

Eden District Council

Council Minutes

**Date: 11 July 2019 Venue: Council Chamber, Town Hall, Penrith
Time: 6.45 pm**

Present:

Chairman: Councillor A Connell

Vice Chairman: Councillor D Banks

Councillors:

A Armstrong	R Orchard
P G Baker	W Patterson
I Chambers	J Raine
M Clark	M Robinson
J Derbyshire	A Ross
P Dew	M Rudhall
M Eyles	D Ryland
K Greenwood	H Sawrey-Cookson
M Hanley	G Simpkins
L Harker	L Sharp
D Holden	D Smith
S Lancaster	V Taylor
D Lawson	J G Thompson
J C Lynch	A Todd
E Martin	M Tonkin
A Meadowcroft	D Wicks
G Nicolson OBE	

Officers Present: Jane Langston, Assistant Director Commissioning and Technical Services
Matthew Neal, Director of Corporate Services
Peter Notley, Assistant Director Finance
Rick O'Farrell, Strategic Advisor People and Place
Rose Rouse, Chief Executive

Democratic Services Officer: Claire Watters and Karen Wyeth

CI/18/07/19 Apologies for Absence

The Chairman gave a short speech paying tribute to Councillor Paul Connor who passed away on Saturday 6 July 2019, following a short illness. All present observed a minutes silence.

Apologies for absence were received from Councillor Beaty and Councillor Owen.

CI/19/07/19 Declarations of Interest

Councillor Eyles gave a personal explanation that he was recording the meeting for personal use.

Councillor Ross declared an Other Registrable Interest in relation to Agenda item 7, Petition as she had been involved in organising the Petition.

CI/20/07/19 Minutes

RESOLVED that the public minutes CI/1/05/19 to CI/17/02/19 of the meeting of Council held on the 16 May 2019 be confirmed and signed by the Chairman as a correct record of those proceedings.

CI/21/07/19 Chairman's Announcements

The Chairman thanked officers for their hard work in preparation for and dealing with Appleby Fair. The post-Fair review public meeting would be taking place on 15 July 2019.

He commended the event organised by planning officers at Rheged to promote self-build and community led housing projects. Nearly 200 people attended and a live stream of the speakers and their presentations had to be provided to a second room.

He welcomed two graduate interns who would be working with Clare Slater during the summer.

He reported his attendance at Cumbria School Games and commended the work of Eden Valley Sports Partnership in promoting sport for all school children. He thanked the Vice Chairman for representing council at a number of events including the Eden District Scout Council Presentation Evening, the Lakeland Dialect Society's Celebration Event and a business lunch hosted by Lancashire Life Magazine.

He stated his intention of nominating the Oaklea Trust (project Edenside) and the Great North Air Ambulance as his chosen charities.

CI/22/07/19 Questions by the Public

The following questions were received under Rule 10 of the Constitution:

1. Mr J Davies asked the following question of the Leader:

“Can the Leader explain the recent moves by the Eden Council Executive on Tuesday the 2nd of May 2019 with regards item 7 on the agenda of that meeting titled “Penrith Masterplan Engagement”

The Executive voted to take no further action on the Penrith 2050 Masterplan and in effect scrap the project.

Yet at full council in Thursday, 10th January, 2019 under item CI/67/1/19 “Penrith Strategic Masterplan” the council voted on an amendment proposed by Councillor Eyles and Seconded by Councillor Lynch

“In consideration of the widespread criticism of the Masterplan and public dissatisfaction with the Executive’s engagement exercise, Council recommends to the Executive that the current version of the Masterplan be subject to an official public consultation with the option to reject it.”

Under Rule 17 e) of the Council Procedure Rules a named vote on the amendment was demanded, and the following Councillors rose in support of it:

Councillors Clark, Eyles, Holden, Lynch, Rudhall, Sawrey-Cookson, Tompkins.

