

EXECUTIVE DECISION NOTICE CABINET

A record of the decisions made at the meeting of the Cabinet held on Monday, 4 July 2022, at 1.00 p.m.

Present
Councillors

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

Robin Ashcroft	Economy, Culture and Leisure Portfolio Holder
Helen Chaffey	Housing Portfolio Holder
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

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

Gareth Candlin	Operational Lead - Place and Environment
Elaine Conway	Specialist (Revenues)
Lawrence Conway	Chief Executive
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Amanda Foley	Principal Specialist (Welfare and Income Maximisations)
Julie Jackson	Principal Specialist People
Julia Krier	Legal, Governance and Democracy Specialist
Alastair McNeill	Senior Specialist (Strategy Group)
Simon McVey	Director of Strategy, Innovation and Resources
Adam Moffatt	Legal, Governance and Democracy Specialist
Fraser Robertson	Communications Specialist
Helen Smith	Finance Lead Specialist (Section 151 Officer)
Matthew Williams	Senior Economy and Culture Specialist

CEX/14 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 8 June 2022.

CEX/15 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, 19 May 2022 be received.

CEX/16 DECLARATIONS OF INTEREST AND DISPENSATIONS

No declarations of interest were raised under this item

However, please note the declaration by Councillor Eamonn Hennessy, who raised a non-pecuniary interest for transparency by virtue of the fact that he had co-authored a response from Kendal Town Council to the Kendal Local Cycling and Walking Infrastructure Plan, which was discussed under Minute No CEX/22.

CEX/17 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

There were no excluded items on the agenda.

CEX/18 PUBLIC PARTICIPATION

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

CEX/19 FORWARD PLAN

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

RESOLVED – That the contents of the Forward Plan published on 21 June 2022, be noted.

CEX/20 REVENUE AND CAPITAL OUTTURN 2021/22**Summary**

The Finance and Assets Portfolio Holder presented the Revenue and Capital Outturn 2021/22 report which set out the Council's financial performance for 2021/22 and the impact on reserves. He highlighted the impact of Covid on the finance team and thanked them for their hard work throughout the year and added that the Council was in a good position, despite the challenges posed by the labour market.

Attention was drawn to the overall net General Fund, which had a net overspend of £23,000 for 2021/22, including Covid-19 and resulted in a net contribution of £5,000 to reserves rather than the use of £18,000 reserves as budgeted. This represented a higher than projected overspend. He added that in anticipation of the impact of the Covid-19 Pandemic, the Council's budgets for 2021/22 included a contingency budget for reduced income of £697,500, which had been partially offset by Sales, Fees and Charges Grant of £65,000 reflecting the grant only covered the first quarter of the financial year. However, thanks to a busy summer, income from car parks recovered and ended the year only £23,000 lower than budgeted so the contingency was not required for car park income.

The Finance and Assets Portfolio Holder noted that the largest single element of expenditure for the Council related to employee costs, mainly salaries but also pension contributions and the cost of agency and contract staff. In addition, employee costs were incurred on agency and temporary staff to ensure continuity of services while staff were redeployed to Covid-19 related tasks. He added that labour costs and the challenging labour market had made it difficult to fill vacancies which added to the expenditure.

Members were informed of an underspend in the capital programme of £4.1 million the majority of which related to timing adjustments with request to carry forwards budgets to 2021/22 or the removal of expenditure relating to Kendal Flood Relief programme, which was treated as agency expenditure in the Council's accounts. The Finance and Assets Portfolio Holder reiterated his earlier point in thanking officers for their hard work during a challenging period.

In response to a query regarding staffing and the impact of Local Government Reorganisation alongside the Pandemic, the Chief Executive noted the significant impact of the pandemic on staff and commended the resilience and commitment shown by the Council's staff. He added that the staffing issues referred to in the report were linked to national issues around the labour market, rather than the impact of Local Government Reorganisation.

In response to a question raised by Members, the Finance and Assets Portfolio Holder reassured Members that although the Capital Programme was a demanding programme, work to prioritise the Council's actions had begun. He added that he was confident that the Westmorland and Furness Authority would pick up any projects that were underway but not completed this year.

