

# Public Document Pack



## **Council**

**Date:** Tuesday, 16 January 2024

**Time:** 1.00 pm

**Location:** Cathedral Room, Civic Centre, Carlisle

**Present:** Cllr C McCarron-Holmes (Chair), Cllr A Harid (Vice-Chair), Cllr T Allison, Cllr R Betton, Cllr B Cannon, Cllr R Dobson, Cllr M Eldon, Cllr J Forster, Cllr J Ghayouba, Cllr A Glendinning, Cllr J Grisdale, Cllr M Harris, Cllr M Johnson, Cllr L Jones-Bulman, Cllr Dr B Kelly, Cllr E Lynch, Cllr J Mallinson, Cllr A Markley, Cllr G Mitchell, Cllr M Mitchelson, Cllr G Minshaw, Cllr D Moore, Cllr L Patrick, Cllr B Pegram, Cllr J Perry, Cllr T Pickstone, Cllr S Pollen, Cllr A Pratt, Cllr A Quilter, Cllr D Rollo, Cllr A Semple, Cllr C Southward, Cllr S Stoddart, Cllr K Thurlow, Cllr G Troughton, Cllr B Wernham, Cllr J Whalen, Cllr E Williamson and Cllr C Wills

**In Attendance** Chief Executive  
Chief Finance Officer (Section 151 Officer)  
Chief Legal Officer (Monitoring Officer)  
Director of Public Health and Communities  
Director of Children and Family Wellbeing  
Assistant Chief Executive - Director of Strategy, Policy and Performance  
Director of Adult Social Care and Housing  
Director of Place, Sustainable Growth and Transport

### **C.64/23 Roll Call and Apologies for absence**

Apologies for absence were received from Councillors Brown, Campbell-Savours, Davison, Fryer, Hawkins, Tucker and Weber.

### **C.65/23 Minutes**

The Deputy Leader, Statutory Lead for Children's Services, moved that the minutes of the meeting held on 21 November 2023 be received and approved as a correct record, seconded by the Portfolio Holder for Financial Planning and Assets.

Councillor Johnson requested that the questions submitted by members on the Portfolio Holder reports following the last meeting, with associated responses, be included in the minutes. The Monitoring Officer agreed that the questions and answers be included in the minutes of the previous meeting.

**RESOLVED**, that the minutes of the meeting held on 21 November 2023 be received and approved as a correct record subject to the above amendment.

## **C.66/23 Declaration of Interests**

### 9. Motions.

Councillor Roger Dobson, Personal, on Motion 9.1 Funding for Hospices due to him having facilitated a Board meeting of St Luke's Hospice Harrow & Brent and also participated in the Eden Valley Hospice weekly lottery.

## **C.67/23 Exclusion of Press and Public**

**RESOLVED**, that the items in Part A be dealt with in public and item 15 be dealt with in Part B.

## **C.68/23 Announcements**

### 1. Announcements from the Chair

The Chair made reference to a list tabled for members of engagements that she attended since the last Council meeting.

### 2. Announcements from the Leader

There were no announcements from the Leader.

### 3. Announcements from members of the Executive

The Portfolio Holder for Lifelong Learning and Development announced as a reminder to Council that Saturday 27 January 2024 was the International Day of Commemoration in memory of the victims of the Holocaust. The theme for day being Fragility of Freedom.

### 4. Announcements from the Chief Executive

There were no announcements from the Chief Executive.

## **C.69/23 Public Participation**

Pursuant to Procedure Rules 9 and 10, no questions, deputations or petitions were submitted by members of the public.

## **C.70/23 Questions (with Notice)**

- 1. From Councillor Betton to the Leader** – 'The Sands Centre auditorium in September 2023 was closed and remains so today due to the presence of reinforced autoclaved aerated concrete (RAAC), a composite manufactured and used from 1950-90 in floors, roofs, and walls.

The Leader stated: "Improvement works for the older part of The Sands Centre building were part of a phase two of the redevelopment and work was already underway to progress these works. This work will now be accelerated, and further updates will be provided in due course".

Can the Leader provide an update as to whether any other mitigating measures have been considered to make safe the auditorium for use until the contract for remedial works

progresses or have any nearby suitable venues been considered for visiting artists, panto or other events instead of just closure?’

