

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 20 October 2021, at 10.00 a.m.

Present

Councillors

Jonathan Brook (Leader and Promoting South Lakeland and Innovation Portfolio Holder)
(Chairman)

| | |
|----------------|--|
| Robin Ashcroft | Economy, Culture and Leisure Portfolio Holder |
| Helen Chaffey | Housing Portfolio Holder |
| Philip Dixon | Customer and Locality Services Portfolio Holder |
| Dyan Jones | Climate Action and Biodiversity Portfolio Holder |
| Suzie Pye | Health, Wellbeing and Poverty Alleviation Portfolio Holder |

An apology for absence was received from Councillor Andrew Jarvis (Deputy Leader and Finance and Assets Portfolio Holder).

Also in attendance at the meeting were Shadow Executive Members Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)), Tom Harvey (Shadow Cabinet Leader (Promoting South Lakeland and Innovation Portfolio)), John Holmes (Shadow Cabinet Deputy Leader (Finance and Assets Portfolio)), Kevin Holmes (Shadow Cabinet (Climate Action and Biodiversity Portfolio)), Helen Irving (Shadow Cabinet (Health, Wellbeing and Poverty Alleviation Portfolio)) and Janette Jenkinson (Shadow Cabinet (Customer and Locality Services Portfolio)), and David Webster (Leader of the Labour Group).

An apology for absence was received from Shadow Executive Member Pat Bell (Shadow Cabinet (Housing Portfolio)).

Officers

| | |
|-----------------|--|
| Simon Blyth | Strategy Specialist |
| Inge Booth | Legal, Governance and Democracy Specialist |
| Lawrence Conway | Chief Executive |
| John Davies | Case Management Officer |
| Linda Fisher | Legal, Governance and Democracy Lead Specialist (Monitoring Officer) |
| Claire Gould | Operational Lead for Customer and Locality Services |
| Richard Machin | 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 |

CEX/46 CABINET EXECUTIVE DECISIONS

RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 1 September 2021.

CEX/47 DELEGATED EXECUTIVE DECISIONS

RESOLVED – That the Delegated Executive Decisions made by Portfolio Holders or Officers on 26 August and 9 September 2021 be received.

CEX/48 DECLARATIONS OF INTEREST AND DISPENSATIONS

The Legal, Governance and Democracy Specialist 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. For Agenda Item No.9 (Local Government Reorganisation), 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 on the item.

RESOLVED – That it be noted that, in respect of Agenda Item No.9 (Local Government Reorganisation) and Minute CEX/53 below, Councillor Roger Bingham is a dual-hatted Member with an Other Registrable Interest.

CEX/49 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That, should discussion be necessary, the documents in Part II of the Agenda be dealt with following the exclusion of the press and public.

CEX/50 PUBLIC PARTICIPATION

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

CEX/51 FORWARD PLAN

RESOLVED – That the contents of the Forward Plan published on 12 October 2021 be noted.

CEX/52 CABINET APPOINTMENTS/REPRESENTATION ON OUTSIDE BODIES 2021/22**Summary**

Further to CEX/13 (2021/22), Cabinet was asked to consider appointments of representatives to two outside bodies for the remainder of the year.

Decision

RESOLVED – That the following appointments of representatives to serve on outside bodies for the remainder of 2021/22 be made:-

- (1) Community Rail Partnership – Councillor Doug Rathbone; and***
- (2) Kendal Museum Working Group – Councillor Chris Hogg (Member) and Imelda Winters-Lewis (Officer).***

Reasons for Decision

Appointments to Outside Bodies assist in the delivery of the Council Plan through partnership working.

Alternative Options Considered and Rejected

Not to make appointments, which could affect the Council's ability to influence partners on important strategic issues.

CEX/53

LOCAL GOVERNMENT REORGANISATION

Note – Councillor Roger Bingham, a dual-hatted Member with an Other Registrable Interest, remained in the room during discussion and voting on the item, although with no voting rights as a Shadow Executive Member.

