

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 11 September 2019, 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
Andrew Jarvis	Finance and Resources Portfolio Holder
Dyan Jones	Climate Emergency and Localism Portfolio Holder
Eric Morrell	Customer and Commercial Services and People Portfolio Holder
Suzie Pye	Health, Wellbeing and Financial Resilience Portfolio Holder

Also in attendance at the meeting were Shadow Executive Members Tom Harvey (Shadow Cabinet Leader (Climate Emergency and Localism Portfolio)), John Holmes (Shadow Cabinet Deputy Leader (Finance and Resources)), Helen Irving (Shadow Cabinet (Customer and Commercial Services and People Portfolio)), Janette Jenkinson (Shadow Cabinet (Health, Wellbeing and Financial Resilience Portfolio)) and Kevin Lancaster (Shadow Cabinet (Housing and Innovation Portfolio)).

Apologies for absence were received from Shadow Executive Members James Airey (Shadow Cabinet (Promoting South Lakeland Portfolio)), Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)) and Mark Wilson (Leader of the Labour Group).

Officers

Inge Booth	Legal, Governance and Democracy Specialist
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Dan Hudson	Strategy Lead Specialist
Alastair McNeill	Senior Specialist (Strategy Group)
Claire Read	Finance Specialist
Fraser Robertson	Communications Specialist
Helen Smith	Finance Lead Specialist (Section 151 Officer)
David Sykes	Director of Strategy, Innovation and Resources

CEX/36 CABINET EXECUTIVE DECISIONS

RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 17 July 2019.

CEX/37 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that Councillors Robin Ashcroft and John Holmes declared interests in Minutes Nos. CEX/50 and CEX/43 respectively.

CEX/38 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

Prior to the meeting, Members had been provided with copies of the Part II Appendix 1 to the report in relation to Agenda Item No.1 (The Square Public Realm Improvement Scheme, Burton-in-Kendal) (see Minutes Nos. CEX/45, CEX/47 and CEX/49 below).

RESOLVED – That, should discussion be necessary, the appendix in Part II of the agenda be dealt with following the exclusion of the press and public.

CEX/39 PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions have been received in respect of this meeting.

CEX/40 FORWARD PLAN

RESOLVED – That the contents of the Forward Plan published on 13 August 2019 be noted.

CEX/41 COUNCIL PLAN PERFORMANCE MONITORING QUARTER 1 2019/20**Summary**

The Leader and Promoting South Lakeland Portfolio Holder presented an update report on progress with the Council Plan 2019 for Quarter 1 of 2019/20. Monitoring the success of the Council Plan reported improvements and ensured that Council services addressed the needs of residents in an open and transparent way. The Council was committed to delivering high quality, cost effective services that met the needs of residents and improved quality of life. The performance management process helped the Council to demonstrate how well it was doing. The report also included the Council's Strategic Risk Register, risks mainly relating to matters out of the Council's control, with none on the spectrum of seriousness.

The Leader and Promoting South Lakeland Portfolio Holder informed Members that the report had also been considered by the Overview and Scrutiny Committee at its meeting on 16 August 2018. He further highlighted a number of areas within the report which demonstrated that the Council remained on track to deliver its targets, particularly around the provision of affordable housing to rent and work on bringing back empty homes into use, and in relation to anthropological climate change and reduction in carbon footprint. He felt that the Council had much to celebrate in terms of success. He thanked officers for their continued efforts during the Council's process of reorganisation. In closing, the Leader and Promoting South Lakeland Portfolio Holder stressed the need for the Council now to work on countering biodiversity loss.

Decision

RESOLVED – That the following be noted:-

- (1) the Summary of Performance as detailed in the report; and***
- (2) the detailed risks information contained within Appendix 1 to the report.***

Reasons for Decision

The report is directly linked to the Council Plan commitment to ensure that the Council is equipped to provide the best, most cost effective services. Details regarding performance monitoring are published in line with the Council's latest Performance Management Framework.

Alternative Options Considered and Rejected

None – the purpose of the report is to receive a performance update. Council must note successes, monitor progress and take action where appropriate.

CEX/42

CORPORATE FINANCIAL MONITORING QUARTER 1, 2019/20

Summary

The Finance and Resources Portfolio Holder presented the Corporate Financial Monitoring report for Quarter One of 2019/20, highlighting the Council's expenditure and income during the first three months of the financial year, but also including current projections of expenditure for the remainder of the year.

The report had also been considered by the Overview and Scrutiny Committee at its meeting on 16 August 2019.

