EXECUTIVE DECISION NOTICE

CABINET

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 26 November 2014, at 10.00 am.

Present

Councillors

Peter Thornton (Leader of the Council and Promoting South Lakeland and Finance Portfolio Holder) (Chairman)
Giles Archibald Town Centres and Small Business Portfolio Holder
Jonathan Brook Strategic Growth Portfolio Holder
Chris Hogg Culture, Arts and Events Portfolio Holder
Sue Sanderson Environment and People Portfolio Holder
Janet Willis Deputy Leader of the Council and Innovation and Improvement Portfolio Holder

An apology for absence was received from Councillor Graham Vincent (Health and Wellbeing Portfolio Holder).

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Also in attendance at the meeting were Shadow Executive Members Roger Bingham (Culture, Arts and Events Portfolio), John Holmes (Strategic Growth Portfolio) and Janette Jenkinson (Environment and People Portfolio), and Councillor Mark Wilson, Leader of the Labour Group.

Shadow Executive Members James Airey (Town Centres and Small Business Portfolio), Ben Berry (Health and Wellbeing Portfolio), Tom Harvey (Shadow Deputy Leader and Innovation and Improvement Portfolio) and David Williams (Shadow Leader and Promoting South Lakeland and Finance Portfolio) had tendered apologies for absence.

Officers

Inge Booth Senior Democratic Services Officer
Claire Gould Policy and Partnership Manager
Dan Hudson Development Strategy Group Manager
Michael Keane Assistant Director Strategic Planning
Damian Law Principal Development Plans Officer
Richard Machin Senior Communications Officer
Shelagh McGregor Assistant Director Resources (Section 151 Officer)
Simon McVey Assistant Director Policy and Performance
Matthew Neal Solicitor to the Council
Peter Notley Chief Accountant
Claire Read Financial Services Officer
Helen Smith Financial Services Manager
David Sykes Director of People and Places
CEX/84  CABINET EXECUTIVE DECISIONS

RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 29 October 2014.

CEX/85  DELEGATED EXECUTIVE DECISIONS

RESOLVED – That the Delegated Executive Decisions made by Portfolio Holders or Officers on 23 October and 6 November 2014 be received.

CEX/86  DECLARATIONS OF INTEREST

RESOLVED – That it be noted that Councillor Roger Bingham declared a predisposition in Minute No.CEX/96.

CEX/87  LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

CEX/88  PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions have been received from members of the public in respect of this meeting.

CEX/89  PROGRESS REPORT

Consideration was given to the Executive Decisions Progress Report, as at 17 November 2014.

CEX/92 and CEX/61 – Council-owned Land and Property – Stock Ghyll Cottage and Adjacent Building, Stock Ghyll Lane, Ambleside/Progress Report – The Solicitor to the Council reported that he had not yet been notified with regard to any renewed full and final offers and undertook to update Members on the situation.

CEX/46 – Ulverston Town Hall and Coronation Hall Review (KD44/2014) – The Director of People and Places informed Members that although the report and minute had indicated a proposed transfer date of March 2017, as shown within the progress report, it was hoped that that this could be achieved in March 2016, and the next progress report would be altered to reflect this.

RESOLVED – That the Executive Decisions Progress Report, as at 17 November 2014, be noted.
CEX/90  FORWARD PLAN

RESOLVED – That the contents of the Forward Plan covering the period 28 October 2014 to 31 January 2015 be noted.


Summary

The Leader and Promoting South Lakeland and Finance Portfolio Holder informed Members that the Council Plan set out the Council’s vision and priorities and how they would be delivered over the period of the Plan. It was closely linked with the Medium Term Financial Plan and formed part of the Council’s Policy Framework as well as the Council’s approach to governance and community leadership.

The Council Plan 2014-19 had been reviewed and updated for 2015. The Strategy provided a summary of progress over the last twelve months and the four priorities set out the Council’s ambition over the remaining four years. It also detailed the key projects that would contribute to achieving those priorities.

