

## **CUMBRIA COUNTY COUNCIL**

**Minutes** of a Meeting of the **Cabinet** held on **Thursday, 21 April 2022**  
**at 10.00 am at Cumbria House, Botchergate, Carlisle CA1-1RD**

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### **PRESENT:**

Mr SF Young (Leader)  
Mrs PA Bell  
Mrs A Burns  
Ms D Earl  
Mr KA Little  
Mrs S Sanderson  
Mr DE Southward  
Mrs C Tibble

Officers in attendance:

Chief Executive, Executive Director (People) and Acting Chief Executive, Executive Director - Corporate, Customer and Community Services, Director of Finance (Section 151 Officer), Deputy Chief Fire Officer, Chief Legal Officer, Assistant Director for Highways and Transport, Leadership Support Officer - Labour Group, Leadership Support Officer - Liberal Democrat Group, Professional Lead - Democratic Services and Communications Manager

The Leader welcomed Mr John Metcalfe, the newly appointed Chief Executive to his first Cabinet meeting.

### **PART 1 ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS**

#### **223 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr P Thornton and Mrs J Willis.

#### **224 DISCLOSURES OF INTEREST**

There were no disclosures of interest made on this occasion.

## **225 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**, that the press and public be not excluded from any items on the agenda today.

## **226 MINUTES**

**RESOLVED**, that the minutes of the meeting held on 17 March 2022 be agreed and signed by the Chair.

## **227 STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS**

There were no statements made at this meeting.

## **228 PUBLIC PARTICIPATION**

There were no public questions, petitions or statements made at this meeting.

There were no referrals from local committees or scrutiny committees to this meeting.

## **229 AWARD OF A NEW PROFESSIONAL SERVICES FRAMEWORK (4)**

Cabinet members considered a report from the Executive Director – Economy and Infrastructure, which asked members to award a framework agreement for the supply of professional services to the Council and other specified users over a period of 4 years.

The existing professional services framework (PSF3) provided a range of consultancy support to the Council's capital programme as well as a facility for other framework users, including District Councils, to award consultancy contracts. Due to the success of the Council in achieving funding for large capital schemes, the existing framework was reaching the limit of its advertised spend and a new professional service framework had been tendered pending award.

The framework structure was as follows:

- A four-year multi-disciplinary framework.
- A forecast value of up to £30million.

- A structure comprising separate lots by discipline for:-
  - Lot 1 Architecture
  - Lot 2 Civils and Structural Engineering
  - Lot 3 Building Surveying
  - Lot 4 Growth and Infrastructure

The Council and other framework users, including District Councils, required professional consultancy support to deliver capital programmes of work. The award of this framework allowed the Council, and other framework users, to deliver at the scale of previous years which was essential to the delivery of the Council Plan and the resulting benefits.

**RESOLVED**, that Cabinet agrees to award the Framework Agreement for The Provision of Professional Consultancy Services within Cumbria (Professional Services Framework 4) and appoint the suppliers identified as follows:-

#### **Lot 1a – Architecture**

AHR Building Consultancy Ltd  
 Align Property Partners Limited  
 Architects Plus (UK) Limited  
 Baker Hicks Limited  
 Day Cummins Limited  
 Farrell & Clark LLP  
 Tetra Tech Limited

#### **Lot 1b – Architecture**

Align Property Partners Limited  
 Architects Plus (UK) Limited  
 Day Cummins Limited  
 Tetra Tech Limited

#### **Lot 2a – Civils and Structural Engineering**

Baker Hicks Limited  
 Lynas Engineers Limited  
 Mott MacDonald Limited  
 Pell Frischmann Consultants Ltd  
 Tetra Tech Limited  
 Waterman Infrastructure & Environment Ltd  
 Wilde Consultants Ltd  
 WSP UK Ltd

## **Lot 2b – Civils and Structural Engineering**

AECOM Limited  
Jacobs U.K. Limited  
Mott MacDonald Limited  
WSP UK Ltd

## **Lot 3a – Building Surveying**

AHR Building Consultancy Ltd  
Align Property Partners Limited  
Carter Jonas LLP  
Day Cummins Limited  
Tetra Tech Limited  
WSP UK Ltd

## **Lot 3b – Building Surveying**

Align Property Partners Limited  
Day Cummins Limited  
Tetra Tech Limited  
WSP UK Ltd

## **Lot 4a – Growth and Infrastructure**

AECOM Limited  
Mott MacDonald Limited  
Pell Frischmann Consultants Ltd  
Tetra Tech Limited  
WSP UK Ltd

## **Lot 4b – Growth and Infrastructure**

AECOM Limited  
Jacobs U.K. Limited  
Mott MacDonald Limited  
WSP UK Ltd

## **230 COPELAND LOCAL PLAN 2021-2038 CONSULTATION RESPONSE**

Members had before them a report from the Executive Director – Economy and Infrastructure which sought the approval of Cabinet of Cumbria County Council’s representations to Copeland District Council’s Local Plan 2021-2038 Publication Draft Consultation.

Copeland Borough Council had issued the Publication Draft of the Copeland Local Plan 2021-2038 for public consultation between 10 January and 18 March 2022. Copeland Borough Council had agreed a further extension for the County Council to respond to the consultation.

The planning system in England was 'plan led', whereby there was a statutory duty for all local planning authorities to prepare a Local Plan for their area.

When adopted the Copeland Local Plan (2021-2038), which covered the district of Copeland outside the Lake District National Park (which was covered by its own local plan), would:-

- identify how much development should take place and where it should go
- provide guidance for high quality development and the infrastructure required to support them
- allocate sites for housing, regeneration, and employment
- identify areas which should be protected from development
- include policies to be used when determining planning applications.

