

## WESTMORLAND AND FURNESS COUNCIL CABINET

Minutes of a Meeting of the **Cabinet** held on Tuesday, 26 March 2024 at 10.00 am at Council Chamber, County Hall, Kendal LA9 4RQ

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### **PRESENT:**

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

### **Officers in attendance:**

Ms S Cordon	Director of Thriving Communities
Mrs J Currie	Democratic Services
Ms P Duke	Director of Resources (Section 151 Officer)
Mrs K Edmondson	Democratic Services Manager
Ms A Hatcher	Assistant Chief Executive
Ms A Jones	Director of Thriving Places
Ms L Jones	Chief Legal and Monitoring Officer
Ms S Plum	Chief Executive, Westmorland & Furness Council
Mr P Robinson	Director of Enabler Services
Ms S Turnbull	Senior Manager - Communications
Mr M Vasic	Director of Children's Services

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

### **130. APOLOGIES FOR ABSENCE**

An apology for absence was received from Cllr Thornton.

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

Cllr J Brook declared a pecuniary interest in Agenda Item No 13 – Transfer of the Local Economic Partnership Functions, Joint Committee and related agreements, as he is currently a member of the Cumbria Local Enterprise Partnership.

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

**RESOLVED,** that the press and public be excluded from the meeting during discussion of Appendix 4 of Agenda Item No 20 – Proposal to Expand Beaconside Church of England Primary School, if required and Appendix 1 of Agenda Item No 22 - Urgent Items – Marina

Village – Grant Funding Agreement Update as both of these appendices were not for publication by virtue of Section 100B (2) of the Local Government Act 1972, Schedule 12 Paragraph 5 - information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

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

**RESOLVED,** that the minutes of the previous meeting held on 13 February 2024 be agreed as a true and accurate record.

### **134. PUBLIC PARTICIPATION**

There were no public questions, statements or petitions at this meeting.

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

The Leader made a statement about the announcement by Prime Minister Rishi Sunak of more than £200 million over the next decade to ensure Barrow thrived as the home of UK nuclear submarine-building. This was a momentous day for Barrow, for its communities, and indeed for the wider Westmorland and Furness area.

He announced the creation of a Barrow Transformation Fund, with the Government committing an immediate £20 million and a further minimum of £20 million a year over the next 10 years to make Barrow an even more attractive place to live, work, and build a nuclear career.

The initial projects planned to begin in Barrow this financial year are:

- a £5m Social Impact Fund to provide grants to local organisations and charities, putting Barrow's thriving community sector on a surer footing;
- a £5m Barrow Work and Health fund, to help tackle economic inactivity and improve health outcomes;
- £10.59m for the completion of the A595 Grizebeck Bypass upgrade scheme.

The Leader thanked everyone that had been involved in this.

The Leader also thanked all staff in Westmorland and Furness for their hard work and dedication in making the first year of the Council a successful one.

The Deputy Leader and Cabinet Member for Adult, Health and Care made a statement on how proud she was of the work being undertaken in Adult Social Care to improve cooperation between social care and hospitals to ensure social care providers and local hospitals were working hand-in-hand and people were discharged from hospital into care and with the right level of support, as soon as possible. The delays in hospital discharges needed to be resolved and reviewed by all agencies involved in this. The work was only beginning but the outcomes had already proved to be positive.

Cllr Jarvis made a statement about the certification of the Statement of Accounts and associated documents, representing the legacy authorities that formed the new unitary authority. He updated Cabinet on the progress to date on the preparation and audit of the Statement of Accounts 2022/23 for the four legacy authorities – Cumbria County Council including the accounts of Cumbria Local Government Pension Scheme (CLGPS), Eden District Council, South Lakeland District Council and Barrow Borough Council along with the Value for Money conclusions for those authorities.

He thanked the Finance Team for all the hard work to get the account certified.

Cllr Archibald made a statement about the repeated and alarming reports on Climate Change. He updated Cabinet on an event he had attended recently on Zero Carbon Cumbria, where it had become clear that some of the targets would be difficult to achieve.

Cllr Hughes made a statement about the announcement made by Northern rail that the disruption to services on the Furness Line should be expected until April 8 after the train derailment near Grange. He felt that the date of the planned re-opening may be a bit optimistic especially given the fact that further closures were planned to take place over the Easter weekend.

Cllr Hughes also made a statement about the agreement last week by Transport for the North that they had agreed to invite youngsters in Cumbria to join the Citizen's Consultative Panel.

### **136. QUESTIONS TO CABINET MEMBERS**

There were no questions to Cabinet Members.

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

There were no referrals from Council or the Overview and Scrutiny Committees.

### **138. 2023/24 REVENUE AND CAPITAL BUDGET MONITORING TO 31 DECEMBER 2023**

The Cabinet Member for Finance presented a report which set out the Council's forecast year-end financial position as at 31 December 2023, Quarter 3 (Q3); covering the 2023/24 Revenue Budget and Capital Programme 2023-2028.

The forecast outturn position as at 31 December 2023 (Q3) was a net £261.872m. Compared to the revised net budget of £263.478m this was an underspend position of (£1.606m).

The (£1.606m) was a net underspend position. Excluding treasury management, there were gross budget pressures of £4.947m within Directorates (see Table 3) and this was offset by (£6.553m) one-off additional income from treasury management due to the higher interest rates and continued internal borrowing.

The Cabinet Member referred members to Table 2 of the report which contained details of the Revenue Budget Monitoring as at 31 December 2023.

The forecast outturn position included pressures and underspends across the various directorates which resulted in the forecast underspend position.

The total approved savings built into 2023/24 was £7.301m and it was assumed at Q3 that £7.225m of these would be delivered by 31 March 2024. The savings would continue to be monitored and reported.

The Cabinet Member took members through the financial risks highlighted in the report, and updated them on the forecast outturn position of the revenue budget, and individual directorate forecasts.

