

## **CUMBRIA COUNTY COUNCIL**

**Minutes** of a Meeting of the **Cabinet** held on **Thursday, 15 December 2022 at 10.00 am at Council Chamber, County Offices, Kendal**

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### **PRESENT:**

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

Officers in attendance:

Chief Executive, Executive Director (People), Director of Finance (Section 151 Officer), Chief Legal Officer, Assistant Director for Highways and Transport, Deputy Chief Fire Officer, Leadership Support Officer - Labour Group, Leadership Support Officer - Liberal Democrat Group and Professional Lead - Democratic Services.

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

#### **35 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mrs P Bell and Mrs J Willis.

Mrs A Burns and Mr D Southward arrived late to the meeting due to traffic delays from a road traffic accident.

#### **36 DISCLOSURES OF INTEREST**

There were no disclosures of interest made on this occasion.

#### **37 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**, that the press and public be not excluded during any items of business today.

## **38 MINUTES**

**RESOLVED**, that the minutes of the meeting held on 22 September 2022 be signed by the Chair.

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

Mr D Southward arrived at the meeting at this point.

The Cabinet Member for Highways and Transport made a statement about Winter Maintenance. The weather over the last 10 days had turned much colder and the County Council's Highway Teams had been out gritting the roads across the County. The Council had received many requests for grit bins in response to the severe temperatures.

He then went on to make a statement about the four youngsters that had sadly died as a result of falling through ice on a frozen lake in Solihull. He mentioned a recent event in Cumbria where it had been reported that there had been two young boys that had fallen into Siddick Pond in Workington.

Cumbria Fire and Rescue Service crews from Workington and Whitehaven were called, working alongside colleagues from Cumbria Police, North West Ambulance Service and assistance from HM Coastguard and their helicopter, Maryport Rescue and voluntary organisation West Cumbria Search & Animal Rescue a thorough search was carried out.

Following extensive enquiries by Cumbria Police they were able to identify the boys involved and speak with them, it was believed that one of them partially fell through the ice, however he did not fully enter the water.

The Local Member for Seaton, whose division Siddick Pond was located in thanked all of the emergency services for their swift response to this incident.

The Cabinet Member for Highways and Transport also praised the Cumbria Fire and Rescue Service for their response to the recent fire in Hadrians Gardens in Carlisle which sadly had resulted in a fatality. He sent condolences to all concerned with this.

Mrs A Burns arrived at the meeting at this point.

The Cabinet Member for Economic Development and Property then made a statement about Cumbria County Council's progress in Digital Infrastructure Strategy. Members heard how significant progress in its Digital Infrastructure Strategy had been achieved over the last 12

months, with almost 95% of properties in the county now able to access broadband services of at least 30Mbps. Over 31% of properties had access to gigabit-capable broadband, an increase from just 12% at the beginning of the year.

It was expected that access to gigabit capable broadband will expand much further over the next few years. Nine broadband suppliers had broadband programmes in progress in Cumbria, investing hundreds of millions of pounds into the county and creating jobs and opportunities for business growth in the area.

#### **40 PUBLIC PARTICIPATION**

Ms Wendi Lethbridge attended to ask Cabinet a question about the Abbey Care Home in Staveley.

She spoke to say the following:

'My name is Wendy Lethbridge and I have lived in Staveley for over 30 years. I have had 2 accidents since 2018 which have reduced my mobility and access to my house is not easy.

In 2019 the decision was made to close the Abbey Care Home and I was one of many local people who objected and signed a 2000 strong petition to SAVE OUR ABBEY. But in 2020 Cumbria County Council closed it anyway. Staveley people are determined to carry on looking after its older residents, in Staveley, people, who like me, have strong ties to Staveley, and close friends.

Staveley Community Trust was set up so that the building and grounds could be owned by members of the community so that the people decide what it will deliver and how to run it. Over a year ago, in October 2021, an innovative, costed proposal that matched local needs was submitted to Cumbria County Council. South Lakeland District Council were impressed enough to offer a £260,000 Community Homes Grant to prepare for the build, and to make our case even stronger.

