

Eden District Council

Council Minutes

Date: 12 July 2018 Venue: Council Chamber, Town Hall, Penrith
Time: 6.45 pm

Present:

Chairman: Councillor M Robinson

Councillors:	A Armstrong	T C Ladhams
	D Banks	E Martin
	K Beaty	G Nicolson OBE
	P Breen	R Orchard
	I Chambers	J Owen MBE
	M Clark	J Raine
	A Connell	M Rudhall
	J Derbyshire	H Sawrey-Cookson
	M Eyles	R Sealby
	P Godwin	L Sharp
	K Greenwood	M Slee
	L Grisedale	M Smith
	A Hogg	V Taylor
	D Holden	A Todd
	S Jackson	M Tonkin
	V Kendall	

Officers Present: Clive Howey, Director of Finance
Matthew Neal, Deputy Chief Executive
Rose Rouse, Chief Executive

Democratic Services Officer: Vivien Little and Claire Watters

CI/21/07/18 Apologies for Absence

Apologies for absence were received from Councillors Lynch, Meadowcroft, Patterson, Temple, Thompson and Tompkins.

CI/22/07/18 Declarations of Interest

Councillor Nicolson declared that he had an other Registerable Interest with regard to agenda item 10 in that he was a Director of Heart of Cumbria Limited. Following advice from the Monitoring Officer, he stated that he would remain in the room and take part in the debate but not vote on this item.

Councillor Owen declared that he had an other Registerable Interest with regard to agenda item 10 in that he was a Director of Heart of Cumbria Limited. Following advice from the

Monitoring Officer, he stated that he would remain in the room and take part in the debate but not vote on this item.

Councillor Breen declared that she had an other Registerable Interest with regard to agenda item 10 in that she was a Director of Heart of Cumbria Limited. Following advice from the Monitoring Officer, she stated that she would remain in the room and take part in the debate but not vote on this item.

Councillor Jackson gave a personal explanation regarding item 10 on the agenda as he was Chairman of Penrith Town Council.

Councillor Eyles gave a personal explanation in that he intended to record the meeting for private purposes.

CI/23/07/18 Minutes

RESOLVED that the minutes CI/1/05/18 to CI/20/05/18 of the meeting of Council held on the 10 May 2018 be confirmed and signed by the Chairman as a correct record of those proceedings.

CI/24/07/18 Chairman's Announcements

I would like to start these announcements by welcoming Rose Rouse, the Council's new Chief Executive to her first full Council Meeting. Rose, we wish your every success in your job here with us and I am sure Members and officers will give you their full support and look forward to working with you in the months ahead.

This week, I was delighted to present representatives from my chosen charities Hospice at Home Carlisle and North Lakeland and the Great North Air Ambulance, with the money raised at all of the Chairman's events held during the past 12 months. In total, each charity benefitted from over £2,100 which is a fantastic amount of money to raise. I would again like to thank all the businesses, community organisations, Councillors and individuals who have given their support.

Yesterday, Councillor John Thompson and I attended the Cumbria School Games which were held in Carlisle to cheer on Team Eden. I am proud to announce that Team Eden won the Games, which was a great achievement by all concerned. The Cumbria School Games is organised by Active Cumbria each year and is a fantastic event which schools from across the county really enjoy participating in.

I would like to remind community groups and sports clubs in Eden that the next round of applications for the Eden Community Fund closes on 7 September 2018. So if you are planning any events or projects with a wider community benefits now is a good time to speak to the Council's Communities Team for advice about your application well before the deadline.

Over the past few weeks I have attended the following events on behalf of the Council, the Community Heroes Awards ceremony in Carlisle, the Mayor Making ceremonies in Appleby, Carlisle and Kendal and Vice Chairman Cllr Patterson attended the prize giving ceremony at Hunter Hall School in Penrith.

CI/25/07/18 Questions by the Public

The following questions were received from members of the public under Rules 10 of the Constitution.

1. Mr Matt Baker asked the following question of the Leader.

“Considering the scale of the Eastern Bypass Development, its need for expensive roads and schools, and the reliance on central Government funding and economic growth, which is not guaranteed due to Brexit, what is plan B, or are all the Council’s eggs being placed in one basket?”