With reference to Locality Boards the forecast was for a net overspend of £0.501m.

The Highways overspend was caused in part by responding to storms including clearing debris and dealing with flooding and as well as undertaking tree maintenance/dealing with ash die back. A review of spend allocated to Locality Boards and that allocated to the central highways revenue budget was being undertaken ahead of year end and may result in a change to this position.

The Cabinet Member informed members that there were no further changes proposed to the Capital Programme since the last meeting.

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

**RESOLVED,** that Cabinet

- (1) notes that the forecast Net Revenue Budget outturn as at Q3 is a projected underspend of (£1.606m); (see Table 2 of the report);
- (2) notes the use of £0.450m of the £1.1m contingency budget for 2023/24 (see Paragraph 3.13 of the report);
- (3) notes that the earmarked reserves continue to be held for the purposes established by the legacy authorities and have been reviewed as part of the 2024/25 budget setting process;
- (4) approves the creation of a Change Programme Reserve from the £7m one off dividend received from Cumbria County Holdings Ltd;
- (5) approves the transfer to earmarked reserves requested as set out in Paragraph 3.8 of the report;
- (6) delegates to the Director of Resources, in consultation with the Finance Portfolio Holder, confirmation of the sum total to be capitalised under the Exceptional Financial Support direction for 2023/24;

- (7) notes that there are no changes to the Capital Programme 2023-2029 approved by Council in February 2024. The forecast spend for 2023/24 is £75.653m within a £499.946m 6 Year Capital Programme.

### **139. INTERIM CORPORATE PERFORMANCE MONITORING REPORT - QUARTER 3 2023/24**

The Leader of the Council presented a report which provided Cabinet with oversight of performance for Westmorland and Furness Council for Quarter 3 2023/24 (1 October to 31 December 2023).

The report suggested an overall positive position of performance at Quarter 3 2023/24 in the context of significant organisational change, transition and stabilisation into the new Westmorland and Furness Council.

For 2045/25, the Corporate Performance Report would be developed to include metrics aligned with the missions in the Council Plan Delivery Framework; enabling more effective oversight and scrutiny of delivery of the Westmorland and Furness Council Plan priorities.

This report contained 67 interim performance metrics; a subset of the core metrics that previously supported corporate performance reporting across the four sovereign authorities. The metrics include both qualitative and quantitative performance information and provide a narrative update against progress.

The overall position by the end of Quarter 3 2023/24 was that the majority, 35 of the 67 (52%), of Westmorland and Furness Council Plan metrics were performing well, met or were on track to meet the planned milestone and rated green.

A further 3 indicators (5%) were in progress and at risk of missing the milestone and rated amber. Finally, 12 indicators (18%) were expected to miss a key milestone or not fully deliver as intended and therefore rated red.

The Leader made specific reference to the achievements made in home energy efficiency, social housing decarbonisation, the increase in the number of children attending outstanding schools, the number of affordable homes completed, the drop in the number of 16-17 year olds not in employment, education and training which was well below the national average.

The recommendation was moved and seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet notes overall performance relating to delivery of the six Council Plan priorities against the Quarter 3 interim performance metrics.

### **140. EQUITY, DIVERSITY AND INCLUSION STATEMENT**

Cabinet had before it a reports from the Assistant Chief Executive, presented by the Cabinet Member for Sustainable Communities and Localities, which sought

approval of the Equity, Diversity and Inclusion (EDI) position statement for Westmorland and Furness Council (W&F) attached at Appendix 1 of the report.

The statement incorporated the statutory equality objectives, annual progress report and a summary of our organisational action plan.

Under the Equality Act 2010, the Council was under a general duty to do all that it could do to eliminate discrimination, advance equality of opportunity for people with protected characteristics, and foster good relations between different groups.

Following its establishment in April 2023, Westmorland and Furness Council identified a need to review the council's current position on EDI and identify the steps required to make further progress on this.

In order to do this the Council utilised external capacity temporarily seconded from the LGA to the central policy and performance team to undertake an initial piece of work to identify a corporate approach and action plan on EDI.

The initial phase of the work on EDI was now complete, and a series of recommendations and proposals had been developed for Cabinet to approve. The objectives, action plan and approach were summarised in a position statement intended to be a simple and honest outline of the council's position on EDI.

Based on the findings so far, it was proposed that the next phase of the EDI work programme should focus up to Spring 2026 on getting basic foundations in place that would enable the council in future to set more ambitious objectives based on a deeper understanding and knowledge of EDI issues, its customers, workforce/councillors and communities.

Cllr Hughes commented that with the diminishing of support given to Ukrainian families whether any feedback had been received from the communities on this.

The Cabinet Member for Sustainable Communities and Localities responded to say that she attended may housing and refugee support groups and was not aware of any feedback on this. However, she agreed that a written response would be provided on this.

The recommendations were then moved, seconded and out to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) approves the EDI position statement at Appendix 1 of the report, and
- (2) notes the supporting resources and action plan at Appendix 2, which will assist the council to meet its equality objectives.

#### **141. EARLY HELP SERVICE AND OFFER - REVIEW OF CURRENT DELIVERY MODEL**

Members had before them a report which informed them that the contract for the delivery of Early Help services in Westmorland and Furness would cease on 31 March 2025 and could not be extended, therefore it was essential to determine the future approach to and model for service delivery.

This report summarised the national expectations and responsibilities for the delivery of Early Help services by local authorities, described the current delivery model in Westmorland and Furness and presented a proposal for future delivery as part of a remodelled Early Help offer in the context of the new requirements.

The proposal placed an emphasis on ensuring management oversight and safe management of risk, increased support for those undertaking early help assessments and the implementation of lead practitioners to provide targeted early help. Services would continue to be provided within localities, supported by targeted outreach and a strong digital offer, which aligned with the Family Hub model recently established in Barrow.

