

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Tuesday, 7 December 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
Andrew Jarvis	Deputy Leader & Finance and Assets Portfolio Holder
Dyan Jones	Climate Action and Biodiversity Portfolio Holder

Apologies for absence were received from Councillors Helen Chaffey (Housing Portfolio Holder), Philip Dixon (Customer and Locality Services Portfolio Holder) and Suzie Pye (Health, Wellbeing and Poverty Alleviation Portfolio Holder).

Also in attendance at the meeting were Shadow Executive Members Pat Bell (Shadow Cabinet (Housing Portfolio)), Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)), John Holmes (Shadow Cabinet Deputy Leader (Finance and Assets Portfolio)), Kevin Holmes (Shadow Cabinet (Climate Action and Biodiversity Portfolio)) and Janette Jenkinson (Shadow Cabinet (Customer and Locality Services Portfolio)).

Apologies for absence were received from Shadow Executive Members Tom Harvey (Shadow Cabinet Leader (Promoting South Lakeland and Innovation Portfolio)) and Helen Irving (Shadow Cabinet (Health, Wellbeing and Poverty Alleviation Portfolio)), and David Webster (Leader of the Labour Group).

Officers

Simon Blyth	Strategy Specialist
Inge Booth	Legal, Governance and Democracy Specialist
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Julie Jackson	Principal Specialist People
Fraser Robertson	Communications Specialist
Simon Rowley	Director of Customer and Commercial Services
Helen Smith	Finance Lead Specialist (Section 151 Officer)
Sion Thomas	Operational Lead Delivery and Commercial Services

CEX/74 CABINET EXECUTIVE DECISIONS

RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 10 November 2021.

CEX/75 DECLARATIONS OF INTEREST AND DISPENSATIONS

No declarations of interest were raised under this item.

CEX/76 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

The Leader and Promoting South Lakeland Portfolio Holder referred to an urgent item (Contract Award for Scaling on Street Charging Infrastructure) of business, copies of which had been provided to Members prior to the commencement of the meeting. He explained that, whilst there were no excluded items on the agenda itself, Appendix 1 to the urgent report was excluded for inspection by members of the public, as stated within the document.

RESOLVED – That, should discussion be necessary, Part II Appendix 1 to the urgent report (Contract Award for Scaling on Street Charging Infrastructure) be dealt with following the exclusion of the press and public.

CEX/77 PUBLIC PARTICIPATION

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

CEX/78 LOCAL GOVERNMENT REORGANISATION

The Leader and Promoting South Lakeland Portfolio Holder provided Members with a verbal update on Local Government Reorganisation (LGR).

Gill Steward, who had been Cumbria County Council Chief Executive Officer and Senior Responsible Officer (SRO) for the LGR Programme, had left her role at the end of November. Moving forward, the SRO role would be by collective leadership, with Allerdale's Chief Executive, Andrew Seekings, representing the "west" authorities making up Cumberland Council and Barrow's Chief Executive, Sam Plum, representing the "east" authorities making up Westmorland and Furness Council, with Acting Chief Executive, John Readman, representing Cumbria County Council.

In terms of officer structure, the Programme Director role, which would ensure delivery of the Programme, had now been offered to a candidate, with confirmation of the name awaited. This was a significant step in driving the process forward.

The recruitment process for Programme Managers, Project Managers and Programme Support Officers was ongoing.

The Leader and Promoting South Lakeland Portfolio Holder referred to the LGR weekly agenda, with items being considered by various committees, including a weekly Leadership Forum looking at workstreams.

The Council had received back the redrafted Structural Changes Order (SRO), to which a number of minor amendments had been made. The draft SCO was now ready to proceed through the Parliamentary process.

The Leader and Promoting South Lakeland Portfolio Holder finally referred to the Judicial Review, which remained ongoing.

