

## SOUTH LAKELAND DISTRICT COUNCIL

Minutes of the proceedings at a meeting of the Council held in the Assembly Room, Kendal Town Hall, Kendal, on Tuesday, 27 July 2021, at 6.30 p.m.

Present

Councillors

Pete McSweeney (Chairman)

Giles Archibald	Judy Filmore	Kevin Lancaster
Rupert Audland	Tom Harvey	Ian Mitchell
Pat Bell	Hazel Hodgson	Doug Rathbone
Roger Bingham	John Holmes	Peter Thornton
Jonathan Brook	Kevin Holmes	Heather Troughton
Helen Chaffey	Vicky Hughes	David Webster
Brian Cooper	Andrew Jarvis	Mark Wilson
Tracy Coward	Dyan Jones	
Pete Endsor	Helen Ladhams	

Those Members not shown on the attendance list had an agreed non-attendance as detailed in Minute C/30 below.

Officers

Inge Booth	Legal, Governance and Democracy Specialist
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Simon McVey	Operational Lead Support Services
David Nicholson	HR Lead Specialist
Claire Read	Finance Specialist
Fraser Robertson	Communications Specialist
Simon Rowley	Director of Customer and Commercial Services
Helen Smith	Finance Lead Specialist (Section 151 Officer)
David Sykes	Director of Strategy, Innovation and Resources
Sion Thomas	Operational Lead Delivery and Commercial Services

### **C/24 MINUTES**

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Council held on 19 May 2021.

### **C/25 EMERGENCY NON-EXECUTIVE DECISIONS**

RESOLVED – That

(1) the following Emergency Non-Executive Decisions taken by the Chief Executive in accordance with Part 3 of the Council's Constitution 3.(B 1) (1.1) be received:-

27.07.2021

Council

- (a) 019 18-01-21 Business Support Grants (National Restrictions January);
  - (b) 020 10-03-21 Extension to Statement of Licensing Policy;
  - (c) 021 08-04-21 Business Support Grants; and
  - (d) 022 13-04-21 Encroachment Application; and
- (2) any spending outside any budgetary provision be noted.

## **C/26 PUBLIC PARTICIPATION**

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

## **C/27 DECLARATIONS OF INTEREST**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) referred to Agenda Item No.17 (Change in Policy for New Lake Encroachments) which had been considered by both the Lake Administration and Overview and Scrutiny Committees.

RESOLVED – That the following be noted:-

- (1) that no declarations of interest were raised; and
- (2) with regard to Agenda Item No.17 (Change in Policy for New Lake Encroachments), it be noted for the purpose of transparency that those Members of the Lake Administration and Overview and Scrutiny Committees present have previously considered the matter, however, remain open-minded.

## **C/28 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

There were no items in Part II of the Agenda.

## **C/29 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman drew attention to his list of formal engagements which was attached to the Agenda.

## **C/30 S.85 LOCAL GOVERNMENT ACT 1972 - DISPENSATIONS**

***Note – The Chairman of the Council had been consulted and had agreed that, due to the circumstances outlined within the report and set out below, this item should be considered at this meeting of Council as an urgent matter.***

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) referred to the report, hard copies of which had been circulated to Members at the start of the meeting and which would be published on the Council's Website following the meeting. The report sought Council's approval for a blanket dispensation for Members for non-attendance at this Council meeting for Covid-19 safety reasons and due to concerns that the number of Covid-19 cases in Cumbria continued to rise. This had already been discussed by Group Leaders, with an attendance of 50% having been agreed. The proposed dispensation would, therefore, provide that, for such Members the six month period of non-attendance under S.85 of the Local Government Act 1972 would commence on the day after this Council meeting, i.e. on 28 July 2021.

