

Eden District Council

Council Minutes

Date: 7 November 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
	M Clark	J Raine
	J Derbyshire	M Robinson
	P Dew	A Ross
	M Eyles	M Rudhall
	K Greenwood	D Ryland
	M Hanley	H Sawrey-Cookson
	L Harker	G Simpkins
	D Holden	L Sharp
	S Lancaster	D Smith
	D Lawson	V Taylor
	J C Lynch	A Todd
	E Martin	M Tonkin
	A Meadowcroft	D Wicks
	G Nicolson OBE	

Officers Present: Les Clark, Director of People and Place
Matthew Neal, Director of Corporate Services
Rose Rouse, Chief Executive
Alexander Strickland, Interim Assistant Director Governance

Democratic Services Officer: Angela Oliver and Claire Watters

CI/46/11/19 Apologies for Absence

Apologies for absence were received from Councillors Beaty, Chambers, Fearon and Thompson.

CI/47/11/19 Declarations of Interest

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

CI/48/11/19 Minutes

RESOLVED that:

1. the public minutes CI/32/09/19 to CI/45/09/19; and
2. the confidential minutes CI/45/09/19

of the meeting of the Council held on 12 September 2019 be confirmed and signed by the Chairman as a correct record of those proceedings.

CI/49/11/19 Chairman's Announcements

The Chairman updated members on his attendance at recent events:

- 15 October 2019 Erasmus and Celebration Evening - Appleby Grammar School; and
- 4 November 2019, The Heart of Eden Benefice; Church of St Lawrence, Appleby.

The Vice Chairman attended the Winter Droving VIP celebration event, Penrith on 26 October 2019.

The Chairman reported that on the 17 October 2019, Eden District Council's Tourism Team held the eighth annual Eden Tourism Summit on behalf of the Eden Tourism Network.

The RSPCA have awarded Eden District Council's community wardens a gold standard for their stray dog service in its annual PawPrints Awards, for the ninth consecutive year.

On the 11 November 2019 the Housing Team will be hosting the Council's first 'Landlords Forum' which will enable private rented landlords find out more about energy performance certificates, empty properties, benefits and housing options.

The Chairman's Carol Concert will take place at 6.30pm on Monday 16 December 2019 in St Andrew's Church, Penrith. The service will be followed by refreshments. A collection will be made, with proceeds going to the Oaklea Trust, Project Edenside and the Great North Air Ambulance.

Due to the resignation of Councillor John Owen a by election for Shap district ward will be held on Thursday 14 November 2019. The Chairman thanked Councillor Owen for his services to Eden District Council.

The Chairman confirmed the deadline for electoral registration for the UK Parliamentary General Election which will be held 12 December 2019.

The Chairman asked Members to be mindful when corresponding via email with a view to reducing the number of unnecessary messages circulated.

CI/50/11/19 Questions by the Public

No questions were received from the public under Rule 10 of the Constitution.

CI/51/11/19 Questions by Members

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

1. Councillor R Orchard asked the following question of the Leader:

“What information were you given prior to supporting the Chief Executive’s action to instruct the Directors of Heart of Cumbria Ltd not to convene meetings or make resolutions until at least 5 November 2019?”

The Leader responded as follows:

“I had been kept informed of progress in respect of the Heart of Cumbria review, that was conducted by the former Strategic Advisor for People and Place.

Part of the purpose of that review, was to ensure that future company governance arrangements were fit for purpose. This required company documentation to be reviewed on the basis of external legal advice.

I understand that it was not possible to have had that documentation ready before 5 November, hence the decision by the Chief Executive to exercise urgent powers under the Constitution, in respect of this matter. I am satisfied that no purpose would have been served by having the AGM without this documentation.

In this context, I was consulted upon and agreed with the decision by the Chief Executive to take the action referred to.”

Councillor Orchard then asked a supplementary question querying why this explanation was not given to the former Directors of the Heart of Cumbria at the time and what was being done to ensure the Council’s interests were being protected.

The Leader responded that she would supply a written answer.

2. Councillor R Orchard asked the following question of the Leader:

“When will the AGM for Heart of Cumbria Ltd be held and will members of this Council be able to attend?”

The Leader responded as follows:

“The AGM for Heart of Cumbria Ltd was held on Tuesday 5th November 2019 at 7.30pm at the Town Hall. All members of the Council were informed of the meeting by email and invited to attend, in order to observe proceedings.”

