

WESTMORLAND AND FURNESS COUNCIL CABINET

Minutes of a Meeting of the **Cabinet** held on Monday, 24 April 2023 at 10.00 am at District Council Chamber, South Lakeland House, Kendal

PRESENT:

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

Officers in attendance:

Director of Thriving Communities, Director of Resources (Section 151 Officer), Assistant Director - Community Infrastructure, Consultant in Public Health, Director of Thriving Places, Chief Legal Officer (Monitoring Officer), Adam Moffatt, Chief Executive, Interim Director of Children's Services, Director of Enabler Services and Assistant Director of Housing

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

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Sue Sanderson (Cabinet Member for Children's Services, Education and Skills).

2. DECLARATIONS OF INTEREST

Whilst no Cabinet Member declared an interest under this agenda item, Councillor Neil Hughes (Cabinet Member for Transport) declared an other registerable interest under Minute No. 8 (Housing Regulator Consumer Standards) by virtue of the fact that he was a Board Member of the Eden Housing Association and rented a property from Eden Housing Association. Councillor Hughes confirmed that he would not take part in the debate and voting on the item.

3. EXCLUSION OF PRESS AND PUBLIC

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

4. MINUTES OF PREVIOUS MEETING

RESOLVED, that the minutes of the previous meeting, held on the 27 March 2023 be agreed as a true and accurate record.

5. PUBLIC PARTICIPATION

There were no public questions or representations made on this occasion.

6. STATEMENTS FROM THE LEADER AND CABINET MEMBERS

The Leader of the Council, Councillor Jonathan Brook, took the opportunity to thank all officers and members for their continued hard work during the shadow period and the three weeks following Vesting Day on the 1 April 2023. He noted that the items on the agenda reflected the move beyond Vesting Day and the important work to be done by the Westmorland and Furness Council.

7. APPOINTMENTS TO OUTSIDE BODIES

Cabinet Members considered a report from the Chief Legal and Monitoring Officer regarding appointments to Outside Bodies, which were split into three categories as set out in the appendices to the report, other appointments (Appendix 1), discretionary sub-groups (Appendix 2) and appointments to national regional and area outside bodies (Appendix 3).

The Chief Legal and Monitoring Officer noted that officers awaited details regarding the Local Government Association (LGA) General Assembly appointment, one appointment to which had been offered to the opposition members as well as the final number of members to be appointed to LGA Sparse Rural.

Cabinet Members were informed of a number of amendments to Appendix 3 to the report, which would appoint Councillor Doug Rathbone to the Lancaster Canal Regeneration Executive in place of Councillor Peter Thornton (Cabinet Member for Highways and Assets). The Chief Legal and Monitoring Officer confirmed that the following Members had been appointed to the Zero Carbon Cumbria Partnership (ZCCP) Sector Boards

- ZCCP – Buildings – Councillor Mark Rudhall;
- ZCCP – Transport and Mobility – Councillor Neil Hughes;
- ZCCP – Farming and land use – Councillor Hazel Hodgson; and
- ZCCP – Consumption Waste, Circular Economy – Councillors Dyan Jones and Judy Filmore.

Furthermore, Councillor Janet Battye was appointed as an observer at each of the ZCCP Sector Board meetings.

In proposing the recommendations, the Leader of the Council noted that a delegation had been proposed to ensure that the gaps in Appendix 3 to the report were filled and confirmed that the complete list of Outside Bodies would be published and circulated alongside the minutes of the meeting. Councillor Andrew Jarvis (Cabinet Member for Finance) seconded the proposal.

RESOLVED, that:-

- (1) the proposed Other Appointments, including bodies Westmorland and Furness Council is required to establish by Law be agreed, as listed in Appendix 1 to the report;
- (2) discretionary sub-groups be set up, as listed in Appendix 2 to the report;
- (3) the appointments to national regional and area outside bodies be agreed as listed in Appendix 3 to the report and subject to the amendments set out above;
- (4) the Chief Legal and Monitoring Officer be authorised to make changes to Appendix 3 to the report as required, in consultation with the Leader of the Council; and
- (5) Cabinet request the Corporate Overview and Scrutiny Committee to carry out a review of appointments to outside bodies in the first twelve months to consider if membership on these bodies was still appropriate.

