

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 7 December 2011, at 10.00 a.m.

Present

Councillors

Brendan Jameson

(Leader and Promoting South Lakeland Portfolio Holder) (Chairman)

Clare Feeney-Johnson	Environment and Sustainability Portfolio Holder
Hilary Stephenson	Deputy Leader and Communities and Well Being Portfolio Holder
Ian Stewart	Economic Prosperity and Transportation Portfolio Holder
Peter Thornton	Housing and Development Portfolio Holder
Graham Vincent	Policy, Performance and Resources Portfolio Holder

Also in attendance at the meeting were Shadow Executive Members Roger Bingham (Environment and Sustainability Portfolio), Brian Cooper (Central Services Portfolio), Tom Harvey (Shadow Leader and Housing and Development Portfolio), Janette Jenkinson (Economy and Enterprise Portfolio).

Shadow Executive Members James Airey (Leader of the Opposition and Promoting South Lakeland Portfolio), Kevin Lancaster (Policy, Performance and Resources Portfolio) and David Williams (Communities and Well Being Portfolio) had tendered their apologies for absence.

Also in attendance at the meeting was Councillor John Holmes, Chairman of the Cost of Democracy Task and Finish Group.

Officers

Simon Blyth	Policy and External Funding Officer (part)
Lawrence Conway	Chief Executive
Debbie Fox	Interim Assistant Director (Community Investment and Development)
Joanne Golton	Economic Development Regeneration Manager (part)
Janine Jenkinson	Assistant Democratic Services Officer
Sue Hill	Corporate Finance Manager (part)
Shelagh McGregor	Assistant Director (Resources) and Section 151 Officer
Mark Mcadam	Interim Communications Manager
Simon McVey	Assistant Director (Customer Focus)
Alan Raven	Revenues & Benefits Manager (part)
Helen Smith	Strategic Finance Manager (part)
Debbie Storr	Corporate Director (Monitoring Officer)

David Sykes Interim Corporate Director (Communities)

STANDING ITEMS/MONITORING REPORTS

EX/165 EXECUTIVE DECISION NOTICES

RESOLVED – That the Chairman be authorised to sign, as correct records, the Executive Decisions made during the weeks ending 18 November 2011.

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EX/166 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were made.

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EX/167 LOCAL GOVERNMENT ACT 1972 – EXCLUDED ITEMS

RESOLVED – That should discussion be necessary, the items in Part II of the Agenda be dealt with following the exclusion of the press and public.

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EX/168 PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions had been received.

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EX/169 PROGRESS REPORT

Consideration was given to a report detailing progress in relation to Executive Decisions as at 29 November 2011.

RESOLVED – That the Executive Decisions progress report as at 29 November 2011 be received.

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KEY DECISIONS

EX/170 KENDAL PUBLIC REALM IMPROVEMENT, PHASE 2 – HIGHGATE IMPROVEMENT PROJECT (KD11/025/E&E)

Summary

The Council's Economic Development Team had been working with the Highgate and Allhallows Business Partnership, Kendal Futures and Cumbria County Council to deliver a public realm improvement scheme in Highgate, Kendal. The scheme sought to stimulate the economy, improve public access and safety, improve functionality and streetscape and enhance the connecting link from the recently improved Kirkland area and K Village complex to Kendal Town centre. Funds for

the project were proposed to come from the Council, Cumbria County Council and the Section 106 Agreement for K Village.

Cabinet welcomed the report and the partnership working that had taken place to improve the public realm. Without investment Highgate may continue to decline in terms of commercial viability, resulting in possible further shop closures.

The Chairman wished to thank the Economic Development Regeneration Manager and her colleagues in the Economic Development Group for their commendable work on this project.

Decision

RESOLVED – That

- (1) the latest progress on the Highgate Improvement Project be noted;***
- (2) the use of the Section 8 monies of the K Village Section 106 Agreement for the Highgate Improvement Scheme, to the value of £100,000 be approved; and***
- (3) Council be recommended to consider the addition of the Kendal Public Realm Programme Phase 2, Highgate Improvement as part of the overall Capital Programme report for 2012-13, with the funding as detailed in paragraph 8.1 of the report.***

Reasons for Decision

The decision would enable the Council to consider the proposed financial contributions within the Capital Programme 2012/13 and subject to that decision, deliver the Highgate Improvement Project to commence in spring 2012.

Alternative Options Considered and Rejected

Not to support the financing of the project – this would mean that the project to improve Highgate would be significantly reduced in scale and would not achieve the outcome of the proposed scheme. The Council would lose the opportunity to match resources with Cumbria County Council's resources and the opportunity to deliver a project to reverse the commercial decline of Highgate would be lost.

