



## **Executive**

**Date:** Friday, 15 December 2023

**Time:** 10.30 am

**Location:** Flensburg Room - Civic Centre, Carlisle

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

### **Also Present:**

**In Attendance** Chief Legal Officer (Monitoring Officer)  
Chief Finance Officer (Section 151 Officer)  
Director of Public Health and Communities  
Assistant Chief Executive - Director of Strategy, Policy and Performance  
Director of Place, Sustainable Growth and Transport  
Director of Resources  
Assistant Director of Commissioning and Procurement

### **EX.44/23 Call In**

Date of Publication: 19 December 2023

Call-in Period Ends: 28 December 2023 @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: [Council constitution | Cumberland Council](#)

### **EX.45/23 Apologies for absence**

Apologies for absence were submitted on behalf of Councillor Lisa Brown, Councillor Christopher Southward and Councillor Emma Williamson.

### **EX.46/23 Declarations of Interest**

In accordance with the Council's Code of Conduct Councillor Markus Campbell-Savours declared a registrable interest in respect of agenda item 10 – Family Wellbeing Programme – Aims, Objectives and Vision. The interest related to his spouse being an employee who was subject of the contract.

### **EX.47/23 Exclusion of Press and Public**

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

### **EX.48/23 Minutes of Previous Meeting**

RESOLVED – That the minutes of the meeting of the Executive held on 31 October be approved and signed by the Leader.

## **EX.49/23 Public Participation**

Pursuant to Executive Procedure Rule 9.1, a question had been submitted by a member of the public. The Leader advised that following the publication of the agenda, the submitter of the question had communicated that they wished to withdraw the question included on the agenda and replace it with a different question. The Leader had considered the request and determined, in accordance with Executive Procedure Rule 1.21, that the amended question may be accepted as a matter of urgency. Copies of the amended question were circulated and was worded as follows:

*“In respect of a significant body of supporting evidence presented by Allonby Chalet Owners Campaign group, and representations by local constituents to their elected representatives; in the Calculation of the Council Tax Base for 2024/ 2025, does the executive committee intend to recommend to Cumberland Council to restore the 50% discount for Class A purpose-built holiday chalets with a planning restriction that prevents occupancy for three and a half months of the year.”*

The Financial Planning and Assets Portfolio Holder responded in the following terms: She thanked the Chalet group for the question. Both herself as portfolio holder, local members and officers have been working with them to understand their situation. Council Tax on second homes is an important element of our funding. However, we do recognise that class A properties with planning restrictions are in a unique situation. I can confirm that it is the intention of Executive to recommend that a 50% discount is applied to those properties as part of the 24/25 budget setting process.

## **EX.50/23 Executive Announcements**

The Executive Member for Sustainable, Resilient and Connected Places made two announcements.

### Zebra 2 Funding

It was with disappointment that she reported that Cumberland Council was being held back from submitting an application for today's deadline to the Department for Transport's Zero Emission Bus Regional Areas (ZEBRA) 2 fund as Stagecoach have advised that it would not support the Council's bid.

“The ZEBRA2 funding was part of the Government's plans towards a fully zero emission bus fleet. The funding pot sat at £129m nationally and Cumberland Council was geared up to submit a bid for a share of the money which would have helped Stagecoach to fund 26 electric buses in Carlisle City Centre.

As part of the funding application, a supportive letter from the local bus operator was required. Stagecoach had informed the Council, that it was not willing to support Cumberland's bid. Stagecoach had taken the decision to support 25 other bids, and when ranked through its internal scoring system, the Carlisle bid was placed 26<sup>th</sup>. After a meeting with Stagecoach it was explained that the scoring system was a formula of mileage vs passengers. A meeting with the directors to appeal the decision was requested but did not happen.

Stagecoach had also stated that it would only support the bid if the Council would commit to a contribution of public funds which would pay for the installation of charging facilities in its own bus depots. In 2021 Stagecoach launched a new sustainability strategy with a call for “radical behaviour change and incentives to reward the right choices” to make net zero a reality so this outcome was demoralising and disappointing to the future growth of a cleaner city.

This was a huge blow for Cumberland and the people of Carlisle. We could have seen 26 new clean, green electric buses on the streets of Carlisle and it's disappointing that Stagecoach had decided not to back our bid which would support the push to decarbonise our transport networks.

