

## COUNTY COUNCIL

Minutes of a Meeting of the County Council held on Tuesday, 7 September 2021 at 10.00 am at Carlisle Racecourse, Durdar Rd, Carlisle

### PRESENT:

Councillor Mr AJ Markley (Chairman)

Mr T Allison	Mrs S Evans	Mr M Mitchelson
Mr AL Barry	Miss HJ Fearon	Mr FI Morgan
Ms C Bell	Ms J Filmore	Mrs M Rae
Mr J Bell	Mr D Gawne	Mr GRPM Roberts
Mrs PA Bell	Mr KR Hamilton	Mrs S Sanderson
Mr B Berry	Dr S Haraldsen	Mr B Shirley
Mr RW Betton	Mr M Hawkins	Mr DE Southward
Mr RK Bingham	Mr C Hogg	Mrs V Tarbitt
Mr J Bland	Mr N Hughes	Mr P Thornton
Mrs C Bowditch	Mr MA Johnson	Mrs C Tibble
Mr A Bowness	Mr A Kennon	Mr CP Turner
Mrs A Burns	Mr AWC Lamb	Mrs H Wall
Mrs HF Carrick	Lord R Liddle	Mr R Watson
Mr F Cassidy	Mr J Lister	Mr WJ Wearing
Mr W Clark	Mr KA Little	Mr C Weber
Mr A Connell (Vice-Chair)	Dr K Lockney	Mr CJ Whiteside
Mr GD Cook	Mrs EA Mallinson	Mr S Wielkopolski
Mr N Cotton	Mr J Mallinson	Mrs J Willis
Mr P Dew	Mr NH Marriner	Mr M Wilson
Mr R Dobson	Ms C McCarron-Holmes	Mr AW Wonnacott
Ms D Earl	Mr W McEwan	Mr MH Worth
Mr GM Ellis	Mr A McGuckin	Mr R Worthington
Mr D English	Mr P McSweeney	Mr SF Young

There were 69 members present at the start of the meeting.

### 33 ROLL CALL OF MEMBERS

Apologies for absence were received from Mr Barbour, Mr Brereton, Mr Collins, Ms Driver, Miss Garton, Mr Graham, Mrs Gray, Mr Hitchen, Mr Lywood, Mr Whipp, Mr Wentworth-Waites, Mrs Williamson, and Mr D Wilson.

### 34 DECLARATIONS OF INTEREST

Mr K Little declared a pecuniary interest in Agenda Item No 9 – 2020/21 Annual Report of Cumbria Fire Local Pension Board, as he was a recipient of a Fire Service Pension.

### **35 EXCLUSION OF PRESS AND PUBLIC**

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

### **36 PUBLIC PARTICIPATION**

There were no valid requests to ask public questions, present petitions or make statements to this meeting.

### **37 MINUTES**

#### **(A) Minutes of 15 April 2021**

**RESOLVED,** that the minutes of the previous meeting held on 15 April 2021 be agreed with the following amendment:-

#### **Page 13 – Minute No 12 – Minutes of the Cabinet**

In the last paragraph, 3<sup>rd</sup> line down change 'Lancaster County Council' to 'Lancaster City Council'.

#### **(B) Minutes of 24 June 2021**

**RESOLVED,** that the minutes of the previous meeting held on 24 June 2021 be agreed as a true and accurate record.

### **38 ANNOUNCEMENTS AND COMMUNICATIONS**

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

He informed members of the sad passing of former County Councillor Helen Horne. Helen served as the County Councillor for Yewdale from 2001 to 2009 and was also a current member of the Health and Wellbeing Board, as Chair of Healthwatch. She passed away peacefully on 30 June 2021.

On 3 September Merchant Navy Day was marked, which aimed to raise awareness of the UK's ongoing dependence on Merchant Navy seafarers, and the Chairman and the Cabinet Member for Environment had the pleasure of hoisting a Red Ensign flag on one of the Liebherr cranes at the Port of Workington. It was a great way for us to honour the brave men and women who kept our 'Island Nation' afloat during both World Wars and celebrate our dependence on modern day merchant seafarers who are responsible for 90% of the UK's imports.