To allocate only £60,000 Local Authority Business Growth Incentive (LABGI) funds to the project as match funding for the £100,000 from Cumbria County Council. This would provide a funding pot of £160,000 instead of the original £260,000. This level of funding would not be sufficient to deliver a quality high impact flagship scheme.

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EX/171

2012/13 TO 2016/17 DRAFT REVENUE BUDGETS (PD11/006/SEV)

Summary

The projected deficit position was regularly updated by officers. The savings included in the 2011/12 budgets were closely monitored and reported as part of the budget process. To date it was projected that the overall target of £1.3 million included in the 2011/12 budget would be met. Considerable work had been undertaken to identify options that would deliver a balanced budget in 2012/13 and

improve the position in future years. The potential changes to the assumptions and the financial implications were kept under constant review as circumstances changed and as more detailed information was received from Government.

Decision

RESOLVED – That

- (1) the latest projections within the Medium Term Financial Plan be noted;***
- (2) the position with regard to the service base budgets be noted;***
- (3) the progress to date on the identification of growth and savings options be noted; and***
- (4) it be noted that the final draft Revenue Budget would be presented for consideration by Members at the 15 December Council meeting.***

Reasons for Decision

To ensure that financial resources were directed to deliver the priorities within the Council's Corporate Plan.

Alternative Options Considered and Rejected

Not applicable – the report was provided to update on the current position with regard to the preparation of the 2012/13 – 2016/17 budgets.

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EX/172

2012/13 TO 2016/17 DRAFT CAPITAL PROGRAMME (KD11/023/SEV)

Summary

The current Capital Programme had been approved by Full Council in February 2011. Minor amendments had been made to the programme to reflect the latest monitoring information.

A list of capital projects which could be included in the Council's five year Capital Programme was set out in the report. The actual level of projects that would make up the programme was subject to the prioritisation process being completed and the review of the level of resources available. A review of the resources available to fund the Capital Programme was underway including a review of capital receipts.

Capital projects in the current financial year were closely monitored and any savings emerging would continue to be identified and reported.

Decision

RESOLVED – That

- (1) the latest updated draft Capital Programme be noted;***
- (2) the schedule of new capital bids submitted be noted; and***

- (3) ***it be noted that the final draft Capital Programme would be presented for consideration at the 15 December 2011 Full Council meeting.***

Reasons for Decision

Setting the Capital Programme within a sound budget preparation framework would assist in the delivery of new developments within the Council's Corporate Plan.

Alternative Options Considered and Rejected

Not applicable – the report was presented to provide an update on the current position with regard to the preparation on the 2012/13 – 2016/17 budgets.

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EX/173

UPDATE DRAFT FEES AND CHARGES 2012/13 (KD11/023/SEV)

Summary

Consideration was given to a report that provided an update on the development of fees and charges for all services to be provided in 2012/13, with the exception of car parks. Fees for Lake Windermere and Licensing were presented separately to their respective Committee. The projected financial position presented was in light of the existing and expected pressures the Council faced against a background of continuing international financial difficulties, high inflation, low interest rates and low levels of economic growth.

The overall General Fund deficit, as projected at the end of October 2011, would be £0.66m in 2012/13 rising to £1.8m in 2015/16 although these figures would change as more detail was announced on Government proposals for the reform of local government finance.

The Council was currently in the process of working up options to enable the budgets to balance in future years. One of the options was to seek increased income from fees and charges. Raising income in this way would reduce the need to cut services as dramatically as would be needed to balance the budget position.

Significant areas of the fees and charges were either prescribed or regulated by Government. Where relevant, consideration had been given to the market conditions and potential customer resistance in arriving at the proposed fees and charges.

Decision

RESOLVED – That the fees and charges proposed and information yet to be received be noted.

Reasons for Decision

The decision would assist in the Council's Corporate Plan objective of reviewing opportunities to generate income.

Alternative Options Considered and Rejected

Many alternative pricing structures could be proposed however it was considered that the approach adopted met the Council's Corporate Plan and Medium Term

Financial Plan objectives whilst attempting to minimise market resistance and revenue risk.

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EX/174

2012/13 DRAFT HOUSING REVENUE ACCOUNT BUDGET

Summary

Tenants had voted in favour of transferring the Council's housing stock to South Lakes Housing. Plans were in place to complete the transfer before the end of the financial year. The Council could then apply to formally close the Housing Revenue Account (HRA) during 2012/13. All costs that remained with the Council following the transfer would become General Fund costs.

