

**EXECUTIVE DECISION NOTICE****CABINET**

**A record of the decisions made at the meeting of the Cabinet held on Wednesday, 13 April 2022, at 10.00 a.m.**

Present

Councillors

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

Andrew Jarvis	Deputy Leader & Finance and Assets Portfolio Holder
Suzie Pye	Health, Wellbeing and Poverty Alleviation Portfolio Holder

Apologies for absence were received from Councillors 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), Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)) and Tom Harvey (Shadow Cabinet Leader (Promoting South Lakeland and Innovation Portfolio)).

Also in attendance at the meeting were Shadow Executive Members Pat Bell (Shadow Cabinet (Housing 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)), Janette Jenkinson (Shadow Cabinet (Customer and Locality Services Portfolio)) and David Webster (Leader of the Labour Group).

Apologies for absence were received from Shadow Executive Members Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)) and Tom Harvey (Shadow Cabinet Leader (Promoting South Lakeland and Innovation Portfolio)).

Officers

Rachel Garnett	Case Management Officer (Support Services)
Julia Krier	Legal, Governance and Democracy Specialist
Adam Moffatt	Legal, Governance and Democracy Specialist
Claire Read	Finance Specialist (Deputy Section 151 Officer)
Fraser Robertson	Communications Specialist
Simon Rowley	Director of Customer and Commercial Services
Paul Scullion	Asset and Commercial Services Manager
Helen Smith	Finance Lead Specialist (Section 151 Officer)
David Sykes	Director of Strategy, Innovation and Resources
Sion Thomas	Operational Lead Delivery and Commercial Services
Danielle Walls	Legal, Governance and Democracy Specialist (Solicitor)

**CEX/119 CABINET EXECUTIVE DECISIONS**

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

***RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 9 March 2022***

**CEX/120 DELEGATED EXECUTIVE DECISIONS**

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

***RESOLVED – That the Delegated Executive Decisions made by Portfolio Holders or Officers on Thursday, 10 March and Thursday, 24 March 2022.***

**CEX/121 DECLARATIONS OF INTEREST AND DISPENSATIONS**

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

**CEX/122 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

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

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

**CEX/123 PUBLIC PARTICIPATION**

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

**CEX/124 FORWARD PLAN**

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

***RESOLVED – That the contents of the Forward Plan published on 15 March 2022, be noted.***

**CEX/125 CAPITAL PROGRAMME UPDATE****Summary**

The Finance and Assets Portfolio Holder presented a report updating the Capital Programme and Capital Re-profiling requests relating to 2021/22, which enabled efficient delivery of capital schemes during 2022/23. The report set out three requests for amendments to the Capital Programme, for each scheme, a full report would be brought to Cabinet to consider the proposal in accordance with the current Forward Plan. It was noted that approval would be sought at the Annual Meeting of the Council in May 2022 which was required to amend the Capital Programme as each request was for more than £100,000.

The Finance and Assets Portfolio Holder highlighted first request, which was in relation to Glass Panels along Aynam Road, Kendal. The report sought approval for an increase in the Council's contribution towards the installation of the panels which would ensure the delivery of the Kendal Flood Alleviation Scheme. It was proposed that the additional costs were funded from the Cumbria Business Rate Pool reserve.

The second request set out in the report was regarding Section 106 (S106) Design Works at Stramongate, Kendal. The Finance and Assets Portfolio Holder informed Members that approval was sought to amend the Capital Programme to include expenditure of S106 monies, which had been received from the Sainsbury's development on Shap Road, Kendal. Receipt of the S106 monies would assist in the delivery of a public realm project that had been designed to increase visitor footfall to Stramongate and increase the accessibility of the area for pedestrians and cyclists.

The Finance and Assets Portfolio Holder informed Members of the final request to amend the Capital Programme, which was in relation to the Grange Lido and requested an increase in the Capital Budget of £265,000, which will be funded from the Cumbria Business Rate Pool reserve.

