

## **CUMBRIA COUNTY COUNCIL**

**Minutes** of a Meeting of the **Cabinet** held on **Thursday, 22 September 2022 at 10.00 am at Cumbria House, Botchergate, Carlisle**

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### **PRESENT:**

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

Officers in attendance:

Chief Executive, Executive Director (People), Executive Director - Economy and Infrastructure, Chief Fire Officer, Director of Finance (Section 151 Officer), Assistant Director - Organisational Change, Chief Legal Officer, Leadership Support Officer - Labour Group, Professional Lead - Democratic Services and Communications Manager

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

#### **22 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **23 DISCLOSURES OF INTEREST**

There were no disclosures of interest made on this occasion.

#### **24 EXCLUSION OF PRESS AND PUBLIC**

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

## **25 MINUTES**

**RESOLVED** that the minutes of the meeting held on 21 July 2022 be agreed as an accurate record and signed by the Chair.

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

The Cabinet Member for Health and Care Services informed Cabinet about the work undertaken last weekend by staff working within adult social care.

The team received notification, with very little notice, that a care provider would close at 5 pm on Friday 9 September 2022.

The impact was that approximately 70 vulnerable people with care and support needs were left without care provision, and 31 carers were left feeling anxious about their own futures, and worried for the safety of their clients.

Operations, Cumbria Care, Commissioning, Brokerage, People Management and Legal worked tirelessly, together, over that weekend to achieve the TUPE transfer of staff, and to ensure people were safe and had the care and support they needed going forward.

The Cabinet Member said the value of Cumbria Care in such a situation could not be underestimated, particularly in light of the incredibly tight time frames involved.

Cabinet asked that their thanks be recorded to Alison Granville, Cumbria Care and the wider teams for all the effort taken to ensure the vulnerable people were safe.

## **27 PUBLIC PARTICIPATION**

There were no public questions, petitions or statements made at this meeting.

There were no referrals from local committee or scrutiny committees on this occasion.

## **28 2022/23 REVENUE AND CAPITAL BUDGET MONITORING REPORT TO 30 JUNE 2022**

Cabinet considered a report from the Director of Finance (Section 151 Officer) which set out the Council's forecast year-end financial position at 30 June 2022, Quarter 1 (Q1); covering the Revenue Budget, Capital Programme and Treasury Management. Cabinet receives a report

quarterly and Directorate and Corporate Management Teams receive detailed reports monthly. This report linked to the Q1 Corporate performance monitoring report.

Since Council set the 2022/23 Budget in February 2022 the economic uncertainty both nationally and internationally had continued. Like all public sector organisations the Council continued to face significant financial pressures relating to unprecedented high levels and increasing rates of inflation; cost of living crisis; supply chain disruption and contractual delivery risks and increased demand on services both as a result of continued impact from the COVID-19 pandemic and wider Health and social care system pressures.

Despite being able to fund some of the exceptional pressures significant financial risks for the remainder of the year remain and management focus would continue in respect of closely monitoring the financial position and take further appropriate mitigating actions to ensure that the financial outturn position is managed within the Council's approved budget. The Council had an adequate level of reserves and was in a financially sustainable position to respond to the risks if they materialised and could not be managed within the approved budget.

In respect of the cost of living crisis the Council agreed, as part of its 2021/22 outturn position at Cabinet on 9 June 2022, to earmark £2m in financial support for the Council Ways to Welfare fund, the School Clothing Grant Budget on a one off basis for 2022/23 only to provide parents of children in receipt of free school meals a contribution to the cost of school uniforms at an increased rate of £50 for children in primary school and £100 for those in a secondary school, the enhanced free school meals offer including funding the shortfall in free school meal voucher provision for the summer 2022 school holidays, and direct community support to be used to provide support directly to individuals in need, including: direct food purchase support for food banks, to meet increasing need and fill a shortfall in donations as the cost of living crisis hits.

In addition, Cabinet was asked to support a further investment of £1m of Public Health earmarked reserve to provide immediate relief to people in Cumbria most vulnerable to the impacts of the cost of living crisis with a programme of poverty relief activity. This includes support to a number of organisations where demand for their support, service and direct financial support to families has increased significantly.

The Deputy Leader took Cabinet through the key messages contained in the report, and moved the recommendations.