In response to queries, the Leader and Promoting South Lakeland Portfolio Holder explained that the redistribution of assets and liabilities would form a significant LGR workstream and that detailed work would be carried out in this area in order to bring together the disparate assets of all councils. Regular updates would be provided to all Members, providing an opportunity for them to be involved and ask questions. The Leader and Promoting South Lakeland Portfolio Holder explained that South Lakeland District Council would run in parallel with the Shadow Authority for one year from April 2022. He confirmed that recruitment to the posts of Chief Executive Officers for the two new authorities would be an open and competitive process. The Chief Executive, in response to a further query, informed Members that the redrafted SCO would be provided to Group Leaders, pointing out that it still had Parliamentary privilege at this stage. He drew attention to a Member briefing which was due to take place on 9 December, with a Group Leader meeting being held on the following day.

CEX/79 2022/23 TO 2026/27 DRAFT BUDGET

Note – During consideration of this item, Councillor Janette Jenkinson, although having no voting rights as a Member of the Shadow Cabinet, declared a non-pecuniary interest by virtue of the fact that she was a Director of Ulverston Community Enterprise, indicating that she would leave the room should conversation turn to this aspect.

Summary

The Council, at its meeting on 27 July 2021, had agreed to the proposed Budget Strategy for the current year's budget process as part of the Medium Term Financial Plan (MTFP). The Budget Strategy set out some broad principles which were being used in the preparation of the 2022/23 – 2026/27 Budget.

The report, introduced by the Finance and Assets Portfolio Holder, presented a draft position. Work would continue to incorporate further changes into subsequent budget reports, particularly further impacts of Local Government Reorganisation (LGR), Covid-19 and the central government grant position which was not yet clear. The position set out in the report would form the basis of consultation. The Overview and Scrutiny Committee would consider the report at its meeting on 4 February 2022. The final Draft Budget Report would incorporate the consideration of the internal and external consultation received at that time and be presented to the 9 February 2022 Cabinet meeting. Any further amendments would be delegated to the Leader and Portfolio Holder in consultation with the Section 151 officer prior to the report's consideration at the Council meeting on 22 February 2022. The Council would be requested to approve the final Budget at its meeting on 22 February 2022. The budget timetable was presented for information at Appendix 2 to the report.

Although the Council's services, income, expenditure, assets and liabilities would transfer to the new Westmorland and Furness Council on 1 April 2023 as part of LGR, the draft budgets still included projections for a full 5-years based on the current structure and arrangements. This reflected good practice and the requirement to consider the long term sustainability of local services through long term financial planning regardless of the provider of those services and the statutory responsibility to set balanced budgets.

The Finance and Assets Portfolio Holder highlighted a number of areas within the report. He referred to the Revenue Budget and the current projected deficit of £173,000 for the next financial year. He reminded Members, however, that the budget

was an iterative process and that work would take place over the coming months to close this gap. Officers were though, he said, projecting very significant deficits from April 2023 onwards which would need to be reviewed in the context of the new unitary council.

The Finance and Assets Portfolio Holder turned to capital expenditure, informing Members that the forecast and plan had been reviewed and was reflected in Appendix 8 to the report. This showed expected spend this year falling from nearly £27m to just over £14.5m. He highlighted a number of capital projects, pointing out that nearly £16m of capital investment was envisaged next year. He stressed that even though the life of this Council was limited, it would continue to invest for the benefits of its residents, ensuring that work was underway so that it had to be completed by its successor council.

Despite the many challenges faced, the Finance and Assets Portfolio Holder felt that this budget showed that the Council was going into reorganisation in sound financial health. He thanked officers for their work on ensuring this and the Finance Team for preparing this budget.

Decision

RESOLVED – That

- (1) it be noted that the development of the Budget is an iterative process between now and Council on 22 February 2022. The assumptions, proposals and calculations included within it will be subject to change as more information from internal and external sources is provided and decisions around the final proposals can be made;***
- (2) the proposals contained in this report and Appendices 3 to 9 to the report to achieve a balanced budget from April 2022 be noted;***
- (3) the proposals for Fees and Charges from April 2022 set out in Appendix 9 to the report be noted;***
- (4) the projected deficits starting at £175,000 2022/23 rising to circa £3.1m by 2026/27 be noted;***
- (5) Council be requested to approve the additional budget for staff, as set out in Appendix 4 to the report, to be funded from the increased balance on General Reserve arising from 2020/21 outturn amendments identified during audit;***
- (6) Council be requested to approve the amendments to the Capital Programme as set out in Section 4 and Appendix 8 to the report;***
- (7) the decision on whether to continue membership of Cumbria business rate pool (this will be a key decision to be included in the next Forward Plan) be delegated to the Finance Lead Specialist and Finance and Resources Portfolio Holder; and***
- (8) Resolutions (1), (2) and (3) above be approved to form the basis of consultation with stakeholders.***

