

SOUTH LAKELAND DISTRICT COUNCIL

Minutes of the proceedings at a meeting of the Council held in the Assembly Room, Kendal Town Hall, Kendal, on Wednesday, 19 May 2021, at 5.30 p.m.

Present

Councillors

| | | |
|-----------------|-------------------|---------------------|
| Caroline Airey | Gill Gardner | Susanne Long |
| Giles Archibald | Tom Harvey | Pete McSweeney |
| Robin Ashcroft | Eamonn Hennessy | Ian Mitchell |
| Rupert Audland | Hazel Hodgson | Jon Owen |
| 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 |
| Stephen Coleman | Helen Irving | Heather Troughton |
| Ben Cooper | Ali Jama | David Webster |
| Brian Cooper | Andrew Jarvis | Ian Wharton |
| Michael Cornah | Janette Jenkinson | Janet Willis |
| Tracy Coward | Dyan Jones | Mark Wilson |
| Philip Dixon | Helen Ladhams | Shirley-Anne Wilson |
| Pete Endsor | Malcolm Lamb | |
| Alvin Finch | Kevin Lancaster | |

Apologies for absence were received from Councillors Judy Filmore and Dave Khan.

Officers

| | |
|-----------------|---|
| Lawrence Conway | Chief Executive |
| Linda Fisher | Legal, Governance and Democracy Lead Specialist (Monitoring Officer) |
| Adam Moffatt | Legal, Governance and Democracy Specialist |
| Helen Smith | Finance Lead Specialist (Section 151 Officer) |

C/1

CHAIRMAN

The outgoing Chairman, Councillor Stephen Coleman, presided over the election of the Chairman of the Council for the ensuing Council year.

It was proposed by Councillor Jonathan Brook and seconded by Councillor Andrew Jarvis that Councillor Pete McSweeney be elected Chairman of the Council for the ensuing year.

The outgoing Chairman, Councillor Stephen Coleman paid his respects to former Councillor Avril Dobson who had recently passed away.

Councillor Coleman thanked officers and Members for their assistance and support throughout his time as Chairman of the Council.

Following a vote, it was

RESOLVED – That Councillor Pete McSweeney be elected Chairman of the Council for the ensuing year.

C/2 CHAIRMAN'S ANNOUNCEMENTS

Further to the District Council By-Elections held on 6 May 2021, the Chairman expressed his thanks to the following outgoing Councillors for their Service to the Authority:-

- James Airey;
- Anne Hall;
- Ann Hutton; and
- Eric Morrell.

The Chairman welcomed the following newly-elected Members:-

- Councillor Ben Cooper (Furness Peninsula);
- Councillor Pete Endsor (Grange);
- Councillor Ali Jama (Kendal Rural); and
- Councillor Heather Troughton (Broughton and Coniston).

The Chairman expressed his thanks to Councillor Mark Wilson for his service as the leader of the labour group. The Leader of the Council echoed the Chairman's thanks and added that Councillor Wilson had been a strong and effective leader, pushing all Members to provide the best service to residents.

C/3 VICE-CHAIRMAN

It was proposed by Councillor Jonathan Brook and seconded by Councillor Jarvis that Councillor Matt Severn be appointed Vice-Chairman of the Council for the ensuing year.

Following a vote, it was

RESOLVED – That Councillor Matt Severn be appointed Chairman of the Council for the ensuing year.

C/4 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Council held on 23 March 2021 and 30 March 2021.

C/5 DECLARATIONS OF INTEREST

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

C/6 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the Agenda.

C/7 LEADER'S ANNOUNCEMENTS

The Chairman of the Council informed Members that the Council had received notification that Councillor Archibald was to resign from the position of Leader of the Council this to be effective following this item on the agenda.

The Leader of the Council, Councillor Giles Archibald thanked Councillor Coleman for his work over the last two years during an incredibly difficult period and took the opportunity to congratulate Councillor McSweeney in his new role as Chairman of the Council. He expressed his gratitude to the Legal, Governance and Democracy Specialist (Monitoring Officer) for ensuring a safe and smooth transition from virtual back to in person meetings. All Members were thanked for their work throughout Councillor Archibald's tenure as Leader of the Council which highlighted the great level of care for the community shown by the Council.

The Leader thanked officers for their continued hard work which had provided regular services were as well as ensuring that an impressive list of important projects were able to be completed during his time as Leader. He then expressed his thanks to the Chief Executive Officer of the Council who had led the Council in an extraordinarily professional manner through a number of key projects as well as leading through the pandemic, Customer Connect and Local Government Reorganisation and informed Members of the crucial role he had played in refugee resettlement.