Decision

RESOLVED – That

- (1) the outturn figures and variance explanations set out in the report and appendices be noted;***
- (2) the carry forwards set out in Appendix 1c and Appendix 2 to the report be approved;***

- (3) Council be requested to approve the virement of £2,109,829 for the Covid Additional Relief Fund as set out in paragraph 3.10;**
- (4) Council be requested to approve the contributions to and from reserves detailed in Appendix 4 to the report and the changes in responsibility for reserves set out in paragraph 3.17; and**
- (5) Council be requested to approve the amended Capital Programme at Appendix 3.**

Reasons for Decision

This report sets out how the Budget, set to enable the delivery of the Council's priorities, was spent in 2021/22. Setting a sound framework for budget preparation, monitoring and reporting assists in the delivery of all corporate outcomes. The budget was 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

No alternative options are proposed. Not approving the proposed carry forwards or contributions to and from reserves may challenge service delivery during 2022/23 and beyond.

CEX/21 2021/22 ANNUAL TREASURY MANAGEMENT REPORT

Summary

The 2021/22 Annual Treasury Management Report was presented by the Finance and Assets Portfolio Holder. The report reviewed the treasury activities and the actual prudential and treasury activities and the actual prudential and treasury indicators for the 2021/22 financial year, meeting the requirement of the Local Government Act 2003, the CIPFA Code of Practice on Treasury Management and the CIPFA Code for Capital Finance in Local Authorities.

The level of external debt remained at £12.8 million, below the Capital Requirement of £24 million which showed that the Council had not funded revenue activity through borrowing, a key prudential indicator which has helped to avoid incurring higher borrowing costs in the future.

The Finance and Assets Portfolio Holder referred to the current inflation levels and highlighted that inflation was expected to continue to rise amongst a perfect storm of issues and therefore, the Bank Rate was expected to rise further during 2022/23 from its current level of 1%.

Decision**RESOLVED – That**

- (1) ***Council be recommended to approve the 2021/22 Annual Treasury Management Report.***

Reasons for Decision

This reports shows performance against the 2021/22 Treasury Management Strategy, which forms part of the corporate governance arrangements that support all Council plan priorities.

Alternative Options Considered and Rejected

There are no alternative options, the report presents historic data on treasury performance during 2021/22

CEX/22**KENDAL LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN (LCWIP)****Summary**

The Housing Portfolio Holder presented the Kendal Local Cycling and Walking Infrastructure Plan (LCWIP). She noted that although the proposal was not for a funded plan, it was key to have a plan in place in order to secure any future funding and that Kendal had a huge potential due to the short commute distances.

Members were informed that the plan set out an approach for prioritised routes, with the aim of improving routes and prioritising future investment and would be a living document.

Note – At this stage in the proceedings, Councillor Eamonn Hennessy noted a non-pecuniary interest for transparency by virtue of the fact that he had co-authored a response from Kendal Town Council to the Kendal Local Cycling and Walking Infrastructure Plan.

Members raised a query regarding the reach of this programme, discussion highlighted that this was a programme across Cumbria with an LCWIP also recently completed Barrow and Carlisle.

A follow up question regarding Ulverston Town Council's involvement was raised, to which the Senior Specialist (Strategy) added that he understood that Cumbria County Council had commenced a similar project in Ulverston although it would not have the status of an LCWIP.

Decision

RESOLVED – That the Local Cycling and Walking Infrastructure Plan (LCWIP) for Kendal prepared by Cumbria County Council be endorsed, subject to comments in section 4 of the report on how the document may be improved in future reviews. This endorsement does not fetter the Council’s discretion on any issues which may arise later relating to the implementation of the recommended route networks.

Reasons for Decision

The decision links to all four Council Plan Priorities:-

- *Working across boundaries* – the Kendal LCWIP includes proposed cycling routes which would link Kendal to neighbouring communities, such as Natland, Oxenholme and Burneside. The LCWIP however gives short term priority to town centre routes.
- *Delivering a balanced community* – the improvements proposed in the LCWIP will increase opportunities for people of all ages and abilities, including young people and the elderly, to access amenities and services by means other than motorised transport.
- *A fairer South Lakeland* – improved cycling and walking routes will promote health, wellbeing and help tackle poverty by providing healthy and lower cost alternative ways to access amenities, services and for recreation.
- *Addressing the climate emergency* – the proposals in the LCWIP will facilitate more journeys by cycle or on foot and therefore reduce carbon-producing transport.

Alternative Options Considered and Rejected

That Cabinet does not endorse the Kendal Local Cycling and Walking Infrastructure Plan: it is recommended that this alternative is not supported, as the support of the District Council has been important in developing the Kendal LCWIP and is likely to be important in assisting its implementation, including in its role as Local Planning Authority.

