

CUMBRIA COUNTY COUNCIL

Minutes of a Meeting of the **Cabinet** held on **Thursday, 19 December 2019 at 10.00 am at Council Chamber - County Offices, Kendal.**

PRESENT:

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

Officers in attendance:

Chief Executive, Executive Director - Corporate, Customer and Community Services, Interim Executive Director - People, Executive Director - Economy and Infrastructure, Director of Finance (Section 151 Officer), Chief Fire Officer, Director of Public Health, Chief Legal Officer (Monitoring Officer), Leadership Support Officer - Labour Group, Leadership Support Officer - Liberal Democrat Group, Professional Lead - Democratic Services and Communications Manager

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

64 APOLOGIES FOR ABSENCE

There were no apologies for absence on this occasion.

65 DISCLOSURES OF INTEREST

There were no disclosures of interest made for any of the items on the agenda today.

66 MINUTES

RESOLVED, that the minutes of the meeting held on 14 November 2019 be agreed as a true record and signed by the Chair.

67 EXCLUSION OF PRESS AND PUBLIC

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

68 STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS

The Leader made an announcement on the outcome of the General Election making reference to the Governments priorities concerning infrastructure investment. Cumbria had several schemes that were prime for delivery within the next 5 years should sufficient funding be made available. Throughout the election campaign it had been intimated that investment for the North may be forthcoming and he was keen that Cumbria was first in line. It had been agreed that a joint letter would be sent to the Prime Minister signed by all the County Council group leaders setting out our asks of government for Cumbria. The letter would also be shared with the 6 MPs for Cumbria.

The Cabinet Member for Public Health and Community Services made an announcement about Refugee Resettlement in Cumbria. Last month, along with the leader, she met a group of refugees from Syria who were making Cumbria their home as part of the Home Office, Vulnerable Person's and Vulnerable Children's Resettlement scheme.

What struck her most about the visit was how thankful the refugee families were of the welcoming and supportive nature of our Cumbrian communities, and just as importantly how excited and positive they now felt about their future.

Since April 2017, 222 individuals were now living in Cumbria as part of the resettlement scheme. Work continued with our district colleagues and other partners to resettle a further cohort of refugees this financial year.

The Cabinet Member for Customers, Transformation and Fire and Rescue made a statement about the recent inspection by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in June 2019, Cumbria Fire and Rescue Service had received their final report which stated that the Service was performing to a 'good standard'.

Cumbria Fire and Rescue Service (CFRS) has been judged as 'good' in relation to how effective it is about keeping people safe and also judged as 'good' in relation to how efficient the Service is. It was rated as 'requires improvement' for how well it looks after its people. In total, the Inspectorate looked at 11 key areas and CFRS has been graded as good in eight of those areas and requiring improvement in three.

This is a really positive outcome and testament to the great work CFRS and all centralised support staff deliver every day of the year to keep communities safe.

Cabinet asked the Chief Fire Officer to pass on their thanks to all staff in Cumbria Fire and Rescue Service.

69 PUBLIC PARTICIPATION

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

There were no referrals from Local Committees made on this occasion.

70 SCRUTINY'S RESPONSE TO BUDGET PLANNING

The Chair of Scrutiny Management Board presented Cabinet with a report which provided a summary of Scrutiny's engagement in Strategic Planning for 2020/21, and outlined key points and recommendations agreed by Scrutiny Management Board (SMB).

Scrutiny's engagement in the 2020/21 Strategic Planning process had been an ongoing dialogue which had focused around two sessions, one held on 29 July 2019, with the Chief Executive and Director of Finance present, and the second one held on 26 November 2019, with the Chief Executive, Executive Director - Corporate Customer and Community Services and the Director of Finance present to answer questions.

The Chair took Cabinet through the key themes and points raised by members which formed Scrutiny's response to Cabinet in respect of the Budget Consultation, and he hoped Cabinet would be able to support these recommendations:-

- Cabinet is asked to provide assurance that opportunities will continue to be offered for pre-scrutiny and non-executive input with proposals as they emerge through the year, prior to decisions being taken.
- To continue to work together with partners to lobby on behalf of Cumbria in the run up to the 2020 spending review.

- To receive a review of the schemes in the Enterprise Framework particularly those identified by Members, with an assessment of their success, this then to be communicated to the Council as a whole

RESOLVED, that Cabinet Members note Scrutiny's response, and respond to the specific recommendations included at paragraph 10 of the report (Minute No 71 refers).

