

Date: 27 May 2019



**District Council**

Town Hall, Penrith, Cumbria CA11 7QF

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Dear Sir/Madam

## **Executive Agenda - 4 June 2019**

Notice is hereby given that a meeting of the Executive will be held at 6.00 pm on Tuesday, 4 June 2019 at the Town Hall, Penrith.

### **1 Apologies for Absence**

### **2 Declarations of Interest**

To receive declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

### **3 Questions and Representations from the Public**

To receive questions and representations from the public under Rules 3 and 4 of the Executive Procedure Rules of the Constitution

### **4 Questions from Members**

To receive questions and representations from Members under Rule 5 of the Executive Procedure Rules of the Constitution

### **5 Corporate Performance Management Framework - Leader (Pages 5 - 34)**

To consider report CE10/19 from the Chief Executive which is attached and which seeks to update the Executive on the Council's performance in 2018/19 and outlines the revised arrangements for reporting performance under the new performance management framework.

RECOMMENDATIONS that:

1. the Council's performance in 2018/19 is noted; and
2. the new performance management framework for 2019/20 onwards is endorsed.

### **6 Interim Support for Senior Management Team - Leader (Pages 35 - 40)**

To consider report CE11/19 from the Chief Executive which is attached and which

seeks to update the Executive on action the Chief Executive has taken in relation to bringing in interim capacity and support to the Council's senior management team.

RECOMMENDATION that Executive notes the two interim arrangements which have been set up.

**7 Nomination as an Asset of Community Value - Coronation Gardens, Lazonby - Resources Portfolio Holder** *(Pages 41 - 54)*

To consider report G51/19 of the Director of Corporate Services which seeks to consider the nomination of Coronation Gardens, Lazonby as an Asset of Community Value under the Localism Act 2011.

RECOMMENDATION that the nomination of the Coronation Gardens, Lazonby as an asset of community value be accepted.

**8 Nomination as an Asset of Community Value - Will Pool, Lazonby - Resources Portfolio Holder** *(Pages 55 - 68)*

To consider report G52/19 of the Director of Corporate Services which seeks to consider the nomination of Will Pool, Lazonby as an Asset of Community Value under the Localism Act 2011.

RECOMMENDATION that the nomination of Will Pool, Lazonby as an asset of community value be accepted.

**9 Nomination as an Asset of Community Value - Sports Field, Lazonby - Resources Portfolio Holder** *(Pages 69 - 82)*

To consider report G53/19 of the Director of Corporate Services which seeks to consider the nomination of the Sports Field, Lazonby as an Asset of Community Value under the Localism Act 2011.

RECOMMENDATION that the nomination of the Sports Field, Lazonby as an asset of community value be accepted.

**10 Any Other Items which the Chairman decides are urgent**

**11 Date of Next Scheduled Meeting**

The date of the next scheduled meeting to be confirmed as 2 July 2019.

**12 Exclusion of the Press and Public**

To consider whether, 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 discussion of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 of Part 1 to Schedule 12A of the Act.

**13 Interim Support for Senior Management Team - Leader** *(Pages 83 - 84)*

This appendix sets out information supporting report CE11/19 from the Chief Executive which is exempt under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Yours faithfully



R Rouse  
Chief Executive

Democratic Services Contact: Claire Watters

Encs

**For Attention**

All members of the Council

**Chairman** – Councillor V Taylor (Liberal Democrat Group)

**Vice Chairman** – Councillor M Robinson (Independent Group)

**Councillors**

J Derbyshire, Liberal Democrat Group

K Greenwood, Independent Group

M Rudhall, Liberal Democrat Group

L Sharp, Labour Group

M Tonkin, Independent Group

**Please Note:**

1. **Access to the internet in the Council Chamber and Committee room is available via the guest wi-fi – no password is required**
2. **Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise) and as such could be filmed or recorded by the media or members of the public**

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**Report No: CE10/19**

**Eden District Council**

**Executive**

**4 June 2019**

**Scrutiny Co-ordinating Board**

**30 May 2019**

## **Corporate Performance Management Framework**

<b>Portfolio:</b>	Leader
<b>Report from:</b>	Chief Executive
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### **1 Purpose**

- 1.1 The purpose of this report is to update the Scrutiny Co-ordinating Board and Executive on the Council's performance in 2018/19 and outline the revised arrangements for reporting performance under the new performance management framework.

### **2 Recommendations**

It is recommended that:

- 1) the Council's performance in 2018/19 is noted; and
- 2) the new performance management framework for 2019/20 and onwards is endorsed.

### **3 Report Details**

- 3.1 As part of her organisational review, the Chief Executive recently reviewed the Council's performance management arrangements. Having a clear and robust performance framework is an essential part of ensuring the council delivers on its ambitions and provides clarity to those who are tasked with delivery. The current arrangements for performance management have not been reviewed for many years.
- 3.2 The review was completed in conjunction with senior managers across the organisation as well as a range of councillors including representatives of the previous Executive and the Chair of Scrutiny Co-ordinating Board. The review looked at the current arrangements and highlighted the following:
1. Portfolio Plans are currently prepared for each of the Executive's seven thematic areas. The plans are monitored and reported to the individual Portfolio Meetings every six months. The actions in the plans are often duplicated across portfolios, are often not SMART (specific/stretching, measurable, ambitious/agreed, realistic, time bound), can lead to silo working and are difficult to assess in terms of delivery/link to milestones.
  2. The Council uses a set of eight performance indicators to assess its performance on key services. These have been reported to Executive every

six months. The suite of indicators needs to be reviewed to make sure they are measuring the right things, eg quality, rather than merely recording throughput. Performance reporting needs to be more frequent to enable councillors and managers to take corrective action where it is needed.

3. Scrutiny - portfolio holders are periodically invited to scrutiny to talk through progress on their portfolio plan. This is not structured and focused on priority areas and there is little evidence that performance monitoring is used to inform the scrutiny work programme.
  4. Risk management - risks are managed in isolation from other aspects of performance and the risks themselves are not easily reviewed or managed with the current approach.
- 3.3 The review outlined the benefits of moving to a more corporate, organisation wide approach to performance so that councillors and others can see, at a glance, how the Council is performing and delivering on Council Plan priorities, through the use of SMART targets. The framework will enable the Council to employ a programme management approach with a detailed programme of work sitting behind each Council Plan priority.
- 3.4 A new performance framework has been developed and is attached at Appendix A. The key features of the new framework are as follows:
1. A corporate overview - the proposed new framework, along with the revised Council Plan, provides an opportunity to move to a more corporate approach, rather than having a set of separate portfolio plans and reporting arrangements. Of course, portfolio holders and managers will be able to focus on their areas of responsibility and drill down into the detail where needed.
  2. Quarterly reporting - the framework will include quarterly performance clinics with directors and officers so that performance issues and corrective action have been thoroughly examined prior to the quarterly reports being taken to Executive and Scrutiny.
  3. Council Plan - each headline priority drawn from the Council Plan will be made up of component programmes and milestones. Through the use of traffic light (red-amber-green) ratings on key Council priorities and actions, officers and members will be able to see where the issues are and what corrective action is being taken. This will be complemented by a suite of performance indicators and the Council's risk register so that a comprehensive view of performance is achieved (see 4 and 5 below).
  4. Performance Indicators - The performance indicators are currently being revised by Assistant Directors/Heads of Service to bring in better measures for quality and to ensure that the performance of key priority services is being appropriately monitored.
  5. Risk Management - The new framework will link risk management with priority actions, programmes and measures.
  6. Scrutiny - The new framework should enable more effective overview and scrutiny and provide an opportunity for scrutiny members to decide where they wish to undertake deep dives of key challenges and issues.

