

CUMBERLAND SHADOW EXECUTIVE

Minutes of the Shadow Executive held in The Bainbridge Room, The Copeland Centre, Catherine Street, Whitehaven, CA28 7SJ on Monday, 27 March 2023 at 10.30 am

Members

Councillor Mark Fryer (Chair)

Councillor Lisa Brown (Vice-Chair) and
Councillor Emma Williamson (Vice-Chair)

Councillor Barbara Cannon

Councillor Martin Harris

Councillor Bob Kelly

Councillor Elaine Lynch

Councillor Anne Quilter

Councillor Denise Rollo

Also in attendance

A Seekings – Chief Executive

C Liddle – Monitoring Officer

C Cox – Director of Public Health and Communities

D Crossley – Director of Place Sustainable Growth and Transport

S Down – Communications and Engagement Manager, Copeland Borough Council

M Waning – LGR Programme Manager, Cumbria County Council

B Carlin - Assistant Chief Executive (Innovation and Commercial), Allerdale Borough Council

K Kerrigan – Programme Director, Allerdale Borough Council

J Hewitson – Strategic Advisor – Programmes, Allerdale Borough Council

90. Call In

Date of Publication: 31 March 2023

91. Exemption from Call-In

The Chair of Overview and Scrutiny Committee agreed that the following items be exempt from call in:

8. Inter Authority Agreement for Hosted Services

10. Agreement for the provision of Services to Cumbria Fire and Rescue Authority

11. Framework Collaboration Agreement and Delegation to Statutory Officers

12. Agreement of Nomination for the Services to HM Coroner

15. Agreement under Section 16 of Local Government Public Involvement in Health Act 2009

16. Inter Authority Agreement for Waste Services

17. Section 24 Agreement – The Wave Maryport

18. Section 24 Agreement – Workington Innovation Centre Award of Contract for Stages 4-6 of the Project

19. Section 24 Agreement – Workington Innovation Centre Award of Contract for the operation of the centre

20. Section 24 Agreement – Carlisle Station Gateway Project

21. Section 24 Agreement – Carlisle Southern Link Road Construction Contract

If a call-in was received, the call-in procedures would represent an issue, as Cumberland would not be able to authorise and provide consent as each item will need to be completed either on or before 1 April. Any delay caused by the call-in process would either impact the delivery of each project or present a risk to the authority as agreements are key legal documents in the LGR process from 1st April 2023.

92. Apologies for absence

Apologies for absence were received from Councillor Southward.

93. Declarations of Interest

Councillor Fryer declared an interest in agenda items 9 and 16.

In accordance with the Council's Code of Conduct Councillor Fryer declared an interest in agenda item 9, Cumbria Holding Ltd Shareholder Agreement and item 16, Inter Authority Agreement for Waste Services. The interest related to the fact that he had a contract with Cumbria Waste Management.

94. Exclusion of Press and Public

RESOLVED – It was agreed that items in Part A be dealt with in public and the items in private be dealt with in Part B when the public and press are excluded.

95. Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 16 February 2023 be agreed as a correct record.

96. Public Participation

There were no public questions or representations submitted.

97. LGR Programme Update

(Non Key Decision)

Subject:

The LGR Programme Manager provided an update on the Programme in place to support Local Government Reorganisation (LGR) in Cumbria.

The report included the latest Programme Dashboard presented to the Programme Board (21 February 2023), and a summary of the Day One Board report presented to the Day One Programme Board (21 February 2023) for information.

The Leader thanked all those who had been involved for their hard work.

The Leader moved the recommendation in the report which was seconded by the Deputy Leader (Statutory).

Alternative Options:

The contents of the report detailed reporting mechanisms relating to progress of the LGR Programme, whilst there was a choice about how this might take place, the approach described was considered the most effective, efficient, and fitting to local circumstances.

DECISION:

That the Shadow Executive noted the report details and key points included in section 3 of the report.