Councillor Jonathan Brook, Leader and Promoting South Lakeland and Innovation Portfolio Holder moved, was seconded by Councillor Tom Harvey, and it was unanimously

RESOLVED – That approval be given for a blanket dispensation for the Members listed below for whom it has been agreed will not be in attendance at the Council meeting on 27 July 2021 for Covid-19 safety reasons and due to concerns that the number of Covid-19 cases in Cumbria continue to rise, the six month period for those Councillors for whom it has been agreed are not attending the Council meeting on 27 July 2021 to have a new six month period calculation for attendance purposes commencing on 28 July 2021:-

Councillors Caroline Airey, Robin Ashcroft, Ben Berry, Stephen Coleman, Ben Cooper, Michael Cornah, Phillip Dixon, Alvin Finch, Gill Gardner, Eamonn Hennessy, Chris Hogg, Rachael Hogg, Helen Irving, Ali Jama, Janette Jenkinson, Malcolm Lamb, Susanne Long, Jon Owen, Suzie Pye, Brian Rendell, Matt Severn, Ian Wharton, Janet Willis and Shirley-Anne Wilson.

### **C/31**

### **LOCAL GOVERNMENT REORGANISATION**

The Secretary of State's decision with regard to Local Government Reorganisation in Cumbria having been received following the despatch of the Agenda, all Members had subsequently been emailed an electronic copy of the report which had also been published on the Council's Website. The Secretary of State's decision was for the implementation of two unitary councils on an East-West geography for the whole of the administrative county of Cumbria. This decision would mean the replacement of the County Council and all District/Borough Councils with a new Unitary Council for the area comprising Barrow, South Lakeland and Eden and one for the area comprising Copeland, Allerdale and Carlisle. The Secretary of State now intended to seek Parliamentary approval for the necessary secondary legislation to implement this proposal. It was intended that a draft Structural Changes Order would be laid in Parliament around the turn of the year and that it would include provision for the appropriate transitional arrangements, including for elections in May 2022 for the future unitary councils, and for those councils to assume the full range of local authority responsibilities on 1 April 2023. Elections to existing councils scheduled for May 2022, including those postponed from May 2021, would be cancelled. The focus was now for the Chief Executives and Senior Officers in Cumbria to discuss with Government officials the scope of matters to be included in the Structural Changes Order and how the programme of transition would be managed.

The Leader and Promoting South Lakeland Portfolio Holder, Councillor Jonathan Brook, introduced the report and expressed thanks for the opportunity to update Council on this important and historic item. He pointed out that the Council had now entered a fluid and fast moving period of change that would affect everyone, whether as councillors across all tiers of local government, or as officers, or as local residents, businesses or other organisations. It would lead to the dissolution of South Lakeland District Council and others across Cumbria and lead to the establishment of a new unitary authority. Councillor Brook, on behalf of Members, took the opportunity to again thank officers for their hard work over many months in helping to prepare the Council's submission to the Secretary of State and for their consideration of the next steps. He thanked Members for their input and particularly the Deputy Leader and Finance and Assets Portfolio Holder, Councillor Andrew Jarvis, who had done an excellent job throughout, but particularly during Councillor Brook's absence on holiday over the last two weeks, when the announcements and reactions had been made.

Councillor Brook did not wish to provide a detailed analysis of the Secretary of State's decision or his analysis of the submitted proposals, although he felt that there were several points that could legitimately be made on the contents of his response and the flawed process by which the information had been cascaded down to those most affected by it in local government. He instead reiterated that the Council was firmly focussed on making these proposals work. Cabinet and officers would together seek to work closely with local authority colleagues across Cumbria to ensure that excellent local services and support continued to be delivered throughout the transitional period and that the foundations for an effective and efficient unitary structure fit for the future were put in place. The appetite and ambition to engage with the transformative agenda was undiminished, albeit on a different geographic footprint to that which had been hoped for.

Councillor Brook stressed the intent of engaging in a radical transformational agenda which would deliver enhanced and improved services for residents. He pointed out that South Lakeland District Council was well placed to take a leading role in this agenda, having embarked on its Customer Connect transformation programme and having real practical experience to bring to the table as the process progressed. He informed Members that conversations had already commenced between the three authorities of Eden, South Lakeland and Barrow, and that all were committed to work together to achieve the best possible outcomes for residents.

Councillor Brook explained that Members from across all parties would be kept both informed and involved. Although it was too early in the process to say exactly how this would be achieved, he pointed out that it was in the Council's organisational DNA to work collaboratively across boundaries, so the Authority was well placed to deliver on its aspirations.