In response on behalf of the Leader the Portfolio Holder for Financial Planning and Assets said -

‘As part of the decision to close the auditorium a range of mitigation measures were considered, these included fitting vertical steel scaffold poles and planks to create a ‘temporary structure’ below the existing roof, or a new lightweight structure to span the auditorium or steel reinforcing nets to catch any RAAC planks that may have slipped. However, these options proved unworkable due to loading, ceiling heights, the span of the auditorium and certainty of success. Accordingly, independent professional advice concluded that it was not possible for the centre to remain open prior to the removal of the RAAC panel roof. The priority now is to replace the roof and reopen the event centre and we are in the final stages of procurement and allocating the capital finance, Following the decision to temporarily close the events centre the Council has worked with GLL to consider opportunities to relocate events while the replacement of the roof was undertaken. As the largest venue in Cumbria this is not a straightforward matter, nonetheless GLL have retained aspects of their programme within the sports hall at the Sands and have also relocated some shows to venues elsewhere within Cumbria. We are also aware that other local venues have secured additional booking for events that have been displaced’.

In a supplementary question Councillor Betton asked why had any action by the Council taken so long?

In response the Portfolio Holder said ‘in the first stages as a Shadow Council we couldn’t do anything, Government hadn’t changed its regulations until late August so since September the Council has been dealing with the matter. As part of today’s agenda we are going to be dealing with the next step which shows how fast we have been working. The Council has taken its due diligence very carefully’.

- 2. From Councillor Betton to the Leader – ‘Carlisle City centre trade is dying with many long-standing empty properties which have never been reoccupied for business use again, for example Bulloughs, Debenhams and Poundstretcher and more recently WILKO, other shop units remain empty on Scotch Street, English Street, the Lanes, and Botchergate. Listening to local business people they say it is because of the high business rates and rents coupled with more people shopping on the Internet.**

What is Cumberland Council going to do to help small businesses open and survive not only in Carlisle but the rest of our town centres in Cumberland where shop uptake is reducing and more town centre businesses are closing?’

In response on behalf of the Leader the Portfolio Holder for Vibrant and Healthy Places said

‘Unfortunately, the Council has no control over the decisions affecting individual retailers in terms of store closures. However, we can, and have, developed a strategy for Carlisle city centre to respond to the structural changes that are occurring in the retail sector so that it can adapt.

The objective of the strategy is to diversify the city centre – to reduce the reliance on retail and attract new uses such as leisure, culture and residential – all of which will bring in different types of footfall, improve vibrancy and support the retail offer.

This strategy underpinned our bid for investment through the Borderlands Growth Deal for improvements for Carlisle railway station and a new university campus at the Citadels,

with £70 million of government funding has been secured to support their delivery. Improvements to the station will encourage more people to travel by train and bring more people into the city with associated spend.

The Citadels campus will bring around 3,000 students and staff into the city centre, which in turn will support local shops and traders. There are a number of vacant shops at the southern end of the city centre, adjacent to the Citadels. These properties form part of the land assembly required for the delivery of the scheme and have been acquired to enable the project to proceed.

This diversification strategy also informed our successful bid to the government's Future High Streets Fund programme, which secured £9.1 million of funding for the city centre. This funding will be used to deliver a suite of projects aimed at making the city centre a more attractive destination and encouraging more people to visit and shop. Increasing the footfall will increase spend, again supporting local shops and traders. These projects include the creation of a new events space of the Greenmarket, environmental improvements within the pedestrianised area and Devonshire Street and improvements to the Tullie House Museum and art gallery. The objective of the Greenmarket project is to drive the regeneration of Castle Street and the reuse of key empty buildings such as the former Bulloughs and Poundstretcher stores.

We also have £19.7 million secured through the government's Town Deal, which includes a number of city centre projects. These include a major highway / environmental improvement scheme on Botchergate and the southern end of English Street to support the Citadels campus scheme, the creation of a new business centre and the creation of a new digital and learning hub at the library. Again, these projects have been designed to improve the offer of the city centre and increase the number and type of visitors and footfall.

All of these investments and projects are focused on increasing the attractiveness of the city centre and encourage the development of local businesses. The Council has also supported small business Saturday and the regular Teenage Markets and other local produce markets throughout the year.

I also want to take this opportunity to clarify a common misconception, Councils do not set the national non-domestic rates, also known as business rates or tax. The Government is responsible for setting these rates, we are simply the billing authority and so get all the blame'.

In a supplementary question Councillor Betton asked whether the Leader and Chair of Business and Resources Overview and Scrutiny Committee would agree to set up a Task and Finish Group, to include representatives from local businesses, councillors and officers to discuss ways forward to help business to thrive in our towns and city.

In response the Portfolio Holder said 'the decline in town and city centres is a national, if not global, problem. In the response I gave I highlighted the millions of pounds this Council has managed to secure so far to help address this problem. I believe we are doing what we can, going the extra mile to improve circumstances for our high streets and businesses.

I will discuss your suggestion of a Task and Finish Group with the Leader and Chair and keep all members informed'.

**3. From Councillor Betton to Councillor Rollo, PH for Sustainable, Resilient and Connected Places – 'We have just had an important new GP surgery open on Locke**

Road, Durranhill Industrial estate in Carlisle where there is no direct bus route link for the elderly/disabled to use when attending their GP appointments.

