RESOLVED – That the contents of the Forward Plan published on 5 January 2021 be noted.***

**CEX/125 CORPORATE FINANCIAL UPDATE QUARTER 3 2020/21**

**Summary**

The Finance and Resources Portfolio Holder presented the third quarter financial monitoring report of 2020/21. The report provided the projected year-end position based on performance to the end of Quarter 3 2020/21 and officers planned actions to ensure a balanced budget by the end of the financial year.

In presenting the report in detail, the Portfolio Holder highlighted Appendix 1, which set out the revenues variances to date. Additional costs and loss of income for the remaining year had been expected to be £1.29m; the total expected service cost of the pandemic was £3.486m. The Portfolio Holder detailed the claims to date, made under the Government Sales Fees and Charges Support Scheme, adding that it was expected that a further claim for the remainder of 2020/21 would bring the total to £1.747m, which had reduced the total service cost of the pandemic to £1.569m. Overall, at the end of Quarter 3, budget monitoring had identified a forecast business as usual year-end overspend of £65k. The Portfolio Holder informed Members that any future carry forwards would be considered carefully, due to the impact on the deficit.

Appendix 2 set out the position on the Capital Programme. The capital budget for 2020/21, approved by Council in February 2020 had been £22.083m. The Finance and Resources Portfolio Holder highlighted a request for the re-profiling of £4.678m which had been set out at paragraph 3.2.3 as well as a Virement request for £314,000 to be transferred from reserves to the 2021/22 revenue budgets to fund the Community Led Housing Officer post and capacity grants.

The Finance and Resources Portfolio Holder thanked officers in the Finance Team for their continued hard work in continuing to ensure the proper running of the Council's processes and providing timely information on the financial position of the Council.

The Leader echoed the Finance and Resources Portfolio Holder's thanks to officers in difficult times adding his thanks to the Portfolio Holder for continually prudent management of the Council's finances.

The Leader asked the meeting if the motion was agreed. There was no dissent.

#### **Decision**

#### ***RESOLVED – That***

- (1) the contents of the report and Appendices 1-3 be noted;***
- (2) Council be recommended to approve the re-profiling of the Capital Programme as shown in 3.2.3; and***
- (3) Council be recommended to approve the use of reserves for Community Housing Fund for 2021/22 as set out in 3.3.***

#### **Reasons for Decision**

Regular budget monitoring forms part of the corporate governance arrangements that support all Council priorities.

#### **Alternation Options Considered and Rejected**

There are no alternative options in relation to Appendices 1-3 to the report.

### **CEX/126 REVIEW OF THE LOCAL COUNCIL TAX REDUCTION SCHEME 2021**

#### **Summary**

The Finance and Resources Portfolio Holder highlighted the South Lakeland District Council was one of a limited number of Councils to offer up to 100% Council Tax relief and that around 10% of properties benefitted from the scheme. After considering the options for change, it was expected that the current scheme would continue unchanged for the financial year of 2021/22. This was with the exception of applying the annual upratings and other minor income and capital disregards, and treatment of persons from abroad aligned to other means tested benefit schemes.

The Portfolio Holder added that this was not something that the Council had to do, but was something the Council had chosen to do with continual cross party support for the scheme.

Members highlighted their support for the scheme and remained proud of the Council's ongoing commitment to enable the most vulnerable residents to survive and flourish.

The Leader asked the meeting if the motion was agreed. There was no dissent.

