

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 18 March 2020, at 10.00 a.m.

Present

Councillors

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

Jonathan Brook	Deputy Leader and Housing and Innovation Portfolio Holder
Andrew Jarvis	Finance and Resources Portfolio Holder
Eric Morrell	Customer and Commercial Services and People Portfolio Holder

Apologies for absence were received from Councillors Robin Ashcroft (Economy, Culture and Leisure Portfolio Holder), Dyan Jones (Climate Emergency and Localism Portfolio Holder) and Suzie Pye (Health, Wellbeing and Financial Resilience Portfolio Holder).

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)), 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)), and Mark Wilson (Leader of the Labour Group).

Officers

Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Dan Hudson	Strategy Lead Specialist

CEX/92 CABINET EXECUTIVE DECISIONS

RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 5 February 2020.

CEX/93 DELEGATED EXECUTIVE DECISIONS

Attention was drawn to the date on which the Delegated Executive Decisions were made which was 30 January 2020 and not 18 February as shown on the Agenda front sheet. The correct set of minutes had, however, been attached to the Agenda.

RESOLVED – That the Delegated Executive Decisions made by Portfolio Holders or Officers on 30 January 2020 be received.

CEX/94 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

CEX/95 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no Excluded Items on the Agenda.

CEX/96 PUBLIC PARTICIPATION

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

CEX/97 FORWARD PLAN

RESOLVED – That the contents of the Forward Plan published on 18 February be noted.

CEX/98 CARBON REDUCTION TARGET AND GREEN TEAM UPDATE**Summary**

The Climate Emergency and Localism Portfolio Holder referred to South Lakeland District Council having declared a Climate Emergency in February 2019. At the same time, it had adopted a Climate Change Policy setting out a strategic approach to reducing the Carbon footprint both of the District Council and of the District as a whole. An Action Plan had been prepared containing a series of measures to guide implementation of the Policy. At the same time, three series of climate conversations had been held and the feedback from these had fed into various iterations of the Action Plan.

The Council Plan adopted in December 2019 set a strategic priority of meeting the challenge of Climate Change as well as a number of actions, details of which were included in the report and outlined under “Reasons for Decision” below.

In March 2019, the Council, along with all other Cumbrian authorities and the National Parks, had adopted the Cumbria Public Health Strategy. That Strategy included a key aim of becoming a “carbon neutral” county and to mitigate the likely impact of existing climate change.

In response to the above, the Director of Public Health had convened a Climate Change Working Group on which were represented all Cumbrian Local Authorities and National Park Authorities, representatives of the business community, environmental groups and statutory undertakers. That group had been tasked with identifying a deliverable carbon reduction target for the County and priority actions for delivery.

The Climate Change working group had commissioned a study to identify the County’s current carbon footprint and recommend appropriate targets. This report was still being finalised. Early indications were, however, that, if a consumption based approach was adopted, which looked not just at emissions from energy consumption but also at embedded emissions in goods purchased and food consumed by residents and visitors, a 2030 target was unachievable for the County as a whole. A 2037 target was ambitious but achievable and targets of 2040 and 2045 would be more achievable, but harder to justify in terms of meeting national targets and addressing the issue with sufficient urgency.

Meeting the 2037 target would require major technological change, behavioural change, land-use change and resource for delivery, much of which would be outside the direct influence of South Lakeland District Council. Meeting the target would require very substantial reductions in the use of gas, oil and solid fuel heating, electricity to be substantially decarbonised, substantial increases in carbon absorption through land management, major improvements to energy efficiency in buildings, and the phasing out of petrol and diesel vehicles.

In setting a carbon target, there were issues which needed to be scoped out. South Lakeland and Cumbria could have little influence on emissions from through traffic on the M6. Similarly, the footprint of international air travel for visitors to Cumbria was difficult to attribute or quantify directly.

The engagement of local and national partners would be critical. Much remained to be done to understand the full implications of meeting the target and to influence Government and other partners to play their part in making sure it was achieved. Nonetheless, a clear stance by South Lakeland District Council would help to add impetus and influence other partners. On balance, it was felt that the adoption of a 2037 target struck the right balance between making a real impact on the problem, being deliverable and driving the necessary immediate action.