- 3.5 It should be noted that in the coming weeks, the Council will be working on a new Council Plan for 2019/23. It is anticipated that the current draft will be revised following workshops with the Executive in June 2019 and that Council approval will be sought in September 2019.

#### **Council Performance in 2018/19**

- 3.6 As outlined above, the new performance framework will report performance at a corporate level, thus replacing individual Portfolio Plan monitoring. In order to make the transition to the new ways of working, the outturn performance for 2018/19 has been presented together as a corporate overview rather than as a set of seven separate plans. Appendix B sets out the Portfolio Plan Outturns 2018/19 and Appendix C sets out the Key Performance Indicators for 2018/19.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and
- Quality Council

- 4.2 This report meets the Quality Council corporate priority

## **5 Consultation**

- 5.1 In terms of the Performance Management Framework, senior managers, members of the previous Executive and the Chair of Scrutiny Co-ordinating Board were consulted in drafting the new framework.
- 5.2 Any comments from the Scrutiny Co-ordinating Board of 30 May 2019 meeting will be reported to the meeting of the Executive of 4 June 2019

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 There are no proposals in this report that would reduce or increase resources. It is intended to review the options available for managing performance reporting electronically and in a way which is easily accessible to both officers and members. A separate report will be brought forward outlining the options and seeking approval for funding where appropriate.

### **6.2 Legal**

- 6.2.1 There are no direct legal implications arising from this report.

### **6.3 Human Resources**

- 6.3.1 The new framework will require greater focus on proactive corporate performance management including regular reviews such as quarterly Director Clinics therefore any performance management system implemented to support the new framework should seek to sufficiently reduce the administrative burden so that the overall impact on officer time is equivalent or less than under the current arrangements.

## 6.4 Statutory Considerations

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	There are no implications in introducing the proposed revised framework as a replacement to the existing performance management framework.
Health, Social Environmental and Economic Impact	In introducing the new framework there should be a positive impact on the consideration of and delivery of positive outcomes in terms of Health, Social, Environmental and Economic Impact.
Crime and Disorder	In introducing the new framework there should be a positive impact on the consideration of and delivery of positive outcomes in terms of Crime and Disorder.
Children and Safeguarding	In introducing the new framework there should be a positive impact on the consideration of and delivery of positive outcomes in terms of Children and Safeguarding.

## 6.5 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Risks to public, finance or reputation through poor monitoring of Council Performance.	Adverse impacts on the public, the Council's finances or reputation.	Currently risks are managed separately from other aspects of performance. The new proposed performance management framework links risk management with priority actions, programmes and measures.

## 7 Other Options Considered

- 7.1 The alternative option is to not change the framework and remain with the current process. This is not recommended for the reasons outlined in the report above.

## 8 Reasons for the Decision/Recommendation

- 8.1 To enable members to be updated on the Council's performance for 2018/19 and to enable revised arrangements for reporting performance under a new performance management framework.



### Tracking Information

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	15 May 2019
<b>Monitoring Officer (or Deputy)</b>	22 May 2019
<b>Relevant Director</b>	N/A

### Background Papers:

**Appendices:**           **Appendix A – New Performance Management Framework**  
                                  **Appendix B – Portfolio Plan Outturns 2018/19**  
                                  **Appendix C – Key Performance Indicators 2018/19**

**Contact Officer:**       **Rose Rouse, Chief Executive**

## Performance Management Framework - Contents

<b>1.</b>	<b>Overview</b>
<b>2.</b>	<b>Annual Cycle</b>
<b>3.</b>	<b>Council Plan Dashboard – Priorities Only</b>
<b>4.</b>	<b>Service Plans – overview</b>
<b>5.</b>	<b>Service Plans Dashboard</b>
<b>6.</b>	<b>Risk Management – overview</b>
<b>7.</b>	<b>Strategic Risk Register – example</b>
<b>8.</b>	<b>Strategic Risks Dashboard</b>
<b>9.</b>	<b>Council Plan Dashboard – Priorities &amp; Risks</b>

## The Performance Management Framework - Overview



Where are the Priorities documented?	Who is Accountable for Delivery?	How will we monitor delivery?
The Council Plan sets out the Council's Strategic Priorities for the next four years. Each Priority or set of priorities is supported by a Programme or Project Board.	Each Priority will have a named Lead Officer and Portfolio Holder	The Programme / Project Boards will use a series of Actions Plans to ensure the delivery of the Priorities. The progress against these will be summarised into a Council Plan Dashboard which will be monitored Quarterly by the Corporate Leadership Team and the Executive.
Each Service has a Service Plan which sets out its contribution to the Council Plan and its priorities for the year.	Assistant Directors & Heads of Service	<ol style="list-style-type: none"> <li>1. Monthly monitoring will take place within the Service, led by the AD &amp; Director</li> <li>2. A Quarterly Performance Report will be produced which will be discussed at a Performance Clinic. The Director will chair the Clinic, with the AD/Head of Service taking a lead in presenting the report. Other employees will attend.</li> <li>3. The results of the quarterly Clinics will be summarised into a Service Dashboard which will be monitored by the Corporate Leadership Team and the Executive.</li> </ol>
All employees will have an Appraisal which sets out their contribution to the Council Plan, Service Plan or both, along with other targets and their personal development plan.	Employees	Employees will deliver their priorities through doing their day to day job. Progress will be monitored by their line managers through day to day conversations, regular review meetings, and the appraisal process.