In concluding his address, the Leader of the Council expressed his thanks to Cabinet Members for their support and to Councillor Brook for his work as Deputy Leader of the Council.

The Deputy Leader of the Council, Councillor Jonathan Brook thanked Councillor Archibald for his dedicated and insightful leadership and highlighted that he had lead from the front through a number of difficult, diverse and unique challenges and in doing so had enhanced the reputation of the Council as well as focusing on the green agenda and protecting biodiversity. In concluding his thanks to the Leader, Councillor Brook made reference to the important collaboration that had taken place on a number of key issues and reiterated the importance of Councillor Archibald's work as the Leader of the Council which had helped to set a firm basis for the future.

Members echoed what had previously been stated and added that Councillor Archibald had engaged with all Members and had led with distinction throughout his tenure as Leader of the Council.

C/8 LEADER, DEPUTY LEADER, CABINET APPOINTMENTS AND DISCHARGE OF EXECUTIVE FUNCTIONS**C/8a Appointment of the Leader of the Council**

It was proposed by Councillor Archibald and seconded by Councillor Jarvis that the constitution be amended at Part 4.1 (1.1).

Following a vote, it was

RESOLVED – That the constitution be amended to provide at Part 4.1 (1.1) (f) as follows to replace the existing wording “elect the Leader (in the year which the current Leader’s term of office expires) with “elects a Leader if so required”. To insert the following, a new Part 2 7.12 “The election of a Leader will take place at the Annual or Ordinary Council Meeting”.

Further to Minute C/057 (2010/11), the Council was asked to appoint a Leader of the Council, pursuant to Article 7.03 of the Council’s Constitution, for the balance of his or her term of office as a Councillor in accordance with Part 2 Article 7.08 of the Constitution.

It was proposed by Councillor Giles Archibald and seconded by Councillor Andrew Jarvis that Councillor Jonathan Brook be appointed Leader of the Council.

Following a vote, it was

RESOLVED – That Councillor Jonathan Brook, be elected as Leader of the Council for the balance of his term of office as a Councillor in accordance with Part 2 Article 7.08 of the Constitution.

C/8b Appointment of Deputy Leader and Members of the Cabinet

Further to C/7a above, the new Leader, Councillor Jonathan Brook, confirmed details of those Members appointed to Cabinet and their relevant Portfolios.

RESOLVED – That

(1) It be noted that the Leader has confirmed the following Cabinet portfolios and appointments:-

- (a) Councillor Robin Ashcroft – Economy, Culture and Leisure Portfolio Holder;
- (b) Councillor Jonathan Brook – Promoting South Lakeland and Innovation Portfolio Holder;
- (c) Councillor Helen Chaffey – Housing Portfolio Holder;
- (d) Councillor Phillip Dixon – Customer and Locality Services Portfolio Holder;
- (e) Councillor Andrew Jarvis – Finance and Assets Portfolio Holder;
- (f) Councillor Dyan Jones – Climate Action and Biodiversity Portfolio Holder; and
- (g) Councillor Suzie Pye – Health, Wellbeing and Poverty Alleviation Portfolio Holder; and

(2) It be noted that the Leader has appointed Councillor Andrew Jarvis as Deputy Leader.

C/8c Discharge of Executive Functions

RESOLVED – That the report from the Leader on the Scheme of Delegation for the discharge of the Executive functions of the Council, circulated at the meeting and published on the Council’s Website, be received.

C/9 SHADOW EXECUTIVE

Councillor Tom Harvey, Leader of the Conservative Group expressed his thanks to Councillors Coleman, Archibald and Wilson for their exemplary service and welcomed Councillors Brook, McSweeney and Webster to their new roles. Councillor Harvey advised that the Portfolio titles of the appointed Shadow Executive, would be confirmed following the Annual Meeting of the Council.

Further to Minute C/8 (2019/20), the Chairman reiterated the invitation for the new Leader of the Labour Group to attend Cabinet meetings in a shadow capacity.

RESOLVED - That the following appointments to the Shadow Executive be noted:-

- Councillor Pat Bell;
- Councillor Roger Bingham;
- Councillor Tom Harvey;
- Councillor John Holmes;
- Councillor Kevin Holmes;
- Councillor Helen Irving; and
- Councillor Jeanette Jenkinson.

