

## **COUNCIL**

Minutes of a Meeting of the Council held on Thursday, 21 September 2023 at 1.30 pm at Council Chamber, County Hall, Kendal LA4 9RQ.

### **PRESENT:**

Cllr M Severn (Chair)

Cllr G Archibald	Cllr J Filmore
Cllr T Assouad	Cllr L Hall
Cllr C Atkinson	Cllr M Hanley
Cllr R Audland	Cllr E Hennessy
Cllr L Baker	Cllr H Hodgson
Cllr J Battye	Cllr N Hughes
Cllr S Bavin	Cllr V Hughes
Cllr P Bell	Cllr A Husband
Cllr T Biggins	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 D Cassidy	Cllr I Mitchell
Cllr F Cassidy	Cllr B Morgan
Cllr H Chaffey	Cllr J Murphy
Cllr W Clark	Cllr S Pender
Cllr A Connell	Cllr N Phillips
Cllr B Cooper	Cllr D Rathbone
Cllr J Cornthwaite	Cllr M Robinson
Cllr P Dew	Cllr M Rudhall
Cllr P Dixon	Cllr S Sanderson
Cllr J Drake	Cllr G Simpkins
Cllr D Edwards	Cllr D Taylor
Cllr P Endsor	Cllr V Taylor
Cllr M Eyles	Cllr P Thornton

### **Also in Attendance:**

Ms S Cordon	Director of Thriving Communities
Ms H Blake	Assistant Director (Customers)
Ms P Duke	Director of Resources (Section 151 Officer)
Mr J Huck	Democratic Services
Ms A Jones	Director of Thriving Places
Ms L Jones	Chief Legal Officer (Monitoring Officer)
Mr A Moffatt	Democratic Services
Ms S Plum	Chief Executive
	Director of Adult Social Care
	Director of Children's Services

### **35 Roll Call and Apologies for Absence**

Apologies for absence were received from Cllrs Boak, Coles, Derbyshire, Evans, Hamilton, Murray, Shirley and Worthington.

### **36 Declarations of Interest/Dispensations**

There were no declarations of interest made on this occasion.

### **37 Exclusion of Press and Public**

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

### **38 Minutes of the Previous Meeting**

The approval of the minutes as written were proposed by Cllr Ladhams and seconded by Cllr Bavin.

**RESOLVED**, that the minutes of the previous meeting held on 15 June 2023 be agreed.

### **39 Public Participation**

The Chair reported that three questions had been received from Members of the public.

#### Question by John Studholme

John Studholme requested the Council to keep a proposal for a 400 metre, six lane synthetic athletics track in Kendal on the Local Plan.

He stated that in 2008 he first put forward to the Local Plan Review, with the support of Kendal Athletics Club, the above proposal.

In 1979, when working as the Principal Planning Officer for Sport and Recreation for Cumbria County Council he proposed and supervised a survey of all the formal recreation facilities in Cumbria. He identified standards of provision which ought to apply. As far as athletics was concerned synthetic tracks were proposed for Carlisle, Barrow, West Cumbria and Kendal. That proposal was adopted by the County Council as strategic planning authority and recommended to the District Councils. Carlisle, Barrow and West Cumbria now had synthetic tracks for many years. Kendal was the only settlement without a track.

The track propose for Kendal would have six lanes with an eight lane straight. It would face in a South West to North East direction to give athletes the advantage of the prevailing wind along the straight. There would be facilities for all the field sports and a soccer pitch in the middle.

In the Local Plan the track was proposed on the land north of the tennis club on Appleby Road opposite Queen Katherine School. The Illustrative Concept Plan prepared by the District Council is attached to the document. The plan allowed for residential development and public open space. The current use was as a touring

caravan site. The uses proposed for the whole site would make the land more valuable. Discussions regarding purchase would need to take place with the landowner but if necessary compulsory purchase powers would need to be used.

#### Question By Margaret Belk

Margaret Belk, Chair of Kendal Amateur Athletic Club requested Council to keep an athletics facility for Kendal on the Local Plan.

She asked if Kendal had an athletics facility what be gained. She commented that in the unlikely event that funding became available an athletics facility would need to be on the Local Plan to get the go ahead from the national body. All that she asked was that the Council included an athletics facility in the next edition of the Local Plan. Athletics also make a massive contribution to health and wellbeing. The competitions would bring in visitors to the local area and stay overnight and there was opportunities for tourism to sit along side sport.

