

SOUTH LAKELAND DISTRICT COUNCIL

Minutes of the proceedings at a meeting of the Council held on Tuesday, 23 March 2021, at 6.30 p.m.

Present

Councillors

Stephen Coleman (Chairman)
Pete McSweeney (Vice-Chairman)

Caroline Airey	Gill Gardner	Kevin Lancaster
Giles Archibald	Tom Harvey	Susanne Long
Pat Bell	Eamonn Hennessy	Ian Mitchell
Ben Berry	Hazel Hodgson	Jon Owen
Roger Bingham	Rachael Hogg	Suzie Pye
Jonathan Brook	John Holmes	Doug Rathbone
Helen Chaffey	Kevin Holmes	Brian Rendell
Brian Cooper	Vicky Hughes	Matt Severn
Michael Cornah	Helen Irving	Peter Thornton
Tracy Coward	Andrew Jarvis	David Webster
Philip Dixon	Dyan Jones	Ian Wharton
Judy Filmore	Helen Ladhams	Mark Wilson
Alvin Finch	Malcolm Lamb	Shirley-Anne Wilson

Apologies for absence were received from Councillors Robin Ashcroft, Rupert Audland, Chris Hogg, Janette Jenkinson, Dave Khan and Janet Willis.

Officers

Gareth Candlin	Operational Lead Specialist Services
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Julia Krier	Legal, Governance and Democracy Specialist
Adam Moffatt	Legal, Governance and Democracy Specialist
Helen Smith	Finance Lead Specialist (Section 151 Officer)
David Sykes	Director of Strategy, Innovation and Resources

C/109

CHAIRMAN'S INTRODUCTION

Following confirmation that the live stream of the meeting had commenced, the Chairman welcomed everyone to the virtual meeting. He referred to the new Government legislation allowing councils to conduct remote meetings and explained in detail to all taking part, and for the benefit of members of the public observing, the procedures for the meeting. The Chairman then asked the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) to carry out a roll call, during which all Members present indicated by which means they were taking part and confirmed that they were able to see (where practicable) and hear all Members participating in the meeting. The Chairman referred to officers present who would introduce themselves when asked to address the meeting.

C/110 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Council held on 23 February 2021.

C/111 EMERGENCY NON-EXECUTIVE DECISIONS

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

RESOLVED – That:-

- (1) the Emergency Non-Executive Decisions (017 -20-11-20 Additional Restrictions Grants) be taken by the Chief Executive in accordance with Part 3 of the Council's Constitution 3.(B 1) (1.1) be received; and
- (2) any spending outside any budgetary provision be noted.

C/112 PUBLIC PARTICIPATION

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

C/113 DECLARATIONS OF INTEREST

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.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed Members that, for Agenda Item No. 5 regarding Local Government Reform, councillors who were dual-hatted, i.e. District Councillors and County Councillors, would have an Other Registrable 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 and vote on the items.

C/114 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

There were no excluded items on the agenda.

C/115 CHAIRMAN'S ANNOUNCEMENTS

The Chairman, informed Members that due to the ongoing COVID-19 pandemic he had attended no official engagements.

C/116 LOCAL GOVERNMENT REFORM - CONSULTATION RESPONSES

Copies of Appendices 1 and 2 to the report, which had been marked "to follow" on the agenda had been circulated to Members and published on the Council's website on 19 March 2021.

The Leader of the Council and Promoting South Lakeland Portfolio Holder reported that at the meetings on 5 November 2020 Cabinet and Council had authorised the submission of an outline proposal to the Ministry of Housing, Communities and Local

Government (MHCLG). The outline proposal was agreed by Lancaster City and Barrow Borough Councils and submitted by the required deadline of 9 November 2020. Since that date, work had continued on the development of the proposal which was submitted by the deadline of 9 December 2020.

The Leader informed Members that the Government had decided to consult on all four proposals for Local Government Reorganisation and that the Council would be providing a response to the other proposals. He highlighted the extensive consultation being undertaken by the Council to reach out to stakeholders as well as members of the public and that other proposals were set out in the report, which included the following:-

- The Bay and North Cumbria;
- Two unitary in Cumbria;
 - Eden, Carlisle and Allerdale/ Copeland, Barrow and South Lakeland (proposed by Carlisle and Eden as North and South unitaries);
 - Carlisle, Allerdale and Copeland/ Barrow, South Lakeland and Eden (proposed by Allerdale and Copeland Councils as East and West unitaries); and
- Single Unitary for Cumbria (proposed by Cumbria County Council).

The Leader of the Council and Promoting South Lakeland Portfolio Holder informed Members that the final submission would be taken from the wording of the documents attached at Appendix 1 and 2 to the report, with minor amendments being made by the Chief Executive. He confirmed that any major changes would be brought back to Council for a decision before the final submission date of 19 April 2021. The Leader confirmed that the Council would not be submitting a response to the proposals for North Yorkshire.