Reasons for Decision

The report sets out the first draft Budget to enable the consideration of how the Council's priorities will be delivered. This draft budget has been developed within the context of the Medium Term Financial Plan. Setting a sound framework for budget preparation assists in the delivery of all corporate outcomes -

Working across boundaries – through ensuring financial resources to deliver priority.

Delivering a balanced community – through ensuring financial resources to deliver priority.

A fairer South Lakeland – through ensuring financial resources to deliver priority.

Addressing the climate emergency – through ensuring financial resources to deliver priority.

Alternative Options Considered and Rejected

The report presents alternative options in relation to potential budget pressures and savings, new Capital Programme bids, one off revenue growth bids and fees and charges. The proposals together aim to meet the Council's statutory duty to set a balanced Budget for 2022/23.

CEX/80

LOCAL GOVERNMENT REORGANISATION - IMPLEMENTATION COSTS

Summary

The Finance and Assets Portfolio Holder presented a detailed report requesting resources to fund the implementation costs of Local Government Reorganisation (LGR) within Cumbria by creating two new unitary authorities from 1 April 2023.

The Cumbria Chief Finance Officer's Group, attended by all Section 151 Officers of the seven Cumbrian authorities, had undertaken a high-level assessment of the financial impact of LGR and provided some indicative figures for implementation which had also been sense checked against other authorities which have been through the LGR process. The report, therefore, provided an update on the indicative cost of implementation. It also covered the establishment of a County Wide LGR Implementation Reserve including governance arrangements, funding proposals and the required scheme of delegation for relevant officers.

The report did not deal with the costs of transformation nor how these would be shared and funded, nor the level of savings that these could generate, as these would be decisions for the new shadow authorities, once established, and would be dealt with at a later date. Some of these costs would be incurred prior to vesting date and so the timing, value and share of any of these costs relating to 2022/23 to be funded by this Council would need to be determined for provision to be included in 2022/23 spending plans.

The Finance and Assets Portfolio Holder referred to the indicative, high level budget for what was necessary to get the new authorities to be "safe and legal" on vesting day - £18.92m. Table 1 provided a breakdown of the costs. He referred to the creation of a County Wide Implementation Reserve to cover this indicative cost which would be 50% funded by the County Council, with 50% split equally among the districts. The contribution from South Lakeland District Council would, therefore, be up to £1.6m.

The Finance Portfolio Holder was content that the approach outlined within the report was the most appropriate one, and that it had the full support of the Council's Section 151 Officer. He felt reassured that proper governance arrangements were being put in place, which was of importance given that the deliverables of the reorganisation could not be precisely defined until the shadow authorities were in place.

In response to a query as to whether residents could look forward to a reduction in Council Tax as a result of Cumbria moving to two unitary authorities, the Finance Portfolio Holder explained that the proposals for both one and two Cumbrian authorities had shown savings. He referred to the budget gap of £2m to £3m forecast for South Lakeland District Council in five years' time and suggested that there were likely to be similar gaps for the other districts and a larger one for the County. He stressed the need to try to close these gaps and make savings and suggested that those made as a result of LGR would assist in doing this.

