

Eden District Council

Executive Minutes

Date: 5 February 2019 Venue: Town Hall, Penrith Time: 6.00 pm

Present:

Leader and Portfolio for Strategic and Community Leadership:	Councillor K Beaty
Portfolio for Communities:	Councillor Mrs E Martin
Portfolio for Commercial Services	Councillor M Slee
Portfolio for Resources:	Councillor P Breen
Portfolio for Services:	Councillor A Todd
Portfolio for Eden Development	Councillor J Owen
Officers Present:	Matthew Neal, Deputy Chief Executive Peter Notley, Assistant Director Financial Services Rose Rouse, Chief Executive
Democratic Services Officer:	Vivien Little

E/114/02/19 Apologies for Absence

Apologies for absence were received from Councillor Grisedale.

E/115/02/19 Minutes

RESOLVED that the public minutes E/102/01/19 to E/113/01/19 of the meeting of the Executive held on 22 January 2019 be confirmed and approved by the Chairman as a correct record of those proceedings (copies previously circulated).

E/116/02/19 Declarations of Interest

Councillor Owen made a declaration with regard to agenda item 11, Heart of Cumbria Limited Update. He explained that he had an “other registrable interest” in that he was a Director of the Heart of Cumbria Limited. He indicated that in accordance with advice from the Deputy Chief Executive he would participate in the discussion but not vote on the item.

Councillor Breen made a declaration with regard to agenda item 11, Heart of Cumbria Limited Update. She explained that she had an “other registrable interest” in that she was a Director of the Heart of Cumbria Limited. She indicated that in accordance with advice from the Deputy Chief Executive she would participate in the discussion but not vote on the item.

E/117/02/19 Questions and Representations from the Public

The following questions on notice were received from Members of the public under Rule 3 of the Executive Procedure Rules of the Constitution.

1. Mrs P Bell asked the following question of the Services Portfolio Holder:

“I am regularly asked about the transfer of services from Eden District Council to Penrith Town Council. In particular, residents are unsure about the future of their parks, bus shelters and the public toilets.

Please could you clarify what facilities will be transferring and when?!”

The Services Portfolio Holder responded as follows:

“In July 2017 Council approved four years of funding to support the Local Delivery of Services project and discussions began with Town and Parish Councils. As part of this report it was agreed that the types of assets to be transferred included:

- Public toilets
- Amenity Land
- Footway lighting
- Play Areas
- Seats
- Parks and open spaces
- Monuments.

Devolution to Penrith Town Council was agreed in a number of phases. The assets in the first phase which covers bus shelters, Cornmarket bandstand, Musgrave memorial, seats and benches have been transferred. Discussions are taking place on the next phase which includes play areas and parks and open spaces.”

Mrs Bell then asked a supplementary question seeking assurances regarding the future plans for the public toilets in Penrith, as both residents and visitors needed access to public toilets. She queried whether Eden District Council would be working with Penrith Town Council and other interested parties to achieve this.

The Services Portfolio Holder stated that the bus station toilets would most likely remain open, but the ones on Bluebell Lane were up for negotiation with any interested party until 2022.

2. Mrs T Harrison asked the following question of the Eden Development Portfolio Holder:

“Would you consider going back to the government inspector of the Local Plan to ask them to reassess the spatial strategy for the distribution of development around the whole of the Eden district? That is, revert to the original option of dispersed development around multiple towns and villages. I’m sure if they knew the drastic alternative their report has spawned in focusing all development on one area to the detriment of all other settlements they would wish to revise their recommendations.”

The Eden Development Portfolio Holder responded as follows:

“No. The Eden Local Plan was adopted in October 2018 and there is now no opportunity to revisit any area of the approved plan. The issue of the spatial strategy now embodied under policy LS1 – Locational Strategy, which is the established policy of the council and now forms the strategy for Eden distributing development between the main town of Penrith, the market towns of Alston, Appleby and Kirkby Stephen, the 13 Key Hubs and the 102 Smaller Villages and Hamlets.

