

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

**A record of the decisions made at the meeting of the Cabinet held on Wednesday, 8 June 2022, at 10.00 a.m.**

Present

Councillors

Eamonn Hennessy	Customer and Locality Services Portfolio Holder
Andrew Jarvis	Deputy Leader & Finance and Assets Portfolio Holder
Dyan Jones	Climate Action and Biodiversity 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), Jonathan Brook (Leader and Promoting South Lakeland and Innovation Portfolio Holder) 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)), 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)), Janette Jenkinson (Shadow Cabinet (Customer and Locality Services Portfolio)) and David Webster (Leader of the Labour Group).

Officers

Laura Chapman	Interim Specialist (Economy & Culture)
Lawrence Conway	Chief Executive
John Davies	Case Management Officer Support Services
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
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)

**CEX/1****CABINET EXECUTIVE DECISIONS**

Members requested that actions from the 13 April Cabinet meeting regarding Minute No. CEX 125 (Capital Programme Update) be followed up by officers.

No further comments were made and it was

***RESOLVED – That the Chairman be authorised to sign, as a correct record, the Executive Decisions made by Cabinet on 13 April 2022.***

**CEX/2 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, 7 April and Thursday, 21 April 2022 be received.***

**CEX/3 EMERGENCY DELEGATED EXECUTIVE DECISIONS****CEX/4 019 - 4 MAY 2022- EMERGENCY DELEGATED EXECUTIVE DECISION - COUNCIL TAX ENERGY REBATE SCHEME**

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

***RESOLVED – That the Emergency Delegated Executive Decision made by the Chief Executive on 4 May 2022, in accordance with the Leader’s decision noted by Cabinet at CEX/104 (2019/20), be received.***

**CEX/5 DECLARATIONS OF INTEREST AND DISPENSATIONS**

Councillor Eamonn Hennessey raised a non-pecuniary interest in Minute No. CEX142 (Additional Funding for Glass Panels along Aynam Road, Kendal) for transparency by virtue of the fact that he was a part of a sub-group formed by Kendal Town Council that held discussions with the Environment Agency (EA) regarding this item.

***RESOLVED – That Councillor Eamonn Hennessey’s non-pecuniary interest related to Minute No. CEX142 (Additional Funding for Glass Panels along Aynam Road, Kendal) be noted.***

**CEX/6 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

There were no excluded items on the agenda.

**CEX/7 PUBLIC PARTICIPATION**

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

**CEX/8 FORWARD PLAN**

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

***RESOLVED – That the contents of the Forward Plan published on 31 May 2022, be noted.***

**CEX/9 CABINET PORTFOLIOS AND SCHEME OF DELEGATION**

Further to the update provided by the Leader of the Council at the Annual Meeting of the Council on 18 May 2022, a document outlining the update to Portfolios Holders had been attached to the agenda. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed Members that the Scheme of Delegation for the discharge of the Executive Functions of the Council would be circulated to Members following the meeting. Members were also provided with a copy of a document, which highlighted the update to Shadow Portfolios to the Shadow Executive.

***RESOLVED – That the update to Portfolios to Cabinet Members by the Leader be noted and the respective Cabinet Job Description be signed by the new Cabinet Member.***

**CEX/10****CABINET APPOINTMENTS/ REPRESENTATIONS ON OUTSIDE BODIES 2022/23****Summary**

Consideration was given to proposed nominations for the appointments of representatives to serve on outside bodies for the forthcoming year 2022/23. Members were informed that a number of the Outside Bodies had either ceased meetings or had not met in a long time and following feedback from Members, the Council had decided not to appoint to them.

A query was raised regarding the Reserve Forces and Cadets Association, the Legal Governance and Democracy Lead Specialist (Monitoring Officer) responded, noted that officers would look in to the Outside Body and make contact to inform them that the Council would no longer be appointing a representative.