In the development of a new service offer, the establishment of an in-house service for Early Help was proposed; this does not preclude the commissioning of services from other providers, particularly where they were better placed to deliver these as part of a broader local community offer.

Working Together to Safeguard Children (2023) was the statutory guidance for multi-agency working to protect and promote the welfare of children.

The requirements of the Children Act 1989 remained unchanged in relation to the duties on local authorities to safeguard and promote the welfare of children in their area who are in need.

A review of the current Early Help offer against the Ofsted Joint Area Targeted Inspection framework (JTAI) made clear that the current model of delivery was not as effective as required.

The recent operating context had also seen the emergence of increased need post-pandemic and changes in family pressures due to the cost of living which, alongside the new requirements, necessitate urgent system reform.

Effective Early Help support relied on a strong partnership with local organisations and agencies working together to:

- Identify children and families who would benefit from Early Help
- undertake an assessment of the need for Early Help
- provide targeted Early Help services to address the assessed needs of a child and their family which focuses on activity to improve the outcomes for the child.

Local authorities receiving a good or outstanding judgement following inspection of services were able to evidence: a strong 'team around school' offer providing robust support for schools and supervision/consultation with Early Help Social Workers; investment in and roll out of Family Hubs to provide local delivery and accessible services for families; clear pathways of support from the 'Front Door' to Early Help

services. This was in alignment with the expectations on local authorities set out in the new statutory guidelines.

Work had been taking place to strengthen the Early Help offer ahead of the transformative change required on the cessation of the current contract, with a focus on these key priorities. Internal services had been realigned and re-focused to secure capacity for the delivery of an improved Early Help offer within the current resource; any further transformation would require release of resource currently used to commission services externally. This would include provision of:

- Targeted Youth Support (TYS)
- Focus Families (FF)
- Early Help Officers (EHO)
- Family Hubs Programme Implementation Team

The Cabinet Member moved the recommendations which were seconded by Cllr Taylor and out to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) notes the recently published statutory guidance and inspection requirements regarding the delivery of early help services and the cessation of the current 0-19 Child and Family Support Services contract delivering these services;
- (2) establishes an in-house Early Help Service which meets national standards and enables the council to deliver the statutory requirements, including management oversight with the ability to meet changing need;
- (3) develops an implementation plan to ensure the Early Help Service is operational on the cessation of the contract in March 2025;
- (4) delegates to the Director of Children Services (in consultation with Monitoring Officer and AD for HR/OD), all staffing/employment matters relating to the insourcing of the Early Help service including but not limited to, compliance with any applicable TUPE implications that arise (including information and consultation obligations with affected staff/trade unions and providing any measures information), which ensures business continuity and manages risk.

#### **142. TRANSFER OF THE LOCAL ECONOMIC PARTNERSHIP FUNCTIONS, JOINT COMMITTEE AND RELATED AGREEMENTS**

Cllr J Brook left the meeting at this point and the Deputy Leader took the Chair.

Members considered a report from the Director of Thriving Places which provided an update following the Government announcement that it would cease to provide core funding for the Local Economic Partnership (LEP's) from 1 April 2024 and instead would support local authorities to take on the functions currently delivered by LEPs.



This report provided an overview of the plans and activity to integrate Cumbria LEP functions into the Local Authorities, following the latest Government guidance.

Cabinet was being asked to approve proposals as developed by the LEP Integration Programme and set out in the Integration Plan for Cumberland Council to act as the Delivery Authority and Accountable Body in respect of current Cumbria Local Enterprise Partnership (CLEP) functions and programmes, and enter into an Agreement with Cumberland Council in respect of this, with Westmorland and Furness Council providing monitoring and assurance pertaining to existing CLEP programmes and funds for which LEPs were responsible.

Cabinet was also asked to agree that the Joint Executive Committee provided the basis of joint working and collaboration on strategic economic growth across the Cumbria geography.

Local Enterprise Partnerships (LEP) were the bodies across England tasked with leading economic growth activities in their local areas. The Cumbria Local Enterprise Partnership (CLEP) operated across the whole of the Cumbria footprint and had been in existence since 2014.

Following a ministerial review of LEPs, the Government published the 'Strengthened Local Enterprise Partnerships' Report in July 2018. The report set out a number of recommendations around governance and operation including the need for LEPs to have a legal personality and a single accountable body.

CLEP became a company limited by guarantee in December 2018, and shortly after all of Cumbria's then Local Authorities became Directors of the company and were entitled to appoint directors to CLEP Local Enterprise Partnership Board. Following LGR, both Westmorland and Furness and Cumberland had acceded to the Board with the Leader of Westmorland and Furness now holding the position of Vice Chair, reflecting the financial assurance responsibilities that the authority had assumed in its accountable body role.

CLEP had an extensive governance structure reflecting its responsibilities for strategy, investment, delivery, co-ordination and advocacy.

CLEP's role as the strategic lead for economic growth had resulted in the production of a number of key policies and plans, all of which had been consulted on widely and ensured input and ownership from business, the third sector and public sector partners. Most recently, it developed Restart, Reboot, Rethink in response to the need to deliver post-pandemic economic recovery.

CLEP also led on specialist economic intelligence and modelling work, partnering with Local Authority officers. Activity included the purchase, management and analysis of key datasets including Experian forecasts and the DfE Data Cube.

Separate to LEP functions, each unitary authority had its own responsibilities for economic development and would continue to lead and deliver economic development within their own geographies. The decision making, scrutiny and reporting of these functions would remain within the Local Authorities existing governance arrangements.

LEPs were originally established to facilitate the management of major capital funding programmes in local areas. In total, almost £80m of Government funding was delivered in Cumbria by CLEP between 2015 and 2021.