Other grant funding has been promised. Not only would the site provide extra care homes, a care hub, and home from hospital care, but potentially free up local homes for local families, in a village suffering from second home blight.

Cumbria County Council eventually came back with a number of points of viability to which we responded with full support from the Parish Council in May this year – then waited, from June to September, during which time Staveley Community Trust were led to believe that CCC was working with them so that the Abbey could be transferred to the community at less than market value.

Having waited for so long for more consultation, the decision on 24 October this year that Cumbria County Council had refused to transfer the Abbey building as a Community Asset, felt like a slap in the face, and the final straw came when less than 3 weeks later, it was put on the open market – to be sold to the highest bidder by 18 January 2023.

We intend to make sure it is owned by our community, so Staveley Community Trust have launched a crowdfunding page which is doing very well, and we have been offered match funding once the fund reaches £100,000.

More than 120 people so far have written to the LDNPA to object to a change of use from C2, and emphasise that we need a care facility in Staveley.

Nobody should have to leave the area they live in because they are older or need a little help. That's the starting point for our proposal. If the Abbey is sold to the highest bidder I want to know how the new Westmorland and Furness Authority will meet my needs and others like me? Cumbria County Council has not done a great job of it so far, according to their own Cabinet papers the situation is bad and worsening.

Her question for Cabinet was – should the criteria for accepting bids on this building be other than money, we have a valid proposal, so why not a Community Asset Transfer'

She ended by mentioning the number of meeting which had been arranged with trust members to discuss the proposals, but has then been cancelled, which was frustrating. She understood that the Leader of the new Westmorland and Furness Authority would have the power of veto over any proposal made during the last 6 months of Cumbria County Council's existence.

The Cabinet Member for Economic Development and Property thanked Ms Lethbridge for attending today to ask her question and gave the following response:

'The disposal of property needs to ensure the achievement of good practice and where appropriate, that the maximum benefit of the asset is realised. This can be through obtaining the highest sale value or meeting wider community wellbeing objectives supported by the Council.

Community Asset Transfer (CAT's) is one of the ways in which the corporate priorities can be achieved. The assets that the council owns in local communities may play an important part in enabling voluntary groups to come together, to offer communities a range of activities and

services that benefit the social and economic wellbeing of an area. CAT's can provide an opportunity to enable communities to help themselves.

The Corporate Director – Economy and Highways (or relevant delegated officer) may determine that a property is not suitable for use by the community. In those instances the property will proceed straight to the open market.

The Council has been transferring assets to communities for many years with local elected members being at the heart of this activity.

For any transfer, the Council would require a proposal from a suitable group seeking the transfer to outline the community benefits, development plans and business case, covering financial viability, proposed utilisation, benefits to the organisation and community, and evidence of wider support. As set out in the Council's letter dated the 13th October to the Abbey Development Group, regretfully, after due consideration by officers, the Council determined in line with its Disposal Policy 2016 that the business case, as submitted, did not demonstrate a viable future use for this asset. The proposal had little firm evidence to demonstrate achievable project delivery or viability.

Cumbria County Council acknowledges the community-minded spirit which has motivated volunteers from within the local community to come forward to offer to take responsibility for the asset. Whilst such action is to be applauded there is concern that the core volunteer team would be taking on significant organisational and financial risks. It remains to be seen how any shortfall in income or capital funds would be met. Cumbria County Council would not wish to facilitate the transfer of this substantial asset to local volunteers who would soon be struggling with attempting to run a non-viable enterprise.

Cumbria County Council's decision does not preclude the Abbey Development Group from making an offer to purchase this asset under the current disposal process.'

The Leader of the Council also thanked Ms Lethbridge for attending the meeting, and although he was sure she was disappointed with the response he noted that the trust and members of the public would be pursuing the objection via the planning route, and if successful Cumbria County Council would abide by the outcome of the planning decision.