Decision

RESOLVED - That

- (1) the proposal for a county wide LGR Implementation Reserve be noted;**
- (2) approval for the use of the £250,000 budgeted for LGR in 2021/22 be delegated to the Chief Executive, in consultation with the Leader, in order to fund any costs which the Council may incur itself which are outwith the eligibility criteria for the Cumbria Wide Implementation Reserve;**
- (3) the establishment of an implementation reserve/budget provision of up to £1.6m, as the Council's contribution to the LGR implementation costs, subject to contributions being approved by all the Cumbrian authorities and subject to the signing of the Memorandum of Understanding, be approved for recommendation to Council;**
- (4) the use of the General Reserve to create the new LGR implementation reserve be approved;**
- (5) the Finance Lead Specialist (Section 151 Officer) be authorised to pay the contribution (or the appropriate proportion thereof) in (3) to Cumbria County Council in January 2022;**
- (6) the governance arrangements and scheme of delegation regarding the use of the reserve as set out in the report (Paragraph 3.11 and associated appendices) be noted; and**
- (7) responsibility be delegated to the Finance Lead Specialist (Section 151 Officer), following consultation with the Leader, the Portfolio Holder for Finance and Assets and the Legal, Governance and Democracy Lead Specialist (Monitoring Officer), to agree the terms contained within the Memorandum of Understanding, with all the other Cumbrian authorities, for the Implementation Reserve and sign the same.**

Reasons for Decision

It is necessary to ensure that funds are available to support the implementation work of LGR.

Alternative Options Considered and Rejected.

The proposals reflect best and most practical option to deliver programme at this stage and will be refined as the programme moves forward.

CEX/81**COMMUNITY GRANTS AND SUPPORT FOR VOLUNTARY ORGANISATIONS****Summary**

In the absence of the Health, Wellbeing and Poverty Alleviation Portfolio Holder, the Climate Action and Biodiversity Portfolio Holder presented a detailed report outlining a proposal to allocate the Council's community grants funding to maximise impact and effectively deliver Council priorities in the period leading up to the creation and first year of the new unitary authority's operation. Attention was drawn to the fact that the Arnsdale and Silverdale Area of Outstanding Natural Beauty funding was not included in the proposal due to it being subject to a separate contract which would be finalised at a later date.

The report pointed out that Eden District Council, Cumbria County Council and Barrow Borough Council had been consulted on their funding arrangements with 3rd sector organisations. Each Council was tied into funding arrangements for varying periods (up to 2025). Once established, the new unitary authority would assume responsibility for support for voluntary organisations currently delivered by the three districts and the County Council and would need to develop its own strategy and approach.

The recommendations contained within the report would mean that South Lakeland District Council funding for Gateway would cease. This would end the annual grants funding round for smaller 3rd sector organisations. However there were alternative external funding streams available and the report's recommendations aimed to directly align South Lakeland District Council funding allocation with its strategic priorities.

The proposals would see a commitment to two year funding agreements which would extend a year beyond the vesting day of the successor Council to South Lakeland District Council. Though this would require a novation of the funding agreement to the successor council, it would avoid a short term funding situation which may exacerbate funding uncertainty for these organisations as local government reorganisation proceeded. It would enable the successor Council to review its support to the 3rd sector during its first year of operation.

The Climate Action and Biodiversity Portfolio Holder welcomed Karen Evans from the Citizens' Advice Bureau who was observing the meeting. She thanked the Strategy Specialist for a comprehensive report and commended the work carried out in this area during the Covid-19 pandemic and at the same time as Local Government Reorganisation. Both the Climate Action and Biodiversity Portfolio Holder, the Leader and Promoting South Lakeland Portfolio Holder and Members further referred to the benefits of partnership working and praised the work being carried out by 3rd sector organisations which provided invaluable support and advice to the community.

In response to queries raised, the Leader and Promoting South Lakeland Portfolio Holder indicated that Members' Locality Budgets were to continue. With regards to funding for Locally Important Projects (LIPs), the Finance Lead Specialist (Section 151 Officer) explained that there was still LIPs reserve and some money within the Capital Programme. Discussion had not yet taken place on how that LIPs money would be spent. Concern was raised with regard to the report's Health and Sustainability Impact

Assessment Form and the section on Biodiversity to which the response was “not applicable”. It was pointed out that some projects may be destroying wildlife habitat as a result of people not taking into consideration all aspects and the need to ensure that this was addressed was stressed. The Leader and Promoting South Lakeland Portfolio Holder took note, acknowledging this issue and the importance of joined up thinking and bearing in mind biodiversity. In response to a final query relating to ensuring that the Locality Budget for the Kendal Rural Ward was used, the Leader and Promoting South Lakeland Portfolio Holder undertook to ensure that this was referred to the Member Support Steering Group.

