

COUNCIL

Minutes of a Meeting of the Council held on Thursday, 23 November 2023 at 1.30 pm at Council Chamber, County Hall, Kendal LA4 9RQ

PRESENT:

Cllr M Severn (Chair)

Cllr G Archibald	Cllr M Eyles
Cllr T Assouad	Cllr J Filmore
Cllr C Atkinson	Cllr L Hall
Cllr R Audland	Cllr K Hamilton
Cllr L Baker	Cllr M Hanley
Cllr J Battye	Cllr E Hennessy
Cllr S Bavin	Cllr H Hodgson
Cllr P Bell	Cllr N Hughes
Cllr T Biggins	Cllr A Husband
Cllr J Boak	Cllr H Irving
Cllr M Brereton	Cllr A Jama (Vice-Chair)
Cllr D Brook	Cllr A Jarvis
Cllr J Brook	Cllr D Jones
Cllr A Burns	Cllr H Ladhams
Cllr T Callister	Cllr N McCall
Cllr H Carrick	Cllr B McEwan
Cllr F Cassidy	Cllr I Mitchell
Cllr H Chaffey	Cllr B Morgan
Cllr W Clark	Cllr J Murphy
Cllr A Coles	Cllr J Murray
Cllr A Connell	Cllr S Pender
Cllr B Cooper	Cllr N Phillips
Cllr J Cornthwaite	Cllr D Rathbone
Cllr J Derbyshire	Cllr M Rudhall
Cllr P Dew	Cllr S Sanderson
Cllr P Dixon	Cllr B Shirley
Cllr J Drake	Cllr V Taylor
Cllr D Edwards	Cllr P Thornton
Cllr S Evans	Cllr R Worthington

Also in Attendance:

Ms B Beardwell	Interim Deputy Chief Legal and Deputy Monitoring Officer
Steph Cordon	Director of Thriving Communities
Jackie Currie	Democratic Services
Pam Duke	Director of Resources (Section 151 Officer)
Alison Hatcher	Assistant Chief Executive
Angela Jones	Director of Thriving Places
Sam Plum	Chief Executive, Westmorland & Furness Council
Paul Robinson	Director of Enabler Services
Cath Whalley	Director of Adult Social Care
Barbara Beardwell	Interim Deputy Chief Legal and Deputy Monitoring Officer

56 Roll Call and Apologies for Absence

Apologies for absence were received from Cllrs D Cassidy, Endsor, V Hughes, Robinson, Simpkins and D Taylor.

57 Declarations of Interest/Dispensations

There were no declarations of interest made on this occasion.

58 Exclusion of Press and Public

That the press and public be not excluded during consideration of any items on the agenda today.

59 Minutes of the Previous Meeting

The approval of the minutes as amended were proposed by Cllr Rathbone and seconded by Cllr Archibald.

RESOLVED, that the minutes of the previous meeting held on 21 September 2023 be agreed with the following amendments:

To note that Councillor Evans attended the meeting.

To add the names of Ms C Whalley and Mr M Vasic in Officers attendance.

On Minute No 44 – question from Cllr Dew – correct from “regarding the A56 MTP” to “regarding the A66 NTP”.

On Minute No 44 – Question by Members – remove the 2nd “asked” after “Services”.

60 Public Participation

The Chair reported that a question had been received from a member of the public.

Mr Jonathan Davies commented that on 1 April 2023 Westmorland and Furness Council became the local council and local planning authority replacing Eden District Councils, South Lakeland Council and Barrow Council along with Cumbria County Council for the area of the new Westmorland and Furness District.

One of the first actions of the new council was to equalise council tax across the district resulting in a substantial increase for the Eden area but was claimed to be required to make things equal across the new district.

However, things were not equal across the new district in terms of planning and funding from developments as communities in the south of the district benefit from

substantial amounts of funding from Community infrastructure levies known as a CiL.

Despite lobbying of the former Eden District Council by Clifton Community Council and others on the need to implement a CiL it was never delivered resulting in local community across Eden missing out on hundreds of thousands of pounds of funding that could benefit community directly.

In June Westmorland and Furness Council had handed over one hundred and twenty thousand pounds to ten parish councils in the south of the Westmorland and Furness District because those areas had a CiL despite Westmorland and Furness Council now being the single Local Planning Authority and District Council for the whole area, there was a clear disparity of policy and support for communities in the North of the District who were missing out on hundreds of thousands of pounds of potentially community benefiting funds from the hundreds of houses that had been developed in the local area. Westmorland and Furness Council had not harmonised its policies around Planning and implemented a district wide CiL.

