

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 18 January 2023, at 10.00 a.m.

Present

Councillors

Andrew Jarvis – Deputy Leader and Finance and Assets Portfolio Holder
(Vice-Chair in the Chair)

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
Suzie Pye	Health, Wellbeing and Poverty Alleviation Portfolio Holder

Apologies for absence were received from Councillors Jonathan Brook (Leader and Promoting South Lakeland and Innovation Portfolio Holder)

Also in attendance at the meeting were Shadow Executive Members: Pat Bell (Shadow Cabinet (Housing 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 Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)).

Officers

Simon Blyth	Strategy Specialist
Lawrence Conway	Chief Executive
Phil Hunter	Estates Surveyor - Delivery and Commercial Services
Julia Krier	Legal, Governance and Democracy Senior Specialist (Monitoring Officer)
Damian Law	Strategy Specialist
Jane McKeon	Case Management Officer (Support Services)
Simon McVey	Director of Strategy, Innovation and Resources
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)

CEX/74 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 7 December 2022.

CEX/75 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 15 December 2022.

CEX/76 DECLARATIONS OF INTEREST AND DISPENSATIONS

No declarations of interest were raised under this item.

CEX/77 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That if required, discussion regarding the items in Part II on the agenda be dealt with the following exclusion of the press and public.

CEX/78 PUBLIC PARTICIPATION

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

CEX/79 FORWARD PLAN

RESOLVED – That the contents of the Forward Plan published on 10 January 2023 be noted.

CEX/80 LOCALLY IMPORTANT PROJECTS AND ALLOCATIONS

The Portfolio Holder for Finance and Assets presented the report for consideration in the Chairman's absence. The report was to consider the allocation of the remaining unspent and unallocated Locally Important Projects (LIPS) budget, to benefit local communities by supporting important grassroots projects.

The Portfolio Holder for Finance and Assets referenced the funding provided to investment in the South Lakes area for the last ten years, including the LIPs programme. He highlighted section 3.3 of the report which set out the 2013 Cabinet criteria for the LIPs evaluation. To date there had been seven funding rounds for LIPs to which parishes, County Councils, community organisations and charities were all eligible to apply. Due to the Covid pandemic the last round of LIPs grants were awarded in 2019. Currently, £61,500 of funding remains available within this financial year. Due to Local Government Reorganisation and additional workload, the Portfolio Holder for Finance and Assets confirmed that Officers had undertaken a light touch assessment with Portfolio Holders. The results of this assessment had led to the proposals for the remaining funding to be devoted to four key areas: contributions to two parish councils for public conveniences to help them to continue to be viable; an award of £3,900 to Hawkshead Parish Council in order to complete the Town Squares enhancement project; an allocation of £15,000 in total to Cumbria Action for Sustainability (CAfS) to assist with their work achieving a net zero carbon South Lakeland; and a grant to Kendal Civic Society for a project at Nobles Rest.

The Portfolio Holder for Finance and Assets stated that Members should be proud of the Council's LIPs scheme through which more than one hundred organisations had been supported in making improvements for communities through LIPs grant payments totalling more than £1.2m. The Council has supported a wide variety of local projects right across local districts, diverse projects were referenced such as local football pitches, new footpaths, playground improvements, and studies to assist with alleviating village traffic congestion. The Portfolio Holder for Finance and Assets was happy to propose the recommendations as set out at section 2.1.

Councillor Jones thanked Officers for their hard work and praised their collaborative working and innovation. In particular their work with Cumbria Action for Sustainability was highlighted in efforts to promote more green community action. Councillor Jones stated that she looked forward to seeing more community action groups being formed in the future.

Councillor Jenkinson asked whether there would be an opportunity for the new Westmorland and Furness Council to take forward a similar initiative to the LIPs grant scheme. The Portfolio Holder for Finance and Assets confirmed that Councillor Jenkinson's question would be a matter for the new Council.