This highlights the issue with deregulated public transport, and the combination of the behaviour of operators which leads to instability in the provision of bus services and highlights unrealistic aspirations of our residents and councillors.

Bus services in Cumberland were stuck in a doom spiral of declining services and reducing the attractiveness and availability of public transport for all. This had a huge impact on our economy, reducing effective travel to work areas, cutting off businesses from talent and people from work and education opportunities.

We know from passengers, stakeholders and operators the challenges that public transport is facing: tight budgets and rising prices; time pressures and delays; too small a network; sickness and unreliability of old vehicles. We need a government policy that can contribute to a fairer, greener and thriving society rather than this government's approach to competitive bidding for funding or the command and control version of levelling up.

However, we will continue with improving services through the current BSIP funding and the list of services for phase 1 is almost finalised where we are likely to see the additional services in place for late April / May. With the Network North grant we are going to explore how we can provide 'sustainable bus services' in rural areas, which may be in the form of 'on demand' transport or even a model like Transport for Cornwall.

## **Highways**

The Executive Member for Sustainable, Resilient and Connected Places had recently undertaken a visit to Millom to observe the work of the highways team in the area and warmly thanked them for their efforts.

### **EX.51/23 Launch of Budget Consultation 2024-25**

(Key Decision)

(The Leader agreed to this Key Decision item being considered at this meeting, although not in the forward plan)

**Portfolio:** Financial Planning and Assets

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

**Subject:**

The Financial Planning and Assets Portfolio Holder submitted a report starting the budget consultation process. The Portfolio Holder acknowledged the legal duty to consult on the budget, she further emphasised the Council's commitment to engagement and transparency and the importance of understanding residents' views on the proposals.

In moving the report, the Financial Planning and Assets Portfolio Holder encouraged residents to participate in the consultation. The Leader seconded the proposal.

**Alternative Options:** Not applicable – consultation must be carried out in accordance with established principles.

**DECISION:** That the Executive:

- 1) Delegated authority to the Director of Resources to issue consultation to the public;
- 2) Delegated authority to the Section 151 Officer, following consultation with the Portfolio Holder for Financial Planning and Assets, the Director of Resources and the Chief Legal Officer to undertake statutory consultation; and
- 3) That officers provide a report to a future meeting of the Executive on budget proposals for consideration and recommendation to Council.

**Reason for decision:** To launch the Budget Consultation for 2024/25.

### **EX.52/23      Permission to procure a new Extra Care Housing Framework**

(Key Decision)

(The Leader agreed to this Key Decision item being considered at this meeting, although not in the forward plan)

**Portfolio:** Adults and Community Health

**Relevant Scrutiny:** People Overview and Scrutiny

**Subject:**

The Adult's and Community Health Portfolio Holder submitted a report regarding the creation of a new Extra Care Housing Framework in Cumberland from 1<sup>st</sup> August 2024 to 31<sup>st</sup> July 2028 for a 4 year extension with a potential extension (1+1.)

The Adult's and Community Health Portfolio Holder moved the report recommendations which the Leader seconded.

**Alternative Options:**

A: Undertake an invitation to tender exercise via the Chest establishing a Tender procurement platform for each individual Extra Care Housing Schemes in Cumberland x 5 (Burnside Court, Heysham Garden, Duddon Mews, Lister Court, Sycamore House) currently delivered by the independent sector and award the contract to the preferred supplier following a competitive assessment process for each Extra Care Housing scheme.

B: Bring all the Extra Care Housing schemes in house when their existing contracts expire, so Cumberland Care can facilitate delivery of all Care and Support in Extra Care Housing services.

**DECISION:**

That the Executive:

- 1) Approve the creation of a new Care and Support in Extra Care Housing Framework from 1<sup>st</sup> August 2024 to 31<sup>st</sup> July 2028 (with the potential for two 12 months extensions.)

2) Delegate the appointment of Providers to the Framework (for providers that meet or exceed the published tender criteria), to the Executive Director of Adult Social Care & Housing following the initial tender exercise, with subsequent appointments delegated to Commissioning Managers within the Commissioning & Procurement team.

3) Delegate the award of individual Extra Care Service Orders/Packages of care to Team Managers within the Adult Social Care & Housing Team. (I.e., Sign off Service Provision Orders.)

**Reason for Decision:**

The existing Extra Care Housing Framework had been effective in delivering the Council's extra care duties and following consultation with all the existing registered framework providers the Council confirmed the method of commissioning was preferable when compared to individual contracts.

