

## WESTMORLAND AND FURNESS COUNCIL CABINET

Minutes of a Meeting of the **Cabinet** held on Tuesday, 17 October 2023 at 10.00 am  
at Barrow Town Hall, Barrow in Furness

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### **PRESENT:**

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

### **Officers in attendance:**

Mr G Candlin	Assistant Director - Inclusive and Green Growth
Ms S Cordon	Director of Thriving Communities
Mrs J Currie	Democratic Services
Ms P Duke	Director of Resources (Section 151 Officer)
Ms A Hatcher	Assistant Chief Executive
Ms L Jones	Chief Legal Officer (Monitoring Officer)
Ms S Plum	Chief Executive
Ms S Turnbull	Senior Manager - Communications
Mr M Vasic	Director of Children's Services
Ms C Whalley	Director of Adult Social Care

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

### **58. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Sanderson and Taylor.

### **59. DECLARATIONS OF INTEREST/DISPENSATIONS**

Cllrs Archibald, Brook, Derbyshire, Hughes, and Thornton declared a non pecuniary interest in Agenda Item No 13 – Principles of Collaboration with Town and Parish Councils, as they are all members of a town or parish council.

Cllr Jones also declared a non-pecuniary interest in this item as although she is not an elected members of a town or parish council she attends the meetings of Lakes Parish Council and Bowness and Windermere Town Council in her capacity as a Westmorland and Furness Councillor.

## **60. EXCLUSION OF PRESS AND PUBLIC**

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

## **61. MINUTES OF THE PREVIOUS MEETING**

**RESOLVED,** that the minutes of the previous meeting held on 12 September 2023 be agreed as a true and accurate record.

## **62. PUBLIC PARTICIPATION**

There had been 2 requests received by member of the public to speak under public participation on Agenda item No 13 – Principles of Collaboration.

The Leader invited Jonathan Davies from Putting Cumbria First to make his statement. Mr Davies said:

'My statement and question is not aimed at any individual officer or elected member of Westmorland and Furness Council but at Westmorland and Furness council as a corporate entity as the district council making up one on the two tiers of local government in the area since the 1 of April.

This cabinet will today be asked to approve a Principles of Collaboration with Town and Parish Councils compact co produced by Westmorland and Furness council and the organisation called CALC the Cumbria Association of Local Councils.

The officers report sets out that the compact created by these two organisations is intended to be a legally binding document, setting out a framework for how Westmorland and Furness Council, CALC and the town and parish council sector will work together.

The compact commits Parish and town councils to recognise Westmorland and Furness Council as the tier of local government responsible for the delivery of strategic services and functions.

And to Work positive with Westmorland and Furness officers and councillors in a spirit of partnership and co-operation.

At no time does the compact state that Westmorland and Furness Council work positively with town and Parish Councils and officers and councillors in a spirit of partnership and co-operation.

Or recognise the powers and roles town and parish councils have to support and deliver for their communities and undead for councils with the general power of competence can act and deliver for areas wider than their own communities potentially in collaboration with other town and parish councils.

Westmorland and Furness council has through the very process of creating this compact shown utter disregard and disrespect for the sovereignty of town and parish councils through the lack of involvement and undead advanced sight of this legally binding compact these town and parish councils will be expected to be legally bound to.

CALC as an organisation has no legal powers or remit to commit any town or parish council to any legally binding or negotiate for those councils.

Westmorland and Furness Council likewise have no powers to commit town and parish councils to any legally binding compact or contractual agreement without direct negotiations and the individual town or parish resolving to such a commitment.

Recently approved policy of this council shows the total lack of understanding and commitment to town and parish councils through the marginalisation and omission of the sector in policy of this council.

During the period of this document creation Westmorland and Furness Council handed CALC in excess of £30,000, so it's little surprise that the opening section of the compact states CALC shares Westmorland and Furness Council's vision for Westmorland and Furness to be a great place to live, work and thrive. Building on this, CALC and Westmorland and Furness have identified the four themes for how they will work together to deliver the mission in the council plan delivery framework.

Yet both organisations have failed in the first vale the compact says all will operate by regular and open dialogue based on trust and mutual respect.

