

CUMBERLAND SHADOW EXECUTIVE

Minutes of the Shadow Executive held in Flensburg Room, Civic Centre, Carlisle, CA3 8QG on Thursday, 16 February 2023 at 10.30 am

Members

Councillor Mark Fryer (Chair)

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

Councillor Barbara Cannon

Councillor Martin Harris

Councillor Bob Kelly

Councillor Elaine Lynch

Councillor Anne Quilter

Councillor Denise Rollo

Councillor Christopher Southward

Also in attendance

A Seekings, Chief Executive

C Nicholson, Section 151 Officer

C Liddle, Monitoring Officer

74. Call in

Date of Publication: 20 February 2023

Call in Period Ends: 27 February 2023 at 1700hours.

75. Exemption from Call-in

The Leader announced that the Chair of the Overview and Scrutiny Committee had, on 8 February 2023 agreed that the following items be exempt from call in:

6. Budget 2023-24 and Medium Term Financial Plan General Fund Revenue and Capital

If a call-in was received, the call-in procedures would overlap the Shadow Council meeting on 1 March 2023 when the Council will consider the matter. Any delay caused by the call-in process would prejudice the Authority's interests.

76. Apologies for absence

No apologies for absence were submitted.

77. Declarations of Interest

There were no declarations of interest submitted.

78. Exclusion of Press and Public

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

79. Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 20 December 2022 be agreed as a correct record.

80. Public Participation

There were no public questions or representations submitted.

81. Budget 2023-24 and Medium Term Financial Plan General Fund Revenue and Capital

(Key Decision)

**(In accordance with the Overview and Scrutiny Procedure Rules, The Chair of the Shadow Scrutiny Committee had agreed that call-in procedures should not be applied to this item.)

Subject:

The Financial Planning and Assets Portfolio Holder presented the first Revenue Budget and Medium Term Financial Plan for Cumberland Council which identified the key factors influencing and informing the development of the Council's financial plans for 2023-24, along with the ongoing impact of those plans into the medium term.

Included in the within the budget report was the latest estimated funding position, service and corporate budget pressures, financial risks and challenges influencing the development of Cumberland Council's financial plans.

Proposals for 2023-24 were based on the outcome of the Provisional Local Government Finance Settlement, released on the 19th of December. It was noted that the Settlement was for a one year period, as such financial planning over a greater timescale was necessarily predicated on assumptions.

The report also covered the issues which needed to be considered prior to the Council finalising the budget and setting the Council Tax for 2023-24.

In moving the recommendations in the report, the Financial Planning and Assets Portfolio Holder gave her thanks to the Officers from the sovereign authorities who had worked to develop the budget. The Leader seconded the proposals.

As part of the consultation process, the matter had been considered by the Shadow Authority Scrutiny Committee the previous day. Copies of notes of that meeting had been circulated to the Executive Councillors. The Vice Chair of the Scrutiny Committee, Councillor Pratt, was in attendance, he gave an overview of the Committee's discussion and rationale for the submitted recommendations.

The Leader welcomed the Scrutiny Committee's response to the consultation on the budget.

Alternative Options:

The Council had a legal duty to set a balanced budget each year and the proposals fulfilled the requirement.

DECISION

That the Shadow Executive:

- 1) Approved the 2023-24 Budget for recommendation to Cumberland Shadow Authority for approval and adoption including: -
 - The General Fund net revenue budget for 2023-24 of £303,278,387 and Directorate service budgets for 2023-24 as outlined in Appendix A
 - Council Tax Harmonisation for Cumberland Council using the weighted average (alternative notional amount) from 1 April 2023
 - An average Band D Council Tax in 2023-24 of £1,730.84 for Cumberland Council which represents an increase of 4.99% on the average Council Tax levied across the Cumberland area (2.99% increase in core council tax and 2% Adult Social Care precept)
 - The capital programme as set out in Appendix C
 - The detailed Fees and Charges as set out in Appendix D
 - Notes the S25 statement of the Chief Finance Officer as set out in Section 16 and the risk-based assessment of the level of General Fund Balances
 - Notes the consultation feedback on the budget as set out in Appendix E
- 2) Made the following recommendations to the Shadow Council to ensure that the revenue and capital budget and all associated financial policies would be delivered in a safe and legal manner from 1st April 2023 while ensuring flexibility to manage the overall budget in the year
 - To delegate authority to the Section 151 Officer, in consultation with, the Portfolio Holder for Financial Planning and Assets, to amend the capital programme for 2023-24 going forward so that it accurately reflects issues such as slippage / acceleration on current year projects that would need to be added to the programme
 - To delegate authority to the Section 151 Officer to finalise and agree all outstanding financial policies and strategies to ensure that the Council had the policies in place by 1 April 2023.
 - To delegate authority to the Section 151 Officer, in consultation with, the Portfolio Holder for Financial Planning and Assets to employ earmarked reserves for the purposes they were originally set up for

- To delegate authority to the Section 151 Officer, in consultation with, the Portfolio Holder for Financial Planning and Assets to amend the Fees and Charges if required in 2023-24
- To delegate authority to the Section 151 Officer, in consultation with, the Portfolio Holder for Financial Planning and Assets to release the general contingency fund if required in the year.