Councillor Peter Thornton reported that Government was keen to see consistency between social housing rents both throughout the country and between local authority homes and housing association homes. Unless the Government changed the rent restricting formula for 2012/13 the rent increase was based on inflation for September 2011 at 5.6%, therefore the maximum increase for an individual tenant was 6.1%. This equated to an average increase of 8.5% from £77.45 per week to £84.01 per week based on 48 week per year.

Officers that had been involved with the housing stock transfer were thanked for their tremendous effort and hard work on the project.

Decision

RESOLVED – That

- (1) the progress being made with the draft Housing Revenue Account (HRA) budgets for 2012/13 be noted; and***
- (2) the process for approval, and the likely level of the rent increase for 2012/13 be noted.***

Reasons for Decision

The proposals were based on forecasts that recognised the need for resources to be identified for new developments in the Council's Corporate Plan. Setting a sound framework for budget preparation would assist in the delivery of corporate outcomes.

Alternative Options Considered and Rejected

The law governing the HRA required that it should never fall into deficit. It was therefore compulsory to find ways to balance the HRA.

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GENERAL EXECUTIVE MATTERS**EX/175****TRANSFER OF ASSETS TO LAKES PARISH COUNCIL****Summary**

Approval was sought for the transfer of two public conveniences, which it had previously been agreed that the Council would continue to operate, the transfer of White Platt's recreation facilities and the outdoor market in Ambleside to Lakes Parish Council.

Discussion had taken place with Lakes Parish Council and ward Members in line with the localism agenda about transferring assets to the local community to help generate an income in order to manage the assets.

Councillor Clare Feeney-Johnson praised the project as an excellent example of localism in action.

The Corporate Asset Manager was thanked for her hard work and congratulated for the innovative approach that had been adopted.

Note – Additional information relating to the financial details were provided in the Part II Appendix 1 at Agenda Item No.19 which was excluded from inspection by members of the public in accordance with Section 100B (2) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, and, in all the circumstances of the case, it was considered that the public interest in maintaining the exception outweighed the public interest in disclosing it. Copies of the document were excluded, as it contained information as described in Schedule 12A of the Act as follows:-

- *Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Paragraph 3).*

It was considered that the transfer of the assets on the proposed terms was in the best social, economic and environmental interests of the district as it enabled them to be managed by the community for the benefit of local residents.

Decision**RESOLVED – That**

- (1) the transfer of public conveniences at Rydal Road, Ambleside and Moss Parrock, Grasmere to Lakes Parish Council by way of long term lease at less than best consideration, as detailed in the report be approved;**
- (2) the provision of revenue and capital support for the operation and improvement of the two public conveniences to Lakes Parish Council based within existing budgets for these facilities for a period of three years be approved;**
- (3) the transfer of White Platts recreation facilities to Lakes Parish Council to operate by way of long term lease disposal at less than best consideration on a profit share basis with the option of a break clause for both parties be approved;**

- (4) ***the transfer of the operation of the outdoor market to Lakes Parish Council at less than best consideration be approved; and***
- (5) ***the Corporate Director (Monitoring Officer) be authorised to finalise the negotiation and transfer terms of the lease and facilities on the basis outlined in the report.***

Reasons for Decision

The decision would assist in the Council's Corporate Plan objectives of working with communities to plan, participate, support and shape the future of their place.

Alternative Options Considered and Rejected

The Council continued to run the assets. This would not achieve savings and profits share aspirations and would not meet the localism aspirations for Lakes Parish. This would also mean the Council would need to run a tender exercise for the management of White Platts recreation facilities.

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EX/176

AWARD OF TENDER FOR BRAITHWAITE FOLD CARAVAN SITE

Summary

It was proposed to award the management agreement of Braithwaite Fold Caravan Site to the highest scoring supplier.

Note – Additional information relating to the financial details were provided in the Part II Appendix 1 at Agenda Item No.20 which was excluded from inspection by members of the public in accordance with Section 100B (2) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, and, in all the circumstances of the case, it was considered that the public interest in maintaining the exception outweighed the public interest in disclosing it. Copies of the document were excluded, as it contained information as described in Schedule 12A of the Act as follows:-

- *Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Paragraph 3).*

The day to day maintenance of the site would be managed by the supplier and the Council would have a close working relationship with the supplier to ensure the site was managed at its optimum level and the most efficient investment was made into the site.

