

WESTMORLAND AND FURNESS COUNCIL CABINET

Minutes of a Meeting of the **Cabinet** held on Tuesday, 11 July 2023 at 10.00 am at Penrith Town Hall, Penrith

PRESENT:

Cllr G Archibald
Cllr P Bell
Cllr J Brook (Chair)
Cllr J Derbyshire
Cllr N Hughes
Cllr A Jarvis
Cllr D Jones
Cllr S Sanderson
Cllr V Taylor
Cllr P Thornton

Officers in attendance:

Ms A Hatcher	Assistant Chief Executive
Ms A Jones	Director of Thriving Places
Ms L Jones	Chief Legal Officer (Monitoring Officer)
Ms S Plum	Chief Executive
Mr J Readman	Interim Director of Children's Services
Ms S Roberts	Assistant Director – Finance (Deputy S151 Officer)
Ms C Whalley	Director of Adult Social Care
Mr M Vasic,	Director of Children's Services

At the start of the meeting the Leader announced that there would be an urgent item of business taken under Agenda Item 13 in relation to Delegated Authority. The Leader stated that this was in line with the Local Government Act 1972 as the decision was urgent and could not be reasonably deferred as there was a need to clarify the extent of the delegation approved at the June Cabinet meeting relating to the investment in the Council Plan Priorities for 23/24. The report would be published on the website immediately after this meeting.

This was proposed by Councillor Brook, seconded by Councillor Taylor and put to a unanimous vote. It was **AGREED** that the report on delegated authority be considered under Agenda Item 13 - Urgent Items.

PART I ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

26. APOLOGIES FOR ABSENCE

There were no apologies for absence on this occasion.

27. DECLARATIONS OF INTEREST/DISPENSATIONS

There were no declarations of interest made at this meeting.

28. EXCLUSION OF PRESS AND PUBLIC

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

29. MINUTES OF THE PREVIOUS MEETING

RESOLVED, that the minutes of the previous meeting held on the 6 June 2023 be agreed as a true and accurate record.

30. PUBLIC PARTICIPATION

The Leader informed Cabinet that a valid public question had been received, however, the participant was not in attendance to ask the question. The Leader confirmed that Cabinet would note the question and a written response would be circulated to the member of the public.

31. STATEMENTS FROM THE LEADER AND CABINET MEMBERS

The Leader made an announcement in relation to Westmorland and Furness Council reaching its 100 day milestone, and thanked all members and officers for their continued hard work. The successful transition from the shadow authority to the new unitary Council was down to the hard work of everyone involved. Significant challenges remained and there was a need to remain focused on these.

The Leader also welcomed the new Director of Children's Services to the meeting. He looked forward to working with him over the coming months and years.

Councillor Hughes commented on the current government consultation on the potential closure of the vast majority of rail ticket offices in the next 12-18 months. Individual consultations were being carried out by Northern Trains and Transpennine Express. He was concerned that the potential closures would disadvantage those people unable to purchase online tickets, and he felt it would be inconvenient and damaging for those with disabilities. Cabinet members were unanimously opposed the proposed ticket office closures.

He also commented on the impending closure of a number of bus routes in the area, and highlighted the possibility of more community led public transport services which may be eligible for some funding from the locality boards.

Councillor Derbyshire gave her thanks to staff, partners, Cumbria Police, and the Fire Service who had been helping displaced families after the fire in Salthouse Road in Barrow, and the recent fire in Penrith.

32. QUESTIONS TO CABINET MEMBERS

There were no questions to Cabinet Members on this occasion.

33. REFERRALS FROM COUNCIL OR OVERVIEW AND SCRUTINY COMMITTEES

None for this meeting.

34. 2022/23 REVENUE AND CAPITAL BUDGET MONITORING REPORTS - PROVISIONAL OUTTURN

Cabinet had before it a report from the Director of Finance (Section 151 Officer) which set out the 2022/23 Revenue and Capital Provisional Outturn for the four legacy councils - Cumbria County Council, Barrow Borough Council, Eden District Council and South Lakeland District Council.