Councillor Brook stressed that this was an exciting opportunity and that the Council would work tirelessly to deliver the best outcomes for its communities. He moved the recommendations contained within the report and was seconded by Councillor Andrew Jarvis.

Members expressed support for the proposals, referring to the exciting opportunity and pointing out the need for cross party collaboration and engagement with businesses and residents.

Appreciation was shown for the tremendous work which had been put into the Bay proposal by the former Leader, Councillor Giles Archibald. Attention was drawn to the fact that two of the authorities which had formed part of that original proposal would now form part of the new authority, with some of that earlier work being visible. Councillor Archibald wished to thank officers and Members for their support for the original and solid proposal, however, he pointed out that it would not be appropriate to contest the Secretary of State's decision and stressed the need to look forward to the implementation of the new authority. He referred to the strong economic and cultural ties with Lancaster and hoped that the new authority would link with other councils and look to the east and south as well as to the west and north.

During conversation, an amendment was proposed for the strengthening of Recommendation 2.1(3) to include for further reports to be brought not only to Cabinet and/or Council, but also to all Members, with the value that could be added by local members being highlighted. Both Councillor Brook, as proposer, and Councillor Jarvis, as seconder, were content to take this on board within the motion.

The Chairman thanked officers for the work and the Director of Strategy, Innovation and Resources who had prepared the report.

It was subsequently unanimously

RESOLVED – That

(1) the Secretary of State's decision with regards to Local Government Reorganisation as it impacts this Council be noted;

(2) the Chief Executive and appropriate officers be authorised, in consultation with the Leader and Deputy Leader, to commence work with Cumbrian authorities in readiness for the implementation of reorganisation; and

(3) it be noted that further reports will be brought to Cabinet and/or Council, and all Members, as appropriate, once there is further detail on the Order and how reorganisation is to be implemented (the timetable of implementation may require meetings of Cabinet and Council to be held outside of the approved schedule of meetings).

## **C/32**

### **REVENUE AND CAPITAL OUTTURN 2020/21**

The Deputy Leader and Finance and Assets Portfolio Holder, Councillor Andrew Jarvis, presented the Revenue and Capital Outturn 2020/21 report which set out the Council's financial performance for 2020/21 and the impact on reserves. He highlighted the extraordinary period with the impact of the Covid-19 pandemic and praised the hard work of the Finance Team, thanking them for their work during a challenging time. He drew attention to the fact that, despite the complex situation, the Council was in a much better financial position than had been anticipated earlier in the year.

Councillor Jarvis went on to speak in detail about the Revenue Budget and Capital Expenditure, as outlined within the report.

In conclusion, Councillor Jarvis reiterated that this year end presented a very much smaller deficit in 2020/21 than had been expected. He drew attention to the impact on the Council's reserves, particularly in the carry-forward. He drew attention to Appendix 1a to the report showing the detailed movement of reserves. Compared to budget, the main changes related to timing adjustments, including carry-forwards and the impact of Covid-19 grants, as well as a large technical item on the National Non-Domestic Rate Adjustment Reserve. As highlighted, however, he explained that there was no longer a need to draw down £2m from the General Fund as had been previously expected. Overall, this meant that the Council continued to be in a strong position with its reserves at the end of the year.

The report had been through both Cabinet on 23 June 2021 and the Overview and Scrutiny Committee on 9 July 2021.

Councillor Jarvis asked Council to approve the contributions to and from reserves detailed in Appendix 1a to the report and was seconded by Councillor Giles Archibald.

Discussion took place, with reference being made to the transition to a Unitary Authority and a question raised as to the state of Barrow's and Eden's reserves. Councillor Jarvis explained that it was the County's financial element that would have the biggest impact in this regard, with around 90% of the expenditure falling within their

budget. In response to a question regarding legacy funds, Councillor Jarvis pointed out that the Government was wise to the profligacy of councils facing extinction and that there would be rules put in place on any spending. Councillor Jarvis addressed another query regarding the future of assets for which the Council acted as trustee, some having been inherited from former urban and rural councils and which, it was felt, would be more suited to being held by town or parish councils. He explained that there would be rules on what assets the Council could transfer although acknowledged that there may be assets which would be best managed locally. He stressed, however, that it was the Council's aim to do what was best for the residents of South Lakeland. The importance of communication between the authorities involved once the Structural Changes Order was made was raised and attention drawn to the establishment of a Shadow Authority which would discuss the finer detail of reorganisation.