Decision

RESOLVED – That

(1) approval be given for a funding period of two years (incorporating an annual review) from April 2022 to March 2024 totalling £99,250 per annum of the Community Grants funding to:-

- ***£80,000 per annum - Citizen’s Advice;***
- ***£5,000 per annum - CVS (Cumbria Council for Voluntary Service);***
- ***£5,000 per annum - ACT (Action with Communities in Cumbria);***
- ***£3,500 per annum - CALC (Cumbria Association of Local Councils);***
- ***£2,500 per annum – South Lakeland Hydrotherapy; and***
- ***£3,250 per annum - Contingency to support a 3rd sector host organisation to develop a Poverty Truth Commission in South Lakeland;***

(2) the Lead Specialist Legal, Governance, Democracy and the Lead Specialist Strategy be authorised, in consultation with the Health, Wellbeing and Poverty Alleviation Portfolio Holder, to finalise the terms of the funding agreements; and

(3) officers be authorised to explore opportunities for co-locating with Citizen’s Advice in South Lakeland House.

Reasons for Decision

To assist in the delivery of the Council Plan Priority of Delivering a Fairer South Lakeland: Protecting the vulnerable and helping people out of poverty; Commissioning services through the third sector; Review third sector commissioning and the delivery of financial advice and support to vulnerable people.

Alternative Options Considered and Rejected

No change to the current grant settlement. This is not recommended as this recommended option is the most direct way to support Council priorities of Delivering a Fairer South Lakeland and securing the short term future and effectiveness of the proposed recipients.

Terminate all funding arrangements. This is not recommended as the organisations funded play an essential role for South Lakeland residents and communities through providing advice, professional support, experience and technical knowledge, good local governance and rehabilitation irrespective of financial means. The organisations also play an important role in supporting Council clients in their particular areas of expertise.

CEX/82 AFFORDABLE HOUSING DELIVERY OPTIONS**Summary**

In the absence of the Housing Portfolio Holder, the Leader and Promoting South Lakeland Portfolio Holder presented the report.

The South Lakeland District Council Housing Strategy 2016 to 2025 contained an action to consider alternative methods of delivery of affordable housing to meet the Council's affordable housing targets for affordable rent and affordable sale homes. Action A3 of the Strategy Action Plan was "to consider options to establish a mechanism to help with land identification, acquisition and assembly; coupled with on-lending for new affordable housing delivery". Attention was drawn to a decision made by Cabinet 28 November 2018 to approve the commencement of an affordable housing loan facility for the sum of up to £6m previously agreed by Cabinet in December 2017. This had been to allow South Lakes Housing and other Registered Providers to draw down monies supporting the development of new affordable homes. Subsequent to this and despite extensive work being carried out to agree terms, there had been a number of issues that rendered the proposed loans scheme unworkable.

An alternative approach was now required to ensure funds in the Right to Buy Replacement Fund were applied to the delivery of affordable housing. While there were strict guidelines in respect of councils using Right to Buy receipts on replacement stock or pooling the receipts to Government, these guidelines did not apply to preserved Right to Buy receipts following transfer of properties to a Registered Provider.

Cabinet had given in principle approval subject to Council approval at the meeting on 10 November 2021 to use the Right to Buy replacement receipts for the provision of grants to Registered Providers and land acquisition subject to further investigations. Further investigations had been undertaken following the receipt of legal advice to ensure that proposals met the new criteria that had been introduced in July 2021. Further clarification had, therefore, been sought from the Department of Levelling Up, Housing and Communities (DLUHC) to determine the potential uses of these funds. This followed major changes to the Right to Buy pooling system that had taken effect from 1 April 2021 and further investigation was needed to determine whether the new requirements applied to receipts received prior to 1 April 2021 or to receipts from preserved Right to Buy. Cabinet had agreed for a further report to be presented to the December Cabinet outlining the outcomes of these further investigations and impact on the following proposals for use of this funding.

The report provided details on the outcome of investigation into use of Right to Buy replacement receipts. The report further provided details on Affordable Housing Grants to Registered Providers and on Purchase of Land.