Can the leader please explain on what legal grounds CALC and Westmorland and Furness Council believe they can commit sovereign town and parish councils to a legally binding compact without each sovereign council specifically agreement to such a legally binding agreement. And why the compact is creating a defacto third tier in local government in the district by vesting seats on locality. Boards and other roles to CALC that they have no remit or democratic mandate for'.

The Leader responded to say:

'The document set out before you is a high level principles document. It describes the ideal behaviours and approaches that will be applied to all interactions between Westmorland and Furness Council and our town and parish council colleagues. It does not deal with specific issues or areas of work. And it is not legally binding. I wish to amend the report at paragraph 3.6 to replace the wording and insert instead 'This compact is not intended to be a legally binding agreement.'

It represents a statement of intent and has been designed to positively encourage a sound working relationship between both tiers of local government. Each of whom have an important role to play in building safe and strong communities within Westmorland and Furness.

The document quite clearly recognises town and parish councils as the first tier of local government who are closest to the people they serve. They are local authorities and take decisions that directly affect the quality of life of the communities they represent.

As Cabinet Members have heard, this document has not been developed in isolation by any one organisation - it has been co-produced. Working together with CALC, we have initially engaged with the sector via a joint survey. We continued this dialogue with a follow-on interactive session which was attended by over 80 town and parish representatives. Furthermore, this local voice has been supported by research from officers representing CALC and Westmorland and Furness around what has worked well elsewhere.

If agreed here today, our officers will endeavour to communicate this commitment to all town and parish councils - those who are members of CALC and those who are not. They will all be able to see how we intend to approach our relationship with them - and we hope they approach it with the same sentiment. The choice, of course, is theirs.

The purpose of this compact is one of collaboration - It represents a clear statement that we want to work together. It will grow over time - alongside the relationship between Westmorland and Furness Council and the town and parish councils within its boundaries - that's a journey. And this document sets us on the right path for this journey.

I support this compact - and I encourage my Cabinet colleagues to do the same.'

Mr Davies thanked the Leader for the clarification.

The Leader then invited Mary Bradley from Cumbria Association of Local Councils (CALC) to speak. Ms Bradley said:

'My Name is Mary Bradley, and I am the Chair of Cumbria Association of Local Councils (CALC). Thank you for allowing me to speak to the Building Communities agenda item on behalf of CALC.

One of the key aspirations of Westmorland and Furness Council (W and F) is to work closely with the community using a placed based approach. In each of the identified areas there are a number of Town and Parish Councils (TC & PC) who receive professional support and advice from CALC. This includes training, targeted information, response to individual requests and our information networking events. The implementation of unitary status means that the parish and town councils are now the next level of local government, and many are aspiring to do more than they have undertaken in the past including asset transfer, service provision and active consultation. We anticipate this will require additional and specialised support from CALC alongside the welcomed Thriving Communities interactions outlined by your council as 96% of TC and Pcs are members of CALC. To progress this ambitious programme, it became obvious that clarity on how the 2 organisations would work together to maximise support into the communities was required.

The development of the Building Communities document before you has been a multi-faceted process. CALC with its link with NALC was able to speak to other associations where a change to unitary status had occurred and receive examples of what had been successful as a memorandum of understanding to provide good working relationships.

CALC with W and F conducted an area survey of PC and TC and received 39% response and CALC complimented this with individual discussions, confirming ambition but also the support required.

The CALC executive has discussed the emerging document at every meeting over the past 18 months, incorporating the views of executive Councillors who are elected to represent the membership of their areas.

Sonia Hutchinson, CALC CO, worked with Nick Wright, Thriving Communities lead, to ensure that the thinking was in line with the community engagement aspirations of W and F and CALC. CALC have recently gained company status to enable a more professional organised membership organisation.

There is also a realisation that, as CALC is supported financially by W and F, there is a need to have clarity of their relationship, enabling the SLA for 2024/25 to be a more formal agreement.

The Building Communities document will need to evolve as the placed based arrangements become more robust and the requirements and aspirations of TCs and PCs become more evident.

The document before you may not be perfect, and as you as a Unitary evolve over time and we progress as a new company alongside the strengthening of the voice of TC and PC within their communities, there is an expectation that we will refine elements of it. We look forward to a maturing relationship and wish to be active partners. Therefore, whilst asking Councillors to support this document as an emerging Compact agreement, we would ask that it is not legally bidding, but a memorandum of understanding at this stage. CALC instigated this process to be supportive of its member councils and ensure that the desires of both members and W and F can be realised. We believe that the next 12 months will shape this initial document into a more substantial document as we all learn together.

