

# **Eden District Council**

## **Council Minutes**

**Date: 20 April 2017 Venue: Council Chamber, Town Hall,  
Penrith Time: 6.45 pm**

### **Present:**

Chairman: Councillor W Patterson

Vice Chairman: Councillor J Raine

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

Officers Present: Robin Hooper, Chief Executive  
Clive Howey, Director of Finance  
Matthew Neal, Deputy Chief Executive (for part of the meeting)

Democratic Services Officer: Vivien Little and Lauren Rushen

### **CI/115/4/17 Apologies for Absence**

Apologies for absence had been received from Councillor Grisedale, Councillor Howse and Councillor Ladhams.

### **CI/116/4/17 Declarations of Interest**

The following declarations of interest were made at this meeting:

1. Councillor Nicolson declared a disclosable pecuniary interest in respect of agenda item 18 'Heart of Cumbria Limited - Staff Support' as a director of the Heart of Cumbria Limited. Councillor Nicolson stated he would withdraw from the meeting during consideration of this item.
2. Councillor Owen declared a disclosable pecuniary interest in respect of agenda item 18 'Heart of Cumbria - Staff Support' as the Chairman of the Board of Directors for the Heart of Cumbria Limited. Councillor Owen stated he would withdraw from the meeting during consideration of this item.
3. Councillor Breen declared a disclosable pecuniary interest in respect of agenda item 18 'Heart of Cumbria - Staff Support' as a director of the Heart of Cumbria Limited. Councillor Breen stated she would withdraw from the meeting during consideration of this item.

## **CI/117/4/17 Minutes**

**RESOLVED** that the minutes CI/98/3/17 to CI/114/3/17 of the meeting of Council held on 9 March 2017 be confirmed and signed by the Chairman as a correct record of those proceedings.

## **CI/118/4/17 Chairman's Announcements**

### **Councillor Hogg arrived at 6:52pm**

The Council's Eden Community Fund has a total of £110,000 available in 2017-2018 for projects and events capable of delivering wide community benefit. The deadline for applications for this round of funding is Friday 12 May 2017.

We strongly recommend that any group wishing to apply contacts the Council's Community Support Officer on 01768 817817 to discuss your project or event before filling in an application form, to make sure it is eligible for funding. For more information visit [www.eden.gov.uk/communityfund](http://www.eden.gov.uk/communityfund)

The Council's household refuse and recycling service contractors are now undertaking collections on Bank Holidays, except during the Christmas period. So if your Blue Bags or Green Bag and Box are collected on a Monday, remember to put them as normal from 6am for collection on the May Bank Holidays on 1 and 29 May 2017.

## **CI/119/4/17 Questions by the Public**

No questions had been received from the public under Rule 10 of the Constitution at this meeting.

## **CI/120/4/17 Questions by Members**

There were 10 questions received from Members under Rule 12 of the Constitution:

1. Out of the many outstanding deficiencies to be corrected at the Penrith FC stadium can I draw your attention to the Electrics. Altogether, £165,700 was spent initially on electrical installation at the stadium before the specifications were reduced. I

understand that a professional examination was made months ago. Has a report from these consultants been produced and if so what measures to cut costs does it recommend?

The Leader had replied as follows:

Councillor Tonkin has highlighted some of the considerable funds that EDC has invested in Frenchfield Stadium for the benefit of Eden Taxpayers.

The stadium was built before many of us here were Councillors and decisions were taken by the Council at that time.

I have had discussions with PFC as has Councillor Martin with officers since the club approached the Executive via Councillor Breen late last year. The current lease with Penrith football club signed and dated 11 June 2015 includes a schedule of exemptions where the landlord will undertake the work specified. The only reference in this list to electrics is emergency lighting around the perimeter which is complete.

The Council have commissioned two energy reports. The first report looked at electrical usage and concluded that the electrical usage was considered to be at a level commensurate with a building of this size taking into account the equipment that will be running or using power even when the building is not in use. The second report looked at energy savings which could be made by changing the existing lighting to LED source, replacing the lighting controls and splitting the heating into two zones. However the payback period for this work would be 25.5 years.

Councillor Tonkin asked the following supplementary question of the Leader:  
“I refer you to the second paragraph of your answer. Will you give the Club assurances that these issues will be addressed?”

The Leader replied as follows:

“I have had meetings with lots of interested parties about the Club including Cumberland FA who assure me the Club is one of the best in the county and it looks fit for purpose to me. We are working with the Club to resolve the issue with the pitch and have offered to help.”

2. Councillor Banks asked the following question of the Economic Development Portfolio Holder:

“In the light of over a 1000 planning approvals granted for housing in Penrith and more in hub villages is there a need for The Heart of Cumbria to concentrate on more housing.

Should their efforts be better focused on finding employment opportunities to encourage younger families to settle in the area.”

The Economic Development Portfolio Holder had responded as follows:

“The purpose of the company is to try and find ways to generate extra income for the council as the owner of the company, which it may not be able to get involved with under the Localism Act 2011, to replace the income sources that will be lost by 2020 so that services wanted by local residents can be maintained into the future.”

Councillor Banks asked the following supplementary question of the Economic Development Portfolio Holder:

"I don't feel the question has been answered. Is the Heart of Cumbria looking at other forms of income beyond housing?"

The Economic Development Portfolio Holder responded as follows:

"Yes."

3. Councillor Lynch asked the following question of the Leader:

"As the Council is the only shareholder in the Heart of Eden company, can it not insist that it exercises "due diligence" in respect of the three Councillors that are directors of the company."

The Leader had responded as follows:

"The Council nominated the three Councillor directors. This question has been asked and answered before."

Councillor Lynch asked the following supplementary question of the Leader:

"Is the company going to perform its own due diligence?"

The Leader responded as follows:

"That is a matter for the Heart of Cumbria Limited."

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

"Explanation for the reasoning behind my first two questions - These questions have been raised in debate over the last few months but the answers have not been recorded verbatim in the council minutes and I, for one, did not fully follow the explanations. Detailed answers to my first two questions will allow the information to be recorded and be available for future reference."

