

SOUTH LAKELAND DISTRICT COUNCIL

Minutes of the proceedings at a meeting of the Council held in the Assembly Room, Kendal Town Hall, Kendal, on Wednesday, 18 May 2022, at 5.30 p.m.

Present Councillors

	Pete McSweeney (Chairman)	
	Matt Severn (Vice-Chairman)	
Caroline Airey	Philip Dixon	Ali Jama
Giles Archibald	Pete Endsor	Andrew Jarvis
Robin Ashcroft	Judy Filmore	Janette Jenkinson
Rupert Audland	Gill Gardner	Dyan Jones
Pat Bell	Tom Harvey	Helen Ladhams
Roger Bingham	Eamonn Hennessy	Ian Mitchell
Jonathan Brook	Hazel Hodgson	Suzie Pye
Helen Chaffey	Chris Hogg	Peter Thornton
Stephen Coleman	Rachael Hogg	Heather Troughton
Ben Cooper	John Holmes	David Webster
Brian Cooper	Kevin Holmes	Ian Wharton
Michael Cornah	Vicky Hughes	Janet Willis
Tracy Coward	Helen Irving	

Apologies for absence were received from Councillors Ben Berry, Jonathan Cornthwaite, Alvin Finch, Fiona Hanlon, Malcolm Lamb, Kevin Lancaster, Susanne Long, Doug Rathbone, Brian Rendell, Mark Wilson and Shirley-Anne Wilson.

Officers

Inge Booth	Legal, Governance and Democracy Specialist
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Sean Hall	Principal Specialist (Health & Environment)
Julia Krier	Legal, Governance and Democracy Specialist
Simon McVey	Director of Strategy, Innovation and Resources
Adam Moffatt	Legal, Governance and Democracy Specialist
Simon Rowley	Director of Customer and Commercial Services
Helen Smith	Finance Lead Specialist (Section 151 Officer)
Danielle Walls	Legal, Governance and Democracy Specialist (Solicitor)

C/1

CHAIRMAN

It was proposed by Councillor Tom Harvey and seconded by Councillor Stephen Coleman that Councillor Pete McSweeney be elected Chairman of the Council for the ensuing year.

Following a vote, it was

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

C/2 CHAIRMAN'S ANNOUNCEMENTS

The Chairman congratulated those Members who had been elected to the new Westmorland and Furness Shadow Authority and reflected on a challenging period ahead for both Members and Officers.

The Chairman thanked Inge Booth for her service to the Council over the last 35 years and wished her well for the future.

C/3 VICE-CHAIRMAN

It was proposed by Councillor Chris Hogg and seconded by Councillor Andrew Jarvis that Councillor Matt Severn be elected Vice-Chairman of the Council for the ensuing year.

Following a vote, it was

RESOLVED – That Councillor Matt Severn be elected Vice-Chairman of the Council for the ensuing year.

C/4 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Council held on 22 February 2022.

C/5 DECLARATIONS OF INTEREST AND DISPENSATIONS

No declarations of interest were raised.

C/6 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

There were no excluded items on the Agenda.

C/7 LEADER'S ANNOUNCEMENTS

The Leader of the Council informed Members of a change to Cabinet Members, with Councillor Eamonn Hennessey replacing Councillor Philip Dixon as the Portfolio Holder for Customer and Locality Services. He noted that there had been no change to the Portfolio Holder responsibilities and that the other Cabinet Members would remain the same.

The Leader of the Council highlighted that the upcoming municipal year would be the last for South Lakeland District Council and emphasised the need to continue the good work of the Council in delivering services. He noted that the full work programme and ongoing casework meant that it was important to continue working hard for residents.

C/8 SHADOW EXECUTIVE

The Leader of the Conservative Group, Councillor Tom Harvey provided an update to Members on the Shadow Executive Members, noting that Councillor Helen Irving would be stepping down from her position as Shadow Health, Wellbeing and Poverty Alleviation Portfolio Holder and that her replacement would be announced following the meeting.

C/9 LOCAL GOVERNMENT REORGANISATION

The Leader of the Council thanked officers for their hard work in delivering a smooth and well run election and Westmorland and Furness Joint Committee meetings, which provided a series of recommendations to the Westmorland and Furness Shadow Authority and enabled the Shadow Authority to make a good start at its first meeting, held on 17 May 2022.

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

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

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

Liberal Democrats – 32 Members
Conservative – 14 Members
Labour – 3 Members

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

Members noted that paper copies of the updated Appendix 2 to the report had not been circulated prior to the meeting. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed Members that the updated Appendix 2 would be circulated and published alongside the agenda following the meeting.