As Westmorland and Furness Council was now the local planning authority and district council covering all of the former Eden, South Lakeland and Barrow Council areas as the local government district now called Westmorland and Furness, would the Council pledge to level up for residents and the communities especially those across Eden that currently feel like the poor North and implement a community infrastructure Levy like the south of the new Westmorland and Furness district was converted by.

The Chair thanked Mr Davies for his question and asked Cllr J Brook the Leader of the Council to respond.

In response to the question the Leader of the Council responded that in addition to reading out the response to the question he would also provide a written response, as the information was of a detailed and technical nature.

A Community Infrastructure Levy or CIL, was a charge on new developed floorspace and was used to fund the delivery of infrastructure to enable development that was proposed in a Local Plan.

CIL could only be introduced, through a Local Plan process. It needed to be approved by a Planning Inspector, following an Independent Examination. Any such CIL proposal had to be supported by viability evidence, to show that development could support CIL, alongside other asks on development, such as affordable housing and biodiversity net gain.

The former South Lakeland District Council, had introduced a CIL through its local plan in 2015. That meant a CIL was chargeable on housing and supermarket development in parts of former South Lakeland outside National Parks. It should be noted, that New

Affordable housing could be exempted from CIL and that was so in South Lakeland.

15% of the CIL take within a Parish, goes to the relevant town or parish council to spend on projects which were related to managing the impacts of development. That figure rose to 25%, where the Parish/Town Council had an adopted Neighbourhood Plan.

Eden District Council, Barrow Borough Council and the two National Park Authorities had chosen not to pursue CIL. In these areas, infrastructure contributions were sought through Section 106 agreements attached to planning applications. For that reason, CIL was not chargeable in these areas and parish and town councils did not receive Neighbourhood CIL in these areas.

Westmorland and Furness Council, was in the initial stages of preparation for a new local plan that would supersede existing local plans for Barrow, Eden and South Lakeland. As part of that process, consideration would need to be given to infrastructure funding. That would need to be on a consistent basis across the whole area. The Council would need to consider whether to widen CIL to cover other parts of Westmorland and Furness, as part of the local plan process.

Nationally, the local plan preparation process had been reformed as a result of the Levelling Up and Regeneration Act which recently received royal assent. Westmorland and Furness was hoping to be one of a small number of local authorities to be authorised by Government, to be the first to prepare a plan under that new system. It was anticipated that the Council would be able to commence the formal part of the plan making process in the autumn of next year.

Finally, he made Mr Davies aware that the Government had a long term proposal to replace both CIL and Section 106 agreements, with a mandatory infrastructure levy that all local planning authorities would be expected to operate. That proposal was complex and likely to take some years to introduce.

61 Announcements

The Chair asked Members to observe a minutes silence for the former Leader of Cumbria County Council Eddie Martin who had recently passed away.

Cllr Carrick the Leader of the Conservative Group paid tribute to Eddie Martin, followed by the Leader of the Council and Cllr Burns on behalf of the Labour Group.

Members had been emailed a copy of the Chair and Vice Chair engagements undertaken since the previous meeting.

The Chair informed Members that Anna Gorst had won Cumbria Woman of the Year for the remarkable work she did on behalf of the Ukrainian refugees.

The Chair also announced that he had selected Springfield Domestic Abuse Support in South Lakeland as his chosen charity. The charity was based in South Cumbria and they had a highly skilled and dedicated team who provided a range of services and tailored support to clients who were affected by all types' of domestic abuse.

He had also attended this year's Remembrance Day events and was delighted that Members and Armed Forces Champions had supported events across the Council including Barrow, Eden and South Lakes.

The Leader of the Council gave a statement about the Highways Teams in Westmorland and Furness Council and thanked them for their hard work in response to Storm Debi.

He then reflected on the scale of the challenges and opportunities that the Council faced, and reiterated the need for us all to work together for the benefit of our residents and businesses right across the geographic footprint.

The Leader then updated members on the recent visit of Princess Anne to the sod cutting at the new Campus of the University of Cumbria in Barrow, the Westmorland and Furness Tourism Summit.

The Leader would be speaking at the World Museum in Liverpool next week with other leaders and experts, at an event focussing on Scaling Up to Reach Net Zero.