Reason for Decision:

To keep the Shadow Executive informed of the progress of the Local Government Reorganisation Programme Board.

98. Community Panels

(Key Decision)

Subject:

The Deputy Leader (Statutory) presented a report which provided an update on the work of the Communities and Localism Working Group. The Working Group reached an initial set of conclusions and were in a position to report back their findings and recommendations. The Working Group focused on the following topics during consultation with all Members and lead officers:

- Governance
- Geography
- Community engagement

The Deputy Leader (Statutory) thanked the Directors, Staff and Executive for all the hard work undertaken in previous months.

The Deputy Leader (Statutory) moved the recommendations in the report which were seconded by the Leader.

Alternative Options:

A range of panel area models, some with more and some with less than 8, had been considered and discussed. The alternative options included the continuation of the 3 Local Committee model on the district council footprints.

DECISION:

That the Shadow Executive:

- 1) Noted the work completed by the Communities and Localism Working Group, including the Terms of Reference for the Community Panels as set out in the Constitution.
- 2) Adopted the 8 Area Community Panel model for area working.
- 3) Agreed the key issues that need to be reflected in the funding formula, for the allocation of funding to the Community Panels.
- 4) Delegated any changes to the Community Panel's Terms of Reference to the Chief Legal Officer (Monitoring Officer) in consultation with the Director of Public Health and Communities and the Deputy Leader.
- 5) Delegated any changes to the funding formula to the Chief Finance Officer in consultation with the Director of Public Health and Communities and the Deputy Leader.

Reason for Decision:

To help create the necessary Community Panels to allow for closer community working.

99. Inter Authority Agreement for Hosted Services

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Monitoring Officer presented the report which presented the suite of documents that together formed the Inter Authority Agreement (IAA) between Cumberland Council (CC) and Westmorland and Furness Council (WFC) for hosted services from the 1st April 2023. The two authorities had agreed that for certain periods of time the exercise of their duties would be best served by way of particular functions and services being discharged and delivered jointly and that certain former Cumbria County Council contracts should be managed jointly. The report set out the governance arrangements which were proposed to be put in place with regard to service delivery between the councils and delegated authority was sought to ensure that the agreements were completed prior to Vesting Day.

The Leader moved the recommendations in the report which were seconded by the Deputy Leader (Statutory).

Alternative Options:

To not enter into Inter Authority Agreements

DECISION:

That the Shadow Executive:

- a) Approved the Inter Authority Agreement attached at Appendix A of the report and delegated authority to the Monitoring Officer, following consultation with the Leader and the Chief Executive, to make any necessary amendments, finalise and execute the Agreement.
- b) Noted the Governance Arrangements within Appendix A and delegated authority to the Monitoring Officer, following consultation with the Leader and the Chief Executive, to make any necessary amendments, finalise and execute the Agreement.
- c) Delegated authority to the Monitoring Officer, following consultation with relevant Portfolio Holders, to finalise Service Schedules.

Reason for Decision:

To make the necessary arrangements for the Inter Authority Agreements.

100. Cumbria Holding Ltd Shareholder Agreement

(Non Key Decision)

Subject:

The Deputy Leader (Statutory) introduced the report regarding entering into a shareholder's agreement with Westmorland and Furness Council and Cumbria County Holdings Limited (CCH), a holding company of a trading group, which from 1 April 2023 Cumberland Council and Westmorland and Furness Council would each own 50% of the shares in. The Shareholders Agreement set out the terms upon which the company and its subsidiaries and the two Councils, as shareholders, would exercise their rights in relation to the Group.

The Deputy Leader (Statutory) moved the recommendations in the report which were seconded by the Deputy Leader (Lead for Childrens Services).

Alternative Options:

The Council could decide not to enter into the Shareholders Agreement and make the consequential changes to the Articles of Association. They would then need to rely on the existing rights of the shareholders in the Articles of Association but they had been drafted at a time when there was a single shareholder and so did not clearly set out the relationship between the two shareholders. This could result in lack of clarity and could make it more difficult for the Group to operate effectively on a day-to-day basis whilst ensuring the Council as shareholder can retain control jointly with Westmorland and Furness Council on the strategic direction of Group.