Summary

The Leader and Promoting South Lakeland and Innovation Portfolio Holder addressed the meeting, highlighting some of the key points in respect of the Local Government Reorganisation (LGR) process.

The decision of the Secretary of State (SOS) had been received on 21 July 2021. The new SOS still intended to seek Parliamentary approval for the necessary secondary legislation to implement the two unitary, East-West proposal. To achieve this, a draft Structural Changes Order (SCO) would be laid in Parliament around the turn of the year and would include provision for 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, when predecessor councils including South Lakeland District Council (SLDC) would be abolished.

In the intervening period, Cumbria County Council (CCC) continued on its course to challenge the Government's decision. Earlier in the week, CCC had issued its Judicial Review application in respect of the Government's proposals to create two new unitary authorities in Cumbria. That meant that legal proceedings had now commenced. CCC now had seven days in which to serve a copy of the court papers on the Department for Levelling Up, Housing and Communities and the six district councils. Those papers had been sent out.

The first step in the court process was the granting of permission to bring a judicial review. Once the parties were served with the court papers they would have 21 days to respond. The judge would then make a decision as to whether or not to grant permission based on their reading of the papers. If the judge granted permission, the case would be listed for a substantive hearing. If the judge did not grant permission, CCC could ask for an oral hearing on the issues of permission. Further updates would be provided as the case progresses.

However, as before, because the timetable was so tight, work towards delivering a successful outcome for the LGR process could not stop. SLDC had, therefore, submitted its comments to Government in respect of the draft SCO. A response was awaited from Government and the Council had been informed that this should be received before the end of October. There would then be two weeks for the Council to make its response to the draft SCO.

It was anticipated that the draft SCO would include provisions relating to the names of the new authorities, the election arrangements, such as the number of councillors, geography and names of wards and number of councillors for each ward; also as previously indicated, provisions covering the terms of councillors and future election dates; and a host of other electoral matters including arrangements for by-elections and Parish Council elections. Finally, the make-up of any joint committees and the implementation executive would also be included in the draft SCO.

The draft would be finalised in November. Pre-legislative scrutiny of the SCO would take place in December and the draft would be laid in Parliament in January 2022, followed by Parliamentary scrutiny in February to March and it was expected that the SOS will sign this into law prior to 28 March. Joint committees would then be established in April to run until the May 22 Elections when the Shadow Authorities would be formed which would become the sole principal Authorities in April 2023.

In the intervening period, there was a huge amount of work to be undertaken to ensure that the new authorities could transition on a safe and legal basis, but also to be able to look to provide transformed services that delivered the best outcomes for their communities for Members and for staff. This was why the Council remained absolutely focussed on delivering these outcomes and could not allow itself the luxury of slowing down at this point. The Council continued to aim to make this process as transparent as possible and would continue to provide regular and frequent updates.

The Leader and Promoting South Lakeland Portfolio Holder asked Members to note the contents of his verbal update and that further reports would be brought to Cabinet and/or Council and all Members.

In response to a query raised regarding the potential for the Judicial Review to result in a different option for reorganisation in Cumbria, the Leader and Promoting South Lakeland Portfolio Holder explained that work would continue in the meantime on the basis of the current proposal and that this preparatory work would be necessary whatever the outcome and, therefore, would not be wasted. As regards concern raised regarding the future of individual council's assets, he explained that various workstreams and task groups would address such aspects as part of the process.

Decision

RESOLVED – That the following be noted:-

- (1) the contents of the verbal update; and***
- (2) that further reports will be brought to Cabinet and/or Council, and all Members as appropriate.***

Reasons for Decision

To keep Members updated on progress with LGR.

Alternative Options Considered and Rejected

None – the report was for noting.

CEX/54**COUNCIL PLAN PERFORMANCE MONITORING REPORT QUARTER 2 2021/22****Summary**

Members had been provided with copies of an updated version of Appendix 2 to the report prior to the meeting.

