

# Eden District Council

## Council Minutes

**Date: 14 July 2016 Venue: Council Chamber, Town Hall, Penrith**  
**Time: 6.45 pm**

### Present:

Chairman: Councillor M Tonkin

Vice Chairman: Councillor Mrs J Raine

Councillors:	A Armstrong	J C Lynch
	D Banks	Mrs E Martin
	K Beaty	G Nicolson OBE
	I Chambers	Mrs S Orchard
	Miss M Clark	J Owen MBE
	A Connell	Mrs M Robinson
	J Derbyshire	H Sawrey-Cookson
	M Eyles	R Sealby
	Ms P Godwin	M Slee
	Mrs L Grisedale	M Smith
	A Hogg	V Taylor
	D Holden	M Temple
	R Howse	J G Thompson
	S Jackson	A Todd
	Mrs V Kendall	J Tompkins
	T C Ladhams	

Officers Present: Robin Hooper, Chief Executive  
Clive Howey, Director of Finance  
Matthew Neal, Director of Governance

Democratic Services Officer: Lauren Rushen

### CI/16/7/16 Apologies for Absence

**The Chairman announced that agenda item 21 'Transfer of Assets to Penrith Town Council – Fair Hill' had been withdrawn.**

Apologies had been received from Councillor A Meadowcroft and Councillor W Patterson.

### CI/17/7/16 Declarations of Interest

1. Councillor P Godwin declared a registerable interest in respect of item 12 'Appointment to the Alston Moor Partnership Outside Body' as an existing Director of the Partnership.

## **CI/18/7/16 Minutes**

**RESOLVED** that the public minutes CI/1/5/16 to CI/15/5/16 of the meeting of Council held on 12 May 2016 be confirmed and signed by the Chairman as a correct record of those proceedings.

## **CI/19/7/16 Chairman's Announcements**

Tonight is Ruth Anderson MBE's last Council meeting, before she retires from the post of Deputy Chief Executive and Communities Director in August, after 16 years dedicated service.

Ruth on behalf of the Council, I would like to firstly congratulating you on receiving the MBE for services to Local Government in the Queen's Birthday Honours List, on your recent marriage to Nick and finally for serving Eden District Council so diligently. We wish both you and Nick all the best for your future together.

I would also like to welcome Councillor Karen Greenwood, the newly elected Independent Councillor for the Appleby Ward. This is Councillor Greenwood's first Council meeting, so I am sure we all wish her well representing the Appleby Ward and will support her as she embarks on her new role as a District Councillor.

The charity I have chosen to support this year as Chairman is Eden Flood Volunteers. This charity was sent up in response to the terrible floods that hit Cumbria in December 2015. Its committed group of volunteers continues to support people who are working to overcome the devastating impact of these events on their lives.

So far the charity has benefitted:

- Over 3600 families have now received support with 500 ongoing clients still receiving help.
- They provide pastoral care - both for flood victims, the people supporting them, and for their own volunteers.
- They have created 5 (PT) paid jobs and set up a charity that is here to help when disaster strikes again.
- They have set up an emergency room with donated goods including dehumidifiers, hydro sacks, mops, buckets, camp beds, sleeping bags and blankets plus a small selection of clothing. There are camp stoves, kettles, flasks and heaters, emergency toiletry bags to name just a few.

The procedures they have in place have already been replicated by other groups in other counties - showing that once again Cumbria leads the way.

In recent weeks, I have attended the following events on behalf of the Council:

Mayor making ceremonies Allerdale, Carlisle and Kendal.

- The Cumbria School Games at the Sands Centre in Carlisle
- Hunter Hall School Prize Giving at St Andrew Church, Penrith
- University of Cumbria Degree and Awards Ceremony at Carlisle Cathedral
- Preview of Lego Bricks exhibition at Rheged
- Official opening of Voices from the Somme at Cumbria Museum of Military Life at Carlisle
- A Celebration Service at Carlisle Cathedral for the Queen's 90 Birthday

- Cumbria Military Dinner and Beating Retreat at Lowther Castle
- Opening of Scaws Multi Use Games area in Penrith.

Before we move on to questions from the public and Members, I would like to remind Members that questions are due by midday one working day before the meeting, not including the day of the meeting. This means that if the meeting is on a Thursday, the deadline for questions is midday on Tuesday. All questions should be sent to the new Director of Governance, Matthew Neal.

## **CI/20/7/16 Questions by the Public**

There were twelve questions from members of the public under Rule 10 of the Constitution.

The Leader made a general statement in relation to all of the questions that had been received by members:

As a general set of comments to all the questions it should be noted:

- That a decision to sell the area of land at Pategill was made by the Council last year as part of a wider paper on the single site.
- The government has asked all public bodies and Councils to look at their assets to provide housing.
- I had asked to meet with residents (Mrs Dent) and the Local Member to discuss all these issues and that offer is still open.
- There is a lot of amenity ground nearby as can be seen from the Plan.

Part of my negotiations were to include the following ideas:

- Some land retained for car parking.
- Some proceeds of sale used for development of adventure type play in woods to be gifted to the residents.

If the Council was minded to sell the site then it should seek to get best value from any sale which would mean the site would be placed on the open market in order to achieve that.

1. Paula Grabarz had asked the following question of the Leader:  
“With the proposed sale of Pategill Back Field, which will result in the loss of over 15 car parking spaces at the end of Patgill Walk and also the loss of the 20 spaces at Sim Court Garages. Which all in all you are talking an extra 35-45 cars to find parking on the estate.

How do you suggest the emergency services (i.e. ambulances, fire engines) get easy access through Pategill Road to any residents and also the care home Winters Park, as the extra cars that are undoubtedly going to cause problems and restrict their response time to any emergencies?”

The Leader had responded as follows:

“There is no proposal before the Council to take away any parking”

2. Mr John Dent had asked the following question of the Leader:

“The community has put in a bid to buy the land as a community asset, when will the Council let us know if our bid is successful?”

The Leader had replied as follows:

“The Chief Executive will report the bid to the Executive in September.”

3. Miss Charlotte Dent had asked the following question of the Leader:  
“Why do the Council want to put houses on our back field, are there no other sites available that are not listed as amenity land?”

The Leader had responded as follows:

“There is a lot of amenity land in the area as clearly can be shown by looking at the plan of the area.”

