

## **CUMBRIA COUNTY COUNCIL**

**Minutes** of a virtual Meeting of the **Cabinet** held on **Thursday, 24 September 2020 at 10.00 am**

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### **PRESENT:**

Mr SF Young (Leader)  
Mrs PA Bell  
Mrs A Burns  
Ms D Earl  
Mr KA Little  
Mr DE Southward  
Mr P Thornton  
Mrs C Tibble  
Mrs J Willis

### Officers in attendance:

Chief Executive, Deputy Chief Executive and Executive Director - People, Executive Director - Corporate, Customer and Community Services, Executive Director - Economy and Infrastructure, Director of Finance (Section 151 Officer), Chief Legal Officer (Monitoring Officer), Area Manager, Cumbria Fire & Rescue Service, Leadership Support Officer - Labour Group, Professional Lead - Democratic Services and Communications Manager

Before the meeting commenced the Chair advised Cabinet that he had agreed to take an urgent item of business in accordance with the Local Government Act 1972 for School Admissions 2022/23.

Although this report had not been in the public domain for 5 clear days before this meeting he had agreed to take it as an urgent item, as to leave it until the next Cabinet meeting would mean that statutory consultation deadlines would be missed.

This item will be dealt with at the end of the agenda as Item No 14 and had already been published on the County Council's website.

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

#### **29 ROLL CALL AND APOLOGIES FOR ABSENCE**

An apology for absence was received from Mrs S Sanderson.

### **30 DISCLOSURES OF INTEREST**

There were no disclosures of interest made on this occasion.

### **31 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**, that the press and public be not excluded from any items on the agenda today.

### **32 MINUTES**

**RESOLVED**, that the minutes of the Cabinet meetings held on 27 August and 3 September 2020 be agreed as a true and accurate record and signed by the Chair.

### **33 STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS**

There were no statements made by the Leader and Cabinet Members on this occasion.

### **34 PUBLIC PARTICIPATION**

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

There were no referrals from Scrutiny to this meeting.

There were also no referrals from local committees made on this occasion.

### **35 2020/21 REVENUE AND CAPITAL BUDGET MONITORING TO 30 JUNE 2020 (Q1)**

Cabinet had before it a report from the Director of Finance, which set out the Council's forecast financial position at 30 June 2020, covering the Revenue Budget, Capital Programme and Treasury Management.

The financial context for the Council remained extremely challenging. Since 2011/12, the Council had agreed a total of £289m of savings in setting annual revenue budgets. In setting the Budget, Council in February 2020 agreed £5.646m of new savings, having taken account of the impact of one-off savings from previous years, which required replacement in agreeing the balanced Budget for 2020/21. This report set out the forecast achievement of savings identified, and further mitigations identified for savings forecast to not be delivered.

Since setting the Budget, as a result of the response to, and recovery from, the COVID-19 pandemic there had been significant and unprecedented financial consequences for the Council, as with other Local Authorities. The financial impacts of COVID-19 were emerging and evolving, and would be ongoing beyond the current financial year. This report set out forecast additional expenditure and lost income incurred by the Council during 2020/21 in relation to COVID-19 and explained the impact this had on the Q1 budget monitoring position.

The Deputy Leader took Cabinet through the key messages contained in the report.

The Deputy Leader ended by saying that although this report was about the County Council's response to a crisis, the County Council was determined to look beyond the pandemic and start planning for the future.

The Leader commented that he understood the Chancellor would be making a statement later today about further economic support for individuals and businesses, following the announcement of further restrictions announced by the Prime Minister. However, it was not yet known when Councils will receive details of the Provisional Grant Settlement from central government for next year. The Leader supported the Deputy Leader's statement about moving forward, and acknowledged it would be a huge challenge to rebuild the economy and re-establish all of the council services.