Training for 60 people takes place at Queen Katherine School. A small portable generator with small spotlights was used to provide lighting for the runners. A talented young lady from the area had to travel to Warrington for coaching sessions. Home fixtures were hosted at either Blackburn or Blackpool.

She concluded by asking for an athletics facility to be in the Local Plan.

The Chair thanked Margaret Belk and John Studholme for their questions and asked Cllr J Brook the Leader of the Council to respond.

In response to the two questions regarding the athletics track the Leader of the Council responded that Westmorland and Furness would be starting to develop a Sport and Leisure Strategy this year. That would provide the Council, with a clear, strategic and sustainable approach when developing capital projects for sport and leisure and would ensure that future investments into facilities were effective. He welcomed all local clubs and residents to be a part of that work and welcomed their input into this piece of work.

Healthy happy lives were a key priority in the Council Plan. He recognised that all sports provision from clubs through to facilities for events played a huge role in Westmorland and Furness and greatly valued the importance and difference that made to residents lives and health and well-being.

From the Local Plan point of view, although there was no requirement or site allocated for an athletics track in the South Lakeland Local Plan. The Council would shortly be embarking on the preparation of a new Local Plan for Westmorland and Furness. As part of that plan a Playing Pitch Strategy was being undertaken by Tetra Tech and SP Consultants were looking at evidence of need for outdoor sports facilities including football, rugby, tennis, hockey, bowls, archery, golf, athletics and cricket and in doing so liaising with relevant national and local sporting bodies including all local athletics clubs and national governing bodies including England Athletics. The strategy would both inform future local plan policies and allocations and provide a basis for decisions relating to investment and improvement of outdoor sports facilities across Westmorland and Furness.

### Question by Jonathan Davies

Mr Jonathan Davies commented that the local government transparency code promoted democratic accountability and makes it easier for local people to contribute to the local decision-making process. The transparency code sets out the minimum data that local authorities should be publishing, the frequency it should be published and how it should be published. Westmorland and Furness Council via its own website states the council "is committed to making its finances clear, so that everyone can see exactly how it is spending money. As part of this commitment to provide financial transparency, Westmorland and Furness Council will publish all expenditure over £250 (excluding VAT). Yet this council has existed as the local authority since the 1st of April 2023 today marks 173 days or 5 months and 20 days that Westmorland and Furness Council has had a duty to publish its expenditure and spending on procurement cards. To date this council has failed to publish any of the required data under the transparency code. Could the leader please explain why has Westmorland and Furness Council failed to disclose its expenditure to date for public scrutiny what is the council covering up with its lack of transparency on its expenditure?

The Leader of the Council thanked Mr J Davies for his question and for his interest in the activities and operations of Westmorland and Furness Council.

He assured Mr J Davies that Westmorland and Furness Council were committed to providing open and transparent data.

This demonstrated the ethical values that underpinned Westmorland and Furness Council and to comply with the Local Government Transparency Code.

To ensure that payments to customers, clients and businesses, were uninterrupted during the period of transition, the Council chose to operate multiple payment systems for April, May, and June.

The payments made in all of the systems had been downloaded and prepared for publication.

The Council had been working on the way how data was freely made available to everyone in a format that could be reused.

There had been a delay in commencing the publication of transparency data while some technical issues were resolved.

He reported that the April's had now been now published on the website.

May and June would be published this week, and future months would be published in a timely manner.

Jonathan Davies thanked the leader for the reply to his question and noted that the Council had published some of the required data for the April spending of the Council online in the last 24 hours and the June spending published in the last few hours. The published spending report by the Council listed the trade payments of Westmorland and Furness Council as an accurate public accounts report under the local government transparency code. As an accurate accounting report of the Councils spending in April and June 2023, he asked that the Leader explain how

Westmorland and Furness Council had made almost 50,000 of payments in April 2023 and a further £8,000 in June to a limited company that Companies House showed had been dissolved in January 2019.

The Leader of the Council commented that he had no knowledge of the payments to the limited company but would provide a written reply.

#### **40 Announcements**

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

On behalf of the Council the Chair congratulated Georgia Stanway the Lioness from Dalton-in-Furness who represented England in the 2023 Women's FIFA World Cup Final.