Decision

RESOLVED – That

- (1) ***the tender for the management agreement of Braithwaite Fold Caravan Site be awarded to the supplier identified in the Part II Appendix I report; and***
- (2) ***it be noted that there would be a capital bid submitted as part of the 2012/13 budget process to support the future investment of the site.***

Reasons for Decision

The decision would assist in the delivery of the Council's Corporate Plan Objective of working with partners to review and manage public assets.

Alternative Options Considered and Rejected

Not to award the management agreement for the caravan site – this was not recommended as the tender process had been carried out.

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EX/177

THE FUTURE FOR PERFORMANCE MONITORING**Summary**

Government requirements in relation to targets, assessment and audit had been greatly reduced. As a result the Council's requisite to monitor and collect data had been significantly reduced.

It was proposed that the use of Covalent during 2012/13 be scaled down and that the system was reviewed again in 2013/14. This would allow for a smooth transition for staff that depended on the system.

Technical systems such as Flare and HR software could be fully utilised to capture data monitoring and quarterly performance monitoring would utilise Microsoft packages on a cost neutral basis. This would ensure consistency and mirror current monitoring reports. Reports would be subject to standard quality controls to ensure integrity. Internal Audit had been consulted and supported this simplified approach.

Decision***RESOLVED – That***

- (1) the use of Covalent be scaled down during 2012/13;and***
- (2) the cessation of the use of Covalent be reviewed in 2013/14.***

Reasons for Decision

To fulfil the requirement for performance monitoring and risk management associated with achieving priorities in the Council's Corporate Plan.

Alternative Options Considered and Rejected

To adopt an alternative performance monitoring system.

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EX/178

REVIEW OF POLICY FOR DETERMINING APPLICATIONS FOR DISCRETIONARY HOUSING PAYMENTS**Summary**

Major changes to the statutory housing and council tax benefit scheme would come into force in January 2012 resulting in housing benefit reductions. This was likely to

impact on over 1000 claimants within South Lakeland who paid rent to a private landlord but not those paying rent to a registered social landlord.

Cabinet was provided with a report that set out a draft policy for making discretionary housing payments to those claimants that may be vulnerable as a result of a shortfall between the rent or council tax they were liable to pay and the amount of housing/council tax benefit they received.

The revised policy provided a process that would ensure all applications for discretionary housing payments were considered in a structured and fair manner with funds channelled to the most vulnerable.

Decision

RESOLVED – That

- (1) the policy for determining applications for discretionary housing payments attached at Appendix 1 of the report, be approved; and***
- (2) the policy be implemented from 1 January 2012 when major changes to the Housing Benefit scheme would take effect.***

Reasons for Decision

The decision would assist in the delivery of the Council's Corporate Plan objective of working with partners to deliver a joined up 'Housing Options' service, improving and adapting property to need, reducing risk of homelessness and providing impetus for the improvement of private sector accommodation.

Alternative Options Considered and Rejected

Not to develop a policy – this would result in a 'first come first served' arrangement rather than cases being assessed in line with established policy guidelines.

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EX/179

SLDC EQUALITY SCHEME (2011-2014)

Summary

Successful achievement of the objectives in the Equality Scheme would address equality gaps and help put the Council into the 'excellent' bracket of the Equality Framework for Local Government (EFLG). The scheme, along with the Council's annual equality impact assessment programme would provide evidence that equality implications were considered in the decision making process.

Councillor Hilary Stephenson wished to highlight the benefits for residents of South Lakeland as services improved and decisions became more customer centred and more solidly based on research and evidence from equality groups.

Although it was not a recommendation to bid for the 'excellent' level at this time, it was highlighted that becoming an excellent authority would be a boost for the Council's reputation both locally and nationally and should be reviewed in the future.

The Policy and External Funding Officer was congratulated on this piece of work.

Decision**RESOLVED – That**

- (1) *the revised Equality Scheme as attached at Appendix 1 of the report, be approved and forwarded to Full Council for consideration;*
- (2) *it be approved that the Equality Scheme and its objectives be reviewed annually; and*
- (3) *the option to bid for the ‘excellent’ level be re-considered in March 2013; and*
- (4) *a Member and employee workshop be delivered based on the revised equality legislation.*

Reasons for Decision

Equality was part of the Council’s performance management framework and informed all the decisions that were made. Adoption of the up to date Equality Scheme would ensure that the Council remained fully compliant with the Equality Act.

Alternative Options Considered and Rejected

To undertake an assessment for the excellent level through a local peer review. This was a feasible and cheaper option than going through the Local Government Improvement and Development Agency and other Cumbrian authorities had discussed this option favourably. This option would have to be agreed with other authorities.

