

COUNTY COUNCIL

Minutes of a Meeting of the County Council held on Thursday, 10 January 2019 at Council Chamber, County Offices, Kendal at 10am.

PRESENT:

Councillor Mrs EA Mallinson (Chairman)

Mr J Airey	Mr D English	Mr P McSweeney
Mr T Allison	Mrs S Evans	Mr FI Morgan
Mr MS Barbour	Miss HJ Fearon	Mrs M Rae
Mr AL Barry	Mr LN Fisher	Mrs S Sanderson
Mr J Bell	Mr D Gawne	Mr B Shirley
Mrs PA Bell	Mr W Graham	Mr DE Southward
Mr B Berry	Mrs BC Gray	Mrs V Tarbitt
Mr RW Betton	Mr KR Hamilton	Mrs C Tibble
Mr RK Bingham	Mrs RC Hanson	Mr CP Turner
Mr J Bland	Dr S Haraldsen	Mr T Wentworth Waites
Mrs C Bowditch (Vice-Chair)	Mr K Hitchen	Mrs H Wall
Mr A Bowness	Mr C Hogg	Mr R Watson
Mr M Brereton	Mr N Hughes	Mr WJ Wearing
Mrs A Burns	Mr A Kennon	Mr C Weber
Mrs HF Carrick	Mr AWC Lamb	Mr D Whipp
Mr F Cassidy	Lord R Liddle	Mr CJ Whiteside
Mr SB Collins	Mr J Lister	Mrs EL Williamson
Mr A Connell	Mr KA Little	Mr D Wilson
Mr GD Cook	Dr K Lockney	Mr M Wilson
Mr N Cotton	Mr J Mallinson	Mr AW Wonnacott
Mr P Dew	Mr AJ Markley	Mr MH Worth
Ms C Driver	Mr NH Marriner	Mr SF Young
Ms D Earl	Ms C McCarron-Holmes	
Mr GM Ellis	Mr W McEwan	

There were 70 members present at the start of the meeting.

Apologies for absence were received from Mr W Clark, Mr HGG Graham, Mr M Hawkins, Mr JS Holliday, Mr T Lywood, Mr A McGuckin, Mr GRPM Roberts, Mr S Stoddart, Mr P Thornton, Mr S Wielkopolski, Mrs J Willis and Mr R Worthington

50 ROLL CALL OF MEMBERS

The Chair welcomed Mr P McSweeney, the newly elected member for the Kent Estuary, to his first meeting of the County Council.

51 DECLARATIONS OF INTEREST

There were no declaration of interest made on this occasion.

52 MINUTES

RESOLVED that, the minutes of the previous meeting held on 15 November 2018 be agreed with the following amendments:-

Minute No 39 - Public Participation on page 8 – change the last two words in paragraph 3 to read en masse.

Minute No 45 – Local Government Reorganisation – Mr J Mallinson asked for it to be recorded that his dissent was noted, not his disagreement.

Minute No 46 - Questions – on page 18 at the start of paragraph 6 change Mr RC Hanson to Mrs RC Hanson.

Also in Minute No 46 – Questions - on page 18 in paragraph 5 at the state of the last sentence change the word he to Mr Brereton.

53 EXCLUSION OF PRESS AND PUBLIC

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

54 PUBLIC PARTICIPATION

There were no questions, petitions or public statement made on this occasion.

55 ANNOUNCEMENTS AND COMMUNICATIONS

The Chairman announced that details of the engagements undertaken by herself and the Vice Chair since the last meeting had been circulated to all members.

Over the festive period, HM Lord Lieutenant of Cumbria, Mrs Claire Hensman, announced several Cumbrian people had been named in this year's New Year Honours List.

Of these was Norman Clarkson of Calderbridge, near Seascale, for services to the community in West Cumbria. Mr Clarkson was Chairman of Cumbria County Council in 2012/13 and a former Mayor of Copeland 2005/6, and Mr Brian Hough for services to the local community and Diabetes UK.

Cumbria County Council employee, Mr Clive Johnson was awarded the Queen's Fire Service Medal (QFSM) for his dedication to the Fire and Rescue Service in Cumbria.

Mr Johnson, from Staveley, had worked in the Fire Service for 50 years before going into retirement. He joined the Service in 1968 when he was 18 years-old and climbed ranks from Firefighter to Watch Manager.