There was no supplementary question.

3. Councillor R Orchard asked the following question of the Leader:

“What arrangements for scrutiny of Heart of Cumbria Ltd and holding the Directors of the Company to account will be put in place?”

The Leader responded as follows:

“The Directors of the Company are accountable to the Council (as a corporate body) as shareholder.

The shareholder function is exercised by the Executive and the roles of the Council and the Company are clearly set out in a Governance Agreement which both parties have agreed to sign up to.

The Board of Directors made clear at the AGM, that they were willing to make themselves available to the Scrutiny Co-ordinating Board and/or Housing and Communities Scrutiny Committee, should the appropriate request be made.”

Councillor Orchard then asked a supplementary question querying whether it was in the best interest of residents to keep information from Members.

The Leader responded that she understood that the Heart of Cumbria would be considered at the Scrutiny Co-ordinating Board meeting scheduled for 16 January 2020.

4. In his absence, a response was given to the following written question by Councillor K Beaty of the Leader:

“Why is Council not being consulted on the proposal to make dealing with Heart of Cumbria Ltd a matter for the Executive? Which member of the Executive will be appointed as the Shareholder and exercise that role and will they have the relevant skills and experience?”

The Leader responded as follows:

“As a matter of law, the exercise of the shareholder function falls to the Executive. This has been confirmed by legal advice to the Council. In this context, a consultation exercise would serve no purpose.

At the Executive meeting held on 5th November 2019, it was resolved to appoint Cllr Mary Robinson as shareholder representative. The purpose of this role is to improve liaison between the Executive and the Board of Directors.

The Executive was satisfied that Cllr Mary Robinson possessed the required skills and experience to discharge that role.”

There was no supplementary question.

5. In his absence, a response was given to the following written question by Councillor K Beaty of the Leader:

“I invite you to note that Eden Conservative Group now has duly appointed Shadow Cabinet Members. The Portfolios correspond to the published roles of your Cabinet. Do you agree that Shadow cabinet members should be well acquainted with both current and emerging issues within their shadow portfolios and if so, will you endorse a request that the shadow cabinet receives regular briefings from senior officers on current and emerging issues and that they may attend informal portfolio meetings when they are held?”

The Leader responded as follows:

“I understand that there is no provision in the constitution for a Shadow Executive and no provision for attendance at Portfolio Meetings, neither would it be appropriate for such attendance to take place. All non-Executive members can attend meetings of the Executive.

Your Group Leader attends regular briefings with the Chief Executive. There is an issue with your suggestion of shadow portfolio briefings in that there is no greater right to information for what you describe as Shadow portfolios than is the case for any other non-Executive members.”

There was no supplementary question.

6. In his absence, a response was given to the following written question by Councillor K Beaty of the Leader:

“Does your administration have a position on the suggestion that there should be elected mayors and Combined Authorities in Cumbria. Do you agree that the potential cost savings and efficiencies from such changes should be investigated in collaboration with other Local Authorities in Cumbria?”

The Leader responded that she would supply a written answer.

There was no supplementary question.

7. In his absence, a response was given to the following written question by Councillor K Beaty of the Leader:

“The original Council Plan for 2019-2020 was drawn up by the previous Council. The whole Council was involved in the following way

- The Conservative Executive and Senior staff looked at policies and whether they could be delivered including the costs
- The remaining Conservatives councillors along with ALL other elected members of Council were invited to attend workshops to give their input

This plan was then ready for Consultation with stakeholders.

A new plan has been drawn up by the Rainbow coalition of the political groups who got the least votes in the spring Election. I welcome the innovation of holding public meetings for business, the public and communities but question whether this was successful given the very small percentage of public feedback in the report to council this evening. I attended the business meeting under my role outside the Council, Businesses were only given ten minutes to view a high level council plan document and after presentations were only given half an hour to comment. The feedback I had was that much of the presentations were irrelevant and the presentation on Climate Change was highly politicised and some businesses left during this presentation.

I believe a more interactive plan for business leaders to comment and input to the Council Plan was ditched by the Executive, would the leader like to comment on this?