#### **Decision**

***RESOLVED – That Council be recommended that the current Local Council Tax reduction Scheme is the most appropriate scheme for this Council for the financial year commencing 1<sup>st</sup> April 2021 subject to the Operational Lead Case Management in consultation with the Finance and Resources Portfolio Holder being authorised to:-***

- (a) Make all necessary updates to this Council's Council Tax Reduction Scheme to comply with any statutory requirements that may be issued by central government; and**
- (b) Make all necessary amendments to Council's Council Tax Reduction Scheme to uprate the allowances and premiums in accordance with the Revised HB Circular regarding annual upratings due to be issued in January 2021 (not yet issued at the time of the report) by the Department of Works and Pensions.**
- (c) Publish the updated scheme in accordance with the Local Government Finance Act 2021.**

### **Reasons for Decision**

To assist in the delivery of the Council Plan – Delivering a fairer South Lakeland – A South Lakeland for everyone. The outcome is to create a District where everyone has access to the same opportunities, life chances and potential to lead safe, healthy, happy and fulfilled lives.

Several Welfare Reform changes have already been implemented, including the abolition of the Council Tax Benefit Scheme and introduction of its replacement, the Local Council Tax Reduction Scheme. Universal Credit full service was also rolled out in South Lakeland between September and December 2018.

The Council has provided a large amount of information about the ways the changes will affect individuals and worked closely with our social landlords and other agencies to try as far as possible to reduce the impact on vulnerable people. We will continue to monitor the impact of these changes.

### **Alternation Options Considered and Rejected**

The Council is under no legal obligation to offer a Council Tax Reduction Scheme for Working Age residents. Therefore in theory it could reduce the amount of support offered to this group from 100% to any figure it chose including having a full charge irrespective of income. The vast majority of councils reduce the amount of Council Tax Reduction for Working Age claimants between 10% and 30% resulting in annual average charges of just over £200 per annum for those on the lowest income in this group. All Cumbrian Local Authorities continue to have a zero charge for this group. A number of authorities are reviewing their schemes to reduce the contributions from claimants as they have found these contributions difficult to collect and have seen increased levels of write-offs.

There are numerous ways in which the current Local Council Tax Reduction Scheme could be changed: These were fully examined as part of the Overview and Scrutiny review and were considered as part of the decision making process in approving the scheme for 2015/16. No further examination has taken place since this review apart from a brief indication of the likely income that could be generated if a minimum charge was to be introduced for Working Age Recipients of Council Tax Reduction. It is likely that a review of South Lakeland's Council Tax Reduction Scheme will be undertaken in 2021, to assess the impacts on the scheme following the full rollout of Universal Credit in South Lakeland. It is likely this review will be undertaken as part of a wider Cumbria review, should there be appetite to do so. During 2020/21, there was no Cumbria wide appetite to do so.

**CEX/127 2021/22 TO 2025/26 DRAFT BUDGET****Summary**

The Finance and Resources Portfolio Holder presented the 2021/22 to 2025/26 Five Year Draft Budget. The expected outcome was that the Council would be in a position to deliver the priorities set out in the Council Plan within its resources. This would enable the statutory requirement to agree a balanced budget and to set the appropriate Council Tax level for 2021/22.

The Customer Connect programme had substantially reduced future budget deficits. However, the Covid-19 pandemic has had a fundamental impact on the Council's financial position. The Finance and Resources Portfolio Holder explained that although the Government had introduced a number of one-off grants to mitigate the impact of Covid-19 as part of the local government settlement, these were insufficient to cover the full extent of the additional costs and income lost due to the pandemic. He added that the government had also further delayed the reform of local government funding and that options were being developed to balance future budget deficits.

The Finance and Resources Portfolio Holder explained that whilst work was still needed on the budget, it wasn't expected to impact on the ability of the Council to recommend a balanced budget to Council. He added that a balanced budget would put the Council in the best place to move into the next financial year and continue to invest in our communities which had been run through a diverse and impressive programme this year. The Portfolio Holder commended the Council for its commitment to investing in communities and thanked officers in the Finance team for their continual hard work during these difficult times.

Members discussed the impact of a potential unitary authority on the budget and the work of the Council and the prudent financial management that has allowed the Council to maintain the key priorities and improve the lives of residents despite making difficult decisions.