Decision

RESOLVED – That

(1)£8,000 for the upgrade of Milnthorpe Public Conveniences and £2,600 for Grange Public Conveniences be approved;

(2)an additional £3,900 (supplementing their original successful £20,000 LIPs bid) be approved for Hawkshead Parish Council for their Town Squares project in order to commence the works;

(3) the transfer of the remaining £13,875 to Cumbria Action for Sustainability (CAfS) be approved to supplement their Community Climate Grants Fund and a payment of £1,125 be made to CAfS to cover their administration of the funding; and

(4) the remaining £12,000 be approved for allocation to Kendal Civic Society for an enhancement project in Nobles Rest Park.

Alternative Options

An option was considered to run a further LIPs round internally, however the limited funding available and the lack of officer capacity ruled this out.

Reasons for Decision

The decision links to the following Council Plan Priorities:-

- A fairer South Lakeland – commissioning services through the third sector
- Addressing the climate emergency – working with partners to deliver energy saving and energy efficiency initiatives, pursuing opportunities to develop renewable energy, promoting environmental technologies and the green economy, achieving net zero carbon emissions by 2037

CEX/81

SUBMISSION OF ALLITHWAITE AND CARTMEL NEIGHBOURHOOD PLAN AND PROGRESSION TO EXAMINATION, REFERENDUM AND ADOPTION

Summary

The Housing Portfolio Holder introduced a report on the Submission of Allithwaite and Cartmel Neighbourhood Plan and the progression to Examination, Referendum and Adoption. The report set out the aim for the Neighbourhood Plan, to enable the community to play a greater role in the development of their area.

The Housing Portfolio Holder thanked Officers for their extensive work and professional collaboration on this matter since 2014. She highlighted that work on the Neighbourhood Plan had been a very collaborative process with the Steering Group and Parish Council. The Housing Portfolio Holder praised the report for demonstrating detailed knowledge and understanding of the areas represented. The Housing Portfolio Holder highlighted the key objectives targeted, affordable homes for local people, connectivity, footpaths and cycle ways. The result was a Neighbourhood Plan that meets the needs of local residents and enables the visitor economy and businesses to thrive.

Key areas of innovation within the submission were discussed such as protecting views, green spaces, active travel, darker skies, green infrastructure and improving biodiversity consistent with Council's climate emergency and biodiversity declarations. The Housing Portfolio Holder drew attention to the objective to ensure the proportion of permanent dwellings to holiday homes remains at a level that supports a sustainable local community. Meeting the housing needs of the local community was a priority in bringing greater balance and mixture to the local housing market and creating new opportunity for people to live and work locally. The Housing Portfolio Holder thanked all the stakeholder groups and the community for participating in consultation. Praise was given to a relatively small community determined to have a greater say in what happens in their locality.

The Housing Portfolio Holder recommended that Cabinet approve the recommendations as listed.

Councillor Bingham commended the thorough report. He was pleased that the sustainable health, housing and needs of local communities was a priority.

The Finance and Assets Portfolio Holder highlighted the section within the report that referenced permanent residence rather than local occupancy. Encouraging people to return to the area was acknowledged as an important issue and one that had been raised by the Town Council also. The Chairman thought it a good idea to promote this in other areas.

Decision

RESOLVED – That

- (1) the publicising of the submitted Allithwaite and Cartmel Neighbourhood Plan be approved to invite representations be approved; and**
- (2) the Director of Strategy, Innovation and Resources be authorised to:-**

- (a) approve the Neighbourhood Plan to proceed to Examination (subject to no substantive issues arising from the consultation);**
- (b) approve the Neighbourhood Plan to proceed to Referendum (subject to successful Examination); and**
- (c) 'make' (adopt) the Neighbourhood Plan to proceed to Referendum (subject to the referendum resulting in a 'Yes' vote).**

Alternative Options

Once a Neighbourhood Plan is submitted, the Neighbourhood Planning (General) Regulations 2012 require a Local Planning Authority to publicise the Plan for representations to be made unless the submitted Plan constitutes a repeat proposal as defined in the 1990 Act. The proposal for Allithwaite and Cartmel Neighbourhood Plan does not represent a repeat proposal.