He noted the comments about the Leader of the new authority having power of veto over this decision but had been advised that this decision would not be covered by the statutory provisions for selling assets due to the value. Discussions had nevertheless been held with the Leader of the Westmorland and Furness Shadow Authority who had concurred in writing with the CC decision.

## **41 SCRUTINY REVIEW - NO CHILD GOES HUNGRY**

### **a Scrutiny Review – No Child Goes Hungry Task & Finish Group**

The Chair of the No Child Goes Hungry Task and Finish Group presented a report which set out the findings and recommendations of a Scrutiny Task and Finish Group which was established in September 2022 to explore options for extending access to adequate nutritious food, to ensure that no child goes hungry at any point, building on the work of the Council's Cost of Living Crisis fund and work undertaken during the pandemic.

The report was debated by Council on 3 November 2022. Members supported the recommendations in the report and referred the report to Cabinet to consider the outcomes and allocate funding as part of the Quarter 2 budget monitoring report.

The Chair of the Scrutiny Task and Finish Group then took members through the key findings and the recommendations from the task and finish group for Cabinet to consider.

The Chair said Scrutiny members hoped this would help to establish a bridge for the two new unitary councils to take forward as a standard and legacy from Cumbria County Council.

The response to the recommendations was contained in the next agenda item. Minute No 41 (b) refers.

### **b Response of the Executive Director to the Scrutiny Review - No Child Goes Hungry**

The Cabinet Member for Public Health and Community Services presented the response to the Scrutiny Review - No Child Goes Hungry.

The Cabinet Member thanked everyone who participated in the review, and said this was an excellent example of partnership working during a time of crisis. Agreeing the recommendations from the review and getting them in place before the winter months would be essential.

The Cabinet Member said the Cabinet would accept all 5 of the recommendations from the scrutiny review, but with a couple of pragmatic amendments.

The Leader commented that there would also be a change to recommendation 1 in relation to which funding stream the money would be allocated from. It would be funded in the manner set out in

paragraph 27 of the report, leaving the Household Support Fund available to assist wider community needs.

The Leader has written a letter to the Government to lobby for an increase in the funding allocation for free school meals which would be sent once Cabinet approval was granted. All cabinet members supported the need for lobbying.

The Leader reminded Cabinet members that the relevant Scrutiny Chair had given approval for this decision to be exempted from call in due to the urgent need to deal with the cost of living crisis, and he thanked the Chair for his approval.

**RESOLVED**, that Cabinet

- (1) Agrees to provide funding to cover the 25% of none DfE funded costs that eligible schools must contribute in order to be part of the National Breakfast Club Programme until March 2023.
- (2) Agrees to provide a Food Provision Grant to every school based on a formula that included a combination of total pupil numbers and total numbers of FSM pupils. This funding to be used at the school's discretion to ensure that their pupils are able to access hot food as appropriate. Schools will be issued with guidance and advice on use of the grant.
- (3) Agrees to allocate £0.4m from the unspent Contain Outbreak Management Funding (COMF) and £1.1m from COVID ringfenced reserves to fund the breakfast clubs and food provision schemes.
- (4) Agrees for the Leader to write to Government to lobby for a fair review of the funding of FSM.
- (5) Agrees to enter into an agreement for the provision of free school meal vouchers during the Easter Holidays and provide funding for the vouchers in the form of a ringfenced reserve to be used by Cumberland Council and Westmorland and Furness Council.
- (6) Agrees to allocate £0.5m from COVID ringfenced reserves to fund the provision of free school meal vouchers during the Easter Holidays.

The Deputy Leader presented a report which set out the Council's forecast year-end financial position at 30 September 2022 and covered the revenue budget, capital programme and treasury management.