# Performance Management Framework – Annual Cycle

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	Council Plan	Service Plans	Appraisals
<b>April</b>	Priorities live and being delivered by Programme/ Project Boards	New Service Plan live and being delivered by Service	Delivery/regular reviews  Appraisals held informed by Council Plan/ Service Plan
<b>May</b>	Delivery  Council Plan 2019/23 workshop with Executive	Delivery	Delivery/regular reviews  Appraisals held informed by Council Plan/ Service Plan
<b>June</b>	Delivery  Council Plan 2019/23 workshop(s) with all councillors	Delivery	Delivery/regular reviews
<b>July</b>	Delivery  Council Plan 2019/23 adopted 11/07/19  Quarterly Progress reviewed by Programme/Project Board  Council Plan Dashboard presented to CLT. CLT also review the Strategic Risk Register	Delivery  Quarterly Performance Clinic  Service Plan Dashboard presented to CLT.	Delivery/regular reviews
<b>August</b>	Delivery  <i>No Executive meeting in Aug so Q1 report held over to Sep</i>	Delivery	Delivery/regular reviews
<b>September</b>	Delivery  Council Plan Dashboard presented to Executive on 03/09/19  Council Plan Dashboard presented to Scrutiny on 19/09/19	Delivery  Service Plan Dashboard presented to Executive on 03/09/19  Service Plan Dashboard presented to Scrutiny on 03/09/19	Delivery/regular reviews
<b>October</b>	Delivery  Quarterly Progress reviewed by Programme/Project Board  Council Plan Dashboard presented to CLT. CLT also review the Strategic Risk Register	Delivery  Quarterly Performance Clinic  Service Plan Dashboard presented to CLT	Delivery/regular reviews  Appraisal review

	Council Plan	Service Plans	Appraisals
November	<p>Delivery</p> <p>Council Plan Dashboard presented to Executive on 05/11/19</p> <p>Council Plan Dashboard presented to Scrutiny on 14/11/19</p>	<p>Delivery</p> <p>Service Plan Dashboard presented to Executive on 05/11/19</p>	<p>Delivery/regular reviews</p> <p>Appraisal review</p>
December	<p>Delivery</p>	<p>Delivery</p>	<p>Delivery/regular reviews</p>
January	<p>Delivery</p> <p>Quarterly Progress reviewed by Programme/ Project Board</p> <p>Council Plan Dashboard presented to CLT. CLT also review the Strategic Risk Register</p>	<p>Delivery</p> <p>Quarterly Performance Clinic</p> <p>Service Plan Dashboard presented to CLT</p>	<p>Delivery/regular reviews</p>
February	<p>Delivery</p> <p>Council Plan Dashboard presented to Executive on 04/02/20</p> <p>Council Plan Dashboard presented to Scrutiny on tbc</p>	<p>Delivery</p> <p>Service Plan Dashboard presented to Executive on 04/02/20</p> <p>Service Plan Dashboard presented to Scrutiny on tbc</p>	<p>Delivery/regular reviews</p>
March	<p>Delivery</p>	<p>Delivery</p>	<p>Delivery/regular reviews</p>
April	<p>Delivery</p> <p>Annual review of priorities (year-end achievements, focus for new year)</p> <p>Council Plan Dashboard (year-end) along with summary feedback from the review of priorities, presented to CLT. CLT also review the Strategic Risk Register</p>	<p>Delivery</p> <p>Quarterly Performance Clinic including year-end achievements &amp; priorities for the new year</p> <p>Service Plan Dashboard (year-end) along with summary feedback from the review of achievements/priorities for the new year presented to CLT</p>	<p>Delivery/regular reviews</p> <p>Appraisals informed by Council Plan/Service Plan</p>
May	<p>Delivery</p> <p>Council Plan Dashboard (year-end) along with summary feedback from the review of priorities, presented to Executive on 05/05/20</p> <p>Council Plan Dashboard (year-end) along with summary feedback from the review of priorities, presented to Scrutiny on tbc</p>	<p>Delivery</p> <p>Service Plan Dashboard (year-end) along with summary feedback from the review of achievements/priorities for the new year presented to Executive on 05/05/20</p> <p>Service Plan Dashboard (year-end) along with summary feedback from the review of achievements/priorities for the new year presented to Scrutiny on tbc</p>	<p>Delivery/regular reviews</p>

# The Council Plan Dashboard - (DATE)



## Economy

Junction 41	R
Working Age Population	A
Business Growth Programme	G
Attract Digital & Technology businesses	G
Supporting Market Towns	A
Supporting Rural Communities	A
Superfast Broadband	G
Promoting the District	G
Redhills land development	G
Events Programme	R

## Health & Wellbeing

Community Housing Schemes	G
Housing Strategy	G
Affordable Housing Strategy	G
Sustainable Energy Schemes	A
Fuel Poverty	R
Healthy & active lifestyles	G
Leisure Services	G
Community led health and happiness	A

## Improving Council

Accessible services	A
Improve service quality	A
Office Accommodation	R
<i>Workforce strategy etc ??</i>	G
Performance Framework	G
Commercial Plan	G
Local Plan	G
Service Contracts	A
Devolution Programme	A
Reduce operating costs	G
Improve Scrutiny	G
Reduce Carbon Footprint	G

## Performance Management Framework – Service Plans

It is recommended that a standard Service Plan report template be introduced across all services (including internal/back office). This template would act as the Service Plan report for the Quarterly Performance Clinic. Officers responsible for its completion should be trained to do so to ensure the various sections are completed consistently. The template could include:

Section	This covers
Summary Information	<ul style="list-style-type: none"> <li>• Service Area</li> <li>• Service Manager</li> <li>• Brief description of the service</li> <li>• Period covered</li> <li>• Date report produced</li> </ul>
Executive Summary	Overall status of the service showing RAG status against key headings as covered in the main body of the report. These are reviewed in the Clinic and need to be agreed/signed off by the Director/Chair of the Clinic based on the discussions held. These are then extracted into the Service Plan Dashboard.
Priorities	<p>Each priority is reviewed in terms of:</p> <ul style="list-style-type: none"> <li>• Achievements since the last report</li> <li>• Issues since the last report</li> <li>• Priorities up to the next report</li> <li>• Any decisions required</li> </ul> <p>A RAG status is applied to each area, with actions agreed against each heading as appropriate</p>
Service Delivery	<p>Service Delivery is reviewed in terms of:</p> <ul style="list-style-type: none"> <li>• Successes/issues regarding customers</li> <li>• Success/issues regarding any Contractor/contracted out services</li> <li>• Target Operating Model / Service delivery model – success / issues<sup>1</sup></li> <li>• Key Performance Indicators</li> </ul> <p>A RAG status is applied to each area, with actions agreed against each heading as appropriate</p>
Resources	<p>Successes, Issues, Key Decisions are identified regarding key resources</p> <ul style="list-style-type: none"> <li>• Employees</li> <li>• Finances (income, expenditure)</li> <li>• Other resources e.g ICT, Buildings used, Assets</li> <li>• Health &amp; Safety</li> <li>• Business Continuity Planning</li> <li>• There is an opportunity to include KPIs here relating to resources (e.g. FTE, sickness,)</li> </ul> <p>RAG status is applied to each area, with actions agreed against each heading as appropriate</p>
Risks	Service Risks are reviewed, using RAG, status.