The Leader of the Council commented that the Council was less than six months old, with much of the work being undertaken behind the scenes to deliver business as usual as well as reshaping Council Services, building new the new team and consolidating the operations and finances of the previous sovereign Councils. He thanked officers for doing a great job under immense pressure.

The Council would continue to strive to provide excellent, value for money services across the geographic footprint of the Council.

Cabinet had looked at new policies for disposals and community asset transfers, investment in Council Plan priorities, Part One of the Climate Change Action Plan, Locality Boards, school admission arrangements, Children's Social Care Development Plans and a scheme to build and operate a 2mw solar farm in Sandscale Park in Barrow.

He made reference to the ongoing member training and development, and he asked Members to be mindful of the upcoming race and equality training session on 2 October 2023.

The Cabinet Member for Highways and Assets commented on the weather in the last few days and thanked the various highway teams.

He reported that he had received a number of messages regarding blocked drains.

In the area there were approximately 74,000 drains and these were tried to be kept clear all year round. Regular visits were made to known trouble spots and areas known with drain capacity issues. He asked that residents and Members contact the highways team if they became aware of any blocked drain. He made a commitment to clear any blocked drain.

#### **41 Minutes of the Cabinet - 6 June , 11 July and 12 September 2023**

(1) Cabinet Minutes 6 June 2023

The Leader presented the draft minutes of the Cabinet meeting held on 6 June, 11 July and 12 September 2023.

Cllr Dew referred to Minute No 18 of the Cabinet held on 6 June 2023 (Public Participation) and asked the Cabinet Member for Highways and Assets when the Council would bring in its own policy for footway lighting.

The Cabinet Member for Highways and Assets gave a commitment that if a District Council had given a commitment to maintain a particular light then the Council would honour that commitment. He hoped to get some clarity on a policy sometime next year.

Cllr McEwan referred to Minute No 22 (Investment in Council Plan Priorities) regarding the A2B Now Card and asked the Cabinet Member for Transport and Environmental Services for information on how the scheme worked.

The Cabinet Member for Transport and Environmental Services would ask Officers to ensure that information regarding the A2B Now Card was made available.

Cllr Phillips referred to Minute No 22 (Investment in Council Plan Priorities) regarding the Climate and Environment Fund and asked the Cabinet Member for Climate and Biodiversity why funding had been allocated to existing established SMEs rather than centrally led policies by the Council.

The Cabinet Member for Climate and Biodiversity commented that the Council needed to work with partnerships and groups that implement strategies immediately.

#### **42     Cabinet Minutes - 11 July 2023**

Cllr Hennessey referred to Minute No 35 of the Cabinet meeting held on 11 July 2023 and asked the Cabinet Member for Climate and Biodiversity about the progress on Part 2 and in particular the progress on awarding grants to partnerships in the area who will be vital allies in tackling climate change.

The Cabinet Member for Climate and Biodiversity confirmed that the Council had asked for bids for grants to partnerships for what they can do in the coming months and the Council would be completing on the grant awards in the next few weeks.

Cllr Drake referred to Minute No 34 of the Cabinet meeting held on 11 July 2023 (2022/23 Revenue and Capital Budget Monitoring Reports – Provisional Outturn) and asked the Leader to place on record a commitment to bring Ulverston library up to a safe electrical standard and whether the work was in the planned work in the programme.

The Leader reported that Officers had been working to indicate where the pop-up service was being delivered from. He provided a reassurance that the Council was committed to the delivery of services in Ulverston.

Cllr Irving referred to Minute No 34 of the Cabinet meeting held on 11 July 2023 (2022/23 Revenue and Capital Budget Monitoring Reports – Provisional Outturn) and asked the Leader how long it would take to get the Ulverston Library back up and running.

The Leader referred to his previous answer and that he would provide the information as soon as possible.

Cllr Murphy referred to Minute No 34 of the Cabinet meeting held on 11 July 2023 (2022/23 Revenue and Capital Budget Monitoring Reports – Provisional Outturn) and asked the Leader a question concerning Roose Library and the difficulties being experienced.

The Leader to provide a written reply.

#### **43 Cabinet Minutes - 12 September 2023**

Cllr Dew referred to Minute 49 of the Cabinet held on 12 September 2023 (Locality Boards Community Grant Scheme) and asked the Leader when the policy would be complete.

The Leader commented that Officers hoped to bring a policy to Cabinet early in the New Year.

