

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 10 November 2021, at 10.00 a.m.

Present
Councillors

Jonathan Brook (Leader and Promoting South Lakeland and Innovation Portfolio Holder)
(Chairman)

Robin Ashcroft	Economy, Culture and Leisure Portfolio Holder
Helen Chaffey	Housing Portfolio Holder
Philip Dixon	Customer and Locality Services Portfolio Holder
Andrew Jarvis	Deputy Leader & Finance and Assets Portfolio Holder
Dyan Jones	Climate Action and Biodiversity Portfolio Holder
Suzie Pye	Health, Wellbeing and Poverty Alleviation Portfolio Holder

Also in attendance at the meeting were Shadow Executive Members Pat Bell (Shadow Cabinet (Housing Portfolio)), Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)), John Holmes (Shadow Cabinet Deputy Leader (Finance and Assets Portfolio)), Kevin Holmes (Shadow Cabinet (Climate Action and Biodiversity Portfolio)), Janette Jenkinson (Shadow Cabinet (Customer and Locality Services Portfolio)) and David Webster (Leader of the Labour Group).

Apologies for absence were received from Shadow Executive Members Tom Harvey (Shadow Cabinet Leader (Promoting South Lakeland and Innovation Portfolio)) and Helen Irving (Shadow Cabinet (Health, Wellbeing and Poverty Alleviation Portfolio)).

Officers

Suzanne Boughay	Case Management Team Leader (Support Services)
Cat Brumwell	Case Management Officer
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Julie Jackson	Principal Specialist People
Julia Krier	Legal, Governance and Democracy Specialist
Damian Law	Strategy Specialist
Claire Read	Finance Specialist
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/60**CABINET EXECUTIVE DECISIONS**

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

CEX/61 DELEGATED EXECUTIVE DECISIONS

RESOLVED – That the Delegated Executive Decisions made by Portfolio Holders or Officers on 21 October 2021.

CEX/62 DECLARATIONS OF INTEREST AND DISPENSATIONS

Councillor Roger Bingham declared an other registerable interest for transparency in both Agenda Item No. 8 (Local Government Reorganisation – Structural Changes Order) and Agenda Item No. 14 (Judicial Review – Local Government Reorganisation) due to the fact he was a dual-hatted Member for South Lakeland District Council and Cumbria County Council.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) reminded Members that a dispensation had been granted to all Members with regard to allowances in respect of matters relating to Local Government Reform and Devolution for a period of four years. For Agenda Item No. 8 (Local Government Reorganisation – Structural Changes Order) Councillors who were dual-hatted, i.e. District Councillors and County Councillors, would have an Other Registerable Interest under the Code of Conduct. The Other Registrable Interest would be recorded and, unless any Member considered themselves to be biased or predetermined, they could speak on the item. However during Agenda Item No.14 (Judicial Review – Local Government Reorganisation), it was advised that all dual-hatted Members leave the room before discussion on the item began.

RESOLVED – That it be noted that, in respect of Agenda Item No. 8 (Local Government Reorganisation – Structural Changes Order) and Agenda Item No. 14 (Judicial Review – Local Government Reorganisation), Councillor Roger Bingham declared an other registerable interest, by virtue of the fact he was a dual-hatted Member for South Lakeland District Council and Cumbria County Council.

CEX/63 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/64 PUBLIC PARTICIPATION

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

CEX/65 FORWARD PLAN

RESOLVED – That the contents of the Forward Plan published on 8 November 2021 be noted.

CEX/66

LOCAL GOVERNMENT REORGANISATION - STRUCTURAL CHANGES ORDER**Summary**

The Leader and Promoting South Lakeland and Innovation Portfolio Holder presented a report outlining the Structural Changes Order (SCO) for Local Government Reorganisation from the Secretary of State. At the time of writing the report, further details on the SCO had not been made available. However, following agenda publication, the details had been released to the authorities involved, comprising of a covering letter and the text of the draft Structural Changes Order, which was received on the 3 November 2021.

