

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Tuesday, 1 November 2022, 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
Eamonn Hennessy	Customer and Locality Services Portfolio Holder
Andrew Jarvis	Deputy Leader & Finance and Assets Portfolio Holder
Dyan Jones	Climate Action and Biodiversity Portfolio Holder

Apologies for absence were received from Councillors 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)), Helen Irving (Shadow Cabinet (Health, Wellbeing and Poverty Alleviation 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)).

Officers

Lawrence Conway	Chief Executive
Julia Krier	Legal, Governance and Democracy Senior Specialist (Deputy Monitoring Officer)
Ruth Leahy	Project Officer, Economic Development
Richard Machin	Communications Specialist
Simon McVey	Director of Strategy, Innovation and Resources
Adam Moffatt	Legal, Governance and Democracy Specialist
Simon Rowley	Director of Customer and Commercial Services
Paul Scullion	Acting Operational Lead for Asset and Commercial Services
Helen Smith	Finance Lead Specialist (Section 151 Officer)
Danielle Walls	Legal, Governance and Democracy Specialist (Solicitor)

CEX/48 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 31 August 2022.

CEX/49 DELEGATED 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 Delegated Executive Decisions made on 6 October 2022.

CEX/50 DECLARATIONS OF INTEREST AND DISPENSATIONS

No declarations of interest were raised under this item.

CEX/51 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

There were no excluded items on the agenda.

CEX/52 PUBLIC PARTICIPATION

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

CEX/53 FORWARD PLAN

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

RESOLVED – That the contents of the Forward Plan published on 11 October 2022, be noted.

CEX/54 GRANGE-OVER-SANDS LIDO AND PROMENADE**Summary**

Note – Following consultation with Chairman of the Council under the Overview and Scrutiny Procedure Rules set out in Part 4 of the Constitution (Call-in and Urgency, (j)), Call-in had been waived for this decision. The Chairman of the Council gave consent that the proposed decision was reasonable in all the circumstances and to it being treated as a matter of urgency.

The Leader and Promoting South Lakeland and Innovation Portfolio Holder presented a report on the Grange-over-Sands Lido and Promenade. He outlined the Council's plans to open the Lido site to the general public for the first time in 30 years and noted the importance of the site as a heritage asset.

The report provided a summary of the history of the site and highlighted the recent decisions to open the site up to the public and improve the promenade, which had been considered by Cabinet in March 2021 as well as by the Planning Committee (SL/2019/0803, SL/2019/0804 and SL/2020/0103). Members' attention was drawn to the rationale for intervention and delivery of the full scheme, which was driven by the rapidly deteriorating structural elements at the Lido. It was noted that there was a risk of structural failure and potential heritage enforcement action if the Lido site was not repaired.

The report set out the recommendation for the site, Option 1, which had project costs at an estimated £6.8 million (Undertaking the full scheme to the promenade, playground

and lido as set out in section 3.6.2 of the report). The alternative, Option 2 was also presented to members (Undertaking the promenade works in their entirety including playground with only essential fabric repairs undertaken to the Lido site as set out in section 6.3 of the report), which had project costs of £4.35 million.

The Leader and Promoting South Lakeland and Innovation Portfolio Holder highlighted the project shortfall, which was £1,793,800 and informed Members that the proposal was to fund the shortfall through CIL contribution and the NNDR Pool reserve. He added that due to the unstable economic conditions there was a risk of increased costs if the project was delayed.

In proposing the recommendations as set out in the report, the Leader and Promoting South Lakeland and Innovation Portfolio Holder thanked officers for the detailed report.

Members raised a query regarding the tender process and the timescales involved as well as the potential of increased costs. The Acting Operational Lead for Asset and Commercial Services informed Members that the Council had worked with a Quantity Surveyor to prepare a Bill of Quantities and therefore had a firm idea of the costs involved in the project. He noted that in order to comply with current procurement regulations, the Council had to go out to tender and that this would be a two stage process.

In response to a question on the historic items on the Lido site, the Acting Operational Lead for Asset and Commercial Services informed Members that the planning permissions had a condition that required an inventory of all historic items.

In response to a query on the future Westmorland and Furness decision, the Leader and Promoting South Lakeland and Innovation Portfolio Holder informed Members that that the Council could not fetter the Westmorland and Furness decision but added that Members would be informed following the Westmorland and Furness decision.