The Leader reminded Cabinet about the motion agreed at full Council recently to call upon Scrutiny to convene a task and finish group to

deliver on and build on the work of the Council's Cost of Living Crisis fund and they would report back to Cabinet with their findings.

The Cabinet Member for Schools and Learning had attended a County Council Network (CCN) meeting recently where the county treasurers had discussed the issue of SEND funding. Many councils had experienced overspends within their SEND budgets and this had been raised with colleagues on Government.

With reference to the Ways to Welfare fund the Leader said the County Council was currently looking at ways to fund the gap until the next tranche of Government funding was released for assistance for families suffering with the cost of living crisis.

**RESOLVED,** that Cabinet

- (1) Notes the revised Revenue Budget at the provisional outturn for monitoring purposes of £467.109m as a result of the agreed transfers to and from reserves as set out in Appendix 1 of the report;
- (2) Notes the forecast Revenue Budget outturn as at Q1 is a projected overspend of £4.713m which would result in a General Fund Balance position at year end of £20.343m;
- (3) Notes that Corporate Management Team is working collectively to identify and take further actions to mitigate the financial pressures to ensure a balanced budget position is achieved at year end resulting in a General Fund Balance position at year end of £25.056m;
- (4) Notes the forecast delivery of approved savings for 2022/23 is £14.348m against a total target of £16.231m (89.7%);
- (5) Notes the proposed use of £0.500m of the £1.500m contingency budget, as set out in Table 10 paragraph 32 of the report;
- (6) Approves a Revenue Contribution to Capital of £0.197m which is a revenue contribution from Highways England towards the Westlinton flood alleviation scheme;
- (7) **RECOMMENDS** to Council to approve the virements of £3.469m from the Strategic Acquisition Fund and £1.170m from the Modernising the Corporate Estate scheme to increase the £10m Inflation Risk allowance by £3.782m and increase the Local Committee budgets by £0.857m directly as a result of increased inflationary pressure on delivery of schemes across the capital programme;

	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m	Total 2022-2027 £m
Inflation Risk Allowance (AIA)	3.782	0.000	0.000	0.000	0.000	<b>3.782</b>
Local Committee NPRN budgets	0.857	0.000	0.000	0.000	0.000	<b>0.857</b>
Modernising the Estate	(1.170)	0.000	0.000	0.000	0.000	<b>(1.170)</b>
Strategic Acquisition Fund	(1.469)	(1.000)	(1.000)	0.000	0.000	<b>(3.469)</b>
<b>Total of Q1 Changes – for Council approval</b>	<b>2.000</b>	<b>(1.000)</b>	<b>(1.000)</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

- (8) Approves the following amendments to the Capital Programme, including amendments to reflect that due to unprecedented inflationary pressures Cabinet agreed not to award the Stage 2 Contract for Carlisle Southern Link Road Scheme, and that the Stage 2 funding and costs of the scheme will be included back into the Capital programme when formal approval to award the Stage 2 contract is received;

	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m	Total 2022-2027 £m
Changes to existing scheme – funded by external Grant / Contribution – CSLR (Table 19)	(48.035)	(45.060)	(2.860)	(0.984)	0.000	<b>(96.939)</b>
Changes to existing scheme – funded by external Grant / Contribution – Other (Table 19)	8.387	1.860	6.136	2.194	0.000	<b>18.577</b>
Changes to existing scheme – funded by internal Grant / Contribution (Table 20)	0.248	0.000	0.000	0.000	0.000	<b>0.248</b>
<u>Virements (Table 23)</u>						
Major Projects Match Funding (Infrastructure Deficit Support)	0.232	0.000	0.000	0.000	0.000	0.232
Carlisle Southern Gateway	(0.130)	0.000	0.000	0.000	0.000	(0.130)
Workington Town Centre – Town Deal	(0.102)	0.000	0.000	0.000	0.000	(0.102)
<b>Total of Q1 Changes – for Cabinet approval</b>	<b>(39.400)</b>	<b>(43.200)</b>	<b>3.276</b>	<b>1.210</b>	<b>0.000</b>	<b>(78.114)</b>

- (9) **RECOMMENDS** to Council the following amendments to the Capital Programme:

	2022/2 3 £m	2023/2 4 £m	2024/2 5 £m	2025/2 6 £m	2026/2 7 £m	Total 2022-2027 £m
Re-profile (Table 21)	(56.119)	32.781	16.814	5.078	1.446	0.000
New Schemes – funded by external Grant / Contribution (Table 19)	0.520	2.838	4.262	0.050	0.000	7.670
<b>Sub Total of Q1 Changes– for Cabinet to recommend to Council</b>	<b>(55.599)</b>	<b>35.619</b>	<b>21.076</b>	<b>5.128</b>	<b>1.446</b>	<b>7.670</b>

(10) Notes the forecast outturn for the Capital Programme 2022/23 of £145.270m against a current capital budget of £145.306m (excluding Accountable Bodies) resulting in a variance of (£0.036m) being reported at Q1, as set out in Table 24 of the report.