71 RESPONSE TO SCRUTINY FEEDBACK ON STRATEGIC PLANNING

The Deputy Leader presented the Cabinet Response to the Scrutiny Feedback on budget planning. The report provided a proposed Cabinet response to Scrutiny feedback on the 2020/21 Budget Consultation and Strategic Planning. In addition to the feedback provided, Scrutiny Management Board also made three recommendations to Cabinet in respect of early engagement of Members in development of the strategic planning proposals, and working with partners to secure funding for Cumbria. It was proposed that Cabinet accepted the three recommendations, which were:-

- **Recommendation 1**
To provide assurance that opportunities will continue to be offered for pre-scrutiny and non-executive input with proposals as they emerge through the year, prior to decisions being taken.
- **Recommendation 2**
To continue to work together with partners to lobby on behalf of Cumbria in the run up to the 2020 spending review.
- **Recommendation 3**
To receive a review of the schemes in the Enterprise Framework particularly those identified by Members, with an assessment of their success, this then to be communicated to the Council as a whole.

The proposed responses to Scrutiny feedback and recommendations as set out in this paper were aligned with the delivery of the Council Plan and supported the work to set a balanced budget for 2020/21.

Taking forward the suggestions made by Scrutiny Members as appropriate and continuing effective dialogue would support the development of deliverable proposals for future savings as part of the work to ensure the financial sustainability of the Council.

RESOLVED, that Cabinet accept the scrutiny recommendations and

agree the responses at paragraphs 24 to 26 of the report.

72 2019/20 REVENUE AND CAPITAL BUDGET MONITORING REPORT TO 30 SEPTEMBER 2019

The Deputy Leader presented a report from the Director of Finance, which sets out the Council's forecast financial position at 30 September 2019, Quarter 2 (Q2); covering the Revenue Budget, Capital Programme and Treasury Management.

At the end of Q2, against a net revenue budget of £390.839m, the forecast for the Revenue Budget at the year-end was a net pressure of £1.500m.

The Deputy Leader took members through the report and outlined the key messages for Cabinet.

Members discussed the continuing challenges for local government especially in light of the key pressure areas of Adult Social Care funding and Children Looked After. Members expressed their fears for the long term future and sustainability of the local government sector and questioned whether the government really understood the pressures councils were facing.

RESOLVED, that Cabinet

- (1) Note the Revenue Budget at the provisional outturn for monitoring purposes of £390.839m as a result of the transfers from the Inflation and Contingency budget and agreed transfers to and from reserves (set out in Appendix 1).
- (2) Note the forecast Revenue Budget outturn of a net pressure of £1.500m after mitigations.
- (3) Note progress in delivering the new savings for 2019/20 of £22.730m; a total of £19.271m (84.8%) of these 2019/20 savings are forecast to be delivered by 31st March 2020.
- (4) Note the forecast General Fund balance at 31st March 2020 of £13.556m after mitigations. This is below the minimum level of General Balances target set by Council in February 2019 of £15.000m.
- (5) Approve Revenue Contributions to Capital of £0.020m relating to Grants from South Lakeland Local Committee and £0.093m relating to CNDR land Purchase as detailed in Economy and Infrastructure appendix 3 (3).
- (6) Approve the creation of an Earmarked Reserve for Parking £0.090m within the Economy and Infrastructure Directorate as detailed in appendix 3 (3)

(7) Approve the following amendments to the Capital Programme:

	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m
The addition of external contributions to existing schemes to be included in the capital programme (set out in paragraph 88)	0.472			
The addition of internal contributions to existing schemes to be included in the capital programme (set out in paragraph 89)	0.113			
The addition of a new scheme (set out in paragraph 86)	0.178			
Virement of (as set out in paragraph 91) From Principal Road Network To Bridges and Structures	(0.332) 0.332			
Total	0.763	0.000	0.000	0.000

(8) **RECOMMENDS** to Council the following amendments to the Capital Programme

	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m
Re-profiling to future years (set out in paragraph 85)	(12.046)	11.036	0.256	0.754
The addition of a new scheme (set out in paragraph 87)	0.050			
Addition of internal contributions to existing schemes to be included in the capital programme (set out in paragraph 90)	3.000			
Virement of grant (as set out in paragraph 92) from Devolved Formula Capital 19/20 to Devolved Formula Capital 18/19	(1.735) 1.735			
Total	(8.996)	11.036	0.256	0.754

- (9) Note the forecast outturn for the Capital Programme 2019/20 of £106.021m against a current capital budget of £105.232m (excluding Accountable Bodies) resulting in a variance of £0.789m as set out in Table 7 paragraph 93.
- (10) Note Treasury Management activities during Q2 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 2019.