The Tour of Britain would return to Cumbria on 10 September, and the county would once again play host to some of the world's top professional cyclists. This would be the 10<sup>th</sup> time Cumbria had hosted the Tour and this year Cumbria County Council would be co-hosting Stage 6 which would feature Cumbria extensively. The Chairman said thanks must go to all the teams involved in the planning, publicity and supporting of this event.

The impact of COVID had been far-reaching and affected many aspects of all lives including the notable impact on people's mental health and wellbeing. Whilst there were a lot of people who had coped admirably during these difficult times, there were those who had struggled.

This Friday marked World Suicide Prevention Day. This year's theme would be 'Creating Hope Through Action'. The Chairman asked all councillors to help by sharing this information so that people know where to turn to for help, support and advice should they need it.

The Chairman ended his announcements by raising awareness of the Emergency Services Day, also known as 999 Day. This national day took place each year on 9 September. Cumbria Fire and Rescue Service should be acknowledged for the work they had done during the Covid 19 pandemic. The service had continued to operate as 'business as usual' and had ensured that residents and local communities remained unaffected and safe. Members joined the Chairman to applaud the continued hard work and commitment alongside their other emergency services colleagues.

The Cabinet Member for Public Health and Community Services made an announcement on the Cumbrian response to the latest refugee crisis, this time in Afghanistan.

Cumbria County Council's response to this crisis started a number of months ago, which members would be updated on during consideration of the Urgency Provisions report later in this meeting.

The Leader took the decision for Cumbria County Council to join the Afghan Locally Employed Staff Relocation Scheme after an urgent request by the Home Office. To date the authority had already housed 4 families, and the refugee resettlement team were actively arranging accommodation for further families.

However, this scheme only applied to those families who qualified, having worked previously for the British army in Afghanistan, and who therefore were designated at risk of Taliban reprisals.

The Government had announced that there would be a further scheme designed to resettle vulnerable women and children, or others identified as being at risk – but details of this scheme were still awaited.

In the meantime, kind people from all over Cumbria were inundating Cumbria County Council and refugee support organisations with offers of help – clothing, toys, furniture and even accommodation. Many of these organisations had now reached their capacity, and were instead asking for people who wanted to help, to make a donation to the Cumbria Community Foundation's Welcome Fund, which was a fund that refugees could apply directly to for support.

The Cabinet Member for Schools and Learning made an announcement on GCSE and A level results in Cumbria.

She began by thanking everyone working and helping in schools for their dedication in continuing to support young people through a very challenging year. She also thanked Cumbria County Council staff and partners for their support through these difficult times.

A level results were announced earlier this year, to allow students the chance to appeal, if necessary.

Teachers determined grades through mock exams, coursework, essays and in class assessments. Exam boards had also provided teachers with optional assessment questions to assist with decisions on grades.

Schools were given considerable autonomy on how to decide grades, which needs to be remembered, but on the limited data available to the County Council it appeared that the results were continuing to improve. She took members through comparison figures for 2019 to 2021.

The Cabinet Member informed members that for GCSE exams teachers had judged the standard a student had been working at based on a range of evidence and covering all the content taught. Internal quality assurance was delivered through the schools/colleges and signed off by a senior leader prior to being sent to exam boards.

Cumbria County Council collected headline data from each school and aggregated this up to a Cumbria Level to give the overall picture for the County. Again comparisons were difficult it appeared that some improvements had been made, especially for those disadvantaged children, but Cumbria was still below the national 2020 average.

### **39 MINUTES OF THE CABINET**

The Leader presented the minutes of the Cabinet meeting held on 22 April 2021.

There were no questions for the Leader on this occasion.

### **40 TREASURY MANAGEMENT ANNUAL REPORT 2020/21**

The Deputy Leader presented a report which detailed treasury management activities during 2020/21, in accordance with best practice recommended in the CIPFA Code of Practice on Treasury Management in Local Authorities.