During discussion, Members expressed their support for Local Government Reform. Some Members raised concerns over the criticisms of the other proposals and a lack of consideration for the other options proposed.

A vote was taken by roll call and it was

RESOLVED – That Council endorsed the Cabinet resolutions that:-

- (1) The update on the consultation process following submission of the Bay Unitary Proposal was received;
- (2) The approach of the Council to the consultation responses as outlined in the report and Appendix 1 was endorsed;
- (3) The approach to submitting additional commentary on The Bay and North Cumbria proposal as outlined in Appendix 2 was endorsed; and
- (4) The Chief Executive, in consultation with the Leader was authorised to finalise the response to the consultation for submission to the Ministry of Housing, Communities and Local Government by the 19th April 2021 deadline.

C/117**CORPORATE FINANCIAL UPDATE MARCH 2021**

The Finance and Resources Portfolio Holder presented a report which provided the Corporate Financial Update (March 2021). He informed Members that all four of the items mentioned in the report had been approved by Cabinet, at the 17 March meeting and highlighted two additional recommendations relating to this item, which had been circulated to all Members before the meeting which were:-

(5) To accept a grant of £139,000 from the Contain Outbreak Management Fund for self-isolation discretionary grants and to create an income and expenditure budget of £139,000 for the receipt of the grant and the making of payments under this scheme; and

(6) To accept a grant of £100,000 from the Contain Outbreak Management Fund for compliance work and to create an income and expenditure budget of £100,000 for the receipt of the grant and the use of the funding to deliver the requirements of the funding.

The purpose of these recommendations was to support those who would lose money as a result of self-isolating in response to being a Covid-19 case, or in contact with someone who had tested positive. In these circumstances there is a legal obligation to self-isolate for up to 10 days, but for many people this would create economic hardship, exacerbating existing inequalities and putting pressure on people not to follow the self-isolation direction. The Portfolio Holder highlighted the importance of targeting the resource at those who faced the greatest level of hardship from self-isolating and not to duplicate other available support payments.

The Finance and Resources Portfolio Holder went on to detail the 4 complex projects set out in the report which included:-

Financial Support for the Leisure Services Contract – The Portfolio Holder highlighted that the government had announced support for the leisure industry through a grant scheme that had been administered by Sport England which had allocated approximately £175,000, which was less than had been applied for by the Council and its leisure provider. The proposal sought approval to receive money on behalf of the leisure provider and then to make payment of the money to the leisure provider as outlined in the report to Cabinet on 17 March 2021.

Refurbishment works to Abbot Hall – Members were informed that the Council holds the freehold for the site but leased it to Lakeland Arts and that a largescale refurbishment project had been expected for the site, however due to the impact of the Covid-19 Pandemic, Arts Council England and Lakeland Arts decided to re-open the site without continuing with the refurbishment. The Portfolio Holder highlighted that some minor capital refurbishments works were required to allow for the re-opening of the site and that funds had been secured to complete the works and that the Council had been asked to deliver the scheme on behalf of Lakeland Arts.

Contract Award for Grange Lido and Promenade – The Portfolio Holder set out a brief history of the site, highlighting the Lido's closure in 1993 and its subsequent listing as a Grade II listed building. He informed Members that the Council owned the site and that both the Lido and the Promenade had fallen into a poor state of repair, with both needing substantial work to restore and repair the sites. The results of the tendering process were set out in the report and it was highlighted that option 2b had been selected as the best option to move the project forward. The Portfolio Holder explained

a gap in the funding for the project and highlighted the option that had been carefully considered to ensure that the project could move forwards. He highlighted a number of reserves which had, for the most part, been created from accumulated grants over several years and added that this would limit the flexibility within the capital programme over the next two years.

Changes to the Capital Programme – The Portfolio Holder highlighted changes including the adjustments made as part of the Councils Budget for 2021/22, rephrasing of activities outlined as part of the Quarter 3 financial update presented to Council in February as well as the additional costs relating to Grange Lido and Abbot Hall. He made reference to the two additional recommendations aimed at supporting the legal obligation to self-isolate and highlighted the verbal update on Cross-a-Moor that was mentioned in the report, informing Members that additional Cabinet and Council meetings would be scheduled for the next week to address this matter.

The Finance and Resources Portfolio Holder praised the Council's commitment to the important projects mentioned in the report and thanked officers for their hard work to ensure progress on these projects.

Following guidance from the Legal Governance and Democracy Lead Specialist (Monitoring Officer) it was noted that all members present who were also members of the Planning Committee reserved their position in relation to the consideration of any planning applications.