It was unanimously

RESOLVED – That the contributions to and from reserves detailed in Appendix 1a be approved.

### **C/33**

### **2020/21 ANNUAL TREASURY MANAGEMENT REPORT**

Councillor Andrew Jarvis, Deputy Leader and Finance and Assets Portfolio Holder, presented the 2020/21 Annual Treasury Management Report. The report reviewed the treasury activities and the actual prudential and treasury indicators for the 2020/21 financial year, meeting the requirements of the Local Government Act 2003, the CIPFA Code of Practice on Treasury Management and the CIPFA Code for Capital Finance in Local Authorities.

Councillor Jarvis highlighted a number of key features within the report. At the end of the financial year the level of external debt had remained at £12.8m, showing that the Council had not funded revenue activity through borrowing, a key prudential indicator. At the end of the year, the Council had financial investments of nearly £29m, as outlined in Table 7 of the Appendix to the report. The Council's non-treasury investments had a fair market value of £3.847m and had generated £214,000 income last year and Councillor Jarvis pointed out that this was below the previous year's figure due to the pandemic.

Councillor Jarvis thanked officers for their work in this area, pointing out that their careful management of borrowing and cash balances was critical to minimise the risk that the Council faced, whilst achieving the best possible returns to support the broader work of the Authority.

The Chairman pointed out that the report had been through both Cabinet on 23 June 2021 and the Overview and Scrutiny Committee on 9 July 2021 and had been recommended to Council for approval.

Councillor Jarvis moved the recommendation contained within the report and was seconded by Councillor Doug Rathbone.

It was unanimously

RESOLVED – That the 2020/21 Annual Treasury Management Report be approved.

**C/34****DRAFT MEDIUM TERM FINANCIAL PLAN 2021/22 - 2026/27**

Councillor Andrew Jarvis, Deputy Leader and Finance and Assets Portfolio Holder, provided a highly detailed presentation on the draft Medium Term Financial Plan. The Plan was a key element of the Council's corporate planning framework to ensure that the Council had sufficient financial resources in the short to medium-term to deliver its statutory responsibilities and its Council Plan priorities.

Due to the impact of Covid-19, the report included high-level projections based on the information as at early July 2021. The projections would be regularly reviewed and reported during the 2022/23 budget preparation process. The Council was required by statute to set a balanced budget in February/March 2022.

The Plan ensured that the Council had a sound basis for allocating resources and effective financial management over the medium term.

The report had been through Cabinet on 21 July 2021 and had been recommended to Council for approval.

Councillor Jarvis drew attention to the actions that the Council had already taken to cut costs with the Customer Connect Programme which left the Council in a very strong financial position for the next few years and he thanked officers for their work. He moved the recommendation contained within the report and was seconded by Councillor Dyan Jones, Climate Action and Biodiversity Portfolio Holder.

It was unanimously

RESOLVED – That the following be approved:-

- (1) the draft Medium Term Financial Plan as attached at Appendix 1 to the report;
- (2) the request for £250,000 to fund work associated with Local Government Reorganisation; and
- (3) the budgets of £217,000 associated with the Welcome Back Fund.

**C/35****PROCUREMENT STRATEGY 2021-2026**

Councillor Andrew Jarvis, Deputy Leader and Finance and Assets Portfolio Holder, reported that the Council's previous Procurement Strategy had been a combined Sustainable Commissioning and Procurement Strategy which has since been separated into two separate documents, the Commissioning Strategy having been approved by Council in 2020, with the Procurement Strategy as a companion piece.

The pressure of the Covid-19 pandemic had reinforced the requirement for the Council to seek Value for Money from their procurement process as well as accountability over being fair and transparent with any invitations to tender. Furthermore, the Strategic Council Plan Priorities meant that there was a shift toward a holistic view of the outcomes of procurement, taking into account sustainability, net carbon neutrality and localism.