The Legal, Governance and Democracy Lead Specialist informed Members of the comments of the Overview and Scrutiny Committee (O&S). Overview and Scrutiny Committee Members raised a question on the timing of the proposed increase to parking fees but agreed the budget report, adding a rider that they accepted the sensitivity of car park charging, and given the current situation and the fact that it has been 8 years since last raised there is little option. The Overview and Scrutiny Committee added that they would continue to monitor car parking ahead of incoming proposals for the improvement of Kendal.

Further discussion raised comments on the context of the draft budget and in particular the increase to parking charges, the buffering of car parking charges from the Town Council and Business Improvement District (BID) in Ulverston and the Council. Members discussed using tactical detail in parking charges and the challenge of presenting a balanced budget package.

The Leader asked the meeting if the motion was agreed. There was no dissent.

**Decision****RESOLVED – That**

- (1) the proposals contained in the report to achieve a balanced budget in 2021/22 be noted; and**
- (2) the Draft Budget 2021/22 to 2025/26 be recommended to Council for approval, subject to any further amendments arising from Government announcements and the final calculation of business rates income due.**

**Reasons for Decision**

This report sets out the first draft Budget to enable the consideration of how the Council's priorities will be delivered. Setting a sound framework for budget preparation assists in the delivery of all corporate outcomes. This strategy has been developed within the context of the MTFP.

**Alternation Options Considered and Rejected**

This report presents alternative options in relation to potential budget pressures and savings, new capital programme bids, one off revenue growth bids and fees and charges. The proposals together aim to meet the Council's statutory duty to set a balanced Budget for 2021/22.

**CEX/128 TREASURY AND CAPITAL STRATEGY 2021/22 TO 2025/26****Summary**

The Finance and Resources Portfolio Holder presented a report setting out the Council's Treasury Management Strategy for 2021/22 to 2025/26 and the Capital Strategy for 2021/22 to 2033/34 which were expected to be approved by Council on 23 February 2021. The report had been updated to reflect the 2021/22 Budget and Capital Programme.

The strategies fulfilled five key legislative requirements relating to the setting of prudential indicators, the Council's Minimum Revenue Provision (MRP) Policy, the Treasury Management Strategy Statement the Investment Strategy and the Capital Strategy, details of which were provided.

The Portfolio Holder made reference to the significant changes to the economic situation which included the impact of the Covid-19 pandemic on the UK economy and GDP levels, the current Bank of England interest rate of 0.1%, significant increases in public borrowing and the uncertainty and risk surrounding Brexit. He went on to explain two temporary modifications to the Council's investment strategy relating to counterparty limits, the first allowing the very large sums received from Government for the Covid-19 grants to be lodged with the Council's principle banker. The second the counter party limit for Money Market funds was increased from £5m to £10m and proposed that both of the changes are made permanent.

The Finance and Resources Portfolio Holder added that it was proposed that a new local prudential indicator for internal borrowing be introduced. He noted that the capital strategy remained relatively unchanged from last year with the long-term view of possible capital expenditure being taken which had helped the Council improve the quality of decision making and prioritisation of certain expenditures.

The Legal, Governance and Democracy Lead Specialist provided an update on the comments of the Overview and Scrutiny Committee where Members raised questions on the increase in Capital Financing Requirement (CFR) and whether this would be reduced after 4/5 years. The Finance and Resources Portfolio Holder agreed to provide a written response to the Overview and Scrutiny Committee's question regarding CFR.

The Leader asked the meeting if the motion was agreed. There was no dissent.

### **Decision**

#### ***RESOLVED – That:-***

- (1) the Treasury Management Strategy, Capital Strategies and the authorised and operational borrowing limits within the report be noted and recommended to Council for approval;***
- (2) the permanent increase to £10 million of the limit for investing with individual Money Market Funds and the disregarding of Government Covid funds when applying the counterparty limit to the Council's Bankers NatWest be noted and recommended to Council for approval; and***
- (3) the introduction of a new local prudential indicator for internal borrowing be noted and recommended to Council for approval.***

### **Reasons for Decision**

These arrangements enable the priorities of the Council Plan to be achieved. The strategies ensure that the Council has robust arrangements for investing and that it only borrows where it is appropriate and affordable.