Cumbria County Council acted as Accountable Body for CLEP from its inception. This wide-ranging role incorporated significant support to CLEP in terms of assessment, assurance, programme financial management, contracting, monitoring and reporting. After Local Government Reorganisation, Westmorland and Furness Council had taken over the role of providing monitoring and assurance. Whilst the majority of the capital programmes were financially complete, the Council continued to provide support ongoing monitoring, reporting and compliance support.

More recently, Government has elected to channel larger economic growth programmes such as the UK Shared Prosperity Fund (UKSPF) through Local Authorities and LEPs have transitioned to deliver revenue-based, specialist skills and business programmes. Westmorland and Furness Council, through its Assurance and Economic Programmes Team, currently acts as Accountable Body for a number of these and provides ongoing support for their compliant management.

Cllr Archibald thanked officers for the report and felt this decision was being dealt with in a very pragmatic way. He thanked the Chairman of the Cumbria Local Enterprise Partnership (CLEP) and also the Chief Executive for their leadership of the CLEP since its inception.

Cabinet asked that a letter be sent on behalf of Cabinet to thank them both for their hard work.

Cllr Archibald, whilst accepting this would generate more work for the local authority it would also present opportunities to work with businesses, especially around climate and biodiversity deprivation.

Cllr Hughes asked for clarification on how the current CLEP would work with the Council and the Economic Growth Board until it was finally dissolved.

The Director of Thriving Places confirmed that all the current staff would TUPE across to Cumberland Council on 1 April. She also confirmed that there were plans in place during the transition phase to ensure a seamless transfer. She also confirmed that the Council would take the appropriate time to reflect on the structures needed going forward.

The recommendations were moved, seconded and put to a vote, which was unanimous.

**RESOLVED,** that Cabinet

- (1) agrees to the transfer of the LEP functions as required by government guidance and for the Joint Committee between Westmorland and Furness Council and Cumberland Council to oversee these functions; and

- (2) delegates the drafting of proposals for Terms of Reference for the Joint Committee to the Director of Thriving Places in consultation with the Lead Cabinet member and Chief Legal and Monitoring Officer; and
- (3) delegates the process of determining the arrangements for the nomination of (non-voting) co-opted members to the Joint Committee to the Lead Cabinet member in consultation with the Chief Legal and Monitoring Officer; and
- (4) agrees that Cumberland Council is the Delivery Authority and Accountable Body and responsible for the integration of LEP functions in line with the government guidance; and
- (5) agrees that Westmorland and Furness Council is providing the assurance support to Cumberland Council's S151 Officer; and
- (6) delegates authority to the enter into a Agreement between Westmorland and Furness Council and Cumberland Council to the Director of Thriving Places in consultation with the Lead Cabinet Member and the Chief Legal and Monitoring Officer ; and
- (7) agrees to the LEP continuing to undertake some activities as part of the transition and to delegate the finalisation and entering into of agreement with the LEP which specifies the nature and duration of those activities to the Director of Thriving Places in consultation with the Lead Cabinet Member the Director of Resources (S151 Officer) and the Chief Legal and Monitoring Officer; and
- (8) agrees with Cumberland Council to develop an assurance framework that will provide the governance for the decision making and transparency of funding and investment (this will be done after 1st April) and be brought back to the Joint Committee; and
- (9) agrees to a delegation to the Director of Resources (S151 Officer) in consultation with the Lead Cabinet Member to approve the budget for expenditure on county-wide economic functions for 2024/ 2025; and
- (10) delegates the establishment of an appointment panel to the Joint Committee to enable the selection and appointment of members to join the Cumbria Economic Growth Board; and
- (11) delegates decisions regarding the novation of all contracts required to give effect to the transfer of functions and services to the Director of Thriving Places in consultation with the Director of Resources (S151 Officer) and Chief Legal and Monitoring Officer.

Cllr J Brook returned to the meeting at this point.

#### **143. AMENDMENTS TO THE INTER AUTHORITY AGREEMENT**

Cabinet considered a report from Assistant Chief Executive and presented by the Leader, which sought approval of a number of changes and asked Cabinet to agree

to enter a Deed of Variation to enable the changes to be made to the Inter Authority Agreement (IAA).

The report also Sought approval to extend, for a further 12 months, and update the Service Level Agreement between Cumberland Council and Westmorland and Furness Council under s.113 of the Local Government Act 1972 which governs the arrangements between the two Authorities in respect of a number of shared roles.

Westmorland and Furness Shadow Cabinet and Cumberland Shadow Executive separately agreed to enter into an Inter Authority Agreement (IAA) on 31 March 2023.

The authorities agreed that for varying periods of time the exercise of their duties would be served by certain functions and services being discharged and delivered as a number of shared services. The IAA sets out the arrangements for the Joint Executive Committee (JEC) to undertake responsibility for the governance of those functions and services, and the arrangements and general terms on which the authorities administer and exercise responsibility.

Following the initial year of operation through the Joint Disaggregation Programme and amendments to functions and services, Westmorland and Furness Council and Cumberland Council were seeking to agree a Deed of Variation relating to the IAA.

The disaggregation of services had been implemented in accordance with the terms set out in the IAA. The JEC had also approved recommendations to bring disaggregation dates forward, postpone the date of disaggregation, implement revised delivery arrangements, and move to long-term hosting.

Changes in hosting arrangements must be reflected in the Inter Authority Agreement. This included the payments for services hosted between the two authorities, as set out in the Service Strategies. The Joint Disaggregation Programme had identified that there was a risk that the financial costs of disaggregation impacted negatively on the financial plans of the two councils and the fire service.

Approval of the Variation to the Inter Authority Agreement, including revision of budget costs and updating finance information would act to mitigate the risk outlined above.

It was proposed that delegated authority to agree final terms of the Deed of Variation be given to the Monitoring Officer and Section 151 Officer, in consultation with the Leader of the Council and the Finance Portfolio Holder.