Also, in relation to the document you bring before Council this evening Could the Leader explain the following:

- Why does the Council plan not have SMART targets, to allow scrutiny of the plan and its delivery?
- Why are no individuals in the Council, such as portfolio holders, named in order to take responsibility to deliver the actions in the Council plan?
- Why were the Conservative Group of elected members not invited to give their input and were in effect excluded from the process?"

The Leader responded as follows:

"The recent consultation undertaken on the Council Plan has been very positively received with a high level of responses from residents and very successful engagement with businesses. I know of no additional 'interactive plan for business leaders to comment and input to the Council Plan' and certainly not one 'ditched by the Executive'.

The Plan is a strategic and high level document which sets out the vision and priorities for the Council for the next 4 years. Should the plan be adopted tonight it will then provide the framework for the further development of the detailed delivery plans which support it. Delivery plans will include milestone and targets against which the delivery of the Plan by the Executive can be subjected to scrutiny.

All members were invited to contribute their views to the development of the plan, and the outcomes of the consultation on the earlier Draft Council Plan for 2019-23 undertaken in February this year were also taken into account in the drafting of this plan."

There was no supplementary question.

8. Councillor G Nicolson asked the following question of the Leader:

"What guidance has been given to Senior Officers about exercising their delegated authority "To do all such things as are necessary in relation to all routine matters of day to day matters of day to day administration, management and control [within the Department] or which are necessary for the proper performance of the terms of the appointment." See Constitution Part 3 paragraphs 6.3 1 to 5 on pages 109 to 112. Is there a definition for "routine matters" and are there limitations and or exclusions to the authorities? Has the guidance, if any, been shared with members of the Executive?"

The Leader responded as follows:

"The overarching guidance is the constitution. There is no other document which Senior Officers have to refer to. I can give no further commentary."

Councillor Nicolson then asked a supplementary question querying the distinction between "routine" and "other" matters, whether the principles of decision making and procurement were followed and what information was expected.

The Leader responded that this was an operational matter and a written answer would be supplied.

9. Councillor G Nicolson asked the following question of the Leader:

“I note that the version of the Council Plan considered at the meeting of the Executive on 5 November was issued in the name of the Leader and the Chief Executive. On 12 September in response to my question about why the consultation version of the Plan was issued in the name of group leaders you defended that position which has now apparently changed. What is the reason for the change and does the absence of a reference to Portfolio Holders in the Plan mean that you are accountable to members and residents for delivery of the Plan?”

The Leader responded as follows:

“The earlier version was issued for consultation as a draft. This final version is being proposed to the Council for adoption and so it is entirely appropriate that this should be issued in the joint names of the Leader of Council and the Chief Executive.

In accordance with the constitution the Leader of the Council has responsibility amongst other matters to build a vision for the District and lead the Council and its partners towards that vision. It is, of course, the responsibility of each Portfolio Holder for provide political leadership for the designated functions and services of the council in their appointed Portfolio. The Chief Executive has overall corporate management and strategic responsibility for the Council and its delivery of services.”

Councillor Nicolson then asked a supplementary question querying which Portfolio Holder would be responsible for individual actions within the Council Plan.

The Leader responded that the current Portfolio Holder structure was inherited from the previous Council Plan. This will need to be mapped to the new Plan during the development of a detailed service plan.

10. Councillor G Nicolson asked the following question of the Resources Portfolio Holder:

“I understand that the following amounts have been paid to consultants currently or recently engaged by the Council and that the information is in the public domain.

Senior Advisor Transformation and Customers	£31,800
Strategic Advisor People and Place	£38,880
Locum Solicitor	£39,743

Please confirm these amounts and remind Council of the processes used and authorities exercised in approving these appointments.”

The Resources Portfolio Holder responded as follows:

“As you state these amounts are in the public domain and correct. The process for the appointment of the Senior Advisor Transformation and Customers and Strategic Advisor People and Place was set out in the report to Executive of 4 June 2019. The Locum Solicitor was appointed by the Director of Corporate Services to backfill for

the Senior Solicitor position in April 2019. The appointments were in the first 2 cases within the powers of the Chief Executive and in the latter case the powers of the Director of Corporate Services in accordance with the procurement rules. It should be noted that the Locum Solicitor was appointed to the different role of Interim Assistant Director of Governance role by Human Resources Committee on 26 September 2019. “

Councillor Nicolson then asked a supplementary question querying whether the Resources Portfolio Holder had seen evidence to confirm that the procurement rules had been followed including a written reason for the appointment if the lowest quotation had not been accepted.