8. HOUSING REGULATOR CONSUMER STANDARDS

The Cabinet Member for Housing and Homelessness presented a report to Cabinet Members regarding Housing Regulatory Consumer Standards. The purpose of the report was to act as a progress report on actions to review the Council's Housing Services and ensure that the Council continued to operate within the Housing Regulators Consumer Standards by agreeing the activity being undertaken and endorse the key themes as well as agreeing a new Damp and Mould Standard as set out in Appendix 1 to the report.

Cabinet Members were informed that officers were presently preparing to carry out a detailed condition survey of the housing stock covering approximately 2,600 of the Council's properties and associated assets all of which met the Decent Homes Standard and were at EPC Rating C in both Furness and Eden Areas. Furthermore, in response to the Social Housing Regulation Bill currently being debated in parliament, officers were preparing to update the suite of policies and procedures to ensure alignment with the Bill.

The Cabinet Member for Housing and Homelessness highlighted benchmarking of the Council's existing standards against the Government's "Key Measures" which had commenced, including the following information and procedures:-

- Damp and Condensation information videos are available for tenants offering comprehensive advice and guidance.
- Introducing a four-stage Damp and Mould Standard as set out in Appendix 1 to the report, covering:-
 - Notification – Procedure
 - Escalation – Prevalence
 - Intervention – Remedies
 - Case Study – Outcomes
- Identifying a range of tenant support options for further consideration including:
 - Laundrette tokens
 - Heating Grants
 - Ventilation improvements
 - Decoration assistance

Councillor J Derbyshire (Cabinet Member for Housing and Homelessness) proposed the recommendations and was seconded by Councillor V Taylor (Cabinet Member for Sustainable Communities and Localities).

At this stage, Councillor N Hughes (Cabinet Member for Transport) declared an other registerable interest by virtue of the fact that he was a Board Member of the Eden Housing Association and rented a property from Eden Housing Association. Councillor Hughes confirmed that he would not take part during debate and voting on the item.

Councillor P Thornton (Cabinet Member for Highways and Assets) noted that housing had been a key priority for the previous authorities, as a result, the strengths of the three former authorities had been carried forward into Westmorland and Furness.

Councillor J Derbyshire agreed and stressed the importance of working across the whole council to ensure housing is met with both the residents' needs and the Council's priorities.

Councillor V Taylor expressed support for the proposals and reiterated Councillor Derbyshire's point that it was crucial to work across all areas of the council to address the clear goal in housing.

Councillor D Jones expressed support for the proposals and paid tribute to the work of the former authorities whose agility and investment would help Westmorland and Furness Council move forward positively.

Members thanked officers for their hard work in producing the report and noted key opportunities for driving housing delivery moving forwards.

RESOLVED, that:-

- (1) the activity being undertaken and outlined in section 3.10 of the report be agreed and the key themes agreeing that the Council adopt this approach across Westmorland and Furness Housing Services be endorsed as it relates to the housing regulation and consumer standards; and
- (2) a new Damp and Mould Standard be agreed as attached at Appendix 1 to the report.

9. UK SHARED PROSPERITY FUND - YEARS 2 AND 3 DELIVERY

The Cabinet Member for Sustainable Communities and Localities presented a report regarding the UK Shared Prosperity Fund (UKPF) Years 2 and 3 Delivery, the purpose of which was to update Cabinet on the Government's UKSPF and to agree changes to management and delivery of the investment programme by the Council for the years 2023/24 and 2024/25.

Cabinet Members were informed that the UKSPF was launched in 2022 as a replacement for European Union structural funding and as a pillar of the Government's Levelling Up Agenda. The Council had been allocated £8.3 million through the Shared Prosperity Fund and a further £2.2 million through the Rural England Prosperity Fund which would support the Council in delivering projects across three investment priorities; Communities and Place, Supporting Local Business and People and Skills. The investment priorities and the selected interventions within the proposed aligned investment plan would help deliver Council Plan priorities in the following areas:-

- Providing leadership in the drive to become carbon net zero;
- Building confident, empowered, resilient communities; and
- Supporting sustainable inclusive Economic Growth.