**RESOLVED,** that Cabinet

- (1) Note the revised Revenue Budget at the provisional outturn for monitoring purposes of £409.854m as a result of the transfers from the COVID-19 Emergency Grant Earmarked Reserve and agreed transfers to and from reserves (set out in Appendix 1).
- (2) Note the forecast Revenue Budget outturn is breakeven at the year-end, with the assumptions as set out in this report (see Table 2 below).

- (3) Note that the breakeven forecast outturn position is sensitive to a number of underlying assumptions, which are set out in paragraph 4x. of the Executive Summary.
- (4) Note progress in delivering the new savings for 2020/21 of £5.646m; a total of £4.536m (80.3%) of these 2020/21 savings are forecast to be delivered by 31st March 2021.
- (5) Note the transfer of the second tranche of £9.118m and third tranche of £3.308m of COVID-19 funding received to the COVID-19 Emergency Funding Grant Earmarked Reserve in accordance with the Leader Decision Record of 7<sup>th</sup> April 2020.
- (6) Approve the transfer of the Business Rates Relief Section 31 Grant of £8.211m to a Business Rates S31 COVID Relief Grant Earmarked Reserve as detailed in paragraphs 44 to 46.
- (7) Approve the following amendments to the Capital Programme:

	2020/21	2021/22	2022/23	2023/24	2024/25	Total 2020- 2025
	£m	£m	£m	£m	£m	£m
Grant / Contribution Changes – External (set out in paragraph 61)	5.456	0.000	0.000	0.000	0.000	<b>5.456</b>
Virements (as set out in paragraph 63)						
From DfT funded flood recovery scheme	(0.226)	0.000	0.000	0.000	0.000	(0.226)
To Jubilee Bridge, Barrow	0.226	0.000	0.000	0.000	0.000	0.226
From Strategic Highways Match Funding	(0.250)	0.000	0.000	0.000	0.000	(0.250)
To Carlisle Station Gateway Borderlands	0.250	0.000	0.000	0.000	0.000	0.250
From Infrastructure Deficit Support	(0.050)	0.000	0.000	0.000	0.000	(0.050)
To Citadels Borderlands	0.050	0.000	0.000	0.000	0.000	0.050
<b>Sub Total of Q1 Changes</b>	<b>5.456</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>5.456</b>

- (8) Recommend to Council the following amendments to the Capital Programme:

	2020/21	2021/22	2022/23	2023/24	2024/25	Total 2020-2025
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	£m	£m	£m	£m	£m	£m
Re-profile (set out in paragraph 62)	(7.557)	7.557	0.000	0.000	0.000	<b>0.000</b>
New Schemes (set out in paragraph 61)	0.506	0.000	0.000	0.000	0.000	<b>0.506</b>
<b>Sub Total of Q1 Changes</b>	<b>(7.051)</b>	<b>7.557</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.506</b>

- (9) Note the forecast outturn for the Capital Programme 2020/21 of £120.492m against a current capital budget of £120.492m (excluding Accountable Bodies) resulting in no variance being reported at Q1, as set out in Table 11 paragraph 64.
- (10) Note Treasury Management activities during Q1 have operated within the treasury limits set out in the Council's Treasury Policy Statement and Treasury Strategy Statement and the Prudential Indicators set by Council in February 2020.

### **36 COUNCIL PLAN DELIVERY PLAN 2020 - 2022**

Members considered a report from the Director of Finance which presented the new draft Council Plan Delivery Plan for 2020 – 2022. This draft Delivery Plan detailed actions and measures relating to the outcomes and ways of working as set out in the Council Plan 2018 – 2022. It also includes key actions that would form the Council's significant contribution to Cumbria's recovery in light of the COVID-19 pandemic.

The draft Council Plan Delivery Plan 2020 - 2022 had been developed to provide clear communication of the key programmes of work the Council would undertake over the next 18 months towards achieving the outcomes for the people of Cumbria as set out in the Council Plan 2018 – 2022.

The Council Plan provided the context for fresh approaches and programmes of work for the Council to take forward and so this Delivery Plan would be a dynamic document as activities emerged and developed as new opportunities and ways of working were explored, tested and implemented.