Members were advised that a virtual briefing had been arranged to take place on the evening of Wednesday 10 November 2021 to provide Members with a Structural Changes Order summary and update. All Members had been encouraged to attend, participate and ask questions. Members were reminded that any comments which had been agreed, would be fed back to group leaders after the briefing session. Group Leaders had received information on behalf of the Groups.

For the purposes of the Cabinet meeting it was proposed to add to the resolutions of Cabinet to add a third recommendation and it was understood that Party Leaders would wish to receive the briefing and further information. The additional resolution was to be:-

“To delegate to the Chief Executive in consultation with the Leader the submission of any further comments to the DLUHC on the draft Structural Changes Order”.

Members were informed that each of the seven authorities' Monitoring Officers would also be providing any legal comments as part of this process and that we had until the 17th November 2021 for comments to be fed back to Government. Members were reminded that this was not a consultation.

Party Leaders were thanked for agreeing to be the conduit for any further group's comments. As a result of which, a Party Leaders' meeting had been scheduled on the 12th November 2021 to also be used as an opportunity following the scheduled meetings for any further comments to be raised.

During discussion on the item, the Leader and Promoting South Lakeland and Innovation Portfolio Holder confirmed that all Members would be receiving a copy of the presentation. Members expressed their support for the proposals and thanked Officers for their work and for ensuring Members were kept up to date on any progress.

Decision***RESOLVED – That***

- (1) the update on the Structural Changes Order be noted;***
- (2) the arrangement of a Member briefing to provide further information around the Structural Changes Order be noted; and***
- (3) the submission of any further comments to the DLUHC on the draft Structural Changes Order be delegated to the Chief Executive in consultation with the Leader.***

Reasons for Decision

The Structural Changes will impact upon the Council and all its priorities. Working across boundaries/ Delivering a balanced community/ A fairer South Lakeland/ Addressing the climate emergency.

Alternative Options Considered and Rejected

There are no alternative options recommended.

CEX/67**CORPORATE FINANCIAL UPDATE Q2 2021-22****Summary**

The Deputy Leader and Finance and Assets Portfolio Holder presented the Corporate Financial Monitoring report for Quarter Two of 2021/22. The report included an update on the Capital Programme at Appendix 2, with Table 3 of the report, being a summary of capital programme and expenditure.

In presenting the report in detail, the Deputy Leader and Finance and Assets Portfolio Holder informed Members that currently the best estimate of additional costs and loss of income from Covid-19 for 2021/22 are £377k, further work is being undertaken to firm up these estimates. While this currently suggests a saving against the contingency budget of £320k, it is too early to declare this as the situation continues to develop and with winter still to come this could change. For business as usual activities, there is a projected overspend of £95k which is reasonable and modest at this time of year. There is an overspend on employee costs due to the need to use agency staff in critical posts where there have been extreme recruitment problems.

The Deputy Leader and Finance and Assets Portfolio Holder highlighted a request to transfer funds from the NNDR pool reserves, of £144,000 which would be used to fund salary costs for Economic Development and Culture Specialists to free up funding in other areas of the Council. He added that with this transfer from reserves, the full year forecast would become an underspend of £49,000.

Members raised a query regarding what the capital underspend would be. The Deputy Leader and Finance and Assets Portfolio Holder advised that the current capital expenditure was at £3.317 million, further expenditure was still expected and added that a further update would be provided at the December 2021 Cabinet meeting.

Following a question regarding the impact of Local Government Reorganisation on the reserve funds, the Deputy Leader and Finance and Assets Portfolio Holder advised that in principal, all debts and assets would be transferred to the new authority.

In response to a question regarding the use of electric vehicles, the Finance Lead Specialist (Section 151 Officer) informed Members that the fuel type is not specified in vehicle procurements but that suppliers of alternatives to diesel vehicles were not submitting bids. As a result the majority of the Council's vehicles were diesel but two new property service vehicles were hybrid and had been leased in the expectation that electric vehicles would be available when the leases expired. In addition, the Customer and Locality Services Portfolio Holder informed Members that alongside the Climate Action and Biodiversity Portfolio Holder, he had attended an exhibition of electric vehicles recently.