The Leader and Promoting South Lakeland and Innovation Portfolio Holder presented an update report on progress with the Council Plan 2021-2026 for Quarter 2 of 2021/22. Monitoring the success of the Council Plan informed of improvements and ensured that Council services addressed the needs of residents in an open and transparent way. The Council was committed to delivering high quality, cost effective services that met the needs of residents and improved quality of life. The performance management process helped the Council to demonstrate how well it was going. The report also included the Council's Strategic Risk Register.

The targets listed within the report showed very good performance and demonstrated that South Lakeland was a very desirable place to live, work and explore. However, in line with the national trend and the influence of Covid-19, the number of homeless households living in temporary accommodation had increased. Economic benchmarks were not directly reflective of Council performance, as there were many external factors at play. The Council monitored the state of South Lakeland's economy, trends, strengths and weaknesses to help prioritise activities and interventions, and adapted and implemented policies to positively affect the economy. Following a review of the Strategic Risks for Quarter 4 2019/20, it had been found that 65% of risks were above appetite. This significant change was due to the pressures brought about by Covid-19. The review this Quarter 2 2021/22 showed that improvement continued, now with a significantly reduced 19% of risks positioned above appetite. Updates for each of the targets were listed within the report. At Quarter 1 2021/22 reporting, Cabinet had requested that data be presented in graphical format to facilitate interpretation. This had been implemented and all graphs could be seen together within Appendix 2 to the report.

Members expressed thanks for the presentation of the data in graphical format. Reference was made to the target for completion of the Master Plan for the GSK site in Ulverston by July 2021 and the Leader and Promoting South Lakeland and Innovation Portfolio Holder, in response to a request, undertook to endeavour to ensure that all District Councillors for Ulverston received updates on progress. Attention was drawn to the statistics for long term empty homes and whilst the impact of Covid-19 was recognised, concern was raised regarding the fact that there had been little change over the past ten years. The Housing Portfolio Holder believed that the Council's decision on the Council Tax premium was starting to have an impact on these figures. In response to a request, she added that the next quarterly report would show the figures through the period of the Covid-19 pandemic. The Climate Action and Biodiversity Portfolio Holder provided Members with details of the work being carried out within the remit of her Portfolio, particularly around Climate Change.

Decision

RESOLVED – That the following be noted:-

- (1) the Summary of Performance as detailed in the report;***
- (2) the detailed risks information contained within Appendix 1 to the report;***
and
- (3) the detailed performance statistics in Appendix 2 (revised) to the report.***

Reasons for Decision

Performance Monitoring underpins service delivery and provides good value for money. Performance Monitoring supports the delivery of all four Council Plan Priorities.

Alternative Options Considered and Rejected

There were no alternative options. The purpose of the report is to receive a performance update. The Council must note successes, monitor progress and take action where appropriate.

CEX/55

UPDATE TO THE COUNCIL'S CONSTITUTION - CONTRACT PROCEDURE RULES AND PROCUREMENT SCHEDULE

Summary

Prior to the meeting, Members had been provided with copies of Appendix 3 to the report which had been marked "to follow" on the Agenda.

The Customer and Locality Services Portfolio Holder presented a report outlining amendments to the Constitution to provide further delegation and clarity relating to procurement and contracting processes.

The Legal, Governance and Democracy Lead Specialist drew Members' attention to the need for two further amendments, namely:-

- the addition of "Operational Lead" alongside "Lead Specialist" in the rules and authorisations; and
- the deletion of "Lead" in "Procurement Lead Specialist".

She also explained a need to revisit the waiver rules and sought delegated authority for herself, in consultation with the Portfolio Holder, to make any changes as necessary.