The Chairman thanked everyone who had bought tickets for the Chairman's Raffle this year. One of the charities which would be supported from this would be the Royal British Legion to assist with the work they do all year round in the county to support the men and women of the Armed Forces and their families. The raffle this year raised £600.00 for the Chairman's Charities.

The annual Christmas celebration events for our looked after children, foster carers and their families from across Cumbria took place in both Carlisle and Barrow in December. They were a huge success and a great opportunity for the County Council to show its appreciation to foster carers for their ongoing support and commitment.

The Chairman thanked officers in the Communications team and the fostering teams who organised and attended these events.

The Leader and the Chief Executive had no announcements to make on this occasion.

Mrs Celia Tibble, Cabinet Member for Environment made an announcement about Climate Change.

The climate was changing and extreme weather events were becoming more frequent. It was undeniable that the impact of this change was having a very real effect; Cumbria had experienced severe flooding and storms several times in recent years. Therefore adapting to the impacts and supporting communities to live with significant changes was important, and Cumbria was already doing this.

The UK had been leading the international effort to cut emissions and passed the Climate Change Act in 2008. There were mandatory carbon targets that were legally binding for the UK – different sectors were expected to play their part in meeting their targets, including the public sector. It was imperative that carbon emissions were reduced to limit the impacts of a changing climate.

Cumbria was proud to have a number of communities leading the way in encouraging more sustainable and low carbon living. Local Flood Action groups were helping to support households to get the information they needed about flood risk in their areas.

The County Council first took action back in 2009 publishing the Carbon Reduction Plan. This was quickly followed by a countywide strategy that brought together partner organisations across a variety of sectors to tackle emissions and reduce the impacts of climate change.

In 2015 the Council signed the Climate Local pledge led by the Environment Agency and Local Government Association. This provided a framework within which the

Council could continue to develop projects that reduced emissions and demonstrate the commitment to action as a community leader.

The Council had reduced emissions through its waste contract and reducing waste to landfill, through the buildings programme Better Places for Work, through the installation of LED street lighting, low emission fleet vehicles and pool cars and through the introduction of video conferencing to reduce the need to travel.

The Cabinet Member agreed to update Council on the progress of the Climate Local refresh later the year as the County Council continued to take action around climate change.

56 MINUTES OF THE EXECUTIVE

The Leader presented the minutes of the Executive meetings held on 22 November 2018 and 20 December 2018.

Mr J Airey asked the Leader to outline how the consultation had been launched, and how the public were being engaged in the process. The Leader responded to say that the consultation exercise had now closed and the responses were currently being analysed. He confirmed that the consultation exercise met all the statutory requirements for a budget consultation exercise. Members noted the outcome of the consultation exercise would be included in the budget paper to full Council in February.

Mr P Dew asked the Leader whether there was any intention to close any more care beds, especially in the Appleby and Kirkby Stephen areas. The Leader confirmed there were no current plans for any additional closure of care homes, or removal of care beds in these divisions.

Mr L Fisher asked re Minute 61 – Development of the MTFP 2019-23 Council Plan that in future the figures for increases for Council Tax Bands in the consultation document be shown for each council tax band in relation to the County's share of council tax; not just the estimated value of the increase from the proposed council tax increase set out in the consultation document.

In relation to Minute No 70 (B) – Response to Referral from South Lakeland Local Committee Mr Brereton reiterated his thanks to the Cabinet for agreeing to reconstitute the Windermere Ferry Committee. He asked the Cabinet Member for Highways and Transport whether it was his intention to attend the meetings.

The Cabinet Member responded to say he would be happy to attend the inaugural meeting of this group, but it would be an advisory group of South Lakeland Local Committee. The Local Committee would therefore establish the membership, and call meetings. The Cabinet Member would ask officers to bring a report to the next meeting of South Lakeland Local Committee to take this forward.

Mr N Hughes asked if the Leader had any idea when the details of the shared Prosperity Fund might be shared with Members. The Leader responded to say an

announcement was still awaited from Government on when the consultation would be launched, however, members had been lobbying the LGA to ensure that any replacement for EU funding was adequately resourced and flexible enough to allow projects to continue.

Mr P Dew asked how the council would be mitigating for the significant projected overspend in 2018/19, what accounted for the overspend, and what plans were in place to resolve this significant issue.

The Leader responded to say that the areas of the Council's activities which were subject to the greatest pressures were in the People Directorate, which included both children's and adult services. Both of these services had seen increases in the demand for services, an increase in the complexity of cases and also a significant increase in the cost of procuring these services.