73 CORPORATE PERFORMANCE MONITORING REPORT – QUARTER 2 2019/20

Members had before them a report from the Director of Finance, which provided Cabinet with a progress update on corporate performance, incorporating progress on the Council Plan Delivery Plan 2019/20 for the three month period from 1 July 2019 to 30 September 2019.

Reporting of performance was essential so that Cabinet was informed about progress being made, where improvements were needed and what action was being taken to address performance challenges.

The Council Plan Delivery Plan 2019/20 included both a description of 54 actions that the Council would undertake with target dates for delivery or milestones, and 38 performance measures which provided an indication of how well the Council was performing.

The overall position by the end of Quarter 2 2019/20 was that 52 of the 54 (96%) Council Plan Delivery Plan actions were rated Green or Amber and had therefore delivered, met or were on track to meet the planned milestone some with a recovery plan in place. For the same period two actions (4%) were expected to miss a key milestone or not fully deliver as intended and therefore rated red.

In terms of the measures used to track performance, the overall position for Quarter 2 was that 29 of 38 measures (76%) demonstrated a positive outcome, either exceeding the target or within 10% of the target. . Nine measures (24%) were more than 10% off the target and therefore rated red.

The Leader highlighted two specific areas for Cabinet to note.

Firstly the action to refresh the Improvement Plan following the Local Area SEND inspection. Preparation and submission of the revised SEND Written Statement of Action (WSOA) had been completed during

Quarter 2 and approved by Ofsted during Quarter 3. The governance was through a SEND Improvement Board (with an independent chair) reporting to the Health and Wellbeing Board.

Secondly, the development of a 'grow your own' approach to address market issues for Social Workers. A further 15 'children' Social Workers had been recruited via the Council's Academy, with a specific supernumerary of 4 West 'grow your owns' who started in July and August 2019.

RESOLVED, that Cabinet note overall performance relating to delivery of the three Council Plan outcomes and implementation of new ways of working, focusing on progress against the actions and metrics identified in the Council Plan Delivery Plan 2019/20 for the 2nd Quarter ending 30 September 2019.

74 BORDERLANDS INCLUSIVE GROWTH DEAL - GOVERNANCE

The Leader presented a report from the Executive Director – Economy and Infrastructure which sought approval to enter into a Collaboration Agreement between the five local authorities within the Borderlands Partnership in order to formalise the governance arrangements for the management and delivery of the Borderlands Inclusive Growth Deal.

The Heads of Terms announcement for the Borderlands Inclusive Growth Deal was made on 1 July 2019. This included a commitment to a £350m package of projects and programmes, with £200m being allocated to Cumbria and Northumberland from UK Government over a 10 – 15 year period.

The release of funding was conditional on business cases being approved and on a Final Deal Agreement being in place. Prior to progressing discussions on the Final Deal Agreement, there was a requirement for formal governance arrangements to be in place.

Up until now the Borderlands Partnership had operated on an informal basis under the principles of a Memorandum of Understanding whereby each of the partners agreed to co-operate to reach agreement on the Heads of Terms for a Deal. The arrangements relating to the Borderlands Partnership now needed to move towards a formal governance arrangement in order to proceed to Final Deal.

The key objectives for the governance of the Borderlands Inclusive Growth Deal were to:

- Ensure appropriate decision making on the investment of Growth Deal funding

- Ensure appropriate transparency in relation to the investment and expenditure of public funding
- Establish a strategic relationship with UK and Scottish Governments that serves to support the economic interests of the Borderlands area
- Provide a strategic forum for collaboration on shared economic challenges and opportunities within the Borderlands area

To achieve these objectives, it proposed to have a legally-binding Collaboration Agreement entered into between the five participating local authorities for a period of 15 years from 2019/20. In broad terms this would govern the decision making of the Borderlands Partnership and would commit the Participating Authorities to work together in setting the strategy and in exercising oversight and control of the Borderlands Inclusive Growth Deal funding.