Responsibility for the UKSPF had been transferred to the Council from the previous District and Borough Councils and that an Investment Board had been set up to give the opportunity for Members to provide their views to the Director for Thriving Places who will then have delegated responsibility for enter into funding agreements and approving any scheme changes.

In proposing the recommendations, the Cabinet Member for Sustainable Communities and Localities noted that smaller grants that were carefully targeted could make a huge difference across Westmorland and Furness. Councillor J Brook seconded the proposal and noted that the proposals made sense.

Councillor N Hughes noted that the UKSPF and Rural Prosperity Fund were not equal to the amount of funding that had previously been made available by the EU Structural Funding. He added that the Local Government Association had been lobbying for a more robust Shared Prosperity Fund.

Councillor P Thornton emphasised the importance of small grants and how important these grants could be for local businesses.

Councillor A Jarvis noted that he supported the recommendations but reiterated earlier points made regarding the gap between the funding provided by EU Structural Funding and the UKSPF.

A unanimous vote to approve the recommendations was taken.

RESOLVED, that:-

- (1) the three Investment Plans from Barrow, Eden and South Lakeland be amalgamated into a single Westmorland and Furness Plan and to realign the UKSPF allocations as set out in the three District Investment Plans in line with the recommendations in the report;
- (2) the establishment of an Investment Board be agreed in line with the Terms of Reference of the Investment Board as set out in Appendix A to the report; and
- (3) the Director for Thriving Places be delegated responsibility, in consultation with the Leader and Cabinet Member for Sustainable Communities and Localities and in consultation with the Section 151 Officer and Chief Legal and Monitoring Officer, to agree investment decisions and enter into grant funding agreements with successful projects.

10. ANNUAL HEALTH, SAFETY AND WELLBEING POLICY STATEMENT 2023 - 24

The Cabinet Member for Climate and Biodiversity presented the Annual Health, Safety and Wellbeing Policy Statement 2023/24, the purpose of the report was to approve the Policy for signature and publication.

Cabinet Members were informed that Health, Safety and Wellbeing affected members as well as officers and that the policy summarised the Council's duties under the Health and Safety at Work Act 1974 to protect the health, safety and wellbeing of its employees and other people who may be affected by the Council's activities. Appendix 1 to the report outlined the statement to communicate to employees' commitment to how health and safety should be managed. Cabinet Members were reminded that all incidents and near misses should be reported to minimise risk moving forwards. Appendix 2 set out Health, Safety and Wellbeing Governance at an operational, directorate and corporate Level which included working with Trade Union representatives and would be supported by elected members.

The Cabinet Member for Climate and Biodiversity noted that Health, Safety and Wellbeing was a top priority of the new council and that the Annual Health, Safety and Wellbeing Policy Statement would be presented to Cabinet at the end of each municipal year along with an Annual Report covering the performance of the previous year.

Councillor G Archibald (Cabinet Member for Climate and Biodiversity) proposed the recommendations and was seconded by Councillor V Taylor.

Councillor A Jarvis welcomed the document and emphasised its importance. He added that it was crucial to recognise the importance of mental health and requested that the focus on mental health be paramount on the adoption of the health, safety and wellbeing work programme as this was a key component of the Council's statutory responsibilities and commitments in the Council Plan..

Councillor G Archibald agreed and noted that mental health should be developed as a key part of the culture of the Council.

A unanimous vote to approve the recommendations was taken.

RESOLVED, that the 2023/24 Annual Health, Safety and Wellbeing Policy Statement, commitments outlined in Appendix 1 and the proposed governance arrangements as detailed within Appendix 2 to the report be approved for signature and publication.

11. SMOKE FREE AND TOBACCO DEPENDENCE

The Deputy Leader of the Council presented a report regarding achieving a Smoke Free Westmorland and Furness and reducing tobacco dependence, the purpose of which was to set out the vision for how Public Health as part of the Council working with partners can aim for a Smoke Free area by 2030, in line with the national Khan Review.

The strategic approach outlined in this paper acknowledged that smoking remains the biggest cause of ill-health and death in the UK and that smoking increased the risk of developing serious health conditions and was a major contributing factor to health inequalities. Smoke Free status was defined as a population smoking prevalence of 5%, which required 10,000 successful quits with no one starting smoking and required a whole system strategic approach to achieve Smoke Free status.

