



## **Executive**

**Date:** Tuesday, 19 March 2024

**Time:** 10.30 am

**Location:** Cumbria House, 117 Botchergate, Carlisle,  
CA1 1RD

**Present:** Cllr M Fryer (Chair), Cllr Dr B Kelly, Cllr E Lynch, Cllr B Cannon,  
Cllr MD Campbell-Savours and Cllr D Rollo

**In Attendance** Chief Executive  
Chief Legal Officer (Monitoring Officer)  
Director of Business Transformation and Change  
Chief Legal Officer (Monitoring Officer)  
Director of Children and Family Wellbeing  
Director of Resources  
Director of Public Health and Communities  
Assistant Chief Executive - Director of Strategy, Policy and Performance  
Director of Adult Social Care and Housing  
Director of Place, Sustainable Growth and Transport  
Director of Business Transformation and Change  
Group Accountant  
Democratic Services Manager

### **EX.88/24 Call In**

Date of Publication: 21 March 2024

Call-in Period Ends: 28 March 2024 @16:00hours

Notes: Information regarding call-in procedures can be viewed in Paragraph 13 of Part 3 – Section 5 Overview and Scrutiny Procedure Rules in the Council's Constitution: [Cumberland Council Constitution](#)

### **EX.89/24 Apologies for absence**

Apologies for absence were submitted on behalf of Councillor Brown, Councillor Quilter, Councillor Southward and Councillor Williamson.

### **EX.90/24 Declarations of Interest**

There were no declarations of interest submitted.

### **EX.91/24 Exclusion of Press and Public**

RESOLVED – It was agreed that items in Part A be dealt with in the public, there were no items to be dealt with in Part B when the public and the press are excluded.

## **EX.92/24 Minutes of Previous Meeting**

RESOLVED – That the minutes of the meeting of the Executive held on 13 February 2024 be approved and signed by the Leader.

## **EX.93/24 Public Participation**

There were no questions, petitions or deputations submitted by members of the public.

## **EX.94/24 Executive Announcements**

The Lifelong Learning and Development Portfolio Holder was delighted to announce that the Cumbria Education Trust, in partnership with Cumberland Council, had been approved to open an Alternative Provision School in Carlisle.

The school would be called the Cumberland Alternative Provision and would provide a robust assessment of need to enable early and targeted interventions, high-quality learning experiences and personalised timetables, to give young people confidence to make good choices. The range of GCSE and BTEC subjects on offer would promote academic success and not only improve life chances for young people but also help them navigate a complex world and play an effective role in society.

The Financial Planning and Assets Portfolio Holder gave an update on the second homes council tax. Guidance recently received from Government indicated that second homes which were subject to occupation restrictions would be exempt from the second homes premium – this would be welcome news for the Allonby Chalet Owners and they had been informed. The Council awaited further guidance, including whether the Government would manage to implement the legislation ahead of any general election.

The Sustainable, Resilient and Connected Places Portfolio Holder announced a response to a letter which had been published in the Times and Star. The Portfolio Holder gave assurances that the funding for bus services was not being delayed and it was at the start of the tender process.

The Sustainable, Resilient and Connected Places Portfolio Holder also wanted to take the opportunity to correct a statement that had appeared in the same letter, that she had voted to block network north funding coming to Cumberland. She explained that as a Board Member of Transport for the North she had voted in support of a motion not to scrap the northern portion of HS2. This was prior to any announcement of network north funding, so she could not have voted against something that did not exist at the time.

## **EX.95/24 Permission to Procure the Supply of Natural Gas to Corporate Properties**

(Key Decision)

**Portfolio:** Governance and Thriving Communities

**Relevant Scrutiny:** Business and Resources Overview and Scrutiny

**Subject:**

The Governance and Thriving Communities Portfolio Holder presented a report regarding the permission to procure a contract for the supply of natural gas to Cumberland Council corporate properties by calling off from Lot 2 of the Crown Commercial Services Framework Agreement

RM6251- Supply of Energy 2, which was a single Supplier FA with Total Energies Gas & Power Limited being the single Supplier. It also sought to delegate the award of the contract to the Director of Business Transformation and Change.

The Governance and Thriving Communities Portfolio Holder moved the recommendations and the Leader seconded them.

**Alternative Options:** four alternative options were set out in some detail in section 3 of the report

**DECISION:**

That the Executive:

1. Gives permission to commence a regulated procurement exercise to call-off a contract for the supply of natural gas to the Council's corporate properties only, through Lot 2 of the Crown Commercial Services (CCS) Framework Agreement RM6251-Supply of Energy 2, for a period of 4 years, with effect from 1st April 2025.
2. Grants delegated authority to the Director of Business Transformation and Change to award the contract to the Framework's single supplier for gas, Total Energies Gas & Power Limited, sign the Customer Agreement and enter into the relevant energy buying baskets.