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

**RESOLVED,** that Cabinet

- (1) agrees to enter a Deed of Variation relating to the Inter Authority Agreement between Westmorland and Furness Council and Cumberland Council to agree the following changes to:

- Note Service Strategies for hosted services that will have disaggregated by 31 March 2024.
  - Update Service Strategies for hosted services in accordance with changes agreed by the Joint Executive Committee.
  - Revise the Hosted Services budget for 2024/25 and update finance information within Service Strategies.
- (2) agrees to extend and update the existing Agreement between Cumberland Council and Westmorland and Furness Council under s.113 of the Local Government Act 1972 for a further 12 months;
- (3) delegates authority to agree final terms of the Deed of Variations for both the Inter Authority Agreement and the s.113 Agreement to the Monitoring Officer and Section 151 Officer, in consultation with the Leader of the Council and the Finance Portfolio Holder.

**144. A595 GRIZEBECK IMPROVEMENT SCHEME - AUTHORISATION TO ACCEPT DEPARTMENT FOR TRANSPORT GRANT FUNDING AND AWARD A STAGE 2 CONSTRUCTION CONTRACT FOR THE A595 GRIZEBECK IMPROVEMENT SCHEME**

Members considered a report, which was presented by the Leader which informed them that a decision on the award of the Department for Transport (DfT) grant funding for construction of the A595 Grizebeck Improvement Scheme was due and expected by May 2024.

This report sought approval, in principle, to accept the DfT grant funding and to delegate authority to accept the grant and award the Stage 2 construction contract to Story Contracting Limited of Burgh Road Industrial Estate, Carlisle CA2 7NA, with that authority delegated to the Director of Resources and Director of Thriving Places, in consultation with the Leader of the Council and the Cabinet Members for Finance and Highways and Assets.

The A595 Grizebeck Improvement Scheme was needed to support economic growth by facilitating the movement of goods and people between West and South Cumbria and by providing strategic improvement to the major road network, whilst also addressing local transport issues arising from the impact of the A595 in Grizebeck. The approval of the grant funding and award of the construction contract were key milestones required to continue progress towards the delivery of the A595 Grizebeck Improvement Scheme.

The Leader referenced the announcement made yesterday by the Prime Minister Rishi Sunak of more than £200 million over the next decade to ensure Barrow thrived as the home of UK nuclear submarine-building. The initial projects planned to begin in Barrow this financial year were:

- a £5m Social Impact Fund to provide grants to local organisations and charities, putting Barrow's thriving community sector on a surer footing;

- a £5m Barrow Work and Health fund, to help tackle economic inactivity and improve health outcomes;
- £10.59m for the completion of the A595 Grizebeck Bypass upgrade scheme.

This news was extremely positive for the Grizebeck Scheme. The Leader then moved the recommendations, which were seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) agrees to accept in principle the Department for Transport ('DfT') grant funding award for delivery of the A595 Grizebeck Improvement Scheme, and delegate authority to the Director of Resources and Director of Thriving Places, in consultation with the Chief Legal and Monitoring Officer, Leader of the Council and the Cabinet Members for Finance and Highways and Assets, to approve the acceptance of the expected, but not confirmed, £23.311m grant award and enter into any related agreements;
- (2) subject to receipt of the full DfT grant funding, as outlined at Recommendation 2.1, agree to delegate authority to the Director of Thriving Places in consultation with the Leader of the Council and the Cabinet Members for Finance and Highways and Assets to award stage 2 of a two-stage design and build contract to Story Contracting Limited. The contract is to undertake and deliver the works relating to the A595 Grizebeck Improvement Scheme as set out in this report, commencing on a programmed date of 10 September 2024 with a contractual completion date of May 2028 for a total estimated value of £16.145m plus a change mechanism which may result in an additional sum of up to £2.400m;
- (3) agrees to inclusion of the additional £23.311m cost (and associated funding) to the Grizebeck scheme within the 2024-2029 capital programme using the profile agreed within the contract.

#### **145. AWARD OF CONTRACT - HIGHWAYS CORE SURFACING WORKS 2024-2030**

Cabinet considered a report which requested approval to award a new term service contract for the provision of highway core surfacing works for a maximum value of £60m over a period of up to 5 years 11 months.

The works were capital highway maintenance to extend the life of worn carriageway. The primary works included maintenance and repair of existing highways including, inlay, overlay and partial or full reconstruction. The services would generally not consist of patching or small-scale resurfacing schemes although patching may form part of wider surfacing schemes. Associated works included all road marking replacements and temporary traffic management.

Cumbria County Council previously procured three Cumbria wide core surfacing contracts which commenced in April 2018. The contracts were awarded for an initial period of three years with three possible one-year extensions which had now all been exhausted.

Following Local Government Reorganisation (LGR) in Cumbria, from 1 April 2023 the contracts were divided between the two new authorities with the Allerdale and Copeland contract (DSD) transferring to Cumberland Council, the Barrow and South Lakeland contract (Aggregate Industries) transferring to Westmorland and Furness Council and the Eden and Carlisle contract (Hanson's) being split with respective new contracts for Eden and Carlisle entered by the new authorities for the final year of the term.

The new contract would be a single Council area wide contract, and although the contract would have an overall value of up to £60m over the six-year term, there was no obligation for the Council to achieve this or any level of spend through the term service contract. The contract would be a term service contract with all works to be instructed through task orders.

The recommendation was moved and seconded and put to a vote, which was unanimous.

**RESOLVED,** that Cabinet award the contract for Core Surfacing Works to Hanson Quarry Products Europe Ltd T/A Heidelberg Materials UK for an initial term of two years and 11 months years from 01 May 2024 to 31 March 2027 (to align with financial years) with three possible one year extensions to 31 March 2030. The anticipated value of the work procured through the framework is c. £8m, per annum, with a maximum value of £60m over the period of up to 5 years 11 months.