DECISION:

That the Shadow Executive:

- 1) Approved entering into a shareholders agreement with Westmorland and Furness Council and CCH which set out the terms upon which CCH and its subsidiaries and the two Councils, as shareholders, shall exercise their rights in relation to the Group.

- 2) Delegated to the s151 Officer in consultation with the Leader and the Executive Member for Finance to agree the final terms of the Shareholders Agreement.
- 3) Delegated to the s151 Officer in consultation with the Leader and the Executive Member for Finance to approve changes to the articles of association of CCH and its subsidiaries to reflect the terms of the Shareholders Agreement.

Reason for Decision:

To ensure that the relevant agreement is in place for 1 April 2023 enabling CCH to have the proper shareholders in place.

101. Agreement for the provision of Services to Cumbria Fire and Rescue Authority

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Leader introduced the report regarding entering into two agreements with Westmorland and Furness Council and the Cumbria Commissioner Fire and Rescue Authority (CCFRA) for the provision of services for a temporary period from 1 April 2023 by Cumberland Council and Westmorland and Furness Council to CCFRA and by CCFRA to Cumberland Council and Westmorland and Furness Council.

Both agreements were drafted on the basis that the Councils and CCFRA would continue to receive the same services to the same level of performance at no additional cost.

The Leader moved the recommendations in the report which were seconded by the Deputy Leader (Statutory).

Alternative Options:

If the SLAs were not agreed the CCFRA and the two Councils would not have sufficient resources and capacity to continue to operate on a safe and legal basis on 1 April 2023. There was insufficient time to put in alternative arrangements prior to 1 April 2023.

DECISION:

That the Shadow Executive:

- 1) Approved entering into a contract with Westmorland and Furness Council and CCFRA for the provision of certain services by Cumberland Council and Westmorland and Furness Council to CCFRA as set out in that contract and a second contract with Westmorland and Furness Council

and CCFRA for the provision of services relating to driver training from the CCFRA to Cumberland Council and Westmorland and Furness Council (together the “Service Level Agreements”).

- 2) Delegated authority to the Monitoring Officer, following consultation with the Leader, to agree final terms of the Service Level Agreements and execute the same.

Reason for Decision:

To ensure that the appropriate Service Level Agreements were in place to allow for Cumberland Council, Westmorland and Furness Council and CCFRA to provide the appropriate services from 1 April 2023.

102. Framework Collaboration Agreement and Delegation to Statutory Officers

(Non Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Leader introduced the report regarding entering into agreements with Westmorland and Furness Council under which the parties would collaborate and work together in the management of certain framework agreements taken over from Cumbria County Council, a Memorandum of Understanding in relation to data sharing, an agreement for the shared occupation of council offices and a Service Level Agreement under s113 Local Government Act 1972. Delegated authority was requested for the Monitoring Officer to agree final terms.

The report also requested that delegated authority be given to each of the s 151 Officer, the Chief Executive and the Monitoring Officer, following consultation with the relevant Portfolio Holder, for the period up to the 1 April 2023 to take such steps, including incurring of any expenditure if necessary and entering into any agreements with Westmorland and Furness Council in relation to future collaboration, as may be required to ensure that the Council and Westmorland and Furness Council can deliver economic,

The Leader moved the recommendations in the report which were seconded by the Deputy Leader (Statutory).

Alternative Options:

The Council could decide not to enter into the Agreements described in the report, however, that would put the Council at risk in regard to procurement of goods and services at preferential rates, staff resource and capacity to deliver services, data breaches and loss of rights to use accommodation.

The Council could decide not to delegate authority to the Statutory Officers but there was a risk that it would not be possible to put in place all agreements and arrangements necessary to ensure the two Councils can operate on a safe and legal basis from day 1.