Cllr Brereton referred to Minute 56 of the Cabinet held on 12 September 2023, (A595 Grizebeck Improvement Scheme - Implementation of Compulsory Purchase Order (CPO) and Side Roads Order and asked the Cabinet Member for Highways and Assets for an assurance that the Council remained unwavering in its commitment to see the scheme delivered on time and on budget.

The Cabinet Member for Highways and Assets stated that the Council had a clear ambition for the road improvement scheme but it did need the Government to accept the business case and to fully fund the scheme.

Cllr Atkinson referred to Minute No 51 of the Cabinet held on 12 September 2023 (Westmorland and Furness Community Asset Transfer Policy) and asked the Cabinet Member for Highways and Assets how the Cabinet would define special purchaser, what circumstances would a Council property be sold as undervalued and what criteria would the Council consider before deciding to agree to the sale of a Council owned property for less than the best consideration. He also sought assurance that all properties disposed of by the Council be sold in the best interests of the people of Westmorland and Furness.

The Cabinet Member for Highways and Assets commented that the Westmorland and Furness Community Asset Transfer Policy answered the Cllrs questions. He gave a commitment to services not to buildings.

#### **44 Questions by Members**

Cllr Brereton asked the Cabinet Member for Transport and Environmental Services asked how the Council sought to develop policies to prevent negative impact of competition for passenger numbers when a service is introduced and where a commercial operator does seek to introduce or significantly alter provision of service that they cannot alter or withdraw on a whim.

The Cabinet Member for Transport and Environmental Services commented that he would provide a full written reply as he did not know the individual circumstance of the X7.

Cllr Battye asked the Cabinet Member for Highways and Assets how to start the process for a 20 mph speed limit.

The Cabinet Member for Highways and Assets replied that the first step was to ascertain whether the parish council wanted a 20 mph speed limit for the relevant area followed by a wider consultation with the whole community.

Cllr Dew asked the Cabinet Member for Highways and Assets to ensure that appropriate mitigations were put in place regarding the A56 MTP project.

The Cabinet Member for Highways and Assets stated that the Council would do everything it could to help with the mitigation and to put pressure on National Highways accordingly.

Cllr Carrick asked the Leader of the Council a question in relating to the process for awarding affordable housing fund grants. She referred to an egg packing station in Lazenby was a local community initiative which sought to transform a redundant building into a number of affordable housing units. A viable proposal had been formulated but a final requirement was an affordable Housing Grant but had been deferred and this Council did not have a policy.

She asked that the Leader of the Council and the Cabinet Member for Housing and Homelessness give an assurance to use their combined influence to ensure that the application was progressed as a matter of urgency and assist the Member to support the initiative and exciting development on behalf of the local community.

The Leader of the Council commented that the Council was committed to the delivery of affordable housing across the area. He stated that he did not know the detail of the case but made a commitment working with the relevant Cabinet Member to move things along where possible.

Cllr Burns asked the Cabinet Member for Transport and Environmental Services a question regarding the allocation to the locality board on the proposal for local sustainable travel and transport to be based on 80% population and 20% road. She asked that the formula be looked at again.

The Cabinet Member for Transport and Environmental Services confirmed that the formula was not going to be changed but would be reviewed at the end of the financial year.

#### **45 Youth Justice Plan 2023 - 2024**

The Cabinet Member for Children's Services, Education and Skills presented the first Westmorland and Furness Youth Justice Plan.

She commented that the Youth Justice Plan was a requirement of the youth justice board. It had to state how the youth justice grant was going to be spent to



provide the statutory service of managing young people who come into contact with the criminal justice system.

The plan had been to be submitted to the Youth Justice Board by 30 June 2023. A draft copy of the plan had been accepted by the Youth Justice Board, with a final formal submission made after the plan was presented to full council in September 2023.

Local authorities had a statutory duty to submit an annual youth justice (YJ) plan relating to their provision of youth justice services.

The annual youth justice plan, sets out:

- how youth justice services in their area are to be provided and funded
- how the youth offending team or equivalent service will be composed and funded, how it will operate, and what functions it will carry out.

Grant funding was dependent on the submission of this plan, using the set guidance.

Cllr McEwan asked why the Council contribute / work with North Tyne and Wear, who provide our Psychology led Enhanced Case Management approach.

Cllr Sanderson commented that it was an historic arrangement.