Decision

RESOLVED – That

(1) the Monitoring Officer be delegated authority to make any changes, as necessary, in consultation with the Customer and Locality Services Portfolio Holder, to the waiver rules;

(2) subject to the further amendments raised at the meeting and above, Executive Decisions relating to Contracts be delegated to the Officers, Portfolio Holders and Directors as outlined in Appendices 1 and 2 to the report;

(3) Council be recommended to approve the proposed amendments to the Constitution outlined in the Contract Procedure Rules attached to the report at Appendix 1 and highlighted in red;

(4) it be noted that the Monitoring Officer will make any additional consequential changes to the Constitution to take account of these proposals if agreed by Council; and

(5) the latest Procurement Schedule at Appendix 3 to the report be approved.

Reasons for Decision

The Constitution underpins the Council's decision making processes in achieving the aims and objectives of the Council's priorities. Ensuring the Constitution is updated regularly will assist in achieving the following Council Plan priorities:-

- working across boundaries;
- delivering a balanced community;
- a fairer South Lakeland; and
- addressing the climate emergency.

Alternative Options Considered and Rejected

Members could choose not to approve the changes as proposed, or to make amendments to the proposals. However, it is considered that the proposed amendments are required as part of the good governance of the Council and to ensure that appropriate controls are in place.

CEX/56

CUSTOMER CONNECT FIVE YEARS ON, THE OUTCOMES, BENEFITS AND FUTURE

Summary

Members had been provided with replacement copies of Appendix 1 to the report prior to the meeting as the original version attached to the Agenda was incomplete due to a system error during the production of the document.

The Leader and Promoting South Lakeland and Innovation Portfolio Holder introduced the detailed report to enable Members to recognise the achievements of the Customer Connect Programme since inception in 2016 and to note the outcomes and benefits the Programme had delivered as set out in Appendix 1 to the report. The report further outlined the work still to be completed and how that was going to be delivered over the next 18 months.

Due to the Pandemic, the Programme had been delayed by 12 months, affecting the transition of Phase 2. This was due to staff time required to deal with the initial emergency situation and then the ongoing resilience needed to support communities and businesses. As a result, there was some activity that still needed to be delivered, details of which were provided, as well as on how this would be delivered over the next 18 month period.

How the Programme would be managed going forward was in recognition of the Local Government Review (LGR) outcome. At the Customer Connect Member Steering Group, it had been recognised that there was still an importance to continue the work of the programme and to not lose sight of the final outcomes and benefits to be achieved. Therefore, the recommendation to manage the Customer Connect Programme within a Portfolio Management approach alongside the LGR Programme, other council projects and business as usual work had been agreed.

The Leader and Promoting South Lakeland and Innovation Portfolio Holder believed that all of this work had enabled the transformation of the Authority. The Council would look to develop the Programme further to enable it to play an integral part of the way in which the new unitary authority would work, taking into account South Lakeland District Council's experience.

In response to queries raised, the Leader and Promoting South Lakeland Portfolio Holder felt that the Programme offered a good platform for moving forward, however, explained that it was for the workstreams and the future shadow authority to determine how it would operate and on what basis to deliver services. A question was raised as to whether there had been any staff satisfaction surveys in relation to Customer Connect and he confirmed that staff satisfaction surveys were carried out, with the latest survey results due out later in the month (this relates to the Health and Wellbeing survey). The Operational Lead for Customer and Locality Services added that the staff surveys were carried out on a quarterly basis. Whilst no formal survey had been carried out with either Members or Customers, there had been a lot of feedback in terms of improvement in relation to My Account and online forms.

Whilst the need to be mindful of customers who were unable or did not wish to deal with the Council via digital means was raised, Members expressed strong support for the original decision for the implementation of the Customer Connect Programme, which, it was hoped, would be adopted by the unitary authority.

The Leader and Promoting South Lakeland Portfolio Holder explained that the main drive had been to improve access to service for customers, however, stressed the fact that existing face to face channels remained open. He further mentioned the fact that the Council had developed the digital Programme together with Eden District Council, however, that they had not progressed to the same extent. They had, though, a number of systems in common.

The Leader and Promoting South Lakeland Portfolio Holder took the opportunity to express thanks to all staff for their engagement in the process and for the very smooth and efficient roll-out, and asked for this to be formally communicated.