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

Councillor Jonathan Brook seconded by Councillor Matt Severn, moved recommendations (1) to (7) and (9) to (12) as set out within the report.

With regard to recommendation (8) and the appointment of chairmen and vice-chairmen to committees, nominations had been received from the Liberal Democrat Group, no further nominations had been received. Councillor David Webster, seconded by Councillor Matt Severn moved the nominations, as read out at the meeting, namely:-

Committee	Chairman	Vice-Chairman
Audit	Stephen Coleman	Tracy Coward
Human Resources	Rachael Hogg	Ali Jama
Licensing/ Licensing Regulatory	Helen Ladhams	Ian Wharton
Overview and Scrutiny	Vicky Hughes	Doug Rathbone
Planning	Pete McSweeney	Malcolm Lamb
Standards	Chris Hogg	Matt Severn

With regard to recommendation (11), the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) reminded Members of the need for four volunteers to form the Licensing Sub-Committee and a substitute. The following Members of the Licensing and Licensing Regulatory Committee volunteers to form the Sub-Committee:-

- Cllr Hazel Hodgson;
- Cllr Kevin Holmes;
- Cllr Helen Irving;
- Cllr Andrew Jarvis; and
- Cllr David Webster.

Following a vote, it was subsequently

RESOLVED – That

- (1) the political balance of the Council, as set out in paragraph 3.2 and Appendix 1 to the report, be noted;
- (2) the committees, and Terms of Reference for those committees, as detailed in Table 2, Part 3 of the Council's Constitution, be approved for the forthcoming municipal year;
- (3) the delegation of Council functions and Proper Officer appointments be confirms, as set out in Part 3 of the Council's Constitution;
- (4) the size of the committees, and the seats of each committee to political groups be approved and allocated in accordance with the table set out below:-

	Liberal Democrats	Conservatives	Labour	Green Party Member	Independent Member
Committees (64 Places)	40	18	4	1	1
Audit (6)	4	2	0	0	0
Human Resources (9)	6	2	1	0	0
Licensing Regulatory (15)	10	4	1	0	0
Overview and Scrutiny (13)	8	4	1	0	0
Planning (14)	8	4	1	1	0
Standards (7)	4	2	0	0	1

- (5) seats of each committee be allocated to political groups in accordance with Appendix 2 to this report;

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

	Liberal Democrats	Conservative	Labour	Green Party Member	Independent Member
Committees (31 Places)	19	9	2	0	0
Lake Administration Committee (24 – 16 District Council Members)	10	5	1	0	0
Licensing Committee (15)	9	4	1	0	0

- (7) nominations of councillors to serve on each committee, which were read out at the meeting be received;
- (8) Consideration be given to the appointment of Chairmen and Vice-Chairmen of the committees read out to members during the meeting;
- (9) the delegation of executive functions, as confirmed by the Leader and set out in Part 3(4) of the Council's Constitution, be noted;
- (10) Councillor Vicky Hughes be appointed as representative and Councillor Ali Jama be appointed as substitute to the Cumbria County Council's Health and Scrutiny Committee for the forthcoming year;
- (11) it be noted that Cllr Hazel Hodgson, Cllr Kevin Holmes, Cllr Helen Irving, Cllr Andrew Jarvis and Cllr David Webster volunteered to form a Licensing Sub-Committee ahead of the 30 May 2022 meeting; and
- (12) Councillor Ali Jama be appointed as the second Human Resources Committee member on the Joint Consultative Panel for the forthcoming year.

C/11**DRAFT CALENDAR OF MEETINGS 2022/23**

Members gave consideration to the draft Calendar of Meetings for the period May 2022 to April 2023 and requested that any Full Council meetings scheduled during the school holidays be moved by officers.

RESOLVED – That, subject to the alterations highlighted at the meeting and outlined above being made, the Council's Calendar of Meetings covering the period May 2022 to April 2023 be approved.

C/12

CAPITAL PROGRAMME UPDATE

The Finance and Assets Portfolio Holder presented a report updating the Capital Programme and Capital Re-profiling requests relating to 2021/22, which would enable 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 future meetings of the Cabinet to consider the proposal in accordance with the current Forward Plan. It was noted that approval was being sought at the Annual Meeting of the Council, which was required to amend the Capital Programme as each request was for more than £100,000.

The Finance and Assets Portfolio Holder highlighted the 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 was to 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.

Members raised a query regarding the current fleet of Road Sweepers, the Director of Customer and Commercial Services agreed to provide a written response. Members went on to thank the Finance and Assets Portfolio Holder for his work on the Section 106 Design Works for Stramongate, Kendal.