#### **146. AWARD OF CONTRACT - HIGHWAYS SURFACE TREATMENT WORKS 2024-2030**

Members had before them a report from the Director of Thriving Places, which requested approval to award a new term contract for the provision of highway surface treatment works for a maximum value of £40m over a period of up to 5 years 11 months.

The works were capital highway maintenance to extend the life of worn carriageway. The primary works included surface dressing, micro asphalt surfacing and high friction surfacing. Associated works include all road marking replacements and temporary traffic management. The contractor may also carry out pre-surface treatment patching work if required to support the Council's in-house teams.

The contract will be a term contract with all works to be instructed through task orders. The design of surface treatment works would be carried out by the contractor.

Cumbria County Council procured the current Surface Treatment term service contract that commenced in July 2018 to deliver the capital programme for highway maintenance surface dressing, micro asphalt surfacing and high friction surfacing.

Following Local Government Reorganisation (LGR) in Cumbria, from 1 April 2023 the countywide contract was split into two new separate contracts. One covering the Cumberland Council area and the other for the Westmorland and Furness Council area on identical terms and conditions as the original contract. The Westmorland and Furness Council contract would end on 15 July 2024, and there was no further provision for any extension to the contract and a new contract is required.

The new contract was for both design and construction, with the Contractor having responsibility for all on-site testing and the design of the surface treatments.

The new contract would be a single Council wide contract. There were limited advantages to smaller area-based, or multi lot contracts as these works were specialist in nature and could only be delivered by a small number of accredited national contractors.

The work to be delivered under this contract was a capital activity and there was funding in the Capital Programme 2023-2028 approved by Council in March 2023 that would support expenditure on this contract.

The recommendation was moved, seconded and vote upon, the outcome of which was unanimous.

**RESOLVED,** that Cabinet award the term services contract for Surface Treatment works to Kiely Bros Ltd for an initial term of two years and 11 months from 1 May 2024 to 31 March 2027 (to align with financial years) with three possible one year to 31 March 2030. The anticipated value of the work procured through the contract is c. £5m, per annum, with a maximum value of £40m over the period of up to 5 years 11 months.

#### **147. AWARD AND APPOINT SUPPLIERS TO CAPITAL WORKS FRAMEWORK 2024-2028**

Cabinet considered a report which sought approval to award a new framework agreement and to appoint the selected contractors to the Capital Works Framework Agreement 2024-2028. The framework agreement provided access to a range of construction suppliers to support the delivery of the Council's capital programme.

The resulting works were expected to include highway and improvement schemes, schools and corporate property maintenance and improvement works, new build highways & property schemes and economic development or regeneration schemes.

The framework agreement would run from June 2024 to May 2028. The anticipated value of the work procured through the framework agreement would be £25m-£50m per annum depending on use by Westmorland and Furness Council and other framework users.



Westmorland and Furness Council was currently responsible for the strategic local services of the former County and District Councils that previously covered the administrative areas of Eden, South Lakeland and Barrow-in-Furness within Cumbria.

The Council delivered a capital programme each year between £60-80m through delivery of major programmes and projects. In addition to its extensive highways network, the Council owned a large portfolio of corporate property including primary and secondary schools, care homes, offices, depots, libraries, and household waste recycling sites. The improvement and upkeep of these assets as well as the delivery of place making, flood defence and decarbonisation schemes form the core of the delivery activity each year.

The current capital works framework agreement commenced on 1 January 2020 for a period of 4 years. The framework had been successful with a range of projects undertaken from school and care home construction and refurbishment to highway and flood defence infrastructure.

In order to continue to support the delivery of the capital programme, a framework agreement was required to replace the current framework agreement which would expire on 1 June 2024 following a four-month extension.

Cllr Taylor asked if new companies could ask to join the framework once it was agreed today by Cabinet.

It was agreed that a written answer would be provided.

The recommendation was then moved, seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) approves the Council entering into the Capital Works Framework Agreement with selected suppliers; and
- (2) appoints the selected suppliers onto the Capital Works Framework Agreement as listed within the Regulation 84 Report (see appendix 1 of the report).

#### **148. PROPOSAL TO CLOSE NORTH WALNEY NURSERY AND PRIMARY SCHOOL**

The Cabinet Member for Children's Services, Education and Skills presented a report which informed Cabinet of the increasing pressure upon both leadership and staff at North Walney Nursery and Primary School to continue to provide a quality educational offer given the ongoing decline in the number of pupils at the school and the resulting impact on the school's financial position.

With the approval of the Director of Children's Services and the Portfolio Holder for Children's Services, Education and Skills, a public consultation exercise on a

proposal to close the school was undertaken between 1 November 2023 and 12 December 2023.

Following the completion of the consultation process Cabinet considered the consultation responses on 23 January 2024 and resolved to approve the publication of a statutory notice and statutory proposal for the proposed closure of North Walney Nursery and Primary School from 31 August 2024.

The statutory representation period ran from 5 February to 3 March 2024. This report set out the responses that had been received by the Council in response to the publication of the statutory notice.

Having considered the responses received during the consultation period, the representation period and having considered the Equality Impact Assessment. Cabinet approval was now sought to proceed with the closure proposal.

Cabinet noted that although the school had a capacity of 161 based upon its published admission number there had been a sharp decline in the number of pupils on roll at the school since 2019/20 when the school provided education for 84 children.

The number of children on roll in the school at the beginning of the academic year 2023/24 was 27. The Local Authority's advice to parents was for their children to remain on roll at North Walney school until a final decision was made about the closure proposal.

However, as 28 February 2024 there were no children remaining on roll at the school as parents/carers had opted to apply for new school places in the local area.

The Cabinet Member said the Local Authority recognised the work undertaken by the school's leadership and staff to continue to provide a quality educational offer in challenging circumstances.

However, the governing body had found it extremely difficult to recruit and retain staff in the current climate and the Local Authority considered that this had increased the workload on existing school staff to levels that were now unsustainable.