Decision

RESOLVED – That the outcomes and benefits of the Programme as set out in Appendix 1 to the report be noted.

Reasons for Decision

The report was for noting only, however, through the Customer Connect Programme the Council has put in place state of the art information technology, new ways of working and modern offices. This is about putting the customer at the centre of everything the Council does. The Council has made it easier to get the services and information customers need from it. The Council is cutting bureaucracy and form filling, both for customers and in its own processes and procedures. The Council is ensuring that customer feedback drives improvements to how it does things.

Alternative Options Considered and Rejected

Not applicable – the report was for noting only.

CEX/57

A FAIRER SOUTH LAKELAND

Summary

The Health, Wellbeing and Poverty Alleviation Portfolio Holder presented a report outlining the Council's work to reduce inequalities and help deliver a fairer South Lakeland, focusing particularly on the development of a Poverty Truth Commission.

The report aimed to inform Cabinet of the programme of work and sought approval to allocate £20,000 of poverty alleviation funding to support the Poverty Truth Commission.

The Portfolio Holder talked in detail on the report and drew particular attention to inclusion in the Council Plan of 11 targets out of 39 which fell within the “Fairer South Lakeland” priority. Also reinforced was the need for tackling rural inequalities and the fact that South Lakeland’s Poverty Truth Commission was to be unique as the first Poverty Truth Commission with a largely rural focus and which the national Poverty Truth Network was keen to investigate and support.

Decision

RESOLVED – That

- (1) the work underway to reduce inequalities be noted;***
- (2) approval be given for making a grant award of £20,000 from the Council’s Poverty Alleviation Fund to the identified lead/accountable body for the Poverty Truth Commission and authority be delegated to the Director of Strategy, Innovation and Resources, in consultation with the Lead Specialist for Legal, Governance and Democracy and Lead Specialist for Finance, to agree the detail of and enter into a grant funding agreement accordingly;***
- (3) the approach outlined in paragraph 3.11 of the report of SLDC submitting 2 x applications for grant funding for the South Lakeland Poverty Truth Commission to the Health Improvement Fund be approved and also for South Lakeland District Council to act as lead/accountable body for this grant funding;***
- (4) subject to the success of the funding applications outlined at (3) above, receipt by South Lakeland District Council of any grant funding in the sum of up to £40,000 from the Health Improvement Fund in respect of the South Lakeland Poverty Truth Commission be approved and authority be delegated to the Director of Strategy, Innovation and Resources, in consultation with the Lead Specialist for Legal, Governance and Democracy and Lead Specialist for Finance, to agree the detail of and enter into any necessary grant funding agreements with the respective grant funding bodies accordingly; and***
- (5) Subject to (3) and (4) above, approval be given for making a further grant to the identified lead/accountable body for the Poverty Truth Commission of such grant funding as is received from the Health Improvement Fund for the purposes of the Poverty Truth Commission and the Director of Strategy, Innovation and Resources be delegated authority, in consultation with the Lead Specialist for Legal, Governance and Democracy and Lead Specialist for Finance, to agree the detail of and enter into any necessary grant funding agreements with the identified lead organisation of the South Lakeland Poverty Truth Commission.***

Reasons for Decision

To assist in the delivery of the Council Plan - A fairer South Lakeland – halve the proportion of households in poverty and eliminate child poverty, protecting the vulnerable and helping people out of poverty, providing energy advice and additional support to households in fuel poverty.

Alternative Options Considered and Rejected

No alternative options to the overview of Fairer South Lakeland work.

Cabinet could decide not to fund the PTC. However, this would be damaging to the PTC project which would need to find £20,000 from an alternative source. This would have knock-on implications for the lead organisation and their ability to deliver the PTC. In addition, it would damage the Council's standing on the support group, which has understood the funding to be a possibility from the outset.