The Leader responded as follows:

“The A66 is being upgraded and as a result there will be opportunities for Penrith and wider Eden to grow our economy.

As the Leader of the Council it would be wrong for me not to bring forward a plan to take advantage of this opportunity and to deliver on our Council plan to provide decent homes for everyone and higher paid jobs.

The emerging Masterplan is deliberately ambitious and we have taken on comments from Stakeholders and changes have been made to the plan. We intend to engage with the public after the summer so keep your eye out for events.

The plan may change as a result of consultations, as it has over the past few months.

I can’t comment on what Brexit will or will not deliver, but you can rest assured that the best interests of the people of Eden are always at the forefront of our decisions.”

Mr Baker then asked a supplementary question of the Leader, querying whether other plans and alternatives would be considered during the consultation process.

The Leader responded that the Masterplan shows the current preferred option, and it will explain why other plans have been discounted.

2. Ms Tatania Harrison asked the following question of the Leader.

“Could the Leader of the Council explain how the proposed major road in the master plan will be funded, whether fully funded by Cumbria County Council and the developers and if so how will it be divided between the two?”

The Leader responded as follows:

“There is concern as to how any upgrade to the A66 will affect the south of Penrith which is heavily congested at times and is the only place in Eden with an emerging air quality problem.

You will have seen, no doubt, that we were asking the Highways Agency to look at different options and I am particularly concerned about how works are completed around Kemplay Bank.

As you know we have been creating a Masterplan for Penrith to take advantage of opportunities and to deliver on our Council Plan, (a draft version of the plan has been quoted in the press recently).

After meeting with stakeholders as we create our masterplan, we will be making changes to the plan over the summer before we begin a process of engagement with the public to show what is achievable and how we can benefit the town and wider district by creating new homes and employment areas.

Although we still believe a North-Eastern link road would be an efficient way to move northbound traffic, the Masterplan will have less emphasis on this as we can deliver new homes and employment land regardless of this road.”

Ms Harrison then asked a supplementary question of the Leader querying that as public money had been spent on engaging consultants to undertake work on the Masterplan, would the research be published during the consultation period?

The Leader responded that while the information that would be put together for public consultation had not been finalised at this stage, he would take on board Ms Harrison’s comments.

3. Mr Graham Fairhill asked the following question of the Leader.

“I understand the Penrith Vision involves major new housing development including creating three villages east of Beacon Hill. Could you confirm that the need for several thousand new homes will be regularly reviewed and if the economic case for this expansion cannot be made the three village developments will be scaled down or cancelled?”

The Leader responded as follows:

“As I have already stated, this plan is deliberately ambitious so that it demonstrates what can be achieved to grow the economy of the area to allow our businesses to grow without leaving, our kids to find high paid employment without leaving and for everyone to find the home they would like at a price they can afford in Penrith.

The emerging plan is constantly changing as we consult with partners and stakeholders.

We will begin an engagement process with the public once we have made the final changes to the plan and now that our final stakeholder comments are in, this is likely to be after the summer.

There is no guarantee that what is shown in the plan will be delivered and you are right to say that it should be reviewed regularly. But it would be wrong if Eden District Council did not draw up an ambitious view of what could be achieved to create a more prosperous town and provide new homes to meet the demand that will arise over the next 30 years.”

Mr Fairhill then asked a supplementary question of the Leader querying whether the Masterplan document will describe the specific success criteria for the current vision.

The Leader responded that he would take Mr Fairhill's comments on board.

4. Ms Hilary Bloomer asked the following question of the Leader.

"Could the leader of the council list the reasons as to why the publication of the draft masterplan for Penrith has been delayed?"

The Leader responded as follows:

"The Masterplan was due to be completed at the end of June.

We have consulted with many Stakeholders and Government Agencies as well as local organisations like Penrith Town Council. We will be making changes to the Plan over the summer before we begin a process of engagement with the public."

Ms Bloomer then asked a supplementary question of the Leader asking if he could specify which stakeholders were responsible for the delay in publication of the Masterplan.

The Leader responded that he would not list the stakeholders as requested, however it was Eden District Council's choice to move the date to allow for more time to be given.

5. At the request of the Chairman, the Deputy Chief Executive read out the following question on behalf of Ms Juliet Wright. Ms Wright was not able to be present at the meeting. The question was put to the Chairman of the Scrutiny Co-ordinating Board.