RESOLVED, that

- (1) Cabinet approves the Council entering into a Collaboration Agreement with Carlisle City Council, Dumfries and Galloway Council, Northumberland County Council and Scottish Borders Council for a period of 15 years from the date of signing the agreement on the terms set out in the final draft agreement at Appendix 1 of the report;
- (2) Cabinet agrees to delegate authority to the S151 Officer and Monitoring Officer to finalise the agreement in consultation with the Leader, Deputy Leader and Portfolio Holder.

75 COMMUNITY ASSET TRANSFER OF ELLERTHWAITE HOUSE (WINDERMERE LIBRARY) - GRANT OF A LONG TERM LEASE

Cabinet had before them a report from the Executive Director – Corporate, Customer and Community Services, which proposed a Community Asset Transfer for the grant of a long term lease (99 years) on a full repairing and insuring basis (FRI) of Ellerthwaite House – Windermere Library to The Lake District Paradise Project Ltd (transfer at undervalue) for nil rent.

The Cabinet Member for Economic Development and Property outlined the details of the proposal for Ellerthwaite House – Windermere Library, and asked Cabinet to support the proposal.

The 2015 Prime Minister’s Holocaust Commission Report identified that ‘...more needed to be done to support [Holocaust] education and commemoration at a regional level’ and quoted the Lake District Holocaust exhibition run by Another Space Ltd as an example of ‘excellent practice’ and ‘highly respected’.

In 2017 the Council (with South Lakeland District Council) supported Another Space Ltd by providing a grant towards a feasibility study which provided a number of recommendations, including setting up and developing a separate Trust to take on this challenge. To this end, Lake District Paradise Project Ltd (LDPPL) was registered with the Charities Commission and now had 7 Trustees on its Board.

LDPPL had coalesced around the creation of an appropriate venue to deliver against the aims and objectives of the group and identified Ellerthwaite House as the preferred building to further the project.

The library service remained integral to LDPPL's vision and future developments. The Council would provide the service in the building alongside the LDPPL operated museum and exhibition, both bodies thereby providing a complete learning and social experience. The Council would share running costs of the building with LDPPL and this would be facilitated through a sub-lease granted back to the Council on a rent-free basis.

RESOLVED, that

- (1) Cabinet agree the grant of a long term lease (99 years) on a FRI basis of Ellerthwaite House – Windermere Library to The Lake District Paradise Project Ltd (Community Asset Transfer/Transfer at Undervalue) for nil rent.
- (2) Cabinet agree detailed terms of the long lease to be delegated to the Executive Director – Economy and Infrastructure in consultation with the Leader, Deputy Leader and Portfolio Holder.

76 CHILDCARE SUFFICIENCY

Cabinet considered a report from the Interim Executive Director – People which detailed that Section 6 of the Childcare Act 2006 placed a duty on all to take up, or remain in, work or to undertake education or training which could reasonably be expected to assist them to obtain work.

Cumbria County Council, along with all other local authorities, were required to report annually to its elected members on how it was meeting this duty, whilst also making this report available and accessible to parents.

This report provided an overview of childcare sufficiency in Cumbria by identifying the demand, the supply and any gaps in provision, by using data from a number of sources, including:-

- Analysis of existing childcare provision – through Ofsted data, in house data systems/knowledge and a provider self-update to Cumbria County Council.
- Two, three and four year old funding claims in Summer 2019
- Statistical data from the Office of National Statistics

Members discussed the importance of supporting women back into the workplace after having children and that the sufficiency of affordable and local childcare provision was crucial to this. The Leader highlighted the challenge in terms of funding provided by the government to cover the cost of free childcare places and the impact this was having upon the ability of nurseries and childcare settings to remain open. It was clear that sufficiency would be dependent upon the government providing sufficient funding to cover childcare places.

RESOLVED, that Cabinet note the report and to continue to work with officers to promote and maintain a sufficiency of childcare places.

77 SCHOOL FUNDING FORMULA 2020-21

The Cabinet Member for Schools and Learning presented a report from the Interim Director of People which sets out the current arrangements for school funding and updates Members on the outcome of a recent consultation with schools.

A National Funding Formula (NFF) was introduced for schools from 2018-19. Initially it was intended that the first 2 years would be 'soft' and therefore allow local flexibility in applying the NFF. Subsequently, it was announced that 2020-21 would also be a 'soft' year. Local authorities were obliged to consult schools each year to confirm whether the NFF was to be adopted for the forthcoming financial year.

