

Eden District Council

Executive Minutes

Date: 2 April 2019 Venue: Town Hall, Penrith Time: 6.00 pm

Present:

Leader and Portfolio for Strategic and Community Leadership:	Councillor K Beaty
Portfolio for Housing and Health and Deputy Leader	Councillor Mrs L Grisedale
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:	Kevin Hutchinson, Principal Planning Officer (Policy) Matthew Neal, Director of Corporate Services Peter Notley, Assistant Director Finance Rose Rouse, Chief Executive Oliver Shimell, Assistant Director Planning and Economic Development Lisa Tremble, Assistant Director Governance
Democratic Services Officer:	Vivien Little

E/146/04/19 Apologies for Absence

No apologies for absence were received at this meeting.

E/147/04/19 Minutes

RESOLVED that the public minutes E/127/02/19 to E/126/02/19 of the meeting of the Executive held on 5 February 2019 be confirmed and approved by the Chairman as a correct record of those proceedings (copies previously circulated).

E/148/04/19 Declarations of Interest

No declarations of interest were made at this meeting.

E/149/04/19 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. Mr S Ellison-Bunce asked the following question of the Leader:

“With reference to the draft Access to Information Policy:

Eden Council is highly unusual amongst its peers in permitting councillors to use private email accounts for council business.

The Council does not appear to have clear policies or procedures in place to ensure that emails relating to council business but which are held on private email servers can be accessed for the purposes of meeting freedom of information requests or GDPR subject access requests.

This is contrary to the recommendations of the Information Commissioners Office, and could potentially lead to the council being in breach of the Freedom of Information Act and/or the GDPR.

Will the Executive act to either prohibit private email servers being used for council business, or else ensure that policies and procedures are developed and published to ensure that Freedom of Information requests and subject access requests can be properly handled by the council?”

The Leader responded as follows:

“After the 2015 elections, all Members were given a choice of using corporate IT equipment, with a eden.gov.uk domain or using their own equipment. Members are all individually set up as data controllers with the Information Commissioners Office.

There have been no issues arising with Freedom of Information requests or subject access requests and I understand that members have co-operated with any such requests. Indeed members are obliged to co-operate as registered data controllers. There was a programme of training given to officers and members upon the introduction of GDPR and our policies are kept up to date and regularly reviewed.”

Mr Ellison-Bunce then asked a supplementary question asking whether the ICO’s guidance recommending a proper policy be published will be followed.

The Leader responded that any information would be held within Eden District Council’s policy documents, which are reviewed regularly.

E/150/04/19 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 Services Portfolio Holder:

“What is the state of discussions with Penrith Town Council with regard to handing over Penrith public toilets?”

The Services Portfolio Holder responded as follows:

“Penrith Town Council have confirmed they do not wish to take over the public toilets within Penrith. However they are keen to work with Eden District Council and other stakeholders to how best ensure there is effective public toilet provision within Penrith.”

Councillor Eyles then asked a supplementary question querying when residents and visitors to Penrith could look forward to their closure.

The Services Portfolio Holder responded that it would follow the timetable as agreed by full Council, and that they would close in 2024 if no one took them on.

2. Councillor Eyles asked the following question of the Services Portfolio Holder:

“At the last Executive meeting it was agreed by the Executive that the paddle gates at Pooley Bridge toilets be removed. What will be the cost of this action?”

The Services Portfolio Holder responded as follows:

“The actual removal of the paddle gates forms part of other repairs and refurbishment works, the specific cost of the removal of the paddle gates being circa £100 to £150.”

Councillor Eyles then asked a supplementary question asking for the total costs spent of repairs and refurbishment works.

The Services Portfolio Holder stated that he would supply a written answer.

3. Councillor Eyles asked the following question of the Services Portfolio Holder

“How many public toilets in Eden Council’s control, either presently or within the previous two years, have had payment systems introduced?”

The Services Portfolio Holder responded as follows:

“The toilets at Pooley Bridge are the only toilets within Eden District Councils control that have had a payment system introduced.”

Councillor Eyles then asked a supplementary question, asking what expectations the Services Portfolio Holder had for a new payment system in the toilets.

The Services Portfolio Holder responded that while District Councils were limited in what payment systems could be installed, there was the hope that the new system would match the previous system, which took in £8,000 during the previous year.

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

“How much has been given so far by Eden District Council to Heart of Cumbria Limited for the purchase of houses from Persimmon?”

The Leader responded as follows:

“£50,000 in loans, £1m in equity.”

Councillor Eyles then asked a supplementary question asking when Council could be expected to approve another request for funding, and for how much.

The Leader responded that he did not know the answer as this was a question which should be put to the Company rather than the Leader.