CEX/23

CYCLING PROVISION ON GOOSHOLME AND NEW ROAD

Summary

The Economy, Culture and Leisure Portfolio Holder presented a report on providing cycling provision on Gooseholme and New Road in Kendal. The report set out proposals which formed part of the package of funding secured by Cumbria County Council (CCC) to repair the Gooseholme Bridge with a grant of £250,000 being secured on the basis that the new bridge would be able to accommodate both walking and cycling and would align with Sustrans objectives of improving sustainable travel methods.

In order to meet the conditions of the grant, CCC had to be able to demonstrate that it was possible to cycle both to and from the bridge and that a credible improvement had been made to the cycling network in Kendal. At the February 2021 meeting of the Cabinet a decision approval was given, in a report relating to Flood Relief Management Scheme at New Road and Gooseholme, to deregister defined cycling routes across New Road and Gooseholme in order to connect to the new bridge. However, due to delays with the delivery of the Environment Agency (EA) Flood Defence Scheme it had not been practical to move forward with deregistration.

As part of CCC work on developing a Local Cycling and Walking Infrastructure Plan (LCWIP) for Kendal, connectivity for both cyclists and pedestrians across New Road and Gooseholme had been identified as important to the establishment of a comprehensive network of cycling and walking routes into the town centre.

The report proposed an alternative approach for the Council to agree as landowner that CCC in its role as the Highway Authority could amend the designation of the current paths on Gooseholme and New Road common to bridleways therefore allowing cyclists to lawfully use those pathways. This approach would be undertaken by CCC as Highways Authority through the use of a 'Creation Agreement', a legal agreement signed by the two parties (Landowner and Highways Authority), the right to cycle would come into existence on the date given in the agreement with notice of the agreement being published by the Highway Authority in at least one local paper. The designation would apply to the pathways on Gooseholme and New Road Common only and would not create wider legal rights across the adjoining common are with no physical change to the paths.

Members expressed their support for the proposals set out in the report and noted that the proposals represented the most logical way to achieve a cycle route which incorporates the new bridge at Gooseholme and New Road.

Decision

RESOLVED – That:-

- (1) as the landowner of Gooseholme and New Road Common it be agreed that Cumbria County Council be permitted to facilitate the conversion of the current footpaths as marked in appendix three to bridleways therefore legally permitting cycling on those pathways; and***
- (2) the Director of Customer and Commercial Services, in consultation with the Legal, Governance and Democracy Lead Specialist (Monitoring Officer), be delegated authority to agree and enter into the required legal agreements to facilitate the above.***

Reasons for Decision

This proposal helps South Lakeland meet its Council plan objectives under addressing climate emergency by:

- Developing town centres, which are attractive and accessible for living, working and leisure;
- Working with Cumbria County Council and other partners to promote and encourage the provision of and access to sustainable public transport across the district;
- Promoting active transport including cycling and walking; and
- Supporting preparation and implementation of Kendal cycling and walking strategy

Alternative Options Considered and Rejected

That the Council waits for the appropriate time within the context of the Environment Agencies flood scheme to formally deregister the paths and permit cycling on the deregistered land.

This would not be achievable in time to satisfy the Sustrans obligations and consequently that funding would be at significant risk.

CEX/24 SUSTAINABLE WARMTH CUMBRIA

Summary

The Housing Portfolio Holder presented the Sustainable Warmth Cumbria report. The report set out the Sustainable Warmth Cumbria consortium bid, which had been successful for funding to support low carbon energy efficient and heating for at least 1000 private sector homes across Cumbria. The Sustainable Warmth competition had encouraged Local Authorities to apply for approximately £24 million in funding to help install energy saving upgrades and low carbon heating in low-income households by raising the energy efficiency rating of low income and low Energy Performance Certificate (EPC) rated households (those with E, F or G, although D ratings were also in scope).

The report highlighted the fabric first approach expected by the Government which aimed to reduce household energy bills which included but was not limited to energy efficiency measures (such as wall, loft and underfloor insulation) and low carbon heating technologies (such as heat pumps and solar) but excluded heating systems which are solely fuelled by fossil fuels such as gas and oil. Funding was to be targeted at low-income households likely to be in fuel poverty and landlords whose tenants were eligible for funding (private and social) would provide at least 33% contribution towards the cost of the upgrades.

The report set out the strong case for proceeding with this project which had a high degree of strategic alignment with the Council Plan (as well as the Council Plans for Barrow Borough Council and Eden District Council who were also participants) in terms of tackling climate change, energy efficiency and fuel poverty.