Over the last few days Westmorland and Furness Council had received over £25 million pounds of investment for our area, our residents and our communities and businesses, including:

- The Heart of Kendal project received £13.5million from the Levelling Up Fund;
- £5million allocated to Barrow over the next three years;
- £7million for Penrith for the Inspiring Eden Enterprise Hub which was aimed specifically at Achieving Rural Excellence and that project would be key to unlocking and progressing, an ambitious programme to drive economic growth in Penrith, Eden and the wider rural areas; and.
- Borderlands projects with £3m each for the renewal of Towns across our area specifically, Dalton, Ulverston and Penrith.

The Cabinet Member for Finance updated Council on the current financial health of Westmorland and Furness Council.

He reminded members that the budget was set in early March 2023, and was largely based upon the existing financial plans of the then sovereign Councils, and the existing budgets. Since vesting day on 1 April, a huge amount of work had been done to review the detail within these budgets and to align them with service responsibilities.

During Quarter 1 work focused upon exception reporting, ensuring that there were no major surprises. The Cabinet Member announced that with a forecast outturn of net over-expenditure of £324k that this was a small amount in the context of the net budget of nearly £270m.

He then highlighted a couple of notable overspends, particularly in SEND and home-to-school transport, and in young adults care. These were largely offset by higher interest receipts and lower borrowing costs. Additional work was being done, particularly on SEND/home-to-school transport, to understand the drivers of overspend and identify appropriate actions to help manage the financial pressures.

The Cabinet Member reassured Council that increasing SEND/home-to-school transport costs were a problem across the country, not just in Westmorland and Furness, and a recent report had highlighted that these were likely to treble across the decade and threaten financial stability at some of the largest local councils.

He believed that the Council was in a much more secure position than many authorities, but that Cabinet would remain vigilant as there were many potential risks and pressures where the budget gap for 2024/5 would have to be filled.

He ended by announcing that Westmorland and Furness Council's Budget Consultation for 2024/25 would be launched in December.

The Cabinet Member for Housing and Homelessness made a statement about the recent press coverage about the state of rented properties in England. She then updated Council on the number of properties in Westmorland Furness, which were mainly in Barrow and Eden. The Cabinet Member asked councillors to encourage any of their residents to apply for funding via the Local Council Tax Reduction Scheme 2024/25 and War Pension Disregard, as many residents were not aware of the scheme and this was a positive way of helping those that needed it.

The Cabinet Member for Transport and Environmental Services made an announcement about the recent Government proposals to close ticket offices at railway stations. Due to an overwhelming response from the public objecting to the proposals it had now been withdrawn by the Government. He thanked members of the public in Westmorland and Furness for taking the time to respond to these proposals.

62 Electoral Review of Westmorland and Furness

A detailed presentation was given by the Local Government Boundary Commission for England (Lgbce) regarding the Electoral Review of Westmorland and Furness which was then opened up for questions.

Cllr N Hughes asked whether the Lgbce would be content to receive evidence that where two parish councils sought to mutually change their boundaries that could be one reason to change the ward boundaries.

Andrew Scallan (Lead Commissioner for the Review) commented in the first instance the number of councillors needed to be established then local evidence would be taken into account such as parish councils working together. The commission did not like to split but may join communities.

Cllr Brereton asked whether a one, two or three member ward was set in stone. He also asked whether there was a particular ratio to aim for and did the Lgbce decide on warding arrangements.

Andrew Scallan stated that there was nothing in law to say you can't have a four member ward but the commission's view was that a four member ward would not work practically in terms of representation. Regarding the ratio the Council would start with an average for the area by dividing the number of councillors by the projected electorate plus or minus 10% and in exceptional circumstances above 10%. The Commission would rely on evidence received.

Cllr Archibald asked what was the difference between the current review and the review undertaken as part of Local Government Reorganisation.

Andrew Scallan stated that the Lgbce were not responsible for the number of councillors as part of Local Government Reorganisation.

Cllr Cooper asked whether 2700 electors per councillor was low.

Andrew Scallan commented that every authority was unique and was inviting the Council to comment whether it had the right number of councillors.

Cllr Filmore asked whether the size of Planning Committees could be used to determine the size of the Council as they were small in number at present.

Andrew Scallan commented that the Lgbce provided a template that allowed the Council to challenge how it operated.

Cllr Jarvis asked what was the commissions perspective on lakes and mountains.

Andrew Scallan stated that the commission had more discretion than the Parliamentary Boundary Commission and would listen to local evidence submitted.

Cllr Callister asked what if the Council determined that it required six more Councillors.