**Reason for decision:**

Sustainability was considered by Crown Commercial Services in the establishment of the framework. The framework was open to National and Local Suppliers.

**EX.96/24 Transfer of the Local Economic Partnership functions, Joint Committee, and related agreements**

(Key Decision)

**Portfolio:** Leader's Portfolio

**Relevant Scrutiny:** LEP Overview and Scrutiny

**Subject:**

The Leader provided an update following the Government announcement that it would cease to provide core funding for the Local Economic Partnership (LEP's) from 1 April 2024 and instead would support local authorities to take on the functions currently delivered by LEPs. The report provided an overview of the plans and activity to integrate Cumbria LEP functions into the Local Authorities, following the latest Government guidance.

The report sought approval for proposals as developed by the LEP Integration Programme and set out in the Integration Plan for Cumberland Council to act as the Delivery Authority and Accountable Body in respect of current Cumbria Local Enterprise Partnership (CLEP) functions and programmes, and enter into a Collaboration Agreement with Westmorland and Furness Council in respect of this, with Westmorland and Furness Council providing monitoring and assurance pertaining to existing CLEP programmes and funds for which LEPs were responsible. Executive was also asked to agree that the Joint Executive Committee provided

the basis of joint working and collaboration on strategic economic growth across the Cumbria geography.

The Leader moved the recommendations and the Governance and Thriving Communities Portfolio Holder seconded them.

**Alternative Options:** Executive to not agree to the recommendations. This would risk non-compliance with Government decisions in respect of the Cumbria Functional Economic Area not having in place the suitable governance, Accountable Body, Delivery Authority and Assurance arrangements for 1<sup>st</sup> April 2024.

## **DECISION:**

That the Executive :

- 1.1 Agreed to the transfer of the LEP functions as required by government guidance and for the Joint Committee between Cumberland Council and Westmorland and Furness Council to oversee these functions;
- 1.2 Delegated the drafting of proposals for Terms of Reference for the Joint Committee to the Director of Place, Sustainable Growth and Transport following consultation with the Lead Executive Member and Chief Legal Officer
- 1.3 Delegated the process of determining the arrangements for the nomination of co-opted members to the Joint Committee to the Chief Legal Officer following consultation with the Lead Executive Member;
- 1.4 Agreed that Cumberland Council is the Delivery Authority and Accountable Body and responsible for the integration of LEP functions in line with the government guidance;
- 1.5 Agreed that Westmorland and Furness Council is providing the assurance support to Cumberland Council's S151 Officer;
- 1.6 Delegated authority to enter into an Agreement between Cumberland Council and Westmorland and Furness Council to the Director of Place, Sustainable Growth and Transport following consultation with the Lead Executive Member and the Chief Legal Officer;
- 1.7 Agreed to the LEP continuing to undertake some activities as part of the transition and to delegate the finalisation and entering into of agreement with the LEP which specifies the nature and duration of those activities to the Director of Place, Sustainable Growth and Transport following consultation with the Lead Executive Member, S151 Officer and the Chief Legal Officer;
- 1.8 Authorised officers to develop an assurance framework with Westmorland and Furness Council that will provide the governance for the decision making and transparency of funding and investment after 1<sup>st</sup> April which shall be brought back to the Joint Committee;
- 1.9 Delegated authority to the S151 Officer following consultation with the Lead Executive Member and Director of Resources to agree with Westmorland and Furness Council the budget for expenditure on county-wide economic functions for 2024/ 2025;;

- 1.10 Delegated the establishment of an appointment panel to the Joint Committee to enable the selection and appointment of members to join the Cumbria Economic Growth Board;
- 1.11 Delegated the novation of all contracts required to give effect to the transfer of functions and services to the Chief Legal Officer following consultation with the Director of Place, Sustainable Growth and Transport.

**Reason for decision:**

To ensure that appropriate governance arrangements for the discharge of economic growth functions and effective joint working and collaboration between Cumberland Council and Westmorland and Furness Council on strategic economic growth across the Cumbria geography.

**EX.97/24 Amendments to the Inter Authority Agreement**

(Non Key Decision)

**Portfolio:** Governance and Thriving Communities

**Relevant Scrutiny:** Place Overview and Scrutiny Committee

**Subject:**

The Governance and Thriving Communities Portfolio Holder reminded the Executive that The Inter Authority Agreement (IAA) between Cumberland Council and Westmorland and Furness Council was entered into on 31 March 2023 with the purpose of providing the arrangements for the governance and delivery of hosted services and functions.