Councillor Jarvis informed Members that the Strategy had been reviewed by the Overview and Scrutiny Committee on 9 July 2021. The Committee had asked for a report on progress in twelve months' time, particularly around the need for

understanding on what success looked like in terms of Social Value and how this would be measured. The report had also been through Cabinet on 21 July 2021 and recommended to Council for approval.

Councillor Jarvis expressed thanks to the Procurement Specialist for her work on the Strategy and moved the recommendation contained within the report. He was seconded by Councillor Dyan Jones, Climate Action and Biodiversity Portfolio Holder.

Support was expressed for the Strategy and the encouragement of consideration of environmental and social values in procurement, although a desire for strengthening of this aspect was raised. Councillor Jarvis explained that whilst the Council was only able to encourage addressing of these aspects within submissions, the important thing was how they were taken into consideration by the Authority in the tendering process. Councillor Jarvis confirmed that carbon impact was also addressed within the Strategy.

It was unanimously

RESOLVED – That the Procurement Strategy 2021-2026 attached at Appendix 1 to the report be approved.

### **C/36**

#### **MEMBER DEVELOPMENT STRATEGY 2021-26**

On behalf of Councillor Philip Dixon, Customer and Locality Services Portfolio Holder, Councillor Jonathan Brook, Leader and Promoting South Lakeland and Innovation Portfolio Holder, presented the Member Development Strategy 2021-26 which set out how Members would be supported by ensuring that they had the skills and knowledge to fulfil their roles as effectively as possible in the fast paced world of the 21st Century. The report drew particular attention to the mandatory training list and the addition of Introduction to Public Sector Finance training for all Member. Due to the streamlined nature of the new Strategy, the timeframe for a further review was five years, however, it was pointed out that the Member Support Steering Group would carry out an annual review to ensure that it continued to remain fit for purpose.

Councillor Brook moved the recommendation contained within the report and was seconded by Councillor Giles Archibald.

It was unanimously

RESOLVED – That the updated Member Development Strategy 2021-26 be approved.

### **C/37**

#### **2023 REVIEW OF PARLIAMENTARY CONSTITUENCIES**

An updated copy of the report had been circulated prior to the meeting, including a revision to Recommendation No.(3) changing the word “finalise” to “submit”.

Councillor Jonathan Brook presented the report informing Council of the proposals of the Boundary Commission for England (BCE) in relation to the 2023 Review of Parliamentary Constituencies and how they would affect South Lakeland. Members were being asked to determine the Council’s response to the consultation.

The aim of the review was to make constituencies more equal in terms of the numbers of electors each contained as, due to population changes since the last review, the number of electors in some constituencies was much higher than in others. The BCE was required by legislation to equalise the number of electors in each constituency and, in the North West of England, was proposing 73 constituencies, a reduction of two from the current number.

The report provided information on the consultation process, following the conclusion of which, the BCE would look at all the evidence received and form its final recommendations, to be presented to Parliament by July 2023 for approval, with the new constituencies taking effect at the next General Election.

The report included detailed information regarding the statutory electorate range as well as other statutory factors.

The report further outlined the proposals for Cumbria. There were currently six constituencies in Cumbria, none of which had electorates that were within the statutory electorate range and therefore none were able to remain unchanged. Only five constituencies could be wholly allocated within the county boundary, necessitating one cross-county boundary constituency to be constructed, the larger part of which was within Lancashire.