DECISION:

That the Shadow Executive:

- 1) Agreed to enter into an agreement with Westmorland and Furness Council (the “Framework Collaboration Agreement”) under which the councils would collaborate in the management of the Framework Agreements taken over from Cumbria County Council;
- 2) Delegated authority to the Monitoring Officer to agree the final terms, following consultation with the Leader and Chief Executive, and execute the Framework Collaboration Agreement;
- 3) Delegated authority to the Monitoring Officer, following consultation with the Leader and Chief Executive, to agree final terms and execute the Accommodation Agreement, the Section 113 Local Government Act Agreement and the Data Sharing Memorandum of Understanding; and
- 4) Delegated to each of the s 151 Officer, the Chief Executive and the Monitoring Officer, following consultation with the relevant Portfolio Holder, for the period up to the 1 April 2023 the authority to take such steps, including incurring of any expenditure if necessary and entering into any agreements with Westmorland and Furness Council in relation to future collaboration, as may be required to ensure that the Council and Westmorland and Furness Council can deliver economic, efficient, effective, safe and legal services from 1 April 2023.

Reason for Decision:

To ensure that the correct Framework Collaboration Agreement was in place with the necessary delegated authority provided to allow for the appropriate management to be undertaken.

103. Agreement of Nomination for the Services to HM Coroner

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Deputy Leader (Statutory) introduced the report regarding entering into an agreement with Westmorland and Furness Council (the “Collaboration Agreement”) under which the parties nominate Cumberland as the Relevant Authority for the coroner area of Cumbria and which sets out the arrangements and general terms on which Westmorland and Furness Council would assist Cumberland with the facilitation of the Coroners Service in Cumbria.

The Deputy Leader (Statutory) moved the recommendations in the report which were seconded by the Leader.

Alternative Options:

The Councils were required to nominate one of the two authorities to be the Relevant Authority. If the two Councils could not agree on a nomination the Lord Chancellor must determine which authority would act as the Relevant Authority. The Councils could decide to not make a nomination and leave it to the Lord Chancellor to determine.

DECISION:

That the Shadow Executive:

- 1) Confirmed the nomination of Cumberland Council as Relevant Authority for the coroner area of Cumbria and agreed to enter into a Collaboration Agreement with Westmorland and Furness Council which set out the arrangements and general terms on which the councils would cooperate, including paying an agreed share of the costs and reciprocal obligations.
- 2) Delegated authority to the Monitoring Officer, following consultation with the Deputy Leader (Statutory) to agree and execute the final terms of the agreement.

Reason for Decision:

To ensure that Cumberland were able to act as the Relevant Authority for the coroner area of Cumbria with the appropriate agreements and delegated authority in place.

104. Cumberland Constitution - Executive Arrangements

(Non Key Decision)

Subject:

The Deputy Leader (Statutory) introduced the report seeking approval for the Executive functions within the Cumberland Constitution, which was approved by the Shadow Authority on 26th January 2023.

The Deputy Leader (Statutory) moved the recommendations in the report which were seconded by the Leader.

Alternative Options:

No alternative options had been considered. As Cumberland Council would operate a Leader and Executive form of governance, the majority of decisions would fall to Executive and the Leader was specifically required to prepare a Leader's Scheme of delegation. Operating the framework set out in the report would ensure efficiency of decision making taken at the appropriate level and would support those decisions taken as a Shadow Executive with regard to hosted services.

DECISION:

That the Shadow Executive:

- 1) Noted and endorsed the executive elements of the Constitution to include:-
 - a. Frequency and location of meetings;
 - b. Creation of Executive Committees and the relevant Constitutional provisions;
 - c. Establishment of a Joint Executive Committee (and Joint Overview and Scrutiny Committee), and the period for which each authority should chair the joint committee; and
 - d. Officer Scheme of Delegation

- 2) Delegated any further changes to the Monitoring Officer following consultation with the Leader.