Westmorland and Furness Council was responsible for delivering the final statement of accounts (22/23) for both Cumbria County Council and Cumbria Pension Fund and that included the final outturn report and disaggregation summary. In addition the three District Councils that aggregated into Westmorland and Furness Council will also have their final statement of accounts (22/23) delivered by Westmorland and Furness Council.

This final outturn report continued with the governance of presenting the separate outturn positions, and the reports had been prepared and approved by the legacy Section 151 officers for completeness. A summary of each of the individual outturn positions were presented at Appendix 1 of this report.

The Cabinet Member for Finance said that since setting the budgets in February 2022 all of the sovereign councils had faced significant financial uncertainty due to international adverse events, national fiscal, monetary and budgetary decisions and resulting impacts and volatile inflation. Along with the Local Government Reorganisation requirements and it had been a very challenging year for all sovereign councils in Cumbria.

The Cabinet Member then took members through the key messages contained in the report, specifically highlighting:-

Overspends/underspends

Any overspend or underspend position at year end for the legacy District councils automatically transferred to the Westmorland and Furness General Fund Balance.

For the County Council underspend this was added to the County Council General Fund Balance and then disaggregated according to the Section 16 report agreed principles.

Earmarked Reserves

In respect of earmarked reserves the forecast earmarked reserve balance for the County Council (excluding DSG funded reserves) at the 31st March 2023 is £94.649m. These reserves had been disaggregated across Cumberland Council, Westmorland and Furness Council and Cumbria Fire and Rescue service as per the agreed principles in the Section 16 report approved by Cabinet in March 2023.

The overall level of reserves for Westmorland and Furness Council (General Fund and Earmarked reserves) was above that assumed in the March 2023 Council paper. It was proposed that these reserve levels should be at least maintained over the coming financial years in recognition of the potential for further financial risks to emerge as the new Council is established and services stabilised and integrated.

Capital Programme

Whilst the Cumbria County Council outturn expenditure was lower than budget, an outturn of £108.329m represented delivery of an extensive capital programme.

The slippages in the capital programmes for the legacy district councils would all be carried forward.

In respect of the Capital Programme for Westmorland and Furness Council the 2023/24 capital programme was £103.653m excluding Accountable Body schemes of £0.511m. Following the finalisation of the net slippage position for the four legacy councils the 2023/24 capital programme had increased to £134.779m excluding accountable body schemes.

The Cabinet Member informed members that a quality assurance review of the capital programme was ongoing and work to review the profiled spend of the schemes would be provided as part of the Q1 budget monitoring report to Cabinet.

He then moved the recommendations, which were seconded by Cllr J Brook.

Cabinet Members thanked officers in the Finance teams for all the hard work and effort in closing down the final accounts for the legacy councils. Members understood this had been a time consuming process.

The Cabinet Member for Customer and Waste Services commented that she felt that Westmorland and Furness, as well as being prudent and ambitious, should also be a responsible Council. All members agreed with this sentiment.

The recommendations were then put to a vote which was unanimous.

RESOLVED, that for the reasons set out in this report, Cabinet is recommended to:

- (1) Note the provisional revenue outturn position for the legacy Councils as presented below:
 - Cumbria County Council £4.433m underspend which is automatically added to the General Fund Balance resulting in a 31st March 2023 position of £29.489m. The earmarked reserves (excluding DSG) at 31 March 2023 are £94.649m.
 - South Lakeland District Council's £0.084m overspend is funded from the General Fund Balance resulting in a 31st March 2023 position of £5.568m. The earmarked reserves at 31 March 2023 are £10.463m.
 - Barrow Borough Council's £0.057m underspend was added to the Budget Contingency Reserve resulting in a total earmarked reserves position at 31 March 2023 of £4.855m. £0.687m of ring-fenced General Fund grants is also held at 31 March 2023 and held separately, the Housing Revenue Account has ring-fenced financial reserves of £9.476m at 31 March 2023. The General Fund Balance is £2.3m.
 - Eden District Council's overspend of £0.63m is funded from the General Fund Balance resulting in a total at 31st March 2023 of £2.46m. The earmarked reserves at 31 March 2023 are £3.991m.
- (2) note the revised 1 April 2023 General Fund Balance position for Westmorland and Furness Council of £22.713m. The estimated balance in the Medium Term Financial Plan was £19.846m.
- (3) note the balance on the LGR reserve of £3.184m as at 31st March 2023. Of this balance £1.636m is committed to approved spend delayed into 2023/24 resulting in a balance of £1.548m uncommitted. In accordance with the sct 16 report this reserve will be hosted by Westmorland Furness Council for use for further disaggregation activities. The reserve will be monitored by the Joint Committee and Officers Board with recommendations from the Joint Disaggregation group on which disaggregation activities will be funded from the reserve. As at the 30th September 2023 the reserve will be wound up and balance on the reserve shared 50/50 with Cumberland Council and Westmorland and Furness Council.
- (4) note the balance on the Modernisation Reserve of £2.920m which is to be used to fund the approved VR/VS for individuals affected by the senior leadership team recruitment process across both Westmorland and Furness Council and Cumberland Council.
- (5) approve the Cumbria County Council disaggregated revenue reserves position (see Appendix 2) that is in accordance with the principles agreed in the sct 16 report to Cabinet in March 23.
- (6) delegate to the Director of Resources (sct 151) in consultation with the Finance portfolio holder allocation of the £6.075m Cumbria County

Council capital reserves in accordance with the sct 16 report and the slippage position for the CCC capital programme.

- (7) note the revised provisional opening balance sheet position for Westmorland and Furness earmarked reserves of £56.285m including the financial reserves of the Housing Revenue Account (excluding Dedicated Schools Grant; DSG reserves). There is a further £6.075m of capital earmarked reserves yet to be disaggregated; this is linked to the capital programme slippage and will continue to be allocated to the specific projects.
- (8) delegate to the Director of Resources (sct 151) in consultation with the Finance portfolio holder the ability to combine and integrate the earmarked reserves from the legacy councils where the purpose for the use of the reserve aligns. The outcome of this review will be reported as part of the Q1 budget monitoring report to Cabinet.
- (9) note the capital outturn position for the legacy Councils as presented in the table below. The in year variance includes overspends as well as underspends. The overspends are a mixture of additional grant spending and accelerated spend:

Council £m	Capital programme	Outturn	Variance	Net Slippage / Accelerated Spend (Westmorland and Furness)
Cumbria County Council	152.602	108.329	44.273	21.463
South Lakeland District Council	10.197	6.033	4.164	4.189
Barrow Borough Council	8.011	7.794	0.217	0.668
Eden District Council	11.073	6.522	4.551	4.806
Total				31.126

- (10) as approved by Council on 7 March 2023 note the net £31.126m of slippage and accelerated spend that is carried forward into the Westmorland and Furness 2023/24 Capital programme. This results in an overall capital programme for 2023/24 of £134.779m. Work to review the profile of the schemes within the capital programme will continue and proposed reprofiling presented to Cabinet as part of Q1 and Q2 Budget monitoring.

- (11) approve a virement for the Grizebeck capital scheme of £0.250m from the Additional Inflation Risk Allowance to recognise the increased costs of this phase of delivery.
- (12) delegate to the Director of Resources (sct 151 officer), in consultation with the Finance portfolio holder, a review of the Eden DC £4.806m capital slippage to identify £0.527m of existing capital schemes to remove from the capital programme to release funding for the Voreda House scheme as approved by Eden District Council on 24 November 2022.

35. CLIMATE CHANGE ACTION PLAN - PART ONE

The Cabinet Member for Climate Change and Biodiversity presented a report which outlined Part One of the Council's Climate Change Action Plan. Cabinet was asked to adopt this.

Part one of a two-part Climate Change Action Plan, was the council's strategic response to its shadow council Climate emergency declaration and the commitment 'for the Climate' in the Westmorland and Furness Council Plan. It set out the Council's vision and ambition to tackle the Climate emergency and achieve its Net Zero targets.