Andrew Scallan reminded Council that the electorate would be projected until 2030. The Council would need to explain why six additional councillors were required.

Cllr Rathbone ask a question about the dynamics of future growth.

Andrew Scallan stated that work around projected electorates would be undertaken in early 2024 and would take into account the Local Plan etc.

Cllr Pender asked how data was used.

Andrew Scallan commented that a checklist was available to inform why a particular area might be discrete from another area. Also due to an area being rural and isolated the ratio may be minus or plus 15 as an example.

Cllr Connell asked how absolute would the wish of the existing Council in determining the number of Councillors.

Andrew Scallan confirmed that the Council would be asked to provide a view of on the number of Councillors.

Councillor Thornton asked whether the same team was undertaking the Cumberland Review and whether the two reviews would interact together or were they completely different.

Andrew Scallan confirmed that he would be Lead Commissioner over both reviews but there would be separate teams of officers.

The Chair on behalf of the Council thanked the Local Government Boundary Commission for England for the presentation.

A five minute comfort break was taken

63 Minutes of the Cabinet - 17 October and 14 November 2023

The Leader presented the draft minutes of the Cabinet meetings held on 17 October and 14 November 2023.

Cllr Murray referred to Minute No 66 of the Cabinet held on 17 October 2023 (2023/24 Revenue and Capital Budget Monitoring Report to 30 June 2023 – Quarter 1) and asked the Cabinet Member for Finance for

an explanation why the Penrith Town Hall Redevelopment was over budget.

The Cabinet Member for Finance commented that that the Council was not immune to the pressures of inflation. A project insurance review had been undertaken across all £3M plus schemes programmes. LGR had brought about some modest changes to the specification but most of the increased cost had been driven by construction inflation. The cost of materials, Brexit, COVID, supply chain difficulties and the Ukraine war had impacted the scheme.

Cllr Drake referred to Minute No 84 of the Cabinet held on 14 November 2023 (The Operational Model for Ulverston Coronation Hall) and asked the Leader of the Council for clarity on when Ulverston Library would reopen.

The Leader of the Council commented that Library Services in Ulverston were not under threat. He reiterated that the Council would work to plan services in Ulverston in a joined up way to support town planning and the overarching vision together with the ambitions of Ulverston residents regarding the place plan. A full library service would be continued to be provided in Ulverston and the community would be consulted on future provision.

Cllr Dew referred to Minute No 70 of the Cabinet held on 17 October 2023 (Principals of Collaboration with Town and Parish Councils) and asked the Leader of the Council whether it was the intention of the Council to elevate the status of CALC and use it as an intermediate body dealing with Town and Parish Council sector rather than work with the sector directly and was that a true statement.

The Leader of the Council confirmed that the Council would like to work collaboratively with Town and Parish Councils or any other organisation.

Cllr Dixon on behalf of Cllr Rathbone referred to Minute No 66 of the Cabinet held on 17 October 2023 (2023/24 Revenue and Capital Budget Monitoring Report to 30 June 2023 – Quarter 1) and asked the Cabinet Member for Transport and Environmental Services whether adequate money was available for cycling and walking in this year's Active Travel budget.

The Cabinet Member for Transport and Environmental Services reported that the schemes for Active Travel were on target this financial year. He reminded Council that the Government had announced that funding for Active Travel for 2024/25 would be halved.

The Cabinet Member for Transport and Environmental Services to provide a written reply to Cllr Rathbone.

Cllr Hanley referred to Minute No 71 of the Cabinet held on 17 October 2023 (Local Authority Core Funding and Partnership Working Arrangements for Arnside and Silverdale AONB and North Pennines AONB) and asked the Cabinet Member for Climate and Biodiversity why North Pennines AONB was getting less funding than Arnside and Silverdale AONB.

The Cabinet Member for Climate and Biodiversity to provide a written response.

64 Questions by Members

The Chair reported that there had been no questions submitted to the Monitoring Officer under notice as required by paragraph 11.3 of the Procedure Rules for Meetings of Council.

Urgent Question

In accordance with paragraph 11.4.1 of the Procedure Rules for Meetings of Council an urgent question had been received from Cllr Phillips.

Cllr Phillips commented that on Tuesday Councillors were informed of the closure of Pulse Football pitches in Barrow in Furness.

On the notification, the Pulse Facebook page cited immediate health and safety concerns for the football pitches which were owned by Westmorland and Furness Council.

Local youth and sporting groups used these facilities on a regular basis and hundreds of young people were now having to look for other venues in order to participate in their regular activities.