Decision**RESOLVED – That**

(1) the content of the report and appendices 1-3 be noted; and

(2) the use of the NNDR Pool Reserve be recommended to Council for approval, as set out in paragraph 3.1.2.

Reasons for Decision

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

Alternative Options Considered and Rejected

There are no alternative options for Appendices 1-3.

CEX/68**CONSULTATION RESPONSE TO ALLITHWAITE AND CARTMEL PRE-SUBMISSION DRAFT NEIGHBOURHOOD PLAN****Summary**

The Housing Portfolio Holder presented a report detailing the consultation response to Allithwaite and Cartmel Pre-Submission Draft Neighbourhood Plan. The report set out the proposed response to Allithwaite and Cartmel Parish Council's Pre-Submission Draft Neighbourhood Plan and was aimed at assisting the Parish Council in making any final amendments to the Neighbourhood Plan to enable progression towards the final stages of preparing the Neighbourhood Plan.

The Housing Portfolio Holder added that there was a good collaborative partnership at the meeting she had attended and thanked officers for their hard work on the Pre-Submission Draft Neighbourhood Plan.

It was recommended that further discussion around the Parish's proposal to include principal residency be discussed at the 25 November meeting.

Decisions**RESOLVED – That**

(1) the proposed response in Appendix 1 (subject to any necessary changes) for submission to the Allithwaite and Cartmel Parish Council be approved; and

(2) authority be delegated to the Director of Strategy, Innovation and Resources to make any considered necessary by Cabinet.

Reasons for Decision

The Draft Plan includes measures to support connectivity to facilities and services, requiring digital infrastructure connectivity in new development, supports new and enhanced community facilities and supports new affordable housing and other forms of housing in the Parish (though restricted in terms of occupancy).

The Draft Plan supports new development that is sustainable, energy efficient with emphasis on renewable energy, addresses flood risk, supports incorporation and enhancement of green infrastructure and biodiversity, requires high quality design and supports walking and cycling connections and enhancement of existing networks.

Alternative Options Considered and Rejected

The alternative option is to not approve the proposed response. This would mean that the draft response submitted would have to be withdrawn and the Council would lose the opportunity to comment on the Plan at this crucial stage at which the Plan can still be influenced before it is formally submitted to the Council for Publication under Regulation 16 (see paragraph 3.4). It is recommended that the draft response is approved, or approved subject to amendments, in order to make best use of this important opportunity to shape the Plan before it is submitted.

CEX/69 AFFORDABLE HOUSING DELIVERY OPTIONS

Summary

The Housing Portfolio Holder presented a report on Affordable Housing Delivery Options. The proposal set out in the report meant that funds may be used to increase the delivery of affordable housing in the District as well as ensuring that new homes are energy efficient. The proposal aimed to enable potential land acquisition and grant funding to Registered Providers with deliverable schemes, subject to further investigations outlined within the report in paragraph 3.0. She added that the proposal was in principle, as there was still a great deal of work to be completed.

The Leader and Promoting South Lakeland and Innovation Portfolio Holder informed Members that there was provision in the budget for this proposal and in referencing a query from Members earlier in the meeting regarding the impact of LGR on reserve funds, added that it was crucial that the delivery of affordable housing remained a priority.

During discussion on the item, the Principal Specialist (People) responded to a question on how the current agreement on funds being allocated for housing in South Lakeland would be treated following LGR. She informed Members that there would be specific guidance and criteria to follow and that the authority would need to review the treatment of receipts from preserved right to buy through further discussions with the Department for Levelling Up Housing and Communities (DLUHC).

The Deputy Leader and Finance and Assets Portfolio Holder added that the Council's current approved use of the Right to Buy reserve was restrictive and the changes sought would better allow investment in affordable housing and that the area had a desperate need for affordable housing which should be supported.

