

# CUMBRIA COUNTY COUNCIL

## Minutes of a Meeting of the Cabinet held on Tuesday 8 December 2009 at 10.00 am at The Courts, Carlisle

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### **PRESENT**

Mr J Buchanan (Chair)  
Mrs A Burns  
Mr DS Fairbairn  
Mr T Knowles  
Mr AJ Markley  
Mr E Martin  
Mr O Pearson  
Mr GB Strong  
Mr SF Young

Also in attendance: Mrs T Macur (for agenda item 13(1))  
Mr D Southward (for agenda item 10(1))

Officers in attendance:

Chief Executive, Corporate Director – Children’s Services, Corporate Director – Environment, Corporate Director – Resources, Corporate Director – Safer and Stronger, Acting Corporate Director – Adult and Cultural Services, Corporate Director –Organisational Development, Chief Finance Officer, Chief Legal Officer, Head of Communications, Assistant Director – Policy and Performance, Principal Democratic Services Manager and News Manager.

The Leadership Support Officers for the Conservative, Labour and Liberal Democrat Groups were also present.

### **PART 1 ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS**

#### **85. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **86. DISCLOSURES OF INTEREST**

Mr SF Young declared a personal and prejudicial interest in agenda item 20 (Lease of Bridge Mills, Kendal) as he had close colleagues who owned properties referred to in the report.

Mr DS Fairbairn declared a personal interest in items 7 (Referral from Allerdale Local Committee and 12 (Keswick Rugby Club – Proposed Purchase of County Council Land) as a member of Allerdale Borough Council. He also declared a personal and prejudicial interest in agenda item 19 (Made in Cumbria) as his wife was a member of the organisation.

Mrs EA Mallinson declared a personal interest in agenda item 14 (North Carlisle – School places) as a governor at Stanwix School and also a patient at the Stanwix doctors' surgery who were seeking a new site.

Mr T Markley declared a personal interest in agenda item 12 (Keswick Rugby Club – Proposed Purchase of County Council Land) as a member of Allerdale Borough Council.

## **87. MINUTES**

The minutes of the meeting of the Cabinet held on 3 November 2009 were confirmed as a correct record and signed by the Chair.

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

**RESOLVED**, that the press and public be excluded from the meeting during consideration of the following items:-

Agenda Item 19 – Made in Cumbria – on the grounds that it contained exempt information by virtue of paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contained exempt information relating to information relating to an individual and financial or business affairs.

Agenda Item 20 – Lease of Bridge Mills, Kendal – on the grounds that it contained exempt information by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contained exempt information relating to financial or business affairs.

## **89. STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS**

The Leader confirmed that agenda items 8(1) (Revenue Budget Monitoring - September 2009), 8(2) (Capital Budget Monitoring - September 2009), 9 (Draft Council Plan 2010 – 2013), 10(2) (Draft Revenue Budget and Capital Plan – Report of Scrutiny Management Board), 10(2a) (Summary of 2010/11 Initial Budget Consultation Responses), 14 (North Carlisle School Places) and 15 (Carlisle Youth Zone) had been circulated late and he had agreed in order to avoid any unnecessary delay that they be considered as urgent business. He had also agreed to take an additional urgent item at Agenda Item 10(2)(a) - Summary of 2010/2011 Initial Budget Consultation Responses

The Leader paid tribute to County Council staff, emergency services and partners who had worked tremendously hard to ensure people were safe during the recent floods. He commended the Army for their efforts in establishing the footbridge in Workington to reconnect the town which was a vital link for the local community for instance helping children to get to school. He briefed members on the discussions he had had with the Prime Minister, Ministers and Leader of the Opposition in which they had pledged to support Cumbria's recovery. He advised that the Chief Executive and Corporate Directors had been having discussions with Ministers and COBRA (Cabinet Office Briefing Room A) to keep them fully briefed on developments and to ensure they understood the support that the County needed.

## **90. PUBLIC PARTICIPATION**

There had been no requests to address Cabinet under the public participation scheme, although Mr D Etherden and Mr A Gray from Keswick Rugby club were in attendance for item 12 (Keswick Rugby Club – proposed purchase of County Council land).