Why cannot the Heart of Cumbria use part of the £1 million that Eden Council has set aside for its use for its operational purposes instead of coming to the council for a £100,000 grant for that purpose?"

The Leader had responded as follows:

"Surely, this question would be best saved for when we discuss this later? The "grant" proposed is a way of covering the expenditure the company may incur in paying the Council for the costs it incurs in salaries for officers and other fixed costs and overheads. It displaces the costs the Council otherwise has so there is no net actual cost to anyone. It is a useful way of accounting for the officers time and is a response to questions you have asked in the past."

The £1m sum referred to is for capital investment in income generation or for affordable housing or commercial income generation."

Councillor Eyles asked the following supplementary question:

"The Power to Trade Order contains a clause which states that the Council should recover any costs and therefore assumes that there will be costs that must be recovered. These should be itemised. Can you give assurances that this will happen?"

The Leader replied as follows:  
“I will provide a written answer.”

5. Councillor Eyles asked the following question of the Leader:  
“Bearing in mind the topics to be debated this evening, what can the Heart of Cumbria company do that is outside the scope of Eden Council and so justify its creation?”

The Leader had responded as follows:  
“Council has approved the company and its remit. The Council has to set up a company if it wishes to undertake commercial activities under the Localism Act. The company will carry out commercial activities.”

Councillor Eyles asked the following supplementary question of the Leader:  
“Can you confirm that the Council cannot legally buy a retail or commercial premises unless it is via a company?”

The Leader responded as follows:  
“No, a Council can buy a retail or commercial premises without a company.”

6. Councillor Eyles asked the following question of the Services Portfolio Holder:  
“Report No: CE4/16 of the council meeting of 14 April 2016 stated the council

“created a new car park in response to the wishes of the Penrith businesses to meet car parking needs”

Presumably there was an intention to charge for use of the car park.

What was the income from the car park at the Town Hall for:

- a) The financial year 2015/2016?
- b) The financial year 2016/2017?

From the difference the income from the new extension will, presumably, be able to be ascertained.”

The Services Portfolio Holder had responded as follows:  
“I am assuming the question relates to income received from the Drovers Lane extension to the Town Hall Car Park.

The figures are as follows:

2015-2016 - £0  
2016-2017 - £5,220 and £6,465 from the sale of season tickets”

There was no supplementary question.

7. Councillor Eyles asked the following question of the Leader:  
“Planning application 07/0213, which was approved, showed a football club clubhouse with two wings. Why were these wings not completed before the football stadium was handed over to the Football Club?”

The Leader had responded as follows:

"I was not a Member of the Council at the time however, I understand that Lowther Manelli Properties was responsible for the design and construction of the new stadium at Frenchfield. Lowther Manelli decided not to build two wings. The Council took over Lowther Manelli's construction contract when the development stalled in order to save this part of the scheme and Sainsbury's stepped in on the main site. The Council did not arrange the building contract for the stadium: it took over what Lowther Manelli had agreed with the builder."

Councillor Eyles asked the following supplementary question of the Leader:

"The Lowther Manelli planning application shows two wings. Are you saying that Eden District Council has no obligation to fulfil this?"

The Leader responded as follows:

"No. At the time the application was submitted, I understand that Cumberland FA were also going to be based there but now they are not."

8. Councillor Eyles asked the following question of the Leader:

"There is a long list of outstanding faults with the football clubhouse and also the grounds, a lot of which were highlighted in Scrutiny Report CLS95/13 presented to the Executive on February 11<sup>th</sup> 2014. Will the Leader commit the council to remedying these faults so the club can enjoy a trouble free future?"

The Leader had responded as follows:

"The Football Club has a lease and has responsibility for the maintenance of the property that is leased to it. It will be for the Football Club to honour its commitments in this regard."

The current lease with the football club signed and dated 11 June 2015 lists 5 items of work in the schedule of exemptions which are items for the council as landlord to undertake. Two items replacing the flat roofs and the stand decking have to be undertaken within 10 years, two items replacing perimeter lighting and changing entrance and exit door are complete and the 5<sup>th</sup> item regarding the sliding doors in the club house is outstanding. The doors have been inspected and some defects noted from the original construction work."

There was no supplementary question.

9. Councillor Eyles asked the following question of the Leader:

"When Penrith Football Club left Southend Road so the council could develop New Squares, and receive nearly one million pounds per year income from it, it was on the understanding that the football club would do so on no less favourable terms than they enjoyed at the Southend Road site. Despite this assurance, the football club is expected to find tens of thousands of pounds per year in rent, maintenance and running costs more than while at Southend Road. Will the leader commit the council to fulfilling the spirit of the original agreement?"

The Leader had responded as follows:

"I have read a great deal of information regarding Penrith FC and have had representations from a number of interested parties in recent months."

I cannot find reference to this statement and would ask Councillor Eyles if he could supply me with any relevant documentation he has seen to help me in this matter.”

There was no supplementary question.

10. Councillor Eyles asked the following question of the Leader:

“I received an email from Mr Howse of Penrith, who cannot attend this evening. He asks “The Resources Portfolio Holder is also a Director of Heart of Cumbria Ltd to whom the Council is providing significant resources. Whilst it is ‘within the rules’ for this to be the case provided that the member absents himself from any decision making committee when the Company comes up for discussion do you think it wise for this uncomfortable position to continue?”

The Leader responded as follows:

“Yes it is wholly normal for Councillors who hold leading roles in the councils they are members of to also sit on companies that the councils own. Indeed it would be ideal if Councillor Howse or indeed Councillor Eyles to take the opportunity and join the Board of the Company as clearly they have a great deal of interest in how it is working then they can use their skills and experience to help the council generate extra income through the work of the company in order to help maintain services into the future.”

There was no supplementary question.

## **CI/121/4/17 Motions on Notice**

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

1. Moved by Councillor Taylor  
Seconded by Councillor Sheriff that

Eden District Council note the content of the paper ‘Taking Forward Accountable Care in West North Est Cumbria’ (Board of the Cumbria NHA Partnership Foundation Trust Directors (PUBLIC) 30 March 2017).