Members thanked officers for their hard work on the proposals and expressed their support for the proposals, noting that projects like the Sustainable Warmth Cumbria project demonstrated how the Council wanted to work to improve the quality of life of residents as well as assist in lowering energy costs.

Decision

RESOLVED – That:-

- (1) South Lakeland District Council's participation in the Sustainable Warmth Cumbrian consortium (via a consortium of Cumbria District Councils) be approved;**
- (2) subject to a successful consortium bid by Cumbria District Councils (including SLDC), acceptance by the Council of its allocation of the grant funding awarded by North West Energy Hub Sustainable Warmth grant scheme in the sum of £2.1 million be authorised, provided that if the actual sum of grant awarded to the Council was more or less than £2.1 million, the difference be reported as part of the Quarterly Finance Update Reporting; and**
- (3) subject to the award of grant funding under the North West Energy Hub Sustainable Warmth grant scheme, the Director of Customer and Commercial Services, in consultation with the Operational Lead (People, Welfare and Income Maximisation) and the Legal, Governance and Democracy Lead Specialist (Monitoring Officer), be delegated authority to agree the terms of and enter into the appropriate legal agreements on behalf of the Council in relation to the project in consultation with the Portfolio Holder for Housing.**

Reasons for Decision

One of South Lakeland District Council's ('the council') four priorities for 2021 – 2026 includes a Fairer South Lakeland and Addressing the Climate Emergency. In delivering a Fairer South Lakeland – the council has committed to providing energy advice and additional support to households in fuel poverty.

In February 2019 SLDC declared a climate emergency. The Council is working towards a target of being Carbon neutral by 2037 and ensuring that the existing housing stock is energy efficient is a significant element in achieving that goal. This project seeks to maximise the social, economic and environmental benefits which come from combating and developing resilience to climate change and developing sustainability.

One of the council's targets is to reduce the percentage of homes in the lowest energy performance certificate bands E, 'F & G'. This project will go towards these commitments.

Alternative Options Considered and Rejected

Only consortium bids have been permitted, the Council's only options were to participate or not to participate. It is recommended that the Council participates in the Sustainable Warmth Scheme joining our partner authorities to benefit low income households, addressing fuel poverty and low energy efficient homes.

CEX/25 LEVELLING UP FUND BID

Summary

The Economy, Culture and Leisure Portfolio Holder presented a report on the Levelling Up Fund (LUF) bid. The report sought to enable a submission to be made to Round Two of the Levelling Up Fund for South Lakeland. If successful, the bid would bring significant investment into the district's principle service centre of Kendal, meeting the Council's aspirations in its Kendal Town Centre Strategy and delivery of a vibrant, enhanced town centre for residents, businesses and visitors.

The Economy Culture and Leisure Portfolio Holder highlighted the considerable consultation and discussion which had taken place in order to progress the bid. LUF funding was for capital schemes encompassing transport, culture or regeneration, with one successful application allowed per local authority area, proposals were able to seek up to £20 million of investment.

While funding had been allocated following a competitive process, across the UK places have been prioritised for funding by the Government following a qualitative assessment process. South Lakeland had been identified as "Category 3", lowest priority of need. Bids would also be evaluated based on the other Fund criteria of strategic fit, value for money and deliverability.

The application centred around two projects, Project A covered Town Centre regeneration which included:-

- (1) New education accommodation at the Westmorland Shopping Centre, creating a third campus for Kendal College;
- (2) Regeneration of the historic Market Hall; and
- (3) Regeneration of the Marker Place.

Project B covered the Riverside Corridor which included enhancement of the riverside active travel route, from Abbot Hall, alongside Waterside and linking to the town centre via Kent Street.

The proposals were intended to support the evolution of Kendal and reinforce its role as a place to live, work and explore. It was considered that these measures would enable the district as a whole to better meet the needs of younger people and business and further embedding education in the heart of the town.

In response to a question regarding the inclusion of Ulverston in this project, the Senior Specialist (Economy and Culture) informed Members that Simon Fell MP who represented Ulverston had supported a bid for Barrow for his constituency and for South Lakeland, officers had considered Kendal as the best option.

Decision

RESOLVED – That

(1) the submission of a Levelling Up Fund Round 2 bid for South Lakeland be agreed, on the basis of the proposals set out in this report; and

(2) the Finance Lead Specialist (Section 151 Officer) be authorised to sign a statement of compliance to accompany the bid.