It was noted that targets and measures of success would continue to be reported through quarterly performance monitoring reports. The details of each project or activity would be provided in a set of Portfolio Holder plans which would be developed once the Council Plan update had been adopted by Council.

The Overview and Scrutiny Committee had considered the draft Plan at its meeting on 25 November 2014 and feedback from stakeholders and Scrutiny would be provided in a report to Cabinet in January 2015.

The Leader was proud to present the draft Council Plan which was a refresh based on last year’s, with the same long term ambition for 1,000 jobs and 1,000 new affordable homes for rent. The Plan now also looked at climate change and carbon emissions, and he felt this to be the greenest Council Plan to have been presented to date.

Each Portfolio Holder spoke in turn about the draft Plan in relation to their area of work. It was felt that reference to the role of a councillor should be included within the Plan in order to ensure that Members were equipped with the knowledge to be able to gain the benefits available for their community.

In closing, the Leader paid tribute to all of the Council’s partners without whom it would not be possible to achieve the aims and the objectives of the Council Plan.

Decision

RESOLVED – That the Council Plan update for 2015 be approved for consultation purposes.
Reasons for Decision

The Council Plan sets out the vision, underpinned by four priorities, that forms an agenda that will make South Lakeland the best place to live, work and explore.

Alternative Options Considered and Rejected

The alternative option is not to approve the draft Council Plan 2015 update for consultation purposes. This is not recommended as the strategy and priorities in the Plan have not changed significantly from those previously identified. Not recommending the approval of the Plan would reduce the likelihood of the Council’s ambitions being delivered.

CEX/92 2015/16 TO 2018/19 DRAFT BUDGET REPORT

Summary

The Leader and Promoting South Lakeland and Finance Portfolio Holder presented the first draft Budget for 2015 – 2019. It was noted that work was ongoing to incorporate any further changes which might be required as information was received, such as the finalised central government grant position.

Once approved by Council, consultation would commence on the draft Budget and the outcome of this would be presented to Cabinet in February 2015.

The Leader and Members thanked both the Assistant Director (Resources)/Section 151 Officer and her Team for their work on the budget to date, and also the Director of People and Places and Health and Wellbeing Portfolio Holder for their work in the effective transfer of the Leisure Service which had resulted in considerable financial savings.

Decision

RESOLVED – That

(1) the following be noted:
   (a) the proposals contained in the report which will achieve a balanced budget in 2015/16; and
   (b) the potential deficit position of £421k in 2016/17 rising to £1.032m by 2018/19 and the proposals being developed to reduce this; and

(2) Council be requested to approve the use of £250k from the General Reserve to fund the one-off costs of delivering approved savings from 2014/15, with delegation to Cabinet and Human Resources Committee to approve the use of these monies.
Cabinet Executive Decisions

26.11.2014

Reasons for Decision

This report sets out a first draft budget that provides resources to implement the Council Plan.

Alternative Options Considered and Rejected

This report presents options in relation to potential savings, new capital programme bids, one off revenue growth bids and fees and charges. The proposals together meet the Council’s statutory duty to set a balanced budget for 2015/16. An alternative option would be to reject some of the proposals; this would then require further work to ensure a balanced budget was set.

CEX/93 2015/16 TO 2017/18 DRAFT TREASURY MANAGEMENT FRAMEWORK

Summary

The Town Centres and Small Business Portfolio Holder presented a report which set out the Council’s draft prudential indicators for 2015/16 to 2017/18 and set out the draft Treasury Management framework for that period. Any changes to the final budget proposals would be reflected in the final version of the Treasury Management Framework which was to be approved by Council in February.

The Financial Services Officer provided an explanation of how the Authority’s investments were managed.

Decision

RESOLVED – That the report, including Appendices 1 to 4 containing the Prudential Indicators, Treasury Management Strategy, Policy and Indicators and Minimum Revenue Provision Statement, be noted.

Reasons for Decision

These arrangements provide a framework for treasury management in accordance with legislation and enable the priorities as set out in the Council Plan to be achieved.