Following a question on the link between the Grange Lido and Promenade project and Ulverston Leisure Centre, the Leader and Promoting South Lakeland and Innovation Portfolio Holder stated that these were two separate projects with separate funding streams.

In response to the same question, the Finance and Assets Portfolio Holder added that South Lakeland District Council had been clear that the timescales for the Ulverston Leisure Centre had meant that this would be a future Westmorland and Furness decision.

Following a request from Members the Acting Operational Lead for Asset and Commercial Services undertook to provide a critical time line of the procurement process to members.

In seconding the proposal the Economy, Culture and Leisure Portfolio Holder noted that the Grange-over-Sands Lido and Promenade were a major asset and projects like this would assist in attracting a young professional work force to the area.

Decision**RESOLVED – That**

- (a) ***the Scheme to repair and refurbish the Lido and Promenade in Grange-over-Sands, taking into account the amended costs and requirements be agreed;***
- (i) ***Council be requested to approve and to recommend to the Westmorland and Furness Shadow Authority that additional funding of £1,793,800 for the scheme be included in the capital programme 2022/23; and***
 - (ii) ***the Director of Strategy and Innovation, in consultation with the Lead Specialist for Strategy, the Finance Lead Specialist (Section 151 Officer) and the relevant Portfolio Holders be granted delegated authority to approve the CIL Contribution.***
- (b) ***the Director of Customer and Commercial Services, in consultation with the Portfolio Holder, Procurement Specialist, Asset and Commercial Manager, Finance Lead Specialist (Section 151 Officer) and the Legal, Governance and Democracy Senior Specialist (Deputy Monitoring Officer be granted delegated authority to:-***
- (i) ***undertake a revised procurement process for delivery of the full scheme within the revised budget at a(i) above, in respect of which Call-In of this decision by Overview and Scrutiny is removed for reasons of urgency;***
 - (ii) ***award a contract for delivery of the scheme, subject to approval of the amended capital programme;***
 - (iii) ***procure and delivery works, as necessary, to satisfy the pre-commencement conditions to the planning permission (ref. SL/2019/0803) and SL/2019/0804); and***
 - (iv) ***to appoint such other consultants as the Director considers may be required to progress the scheme.***

Reasons for Decision

Working across boundaries – South Lakeland is: delivering sustainable economic growth in the north of England with exceptional quality of life; working across the Bay to secure investment and high value jobs; attracting funding and working with partners to deliver critical infrastructure; promoting unique value propositions.

Delivering a balanced community – South Lakeland is: working to encourage young people to stay and encourage those who have left to return; ensuring that our towns provide the lifestyle including leisure, cultural and recreational opportunities to attract young people and ‘wealth creators’; unlocking development sites and enabling local businesses to grow; using culture and arts to support the unique offer of our towns; using our distinct environment to create opportunities for all; working with communities to reduce isolation and loneliness and providing the best possible quality of life for all ages.

A fairer South Lakeland – South Lakeland is: seeking to strengthen its domestic tourism offer; commissioning services through the third sector to ensure quality services; and ensuring everyone has access to the same opportunities, life chances potential to lead safe, healthy, happy and fulfilled lives.

Addressing the climate emergency – South Lakeland is: ensuring that new development is sustainable, energy efficient, flood resilient and enhances biodiversity; pursuing opportunities to develop renewable energy; enhancing the district's green infrastructure; promoting active travel including cycling and walking. SLDC has a long-standing vision of making 'South Lakeland the best place to live work and explore'. Central to this is place making, whereby local community assets act as catalysts for creating public spaces that are integral to resident's health, wellbeing and happiness, strengthening the connection between the people and the place.

Alternative Options

Officers are eager to emphasise that at this time, there is no 'do nothing' option due to the severe deterioration on site at the Lido, along the Promenade and on the playground area. This has therefore not been presented as it is not a realistic option worth considering - interventions are essential and must go ahead. Therefore, the minimum investment that the Council could progress with is detailed in Option 2, which is costed at £4.3million.

The difference between Option 1 and Option 2 of £2,450,000, while significant, will secure the £1m Coastal Communities Funding, as well as bring the Lido site back in to functional use, that is, make it accessible to the public for the first time in 30 years. Option 2 would still have the site hoarded off to public, and would require significant investment from the Council at a later date (with BCIS added cost increases) or a third party before they could occupy the site and open it up to the public. The Lido and Promenade works will act as a catalyst for economic and coastal regeneration of the town and South Lakeland, and the additional investment should therefore be viewed in this light.