"In relation to the report on Community Governance Review as an elector of Ousby Parish Council my question relates to the recommendations for that Parish.

Have members of the Council been advised of the 'in depth, well-considered responses' and what account has been taken of them all? Have the working group made clear to council members whether in fact 'regretful agreement' should really read 'despite our better judgement' and why they would offer agreement which they actually already regret?"

The Chairman of the Scrutiny Co-ordinating Board responded as follows:

"As Chairman of the Community Governance Review Member Working Group I can confirm that the Council report accurately sets out and represents the responses from the public and the parishes arising from the second stage consultation response.

In relation to the recommendations in respect of Ousby Parish Council it is regrettable that the parish council has resolved that it wishes to split, but the general consensus of parishioners is that this is the best way forward."

No supplementary question was asked.

CI/26/07/18 Questions by Members

The following questions were received from Members under Rule 12 of the Constitution.

1. Councillor Banks asked the following question of the Services Portfolio Holder.

“Will all Parishes who have agreed to adopt their footway lighting be allocated hinged poles and led lamps.”

The Services Portfolio Holder responded as follows:

“All approved lights transferred to the Town and Parish Councils will have LED lamps.

Where the Council are putting up new columns these will be hinged. Where the Council has already replaced the lights with new columns, some of which are not hinged, these will not be changed.”

Councillor Banks then asked a supplementary question querying whether or not all poles would be hinged, and if you, could all parishes be contacted and informed of this?

Councillor Todd explained that some of the lights had only been in place for a short period of time, in some cases a matter of months, and it would not be cost effective to replace them. He also confirmed that all parishes would be informed of this.

2. Councillor Holden asked the following question of the Leader.

“With regard to Council Agenda item 9, in Appendix A, point 9 to the report, the planned equity purchase of £1m worth of shares did not occur within the 2017/18 financial year, presumably because the acquisition of affordable housing was not completed. Has Heart of Cumbria Ltd completed this purchase? If so could the Leader please provide details as to when the purchase was completed?”

The Leader responded as follows:

“I understand that Heart of Cumbria has completed the purchase of seven properties so far.”

Councillor Holden then asked a supplementary question querying how many of the properties are occupied, and what date they were occupied from.

The Leader responded that the houses had just been purchased and the final fixtures and fittings were being put in place.

3. Councillor Nicolson asked the following question of the Chairman of the Accounts and Governance Committee.

“It is legitimate for Members of Council to record meetings of Council and its Committees. If a Member records a meeting and subsequently uses recorded information from the meeting to frame a question for Members of the Executive or a Chair of a Committee, what obligations does Council place on the Member doing this.”

The Chairman of the Accounts and Governance Committee responded as follows:

- a) Yes. I am advised that the 2014 Openness of Local Bodies Regulations establish this right. The practice now adopted by Cumbria County Council accords with this advice.
- b) None at present. It is not apparent that the Council could place any restrictions on the use made of a recording of its public proceedings legitimately made by a Member. There might be scope for a protocol on recording of meetings in the EDC Constitution. This could be discussed by a future meeting of the Accounts and Governance Committee.”

Councillor Nicolson then asked a supplementary question querying what section of the Member’s Code of Conduct covered such activities.

The Chairman of the Accounts and Governance Committee responded that he would give a written answer.

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

“The minutes of the Full Council meeting of 13 July 2017 stated :

“It is noted that Persimmon should be making available the first three dwellings in 2017/18, then twelve in 2019 and the remainder of the 86 after that date.”

The minutes of the Exec meeting of 5 June 2018 stated:

“On the basis of the above Heart of Cumbria Limited was able to carry out a programme of work which at the time of writing this report has enabled it to be on the cusp of signing up to a deal which will culminate in the acquisition by it of 81 residential properties”

Given that requests for funding by Heart of Cumbria to Eden Council are decided on the information provided at the time, why have the number of properties to be bought with council money been reduced and why was Council not informed of the change?”

The Leader responded as follows:

“Council authorised an issue of shares of £1m and loan of £5m to Heart of Cumbria Limited at its meeting of 15 February 2018. This was for the purchase of affordable housing or commercial opportunities. The investment in affordable housing is a key priority for this council and this council is delivering on that through this company. If Cllr Eyles wishes us to invest in something other than affordable housing please it would be useful if he provided details.”