The Chairman used her casting vote and it was RESOLVED that the amendment be accepted as the substantive motion.

For: 16
Against: 16
Absentions: 1

The Chairman used her casting vote and it was RESOLVED

Under the Eden council constitution in the section titled Previous Decisions and Motions it states

a) Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past twelve months cannot be moved unless the Notice of Motion is signed by at least five Members.

b) Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past twelve months cannot be moved unless the notice of motion or amendment is signed by at least five Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for twelve months.

The actions of the Executive appear to have moved against the motion passed in January at the Full council to support the call by Cllr Eyles with the casting vote of the then Chairman now Deputy Leader of the council.”

The Leader responded as follows:

“I am advised that constitutionally Rules 15(a) and (b) of the Council Procedure Rules are not relevant as Council made a recommendation to Executive. It was Executive that had the lawful power to make a decision on the Masterplan. The recommendation was not binding on the Executive. The Executive’s decision making process is based on an entirely different part of the Constitution namely paragraph

11(b) of the Executive Procedure Rules headed 'Protocol for the operation of the Executive.'

Mr Davies then asked a supplementary question querying whether the new Executive was disregarding the public consultation.

Councillor Taylor responded that the issues raised with the former Executive were about ensuring that a proper statutory engagement took place. The new Executive felt that it was not necessary to go through the same process at this time, given that the Master Plan is not being pursued.

2. Miss N Frost asked the following question of the Leader:

"On Friday, in Penrith, I heard Mike Berners-Lee, an expert on climate science, tell us that to avoid climate catastrophe we need to rapidly rewild and reforest our planet, while divesting of fossil fuels. What actions will Eden District Council take to protect the planet for my generation?"

The Leader responded as follows:

"As you will see in a few minutes we are also going to be debating a petition calling on the Council to Declare a Climate Emergency.

I have proposed a Motion on Notice, which will also be debated later on in this agenda which amongst other things calls on the Council to declare a Climate and Ecological Emergency and aims to make the District carbon neutral by 2030. It also calls for a strategic plan to be prepared by the Council to achieve these aims by the end of this year.

I would certainly encourage you to stay and listen to the debate."

Miss Frost then asked a supplementary question querying whether specific actions would be discussed e.g. would the Council insist that new developments are built with adequate insulation, tree planting, open spaces and composting provision.

Councillor Taylor responded that building standards, housing and waste were high on the list of priorities and are considered within supplementary documents to the Local Plan. At the moment Eden District Council cannot insist on developers implementing all these measures.

3. Mr M Baxter asked the following question of the Leader:

"It has been stated that findings from the Masterplan 2050 will be used to develop the future local plan, but that the Masterplan itself has been scrapped. Is there a time frame for the publication of this future plan and will it still be called 'The Masterplan'?"

The Leader responded as follows:

"It is intended to take a report on the early options and issues relating to a review of the Local Plan to Executive in Autumn of this year. Such report will provide a series of options and timescale for Members to consider the appropriate approach to the

Local Plan. It is premature to consider issues relating to titles of any documents which may be associated with a reviewed Local Plan.”

Mr Baxter then asked a supplementary question querying whether reference to the Masterplan in the Chief Executive’s Job Description had been premature.

Councillor Taylor responded that the Job Description was correct at the time of recruitment.

4. Ms Tatiana Harrison asked the following question of the Leader:

“I welcome the decision to scrap the Masterplan. But is there any way this decision can be made legally binding, so that no future council will be able to revive the plan (as a whole or even partially)?”

The Leader responded as follows:

“I am advised that the position is the Council is not able to bind itself in law in the way that you suggest.”

Ms Harrison then asked a supplementary question querying what actions would be taken when reviewing the Local Plan.

Councillor Taylor responded that a review of the Local Plan would include formal, statutory consultation.

CI/23/07/19 Questions by Members

The following questions were received from Members under rule 12 of the Constitution:

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

“How many Consultants are presently working for the Council? What are they doing, what processes were used to secure their appointments and what are the costs involved?”