Cllr Carrick stated that she found paragraph 7.2 confusing. She stated that Cumbria Constabulary contribution had appeared to decrease significantly, and asked whether that reflected the split or some other component.

Cllr Jarvis agreed to ask Officers to double check the contribution by Cumbria Constabulary.

Cllr Sanderson proposed the recommendation which was seconded by Cllr Battye.

**RESOLVED**, To unanimously approve the Westmorland and Furness Youth Justice Plan 2023/2024, having been approved by the Youth Justice Board and Cabinet.

#### **46 Westmorland and Furness Council Plan Delivery Framework**

The Leader presented the Westmorland and Furness Council Plan Delivery Framework which built on the Council Plan that was approved by Shadow Authority Councillors in December 2022. The Framework was intended to set the strategic direction for the organisation and help explain how the Council would facilitate improved outcomes for residents, communities and businesses, identifying specific activities and deliverables for year one (2023/24), and setting out how the Council would use its convening powers through collaborative partnership working to facilitate the delivery of these outcomes.

To support the delivery of the Plan, the Council had now developed a more detailed Delivery Framework that had been built on the content of the Council Plan. It set out the strategic direction for the organisation and helped to explain how the Council would facilitate improved outcomes for residents, communities, and businesses, to make Westmorland and Furness a great place to live, work and thrive.

The Delivery Framework identified 10 strategic themes:-

- Communities
- Homes
- Learning
- Care
- Health & Wellbeing
- Connections
- Environment
- Culture
- Growth and
- Service

Each of the strategic themes had a mission statement and a set of success measures, which outlined the outcomes that the Council was seeking to achieve. There was also a set of year one key deliverables for each of the themes, which would be delivered in 2023/24. The Framework would be used to inform the development of a new Performance Management Framework for the Council.

The Delivery Framework had not been the subject of formal consultation; however, it had been shared with a range of internal and external stakeholders for informal feedback.

A launch event was planned for 29 September 2023, with key partners and stakeholders, and that would start the process for engagement with partners and communities in the development of planned activity for each of the ten themes.

Cllr Dixon asked for clarification whether the 6000 families on housing waiting lists, referred to the total within Westmorland and Furness Council. It was agreed that a written response would be provided.

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

**RESOLVED**, To unanimously approve the Westmorland and Furness Delivery Framework attached at Appendix 1.

### **A five minute comfort break was taken**

#### **47 Appointment of Political Assistants**

The Leader of the Council presented a report that recommended changes to the Constitution necessary to allow for the appointments of Political Assistants to those political groups that qualify for such a post in accordance with the legislation.

Sections 9(6) and (7) of the Act provided that each of the three largest political groups on a relevant authority was entitled to have one Political Assistant provided that had at least 10% of the members of the authority. If only one group had 10% or more of members, then only it and the next largest group were entitled to a Political Assistant. In Westmorland and Furness's case the Liberal Democrat, Labour and Conservative groups would currently qualify for a Political Assistant as they currently had approximately 55%, 23% and 17% of members.

The role of political assistants appointed in accordance with the act was to undertake research and provide administrative support to members of political groups in the discharge of any of their functions as members of the Council. They were politically restricted posts and, with two exceptions the regime restricting the political activities of local government employees who are in politically restricted posts applies to them. The two exceptions enable them to speak to the public with the intention of affecting support for a political party provided they did not give the impression they were speaking as an authorised representative of the political party and to publish or cause to be published written work or other material intended to affect public support for a political party provided they do not give the impression that the publication was authorised by the political party.

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

**RESOLVED**, that Council unanimously: -

1. Agreed changes to the Constitution as set out in Appendix 1 which were necessary to allow for the appointment of Political Assistants to those political groups that qualify for such a post in accordance with section 9 of the Local Government and Housing Act 1989; and
2. Agreed to delegate to the Chief Legal and Monitoring Officer the authority to agree a draft Local Protocol in Relation to Political Assistants incorporating a job description for the role in consultation with the Leaders of the Political Groups who qualify for appointment of a Political Assistant.

#### **48     Constitution Lakes Admin Committee delegations**

The Cabinet Member for Finance reminded Council that it was the owner of the lake bed of Windermere. He reported that certain administrative functions concerning the lake were the preserve of the Lake Administration Committee (LAC).

Councillor Callister left the meeting at 15.45pm.