The IAA had been in place for nearly a year, ten of the hosted services had been successfully disaggregated and a further eight were expected to disaggregate at the end of March.

For the remaining services, the service scheduled had been reviewed resulting in some disaggregation dates being changed and updated costs had been provided.

The report set out a number of changes and requested agreement to enter a Deed of Variation to enable the changes to be made to the IAA. Separately, an agreement under s13 of the Local Government Act 1972 was agreed by the shadow authorities under which a number of key specialist staff would be shared for twelve months until recruitment was carried out staff undertook training. Out of the original three hundred and thirty three shared roles. Fifty nine were still required and it was proposed that the s113 Agreement was extended.

The Governance and Thriving Communities Portfolio Holder moved the recommendations and the Leader seconded them.

**Alternative Options:** Executive could have chosen to maintain the Inter Authority Agreement as agreed by Cumberland Shadow Executive and Westmorland and Furness Shadow Cabinet on 31 March 2023 and not extend the s.113 Agreement.

**DECISION:**

That the Executive:

- 1) Agreed to enter into a Deed of Variation relating to the Inter Authority Agreement between Cumberland Council and Westmorland and Furness Council to implement the following changes:
  - Note Service Strategies for hosted services that will disaggregate by 31 March 2024.
  - Update Service Strategies for hosted services in accordance with changes agreed by the Joint Executive Committee.
  - Revisions to the Hosted Service budget for 2024/25 and updated finance information within Service Strategies.
- 2) Agreed to extend the existing Agreement between Cumberland Council and Westmorland and Furness Council under s.113 of the Local Government Act 1972 for a further 12 months.
- 3) Delegated authority to agree final terms of the Deed of Variations for both the Inter Authority Agreement and the s.113 Agreement to the Monitoring Officer following consultation with the Section 151 Officer, the Leader of the Council and the Finance Portfolio Holder.

**Reason for decision:**

To ensure that the Inter Authority Agreement was updated to reflect the progress of the Joint Disaggregation Programme, implement changes agreed by the Joint Executive Committee and provide revised budget costs for hosted services. The s.113 Agreement governed the arrangements between the two Authorities where there was agreement for staff to work safely and lawfully across the other Authority.

**EX.98/24 Member and Officer Indemnities**

(Non Key Decision)

**Portfolio:** Governance and Thriving Communities

**Relevant Scrutiny:** Business and resources Overview and Scrutiny

**Subject:**

The Governance and Thriving Communities Portfolio Holder submitted a report regarding the provision of indemnities for officers and members when carrying out all of their duties for or on behalf of Cumberland Council.

Councils had always been able to indemnify their officers and Members and take out insurance cover for them. The Local Authorities (Indemnities for Members and Officers) Order 2004 extended the protection and the report set out the circumstances under which the Council could provide an indemnity where Members and officer reasonably believed they were acting within their powers or on an outside body to which they were appointed by the Council.

The indemnity could not cover any criminal offences, fraud, deliberate wrongdoing or recklessness. It also would not apply if there was another source of indemnity available. The Council were still able to take disciplinary action even when an indemnity was provided.

The Governance and Thriving Communities Portfolio Holder moved the recommendations and the Leader seconded them.

**Alternative Options:** Not to approve the indemnity.

## **DECISION:**

That the Executive approved the grant of an indemnity for officers and members as set out at Appendix 1 of the report.

## **Reason for decision:**

Failure to indemnify officers and Members may result in individuals being reluctant to work for or with or be appointed to outside bodies or other external organisations if there is a potential associated personal liability.

## **EX.99/24 Quarter 3 (April to December) 2023**

(Non Key Decision)

**Portfolio:** Financial Planning and Assets

**Relevant Scrutiny:** Business and Resources Overview and Scrutiny

## **Subject:**

The Financial Planning and Assets Portfolio Holder submitted a report regarding the financial performance against budget for the period April to December 2023 along with the forecast position to 31 March 2024.

The Financial Planning and Assets Portfolio Holder gave an overview of the challenges presented to the Executive with the inherited budget and detailed the reductions in the overspend from £8.5m to £5.8m. She gave thanks to officers within the finance team and all officers who had worked to reduce the costs.

The Financial Planning and Assets Portfolio Holder stated that there was significant pressure on finances due to the increase in demand for services and reinforced the Council's commitment to providing excellent services for children, young people and vulnerable adults. The Portfolio Holder summed up by setting out the core spending for the sovereign authorities in 2010 and the reduction to that core spending by 2024 once inflation has been taken into account.