Officers are therefore recommending Option 1, and are not recommending Option 2.

CEX/55

LANCASTER CANAL REGENERATION PARTNERSHIP: FINANCIAL CONTRIBUTION TOWARDS TOWPATH TRAIL

Summary

The Economy, Culture and Leisure Portfolio Holder presented a report on the Lancaster Canal Regeneration Partnership (LCRP): Financial Contribution towards Towpath Trail.

The report set out the variation to the Council's funding contribution, which was aimed at securing match funding to continue the Towpath Trail surface upgrades, forming part of the wider improvement and enhancement of the Towpath. Members' attention was drawn to the request from LCRP for SLDCs' contribution to focus on the Stainton to Crooklands section of the canal, rather than the Kendal to Natland section as previously agreed.

In proposing the recommendations as set out in the report, the Economy, Culture and Leisure Portfolio Holder highlighted the opportunity to develop an active travel route way.

Members expressed support for the proposals to enhance the Towpath, as it was a well-used and important part of local history and felt that the improvements would benefit residents' health and wellbeing.

Decision

RESOLVED – That

- (1) the variation of the £120,000 Towpath Trail financial contribution to improvements along the wider canal route within the South Lakeland district boundary be approved;**
- (2) the Community Infrastructure Levy (CIL) financial contribution of £80,000 towards the Towpath Trail be approved; and**
- (3) a grant agreement be entered into with the Canal and River Trust to distribute the allocated £200,000 funding and for this to be delegated to the Director of Customer and Commercial Services in consultation with the Monitoring Officer and the Economy, Culture and Leisure Portfolio Holder.**

Reasons for Decision

The decision links to the following Council Plan Priorities:-

Working across boundaries – South Lakeland is delivering sustainable economic growth in the north of England with exceptional quality of life. The Council is intervening to deliver strategic development sites within its communities and working with partners to deliver critical infrastructure. The Council is working to attract funding to deliver this critical infrastructure and promote unique value propositions. The Towpath Trail proposes an enhanced leisure route for walking, low mobility and cycling that would link Kendal to rural communities including Natland, Sedgwick, Stainton, Hincaster, Crooklands, Holme and Burton-in-Kendal southwards to north Lancashire villages, Lancaster and eventually on to Preston where the Lancaster Canal ends.

Delivering a balanced community – the proposed enhancements will increase opportunities for people of all ages and abilities, including young people and the elderly, to access leisure amenities and services by means other than motorised transport.

A fairer South Lakeland – improved cycling and walking routes will promote health, wellbeing and help tackle poverty by providing healthy and lower cost alternative ways to access amenities, services and for recreation purposes.

Addressing the climate emergency – the proposed enhancements will facilitate more journeys on foot or by bike, and therefore reduce reliance on carbon-producing transport.

Alternative Options

That Cabinet does not support the ambitions of the LCRP and the Towpath Trail, and that a financial contribution is not made towards the proposed enhancements. This is not the recommended option as this is an important leisure project across South Cumbria and North Lancashire with health and wellbeing, active travel, rural connectivity and heritage central to its ambitions.

That Cabinet does not agree to the slight variation of the funding to a wider section of the canal towpath and instead remain committed to achieve the original ambitions of the Kendal-Natland section. This is not the recommended option as part of this section has now been upgraded, and it would miss the opportunity to secure match funding from partner organisations for the section further south in the Crooklands area, and deny this section of towpath the upgrades it desperately needs to improve accessibility of the trail.

That Cabinet do not agree to the CIL contribution. This is not the recommended option as it will put the project deliverability at risk and will miss the opportunity to secure match funding and deliver strategic green infrastructure in line with the CIL important priorities and projects.

That Cabinet wait for LCRP to complete their governance review with the possibility of granting the financial contribution directly with the LCRP. This is not the recommended option, as the governance review is not seeking to shift LCRP towards a capital delivery organisation equipped at delivering surface improvements on third party land. It should also be mentioned that, even if the governance review were completed at this time, it would still be the recommendation that funding is granted directly to Canal and River Trust as a strategic LCRP partner and the landowner in question for the stretch of Canal in the Crooklands vicinity that is the subject of this Cabinet report.

The meeting ended at 10.54 a.m.