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 sought reassurance over the funds which had been available for the Coronation Hall in Ulverston. The Finance and Assets Portfolio Holder informed Members that he was unable to make any comments on the plans of the new authorities for the Coronation Hall as this would be a decision for the new authority. He added that South Lakeland District Council had been investing considerably in Ulverston Community Enterprises and the Coronation Hall.

Following a request from Members, the Finance Lead Specialist (Section 151 Officer) undertook to provide a written response to members regarding the development at Cross-a-Moor.

The Finance Lead Specialist (Section 151 Officer) also clarified that regarding the S106 Design Works at Stramongate, Kendal, clarification was being sought in respect of the precise figures in relation to this matter – she outlined that there may be minor amendment to the figures stated, which it was anticipated would be within existing delegations within the Constitution to the Section 151 Officer to agree and so proposing to deal with any such amendment to the precise figures in the report under delegation.

RESOLVED – That

- (1) the capital programme requests set out in paragraphs 3.2 to 3.5 of the report be approved;
- (2) the re-profiling of expenditure and associated budgets for capital schemes between 2021/22 and 2022/23 in Appendix 1 approved by Cabinet on 13 April 2022 be noted; and
- (3) the revised Capital Programme at Appendix 2 be noted.

C/13

THE LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

The Chairman of Licensing Committee and Licensing Regulatory Committee introduced the Review of Statement of Licensing Policy report. The purpose of the report was to inform members of the review of the Council's Statement of Licensing Policy which had been completed in line with the statutory timetable set out in the Licensing Act 2003.

The Statement of Licensing Policy (Appendix 1 to the report) had been through a consultation period which was detailed in the report and had been considered by the Licensing Committee and Overview and Scrutiny Committee. The Statement set out the basis on which decisions under the Licensing Act 2003 should be made and strived to achieve a local balance between the commercial interest of the licensing trade and the communities they serve and affect.

As no key changes had been made to existing licensing legislation, the changes recommended in the review had been updated to reference Local Government Reorganisation at paragraph 1.15 of the policy, an updated best practice guide at appendix 3 and an updated list of consultees at appendix 4. The report noted that the impending changes brought about by Local Government Reorganisation within Cumbria would mean it was likely to require further review and consolidation of respective authorities existing Statement of Licensing Policies in due course.

RESOLVED – That:-

- (1) the consultation undertaken with stakeholders during the period of 29 November 2021 to 9 January 2022 be noted;
- (2) the recommendation from the Licensing Committee and Overview and Scrutiny Committee that the Policy proceed to Council for adoption be noted; and

- (3) the revised Statement of Licensing Policy as attached at appendix 1 to the report, be adopted.

C/14 CORPORATE TRUSTEESHIP BOARD

The Finance and Assets Portfolio Holder presented a report on the Corporate Trusteeship Board. He informed Members that the establishment of a Corporate Trusteeship Board would provide the necessary governance in the Council's management of property matters related to land it holds on trust as well as assisting in preparation for Local Government Reorganisation on a 'safe and legal' basis.

The report highlighted that the Council held a number of properties in trust with terms and deeds of trust varying from property to property. The common factor of these lands was sharing a history of a benefactor transferring the land to SLDC's predecessor councils through a deed of trust. It was the role of the Council to act as trustee, working in the interest of the trust to protect the public benefits sought through the original establishment of the trust and in all cases, the Council acts as a corporate trustee, carrying the risks of the liabilities associated with the property and public use.

The proposal was to establish a Corporate Trusteeship Board to determine matters related to the management of the lands held in trust and acting in the Trust's best interests. For expediency of establishing and conducting a Board, it was proposed that Cabinet be given authority to appoint seven Councillors to the Board. In practice, the appointed Board would be made up of the current membership of the Cabinet, enabling the Board to be held on the rising of Cabinet with the Board adopting rules of procedure similar to the Cabinet unless the trust deed specifies otherwise.

Members raised a question regarding the possibility of an independent person being involved on the Board to provide a different perspective on the decisions. The Legal Governance and Democracy Lead Specialist (Monitoring Officer) noted that the members of the Board could invite others to the meetings if appropriate to do so and further, informing members that Cabinet members would receive training on the role as Board Member as this would be separate from their role as a Cabinet Member.

A query regarding Ward Councillors and Town/ Parish Councils being part of the consultation on individual reports was raised. The Legal Governance and Democracy Lead Specialist (Monitoring Officer) agreed and added that this consultation would form part of the consultation process for each report going to the Corporate Trusteeship Board.