### **Alternation Options Considered and Rejected**

No alternative options are proposed; the Treasury Management Strategy, in particular, is driven largely by legislation and external guidance and reflects the 2021/22 budget

## **CEX/129 PROCUREMENT SCHEDULE 2021/22**

### **Summary**

The Finance and Resources Portfolio Holder set out the Procurement Schedule by explaining that the wide range of projects included on the Procurement Schedule allowed officers to conduct procurement without further authority on the projects as long as the Budget had also been approved. He added that there was 119 projects listed, which was many more than there had been in previous years and in part, reflected the delays caused by the pandemic.

The Portfolio Holder highlighted that there had been a mix of highly visible projects (including playground and car park improvements), key projects that helped to maintain services and assets and projects that improved the efficiency of the Council.

In concluding the report, the Portfolio Holder referenced the impact of Brexit on procurement rules, informed Members that the schedule had been updated to reflect this and added that the list would continue to evolve during the next year.



Both the Portfolio Holder and Members thanked Officers for their hard work through a challenging period with both the impact of Brexit and the Covid-19 pandemic.

The Legal, Governance and Democracy Lead Specialist provided an update from the Overview and Scrutiny (O&S) Committee. Discussion at the O&S Committee raised comments relating to the number of items on the procurement schedule, the need to monitor life expectancy of smaller items and larger items on the schedule and the potential to hold back the development of South Lakeland House due to Local Government Reform proposals.

The Leader asked the meeting if the motion was agreed. There was no dissent.

### **Decision**

#### ***RESOLVED – That:-***

***(1) Council be recommended to approve the Procurement Schedule for 2021/22 attached at Appendix 1; and***

***(2) the changes to Procurement in line with Brexit be noted.***

### **Reasons for Decision**

Individual proposals within the Procurement Schedule reflect Council plan priorities and budget proposals.

It is expected that Council will ensure Value for Money in the provision of services and improve the efficiency of its procurement activities through the approval of the procurement exercises proposed for 2021/22.

### **Alternation Options Considered and Rejected**

Council could decide not to approve all or part of the Procurement Schedule. This would mean that separate acceptance reports may be required for all or specific tenders.

## **CEX/130 REVIEW OF COUNCIL TAX DISCOUNT AND PREMIA**

***Note – Councillor John Holmes whilst having no voting rights as a Member of the Shadow Cabinet, declared a non-pecuniary interest in this item, by virtue of the fact that he was nominated by SLDC as a Director of South Lakes Housing. He remained in the meeting during discussion and voting on the item.***

***Note – Councillor Kevin Lancaster whilst having no voting rights as a Member of the Shadow Cabinet, declared a disclosable pecuniary interest in this item, by virtue of the fact that he was the owner of a property that was affected by the proposals. He was disconnected from the meeting for the remainder of the item.***

### **Summary**

The Finance and Resources Portfolio Holder highlighted the decision from the November Cabinet meeting, where three sets of changes were agreed. These included an increase to the Council Tax premium on properties empty for more than two years, a reduced discount period for unoccupied and unfurnished properties from

six months to one month and the removal of the 100% relief for Council Tax for 12 months for properties undergoing major repairs and structural alterations. The three changes were subject to a 6 week consultation period, during which 93 responses were received.

The consultation period returned reasonable support for the increase in Council Tax on empty properties, but strong resistance to the proposal to reduce the Council Tax discount on unoccupied and unfurnished properties from six months to one month. Many landlords had felt that this provided an inadequate period between rentals and that the 28 day period was insufficient to undertake refurbishment works. As a result, the Council now proposed to allow the unoccupied and unfurnished discount to apply for up to 3 months.