We thank you for your understanding and support to progress this to the next stage and look forward to working together.'

The Leader thanked Ms Bradley for her statement.

### **63. STATEMENTS FROM THE LEADER AND CABINET MEMBERS**

The Leader made a statement about the current economic climate which was being affected by various reasons, national, regionally and also locally, resulting in many challenges to some of the Westmorland and Furness projects. He also reminded

Cabinet of some of the things that the Council had managed to achieve during its first six months.

The Leader ended by highlighting the recent Children in Care Council awards and the positive interventions that were highlighted during this event.

The Cabinet Member for Transport and Environmental Services made a statement about the recent Government announcement on HS2, and the fact that it would no longer be reaching as far north as Cumbria. He hoped that about the Government would allocate some funding to both the Energy Coast line and the Furness line to help improve these services.

#### **64. QUESTIONS TO CABINET MEMBERS**

There were no questions to Cabinet Members at this meeting.

#### **65. REFERRALS FROM COUNCIL OR OVERVIEW AND SCRUTINY COMMITTEES**

There were no referrals from Council or Overview and Scrutiny Committees on this occasion.

#### **66. 2023/24 REVENUE AND CAPITAL BUDGET MONITORING REPORT TO 30 JUNE 2023 - QUARTER 1**

Members considered a report which set out the Council's forecast year-end financial position as at 30 June 2023, Quarter 1 (Q1); covering the 2023/24 Revenue Budget and Capital Programme 2023-2028. This was the first budget monitoring report for Westmorland and Furness Council and provided an update on the latest financial forecast for 2023/24.

Since 1 April 2023 a significant amount of work had been undertaken to review the detail within the combined legacy budgets to ensure the Westmorland and Furness directorate budgets aligned with their service responsibilities. This had been a significant task and had resulted in some changes being made to the allocation of budgets between directorates. Formal virements for these technical adjustments were made before the budget was uploaded into Councils financial system. Overall, the net budget of £268.478m had remained the same.

As part of the overall governance for financial reporting Directorate Management Teams (DMT's) received monthly detailed reports. For the end of May 2023 position budget monitoring was only done by exception on high-risk areas and reported to the Corporate Management Team. For the end of June (Q1) position DMT's had received the monthly detailed reports. For this financial year the end of July position would not be reported with a focus on monitoring by exception for the end of August position and full detailed reporting for Q2.

The Cabinet Member for Finance took members through the report, highlighting some of the financial risks and forecast outturn summaries.

He made reference to the Home to School Transport Budget and the forecast overspend of £1.233, and also a forecast overspend on SEND transport of £1.627m, which was after the increase in the SEND transport budget of £1.372m approved within the MTFP.

Further work was required to refine this position, which was challenging due to the cross-boundary nature of the services following disaggregation and the manual system used to record procurement of routes. Consultant resource had been secured to undertake a review of the service provision which would help to understand the root cause of the pressures and identify solutions to reduce the overspend. This overspend continued the trend experienced during 2022/23 in Cumbria County Council, where the outturn was an overspend position.

The Cabinet Member then detailed the slippages and reprofiling needed in the Capital Programme. Notwithstanding, the significant work undertaken by the Capital Programme Team and Finance to comprehensively review and update the Capital Programme, members noted that the volatility and challenges within the programme inherently required a degree of sensitivity in appraising the likely outturn at the end of the financial year. This was a challenging year for delivery and so there was continued risk (circa £20m-£30m) of slippage into future years within the 2023/24 capital programme.

The Cabinet Member then moved the recommendations which were seconded by Cllr Brook.

Cllr Thornton asked when the assessment was carried out on whether to pay back loans based on rising interest rates.

The Director of Finance said the assessments were carried out quarterly, and the report before members outlined the position as at Quarter 1 of the budget cycle, and this may change during quarter 2.