E/151/04/19 Meetings Action Log - Leader

Members considered report G36/19 from the Director of Corporate Services which enabled consideration to be given to actions arising out of key Council meetings and to present the Meetings Action Log for consideration which set out actions from recent meetings of the Council and the Executive.

Moved by Councillor Beaty
Seconded by Councillor Owen

and **RESOLVED** that:

1. the contents of the Meetings Action Log for Executive meetings be noted;
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/152/04/19 Carry Forward of Revenue Budgets - Resources Portfolio Holder

Members considered report F25/19 from the Director of Corporate Services which sought to secure Member's approval of the carry forward of a number of individual unused 2018/2019 budgets into 2019/2020.

Proposed by Councillor Breen
Seconded by Councillor Todd

and **RESOLVED** that:

1. The budgets set out be carried forward from 2018/2019 to 2019/2020 and that this be funded by a supplementary estimate of up to £175,369; and
2. It be noted that this will result in a corresponding underspend in 2018/2019.

Reason: To allow specific revenue expenditure/projects which have not been undertaken during the current year to be funded and undertaken during the subsequent financial year.

E/153/04/19 Access to Information Policy 2019-2020 - Resources Portfolio Holder

Members considered report G35/19 from the Assistant Director Governance which sought to enable consideration to be given to the adoption of a revised Access to Information Policy for 2019/2020. The updated policy took account of legislative and regulatory changes. It also reflected changes to the designations of officers following the recent senior management restructure.

Proposed by Councillor Breen
Seconded by Councillor Owen

and **RESOLVED** that the revised Access to Information Policy for 2019-2020 was approved and adopted.

Reason: To enable a revised Access to Information Policy to be introduced for 2019-2020, taking account of legislative and regulatory changes and also changes in organisational structure.

E/154/04/19 Yorkshire Dales National Park Authority Action Plan for attracting families to the Yorkshire Dales National Park - Leader

Members considered report G30/19 from the Director of Corporate Services which sought approval of an action plan for attractive families to the Yorkshire Dales National Park.

Proposed by Councillor Beaty
Seconded by Councillor Owen

and **RESOLVED** that approval be given to the aims, objectives and action plan for attracting younger people to the Yorkshire Dales National Park project.

Reason: To reach a co-ordinated approach with a view to attractive more families to move the Yorkshire Dales National Park.

E/155/04/19 Appleby Library - Asset of Community Value - Resources Portfolio Holder

Members considered report G32/19 from the Assistant Director Governance which sought to consider the nomination of Appleby Library, Appleby in Westmorland, as an Asset of Community Value under the Localism Act 2011.

Proposed by Councillor Breen
Seconded by Councillor Slee

and **RESOLVED** that the application be accepted on the basis that Appleby Library, Lowe Wiend, Appleby in Westmorland, Cumbria is an Asset of Community Value as it does further the social well-being or interests of the local community.

Reason: To carry out the Council's statutory duty as the determining authority under the provisions of the Localism Act 2011 and to carry out the Council's duties in conserving the local environment and protecting the wellbeing of the local community of all ages.

E/156/04/19 North Pennines Area of Outstanding Natural Beauty: Management Plan - Leader

Members considered report TES20/19 from the Assistant Director Planning and Economic Development which sought to recommend adoption of the management plan for the North Pennines Area of Outstanding Natural Beauty.

Proposed by Councillor Beaty
Seconded by Councillor Slee

and **RESOLVED** that the Management Plan for the North Pennines Area of Outstanding Natural Beauty (AONB) be adopted.

Reason: To reach a co-ordinated approach to the management of the North Pennines AONB.

E/157/04/19 Supporting Business Start-up and Development within Eden - Leader

Members considered report G31/19 from the Assistant Director Planning and Economic Development which set out a request from the Cumbria Chamber of Commerce for the Council to financially support two projects for new businesses and the development of existing businesses in Eden. This work was previously supported by the Council in the 2017-18 financial year.

Proposed by Councillor Beaty
Seconded by Councillor Slee

and **RESOLVED** that a sum of £17,000 be agreed to be used as match funding support for Business Start-up Support and Grown hub. This sum will be utilised in the 2019-20 financial year funded from monies given to Eden District Council from Central Government Council to support uncertainty surrounding Brexit.

Reason: To provide a comprehensive business advice and support offer to businesses in Eden, which would be limited without this project. The provision of Brexit information to businesses throughout Eden would be considered timely due to a range of uncertainties which surround the debate.

E/158/04/19 Any Other Items which the Chairman decides are urgent

No items of urgent business were raised at this meeting.

E/159/04/19 Date of Next Scheduled Meeting

The date of the next scheduled meeting will be confirmed at Annual Council on 16 May 2019.

The meeting closed at 6.39 pm

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