Reason for Decision:

Cumberland Council was required to have a constitution and it was essential that there were appropriate delegations and governance arrangements to allow services to be delivered.

105. Charter Trustees for the City of Carlisle

(Non Key Decision)

Subject:

The Financial Planning and Assets Portfolio Holder presented the report seeking delegated authority to agree occupation and use of Cumberland Council buildings and resources by the Charter Trustees for the City of Carlisle, which were established by the Cumbria (Structural Changes) Order 2022 and draft Supplementary Provisions Order. The orders also set out the main provisions governing the administrative reorganisation of the seven sovereign Cumbrian Councils.

The Financial Planning and Assets Portfolio Holder moved the recommendations in the report which were seconded by the Leader.

Alternative Options:

No alternative options had been considered.

DECISION:

That the Shadow Executive:

- (a) Delegated authority to the Monitoring Officer to agree terms for the use of and occupation of part of the Civic Centre by the Charter Trustees; and

- (b) Delegated authority to the s151 officer to agree and pay the funding requested by the Charter Trustees for the first year.

Reason for Decision:

The Charter Trustees for the City of Carlisle would be established from 1st April and shall be entitled to accommodation and to funding.

106. Agreement under section 16 of Local Government Public Involvement in Health Act 2009

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Deputy Leader (Statutory) introduced the report setting out the terms of the agreement reached on behalf of Cumberland and Westmorland and Furness Councils in relation to the disaggregation of property, rights and liabilities of the predecessor councils and to which successor Authority such property, rights and liabilities will vest on the 1st April 2023.

The agreement drew together the principles and agreements reached on aggregation and disaggregation of the sovereign councils in the previous eighteen months into one succinct document, which dovetails with the Inter-Authority Agreement, Waste IAA and Property Transfer Scheme (Fire) between the new Authorities.

The Deputy Leader (Statutory) moved the recommendations in the report which were seconded by the Leader.

Alternative Options:

If an agreement was not reached on the Authority into which the property, rights and liabilities of the predecessor councils vests the Secretary of State had the ability to appoint a caretaker council to allow the Authorities to agree where the property, rights and liabilities should vest. This would create uncertainty until such time an agreement was reached.

DECISION:

That the Shadow Executive:

- 1) Noted the contents of the report and the terms proposed in the Section 16 Agreement.
- 2) Delegated authority to the Monitoring Officer to agree the final terms of the Section 16 Agreement following consultation with the Deputy Leader (Statutory), Chief Executive and s151 Officer.
- 3) Delegated authority to the Monitoring Officer to sign the Section 16 Agreement.

- 4) Delegated authority to the S.151 Officer, following consultation with the Deputy Leader (Statutory) to agree and settle any matter of any value which falls to be agreed under the terms of the Section 16 Agreement as to proportionality of rights and liabilities between the councils.

Reason for Decision:

That the appropriate agreement and delegated authority was in place for 1 April 2023.

107. Press and Public

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph numbers (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

108. Inter Authority Agreement for Waste Services

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Sustainable, Resilient and Connected Places Portfolio Holder presented the report with the proposed Inter-Authority Agreement between Cumberland Council and Westmorland and Furness Council that dealt with the Waste function including the Public Private Partnership (PPP) Contract.

Shadow Executive had already agreed that, after 1 April 2023, the Waste disposal function would be hosted by Cumberland Council and would deliver waste disposal functions on behalf of both Councils for the hosting period. This meant that the Waste Disposal Contract will also vest in Cumberland Council.

The Waste IAA detailed the relationship between Cumberland and Westmorland and Furness Councils and set out the obligations and responsibilities of each authority in respect of the Waste Disposal Contract.

The Sustainable, Resilient and Connected Places Portfolio Holder moved the recommendations in the report which were seconded by the Leader.

Alternative Options:

The options for the assignment of the PPP Contract had been considered at every stage of the LGR transition process. If the successor authorities failed to

agree in which authority the Waste Disposal Contract would vest then the decision would be made by the Secretary of State.