Not to go for any further assessments and to concentrate on implementing the Equality Scheme and equality impact assessment programme – the Council would be downgraded to ‘developing’ in the equality framework for local government in 2014 unless re- assessed.

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EX/180**PROPOSALS FOR TECHNICAL REFORMS COUNCIL TAX****Summary**

Cabinet’s feedback was sought on the response to the Government’s consultation document on proposals to give billing authorities greater discretion over the relief for council tax available in respect of second homes and some empty properties; and other potential reforms of the council tax system.

The consultation document included the following:-

- Giving billing authorities power to levy up to full council tax on second homes;
- Replacing exemption Classes A and C with discounts, the amount of which would be for billing authorities to determine;
- Making mortgagees in possession of empty dwellings liable to council tax in respect of them;

- Allowing billing authorities to levy an ‘empty homes premium’ in respect of dwellings which had been left empty for two years or more;
- Setting a default assumption that payment of council tax by instalments would be over twelve months rather than ten.

The Council’s response would welcome any flexibility being introduced to council tax which would give more local discretion particularly for second homes and empty properties. Importantly the consultation document indicated that changes to discounts would not be offset by a corresponding reduction in formula grant. This would be critical as currently, other than second homes, the benefit of additional council tax was swallowed up in the formula grant system and not retained locally.

Members requested that the possibility of charging second home owners more than 100% council tax be raised in the response to the consultation but recognised that this would need to be agreed with Eden District Council. It was felt that it was additional flexibility which was being sought and did not commit either Council to making full use of this flexibility.

Although not part of the consultation, the response would raise the issue of the owners of holiday let accommodation being entitled to small business rate relief and so currently having no liability for either council tax or non domestic rates if the rateable value was below £6,000.

Decision

RESOLVED – That

- (1) the draft response to the consultation ‘Technical Reforms of Council Tax’ be noted;***
- (2) the response for submission to the Government be approved;***
- (3) it be agreed that the response was a joint response made with Eden District Council; and***
- (4) the Assistant Director (Customer Focus) in liaison with Eden District Council and the relevant Portfolio Holder be authorised to submit the final joint response to the Government.***

Reasons for Decision

The decision would assist in the Council’s Corporate Plan objective of delivering a sustainable Council and value for money services.

Alternative Options Considered and Rejected

Not to respond as part of the consultation – the Council would lose the opportunity to express its views to and influence policy decision making.

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EX/181

COST OF DEMOCRACY TASK AND FINISH GROUP REPORT**Summary**

Councillor John Holmes, Chairman of the Cost of Democracy Task and Finish Group presented the findings and recommendations for Members consideration.

The Task and Finish Group had been established with the remit of looking at how the Authority could make £50,000 worth of savings to the cost of democracy, this was the figure identified in the Five Year Savings Options, agreed in the 2010/2011 budget process.

Councillor Holmes provided a summary of the points raised in response to Recommendation 5 presented to the Communities Overview and Scrutiny Committee at its meeting held on 6 December 2011. The main issues raised related to public participation and transparency in both decision-making and in the scrutiny of those decisions and concern that fewer meetings would result in less access to proceedings.

The Chairman thanked Councillor John Holmes and commended the excellent piece of work that had been produced.

Decision

RESOLVED – That Council be recommended to approve the following:

- (1) Members training Costs Budget (GMM 21/1-1-2-46) be reduced from £20,000 to £13,000;***
- (2) Members Contract Hire (GMM 21/1-3-3-30) and the Public Transport (GMM 21/1-3-4-40) be combined and their cumulative budgets be reduced from £4,200 to £3,700;***
- (3) consideration be given to the Members' IT suite being made available for external hire;***
- (4) the Scrutiny Expense Budget (GMM 21/1-7-5-95) be reduced from £3,500 to £1,000;***
- (5) the Overview and Scrutiny function be restricted to a 'commissioning' style of scrutiny, consisting of one main Overview and Scrutiny Committee;***
- (6) time to be diarised for Licensing Sub-Committee meetings to be held on the rising of full Licensing Committee meetings;***
- (7) the Accounts Committee should be disbanded and the role that the Committee had carried out should be undertaken by the Audit Committee or delegated to the relevant Officer as appropriate;***
- (8) the Authority give consideration to switching to 'all out elections'; and***
- (9) the Authority give consideration to reducing the number of Councillors.***

Reasons for Decision

The decision would assist in the Council's review of finance targets set within the Medium Term Financial Plan.

Alternative Options Considered and Rejected

Not to agree the recommendations or propose amended recommendations.

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The meeting ended at 11.30 a.m.