C/10 POLITICAL BALANCE, ALLOCATION OF COMMITTEE PLACES, APPOINTMENT OF CHAIRS AND VICE-CHAIRS AND SCHEME OF DELEGATION

In accordance with the provisions of the Local Government and Housing Act 1989, Council gave consideration to the political balance of the Council and to the committees and size of committees for the forthcoming year. Prior to the commencement of the meeting, Members had been provided with a revised copy of Appendix 2 to the report (Size and Seats to be allocated to Political Groups on Committees), in addition to proposed committee memberships lists as agreed with the Group Leaders.

Members had formed into three groups for the purpose of allocating committee places. The groups and their number of Members were as follows:-

Liberal Democrat – 33 Members
 Conservative – 14 Members
 Labour – 3 Members

In addition there was one Green Party Member on the Council.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) to the Council asked Council to approve the list of the committee allocations, proportional to the Council membership, together with the nominations to each Committee as circulated at the meeting. Nominations received for Chairmen and Vice-Chairmen to each Committee had also been circulated at the meeting. Nominations to the County Council's Health Scrutiny Committee, taken from the proposed membership of the Overview and Scrutiny Committee, had also been included.

Councillor Jonathan Brook, seconded by Councillor Andrew Jarvis, moved recommendations (1) to (7), (9) and (10) as set out within the report.

With regard to recommendation (8) and the appointment of chairmen and vice-chairmen to committees, Councillor Jonathan Brook, seconded by Councillor Andrew Jarvis, moved the Liberal Democrat Group nominations as circulated prior to the commencement of the meeting, namely:-

| Committee | Chairman | Vice-Chairman |
|---------------------------------------|-----------------|----------------------|
| Audit | Stephen Coleman | Tracy Coward |
| Human Resources | Rachael Hogg | Janet Willis |
| Licensing/Licensing Regulatory | Helen Ladhams | Alvin Finch |
| Overview and Scrutiny | Vicky Hughes | Doug Rathbone |
| Planning | Pete McSweeney | Malcolm Lamb |
| Standards | Chris Hogg | Matt Severn |

Councillor Tom Harvey, seconded by Jeanette Jenkinson, moved the Conservative Group nominations as circulated prior to the meeting, namely:-

| Committee | Chairman | Vice-Chairman |
|---------------------------------------|-------------------|----------------------|
| Audit | Kevin Lancaster | Kevin Lancaster |
| Human Resources | Pat Bell | Pat Bell |
| Licensing/Licensing Regulatory | Kevin Holmes | Kevin Holmes |
| Overview and Scrutiny | Janette Jenkinson | Janette Jenkinson |
| Planning | John Holmes | John Holmes |
| Standards | Tom Harvey | Tom Harvey |

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) clarified that the Conservative Group nominations for each committee showed the same Member for both Chairman and Vice-Chairman and explained that, should the Liberal Democrat nomination for Chairman be carried, then the Conservative Group nomination would become the nominee for Vice-Chairman.

With regard to recommendation (10) and the appointment of a representative and a substitute, from the membership of the Overview and Scrutiny Committee, to Cumbria County Council's Health and Scrutiny Committee, Councillor Jonathan Brook, seconded by Councillor Mark Wilson, moved the Liberal Democrat Group nominations as circulated prior to the commencement of the meeting, namely Councillor Vicky Hughes (representative) and Councillor Ali Jama (substitute).

Following a vote, it was subsequently

RESOLVED – That

- (1) the political balance of the Council as set out in the report at paragraph 3.2 and Appendix 1 to the report, be noted;
- (2) the committees, and Terms of Reference for those committees, as detailed in Table 2, Part 3 of the Council's Constitution, be approved for the forthcoming municipal year;
- (3) the delegation of Council functions and Proper Officer appointments be confirmed, as set out in Part 3 of the Council's Constitution;

- (4) the size of the committees and the seats of each committee to political groups be approved and allocated in accordance with the table set out below:-

| | Liberal Democrat | Conservative | Labour | Green Party Member |
|-----------------------------------|-------------------------|---------------------|---------------|---------------------------|
| Committees (64 places) | 41 | 18 | 4 | 1 |
| Audit (6) | 4 | 2 | 0 | 0 |
| Human Resources (9) | 6 | 2 | 1 | 0 |
| Licensing Regulatory (15) | 10 | 4 | 1 | 0 |
| Overview and Scrutiny (13) | 8 | 4 | 1 | 0 |
| Planning (14) | 8 | 4 | 1 | 1 |
| Standards (7) | 4 | 2 | 1 | 0 |

- (5) seats on those committees which are not subject to political balance rules be allocated in accordance with Appendix 2 to the report;