Under the 'Duty to Co-operate' the Government required that district councils worked with the County Council during the development of their Local Plan. This was to ensure that Cumbria County Council's interests as a planning authority and infrastructure and service provider were appropriately considered in the development of policy.

The consultation on the Publication Draft (Regulation 19) was the final opportunity for representations relating to a Local Plan (Regulation 20) to be made before the Local Plan was submitted to the Secretary of State (Regulation 22), who would appoint an independent inspector whose role was to determine whether the Local Plan was legally compliant and met the tests of 'soundness' through an Examination in Public (EiP) (Regulation 24).

Cumbria County Council's representations to the Copeland Local Plan 2021-2038 Publication Draft Consultation built upon Cumbria County Council's responses to previous consultations, and were aligned with the Cumbria Transport Infrastructure Plan (CTIP) which had been adopted by Cumbria County Council as the new Local Transport Plan for Cumbria.

Copeland Borough Council intended to submit their Local Plan to the Planning Inspectorate in May 2022, with the intention of adopting the Plan in early 2023. Given that further updates may be required in advance of submission, it suggested that timescales for adoption of the Local Plan were reviewed and that consideration was given to the

programme in the context of Local Government Reform, particularly in relation to decision making.

On the whole the County Council was supportive of the proposed Local Plan and although some further amendments and updates to the evidence base were suggested, it was considered that, fundamentally, the Local Plan would:-

- support inclusive growth and decarbonisation;
- support attractive places and town centres,
- support economic growth including the clean energy sector;
- create or enhance nature, wildlife and green spaces;
- promote the Borough as a thriving visitor attraction whilst safeguarding its heritage and landscape.

The Cabinet Member for Environment took Cabinet through some of the key issues raised by Cumbria County Council to assist in developing a sound Local Plan including:-

- IDP – Highway
- IDP - Education
- IDP - Flood Risk
- Viability Assessment
- Whitehaven Relief Road
- Housing
- Highways and Transport
- Strategic Employment Sites

The risk to Cumbria County Council of not submitting representations to the Copeland Local Plan Publication Draft Consultation was that it would miss the opportunity to influence the content of the Local Plan and secure the necessary infrastructure to support new development. It would also mean that Cumbria County Council would not fulfil its obligations as a consultee and requirement under the 'Duty to Co-operate'.

Although Cabinet had some concerns about the deliverability of the proposals in the plan, members supported the development of the Local Plan and hoped it would be progressed as quickly as possible.

The Cabinet Member for Environment asked that thanks be recorded for the Cumbria County Council officers that had supported and advised Copeland Borough Council during the production of the plan.

**RESOLVED**, that Cabinet approves Cumbria County Council's representations to the Copeland Local Plan 2021-2038 Publication Draft Consultation as set out in Appendix 1 and 2 of the report.

## **231 CONSULTATION ON THE POTENTIAL CLOSURE OF ST JOSEPH'S CATHOLIC SCHOOL, COCKERMOUTH**

Cabinet considered a report from the Executive Director – People (Deputy Chief Executive) which sought a decision on the formal closure of St Joseph's Catholic Primary School, Cockermouth.

A public consultation exercise on closure was undertaken between 20 September and 29 October 2021. The outcome of this consultation was reported to the County Council Cabinet on 27 January 2022, and subsequently approved the publication of formal closure notices.

Closure notices were published on 24 February 2022 triggering a 4-week representation period. Cabinet must make a decision on the proposal within 2 months of the end of the representation period.

The governing body of St Joseph's School had approached Cumbria County Council to carry out a public consultation around the proposed closure of the school, as numbers had fallen at the school from over 75 pupils in 2017/18, to 4 children on the January 2022 pupil census.

The school was contacted on 22 March and confirmed that there were no children on site, including in the private nursery. A single Year 6 child remained on the school roll, but they were in attendance at an Alternative Provision.

There were currently three primary schools in Cockermouth, the other two being Fairfield Primary and All Saints' CE Primary. Between them there were 105 Reception class places on offer. Closure of St Joseph's would remove 15 Reception places.

The school governors had tried unsuccessfully to appoint a headteacher over the course of several months. Only a practising Catholic could be considered for the post.

Alternatives to closure, such as a shared headteacher, federation or academisation, had also been explored.

Budgets for running costs (staff salaries, heating, lighting, etc.) were devolved to schools largely on the basis of pupil numbers. Many of these costs were fixed regardless of how many children were in the school and a lower number of children would produce a lower budget, meaning less money to support teaching and learning. The recent low numbers meant that the school budget was expected to fall into deficit and, as funding allocations were based on a national formula, the County Council was unable to provide additional financial support.

The school was rated 'Requires Improvement' by Ofsted.

A public consultation exercise on closure was undertaken between 20 September and 29 October 2021. Taking into account the outcome of this consultation, the Cabinet approved the publication of formal closure notices on 27 January 2022.

Notices were published on 24 February 2022, triggering a representation period which ended on 24 March 2022.

No responses were received during the representation period.

The Cabinet Member for Schools and Learning said the school was, according to Ofsted, failing to provide the standard of service expected of it, meaning that those children attending were not in receipt of the level of education and care they should expect.

Whilst the budget was currently in surplus, the exceedingly low numbers at the school meant it was forecast to be in deficit by 2023/24 and this could eventually fall on the DSG for repayment.

**RESOLVED,** that Cabinet approves the formal closure of St Joseph's Catholic Primary School, Cockermouth. Closure will take effect on 31 August 2022.

The meeting ended at 10.20 am