<sup>1</sup> This section enables tracking of any transformational/organisational change activity

# Service Plans Dashboard - (DATE)

	Service *	£ (cost / income)	Priorities	Customers	Contractors	Target Operating Model	KPIs	Employees	Finances	Other resources	H&S	BCP	Risks
High cost	Corporate costs	1,180,420	R	G	G	G	G	G	G	G	G	G	G
	Refuse Collection	831,140	A	R	R	R	R	A	R	A	R	R	R
	Revenues and Benefits	827,120	G	A	A	A	A	A	A	A	A	A	A
	Committee and Members' Costs	620,650	A	G	A	R	G	G	G	R	G	G	R
	Legal and Committee Services	582,980	A	A	R	A	R	G	A	R	G	G	R
	Information Technology	538,950	G	A	A	G	A	R	R	A	R	R	A
	Local Taxation Collection	534,230	A	A	G	A	G	R	A	G	G	G	G
	Eden Leisure Centre and Appleby Swimming Po	467,210	G	G	G	G	G	G	R	R	A	A	A
	Economic Development & Promotion	443,500	R	R	R	R	A	A	A	A	G	A	A
	Customer Services	379,660	G	G	G	G	G	G	G	G	R	G	A
	Parks and Open Spaces	379,430	G	G	G	G	G	G	G	A	R	A	G
	Development control and enforcement	370,060	G	G	G	G	G	G	G	G	G	G	A
	Community Development and Engagement	354,380	G	G	G	G	G	G	G	G	G	G	G
	Administrative buildings	334,980	G	G	G	G	G	G	G	G	G	G	A
	Administrative Buildings	334,980	G	G	G	G	G	G	G	A	A	G	R
	Financial Services	328,640	G	G	G	G	G	G	G	R	R	G	R
	Street Cleaning	323,550	G	G	G	G	G	G	G	R	R	G	R
	Housing Benefit	323,130	G	G	G	G	G	G	G	G	G	G	R
	Food safety	273,220	A	R	R	R	R	R	R	R	A	G	A
	Homelessness	228,940	A	G	A	G	G	G	G	G	G	G	G
	Housing delivery	216,270	A	G	A	G	G	G	G	G	G	G	G
	Public Conveniences	205,420	A	R	R	G	G	G	G	G	G	G	G
	Footway Lighting	179,570	G	G	G	G	G	G	G	G	G	G	G
	Arts and Leisure	156,080	G	G	G	G	G	G	G	G	G	G	G
	Registration of Electors	154,510	G	G	G	G	G	G	G	G	G	G	G
	Tourism Promotion	147,340	G	G	G	G	G	G	G	G	G	G	G
	Local Plans / Policy	141,390	A	A	A	G	G	G	G	G	G	G	G
	Central Expenses	139,380	A	G	A	A	G	R	R	R	G	A	A
	Community Wardens	137,660	A	G	A	G	A	G	A	R	R	A	A
	Pollution Control	130,210	G	G	G	G	G	G	G	G	A	G	A
	Recycling	120,730	G	G	G	G	G	G	G	G	G	G	G
	Council Tax Benefit/Reduction	109,520	G	G	G	G	G	G	G	G	A	G	A
	Town Centres	102,190	G	G	G	G	G	G	G	G	R	G	G
	Emergency Planning	100,660	G	G	G	G	G	G	G	G	G	G	A
	Museums	88,140	G	G	A	A	G	R	A	G	R	A	R
	Building Regulations	85,700	A	A	G	G	G	G	G	G	G	G	G
	Building Regulations	85,700	A	G	A	G	R	G	A	G	A	A	G
	TICs	84,540	G	G	G	G	G	G	G	G	A	G	G
	Appleby Fair	80,070	G	G	G	G	G	G	G	G	G	A	G
	Cemeteries	74,870	G	G	G	G	G	G	G	G	A	G	A
	Housing Standards	62,540	A	A	A	A	A	A	A	A	A	A	A
	Provision of Amenities	57,930	R	R	G	G	G	G	G	G	G	G	G
	Elections	54,370	R	R	G	G	G	G	G	G	G	G	G
	Community Safety and Community Legal Service	43,760	G	G	G	G	G	G	G	G	G	G	A
	Other Building control	39,500	G	A	G	G	G	G	G	G	G	G	G
	Other Building Control	39,500	G	G	G	G	G	G	G	G	G	A	A
	Environmental Enhancement & Conversation	39,240	G	G	G	G	G	G	G	G	G	G	G
	Environmental Enhancement and Conservation	39,240	G	G	G	G	G	G	G	G	G	G	G
	Heart of Cumbria Ltd	30,720	G	G	G	G	G	G	G	G	G	G	G
	Investigation of nuisances	29,520	G	G	G	G	G	G	G	G	G	G	G
	Other Environmental Health	29,060	G	G	G	G	G	G	G	G	G	G	G
	Closed Churchyards and War Memorials	27,960	R	R	R	R	G	R	R	R	R	G	G
	Communication services	18,750	G	G	R	R	R	R	R	R	R	R	G
	Markets	17,860	G	G	G	G	G	G	G	G	G	G	G
	Pest Control	14,280	G	G	G	G	G	G	G	G	G	G	G
	Health & Safety	13,510	A	G	A	G	G	G	G	G	A	G	G
	Water Sampling	12,620	A	G	R	R	R	R	A	A	A	A	A
	Member Development and Training	4,080	G	G	G	G	G	G	G	G	G	G	G
Low Cost	Animal Health licensing	3,850	R	R	R	R	R	R	R	R	R	R	R
	Civic Duties	3,280	G	G	G	G	G	G	G	G	G	G	G
	Discretionary Housing Payments	-	G	G	G	G	G	G	G	G	G	G	G
	Universal Credit	-	G	G	G	G	G	G	G	G	G	G	G
Income Generating	Insurance	-	G	G	G	G	G	G	G	G	G	G	G
	Licensing	- 13,410	G	G	G	G	G	G	G	G	G	G	G
	Land Charges	- 24,430	G	G	G	G	G	G	G	G	G	G	G
	Renovation Grants	- 92,860	G	G	G	G	G	G	G	G	G	G	G
	Industrial Estates	- 97,410	A	A	G	G	G	A	A	G	G	G	G
	Vehicle Off-Street Parking	- 125,660	G	G	G	A	G	G	G	G	A	R	A
	Treasury Management	- 229,240	G	G	G	G	G	G	G	G	G	G	R
	Land Management	- 549,131	G	G	G	G	G	G	G	G	G	G	A

\* Note the list of services shown here is as an example only. Services may/should be clustered under one Service Plan to be more effective / reduce the administrative burden of producing service plans / performance reports / performance clinics



## Performance Management Framework – Risk Management



Types of Risks	Where are the Risks documented?	Who is Accountable?	How will we monitor delivery?
Those associated with the delivery of the Council Plan categorised as: <ul style="list-style-type: none"> <li>Strategic<sup>1</sup></li> <li>Financial (the key risks associated with the delivery of the Medium-Term Financial Strategy)</li> <li>Operational<sup>2</sup></li> </ul>	Strategic Risk Register	The Strategic Risk Register is owned by CLT with Lead officers identified for each risk	<p>It should be reviewed on a quarterly basis by CLT, supported by the officer with lead responsibility for risk management (AD Finance) who will oversee it. This review should be informed by the Council Plan Dashboard and the Service Plans Dashboard.</p> <p>A summary which tracks the overall status of the strategic risks should then be produced and added to the Council Plan Dashboard which will then be reported to the Executive:</p>
Those associated with the delivery of the Service Plan	Service Plans	Assistant Director / Head of Service	These risks will be regularly monitored within the Service by the Assistant Director/Head of Service and Director. They will be reviewed quarterly through the Performance Clinic.
Those associated with the individual's performance	Meeting notes / emails	Line Manager's	Through one to one review meetings, appraisals or formal management processes as necessary

<sup>1</sup> This should not just replicate all the detailed risks that may be identified and managed by the Programme / Project Boards but should summarise the key risks that need to be brought to the attention of the Corporate Leadership Team and the Executive. CLT may add additional strategic risks.