Reasons for Decision

To ensure that a balanced budget is set.

82. Cumberland Schools Forum and Joint Standing Advisory Council on Religious Education (SACRE)

(Non Key Decision)

Subject:

The Lifelong Learning and Development Portfolio Holder submitted a report requesting the establishment of a Schools Forum for Cumberland in accordance with the Cumberland Schools Forum constitution and the approval of the constitution of a joint Standing Advisory Council on Religious Education ('SACRE').

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

Alternative Options:

The Executive could:

- Approve the proposed approach to establish a Cumberland Schools Forum from 1 April 2023; or
- Propose an alternative approach towards the establishment of a Cumberland Schools Forum from 1 April 2023.

DECISION:

That the Shadow Executive

- (1) Establishes the Schools Forum for Cumberland; and
- (2) Constitutes a joint SACRE in accordance with the constitution attached at Appendix 3 and appoint those listed at Appendix 4 to the report as members of the SACRE.

Reason for Decision

There was no provision in law for two or more authorities to discharge their functions jointly, for example by establishing a single joint Schools Forum with Westmorland and Furness.

Separate SACREs could be established for each of the new Local Authorities. However, this raised concerns (with SACRE's current membership) about securing requisite representation for all four committees. Some religious/denominational representatives covered the whole of Cumbria and as

such, operating two SACREs would increase the call on their time. Operating two SACREs would increase the expense to the public purse, as two sets of payments would be needed for administrative support and the religious education professional adviser etc.

Establishing two SACREs would potentially hamper the work required this academic year by the Agreed Syllabus Conference to review and issue and the agreed syllabus.

83. LGR Programme Update

(Non Key Decision)

Subject:

The Senior Manager, LGR Programme submitted an update on the Programme in place to support Local Government Reorganisation in Cumbria. The report consisted of the latest Programme Dashboard presented to the Programme Board and a summary of the Day One Board report presented to the Day One Programme Board on 24 January 2023.

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

Alternative Options:

The contents of the report were in response to a Statutory Instrument, and whilst there was a choice about how to define the Implementation Plan, and the approach to governance and budgets, the approach described was considered the most fitting to local circumstances.

DECISION

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

Reasons for Decisions

To comply with The Cumbria (Structural Changes) Order 2022 to deliver a sustainable Unitary Council, and a sustainable Fire and Rescue Service, in an economic, efficient, effective, safe, legal and seamless fashion, delivering both benefits from Vesting Day and the foundation for further transformation in the future.

84. Delegated authority to approve operational policies and procedures

(Non Key Decision)

Subject:

The Leader submitted a report which requested delegated authority from the Shadow Executive to the Chief Executive to approve necessary operational

policies and procedures prior to Vesting Day on 1 April 2023 in consultation with the relevant Portfolio Holder.

The Leader moved the recommendations and the Deputy Leader (Statutory) seconded them.

Alternative Options:

Given the committee time available prior to Vesting Day seeking Executive approval for all operational policies and procedures would be unworkable.

DECISION

That the Shadow Executive:

Delegated authority to the Chief Executive (in consultation with the relevant Director and Portfolio Holder) to approve operational policies and procedures for the new council prior to Vesting Day on 1 April 2023.

Reason for Decision:

The proposed delegations were in line with those set out in the Scheme of Delegation in the new Cumberland Council Constitution.

85. Section 24 - Extension of Apprentices Framework

(Key Decision)

Subject:

The Financial Planning and Assets Portfolio Holder submitted a report asking for the consideration of granting consent to the Cumbria County Council to extend its Apprenticeships Framework ("The Framework") for a period of one year until 31 March 2024.

In compliance with the Direction issued under section 24 of the Local Government and Public Involvement in Health Act 2007, the extension of the Framework requires the consent of both Cumberland Shadow Authority and Westmorland and Furness Shadow Authority.

The Financial Planning and Assets Portfolio Holder moved the recommendation in the report and the Deputy Leader (Statutory) seconded it.