The final proposal, linked to major repair and structural alteration, saw the majority of respondents opposed to the change. However, the impact of this change needs to be considered against the overall cost of issuing this discount overall and the proposal still appears to be a fair reflection of the limited financial saving through reducing council tax compared to the overall costs of renovation and repairing properties.

In concluding his report, the Finance and Resources Portfolio Holder explained that the overall financial impact of these changes had been small, the overall cost of the reliefs by £57,000 with the Council's share being £6,000, the overall benefit for the Council over the next financial year reduces from £49,000 to £43,000. He reminded Members that these changes had been driven by the desire to get fairness between Council Tax payers, ensuring that the reliefs had gone to those that need them most, to simplify the processes and reduce work for officers; and to get empty properties back into long-term use.

During discussion, questions were raised on the impact of the proposals on private landlords who may have to renovate properties to meet Energy Performance Certificate requirements and multiple occupancy units belonging to Social Housing organisations, as it was entirely possible to see huge amounts of houses renovated to comply with the climate change regulations and the associated costs would be tremendous. The Leader requested that Officers provided a written response to this question.

Further discussion raised a question over the provision for very old buildings that had been empty for long periods of time within the proposals and if there had been any concessions for those who owned historically and culturally important houses but were unable to live in them or use them.

The Housing and Innovation Portfolio Holder informed Members that there were very few multiple occupancy units in the district and that there are grants available to property owners and landlords.

The Finance and Resources Portfolio Holder informed Members that where a property was in a severe state of dereliction, it was possible to apply to remove it from the Council Tax band but the aim was to ensure that habitable properties are made into homes.

The Leader emphasised the Council's desire to reduce the number of empty homes and added that if Members were aware of any empty homes, to let the appropriate officer know.

The Leader asked the meeting if the motion was agreed. There was no dissent.

**Decision*****RESOLVED – That:-***

***(1) the proposals in the report be noted; and***

***(2) the amended proposals outlined in Paragraph 3.1 be approved for consideration by Council.***

**Reasons for Decision**

It is expected that these proposals will encourage owners of empty properties to make them available for housing, either by putting them up for sale or rent, thereby increasing housing across the district.

**Alternation Options Considered and Rejected**Unoccupied and Unfurnished

The discount can be removed altogether, or awarded for a specified period of up to the 6 month period currently offered by SLDC.

To remove the discount altogether would disadvantage residents moving between properties, particularly those in rented properties as there is often a slight overlap in tenancy dates. If the discount was removed altogether they would incur a council tax charge for this period of the overlap and this would lead to a rise in complaints and perhaps non-payment. Often we are given conflicting dates relating to moves in and out and by retaining a discount period of up to one month this should cover any such cases and avoid bills being issue for a period of a day. It was also felt reasonable to allow a short period of discount to allow landlords time to find new tenants before incurring a council tax charge but that leaving the period of discount at 6 months reduces the financial incentive for the property to be reoccupied.

Major Repair/ Structural Alteration

Should a discount be offered it must be offered for the full 12 month period, however the discount can be set at an amount between 0% and 100%. An alternative would be to retain the current level of 100% discount or reduce the amount to say 50%. By offering 100% discount there is no financial incentive for the property to be reoccupied and there is an administrative cost in dealing with the applications for discount. If a lesser amount was offered that may be received better by taxpayers who are undertaking works to their properties, however the administrative cost would remain the same irrespective of level of discount offered.

It is also anticipated that should the proposal to reduce the unoccupied and unfurnished discount to three months be approved there would be an increase in applications for the major repair/structural alteration discount.

Premia

The level of premium charged could remain at 50%. This is not recommended as it does not deliver the same level of deterrent for keeping a property empty as the proposals.