<sup>2</sup> This should not just replicate all the detailed risks that may be identified and managed through the Service Plans / Performance Clinics but should summarise the key operational risks that need to be brought to the attention of the Corporate Leadership Team and the Executive, if there are any.

Project	Strategic Risk Register
Risk Log Owner	Corporate Leadership Team
Date	As at 30/4/19

EXAMPLE ONLY



		Risk description				ORIGINAL RISK ASSESSMENT							Action agreed to respond / mitigate / control	Date to be	CURRENT STATUS					
Ref	Category		Cause	Consequence	Response	Likelihood 1-4	Severity 1-4	Risk Score	RAG	Date raised	Raised by	Risk Owner		Completed	Status	Progress made	Likelihood 1-4	Severity 1-4	Risk Sco	RAG
STRAT001	Strategic	The Junction 41 re-development cannot be delivered.	Lack of funding	Council priority cannot be delivered. Reputational damage	Treat	4	4	16	R	05/04/19	Programme Board	CEO	1. Develop financial strategy 2. Council to allocate additional funding	1. 31/05/19 2. 31/07/19	Open	1. Strategy is in place 2. Additional funds not yet identified	2	4	8	A
STRAT002	Strategic	Leadership capacity is limited	Lack of relevant skills at CLT, CMT and following May's elections, at Councillor level	The Council is not well managed and cannot deliver its objectives	Treat	1	4	4	G	01/04/19	CEO	CEO & Leader	1. Senior Management restructure completed 2. Councillor Induction Programme	1. 30/06/2019 2. 30/10/2019	Open	1. Completed 2. To commence following Annual Council	1	4	4	G
FIN001	Financial	Reserve levels are too low	Inability over recent years to increase level of reserves	Reserves are at 1 months running costs which is insufficient to cover obligations	Treat	4	4	16	R	01/04/19	AD Finance	Dir Corp Services	link to medium term financial strategy and increase level of reserves	31/03/20	Open	none at this stage	4	4	16	R
OPER001	Operational	Waste cannot be collected or is disrupted	The Contractor goes into Administration	Unable to deliver a key service, environmental health issues, reputational damage	Treat	1	4	4	G	01/04/19	Portfolio Holder	AD Commissioning	1. Develop business continuity plans for the service 2. test BCP	30/04/19	Open	1. BCP is not yet complete 2. BCP has not yet been tested	1	4	4	G

## Strategic Risks Dashboard at XX/XX/XX



	% of risks with RAG status at 01/04/19 (BASELINE)			% of risks with RAG status at XX/XX/XX (CURRENT)			Overall Trend	
Risk Type	R	A	G	R	A	G		
Strategic	90%	10%	10%	50%	10%	40%	↑	G
Financial	10%	60%	30%	30%	60%	10%	↓	R
Operational/Other	50%	40%	10%	50%	40%	10%	→	A

## Council Plan Dashboard

### Economy

Junction 41	R
Working Age Population	A
Business Growth Programme	G
Attract Digital & Technology businesses	G
Supporting Market Towns	A
Supporting Rural Communities	A
Superfast Broadband	G
Promoting the District	G
Redhills land development	G
Events Programme	R

### Health & Wellbeing

Community Housing Schemes	G
Housing Strategy	G
Affordable Housing Strategy	G
Sustainable Energy Schemes	A
Fuel Poverty	R
Healthy & active lifestyles	G
Leisure Services	G
Community led health and happiness	A

### Improving Council

Accessible services	A
Improve service quality	A
Office Accommodation	R
Workforce strategy etc ??	G
Performance Framework	G
Commercial Plan	G
Local Plan	G
Service Contracts	A
Devolution Programme	A
Reduce operating costs	G
Improve Scrutiny	G
Reduce Carbon Footprint	G

## Strategic Risks

	% of risks with RAG status at 01/04/19 (BASELINE)			% of risks with RAG status at XX/XX/XX (CURRENT)			Overall Trend	
Risk Type	R	A	G	R	A	G		
Strategic	90%	10%	10%	50%	10%	40%	↑	G
Financial	10%	60%	30%	30%	60%	10%	↓	R
Operational	50%	40%	10%	50%	40%	10%	→	A