The Leader responded as follows:

“A written response will be provided”.

There was no supplementary question.

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

“The emerging vision for the Council is fundamentally different with an increasing emphasis on sustainability, climate change, well-being and inclusive growth.”

What does sustainability, climate change, well-being and inclusive growth mean in practical terms and what are the financial and operational implications for the Council’s core programmes?”

The Leader responded as follows:

“The sustainability, climate change, well-being and inclusive growth agendas are not new, and I do not think that I need to explain what they mean to colleagues in this Chamber.

What is new though is our genuine commitment to ensure that we aggressively pursue those agendas in a cross-cutting way, placing them at the centre of the new Council Plan and all we do. In practical terms this means that they will be key factors in all our policies, and in all the decisions we make.

As the Executive report referred to in the question makes clear, we have no immediate proposals that will alter approved budgets and it is too early to tell what the operational implications are.”

Councillor Nicolson then asked a supplementary question querying whether, in view of the fact that there would be a delay in publicising the new Council Plan, the Leader would issue an interim statement of the Executives intentions.

Councillor Taylor responded that she would.

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

“I note that delegated authority has been given to the Chief Executive in consultation with the Leader and Deputy Leader to publish a revised consultation version of the Council Plan. Why is the Plan not being considered by the Executive and as a consequence why are the remaining members of the Executive, non-Executive members of the Council and residents being denied the opportunity of commenting on the emerging draft at a meeting of the Executive?”

The Leader responded as follows:

“The best opportunity for you to have asked this question would have been when it was being considered by Executive last week. The necessity for delegated authority is dictated by the fact that to do otherwise would have meant the matter being pushed back to the Executive meeting of September 2019, meaning that a new Council Plan might not be finalised until January 2019.

A new Executive is entitled to take a different approach to the Council Plan than the previous administration. The revised consultation version will be made available for Councillor sessions followed by a consultation period in August and September. Members will have a full opportunity to consider the proposed finalised version of the plan in November 2019.”

Councillor Nicolson then asked a supplementary question querying whether the Leader was suggesting that expediency was more important than public and Councillor involvement.

Councillor Taylor responded that the plan was not yet at the consultation stage.

4. Councillor Thompson asked the following question of the Housing and Health Portfolio Holder:

“In the Herald over the weekend I was alarmed to read the article ‘Councillor’s concern over extra-care housing cash’ suggesting that the County Council and in particular Councillor Peter Thornton were looking at ‘Reprofiling’ the cash earmarked for Extra Care Housing in Cumbria.

As ward member for Penrith West I represent the only ward in Eden fortunate enough to have a location recognised for the provision of Extra Care Housing at this time. This being the redundant Abbeyfield site on Newton Road.

Therefore I ask the Portfolio holder for Housing and Health to confirm that this scheme will remain supported by Eden District Council.”

The Housing and Health Portfolio Holder responded as follows:

“Eden District Council’s Housing Team are supporting the Extra Care housing scheme at Newton Road. They have been working with key partners to identify and support the provision of Extra Care Facilities within Eden. In the draft Eden and South Lakeland Joint Older Persons Housing Strategy the Council has identified Extra Care Housing as a priority, with a target of 80 additional units to be delivered in the district by 2025.

To support the scheme as 100% affordable £288k of capital funding has been provided for in the Council’s 2019/20 budget. Our officers are in the process of negotiating a joint working protocol with regards to this site.”

Councillor Thompson then asked a supplementary question querying what the stated proposals would mean for Eden. He asked for reassurance that this would not have a negative impact on the Newton road scheme.

Councillor Derbyshire responded that she could not make promises on behalf of the County Council. She confirmed that she would provide an update from her forthcoming meeting with the County Council.