He asked that the Cabinet Member for Sustainable Communities and Localities update the Council on the material state of the facilities, and give an assurance that officers were working swiftly to ensure the pitches were safe for young people to use again as soon as possible; and to ensure that the forward plan included a robust maintenance and improvement programme to enable young people to continue to be able to access these facilities.

The Cabinet Member for Sustainable Communities and Localities referred the matter the Cabinet Member for Customer and Waste Services who commented as follows:-

The Council had become aware that a decision had been taken by Pulse to close the 3G pitches at its Barrow facility.

The Council owned the facility but it was managed by our contractor, Pulse Barrow, and the decision to close the pitches had been taken by the contractor.

The Council was not informed prior to the decision to close the pitches and the Council was not involved in the health and safety assessment.

The Council recognised the concern and anxiety that would be caused to the many users of the facility by this decision and was seeking an urgent update from Pulse Barrow to fully understand the issues.

Questions without Notice

Cllr Irving asked the Cabinet Members for Highways and Assets and Sustainable Communities and Localities give an assurance that when the Council take back control of Coronation Hall, Ulverston the transfer would be accompanied by a robust business plan for the operation of the building, a plan to help secure the financial viability as well as providing a range of activities valued by the community.

The Cabinet Members for Highways and Assets stated that Coronation Hall was an essential building for the community of Ulverston.

The Cabinet Member for Sustainable Communities and Localities commented that Cllr Irving had set out an exemplary way of working with the community to use Council assets for the benefit of the community.

Cllr Bavin asked the Cabinet Member for Highways and Assets whether he was pleased to receive £156M from the Government.

The Cabinet Member for Highways and Assets welcomed the announcement. However he confirmed that the Council would receive £2.34M per year which was in fact a reduction of £660k.

Cllr McEwan asked a question regarding Questions on Notice and questions without notice.

Cllr Connell commented that a member can ask a question to the Leader, relevant Cabinet Member of the Cabinet or the Chair of a committee a question without notice upon an item or upon the minutes of the meetings under consideration by the Council.

Questions on Notice related to a questions on any matter to which the Council had powers or duties or which affected the Council area.

Cllr Shirley asked the Cabinet Member for Highways and Assets to look into the condition of the footpaths at Green Arm in the Dalton North Ward.

The Cabinet Member for Highways and Assets reported that the Rights of Way budget was going to be increased considerably to increase capacity. He suggested recording the information on HIAMS and if the response was not satisfactory to contact the cabinet member directly.

Cllr Brereton referred to the infrastructure works on the A595 and asked the Cabinet Member for Highways and Assets for assurance that in future the issue of bad drains would be addressed as there was standing water on the A595.

Councillor Shirley left the meeting at 15.55pm.

The Cabinet Member for Highways and Assets reiterated that the Council would be getting less money in the next financial year for highway works.

65 Local Council Tax Reduction Scheme 2024/25 and War Pension Disregard

The Cabinet Member for Finance presented a report which informed members that the national Council Tax Benefit Scheme had been abolished and replaced with a locally determined scheme known as the Local Council tax Reduction Scheme ("the Scheme") on 1 April 2013. The aim of the Scheme was to provide support to residents of Working Age who had a low income, to assist them in paying Council Tax.

The report sought Council approval to continue the current Local Council Tax Reduction Scheme for 2023/24 including the annual uprating and other minor income and capital disregards as determined by the Department for Works and Pensions for Housing Benefit purposes, and approval to top-up the Discretionary Housing Fund.

Council was also asked to continue to apply the 100% voluntary disregard under the scheme of War Disablement Pensions, War Widows Pensions and War Widowers' Pensions under Section 134 (8) and 139 (6) of the Social Security Administration Act; in the determination of both Housing Benefit and Council Tax Support. The Council also included Armed Forces Compensation as a voluntary disregard. That was referred to as the Local Scheme.

At a time when residents were dealing with multiple financial pressures in the cost of living, a Scheme which potentially reduced entitlement could have severe adverse impacts. Linked to the cost of living pressures it was proposed that the Discretionary Housing Fund from the DWP be topped-up, to provide further support to those most in need.

The Discretionary Housing Fund had been awarded annually from the DWP, and local authorities were permitted to top-up the fund to a maximum of 250% of the allocation. To illustrate, the award for 2023/24 the allocation was £292,634; the Council could add £438,951; therefore, the total pot becomes £731,585.

That Fund provided Discretionary Housing Payments to support housing costs for those experiencing financial hardship and contributed to the prevention of homelessness.