It was disappointing that at the time this was not given proper consideration during the planning application phase, despite several concerns from my community regarding the distance across a bridge to the tucked away location which is down a steep hill and with taxi hire being so expensive.

Would the portfolio holder consider using a portion of the £2.5m it received from government for the Bus Service Improvement Plan Plus and the reallocation of HS2 funding and liaise with Stagecoach to find a suitable solution that provides a bus service to and from the new surgery?

This would be appreciated as I have asked regarding support not just for Botcherby ward but the rest of the population across Carlisle.'

The Portfolio Holder for Sustainable, Resilient and Connected Places responded as follows –

'I would like to thank the member for raising this issue and I share his views in relation to why this wasn't picked up at the time planning was submitted. I understand concerns were raised by local members at the time of the application, via the County Council's Local Area Committee, and discussions were had with representatives from the GP surgery and with Stagecoach, and although a bus service was never promised, the plans proceeded despite this.

I am pleased to say that going forward, under this Council, significantly more pressure will be put on developers in relation to their planning application and planning gain that would benefit their application, the local community and wider.

Moving on to the issue of bus services. Through our community panels, our officers are collating a list of requests for the Strategic Highway Board to consider. We anticipate that demand for bus improvements will far outweigh the funding provided for Bus Improvements in such a rural area as Cumberland. From there the board will consider each application so I would strongly recommend that the Councillor engages with his local Community panel on this matter of significant importance for his community'.

In response Councillor Betton said the Council Plan's aim was to improve the health and wellbeing of our residents and asked would the Council keep to the promises made and provide a bus link that would help people to access their GP surgeries.

The Portfolio Holder replied to say 'even though we are the Transport authority Stagecoach is a private company, and until we become a public transport authority that runs our own service our hands are very much tied. So although we will very much try to support our communities where we can, we cannot tell Stagecoach where they can and cannot run busses. We will work in partnership with them but we cannot force them to do anything'.

- 4. From Councillor Betton to Councillor Lynch, PH for Lifelong Learning and Development** – 'In Cumberland there are hundreds of new homes being built but there is something missing and that is new schools for our children, particularly so in Carlisle where developers of new build homes stop building just short of the qualifying number which requires them to contribute to the building of a new school. There appears to be no indication of when a new school north of the river in Carlisle will be built and how the impact of 10,000 new homes planned for St Cuthberts Garden Village will have on schools in the south of the city and it is probably the same in other areas of Cumberland.

Will the portfolio holder give a guarantee that they will do all they can to ensure that developers are not able to get out of providing contributions towards new build schools so that the education of future generations of our children are not seen as being less important than developer profits?’

The Portfolio Holder for Lifelong Learning and Development responded to say – ‘Thank you for your question, I have a very detailed response which gives specific details in answer to your question, which I do not propose to read now because it is quite lengthy, instead I will ask that it is shared in full with Council via email.

But to respond to you briefly now, our School Places Team assess new housing applications for their impact on school places, and if additional places are needed builder contributions are requested. The National Planning Policy framework governs this process, and any contribution must be directly related to the impact of new housing on school places, taking into account school capacity locally. Funding can be sought for additional places in existing schools, or for new schools, but is a development is only likely to create a requirement for 30 additional places, you cant ask for a whole new school build as a result.

This system isn’t without risks, and developers can and do curtail development before hitting a number of new homes that might trigger a school place payment.

And to address quickly your point about the school north of the river in Carlisle, there is land and some developer funding already set aside for this, but to date the existing schools have had sufficient capacity to accommodate all children needing a school place. Also I should add, it isn’t within the powers of this Council to simply open a new school, a new school would need to have a sponsoring academy trust or be free school for example. Education provision in this country is now essentially deregulated, the Local Education Authority is no more, and I think I would struggle to name a single sector that deregulation has actually improved, schools being at the very top of my list’.

- 5. From Councillor Pickstone to Councillor Kelly, PH for Cumberland Policy and Regulatory Services – ‘Could the Portfolio Holder for Cumberland Policy and Regulatory Services inform members how many prosecutions for the illegal sale of ‘vapes’ were made in 2023, and what plans the Authority has to crack down on illegal sales in 2024?’**

The Portfolio Holder for Cumberland Policy and Regulatory Services said – ‘Thank you for this question, there was one prosecution of a vape seller in Cumberland during 2023. Leighton Dodds and his business, Cumbria Vapes Ltd which operated from the Indoor market in Carlisle was fined over £13,500 for selling illegal vapes. Dodds had previously been warned about his conduct by Trading Standards.

3,200 vapes have been seized or voluntarily surrendered during 2023, premises concerned are mainly independent high street shops. All resulted from tip offs.