- (6) seats on those committees that are not subject to political balance rules be allocated as set out below:-

| | Liberal Democrat | Conservative | Labour | Green Party Member |
|--|-------------------------|---------------------|---------------|---------------------------|
| Committees (31 places) | 20 | 9 | 2 | 0 |
| Lake Administration (24 Members in total 16 District Councillors) | 10 | 5 | 1 | 0 |
| Licensing (15) | 10 | 4 | 1 | 0 |

- (7) nominations of councillors to serve on each committee, which were circulated prior to the commencement of the meeting be received;

- (8) consideration be given to the appointment of chairmen and vice-chairmen of the committees listed in the documents circulated prior to the commencement of the meeting;

- (9) the delegation of executive functions, as confirmed by the Leader and set out in Part 3(4) of the Council's Constitution, be noted; and

- (10) consideration be given to the appointment of a representative and a substitute, from the membership of the Overview and Scrutiny Committee, to Cumbria County Council's Health Scrutiny Committee for the forthcoming year.

C/11 DRAFT CALENDAR OF MEETINGS 2021/22

The Council gave consideration to the draft Calendar of Meetings for the period May 2021 to July 2022.

RESOLVED – That, subject to the alterations highlighted at the meeting and outlined above being, made the Council's Calendar of Meetings covering the period May 2021 to July 2022 be approved.

C/12 ANNUAL REPORT 2020/21

The Annual Report detailed the Council's significant projects and achievements over the last 12 months. The Report reflected the Council Plan priorities and looked back at the Organisation's successes and achievements from 2020/21, whilst showing a future plan of how the Council would work together to make South Lakeland the best place to live, work and explore. Once approved by Council it would be published on the Council's website with links to the Council Plan.

In moving that the report be received, the Leader, Councillor Jonathan Brook, thanked the Chief Executive and Officers for their work over the past year, also recognising the work carried out by Cabinet Members, both present and past. In seconding the motion, Councillor Giles Archibald echoed the Leaders' thanks to officers.

RESOLVED – that the Annual Report 2020/21 be approved.

C/13 CHAIR OF THE AUDIT COMMITTEE'S ANNUAL REPORT 2020/21

The Annual Report from the Audit Committee, which summarised the activities of the Committee during 2020/21, was presented by Councillor Stephen Coleman the Chairman of the Committee.

Councillor Coleman informed Council that the Committee continued to provide robust challenge with regard to the Council's activities and thanked the Finance Team for their hard work to keep the Audit Committee working effectively.

Councillor Coleman moved that the report be received and was seconded by Councillor Severn

It was unanimously

RESOLVED – That the 2020/21 Audit Committee Annual Report be received.

C/14 ANNUAL REPORT OF STANDARDS COMMITTEE 2020/2021

Council considered the Annual Report of the Standards Committee for the municipal year 2020/21, which was presented by Councillor Matt Severn, the Chairman of the Committee. He thanked the Independent Person, Members of the Committee and officers for their work throughout a challenging period. Councillor Severn thanked Parish Councillors of the district for their service and added that he felt that South Lakeland District Council offered a high level of standards and again thanked officers for delivering an impressive service.

It was unanimously

RESOLVED – That the 2020/21 Standards Annual Report be received.

C/15 REVIEW OF LOCAL CODE OF GOVERNANCE

Council considered the Review of Local Code of Governance, which was presented by Councillor Stephen Coleman, the Chairman of the Audit Committee. He reminded Members of the importance of carrying out this review and highlighted minor changes set out in the report.

Councillor Coleman moved that the report be received and was seconded by Councillor Matt Severn.

It was unanimously

RESOLVED – that the review of the Local Code of Governance is received and the proposed changes set out in the Appendix 1 to the report are approved.

C/16 SCRUTINY ANNUAL REPORT 2019-21

The Chairman of the Overview and Scrutiny Committee, Councillor Vicky Hughes, presented the Scrutiny Annual Report 2019-2021. The report was required by the Council's Constitution, and provided an opportunity for the Committee to demonstrate the work that it had undertaken during the past year, and to outline the work planned for 2021/22.

Councillor Hughes moved that the report be received and was seconded by Councillor Chaffey.

It was unanimously

RESOLVED – That the Scrutiny Annual Report 2019-21 be received.

C/17 ANNUAL REVIEW OF THE CALL-IN AND URGENCY PROVISIONS 2019-21

In accordance with paragraph 16 (j)(ii) of the Council's Overview and Scrutiny Procedure Rules, a report on the operation of the provisions relating to call-in and urgency during the municipal year 2020/21 was presented to Council by Councillor Vicky Hughes, chairman of the Overview and Scrutiny Committee.