The Finance and Assets Portfolio Holder referred to the Capital Programme Re-profiling and informed Members that variations on spending in the Capital Programme reflected changes in the progress of individual schemes. Appendix 1 to the report highlighted the Capital Schemes in the 2021/22, which showed those Capital Schemes where expenditure varied from the approved Capital Programme. The total for re-profiling was £2.4 million at 4 April 2022, any further amendments would be reported as part of the 2021/22 outturn to Cabinet in June 2022 and Council in July 2022.

***Note – At this stage in the proceedings, Councillor Janette Jenkinson raised a non-pecuniary interest for transparency due to the fact that she was a Director of Ulverston Community Enterprises (UCE) and a trustee of Ulverston Coronation Hall.***

Members raised a query regarding progress on the Ulverston Coronation Hall and Markets and requested a report to outline the progress on tenders for this and other projects on going. The Finance and Assets Portfolio Holder felt that a report on the progress of tenders would be useful and suggested that officers provide this for Members.

The Operational Lead (Delivery and Commercial Services) informed Members that talks were ongoing to discuss the heads of terms for the Coronation Hall and the Market projects, adding that upon completion of these discussions, the Council would be in a position to go out to tender. He informed Members that the Council was currently waiting for a commitment from the UCE on the future of the Market, following which, the Council would be able to move forward on crucial projects like the boiler and roof at Ulverston Market.

Following a question regarding the responsibilities of the Council in the management of the Ulverston Market, the Operational Lead (Delivery and Commercial Services) undertook to provide a written response to Members setting out the Council's responsibilities.

In responding to a question regarding the Leisure Centre and Clock Tower in Ulverston, the Finance and Assets Portfolio Holder informed Members that there had been no change to the plans for Phase 1 of the Ulverston Leisure Centre project progressing in this financial year. The Operational Lead (Delivery and Commercial Services) undertook to provide an update on the Clock Tower in the form of a written response to Members.

The Leader and Promoting South Lakeland and Innovation Portfolio Holder requested that officers schedule a specific meeting with local Ward Members to discuss the projects that were planned and underway in Ulverston.

### **Decision**

#### ***RESOLVED – That***

- (1) the Capital programme requests set out in the report be recommended to Council for approval;***
- (2) the re-profiling of expenditure and associated budgets for capital schemes between 2021/22 and 2022/23 in Appendix 1 to the report be approved; and***
- (3) the revised Capital Programme set out at Appendix 2 to the report be noted.***

### **Reasons for Decision**

This capital programme has been developed within the context of the Medium Term Financial Plan (MTFP) and supports all Council Plan priorities (working across boundaries; delivering a balanced community; a fairer South Lakeland; and addressing the climate emergency) through ensuring financial resources to deliver each priority.

### **Alternative Options Considered and Rejected**

This report requests amendments to timing of capital spend and amendments relating to new and amended scheme. These amendments to schemes will be individually considered by Cabinet and alternative options reported for each. The amendments to timing reflect latest planned project delivery. The proposals together aim to ensure funding and budget approval are in place to enable the efficient delivery of projects during 2022/23. If individual elements of the proposals were to be changed then there may be delay in the delivery of schemes.

## **CEX/126 BUDGET REVIEW - GRANGE-OVER-SANDS LIDO AND PROMENADE**

### **Summary**

The Finance and Assets Portfolio Holder presented a report regarding the proposed works for both the Grange Lido and Promenade. The report set out the Tender process, which resulted in a compliant tender and Cabinet approval to proceed with the preferred scheme in March 2021. Following Cabinet approval work with the Principal Contractor and Design Team began to de-risk the project with further and more intrusive surveys undertaken.

The report explained that over the last twelve months, the construction had seen a significant increase in costs due to Brexit and the Coronavirus pandemic with Officers and the Design Team monitoring costs, which had on average, increased by 7.25%

between Quarter 4 of 2020 and Quarter 1 of 2022. In addition South Lakeland District Council's Planning department had raised concerns regarding the choice of materials used in the value engineering options.

The Finance and Assets Portfolio Holder highlighted that due to the inflationary increases in the construction industry; having to revert back to some original design proposals to meet with planning conditions and de-risk the project; and with additional value engineering options, there was an additional need for £265,000 for the Grange Lido project. It was proposed that the additional budget request could be met from the Cumbria Business Rate Pool, which would require Cabinet to recommend that Council approve a change to the Capital programme to include the £265,000 for the Grange Lido project.