Alternative Options Considered and Rejected

No alternative options are proposed. The Treasury Management Framework is driven largely by legislation and reflects the 2015/16 budget. These strategies represent only minor changes to existing practice and policy.
CEX/94  LAKE DISTRICT NATIONAL PARK PARTNERSHIP PLAN (KEY DECISION)

Summary

The Strategic Growth Portfolio Holder presented a report asking Cabinet to consider the Lake District National Park Partnership Plan which was overarching and set the Vision and direction for other plans and strategies prepared by the National Park Authority. It was stressed that the Vision and framework set out in the Plan would have a strong influence on future Local Plan documents in the Park dealing with development and infrastructure delivery.

The Lake District National Park Authority’s approach had been to enable a partnership of organisations with direct interest in how the Park was managed, to develop the Vision and Plan for the Lake District. It would also serve as the management plan for the World Heritage Site, should the inscription be successful.

The Portfolio Holder made reference to Section 3 of the Plan – The Strategies, namely 3.1.4 (wise use of geology contributing to local and national needs and demands), paragraph 2, regarding quarrying of Lake District stone and slate. He felt that this paragraph may prove overly restrictive in terms of potential for future slate production. He also referred to poverty and social exclusion and the need for the issue of delivery of affordable within the Lake District National Park to be addressed. Members agreed that this should be taken up by the Director of People and Places in finalising his comments (in consultation with the Strategic Growth Portfolio Holder) through the Lake District National Park Partnership.

Decision

RESOLVED – That

(1) the emerging Part 1 (the Strategy) of the draft Lake District National Park Partnership Plan 2015-2020 be endorsed; and

(2) the Director People and Places be delegated authority, in consultation with the Strategic Growth Portfolio Holder to finalise the Council’s endorsement of the Plan, by March 2015, through the Lake District National Park Partnership.

Reasons for Decision

The Lake District National Park Partnership Plan 2015 – 2020 will set out the strategic approach to the management of the National Park. The Plan is to deliver the Vision for the National Park as developed and agreed by the Lake District National Park Partnership and “will be an inspirational example of sustainable development in action.” Endorsement of the Plan will help develop alignment between the Council’s priorities and those for managing the National Park.
Alternative Options Considered and Rejected

The Cabinet could determine not to endorse the Plan. This is not recommended as the Council has been involved in partnership work to date in the Plan’s production and the draft Plan accords strongly with the Council’s priorities.

The Cabinet could determine to consider the final Plan, rather than delegate authority as proposed. This course of action is not recommended as any further changes to the Plan are not expected to be significant (due to the Plan being produced in partnership) and the requirements of the timetable of approvals for adoption. However, the Director People and Places will bring a further report to Cabinet should significant changes arise.

CEX/95 NATIONAL GRID NORTH WEST COAST CONNECTIONS ROUTE CORRIDOR CONSULTATION

Summary

The Strategic Growth Portfolio Holder reported that the National Grid North West Coast Connections project would be one of the largest investments in infrastructure in the North West of England for 50 years. It would deliver new 400kV electricity transmission lines connecting the proposed Moorside Nuclear Power Station with the National Grid Network. National Grid was consulting on a preferred route corridor for this connection, including a tunnel under Morecambe Bay and an overland route across the Furness Peninsula and around the Duddon.

Two strategic options had been identified, and within these a series of potential route corridors developed.

A major 12-week consultation from 4 September to 28 November 2014 was being undertaken by National Grid to gather views on the route corridor options, including National Grid’s preferred route corridor, based on the detailed appraisal and assessment work carried out so far. This was the first public consultation undertaken as part of the process and included a series of 33 consultation events across Cumbria and Lancashire.

Officers had prepared a response to the consultation, which broadly supported National Grid’s preferred options, whilst citing a number of areas where concerns remained and where mitigation measures would be necessary.