He took Cabinet through the key messages contained in the report, and highlighted the following:

- The original approved net revenue budget for 2022/23 was £455.496m. After taking account of adjustments to General Grants and transfers to and from reserves, the revised net budget 2022/23 was £472.818m at 30 September 2022. The net forecast outturn was £472.818m, an overspend of £1.368m (0.3%) as summarised in Table 1 of the report.
- The General Fund Balance at 1 April 2022 was £25.056m. Q1 forecast a £1.368m overspend position, which would reduce the General Fund balance to £23.688m. When the General Fund Balance was set by Council at £25m it was stated as being adequate for the financial risks facing the Council. Therefore, focused work was continuing to deliver a balanced budget position to mitigate any impact on the General Fund Balance. A balanced budget position for 2022/23 would enable General Fund Balance to remain at the present position of £25.056m.
- There continued to be significant financial risks that could impact on the forecast outturn position reported at Q2. These included:
  - the uncertainty around further increases to inflation levels throughout the year;
  - increased financial costs as care market conditions potentially improve and the unmet need for social care provision is met;
  - capacity concerns around delivering County Council priorities whilst also supporting the Local Government Reorganisation programme and responding to national policy changes resulting in the need to invest in additional resources in year, and;
  - increased demand for individual support and financial assistance for individuals and households due to the ongoing cost of living crisis.
- There had been changes to the Capital Programme since February and this report sought agreement to change the Capital Programme, 2022/23 to 2026/27, by £3.439m.

**RESOLVED,** that Cabinet

- (1) Note the revised Revenue Budget at the provisional outturn for monitoring purposes of £471.450m as a result of the agreed transfers to and from reserves (set out in Appendix 1 of the report);
- (2) Note the forecast Revenue Budget outturn as at Q2 is a projected overspend of £1.368m (see Table 1 below) which would result in a General Fund Balance position at year end of £23.688m.
- (3) Note 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) Note the forecast delivery of approved savings for 2022/23 is £14.792m against a total target of £16.231m (91.1%).
- (5) Note the key decision that has been taken in respect of providing £3.845m of financial support for social care providers through an in year uplift to social care provider contract rates effective from 1 October 2022.
- (6) Approve £2.000m of funding to support Cabinet’s response to Scrutiny Task Group Review – Cost of Living and Children’s Food. This by utilising £1.600m of COVID unringfenced earmarked reserves and £0.400m of available COMF grant.
- (7) Approve the creation a £0.500m earmarked revenue reserve to fund Free School Meals in the Easter Holidays 2023.
- (8) Approve three Revenue Contribution to Capital totalling £0.358m:
  - £0.200m to the Schools Corporate Maintenance Fund.
  - £0.118m from the Allerdale Local Committee Budget to the Area Planning Budget.
  - £0.040m from Bus Operators Grant towards bus stops on Devonshire Street, Carlisle as part of the Carlisle Southern Gateway project.
- (9) Approve the following amendments to the Capital Programme:

	2022/23	2023/24	2024/25	2025/26	2026/27	Total 2022-2027
	£m	£m	£m	£m	£m	£m

	2022/23	2023/24	2024/25	2025/26	2026/27	Total 2022-2027
Changes to existing scheme – funded by external Grant / Contribution (set out in table 17)	3.081	0.000	0.000	0.000	0.000	<b>3.081</b>
Changes to existing scheme – funded by internal Grant / Contribution (set out in table 18)	0.358	0.000	0.000	0.000	0.000	<b>0.358</b>
Virements (set out in table 19)						
Additional Pot Hole Action Funding	0.148	0.000	0.000	0.000	0.000	<b>0.000</b>
Highways Fleet Replacement	(0.148)	0.000	0.000	0.000	0.000	<b>0.000</b>
Prioritised Capital Maintenance Projects/Schools	0.376	0.000	0.000	0.000	0.000	<b>0.000</b>
Maintenance						
Additional Inflation Risk allowance	(0.376)	0.000	0.000	0.000	0.000	<b>0.000</b>
Corporate Property Planned Maintenance and improvement	0.297	0.000	0.000	0.000	0.000	<b>0.000</b>
Additional Inflation Risk allowance	(0.297)	0.000	0.000	0.000	0.000	<b>0.000</b>
Devolved to Local Committees - Principal Road Network (PRN)	0.199	0.000	0.000	0.000	0.000	<b>0.000</b>
Additional Inflation Risk allowance	(0.199)	0.000	0.000	0.000	0.000	<b>0.000</b>
<b>Total of Q2 Changes – for Cabinet approval</b>	<b>3.439</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>3.439</b>

(10) Note the forecast outturn for the Capital Programme 2022/23 of £141.357m against a current capital budget of £148.745m (excluding Accountable Bodies) resulting in a variance of (£7.388m) being reported at Q2, as set out in Table 20 of the report.