**Decision**

***RESOLVED – That the following appointments of representatives to serve on outside bodies for 2021/22 (or for terms as otherwise state) be made:-***

<b><u>Organisation</u></b>	<b><u>Representative (2022/2023)</u></b>
Appleby Fair Multi-Agency Strategic Co-ordinating Group	Suzie Pye
Arnside/ Silverdale Area of Outstanding Natural Beauty Executive Committee	Helen Chaffey
Bowness and Windermere Forward Board	Robin Ashcroft
Citizens' Advice Bureau Trustee Board	Suzie Pye
Community Rail Partnership	Doug Rathbone
Community Safety Partnership	Suzie Pye
Council of Grizedale Arts	Robin Ashcroft
County Council Local Committee for South Lakeland	Jonathan Brook
County Council Local Committee for South Lakeland	Andrew Jarvis
Cumbria Community Foundation	Philip Dixon
Cumbria Housing Group	Helen Chaffey
Cumbria Joint Districts Board	Jonathan Brook
Cumbria Leadership Group	Jonathan Brook
Cumbria Pensions Forum	Andrew Jarvis
Cumbria Strategic Waste Partnership	Eamonn Hennessy
Cumbria Strategic Waste Partnership	Dyan Jones
Cumbria Better Connected	Robin Ashcroft
Cumbria Tourism	Robin Ashcroft
Kendal BID	Robin Ashcroft
Kendal Brewery Arts Centre	Robin Ashcroft
Lakes Line Rail User Group	Douglas Rathbone
Lancaster Canal Regeneration Partnership	Helen Ladhams
Lancaster Canal Regeneration Partnership	Douglas Rathbone
Local Enterprise Partnership	Jonathan Brook
Kendal Futures Board	Robin Ashcroft

<b><u>Organisation</u></b>	<b><u>Representative (2022/2023)</u></b>
Kendal Museum Working Group	Helen Ladhams
Lake District National Park Business Task Force	Robin Ashcroft
North West Housing Forum	Helen Chaffey
Public Health Alliance	Suzie Pye
Reserve Forces and Cadets Association	Roger Bingham
Safer Cumbria	Suzie Pye
South Lakes Business against Crime Partnership	Pete McSweeney
SPARSE Rural	Peter Thornton
SPARSE Rural	Giles Archibald
Ulverston BID	Janette Jenkinson
Morecambe Bay Partnership	Robin Ashcroft
Sedbergh Economic Partnership	Robin Ashcroft
South Lakeland Health and Wellbeing Partnership	Suzie Pye
The Cumbria Local Enterprise Partnership (CLEP) Places Strategy Group	Jonathan Brook
Cumbria Nature Recovery Plan Group	Dyan Jones
Lake District National Park Partnership	Andrew Jarvis
Corporate Trusteeship Board (CTB)	Robin Ashcroft
Corporate Trusteeship Board (CTB)	Jonathan Brook
Corporate Trusteeship Board (CTB)	Helen Chaffey
Corporate Trusteeship Board (CTB)	Eamonn Hennessy
Corporate Trusteeship Board (CTB)	Andrew Jarvis
Corporate Trusteeship Board (CTB)	Dyan Jones
Corporate Trusteeship Board (CTB)	Suzie Pye

### **Reasons for Decision**

Appointments to Outside Bodies assist in the delivery of the Council Plan through partnership working: “across boundaries, with a range of other local authorities, organisations and businesses”.

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

Not to make appointments, which could affect the Council’s ability to influence partners on important strategic issues.

**CEX/11**

## **COUNCIL PLAN PERFORMANCE MONITORING REPORT QUARTER 4 2021/22**

### **Summary**

The Finance and Assets Portfolio Holder presented the Council Plan Performance Monitoring Report for Quarter 4 of 2021/22.