Members expressed understanding for the need to have a Corporate Trusteeship Board but questioned how communication would work between the Board and officers. The Legal Governance and Democracy Specialist (Solicitor) informed Members that there was a reporting line to the Council and that the purpose of the Board was that it should act independently of Council business.

RESOLVED – That:-

- (1) the establishment of a Corporate Trusteeship Board as described in paragraphs 3.6 and 3.7 of the report be agreed;
- (2) Cabinet appoint seven Councillors to the Board;

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- (3) the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) be authorised to make the necessary amendments to the Council's constitution; and
- (4) it be noted that as part of the preparation for Local Government Reorganisation a comprehensive list of properties held in trust will be prepared.

C/15 ANNUAL REVIEW OF THE CALL-IN AND URGENCY PROVISIONS 2021-22

In accordance with paragraph 16 (j)(ii) of the Council's Overview and Scrutiny Procedure Rules, a report on the operation of the provisions relating to call-in and urgency during the municipal year 2021/22 was presented to Council by Councillor Vicky Hughes, chairman of the Overview and Scrutiny Committee.

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

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

RESOLVED – That the contents of the 2021/22 Annual Review of the Constitution's Call-in and Urgency Provisions be noted.

C/16 OVERVIEW AND SCRUTINY ANNUAL REPORT 2021/22

The Chairman of the Overview and Scrutiny Committee, Councillor Vicky Hughes, presented the Scrutiny Annual Report 2021-2022. The report was required by the Council's Constitution, and provided an opportunity for the Committee to demonstrate the work that it had undertaken during the past year, and to outline the work planned for 2022/23.

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

RESOLVED – That the Scrutiny Annual Report 2021-22 be received

C/17 CHAIR OF THE AUDIT COMMITTEE'S ANNUAL REPORT 2021/22

The Annual Report from the Audit Committee, which summarised the activities of the Committee during 2021/22, was presented by Councillor Stephen Coleman the Chairman of the Committee.

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

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

It was unanimously

RESOLVED – That the 2021/22 Audit Committee Annual Report be received.

C/18 ANNUAL REPORT OF STANDARDS COMMITTEE 2021-2022

Council considered the Annual Report of the Standards Committee for the municipal year 2021/22, which was presented by Councillor Chris Hogg the Chairman of the Committee. He thanked the Independent Person, Members of the Committee and officers for their work throughout a challenging period. Councillor Hogg thanked Parish Councillors of the district for their service and added that he felt that South Lakeland District Council offered a high level of standards and again thanked officers for delivering an impressive service.

It was unanimously

RESOLVED – That the 2021/22 Standards Annual Report be received.

C/19 ANNUAL REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES 2021/22

Further to Minute EX/015 (2006/07), annual reports for 2021/22 from Council representatives on outside bodies which had been submitted for inclusion on the agenda were presented.

Councillor Vicky Hughes wished to record her condolences following the death of Mike McKinley (Chairman of Lake District National Park Authority).

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

A query was raised regarding information on the Cumbria Pensions Forum and a request was made for officer feedback from the outside body.

Members requested information on the GlaxoSmithKline (GSK) Task Force and its decision making. The Legal Governance and Democracy Lead Specialist (Monitoring Officer) informed Members that the GSK Task Force had been set up by local Ministers for Parliament. The Economy, Culture and Leisure Portfolio Holder added that although the GSK Task Force was not an outside body, he was more than happy to discuss the details of the Task Force's work with Members.

RESOLVED – That the annual reports for 2021/22 from Council representatives on outside bodies be received.

C/20 REPRESENTATION ON OUTSIDE BODIES 2022/23

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

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

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

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

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

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

Voting having been taken, it was subsequently

RESOLVED – That appointments to/ appointment of representatives to serve on outside bodies for 2022/23 (or for terms otherwise state) be made as follows:-

- (1) Cumbria Police and Crime Panel – Councillor Pete McSweeney;
- (2) Local Government Association General Assembly – Councillor Jonathan Brook (Leader of the Council) and Councillor Andrew Jarvis;
- (3) North West Local Authorities Employers' Organisation – Councillor Rachael Hogg, with Councillor Ali Jama as substitute Member; and
- (4) Local Enterprise Partnership (LEP) Management Board – Councillor Robin Ashcroft.

C/21 MINUTES OF MEETINGS

RESOLVED – That it be noted that no comments or question had been received in respect of the minutes of committee meetings held between 22 November 2021 and 28 January 2022.

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

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

C/23 TOAST BY CHAIRMAN

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

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

The honourable memory of the County of Westmorland.

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The meeting ended at 6.57 p.m.