Under current regulations the local authority is required to review the local plan every five years. This would be the mechanism to review the development strategy for Eden. The timescale for reviewing the Local Plan would be a matter to be determined by the new Council administration.”

Mrs Harrison then asked a supplementary question querying that as the Masterplan was solely focused on Penrith, and the fear was that it would suck the lifeblood out of Penrith, closing facilities such as schools and shops, would the Executive agree that its duty was to existing Eden residents?

The Eden Development Portfolio Holder responded that he would provide a written answer to the question.

3. Mr A Hill asked the following question of the Leader:

“Now that Tim Farron MP has successfully made a fuss about the closure of the Kendal post office, might the Executive of EDC now decide to state its opposition to the closure of this important local facility and its stuffing into a space in WH Smith where you couldn’t swing a cat, despite refusing to do so when there was a chance of influencing the course of events when I raised with Councillors at your meeting in November?”

The Leader responded as follows:

“There is a period of public consultation on the proposals regarding the Penrith Post office which closes on 13 March 2019. Within this timeframe I will be considering an appropriate response to be made on behalf of the Council at a Leader Portfolio meeting.”

There was no supplementary question.

E/118/02/19 Questions from Members

The following questions on notice were received from Members under Rule 5(b) of the Executive Procedure Rules of the Constitution.

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

“When does the Leader expect Eden Council to receive the results of his Penrith Masterplan engagement process from the two universities conducting the analysis?”

The Leader responded as follows:

“Officers have been working with the Universities by inputting data from the engagement into the analysis software. Further work is still required to complete this data analysis.

It is envisaged that the results of the analysis will be available at the end of February/ beginning of March 2019.”

Councillor Eyles then asked a supplementary question asking whether the results would come to Executive only, or to full Council.

The Leader responded that he would supply a written answer.

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

“Will the analysis from the two universities be made publicly available as soon as it is received by Eden Council?”

The Leader responded as follows:

“I refer to paragraph 3.9 of the Penrith Strategic Masterplan report on this agenda. The issue of dissemination of the analysis is something that should be considered in conjunction with the new Council administration after the elections.”

Councillor Eyles then asked a supplementary question pointing out that paragraph 3.9 of the report refers to the consideration of consultation and not the engagement exercise, and wondered why Eden District Council would not be allow the information to be made public as soon as it was available.

The Leader responded that the analysis was in fact a separate issue, which was already underway before the amendment was agreed. If results were delivered at the beginning of March, it would be affected by the purdah period.

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

“The Council’s auditors noted that three councillors were on the board of Heart of Cumbria. Was it pointed out to them that two of those councillors were also members of the Leader’s Executive?”

The Leader responded as follows:

“Yes.”

Councillor Eyles then asked a supplementary questioning the fact that members of the Executive have far more influence and power than members of the public, and as such they have greater influence over resources of the Council. Should there not be an ethics wall between the Executive and the Heart of Cumbria?

The Leader responded that not all directors of the Heart of Cumbria were members of the Executive. When the Heart of Cumbria was set up, all members were given an open invitation to sit on the board of the Heart of Cumbria, something that was

rejected by the opposition. Therefore the directors were in fact the only three members who put themselves forward.

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

“In the action required to address concerns about Heart of Cumbria by the auditors, it is stated that an “update report is planned to be taken to Council in January 2019.” This did not happen. When will this report be presented to full council?”

The Leader responded as follows:

“The update report was brought to the Executive of Eden District Council in January 2019 and then deferred to this meeting. The Executive is the appropriate decision making body.”

Councillor Eyles then asked a supplementary question stating that the most controversial areas of the Council, the Penrith Strategic Masterplan and the Heart of Cumbria were within the purview of the Executive, and he raised concern that the public might feel that Council did not have sufficient oversight of those areas.

The Leader responded that as he previously mentioned, opposition members were offered places on the board of Heart of Cumbria, and the Penrith Strategic Masterplan was a fully Executive function.