Any delay to the decision was likely to result in contractual difficulties with the Contractor and could put both authorities at risk of breach of the Waste Disposal Contract, for example, in the event the monthly invoice as not processed. It would also inhibit the ability of the Authorities to contract manage and, therefore, deliver the statutory waste disposal services.

DECISION:

That the Shadow Executive:

- 1) Approved the terms of the Inter Authority Agreement;
- 2) Authorised the Chief Executive to nominate the Council's representatives on the Joint Waste Project Board;
- 3) Delegated to the Monitoring Officer following consultation with the relevant Portfolio Holder and the Chief Executive the authority to agree changes to the final terms of the Inter Authority Agreement prior to the 1st April 2023.

Reason for Decision:

To make the necessary arrangements for the Inter Authority Agreement.

109. Section 24 Agreement - The Wave Maryport

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Leader introduced the report regarding approval for the award of contract to deliver the capital works for the construction of the extended Wave Centre in compliance with the Direction issues under section 25 of the Local Government and Public Involvement in Health Act 2007, make available additional capital funding to support the development, and make available additional recurring revenue funding provision to meet the operational shortfall identified in the financial modelling.

The report provided an update on the work undertaken to date by Allerdale Borough Council on the Wave Centre project to deliver a new 20-metre, four lane swimming pool together with an Ebike Hub through the Maryport Future Hight Streets programme.

A tender process had been carried out and a preferred contractor identified to deliver the capital works. A business case review and financial modelling

exercise had identified increased operating costs in relation to the cost of heating the swimming pool due to the energy crisis.

Members discussed their concerns regarding the report and the S151 Officer comments.

The Leader moved the amended recommendation which was seconded by the Deputy Leader (Statutory).

Alternative Options:

Either approve the decision of Allerdale's Executive to appoint the preferred tenderer as main contractor to deliver the capital programme at the Wave Centre, based on the results of the procurement exercise. This option would require Cumberland to make additional capital budget available to support the development and ongoing revenue support annually.

Or decide not to appoint a main contractor. Under this option, the project would not be able to proceed at this time, resulting in potential loss of external capital funding and failure to deliver project outputs, outcomes, and programme benefits.

DECISION:

That the Shadow Executive refer the report to the Cumberland Executive meeting on 25 April 2023.

Reason for Decision:

To allow for officers to conduct further research and be able to provide further information which would allow the Executive to make an informed decision, rather than outright refusing to appoint a main contractor.

110. Section 24 Agreement - Workington Innovation Centre Award of Contract for Stages 4-6 of the Project

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Leader introduced the report regarding the consideration of granting consent to Allerdale Borough Council to award a contract under the Scape Framework for Stages 4-6 of for the construction of the Workington Innovation Centre. In compliance with the Direction issues under section 25 of the Local Government and Public Involvement in Health Act 2007 the award of the contract requires the consent of Cumberland Shadow Authority.

The Leader moved the recommendation in the report which was seconded by the Deputy Leader (Statutory).

Alternative Options:

Contained within the restricted appendix of the report.

DECISION:

That the Shadow Executive granted consent to Allerdale Borough Council for the award of a contract for the construction of the Workington Innovation Centre in line with the recommendation of the Executive of Allerdale Borough Council dated 15 March 2023.

Reason for Decision:

To allow the project to move forward within the appropriate timescales.

111. Section 24 Agreement - Workington Innovation Centre Award of Contract for the operation of the centre

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Leader introduced the report regarding the consideration of granting consent to Allerdale Borough Council to award a contract under the Scape Framework for Stages 4-6 of for the construction of the Workington Innovation Centre. In compliance with the Direction issues under section 25 of the Local Government and Public Involvement in Health Act 2007 the award of the contract requires the consent of Cumberland Shadow Authority.

The Leader moved the recommendation in the report which was seconded by the Deputy Leader (Statutory).

Alternative Options:

Contained within the restricted appendix of the report.