The Council had an existing policy that supported Care Leavers up to the age of 25 years by granting up to 100% discount on their Council Tax. That provided practical help and financial assistance to Care Leavers whilst they were developing independent lives and their life skills.

Cllr Jarvis proposed the recommendation which was seconded by Cllr Derbyshire.

Cllr Derbyshire asked members to encourage any of their residents to apply for this. Many residents were not aware of the scheme and this was a positive way of helping those that needed it.

The recommendations were then put to a vote, and

RESOLVED, that Council unanimously;

- (1) approves the adoption of the current Local Council Tax Reduction Scheme for the financial year commencing 1 April 2024 in accordance with Schedule 1A (5) of the Local Government Finance Act 1992, including the annual uprating and other minor income and capital disregards as determined by the Department for Works and Pensions for Housing Benefit purposes;
- (2) agrees the top-up of the Discretionary Housing Fund to the maximum permitted by the Department for Works and Pensions, for 2024/25 and future years;
- (3) agrees the 100% voluntary disregard under the scheme of War Disablement Pensions, War Widows Pensions and War Widowers' Pensions under Section 134 (8) and 139 (6) of the Social Security Administration Act, and Armed Forces Compensation, in the determination of both Housing Benefit and Council Tax Support for the financial year commencing 1 April 2024 and until the resolution is revoked or modified; and
- (4) delegates to the Director of Resources, in consultation with the Cabinet Member for Finance the authority to:
 - i. Make all necessary updates to the Local Council Tax Reduction Scheme to comply with any statutory requirements that may be issued by central government.
 - ii. Make all necessary amendments to the Local Council Tax Reduction Scheme to uprate the incomes, personal allowances, and premiums in accordance with the Housing Benefit annual uprating circulars; and

- iii. Publish the updated Local Council Tax Reduction Scheme in accordance with the Local Government Finance Act 2012 (as amended).

66 Capital Programme Update Report

The Cabinet Member for Finance reported on the updates to the Capital Programme during Quarter 1 (April to June 2023) and the forecast year-end position. Certain updates were delegated to Cabinet through the Constitution, and those had been reflected in the report in addition to those requiring Council approval for completeness.

The Westmorland and Furness Shadow Authority Council had set the Capital Programme 2023-2028 in March 2023. It had brought together the financial plans for the sovereign District and Borough Councils (Eden, South Lakeland, and Barrow) and the disaggregated Cumbria County Council financial plans and presented them as the first Westmorland and Furness Capital Programme.

For 2023-2028 the Capital Programme schemes that were directly delivered by the Council had been projected as £290.081m; the capital accountable body schemes had been projected as £14.317m; and the total Capital Programme 2023-2028 was projected as £304.398m at Quarter 1.

The recommendations in the report had been approved for consideration by Council, at the Cabinet meeting held on 17 October 2023.

Cllr Jarvis proposed the recommendation which was seconded by Cllr Thornton.

The Chair moved that the meeting continued beyond the three hour limit which was seconded by Cllr J Brook the Leader of the Council and unanimously agreed.

Cllr Dew commented that the cost for the refurbishment of Voreda House had doubled in two years from £4.13M to £8.3M despite being informed in March 2023 that the total cost would be no more than £4.56m. He asked for an explanation of the discrepancy and explain why local councillors had not been kept informed.

The Cabinet Member for Finance referred to his previous explanation in Minute No 63. A comprehensive review of the project had been carried out and a decision had been made to spend the money and deliver the project.

Cllr Brereton referred to the A595 road improvement scheme at Grizebeck and noted that there was a £1.467M slippage forecast. He asked The Cabinet Member for Finance to provide more detail of the implications of the slippage and that consultation be undertaken with local members.

The Cabinet Member for Transport and Assets commented that the Council had asked for more money from the Department of Transport.

Cllr Phillips asked whether there were likely to be further slippages in the capital schemes when the Medium Term Financial Plan was published. He also asked about a cost scoping schedule for the schemes.

The Cabinet Member for Finance felt there were likely to be further slippages and that a plan would be needed for these that would fit with the capacity of the Council. In relation to the cost scoping schedule he felt these should be built into projects going forward.

Cllr Pender asked for clarification on the Windermere Ferry as it had been removed from the current Capital Programme but could not see it in future years of the programme.

The Cabinet Member for Finance confirmed that the Windermere Ferry was a pending project waiting for a business case to be completed. The capital to be spent as part of the five yearly work to be completed next spring was included in the budget.