During discussion, Members commented on the impact of flooding on the whole Abbot Hall site and the flood retention scheme, the cultural and economic importance of the conservation of Grange Lido and Promenade, funds for Ulverston Leisure Centre, the importance of Abbot Hall to Kendal and the Council's commitment to key flagship projects in such challenging times. Members thanked the Housing and Innovation Portfolio Holder for the hard work and skill shown in progressing the Grange Lido and Promenade project.

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

RESOLVED – That:-

- (1) the receipt of monies from the National Leisure Recovery Fund to a value £174,237 be approved, and payment of this money be made to the Council's leisure delivery partner for support from 1st December to 31st March 2021, as noted in the report to Cabinet on 17th March 2021;
- (2) the amendment of the Capital Programme to include £615,000 for capital works be approved and associated professional fees relating to refurbishment works to Abbot Hall, be offset by grants due of the same value;
- (3) amendment of the Capital Programme to include an additional £867,000 for capital works relating to construction works to Grange Lido and Grange Promenade be approved and the use of New Homes Bonus, the Local Project Reserve, the NNDR Business Rate Pool and Locally Important Projects funding as set on in paragraph 3.10 below, be approved;
- (4) the Capital Programme set out in Appendix 1 be approved;
- (5) a grant of £139,000 from the Contain Outbreak Management Fund for self-isolation discretionary grants be accepted and an income and expenditure

budget of £139,000 for the receipt of the grant and the making of payments under this scheme be created; and

- (6) a grant of £100,000 from the Contain Outbreak Management Fund for compliance work be accepted and an income and expenditure budget of £100,000 for the receipt of the grant and the use of the funding to deliver the requirements of the funding, be created.

C/118 STATEMENT OF LICENSING POLICY

The Customer and Commercial Services and People Portfolio Holder presented a report on the Council's Statement of Licensing Policy. He highlighted that the need for a current Statement of Licensing Policy is critical to protect the Council's residents and Licensed Premises interests and that by acknowledging the need for a continuation to the current Statement of Licensing Policy, which expired in January 2021, the Council would be able to better support licensed premises as they reopen following lockdown.

Members were informed, that the proposed continuation was purely in response to the Covid-19 Pandemic and that by agreeing the continuation of the current Statement of Licensing Policy, the authority would be able to conduct a considered and thorough review of the Policy, working closely with the Licensing and Overview and Scrutiny Committees.

The Portfolio Holder added that the continuation would also allow for meaningful consultation with the stakeholders set out in the report to ensure that the Statement of Licensing Policy was robust and properly serves the needs of those parties for the next 5 year period.

During discussion on the item, Members thanked Officers for the report, expressed their support for the continuation of the Statement of Licensing Policy and requested that Members of the Licensing Committee be made aware and involved in the continuation of the Statement of Licensing Policy.

The Operational Lead (Specialist Services) informed Members that the report had been discussed with the Chair of the Licensing and Licensing Regulatory Committees and would be published as an Emergency Non-Executive Decision.

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

RESOLVED – That:-

- (1) the continuation of the Statement of Licensing Policy for a further period of 12 months effective from 5 January 2021 to 5 January 2022 be authorised;
- (2) any decisions and actions taken under the Licensing Policy between 5 January 2021 and 23 March 2021 be retrospectively authorised; and
- (3) in light of the Covid-19 Pandemic, the consultation requirement for the Council's Statement of Licensing Policy be delayed, to an appropriate time but before 5 January 2022.

C/119 VIRTUAL MEETINGS LEGISLATION AND UPDATE

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) provided an update relating to Virtual Meetings Legislation. She informed Members that currently, the legislation that allowed Local Authorities to hold their meetings virtually, would expire on 6 May 2021 and that there had been no primary legislation put forward to ensure that virtual meetings could continue beyond the expiration of the legislation.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) highlighted that the first meeting after this date would be the Annual General Meeting of the Council (AGM) on 19 May 2021. She referred to a High Court Case being brought forward by the Association of Democratic Services Officers (ADSO), Lawyers in Local Government (LLG) and Hertfordshire County Council which sought to ensure that virtual meetings could be continued beyond 6 May 2021. Members were informed that the officers were working to ensure that the AGM would be held in a Covid safe manner with social distancing rules observed.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) assured Members that she would keep them informed of any progress made on this matter.

Members expressed their concern over the ending of virtual meetings, particularly when considering the ongoing pandemic and raised questions relating to the possibility of hybrid meetings.

C/120**LEADER'S ANNOUNCEMENTS AND CABINET QUESTION TIME, INCLUDING THE COMPOSITE REPORT OF THE CABINET (1 HOUR MAXIMUM)**

The Leader of the Council, Councillor Giles Archibald, addressed Council and began by asking Members to mark the one year anniversary of the start of lockdown and expressed his thanks to officers for enabling virtual meetings to be run efficiently and Opposition Leaders for their support and integrity over the last year. Councillor Archibald highlighted the commitment of the Council to do whatever had been asked of them to support the community through a difficult period and thanked all Members for a herculean effort. The Leader of the Council made reference to the difficulty faced by the community during the last year and thanked the Chief Executive and Officers for the amazing work done throughout this challenging period.