This paper sets out proposals for a new model of enhanced and integrated primary, community, and social care supported by specialists to be approved by local statutory bodies; and gives details of proposed arrangements for the establishment of integrated commissioning and for Provider Alliance working.

That Eden District Council request all commissioners, providers, and funders of health and social care, along with potential developers, the third sector, and others, to act immediately to assess the Alston Partnership’s proposal ‘Sustaining Health and Care Services in Alston’ (this assessment was not undertaken in the ‘Healthcare for the Future’ process); and to develop with the community an Accountable Care economy which fulfils the DEFRA rurality tests: and which will obviate the difficulties and potentially material dangers confronting the residents of Alston Moor following the decision to close Community Hospital beds.

Amendment by Councillor Nicolson

Seconded by Councillor Beaty that the following additional wording be added to the motion:

“That Cumbria County Council be advised of the motion and be asked to support it.”

The proposer and seconder of the original motion indicated that they were willing to accept the additional wording and on being put to the vote it was

**RESOLVED** that

Eden District Council note the content of the paper ‘Taking Forward Accountable Care in West North Est Cumbria’ (Board of the Cumbria NHA Partnership Foundation Trust Directors (PUBLIC) 30 March 2017).

This paper sets out proposals for a new model of enhanced and integrated primary, community, and social care supported by specialists to be approved by local statutory bodies; and gives details of proposed arrangements for the establishment of integrated commissioning and for Provider Alliance working.

That Eden District Council request all commissioners, providers, and funders of health and social care, along with potential developers, the third sector, and others, to act immediately to assess the Alston Partnership’s proposal ‘Sustaining Health and Care Services in Alston’ (this assessment was not undertaken in the ‘Healthcare for the Future’ process); and to develop with the community an Accountable Care economy which fulfils the DEFRA rurality tests: and which will obviate the difficulties and potentially material dangers confronting the residents of Alston Moor following the decision to close Community Hospital beds.

That Cumbria County Council be advised of the motion and be asked to support it.”

2. Moved by Councillor Martin

Seconded by Councillor Hogg and **RESOLVED** that:

During recent weeks there has been great focus in the media on the provision of services by the NHS. Here in Cumbria there are places within the county where appointments with a doctor involve a considerable wait. In particular in Eden the wait can be longer than the national average and a very different experience to that found in many urban areas. This is in part due to the inability to attract GPs to serve in a rural area.

Therefore it is suggested that this Council ask our MP, Rory Stewart, to lobby the Secretary of State for Health to introduce a scheme of ‘rural weighting’ for GPs who accept positions in areas such as Cumbria. Similar to the accepted practice of ‘London weighting’, such a scheme would act to attract the needed physicians and in turn would facilitate the better provision of health services.

Furthermore, we hope that our action will encourage other rural authorities to support us in this and lobby their MP’s as well.

Council support this action and requests that a letter be sent to our MP.

## **CI/122/4/17 Report of the Independent Remuneration Panel on the Scheme of Members' Allowances**



Members considered report F28/17 of the Chairman of the Independent Remuneration Panel which considered the recommendations made in the report of the Council's Independent Remuneration Panel (IRP).

Moved by Councillor Nicolson  
Seconded by Councillor Owen

Amendment by Councillor Eyles  
Seconded by Councillor Lynch that the special responsibility allowance for the Chairman of the Planning Committee remain at 50%

a vote was taken on the amendment and there were:

For the amendment – 24  
Against the amendment – 8

the amendment was lost whereupon it was **RESOLVED** that a Scheme of Allowances be agreed to run from the new municipal year which starts in May 2017.

### **CI/123/4/17 Electoral Review of Eden District Council**

Members considered report G41/17 of the Deputy Chief Executive which enabled Members to consider whether they wished to request the Local Government Boundary LGBCE for England ("LGBCE") to undertake an electoral review of the District Council having regard to recommendations from a working group established by Council at its meeting of 12 January 2017.

Moved by Councillor Nicolson  
Seconded by Councillor Connell that:

the Local Government Boundary Commission for England not be requested to undertake an electoral boundary review at this time for the following reasons:

1. Adopting a model based upon the 9 County electoral divisions within Eden would have to take place based on either 3 or 4 members per electoral division. Based upon a current electorate of 41,243 with 4 members per division would mean that the average electorate per ward would be 1,527. It would be difficult to produce an exceptional case to the LGBCE to rebut the presumption against a Council size of less than 30. In terms of cost benefit analysis it is not considered that the considerable work involved in justifying a decrease in membership down to 36 is justified. Neither is it considered that there is an exceptional case to be brought for reducing the membership of the Council below 30.
2. Any potential saving arising from the reduction in the size of the council could be eroded by the potential for the Independent Remuneration Panel to recommend an upwards review of the level of basic allowances for Members, thereby cancelling out any potential saving.

3. There are various wards with multiple parishes and other wards with one parish. There is an expectation on District Councillors that they will attend Parish Councils within their Ward. Decreasing the size of the Council would lead to members in certain wards having to attend more Parish Council thereby increasing their workload.
4. There does not appear to be a compelling case for moving to single member wards. The Working Group was not aware of any significant issues arising out of tensions arising between Councillors in multi member wards.
5. It would be better for an electoral review to take place after the District Council elections of May 2019. Having regard to the Local Plan the pace of development that will have taken place by then and the pace of any future development may be better understood at that time.
6. The figures in terms of electoral balance were not considered to dictate a review at the current time.
7. There was no evidence of any significant demand for change within Eden. Neither was there evidence of any concerted demand for reduction in the number of councillors or adjustments to Ward boundaries.
8. The Working Group noted that the size of the Council is only slightly above the average size of council from a comparator group of 35.7.
9. The Working Group was aware that the Council has no record in recent years of ever having carried out a Community Governance Review of its parish and town councils. Best practice is to carry out such reviews every ten to fifteen years. It was noted that best practice would dictate that a community governance review should not take place whilst a boundary review is in the process of being considered or undertake. If a decision were made not to proceed with a boundary review then the Council could proceed to consider whether to carry out a community governance review either of its whole area or in the context of a more limited exercise of reviewing certain Parish and Town Councils.