## 29 CORPORATE PERFORMANCE MONITORING REPORT 2022/23 - QUARTER 1

Members had before them a report from the Director of Finance (Section 151 Officer) which provided Cabinet with an update on corporate performance, measured against the new Council Plan Delivery Plan agreed in March 2022.

As a result of Local Government Reorganisation within Cumbria, a 12 month extension to the existing four year Council Plan 2018-22 had been agreed and would now run until March 2023. This supported a consistent focus on delivery of the broader outcomes across the Council in a rapidly changing working landscape.

Overall 40 of the 67 indicators had been met, or on track, 19 were amber and 4 were rated red. Compared to the previous quarter this showed an improvement with 4 more indicators now green, and 4 less indicators rated red.

**RESOLVED**, that Cabinet notes the overall performance relating to delivery of the four Council Plan outcomes and context indicators for the quarter ending 30 June 2022.

## 30 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA).

Members had before them a report which sought approval of the policy document at Appendix 1, which set out how Cumbria County Council would comply with the Regulation of Investigatory Powers Act 2000 (RIPA).

The report also provided Cabinet with an update on surveillance activity since the last report to Cabinet in September 2021. 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 did not unnecessarily infringe the human rights of individuals.

**RESOLVED**, that Cabinet

- (1) approves the updated Policy, attached as Appendix 1 of the report, in respect of how Cumbria County Council will comply with the Regulation of Investigatory Powers Act 2000.
- (2) delegates authority to the Chief Legal Officer/Monitoring Officer in consultation with the Leader and Deputy Leader to make amendments to the policy where required as a result of changes in legislation.

### **31 SCOPE 1,2 AND 3 BASELINE - CUMBRIA COUNTY COUNCIL CARBON MANAGEMENT STRATEGY 2022**

Cabinet considered a report from the Executive Director – Economy and Infrastructure which outlined the Cumbria County Council Carbon Management Strategy 2022.

The Strategy built upon the existing Carbon Management Strategy for the Corporate Estate (2020) approved by Cumbria County Council Cabinet on 12 November 2020. This strategy included the Greenhouse Gas (GHG) emissions for all Cumbria County Council operational service areas to a detailed Scope 1, 2 and 3 level.

Using the pre pandemic baseline year of 2019/2020 the Strategy also identified how the baseline emissions, caused by County Council service activity, would be allocated between the future successor authority areas of Cumberland and Westmorland and Furness. The Strategy would be passed to the new Councils to help establish a complete picture of carbon emissions for their new areas and aid future decision making around carbon and climate change matters.

A series of delivery strategies were identified to reduce emissions from County Council services in accordance with regional and national targets to reach Net Zero GHG emissions.

It was important that Cumbria County Council established a clear Strategy to ensure it had recorded, and had a proposal to manage its carbon emissions effectively having regard to International treaties and National statutory requirements.

The adoption of a Carbon Management Strategy demonstrated the County Council's commitment to decarbonisation of its services, its approach and set out the baseline on which it, and the successor organisations could choose to manage carbon emissions in the future. The Strategy defined the actions and estimated costs required and target dates for achieving net zero.

The adoption of the Strategy contributed to decarbonising the County of Cumbria's broader carbon footprint as part of the local government sector, and offers opportunities through investment in decarbonisation projects to increase skills and understanding of the risks and opportunities of decarbonisation delivery in Cumbria.

**RESOLVED,** that Cabinet approves the Cumbria County Council Carbon Management Strategy 2022 as attached in Appendix 1 of the report.

### **32 CUMBRIA COUNTY COUNCIL CHILDREN LOOKED AFTER PLACEMENTS SUFFICIENCY STRATEGY 2022-2025**

Members considered a report from the Executive Director – People, which asked Cabinet to approve Cumbria County Council's Children Looked After Placements Sufficiency Strategy 2022-2025.