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

**RESOLVED,** that Cabinet

- (1) notes the Net Revenue Budget as the provisional outturn of £268.478m remains the same as that agreed by Council;
- (2) notes that the forecast Net Revenue Budget outturn as at Q1 is a projected overspend of £0.324m; (see Table 4 of the report);
- (3) notes the use of £0.450m of the £1.1m contingency budget for 2023/24 (Paragraph 3.7 refers);

- (4) notes that the earmarked reserves continue to be held for the purposes established by the legacy authorities and will be reviewed as part of the 2024/25 budget setting process;
- (5) approves the following amendments to the Capital Programme 2023-2028; virements and re-profiling up to £0.500m, and externally funded new schemes;

Scheme	Virement From	Virement To
<b>Virements Quarter 1</b>	<b>£m</b>	<b>£m</b>
Strategic Highways Match Funding	(0.179)	
Major Projects Match Funding		0.179
Windermere Road Grange - Flood Alleviation	(0.150)	
Lead Local Flood Authority		0.150
Town Deal - Rawlinson Street Phase 2	(0.101)	
Town Deal - Housing Market Renewal		0.101
Disabled Facilities Grants (legacy)	(0.433)	
Disabled Facilities Grants		0.433

	Total for scheme	2023/24	2024/25	2025/26
<b>Capital Budget</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>New Schemes Quarter 1</b>				
UKSPF - W&F Projects	1.338	0.450	0.888	
Beaconside School Extension	2.670		1.335	1.335

	2023/24	2024/25	2025/26	2026/27	2027/28
<b>Capital Budget</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Reprofile to future years Quarter 1</b>					
Residential Provision for Children & Young People	(0.150)	0.150			
Basic Need Schemes	(0.385)	0.385			
SEND Fleet Vehicles	(0.213)	0.213			
Devolved Formula Capital 18/19	(0.013)	0.013			
Devolved Formula Capital 19/20	(0.008)	0.008			
Devolved Formula Capital 20/21	(0.094)	0.094			
Devolved Formula Capital 21/22	(0.156)	0.156			
Devolved Formula Capital 22/23	(0.181)	0.181			
Highways Fleet Replacement	(0.145)	0.145			



Strategic Acquisition and Investment Fund	(0.500)	0.500			
Penrith Town Hall Redevelopment	(0.125)	0.125			
Capital Grant to Patterdale Community Land Trust for Affordable Social Housing	(0.389)	0.389			
Changing Spaces	(0.030)	0.030			
DfT funded Flood Recovery Scheme - Challenge Fund	(0.400)	0.400			
Barrow Town Deal - Cycling and Walking	(0.035)	0.035			
Live Labs Project	(0.071)	0.020	0.020	0.020	0.011
Windermere Ferry - upgrade and slipway	(0.494)	0.494			
Windermere Ferry replacement	(0.125)	0.125			

- (6) recommends to Council the following amendments to the Capital Programme 2023-2028; virements and re-profiling above £0.500m, and new schemes funded from Council resources:

Scheme	Virement From £m	Virement To £m
<b>Virements Quarter 1</b>		
Additional Inflation Risk allowance	(1.080)	
Inclusion Strategy		1.080
Additional Inflation Risk allowance	(3.200)	
Single Site - Voreda House		3.200
Levelling Up Fund - Accessibility (Duke Street)	(2.185)	
Levelling Up Fund - Barrow Market & Public Realm		2.185
Coastal Communities Fund (includes £1.1m for Grange Promenade)	(1.100)	
Grange Lido and Promenade		1.100

	Total for scheme £m	2023/24 £m	2024/25 £m	2025/26 £m
<b>Capital Budget</b>				
<b>New Schemes Quarter 1</b>				
Solar Farm Programme	2.781	2.000	0.781	
Affordable Housing	4.800	0.500	2.500	1.800

	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m	2027/28 £m
<b>Capital Budget</b>					
<b>Reprofile to future years Quarter 1</b>					
Extra Care Housing / Accommodation with Care & Support- available for new schemes	(0.773)	(0.242)	0.508	0.507	
Cumbria Care Residential	(1.350)	0.635	0.715		