**Note – Kevin Lancaster re-joined the meeting following the conclusion of discussion and voting on the item.**

## **CEX/131 CUMBRIA COASTAL STRATEGY**

### **Summary**

The Climate Emergency and Localism Portfolio Holder presented the Cumbria Coastal Strategy report. The Cumbria Coastal Strategy (CCS) was a plan to evaluate and managed the risks related to coastal flooding and erosion along the Cumbrian coastline on a long-term scale. The CCS had been initiated by the North West Regional Flood and Coastal Committee and was project managed by Cumbria County Council in its role as the Lead Local Flood Authority. A Project Review Group of local stakeholders had worked to help identify issues and opportunities and contribute valuable knowledge to the development of the CCS.

The CCS highlighted a number of key objectives as:-

- to evaluate the risk of flooding and erosion along the Cumbrian coastline;
- identify properties and infrastructure at risk;
- identify and evaluate potential long-term solutions;
- form a robust and objective evidence base; and
- to provide a framework for future infrastructure and development.

The Climate Emergency and Localism Portfolio Holder added that the CCS was a great example of collaborative working and that the long term plan would be an incredibly important document for a long time.

Doug Coyle (Cumbria County Council) informed Members that all districts had worked together on the CCS and that there would be an officer at Cumbria County Council who would be supporting SLDC. He added that there had been some further studies and works looking at erosion in the Morecambe Bay area and the risk of coastal flooding at South Ulverston.

During discussion Members raised questions; requesting more detail on the connections and relationship with the Environment Agency and the North West Regional Flooding Coastal Committee, the potential for Members and the wider community to be involved in the study, the possibility of increased engagement with Members, the Town/ Parish Councils as there was a high amount of interest in this topic.

Further discussion raised comments on faulty tidal gates in Heversham and Milnthorpe; and the intent of the Environment Agency to hand over the Levens Bridge drainage pumps to land owners or a drainage board.

The Climate Emergency and Localism Portfolio Holder emphasised the importance of the CCS and added that regular briefings on the topic would be incredibly useful for all Members.

The Leader thanked Doug Coyle for his continued collaboration on a number of important projects and for responding to Members questions

The Leader asked the meeting if the motion was agreed. There was no dissent.

**Decision****RESOLVED – That:-**

- (1) the Cumbrian Coastal Strategy be adopted; and**
- (2) Cabinet delegates authority to the Director of Customer and Commercial Services to work with partner organisations to deliver the specified outputs within the strategy in accordance with the approved budgets.**

**Reasons for Decision**

This policy will help the Council Plan priorities of responding to climate change and enhancing biodiversity. Specifically it will help assist in “ensuring that new development is sustainable, energy efficient and flood resilient” and “ensuring that business areas are protected from flooding”.

**Alternation Options Considered and Rejected**

Do nothing: This means walking away from the defences and undertaking no further work. Existing defences will fail over time and erosion and flood risk will increase.

Reactive approach, this means only intervening as and when defences fail or flood events highlight new areas of vulnerability. This would lead to significant increase in costs and lack of planning and identifying funding opportunities leading to delays in repair and replacement. It would leave communities more exposed and would be counter to best practice.

**CEX/132 PUBLIC ACCESS - COUNCIL OWNED RIVERSIDE LAND IN KENDAL****Summary**

The Housing and Innovation Portfolio Holder presented a report on Public Access on Council owned riverside land in Kendal. The Portfolio Holder highlighted the closing of the New Road Common in September 2017 and informed Members that since the decision to close the Common to cars, the Environment Agency had sought and obtained planning and funding approval for the Kendal flood defences.

The Portfolio Holder highlighted that Cumbria County Council required the approval of the Council to site the landings of the footbridge on SLDC land. This led to the recommendation to amend both Gooseholme and New Road Common Land boundaries to address a number of historic issues which had given the Council the opportunity to provide alternative Common Land to that which will be covered by the Goosholme Bridge and to secure the Green river corridor from North to South Kendal.