In response to a query, the Principal Specialist People explained the criteria regarding Local Occupancy. She undertook to contact Councillor Roger Bingham with regard to a specific ward matter following the meeting. In relation to acquisition of land by South Lakeland District Council and the move to a unitary authority with the potential for that authority to sell off that land, for example, for commercial use, the Leader and Promoting South Lakeland Portfolio Holder explained that this could be an issue. This depended, though, on how far along the legal process the District Council was. He explained that the intention was, therefore, to move forward as quickly as possible to get past the point whereby the Unitary Council could take a retrograde step.

In response to a further query, he explained that he had also seen proposals for the national register of landlords and that he had been in touch with Principal Specialist People to establish the Council's likely involvement. There had, as yet, been no clarification on the matter, however, it was hoped that information would be available before too long.

Decision

RESOLVED – That

- (1) subject to Council approval, the change of policy from the provision of loans to the provision of affordable housing grants for Registered Providers, for a Right to Buy Replacement scheme (as set out in Appendix 1) be approved;***
- (2) subject to Council approval, the change of use from the provision of loans to include the acquisition of land for the delivery of affordable housing (as set out in Appendix 1) be approved;***
- (3) authority be delegated to the Director (Customer and Commercial Services) in consultation with the S.151 Officer and Portfolio Holder for Housing, to approve grant applications made by Registered Providers;***
- (4) the Director (Customer and Commercial Services) be authorised, in conjunction with the Monitoring Officer, to review the grant terms and conditions and make any considered amendments to them and to enter into any arising grant agreements with Registered Providers;***
- (5) subject to Council approving the budget, authority be delegated to the Director (Customer and Commercial Services), in consultation with, the Portfolio Holder for Housing and Portfolio Holder for Finance and Assets, S.151 Officer and Monitoring Officer, to purchase land as detailed in 3.5.7 of the report;***
- (6) Council be requested to approve the amendment to the Capital Programme to change the use from loans to affordable housing grants for Registered Providers and acquisition of land; and***
- (7) Council be requested to approve a proposed amendment to the Council's Constitution for grant approvals using the delegations proposed and outlined in Resolutions (3) and (5) above.***

Reasons for Decision

The decision will assist in the delivery of the Council Plan through the delivery of more affordable homes through the use of the Right to Buy replacement scheme monies.

Working across boundaries – delivery of affordable homes will seek to contribute towards the Council's Housing and communities target to deliver 320 homes every year across the District.

Delivering a balanced community – the decision will assist in meeting Housing and communities targets to deliver 477 affordable homes for rent and 588 affordable homes to buy between 2020 to 2025.

Addressing the climate emergency – potential for energy efficient new affordable homes.

Alternative Options Considered and Rejected

Members could decide to not pursue any proposals for use of the Right to Buy Replacement Fund at this time, however, this is not recommended as the opportunity to use these funds to meet the needs in South Lakeland could be lost.

CEX/83

CHANGES TO DELEGATED DECISION MAKING PROPERTY SERVICES AND UPDATES TO THE COUNCIL'S CONSTITUTION

Summary

In the absence of the Customer and Locality Services Portfolio Holder, the Finance and Assets Portfolio Holder introduced the report, which outlined proposed changes to the Council's Constitution.

Whilst Council would be asked to consider clarifications required as a result of a review of the Financial Procedure Rules, he explained that Cabinet was being asked to consider Delegated Decision-making in relation to the delivery of Property Services (Appendix 1 to the report) following the insourcing of this area of work earlier in the year.

Members welcomed the proposal in uncertain times when a lot of decisions would need to be made.

Decision

RESOLVED – That the delegation of Executive matters in relation to the delivery of Property Services, as set out at Appendix 1 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.

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/84

URGENT ITEM - CONTRACT AWARD FOR SCALING ON STREET CHARGING INFRASTRUCTURE

Note – This matter was being included as an urgent item of business under Section 100B (4)(b) of the Local Government Act 1972, as the Leader was of the opinion that it required consideration without delay. A decision was required because the Council would be at risk of losing funding if the preparatory ground works were not complete by the imposed funding deadline and to not cause further delay to the wider SOSCI project. To delay a decision until the next scheduled meeting of the Cabinet would mean that the Council would potentially be unable to take action which would protect its interests due to strict time constraints imposed upon it. Furthermore, the Leader and Promoting South

Lakeland Portfolio Holder further indicated that, in accordance with paragraph 16(j) of the Council's Constitution, Part 4, Overview and Scrutiny Procedure Rules, the Chairman of the Council had been consulted and had agreed for the decision to be treated as a matter of urgency and that the call-in process should be waived.