High Needs Provision	(1.373)	0.700	0.673		
Inclusion Strategy	(5.558)	5.558			
Devolved Formula Capital 22/23 - energy efficiency	(0.990)	0.330	0.330	0.330	
ICT Investment/Additional ICT Investment	(2.000)		2.000		
Major Projects Match Funding	(0.984)	0.224	0.335	0.425	
Modernising the Estate	(0.849)	0.213	0.212	0.212	0.212
Additional Inflation Risk allowance	(1.815)	(2.199)	4.014		
Vehicle & Plant Programme (incl. bins and boxes)	(2.912)	(0.829)	0.931	1.405	1.405
Grange Lido and Promenade	(1.694)	1.694			
Levelling Up Fund - Barrow Market & Public Realm	(8.618)	5.315	3.303		
New Ulverston Leisure Centre - Phase 1	(1.500)	0.500	1.000		
Active Travel Fund Barrow	(3.970)	2.188	1.782		
DfT funded Flood Recovery Scheme	(1.248)	1.248			
Land/Port/Waste Statutory Standards	(0.836)	0.836			
Town Deal - Housing Market Renewal	(2.778)	1.389	1.389		
Town Deal - Marina Village	(0.724)	0.724			
Brownfield Land Release - Marina Village	(1.214)	1.214			
A592/A684 Road Safety Foundation Schemes	(0.900)	0.900			
Barrow Community Hubs	(0.019)	(0.981)	1.000		

- (7) notes the forecast outturn for the 2023/24 Capital Programme at Q1 of £85.357m excluding Accountable Bodies; the total Capital Programme including Accountable Bodies is £90.247m as set out in Appendix 1 of the report;
- (8) approves the allocation of the remaining £550,000 of the Priority Investment Fund as set out in Paragraph 3.56 and to delegate to the relevant Director and Portfolio Holder the agreement of the criteria for awards, panels and or working groups and approval of allocations of the funding.

## **67. INTERIM CORPORATE PERFORMANCE MONITORING REPORT - QUARTER 1**

The Leader of the Council presented a report which provided Cabinet with oversight of performance for Westmorland and Furness Council (W&F) in its inaugural 3 months; Quarter 1 2023/24 (1 April 2023 to 30 June 2023). This report suggested an overall positive position of performance at Quarter 1 2023/24 in the context of significant organisational change, transition and stabilisation into the new Council.

In order to provide oversight during this inaugural period, which had seen the integration of four legacy authorities transitioning into a single new authority, this interim report focused on providing assurance against core service delivery and fulfilment of statutory responsibilities.

Cabinet noted that the metrics in this report were interim - providing an 'audit trail' from sovereign authorities to W&F Council rather than focussing on more transformational objectives to achieve Council Plan priorities.

This report contained 68 interim performance metrics that previously supported corporate performance reporting across the four sovereign authorities. The metrics included both qualitative and quantitative performance information and provide a narrative update against progress.

The Leader asked Cabinet to note that during Quarter 1 2023/24 the wider landscape for this performance report included a number of unprecedented national events which had a significant impact on Westmorland and Furness, its residents and the work of the Council.

Inflation was at its highest rate for over 30 years, and these pressures were continuing to increase costs and with knock-on effects impacting the availability of service provision, alongside worsening the impacts of the Cost of Living Crisis on some of W&F's most vulnerable individuals.

Cabinet Members noted the overall position by the end of Quarter 1 2023/24 was that the majority, 38 of the 68 (56%) Council Plan metrics were performing well, met or were on track to meet the planned milestone and rated green, 5 (7%) were in progress and at risk of missing the milestone and rated amber. For the same period 13 indicators (9%) were expected to miss a key milestone or not fully deliver as intended and therefore rated red.

The Leader then moved the report, and this was seconded by Cllr Bell and put to a vote, which was unanimous.

**RESOLVED,** that Cabinet notes the overall performance relating to delivery of the six Council Plan priorities against the Quarter 1 interim performance metrics.

**68. 2022/23 TREASURY MANAGEMENT OUTTURN REPORT FOR BARROW BOROUGH COUNCIL, EDEN DISTRICT COUNCIL, SOUTH LAKELAND DISTRICT COUNCIL AND CUMBRIA COUNTY COUNCIL**

Members had before them a report which provided an outturn for the Treasury Management function for Barrow Borough Council, Eden District Council, South Lakeland District Council and Cumbria County Council, and 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 Cabinet Member for Finance informed members that the report set out the 2022/23 Treasury Management position for the former District Councils within the geographical boundary of Westmorland and Furness Council namely Barrow Borough Council, Eden District Council and South Lakeland District Council.