The Strategy outlined Cumbria County Council's aspirations, vision, and approach to providing sufficient, safe, and appropriate placements for children looked after and care leavers over the next 3 years.

It was expected that this approach would continue to be relevant until 2025, at which time, if not before, Cumberland Council and Westmorland & Furness Council would be in a position to develop their own individual strategy, analysis and action plan.

There was legislation in place to enable a seamless transition of any strategies that had been carried out, formulated or prepared and published prior to Vesting day. These shall be treated as if they had been carried out, formulated, prepared, and published by the single tier council.

The Strategy would provide a common understanding of the needs of Cumbria's looked after children and the strategic priorities in relation to meeting the need.

**RESOLVED,** that Cabinet approves the Cumbria County Council's Children Looked After Placements Sufficiency Strategy 2022-2025.

**33 CONSULTATION ON THE POTENTIAL CHANGE OF AGE RANGE TO ST BEES VILLAGE PRIMARY SCHOOL AND WIGTON INFANT SCHOOL**

Members had before them a report from the Executive Director – People, which sought a decision on the publication of change of age range notices for St Bees Village Primary School and Wigton Infant School. An initial public consultation exercise on the change of age ranges was carried out between 6 June 2022 and 15 July 2022.

St Bees was a thriving Governor-led nursery which the Head and School Governors now want to integrate more fully into the primary school. To formally make the nursery part of the school the age range would need to change from 4 to 11 years of age to a new range of 2 to 11 years.

The extension of age range would allow the school to more effectively share its resources with the nursery, whilst making no changes to the day-to-day running of the existing arrangements for parents and children.

There were two responses to the initial consultation, the first queried whether the change would automatically entitle those in the nursery to a place in St Bees Village School, which would not be the case, and the second was from the Clerk to St Bees Parish Council supporting the change of age range.

In September 2020 Wigton Infant School changed its age range to 2 to 7 years in order to allow it to take on the former Longthwaite Road Pre-School.

Following a review of the facility since that date, and a temporary change to concentrate on 3 year-olds, it was now proposed to permanently amend the age range of the school to 3 to 7 years of age.

There was 1 response from a member of staff/governor supporting the change of age range.

Following the decision by Cabinet publication of formal change of age range notices would trigger a four week 'representation period', after which Cabinet must make a decision within 2 months on the proposals.

**RESOLVED,** that the Cabinet approves the publication of formal change of age range notices for St Bees Village Primary School and Wigton Infant School.

## 34 SCHOOL ADMISSION ARRANGEMENTS 2024/25

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

This paper also set out the proposed co-ordinated scheme for school admissions in 2024-25, which the LA was required to formulate by 1 January 2023. The LA was not required to consult on the scheme if it had not changed from the scheme adopted for the previous academic year, or where any changes were directed by legislation. Cabinet noted that no consultation was required for the proposed 2024-25 scheme.

Members were informed that references to the County Council being the statutory admissions authority referred to the current position; at this stage, there was no other statutory admissions authority for Community and Voluntary Controlled schools which could undertake consultation on, or determination of, the admissions policy as required by the School Admissions Code. Cabinet understood that references to the statutory admissions authority relating to the period from 1 April 2023 onwards should be read as references to Cumberland and Westmorland & Furness respectively.

**RESOLVED,** that Cabinet

- (1) Approves 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 2021, paragraph 1.47;
- (2) Determines the proposed co-ordinated scheme for 2024-25 for all maintained schools and academies in Cumbria, Appendix B of the report;
- (3) Agrees the nursery admissions policy for 2024-25 for Community and Voluntary Controlled nursery schools and infant/primary schools providing nursery education, Appendix C of the report;
- (4) Notes that this consultation relates to the policy on admissions to school in September 2024, at which point the County Council will have been abolished. It is recommended, however, that the County Council undertakes consultation on, and determination of admission arrangements for 2024-25 so that these can be adopted by the successor authorities. It is suggested that the new shadow authorities should be consulted formally and directly on the proposed arrangements;

- (5) Notes that a further report will be brought to Cabinet in December 2022 to provide feedback from the consultation and to seek a decision on the adoption of the 2024-25 arrangements.

The meeting ended at 11.15 am