Reasons for Decision

The proposals linked to the following Council Plan priorities:-

Working across boundaries – Securing investment and delivering inclusive economic growth in South Lakeland’s principal service centre of Kendal, building the local knowledge and skills base and improving town centre infrastructure;

Delivering a balanced community – Providing a town centre for all ages, improving conditions for enterprise and increasing learning and development opportunities for students, helping to attract and retain more young people;

A fairer South Lakeland – An enhanced town centre offer and improved accessibility to services, with greater economic and social opportunities for all. Building closer links between further education and businesses and providing more affordable space for start-ups; and

Addressing the climate emergency – A more attractive town centre with cleaner air, improved environment and quality of life. Investment into active travel route along river corridor to encourage modal shift and help towards South Lakeland’s carbon neutral target.

Alternative Options Considered and Rejected

Not to proceed with a submission for Levelling Up Fund Round 2 on the basis of these proposals. There is insufficient time to develop an alternative bid to meet the deadline so no bid would therefore go forward for South Lakeland.

Government has advised that there is no guarantee of further rounds of the Fund so there may be no opportunity to bid again in the future. As such, the recommendation is to proceed as described in this report.

CEX/26**COVID-19 ADDITIONAL RELIEF FUND DISCRETIONARY NON DOMESTIC RATE RELIEF**

Please note - this item was on the Forward Plan in May 2022 (31 May 2022). This item was not included in the agenda for the 04 July 2022 Cabinet meeting which was initially published on Friday 24 June 2022. Copies of the revised agenda and report relating to the item for consideration at the meeting, were available for inspection by the public in accordance with Regulation 7 (Access to agenda and connected reports for public meetings) of the 2012 Regulations”

Following a request from the Legal, Governance and Democracy Lead Specialist (Monitoring Officer), Members unanimously agreed that the item should be considered at the meeting.

Summary

The Finance and Assets Portfolio Holder presented a report regarding the Covid-19 Additional Relief Fund (Discretionary Non Domestic Rate Relief). The report set out proposals which would allow the Council to administer the discretionary Covid-19 Additional Relief Fund (“CARF”) and make grants to eligible businesses in line with section 47 of the Local Government Finance Act 1988 and in accordance with Government Guidance.

The fund had been made available by central government to grant relief on 2021/22 Non Domestic Rates liabilities to assist those businesses that were affected by the pandemic but were ineligible for other grants under the previous schemes. The report noted that the Council had been awarded £2,109,829 in funding for grants of relief in the district with Councils being reimbursed up to the allocated level of discretionary relief awarded.

Government guidance specified that the businesses that had been eligible for the Extended Retail Discount, the Nursery Discount or the Airport and Ground Operations Support Scheme were excluded from the scheme along with any Councils (town/parish or county councils).

Members thanked officers for their time and hard work in supporting local businesses and supported the proposals set out in the report.

Decision**RESOLVED - That**

- (1) Subject to Council approval, the Covid-19 Additional Relief Fund Discretionary Non Domestic Rate Relief (CARF) scheme be approved as attached in Appendix 1 for implementation by the Council;**
- (2) Authority be delegated to the Operational Lead for People, Welfare and Income Maximisation the authority to make the final decision on the award of the CARF Scheme under Section 47 of the Local Government Finance Act 1988;**
- (3) Authority be delegated to the Director of Customer and Commercial Services to determine any requests for reviews of decisions taken under the CARF Scheme and that the Finance Lead Specialist (Section 151 Officer) be delegated the authority to determine any requests for review of decisions of the Director of Customer and Commercial Services under the CARF scheme for a final determination; and**
- (4) Authority be delegated to the Operational Lead for People, Welfare and Income Maximisation in consultation with the for Finance Lead Specialist (Section 151 Officer) and the Finance and Assets Portfolio Holder to make any administrative amendments required to the CARF schemes to reflect future changes in Government guidance or change in local need.**

Reasons for Decision

The proposal links to the Council Plan Priorities of:-

- Working across boundaries;
- Delivering a balanced community; and
- A fairer South Lakeland.

Alternative Options Considered and Rejected

SLDC could choose not to use the discretionary relief provision which would not comply with the Government request and would not give the intended support to those businesses in the district that were impacted by the pandemic but ineligible under earlier Covid-19 relief schemes. This is therefore not a recommended option.

SLDC could chose to administer grants at a level exceeding the government allocation which would not be reimbursed and is therefore not affordable for the Council and also not a recommended option. Monitoring of levels of award will

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be undertaken to ensure that the Council will be fully reimbursed for grants awarded.

The meeting ended at 1.52 p.m.