Amendment by Councillor Robinson

Seconded by Councillor Greenwood that a report on a proposed Community Governance Review comes to Council via Scrutiny early in the new Council year.

The proposer and seconder of the original motion indicated that they were content to include the wording in the motion and on being put to the vote it was **RESOLVED** that the Local Government Boundary LGBCE for England not be requested to undertake an electoral boundary review at this time for the following reasons:

1. Adopting a model based upon the 9 County electoral divisions within Eden would have to take place based on either 3 or 4 members per electoral division. Based upon a current electorate of 41,243 with 4 members per division would mean that the average electorate per ward would be 1,527. It would be difficult to produce an exceptional case to the LGBCE to rebut the presumption against a Council size of less than 30. In terms of cost benefit

analysis it is not considered that the considerable work involved in justifying a decrease in membership down to 36 is justified. Neither is it considered that there is an exceptional case to be brought for reducing the membership of the Council below 30.

2. Any potential saving arising from the reduction in the size of the council could be eroded by the potential for the Independent Remuneration Panel to recommend an upwards review of the level of basic allowances for Members, thereby cancelling out any potential saving.
3. There are various wards with multiple parishes and other wards with one parish. There is an expectation on District Councillors that they will attend Parish Councils within their Ward. Decreasing the size of the Council would lead to members in certain wards having to attend more Parish Council thereby increasing their workload.
4. There does not appear to be a compelling case for moving to single member wards. The Working Group was not aware of any significant issues arising out of tensions arising between Councillors in multi member wards.
5. It would be better for an electoral review to take place after the District Council elections of May 2019. Having regard to the Local Plan the pace of development that will have taken place by then and the pace of any future development may be better understood at that time.
6. The figures in terms of electoral balance were not considered to dictate a review at the current time.
7. There was no evidence of any significant demand for change within Eden. Neither was there evidence of any concerted demand for reduction in the number of councillors or adjustments to Ward boundaries.
8. The Working Group noted that the size of the Council is only slightly above the average size of council from a comparator group of 35.7.
9. The Working Group was aware that the Council has no record in recent years of ever having carried out a Community Governance Review of its parish and town councils. Best practice is to carry out such reviews every ten to fifteen years. It was noted that best practice would dictate that a community governance review should not take place whilst a boundary review is in the process of being considered or undertake. If a decision were made not to proceed with a boundary review then the Council could proceed to consider whether to carry out a community governance review either of its whole area or in the context of a more limited exercise of reviewing certain Parish and Town Councils.
10. A report on a proposed Community Governance Review comes to Council via Scrutiny early in the new Council year.

## **CI/124/4/17 Review of the Constitution**

Members considered report G45/17 of the Deputy Chief Executive which enabled members to give consideration to the proposed changes to the Constitution and the representations which have been received from Members and Officers. An addendum report had updated members about a recommendation from the Accounts and Governance Committee of 13 April 2017 which advised that the proposals within the report be approved.

Moved by Councillor Breen

Seconded by Councillor Taylor

1. That the recommendations of the Constitution Review Group be approved
2. That the Deputy Chief Executive be authorised, in consultation with the Members of the Constitution Review Group, to approve and authorise any minor and typographical changes to the text of the Constitution following its adoption by Council and arising upon a review of the document prior to publication following the Annual Meeting in May

Amendment by Councillor Thompson

Seconded by Councillor Slee that recommendation 6 from the Constitution Review Group be withdrawn

a vote was taken and the motion fell

Amendment by Councillor Thompson

Seconded by Councillor Slee that

Recommendation 7 from the Constitution Review Group be withdrawn

a vote was taken and there were

For the amendment - 16

Against the amendment - 16

the Chairman used their casting vote and the motion fell

Amendment by Councillor Eyles

Seconded by Councillor Lynch that

Rule 12 (h) of the Council Procedure Rules be amended to the following wording:

“where the reply cannot be conveniently be given orally, a written answer circulated later to the questioner **and to all Council Members**”

a vote was taken and the motion was carried whereby it was **RESOLVED**:

1. That the recommendations of the Constitution Review Group (**attached as appendix 1 to these minutes**) be approved subject to Rule 12(h) of the Council Procedure Rules being amended to the following wording:  
“where the reply cannot be conveniently be given orally, a written answer circulated later to the questioner **and to all Council Members**”
2. That the Deputy Chief Executive be authorised, in conjunction with the Members of the Constitution Review Group, to approve and authorise any minor and typographical changes to the text of the Constitution following its adoption by Council and arising upon a review of the document prior to publication following the Annual meeting in May.

## **CI/125/4/17 Review of the Code of Planning Conduct and Practice**

Members considered report G35/17 of the Deputy Chief Executive reviewed Eden District Council's ("the Council's") Code of Planning Conduct and Practice in relation to the operation of 'minded to' decisions. The subject matter had been considered at the Planning Committee meetings of 15 December 2016 and 19 January 2017 and Scrutiny Co-ordinating Board on 6 April 2017. Planning Committee on 19 January 2017 had recommended that the proposals within the report be approved. An addendum report updated Members about a recommendation from the Scrutiny Co-ordinating Board on 6 April 2017 which recommended that the proposals within the report be approved.

Moved by Councillor Thompson  
Seconded by Councillor Todd and

**RESOLVED** that Members approve the proposed changes to the Council's Code of Planning Conduct and Practice.

## **CI/126/4/17 Scrutiny Structures Review**

Members considered report G33/17 of the Deputy Chief Executive which set out proposals arising out of an informal working group of Members. The report suggested structural changes to the Environment and Economy Scrutiny Committee and the Housing and Communities Scrutiny Committee. It also reported on a change to the means by which scrutiny reviews are selected. An addendum report updated Members about recommendations from the Scrutiny Co-ordinating Board of 6 April 2017 and the Accounts and Governance Committee of 13 April 2017 where it had been recommended that the proposals be approved.