**EX.53/23 School Funding Formula 2024-25**

(Key Decision)

(The Leader agreed to this Key Decision item being considered at this meeting, although not in the forward plan)

**Portfolio:** Lifelong Learning and Development

**Relevant Scrutiny:** People Overview and Scrutiny

**Subject:**

The Lifelong Learning and Development Portfolio Holder submitted the proposed arrangements for school funding in 2024/25 and an update on the outcome of a recent consultation with schools.

The Lifelong Learning and Development Portfolio Holder moved the report recommendations which the Leader seconded.

**Alternative Options:** Not to apply the National Funding Formula in 2024/25.

**DECISION:**

That the Executive accept the recommendations of the schools forum, namely to:

1) Allocate funding to schools and academies in Cumberland using the National Funding Formula in 2024/25 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 and;

4) If the school funding formula is not affordable, the basic per pupil factors in the formula will be reduced.

**Reason for Decision:**

Consultation was carried out with all affected schools and academies in Cumberland. Failure to approve a school funding formula would mean the local authority could not fulfil its statutory obligation to publish school budget shares in February 2024.

**EX.54/23 Family Wellbeing Programme - Aims, Objectives and Vision**

*Councillor M Campbell-Savours, having declared a registrable interest in the item of business left the room and took no part in the discussion nor determination of the matter.*

(Key Decision)

(The Leader agreed to this Key Decision item being considered at this meeting, although not in the forward plan)

**Portfolio:** Childrens, Family Wellbeing and Housing

**Relevant Scrutiny:** People Overview and Scrutiny

**Subject:**

The Children's, Family Wellbeing and Housing Portfolio Holder submitted a report regarding the aims, objectives, and vision of the Family Wellbeing Programme, and noted the progress of the transformation programme in achieving positive outcomes for Children and Young people in Cumberland.

The Children's, Family Wellbeing and Housing Portfolio Holder moved the recommendations in the report which the Leader seconded.

**Alternative Options:** Not to agree the proposed Family Wellbeing Programme. For the Executive to propose an alternative vision for the Family Wellbeing Programme.

**DECISION:**

That the Executive:

- 1) Agree to the aims, objectives and vision of the Family Wellbeing Programme;
- 2) Note the progress of the transformation programme in achieving positive outcomes for Children and Young People in Cumberland

**Reason for Decision:**

To agree the overall aims, vision and objectives of the service.

*Councillor M Campbell-Savours resumed his seat.*

**EX.55/23 School Admission Arrangements 2025-26**

(Key Decision)

(The Leader agreed to this Key Decision item being considered at this meeting, although not in the forward plan)

**Portfolio:** Lifelong Learning and Development

**Relevant Scrutiny:** People Overview and Scrutiny Committee

**Subject:**

The Lifelong Learning and Development Portfolio Holder submitted a report regarding the proposed 2025-26 admission arrangements for Community and Voluntary Controlled schools, for which Cumberland Council is the statutory admission authority.

The Lifelong Learning and Development Portfolio Holder moved the recommendation set out in the report, the Leader seconded the proposals.

**Alternative Options:**

That the proposals be amended and the current PAN at Lanercost CE School, Brampton be retained.

**DECISION:**

That the Executive:

- 1) Approved the proposed admissions arrangements for Community and Voluntary Controlled schools at Appendix A, including the proposed increase in the Published Admission Number (PAN) at Lanercost CE School, Brampton, at Appendix C;
- 2) Approved the proposed co-ordinated admission scheme for 2025-26 at Appendix B; and
- 3) Approved the relevant area for admission authorities in Cumberland, Appendix D.

**Reason for Decision:**

The School Admissions Code 2021 imposes mandatory requirements in relation to the discharge of functions relating to admissions. The Council, as the admissions authority for Community and Voluntary Controlled Schools in Cumberland, has a statutory duty to act in accordance with the relevant provisions of the Code.

Admissions authorities must formulate a co-ordinated admissions scheme by 1 January and determine admission arrangements by 28 February every year, even if they have not changed from previous years and consultation has not been required.

The proposed PAN change for Lanercost CE Primary is at the request of the school in order to support local demand for places. Any proposed increase in PAN must be consulted upon prior to being determined as part of the Council's admission arrangements.