To mitigate this the Council was looking to procure additional provision within Cumbria to avoid sending users out of county, which was costly, and was also developing a programme of work to try to reduce overspend in other areas. However, members did not underestimate the task of trying to reduce the forecasted overspends. Figures published recently indicate that 88% of all local authorities with responsibility for Children's Services faced the same difficulties.

Members shared the concerns about the increase in the cost of procuring the services.

Mr J Airey asked why the IRMP consultation was launched at the Cabinet meeting on 20 December and not the previous one held in November. In the past this consultation had been launched at the same time as the budget consultation.

The Leader accepted that in the past the IRMP had been launched at the same time as the budget consultation, outlining that the IRMP was a Risk Plan that was currently going through consultation and although there may be financial consequences from this, it was not part of the budget process.

57 SCRUTINY UPDATE REPORT

The Chair of Scrutiny Management Board presented a report which updated Council on the work of Scrutiny and any issues and developments that had occurred since the last meeting of County Council.

The Chair informed members that since the papers had been issued for this meeting a valid call in had been received for the decision of Cabinet on 20 December 2019 – 2020-2021 School Admissions Arrangements.

The grounds for call in were clarified at a meeting between the call in members, the Chair and Vice Chair of Scrutiny Management Board, the Cabinet Member for Schools and Learning and the Assistant Director – Education and Skills on 10 January 2019. The Scrutiny Management Board Call in meeting would take place on 22 January 2019.

The Boards continued to explore key issues for the Council in order to provide scrutiny and challenge. The Work Programme was kept under review so that key issues could be considered in a timely manner to support the Council deliver its priorities.

Mr N Hughes asked whether a definitive email could be sent to all members about the self-assessment consultation, and the Chair of Scrutiny Management Board **AGREED** to ask officers to action this.

RESOLVED that, the report be received and noted.

58 QUESTIONS

Lord Liddle asked if the County Council had undertaken a risk assessment about the possibility of a no deal Brexit, and whether there would be any plans in place to mitigate this, especially in relation to industries and agriculture in Cumbria.

The Leader responded to say that no information had been forthcoming from Government on the possible effect of a no deal Brexit on local authorities. However, Cumbria County Council would be unable to put in place plans to mitigate the circumstances of a no deal Brexit, in the time available. He felt the consequences of a no deal Brexit would be profound for both business and agriculture in the County.

Mr J Airey asked when the details of the payment made to the previous Corporate Director – Economy and Infrastructure would be made public. He was aware that a Freedom of Information request had been made for this information, but this had been refused.

The Leader responded to say that under Access to Information Regulations there are a number of categories under which information could be exempted and this one was refused under Category 1 as it contained information relating to any individual. However, it was likely some of this information may be included in the Annual Accounts, once published.

Mr C Whiteside asked the Cabinet Member for Highways and Transport for an update in progress of developing 'shovel ready' schemes for the A595, and how many were ready.

The Cabinet Member for Highways and Transport responded to say that he met with Highways England on a regular basis and bids were submitted where appropriate. However, the current scheme being developed was for Grizebeck. He would keep members updated when schemes were developed for the A595.

Mr F Morgan asked the Cabinet Member for Public Health and Communities why she thought the health and wellbeing of Cumbria was receiving less funding for public health than the rest of the country.

The Cabinet Member responded to say that she agreed that it appeared that the funding provided for Cumbria suggested that we were not as popular as our neighbours in the South, even though there was clear evidence of health inequalities in this County, and it was a great challenge to keep services going with less and less money.

The Cabinet Member added that the importance of prevention was a priority for this Council, and funding was vital, therefore she would be the first to stand up and ask for more. However Cumbria would also concentrate on doing the best it could with the funds available.

Mr D Wilson asked the Cabinet Member for Economic Development if he could outline details of the plans in relation to the future of Millom Network Centre.

The Cabinet Member responded to say that there was a dispute between the Network Centre and Millom School, which he was unable to disclose. However, the County Council wanted to ensure that services would be maintained in Millom. He **AGREED** to provide a written response.

Mr M Barbour thanked the Cabinet Member for Economic Development for the help and support he had given so far to residents at Moresby Parks. However, he asked if it would be possible to ensure that any terms of sale protected the rights in perpetuity and whether there was any possibility that the sale could be delayed for a further couple of months.

The Cabinet Member said the sale had already been delayed until 14 March, and there was no intention to delay this any further. The County Council was taking measure to ensure that before the land was sold it would be dedicated as 'open access'.

