

SOUTH LAKELAND DISTRICT COUNCIL

Minutes of the proceedings at a meeting of the Council held on Tuesday, 30 March 2021, at 6.30 p.m.

Present

Councillors

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

Caroline Airey	Tom Harvey	Malcolm Lamb
Giles Archibald	Eamonn Hennessy	Kevin Lancaster
Robin Ashcroft	Hazel Hodgson	Susanne Long
Pat Bell	Chris Hogg	Suzie Pye
Ben Berry	Rachael Hogg	Doug Rathbone
Roger Bingham	John Holmes	Brian Rendell
Jonathan Brook	Kevin Holmes	Matt Severn
Helen Chaffey	Vicky Hughes	Peter Thornton
Brian Cooper	Andrew Jarvis	David Webster
Tracy Coward	Janette Jenkinson	Janet Willis
Judy Filmore	Dyan Jones	Mark Wilson
Gill Gardner	Helen Ladhams	Shirley-Anne Wilson

Apologies for absence were received from Councillors Rupert Audland, Philip Dixon, Dave Khan, Ian Mitchell, Jon Owen and Ian Wharton.

Officers

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

C/124

CHAIRMAN'S INTRODUCTIONS

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/125 PUBLIC PARTICIPATION

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

C/126 DECLARATIONS OF INTEREST

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) noted that Members who were dual-hatted with the County Council and those on the Cumbria Local Enterprise Partnership (LEP) Sub Groups would have their interest recorded as other registrable interests they were advised that they could participate unless they had taken decisions before on the proposal in which case they needed to consider whether there would be a perception of bias or predetermination, or actual bias and predetermination. If members in these circumstances or otherwise were of the view they had an open mind they could remain in the meeting. The following interests were raised for transparency:-

- Councillor Robin Ashcroft (LEP) Sub Group Places Strategy Group;
- Councillor Ben Berry Cumbria County Council;
- Councillor Roger Bingham Cumbria County Council;
- Councillor Jonathan Brook (LEP) Sub Group Bird table Board;
- Councillor Chris Hogg Cumbria County Council;
- Councillor Pete McSweeney Cumbria County Council;
- Councillor Thornton Cumbria County Council;
- Councillor Janet Willis Cumbria County Council; and
- Councillor Mark Wilson Cumbria County Council.

C/127 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

RESOLVED – That the items in Part II of the Agenda be dealt with following the exclusion of the press and public.

C/128 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 items 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 paragraphs indicated.

- Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Note - For the benefit of the public viewing the virtual meeting, the Chairman of the Council explained that the open session of the meeting would now close and the live stream cease.

The meeting producer confirmed that the live stream had ended.

Members disconnected from the Part I session and moved into the Part II private session.

C/129

CROSS-A-MOOR ROUNDABOUT

- Paragraph 3, 5 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Note – The proposal met the definition of a key decision in the Council’s Constitution as the financial implications for the Council of entering into the agreement were potentially in excess of £100,000. Due to the negotiations between parties, 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 and the risk of re-allocation.

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.

The meeting has been called at short notice and in accordance with paragraph 4.3 of the Access to Information Rules of the Council’s Constitution. The meeting was being held in private for the following reasons:

The Finance and Resources Portfolio Holder presented a report that sought approval to enable the Growth Deal funding from Cumbria Local Enterprise Partnership for the A590 Cross-a-Moor Junction Improvement scheme to be secured and the relevant legal agreement completed so that the scheme was able to proceed. The report highlighted a number of legal and financial implications. The report also highlighted ongoing negotiations with Highways England and Cumbria County Council and other legal agreements required for the scheme to progress.

The Finance and Resources Portfolio Holder thanked officers for their hard work which had ensured the progress of the report.

Members expressed their support for the project and echoed the Portfolio Holders thanks to officers for their hard work.

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

RESOLVED – That:-

- 1) a new earmarked contingency reserve for Cross-a-Moor roundabout of £925,000 as described in paragraph 7.1 of the Part II report and the approach to already approved funding as outlined in paragraph 3.13 of the Part II report be approved.

The meeting ended at 7.00 p.m.