DECISION:

That the Shadow Executive granted consent to Allerdale Borough Council for the award of a contract for the operation of the Workington Innovation Centre in line with the recommendation of the Executive of Allerdale Borough Council dated 15 March 2023.

Reason for Decision:

To allow the project to move forward within the appropriate timescales.

112. Section 24 Agreement - Carlisle Station Gateway Project

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Leader introduced the report regarding the Carlisle Station Gateway project, which was a strategic regeneration project included in the Borderlands Inclusive Growth Deal to revitalise Carlisle City Centre and wider Borderlands area. The Project would strengthen Carlisle's position on the national rail network, improve access and connectivity to Carlisle and the Borderlands region as well as contribute to decarbonisation by encouraging more journeys to be taken by rail.

The business case had been approved by DLUHC in 2019, however, Cumbria County Council (as accountable body for the Carlisle Station Gateway Project) had been unable to meet certain requirements for the project. Therefore, due to the impasse a proposed alternative approach had been proposed by Network Rail with approval for the changes to the project being sought by Cumbria County Council in March 2023. It was due to the value of the changes that the S24 applied and approval from Cumberland Council Executive was being sought.

The Leader moved the recommendations in the report which were seconded by the Deputy Leader (Statutory).

Alternative Options:

Contained within the restricted report.

DECISION:

That the Shadow Executive agreed the decisions made by Cumbria County Council's Cabinet to enable delivery of the Station Gateway Project as detailed within the restricted report.

Reason for Decision:

To allow the progress of these changes to facilitate project delivery.

113. Carlisle Southern Link Road Construction Contract

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision)

****This item was exempted from Call In by the Chair of Overview and Scrutiny Committee****

Subject:

The Sustainable, Resilient and Connected Places Portfolio Holder introduced the report regarding awarding a design and build contract for the construction of Carlisle Southern Link Road (CSLR) with the winning bidder of the works procurement process. The report recommendation followed a restricted tender procurement process carried out in accordance with the Public Contracts Regulations 2015.

The report sought approval to a proposed amendment, by Deed of Variation, to the Grant Determination Agreement (GDA) between the Cumbria County Council, Carlisle City Council and Homes England to reflect the necessarily revised project funding and delivery milestones. The award of the contract was critical to ensuring that the overall project programme is maintained in line with the amended GDA.

At its meeting on the 16th February 2023 Cumberland Shadow Executive formally granted consent in accordance with the Direction issued under section 24 of the Local Government and Public Involvement in Health Act 2007 to Cumbria County Council consenting to the award of a design and build contract for the construction of CSLR to the winning bidder and the amendment of the GDA between the County Council, the City Council and Homes England for the construction of the CSLR. Due to a delay in the confirmation of the funding from Homes England, the County Council was unable to take the decision at its Cabinet meeting on the 16th March 2023. However, Members were notified that a reconvened County Council Cabinet meeting on 27 March 2023, an agreement had been reached.

The Sustainable, Resilient and Connected Places Portfolio Holder moved the recommendations in the report with the agreed amendment, which were seconded by the Leader.

Alternative Options:

Approve the award of a design and build contract for the construction of CSLR to the winning bidder and approve the amendment to the GDA with Homes England. (This was the preferred option.)

Do not award the contract. This would mean that the project would be unable to proceed. Retendering the works would require a significant delay and continued funding from Homes England would be unlikely.

DECISION:

That the Shadow Executive:

- 1) Delegated authority to the Director of Place and Sustainable Transport, subject to confirmation of sufficient funding from Homes England and following consultation with the Portfolio Holder for Environment and Highways, to award a design and build contract for the construction of CSLR to the agreed upon contractor; and
- 2) Delegated authority to the Monitoring Officer, following consultation with the s151 Officer, to approve the amendment of the GDA between the County Council, the City Council and Homes England for the construction of the CSLR.

Reason for Decision:

To allow the project to move forward within the appropriate timescales.

The meeting closed at 1.28 pm