63 Test Purchases were conducted using an underage volunteer to test compliance of vape sellers in Cumberland. 9 premises sold and were given a written warning. These premises will be tested again before the year end.

For 2024, Trading Standards will continue to conduct Test Purchases using under age volunteers, we will also investigate all complaints regarding the illegal sale of vapes’.

In response Councillor Pickstone said ‘over a quarter of all retail sales are carried out online these days, vapes are no exception to that, after a quick online search it is

possible to find illegal vapes and just by saying that I am over 18 it is possible to buy them for home deliver, I wonder if Council could extend looking at this route of buying products for under 18s which is also a problem’.

The Portfolio Holder in response said that the Council would continue to do what it can with the limited resources at its disposal.

- 6. From Councillor Wernham to Councillor Kelly, PH for Cumberland Policy and Regulatory Services –** ‘Licensing of dog breeders is a little publicised council power. But councils do have extensive powers to oversee and regulate safe and responsible dog breeding within their areas. It is estimated that up to 80% of dog sales come from unlicensed breeders and even puppy farms.

“How many reports has Cumberland received since its inception this year concerning unlicensed and unsafe dog breeding and selling practices. How were these reports dealt with and how many enforcement / police actions were taken against unlicensed dog breeders in this time?”

In response the Portfolio Holder for Cumberland Policy and Regulatory Services said – ‘Since 1 April 2023, authorised officers have investigated 25 reported cases directly related to unlicensed dog breeding across Cumberland. Successful enforcement action has been taken on three occasions: once where the Regulatory Panel refused a license renewal application; once where the Panel revoked a license; and one prosecution for breeding and selling dogs without a license. The last of these led to the individual being fined, ordered to pay costs to the Authority, and banned from keeping any animals in a commercial capacity for 3 years.

A considerable amount of work is also undertaken to ensure licensed dog breeders are maintaining standards in accordance with the licensing requirements. We follow up all complaints and intelligence where it is believed licensed dog breeders are breaching legal requirements. The action taken is dependent on the evidence provided but will in most cases warrant a visit to the premises of the alleged offender, sometimes accompanied by the RSPCA. Again the action taken can range from education and information provision through to prosecution, depending on the scale of the unlicensed undertaking, evidence available and availability of reliable witnesses.

Over the past year the team has also worked closely with our comms team to help raise awareness with the public, including through campaigns targeting people buying dogs to ensure they know how to identify reputable breeders, and through publicising our successful enforcement action. During 2024 all of this work will continue, and further work is planned with the retail site pets4homes to tackle unlicensed sellers, and with local vet practices to enable them to share information appropriately with their clients’.

Councillor Wernham said there are dog artificial insemination businesses offering breeding services in Cumberland offering various services, how is animal welfare for these businesses regulated and inspected?

The Portfolio Holder agreed to find out that information and provide a written response following the meeting.

The Chair informed Council that a further question had been submitted on an issue which arose following the deadline for submission of questions which had been accepted.

**7. From Councillor Pickstone to the Leader** – ‘On Friday 5<sup>th</sup> January 2024, Members received an embargoed email from the Council’s Chief Legal Officer giving a ‘heads-up’ that there would soon be an announcement about the sale of Cumbria Waste Group (CWG) which employs almost 300 staff and is comprised of Cumbria Waste Management Ltd, Cumbria Waste Recycling Ltd and Lakeland Waste Management Ltd, by the Board of Cumbria County Holdings Ltd (CCHL) to Waterland Private Equity Investments.

Can the Leader give a guarantee that following the sale, there will be no future liabilities regarding landfill sites in Cumberland to this Council?’

The Portfolio Holder for Financial Planning and Assets responded on behalf of the Leader as follows –

‘Specialist legal advice was obtained as part of due diligence to reassure the decision maker on this very point.

The way the sale was structured ensured that all pre-existing environmental liabilities and obligations were retained by CWM, including contaminated land liability, non-compliance with environmental permits and any contractual liabilities for environmental matters.

The landfill sites have been transferred in such a way as to ensure that all environmental liability is passed to CWM to the maximum extent possible. This includes using drafting which confirms that each of the conditions of the ‘sold with information’ test have been satisfied and therefore that the Council’s liability under the contaminated land regime transfers to CWM. It also includes an agreement on liabilities which set out that the parties agreed that all environmental liability which could arise for either the Council or CWM is allocated to CWM. This includes liability under the contaminated land regime and environmental liability more widely. The transfer documents also included an indemnity in support of the agreement on liabilities.

The contaminated land regime does not apply to activities undertaken under an environmental permit, so liability would only arise after the permit had been surrendered or disclaimed. This means that issues arising during the lifetime of the permit would be dealt with under the permit. The permit surrender process ensures that all necessary measures have been taken to avoid pollution risk arising from the facility’s operation and to return the site to a satisfactory state. Finally, the financial bond which is required to be in place must be sufficient to cover the costs associated with closing and decommissioning the landfill sites in the event of insolvency.