The Finance and Resources Portfolio Holder referred to the Government announcement in the previous week of a one-year settlement for Local Government. The reform of local government funding had been delayed by 12 months to April 2021, which would have a significant impact on the Council's finances for 2020/21. Initial indications were that the temporary settlement would leave the Authority in a better financial position than that shown in the Medium Term Financial Plan presented to Council in July 2019. However, considerable uncertainty remained, and both Cabinet and Council would be kept informed.

The Finance and Resources Portfolio Holder, in closing, thanked the Finance Team for their work.

In response to a query regarding a perceived over-spend on Customer Connect, the Finance and Resources Portfolio Holder explained that the expenditure referred to related to one-off transitional costs for redundant staff retained for a period beyond 1 April in order to assist the Authority during change. At present, these costs were being kept within departmental budgets, although this was to be reviewed by the Finance Team. The Finance and Resources Portfolio Holder emphasised that this expenditure was not an over-spend on the Customer Connect Programme.

The Finance and Resources Portfolio Holder responded to a further query about outstanding debts relating to Lake Windermere, informing Members that these were being dealt with proactively and that bad debts were not taken lightly by the Authority. He explained, however, that the debts referred to were complex in nature and that considerable financial and legal work had to be carried out in order to resolve them. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) provided reassurance, indicating that a report was due to be presented to the October meeting of the Lake Administration Committee, including detailed information on individual debts and on action taken since the last meeting. In addition, she informed Members that Counsel's advice was being sought with regard to long-standing debts.

The Leader and Promoting South Lakeland Portfolio Holder took the opportunity to draw to Members' attention to list of projects shown within the Capital Programme as examples of what additional work could be carried out as a result of careful financial management. He mentioned, in particular, the work being carried out with local communities to improve play areas, highlighting Abbot Hall and Rayrigg Meadow as examples.

Decision

RESOLVED – That the contents of the report be noted.

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.

CEX/43

AFFORDABLE HOUSING GRANT - RAILWAY COTTAGES, NEWBY BRIDGE

Summary

The Deputy Leader and Housing and Innovation Portfolio Holder reported that South Lakes Housing was seeking an affordable housing grant of £282,000 to support the purchase and improvement of six homes at Railway Cottages, Newby Bridge. Subject to approval of the grant of an award and the required legal agreement being signed, South Lakes Housing would undertake to improve the homes to a decent standard. It was anticipated that the purchase of the homes would prevent homelessness of potentially very vulnerable tenants, providing suitable homes to a decent standard and improved security of tenure.

In presenting the report, the Deputy Leader and Housing and Innovation Portfolio Holder wished to point out that this case differed to that relating to Yewbarrow Lodge in Grange-over-Sands, which was a sheltered housing unit in a unique location, with difficult access.

Shadow Executive Member, Councillor John Holmes, who was a Director on the Board of South Lakes Housing, explained that although the proposal would not add to the affordable housing offer within the area, consideration had to be given to the potential for the existing residents becoming homeless. He reported on the deplorable conditions of the houses in which vulnerable adults were living. He further drew attention to the fact that Homes England had given approval for grant funding. Councillor Holmes also referred to Yewbarrow Lodge. He explained that residents of Yewbarrow Lodge could be moved to similar accommodation in Windermere. He stressed that South Lake's Housing's paramount concern was with regard to the existing tenants of Yewbarrow Lodge. He advised that proceeds from a sale of the site would be put towards provision of affordable homes.

Note – At this point in the proceedings, Councillor John Holmes, having declared a non-pecuniary interest by virtue of the fact that he was a Director on the Board of South Lakes Housing, whilst having no voting rights as a Member of the Shadow Cabinet, left the Chamber for the discussion and voting on the item.

Members expressed full support for what was a good example of partnership working to improve housing stock within the area and thanking all involved.

Decision

RESOLVED – That approval be given for the award of an affordable housing grant of £282,000 to South Lakes Housing and the Director of Strategy, Innovation and Resources be delegated authority, in consultation with the Legal, Governance and Democracy Lead Specialist (Monitoring Officer), to conclude the necessary agreements for the grant funding.

Reasons for Decision

The preferred means of providing financial support is through a grant. The Council is developing a loan funding product to enable greater delivery of new build affordable homes by Registered Providers. For this particular instance of acquisition and refurbishment, it is considered that it best fits with the Council's affordable housing grants scheme.

To assist in the delivery of the Council Plan – Homes to Meet Need and target for 1,000 homes to rent by 2025.

Alternative Options Considered and Rejected

The Council could decide not to fund the acquisition of these units for affordable rent. However, this is not recommended as this is not in line with the Council's target for 1000 homes for affordable rent by 2025 and it is likely that the existing residents, many of whom are vulnerable, could be made homeless as a result of the properties being sold.