At the same time as this strategic work had been undertaken, SLDC had developed an Action Plan looking at the measures it could implement directly to address its own carbon footprint and to influence others in the short to medium term. The full Action Plan was attached as Appendix 1 to the report. From what had already been achieved, it was felt that South Lakeland District Council as an organisation could achieve production based carbon neutrality by 2030.

The Leader read out a submission from the Climate Emergency and Localism Portfolio Holder who stated that we were living in extraordinary times and it was becoming increasingly clear that the time for 'business as usual' was over. This Council recognised this urgency. She pointed out that the way in which climate was changing was serious and unprecedented. The Council understood the measures required and challenges faced in mitigating this change. Doing a little was not enough and the Climate Emergency and Localism Portfolio Holder said that, quite simply, we owed it to our children, grandchildren and our great grand children to do what we could. The vision for Cumbria - a clean, green, carbon neutral Cumbria, was something good, an ambition to be endorsed, and it was now necessary for all to work together boldly to achieve as much as possible within this next decade, in ways not done before. Making the right steps now and engaging with the right partners would make a difference. This was why, as described in 3.3 of the report, the Council had been working collaboratively to identify a deliverable carbon reduction target for Cumbria. She said that this Council had a proven record of working with others in a positive, proactive manner. This was why it had commissioned, along with County and Districts, the Carbon Baseline for Cumbria Draft Report, and this report now recommended that Cumbria could become carbon neutral by 2037. There was no disputing the seriousness of this target and getting there was going to take some willpower and stamina. It meant radical changes in behaviour. The Climate Emergency and Localism Portfolio Holder said that, as a district Council, we looked to 2030 as a target for areas under our control. This was a call to action - both for us, our officers, and the communities we served and live in. However, she was sure all would agree with him that 'thinking globally, acting locally', had to be at the centre of everything the Council did - its plans and policies. The Climate Emergency and Localism Portfolio Holder wanted this Council to lead the way, to do all it could to inform, influence, and implement ideas and actions, schemes and strategies, plans and ambitions, working

alongside businesses and communities in South Lakeland. She highlighted the recommendations contained within the report which spoke plainly about our ambitions here at South Lakeland and more broadly working with County and encouraged Members to approve them.

The Housing and Innovation Portfolio Holder agreed with the sentiments of the Climate Emergency and Localism Portfolio Holder. He fully endorsed the comments made and the need for an aggressive target.

Decision

RESOLVED – That

(1) Council be recommended to amend its Climate Change Policy to:-

(a) commit the Council as an organisation to be seeking to achieve net carbon neutrality by 2030; and

(b) support a Cumbria wide target of Carbon Neutrality by 2037 and to take the necessary steps within its powers and resources to achieve this; and

(2) progress on the Climate Change Action Plan be noted.

Reasons for Decision

To assist in the delivery of the Council Plan adopted in December 2019 which sets a strategic priority of meeting the challenge of Climate Change as well as the following actions:-

- working with partners to develop energy saving and energy efficiency initiatives;
- providing energy advice and additional support to households at risk of fuel poverty;
- implementing the Cumbria Public Health Strategy;
- promoting environmental technologies and the green economy;
- working to achieve a carbon neutral South Lakeland;
- promoting sustainable and active transport including cycling and walking;
- conserving and enhancing the biodiversity of the District; and
- phasing out the use of single-use plastics.

Alternative Options Considered and Rejected

The Council could choose not to adopt a climate change target, or to adopt a later date to achieve carbon neutrality by 2040 or 2045.

Clearly there is a global risk in failing to address the challenges of Climate Change in increased severe weather events and flooding, increased refugee flows, competition for water resources, impacts on food production and many others. The actions South Lakeland takes must be seen in the context of global solutions to a global problem. However the global issue will only be addressed if local communities, local authorities, County and sub-regional bodies and national Governments take ownership of it. South Lakeland's actions, whilst they may have limited impacts in themselves, help to build resolve and influence others. Non-adoption of a target or adoption of later targets would reduce the impetus for action locally.

CEX/99 INTRODUCTION OF PUBLIC SPACE PROTECTION ORDER FOR STAVELEY WITH INGS PARISH COUNCIL

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 Council-owned land at Staveley Playground. The PSPO would focus on the control of dogs. A consultation process had established that there was support to introduce a PSPO for dog control.