E/119/02/19 Meeting Action Log - Leader's Portfolio

Members considered report G09/19 of the Deputy Chief Executive which is a standing item and which sought to present the Meetings Action Logs for the Executive and Council meetings for consideration.

Proposed by Councillor Beaty
Seconded by Councillor Owen

And **RESOLVED** that:

1. the contents of the Meetings Action Log for Executive meetings be noted; and
2. the contents of the Meetings Action Log for Council meetings be noted.

Reason: To enable monitoring of the Council's performance for 2018-2019 and to fulfil the agreed monitoring regime for the Council Plan 2015-2019.

E/120/02/19 Penrith Strategic Masterplan - Eden Development Portfolio

Members considered report G12/19 from the Deputy Chief Executive which reported on a recommendation from Council that the current version of the Penrith Strategic Masterplan be subject to an official public consultation.

Councillor Eyles raised a question under Rule 5(a) of the Executive Procedure Rules in relation to whether the Purdah period applied to the engagement process which had already taken place.

Councillor Beaty responded that at that point in time, the engagement process was with independent bodies to be analysed, and their work had not been completed as yet.

The Leader used his discretion to allow Mr N Hughes to ask whether the Executive would continue promoting the Penrith Strategic Masterplan given the Executive was overruled by full Council.

Councillor Beaty responded that the Executive were not overruled, Council approved an amendment for the Executive to consider, and he believed that the process was not at a point where the amendment from Council could be considered.

Councillor Taylor raised a question under Rule 5(a) of the Executive Procedure Rules asking how the Executive could move forward on the amendment before purdah was implemented.

Councillor Beaty responded that when the information was ready, it would be made public. The delay would be in the time to prepare a consultation strategy, which would take the Council into the purdah period.

The Leader used his discretion to allow Mrs T Harrison to ask whether the amended Masterplan would include the proposed northern bypass.

Councillor Beaty responded that currently Highways England were focusing their attention on the dualling of the A66 along the existing route, with either an overpass or underpass going through the Kemplay Bank roundabout, and that they would not enter into discussions regarding either a northern or southern relief road. The next stage of the Masterplan would be informed by all available data at that point in time.

Proposed by Councillor Owen
Seconded by Councillor Todd

and **RESOLVED** that:

1. action on the Penrith Strategic Masterplan, with the exception of the on-going analysis, be suspended until after the forthcoming elections in May 2019;
2. the new Council administration should consider the outcomes from the analysis work and any other representations and alternative suggestions submitted and determine the most appropriate course of action; and
3. the Executive should give consideration to the matter of public consultation on the Penrith Strategic Masterplan (in its current or amended form) after the election in May 2019.

Reason: To enable Executive to consider the recommendation from Council.

E/121/02/19 Draft Council Plan 2019-2023 - Leader's Portfolio

The Deputy Chief Executive requested that due to the time critical nature of this item that it be heard under the Council's urgency rules, and therefore not be subject to

call in. The consent of the Chairman of the Scrutiny Co-ordinating Board had been sought and given.

Members considered report G7/19 from the Deputy Chief Executive which sought approval for the Draft Council Plan 2019-2023 and the process and timetable for consultation, approval and adoption.

Councillor Eyles raised a question under Rule 5(a) of the Executive Procedure Rules, asking if the Council intended to produce documentation to accompany the Council Plan during the consultation.

Councillor Beaty requested that the Chief Executive answer the question. The Chief Executive who stated that the document attached to the agenda was a high level strategy document, and supplementary information would be presented to Members in due course.

Proposed by Councillor Beaty
Seconded by Councillor Owen

and **RESOLVED** that:

1. the Draft Council Plan 2019-2023 be approved for consultation;
2. the process and timetable for consultation, approval and adoption of the Council Plan 2019-2023 be approved; and
3. the above recommendations to Council are deemed to be urgent and not subject to call in.