In accordance with paragraphs 10.2 and 10.3 of the Council's Rules of Procedure, the following written question had been submitted to the meeting:-

From Councillor Matt Severn to Councillor Suzie Pye, Health, Wellbeing and Financial Resilience Portfolio Holder - *Please can you update us on plans to strengthen the financial resilience of the people of our district; and also update us on the Poverty Truth Commission?*

Councillor Suzie Pye responded, highlighting the work of Building Financial Resilience Group, a multi-agency partnership group which South Lakeland District Council hosts. She informed Members that the activities of the group had largely been covered by the existence of the South Lakeland Community Resilience Group over the last year which had been responding to the Covid pandemic. She emphasised the declaration of a poverty emergency that had been made by the Council in October 2020 and referred to her desire to launch a poverty truth commission (PTC) for the South Lakes.

Councillor Pye detailed the process of setting up a PTC which involved requesting expressions of interest which had generated great deal of interest. She informed

Members that after the start-up group begins to meet, the next stage is to recruit commissioners who had lived experience of poverty.

In concluding her response, Councillor Pye agreed to keep Members informed of the progress being made and emphasised the impact of poverty on the community and explained that people in poverty should be thought of potential contributors to society. She ended by stating that the aim of the PTC was to take steps towards shifting the narrative surrounding poverty and enabled those who live in poverty to have a voice.

From Councillor Malcolm Lamb to Councillor Phillip Dixon, Customer and Commercial Services and People Portfolio Holder - *In anticipation of an expected surge in visitor numbers to the District as lockdown restrictions are eased, what preparations are being made for the provision of car parking and toilet facilities whilst maintaining Covid secure measures? With increased visitor numbers inevitably there will be increased littering, will there be any special measures in place for extra uplifts of litter from tourist hotspots and around pop-up campsites and car parks?*

Councillor Dixon responded, recognising that for those who live within the Lake District National Park, there are huge potential problems associated with the increase in tourism numbers. He assured Members that the Tactical Visitor Management Group (TVMG) had been meeting, co-ordinated by the Police, with the key players as the Lake District National Park Authority, the Council and the National Trust involved in the group which had come up with a list of measures including:-

- Looking to increase parking enforcement in the Lakes;
- Signage to be installed with litter bins being placed in the car parks;
- The Enforcement Team and Marshalls would be active across the area;
- Co-ordinating with local community groups to organise litter picks with the Locality team leading on this;
- Re-commissioning of the toilets in Ferry Nab car park to be re-opened by the 29 March 2021;
- Braithwaite Fold Car Park being extended by an approximate 60 spaces;
- Increase in litter collection;
- A focus on preventing littering with signage and bins being installed; and
- Requesting the Cumbria County Council place signage on the Plumgarth's roundabout to request that visitors use the Crook Road to enter the Lake District.

Councillor Dixon concluded by informing Members that the TVMG would be meeting on a weekly basis to deal with any issues and advised Members to speak to the Locality Team if they wished to raise any issues.

In responding to a question relating to the whether Marshalls would be assisting with any pop-up campsites and car parks, Councillor Dixon advised that these locations should be under the owners guidance in order to monitor and manage the sites.

From Councillor Helen Ladhams to Councillor Dyan Jones, Climate Emergency and Localism Portfolio Holder - *Could you please give us an update on the Greening Campaign, such as how many groups have taken up this campaign and has it been interrupted by the lockdown or the Covid restrictions?*

Councillor Jones responded, highlighting that there had been over a dozen people who have taken up the scheme so far with one of these taking up a larger group to receive extra funding. She informed Members that the campaign was growing in popularity and

that advice would be available for groups as we move out of lockdown and directed officer to speak to the relevant officer should they want any further information.

C/121 QUESTIONS TO CHAIRMAN OF THE COUNCIL OR CHAIRMAN OF ANY COMMITTEE OR SUB-COMMITTEE

No questions had been received under Rule 10.6 of the Council's Rules of Procedure.

C/122 URGENT DECISIONS

No urgent Executive Decisions had been taken since that last meeting of the Council on 23 February 2021.

C/123 EMERGENCY DELEGATED EXECUTIVE DECISIONS

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

RESOLVED – That the following Emergency Delegated Executive Decisions taken by the Chief Executive, in accordance with the Leaders decision noted by Cabinet at CEX/104 (2019/20), be noted:-

- (1) 012 20-11-20 Additional Restrictions Grants; and
- (2) 015 10-02-21 Waiving Car Parking Charges in the Westmorland Shopping Centre Car Park.

The meeting ended at 8.16 p.m.