## **91. REFERRAL FROM ALLERDALE LOCAL COMMITTEE – REQUEST FOR A POLICY DEVELOPMENT: SUPPORT FOR BRINGING ROADS UP TO ADOPTABLE STANDARDS**

Items 7(1) and 7(2) were deferred.

## **92. BUDGET MONITORING**

### **(1) Revenue Budget Monitoring – September 2009**

The Deputy Leader presented a report providing an update on the Authority's financial forecast against the revenue budget for the 2009/10 financial year covering the period to the end of September 2009.

The net budget requirement for the financial year was £337.864m. The total approved net budget for monitoring purposes was originally £330.713m, after making agreed transfers from General Reserves of £1.571m, and contributions to Earmarked Reserves of £8.722m.

The net budget for monitoring purposes had moved from the original £330.713m to a revised £341.185m after allocating approved 2008/09 carry forwards of £1.472m.

The forecast showed pressures of £2.5m. These pressures would be managed to zero by the year end by directorates who would review existing expenditure. Subject to the approval of Council the report set out transfers to revenue from capital and the capitalised value of retirements totalling £1.417m to be met from general reserves and £0.453m to be met from schools earmarked reserves. The projection had been calculated prior to the recent floods and would need to be reviewed in light of the impact this would have. Members noted the thresholds of expenditures which applied before reimbursement from Government applied. The Council could need to spend £1.2m before the Bellwin Scheme kicked in and £3m on highways.

Members noted that efficiency savings of £7.1m had been built into the service budgets for 2009/10. The forecast incorporated the achievement of £4.8m of savings in the current year – a projected shortfall of some £2.3m – based upon the evidence to date. Work was continuing to further refine this projection.

**RESOLVED**, that the report be noted.

### **(2) Capital Budget Monitoring – September 2009**

The Deputy Leader presented a report providing an update on the Authority's financial forecast against the Capital budget for the 2009/10 financial year covering the period to the end of September 2009.

He advised that the 2009/10 Capital budget was originally approved at £118.115m. Allowing for slippage from 2008/09, new grant notifications and the re-profiling of the Academies projects, the updated 2009/10

programme totalled £154.470m. The projected spend against this programme total was £125.388m – a variance of £29.082m of which £0.617m reflected scheme underspends and £28.465m was slippage into 2010/11.

**RESOLVED**, that Cabinet **RECOMMEND** to Council the changes to the Capital Budget for 2009/10 as incorporated in Appendix 3 to the report.

### **93. DRAFT COUNCIL PLAN 2010-13**

The Leader of the Council presented an initial draft Council Plan for 2010-13 and asked Members to agree the draft document for further consultation. The draft Council Plan had been developed alongside budget proposals and, when finalised, would provide strategic direction to the organisation for the next three years in order to ensure delivery of better outcomes for the people of Cumbria. The final draft Council Plan would be presented to Council on 18 February for approval, alongside the Medium Term Financial Plan.

The draft Council Plan presented had been developed prior to the recent floods; and was considered with this in mind. It was recognised that the Council's priorities and budget would need to take account of this and guidance from Members would be required on the changes that were necessary as the situation became clearer.

**RESOLVED**, that

- (1) Cabinet agree the initial draft Council Plan which focuses on key priority outcomes for the people of Cumbria;
- (2) the Assistant Director – Policy and Performance further develop the Plan in consultation with the Leader of the Council, for consideration by Cabinet and Council at their February 2010 meetings.

### **94. DRAFT REVENUE BUDGET AND CAPITAL PLAN**

#### **(1) Report from Scrutiny Management Board**

The Chair of the Scrutiny Management Board (SMB) reported to Cabinet on the recent series of scrutiny workshops at which members were asked to consider the early draft service plans and current position,

performance and future priorities of the Council's services as part of the strategic planning process.

Members had been invited to comment on the budget savings and growth proposals on thematic and cross-cutting issues. Comments and feedback from thematic workshops were fed up to SMB and were appended to the report

In bringing the collective feedback together, members of SMB had taken a broader view on key issues facing the authority as well as contributing to those areas of activity that fall within their remit including crosscutting topics.