**EX.56/23      Permission to procure for Core Surfacing contract**

(Key Decision)

(The Leader agreed to this Key Decision item being considered at this meeting, although not in the Forward Plan)

**Portfolio:** Sustainable, Resilient and Connected Places

## **Relevant Scrutiny:** Place Overview and Scrutiny

### **Subject:**

The Sustainable, Resilient and Connected Places Portfolio Holder submitted a report regarding the permission to procure and to delegate the subsequent permission to award for a contract for the delivery of Core Highway Surfacing schemes within Cumberland Council. The Portfolio Holder advised that the contract value, when including Levelling Up Fund Activity was £50M.

The Sustainable, Resilient and Connected Places Portfolio Holder moved the recommendations and the Leader seconded them.

### **Alternative Options:**

A: To not re-procure/no contract. This is not considered appropriate as, due to the projected contract value, this would mean non-compliance with the Contract Procedure Rules and the Procurement Contract Regulations 2015. It would also risk not being able to meet the deadline set out in the Levelling Up Fund requirements and the Councils requirements to deliver the Highways grant spend.

B: To procure each scheme individually. This is not considered as appropriate due to losing economies of scale and being able to achieve value for money for the council. In addition internal resource would need to be significantly increased as there would be increased procurement and complexity. Furthermore in due course cumulative value of ad hoc procurements would in a short time breach the Public Contracts Regulations threshold.

C: Delivery of the schemes by inhouse teams. This is not considered an option due to the scale of work required. Whilst it is the aspiration of the in-house service to be able to deliver some of these works in due course (reference para 2.1 above), the capacity and capability does not currently exist to allow this to be a viable option.

### **DECISION:**

That the Executive:

- 1) Give permission to procure for a single supplier contract to enable the delivery of Core Highways Surfacing schemes for Cumberland Council for a period of 3 years beginning 1<sup>st</sup> April 2024 with a maximum spend of £50m and;
- 2) Delegate authority to award the contract to the Director of Place, Sustainable Growth and Transport.

### **Reason for decision:**

To enable the delivery of Core Highways Surfacing schemes for Cumberland Council for a period of 3 years beginning 1st April 2024 with a maximum spend of £50m and to delegate the subsequent award of the contract decision to the Director of Sustainable Growth and Transport.

## **EX.57/23 Swimming Pool Support Fund Phase 2 (if successful in receiving funding) - Cumberland Council acting as Accountable Body**

(Key Decision)



(The Leader agreed to this Key Decision item being considered at this meeting, although not in the Forward Plan)

**Portfolio:** Vibrant and Healthy Places

**Relevant Scrutiny:** Place Overview and Scrutiny

**Subject:**

The Vibrant and Healthy Places Portfolio Holder submitted a report regarding the authority to be the accountable body for the distribution of government grant monies to swimming pool operators in relation to receipt of SPSF Phase 2 funding.

The Vibrant and Healthy Places Portfolio Holder moved the recommendations which the Leader seconded.

**Alternative Options:**

Not to act as accountable body for grants received as part of Phase 2 of the Swimming Pool Support Fund once the terms of a grant funding agreement are agreed.

**DECISION:**

That the Executive:

- 1) The Council acts as accountable body for grants received as part of Phase 2 of the Swimming Pool Support Fund once the terms of a grant funding agreement are agreed.
- 2) The Executive delegates authority to the Assistant Director of Neighbourhoods to agree the final terms of funding agreements associated with the fund following consultation with the Leader and Portfolio Holder, Chief Finance Officer and Monitoring Officer.

**Reason for decision:**

The recommendation will support the Council plan priorities surrounding health and wellbeing by ensuring that DCMS can be providing direct support to swimming pools.

**EX.58/23 Quarter 2 (April to September) Finance Report**

(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 the Quarter 2 Finance Report 2023/2 which set out the Council's financial performance against budget for the period April to September 2023 along with the forecast position to 31 March 2024. It was noted that the position had improved compared to Quarter 1 in relation to both the revenue and capital budgets. Work was currently being carried out to review, and identify mitigations where appropriate to minimise potential impacts on balances.

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

**Alternative Options:**

Not applicable.

**DECISION:**

That the Executive:

- 1) Noted the content of the report.
  
- 2) Approved the capital programme amendments of £1,561,706 detailed in section 4

**Reason for decision:**

To ensure that the Executive was fully briefed on the Council's financial performance against budget for the period April to September 2023 along with the forecast position to 31 March 2024. To approve the capital programme amendments of £1,561,706 detailed in section 4.