As part of the Local Government Reorganisation arrangements, Westmorland & Furness Council was responsible for legacy issues associated with the financial obligations of Cumbria County Council and consequently this report also includes the 2022/23 Treasury Management position for the County Council.

In accordance with good practice, each legacy Council followed the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (as revised) ("the Code"). The primary requirements of the Code include:

- receipt by the full Council of an Annual Treasury Management Strategy Statement (TMSS), including the Annual Investment Strategy and Minimum Revenue Provision Policy, for the year ahead;
- a mid-year strategy review report; and
- an annual review report following the end of the year, describing activities compared to the set strategy (attached for each legacy Council at Appendices A-D).

Investment rates saw a marked increase as markets priced in expectations of future rate increases. In summary, in April 2022 the Bank Rate was 0.75% having increased in the previous months from the historic low of 0.1%. Throughout the year, the Bank Rate increased steadily in steps of either 0.25% or 0.5%, reaching 4.25% by the end of the financial year.

Whilst inflation increased rapidly from the beginning of 2022, with corresponding base rate rises attracting much higher rates of interest on fixed term deposits, the priority for Treasury Management in each of the legacy Councils remained keeping sufficient monies readily available i.e. to ensure adequate liquidity for revenue and capital activities, security of investments, and to manage all other Treasury risks. Where possible during the year, each legacy Council placed excess cash in short term deposits, in accordance with their respective Treasury Management Strategy Statements enabling the Councils to secure higher rates of return whilst still ensuring appropriate liquidity to respond to service needs.

**RESOLVED**, that Cabinet:

- (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.

## **69. 12 MONTHS EXTENSION OF THE HOSTED OLDER ADULTS RESIDENTIAL & NURSING FRAMEWORK**

Cabinet considered a report which sought approval to extend the Older Adults Residential & Nursing Framework which was currently hosted by Cumberland Council under the Framework Collaboration Agreement which was entered into by the Council and Cumberland Council on 31 March 2023.

Cumberland Council was currently hosting the county-wide Framework via the Agreement, which set out the responsibilities of each Local Authority when framework agreements were hosted but accessed by both Local Authorities. These responsibilities included the requirement to reach a joint decision between the Councils regarding issues such as contract modifications, including extensions to the contract term.

The current Framework was established 14 May 2018 for an initial period of 4 years, with the option to extend for up to two further periods of up to 12 months. The first extension was approved in Nov 2021 and the second in Aug 2022.

The Framework had 89 registered providers, supporting 141 care homes across Cumbria. This included 35 registered providers operating within Westmorland & Furness, supporting 58 care homes. The Framework was due to end 13 May 2024.

The Cabinet Member said the establishing of a new framework was complex and extending the hosting arrangements for 12 months would allow Westmorland & Furness Council to:

- Take into account the impact of LGR and the work undertaken as part of the Fair Cost of Care (FCoC) exercise. This will allow the Council to review the care market and to develop its own Market Sustainability Plan, before starting the recommissioning process for Residential and Nursing Services, to start 14 May 2025.
- Review the financial envelope.
- Reprofile the service to align it to the Council's Plan, Values and strategic priorities, ensuring local priorities are reflected in the new model.
- Develop and embed quality standards and performance management and align with new procurement legislation.
- Work collaboratively with all internal and external stakeholders, including service users and families, enabling them to contribute to the service redesign.
- Engage with the market.
- Review national good practice and integrate within the new model.

Cllr Bell moved the recommendation and this was seconded by Cllr Jarvis and put to a vote, which was unanimous.

**RESOLVED,** that Cabinet approves a 12 months' extension to the Older Adults Residential & Nursing Framework (from 14 May 2024 to 13 May 2025) by Cumberland Council on behalf of Cumberland Council and Westmorland and Furness Council under the terms of the FCA. The estimated annual value for Westmorland & Furness Council would be £22.4m (41% of the total annual value - £54m).

## **70. PRINCIPLES OF COLLABORATION WITH TOWN AND PARISH COUNCILS**

In the absence of the Cabinet Member for Sustainable Communities and Localities the Leader presented a report which detailed the work of the Thriving Communities Directorate alongside Cumbria Association of Local Councils (CALC) in engaging with the town and parish council sector throughout the year on the relationship between the two tiers of local government.