Moved by Councillor Orchard  
Seconded by Councillor Connell

### **RESOLVED:**

1. That Council reduce the number of standing Members on the Environment and Economy Scrutiny Committee and the Housing and Communities Scrutiny Committee from thirteen to nine from the start of the 2017-2018 Municipal year.
2. That the changes to the Scrutiny Review Work Programme consultation timescales be noted.

## **CI/127/4/17 Annual Review of the Accounting and Audit Rules**

Members considered report F29/17 of the Director of Finance which presented the Council's reviewed and updated Accounting and Audit Rules for consideration and inclusion in the 2017 Council Constitution. An addendum report updated Members about the recommendations from the Accounts and Governance Committee of 13 April 2017 that the proposals contained within the report be approved subject to one minor amendment.

Moved by Councillor Breen  
Seconded by Councillor Robinson

**RESOLVED** that subject to the addition of the words “(whichever comes first)” at the end of the penultimate paragraph of rule 27.1a, the amendments to the Accounting and Audit Rules 2017 be approved for inclusion in the Constitution.

### **CI/128/4/17 Annual Review of the Procurement Rules**

Members considered report F30/17 of the Director of Finance outlined proposed changes to the Council’s Procurement Rules for consideration and inclusion in the constitution. An addendum report updated Members about the recommendation from the Accounts and Governance Committee of 13 April 2017 which recommended that the proposed changes be approved subject to one minor amendment.

Moved by Councillor Breen  
Seconded by Councillor Robinson

**RESOLVED** that subject to the second sentence of rule 4.6.2.1 being corrected to read “However, if it is decided that a hard copy tended is unavoidable:” the amendments to the Procurement Rules 2017 be approved for inclusion in the 2017 Council Constitution.

### **CI/129/4/17 Related Party Transactions and Members' Interests**

Members considered report F27/17 of the Director of Finance which reminded Members of the approach for gathering the information required for the ‘Related Party Transactions’ note in the annual accounts.

Moved by Councillor Nicolson  
Seconded by Councillor Breen

**RESOLVED** that:

1. The disclosures in the accounts regarding Interests and Related Party Transactions for Members be extracted from their Registers of Interests.
2. Members continue to keep up-to-date their Interests in the Registers of Interests.

### **CI/130/4/17 Carry Forward of Revenue Budgets**

Members considered report F22/17 of the Director of Finance which sought to secure Members’ approval of the carry forward of a number of individual unused 2016-2017 budgets into 2017-2018.

Moved by Councillor Nicolson  
Seconded by Councillor Todd that the budgets are carried forward from 2016-2017 to 2017-2018 and that a supplementary estimate of up to £601,481 be approved to fund this

Amendment by Councillor Eyles that the following item be withdrawn from the proposed carry forward of revenue budgets:

<b>Service/Work Area</b>	<b>Current Budget £</b>	<b>Roll Forward £</b>	<b>Previous Roll Forward</b>	<b>Explanatory Note</b>
<b>Economic Development Portfolio</b>				
Economic	55,000	55,000	No	The ‘Professional Fees

Development/Employment Sites				on Land Purchase' budget was agreed by Executive on 6 December 2016 (Reference CE2/16). Tenders are being sought for the work and will be undertaken in 2017-2018.
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upon advice from the Director of Finance, the proposed amendment was withdrawn where upon it was **RESOLVED** that budgets (**attached to these minutes as Appendix 2**) be carried forward from 2016-2017 to 2017-2018 and that a supplementary estimate of up to £601,481 be approved to fund this.

### **CI/131/4/17 Development of Sites - Appointment of Consultancy Support**

Members considered report G43/17 of the Deputy Chief Executive which set out the process that had been followed in identifying specialist support and the outputs expected from the work undertaken in relation to bringing two Council owned sites forward to a developable stage. At the request of Councillor Robinson, Councillor Slee agreed that a report on the project outcomes would be taken to Council at a future meeting.

Moved by Councillor Slee

Seconded by Councillor Nicolson and

**RESOLVED** that the work that is being undertaken to progress the design, marketing and consideration of options for sale or lease of the land as part of the project be noted and supported.

**Councillors Breen, Owen and Nicolson left the meeting at 8:15pm**

### **CI/132/4/17 Heart of Cumbria Limited - Staff Support**

Members considered report CE4/17 of the Chief Executive which stated that staff within the Council had been providing limited support to the Heart of Cumbria Limited in relation to the general proposal since the summer of 2016 although the Company had not been operational at that time. Support had involved undertaking some research and also attendance at some meetings. Some time by the Financial Services Manager and also the Senior Legal Advisor had been used in supporting the Company and its meetings since November 2016.

Members asked for further information about the nature and costs of the legal advice provided in relation to the report. The Leader stated that he would provide a written response.

Moved by Councillor Beaty

Seconded by Councillor Hogg and

**RESOLVED:**

1. That the Council recover the actual cost of any accommodation, goods, services, staff and any other thing it supplies to Heart of Cumbria Limited.
2. That, the time that is expended by Officers on working for the Company be formally recorded on the timesheet system and that it be reported on a regular basis to the Executive.
3. A grant of £100,000 be paid to the Company to provide funding for it to carry out its activities during the first three years of business whilst it establishes itself and secures a return on its investments and generates income.
4. Supplementary budgets of £33,333 for grant expenditure and recoverable income be approved for 2017-2018 to recognise grant payment and recovery from the Company. Similar sums will be included in 2018-2019 and 2019-2020 budgets.
5. That this situation be kept under review as part of the Council's annual revised estimates and budget making process.

### **CI/133/4/17 Cumbria Choice Based Lettings Policy Review**

**Councillors Breen, Owen and Nicolson returned to the meeting at 8:29pm**  
**Councillors Jackson and Tompkins left the meeting at 8:30pm**

Members considered report CD28/17 of the Assistant Director Environmental Services which advised Members of the key proposed changes made to the Cumbria Choice Based Lettings Policy, following a recent policy review.

Moved by Councillor Beaty

Seconded by Councillor Todd and **RESOLVED** that the changes to the Cumbria Choice Based Lettings Policy be approved.