**EX.59/23 Executive and Scrutiny Protocol**

(Non Key Decision)

**Portfolio:** Governance and Thriving Communities

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

**Subject:**

The Leader submitted details on the proposals for an Executive and Scrutiny Protocol for Cumberland Council. The Protocol was concise, with focus on ethos and principles. A Scrutiny Development Plan will set out detail of how scrutiny will continue to upskill, engage with Executive and achieve over each year. It will also document evidence of a good working relationship and a mutual commitment to good governance.

**Alternative Options:**

Not to endorse the Protocol.

**DECISION:**

That the Executive endorse the Executive and Scrutiny Protocol.

**Reason for decision:**

To reflect good practice and to commit to good governance within the Council.

**EX.60/23 Corporate Enforcement Policy**

(Non Key Decision)

**Portfolio:** Cumberland Policy and Regulatory Services

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

**Subject:**

The Cumberland Policy and Regulatory Services Portfolio Holder submitted the proposed Corporate Enforcement Policy for consideration and adoption. The Portfolio Holder noted that it was essential for Cumberland Council to have a standardised set of policies across its area. The proposed policy would provide a foundation for the development of enforcement policies in specialist areas and had been developed as a tool to advise and inform residents and businesses of relevant rules.

The Cumberland Policy and Regulatory Services Portfolio Holder moved that the Enforcement Policy as contained in Appendix A be adopted. The Leader seconded the proposal.

**Alternative Options:**

To continue with the status quo and not adopt the policy.

**DECISION:**

That the Executive adopt the Enforcement Policy as set out in Appendix A of the report.

**Reason for decision:**

The policy represents good practice and offers clarity on the council's overarching principles with regard to enforcement.

**EX.61/23 Leisure Review and Contracts**

(Key Decision)

(The Leader agreed to this Key Decision item being considered at this meeting, although not in the Forward Plan)

**Portfolio:** Vibrant and Healthy Places

**Relevant Scrutiny:** Place Overview and Scrutiny

**Subject:**

The Vibrant and Healthy Places Portfolio Holder submitted an update on the development of a leisure review and to agree an approach to leisure contracts. Existing leisure contracts in the former Allerdale and Copeland areas were due to expire in April 2024. The report set out an approach to the management of existing contracts while also moving forward with a full leisure review.

**Alternative Options:**

To Procure new long-term contracts to start in April 2024. To Procure a short-term leisure contract of 24 months to allow for a full asset and service review, consultation and procurement of new contract. To allow contracts to lapse and do not re-procure. This would mean that the services would need to be delivered in house.

## **DECISION:**

That the Executive:

- 1) Authorise the extension of the leisure contracts covering the Allerdale and Copeland areas for up to an additional 24 months to March 2026 this to allow for a full asset and service review, consultation and to undertake an effective procurement process for a new contract or bring forward an alternative delivery approach.
- 2) Delegate authority to the Director of Place, Sustainable Growth and Transport to agree the final terms of an extension of the leisure contracts covering the Allerdale area to March 2026 following consultation with the Leader and Portfolio Holder.
- 3) Delegate authority to the Director of Place, Sustainable Growth and Transport to agree the final terms of an award of the leisure contract covering the Copeland area to the current provider up to March 2026 following consultation with the Leader and Portfolio Holder.
- 4) Delegate authority to agree terms for the associated lease arrangements to the Director of Resources following consultation with the Leader and Portfolio Holder, Section 151 Officer and Monitoring Officer.
- 5) Note that the outcome of the Council's leisure review will be reported to a future meeting of the Executive for a decision to be made on the next steps in the delivery of leisure provision within Cumberland.

### **Reason for decision:**

#### **EX.62/23 Leisure Review and Contracts**

(Key Decision)

**Portfolio:** Vibrant and Healthy Places

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

### **Subject:**

The Vibrant and Healthy Places Portfolio Holder submitted private appendices 1 – 4 of the public Leisure Review and Contracts report.

The Vibrant and Healthy Places Portfolio Holder moved that the appendices be noted which the Leader seconded.

## **DECISION**

To note the private appendices.

### **Alternative Options:**

Not applicable.

### **Reason for decision:**

To note the private appendices.

The meeting finished at 11:15pm