On 4 September 2019, the Chancellor of the Exchequer made an announcement on the school funding settlement for 2020-21 to 2022-23. This outlined a national increase in school budgets of £14.5bn over 3 years compared to 2019-20 levels resulting in increases of £2.6bn in 2020-21, £4.8bn in 2021-22 and £7.1bn in 2022-23. The announcement also included an additional £700m nationally for special educational needs (SEN) for one year only.

The Department for Education had confirmed that Local Authorities must consult their local schools and Schools Forum on an annual basis regarding changes to school funding arrangements and whether or not to continue to adopt the NFF. Cumbria has 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. 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, Cumbria Schools Forum at its meeting on 26th November 2019, had recommended to Cabinet that the National Funding Formula was, as in previous years, adopted from April 2020 for the 2020-21 financial year and that once the National Funding Formula had been applied in full to calculate school budget shares, any surplus balance remaining was transferred to the High Needs Block up to a maximum of 0.5%.

RESOLVED, that Cabinet approve the recommendation of the Cumbria Schools Forum to allocate funding to schools using the National Funding Formula in 2020-21 with a transfer to the High Needs block of any surplus balance remaining after the application of the NFF up to a maximum of 0.5%.

78 AWARD OF CONTRACT - 0-19 HEALTHY CHILD PROGRAMME

The Cabinet Member for Public Health and Community Services presented a report which sought approval to award the contract for 0-19 Healthy Child Programme to North Cumbria Integrated Care NHS Foundation Trust from 1 January 2020.

In 2017 the Council commissioned the former Cumbria Partnership NHS Foundation Trust (CPFT) now the North Cumbria Integrated Care NHS Foundation trust to deliver 3 services which would be included in the new 0-19 Healthy Child Programme. The current services were;

- 0-5 Health Visitors (including Breast Feeding Initiative & Child Health Screening)
- 5-19 Public Health and Wellbeing Service
- Strengthening Families

In July the Council published a VEAT notice signalling Cumbria County Council's intended to enter into a public to public contract with CPFT for the provision of;

- 0-5 Health Visiting Service
- 5-19 Public Health and Wellbeing Service
- Strengthening Families
- National child Measurement Programme

- Vision Screening

No challenges were raised in relation to the VEAT notice allowing the Council to enter into formal negotiations with CPFT. The Council is now seeking permission to award the contracts from 1st January 2020 for 3 years with the opportunity to extend for 2 terms of 1 year each.

RESOLVED, that Cabinet agree the award of the contract, for the provision of 0-19 Healthy Child Programme from 1 January 2020 for 3 years with the opportunity to extend for two terms of 1 year each.

79 THE FUTURE PROVISION OF THE GENERIC ADULTS HOUSING RELATED SUPPORT SERVICE.

Members had before them a report from the Interim Executive Director – People, which provided an update following the recent consultation on the future provision of the Generic Adults Housing Related Support Service (the Service); and sought approval of an option for next steps.

The Council currently held contracts with four providers to deliver the Generic Adults Housing Related Support service in Cumbria, via a framework agreement. The providers were Furness Homeless Group, Imagine Independence, Turning Point and Home Group. These providers delivered low level housing related support to adults who were accessing Short Term Accommodation. The current total annual value of these contracts was £625,000; the contracts were due to expire on 31 March 2020.

The Council also issued annual grants to District Councils to provide housing related support to people who were homeless for whom they had a statutory duty to provide temporary accommodation. The current total annual value of these grants was £169,000; the grants would end on 31 March 2020.

The Cabinet Member asked members to note that the County Council does not have a statutory duty to fund or provide either the support or the accommodation elements of this service.

Cabinet members were asked to consider the risks and benefits of both options as set out in the paper, and determine a way forward.

Members had considered both options, and taken account of the consultation responses, and upon conclusion of the discussion it was

RESOLVED that,

- (1) The current framework contracts for housing related support to adults accessing Short Term Accommodation be extended for a period of 12 months, to 31 March 2021;
- (2) All funding for the provision of low level generic housing related support to adults/people who are accessing Short Term Accommodation; and grants to Districts Councils to provide housing related support to people experiencing homelessness will end on 31 March 2021.

The meeting ended at 11.45 am