### **CI/134/4/17 Date of Next Scheduled Meeting**

The date of the next scheduled meeting was confirmed as the Annual Meeting on 11 May 2017.

### **CI/135/4/17 Exclusion of Press and Public**

Moved by Councillor Eyles that item 'Site Acquisition - 4/4A Corney Square, Penrith' be heard in public upon receiving advice from the Chief Executive the motion was withdrawn where upon it was **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/136/4/17 Site Acquisition - 4/4A Corney Square, Penrith**

Members considered report G46/17 of the Deputy Chief Executive

**RESOLVED** that the recommendations be approved.

### **CI/137/4/17 Old London Road Depot, Penrith**

Members considered report CD27/17 of the Assistant Director Technical Services.



**RESOLVED** that the recommendations contained within the report be approved.

**The Deputy Chief Executive left the meeting prior to consideration of the next item of business.**

### **CI/138/4/17 Senior Staffing Structure Review and the Consequential Issues**

Members considered report CE6/17 of the Chief Executive

**RESOLVED** that the recommendations contained within the report be approved.

The meeting closed at 8.55 pm

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## Appendix 1

### Council – 20 April 2017

#### Proposed Changes to the Constitution

The proposed changes to the Constitution are set out below and are highlighted in the text of the Constitution where appropriate.

1. That there should be a table of contents.

This table of contents is in lieu of an index. It is considered that it would be preferable to have an index but this is a time-consuming task which should ideally be undertaken by someone who is accomplished in the exercise.

2. That the pages of the Constitution be numbered consecutively.

It is proposed that the notation which appears on the Constitution such as, for example, RoP1 should be removed and replaced with a page number. The current notation does not aid use and is rather cumbersome.

3. That the statement of the Articles which is contained on Page 9 of the Summary and Explanation should be omitted.

Currently the Articles of the Constitution are contained in the Summary and Explanation with the heading for each Article. The statement does not serve any apparent purpose and does not provide a further explanation and should be omitted.

4. The Statement of Citizens Rights in Article 3.1 be re-ordered so that voting and petitions for an elected mayor appears as No 4.

It is considered that the most important rights for a citizen are those which are contained in what is currently Paragraph 2, 3 and 4 and, as a consequence, the Article 3.1 should be re-ordered.

5. The Commercial Plan be added in Article 4.1c

The Commercial Plan was adopted previously by Council and it was expressly recorded that it should be incorporated in the policy framework.

6. That the entire functions of full Council which were included in the Responsibilities for Functions and in Article 4.2 should be combined.

Currently, the functions of full Council are contained in both Article 4.2 and in the Responsibility for Council Functions. It is considered that the statement of full Council's functions should be comprehensive and consistent so that the two references should be the same. In addition, Council now has to approve the Pay Policy and has responsibilities in relation to Community

Governance Reviews. These provisions have now been incorporated in the text.

7. That the proposed changes to Articles 6 and 7 be approved.

Members of the Review Group were aware that changes had been made to Articles 6 and 7 of the Constitution previously and that these changes had been omitted from subsequent versions of the Constitution. The matter was reported upon fully and was the subject of consideration by Council at its meeting on 14 April 2016. The proposed resolution at the Council meeting in April 2016 was lost and no further action was taken on the report at that time. The Members of the review group reviewed the principles which were behind the proposed amendments to Articles 6 and 7 and considered that they remain relevant. The review group was of the view that in order for Scrutiny to hold the Executive to account and be seen to do so it would be preferable for the Chairman of the Co-ordinating Board to not be of the same political group as the Leader or to be a member of the majority political group on the Council. The Members of the review group recognised that it may not always be possible to secure such a division of responsibilities. The requirement could only be undertaken when it was practicable to do so, therefore. Additionally, the review group consider that it should be possible for Members to put their names forward as Leader even if they were not a member of the majority political group. This would only occur once every four years in the ordinary course of events following the Annual Meeting although it could occur should the identity of the Leader change during the usual four year period. It was considered that it was appropriate for nominations to be submitted, potentially, by more than one person and other than by the majority political group for the position of Leader.

8. That the proposed changes to the Responsibilities for Functions be approved.

It is proposed to include a reference to the Human Resources and Appeals Committee to clarify that it determines appeals as is the case elsewhere in the document.

The statement of the Responsibility for Council Functions has been amended to incorporate the provisions which are taken from Article 4.2 as mentioned previously.

The functions which are delegated to the Assistant Director Technical Services were included previously, in two locations within the Responsibility for Functions section. The provisions have been re-ordered so that all of the functions which have been delegated to the Assistant Director Technical Services are included in one place and run consecutively. The statement also includes an authority to the Assistant Director to dispose of land valued at £2,500 or less which had previously been delegated to the Director of Corporate and Legal Services. This delegation enables the sale of relatively small parcels of land which are not contentious.

9. That the proposed amendments to the Council Procedure Rules be approved.

It is the usual practice for the Annual Meeting of Council to approve the Minutes of various meetings where those minutes have not been approved by the appropriate body because there has not been a further meeting. The proposed amendment to the timing and business of the Annual Meeting is to make clear that this may be done.

There are occasions when substitute members are appointed from a different group to the appointing member. The review group recognised that this may occur and that whilst it was an exceptional occurrence the reasons for the appointment should be formally recorded in the minutes of the meeting concerned. The review group considered the issue of questions being asked by Members in the context of a representation from Councillor Eyles which is referred to below. The review group considered that the formal question which was posed should actually be read out at the Council meeting rather than being displayed on the screen which was not readily accessible to all members and meant that the meeting itself was not as clear as it could be particularly for a member of the public. The members of the review group considered that all questions and answers should be formally read out at the meeting and that a similar provision should be inserted for Members as applies in relation to members of the public. It was noted that only the question as submitted should be put without further elaboration or addition.

10. That the proposed changes to the Access to Information Procedure Rules be approved.

The Procedure Rules have been updated and re-ordered. The Rules have been amended to include the specific provisions which relate to meetings of the Executive and to provide for the procedure before taking key decisions which are contained in the relevant regulations. The provisions have been amended to identify more clearly the process which is undertaken in relation to decisions which are made by individuals, the matters which arise in relation to the process and that any such decision is subject to call in.