4. Sarah Dent had asked the following question of the Leader:  
“Why is the Council still considering selling the land for building when it removed the land from its local plan in September 2015?”

The Leader had responded as follows:

“A request was made to sell the land for some houses and that was reported to the Council”.

5. Mr P Banks had asked the following question of the Leader:  
“Why are the Council willing to get rid of community land in long established overcrowded housing estates, but community spaces are considered an essential part of the new housing estates being built on the edge of town?”

The Leader had responded as follows:

“There is a wish to build houses for people to live in which all Members of the Council support. Houses often have to be built on undeveloped land to meet local housing needs. Provision of more strategic open space provision is beneficial to meet recreation needs for all ages.”

6. Nicola White had asked the following question of the Leader:  
“Safety is a major concern of ours! Being the end house, both our front and back door face onto the narrow road that leads to the back field. It is already very difficult to use safely due to the amount of cars parked down there.  
With so many people using this road for access to their homes, it worries me that you plan to also use this for industrial site access.  
There are many young children living in the close vicinity, and I fear that this could become a very dangerous environment for them to live in!  
How has this been taken into consideration, and how can you guarantee us that you plans are not putting us and our families in danger?”

The Leader had responded as follows:

“If the site is sold for housing then any access issues would need to be considered as part of the planning application process.”

7. Mrs Claire Banks had asked the following question of the Leader:

“Pategill Road has a serious parking problem due to the fact that the estate was built without sufficient spaces for the number of houses.

Once the land at Pategill Backfield is built on there will be more need for parking and we will have lost the 15 spaces used by the people on Pategill Walk.

Will the Council insist that the builders provide sufficient spaces for the new houses as well as replacing those used at present at the end of Pategill Walk?”

The Leader had replied as follows:

“If the land is sold for housing any proposals would have to be considered as part of the planning process.”

8. Shirley Nelson had asked the following question of the Leader:  
“What is the legal distance from our perimeters that buildings can be put up?”

The Leader had replied as follows:

“Distances between properties depends on the nature of a development. There are design standards and guide-lines but these can vary on the nature of the development so it would be premature to be specific on any site without seeing what the proposals may be.”

9. Mrs Mitchell had asked the following question of the Leader:  
“Why are newly built houses allocated two parking spaces each and long standing occupants of older houses having their car parking areas taken away?

After all we all pay our Council Tax so should have access to the same facilities.”

The Leader had replied as follows:

“No car parking areas are being taken away”

10. D Luck had asked the following question of the Leader:  
“Why does the Council not care about the local residents of Pategill and purely interested in ‘selling’ the land which is far more valuable to residents lives? We are sure there are a lot more places to build houses on that would not infringe on people’s properties, upset those who have lived here for many years.”

The Leader had replied as follows:

“There is no proposal before the Council to build houses at Pategill at this time. There was a request to consider disposing of a small piece of land which would be suitable for housing but no decision has been taken to sell the land. The government is encouraging all public sector bodies to review their land holdings and make available land for housing in order to meet the housing shortages and provide much needed housing for those people who do not have one.”

11. T Luck had asked the following question of the Leader:  
“When the Council first proposed the sale of Pategill Back Field in 2013, we had a petition with over 200 local residents’ signatures opposing the plans. We have a new ongoing petition with already over 50 signatures, will the Council take this obvious local opposition into consideration?”

The Leader had responded as follows:

“The site is in the local plan for amenity use and the local plan examination is presently sitting.”

12. K Luck had asked the following question of the Leader:

“If the sale of Pategill Back Field goes through and houses developed there as planned, there will be a loss of approximately 15 parking spaces at the end of Pategill Walk, currently used by residents. The access road to Pategill Walk parking is the only way into that parking area that also has vehicles parked along it. We have recently been informed that the council have decided to build houses on what is currently garages at Sim Court (approximately 35 spaces lost). Residents will be forced to park on Pategill Road which is already dangerously over-crowded and is like a slalom ‘Rat Run’ when trying to drive along it to get home. It is extremely difficult for children to get across safely.

Where do the Council expect current residents to park and any future residents of new properties to park if these developments go ahead?”

The Leader had replied as follows:

“No planning application has come forwards so it is not possible to comment on what is speculation.”

## **CI/21/7/16 Questions by Members**

There were sixteen questions from Members under rule 12 of the Constitution.

1. Councillor A Connell asked the following question of Resources Portfolio Holder:  
“A report by the former Director of Legal Services found that during and since 2010 various changes had been made to the Constitution, not by decision of Council, but because of apparent copying errors. In April 2016 Council considered the recommendation of Accounts & Governance that the published Constitution should once again include amendments made by Council and never repealed. Councillor Nicolson successfully persuaded Council to reject the recommendation. However, two of the amendments whose reinstatement Councillor Nicolson adamantly opposed – one relating to eligibility to chair the Scrutiny Co-ordinating Board, the other relating to the procedure for electing the Leader – were the same amendments that he himself, when Leader, successfully proposed at the Council meeting of 22 April 2010. He was seconded by Councillor Thompson, and – I believe – supported by the entire Conservative group. Will Councillor Nicolson please explain the conversion experience that led him and his Conservative colleagues to oppose with such passion their own proposals of six years earlier?”

Councillor G Nicolson had replied as follows:

“The position is that on 25 February 2016 the Accounts and Governance Committee endorsed the recommendations of the Constitution Review Group. Council considered these recommendations on 14 April 2016 and they were fully debated and Council resolved not to accept the recommendations. The Director of Governance is taking a report to Account and Governance Committee this September in line with the Phase 2 of the Constitution review which was reported to Council in April. Ultimately any changes to the constitution including changes to the eligibility for Chairmanship of the Overview and Scrutiny Co-ordinating Board and

appointment of Leader are matters for Council having regard to any recommendations made to it. The opportunity exists for the Accounts and Governance Committee to consider any changes to the constitution and make recommendations for any changes in accordance with the constitution which it may wish to do so later in the year.”

Councillor A Connell asked the following supplementary question of Councillor G Nicolson:

“Prior to the Council meeting on 14 April 2016, did you or anyone else inform your Conservative colleagues that the amendments against whose restoration to the Constitution you intended to speak and which you desired them to oppose were the same amendments that you as Leader had successfully proposed and your group had supported on 22 April 2016?”