Councillor Eyles then asked a supplementary question asking why the Executive did not ensure that Council was informed of changes to requests for public money.

The Leader responded that all of the Executive decisions were reported within the minutes.

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

“The minutes of the Executive meeting of 6 December 2016 states :

“It is recommended that a grant of £10,000 be made to Heart of Cumbria Limited

- 3.2 *“To appoint such directors it will be necessary for the Company to advertise and to undertake the administration of the process. It is estimated that this will cost £4,000”*

Since this grant was given for the purposes stated in the report, how much of the £4,000 detailed above was spent on advertising and the process administration?”

The Leader responded as follows:

“I cannot comment on the director recruitment of the company as that is not a matter for the Council.”

Councillor Eyles then asked a supplementary question querying that given that the grant was given by the Executive, could the Leader confirm what steps were taken to ensure Council funds were used for the purposes specified.

The Leader responded that it was taken on trust that the funds were used appropriately.

6. Councillor Eyles asked the following question of the Leader.

“How many times have committees of Eden Council been updated on the activities of Heart of Cumbria Limited and on what dates did these meetings take place?”

The Leader responded as follows:

“Councillor Eyles knows very well that these Committees are not an executive function. In fact it is through these Committees rather than here that Councillor Eyles should direct his question.

I am attending the next Scrutiny Co-ordinating Board meeting so I will ask there if they know anything.”

There was no supplementary question.

7. Councillor Eyles asked the following question of the Leader.

“At the Council meeting of 12 January 2017, a Business Plan for Heart of Cumbria Limited was presented to council as part of that company’s plea for a million pounds of taxpayer money.

Within that document were the following activities to be carried out by the company in 2017 :

(ii) Marketing and Promotion
The key focus of activity for 2017

The company will be involved in the following:

- ☐ *A dynamic, commercially focussed set of promotional literature and possibly a website*
- ☐ *Promotional materials, including PR campaign, featuring case studies, professional articles, testimonials, press releases, etc*

Since Eden Council is the owner of, now, a million and one shares in the company has the leader been sent copies of this promotional literature and testimonials? If so, will he send copies to councillors?"

The Leader responded as follows:

"I am really very pleased with the way in which the Heart of Cumbria is progressing with investing some of our reserves in affordable housing for people in real need of this type of home, I would be very disappointed if they had in fact spent some of this money on glossy brochures. I am pleased they have decided not to.

I think it would be more appropriate for Cllr Eyles to congratulate the company on the work it is doing to date to provide affordable homes and a forward budget to provide income to support Council services and keep Council tax low."

Councillor Eyles then asked a supplementary question querying why the Executive did not ensure that the Heart of Cumbria's business plan is adhered to.

The Leader responded that while the Heart of Cumbria business plan was a matter for the Heart of Cumbria Limited, he understood that the business plan was being adhered to.

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

"I read in last week's copy of the Herald that, in addition to Eden Council's Penrith Masterplan there is also a Penrith Neighbourhood plan being prepared by Penrith Town Council. What discussions took place between consultants engaged by the Eden Council's Executive and Penrith Town Council to ensure the two plans were compatible with each other?"

The Leader responded as follows:

"The council has been holding regular meetings with Stakeholders, The Leader of your group attended these when she was available. The Mayor of Penrith was invited to attend these.

I also took our Lead officers to brief the Town council on our plans and they provided us with their views recently.

We also included their aspirations from a 30 year vision they provided for the Eden Vision document, which led to the creation of the Masterplan.

I have seen the Town Councils draft Neighbourhood Plan as it is on their website, I am unaware of any briefings they have had for Members or Officers of EDC, and I have not been approached personally for comments.”

Councillor Eyles then asked a supplementary question querying whether the documentation for the Penrith Masterplan would be made available to Members to enable it to be used in their engagement with residents.

The Leader responded that the documentation would be available, though he would prefer it be used electronically, as it is a large document.

CI/27/07/18 Motions on Notice

The following Motion on Notice had been received under Rule 13 of the Constitution.