CEX/44

INTRODUCTION OF PUBLIC SPACE PROTECTION ORDER FOR TOWN AND PARISH COUNCILS

Summary

The Customer and Commercial Services and People Portfolio Holder presented a report seeking the introduction of a Public Space Protection Order (PSPO) on Parish and Town Council owned land and an amendment to an existing PSPO on South Lakeland District Council (SLDC) owned land to impose restrictions on the use of an area and/or those people using that area. The PSPOs would focus on the control of dogs. A consultation process had established that there was support to introduce a PSPO for dog control.

The Health, Wellbeing and Financial Resilience Portfolio Holder thanked Arnside, Duddon and Staveley-with-Ingns parish councils for their engagement.

Decision

RESOLVED – That the following be approved:-

(1) the introduction of a PSPO in defined areas on Town and Parish Council owned land for the following restrictions:-

- ***dogs on leads restriction at Arnside Cemetery;***
- ***dog exclusion restriction at Arnside Playing Field;***
- ***dogs on leads restriction at Wilson Park, Broughton-in-Furness; and***
- ***dog exclusion restriction at Staveley Playground; and***

(2) the amendment to the existing PSPO on the following SLDC owned land following community led improvements and the development of the Kendal Fell Management Plan:-

- ***dogs exclusion restriction location changed and enlarged at Lightburn Park and Rayrigg Meadow playgrounds as Appendix 4b and 4c;***
- ***dog exclusion restriction removed at Hayclose Road and Dogs on Lead restriction for a larger area introduced as Appendix 4a; and***
- ***fouling of land by dogs restriction, dogs on lead by direction restriction, maximum number of dogs walked (five) by an individual restriction, requiring means to pick up after a dog restriction to Kendal Fell including public accessible land owned by Kendal Golf Club as Appendix 3.***

Reasons for Decision

The introduction of a PSPO links directly to the Well Being and Environment elements of the Council Plan and delivers under Work across boundaries, Creating balanced communities, Sustainable environment.

Alternative Options Considered and Rejected

The alternative option would be to not introduce a new PSPO or amend the existing PSPO, however, the consultation responses have established that these restrictions are wanted and required. Therefore, not to introduce a new PSPO or amend the existing PSPO in place is not a recommended option.

CEX/45**THE SQUARE PUBLIC REALM IMPROVEMENT SCHEME, BURTON-IN-KENDAL****Summary**

The Economy, Culture and Leisure Portfolio Holder reported that the Burton-in-Kendal Partnership Scheme in Conservation Areas (PSiCA) was a three-year partnership scheme, jointly funded by Historic England, the District Council and Burton-in-Kendal Parish Council. It comprised a programme of grant-aided repairs to historic properties, public realm improvements to the Square and the preparation of a Village Design Statement (VDS). The VDS was intended to be adopted by the Council as a Supplementary Planning Document to guide the design of new development affecting the Conservation Area and its setting.

Cabinet had approved the Council entering into the scheme at its meeting on 21 March 2018 (CEX/121 (2017/18) refers) and had committed £35,000 per year to the Capital Programme for three years from the LIPs scheme. Burton-in-Kendal Parish Council had committed £5,000 per annum, and Historic England has committed £40,000 per annum to match the funding available from the District and Parish Councils. Additionally the Cabinet at its meeting on 31 October 2018 had committed £12,000 towards the initial project development phase of the scheme from the Cumbria Non-Domestic Rate Pool Income Reserve (CEX/49 2018/19 refers). The PSiCA scheme Delivery Plan had been approved by Historic England in March 2019 and was currently being implemented. When complete, the Scheme aimed to ensure that the Conservation Area was removed from Historic England's Heritage at Risk Register.

As part of the project development phase, the District Council had commissioned Crosby Granger Architects to prepare a detailed design for a public realm improvement scheme for the Square, including putting the scheme out to tender and managing the implementation of the contract. A final design had been prepared following extensive technical and community consultation. In particular the final scheme incorporated significant drainage improvements to alleviate local flooding problems following advice from Cumbria County Council as local lead flood authority and highway authority. It was proposed to commence work in October, or as early as possible, in part to reduce the annual risk of flooding to local properties over the winter period.