11. That the proposed amendments to the Executive Procedure Rules be approved.

The Rules have been updated and re-worded in the interests of clarity, consistency and accuracy. Amendments have been made to remove the references to full Council which reflect the derivation of the Rules but which gives rise to matters being included which were not appropriate by referring to 'full Council'. The Rules do make reference to the Leader in his capacity as the Chairman presiding at the meeting and that, when necessary, the provisions will include the person who was presiding at the meeting in the absence of the Leader.

12. That the proposed amendments to the Budget and Policy Framework Procedure Rules be adopted.

The reference to the Local Development Framework have been removed as they are now out of date. The Local Plan, as it is now known, would be included and have to be considered as a policy framework document in the same way as any other policy.

13. That the proposed amendments to the Scrutiny Procedure Rules be approved.

It is now stated that the quorum for a meeting of the Committee should be three rather referring to another part of the Constitution to determine the appropriate number. Amendments have been made to the provisions to refer to the appropriate Director and Assistant Directors in relation to Members and Officers giving account. The call-in provision, paragraph 15 b) iii) has been amended to require a meeting to be called within ten clear working days of the decision to call in. Previously, the meeting had to be called within five days of the decision but this was impracticable given the arrangements which have to be made, albeit it rather promptly, to call a meeting and as five days notice has to be given by statute in any event.

14. That the Recording and Social Networking Policy be incorporated as a Code and Protocol to the Constitution.

Council has approved a recording and social networking policy in relation to meetings. It is considered that this should be formally incorporated within the Constitution itself.

15. Part 3, Responsibility for Local Choice – Functions (Page 67)

The 'Membership' column can be removed from the table as it is unnecessary and merely repeats the number of the decision making body.

## Council – 20 April 2017 - Revenue Roll Forwards to 2017-2018

Service/Work Area	Current Budget £	Roll Forward £	Previous Roll Forward	Explanatory Note
<b>Economic Development Portfolio</b>				
Economic Development/ Business Rates Retention Scheme (BRRS)	132,980	106,650	Yes	<p>Business and Marketing Officer – No officer in place since October – therefore, part of the salaries, subsistence and travel budgets have not been used. Some projects have not been implemented whilst staff or other resources have been put in place to deliver next year from the following list.</p> <ul style="list-style-type: none"> <li>• Project Description</li> <li>• Business Marketing Officer Salary 2016-2017</li> <li>• Business Marketing Officer Salary 2017-2018</li> <li>• Car Allowance for Business Marketing Office</li> <li>• Subsistence for Business Marketing Office</li> <li>• Cumbria LEP Annual Subs</li> <li>• Conservation Officer Support Alston THI</li> <li>• Invest in Eden : Marketing and Promotion</li> <li>• Newton Rigg Agriculture Tech Business Park Infrastructure Investigations</li> <li>• Penrith Pedestrian Movement Strategy Signage Upgrade</li> <li>• Kirkby Stephen-based Business Support and Training</li> <li>• Appleby Business Hub Marketing and Promotion</li> </ul> <p>An additional £90,000 from BRRS was received unexpectedly this financial year and requires projects to be developed to spend this money. It is likely that money will be required to match-fund Cumbria Chamber of Commerce for business support if an agreed contract for outputs can be put in place.</p>
Economic Promotion/ Economic Development	7,190	5,070	Yes	Most of these budgets require a Business Marketing Officer presence to promote and deliver, which has not been available for parts of this year. The most recent appointment of a Business Marketing Officer will ensure this funding is utilised when rolled forward into next year.
Economic Promotion/ Economic Development	37,530	8,162	Yes	This fund is used to either investigate the feasibility of employment sites, or give specialist business support to create quality jobs for particular development enquiries. It has been most useful in the past to assist companies in the Nuclear and Food and Drink sector – both key sectors for Eden.

Service/Work Area	Current Budget £	Roll Forward £	Previous Roll Forward	Explanatory Note
<b>Economic Development Portfolio (continued)</b>				
Economic Development/ High Mill, Alston	10,000	10,000	Yes	The Council has approved a feasibility study of the High Mill site and has secured funding in partnership with Historic England; Heritage Lottery Fund/Architectural Heritage Fund and Alston Moor Partnership. This budget is to provide match funding for the initial phase of the feasibility study. Consultants for the Council were appointed in December 2016 and are not expected to submit an invoice for the first part of the project until the end of March, or in April 2017. The overall cost contribution for this specialist advice is £20,000, matched with another £35,000 from external funding sources.
Economic Development/ Employment Sites	20,000	20,000	Yes	This is a rolling fund created part-way through the year to be called upon at the appropriate opportunity to assess the feasibility of potential new employment sites. Opportunities to use the fund are still being assessed. It is expected that this will become the operational budget to bring forward a range of sites that the Council has an interest in. The finance is likely to be spent on technical appraisals of various sites the Council either owns, or has an interest in developing. The overall budget for these pieces of work is £100,000 and is available to be used by the Capital Projects Group.
Economic Development/ Apprenticeship Scheme	44,580	22,580	Yes	Cumbria County Council were no longer able to run this scheme on Eden District Council's behalf. In September 2016 the scheme was re-launched with Appleby Heritage Centre running the scheme. As a result, there was no spend in this code for the first 6 months of the financial year. Appleby Heritage Centre have already received the first tranche of funding for this scheme. A meeting is due to take place shortly which will indicate whether the next tranche of funding should be released in support of the scheme if demonstrable targets have been met.
Economic Development/ Employment Sites	55,000	55,000	No	The 'Professional Fees on Land Purchases' budget was agreed by Executive on 6 December 2016 (Reference CE25/16). Tenders are being sought for the work and will be undertaken in 2017-2018.