Councillor G Nicolson replied as follows:

“Yes. Six years is a long time and we are now in a better informed position.”

2. Councillor A Connell asked the following question of the Leader:

“In Parliament ministerial posts, like executive portfolios are on Eden District Council, are all held by the majority party. However, Parliamentary Select Committee chairs are not monopolised by any one party. The same applied in EDC until the 2016 AGM, when all committee chairs went to members of the Conservative group. Will you please explain what benefits the public of Eden may expect to derive from every committee chair being occupied by a member of your group?”

Councillor Beaty had replied as follows:

“The Conservative Group suggested candidates for the roles. These went unopposed on the whole by the opposition.

If the opposition had suggested candidates of their own they could have debated the effectiveness of their proposed candidate in the chamber.

Councillor Connell uses the House of Commons as a benchmark. A more appropriate benchmark would be our neighbouring District Council in South Lakes where the following Committees and Chairs are in operation:

Audit Committee – Cllr Steven Coleman (Lib Dem)

Human Resources Committee- Cllr Annie Rawlinson (Lib Dem)

Licensing Committee- Cllr Sheila Eccles (Lib Dem)

Licensing Regulatory Committee- Cllr Sheila Eccles (Again) (Lib Dem)

Overview and Scrutiny Committee- Cllr Colin Jones (Lib Dem)

Planning Committee – Cllr Mary Wilson (Lib Dem)

Standards Committee– Cllr Matt Severn (Lib Dem)”

Councillor A Connell asked the following supplementary question of the Leader:

“Given that 1) my question is about benefits to the people of Eden, and 2) the Conservative group on South Lakeland District Council declines to nominate members for any committee chairs or accept offers of uncontested chairs, would you agree that the information on named South Lakeland Councillors in your answer is simply irrelevant?”

Councillor Beaty replied as follows:

“It is not irrelevant, South Lakeland District Council are the same as Eden District Council. The comparison to the House of Commons is irrelevant.”

3. Councillor J Lynch asked the following question of the Services Portfolio Holder:  
“In 2014 a review of public lavatories in the district was carried out. As a result a table showing usage and running costs was produced. It was also agreed that “step counters” were to be installed in the lavatories at Patterdale ,Shap ,Brough and Threlkeld in 2015 so that members had a complete picture of usage and running costs of all our pubic lavatories. At the same time (Jan 15) the executive produced a Public Toilet Policy for the district.

The main objectives of the policy were:

1. To set an overall strategy and long term vision for the provision and maintenance of Public Lavatories.
2. Provide a framework to manage public lavatories within Eden.
3. Provide quality accessible lavatories to meet community needs.

Will the portfolio holder advise members of the usage and running costs of the Lavatories at Patterdale ,Shap, Brough and Threlkeld.

I am sure new members would appreciate sight of the Public Toilet Strategy and the results of the previous figures for the eight lavatories carried out in 2014.

I understand negotiations are currently being carried out with Town/Parish Councils with a view to transferring some of these assets to them.

Will the Portfolio Holder advise the council how these negotiations are progressing and when he envisages presenting Council with the overall strategic direction and the long term vision for the provision of Public Lavatories.

Councillor A Todd had replied as follows:

“Copies of the current policy are available if any Member wishes to see it. In response please see below, the figures for the 8 toilets are as follows:



<b>Public toilet</b>	<b>Total annual maintenance cost 2013/14 (not inc planned maintenance)</b>	<b>Predicted Annual Footfall for 2014*</b>	<b>Cost /Visit (£)</b>
<b>Alston Town Hall</b>	£13,512	29,660	0.46
<b>Appleby Broad close</b>	£19,842	56,670	0.35
<b>Appleby Market Arcade</b>	£16,571	84,770	0.20
<b>Glenridding</b>	£7,244	49,960	0.14
<b>Kirkby Stephen Stoneshot</b>	£18,301	149,660	0.12
<b>Penrith Bluebell Lane</b>	£21,571	192,550	0.11
<b>Penrith Sandgate</b>	£10,745	149,580	0.07
<b>Pooley Bridge</b>	£8,249	62,928	income

With regard to the negotiations with Town/Parish councils, a report to Council in February 2016 on the local delivery of services pilot – findings and next steps, highlighted the services which Parish Councils stated would benefit from further discussion and consideration first. Alston, Appleby, Barton and Brough Parish Councils have highlighted the possibility of taking on the public toilets and these proposals are being explored through the Community Advisory Group. Further discussions are also taking place with Kirkby Stephen.

Councillor J Lynch asked the following supplementary question of the Services Portfolio Holder:

“Why does the Council continue to fund the toilets in the Appleby Market Arcade if we don’t own them?”

Councillor A Todd replied as follows:

“The toilets in Appleby Broad Close were flooded in December and needed to be repaired. The Council is currently in negotiations with the Town Council to handover the Market Arcade toilets.”

4. Councillor M Eyles asked the following question of the Leader:

“At council meeting in December 2015, we were informed that as part of an agreement with Company A, as we presumably must continue to call it, for it to buy Mansion House in an attempt by the executive to enable the Single Site project to proceed the company wanted to buy two pieces of council-owned land, one at Folly Lane and one at Pategill. The report we considered, albeit behind closed doors, confirmed that the proposals from Company A were linked. Based on this information council voted an in-principle sale of these two pieces of land.

At the February meeting of council the matter returned to council for a decision to sell the land at Folly Lane. The report we considered then said “there is no authority to proceed with any sale”.

The Executive has decided it has the right to proceed with the sale of land at Pategill without the matter returning to council to give its authority for such a sale. What is the legal difference between the status of these two pieces of land that gives rise to the difference in their disposals?

Councillor K Beaty had replied as follows:

"There is no proposal before the Executive at present to sell the land at Pategill. There is intended to be a report in response to the request from the community group to the Executive in September."

Councillor M Eyles asked the following supplementary question of the Leader:

"On 5 May 2016 a Key Decision Notice was issued ahead of the 5 July 2016 Executive meeting outlining the proposed sale of the land but you then backed down. Company A already has one piece of land from the Council, can you call it quits over Pategill?"