The Cabinet Member reassured Cabinet that officers were clear that all considerations had been taken into account and had been addressed in developing this proposal.

Cabinet asked that it be put on record that they did not take this decision lightly, however, in this instance it was appropriate to take this decision.

The Cabinet Members then moved the recommendations, which were seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) considers the responses that has been received by the Council in response to the publication of the statutory proposal and during the pre-statutory consultation period;
- (2) approves the proposal to close North Walney Nursery and Primary School on 31 August 2024;
- (3) delegates to the Director of Children's Services the notification of the decision to the governing body and all relevant parties as set out in the relevant statutory guidance.

#### **149. PROPOSAL TO EXPAND BEACONSIDE CHURCH OF ENGLAND PRIMARY SCHOOL**

Members had before them a report from the Director of Children's Services which informed them that the Council was in receipt of Section 106 (s106) funding from several housing developments that had been constructed in the Penrith area.

This funding had to be used to support the creation of additional primary school places and could be delivered by making improvements or extensions to existing schools in Penrith.

Discussions around the most effective way to utilise these s106 funding contributions had been ongoing for a number of years, pre-dating the creation of Westmorland and Furness Council.

Between 3 October 2023 and 31 October 2023, the Council consulted on a proposal to utilise these s.106 contributions by expanding Beaconside Church of England Primary School ('Beaconside') in Penrith, to facilitate an increase in mainstream primary places and establish new key stage 2 resource provision at the school.

Cabinet approval was now sought to proceed with the expansion proposal.

The funding relating to housing developments in Penrith that the Council was in receipt of (via s106 agreements) totalled £3,540,012. This included £1,979,303 which must be committed by 24 April 2024. The remaining allocations had expiry dates ranging from 2026 to 2033. The different s106 agreements specified how the funding could be used, all relating to the creation of additional primary school places and the Council was satisfied that the S 106 monies were being used to address the need which arose directly from the relevant developments.

The profiled allocation provisionally allocated through the Capital Programme to this project aligned with the indicative costing (including contingency) was £2.67m. The remaining funding (£0.87m) would be the subject of further review and consideration regarding any future developments in Penrith schools that would meet the s106 requirements.

While historically there was some expectation locally that the housing developments would result in a new school being created; the funding contributions arising from the section 106 agreements and the associated pupil yields were not sufficient to justify the establishment of a new school.

Currently primary phase resource provision in Penrith was split between Beaconside Primary School and North Lakes Primary School and required pupils to transfer schools between KS1 and KS2. The creation of a new Key Stage 2 resource provision at Beaconside would allow children attending the Key Stage 1 provision the opportunity to continue their primary education at Beaconside and stay with their peer group without the need for transition to another school.

Cabinet noted that this proposal related only to Beaconside and was not proposing any amendments to the existing resource provision at North Lakes Primary School.

This proposal was intended to ensure that the town had sufficient school places for local children. A proportion of the parents of children who lived in Penrith chose to travel to attend rural schools in the locality. If the pattern for school choice of parents was not to flow outwards from Penrith but to reverse and stay within Penrith, then Penrith would have had a deficit of places within a 'reasonable distance of a child's home' at primary school level.

Beaconside was projected to be close to PAN for the 2025/26 Reception intake and above PAN for the 2026/27 Reception intake. (For 2025/26, the school was predicted to have an intake of 71 pupils, and for 2026/27, the school was predicted to enrol 75 children).

Beaconside had been the significant recipient of in year admissions in the area and there had been double figure numbers of children added to cohorts since the construction of the relevant housing developments had begun.

Beaconside was the closest school to most of the new housing developments in Penrith and had a site with significant open space that was amenable to expansion. This concentration of the housing developments meant that Beaconside was most likely to be the preferred destination for new families.

Cabinet noted that Beaconside was in a financially sustainable position and if the proposal was approved the school's leadership had capacity to work with the Council to implement the proposal. The Governing Body and the Council would work together to ensure that the mainstream expansion and the establishment of the resourced provision was phased in appropriately.

Cllr Bell was aware that at the time that planning applications were granted for the new developments it was expected that a new school would be built. However, due to the fall in the birth rate the number of children being born in the Penrith area was not as big as expected. Beaconside was an excellent school and she supported the proposals.

Cllr Jarvis proposed that in recommendation 2.4 the lead Cabinet Members be stipulated. Cabinet agreed with this proposal.

Cllr Hughes referred to the second bullet point in paragraph 5.6 which referred to 39% of the consultees expressing concern about the effect this decision would have on neighbouring local schools. He asked that any publicity done about this decision

would have due regard to this. The Leader asked the Senior Manager Communications to action this.

The Cabinet Member moved the recommendations which were seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) approves establishment of key stage two resource provision at Beaconside Primary Church of England School, creating 14 new places designated for children with physical or medical needs from 1 September 2026;
- (2) approves the decision to proceed with the capital project, funded entirely by relevant s.106 contributions and project managed by the Local Authority, to expand Beaconside Church of England Primary School as outlined in the report;
- (3) delegates to the Director of Children's Services the authority to agree and finalise the terms of the Collaboration Agreement with the Diocese of Carlisle in consultation with the Chief Legal and Monitoring Officer;
- (4) delegates the decision to award the Design and Build Contract to the Director of Children's Services in consultation with the Cabinet Member for Children's Services, Education and Skills, the Cabinet Member for Finance and the Cabinet Member for Highways and Assets, subject to the Director being assured that the Council has entered into a Collaboration Agreement with the Diocese of Carlisle as outlined in this report at paragraph 3.13.2;
- (5) delegates to the Chief Legal and Monitoring Officer authority to enter into all associated legal agreements.

## **150. TEAM BARROW DELIVERY BOARD**

The Leader presented a report which sought agreement to accept funding that would support activities of the Barrow Delivery Board.