The Report highlighted performance during the year and provided a record of activities undertaken to demonstrate that officers had properly fulfilled their responsibilities, as laid down in the Annual Strategy 2020/21 agreed by Full Council in February 2020.

A key activity of the team was the management of cash flow to ensure that the Council could, on a daily basis, pay its bills and, longer term, plan for the prudent financing of its capital investments including the borrowing and repayment of loans. This was very important activity for the Council, and was particularly prevalent throughout 2020/21 as the Finance team effectively managed the Council's cashflow throughout the COVID-19 pandemic.

The Deputy Leader reported that the Council undertook no new borrowing during the year with the Council's approved capital expenditure being financed by the Council's short term cash balances. This contributed to the Treasury Management outperforming the budget leading to an underspend of £1.5m in the year.

The Deputy Leader moved the recommendations.

**RESOLVED,** that Council

- (1) Notes the treasury management annual report for 2020/21;
- (2) Notes the year-end position for the Prudential Indicators 2020/21 and full compliance with the Council's treasury management policies and practices during the year; and
- (3) Notes the Treasury Management function reports a £1.488m underspend for 2020/21, due primarily to the Council's tactical strategy to utilise internal reserves whilst available.

#### **41 2020/21 ANNUAL REPORT OF THE CUMBRIA FIRE LOCAL PENSION BOARD**

Mr K Little declared a pecuniary interest in this item as he was a recipient of a Fire Service Pension. He took no part in the meeting during discussion of this item.

County Council considered a report from Cabinet Member for Customer, Transformation and Fire and Rescue, which presented the Annual Report of the Cumbria Fire Local Pension Board 2020/21.

The Cumbria Fire Local Pension Board was required to report on its activities to the Council, and the Annual Report of the Cumbria Fire Local Pension Board 2020/21 detailed developments of the Board and its activities during the year.

Where the Cumbria Fire Local Pension Board was concerned that due consideration had not been given to matters of non-compliance, the Board may submit a report for consideration by the Audit and Assurance Committee as the body designated by the Scheme Manager with the capacity to investigate such matters on its behalf. There had been no matters raised with the Audit and Assurance Committee.

**RESOLVED,** that members note the 2020/21 Annual Report of the Cumbria Fire Local Pension Board.

#### **42 QUESTIONS**

Mr Whiteside asked the Cabinet Member for Highways and Transport to give a summary of the progress made in the last year in developing schemes to improve the functioning of the A595 as a whole system.

The Cabinet Member responded to say this road played a vital role in connecting communities and business along the west coast of Cumbria and the Council had been proactive in the development and promotion of schemes along this corridor.

Over the past 12 months the A595 Grizebeck Improvement Scheme had been allocated funding from Government and work was now moving forward to delivery of the scheme. A Planning Application was now being prepared for the scheme which would include preliminary design, environmental surveys and continued engagement with local communities.

The Cabinet Member agreed to provide a full written response to the member.

Mr Hughes asked the Chair of the Cumbria Health Scrutiny Committee whether the Health Scrutiny Committee would be considering the recent unannounced CQC Inspection report of urgent, emergency care services, surgery and maternity services at University Hospital Morecambe Bay Trust at a future meeting.

The Chair of Cumbria Health Scrutiny Committee replied to say that she shared the member's concerns and would be working with officers to ensure a report was prepared for the committee as soon as possible.

Mr Johnson asked the Cabinet Member for Highways and Transport a question about Cumbria Transport Operations, and in particular about bus routes and adverts for new drivers. He understood a number of routes had recently been retendered and was interested in those routes which had been retendered with no bus route confirmed.

The Cabinet Member responded to say he would be happy to provide a full written response but gave the member a brief overview.

The Council's in house service now operated 35 Home to School and SEND transport routes. By operating this way the Council could ensure that home to school transport routes were provided where there were no bidders, and that the council received value for money in the bids which were received.

Some scheduled community transport services were also being operated in house where there was no current provision. The County Council does not intend to compete with operators and would only provide services within communities where there was no provision.