CEX/58

KENDAL LEISURE CENTRE SUB LEASE TO THE NHS

Summary

The Economy, Culture and Leisure Portfolio Holder presented a report seeking approval for the provision of an assurance and commitment to University Hospitals Morecambe Bay Trust (UHMBT) to grant UHMBT a two year (approximately) sub-lease of part of the Kendal Leisure Centre in the event that the Partnering Agreement with Greenwich Leisure Limited (GLL) was not extended in 2024 so as to allow UHMBT to lease space within the Kendal Leisure Centre to deliver physiotherapy services away from a hospital environment.

University Hospitals of Morecambe Bay Trust (Muscular and skeletal services) were looking at their delivery model and were keen for a co-location at Kendal Leisure Centre to deliver physiotherapy services. The service had a desire to move away from a hospital environment and a move to a Leisure Centre was an obvious way of enhancing the role of physical activity as a viable treatment option in NHS care. This was a Cumbria-wide initiative which looked to bring local authorities, the NHS and other key partners from the leisure sector together to deliver shared leisure and health services that would free up much-needed space in hospitals. The proposal would also help the public to access physiotherapy services in centres at the heart of the community. This initiative and benefit had been driven as part of One Public Estate initiative.

Members expressed strong support for the proposal.

Decision

RESOLVED - That

(1) the following be approved:-

(a) the grant of a sub-underlease between GLL and UHMBT for approximately three years (2021, 2022 and 2023) of part of Kendal Leisure Centre; and

(b) the grant of a sub-lease of part of Kendal Leisure Centre to UHMBT for a period of two years (2024 and 2025) following the grant of a sub-underlease between GLL and UHMBT for approximately three years of part of Kendal Leisure Centre (2021, 2022 and 2023), to provide security for investment made in Kendal Leisure Centre if for any reason that the contract with GLL is not extended following the formal bench marking exercise in 2023 of the Leisure Services Contract; and

(2) the Director of Customer and Commercial Services be delegated authority, in conjunction with the Lead Specialist for Legal, Governance and Democracy, to agree terms and enter into appropriate agreements.

Reasons for Decision

To assist in the delivery of the Council Plan – working across boundaries – working with Morecambe Bay CCG to develop a population health approach.

Alternative Options Considered and Rejected

To not agree to the occupation of the NHS within Kendal Leisure Centre. This is not considered appropriate when taking into account all the benefits as set out in the report at Appendix 3.

CEX/59

MICROSOFT ENTERPRISE LICENCE AGREEMENT

Summary

The Leader and Promoting South Lakeland and Innovation Portfolio Holder presented a report seeking approval of the award of the contract for a Microsoft Enterprise Licence Agreement. A tender process had been undertaken using further competition under Crown Commercial Services Framework Agreement RM6068 Lot 3, with five tender responses having been received as further detailed in the Part II Appendix to this report. The tender responses had been evaluated using a comprehensive process.

Note – A tender evaluation was included as Appendix 1 to the report in Part II of the Agenda which was excluded from inspection by members of the public in accordance with Section 100 (B) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, and, in all the circumstances of the case, it was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing it. Copies of the document were excluded, as it contained information as described in Schedule 12A of the Act as follows:-

- Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Paragraph 3)

Decision

RESOLVED - That

(1) the contract be awarded to the preferred bidder identified in the Part II Appendix 1 to the report for a contract term of three years; and

(2) the Director of Strategy, Innovation and Resources be delegated authority, in consultation with the Specialist Procurement Officer and Lead Specialist Legal, Governance and Democracy, to enter into the appropriate contract on behalf of the Council with the successful bidder.

Reasons for Decision

The licences included in the agreement cover all Microsoft software, running on all of the Council's ICT equipment, so are critical in supporting the operation of the council.

Alternative Options Considered and Rejected

Do nothing. This would result in our current Microsoft software licenses expiring and as a result the Council would not be able to run any Microsoft software on its ICT equipment. Therefore all the current business application software would be unusable.

Tender outside of Crown Commercial Services. This is no longer viable due to time and resource constraints.

The meeting ended at 11.15 a.m.