If an argument is later raised that the Council had knowingly caused or permitted contamination of the land by virtue of causing the waste disposal activities to be carried out on site, before the environmental permitting regime was put in place over 30 years ago, there is a remote risk that the Council will be held to be a Class A person under the contaminated land regime. This is considered to be unlikely. The contractual provisions included in the transfer would put liability onto CWM and the financial performance bond in place ought to be sufficient to cover any liabilities.

In the unlikely event that the financial provision is not adequate, there is no mechanism for the Environment Agency to seek further provision from the former shareholders or to pass responsibility onto the relevant local authority for the area.

It is therefore considered to be highly unlikely that the Council will have any residual liability. The measures which have been put in place mitigate the risk as far as possible’.

Councillor Pickstone thanked the Portfolio Holder for the comprehensive answer and asked if members would continue to be informed as the issue progressed, to which the Portfolio Holder confirmed they would be.



## C.72/23 Motions

1. Councillor Betton moved the following motion:

### Funding for Hospices in Cumberland

'BBC Cumbria reported on 11th December 2023, that Hospices in the north of England face an "existential threat" due to a "funding crisis", according to Paul Marriott, Chair of Hospices North East and North Cumbria, who highlighted that all of its members were running budget deficits and warned of potential staffing cuts without additional funding.

The NHS North East and North Cumbria Integrated Care Board (ICB) provides around £14.5m per year to the region's hospices and stated that funding had increased by 3.4% this year. Mr Marriott emphasized that the funding uplift was below inflation, posing a serious risk to the sustainability of hospices.

Hospices rely on a significant portion of funding from charitable donations, and while the NHS provides some support, the funding may not be adequate to meet the rising costs.

This year, in Cumberland our Hospices at Home in West Cumbria received over £210,000 grant funding from the Allerdale GDF Community Partnership and Copeland Community Fund who themselves are funded by the NDA. In September and December 2020 Carlisle Hospice at Home and Eden Valley Hospice both received £10,000 from Cumbria County Council's Local Committee for Carlisle which was match-funded by Carlisle City Council but have received no additional funding since.

Council therefore resolves to:-

1. Write to the Chief Executive of North Cumbria Integrated Care Board to ask them to increase their funding to all our Hospices in Cumberland in-line with inflation.
2. Grant £20,000 to Eden Valley Hospice in Carlisle.
3. Grant £20,000 to Carlisle and North Lakeland Hospice at Home'.

On moving the motion Councillor Betton said that England's Adult Services have had their Government funding cut by £47m in the past two years according to Hospice UK, that due to insufficient NHS funding many hospices are struggling with the increased inflation and rising costs.

Quoting from an Executive finance report from December 2023 Councillor Betton proposed that the £40k grant suggested as part of the motion, £20k for Eden Valley Hospice, Carlisle and £20k for Carlisle and North Lakeland Hospice at Home, should be taken from an unexpected income pot as set out in the Executive report.

Councillor Perry seconded the motion and reserved her right to speak.

In response the Deputy Leader, Statutory Lead for Childrens Services spoke at length in agreement that hospices provided invaluable services to individuals and families during one of the most challenging times of their lives and raised there were a range of services and providers, including council services, that supported people during their final phases of life. The Deputy Leader said she felt insufficient attention and resources were being directed towards vital hospice charities, that the government must reassess its fiscal policies and introduce targeted relief measures, hospices and all services that were critical to supporting people at their most vulnerable should not be charities but part of the public sector.

In conclusion she said 'we are lucky in this country to have a nation health service paid for via taxation and free at the point of use, but it is at risk, we should all demand better and that is why I will not be supporting the motion'.

Councillor Perry applauded the desire to see hospices no longer as charities but stated we are not at that stage yet. Councillor Perry said she understood the financial constraints of the

Council, stated that Cumberland had an aging population and a commitment for health and wellbeing and asked Council to support the motion.

In his right to reply Councillor Betton urged Council to support the motion.

A vote was taken, the motion Fell.

2. Councillor Wernham moved the following motion:

Plastic Free Cumberland

'Council Notes:

The environmental impact of single-use plastics poses a significant threat to our community's well-being, wildlife, and ecosystems.

Plastics that end up in our oceans are having a catastrophic effect on marine life, sea birds and once degraded into micro plastics, contaminate the food chain including our own.

The existing good work which has been done by our predecessor authorities to reduce the amount of single use plastics in use.

Council recognises the importance of taking proactive measures to reduce plastic waste and promote sustainable practices.