The Customer and Commercial Services and People Portfolio Holder drew attention to an earlier decision made by Cabinet on 11 September 2019 (CEX/44 (2019/20) refers) regarding the introduction of PSPOs in several locations, including Staveley-with-Ings. That report had, however, contained an error resulting in the decision at CEX/44 approving the introduction of a dog exclusion restriction in relation to Staveley Playground as opposed to an intended dogs on lead restriction.

The Legal Governance and Democracy Lead Specialist (Monitoring) outlined amended wording for Recommendation (2).

Decision

RESOLVED – That the following be approved:-

- (1) the introduction of a PSPO in a defined area on Parish Council-owned land for a dogs on lead restriction at Staveley Playground; and***
- (2) the deletion of reference to a dog exclusion restriction at Staveley Playground within the PSPO approved at Resolution (1) of CEX/44 of the meeting of Cabinet held on 11 September 2019.***

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, however, the consultation responses have established that this restriction is wanted and required. Therefore, not to introduce a new PSPO is not a recommended option.

CEX/100 CROSS-A-MOOR ROUNDABOUT

Summary

The Finance and Resources Portfolio Holder introduced the report which explained that the South Lakeland Local Plan had allocated a range of significant housing sites in South Ulverston. Planning applications had started to come forward and construction had begun on one site, with developer commitment to deliver on others. There remained, however, a significant capacity constraint at the junction of the A590/Pennington Lane/Main Road (Cross-a-Moor junction), and a new roundabout was required.

The Cross-a-Moor junction improvement project would enable the construction of a new roundabout, delivered by Highways England, unlocking private sector investment and the development of 1,062 new homes at Swarthmoor, Ulverston.

The funding secured so far consisted of a grant of £3,050,000 from Highways England Growth and Housing Fund, £1.735m through Section 106 developer contributions and £300,000 from South Lakeland District Council (included in the Capital Programme last approved by Council on 25 February 2020).

A tripartite legal agreement for the scheme between Highways England, South Lakeland District Council and Cumbria County Council (as accountable body on behalf of Cumbria Local Economic Enterprise) had been prepared, but had not yet been finalised due to the requirement for final works costs to be agreed between all parties and for any gaps in funding to be addressed.

Approval was sought for the transfer of the remaining amount of Highways England's Growth and Housing Fund Grant - £2,878,357 – by the end of March 2020 and for this to be held in a separate account by the Council until the scheme progressed. The Council would retain the interest on the monies held. The final scheme costs were still required to be agreed and finalised and the Council was not committing to fund any further financial contributions by signing this agreement.

The Finance and Resources Portfolio Holder explained that the Council would make it clear that it was not the Lead Authority and that it had no additional responsibilities arising from this decision.

The Housing and Innovation Portfolio Holder, in support of the recommendation, stated this was a significant decision of great importance. There was a need for this development. It would contribute to the Council priorities and facilitate economic growth and increase the potential for housing within the area. All to accord with its Local Plan priorities. In highlighting the alternative option that funding would be lost and the scheme would not be delivered, he supported the proposal. The Council was stepping forward and taking the responsibility and he considered it to be a very important decision.

Note – The proposal met the definition of a key decision in the Council's Constitution as it would incur income above £100,000. Due to the matter having just arisen, 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 allocated by Highways England.

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.

Decision***RESOLVED – That***

(1) the remaining grant amount of £2,878,357 be accepted from Highways England's Growth and Housing Fund;

(2) the Growth and Housing Fund monies be released back to the project owner (Highways England) for the delivery of the improvements when notice is served by Highways England; and

(3) authority be delegated to the Section 151 Officer to sign the letter accepting the monies and repayment terms.

Reasons for Decision

This is a financial decision which assists in the funding of Cross-a-Moor junction improvement which will ensure delivery of over 1,000 dwellings in south Ulverston on sites allocated in the adopted Local Plan. It will, thus, assist in the Council's priority for delivering housing, affordable house and economic growth. The scheme is, therefore, significant for the delivery of the Council Plan and the delivery of around 20% of planned housing provision in the Local Plan to 2025.

Alternative Options Considered and Rejected

Do not approve the recommendation – The amount of £2,878,357 would be lost, as it is a requirement of this grant funding that the money has been transferred out of Highways England's accounts by 31 March 2020. There is no alternative partner to accept the GHF grant and this would leave the project with a significant deficit and a high risk of non-delivery. If the scheme does not proceed, it will 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, New Homes Bonus and the Community Infrastructure Levy (CIL).

The meeting ended at 10.13 a.m.