The Council Plan retained the vision of “South Lakeland as the best place to live, work and explore”, and highlighted that there were areas where the Council needed to do more and the plan identified four priority areas where activity needs to be focussed to achieve the vision. Targets listed in the report were grouped under these four priorities:

- Working Across Boundaries – Delivering Sustainable Regional Growth;
- Delivering A Balanced Community – A South Lakeland For All Ages;
- Delivering A Fairer South Lakeland – A South Lakeland For Everyone; and

- Addressing The Climate Emergency – A Carbon Neutral South Lakeland.

The report summarised the performance of a number of targets that had shown very good performance. However, in line with national trends and the influence of Covid-19 the number of homeless households living in temporary accommodation had increased. The Council monitored the state of South Lakeland's economy, trends, strengths and weaknesses to help prioritise activities and interventions, adapting and implementing policies to positively affect the economy.

The most recent review during Quarter 4 2021/22 showed that only 27% of risks had been positioned above appetite, a decrease from the Quarter 4 2019/20 review, which had found that 65% of risks were above appetite due to the impact of Covid-19.

Members thanked Officers for their work in producing a detailed report and noted that the results of the performance monitoring report showed the good work done by the Council and remarked that they felt proud of the work of the Council.

Following a request from Members the Chief Executive undertook to provide an update on the Ulverston Masterplan and the future Local Plans particularly focusing on any potential land allocations.

#### **Decision**

##### ***RESOLVED – That***

- (1) the Summary of Performance as detailed in the report be noted;***
- (2) the detailed risks information contained within Appendix 1 to the report be noted; and***
- (3) the detailed performance statistics within Appendix 2 to the report be noted.***

#### **Reasons for the Decision**

Performance Monitoring underpins service delivery and provides good value for money. Performance Monitoring supports the delivery of all four Council Plan Priorities

#### **Alternative Options**

No alternative options. The purpose of the report is to receive a performance update. The Council must note successes, monitor progress and take action where appropriate.

## **CEX/12**

### **S106 DESIGN WORKS, STRAMONGATE KENDAL**

#### **Summary**

The Finance and Assets Portfolio Holder presented a report on Section 106 Design Works at Stramongate Kendal. The report informed Members that the Council had sought approval for expenditure of Section 106 (S106) monies received from the Sainsbury's development on Shap Road to deliver a public realm project that had been designed to increase visitor footfall to Stramongate and increase the accessibility of the area to pedestrians and cyclists.

The S106 funding agreement stated that funding must be used towards Town Centre Improvement Contribution, meaning the sum of £208,000 be used by the Council to fund improvements in the Northern Approach from Kendal Railway Station to Kendal Town Centre. Due to indexation the Council received a total of £224,043.85 from the Developer, Morbaine. In addition, Kendal Town Council made a contribution of £22,000 which gave the Council a budget of £246,043.85 which had been agreed by Council on 18 May 2022 as part of the revised Capital Programme.

The report highlighted the proposals, including a high quality natural stone paved surface being created on the entrance to Stramongate, while still allowing left-turning vehicles from Blackhall Road. The inclusion of small trees provided a more pleasant shopping and visitor environment.

Although the project delivery budget was limited and currently only enables a small scheme to be developed, it was felt that the project could demonstrate how the use of good quality natural materials can bring benefits to business, residents and visitors, providing an example of the future ambitions for the town's public realm.

Members expressed their support for the proposals, noting the importance of Stramongate to Kendal as home of the weekly market.

## Decision

### **RESOLVED – That**

- (1) the expenditure of up to £246,043.85 comprising £224,043.85 of Section 106 monies and £22,000 Kendal Town Council contribution, to deliver a street scape project at Stramongate, Kendal as previously agreed as part of the revised Capital Programme considered at Council on 18 May 2022 be approved; and**
- (2) authority be delegated to the Lead Specialist Legal Governance and Democracy (Monitoring Officer) [in consultation with the relevant Cabinet member/Leader] to agree terms and enter into a Section 278 agreement with Cumbria County Council to give effect to recommendation (1) and as detailed in section 3 of this report.**

## Reasons for the Decision

The proposals link to the Council Plan Priorities of:-

Delivering a balanced community – understanding the needs of local businesses by creating an attractive gateway towards the town centre; and

Addressing the climate emergency – by developing town centres which are attractive and accessible for living, working and leisure.