The 2023 Autumn Statement announcement included up to £5 million of revenue for the establishment of a Delivery Board for Barrow with associated programme management and governance over the next three years (2024-27) and early (year one) masterplanning activity.

The revenue funding would enable the Council to bring in additional capacity to resource activity for each of the five workstreams reporting to the Delivery Board.

This resource would sit within a Programme Management Office (PMO) for Team Barrow, hosted in the Assistant Chief Executive service. Although a grant offer had not yet been received, Appendix A provided confirmation of the intent from the Department for Levelling Up, Housing and Communities (DLUHC) to fund Team Barrow.

The Leader informed Cabinet that the report also sought agreement for the Council to be represented on the Delivery Board by the Chief Executive.

Establishing a Delivery Board for Barrow was a stated Government requirement. The Team Barrow PMO and the funding received to resource it would support the Delivery Board and its aims.

It was important that the Council was represented on the Delivery Board to provide place leadership as a Team Barrow partner. Appendix B provided further information on the proposed governance structure and programme management. Appendix C sets out a first draft of the proposed Terms of Reference for the Delivery Board.

The Leader briefed Cabinet and officers on discussions which had taken place yesterday with Government that there was a need to have political representation on the Team Barrow Delivery Board, and that proposals on this would come forward to a future meeting for Cabinet approval.

The Cabinet Member for Finance welcomed this and supported the recommendations in the report. He felt that although the situation was rapidly moving the governance arrangements for the Delivery Board would be important.

The Chief Executive said there was an urgent need to get the Team Barrow Delivery Board established and that things were moving quickly. There were already strong governance arrangements in Barrow with the Brilliant Barrow Board, so they may also be involved in some form but these arrangements had not yet been finalised. The Chair of the Team Barrow Delivery Board was still to be appointed and Cabinet noted this would be a Government appointed Minister.

There was a proposal that Cabinet could indicate a preference for the Leader, and Cabinet Member for Finance to be appointed to the Board. However, the Leader was reluctant to agree to this as both he and the Cabinet Member for Finance were already members of the Brilliant Barrow Board.

The Chief Executive suggested giving officers another couple of weeks to consider the governance of this and an update report would come to a future Cabinet meeting,

The Cabinet Member for Finance asked officers to look at the frequency of meetings once the Board was established as the view of the Brilliant Barrow Board was that they did not meet often enough to enable efficient decision making with the current schedule of meetings.

Cllr Hughes wondered what, if any, the role of the portfolio holders would be in the decision making. He would prefer to be involved or consulted about any transport decisions which would fall under his portfolio.

The Cabinet Member for Finance said he hoped that all Cabinet Members would be kept informed but that procedures for how this would be done were still being

considered. However, some of the decisions would be reserved for the Cabinet to take.

The recommendations were then moved, seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) agrees to accept up to £5 million of funding to support Barrow Delivery Board activities and delegate authority to the Chief Executive, in consultation with the Leader of the Council, Cabinet Member for Finance, Director of Resources (S151), and Chief Legal and Monitoring Officer to enter into related contracts and funding agreements in line with the letter of comfort at Appendix Av of the report;
- (2) appoints the Chief Executive onto the Barrow Delivery Board; and
- (3) delegates authority to the Chief Executive in consultation with the Leader of the Council, Cabinet Member for Finance, Director of Resources (S151), and Chief Legal and Monitoring Officer to agree the final Terms of Reference for the Barrow Delivery Board in line with Appendix C of the report.

#### **151. URGENT ITEMS - MARINA VILLAGE - GRANT FUNDING AGREEMENT UPDATE**

It was proposed and seconded that the meeting move into Part II at this point in order for the Chief Legal and Monitoring Officer to discuss the proposed amendments to the terms of the negotiated (Brownfield Infrastructure Land Fund (BIL) agreement. This was confidential by virtue of Section 100B (2) of the Local Government Act 1972, Schedule 12 Paragraph 5 - information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. This was **AGREED**.

Upon conclusion of the discussions the meeting moved back into Part I and the press and public returned to the meeting.

The Leader presented a report which reminded Cabinet that in January 2024 members approved the principal of entering into a Grant Funding Agreement (GFA) with Homes England for £24.840m under their Brownfield Infrastructure and Land Fund. This funding was for site remediation and infrastructure costs on the Marina Village allocated housing site in Barrow in Furness.

The Marina Village Site was owned by Westmorland and Furness Council and could accommodate 800 homes to support the regeneration of Barrow in Furness and in furtherance of the objectives of the wider "Team Barrow" programme.

The Leader also reminded Cabinet of the delegations agreed as part of this report.

Through negotiations with Homes England subsequent to the January 2024 Cabinet report to finalise the GFA the terms of the grant had subtly changed from the position previously reported to Cabinet.

Officers of the Council felt that for transparency it was important that members were informed of a change to the approach in managing the potential capital receipt from the sale of the land once the remediation and infrastructure work that the grant was being provide for was completed.

The main risk to the Council was the funding available to recover its own costs of relocating the depot, gaining outline planning permission and it's sunk costs.

There was a low risk that the capital receipt received for the land was less than £4.350m. Given the wider Team Barrow activities and interest in the development opportunity this risk was unlikely. It was also likely that the Council would incur the costs prior to the capital receipt being received and would therefore need to fund those from its own sources before it recouped the capital receipt at a later stage.

If the capital receipt was higher than £8.650m the additional receipts would be paid to Homes England. Given the downside risk to the Council this upside risk was appropriate in respect of the Homes England investment in the site.

The amended recommendation was moved, seconded and put to a unanimous vote.

**RESOLVED,** that having considered this report, the updated Appendix 1, plus the removal of the £3.2m cap, delegate authority to the Director of Thriving Places in consultation with the Director of Resources and Chief Legal and Monitoring Officer finalise and enter into the Grant Funding Agreement (GFA) with Homes England for the value of £24.840m.

The meeting ended at 12.30 pm