SMB had asked that Cabinet consider the feedback from the workshops with a view to informing the next stage of the strategic planning process.

#### **(1a) Summary of 2010/2011 Initial Budget Consultation Responses**

The Deputy Leader reported a summary of the range of responses the council had received from members, partners and the public on the proposed outcome framework for the Council Plan and the 2010/2011 budget proposals which were published at the start of November 2009. This was the first phase of a consultation process that would continue through to consideration of draft budget by Council in February 2010. It also made recommendations as to how the council might proceed with the development of the budget and Council Plan to take account of this initial feedback.

In terms of the consultation response, a diverse range of views and opinions had been expressed. Most recognised that the Council was entering a period in which budgets are likely to be severely constrained, thus requiring tough decisions in some aspects of the business.

Full written responses received to date were available should Members wish to see them. These will be considered further as the Council Plan and budget are taken forward.

Consultation had taken place also with Trade Unions and the Third Sector. The Deputy Leader confirmed that there were no proposals to reduce funding next year to either the CVS or ACT contrary to reports in the local press. He did confirm however that the County Council would face increased demands coupled with a tightening of resources which would make the drive for value for money both within the Council and amongst the third sector even more of a priority. He confirmed that in terms of Council Tax levels he wanted the public to understand that ½% either increase or decrease equated to £1m. If the public wished to see

Council Tax ½% lower £1m savings would need to be found, conversely a ½% increase could deliver £1m of additional resources.

**RESOLVED,** that

- (a) Cabinet note the feedback to date and the intention to continue the consultation process into January;
- (b) the initial responses set out at paragraph 4.9 to the report be noted and taken forward as proposed.

## (2) **Report from Cabinet Member**

The Deputy Leader presented a report on the draft Revenue Budget and Capital Programme, covering

- the provisional Revenue Budget for 2010/11 and later years;
- the anticipated level of Band D council tax in 2010/11;
- the draft Capital programme for 2010/11 to 2013/14;
- the planned use of (or addition to) General Reserves and earmarked reserves in 2010/11, and the updated strategy in respect of general reserves

Following formal consultation on the draft budget and any consequent amendments, those papers, together with the value for money and efficiency strategy, Treasury Management strategy and review of fees and charges, provided the Council's Medium Term Financial Plan for 2010/11 to 2012/13. In addition the Council's risk management strategy and refresh of corporate risks provided an analysis of the corporate risks facing the Council in 2010/11 and proposed to mitigate those risks. The full set of Medium Term Financial Plan papers would be presented to Cabinet on 2 February to be recommended to Council for approval on 18 February.

The recent serious flooding would have a financial impact on the Council both in 2009/10 and 2010/11. There had been significant damage to highways infrastructure and plans for highways capital expenditure would require particular attention. Government support had been promised but the Council may well have to fund the first £3m through its current highways capital programme. Significant additional revenue costs were also being incurred. Whilst the Government would meet many of those costs, under Bellwin arrangements the Council was expected to meet the first £1.2m from its reserves. A number of other factors such as inflation, council taxbase and potential deficits or surpluses on collection

fund would become clearer between now and February and would need to be incorporated in the final draft budget. The budget proposals were therefore subject to review.

Members noted that a presentational revision had been included to take account of the need to show area based grant as a general government grant. Expenditure met by area based grant increases the Council's budget requirement for 2009/10 from £337.864 million to £363.078 million.

The Council's overall budget for 2010/11 increased by £22.782 million (6.3%) from £363.078 million to £385.860 million. The increase included £10.1 million in respect of supporting people expenditure previously paid as specific grant but now met by area based grant. The figures lead to a projected Band D Council Tax of £1,162.64 (2%).

The draft capital expenditure in 2010/11 is £152.0 million (inclusive of new additional schemes proposed) in an overall programme of £301.3 million over the three years.

**RESOLVED,** to agree for formal consultation:

- (a) the 2010/11 draft revenue budget, including the budget requirement of £385.860 million;
- (b) the draft Capital Programme for 2010/11 to 2013/14;
- (c) the use of reserves and levels of forecast reserves.