Alternative Options:

Not to extend the Apprenticeship Framework, however, this was not recommended as it was likely that the new local authorities would not have arrangements in place to commission new apprenticeship training.

DECISION

That the Shadow Executive granted consent to Cumbria County Council to extend the Apprenticeships Framework for a period of one year from 01 April 2023 until 31 March 2024, with an indicative annual value of £4m.

Reasons for Decision:

The approach ensured that there were known services in place from Vesting Day which had been commissioned in a legally compliant manner.

The recommendation to extend current arrangements was to ensure that the new organisations had sufficient time and resource to plan and execute the delivery of apprenticeship training. For each new organisation to achieve their new strategic goals it was highly likely that activity may need to include regulated procurement exercises and internal governance processes which were subjected to set timescales, the extension gave the time to achieve this.

The setup of the Framework meant that new providers could join so that any additional training needs which may arise as a result of the inclusion of district councils could be commissioned following established processes.

86. Section 24 - Consent to Award Contract for Insurance Services

(Key Decision)

Subject:

The Financial Planning and Assets Portfolio Holder presented a report which requested the consideration of granting consent to Cumbria County Council to enter into a contractual arrangement for the provision of main insurance services to Cumberland Council for a period of three years from 01 April 2023 with the option to extend for 2 separate periods of one year.

In compliance with the Direction issued under section 24 of the Local Government and Public Involvement in Health Act 2007, the award of these contracts requires the consent of Cumberland Shadow Executive.

The outcome of the tender for the Insurance Services had been submitted as a private report at agenda item 12.

The Leader moved the recommendation and the Deputy Leader (Statutory)

Alternative Options:

Not to agree to grant consent to Cumbria County Council.

DECISION:

That the Shadow Executive granted consent to Cumbria County Council to enter into contractual arrangements for the provision of main insurance services to Cumberland Council

Reasons for Decision:

Cumberland Council would require insurances from 1 April 2023. However, the services that were insured, insurance excesses, aggregate limits and the extent of any self-insurance within the Council had been carefully considered.

Officers had worked closely with the appointed insurance broker, Marsh Ltd, to explore the insurance markets for appropriate cover and engaged initially with the interim S151 Officer and recently the Director of Finance (S151 Officer) regarding insurances to be procured

87. Public and Press

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

88. Section 24 - Consent to Award Contract for Insurance Services

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision)

Subject:

The Financial Planning and Assets Portfolio Holder submitted the confidential outcome of the tender for Insurance Services to be considered in conjunction with agenda item 11.

Alternative Options

Not applicable

DECISION

To note the confidential outcome of the tender for Insurance Services as part of agenda item 11.

Reasons for Decision

To allow the Executive to consider all of the available information to reach a decision.

89. Award of design and build contract to construct Carlisle Southern Link Road

(Public and Press excluded by virtue of Paragraph 3)

(Non Key Decision)

Subject:

The Environment and Highways Portfolio Holder submitted a request to consider granting consent to the County Council to enter into a design and build contract for the construction of Carlisle Southern Link Road (CSLR) with the winning bidder of the works procurement process in accordance with the Direction issued under section 24 of the Local Government and Public Involvement in Heath Act 2007.

The report recommendation follows a restricted tender procurement process carried out in accordance with the Public Contracts Regulations 2015. The report also sought consent to a proposed amendment, by Deed of Variation, to the Grant Determination Agreement to reflect the necessarily revised project funding and delivery milestones. In compliance with the Direction issued under section 24 of the Local Government and Public Involvement in Health Act 2007, the award of the contracts requires the consent of Cumberland Shadow Authority that Cumbria County Council enters into such contractual agreements.

The Environment and Highways Portfolio Holder moved the recommendations and the Leader seconded them.

Alternative Options:

Do not grant consent which would then mean that the award of the contract would not be able to be approved by Cumbria County Council and they would not be able to agree the amendment to the GDA. This would mean that project would be unable to proceed. Retendering the works would require a significant delay and continued funding would be unlikely.

DECISION

That the Shadow Executive:-

- (1) formally granted consent in accordance with the Direction issued under section 24 of the Local Government and Public Involvement in Health Act 2007 to Cumbria County Council approving the award of a design and build contract for the construction of CSLR to the winning bidder; and
- (2) consented to Cumbria County Council taking all steps necessary to approve the amendment of the GDA between the County Council, the City Council and Homes England for the construction of the CSLR.

Reason for Decision:

To ensure the progression of the Carlisle Southern Link Road project.

The meeting closed at 11.20 am