## Commercial Services Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status (red, amber, green) as at 31 March 2019	Current status comments - as at 31 March 2019 (Position + corrective action)
EE1a:	Work to integrate opportunities for economic development which build on the unique environment of the District	Identify commercial opportunities to bring income to the Council which can be used to further the aims of the economic development service.	Green	A number of commercial opportunities have been investigated and business plans drafted. A pipeline of projects are being developed for the next financial year. It should be noted that due to the scale of the commercial projects they may span more than one financial year.
		Regularly update the Commercial Plan's Annual Delivery Plan which seeks to identify £1 million of income and/or savings by 2020.	Green	The Annual Delivery Plan is continually updated as projects move forwards. The information is shared with the Commercial Services Portfolio Holder regularly.
		Develop Invest to Earn Fund procedure and criteria.	Green	Invest to Earn Fund procedure and criteria completed and considered by the Commercial Services Portfolio Holder. A wider approach to investments is being considered as part of the budget and transformation process.
		Penrith Vision	Amber	Consideration will be given to the results of the Community Engagement exercise and future work will be guided by a Members decision as to how this piece of work will be taken forwards.
EE1c:	Identify land for employment development and support business growth	Commence building out light industrial units on Old London Road if planning permission is successful.	Amber	Planning permission was obtained in March 2019 to develop 7 light industrial units. Members will be now be asked to consider a full business case for the scheme. Planning permission took longer than expected to obtain for the site due to challenges with agreeing a suitable access on to the site. Pre-commencement works have now commenced on site.
		Market the availability/opportunities available through the formally adopted Local Development Orders (Food Enterprise Zones).	Amber	The adoption of the Local Development Orders has been delayed by additional contamination assessments and radar surveying required prior to adoption. Commercial Services remain ready to market the sites once the LDO's are in place.
		Further develop the Newton Rigg Masterplan focussing on assisting businesses to relocate to or set up on the site in partnership with Askham Bryan College. Explore options to assist the College to remain sustainable within its Eden campus.	Green	Work continues with Askham Bryan to investigate a range of partnership opportunities to ensure the College provision remains sustainable at Newton Rigg.
		Contribute to any review of the Council's Leisure Contract with a focus on limiting the contract cost to an affordable level for future years.	Green	The Assistant Director Planning and Economic Development assists the Assistant Director Commissioning & Technical Services in developing future approaches for Leisure provision within Eden.
EE2a:	Continue with our 'Invest in Eden' website and business marketing and support offers, including the Eden Business Support Fund, to attract high quality businesses to locate and expand in the area	Ensure monitoring of the Eden Business Support Fund takes place on a quarterly basis.	Green	Quarterly monitoring and reports took place throughout the year. This year was the quietest so far in the scheme, most likely due to uncertainty surrounding Brexit. However the scheme still supported 4 new jobs and safeguarded 4 jobs during this year. Income was £12,452.09 in 2018/19 representing an increase on previous years.
		Promote the Eden Apprenticeship Scheme to local employers. Between March 2012 and March 2018 the scheme has generated 104 Apprenticeship places and helped 82 employers.	Green	25 apprentices have been supported so far, the SLA runs until July so there will be further apprentices supported with this years funding.
		Develop 12 month calendar of press releases to highlight work undertaken and promote economic development opportunities.	Amber	A 12 month calendar of events was not completely developed due to a vacancy with the Business and Marketing Officer post. Press releases for key work have continued to be issued. A newly recruited Business and Marketing Officer will take this forward in the next financial year.
EE2b:	Engage with Eden's four market towns and the Chambers of Trade to increase their vitality, including the Townscape Heritage Initiative (THI) in Alston and the Penrith Business Improvement District	Deliver Benchmark result feedback to each of the four Key Service Centres.	Green	Events were held in each of the four Key Service Centres in July 2018
		<b>Alston</b> - Produce exit strategy from High Mill feasibility study.	Green	A report went to Executive in June 2018 and the resolution was that the Council would not directly purchase or regenerate the site, but would support another organisation where possible as long as risks associated with the scheme could be substantially mitigated.
		<b>Appleby</b> - Work alongside Historic England to deliver the Heritage Action Zone programme in Appleby.	Green	The Moot Hall Options Appraisal has concluded and a final concept has been agreed through consultation. The next stage will be to submit an expression of interest through the National Lottery Heritage Fund for funding. Castle has been repaired and will be removed from 'at risk' register in due course. Demolition works at the flood resilient house have been completed and refurbishment has commenced. The St Lawrence's railings replacement and restoration project was completed in March 2019.
		Devolve the Appleby Market Service to Appleby Town Council.	Amber	Liaison with Appleby Town Council has been taking place in order to hand over the running of the market. New signs have been ordered using Appleby Town Council branding and are already in use at the market.
		Work with HAZ Project Officer and local Appleby group to review current signage and then work up new signage proposals.	Green	Ongoing as part of the five year Appleby HAZ Project.
		<b>Kirkby Stephen</b> - Through the Service Level Agreement with Upper Eden Community Interest Company, work alongside the Group to complete and commence delivery of actions in the refreshed Upper Eden Community Plan.	Green	Updates have been provided and work is in progress against the Service Level Agreement.

## Commercial Services Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status (red, amber, green) as at 31 March 2019	Current status comments - as at 31 March 2019 (Position + corrective action)
		Business training and support programme - organise and deliver locally legally required courses such as First Aid and Food Hygiene and other courses identified at the District Council supported Business Hub located on Kirkby Stephen Business Park	Green	Regular discounted First Aid, Fire Safety and Food Hygiene courses have been run alongside digital focussed evening workshops following demand.
		Support partners in Kirkby Stephen with the Encounter Eden project.	Green	Support is being provided as part of supporting the community planning work.
		Penrith - Where appropriate, assist in the delivery of the actions of the Penrith Business Improvement District.	Green	Economic Development Team are in regular contact with the BID to discuss how EDC can work with the BID on elements of their business plan.
		Support the Penrith Industrial Estates Business Improvement District where applicable.	Green	An action plan to support the Penrith Industrial BID has been agreed.
		Have in place and monitor SLA with Penrith Town Centre for signature Events.	Amber	Eden reclaimed some unspent grant from Penrith Town Council which was used to support Penrith Goes Orange in March. In 2019/20 events will be supported directly from the District Council and not through an SLA.
		Identify vacant retail/office premises and pilot a 'pop up' shop/office on a short term basis if there is found to be sufficient demand.	Amber	A pop up shop premises was organised for the Masterplan engagement. Initial enquiries have been made to identify demand for a longer term pop up shop trial and a number of options have been identified. Meetings with academic/business organisations will take place to explore options which have potential to reduce empty premises and support new/expanding businesses.
		Investigate the potential for alternative uses and occupiers for the Two Lions Pub in Penrith.	Green	A range of alternative uses for the premises have been identified along with a potential commercial partner. The project is likely to involve a range of partners and external funding to be in place to bring the building back into use once a final use for the building has been identified and agreed.
		Review design of EDC owned Penrith Motorway Signage and consider changes to improve effectiveness.	Amber	Engagement with various groups has commenced but no formal way forward agreed. Penrith Town Centre BID was asked in March 2019 to consider passing the benefit of these signs to the Penrith Industrial BID on terms to be negotiated.
EE2c:	Engage with partner organisations to support the rural economy	Work with the Local Enterprise Partnership (LEP) to secure finance that assists and supports the rural economy to be sustainable and thrive.	Green	An indicative funding amount of £345m for the Borderlands was announced in March and Eden will get involved with these projects in the next year, the Council's role was to put forward potential Eden projects for the Borderlands bid. The Local Industrial Strategy will also be finalised in the coming months. This action is likely to be ongoing into the future.
		Develop 'spade ready' projects that are capable of attracting external funding.	Green	The Economic Development Team have been and continue to develop a number of projects that may be suitable for external funding. A next step in this process will be to help identify more employment land in the review of the Local Plan.
		Review business support given to businesses through Cumbria Chamber of Commerce and arrange suitable business support for 2018/19.	Green	An assessment of the support provided in 2017/18 was completed. Business advice and support was provided in house in 2018/19 which included signposting for finance and assistance with business premises.
		Develop and deliver a business conference in partnership with Cumbria Chamber of Commerce to showcase the help and support available from the Council and partners within Eden.	Green	The conference was held on 7 June with over 100 attendees and a range of speakers. A series of business breakfasts have commenced in 2019 to continue business engagement.
EE3a:	Promote and develop the key themes of cycling, walking, local history and local food and support arts and cultural events to support the economy and encourage all year round visitors to Eden.	Westmorland Dales Heritage Lottery Fund (HLF) Landscape Partnership Scheme final development and initial delivery Phase: Working with the Yorkshire Dales National Park Authority & other partners, submit detailed project proposals for the Tourism & Business support elements of the scheme by August 2018 in order to secure second round funding. Eden Tourism is leading on the Distinctly Westmorland Dales business support project.	Green	The Westmorland Dales bid was successful in securing £2.27 million from the National Lottery Heritage Fund (Round 2 bid) in December 2018. The 4 year delivery programme will now get underway in June 2019 once full staffing is in place. This will include a raft of tourism business support measures led by Eden Tourism.
		Fellfoot Forward HLF Landscape Partnership Scheme: Working with the North Pennines AONB, contribute to the development of tourism elements in the development phase.	Green	A draft tourism proposals document has been compiled with input from the North Pennines AONB, Carlisle City Council, Eden Tourism and local businesses. A liaison workshop has been held with local businesses in November 2018 and a follow up workshop is planned for May 2019. The second round bid will be submitted to the National Lottery Heritage Fund in August 2019.
		Eden Tourism has been successful in securing £22k funding from Historic England. The 2 year project, in conjunction with Historic England, includes the production of 4 trail leaflets, interpretation panels at Eden's 4 TICs and a heritage trail app. The project will be undertaken with input from the ETN heritage group.	Green	A well-attended launch event took place on 20 June at Brougham Castle. The trails are actively promoted on VisitEden, via social media and at Information centres. Participating heritage attractions have been requested to monitor visitor nos and sent in on a quarterly basis.