Mr A Lamb had read with interest the comments from the Leader of the Council with regards to any proposed GDF and particularly his comments about the unsuitability of the local geology. He asked the Leader to provide the evidence for his comments given that he had previously voted against a desktop study being carried out to establish the suitability of the geology. He also asked the Leader to confirm whether the comments reflected the position of the administration with regards to GDF.

The Leader responded to say if the members wanted any information on the suitability of the geology and hydrology in this location to look up the Nirex enquiry, which contained extensive information about this.

Mr SB Collins asked the Cabinet Member for Highways and Transport if he could put pressure on the Environment Agency to reprofile outfalls to ensure the water was drawn into the main river rather than into the drainage system.

The Cabinet Member **AGREED** to arrange a meeting with colleagues to discuss this and would invite Mr Collins to attend.

Mr B Shirley asked whether the County Council would consider updating its policy for support for rural buses, which he felt was out of date. Currently money could

only be spent on advertising, but now with social media etc advertising was much easier to publicise. He felt this would be better spent on improving bus services.

The Leader responded to say that this was a County Council Policy, and a council decision that private bus services would no longer be funded by the County Council. There was no intention to review this policy.

Mr P Turner asked the Cabinet Member for Highways and Transport if he would look at the County Council's Policy for Village Wheels as was aware of a number of issues with the scheme which need resolved, especially in relation to deadlines for confirmation of bookings.

The Cabinet Member **AGREED** to set up a meeting and invite Paul Turner to attend.

59 UPDATE OF THE CONSTITUTION

Members considered a report from the Chair of the Constitution Review Group, which recommended that the Council adopt certain changes to the Constitution, to maintain it as an up to date, living document. The specific changes were:-

- new Terms of Reference for Cumbria Local Pensions Board (Part 2P) and Cumbria Fire Local Pensions Board (Part 2Q)
- new Officers' Code of Conduct (Part 6B) and
- new Anti-Fraud, Bribery and Corruption Policy (Part 6D)

With reference to the Cumbria Local Pensions Board and Cumbria Fire Pensions Board, the Chartered Institute of Public Finance and Accountancy (CIPFA) published updated guidance for Local Pension Boards in May 2018. As a result the opportunity had been taken to review the current Terms of Reference for Cumbria Local Pension Board and Cumbria Fire Local Pension Board with a view to updating these and ensuring they aligned to CIPFA guidance.

The current terms of reference of the Boards do not permit substitution, as a result a new set of clauses on substitution had been included in the proposed terms of reference to permit each Board member to have a substitute. The substitutes would be appointed in the same way as the Board members.

In relation to the Officer Code of Conduct the Council had an Officers' Code of Conduct which had been in place for many years. It was an important part of the Council's governance framework, setting out the ethical standards and conduct expected of officers. As with the Member Code, the Officer Code had as at its foundation the Nolan standards of conduct in public life. It was some years since the Council's Code had been reviewed and the current review had been carried out to ensure that the Code remained fit for purpose.

The Anti-Fraud, Bribery and Corruption Policy had been reviewed in the context of recent changes in the law requiring a more proactive approach to preventing tax evasion, promoting greater awareness of related offences to money laundering, including criminal & terrorist activity. A number of changes were proposed to the

policy to reflect these changes, in relation to money laundering and the Proceeds of Crime Act, as well as to integrate money laundering and tax evasion measures into the main body of the Policy.

RESOLVED that, Members approve the following documents as updates to Parts of the Constitution, replacing current Parts:-

- Terms of Reference Cumbria Local Pensions Board (Part 2P)
- Terms of Reference Cumbria Fire Local Pensions Board (Part 2Q)
- Officers' Code of Conduct (Part 6B)
- Anti-Fraud, Bribery and Corruption Policy (Part 6D)

60 URGENCY PROVISIONS

The urgency provisions had not been used since the last meeting of Council.

61 NOTICES OF MOTION

There were no notices of motion for this meeting.

62 SPEECHES

Mr M Wilson gave a speech about the 'Fizz Free February' campaign, which was asking people to pledge to go fizz free this February to help kick the sugary drinks habit.

Fizz Free February was a great way to reduce sugar intake by cutting out fizzy drinks. Fizzy drinks were the largest single source of sugar for children aged 11-18, and provided an average of 29% of daily sugar intake. By committing to going fizz free for the entire month of February it would hopefully make it easier to cut down on fizzy drinks for the rest of the year.

The meeting ended at 12.05pm