## Alternative Options

Alternative option would be not to grant approval of the expenditure and the S106 money received would be returned to the Developer (Morbaine).

CEX/13

**ADDITIONAL FUNDING FOR GLASS PANELS ALONG AYNAM ROAD, KENDAL****Summary**

The Finance and Assets Portfolio Holder presented a report related to additional funding for glass panels along Aynam Road, Kendal. He reminded Members that the Environment Agency (EA) had been undertaking significant work throughout Kendal and the surrounding area to reduce the impact of flooding in Kendal and other nearby settlements. Approval was granted in December 2019 with work beginning in Spring 2021 and expected to be completed by early 2024. The Planning approval included installation of aluminium framed glass flood defence panels in three locations along Aynam Road, Kendal.

In response to the Kendal Flood Risk Management Scheme, Kendal Town Council formed a Flood Relief Scheme Working Group, which included representatives from the EA and the Council to report on the scheme and identify opportunities to improve the visual design of the glass panels in public realm areas of the town. The Flood Relief Scheme Working Group undertook consultation with residents which resulted in a new planning application being submitted to improve the glass panels by extending the total length and upgrading to a stainless steel specification which was a key aspiration of the local community. Further ground investigations had enabled the EA to improve the design to more effectively control seepage and groundwater.

At its 11 November 2021 meeting, Council agreed a financial contribution of £250,000 towards the cost of the new and improved glass panels to be installed along Aynam Road, Waterside and Gooseholme through its Capital Programme. The installation of the glass panels was also dependent on a funding contribution of £150,000 from Kendal Town Council, however in light of new and improved design material costs, costs have increased with an additional £125,000 required from South Lakeland District Council in order to deliver the changes, increasing the Council's funding contribution to £375,000.

Members expressed their support for the proposals and thanked officers for their flexibility and hard work to ensure this project moves forwards.

**Decision*****RESOLVED – That***

- (1) Subject to the Environment Agency securing the necessary further planning permissions an additional grant of £125,000 to the Environment Agency be approved as a contribution to deliver glass panels along Aynam Road, Gooseholme and Waterside in Kendal as part of the Kendal Flood Alleviation Scheme. This funding having been previously agreed as part of the revised Capital Programme considered by Council on 18 May 2022;***
- (2) Cabinet's approval to provide a grant of £250,000 to the Environment Agency to deliver the glass panels along Aynam Road, Gooseholme and Waterside in Kendal be reaffirmed as previously agreed at Council on 11 November 2021; and***

- (3) ***subject to the Environment Agency securing the necessary further planning permissions, authority be delegated to the Director of Customer and Commercial Services in consultation with the Lead Specialist Legal Governance and Democracy (Monitoring Officer) to enter into an appropriate agreement with the Environment Agency within the parameters of the financial approval as detailed in paragraphs 7.1 to 7.3 of this report.***

### **Reasons for the Decision**

The proposal links to Council Plan Priorities of:-

Working across boundaries – Securing additional funding to deliver critical infrastructure in partnership with other authorities; and

Addressing the climate emergency – Working with the Environment Agency to deliver the Kendal Flood Risk Management Scheme and mitigate risk of major flooding events.

### **Alternative Options**

The alternative option would be not to approve the additional expenditure of £125,000 however, this would affect the delivery of the Kendal Flood Alleviation Scheme that, in turn would affect the ERDF funding, as well as create reputational damage for the Council.

In accordance with the grant funding agreement the ERDF funding could be clawed back or a fine imposed as a result of any project delays. Should the funding towards the glass panels not be approved, additional funding streams would need to be sought which would create project delays.

The meeting ended at 10.30 a.m.