Councillor Beaty replied as follows:

"We have been asked by Government to look at all of our land to deliver housing. We deferred the issue in July but it needs to be discussed by the Executive, I have offered to meet with residents and the ward Councillor and any sale will not happen until we have met and discussed this. The main problem appears to be parking which is an issue for Cumbria County Council and I have had a meeting with the County Councillor responsible for Pategill to solve this before going any further."

5. Councillor M Eyles asked the following question of the Leader:

"The report that came to council in February 2016 that informed council's decision to sell the land at Folly Lane to Company A said that there was "a requirement to commence works on the site in July", hence the haste that the executive said was needed to decide on the sale, in that the land needed to be sold by the end of February to meet that deadline imposed by Company A. It is now half-way through July. When will works on the site be commenced?"

Councillor K Beaty had replied as follows:

"It was the information available at the time that was shared with the Council. It took longer than anticipated for the legal contracts to be finalised. The planning application has been submitted and has been the subject of evaluation over recent weeks. It is understood the application may be presented to the Committee in August."

Councillor M Eyles asked the following supplementary question of the Leader:

"Contaminated land has been identified on the site, has an evaluation an evaluation of the site been undertaken to consider how this will be removed?"

Councillor K Beaty replied as follows:

"This issue will be resolved in the appropriate manner."

6. Councillor M Eyles asked the following question of the Resources Portfolio Holder:
- "How much, in financial terms, does Eden Council benefit from government for each new house built in Eden?"

Councillor G Nicolson had replied as follows:

"The new homes bonus administrative requirements are not as simple as the question implies. For every extra unit provided, the Council receives £1,045 in 2016-17. The Council receives an additional £280 per dwelling if it is defined as affordable. The approved budget for 2016-17 shows income from this source of £987,116. I would invite Councillor Eyles to meet the Director of Finance so he may explain the position on how the system works."

7. Councillor M Eyles asked the following question of the Leader:  
"While recently attending a meeting of mature local residents of Penrith and Eden I was asked what the council's single site project has cost. To be able to provide an up-to-date answer to this query I ask, what is the final bill for the single site, better site and car park project or projects?"

Councillor K Beaty replied as follows:

"I invite Councillor Eyles to make arrangements to meet with the Director of Finance to find out this information. However, It should be noted that had the Planning Committee approved the design for the extension when the original application had been submitted and which previously had been approved by the Council then it is highly likely the extension would have been completed by now and being occupied and the public would now be benefitting from the savings from the single site project as well as improved delivery of customer services."

Councillor M Eyles asked the following supplementary question of the Leader:

"I have calculated the figure to be £718,217 and the car park was valued at £320,000. Does the Leader feel this represents good value for money?"

Councillor Beaty replied as follows:

"I do not believe the figure quoted by Councillor Eyles to be correct and would ask him to meet with the Director of Finance to discuss this matter further but there is a clear need for parking in Penrith."

8. Councillor M Eyles asked the following question of the Leader:  
"In September 2015 I and other members initiated a call-in of the decision of the then Economy portfolio holder to appoint a 'Food and drink cluster co-ordinator'. The Scrutiny Co-ordinating Board's verdict was to take no further action as a result of the call-in. It is nearly a year since the co-ordinator was appointed so I ask the following questions so I might judge whether my concerns were justified or the Scrutiny Co-ordinating Board was right to dismiss them: How much of the £5,000 allocated was used?"

Councillor K Beaty replied as follows:

"A payment of £800 was made to the Food and Farming Co-ordinator in 2015/16 financial year. A commitment of £3166 is contained in the budget for 2016/17."

Councillor M Eyles asked the following supplementary question of the Leader:

"The report is dated the 15 August 2015 and only £800 has been spent, what is the hourly rate of the Co-ordinator?"

Councillor K Beaty replied that:

"I will provide a written answer."

9. Councillor M Eyles asked the following question of the Leader:  
“In paragraph 3.4 of the report upon which the portfolio holder based his decision it was stated “This co-ordination effort will lead to creating more jobs and growth in the sector.” How many jobs were created?”

Councillor K Beaty replied as follows:

“The contract has not had time to run its course. It is too early to say. In any event it is a subjective judgment statement with no timescale.”

Councillor M Eyles asked the following supplementary question of the Leader:

“My understanding was that a meeting took place in November 2015 and the outcome of this was to produce a project plan to run from October 2015 to January 2016. Several months have now passed and I understand the original post holder has left, was their analysis left behind?”

Councillor K Beaty replied as follows:

“I will follow this up.”

10. Councillor M Eyles asked the following question of the Leader:  
“Paragraph 3.5 of that report stated that the co-ordinator would “Hold Events to promote funding streams”. How many events were held?”

Councillor K Beaty had replied as follows:

“No events have been held. The first part of the project has been concerned amongst other things with contacting employers, developing conversations and building trust. Events will be held to support and develop the Food and Farming sector in conjunction with the promotion of the Local Development Order. The incoming Portfolio Holder will pick up on support of this sector once in post.”

Councillor M Eyles asked the following supplementary question of the Leader:

“Will the Leader ask the new portfolio holder to produce a report to Council about this project?”

Councillor K Beaty replied as follows:

“Yes.”

11. Councillor M Eyles asked the following question of the Leader:  
“Two mainstays of Eden’s economy are farming and tourism. What steps does the executive intend to take to monitor the efforts of the new Prime Minister to negotiate her way out of the European Union, bearing in mind that, on exit, the EU subsidy to farmers will vanish, European tourists will, presumably, need a visa to visit Eden and the alleged £350 million pounds a week saving from leaving the European Union has all been promised to the NHS?”

Councillor K Beaty replied as follows:

“Thank you Councillor Eyles for your clear support to the economy of Eden and in particular to the important roles that farming and tourism play in delivering jobs and economic development. Both subject areas are dear to my heart and as I have worked with Government nationally in the past then so I will continue to do in the future to seek to get the best possible outcomes. However, all help is needed and whether Councillor Eyles or indeed any other Member has any ideas which can be

used to look after our businesses and people then please do share them. I voted to remain in the EU as I felt we would be better to reform from within, in Eden it seems I was very much in the minority. Many farmers have voted to Leave the EU and it is imperative that any regulation adopted into UK Law is funded in the way that EU Law was through the Rural Development Programme for England and Wales.”