The LAC had been governed by the terms of the Agreement dated 21st April 1975, which sets out the scope and remit of the LAC.

The report recommended amendment to the Westmorland and Furness Constitution to refer to the Agreement dated 21st April 1975 (1975 Agreement) and further to ensure that the provisions within the Constitution reflected the legal position in Regulation 4 and Regulation 7 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008.

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

Councillor Callister returned at 15.47pm.

**RESOLVED**, To agree that the Constitution be amended as outlined in Appendix to reflect the Agreement dated 21st April 1975.

## 49 Local Code of Corporate Governance

The Chief Legal and Monitoring Officer had circulated feedback received from the Audit Committee together with some amendments to Appendix 1 to address some of the comments made by that Committee.

The Audit Committee requested Council to include in the recommendation that the Local Code of Corporate Governance is only adopted for 12 months only and in Principle B to clarify that the methods of communication includes engaging in other methods of communication not just digital.

The Cabinet Member for Finance reported that Local Authorities operated through a governance framework; a system that brought together an underlying set of legislative requirements, governance principles and management processes.

Each Local Authority was responsible for maintaining its own local governance framework which ensured that resources were directed in accordance with agreed policy and according to priorities; that there was sound and inclusive decision making; and that there was clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.

In 2016 CIPFA and SOLACE had published a framework, “Delivering Good Governance in Local Government: Framework” which defined the principles that should underpin the governance of each local authority and provided a structure to help individual authorities with their approach to governance. CIPFA and SOLACE provided guidance notes to sit alongside the framework. The Council was required to prepare an Annual Governance statement which was issued alongside its accounts which reported on the extent to which they complied with their own code of governance on an annual basis, including how they had monitored and evaluated the effectiveness of their governance arrangements in the year and on any planned changes in the coming period.

Appendix 1 sets out a draft Local Code of Corporate Governance which had been based on the framework and guidance issued by CIPFA and SOLACE. It sets out the arrangements which were in place or are being put in place to ensure that the council conducted business in accordance with the law and proper standards, and that public money was safeguarded, properly accounted for and used economically, efficiently and effectively.

2023/24 was the first year that the Council had operated as a local authority. It was particularly important that in this first year the systems, processes, cultures and values which would underpin good governance were adopted and embedded throughout the organisation. It had been recognised that this would be a process of development throughout the year and the draft Local Code of Corporate Governance reflects this. Some of the policies, protocols, systems and procedures which supported and underpinned good governance were still being developed and would be a key focus this year. The Annual Governance Statement would review progress against the Code and would provide an opportunity to review and amend the Local Code of Corporate Governance to reflect how the Council had developed over its first 12 months. It was therefore recommended the Code be only adopted for one year and was reviewed alongside the Annual Governance Statement for 2023/24 so any learning from that review could be incorporated into the Code for subsequent years.

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

Councillor Irving left the meeting at 15.56pm.

**RESOLVED**, To unanimously approve the draft Local Code of Corporate Governance 2023/24 as amended set out in Appendix 1 to the report subject to the inclusion of the amendments suggested by the Audit Committee.

## **50 Constitutional Amendments Report**

The Cabinet Member for Finance asked members to agree amendments to the Terms of Reference for the Corporate Parenting Board as detailed in Appendix 1 of the report; amendments to the Contract Procedure Rules relating to Land and Property, as detailed in Appendix 2 of the report, amendments to the Constitution as it related to the approval of Neighbourhood Plans and amendments to the Constitution to reflect the adoption of the Community Asset Transfer Policy by Cabinet.

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

**RESOLVED**, that Council unanimously: -

1. Agreed the amendments to the Constitution relating to the Terms of Reference for the Corporate Parenting Board, as detailed in Appendix 1 and for the Monitoring Officer to agree any further amendments with the Chair of the Board;
2. Agreed the amendments to the Constitution relating to the Contract Procedure Rules relating to Land and Property, as detailed in Appendix 2;
3. Agreed the amendments to the constitution and that all decisions and responses in respect of Neighbourhood Planning be delegated to the Director of Thriving Places in consultation with the Lead Cabinet Member for Sustainable Communities and Localities, excluding decisions to make (adopt) a Neighbourhood Development Plan which would be reserved to Cabinet; and
4. Agreed the amendments to the Constitution set out below arising from the adoption of the Community Asset Transfer Policy.