## **95. PERFORMANCE MONITORING REPORT**

### **(1) Three Year Outcomes – Community Strategy 2008-2028**

The Leader presented a report which provided Cabinet with an update on progress toward achieving the twenty '3 year outcomes' in the Community Strategy 2008-2028 (CS). The report was informed by the full set of performance indicators in the National Indicator Set (NIS), including the performance indicators in Cumbria's Local Area Agreement 2008-2011 (LAA). The report contained performance information at 30 September 2009, the second quarter of 2009/10.

**RESOLVED,** that

- (a) the performance across the 3-year Cumbria Community Strategy outcomes and the impact that

this was expected to have on Cumbria's CAA this year be noted;

- (b) appropriate action be taken to address underperformance and to improve the prospects of delivering Community Strategy Outcomes to expected timescales.

## (2) **Local Area Agreement 2008-2011**

The Leader presented a report giving an update on progress towards achieving the targets in Cumbria's current Local Area Agreement 2008-11. The LAA contained 15 'legacy' stretch targets (covering 12 service areas) carried forward from the first Local Area Agreement 2007-10, together with designated, statutory education and early years stretch targets negotiated for the period 2008-11.

The 3 year term of the agreement for the 'legacy' stretch targets ends on 31 March 2010. The 3 year term for the remainder of the LAA ends one year later on 31 March 2011.

The maximum reward grant payable if all the legacy stretch targets were achieved was £15.1m. Currently, £10.7m of reward grant was forecast (based on available information for 11 of 12 service areas), and had been predicted at the end of the last quarter. Forecast performance for 'Adults participating in sport and recreation' was not available and was wholly dependent on the result of a survey in 2010, and so it remained a possibility that the overall grant may increase to £12m.

The maximum reward grant payable if the remaining designated targets are achieved is £3.2m, however at this stage there was insufficient information available from partners to confidently forecast performance and reward grant in March 2011. Partners are working toward resolving this in time for preparing performance reports at the end of quarter 3 (December 2009).

The Chief Executive confirmed that discussions were continuing with partners to ensure delivery.

**RESOLVED**, that

- (a) underperformance in Cumbria's LAA be addressed to sufficiently meet the stretch targets and maximise reward grant;

- (b) areas where there is a risk of not achieving targets be referred to the lead partner and thematic partnership to consider appropriate remedial action.

## **96. KESWICK RUGBY CLUB – PROPOSED PURCHASE OF COUNTY COUNCIL LAND**

The Deputy Leader presented a report on the proposed sale of the County Council's freehold interest in land at Davidson Park, Keswick to Keswick Rugby Union Football Club (The Club).

He referred to the recent floods and how impressed he had been with the club's response and its commitment to be up and running again so quickly. A revised recommendation was circulated which proposed the sale of the county council's freehold interest in the land to the club subject to the agreement of terms and conditions.

**RESOLVED**, that Cabinet approve the sale of the county council's freehold interest in land at Davidson Park, Keswick to Keswick Rugby Union Football Club with authority delegated to the Corporate Director – Resources in consultation with the Cabinet Member Resources to agree terms and conditions and complete the sale.

## **97. A STRATEGY FOR LEARNING IN CUMBRIA**

### **(1) Report from Scrutiny Advisory Board**

Councillor Macur presented a report from the Children and Young People Scrutiny Advisory Board meeting held on 16 September 2009 and its Task and Finish Group established to review the Strategy for Learning. The Group's report made a number of recommendations which Cabinet was asked to consider.

### **(2) Report from Cabinet Member**

In response to the report of the advisory board the Cabinet Member for Children' Services reported on the development of the Strategy for Learning and outlined the strategic proposals and vision for Cumbria to transform learning in Cumbria across all phases of schools and centres for learning. The Strategy identified the core principles agreed by stakeholders in communities and possible models for the delivery of learning which were flexible and adaptable, able to meet the needs of children and young people appropriate to the diverse geographical contexts within Cumbria.