Councillor M Eyles asked the following supplementary question of the Leader:

“I once worked in a school until made redundant after funds were cut drastically, despite Education being protected under the previous government. Do you think those farmers who voted to leave the EU face a more encouraging future than education did four years ago by relying purely on British government funding when that government may be faced with a more politically advantageous call on its resources?

Councillor Beaty replied as follows:

“With the arrival of the new government and the EU referendum negotiations to come, we can look at farming policy in a new way and I am pushing for this case to be considered in relation to the vote to leave the EU. I believe strongly that agriculture in the UK is resilient.

12. Councillor M Eyles asked the following question of the Housing and Health Portfolio Holder:

“On what date was the land on Brent Road between the garages and the road sold to Eden Housing Association Limited?”

Councillor L Grisedale replied as follows:

“The land at Brent Road and has not yet been sold.

The sale of the area of land at Brent Road was approved by the Executive at their meeting of 6 October 2015. The agreed sale is to Eden Housing Association for the provision of 2 affordable housing units (6 to be delivered in total with 4 being constructed on the adjacent garages already owned by EHA). The sale is subject to planning permission. The planning application was made in December 2015 it was recommended by the Planning Department for refusal. Consequently an amended application was submitted. The consultation period for the amended application ends on 21 July 2016. The conveyancing work on the sale has been held in abeyance pending the determination of the amended application.”

13. Councillor M Eyles asked the following question of the Resources Portfolio Holder:

“The Two Lions pub in Great Dockray is universally recognised as being of great historical significance to Penrith, to Eden and to the country as a whole. I recently looked through one of the windows and saw what appeared to be a large pool of water in the centre of the downstairs room, presumably coming from a leak in the roof. What is the current state of repair of the interior of the building and what are the plans of the executive of Eden Council to prevent further deterioration of the building?”

Councillor G Nicolson replied as follows:

“Within Eden I understand there are over a 1000 listed buildings. Many are looked after by the owners of them whilst others are in need of some repair and

refurbishment. It is not possible financially or otherwise for the Council to be able to maintain them all that require such works. However this is something that we have actively considered in relation to listed buildings within Penrith, Appleby, Alston and elsewhere. Consideration has been given into what alternative uses some of the buildings could be put which may generate a sustainable income to create a sustainable future. There is no money in the Council's budget and as far as I can remember no motion to put money into the Council's budget for such works has yet been considered or adopted by Council. The approach generally has therefore been to encourage property owners to look at ways to find sustainable uses for them which is the same position for the property referred to."

Councillor M Eyles asked the following supplementary question:

"I believe that ownership of the pub resides with Eden District Council. Shouldn't we be looking after it if this is the case?"

Councillor G Nicolson replied as follows:

"I will need to check this and will provide a written answer."

14. Councillor R Howse asked the following question of the Resources Portfolio Holder:

"A couple of weeks ago an incident occurred whilst a licensed activity was taking place. It could be described as life threatening.

It highlighted the need to review licence conditions from time to time and certainly after such an incident. It also brought to the fore the need to monitor conformance to licence conditions and ultimately to take enforcement activity if the circumstances demand.

In the light of organisational changes to the Licencing function apparently taking place what measures are being taken to ensure that the above activities happen?"

Councillor G Nicolson replied as follows:

"The incident Councillor Howse is referring to is where a man and young boy (not sure of age) were out kayaking on Ullswater and they fell out of the kayak. Cllr Howse happened to be out on the water at the time and helped the pair to the shore. Both man and boy were wearing life jackets at the time of the incident.

The Licensing team have made enquiries into this matter when Cllr Howse first brought it to their attention approximately 3 weeks ago and they found that there were no breaches of the license conditions.

This type of license is renewable annually and the particular vessels must pass an inspection by the Council's boats inspector prior to being allowed to be used by the public.

I have had a quick look at the license conditions and they appear acceptable and relevant and I don't see a need to review them at present.

Kayaks by nature are somewhat unstable vessels and it would appear that the licensee has abided by all of the relevant health and safety obligations and conditions in this case.

In relation to the proposed organisational changes to the Licensing function – at present this matter is still out for consultation and no final decision has been made. I don't believe it would be prudent to comment further. Cllr Howse is welcome to submit some thoughts if he feels the proposed changes are not satisfactory."

Councillor R Howse asked the following supplementary question:

"I visited the Licensing Team and feel that the licences at this establishment do need to be reviewed urgently. Do you think it would be appropriate to have a review of the licences at this establishment?"

Councillor G Nicolson replied as follows:

"Licensing is a regulatory function and must consider the interests of public safety and if we need to review the licences of the establishment, we will."

15. Councillor R Howse asked the following question of the Leader:

"The regulation of Omega Proteins, previously carried out by this Council, was taken over by the Environment Agency at the beginning of last year.

It appears that the Environment Agency has yet to formally carry out regulatory duties as the application from Omega has had to be assessed and a permit issued. Clearly this could be an environmental issue for the district.

What pressure has this Council applied to the Environmental Agency to ensure that the formal process is completed as soon as possible and could Council be advised of the latest situation?"

The Leader had replied as follows:

"I thank Councillor Howse for his continued interest in this issue.

The Environment Agency, has received an application for an A1 permit from Omega Proteins Ltd (as defined in the Environmental Permitting Regulations 2010 as amended).

The application is currently with the Environment Agency's National Permitting Centre. At the present time the Environment Agency has been unable to Duly Make the application and additional information has been requested from the company. An application is considered Duly Made by the Environment Agency when it considers that it has all the information necessary to technically assess the application. Once an application has been Duly Made, the assessment process is initiated.

The Council has been advised that the deadline for receipt of the additional information is Friday 22<sup>nd</sup> July, 2016, and that Omega Protein Ltd have confirmed that they will meet this date.

The National Permitting Centre's permitting officer is in regular contact with local Environment Agency staff to ensure that the application adequately reflects the situation on site and reflects the local concerns.

When the application is Duly Made the Environment Agency will place a copy of the application on the public register and will consult the Council along with other statutory consultees. Until such time, the Council's Environmental Protection Team continue to liaise with the Environment Agency with regards to the current permit application and to proposed timescales."

Councillor R Howse asked the following supplementary question:  
"Will the Leader confirm that we will maintain contact with the Environment Agency to get a permit in place as soon as possible?"