The draft Delivery Plan also reflected the ambition of ensuring the Council was a financially sustainable organisation so that resources could be focused on delivering services and working with communities to achieve better outcomes. The Council Plan 2018 – 2022 stated that to do this, the Council needed to do things differently and so, the draft Delivery Plan also described the work being undertaken to further implement and embed new ways of working.

There was an additional focus in this year's draft Plan on County Council activities that would support the county's recovery in the context of the COVID-19 pandemic

**RESOLVED,** that Cabinet approves the draft Council Plan Delivery Plan 2020 - 22 as attached as Appendix 1

### **37 IMPLEMENTATION OF THE RADIATION (EMERGENCY PREPAREDNESS AND PUBLIC INFORMATION) REGULATIONS 2019 (REPPIR 2019)**

Cabinet considered a report from the Chief Fire Officer, which outlined that on the 22 May 2019, the Radiation (Emergency Preparedness and Public and Information) Regulations 2001 (REPPIR 2001) were replaced by REPPIR Regulations 2019 (REPPIR 2019). An Approved Code of Practice (ACOP) was issued in September 2019 along with non-statutory guidance notes. The new Regulations allowed for a transitional period of 12 months and all changes required by REPPIR 2019 to have been made by 22 May 2020.

Cumbria County Council (CCC) was on track to meet the deadlines until March 2020 when resources were diverted to respond to Covid-19. Therefore, the timetable for delivery was interrupted by the response to the pandemic. This was acknowledged and agreed as appropriate with the Regulators from the Office for Nuclear Regulation (ONR). A plan has been agreed with the Office for Nuclear Regulation whereby Cumbria County Council will have fulfilled their duties adequately and appropriately by preparing the plans before the 21 November 2020.

The Cabinet Member for Customers, Transformation and Fire and Rescue took members through the detail contained in the report.

In relation to nuclear licensed sites, the sites to which the Regulations apply had changed under REPPIR 2019 to include the Low-Level Waste Repository (LLWR), Drigg. This was in addition to those sites which were covered by REPPIR 2001: BAE Systems Marine Ltd, Wet Dock Quay and Royal Navy Ramsden Dock Operational Berth, Barrow and Sellafield Limited.

In detailing the new provisions of REPPIR 2019 the Cabinet Member pointed out that this was not an indication of changes to the risks on these sites, but that the legislation incorporated learning from incidents around the world, such as Fukushima. This had led to a change in the planning/assessment methodologies, using a wider range of radiation emergencies and variables including more categories of weather.

The introduction to the Outline Planning Zone (OPZ) was a new concept introduced in REPPiR 2019. The new requirement created a duty on the local authority to undertake planning which was proportionate to the consequences and likelihood of an event occurring beyond the DEPZ. It only required strategic arrangements to be contained in the OSEP with the operational aspects being developed on the day.

Detailed work was being undertaken by the Cumbria County Council Resilience Unit in liaison with partner agencies, regulators and site operators to ensure that timescales were developed and achievable.

One of the Cabinet Members commented that according to the maps included in the report this appeared to cover the whole of Cumbria. She wondered what other kind of support existed for officers involved in such wide ranging and important emergency planning.

The Cabinet Member for Customers, Transformation and Fire and Rescue responded to say there was a great deal of work done by the County Council's Resilience Unit and officers do work with other local authorities through the Local Authorities Working Group (LAWG), Chaired by the County Council. This group shared best practice and provided support and opportunities by engaging directly with experts from within Government departments, Public Health England and the Office of Nuclear Regulation. This group is invaluable for providing support for officers.

The Leader commented that this is an important paper and although it was just to note it demonstrated the role of the County Council in this particular aspect of the nuclear industry. The concept of an outlying planning zone was a significant change. The distance of 50km from the centre of the Sellafield Site was outside the boundary of Copeland Borough Council, as the effect goes far beyond Copeland and would also include the OPZ for Rampside Dock. The implications of an accident at Sellafield would be significant for the whole of the County.