The Resources Portfolio Holder responded that she would supply a written answer.

11. Councillor G Nicolson asked the following question of the Resources Portfolio Holder:

“Please provide a statement showing authorised budgets and expenditure to date on the One Eden Project. It would be helpful if the nature of the expenditure could be given for capital and revenue expenditure. Eg staff costs, external support, IT costs etc.”

The Resources Portfolio Holder responded as follows:

“This is akin to a Freedom of Information request so I will give you a written answer.”

Councillor Nicolson then asked a supplementary question querying why this question was being treated as a Freedom of Information Request.

The Resources Portfolio Holder responded that she would supply a written answer.

12. Councillor G Nicolson asked the following question of the Services Portfolio Holder:

“I have been approached by a resident of my ward who expressed concern about the impact of changes to the Blue Badge parking scheme on the availability of designated disabled spaces in Eden Council car parks. The changes were introduced in June 2019 and the scheme is now open to people with hidden disabilities. My resident tells me that since the extended eligibility was introduced he finds it difficult to find an available disabled space. How many Blue Badges have been issued to newly eligible residents and is the Council committed to providing additional designated disabled spaces to meet the increased demand? If so how many additional spaces will be provided in each of the Council operated car parks.”

The Services Portfolio Holder responded as follows:

“Blue badges are issued by Cumbria Council and Officers are not aware of the additional numbers issued as a result of the changes introduced in June and there has been no increase in the number of designated disabled spaces in the Eden District Council owned car parks.

Cumbria County Council, Eden District Council and Penrith Town Council have jointly funded a parking and movement study for Penrith and would look to review any finding from that study.”

Councillor Nicolson then asked a supplementary question querying the basis for calculating the number of blue badge spaces and sought clarification over the number of blue badges that have been issued.

The Services Portfolio Holder responded that he would provide a written response.

13. Councillor M Clark asked the following question of the Services Portfolio Holder:

“Whilst EDCs enthusiasm & declared commitment to Climate Emergency issues is commendable – their refuse disposal operatives interpretation of collectables appears at odds with residents’ expectation of that service.

Therefore could EDCs refuse collection operatives be instructed to be less dogmatic in their application of the authority’s regulations re receptacle contents – rejection due to the odd bit of refuse not being placed in the designated bin, green bag or box is frustrating & engenders extra collections & residents non- collaboration with the service & promotes fly-tipping. It would not take the employee a second to remove the offending item & place it in the appropriate division of the collection vehicle – as was my experience last week.”

The Services Portfolio Holder responded as follows:

“The carding of properties when recycled materials are not placed in the correct containers is more to educate the public. The crews would not know if the contamination was just on the top of the container or throughout the container, with the potential that the load could be rejected.

The Recycling crews do not have the time to sort errors with recycling over our 26,360 properties collected, as it would cause unnecessary delays in the collection of the materials.”

Councillor Clark then asked a supplementary question querying whether the instruction notice could be amended to show the correct information in respect of black plastic food containers.

The Services Portfolio Holder confirmed that this would be done.

14. Councillor M Clark asked the following question of the Services Portfolio Holder:

“Will bins rather than blue bags feature in any future overhaul of the Councils Recycling program? Blue bags awaiting collection ravaged & vandalised by vermin, domestic animals & anti-social behaviour constitute both a health hazard & public nuisance in the highway.”

The Services Portfolio Holder responded as follows:

“As part of the review of the waste and recycling services the collection scheme options are being modelled and appraised. This appraisal does include for the collection of domestic waste in bins. The points raised regarding vandalised by vermin, domestic animals & anti-social behaviour will be considered in the appraisal of options.”

Councillor Clark then asked a supplementary question requesting clarification on the non-environmentally friendly practice which appears to take place, namely that of placing black bags within blue bags.

The Services Portfolio Holder responded that he would provide a written response.

15. Councillor M Clark asked the following question of the Services Portfolio Holder:

“Garden waste bins have reportedly even been rejected due to the inclusion of a small amount of garden soil in the contents inherent with rooted plants. Will this Council please instruct its contractors simply to display flexibility thereby encouraging residents to continue their valued participation in our worthwhile recycling scheme.”