Councillor K Beaty replied as follows:  
"I would like to thank Councillor Howse for his hard work in relation to this issue. I believe that the Environment Agency should be regulating the site and will keep in touch with them regarding this issue."

16. Councillor Mrs J Raine asked the following question of the Housing and Health Portfolio Holder:

"As Eden has a growing elderly population, surely members of this council are concerned about the recent closures of care homes in the district.

If Cumbria County Council (CCC) decides "after the consultation" not to reopen Edenside at Appleby after it was flooded in December that will leave only one CCC care home in the whole of the Eden District.

The remaining CCC care home will be in upper Eden at Kirkby Stephen which according to the website has a capacity for 33 residents.

The residents of Eden District are already disadvantage by the provision of beds provided by CCC in comparison to the other districts within Cumbria.

By sheer coincidence on the weekend of the 5<sup>th</sup>/ 6<sup>th</sup> of December 2015 the same weekend that Edenside was flooded, the Herald reported that CCC Penrith's Greengarth was closed after being rated inadequate by the health watchdog earlier in the year.

Will Eden District Council write to CCC on behalf of the residents to seek some reassurance that the number of beds in Eden will not be depleted further and respond to the current Edenside consultation?"

Councillor Mrs L Grisedale had replied as follows:  
"Yes, and I urge as many members as possible to attend the CCC Briefing on this subject on Thursday 21 July at 6pm."

Councillor Mrs J Raine asked the following supplementary question:  
"Is the Portfolio Holder of a comment I received from my County Councillors regarding a manor house which is for sale in my ward for two million pounds? A resident asked the County Councillors if the County Council would be interested in it for a care home."

Councillor Mrs L Grisedale replied as follows:



“No I am not aware of any e-mail exchanges related to this, I would again encourage members to attend the briefing on the 21 July if they have questions they wish to ask the County Council.”

## **CI/22/7/16 Motions on Notice**

Two Motions on Notice had been received under Rule 13 of the Constitution.

Moved by Councillor J Tompkins  
Seconded by Councillor V Taylor that

At the 3 December 2015 meeting of this Council, Members were informed that to advance the sale of Mansion House, negotiation would take place with the potential purchaser. The sale of ‘Pategill Back Field’ would enhance the offer and contribute to the finances of the ‘Single Site Project’.

Following the tenders for Mansion House and the decision of this Council to scrap the ‘Single Site Project’, in addition to the potential buyer of the ‘Pategill Back Field’ having no involvement in any other aspect of this Council moving forward with a single site, the ‘in principle’ decision to sell the ‘Pategill Back Field’ was based on our supplied information no longer being correct.

With this in mind, I put the following motion:

‘That this council revoke the ‘in principle’ decision to sell the amenity land, ‘Pategill Back Field’, on the grounds that the linked conditions set out in the report dated 3<sup>rd</sup> December 2015 have not been met.’

**The Chief Executive advised that under Council Procedure Rule 13(f) the motion would automatically be referred to the Executive as the motion fell within the remit of this Committee.**

Moved by Councillor M Eyles  
Seconded by Councillor J Derbyshire and **RESOLVED** that

“We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Our council condemns racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

We will work to ensure that local bodies and programmes have the support and resources they need to fight and prevent racism and xenophobia.

We reassure all people living in this area that they are valued members of our community.”

We have also been asked to publicly condemn any such attacks and make it clear what steps the council will take to tackle this unacceptable behaviour. We do so willingly and will support the Executive, as the ruling body of our council, with any steps it takes in this matter.

## **CI/23/7/16 Portfolio Holders on the Executive**

The Leader made a verbal statement announcing that Councillor M Slee would become the Portfolio Holder for Economic Development, Councillor Mrs E Martin would become the Portfolio Holder for Communities.

The Leader had produced a revised remit of Portfolio Holder's responsibilities as a result of these changes.

**A copy of the Leader's statement is attached as appendix 1 to these minutes.**

## **CI/24/7/16 Delivering Growth, Better Paid Jobs and Commercial Income for the Council - Heart of Cumbria Limited**

Council considered report CE14/16 of the Chief Executive which dealt with the establishment of a corporate vehicle to consider the delivery of Council priorities and projects in relation to the potential income generation and employment development.

**Councillor Mrs J Raine left the meeting at 7:40pm**

**Councillor Mrs J Raine returned to the meeting at 7:41pm**

Moved by Councillor K Beaty

Seconded by Councillor A Todd and **RESOLVED** that:

1. That four members of the Council, consisting of two Conservatives, one Independent and one Liberal Democrat, be recommended to the Executive for appointment as Directors of the Company.
2. That it be noted that further consideration is to be given to the Business Plan for the company and the detailed arrangements for staffing arrangements including the identity of the Managing Director and Company Secretary and financial arrangements and for such matters to be the subject of a future report to the Executive.
3. The proposed actions in relation to attending the Cumbria Nuclear Conference in September be noted.

## **CI/25/7/16 Council Plan - Amendments to Strategic Actions in 2016-2017**

Council considered report CE12/16 of the Chief Executive which asked Members to approve amendments to the strategic actions in the Council Plan for 2016-2017.

**RESOLVED** that the amendments to the strategic actions in the Council Plan for 2016-2017 be approved.

## **CI/26/7/16 Allocations of Seats on Committees**

Council considered report G4/16 of the Director of Governance which sought to make appointments to the Committees for the 2016-2017 municipal year in light of the by-election in Appleby (Appleby) ward and following the vacancy in Alston Moor ward.