In addition it was highlighted that the EA would welcome the support of SLDC to de-register certain areas of Common Land, to support the installation of flood defences. where there had been perceived issues. Under Common Land legislation, the proposed deregistration of the Common Land, required other Council owned land to be offered as replacement, the replacement land was proposed to be Aynam Road, Ford Park (land adjacent to Natland Road) and Beezon Fields which was outlined in Appendix 1 to the report. The Portfolio Holder highlighted that Cumbria County Council

was to be invited to make a request for £75,000 of Community Infrastructure Levy (CIL) funding for the bridge.

The Portfolio Holder informed Members that the proposals had to be approved through consultation due to the deregistration of common land and that this was a vital step to enable two significant projects for the community.

Members expressed their support for the proposals, the need to support the river which was a heritage asset for Kendal and their hope that the Green Space at Ford Park would be maintained as it is now.

The Leader asked the meeting if the motion was agreed. There was no dissent.

## **Decision**

### ***RESOLVED – That Cabinet:-***

- (1) approves the use of land on New Road and Gooseholme for the proposed Gooseholme/ New Road footbridge landings to be built including temporary works/restrictions, future maintenance of the structures and to delegate entering in to legal agreements to authorise such use with [Cumbria County Council/EA];***
- (2) gives delegated authority for officers to commence a deregistration process for the land that the landings for the footbridge (noted above) are sited on, and the common land on which the flood defences will be sited;***
- (3) approves that Beezon Fields and Ford Park (land adjacent to Natland Rd) be considered to the extent necessary as replacement land (in addition to the land on Aynam Road already approved) for deregistration of common land as noted in recommendation 2 above and recommendation 4 below;***
- (4) approves that defined cycle routes across New Road and Gooseholme be deregistered for cycling – connecting to the new bridge;***
- (5) gives officers authority to explore amendments to scheme of management and byelaws to allow for future maintenance of flood defences, footbridge structure and work in the river;***
- (6) approves that consultation proceeds with regard to the deregistration process of part of New Road Common to ensure that those parts of the New Road Common can be used to accommodate the flood defences, such accommodation land being integral to the Kendal Flood Relief Management Scheme; and***
- (7) invites the County Council to submit a request for a contribution of £75,000 towards the project from the South Lakeland Community Infrastructure Levy.***

## **Reasons for Decision**

The proposals for the Council owned riverside land, Kendal links to the following Council Plan priorities:-

Working across boundaries to deliver economic growth - working with our partners to deliver regional growth by attracting external funding and delivering critical infrastructure;

Responding to climate change and enhancing biodiversity - ensuring that new development is sustainable, energy efficient and flood resilient working with local communities to improve;

manage and promote accessible public realm making the best use of our parks, open spaces and lakes;

developing town centres which are attractive and accessible for living, working, culture and leisure; and

ensuring that business areas are protected from flooding conserving and enhancing the biodiversity of the District.

### **Alternation Options Considered and Rejected**

To not approve the land for the footbridge landings to be built, to not de-register the land and to not support the footbridge financially. This is not advised when the footbridge provides a key piece of infrastructure in the Town. By de-registering the land for the footbridge landings and flood defence walls, it allows for maintenance works to take place on the structures in the future and the financial support allows for a more aesthetically pleasing structure to be installed.

## **CEX/133 PROCUREMENT FRAMEWORK FOR THE LOCAL PLAN REVIEW**

### **Summary**

The Housing and Innovation Portfolio Holder presented a report on the procurement framework for the Local Plan review. He explained that the Local Plan, and its supporting documents were important and it was crucial to produce them in a timely manner.

The Portfolio Holder added that the procurement framework was to enable the prompt securing of professional support in producing the Local Plan and that the tender process had concluded in December 2020, the results of the process were set out in the Part II Appendices.