After the requirement to publicise the Plan for representations has been undertaken and any non-substantive changes made to the Plan, the next steps in the process, guided by legislation, are to undertake Examination and then a Referendum if the Examination is successful, followed by 'making' the Plan (adoption) if the Referendum results in a 'Yes' vote from the community.

One alternative would be to reject the proposal to authorise the Director of Strategy, Innovation, and Resources to approve progress to next steps subject to each stage completing successfully and instead require separate reports to be brought before Cabinet for approval at each stage. This would cause significant delays in progressing the Allithwaite and Cartmel Neighbourhood Plan to completion in a timely fashion.

A further alternative would be to reject the proposal to take these steps altogether and cease to progress the Plan through these final stages. However, the District Council would be expected to demonstrate exceptional justification if they were to choose this course of action. The Council designated Allithwaite and Cartmel Parish as a Neighbourhood Area and has worked with and supported the Neighbourhood Plan Steering Group through the process of preparing the Plan. There is also continued strong Government encouragement for Neighbourhood Planning.

Reasons for Decision

The decision links to the following Council Plan Priorities:-

- Delivering a balanced community – The submitted Neighbourhood Plan includes planning policies to support connectivity to facilities and services, provision of digital infrastructure connectivity and supports affordable housing and other forms of housing in the Parish.
- Addressing the climate emergency – The submitted Neighbourhood Plan includes planning policies that support new development that is sustainable, energy efficient with emphasis on renewable energy, addresses flood risk, supports the incorporation and enhancement of green infrastructure and biodiversity, requires high quality design, minimises light pollution, protects local valued green spaces and supports walking and cycling connections and enhancement of existing networks.

CEX/82 TRANSFER OF MARKET CROSS MONUMENT, KIRKBY LONSDALE**Summary**

The Finance and Assets Portfolio Holder presented the report and asked Cabinet to approve the transfer by lease of the Market Cross Monument in Kirkby Lonsdale to the Kirkby Lonsdale Town Council. The report set out the aim to enter into a long term lease with Kirkby Lonsdale Town Council (KLTC) on terms which were to be agreed with KLTC as set out in the Part II Appendix 2 to the report. The proposals aimed to reduce maintenance liability and increase access and use of the monument for KLTC. The Finance and Assets Portfolio Holder noted that anything that KLTC may use the Monument for would be temporary, and any alterations would be reversible. Furthermore he acknowledged the potential for the Monument to be a venue for a variety of activities of public benefit.

It was proposed that SLDC negotiate and enter a 99 year lease with Kirkby Lonsdale Town Council on the basis of the attached draft Heads of Terms to the report. The draft terms propose that the lease is granted upon terms and at a rent which acknowledge the proposed restrictions on commercial activities and repair liability.

Members praised Officers past and present for their hard work and expressed satisfaction that this matter had been addressed. Members noted the potential of the monument, its many uses and for its role in the town centre as an important focal point.

Decision**RESOLVED – That**

- (1) authority be delegated to the Director of Customer and Commercial Services to negotiate terms for a 99 year lease for the Market Cross Monument with Kirkby Lonsdale Town Council in consultation with the Monitoring Officer and Section 151 Officer; and**
- (2) authority be delegated to the Monitoring Officer to enter into an appropriate 99 year lease with Kirkby Lonsdale Town Council (KLTC) on the terms agreed with KLTC, as outlined in the draft heads of terms attached at Appendix 2, subject to such further amendments as are required in order to protect the Council's position.**

Alternative Options

An alternative option would be for the Council to continue with this asset as part of their portfolio and continue to maintain it into the future not allowing KLTC best and most efficient use of the asset.

Reasons for Decision

The decision links to the Council Plan Priority of Delivering a balanced community – For the economy and culture, work with our communities to use and maintain our heritage assets.

The meeting ended at 10.24 a.m.