The Cabinet Member for Health and Care Services commented that if future arrangements for the reorganisation of local government resulted in two unitary authorities for Cumbria emergency planning had the potential to be split. It would be crucial going forward to ensure experts in emergency planning were not lost to the County.

**RESOLVED**, that Cabinet note the report and support the direction of travel.

**38 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA).**

Members considered a report from the Chief Legal Officer/Monitoring Officer which sought approval of the Regulation of Investigatory Powers Act 2000 policy document.

The report also provided members with an update on surveillance activity since the last report to Cabinet in September 2019 and the inspection from the Investigatory Powers Commission which took place in February 2020. The Council rarely made use of the powers available under RIPA and no authorisations had been applied for or granted in the last year.

The approval of the policy as drafted would ensure the Council's compliance with relevant legislation and guidance.

Ensuring that an up to date and accurate policy and guidance was available would assist the Council to balance the needs of undertaking work to safeguard individuals and local communities whilst ensuring that it does not unnecessarily infringe the human rights of individuals.

**RESOLVED**, that Cabinet

- (1) approve the Regulation of Investigatory Powers Act 2000 policy document, and
- (2) delegates authority to the Chief Legal Officer/Monitoring Officer in conjunction with the Leader and Deputy Leader to make amendments to the policy where required as a result of changes in legislation.

### **39 2020 HEALTH AND SAFETY POLICY STATEMENT AND 2019/2020 ANNUAL HEALTH, SAFETY AND WELLBEING REPORT**

The Cabinet Member for Environment presented a report to Cabinet which summarised the main findings of the Corporate Health, Safety and Wellbeing activity undertaken during 2019/20 and specifically requested that Cabinet approves the 2020 Health and Safety Policy Statement; and publication of the 2019/20 Corporate Annual Health, Safety and Wellbeing Report.

The Cabinet Member asked Cabinet to note that the Council had taken a key lead role in the County response and recovery requirements relating to the COVID-19 pandemic; significant improvements to further embed senior level health and safety governance had taken place across the organisation during 2019/20; and statistics in the Annual Report show an overall performance improvement with a reduction in the number of



health and safety incidents reported in many service areas and also a 11% reduction in the numbers of RIDDOR reportable incidents from 44 in 2018/19 to 39 in 2019/20.

**RESOLVED,** that Cabinet

- (1) notes the 2020/21 Health and Safety Policy Statement attached as appendix 1;
- (2) approves the 2019/20 Annual Health, Safety and Wellbeing Report attached as appendix 2 and authorises officers to publish the report.

#### **40 CUMBRIA COUNTY COUNCIL PROPERTY ASSET MANAGEMENT STRATEGY 2020-2025**

Cabinet had before it a report from the Executive Director – Economy and Infrastructure, which outlined Cumbria County Council Property Asset Management Strategy 2020 - 2025. This strategy succeeded the Cumbria County Council Strategic Asset Management Strategy 2011 - 2021.

The Property Asset Management Strategy 2020 - 2025 was developed by the council's Commercial Investment and Property Team with the assistance of the Chartered Institute of Public Finance and Accountancy (CIPFA) in line with best practice and the Strategic Property Asset Management framework.

Managing public sector property estates effectively ensured value for money, enhanced public services and helped boost economic, environmental and social outcomes.

Local Authorities across the UK held large property portfolios (assets made up of buildings and land) which had been acquired, gifted or inherited over many years.

Cumbria was no different. The Council owned or operated a total of 758 assets that it either owned or operated from with a current book value of c. £530m (excluding infrastructure assets and vehicles, plant, furniture and equipment), a total building floor area of 811,405m<sup>2</sup>, of this 613,059m<sup>2</sup> or 75% of a total floor area was used by schools.