Decision

RESOLVED – That

- (1) subject to Council approval, the change of policy from the provision of loans to the provision of affordable housing grants for Registered Providers, for a Right to Buy Replacement scheme subject to further investigations as detailed in 3.3 of the report be approved in principle;***

- (2) the change of use from the provision of loans to include the acquisition of land for the delivery of affordable housing subject to further investigations as detailed in 3.3 of this report, be approved in principle;***
- (3) a further report be brought back to Cabinet at a future meeting, to clarify the outcome of the further investigations and to agree any delegations required; and***
- (4) Council be requested to update the Capital Programme to reflect the change in use of the RTB capital receipt as asset out in this report subject to further investigations outlined in 3.3 of this report.***

Reasons for Decision

The proposal will seek to assist the Council in the delivery of more affordable homes through the use of the Right to Buy replacement scheme monies.

Delivery of affordable homes will seek to contribute towards the Council's Housing and communities target to deliver 320 homes every year across the District.

The proposal will seek to assist in meeting Housing and communities targets to deliver 477 affordable homes for rent and 588 affordable homes to buy between 2020 to 2025.

The proposal provides the potential for energy efficient new affordable homes.

Alternative Options Considered and Rejected

Members could decide to not pursue any proposals for use of the Right to Buy Replacement Fund at this time, however, this is not recommended as the opportunity to use these funds to meet the needs in South Lakeland could be lost.

CEX/70 URGENT ITEMS

There were no Urgent Items to be considered by the meeting.

CEX/71 PRESS AND PUBLIC

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

CEX/72 A590 CROSS A MOOR JUNCTION IMPROVEMENT

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

Summary

The Finance and Assets Portfolio Holder presented a report which sought approval to enable the Council to enter into the funding agreements with Cumbria County Council and the Highways Act s274 agreement with National Highways which together with the Growth Deal Funding Agreement completed in March 2021 would allow for the delivery of the scheme.

Members discussed the item in detail and expressed their thanks to Officers for their hard work on the project.

Decision

RESOLVED – That subject to full Council’s approval of the repurposing of the Cross a Moor contingency reserve:-

- (1) the legal and financial advice contained in the report be received;***
- (2) it be noted that the agreements listed at (3)(a) to (c) are subject to final agreement;***
- (3) authority be delegated to the Director of Strategy, Innovation and Resources, in consultation with the Finance Lead Specialist (Section 151 Officer), Legal, Governance and Democracy Lead Specialist (Monitoring Officer), and the Leader of the Council, to agree any further amendments (within the budget and policy framework and the overall risk envelope), and to approve the entering into of the following agreements (as more fully described in the report):***
 - (a) the Forward Funding Agreement with Cumbria County Council;***
 - (b) the Underwriting Agreement with Cumbria County Council; and***
 - (c) the Highways Act 1980 section 274 Agreement with National Highways.***
- (4) The signing of the agreements referenced in recommendations 3(a) to (c) inclusive be delegated to the Legal, Governance and Democracy Lead Specialist (Monitoring Officer).***

Reasons for Decision

Partnering with local and national bodies to deliver strategic transport infrastructure for the Morecambe Bay area, enabling future economic growth.

Unlocking the delivery of over 1,000 homes in south Ulverston on sites allocated in the adopted Local Plan, providing a balanced housing market to meet local needs.

Improving connectivity in the district and access to affordable homes and job opportunities.

Will help to reduce congestion and provide a new wetland area to ease flooding in Swarthmoor. Works will also include a new pedestrian footpath and improved biodiversity from planting a variety of species including native hedgerow.

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 be completed. 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).

CEX/73

JUDICIAL REVIEW - LOCAL GOVERNMENT REORGANISATION

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

Note – at this stage in the proceedings, Councillor Roger Bingham declared an interest for transparency due to the fact that he was also a Councillor for Cumbria County Council. He left the room before the item was considered for the remainder of the meeting.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) provided a verbal update regarding the Judicial Review against the Secretary of State, submitted by Cumbria County Council.

The meeting ended at 10.53 a.m.