Summary

Attention was drawn to Minute No.CEX/43 of the meeting of the Cabinet held on 1 September 2021 regarding approval for the award of the contract for the preparatory groundworks to enable EV charging points to be sited on Council land at a number of car parks following a tender exercise. The Operational Lead Delivery and Commercial Services explained that the original contractor had, since then, withdrawn from the award, having stated that their cost would need to increase by 25% and that they would no longer be in a position to complete the works by the proposed deadlines, which would impact on the delivery of the wider SOSCI project and subsequent works. The Council was unable to accept a revised tender sum and the tender evaluation of the original contact was, therefore, invalid.

By following the Council's procurement exercise, the tender had been re-run and it was now proposed to award the contract to the new lowest bidder, an alternative contractor from the original exercise. For the purpose of transparency, Cabinet was now being requested to consider the award of the contract to the lowest bidder as detailed in the Part II Appendix.

The report clarified that the decision was urgent and could not reasonably be deferred, as the ground works need to be completed by 31 January 2022 due to funding deadlines.

Note – A Part II tender analysis report was included as Appendix 1 to the report 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)

Members were reminded that the wider project was being 100% funded by Innovate UK and, therefore, that budget provision was already in place for the groundworks contract. No additional budget was required as a result of the current contract award that related to this decision. The funding would be recovered subject to the terms and conditions of the collaboration agreement and the grant offer terms and conditions.

Concern was raised with regard to the potential at the proposed new contractor's ability to complete the work within the cost schedule. The Operational Lead Delivery and Commercial Services informed Members that this was always a risk, however, pointed out that the contractor had to hold the price for a period of three months. This explained the need for urgency in entering into the contract so that the contractor would have to deliver at that price. He further pointed out the recent increase in work, with a lot of contracts out to tender, and contractors not submitting tenders due to increases in costs, again reiterating the need for a speedy decision so as to minimise any potential risk. The Leader and Promoting South Lakeland Portfolio Holder added that there was

no guarantee as regards completion of work within the cost schedule. The Operational Lead Delivery and Commercial Services informed Members that the contract was due to be signed following the meeting and undertook to provide them, for information, with a programme of works. In response to a further query, the Operational Lead Delivery and Commercial Services confirmed that parking fees were still in place for those using the charging points, although pointed out that a parking space was likely to be lost. He stressed though, that as detailed within the previous report to Cabinet, this was the right thing to do.

Decision

RESOLVED – That

(1) the subsequent contract award for the groundworks contract following competitive retender as noted in Part II Appendix 1 to this report be approved; and

(2) the Director of Customer and Commercial Services be delegated authority, in conjunction with the Lead Specialist for Legal, Governance and Democracy (Monitoring Officer), to enter into any final contract.

Reasons for Decision

The decision will allow for the preparatory groundworks to be completed prior to the installation of EV charging points across a number of Council car parks, which is a 100% funded project by Innovate UK.

The decision will assist in the delivery of the Council Plan - Climate Emergency:-

- develop plans and support projects with our partners and local communities to progressively address the causes and the impacts of climate change, according to our local priorities, securing maximum benefit for our communities;
- encourage all sectors in our local community to take the opportunity to adapt to the impacts of climate change, to reduce their own greenhouse gas emissions and to make public their commitment to action;
- tackling Climate change by exploring options associated with EV charging points for households with no facility to charge their vehicles and by encouraging behaviour change to promote the uptake of electric vehicles; and
- promoting the uptake of Electric vehicles to reduce pollution emissions from combustion engines.

Alternative Options Considered and Rejected

The Council does not award the contract and complete the preparatory grounds in order to participate further in the project. This may result in a missed opportunity to both research the demand and installation of charge points locally, and also to actually install some EV charge points at a smaller number of locations within the District. The Council has also declared a Climate Emergency and this scheme will contribute towards the targets set out by the Council.

The meeting ended at 11.10 a.m.