The Services Portfolio Holder responded as follows:

“The Offtaker where Eden’s garden waste is delivered has tightened up significantly on the make-up of the collected material. Eden’s Recycling Calendars explain what can and can’t be collected and it is expected that as much as possible of the soil/compost is removed from the plant roots being collected. There is a potential problem in that if over all of the properties collected, there is excessive soil and compost, then the whole load will be rejected.”

Councillor Clark then asked a supplementary question querying the amount paid to Cumbria Waste Management for recycling garden waste and the amount received by Eden District Council.

The Services Portfolio Holder responded that he would provide a written response.

CI/52/11/19 Motions on Notice

Proposed by Councillor Lynch

Seconded by Councillor Eyles

That Eden Council enters into a consultation exercise with its residents with a view to amending the rules on the size of memorial plaques allowed in Eden District’s cemeteries, that Members be encouraged to publicise this consultation amongst their constituents, and upon completion of this consultation a report be brought before council to enable a decision to be made by Members on changing the rules.

In accordance with Rule 13 (f) of the Council Procedure Rules the Motion was automatically referred to the next meeting of the Executive for consideration.

CI/53/11/19 Council Plan 2019 - 2023: Leader

Members considered report CE16/19 from the Chief Executive which sought approval for the adoption of the Council Plan 2019-2023.

Proposed by Councillor Taylor
Seconded by Councillor Eyles

and **RESOLVED** that the Council Plan 2019-2023 be adopted.

CI/54/11/19 One Eden Case for Change: Leader

Members considered report CE15/19 from the Chief Executive which updated members on the purpose of the One Eden Programme which was to transform Eden District Council into an organisation which was sustainable and fit for the future. It should be a Council that delivers services to meet customers' needs - residents, businesses and partners. Additionally, the Council was to have a workforce with the skills and capacity to ensure that customers' needs are met and that the organisation was managed and effective.

Proposed by Councillor Taylor
Seconded by Councillor Robinson

and **RESOLVED** that:

1. the Case for Change be agreed; and
2. a business case for the One Eden programme be submitted to Council in February 2020 and shall include the detailed financial implications of the One Eden Programme.

CI/55/11/19 Review of Polling Districts, Polling Places and Polling Stations: Resources Portfolio Holder

Members considered report G71/19 from the Director of Corporate Services which sought to advise Members of the outcome of the review of polling districts recently carried out by the Director of Corporate Services, in his capacity as the Returning Officer.

Proposed by Councillor Greenwood
Seconded by Councillor Banks

and **RESOLVED** that:

1. the Polling Station for Greystoke (Little Blencowe) Polling District, be changed from Blencowe Village Hall to Greystoke Village Hall;
2. the Polling Station for Calthwaite Polling District, be changed from Calthwaite School to All Saints Church, Calthwaite;
3. the Polling Station for Plumpton Polling District, be changed from Plumpton School to the Pot Place, Plumpton;
4. the Polling Station for Ainstable Polling District, be changed from the Ainstable Methodist Chapel Schoolroom to the Ainstable Church Institute;

5. the Polling Station for Little Strickland Polling District, be changed from Lowther Parish Hall to Great Strickland Institute;
6. the Polling Station for Penrith East Polling District be changed from Whelpdale Room, Mansion House, to the Parish Rooms, Penrith;
7. the Polling Station for the Laithes ward of the Parish of Skelton Polling District, be changed from Blencowe Village Hall to Skelton Memorial Hall; and
8. electors for the Hunsonby Polling District be temporarily re-designated to Langwathby Village Hall, pending completion of renovation works to Hunsonby Community Centre.

CI/56/11/19 Allocation of Seats

Proposed by Councillor Connell
 Seconded by Councillor Lawson

and **RESOLVED** that Council note the following changes in Committee places in line with the wishes of the Conservative Group:

1. Scrutiny Co-ordinating Board: Councillor G Nicolson to replace Councillor J Owen on the Scrutiny Co-ordinating Board;
2. Human Resources and Appeals Committee: Councillor K Beaty to replace Councillor J Owen on the Human Resources and Appeals Committee; and
3. Planning Committee: Councillor D Wicks to replace Councillor G Nicolson on the Planning Committee; Councillor G Nicolson to replace Councillor D Wicks as a Standing Deputy.

CI/57/11/19 Date of Next Scheduled Meeting

The date of the next scheduled meeting was confirmed as 9 January 2020.

The meeting closed at 8.11 pm

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