In respect of home to school transport routes, the County Council bid for these routes and these are assessed by our procurement and commissioning team. It is worth noting that where no tender returns were received from Independent operators the Council has stepped in to provide services on 5 routes. Again we can provide details in writing.

Mr Betton asked the Leader of the Council whether he intended to go ahead with the Judicial Review mentioned in his pre action letter to Government, and if so how much would this cost the taxpayer. He also asked for details of the cost incurred to allow the County Council to produce their preferred option.

The Leader said he took the decision to send the pre action letter to Government which should have been responded to by 23 August. However, the Secretary of State had asked for an extension to the time allowed for a response. The Leader took advice on this request and had agreed to allow an extension to 6 September.

A response to the pre action letter was received yesterday and was being circulated to the 3 group leaders.

QC advice was being sought on the next steps, but up to this point there had been no decision whether to go ahead with a judicial review. Costs for the pre action letter were minimal.

The Leader felt that although the cost of the judicial review might be high, the cost of the decision to split Cumbria into two unitary authorities would be considerably higher.

Mr Betton followed this up with a further question on how much the Conservatives had spent to reach their view. The Leader replied that this question was not for him to answer, and he suggested Mr Betton pursued this outside of this meeting.

Mr Lamb asked the Deputy Leader whether he would be undertaking a lessons learned review about the costs of the Blue Light Hub.

The Deputy Leader agreed to provide a written response.

Mrs Tarbitt asked the Leader of the Council to clarify the position in relation to post 16 transport for rural areas. Within her division many residents were becoming anxious about the lack of information available to them so close to the start of the new school year.

The Leader responded to say that Cumbria County Council operated a Spare Seats Scheme for post 16 transport, which utilised additional capacity on school buses to accommodate students requiring home to school transport. However, it was not possible to confirm the availability of spare seats until the October half term holidays. The reason for this was that pupils with a statutory entitlement to transport must be accommodated first. The Leader agreed to ask the School Transport Team to contact Mrs Tarbitt to see if any further support could be provided to her residents.

Ms Filmore asked what plans were in place for Cumbria County Council to formulate an overarching Climate Change Action Plan.

The Leader responded to say that there was a huge amount of work being undertaken in relation to the climate change agenda by the County Council, and also a number of other partners. He said any further information needed by the member could be made available.

Mr Shirley asked the Leader a question about the level of restrictions for the use of the Bus Services Operated Grant (BSOG) money. He had been contacted by the operators of the X7 bus service in his division who said that the level of 'red tape' involved in applying for a grant made it impossible for them to access any of this funding. He asked if the Leader would consider changing the policy for this grant to allow more bus operators to access funding.

The Leader replied to say that the Council had received £480,314 of BSOG funding from the Department for Transport for 2021/22. The Council would utilise this funding to support a number of community transport schemes including Rural

Wheels, Village Wheels and the Voluntary Social Car Scheme. The grant was also used to supply ticket machines and the associated licences to the smaller bus operators and for other limited uses including service advertising and promotion. The Council also funded the provision of some bus infrastructure via this grant including bus stops and shelters.

However, this funding was only allocated on an annual basis, so it was difficult to produce a policy giving criteria on exactly what it could be used for. It could not be used to support a full bus service route as the funding was not guaranteed from year to year.

The Public Transport Working Group was currently considering a number of issues around public transport and the final report was due to be presented to Cabinet in September. Cumbria County Council was also required to produce a Bus Service Improvement Plan which was also due to be presented to Cabinet in October.

### **43 CONSTITUTION REVIEW GROUP**

The Leader of the Council presented a report which recommended changes to the Local Committees Terms of Reference and the Officers Scheme of Delegation to clarify and strengthen the role of Local Committees in decision making relating to certain placed based investment schemes. The funds in question were the Towns Fund, the Future High Streets Fund and District Council Levelling-Up Fund applications and other similar funds.

The Leader took members through the proposed changes and outlined the current governance structure, the role of the local committees and also the proposed changes.