CI/24/07/19 Petition

Under Rule 26 of the Council Procedure Rules, a petition of over 500 signatures had been received by Eden District Council, and as such was subject to debate. The subject of the petition was as follows:

“Declaration of a Climate Emergency”

We, the undersigned call on Eden District Council to adopt the following Climate Emergency motion without delay.

1. Declare a ‘Climate Emergency’
2. Aim to make Eden District carbon neutral by 2030, taking into account both production and consumption emissions;

3. Call on Westminster to provide the powers, resources and help with funding to successfully meet the 2030 target;
4. Work with other councils and organisations (both within the UK and internationally) to determine and implement best practice methods to limit global warming to less than 1.5°C;
5. Work with partners in Parish, Town and Cumbria County Councils to help deliver this new goal through all relevant strategies, plans and shared resources;
6. Produce a fully costed action plan to meet the carbon neutral target to be presented to Full Council in 2019.

Mr J Bodger, Chairman of Penrith Action for Community Transition presented the Petition, and spoke for five minutes on the background of the petition, and why it had been brought forward to full Council.

In view that there was a Motion on Notice on the same subject matter to follow on the agenda Members briefly debated the substance of the petition before proceeding to the next item.

CI/25/07/19 Motions on Notice

The following Motion on Notice was received under Rule 13 of the Constitution

Councillor Taylor presented the Motion on Notice. She urged the Council to back the Motion to ensure that sustainability is at the heart of all of the Councils activities and to ensure that Eden plays its part in working towards a solution to the Climate and Ecological Emergency.

Proposed by Councillor Taylor
Seconded by Councillor Robinson

1. To declare a Climate Emergency and an Ecological Emergency.
2. To aim to make Eden District carbon neutral by 2030, taking into account both production and consumption emissions.
3. Critically to evaluate the ecological impacts of all Eden District Council's decisions and actions; to refuse initiatives that will result in the degradation of the natural environment and biodiversity; and actively to promote the safeguarding and improvement of the natural environment.
4. To prepare, by the end of 2019, a strategic plan to achieve zero carbon emissions by 2030, across all activities for which the Council is responsible, working with independent expert advisory groups to ensure the council adopts best practice.
5. To call on the UK Government to provide the powers, resources and funding to meet a 2030 zero carbon target across Eden District.

6. To work together with other councils, public and private sector organisations (within Eden, Cumbria, the UK and internationally) to determine and implement best practice methods to achieve zero emissions in Eden District by 2030.
7. To facilitate the involvement of Eden's residents, from schoolchildren to elders, in formulating plans to address the climate and ecological crisis, delivering those plans and monitoring their progress.

Members then debated the Motion on Notice.

Councillor Nicolson requested an amendment to the substantive motion to allow time to gather additional information and consider outputs reflected in the Council Plan.

Proposed by Councillor Nicolson

Seconded by Councillor Todd

1. To declare a Climate Emergency and an Ecological Emergency.
2. To defer items 2 – 7 for future consideration

Under Rule 17 e) of the Council Procedure Rules a named vote on the amendment was demanded, and the following Councillors rose in support of it:

Councillors Eyles, Baker, Ross, Smith, Lawson.

For the amendment: 14

(Councillor A Armstrong, I Chambers, M Clark, S Lancaster, J Lynch, E Martin, A Meadowcroft, G Nicolson, R Orchard, W Patterson, J Raine, J Thompson, A Todd, D Wicks)

Against the amendment: 20

(Councillor P Baker, D Banks, A Connell, J Derbyshire, M Eyles, K Greenwood, M Hanley, L Harker, D Holden, D Lawson, M Robinson, A Ross, M Rudhall, D Ryland, H Sawrey-Cookson, L Sharp, G Simpkins, D Smith, V Taylor, M Tonkin)

Abstentions: 1

(Councillor P Dew)

The motion therefore **FELL**.

Under Rule 17 e) of the Council Procedure Rules a named vote on the substantive motion was demanded, and the following Councillors rose in support of it:

Councillors Eyles, Baker, Holden, Ross, Smith, Lawson.