Service/Work Area	Current Budget £	Roll Forward £	Previous Roll Forward	Explanatory Note
<b>Resources Portfolio</b>				
Central Expenses/ Security System	5,410	5,410	Yes	The monies would be used to deliver training for staff on Information Governance (specifically in relation to the Council's requirements under the Data Protection and Freedom of Information Acts). The original estimates obtained requested a price to deliver training for up to 65 identified personnel before end of March 2017. The estimate cost for this was £3,000. During discussion between the Information Governance Manager and the Assistant Director Organisational Development it was identified that there is a real business case to expose the majority of employees to this learning, particularly in light of pending regulations and the Council's transition to a new digital platform over the next 1 – 5 years and this would require additional funds. There is £5,400 available in the corporate training budget currently. Recent contact with the available course suppliers has confirmed that there is no availability to run this training before the end of this financial year. Dates have been provided to run the training in the early spring and summer months, with a number of dates across the months to support maximum attendance by staff. Overall, it should be noted that there will be significant pressure on training budgets in 2017-2018. This is directly related to the implementation of the Digital platform and the changes which this will bring to the organisation, specifically in how staff will work.

Service/Work Area	Current Budget £	Roll Forward £	Previous Roll Forward	Explanatory Note
<b>Resources Portfolio (continued)</b>				
Staff Development/ Director of Governance	10,130	5,766	No	<p>In response to organisational change the Council has identified some areas where it would benefit from, or requires staff to obtain, specific additional knowledge by way of qualification study. Any requests for qualification have been considered by Management Team in accordance with the Qualification Study scheme. Due to the structural changes which the Council has undertaken, the demand for access to qualification study is higher than usual. As a result of known approved requests and to ensure funding was available to honour those approvals, additional monies were requested and approved through the formal estimates process in 2016. The cost centre's budget was increased to meet the identified needs. However, due to the timings of the academic year, the expenditure will not be incurred until August/September time (which is in the new financial year and too early for the next estimate cycle). Therefore, the amount of £5,766 needs to be rolled over to support these learning commitments. If the monies were not rolled over, the Governance Department annual training budget would need to bear the costs and the annual budget would be severely diminished (to almost zero) which would impact on the ability to provide general training to staff within the Governance section, such as to meet CPD requirements, or general development as identified through appraisals. The amount of £5,766 is allocated as follows:</p> <ul style="list-style-type: none"> <li>• Commercial knowledge development – Masters: £2,000</li> <li>• Legal Executive Development: £1,500</li> <li>• Information Governance – Post Graduate: £2,266</li> </ul>
Committee and Member Costs/Other Democratic and Member Costs	2,440	2,000	No	The amount is required to deliver Information Governance training (specifically in relation to the Council's requirements under the Data Protection and Freedom of Information Acts) to Members. This has been agreed as part of the Council's Information Governance Framework (approved by the Executive in October 2016). The training will be delivered in 2017-2018.
Land Management/ Tenanted Property	18,970	8,830	No	This budget covers income received following a dilapidation survey on a previous tenant. The money was received in September 2016 and, whilst some of the work is programmed, other work will not take place before the end of March.
Land Management/ Frenchfield Stadium	3,290	3,290	Yes	This budget covers work to Frenchfield football stadium, as agreed in the heads of terms. Some works are outstanding and this roll-forward is the remaining budget for the works.

Service/Work Area	Current Budget £	Roll Forward £	Previous Roll Forward	Explanatory Note
<b>Resources Portfolio (continued)</b>				
Customer Services Business Unit/ Software Maintenance	8,100	8,000	No	These monies are budgeted to pay for IT support for the Contact Centre customer management system which is ongoing through to 2017-2018. The current system is being replaced by the new digital platform. The new platform is currently under development and is not yet ready to replace the existing system. In the event that the current system develops a fault, rapid resolution would be required to ensure that services can be maintained for customers. This would be especially important to continue to provide many services, including refuse and recycling services, resolving reports of missed collections, liaising with pest control providers and processing when residents move home.
Flooding December 2015/ Various Budget Heads	329,500	188,000	Yes	This was agreed as an automatic roll-forward by Council on the 10 November 2016, under minute reference CL/68/11/16; Report F87/16.
<b>Communities Portfolio</b>				
Community Development/ Cumbria Association for Local Councils	24,200	20,000	No	This budget is for the provision of projectors to Parish Councils as part of the project to provide planning information in a digital format. Consultation is currently taking place with the Parishes. To date, approximately 50% of the parishes are supportive of the change. Providing the projectors will be the next stage, once further dialogue and a workshop with the Parish Councils has taken place.
Parks and Open Spaces/Castle Park Development	15,000	15,000	Yes	These funds are required as part of the match funding for the Heritage Lottery Fund Grant, due to be submitted late February. If the Grant application is not successful, this funding will be used to try and attract other funding toward works in the park.
Community Development and Engagement/Tour of Britain	24,230	24,230	No	This budget covers the Tour of Britain and that amount remaining will be able to cover a substantial part of Eden District Council's next year's costs for a start stage in Penrith if rolled forward. The original budget was underspent, as it was originally envisaged in 2016-2017 that Penrith would have a start stage and grants would be available to school and community groups.
<b>Services Portfolio</b>				
CCTV	25,503	25,503	Yes	This budget is for the removal of the old CCTV cameras. BT have now removed the services and confirmed that the fibre optic cables have been removed. Work is outstanding to remove the hardware. The work has generally been identified. Disconnections for electric supplies are to be determined before detailed work can commence.

Service/Work Area	Current Budget £	Roll Forward £	Previous Roll Forward	Explanatory Note
<b>Housing and Health Portfolio</b>				
Other Housing/ Heat Network	142,750	118,000	Yes	This funding is made up of funding previously received from Government with match funding from Eden District Council to explore the possibility of delivering Heat Networks in Eden. The work required has been commissioned, but not yet completed. Therefore, this funding will be required in 2017-2018 to pay for invoices that will be received.
Other Housing/ Heat Network	-51,200	-50,000	No	This funding was received by Government to support work to deliver Heat Networks in Eden. The work required has been commissioned but not yet completed therefore this funding will be required in 2017-2018 to pay for invoices that will be received.
		601,481		