Following this engagement, a compact had been co-produced between Westmorland and Furness Council, CALC and the town and parish council sector which provided a framework on which to base this new relationship. The aim of the compact was to foster strong and effective partnerships between the two tiers of local government, deliver better outcomes for local people and help communities to thrive.

The Leader asked Cabinet to note an amendment to paragraph 3.6 the report to read 'the compact was not intended to be a legally binding agreement'.

During November 2022, an initial survey was co-produced alongside CALC and issued to all town and parish councils in the Westmorland and Furness area to garner views on the relationship with the new council, areas that they wish to influence and investigate any ambition with regards community shaping and collaborative working.

The survey received 49 responses equating to a 39% response rate, which was above average, and described an ambitious sector eager to engage with the principal council around key local issues and to contribute directly towards achieving them.

The survey results shaped a follow-on workshop in February to discuss relationship principles between the two tiers of local government, ideas for boosting resources and opportunities around greater partnership working and community collaboration. This session was attended by over 80 parish council representatives.

As a result of this, CALC and Westmorland and Furness Council had co-produced the Building Safe and Strong Communities document in appendix 1. This document

formed a compact which set out a framework for how Westmorland and Furness Council, CALC and the town and parish council sector would work together.

The nature of the relationship between Westmorland and Furness Council and town and parish councils would range significantly depending on circumstance. From the simple collaborative equal partner in community-based initiatives to, over time, quite complex relationships around assets and services. For the latter, Westmorland and Furness Council would follow clear policy and business case development taking account risks, service accountability and standards of customer service.

The Leader moved the recommendation which was seconded by Cllr Hughes, who encouraged all town and parish councils to engage in this process.

Cllr Archibald referred to the photograph on page 2 of the appendix, which was an excellent example of collaborative work across all tiers of local government. He felt all councillors had an important role to play in working together.

Cllr Thornton supported the compact which rather than taking powers away from town and parish councils, would allow the council to speak to all town and parish councils that wanted to engage in collaborative working.

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

**RESOLVED,** that Cabinet approves and notes the Building Safe and Strong Communities compact appended to this report.

#### **71. LOCAL AUTHORITY CORE FUNDING AND PARTNERSHIP WORKING ARRANGEMENTS FOR ARNSIDE AND SILVERDALE AONB AND NORTH PENNINES AONB**

Cabinet considered a report which informed them that the council had a statutory duty under Section 89 of the Countryside and Rights of Way Act 2000 to prepare and review management plans for each of the two Areas of Outstanding Natural Beauty (AONB) that were located partly in Westmorland and Furness.

The Cabinet Member for Climate Change and Biodiversity advised members that this work was delivered on the council's behalf by the relevant AONB staff units. The council had been asked to enter into a 3 year funding agreement with each of the AONBs, alongside the other partner local authorities.

Cumbrian local authorities had signed up to this AONB funding and partnership working arrangement since 2009. This decision was to consider and agree to the recommended option that Westmorland and Furness Council signs a new Memorandum of Agreement (MoA) for the next three year period (2023 – 2026) to provide core funding of £32k per annum to Arnside and Silverdale AONB and £20k per annum to North Pennines AONB.

The Cabinet Member said that the AONBs had a vital role to play in helping with the recovery of nature, and the effects of the deterioration which it had suffered over several years.

Cabinet noted that the agreed core funding offer for 2023/24 to Arnside and Silverdale AONB was £32,000, and to the North Pennines AONB was £20,000. It also noted that Cumberland Council was also a partner local authority to the North Pennines AONB so would be making a separate core funding contribution.

The Cabinet Member then moved the recommendations, which were seconded by Cllr Jones and put to a unanimous vote.

**RESOLVED,** that Cabinet agrees to enter into a three year funding arrangement with the Arnside and Silverdale AONB partnership for £32k per annum and with the North Pennines AONB partnership for £20k per annum. Signing of the MoA to be delegated to the Director of Thriving Places, in consultation with the Portfolio Holder Cllr Virginia Taylor, Cabinet Member for Sustainable Communities and Localities.

## **72. KENDAL BUSINESS IMPROVEMENT DISTRICT (BID) BALLOT**

The Leader presented the report and was supportive of the contributions made by BIDs in Westmorland and Furness. He highlighted the aspirations of Kendal BID as detailed in the attached Business Plan.