Note – Prior to the meeting, and subsequent to the completion of the tender evaluation exercise, Members had been provided with copies of the Part II Appendix 1 to the report (tender details) which was excluded from inspection by members of the public in accordance with Section 100 (B) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, and, in all the circumstances of the case, it was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing it. Copies of the document were excluded, as it contained information as described in Schedule 12A of the Act as follows:-

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

Note – At this point in the proceedings, Members voted to exclude the press and public in order to discuss the tender details contained within the Part II Appendix 1 to the report.

CEX/46 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.

CEX/47 THE SQUARE PUBLIC REALM IMPROVEMENT SCHEME, BURTON-IN-KENDAL

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

Discussion took place on the tender details contained within the Part II Appendix 1 to the report.

Note – Following this discussion, Members voted to re-admit the press and public.

CEX/48 RE-ADMISSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be re-admitted to the meeting.

CEX/49 THE SQUARE PUBLIC REALM IMPROVEMENT SCHEME, BURTON-IN-KENDAL**Decision****RESOLVED – That**

(1) subject to the delegated decision at (2) below, approval be given for the award of the contract to the successful tenderer as detailed within the Part II Appendix 1 to the report and authority be delegated to the Director of Customer and Commercial Services to enter into an agreement on behalf of the District Council with the successful tenderer; and

(2) the Economy, Culture and Leisure Portfolio Holder, the Housing and Innovation Portfolio Holder, the Finance Portfolio Holder and the Director of Customer and Commercial Services be delegated authority to approve any additional Council contribution required in accordance with the Council's Budget and Policy Framework.

Reasons for Decision

The public realm scheme for the Square in Burton-in-Kendal links closely to several Council priorities in the Council Plan, as set out below:-

Our vision and values

The scheme will contribute to:-

- Creating *an environment for people to thrive* at the heart of the village of Burton and encourage the repair and re-use of other buildings.
- *Empowering customers and communities*, as evidenced in the very close involvement in the scheme design by Parish Council representatives and local residents – and the impetus to explore further improvements after the PsiCA scheme concludes. (See paragraph 5.2 of the report.).
- Being a forward thinking, innovative, council.

Housing and communities

The Square enhancement scheme, together with the accompanying building repair grant scheme, will contribute in a modest but important way (in the context of the centre of Burton-in-Kendal) by promoting the repair and residential reuse of at least eight prominent, empty and or derelict properties in the centre of the village.

Economy and culture

The scheme will contribute to:-

- Attracting external funding and delivering critical infrastructure through the incorporation of a significant drainage improvement within the scheme and associated funding from DEFRA through the County Council.
- Using culture and built heritage to support our unique offer.
- Developing town (*and village*) centres which are attractive and accessible for living, working, culture and leisure.
- Working with local communities to improve, manage and promote accessible public realm.

Health and environment

The scheme contributes to this priority by:-

- Encouraging cycling and walking, through improved pedestrian surfaces and footways.
- Working with partners in the scheme design to mitigate the impact of major flood incidents.

Alternative Options Considered and Rejected

The need for a public realm improvement scheme forms a key element of the overall PSiCA programme for Burton-in-Kendal approved by Historic England, so possible alternative candidate sites for enhancement have not been considered. However the design of the scheme for the Square has gone through many iterations as a result of detailed consultation with local residents, Parish Council and Cumbria County Council.

While it does not comprise an alternative option, the consultation on the scheme for the Square, has raised the local community's awareness of the constraints and hazards for pedestrians of the busy main road through the village. This has resulted in the exploration by the Parish Council of potential funding from the Heritage Lottery Fund for a separate, later scheme for traffic calming and enhancement of the whole main street through the village.

CEX/50

CABINET APPOINTMENTS/REPRESENTATION ON OUTSIDE BODIES 2019/20

Note – Councillor Robin Ashcroft declared a non-pecuniary interest in this item of business by virtue of the fact that he was the Council's representative on both the Cumbria Community Foundation and, currently, the George Moore Education Trust. He left the Chamber during the discussion and voting on the item.

Summary

Further to Minute CEX/12 (2019/20), Cabinet was asked to consider the appointment of an alternative representative to the George Moore Education Trust. Attention had been drawn to the fact that the current representative, Councillor Robin Ashcroft, was also a member of the Cumbria Community Foundation, resulting in a conflict of interest.

Decision

RESOLVED – That Councillor Giles Archibald be appointed to serve as the Council's representative on the George Moore Education Trust for the remainder of 2019/20.

Reasons for Decision

Appointments to Outside Bodies assist in the delivery of the Council Plan through partnership working: "working across boundaries, with a range of other local authorities, organisations and businesses."

Alternative Options Considered and Rejected

Not to make appointments, which could affect the Council's ability to influence partners on important strategic issues.

The meeting ended at 10.55 a.m.