The Cabinet Member informed members that Part Two would be developed over the coming months and brought to cabinet in December, will be a detailed plan which will outline a set of actions across council services targeted in six categories (1.5) towards climate action.

Westmorland and Furness's Shadow Authority declared a Climate Emergency on Wednesday 18 September 2022. The declaration acknowledged that man-made greenhouse gas emissions played a major part in the climate crisis. It recognised that climate change and biodiversity loss would have far-reaching effects on our economy, our society, and our environment in the district, across the UK and across the globe.

The shadow declaration committed the council to (a) reducing its own carbon emissions to net zero as soon as possible; (b) working with others to target a net zero carbon Westmorland and Furness by 2037; and (c) increasing biodiversity by, for example, restoring natural habitats, restricting invasive species and reducing pollution.

The commitments made in the shadow authority declaration formed part of the Council Plan. "To provide leadership in the drive to become carbon net zero.... Working to ensure that the council was carbon net zero as soon as possible and that the area it serves was carbon net zero by 2037."

The Cabinet Member then moved the recommendations.

The recommendations were seconded by the Cabinet Member for Customers and Waste Services, who reminded Cabinet of the key messages contained in the

Government's Climate Change Committee Report. She felt it was vital that members carried on lobbying the Government as this was probably the most important challenge of our lives.

The Cabinet Member for Transport and Environmental Services said the Council would be looking to introduce environmentally friendly transport services going forward. However, this would require funding from Government to enable this to happen and members would continue to lobby for this.

The Cabinet Member for Sustainable Communities and Localities spoke about the unintended consequences of doing nothing to resolve the climate change issue. If sea levels continued to rise there was the possibility that housing would be lost in some locations, and the Council would have to rehouse those affected. There would be a need to feed this into the long term planning.

The Cabinet Member for Finance agreed with the need for longer term planning.

The Cabinet Member also felt there was a need to revisit planning and housing policies. Although zero carbon houses may be more expensive to build they would be cheaper to run going forward, and kinder to the environment. Members should continue to lobby for changes to the planning policies.

The Cabinet Member for Housing and Homelessness had recently visited a scheme in Halton Mill which was a Passivhaus Standard scheme. The high-quality homes had been built to help to cut carbon emissions and reduce fuel poverty for residents. These homes generally need 90% less energy for heating and hot water than standard buildings meaning that running costs are very low. She encouraged all members to visit the scheme.

The Cabinet Member for Climate Change and Biodiversity thanked members for their comments and said climate change would be a 'golden thread' that would run across all directorates and portfolios.

The recommendations were then put to a unanimous vote.

RESOLVED, that for the reasons set out in this report Cabinet:

- (1) approves the Climate Change Action Plan Part One and affirm the commitments set out in the plan;
- (2) agrees the approach to develop a detailed part two action plan with a five-year timeline

36. APPOINTMENTS TO OUTSIDE BODIES - LOCAL GOVERNMENT ASSOCIATION (LGA) COASTAL SPECIAL INTEREST GROUP (SIG) AND COUNTY COUNCIL NETWORK (CCN)

The Leader presented a report from the Director of Enabler Services which asked Cabinet to consider making appointments to the LGA Coastal Special Interest Group (SIG) and the County Council Network (CCN).

A request had been received from the LGA Coastal Special Interest Group (SIG) to ask Westmorland and Furness Council to consider appointing a Lead Member to this group, and if so, to also consider appointing a reserve member to substitute, if required.

A further request had been received from the County Council Network for the appointment of Westmorland and Furness members to this.

As a member of CCN the Council would be entitled to nominate up to four councillors, one of which should be the Council Leader, to sit on the CCN Council.

The recommendations were moved by the Leader, seconded by Cllr Archibald and then put to a unanimous vote.

RESOLVED, that for the reasons set out in the report, Cabinet agrees

- (1) that Cllr Giles Archibald be appointed as the Lead Member on the LGA Coastal Special Interest Group (SIG), with a substitute members still to be determined;
- (2) that Cllrs J Brook, P Thornton, V Taylor and Sanderson be appointed as the 4 members on the County Council Network (CCN).