**RESOLVED** that

1. That the appointment of Members to Committees be as follows:

### **Accounts and Governance Committee – 9 Members**

Independent Group	2	Mrs M Robinson, K Greenwood
Conservative Group	5	Ms P Breen, A Hogg, S Jackson, J Lynch, Mrs S Orchard
Liberal Democrat Group	2	A Connell, J Tompkins
Standing Deputies		Mrs J Raine, M Temple W Patterson, M Smith J Derbyshire, V Taylor

### **Scrutiny Co-ordinating Board – 9 Members**

Independent Group	2	Mrs M Robinson, M Smith
Conservative Group	5	Ms P Breen, I Chambers, Mrs S Orchard, Mrs J Raine, J Thompson
Liberal Democrat Group	2	A Connell, J Derbyshire
Standing Deputies		J Owen, R Sealby M Tonkin D Holden, J Tompkins

### **Housing and Community Committee - 13 Members**

Independent Group:	4	H Sawrey-Cookson, Miss M Clark, D Banks and Mrs M Robinson
Conservative Group	7	Mrs V Kendall, Ms A Meadowcroft, Mrs S Orchard, Mrs J Raine, R Sealby, M Temple, plus one vacancy
Liberal Democrat Group	2	J Derbyshire, V Taylor
Standing Deputies		A Armstrong, I Chambers, J Thompson T Ladhams, M Smith M Eyles, R Howse

### **Environment and Economy Committee - 13 Members**

Independent Group:	4	K Greenwood, T Ladhams, M Tonkin, W Patterson
Conservative Group	7	A Armstrong, Ms P Breen, I Chambers, A Hogg, S Jackson, J Thompson, plus one vacancy
Liberal Democrat Group	2	D Holden, R Howse
Standing Deputies		Mrs V Kendall, Ms A Meadowcroft, R Sealby D Banks, Ms P Godwin, H Sawrey-Cookson J Derbyshire, J Tompkins

### **Human Resources and Appeals - 9 Members**

Independent Group	2	T Ladhams, Ms P Godwin
Conservative Group	5	Mrs L Grisedale, Mrs V Kendall, J Lynch, G Nicolson, J Owen
Liberal Democrat Group	2	V Taylor, M Eyles
Standing Deputies		Ms P Breen, M Slee D Holden, A Connell

### **Planning Committee - 11 Members**

Independent Group	3	W Patterson, H Sawrey-Cookson, Miss M Clark
Conservative Group	6	A Armstrong, I Chambers, J Lynch, J Owen, R Sealby, J Thompson
Liberal Democrat Group	2	J Tompkins, D Holden
Standing Deputies		A Hogg, S Orchard M Smith, Ms P Godwin R Howse, M Eyles

## Licensing Committee - 10 Members

Independent Group	3	D Banks, Miss M Clark, M Tonkin
Conservative Group	5	S Jackson, Mrs V Kendall, J Owen, Mrs J Raine, R Sealby
Liberal Democrat Group	2	R Howse, M Eyles
Standing Deputies		J Lynch, J Thompson H Sawrey-Cookson, W Patterson A Connell, V Taylor

2. That a revised Allocation of Seats on Committees report be brought to Council, pending the organisation and outcome of a by-election in Alston Moor.

## CI/27/7/16 Appointment to the Alston Moor Partnership Outside Body

**RESOLVED** that Councillor M Slee be elected to represent the Council on the Alston Moor Partnership Outside Body.

## CI/28/7/16 Request for a Community Governance Review of Kaber Parish

Council considered report G5/16 of the Director of Governance which informed Members that a petition had been received from the Parish of Kaber requesting that a Community Governance Review be undertaken.

**RESOLVED** that

1. That the petition for the request of a Community Governance Review for the Parish of Kaber be accepted.
2. That the terms of reference for the review set out in appendix one to this report be agreed.
3. That a supplementary estimate of £1,445 be approved.

## CI/29/7/16 Sector-led Appointment of External Auditors

Council considered report F29/16 of the Director of Finance which summarises the changes to the arrangements for appointment of external auditors following the closure of the Audit commission and the end of the transitional arrangements at the conclusion of the 2017-18 audits.

**RESOLVED** that:

1. The Council opts in principle, in to the Local Government Association supported sector-led procurement of local authority external auditors from 31 December 2017.

2. The Director of Finance is given delegated powers in consultation with the Chairman of the Accounts and Governance Committee to commit to the sector-led procurement.

## **CI/30/7/16 Capital Expenditure 2015-2016 Outturn and Revised 2016-2017 Programme**

Council considered report F72/16 of the Director of Finance which advised Members of:

- a. capital expenditure for the financial year 2015-2016, together with the means by which it was funded; and
  - b. to present an amended Capital Programme for 2016-2017, to take account of a revision of projected resources and other factors affecting the Council's Capital Programme and the impact of the 2015-2016 outturn, subject to audit.
- 1.2 The Capital Programme is susceptible to change because of a variety of factors. Capital schemes can be subject to slippage and overspend, which can affect finance.
  - 1.3 This report is brought before Members on an annual basis to take account of such factors and to allow Members to assess the Capital Programme for the current financial year. It also forms the basis for the Capital Programme for the coming financial year.

### **RESOLVED that:**

1. The outturn for 2015-2016, subject to audit, as set out in Appendix A, is noted;
2. The amended Programme for 2016-2017, as set out in Appendix C, is agreed;
3. Executive recommend to Council the carry forward of the unused revenue funding for capital in 2015-2016 to 2016-2017 as a supplementary estimate of £115,000 in 2016-2017;
4. No new schemes are included in the Programme, unless fully grant-funded, formally approved by Council, or emergency schemes.

## **CI/31/7/16 Penrith Civic Centre**

Council considered report CE15/16 of the Chief Executive which presented the findings from a feasibility study that was undertaken in relation to the former Co-op building following the recommendation from Council on 14 April 2016.

### **RESOLVED that:**

1. The Council do not proceed with the purchase of the Co-op building.
2. Members agree the next steps:
  - 2.1 In light of the offer price for the Mansion House not meeting expectations and the fact that it has now been on the market for four years, that it be withdrawn from the market and interested parties are advised accordingly.
  - 2.2 The single site project is put on hold at this time.

- 2.3 The Service Innovation Board review current and future accommodation needs and report back to the Council by the end of the calendar year.
  - 2.4 Following the review, that Officers prepare costings for any works that are required to the Town Hall and Mansion House to make them fit for use for the future and that this is reported to Council at a later date.
3. That officers are thanked for the work carried out on both the Town Hall extension and the Co-op building.

## **CI/32/7/16 Proposed Changes to the Local Plan arising from the May 2016 Examination Hearings**

Council considered report CD57/16 of the Communities Director which outlined that the Examination of the Eden Local Plan 2014— 2032 commenced on 9 May 2016. The Inspector wrote to the Council on 19 May 2016 to advise that the Local Plan's approach to Key Hubs in Policy LS1 – Location Strategy is unlikely to be found “sound” and provided advice on how to make the policy sound. Officers have taken on board the Inspector's advice and redrafted the Policy. The purpose of the report is to seek the endorsement of the revised Policy by the Portfolio Holder as representing the Council's policy position at the Examination.