For the Motion: 22

(Councillor P Baker, D Banks, A Connell, J Derbyshire, M Eyles, K Greenwood, M Hanley, L Harker, D Holden, D Lawson, W Patterson, M Robinson, A Ross, M Rudhall, D Ryland, H Sawrey-Cookson, L Sharp, G Simpkins, D Smith, V Taylor, M Tonkin, D Wicks)

Against the Motion: 7

(Councillor, P Dew S Lancaster, J Lynch, E Martin, A Meadowcroft, J Thompson, A Todd,)

Abstentions: 6

(Councillor A Armstrong, I Chambers, M Clark, G Nicolson, R Orchard, J Raine)

and it was **RESOLVED** to:

1. Declare a Climate Emergency and an Ecological Emergency.
2. Aim to make Eden District carbon neutral by 2030, taking into account both production and consumption emissions.
3. Critically to evaluate the ecological impacts of all Eden District Council's decisions and actions; to refuse initiatives that will result in the degradation of the natural environment and biodiversity; and actively to promote the safeguarding and improvement of the natural environment.
4. Prepare, by the end of 2019, a strategic plan to achieve zero carbon emissions by 2030, across all activities for which the Council is responsible, working with independent expert advisory groups to ensure the council adopts best practice.
5. Call on the UK Government to provide the powers, resources and funding to meet a 2030 zero carbon target across Eden District.
6. Work together with other councils, public and private sector organisations (within Eden, Cumbria, the UK and internationally) to determine and implement best practice methods to achieve zero emissions in Eden District by 2030.
7. Facilitate the involvement of Eden's residents, from schoolchildren to elders, in formulating plans to address the climate and ecological crisis, delivering those plans and monitoring their progress.

CI/26/07/19 Revenue and Capital Out-turn 2018/19 - Resources Portfolio

Members considered report F31/19 from the Director of Corporate Services which sought to advise Members of the out-turn for 2018/19 on capital and revenue, including the prudential indicators. It also sought to identify any variances that might have an ongoing impact on the Council's budgets.

Councillor Eyles asked whether the provision of footway lighting and public conveniences could be adjusted given the budgetary variance.

Councillor Greenwood responded that she would provide a written response.

Proposed by Councillor Greenwood

Seconded by Councillor Lancaster

and **RESOLVED** that the Council:

- 1) note the revenue and capital out-turn; and
- 2) approve the revised capital programme and prudential indicators.

CI/27/07/19 Appointment to Cumbria County Council Scrutiny Management Board

Members considered report G58/19 from the Director of Corporate Services which sought an appointment upon which a Member will sit for the remainder of the municipal year on the Cumbria County Council Scrutiny Management Board.

Proposed by Councillor Robinson
Seconded by Councillor Greenwood

and **RESOLVED** that Councillor Baker be appointed to the Cumbria County Council LEP Scrutiny Board for the remainder of the municipal year.

CI/28/07/19 Asby Parish Council - Communities Portfolio

Members considered report G59/19 from the Director of Corporate Services which sought to enable temporary appointments to be made to Asby Parish Council to enable it to carry out its proper business.

Proposed by Councillor Sharp
Seconded by Councillor Robinson

and **RESOLVED** that the Director of Corporate Services be authorised to take all necessary steps to make an Order under Section 91 of the Local Government Act 1972 to fill sufficient vacancies in the membership of the Asby Parish Council as will make it quorate.

CI/29/07/19 Date of Next Scheduled Meeting

The date of the next scheduled meeting be confirmed as 12 September 2019.

CI/30/07/19 Exclusion of Press and Public

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

CI/31/07/19 Changes to Recycling Contracts with Cumbria Waste Recycling Ltd - Services Portfolio

Members considered report PP12/19 from Assistant Director of Commissioning & Technical Services

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

The meeting closed at 8.52 pm

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