The report set out three areas of focus which were:-

- Achieving a Smoke Free Westmorland and Furness – Implemented through the Tobacco Free Alliance, covering both Westmorland and Furness and Cumberland areas;
- Reducing Inequalities – through the commissioning and delivery of improved and targeted services; and
- Protecting future generations – through the development of Smoke Free Places, including a school training programme and enforcement action.

Councillor P Bell (Deputy Leader of the Council and Cabinet Member for Adults, Health and Care) proposed the recommendations and was seconded by Councillor D Jones.

Councillor N Hughes expressed his support for the proposals, the proactive initiative and future partnerships.

Councillor D Jones thanked officers for their hard work in producing the report and noted the opportunities for the new council moving forwards.

A unanimous vote to approve the recommendations was taken.

RESOLVED, that

(1) the total allocation of £441,000 from the Public Health annual budget from 1 April 2023 to 31 March 2026 be approved, to provide enhanced stop smoking interventions as outlined below;

(a) £105,000 (£35,000 a year) of enhanced universal Pharmacy Stop Smoking Support be commissioned with provision of 12 weeks Nicotine Replacement Therapy (NRT) and support and delegate the Director of Public Health in consultation with the Deputy Leader to enter into agreements;

(b) £ 336,000 (£112,000 a year) be committed from the Public Health annual health budget from April 2023 – March 2026 to recruit two members of staff to provide enhanced smoking cessation interventions as follows:-

- 1 full time Community Outreach Tobacco Dependence post to support people from the 20% most deprived communities, people with severe mental illness, people who have alcohol/drug addictions and people who are homeless to quit smoking. This allocation includes funding for aids to support quit attempts, including Nicotine Replacement Therapy (NRT) and e-cigarettes.
- 1 full time Pharmacy In reach Tobacco Dependence post to support people who are on respiratory health pathways including targeted lung health checks, hypertension case finding, people receiving enhanced health checks, and providing additional capacity to pharmacies delivering the local authority stop smoking service operating in Westmorland in Furness. This allocation includes funding for aids to support quit attempts, including Nicotine Replacement Therapy (NRT) and e-cigarettes.

(2) £148,000 be allocated for the period 2023 to 2026 of the existing unallocated, non-recurrent Restart & Recovery Public Health fund to test new interventions, provide workforce development and co-ordinate activity to achieve a Smoke-Free Westmorland and Furness and approve the following:-

- Procure and pilot a service within primary care and community services to increase capacity to support people on NHS clinical pathways as outlined in 3.19 to 3.25 of the report ; and

- Recruit 1 x 12-month fixed term full time Smoke Free Co-ordinator as outlined in para 3.21.1 and 3.22 of the report.

12. INSTALLATION OF AN ARTIFICIAL PITCH AT FRENCHFIELD STADIUM, PENRITH

Note – In accordance with the General Exception Provisions (Paragraph 10) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, a key decision that has not been included on the Forward Plan can still be taken provided that:

- a) *It is impractical to defer the decision until it has been included on the next Forward Plan.*
- b) *The relevant Chairs of the Overview and Scrutiny Committees have been informed and the Chief Executive.*
- c) *The Proper Officer has made available to the public copies of the notice given to the Chairman of the relevant Overview & Scrutiny Committee at the offices of the Council and on its Website.*
- d) *At least 5 clear days have elapsed since the Proper Officer complied with (b) and (c) above*

The Chairs of the Corporate Overview and Scrutiny Committee and Communities and Environment Overview and Scrutiny Committee and the Chief Executive were consulted and approved of the reason for urgency as set out below.

“If the decisions set out above are not taken by the 24th April 2023, then it is likely that the Football Foundation funding will be withdrawn and the project will not proceed. The project needs to proceed on site by June 2023 in order that the artificial pitch can be delivered during the summer months and to minimise the impact on Penrith Football Clubs fixtures. The Cabinet meeting date in June 2023 is too late does not meet the requirements of the project.”

The urgency notice was published on the Council’s website and displayed for public inspection on Friday, 14 April alongside the agenda.