To support this, it was proposed the Council adopted a new Asset Management Framework which comprised three separate elements

- Asset Management Policy/Vision.
- Asset Management Strategy.

- Asset Management Working Action Plan.

**RESOLVED,** that Cabinet approve the Cumbria County Council Property Asset Management Strategy 2020-2025.

#### **41 ENERGY COAST WEST CUMBRIA LTD – CUMBRIA COUNTY COUNCIL REVIEW OF MEMBERSHIP AND FUTURE ROLE**

Cabinet considered a report from the Executive Director – Economy and Infrastructure which explained that the Council invested significantly in West Cumbria and was currently a member of Energy Coast West Cumbria(ECWE) Ltd. The Council’s role as a strategic authority provided real opportunity to influence the lives of Cumbrian’s and take a leading role in Economic Development and Place Shaping working with the CLEP and partners. A recent review of ECWC’s Ownership had prompted a further review of the Council’s role in ECWC and evaluation of the benefits already delivered by the Council through its business as usual activity out with ECWC LTD.

Pursuant to the Council’s review of its role in ECWC Ltd and evaluation of its wider impact in West Cumbria, Cabinet is asked to approve the recommendation that the Council resigns its membership of Energy Coast West Cumbria Limited also known as Britain’s Energy Coast (BEC) (incorporating Energy Coast West Cumbria (Properties) Ltd and Energy Coast West Cumbria (Workspace) Ltd) in line with its strategic focus and business as usual activity.

Cumbria County Council’s Membership was limited by guarantee and represented a minority role within the company. This decision was pursuant to Energy Coast West Cumbria Limited’s (ECWC) Owners review.

**RESOLVED,** that Cabinet

- (1) Approve that Cumbria County Council resigns its membership of Energy Coast West Cumbria Limited also known as Britain’s Energy Coast (BEC) (incorporating Energy Coast West Cumbria (Properties) Ltd and Energy Coast West Cumbria (Workspace) Ltd) ; and
- (2) Delegate authority to the Executive Director Economy and Infrastructure to undertake all necessary legal and procedural

#### **42 SCHOOL ADMISSION ARRANGEMENTS 2022/23**

Cabinet members considered a report from the Executive Director – People (Deputy Chief Executive) which set out the proposed admission arrangements for Community and Voluntary Controlled schools, for which the county council was the statutory admission authority.

The Local Authority (LA) was required to consult other admission authorities on any changes to the policy, including catchment areas and proposed reductions to published admission numbers (PANs). The LA must also consult the governing bodies of Community and Voluntary Controlled schools where it proposed to increase or retain the existing Published Admission Number (PAN) for 2022-23. Consultation on the 2022-23 arrangements must take place for a 6 week period between 1 October 2020 and 31 January 2021.

This paper also set out the proposed co-ordinated scheme for school admissions in 2022-23, which the LA was required to formulate by 1 January 2021. The LA was required to consult on the scheme if it had changed from the scheme adopted for the previous academic year.

The proposed co-ordinated scheme for 2022-23 included changes in relation to in-year admission processes that are in line with proposals set out in the draft School Admissions Code that was currently subject to public consultation. It was therefore recommended that consultation on the co-ordinated scheme for 2022-23 took place alongside consultation on the proposed admission arrangements for Community and Voluntary Controlled schools for 2022-23 that, if agreed, would be undertaken between 1 October 2020 and 31 January 2021.

A further report to Cabinet in December 2020 will include details of any responses received during the consultation period and will seek a decision on adoption of the 2022-23 admission arrangements for Community and Voluntary Controlled schools and the co-ordinated admissions scheme for 2022-23 for all maintained schools and academies in Cumbria.

On 26 June 2020 DfE launched a consultation on a revised version of the School Admissions Code. Local authorities, admission authorities and anyone with a role or interest in school admissions were invited to respond. The consultation would be open for 16 weeks and the closing date for responses was 16 October 2020.