### **Decision**

#### ***RESOLVED – That***

- (1) Option 3B as described in Appendix 1 and Part II Appendix 2 be approved, subject to Council approval of additional funding and amendment to the Capital Programme 2022/23;***
- (2) the additional funding of £265,000 for the Scheme be included in the Capital Programme 2022/23 and be recommended to Council for approval;***
- (3) authority be delegated, subject to Council approval, to the Director for Customer and Commercial services in conjunction with the Lead Specialist for Legal, Governance and Democracy to enter into the building contract with the Principal Contractor; and***
- (4) authority be delegated to the Director for Customer and Commercial services in conjunction with the Lead Specialist for Legal, Governance and Democracy to continue pre contracts work and project preparation through the appointment of the Design Team to proceed with discharge of planning conditions and preparation of Contract documents (Contract Drawings) as shown in Appendix 1 and Part II Appendix 2 prior to Council's consideration of the additional funds and amendment to Capital Programme 2022/23.***

### Reasons for Decision

The proposals set out within the report link to the following Council Plan priorities:-

Delivering a balanced community - Engagement with the private sector and public sector partners will be central to the Council's approach to helping grow and develop the economy and make best use of our property portfolio to support economic growth, through the use of our current and future asset; and

Addressing the climate emergency - We will support Cumbria County Council and local partners with their strategies for active travel and healthy living.

### Alternative Options Considered and Rejected

Do Nothing: This would ultimately pass the liability to future administrations, whilst increasing any future costs of refurbishment. There is a high risk of ending up on the Historic England 'Heritage at Risk' register. There is reputational risk to the council to consider with this option, and already there is community frustration with the progression of the scheme over the last few years. This is not a recommended route.

Community Asset Transfer: Site handed over to third party in its current state on a long term leasehold basis. It is not reasonable or advisable to pass on this dangerous liability to a community organisation. It is unlikely that a community organisation would take on such a liability. While a Community Group has expressed an interest in taking on this asset, this in the completed state as described in the report.

### CEX/127 PRESS AND PUBLIC

RESOLVED - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated.

### CEX/128 WESTMORLAND SHOPPING CENTRE - HEADLEASE TRANSACTION

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

#### Summary

The Finance and Assets Portfolio Holder presented a report on the Westmorland Shopping Centre Headlease transaction. The report detailed the history of the site and the proposals moving forwards.

The Operational Lead (Delivery and Commercial Services) responded to questions raised by Members.

#### Decision

**RESOLVED – That:-**

- (1) ***the approval for the surrender of the Headlease and two underleases be reaffirmed;***
- (2) ***the continuing commitment to the provision of car parking as described in the report be approved;***
- (3) ***authority be delegated for the agreement of the detailed terms of the leasehold transactions and any supplementary documentation that may be required to effect the leasehold transaction to the Director of Customer and Commercial Services in conjunction with the Operational Lead for Delivery and Commercial Services and the Legal, Governance and Democracy Lead Specialist.***

**Reasons for Decision**

The proposals are linked to the Council Plan Priority of delivering a balanced community for the economy and culture, creating opportunities for:-

- unlocking development sites and enabling local businesses to grow;
- understanding the needs of local businesses;
- encouraging graduate retention; and
- using culture and built heritage to support our unique offer.

**Alternative Options Considered**

To do nothing, which will mean that SLDC are tied into the headlease with a need to provide parking for that period of time, potentially restricting SLDC's options for the site.

To replace and extend the Head leasehold interest and subsequent two underleases. This is not a recommended route as SLDC would require approval for any works or alterations needed to the Car Park and Market Hall, increasing the repair liability for SLDC over time. It would be in SLDC's interest to remove the Head Lease arrangement, therefore this is not a recommended route.

**CEX/129 RE-ADMISSION OF PRESS AND PUBLIC**

RESOLVED – That the press and public be re-admitted to the meeting.

The meeting ended at 10.26 a.m.