The Cabinet Member for Customer and Waste Services presented a report regarding the installation of an artificial pitch at Frenchfield Stadium, Penrith. The report noted that the Council owned the freehold of the stadium, which was leased to Penrith Football Club.

Penrith Football Club had produced a business case and sought funding from the Football Foundation and the former Eden District Council to install an artificial grass pitch at the stadium. In accepting the funding, the Council would be required to act as the accountable body for the grants from the Football Foundation and the Premier League Club development fund. Furthermore, the report sought approval for an increase to the 2023/24 Capital Programme by £770,174, which included £100,000 slippage from 2022/23 to a total of £870,174. The proposals would allow works on the site to begin in June 2023.

The Cabinet Member for Customer and Waste Services noted that since the publication of the Cabinet Report, funding from the Football Foundation and Premier League Club Development Fund had been approved by the Football Foundation's panel with the overall cost of the scheme being reduced following negotiations with the preferred works contractor. The funding contributions were now amended as follows:-

- From the Football Foundation, the contribution had been decreased from £615,000 to £605,174.
- The contribution of £150,000 from the Premier league club development fund remained the same.
- Penrith Football club's contribution had decreased from £15,174 to £15,000
- The contribution from Westmorland and Furness Council's contribution remained the same at £100,000
- And the total works cost had reduced from £880,174 to £870,174.

Cabinet Members were informed that subject to grant agreements with the Football Foundation being signed, works on the site would commence in June 2023 and be completed in Winter 2023.

Councillor D Jones (Cabinet Member for Customer and Waste Services) proposed the recommendations in the report and was seconded by Councillor P Bell.

Councillor V Taylor thanked officers for progressing the project and noted the need for a specialist 3g pitch with floodlights in the area. She added that the pitch would offer growth for football in the area which would assist in the expansion of women's football.

Councillor P Bell expressed her support for the proposals and highlighted the importance of promoting healthy active lifestyles in the area.

The Chief Legal and Monitoring Officer informed Members that a grant offer had been received but that officers were awaiting the final contracts and were working with Penrith Football club on the legal agreement. She highlighted the General Exception Urgency Notice that was published on Friday, 14 April 2023 alongside the agenda and the reasons for urgency stated in the urgency notice.

Following a query regarding the deadline for the equality impact assessment to be produced and the environmental impact of the artificial pitch, the Assistant Director – Community Infrastructure undertook to provide a written response and circulate to Cabinet Members.

A unanimous vote to approve the recommendations was taken.

RESOLVED, that Subject to Penrith Football Club agreeing to an amendment to the existing lease to reflect the Legal Charge required under the Football Foundation terms and conditions agree as follows:-

- (1) agrees to receive the sum of approximately £15,000 from Penrith Football Club, £605,174 in grant monies from the Football Foundation Grant and £150,000 (Football Foundation Funding) in grant monies from the Premier League Club Development Fund;
- (2) agrees that Westmorland and Furness Council becomes the accountable body for both the Football Foundation funding and the Premier League Club Development Fund;
- (3) delegates to the Director of Thriving Communities to agree the terms of the grant agreements, in consultation with the Director of Resources, Chief Legal and Monitoring Officer and Lead Cabinet Member for Customer Services and Waste;
- (4) delegates authority to the Chief Legal and Monitoring Officer authority to execute the grant agreements;
- (5) agrees to increase the Capital Programme for 2023/24 by £870,174, which includes £100,000 slippage from “2022/23”; and
- (6) delegates to the Chief Legal Officer in consultation with the Director of Thriving Communities and the Cabinet Member for Customer Services and Waste the execution of any agreements which may be required to facilitate the 3G pitch project, including a Joining Agreement to proceed as an “Additional Client” under the Football Foundation’s FAC-1 Football Alliance Framework, a Call-Off Contract with the contractor which is usually a bespoke form of the JCT Design & Build DB 2016 Contract, a Building Contract with the contractor and the final “Instruction to Proceed”, alongside amendments required to Penrith Football Club’s lease and any written agreement required with the football club following receipt of the grant offer terms and conditions.

13. URGENT ITEMS

There were no urgent items of business.

The meeting ended at 10.53 am