Proposed by Councillor Raine

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

In the last 2 and a half years, 94 care home beds have been lost in Eden. In the latest Eden carers newsletter they are advising people to look outside the district for respite care.

During the consultation on the Future of Edenside Care home Cumbria County Council stressed it was important to have a plan B if the home closed. Edenside was finally closed on 22 September 2016. Nearly two years on and this Council still does not know what Cumbria County Council's plan B is.

This Council is aware that Cumbria County Council is building extra provision care homes elsewhere in the County. This Council needs to know what the County Council's plans are for provision of care in Eden.

The lack of care provision is not only letting down the residents of Eden district but it is also effecting the economy. If families have no choice but to move elderly relatives to another part of the country for specialist care, the overnight accommodation regular needed for family members when visiting their loved ones is lost to this district.

This Council is therefore instructing its Chief Executive to write to Cumbria County Council's Chief Executive enquiring what plan B is and if it is progressing.

CI/28/07/18 Community Governance Review for Eden District - Final recommendations - Resources Portfolio Holder

Members considered report G72/18 from the Deputy Chief Executive which sought to enable consideration to be given to the recommendations of the Community Governance Working Group following the conclusion of the second stage of consultation.

Proposed by Councillor Banks

Seconded by Councillor Eyles

and **RESOLVED** that

1. Approval be given to the following changes to the governance arrangements of certain parishes within Eden District as follows:
 - a) Barton Parish Council be re-named 'Barton and Pooley Bridge Parish Council';
 - b) the administrative area of Hutton Parish Council be increased to include the Motherby Parish Ward of Greystoke Parish Council with the expanded Hutton Parish Council to remain wholly unwarded;
 - c) the number of Parish Councillors for Hutton Parish Council be increased from eight to nine;
 - d) the number of Parish Councillors for Greystoke Parish Council be reduced from nine to eight with the arrangements for the remaining Parish Wards of Greystoke, Johnby and Blencowe staying unchanged;
 - e) the current Ousby Parish Council be dissolved;
 - f) a new unwarded Parish Council be created using the current boundary of Ousby (Ousby) Ward, called 'Ousby Parish Council', with the number of parish councillors being five;
 - g) a new unwarded Parish Council be created using the boundary of Ousby (Melmerby) Ward, called 'Melmerby Parish Council', with the number of parish councillors being five;
 - h) Thrimby Parish Meeting be merged with Little Strickland Parish Meeting; and
 - i) the number of councillors for Penrith Town Council be reduced from nineteen to fifteen.
2. The Deputy Chief Executive be authorised to make all necessary orders to effect the above changes.

Councillor Orchard abstained from the vote for resolutions e), f) and g).

CI/29/07/18 Capital Expenditure 2017-2018 Outturn and Revised 2018-2019 Programme - Resources Portfolio Holder

Members considered report F48/18 from the Director of Finance which sought to advise Members of capital expenditure for the financial year 2017-2018, together with the means by which it was funded, and present an amended Capital Programme for 2018-2019, to take account of revision of projected resources and other factors affecting the Council's Capital Programme and the impact of the 2017-2018 outturn, subject to Audit.

Proposed by Councillor Breen
Seconded by Councillor Owen

and **RESOLVED** that:

1. The outturn for 2017-2018, subject to Audit, be noted.
2. The amended Programme for 2018-2019 be noted.
3. No new schemes are included in the Programme, unless fully grant-funded, formally approved by Council, or emergency schemes.

CI/30/07/18 Heart of Cumbria Limited - Audit Exemption - Leader Portfolio

Members considered report F53/18 from the Director of Finance which sought to request an audit exemption for 2017-2018 for the Heart of Cumbria Limited's accounts.

Proposed by Councillor Beaty
Seconded by Councillor Banks

and **RESOLVED** that:

1. Approval be given to an audit exemption for Heart of Cumbria Limited for the financial year 2017-2018;
2. Subject to resolution 3 below, it be agreed that a guarantee be given by the Council in respect of the liabilities of Heart of Cumbria Limited for 2017-2018; and
3. It be noted that there are no material liabilities still outstanding relating to the financial year 2017-2018.

CI/31/07/18 Date of Next Scheduled Meeting

The date of the next scheduled meeting was confirmed as 6 September 2018.

The meeting closed at 8.07 pm

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