Nationally, there were particular concerns that the most vulnerable children may experience gaps in their education because they were unable to secure a school place quickly; the proposed changes to the School Admissions Code were intended to better support the most vulnerable and disadvantaged.

This was not a wholesale review of the admissions system but the proposed changes would clarify admission authority and local authority

responsibilities in relation to in-year admission processes (seeking a school place outside of the normal admissions round) and Fair Access Protocols.

A change to allow children adopted from state care outside of England the same priority as domestic looked after and previously looked after children and clarification around the admissions of service children and children of crown servants also formed part of the consultation.

Following consultation, due to end on 16 October 2020, the new School Admissions Code would come into force, unless otherwise stated, with immediate effect. It would apply to admission arrangements determined by 28 February 2021 for admission in school year 2022-23 and any future years.

Members noted that both the proposed admission arrangements and the co-ordinated admissions scheme for 2022-23 might need some further revision to ensure that both documents were in line with the provisions of the new School Admissions Code when it comes into force. Members noted that if changes to the arrangements were required by changes in the law, there was no requirement to consult on the changes.

The draft School Admissions Code introduced a dedicated section into the Code that clearly sets out how the in-year admissions process should be managed.

It was proposed that the LA would be required to publish on the county council website by 31 August each year how in-year applications could be made. This would also include details of those schools for which the LA would co-ordinate the applications and which schools would manage their own in-year admissions. In addition, for any admission authority that chose to manage its own in-year admissions, the LA would be required to publish contact details and information about the process each school follows.

The School Admissions Code 2014 removed the requirement for the LA to co-ordinate in-year admissions. The revised draft School Admissions Code stated that whilst the LA was not required to co-ordinate in-year applications for schools for which they were not the admission authority ie. own admission authority schools, the new Code would allow the LA to offer to co-ordinate in-year applications for any or all of the own admission authority schools in Cumbria.

It was therefore suggested that consideration be given to the potential for the LA school admissions team to offer an in-year co-ordination service to own admission authority schools.

Taking account of responses to the consultation, a recommendation on the potential offer of a LA in-year co-ordination service to own admission authority schools would be presented to members for a decision at Cabinet in December 2020.

These changes would form part of the consultation on the proposed admission arrangements for Community and Voluntary Controlled schools and the proposed co-ordinated admissions scheme for 2022-23 for all maintained schools and academies in Cumbria that, if agreed, would be undertaken between 1 October 2020 and 31 January 2021.

The Cabinet Member informed members that it was proposed that two schools change their PAN from September 2021:

- Ewanrigg Junior School from 40 to 30
- Orgill Primary School, Egremont from 40 to 30

As the statutory admission authority for the schools listed above it was for the LA to determine whether or not to amend the PANs; there was no compulsion to do so.

The head teacher and governing bodies of both Ewanrigg Junior School, Maryport and Orgill Primary School, Egremont had formally requested that the PAN for the schools was reduced from 40 to 30.

**RESOLVED,** that Cabinet

- (1) Approve the proposed admissions policy for Community and Voluntary Controlled schools at Appendix A to go out to consultation with the required groups as set out in the School Admissions Code 2014, paragraph 1.44. This includes consultation on changes in response to proposed changes to the School Admissions Code, currently subject to public consultation, including the potential for the LA to offer an in-year co-ordination service to own admission authority schools.
- (2) Approve for consultation the proposed co-ordinated scheme for 2022-23 for all maintained schools and academies in Cumbria, Appendix B of the report.
- (3) Approve the revised co-ordinated admissions scheme for 2021-22 for all maintained schools and academies in Cumbria, Appendix C of the report.
- (4) Agree to consult on a reduction to the PAN at Ewanrigg Junior School, Maryport and Orgill Primary School, Egremont, and on the retention of the existing PAN at all other Community and Voluntary Controlled schools.
- (5) Agree the nursery admissions policy for 2022-23 for Community and Voluntary Controlled nursery schools and infant/primary schools providing nursery education, Appendix D of the report.