## **51 Appointment of Deputy Electoral Registration Officer**

The Chief Legal and Monitoring Officer and the Democratic and Electoral Services Manager left the room during consideration of this item only.

Councillor Dew left the meeting at 16.05pm

The Cabinet Member for Finance reported that Council had been asked to agree the appointment of Deputy Electoral Registration Officers (DERO) for Westmorland and Furness Council.

Electoral Commission guidance recommended the appointment of a DERO to carry out the functions of the ERO and be available to act in their absence. The

Elections Act 2022 placed further obligations on the ERO, which it would be more practical for a deputy to undertake.

The guidance further recommended that, “Any deputies appointed should have the skills and knowledge required to carry out the functions that they have been assigned”.

It was recommended that Council appointed Linda Jones as DERO with full powers for Westmorland and Furness Council, and Tom Benson, Jon Huck and Karen Thompson as DERO with limited powers.

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

**RESOLVED**, that Council unanimously

1. Agreed that Council appoints one Deputy Electoral Registration Officer with full powers, and three DEROs with limited powers, those powers being limited to determining complex applications to register, signing temporary Voter Authority Certificates and undertaking registration reviews but not including objections and hearings; and

2. Agreed to appoint Linda Jones as DERO with full powers for Westmorland and Furness Council and Tom Benson, Jon Huck and Karen Thompson as DERO with limited powers.

## **52     Temporary Appointment of Councillors to Natland Parish Council**

The Cabinet Member for Finance reported that in accordance with the procedure previously approved by Council (April 2023), the report notified Council that the Chief Executive had temporarily appointed Councillor J. Brook and Councillor Rathbone, to the Parish Council as temporary appointments, pending further election/co-option to the Parish Council.

The Order had been made under Section 91 of the Local Government Act 1972 on 13 June 2023 and had been notified to the Secretary of State and the Parish Clerk.

In accordance with paragraph 8 of the procedure in Appendix 1, any temporary appointments made under delegated authority were to be report to full Council.

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

**RESOLVED**, To unanimously agree to note that Councillor J Brook and Councillor Rathbone had been temporary appointed to Natland Parish Council pending further election/co-option to the Parish Council.

## **53     Urgency Report**

Councillor Murray left the meeting at 4.11pm.

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.

**RESOLVED**, To unanimously agree to note the report.

#### **54     Notice of Motions**

The Council considered the following two notices of motion;-

##### Ticket Office Closures

Cllr Janet Battye moved the following motion:-

This Council notes with concern the announcement by the Rail Delivery Group that train companies are proposing to close up to 1000 rail ticket offices across England over the next five years.

Council believes that ticket offices provide a vital service to residents who live in and visitors to Westmorland and Furness. Having a clearly sign-posted place in the station for people with enquiries about trains and tickets provides certainty and confidence for customers who may otherwise struggle to locate station staff.

Not everybody is able to use station ticket machines or have the means to book a ticket in advance. Complicated journeys involving connections are likely to require human assistance to ensure customers purchase the most appropriate and cheapest tickets, to not incur penalties or pay more than necessary for their journey.

Council is concerned that the closure of ticket offices will disproportionately affect elderly and disabled residents in and visitors to Westmorland and Furness, as well as those with issues with literacy and lack of IT skills or internet access.

Council therefore resolves to:

Instruct the Chief Executive to write to Mark Harper MP, Secretary of State for Transport, and the Chief Executive of the Rail Delivery Group, expressing Council's opposition to the possible closure of staffed rail ticket offices because of its adverse impact on residents in and visitors to Westmorland and Furness;

Refer this issue to the Corporate and Overview Scrutiny Committee with the recommendation that representatives from local station operators are invited to attend the Scrutiny meeting at the earliest possible time to discuss future plans for ticket offices and staffing at local stations in Westmorland and Furness.

The Chair asked members to agree to continue the meeting beyond the three-hour limit. The proposed extension was agreed until the conclusion of the two motions.

Cllr Rathbone seconded the motion.

Cllr Brereton submitted an amendment which inserted words into the motion.

It was agreed in accordance with rule 14.14 that the motion be altered this was agreed by the proposer and seconder and agreed with the consent of the meeting.

The Chair then opened up the debate on the altered motion, with many members speaking in support. Upon conclusion of the debate this was then put to a vote.