The Financial Planning and Assets Portfolio Holder moved the recommendations along with the following amendments to the report:

- 1) Page 61 – reference in recommendations should say section 4 instead of section 3
- 2) Page 89 - conclusion should include amended recommendations from page 61

## **1) Page 61**

### **Current**

- To note and approve the adjustments to the capital programme totalling £41,810,279 as detailed in section 3 of the report

### **Amended**

- To note and approve the adjustments to the capital programme totalling £41,810,279 as detailed in section 4 of the report

## **2) Page 89**

### **Current**

8.3 To approve the capital programme amendments of £1,561,706 detailed in section 3

### **Amended**

8.3 To note and approve the adjustments to the capital programme totalling £41,810,279 as detailed in section 4 of the report

The Leader seconded the amendments and the recommendations.

**Alternative Options:** Not applicable

### **DECISION:**

That the Executive

i) noted the contents of the report with the inclusion of the following amendments

- 1) Page 61 – reference in recommendations should say section 4 instead of section 3
- 2) Page 89 - conclusion should include amended recommendations from page 61

### **1) Page 61**

### **Current**

- To note and approve the adjustments to the capital programme totalling £41,810,279 as detailed in section 3 of the report

### **Amended**

- To note and approve the adjustments to the capital programme totalling £41,810,279 as detailed in section 4 of the report

## **2) Page 89**

### **Current**

8.3 To approve the capital programme amendments of £1,561,706 detailed in section 3

### **Amended**

8.3 To note and approve the adjustments to the capital programme totalling £41,810,279 as detailed in section 4 of the report

ii) Approved the adjustments to the capital programme totalling £41,810,279 as detailed in section 3 of the report

### **Reason for decision:**

To ensure that the Executive was fully briefed on the Council's financial performance against budget for the period April to December 2023 along with the forecast position to 31 March 2024.

## **EX.100/24 Corporate Key Performance Indicators**

(Non Key Decision)

**Portfolio:** Cumberland Policy and Regulatory Services



**Relevant Scrutiny:** Business and resources Overview and Scrutiny

**Subject:**

The Cumberland Policy and Regulatory Services Portfolio Holder submitted proposals for a corporate suite of key performance indicators centred on the Council Plan priorities. It was important to implement a way of formally monitoring progress against the priorities in the Council Plan. The proposed corporate performance information would be reported to Executive quarterly and would complement quarterly monitoring of activity set out in the Council Plan Delivery Plan.

The Executive noted the importance of robust, ambitious, and realistic indicators that would ensure the Council was performing to the best level it could.

The Cumberland Policy and Regulatory Services Portfolio Holder moved the recommendations and the Leader seconded them.

**Alternative Options:** To amend the proposals.

**DECISION:**

That the Executive agreed the suite of corporate performance measures as set out in appendix A of the report.

**Reason for decision:**

It was important to implement a way of formally monitoring progress against the priorities in the Council Plan. The proposed corporate performance information would be reported to Executive quarterly and would complement quarterly monitoring of activity set out in the Council Plan Delivery Plan.

**EX.101/24 Calendar of Meetings 2024/25**

(Non Key Decision)

**Portfolio:** Governance and Thriving Communities

**Relevant Scrutiny:** Business and Resources Overview and Scrutiny

**Subject:**

The Governance and Thriving Communities Portfolio Holder presented the draft calendar of meetings for 2024/25 for recommendations to Council. An amended calendar had been tabled which included the following changes:

- Removal of potential Budget Council meetings on 11 February and 20 February 2025, the Budget Council meeting would take place on 4 March 2024.
- Removal of Council on 29 April 2025
- Executive moved from 3 September 2024 to 17 September 2024
- Change to the venues for Staffing Committee on 30 September 2024 and Executive on 30 September 2024.

The Governance and Thriving Communities Portfolio Holder reported that the draft calendar had been prepared in consultation with Democratic Services Officers, relevant council departments such as licensing and planning, the Portfolio Holder, Monitoring Officer, Section 151 Officer, Chief Executive and Scrutiny.

The calendar proposed a range of start times for the various meetings and a range of venues across the District.

The Governance and Thriving Communities Portfolio Holder moved the amended calendar and the Leader seconded it.

**Alternative Options:** None

**DECISION:**

That the proposed dates and times of meetings (as tabled) for the Municipal Year 2024/25 be agreed and recommended to Council for agreement;

That the dates and times for meetings of the Executive, which have been chosen by the Leader, be noted.

**Reason for decision:**

To ensure that the appropriate governance arrangements are in place to enable Cumberland Council to meet the Cumberland Plan priorities.

The meeting finished at 10.59 am