Councillor Hughes reported that the urgency procedure had been used 19 times in the previous twelve months, with all reports being taken to Cabinet and Council and were distributed to all Members.

Councillor Hughes moved the recommendation contained within the report and was seconded by Councillor David Webster.

It was unanimously

RESOLVED – That the contents of the 2020/21 Annual Review of the Constitution's Call-in and Urgency Provisions be noted.

C/18 ANNUAL REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES 2020/21

Further to Minute EX/015 (2006/07), annual reports for 2020/21 from Council representatives on outside bodies which had been submitted for inclusion on the agenda were presented.

Members thanked those who had submitted annual reports adding that the reports received provided a comprehensive picture of the outside bodies.

Councillor Jeanette Jenkinson informed Members that she was proud that the Council encourages towns to join the Business Improvement District Scheme (BID) and requested that the Economy, Culture and Leisure Portfolio Holder write to the outgoing Chairman and Treasurer to thank them for their outstanding service.

Councillor Thom Harvey added that it was good to see a comprehensive set of reports providing details on outside bodies.

RESOLVED – That the annual reports for 2020/21 from Council representatives on outside bodies be received.

C/19 REPRESENTATION ON OUTSIDE BODIES 2021/22

Further to EX/017 (2006/07), Council was asked to consider appointments to/appoint representatives to serve on outside bodies.

It was proposed and seconded that Councillor Pete McSweeney be re-appointed to the Cumbria Police and Crime Panel.

It was proposed and seconded that together with the Leader of the Council, Councillor Andrew Jarvis be appointed as the Council's representative on the Local Government Association General Assembly.

It was proposed and seconded, that Councillor Rachael Hogg be re-appointed as the Council's representative to North West Local Authorities Employers' Organisation, with Councillor Phillip Dixon to be re-appointed as the Council's substitute on the Organisation.

It was proposed and seconded that Councillor Robin Ashcroft be re-appointed as the Council's representative on the Local Enterprise Partnership (LEP) Management Board.

The current terms of appointment for the Members of the Council on both the Lake District (two places) and Yorkshire Dales (one place) Parks Authorities had not yet expired.

Voting having been taken, it was subsequently

RESOLVED – That appointments to/appointment of representatives to serve on outside bodies for 2021/22 (or for terms otherwise stated) be made as follows:-

- (1) Cumbria Police and Crime Panel – Councillor Pete McSweeney;
- (2) Local Government Association General Assembly – Councillor Jonathan Brook (Leader of the Council) and Councillor Andrew Jarvis

- (3) North West Local Authorities Employers' Organisation – Councillor Rachael Hogg, with Councillor Phillip Dixon as substitute Member; and
- (4) Local Enterprise Partnership (LEP) Management Board – Councillor Robin Ashcroft.

C/20 SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972 - DISPENSATIONS

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed Members that due to the impact of social distancing regulations and the expiry of legislation that allowed virtual meetings, a reduced attendance had been agreed for the Annual Meeting of the Council. She added that as a number of Members had been impacted by this, the Council had approved a blanket dispensation for members for non-attendance at the Council meeting on 19 May 2021 due to safety reasons and following Covid guidance.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) highlighted that the proposed dispensation meant that Members who had been impacted by the agreed non-attendance at the Annual Meeting, the six month period for non-attendance under Section 85 of the Local Government Act 1972 commenced the day after this Council meeting, i.e. on 20 May 2021.

Councillor Philip Dixon moved that the report be received and was seconded by Councillor Tom Harvey.

It was unanimously

RESOLVED – That a blanket dispensation for members for whom it had been agreed will not be in attendance, the six month period to begin on the day after the meeting i.e. 20 May 2021 be approved.

C/21 MINUTES OF MEETINGS

RESOLVED – That it be noted that no comments or question had been received in respect of the minutes of committee meetings held between 16 December 2020 and 22 April 2021.

C/22 QUESTIONS TO CHAIRMAN OF THE COUNCIL OR CHAIRMAN OF ANY COMMITTEE OR SUB-COMMITTEE

RESOLVED – That it be noted that no questions had been received.

C/23 TOAST BY CHAIRMAN

The Chairman toasted, the memory of the former district authorities now incorporated in the South Lakeland District, namely:-

- Kendal Borough Council;
- Grange Urban District Council;
- Lakes Urban District Council;
- North Lonsdale Rural District Council;
- Sedbergh Rural District Council;
- South Westmorland Rural District Council;
- Ulverston Urban District Council; and
- Windermere Urban District Council; and

The honourable memory of the County of Westmorland.

The meeting ended at 6.55 p.m.