Council ask the Executive: -

1. To undertake an audit of single-use plastics used by the Authority and seek to replace them with sustainable or reusable alternatives where practicable by the end of 2024;
2. To encourage staff and council members to adopt plastic-free practices in their daily activities;
3. To use its communications channels to raise public awareness about the dangers of single-use plastics;
4. collaborate with our public sector partners, local schools, business and community organisations to promote plastic-free practices;
5. recognise and celebrate businesses and individuals making significant efforts to reduce plastic usage;
6. to ask that the Climate and Nature Advisory Group be responsible for overseeing the implementation of the plastic-free initiative;
7. regularly assess and report on the progress of the plastic-free initiative to the Council and community'.

In moving the motion Councillor Wernham said 'single use plastics is not just a global issue but a local one, it affects us all. Every year an estimated 300m tonnes of plastic waste is produced globally with a significant proportion ending up in our oceans.

Existing efforts from predecessor councils must be recognised for example Allerdale BC implemented various environmental initiatives, Copeland BC educated residents on recycling plastics and energy savings, but now it's time to take bolder steps and this motion aims to significantly reduce plastic waste and promotes sustainable practices across Cumberland'.

Councillor Wills seconded the motion and stated that if the motion was approved, he anticipated officers would pull together a strategy and then a programme and from that he would recommend a presentation on the subject, which councillors could take out to their local schools.

The Portfolio Holder for Cumberland Policy and Regulatory Services spoke in support of the views shared in the motion and confirmed officers were already working on an overall strategy and plan on climate, environment and nature.

The Portfolio Holder for Cumberland Policy and Regulatory Services proposed, as the motion was to ask the Executive a series of undertakings, a motion without notice under procedure rule 13.1.4 to refer the motion to Executive for consideration.

The Deputy Leader, Statutory lead for Children's Services seconded the motion.

Following a vote the motion was agreed.

**RESOLVED**, that the motion be referred to a future meeting of the Executive.

### **C.73/23 Portfolio Holder Reports**

The Deputy Leader, Statutory Lead for Children's Services moved the Portfolio Holder update reports and the Portfolio Holder for Financial Planning and Assets seconded them.

Each Portfolio Holder responded, in turn, to questions on their individual report.

From the Leaders report on the funding from likes of UK shared prosperity fund/Future High Street Fund, Cllr Johnson asked for assurance that there would be no further variations to the funding streams and facilities they would be providing and completion times wouldn't be extended past previous agreed terms.

The Deputy Leader agreed to provide a full written response on the total number of projects in the pipeline and current situations.

From the Leaders report on social worker recruitment, Cllr Allison asked how many vacancies did the Council currently have.

The Deputy Leader agreed to provide a written response following the meeting.

On the sale of Cumbria Waste Management, Cllr Markley asked 'can we have assurance that our statutory obligations and functions will continue without any extra increased costs to our local community'.

It was agreed a written response would be provided following the meeting.

From the Sustainable, Resilient and Connected Places Portfolio Holder report, regarding re-fuelling arrangements at Bousteads Grassing depot, Cllr Johnson asked whether a Business Case had been carried out, showing fuel cost savings, and could it be shared with members. The Portfolio Holder agreed to provide a written response following the meeting.

From the Sustainable, Resilient and Connected Places Portfolio Holder report, regarding Highways in-house delivery, Cllrs Mallinson and Johnson asked whether there was a business case.

The Portfolio Holder agreed to provide a written response following the meeting.

From the Sustainable, Resilient and Connected Places Portfolio Holder report, regarding on street cleansing and local environment, Cllr Pratt raised he had previously requested a rota on rural towns and villages for road sweeping but had not received the information, and asked if the PH could help speed up the request. The PH agreed.

On the sale of Cumbria Waste Management, Cllr Allison asked whether the environmental tax duty scheme would still continue, stating it was an important source of funding for the authority.

It was agreed a written response would be provided following the meeting.

**RESOLVED**, that the reports of the Portfolio Holders be received.

The Chair adjourned the meeting at 2:58pm for a short comfort break.

The meeting reconvened at 3:09pm.

**C.74/23 Recommendation from Audit Committee (6/12/23) - Treasury Management - Mid-Year Review 2023-24**

The Chief Finance Officer submitted a report advising members about the Council's treasury management activities during the six-month period ending 30 September 2023 and to provide assurances that treasury management activities had been undertaken in accordance with the Council's approved Treasury Management Strategy Statement and Investment Strategy.

The mid-year review report had been considered and approved by the Audit Committee on 6 December 2023 and it was recommended to Council for noting.

The Portfolio Holder for Financial Planning and Assets moved the report for noting.

**RESOLVED**, that the report be noted.

**C.75/23 Amendments to Contract Procedure Rules**

The Lead Senior Lawyer submitted a report which sought to propose revisions to the Contract Procedure Rules (CPRs) which had previously been adopted by the Shadow Authority on 26 January 2023.

