

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Tuesday, 30 March 2021, at 10.00 a.m.

Present

Councillors

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

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|----------------|--|
| 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 |

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)), John Holmes (Shadow Cabinet Deputy Leader (Finance and Resources)) and Kevin Lancaster (Shadow Cabinet (Housing and Innovation Portfolio)).

Apologies for absence were received from Shadow Executive Members Tom Harvey (Shadow Cabinet Leader (Climate Emergency and Localism Portfolio)), Helen Irving (Shadow Cabinet (Customer and Commercial Services and People Portfolio)) and Mark Wilson (Leader of the Labour Group).

Officers

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|-----------------|--|
| Lawrence Conway | Chief Executive |
| Linda Fisher | Legal, Governance and Democracy Lead Specialist (Monitoring Officer) |
| Julia Krier | Legal, Governance and Democracy Specialist |
| Adam Moffatt | Specialist - Legal, Governance and Democracy |
| Simon Rowley | Director of Customer and Commercial Services |
| Helen Smith | Finance Lead Specialist (Section 151 Officer) |
| David Sykes | Director of Strategy, Innovation and Resources |

CEX/157 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 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.

CEX/158 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 17 March 2021.

CEX/159 DECLARATIONS OF INTEREST

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) noted that Members who were dual-hatted with the County Council and those on the Cumbria Local Enterprise Partnership (LEP) Sub Groups we would record their other registrable interest's they were advised that they could participate unless they had taken decisions before on the proposal in which case they needed to consider whether there would be a perception of bias or predetermination, or actual bias and predetermination. If members in these circumstances or otherwise were of the view they had an open mind they could remain in the meeting. The following interests were raised for transparency:-

- Councillor Robin Ashcroft (LEP) Sub Group Bird table Board and Places Strategy Group;
- Councillor Jonathan Brook (LEP) Sub Group Bird table Board and Places Strategy Group; and
- Councillor Roger Bingham Cumbria County Council

No other declarations of interest were received.

CEX/160 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

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

CEX/161 PUBLIC PARTICIPATION

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

CEX/162 FORWARD PLAN

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

RESOLVED – That the contents of the Forward Plan published on 16 February 2021, be noted

CEX/163 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 paragraphs indicated.

- ***Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information); and***
- ***Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings***

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.

CEX/164 CROSS-A-MOOR ROUNDABOUT

Note – The proposal met the definition of a key decision in the Council's Constitution as the financial implications for the Council of entering into the agreement were potentially in excess of £100,000. Due to the negotiations between parties, it had not been possible for the proposal to be included in a Forward Plan at least 28 clear days before the decision was to be made. In accordance with paragraph 15 of the Access to Information Procedure Rules in Part 4 of the Constitution, the Chairman of the Overview and Scrutiny Committee's had been informed that the taking of the decision was urgent and could not reasonably be deferred because of the need to secure the funding and the risk of re-allocation.

In addition, the Constitution stated that the call-in procedure should not apply where a decision being taken by the Cabinet was urgent and any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests. In accordance with paragraph 16(j) of the Overview and Scrutiny Procedure Rules within Part 4 of the Constitution, the Chairman of the Council had been consulted and had agreed that the decision proposed was reasonable in all the circumstances and for it to be treated as a matter of urgency and that the call-in process should be waived.

The meeting has been called at short notice and in accordance with paragraph 4.3 of the Access to Information Rules of the Council's Constitution. The meeting was being held in private for the following reasons:

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

Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Summary

The Finance and Resources Portfolio Holder presented a report that sought approval to enable the Growth Deal funding from Cumbria Local Enterprise Partnership for the A590 Cross-a-Moor Junction Improvement scheme to be secured and the relevant legal agreement completed so that the scheme was able to proceed. The report highlighted a number of legal and financial implications. The report also highlighted ongoing negotiations with Highways England and Cumbria County Council and the other legal agreements required for the scheme to progress. The Portfolio Holder thanked Officers for their hard work which had ensured the progress of the project.

Members expressed their support for the project and raised questions relating to aspects of the scheme's design and delivery.

In seconding the Economy, Culture and Leisure Portfolio Holder expressed his support for the proposals and emphasised the importance of the Cross-a-Moor project to the district and to Ulverston. The Portfolio Holder echoed thanks for the hard work of Officers and expressed his gratitude to Councillor Jarvis for the clear explanation of a complex project.

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

Decision

RESOLVED – That:-

- (1) the Director of Strategy, Innovation and Resources to enter into the Growth Deal Funding Agreement following consideration of the Legal, and Financial advice and draw down the £925,000 Growth Deal Fund Grant;***
- (2) the progress on the s274 agreement, Forward Funding Agreement and the Underwriting arrangement be noted;***
- (3) Cabinet confirms that should the continuing negotiations enable the Council to conclude further agreements in line with resolutions of Cabinet, and Council in September and October 2020, that the delegations provided by those resolutions can be exercised; and***
- (4) In the alternative to (3), a further report on the outcome of negotiations with Cumbria County Council, CLEP and Highways England and seek approval for the entering of agreements be received.***

Reasons for Decision

The A590 Cross-a-Moor Junction Improvement would ensure delivery of over 1,000 dwellings in south Ulverston on sites allocated in the adopted Local Plan. It would therefore play a key role in the Council's priority for delivering housing, particularly affordable housing. The scheme is highly significant for the housing priority in the Council Plan, and for the delivery of around 20% of planned housing provision in the Local Plan to 2025.

The scheme is also central to future economic growth in South Lakeland. The lack of people, particularly of working age, has been identified as a significant challenge to business growth in the area. The increased housing this project will facilitate will allow more people to live and work in the area, increasing the supply of labour for all sizes and sectors.

Alternative Options

If SLDC does not take a proactive role in the project and does not proceed with the recommended approach, it is highly likely that the scheme will not take place. This would reduce both the amount of housing that can be delivered in the south of Ulverston and the growth potential in the area in the next Local Plan Review. Reduced housing development will also reduce affordable housing provision, reduce wider benefits for economic growth and reduce income from Council Tax and Community Infrastructure Levy (CIL).

The meeting ended at 10.45 a.m.