Currently, there were two parliamentary constituencies within the boundaries of South Lakeland District Council – Westmorland & Lonsdale and part of Barrow & Furness. The initial proposals from the BCE made some significant changes to parliamentary constituencies within the boundaries of South Lakeland District Council, with no single constituency existing completely within the boundary of the Council area. These were shown in the maps of the proposed constituency boundaries which could be found in Appendices 1-4 of the report. The BCE had stated that the options for pairing Cumbria with another county were limited by the Irish Sea to the west, and the border with Scotland to the north. It was not proposed that any regional boundaries should be crossed unless unavoidable, so the option of Cumbria being paired with Northumberland or County Durham in the North East region, or North Yorkshire in the Yorkshire and the Humber region was not being suggested. As a result, the BCE was proposing to pair Cumbria with Lancashire to the south and a constituency that crosses the county boundary between Cumbria and Lancashire. The BCE was proposing a Westmorland and Eden constituency, which contained the entirety of Eden district, and extended into South Lakeland District. The wards from South Lakeland which were proposed to be included were the Sedbergh & Kirkby Lonsdale ward, the Kendal Rural ward, and the five wards which constituted the town of Kendal itself. The BCE consider the A6 and M6 provided strong transport links between Kendal and Penrith, which formed the two major population centres within the proposed Westmorland and Eden constituency. This configuration avoided the arbitrary division of either town. The South Lakeland district ward of Broughton & Coniston had been extensively reconfigured by the Local Government Boundary Commission for England. The inclusion of this reconfigured ward within the existing Barrow and Furness constituency would result in significant disruption across Cumbria. To avoid this, the BCE was proposing that the Barrow and Furness constituency be extended eastwards, across the Leven Estuary. The BCE acknowledged that the direct transport links eastwards were not ideal. There was a railway line across the estuary, but no direct east-west road link wholly contained within the constituency. However, the A590 was the key road in this area of south western Cumbria, and connected both sections of the constituency, so no part was inaccessible. The proposed Barrow and Furness constituency was, therefore, largely the same as the existing constituency, but now included the Cartmel and Grange wards, and no longer included the Broughton & Coniston ward. The BCE considered this arrangement allowed for a more practicable configuration of constituencies across Cumbria, without fundamentally altering the nature of the existing Barrow and Furness constituency. The proposed Copeland and the Western Lakes constituency was similar to the existing Copeland constituency with an extension eastwards into the South Lakeland District. The proposed constituency would, therefore, include the Broughton & Coniston, Ambleside and Grasmere, and

Windermere wards. In order to maintain the entirety of Lake Windermere within a single constituency, and to avoid dividing the communities of Windermere and Bowness-on-Windermere, BCE propose dividing the Bowness & Levens ward between constituencies. The BCE proposed that the westernmost part of this ward, which contains Bowness-on-Windermere and covered the southern expanse of Lake Windermere itself, be included within the Copeland and the Western Lakes constituency. The BCE considered that the division of this ward enabled them to better reflect the community ties between the settlements on Lake Windermere, and resulted in Lake Windermere not being divided between constituencies. This allowed one of the most iconic lakes of the Lake District to not only be included in a constituency which covers the majority of the UNESCO World Heritage Site, but also which was wholly contained within Cumbria. The BCE proposed that the remainder of the divided Bowness & Levens ward be included with the Burton & Crooklands, and Arnside & Milnthorpe wards in the proposed Cumbria and Lancashire cross-county boundary constituency. They considered the existing Morecambe and Lunesdale constituency to be the most suitable for extension across the county boundary as its existing northern boundary lay along the entirety of the Cumbria-Lancashire boundary and there were effective transport links along the M6, A6 and A6070 roads. Aside from the addition of the Cumbrian wards, the bulk of the constituency remained largely unchanged. The BCE proposed that this constituency be called Morecambe and South Lakeland and considered that this name acknowledged both the county crossing, and was an accurate description of the constituency.

Councillor Brook referred to Appendix 5 to the report, which was a proposed response to the Boundary Commission which had been prepared by officers and so, he stressed, formed a non-political view. He moved the revised recommendations which he suggested would carry more weight if endorsed by the Council and was seconded by Councillor Giles Archibald.

A lengthy discussion ensued.

Some spoke in support of the Boundary Commission's proposals. It was pointed out that the Commission had a duty to periodically review Parliamentary constituencies and that this work was carried out by independent people. Reference was drawn to Local Government Reorganisation and to the recent proposal for the Bay and the relationships of some of the areas included within that bid. Further, reference was drawn to the fact that that particular submission had also not been aligned with regard to NHS and Further Education structures. As regards concerns regarding distance and travel, attention was drawn to the use of digital communication. It was suggested that residents were not concerned as to where lines were drawn but simply wanted Members of Parliament that would work hard on their behalf. It was pointed out that the BCE had done the best job possible and that there would be a problem with whatever was proposed. In order to achieve similar sized Parliamentary constituencies, there would always be an unusual geography, and it was stressed that equal sized constituencies formed a fundamental part of democracy.