Decision

RESOLVED – That the draft response set out in Appendix 1 to the report be approved as South Lakeland District Council’s response to the consultation
Reasons for Decision

The proposal to deliver connections for the new nuclear power station at Moorside has the potential to support economic, environmental and health and wellbeing Council Plan objectives in particular. The project will provide jobs and will have supply chain benefits for local businesses. There are opportunities to rationalise existing infrastructure in the process of delivering the new, which would enhance the landscape and reduce the number of pylons affecting local communities. The project is also part of the Government’s wider energy package, which aims to reduce carbon emissions and support energy security. Responding to the consultation with the messages proposed will help to maximise support for these benefits as well as helping to minimise any negative impacts.

Alternative Options Considered and Rejected

The alternative option is to decline to take part in this consultation. This would compromise the level of influence afforded by the Council in shaping the selection of the route of the new National Grid connections and in ensuring that appropriate mitigation and wider community benefits are achieved through the project.

CEX/96 LAND AT CROSS-A-MOOR, SWARTHMOOR, DEVELOPMENT BRIEF

Note – Councillor Roger Bingham declared a predisposition in this item of business by virtue of the fact that he was a Member of the County Council’s Development Control Committee which had already given consideration to the matter. However, he drew attention to the fact that he did not have a vote at this Cabinet meeting and remained in the Chamber.

Summary

The Strategic Growth Portfolio Holder reported that the Council had an up to date and ambitious Local Plan to meet the District’s housing and employment needs (outside National Parks). The delivery phase – for housing, employment and critical infrastructure – had begun. As part of this delivery phase, development briefs were being prepared for a number of key employment and housing site allocations. These briefs would help deliver the housing and employment development in the adopted Land Allocations Development Plan Document and when adopted would provide guidance on how these sites should be developed.

The Cross-a-Moor housing allocation site in Swarthmoor was the subject of the first development brief. It had been prepared in an environment of successful public engagement and was a positive achievement helping to assist with the delivery of the Local Plan.
The report presented to Cabinet explained the key features of the Cross-a-Moor Development Brief, referred to consultation already undertaken and sought Members’ approval of the Development Brief for adoption as a Supplementary Planning Document.

In presenting the report, the Portfolio Holder thanked the Development Plan Team for their hard work.

During discussion on the item, Members expressed concern about the fact that highways concerns which had been raised in relation to the Cross-a-Moor/A590 junction had not been reflected within the brief. The Development Strategy Group Manager undertook to draft a presentational change which would bring forward and highlight within the document the text relating to the critical importance of the relationship between the development and the A590 (T) including the need for safe access and egress.

Decision

RESOLVED – That

(1) approval be given to the Land at Cross-a-Moor, Swarthmoor Development Brief for Adoption as a Supplementary Planning Document; and

(2) officers be authorised, in consultation with the Strategic Growth Portfolio Holder, to make minor presentational and non-substantive changes to the Development Briefs at Appendix 1 to the report, prior to publication.

Reasons for Decision

The production of the Development Brief for Cross-a-Moor, Swarthmoor will assist in the delivery of the Council’s long term ambitions for delivering housing, including 35% affordable housing. It is therefore significant for the delivery of the 2014 – 2018 Council Plan.

In terms of housing the Development Brief will assist in the delivery of 1,000 affordable homes to rent over the period 2014-2025 and enable new affordable housing and open market housing through private sector led developments. In terms of economy the Brief will enable sustainable development within Swarthmoor and enhancement of the village’s distinctive character.

In terms of environment the Brief will ensure Swarthmoor and its surrounding area’s high quality environment is enhanced and makes a positive contribution to the quality of life of existing residents in the area and encourage the best standards for new development, demonstrating quality and sustainability. In terms of health and reducing health inequalities the Brief will ensure the design of development is built to a level that ensures future residents will have a safe place to live. It also supports the creation of new green spaces and green networks that will support the health and well-being of new prospective residents and existing residents of Swarthmoor.
Alternative Options Considered and Rejected

Cabinet could decide not to approve the adoption of the Cross-a-Moor, Swarthmoor Development Brief. This would prevent the completion of preparation of the Brief. Cabinet could decide to delay the decision to adopt. A delay would reduce the Council’s capacity to produce the Brief to an expedited timetable and may require the need for further engagement with key bodies. It could decide to delay the adoption to ensure it runs in tandem with the programme for adoption on the other ‘phase 1’ sites, again, a delay for this reason would reduce the Council’s capacity to produce the Brief to an expedited timetable.