**RESOLVED**, that Council Unanimously agreed to:-

1. Instruct the Chief Executive to write to Mark Harper MP, Secretary of State for Transport, and the Chief Executive of the Rail Delivery Group, expressing Council's opposition to the possible closure of staffed rail ticket offices and/or reduction in hours of staffed rail ticket offices because of its adverse impact on residents in and visitors to Westmorland and Furness; and
2. Refer this issue to the Corporate and Overview Scrutiny Committee with the recommendation that representatives from local station operators are invited to attend the Scrutiny meeting at the earliest possible time to discuss future plans for ticket offices and staffing at local stations in Westmorland and Furness.

Cllr Robinson left the meeting at 16.46pm.

#### Designated Bathing Water Status for Coniston Water

Cllr Pender moved the following motion:

The Westmorland and Furness Council, alongside other local agencies, wishes to express its support for the application to DEFRA for Designated Bathing Water Status for Coniston Water, believing this to be in support of the Council's priorities for improving health and wellbeing and maximising opportunities to protect our outstanding natural environment and to address biodiversity loss.

She explained that water based activities were extremely popular in the Lake District National Park and particularly on Coniston Water. Much less populated than Windermere, it had become the destination of choice for locals and visitors who wished to enjoy paddling, swimming, paddle boarding, sailing, canoeing, kayaking and windsurfing.

Over the past two years, in excess of 600 people had frequently been counted at each of the popular bathing spots around Coniston, either in the water or on the shore. There were four large national competitive organised swims each year. In Coniston there were several community wild swimming groups that operated all year and the primary school even holds its swimming lessons in the Lake, rather than in a public pool.

The importance of such activities to people's physical and mental health was well established.

Concerns had arisen from the community regarding water quality and particularly regarding discharges from the waste water treatment plants at Coniston and Torver.

Degradation of the water quality in the lake could have immediate effects on the health of those who use it for a wide range of activities. It would also have a long-term adverse effect on the ecology of the lake with its rare and internationally important species.



Designation of parts of the lake as “bathing waters” would impose a legal requirement on the Environment Agency to carry out regular assessments of the water quality.

Such a designation would also make it easier for United Utilities to obtain approval from its regulator OFWAT for any necessary expenditure on improvements to the capacity or effectiveness of the local sewage treatment works.

Designation did not require any physical changes to the built or natural environment, for instance no marking of bathing areas was planned.

The DEFRA application for Bathing water status was being led by Coniston Parish Council, and supported by Blawith Parish Council. Designation was not easy and records must be made of the number of bathers on the busiest days, evidence of existing infrastructure such as toilets and landowner consents.

The areas proposed on Coniston Water for designation were:

1. Coniston Boating Centre
2. Monk Coniston
3. Brown How

The Parish Council led team had applied last year, and had submitted a very strong application – but were told by DEFRA narrowly missed the criteria (which were not made public before the application was submitted). The team were reapplying this year – with the application due end of October.

The team were working collaboratively with all local stakeholders; LDNPA, National Trust, NFU, South Cumbria Rivers Trust, Parish Councils, local clubs, community groups and our MP Tim Farron. They had received formal letters of support from many stakeholders and were requesting the support of their local Authority.

The local Coniston primary school had also undertaken a special project on the Lake and the children had written to their MP and to the Minister Therese Coffey.

The Parish team and Cllr Pender had a very collaborative relationship with United Utilities who were also formally supporting the application. New had also been received that because of the clear community support for the application, United Utilities had now added Coniston to their asset investment plan 8 (or WINEP). That investment would ensure a reduction to ten spills per annum from the storm overflow over a ten year average – a huge reduction in spills. That would be completed between 2025 and 2030. If the application for bathing water was successful, there would be even further improvements at Coniston and also at Torver, possibly UV filtering systems.

The motion was seconded by Cllr Archibald.

The Chair then opened up the debate on the motion, with many members speaking in support.

The Chair asked Cllr Pender was the motion as written. Cllr Pender clarified that the motion only related to “part of Coniston Water”.

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

**RESOLVED**, Council Unanimously agreed:-

That Westmorland and Furness Council, alongside other local agencies, wishes to express its support for the application to DEFRA for Designated Bathing Water Status for part of Coniston Water, believing this to be in support of the Council's priorities for improving health and wellbeing and maximising opportunities to protect our outstanding natural environment and to address biodiversity loss.

**55     Urgent Items**

None for this meeting.

The meeting ended at 16.59pm