Reason: To allow for an appropriate consultation for the Draft Council Plan 2019-2023, prior to its final approval and adoption.

E/122/02/19 Increasing Participation - Final Report

Members considered report G1/19 from the Deputy Chief Executive which asked Members to consider findings and recommendations from the Increasing Participation Task and Finish Scrutiny Group ("the Task and Finish Group"). The Task and Finish Group separately made recommendations for the Deputy Chief Executive in his capacity as District Returning Officer to consider. Scrutiny Co-ordinating Board on 3 January 2019 recommended that the Executive should approve the relevant recommendations of the Task and Finish Group and also recommended that the findings in terms of matters within the remit of the District Returning Officer be recommended to the Deputy Chief Executive.

Councillor Sharp in her capacity as Chairman of the Task and Finish Group introduced the report, and asked the Executive to approve the relevant recommendations contained within the report.

The Chairman of the Increasing Participation Task and Finish Group thanked her fellow members of the Task and Finish Group, and also the Member Services Officer for her work on this project.

Proposed by Councillor Beaty

Seconded by Councillor Owen

and **RESOLVED** that:

1. there be an increase in ongoing publicity on the role/work of the Council, including:
 - regular press releases/social media presence,
 - improvements to information on Eden District Council's website; and
 - the production of an easy guide to which Council has responsibility for which service;
2. Group Leaders be recommended to take a non-partisan approach and nominate experienced Councillors to act as mentors for new Councillors;
3. Members of the Task and Finish Group work with the Assistant Director Legal Services to develop an induction programme for new Councillors to include:
 - trainings sessions; and
 - support material such as; an induction booklet containing:
 - Council structure
 - who's who/leads for all areas
 - councillor role descriptions,
 - how Council makes decision,
 - what Members must/should/can/can't do,
 - the role of scrutiny,
 - how to approach casework,
 - mentoring /support networks,
 - procedures
 - statutory declarations.
4. The Deputy Chief Executive be instructed to forward the report of the Increasing Participation Task and Finish Group to the Eden Association of Local Councils.

Reason: The proposals outlined in the report would help to establish best practice for encouraging candidates to stand for election. Taking steps to increase participation will help improve the electorate's confidence in the Council.

E/123/02/19 Budget Monitoring - Resources Portfolio Holder

Members considered report F15/19 from the Director of Finance which presented the quarterly budget monitoring report. Monitoring was against the revised revenue estimates agreed by Executive on 11 December 2018 and the revised capital estimates agreed by Executive on 11 December 2018.

Proposed by Councillor Breen
Seconded by Councillor Owen

and **RESOLVED** that the report be noted.

Reason: To ensure that the Council effectively manages and monitors its revenue and capital Budgets.

E/124/02/19 Heart of Cumbria - Leader Portfolio

Members considered report F4/19 from the Director of Finance which provided an update on Heart of Cumbria Limited, particularly with reference to audit recommendations raised at the 2017/2018 year end.

Councillor Eyles raised a question under Rules 5(a) of the Executive Procedure Rules in relation to the attached Risk Register entry regarding the Heart of Cumbria, and exactly which decision making body reports regarding the Heart of Cumbria go to.

Councillor Beaty requested that the Deputy Chief Executive answer the question. The Deputy Chief Executive stated that the decision to bring it before Executive was taken with regard to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 Act, and this report fell under the purview of the Executive.

Proposed by Councillor Beaty
Seconded by Councillor Todd

and **RESOLVED** that:

- 1. the performance targets at paragraph 3.3.2 of the report be approved.
- 2. progress against other recommendations be noted.

Reason: To present an update on implementation of recommendations made by External Audit at the 2017/2018 year end.

E/125/02/19 Any Other Items which the Chairman decides are urgent

No items of urgent business were raised at this meeting.

E/126/02/19 Date of Next Scheduled Meeting

The date of the next scheduled meeting was confirmed as 5 March 2019.

The meeting closed at 7.10 pm

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