It was intended that the Strategy for Learning would promote centres of learning that were based at the hearts of communities through a hub and spoke arrangement. They would link up to wider and extended services from within and beyond the directorate, as well as through partner agency provision, giving access to opportunity and support and raising the attainment and aspirations of entire communities.

Through the range of provision it makes, the Children's Services Directorate seeks to support inclusion, promote equality of opportunity and address inequalities wherever they exist.

The Cabinet Member confirmed that many of the recommendations referred to the detailed work yet to be done but would be considered at the appropriate stage of the process. The Corporate Director – Children's Services acknowledged the intent of recommendation 18 which referred to provision for SEN (special educational need) and confirmed that consideration would be given to the strategic siting of resources to ensure consistent coverage countywide.

**RESOLVED**, that the strategy be supported and endorsed in order to progress the transformation of learning in Cumbria's schools.

## **98. NORTH CARLISLE – SCHOOL PLACES**

The Cabinet Member – Children's Services presented a report which gave an analysis of the position regarding the former Belah School buildings and recommendations on their future.

The report also outlined school organisation issues that were currently being experienced in north Carlisle.

The report identified recent challenges experienced in September 2009 following the admission of additional pupils to two schools in north Carlisle as a result of the decisions made by independent appeals panels and suggested options for how to deal with those pupils as they moved through the schools as set out at paragraph 4.8 of the report.

Cabinet approval was also sought for the undertaking of further consultation prior to the publication of any necessary statutory proposals.

The Deputy Leader moved a minor amendment to resolution 3.1 to the report to include after the word 'undertaken' the words 'in particular to investigate the sale of part of the site for use as a medical centre' which was accepted by the portfolio holder and all other members of cabinet, and it was

**RESOLVED**, that

- (1) the old Belah School be demolished and exploration of the future use of the site undertaken in particular to investigate the sale of part of the site for use as a medical centre
- (2) the pupil projection data be considered and a decision made whether, in line with the required legal processes, further consultation should be undertaken on the potential enlargement of schools in North Carlisle to accommodate increased pupil numbers in the future;
- (3) the expansion of schools usually requiring the publication of statutory proposals be noted and a further report be provided on feedback and to seek a decision from Cabinet on the scope of any changes prior to the publication of any statutory notices;
- (4) the necessary processes be undertaken to establish appropriate temporary accommodation on the Stanwix and Kingmoor Infant sites to cater for the additional reception age children admitted in September 2009.

## **99. CARLISLE YOUTH ZONE**

The Deputy Leader presented a report on the monetary support for the Carlisle Youth Zone from 2010/11 onwards, including resources of £40,000 for outreach work whilst the Youth Zone was developed.

The Youth Zone had requested that the Council considered providing this funding in 2009/10 to enable its development during the year prior to the Youth Zone opening.

**RESOLVED**, that the release of £40,000 from the Council's 2010/11 budget to support the Carlisle Youth Zone in 2009/10 be approved.

## **100. LAKE DISTRICT NATIONAL PARK LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY PRE-SUBMISSION**

The Cabinet Member – Transport and Environment presented a report on the requirement for each local planning authority in Cumbria (including the Lake District National Park) to produce a Local Development Framework. A Local Development Framework was a folder of documents which outlined how planning, should take place over a 15 year period. The folder contains a Core Strategy, proposals map, site allocations and other development plan documents (DPDs). The Core Strategy is the key document within the LDF as it sets the spatial strategy for the area, and for other development plan documents to follow.

The Lake District National Park Authority were at an advanced stage with the production of their LDF. They had now published the Pre Submission Core Strategy document. The period in which representations could be made on the Pre Submission Core Strategy document commenced on 21 September closing on 30 October 2009. Given the timescales of the representation period, an officers holding response was submitted by the deadline set by LPNPA as attached at Appendix 1 to the report.

The report informed Cabinet of the content of the Pre Submission Core Strategy document. Endorsement was sought for the officers holding representations previously submitted relating to the soundness of the document.

Endorsement was also sought for the submission of a number of comments/ points of clarification which it was considered would improve the overall content of the document.