It was noted the CPRs should work together with the Council's Access to Information Rules and the proposed changes therefore would help align those processes and procedures.

The Standards and Governance Committee, at its meeting on 13 December 2023, considered and agreed the proposals and recommended them to Council for approval.

The Chair of the Standards and Governance Committee introduced the report and moved the recommendation on behalf of the Committee. The Deputy Leader, Statutory Lead for Children's Services seconded the motion.

**RESOLVED**, that the updated Contract Procedure Rules be adopted for inclusion in the Constitution.

**C.76/23 Recommendations of the Standards and Governance Committee: Public Participation and Councillor Participation**

The Monitoring Officer submitted a report to update members on a review of the Constitution, in particular the Public Participation Scheme and the Petitions Scheme.

The Constitution Working Group had carried out a piece of work to review those sections of the Constitution and made recommendations to the Standards and Governance Committee which had been agreed.

The Chair of the Standards and Governance Committee introduced the report and moved the recommendations on behalf of the Constitution Working Group. The Deputy Leader, Statutory Lead for Children's Services seconded the motion.

Councillor Betton spoke against the recommended changes to the Procedure Rules as set out in Appendix 1 and moved an amendment that they were to be unchanged. There was no seconder to the motion and it therefore fell.

**RESOLVED**, that:

- 1) The proposed changes to the Constitution as recommended by the Standards and Governance Committee be adopted;
- 2) The proposed Public Participation Scheme and the Petitions Scheme be agreed for publication on the Council's website.

### **C.77/23      Operation of the Provisions Relating to Call-in and Urgency**

The Monitoring Officer submitted a report to inform members on the position with the requirements of the Constitution relating to the call-in and Urgency provisions.

Members were asked to note the recorded decisions, as detailed in the report and Appendix 1, that had been taken under Urgency and Special Urgency procedure rules.

The Deputy Leader, Statutory Lead for Children's Services moved the report for information.

**RESOLVED**, that the position be noted.

### **RESOLVED - Items to be considered in Part B**

Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

### **C.78/23      Carlisle Sands Centre: Amendment (virement) of budget within the existing capital programme**

Following a decision in September 2023 to close the Sands Centre, Carlisle, due to safety concerns related to the Reinforced Autoclaved Aerated Concrete (RAAC) roof, work had been undertaken to understand the impact of the closure and consider viable options for both the future of the facility and the related activities the facility currently supported.

The Portfolio Holder for Financial Planning and Assets presented a report regarding the amendment (virement) of budget within the existing capital programme to ensure budget was available to award roof enhancement works at Carlisle Sands Centre.

The report had been considered and approved by the Executive on 11 January 2024 and it was recommended to Council as an urgent item for approval to minimise any delay in beginning the works on the roof.

The Portfolio Holder for Financial Planning and Assets moved the recommendations as per the report, this was seconded by the Deputy Leader, Statutory Lead for Children's Services.

**RESOLVED**, that

- 1) the report be noted;
- 2) the capital programme amendments (virements) of £2.500m to facilitate the replacement of Sands Centre Roof be agreed.

The meeting finished at 3.37 pm

1. Question from Cllr Mike Johnson on the Leaders PH report – on the funding from likes of UK shared prosperity fund/FHSF, he asked for assurance there would be no further variations to the funding streams and facilities they will be providing and completion times wont be extended past previous agreed terms.

The Deputy Leader agreed to provide a full written response on the total number of projects in the pipeline and current situations

*UKSPF is predominantly revenue funding that is being delivered by the Council by 31<sup>st</sup> March 2025 through a mix of direct delivery and grant funding, which is fixed by grant agreements. To maintain spend on target in the final year of delivery, no variations are being proposed to the funding streams for the set themes – Communities and Place, Local Business Support and People & Skills.*

*Towns Fund and FHSF are capital funding being delivered in key Cumberland towns:*

- *Carlisle is focussed on delivering four projects through the Future High Streets Fund (Devonshire Street, Market Square, Central Plaza and Castle Street) and six projects through the Town Deal (Southern Gateway, Carlisle Business Exchange Centre, Carlisle Digital and Community Hub, Lighting Up Carlisle and Start with the Park). These are being delivered to the scope in line with the business cases approved by DLUHC. An extension was recently agreed with DLUHC for an extension to the timeframe for delivery of the Future High Streets Fund projects into 2024/25. No variations are currently being forecast/proposed to the Future High Streets Fund and Town Deal projects.*
- *Workington includes 4 Town Deal projects in addition to the completed Digital Accelerator Hub (Innovation Centre, Public Realm, Clean Energy and Logistics Hub). There is pressure on the Innovation Centre project due to an increase in construction costs and the Project Team are currently reviewing options for the delivery of this project. The remaining projects are progressing and are currently anticipated to be deliverable within the timeframe for the Town Deal programme.*
- *Maryport seeks to deliver a total of 7 projects as part of the revised FHSF Programme. (Love Maryport Living, Public Realm improvements, Christ Church, Carlton, Maryport Activity Centre, Harbourside Events and Play Area and the Promenade Café and Recreational Area). All project are currently on schedule to be delivered in line with the agreed timeframe for the FHSF Programme.*
- *Cleator Moor is focused on delivering the four projects (Enterprising Town, Revitalised Town, Healthy Town and Connected Town) to scope in line with the agreed Town Deal business cases. No variations are currently being forecast/proposed to the funding streams. The main pressure is against the Enterprising Town project due to escalating project costs however, the project is forecast to be delivered within the grant funding*