**RESOLVED** that the revised Key Hubs element of Policy LS1 – Locational Strategy represent the Council's policy position at the Examination.

## **CI/33/7/16 Staffing**

The Chief Executive provided a verbal update on report CE13/16 which was to be considered after the exclusion of the press and public. The Chief Executive outlined that a review of the senior management posts within the Council had been undertaken with the Human Resources and Appeals Committee following the retirement of three former Directors.

## **CI/34/7/16 Date of Next Scheduled Meeting**

The next scheduled meeting of Council was confirmed as the 8 September 2016.

## **CI/35/7/16 Exclusion of Press and Public**

**RESOLVED** that in accordance with Section 100A(4) of the Local Government Act 1972, members of the public (including the press) should be excluded from the meeting during discussion of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 to Schedule 12A of the Act.

## **CI/36/7/16 Transfer of Assets to Penrith Town Council - Fair Hill**

The Chairman advised that this agenda item had been withdrawn.

## **CI/37/7/16 Staffing**

**The Directors of Finance and Governance left the meeting prior to consideration of this item.**

**The Chief Executive left the meeting prior to consideration of matters related to his role.**

Council considered report CE13/16 of the Chief Executive which detailed the review that had been undertaken following the retirement of three former Directors.

The report referred to the allocation of responsibilities for undertaking various managerial and service tasks over the next twelve months. The twelve month period is considered an appropriate period of time to review how the managers can work in the expanded roles and deliver improved services including progress on delivering the digital services project.

The report identified the costs and savings of the revised arrangement including the increase in the days/hours to be worked by the Chief Executive from 110 days to 132 days, 825 hours to 990 hours for the period of 1 April 2016 to 31 March 2017. Overall, it is forecast the revised arrangements will deliver a £9,150 saving for the period 31 July 2017.

A review of how the revised arrangements work will be carried out by the Human Resources and Appeals Committee and it will report to Council on that in the early part of 2017.

**RESOLVED** that the recommendations be approved.

## **CI/38/7/16 Penrith Civic Centre**

This report contained an addendum for report CE15/16 of the Chief Executive which was considered at minute reference CI/31/7/16.

The meeting closed at 8.45 pm

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**Appendix 1: Policy Areas and Executive Functions included in the Portfolios**

	<b>Officer Lead</b>
<p><b>1. Leader Portfolio</b></p> <p>Strategic Direction of the Council and Council Plan</p> <p>Strategic Leadership</p> <p>Transformation</p> <p>External Relations</p> <p>Executive Oversight</p> <p>Strategic Partnerships</p> <p>Marketing</p> <p>Ensuring a balanced budget shared with the Resources Portfolio Holder</p> <p>Emergency Planning and Business Continuity</p> <p>The Allocation of Major Projects or Initiatives including major employment development initiatives</p> <p>The Leader will have the responsibility for achieving the Council's priority of a Quality Council and the delivery of the Corporate Priorities</p> <p>Council Communications</p>	Robin Hooper
<p><b>2. Resources Portfolio</b></p> <p>Financial management and planning including ensuring a balanced budget shared with the Leader</p> <p>Financial Services</p> <p>Revenues and Benefits</p> <p>Land and Asset Management</p> <p>The organisational structure and management processes of the Council</p> <p>Human Resources</p> <p>The Management of Succession</p> <p>Supporting the delivery of Quality Council priority, particularly in relation to financial services</p> <p>Procurement and Procurement Strategy</p> <p>Data Protection and Freedom of Information</p> <p>Policy on General Fund Reserves</p> <p>Oversight of establishing other methods of service delivery (including commercial entities)</p> <p>Representing the Council on SPARSE</p> <p>Customer Services</p>	Clive Howey and Matthew Neal

	Officer Lead
Regulatory and Licensing Policy Legal Democratic Services Equality and Diversity Staff and Member Training Information Technology Oversight of Complaints (including Ombudsman decisions)	
<b>3. Services Portfolio</b> Waste Collection and Recycling Joint Working with the County Council and other authorities on Waste Flooding and Resilience Planning Devolution of functions to Town and Parish Councils Street Cleansing and grounds maintenance Environment Agenda (Cleaner and Greener) Responsibility for the delivery of the priority of a Quality Environment Environmental Sustainability and Wellbeing Cemeteries Public Toilets Transport and Car Parking Footway lighting	Jane Langston
<b>4. Housing and Health Portfolio</b> The delivery of the strategic housing function The delivery of the Council's role as the local housing authority and wellbeing agenda Housing Grants Housing provision within the District and the delivery of the decent Homes Standard Relations with RSLs and Housing Providers The consideration of housing need in the District Environmental Health and Food Safety Relationships with Environment Agency / DEFRA Climate Change Renewable Energy/Hard to Heat Homes Public Health Agenda	Robert Docherty

	Officer Lead
<p>Older Person Services</p> <p>Armed Forces Covenant</p> <p>Delivery of Decent Homes for All</p>	
<p><b>5. Economic Development Portfolio</b></p> <p>Economic Strategy</p> <p>Economic Vitality and Development</p> <p>Employment within the District</p> <p>The promotion of Apprenticeships</p> <p>Relations with businesses and the Chambers of Trade</p> <p>The implementation of Broadband and communication facilities and services within the District</p> <p>Town Centres</p> <p>Markets</p> <p>Tourism and Tourist Information Centres</p> <p>Relations with Education Providers in the District</p> <p>The Vitality and Viability of the Market Towns and Rural Areas in the District</p> <p>The Local Plan</p> <p>Sports and Recreation</p> <p>Leisure, the Arts and Cultural Services</p>	Oliver Shimell
<p><b>6. Communities Portfolio</b></p> <p>Neighbourhood Planning</p> <p>Liaison with Town and Parish Councils</p> <p>The distribution of the Community Fund</p> <p>Community Engagement and Empowerment</p> <p>Community Safety and Crime and Disorder</p> <p>Rural Issues</p> <p>Children and Young People</p> <p>Parks and Open Spaces</p> <p>Working with the Third Sector</p>	Jane Langston/Doug Huggon

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