**Commercial Services Portfolio Plan Outturn 2018-2019**

Ref	Strategic action	Delivery action	RAG status (red, amber, green) as at 31 March 2019	Current status comments - as at 31 March 2019 (Position + corrective action)
		Explore options for making Penrith TIC more sustainable through reconfiguration, increase in retail opportunities and investigations into expansion to incorporate a commercial venture eg café operated through a lease.	Green	Commercial advertising income remains at similar level to last year. Some new businesses are due to sign up to packages during 2019. Consideration will need to be given as to the future location of the TIC in discussions around future Council building provision.
		Monitor and report on the SLAs in place with Kirkby Stephen Visitor Information Centre and Appleby TIC with a view to seeing how they can become more sustainable over the course of the year.	Green	Regular contact with Appleby Town Council and Upper Eden Community Interest Company has been maintained during the year with regular reports provided.
		Work with Eden Tourism Network to prepare options for enabling Eden's Tourism Economy to benefit from the commencement of commercial routes from Carlisle Airport.	Amber	The opening of Carlisle Airport for commercial passenger flights has been delayed although this has not stopped the Tourism Team for preparing marketing material for this new opportunity. Ongoing work will take place with the Eden Tourism Network to ensure that Eden benefits from passenger flights to/from Carlisle Airport when they start in July 2019.
		Deliver Lorna Graves Exhibition.	Green	Exhibition ran successfully.
		Deliver 'Landmarks of Eden' HLF project 2018/19.	Green	Now published with free copies circulated to schools and to Museum/TIC visitors
		Deliver Eden Rock Exhibition.	Amber	Exhibition due to start in June was not staged due to the Curator, an expert in the subject leaving for a new appointment. An alternative exhibition mounted celebrating outcomes of the Museum's 'Landmarks of Eden' HLF funded schools project was held instead.
		Deliver a minimum of four educational workshops/activities including a WW1 Remembrance Workshop.	Green	Seven delivered: 'Mechanical Marvels'; 'Druid Serpent Eggs'; Asby School; 'Landmarks Celebration' workshops (x2); 'Interactive Storytelling'; Remembrance Workshop (WW1)
EE3b:	Promote and support events including the Eden Food and Farming Festival, Winter Drovers, Marmalade Festival, May Day celebrations in Penrith and attract regional and national events to Eden, such as the Tour of Britain.	Annual Tourism summit to be developed and held October 2018.	Green	Tourism Summit successfully held at Shap Wells Hotel with a number of National speakers present. Attendance numbered over 100 delegates and to date, excellent feedback has been received.
		Organise events to mark Visit England's annual English Tourism Week that takes place in March 2019.	Green	Successful English Tourism Week launch in March 2019 at Waterfoot Park and Ullswater Yacht Club. Denis Wormell – Chairman of VisitEngland – attended the event which gained regional tv and printed media coverage. Social media campaign reached 131,000 computer/mobile devices including UK, Europe and USA.
TC6b	Support improved Broadband, including Phase 2 of Connecting Cumbria so that Eden's communities have access to Superfast Broadband and we will signpost businesses and communities to options for developing their own broadband schemes where necessary.	Continue to make information available to communities who may be unable to benefit from the commercial roll-out of superfast broadband delivery.	Green	Businesses have been signposted towards the Gigabit Voucher Connection scheme and information about the scheme is on the website.
		Act as a point of liaison between communities and businesses and the Connecting Cumbria Project to highlight areas that still require superfast broadband coverage.	Green	Funding has been allocated for Borderlands and the team will continue to work with Cumbria County Council to highlight requirements for upgrades with this funding.

## Communities Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
EE1d:	Provide support to Planning in considering the needs and wishes of local communities with regard to development.	Support community engagement in the Neighbourhood & Community Planning process.	Green	Lazonby: Providing response to amended plan following Inspector's report, moving toward referendum. Penrith TC: awaiting amendments for Regulation 16 Consultation.
TC1a:	Provide leisure activities including over 65s sport and physical activity and outreach in rural areas.	Penrith Castle Park - Continue to support the Penrith Castle Park Development Group (PCPDG).	Amber	The Leisure & Communities Team had been working with the PCPDG on a project to undertake large scale refurbishment of the Park, final confirmation was received in July 2018 that the Heritage Lottery Fund was not able to provide funding toward the £1m + scheme. Around this point the Penrith Tennis Club announced that it would like to move to the Park as it was to lose its current facilities. It was resolved, in conjunction with Portfolio Holder that efforts would be concentrated on the Tennis Club move and upgrade of the Tennis Courts and associated facilities. This work is continuing.
		Continue to work on the development of outreach activities.	Green	We are continuing to operate the Fit4all programme at Shap and Dufton, an application was made to the Lottery for support to widen the project this was unsuccessful. Have secured funding of £9K from Lace Up programme, decided with PH to run until September 19 with additional site at Kirkoswald, this due to start June 2019.
		Work with Greenwich Leisure Ltd (GLL) to ensure the Leisure Facilities operate as per the requirement of the contract.	Green	Monthly documented inspections are up to date, monthly partnership meetings also held. Regular meetings held to assist contractor. Issues with viability of the contract, GLL have met with Eden Senior Managers .
		Over 65s Build on success of walking football, back to Rugby etc to ensure comprehensive programme of older people's activity within Council Leisure Facilities.	Green	Over 65 sessions at the Penrith Leisure Centre continue, Gym, Bowls, Badminton, Swimming, limited sessions available at Appleby
TC1b:	Provide concessionary pricing via our leisure facilities for older people.	Revised fees and charges discussed and negotiated with GLL to be introduced 1 April 2019.	Green	Concessionary charges are included in the Current years Fees & charges, charges have not increased for 2019 to 20 financial year.
TC2a:	Deliver programmes at our leisure facilities to meet the needs of young people and offer school holiday sports activities.	Provide targeted activities and events.	Green	Worked with the Contractor to ensure Holiday sports activities have been provided during each school holiday
TC2b:	Work with parish and town councils and community groups to continue to support and develop community play facilities.	Leisure and communities team to support groups wishing to develop play facilities.	Green	Bolton Play area has been delivered and is now open, working with Carleton park group at further development of the Carleton park area to provide a Multi Use Games Area path and possible planting area. Working with Penrith tennis Club on possible move to the Park.
TC4a:	Work with Public Health representatives and our Leisure Services contractor to maintain the current GP referral pilot scheme at Penrith and expand it to other parts of the District.	GP referral scheme continued and where possible expanded.	Green	GP referral scheme continues at Penrith, have had initial discussion with Health about possible location of Physio service at the Centre.
		Provide targeted activities for Over 65s	Green	Older people's activities provided within the Penrith Leisure Centre, have the pilot at Shap Dufton and in June at Kirkoswald, need to look to see how this can be made sustainable
		Delivery of Fit 4 all project to be maintained and dependant on financial support developed/provided in other areas.	Green	As above Fit4 all is working well, but requires subsidy, need to discuss how/if this can continue going forward
TC4b:	Support projects that promote healthy eating and exercise to young families particularly in areas where childhood obesity is prevalent.	Continue to support the Penrith Parkrun, this popular weekly event attracts an age range from young families through to mature adults in a fun environment.	Green	The Penrith Parkrun is operating with regular numbers over 250 per week, with 387 as the highest number of the Easter weekend. Leisure & Communities continue to support the event by providing the facilities for the event and through Leisure Services Manager being event Director. (now on voluntary basis). Looking to have the Run registered as a GP Parkrun.
		Holiday Sports Programme for 6 – 12 year olds.	Green	These have operated successfully at the centre, would like to look at operating in club environment.