*period and deadline for funding drawdown. A budget pressure of circa £3m remains, which is being addressed through value engineering/design scope reviews with the intent to draw down any additional capital required to fully finance the project on the basis of a financially viable business case underpinned by the iSH campus delivery.*

- Millom is focused on delivering the four projects (Iron Line, Reactivating Heritage Buildings, Activating Community Health and Connected Millom & Haverigg) to scope in line with the agreed Town Deal business cases. No variations are currently being forecast/proposed to the funding streams. There has been slippage in schedules delivering Iron Line and Activating Community Health due to site survey restrictions and procurement respectively which may impact final completion dates, but can be managed within Town Deal and match funding spend requirements.*

2. Question from Cllr Trevor Allison on Deputy Leaders PH report – social worker recruitment – have all vacancies now been filled or is it part of an ongoing programme? With a follow up question, how many vacancies do we have currently?

*We have 33 front line Social Work vacancies within Childrens Services. We have employed 16 overseas Social Workers, 5 of whom have commenced work at the beginning of February but have not been badged against the vacancy list yet, until they have completed their 4 induction programme. We have 7 Newly Qualified Social Workers who have started in the Social Work Academy in October 2023 and they will also fill current vacancies at the end of their 12 month programme. We have an ongoing programme of Social Work recruitment.*

3. Question from Cllr Markley – on the sale of CWM - can we have assurance that our statutory obligations and functions will continue without any extra increased costs to our local community?

*The waste disposal related statutory obligations and functions of Cumberland Council form part of the 25 year Public Private Partnership (PPP) contract with Renewi to deliver waste disposal services including landfill activities and HWRC services. Cumberland Council is the host of the PPP (on behalf of itself and Westmorland & Furness Council) but neither Council is involved in the decision making of how Renewi sub-contract that work - that is for Renewi to determine.*

*In relation to the cost of the services that CWM provides, directly or indirectly to the Council, will be unaffected by the sale with no changes to the control of the household recycling centre sites and there could indeed be a positive impact for the Councils in the future given the significant inward investment in the Group.*



4. Question from Cllr Mike Johnson - under Fleet, re-fuelling arrangements at Bousteads Grassing depot – has a Business Case been carried out on this, showing fuel cost savings and can it be shared with members?

Although there was no 'business case' there was a simple projection based on the price difference between using bulk fuel from the depot and the cost of buying it from different fuel stations. These numbers can be provided when refreshed, I will pass those on.

There are also other efficiencies / benefits which are more difficult to quantify, such as reducing vehicle down time and additional miles travelled to local fuel stations, meaning the refuse crew for example arrive at the first bin in the morning earlier, avoiding the need to divert off route for fuel.

5. Question from Cllrs John Mallinson & Mike Johnson – Highways delivery, on in-house delivery - is there a business case?

At this moment in time there is no business case for this service, however a review of the service delivery will be undertaken during 24/25. Individual trials are currently taking place on various delivery models in operations which we will report back on in due course.

6. Question from Cllr Pratt on street cleansing and local environment, on deep cleans – he has requested a rota on rural towns and villages for road sweeping but not received anything, he asked if Cllr Rollo could help speed up this request for information for him

*Our current programmes see quarterly sweeps of rural routes. In addition to these routes the service can respond to areas of concern and it is why we encourage elected members and the public to communicate these to us. As the service continues to transform we will seek to continually improve our systems of working.*

*Last year deep cleans were undertaken in Workington, Cleator Moor, Millom and Egremont. Naturally these were paused in over the winter but for the year ahead we are planning to undertake deep cleans in Whitehaven, Brampton, Longtown, Wigton and Maryport.*

7. Question from Cllr Trevor Allison – on the sale of CWM – will the environmental tax duty scheme still continue as it is an important source of funding

*Cumbria Waste Management Environment Trust (CWMET) - is an Independent Charity and Limited Company based within Cumbria Waste Management Group, who have confirmed that the grant scheme will continue to exist.*

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