He explained that the change to the local committee terms of reference had been agreed to try to reduce the amount of bureaucracy involved every time the government brought new funds/schemes forward.

Members were supportive of the proposals to devolve more power to local committees. They also wondered if it would be possible to further devolve powers on to Town and Parish Councils.

The Leader responded to say he felt the issue of whether to devolve powers down to town and parish councils would be better left until the new unitary authorities were in place.

Mr MCGuckin arrived at the meeting at this point.

**RESOLVED,** that members approve the proposed amendments to Part 2D Local Committees and Part 3A Scheme of Delegation as set out in Appendix 1 and Appendix 2 of the report.

The meeting adjourned at 11.20am and reconvened at 11.30am.

#### **44 SCRUTINY UPDATE REPORT**

The Chair of Scrutiny Management Board presented a report which updated members on the work of Scrutiny and any issues and developments that have occurred since the last update.

The current Scrutiny Work Programme, which Members were asked to note, was under ongoing review and regularly updated to reflect new and emerging issues.

The Chair of Scrutiny Management Board took members through matters which had been considered by the Scrutiny Boards since the last meeting of Council, and also detailed the recent Task and Finish reviews undertaken.

**RESOLVED,** that Members note the work programme presented and note recent activity undertaken by Scrutiny set out in the report.

#### **45 MINUTES OF COMMITTEES**

##### **(A) Audit and Assurance Committee**

**RESOLVED,** that the minutes of the Audit and Assurance Committee held on 11 March 2021 and the draft minutes of the meeting held on 14 June 2021 be received and noted.

##### **(B) Cumbria Pensions Committee**

**RESOLVED,** that the draft minutes of the Cumbria Pensions Committee held on 8 June 2021 be received and noted.

##### **(C) Workington Harbour Management Committee**

**RESOLVED,** that the draft minutes of the Workington Harbour Management Committee meeting held on 16 April be received and noted.

#### **46 URGENCY PROVISIONS**

The Leader of the Council presented a report, the purpose of which was to notify members of any urgent decisions taken in the period since the last County Council meeting.

Four relevant decisions had been taken since the last meeting and the details of those decisions were set out at Appendix 1. In all cases, the decisions were treated as urgent decisions as the requirements to advertise for at least 28 days prior to a key decision being taken could not be complied with.

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

## **47 NOTICE OF MOTIONS**

There were no notices of motion to this meeting.

## **48 SPEECHES**

Mr Whiteside gave a speech on Lessons Learned from West Cumbria Mining.

The following members left the room at 11.50am – Mr Betton, Mr Cassidy, Mr Cook, Mr Cotton, Ms Earl, Mr Hamilton, Mr Little, Mr Mallinson, Mr McEwan, Mr McGuckin, Mr Morgan and Mr Worth, as they were all members of the Development Control and Regulation Committee and wanted to avoid a possible conflict arising in the future should they have to reconsider the West Cumbria Mining application.

Mr Whiteside spoke about the lessons which could be learned from matters relating to West Cumbria Mining, about what the democratic processes and rules of the council say, and what they allowed, and how the County Council should look at improving them during the remaining months this council existed and what the rules of the two new unitary councils which would replace this one should say.

The following members returned to the room at 11.55am – Mr Betton, Mr Cassidy, Mr Cook, Mr Cotton, Ms Earl, Mr Hamilton, Mr Little, Mr Mallinson, Mr McEwan, Mr McGuckin, Mr Morgan and Mr Worth

Mr McGuckin gave a speech on the PFI at Carlisle Hospital, detailing both the cost of the building and also the dispute still ongoing which involved a number of ancillary workers not being paid for unsocial hours worked. The PFI contractor had been paid the money from the NHS but the money had never been passed on to the employees. He felt the Audit Office should be conducting an enquiry into this.

Dr Lockney gave a speech on Cumbria's welcome to refugees. She talked about the number of refugees needing support, hate crime and the possibility of the UK and Cumbria taking more refugees.

The meeting ended at 12.05 pm