The Portfolio Holder concluded his report by emphasising the importance of the Local Plan in achieving social and economic wellbeing for residents. He added that the Local Plan was a living document that currently ran up to 2040 and due to its importance, it was good practice to seek additional professional advice.

The Leader asked the meeting if the motion was agreed. There was no dissent.

**Decision****RESOLVED – That:-**

- (1) entering into a framework agreement with the preferred tenderers listed in appendix 1, from 2020/21 to 2023/24 to provide a range of professional advice and support for the Local Plan Review, and related work be approved; and**
- (2) the use of the framework agreement for any studies procured jointly with neighbouring or other local authorities be approved.**

**Reasons for Decision**

Progressing a review of the Local Plan is a high priority in the Council Plan 2019-24, including helping meet communities' needs for housing, employment and a wide range of other services and amenities. Procuring a framework agreement with retained consultants will make an important contribution to obtaining the range of external professional advice needed to prepare the Plan.

**Alternation Options Considered and Rejected**

There are three alternatives to procuring the professional services of consultants through a framework agreement – firstly, procuring advice and studies on a separate, individual basis; secondly using the NEPO (North East Procurement Organisation) framework through Bloom; or thirdly using the procurement framework provided by Homes England, which is available for use by other public bodies, including local authorities. When the Council has procured a framework agreement, it would still be open to it to use these alternatives.

The main disadvantage of procuring advice and studies on an individual basis, is the additional time that it would take to procure these separately, with a resulting impact on the overall Local Plan Review programme.

The disadvantages of using the NEPO framework through Bloom are that prices are likely to be 5% higher to cover Bloom's service charge and some previous experience of delays.

The Homes England Framework is already available for use but does not cover the full range of services required for the Local Plan Review and related work. It also tends to comprise larger national consultancies. The proposed Framework provides more opportunity for local and regional suppliers.

**CEX/134 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 item of business on the grounds that it involves 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 paragraph indicated.

***Note – For the benefit of the public viewing the virtual meeting, the Leader and Promoting South Lakeland Portfolio Holder explained that the open session of the meeting would now close and the live stream cease.***



*The meeting producer confirmed that the live stream had ended.*

*Members disconnected from the Part I session and moved into the Part II private session. A roll call was taken, all Members from the Part I session, confirming that they were present, that they were able to see (where practicable) and hear all Members participating in the meeting and that there was nobody present in the room with them nor any recording devices nearby.*

## **CEX/135 DISPOSAL OF COUNCIL OWNED LAND IN BURTON IN KENDAL.**

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

### **Summary**

*Note – At this point in the proceedings, Councillor Dixon declared a non-pecuniary interest by virtue of the fact that he had previously considered the matter as a Member of the Planning Committee. He was disconnected for the remainder of the meeting.*

*Note - At this point in the proceedings, Councillor John Holmes, whilst having no voting rights as a Member of the Shadow Cabinet, declared an interest by virtue of the fact that he was a Director on the Board of South Lakes Housing, he was disconnected for the rest of the meeting.*

The Housing and Innovation Portfolio Holder presented a report proposing the disposal of Council owned land in Burton in Kendal.

During discussion on the item, Members expressed their support for the proposals.

The Leader asked the meeting if the motion was agreed. There was no dissent.

### **Decision**

**RESOLVED – That:-**

**(1) the sale of the necessary land on less than best consideration terms be approved; and**

**(2) settlement of the detailed terms and specific documentation required be delegated to the Director of Customer and Commercial Services in conjunction with the Lead Specialist for Legal, Governance and Democracy.**

### **Reasons for Decision**

The propose disposal of Council owned land links to the Council priority for delivering a balanced community, for housing and communities, delivering affordable homes to meet need with new affordable homes to rent and a range of housing to attract and retain young people.

### **Alternation Options Considered and Rejected**

Refuse to sell the land or allow access over the land with the consequence the development cannot proceed thus losing the 28 affordable homes for the District.

The meeting ended at 12.32 p.m.