#### **43 CORPORATE PERFORMANCE MONITORING REPORT – QUARTER 2 2022/23**

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 38 of the 63 indicators had been met, or were on track, 19 were amber and 5 were rated red. Compared to the previous quarter this showed a slightly worsening position, with 1 more indicator now red, and 2 fewer indicators rated green.

The Cabinet Member representing Hindpool hoped that once the Fire and Rescue Service moved across to the Police and Crime Commissioner the same community focus would still be maintained. Recently there had been 3 fires in her division and the Fire Service had responded and dealt with these in a very effective manner. The role the Fire and Rescue Service played in supporting the Council's supporting people agenda, could not be understated.

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

#### **44 PROPOSED CHANGE OF AGE RANGE FOR ST BEES PRIMARY SCHOOL AND WIGTON INFANT SCHOOL**

Members considered a report from the Executive Director – People, which sought a final decision on the proposed change of age range at 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, and legal notices were published on 12 October and 13 October 2022 which triggered a 4 week representation period.

St Bees was a thriving Governor-led nursery which the Head and School Governors now wanted 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.

No responses were received during the representation period.

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.

No responses were received during the representation period.

**RESOLVED,** that the Cabinet

- (1) Agrees to implement the proposed change of age range at St Bees Village School from 4 to 11 to 2 to 11 years;
- (2) Agrees to implement the change of age range at Wigton Infant School from 2 to 7 to 3 to 7 years.

#### **45 SCHOOL FUNDING FORMULA 2023-24**

Cabinet members considered a report from the Executive Director – People which set out the current arrangements for school funding and updated members on the outcome of a recent consultation with schools.

A National Funding Formula (NFF) was introduced for schools from 2018/19 and as in previous years it would continue to be 'soft' year in 2023/24 giving local authorities flexibility in applying the NFF.

Local Authorities are obliged to consult their local schools and Schools Forum on an annual basis regarding changes to school funding arrangements and whether to continue to adopt the NFF. Cumbria had adopted the NFF each year since 2018/19.

In addition to deciding whether to adopt the NFF for schools or to apply a locally determined formula, Local Authorities also had discretion over whether to transfer up to 0.5% of funding from the Schools Block into other blocks with the agreement of Schools Forum. Last year, after allocating the NFF in full a transfer of 0.32% equating to £1.067m was agreed. Cabinet was statutorily responsible for deciding on a formula through which funding was allocated to schools.

Following a consultation with all Cumbrian schools affected by these proposals, including prospective members of the respective school fora for Cumberland and Westmorland and Furness, the Cumbria Schools Forum at its meeting on 23 November 2022, had recommended to Cabinet that the National Funding Formula was implemented in full from April 2022 for the 2023/24 financial year and, after taking into account the growth fund budget, any residual balance up to a maximum of 0.5% of funding is to be transferred from the Schools Block into the High Needs block with any balance remaining in the Schools block after the transfer of a maximum of 0.5% to be allocated to schools through the school funding formula.

**RESOLVED**, that

- (1) Cabinet approve the recommendation of the Cumbria Schools Forum to allocate funding in Cumberland and Westmorland and Furness to schools using the National Funding Formula in 2023/24 and,
- (2) after taking into account the growth fund budget, any residual balance up to a maximum of 0.5% to be transferred from the Schools Block into the High Needs block and
- (3) any balance remaining in the Schools block after transfer of a maximum of 0.5% should be allocated to schools through the school funding formula.

The meeting ended at 12.05 pm