Cllr Cooper referred to the Ulverston Leisure Centre and was delighted that a report would be submitted to Cabinet this financial year.

He asked that Officers look at the necessary upgrades to Ulverston Leisure Centre as part of the business case that would be considered by Cabinet.

The Cabinet Member for Finance commented that the Cabinet had visited Ulverston last week and those issues would be considered.

The recommendations were then put to a vote, and

RESOLVED, that Council;

- (1) approves Capital Programme grant funding changes and updates from Q1 that total £5.108m:-
 - i. £10.800m Extension of Green Homes Grant; grant funded;
 - ii. £3.056m Additional Pothole Funding; grant funded;
 - iii. £0.060m Affordable Homes project; use of section 106 funding;
 - iv. £2.201m Town Deal Learning Quarter; grant funded;
 - v. (£8.765m) Duplicate Town Deal projects; Barrow Borough Council and Cumbria County Council;
 - vi. (£1.160m) Windermere Ferry; removed as it is a pending project;
 - vii. £1.604m Highways and Transport Basic Need Schemes; grant funded;

- viii. (£1.752m) Strategic Highways and Transport; grant funded; and
 - ix. (£0.936m) Cumbria Coastal Community; grant funded
- (2) approves Capital Programme virements within 2023/24 at Q1; £7.565m moves from the schemes noted 1 to 4, to the schemes notes 5 to 8
- i. Virement from Additional Inflation Risk Allowance (£1.080m)
 - ii. Virement from Additional Inflation Risk Allowance (£3.200m)
 - iii. Virement from Levelling Up Fund Accessibility (£2.185m)
 - iv. Virement from Coastal Communities Fund (£1.100m)
 - v. Virement to Inclusion Strategy £1.080m
 - vi. Virement to Single Site Voreda House £3.200m
 - vii. Virement to Levelling Up Fund Barrow Market & Public Realm £2.185m
 - viii. Virement to Grange Lido & Promenade £1.100m
- (3) approves the addition of new schemes to the Capital Programme at £7.581m:
- i. Solar Farm Programme £2.781m
 - ii. Affordable Housing £4.800m
- (4) approves the reprofiling of the Capital Programme from 2023/24 to future years as detailed in Table 9 within the report:
- i. Reprofile (£43.974m) from 2023/24
 - ii. Reprofile £21.286m to 2024/25
 - iii. Reprofile £18.192m to 2025/26
 - iv. Reprofile £2.879 to 2026/27
 - v. Reprofile £1.617m to 2027/28
- (5) notes the projected 2023-2028 Capital Programme as £304.398m at Quarter 1, consisting of directly delivered schemes at £290.081m, and accountable body schemes at £14.317m.

Cllr Dew left the meeting at 16.26pm.

67 2022/23 Treasury Management Outturn Report for Barrow Borough Council, Eden District Council, South Lakeland District Council and Cumbria County Council

The Cabinet Member for Finance presented a report that provided an outturn for the Treasury Management function for Barrow Borough Council, Eden District Council, South Lakeland District Council and Cumbria County Council.

The report highlighted performance and activities which confirmed all Treasury Management activities undertaken during the period within the legacy Councils were in compliance with the respective Annual Strategy agreed by each legacy Council.

The recommendations in the report had been approved for consideration by Council, at the Cabinet meeting held on 17 October 2023.

Cllr Jarvis proposed the recommendation which was seconded by Cllr Archibald.

The recommendations were then put to a vote, and

RESOLVED, that Council unanimously;

- (1) notes the 2022/23 Treasury Management Annual Report for Barrow Borough Council; Eden District Council; South Lakeland District Council; and Cumbria County Council; and
- (2) notes that each Council fully complied with their respective treasury management policies and practices during 2022/23 including Prudential Indicators.

Councillor Cooper left the meeting at 16.31pm.

68 Remote Licensing Hearings

Councillor Ladhams the Chair of the Licensing Committee reported that following a meeting of the Licensing Committee held on 28 September 2023 whereby the Committee resolved to implement Remote Licensing Hearings, the Constitution Review Working Group at their meeting on 13 October 2023 had resolved to recommend the Remote Licensing Hearings Protocol to Council and that any arising amendments considered necessary to the Constitution be delegated accordingly to the Chief Legal and Monitoring Officer.

Cllr Ladhams proposed the recommendation which was seconded by Cllr Audland.