Strong criticism was raised, however, with regards to the Boundary Commission's proposals in relation to the proposed Copeland and the Western Lakes constituency and the inclusion of the Wards of Broughton & Coniston, Ambleside & Grasmere and Windermere wards therein. Concerns raised were around, for example, the impracticalities of the fact that the areas were separated by both England's highest mountain range and largest lake, the vast distances and travel time and the differences in local industry. In addition, it was pointed out that there was little affinity between residents, with no community linkages, and it was pointed out that not only were the residents of Broughton & Coniston, Ambleside & Grasmere and Windermere against the proposals but so were the residents of Whitehaven and Workington.

A vote was taken and it was

RESOLVED – That

- (1) the initial proposals of the Boundary Commission for England in relation to the Parliamentary Constituencies in South Lakeland be noted;
- (2) the consultation responses as outlined in Appendix 5 be endorsed; and
- (3) the Director of Strategy, Innovation and Resources be authorised to submit the response to the consultation for submission to the Boundary Commission for England by the 2 August 2021 deadline.

### **C/38 CHANGES TO COMMITTEE MEMBERSHIP**

On behalf of Councillor Philip Dixon, Customer and Locality Services Portfolio Holder, Councillor Jonathan Brook, Leader and Promoting South Lakeland and Innovation Portfolio Holder, reported that, following the appointment of Committee Memberships at the Annual Meeting of the Council in May 2021, Councillor Peter Endors had requested that he be replaced on the Planning Committee. It had subsequently been proposed by the Liberal Democrat Group that Councillor Giles Archibald would take the place of Councillor Endors on the Planning Committee for the remainder of 2021/22.

Councillor Brook moved the recommendation contained within the report and was seconded by Councillor Dyan Jones, Climate Action and Biodiversity Portfolio Holder.

It was unanimously

RESOLVED – That the changes to the Planning Committee Membership as proposed be received.

### **C/39 UPDATE TO THE CONSTITUTION**

On behalf of Councillor Philip Dixon, Customer and Locality Services Portfolio Holder, Councillor Jonathan Brook, Leader and Promoting South Lakeland and Innovation Portfolio Holder, informed Council that one of the duties of the Monitoring Officer was to monitor and review, on an annual basis, the operation of the Constitution to ensure that its aims and objectives were given full effect. It was considered, however, more appropriate to treat the Constitution as a living document and for in year amendments to be encouraged to ensure that it was kept up-to-date and met the needs of the business.

Approval was being sought to amendments under Section E(2) (2.1) to include the wording, “including changes to job titles” and authorisation for the Monitoring Officer to make these changes. The Human Resources Committee had been consulted and had expressed support.

Councillor Brook moved the recommendation contained within the report and was seconded by Councillor Giles Archibald.

It was unanimously

RESOLVED – That approval be given for the addition of the wording, “including changes to job titles” to delegation E(2) 2.1 and for the Monitoring Officer to make the necessary changes to the Constitution.

**C/40****SOUTH LAKELAND DISTRICT COUNCIL CODE OF CONDUCT, ARRANGEMENTS AND GUIDANCE REVISION**

On behalf of Councillor Philip Dixon, Customer and Locality Services Portfolio Holder, Councillor Jonathan Brook, Leader and Promoting South Lakeland and Innovation Portfolio Holder, presented a report informing Members that in December 2020, the Local Government Association had published its Model Code of Conduct for Local Authority Members. The report recommended adopting the said Code, with suitable local revisions, together with revisions to the Council’s Arrangements in Dealing with Code of Conduct Matters and Guidance so as to implement the Committee for Standards in Public Life’s Best Practice recommendations.

Councillor Brook moved the recommendation contained within the report and was seconded by Councillor Peter Thornton.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) referred to an oversight in the proposed Code, explaining that when considered by the Standards Committee, it had been proposed to alter the definition of harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It had been felt that two occasions should be altered to one single incident.