37. MEMBER LOCALITY BUDGET CRITERIA

Cabinet considered an item from the Director of Enabler Services which asked them to adopt the updated Westmorland and Furness Member Locality Budget Criteria in relation to the continuation of the individual members' £1k allocations for 2023/24.

Councillors at Westmorland and Furness Council would each be allocated £1,000 a year to support community projects in their wards. Councillors could use the funding to support community groups to help purchase equipment, hold events, or deliver projects that would benefit local residents. The funding could also be used in combination with money from other organisations, to contribute to larger projects. Within each application, Members must indicate how the donation linked to the Council Plan and how corporate priorities were being met.

Before completing a submission Members were required to read the criteria guidance notes outlined in Appendix 1 of the report. The appendix also outlined the

process for Members to follow which included completing a short electronic application form and declaring any relevant interests they may have.

The Chief Legal and Monitoring Officer would authorise payment in accordance with the criteria.

The Leader moved the recommendations, and these were seconded by Cllr N Hughes, who felt it was incumbent on all members to ensure that the projects they were supporting met the criteria.

This was then put to a vote, which was unanimous. It was therefore

RESOLVED, that for the reasons set out in this report, Cabinet agreed to

- (1) Review and adopt the updated Westmorland and Furness Member Locality Budget Criteria; and
- (2) Delegate authority to the Chief Legal and Monitoring Officer to authorise grant payments for applications submitted in accordance with the Criteria.

38. URGENT ITEMS

On 20 July 2023 we published incorrectly Minute No 38 – Urgent Items under Member 37 – Member Locality Budget Criteria. This is now correctly minuted under Minute No 38 – Urgent Items.

The Leader of the Council presented a report which sought to agree and clarify the extent of the delegation approved at the June Cabinet meeting relating to the Investment in Council Plan priority funding for 2023/24. This related to the £3,250m outlined in paragraph 3.9 of the June Cabinet report.

This to permit the decisions to be implemented and monies to be distributed relating to the priority and investment funding allocations.

At the June 2023 Cabinet members agreed as part of their decision to approve £3.250m of priority investment schemes for 2023/24, as outlined in the report to deliver on the Council Plan priorities. The decision did not clarify the delegation for both the Locality Boards and for Directors regarding the extent of their delegations to agree the relevant schemes, criteria, panels and or working groups to distribute the investment in Council Plan priority funding (related to the £3,250m outlined in paragraph 3.9 of the June Cabinet report and £900,000 Local Sustainable Transport Fund)

The Cabinet Member for Climate Change and Biodiversity asked for clarity on when a panel had to be established in order to take decisions.

The Chief Legal and Monitoring Officer responded to say that it was a decision of the relevant Director and Cabinet Member to decide if a panel should be stood up before a decision was taken.

The Cabinet asked a supplementary question about how the decisions would be recorded and reported back to the public, and the Chief Legal and Monitoring Officer said Officer Decision records would need to be kept for audit purposes and in some cases these would need to be published on the Council website.

The Cabinet Member for Highways and Transport felt the delegation would be vital to efficient and effective decision making as Locality Boards would only meet every 8 week.

The recommendations were moved by the Leader and seconded by Deputy Leader and put to a vote, which was unanimous.

RESOLVED, that for the reasons set out in this report, Cabinet agreed to

- (1) the relevant Director will agree with the Chair of the locality Boards the relevant schemes, criteria, panels and/ or working groups to distribute the Investment in Council Plan priority funding-(relating to the £900,000 for the Sustainable Transport Fund outlined in paragraph 3.10 of the June Cabinet report and as required in relation to the £300,000 investment in 20mph zones to Locality Boards outlined in paragraph 3.9 of the June Cabinet report)
- (2) for those allocations not delegated to Locality Boards the relevant Director and Portfolio Holder will agree the relevant schemes, criteria, panels and or working groups to distribute the investment in Council Plan priority funding (related to the £3,250m outlined in paragraph 3.9 of the June Cabinet report).

The meeting ended at 11.10 am