As a non-domestic ratepayer within the Kendal Business Improvement District (BID) area, the Council was entitled to vote in the upcoming ballot on 29 November 2023. This report provided information to support members in their decision on the use of the Council's voting entitlement in the renewal ballot.

A Business Improvement District, or BID, was a defined area in which businesses and the local authority agreed to work in partnership to develop projects and services that would benefit the trading environment. BIDs were based on the principle of charging an additional levy (typically 1% to 2% of rateable value) on business ratepayers in a defined area following a positive majority vote by those ratepayers. These funds were used to carry out projects and initiatives within the defined BID area.

Each term of a BID was 5 years and a ballot must be undertaken to renew a BID for a further 5 year term. For the BID to be renewed, two threshold tests had to be met in the ballot:

- More than 50% of votes cast (turnout) must be in favour of the BID; and
- The positive vote must represent more than 50% of the Rateable Value (RV) of the votes cast.



The Business Improvement District was originally established in Kendal in 2014, and ran for a 5 year period until 2019. A renewal ballot took place in 2018 confirming a second term of 5 years running from 1 March 2019 to 29 February 2024.

The BID have notified the Local Authority and Secretary of State of this proposal to hold a ballot for a third term in the timescales required by the BID regulations. As the Council's duly appointed Returning Officer and therefore the Ballot Holder for this ballot, the Chief Executive had outsourced the ballot process to Civica Election Services.

The BID had prepared a business plan to address the top priorities identified through consultations with businesses in the town. It was considered that the proposals as set out in the renewal bid were in compliance with statutory requirements and not in conflict with formally adopted and published Council policy.

There were 22 Council owned properties/land holdings in the proposed New Town BID area with a rateable value over £3,000 which would be subject to the BID levy with a total rateable value of £1, 136,350 as follows:

<b>Address</b>	<b>Current Rateable Value £</b>
Bus Station, Blackhall Road	12,000
Multi Storey Car Par, Blackhall Road	217,000
Office, 28 Finkle Street	3,550
The Mint Works Conference Room, 124 Highgate	7,000
Market Hall, The Westmorland Shopping Centre	8,500
South Lakeland House Offices, Lowther Street	325,000
Car Park, South Lakeland House, Lowther Street	52,000
Car Park, Peppercorn Lane	23,750
Car Park, Beezon Fields Off Sandes Avenue	3,350
Offices, 155 Stricklandgate	4,550
County Hall, 151 Stricklandgate	136,000
Kendal Library, Stricklandgate	86,000
Outdoor Market, Market Place	9,000
Offices East Wing, Bridge Mills Stramongate	94,500
Shop, 16 New Shambles	3,050
Car Park, Dowkers Lane	33,250
Car Park R/O Kendal Bowman, Dowkers Lane	6,500
Car Park, Blackhall Road	25,000
Car Park, Northside Library Road, 92 Stricklandgate	20,250
Car Park, 155 Stricklandgate	3,400
Depot, Canal Head North	59,500
Market Hall, D1 & D2 stalls, The Westmorland Shopping Centre	3,200
<b>Total</b>	<b>1,136,350</b>

If the BID Renewal Ballot was successful, the rates liability falling on the Council as a result of being a non-domestic ratepayer reflecting a 1% levy would be £11,363.50 per annum for five years.

There was no guarantee that a BID Renewal Ballot would be successful. If there was a 'no' vote any remaining funds from the second BID term would be returned to the council who would distribute it back to levy payers under the procedure detailed in the 2004 BID regulations.

The recommendations were moved by Cllr Brook and seconded by Cllr Derbyshire, and put to a vote, which was unanimous.

All Cabinet members fully supported the recommendations.

**RESOLVED,** that Cabinet

- (1) agrees to use the council's voting allocation in favour of a new 5-year term of Kendal BID with the expanded BID levy area as shown in Appendix 1.
- (2) agrees the Chief Legal and Monitoring Officer is authorised to complete the ballot papers accordingly with a 'yes' vote and to submit them by the end of the ballot period on 29 November 2023.
- (3) agrees the Chief Legal and Monitoring Officer is authorised to enter into a new operating agreement with the BID if the ballot is successful for the term of 5 years.

### **73. URGENT ITEMS**

There were no urgent items of business.

The meeting ended at 11.25 am