**RESOLVED** that

- (1) the Lake District National Park's Pre Submission Core Strategy Document be broadly supported and welcomed;
- (2) Cabinet endorse the submission of a number of comments in relation to the soundness of the document in relation to Employment as set out in paragraph 4.12 and Appendix 1 to the report;
- (3) a number of comments/ points of clarification be submitted which are suggested to improve the overall content of the document in relation to development distribution, energy and the low carbon economy; transport and highways and minerals and waste as set

out in paragraphs 4.13 – 4.19 and Appendix 1 to the report.

### **101. A TRANSPORT FRAMEWORK FOR A SUSTAINABLE LAKE DISTRICT**

The Cabinet Members for Environment and Transport and Economy and Highways presented a report seeking Cabinet endorsement of the draft Transport Framework for a Sustainable Lake District, which had been developed in partnership with the Lake District National Park Authority. The Framework defined the principles and priorities for transport interventions in the National Park area.

**RESOLVED**, that

- (1) the draft Transport Framework for a Sustainable Lake District be noted;
- (2) the Framework be considered as part of the LTP3 in due course.

### **102. CUMBRIA MINERALS AND WASTE DEVELOPMENT SCHEME – ANNUAL MONITORING REPORT**

The Cabinet Member – Environment and Transport presented a report on the requirement of the County Council to submit a report at the end of each calendar year, to Government Office North West, about its progress with the Minerals and Waste Development Scheme. The Annual Monitoring Report (AMR) monitors progress against the timetable for preparing the Minerals and Waste Development Framework. It also provided details of minerals and waste developments and the effectiveness of planning policy in delivering the necessary facilities, identifying any need for their review. The report would be the 5th Annual Monitoring Report and covered the period 1 April 2008 to 31 March 2009.

**RESOLVED**, that

- (1) the County Council's fifth Annual Monitoring Report for submission to the Secretary of State be approved;
- (2) the Head of Planning & Sustainability be authorised to make editing changes to the report prior to its final submission.

## **PART 2 ITEMS CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS**

### **103. MADE IN CUMBRIA**

The Cabinet Member for Economy and Highways presented a report on Made in Cumbria which outlined how a potentially secure future could be developed via the transfer of Made in Cumbria to Cumbria Chamber of Commerce, the potential implications and the funding it may attract.

**RESOLVED**, that

- (1) Made in Cumbria operations be transferred to Cumbria Chamber of Commerce to deliver the economic development activity of the initiative which was currently delivered by the County Council;
- (2) the County Council continues to commit £55,000 per year for the next 3 years to support the development of the company, as part of a package of support including significant NWDA investment;
- (3) the County Council agrees to meet any costs incurred by the Chamber of Commerce relating to human resources issues directly connected to the transfer of staff formerly employed by the County Council.

### **104. LEASE OF BRIDGE MILLS, KENDAL**

*Having declared a personal and prejudicial interest in the foregoing item the Deputy Leader left the meeting during its consideration.*

The Leader presented a report on the Austin Hall block at County Hall, Kendal which had reached the end of its economic life and needed to be vacated and demolished. Alternative office accommodation was, therefore required for the staff currently occupying the obsolete space.

There was an opportunity to relocate staff currently using the Austin Hall block, along with Children's Services staff relocating to a new Kendal area office, from Barrow, Penrith and Carlisle, as a precursor to a full Better Places for Work project for Kendal.

In order to provide accommodation for around 106 staff it was proposed that a lease of a floor at Bridge Mills, Stramongate, Kendal was taken. The cost of the initial move, the furniture, the annual rent and on-costs

would be funded from various budgets relating to the existing staff and their current accommodation.

**RESOLVED,** that Cabinet authorise taking a 10 year lease (with a 5 year break clause plus a 5 year option to extend) of a floor comprising 811 sq.m offices, including existing furniture, at Bridge Mills, Stramongate, Kendal, for an agreed market rent, plus the service charge and running costs, in order to relocate staff from the County Hall campus and other premises prior to the demolition of the obsolete Austin Hall block and to delegate authority to the Corporate Director - Resources, in consultation with the Leader of the Council to complete the lease.

The Meeting ended at 11.35a.m.