It was unanimously

RESOLVED – That

(1) the best practice recommendations be noted and the LGA Code of Conduct (as amended), the Arrangements for Dealing with Standards Matters and the Code of Conduct Guidance, as attached at Appendices 2 , 3 and 4 to the report be adopted; and

(2) the Gifts and Hospitality declaration threshold will remain at £50.

**C/41****CHANGE IN POLICY FOR NEW LAKE ENCROACHMENTS**

On behalf of Councillor Philip Dixon, Customer and Locality Services Portfolio Holder, Councillor Andrew Jarvis, Deputy Leader and Finance and Assets Portfolio Holder and Member of the Lake Administration Committee presented a report seeking Council’s approval for a change in policy for new Lake encroachments to provide officers and applicants with clarity around encroachment applications where applicants had outstanding debts or were failing to meet with lease conditions. The proposed change in policy had been considered by both the Lake Administration and the Overview and Scrutiny Committees on 2 and 9 July 2021 respectively and had been recommended to Council for approval, although concern had been expressed at the “like for like” description in the Policy which, it had been felt, required clarification and amendment. Councillor Jarvis explained that this description was, therefore, being altered to “identical”. He moved the recommendations contained within the report and was seconded by Councillor Doug Rathbone.

It was unanimously

RESOLVED – That

(1) approval be given to change the policy in accordance with the Agreement dated 21 April 1975 between South Lakeland District Council, Windermere Parish Council and Lakes Parish Council;

(2) the Monitoring Officer be delegated authority to make the required amendments to the Council's Constitution and Scheme of Delegation to implement the decision;

(3) the Director for Customer and Commercial Services be delegated authority, in conjunction with the Lead Specialist for Legal, Governance and Democracy and Lead Specialist for Finance, to review all encroachment applications to consider them against the Policy to determine which applications can be taken to the Lake Administration Committee for consideration and, in cases considered to not meet the policy requirements, to reject them.

#### **C/42 ADJOURNMENT**

A vote having been taken, the meeting adjourned for a break at 8.30 p.m. and reconvened at 8.40 p.m., when the same Members were present.

#### **C/43 LEADER'S ANNOUNCEMENTS AND CABINET QUESTION TIME, INCLUDING THE COMPOSITE REPORT OF THE CABINET (1 HOUR MAXIMUM)**

The Chairman suggested that, on this occasion, written responses be provided to those written questions which had been received in accordance with paragraphs 10.2 and 10.3 of the Council's Rules of Procedure, copies of which had been distributed to Members present at the start of the meeting.

Although a desire to pursue verbal responses was raised, the majority of Members felt the suggestion of written responses to be a sensible approach on the condition of timely distribution of the responses. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) undertook to ensure that the written responses to written questions were circulated to all Members and published, together with the questions, on the Council's Website within 24 hours of the meeting.

Councillor David Webster further sought information on progress on the Ulverston Leisure Scheme and sought confirmation that the Leisure Centre in Ulverston would not be put on the back burner due to the transition to a Unitary Authority.

Councillor Tom Harvey proposed, was seconded by Councillor Andrew Jarvis, and it was unanimously

RESOLVED – That on this occasion, approval be given for written responses to those written questions received in accordance with paragraphs 10.2 and 10.3 of the Council's Rules of Procedure to be circulated to all Members and published on the Council's Website within 24 hours of the meeting.

#### **C/44 MINUTES OF MEETINGS**

No comments or questions had been received in respect of the minutes of committee meetings held between 23 and 30 April 2021.

**C/45 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/46 URGENT DECISIONS**

RESOLVED – That the details relating to an urgent Executive Decision taken since the last scheduled ordinary meeting of the Council held on 23 March 2021, namely CEX/164 (2020/21), be received.

**C/47 EMERGENCY DELEGATED EXECUTIVE DECISIONS**

RESOLVED – That the following Emergency Delegated Executive Decisions taken by the Chief Executive, in accordance with the Leader's decision noted by Cabinet at CEX/04 (2019/20), be noted:-

- (1) 016 08-034-21 Business Support Grants; and
- (2) 017 02-07-21 Use of Powers under Section 23 of the Local Government Act 1976.

The meeting ended at 8.50 p.m.