The recommendations were then put to a vote, and

RESOLVED, that Council;

- (1) adopts the Protocol on Remote Licensing Hearings, as detailed at Appendix 1; and approve the proposed amendments to the Constitution (as outlined in Appendix 2) in light of the proposed adoption of the Protocol; and
- (2) delegates authority to the Chief Legal and Monitoring Officer to update the Constitution with the amendments in Appendix 2 and any further minor amendments necessary in order to implement the Protocol

following consultation with the Chair of the Licensing Committee and the Head of Public Protection.

69 Constitutional Update Report

Councillor Connell the Chair of the Constitution Review Working Group introduced the report that asked members to agree amendments to the Council Procedure Rules, the Cabinet Procedure Rules and the Councillor/Officer Protocol in the Constitution.

The amendments to the Constitution were to clarify the definition of a Key Decision, to provide that decisions made by Locality Boards were subject to Call-In, to amend the delegation to Chief Officers to respond to consultations and to amend the rules relating to the publication of minutes of confidential meetings.

Cllr Connell proposed the recommendation which was seconded by Cllr Jarvis.

The recommendations were then put to a vote, and

RESOLVED, that Council unanimously: -

- (1) agrees the amendments to the Council Procedure Rules shown in red in Appendix 1;
- (2) agrees the amendments to the Cabinet Procedure Rules shown in red in Appendix 2;
- (3) agrees the amendments to the Councillor/Officer Protocol shown in red in Appendix 3;
- (4) agrees the Protocol for Notifying Local Members as set out in Appendix 4;
- (5) agrees amendments to the Constitution to amend the definition of Key Decision, to provide that decisions made by Locality Boards are subject to Call-In, to amend the delegation to Chief Officers to respond to consultations, to deal with the publication of minutes of confidential meetings and to the provisions dealing with the requirement to produce a written statement of non-key decisions made by an office as set out in more detail below; and
- (6) notes the changes to the Constitution made by the Monitoring Officer under her delegated powers.

Cllr Irving left the meeting at 16.44pm.

70 Urgency Report

The Leader of the Council presented the Urgency Report that notified members of one urgent decision that had been taken in line with the Council's Constitution, since the last meeting of Council.

Cllr J Brook proposed the recommendation which was seconded by Cllr Bell.

The recommendations were then put to a vote, and

RESOLVED, that Council unanimously agrees to note the report.

71 Notice of Motion

The Council considered the following notice of motion;-

Removal of DVLA Services from the Post Office Network

Cllr Rudhall moved the following motion:-

This Council notes with concern the announcement by the National Federation of Sub Postmasters on 9 June 2023 that the Driver and Vehicle Licensing Agency (DVLA) will end its contract with the Post Office on 31 March 2024.

Currently the Post Office handles over 6 million DVLA transactions every year, with more than half being paid for by cash over the post office counter. If the contract is terminated, the only option for buying DVLA services will be online. Vulnerable people and those who are not digitally minded will be excluded and will be impacted by this loss of service.

This motion asks the Council to write to the Minister for Transport, to express the Council's dismay at the removal of DVLA services from Post Offices. The decision to terminate the DVLA's contract with the Post Office Network would force road users to renew their driving licence or vehicle taxing online with no alternative. It would be detrimental to many residents and especially so in rural areas where internet service can be poor or non-existent. Also, miles from anywhere, the most reliable presence is often the post office and when you have a question that isn't on the 'FAQ' list, you really are stuck.

The loss of the DVLA contract will have an impact on the Post Offices themselves, who would suffer a loss of business. Small towns would see less people coming in to the town centre, this will have a detrimental effect on local economies.

Council therefore resolves to:

Instruct the Chief Executive to write to the Secretary of State for Transport Mark Harper.

The letter to urge him to reconsider his decision not to renew the contract for DVLA services with the Post Office Network and asking him to explain how vulnerable and digitally excluded residents and visitors in Westmorland and Furness were expected to renew their licenses and pay their road tax.

Cllr Audland seconded the motion.

The Chair then opened up the debate on the motion.

Upon conclusion of the debate this was then put to the vote.

RESOLVED, Council unanimously agrees:-

- (1) to instruct the Chief Executive to write to the Secretary of State for Transport Mark Harper.

The letter to urge him to reconsider his decision not to renew the contract for DVLA services with the Post Office Network and asking him to explain how vulnerable and digitally excluded residents and visitors in Westmorland and Furness were expected to renew their licenses and pay their road tax.

72 Urgent Items

None for this meeting.

The meeting ended at 4.59 pm