CEX/97 GRANGE-OVER-SANDS TOWN COUNCIL - APPLICATION FOR DESIGNATION AS A NEIGHBOURHOOD AREA (KEY DECISION)

Summary

The Strategic Growth Portfolio Holder reported that Grange-over-Sands Town Council had applied to South Lakeland District Council for the Parish to be designated as a Neighbourhood Area in order that the Town Council and Neighbourhood Plan group could proceed to prepare a Neighbourhood Plan.

It was considered that the proposed area for designation, which consisted exclusively of Grange-over-Sands Parish in the whole, was an appropriate Neighbourhood Area and that Grange-over-Sands Town Council was a relevant body for the purposes of Neighbourhood Planning.

The Town Council had already produced a Draft Community Plan and Action Plan. A dedicated team had worked on this, alongside some Town Councillors. Many of the Group were also keen to work on a Neighbourhood Plan and there were several other members of the community who wanted to be involved.

Decision

RESOLVED – That approval be given to the designation of Grange-over-Sands Parish as a Neighbourhood Area.

Reasons for Decision

The proposal to designate the Neighbourhood Area will allow Grange-over-Sands Town Council to proceed to prepare a Neighbourhood Plan. As such, it will help to ensure that people in Grange-over-Sands have a greater say in what happens in their area (A Health and Wellbeing objective within the Council Plan). Additionally, it will indirectly help to support Housing, Environment, Health and Wellbeing and Economy Council Plan objectives, although exactly how will depend on the scope and content of the resulting Neighbourhood Plan.
Any adopted plan will be used in Development Management decision making either at committee or using delegated powers. It will guide decisions to reflect local opinion.

**Alternative Options Considered and Rejected**

The alternative option is to refuse to designate Grange-over-Sands Parish as a Neighbourhood Area.

If the Council refused the application, this would prevent Grange-over-Sands Town Council from preparing a Neighbourhood Plan. South Lakeland District Council would be required under the Neighbourhood Planning (General) Regulations 2012 7(2) to publish a document stating its reasons for the refusal.


**Summary**

The Environment and People Portfolio Holder Presented a report which set out the findings of a Surveillance Inspector appointed by the Office of the Surveillance Commissioner, arising from his visit to the Council on 16 September 2014. The Surveillance Inspector had considered that all of the recommendations from the Council’s previous inspection of September 2011 had been discharged.

The Surveillance Inspector had made recommendations about the Council’s Surveillance Policy document, as follows:-

(i) minor changes are required to highlight that an authorisation to carry out surveillance comes into force when the Magistrates Court approves it;

(ii) it should not refer to the granting of oral authorisations as these are no longer allowed by the legislation;

(iii) guidance needs to be added about the use of internet and social networking sites for investigations;

(iv) guidance is required about non statutory authorisations in cases when the legislation does not allow statutory authorisations to be given; and

(v) consideration should be given to reducing the number of Authorising Officers.

These comments were reflected in a suggested revised Surveillance Policy which was appended to the report for Members’ consideration.
Note – Confidential wording from the report on the findings of the Surveillance Inspector were provided at Appendix 1 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 exception 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 report of the Office of Surveillance Commissioners be noted; and

(2) the Council’s Surveillance Policy be amended in accordance with Appendix 2 to the report, including a revised list of Authorising Officers, as follows:-

“The Chief Executive, the Director (People and Places), the Assistant Director (Resources) and the Assistant Director (Neighbourhood Services).”

Reasons for Decision

The proposals link into the Council’s Council Plan value of seeking continuous improvement in what the Council does and ensuring that the Council’s actions address the needs of South Lakeland.

Alternative Options Considered and Rejected

The alternative option is that suggestions are made to make further changes to the draft policy.

The meeting ended at 12.40 pm