## Communities Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
		Work with British Cycling to deliver cycling activity as part of the Cumbria plan.	Green	Some activities provided as per plan, but British cycling have refocused and changed personnel/sponsor.
TC5:	Provide advice and support to enable community groups to deliver locally owned solutions and become more resilient.	Support the Member Armed Forces Champion in his work to support ex service personnel and veterans in their return to civilian life, liaising with relevant organisations.	Green	Armed Forces veterans support pilot project has been developed in conjunction with Carlisle City and Cumbria CVS along with Cumbria network. £5k from Carlisle £5k from Eden £20k from Armed Forces covenant fund, Worker due to be employed in July 2019, hosted by CVS
TC5a:	Administer community grants totalling £100,000 through the Eden Community Fund in 2018-19. Administer other small Grant funds including the leisure Grant Fund and Sports Coach Bursary.	Ensure grant scheme is well publicised and engage with community groups. Develop process and administer the one off £300,000 "Signature" grant for Town's and parishes to bid into for financial support.	Green	The Eden Community Partnership met 3 times to distribute £120k of valuable support to 44 local organisations. Continue to administer the 6 projects awarded funding from the Signature Project Fund
TC5b:	Continue to work with the North Cumbria Community Safety Partnership to reduce levels of crime and disorder amongst Eden's.	Partnership is supported and action plan updated with new priorities for 2018/19.	Green	Plan updated, many projects supported, looking to bring together Eden Hub to be located in Penrith, Cyber training provided.
TC6a:	Actively engage and consult with parish, town councils and community groups to improve communication and ensure their concerns and aspirations are heard and taken account of in decision making.	Liaise with parishes and with Cumbria Association of Local Councils (CALC) and the Eden Association of Local Councils (EALC) to ensure parish and town councils voices are heard on matters important to them.	Green	Regular meetings held with both organisations EALC meeting held with Topics covered Community Assets, Community Led Housing & Local plan
		Support communities to prepare Community Led Plans and Community Emergency Plans utilising the Eden District Council grants available for this purpose.	Green	Communities can now apply for an EDC funded Emergency "Readiness" grant in addition to the grant available to help them prepare a CEP. Brough is the first parish to take this up for buying equipment. CLP's: Alston, Skelton, Sockbridge & Tirril, Upper Eden currently preparing CLPs. CEP's: Appleby, Brough, Crosby Ravensworth, Kirkby Stephen have recently done a plan or are in the process of doing one.
QC1:	Improve the delivery of our services including using technology to deliver cost effective and accessible services.	Portfolio Holder to attend Service Innovation Board.	Green	Portfolio Holder attended as and when required

## Eden Development Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
EE1b:	Ensure that new developments are sustainable and take account of infrastructure requirements	Continue to seek developer contributions to help meet infrastructure requirements, especially on major schemes.	Green	Section 106 agreements are in place for a range of developments. A cross department working group of officers has been established to ensure that new guidance on complying with Section 106 finances is complied with. It is likely that at least on a temporary basis additional officer resource will be required to ensure that the Council is in compliance with the requirements.
		To monitor the receipt of agreed 106 monies.	Green	Monitoring takes place and it should be noted that new guidance issued means that there will be a more robust process needed for monitoring and expenditure in the future.
		Seek to attract other housing developers to the area and support high standards of construction.	Amber	Potential for a Countywide approach to be developed to jointly try to attract a broader range of Housing developers to Penrith. This may be co-ordinated through the Local Enterprise Partnership. It should be noted that the majority of development land in Penrith contained in the Local Plan is already the subject of Option agreements so this may be more pertinent to the longer term ambitions in any future Local Plan iterations.
		Review Conservation Area Appraisals.	Green	Four conservation areas have been reviewed (Dufton, Kirkoswald, Skirwith and Temple Sowerby). Due to the detailed nature of Conservation Area Appraisals it is expected that this will be an ongoing activity for the Council over a number of years.
EE1c:	Identify land for employment development and support business growth.	Progress the Local Plan to adoption.	Green	The Local Plan (2014-2023) was formally adopted by Council on 11 October 2018 and is now in active use by Development control and the Planning Committee.
		To develop action plans in respect of Supplementary Planning Documents (SPD)	Amber	Housing SPD target autumn 2019 – much of the preparation for the document has now been undertaken. Undertaking work around other SPDs has been delayed due to the engagement exercise for the Masterplan took available resources that were needed to develop the Supplementary Planning Documents. Preparation of the documents has now commenced with new timescales in place.
		Develop an Action Plan for the implementation of the Eden Vision Document 2050.	Amber	A significant engagement exercise was completed. The data from the engagement exercise is now being analysed by external organisations. Members will be provided with the analysis of the engagement exercise and will be requested to specify a preferred route on how the Local Plan will be reviewed going forwards taking note of the analysis of the engagement exercise.
EE1d:	Consider the needs and wishes of local communities with regard to development.	Support Neighbourhood Planning.	Green	The Council continues to support Neighbourhood Plans where it is able to do so. Lazonby has concluded its independent examination and is now moving towards referendum. Planning Policy continues to assist Parish and Town Councils to develop plans. Dates are customer led and not Council led. Eden District Council has recently provided its consultation response for Penrith Town Council's draft Neighbourhood Plan Section 14 consultation.
EE1e:	Develop the Brownfield Register.		Green	Further work has been undertaken on updating the Register which is an ongoing process.
EE2a:	Continue with our 'Invest in Eden' website and business marketing and support offers, including the Eden Business Support Fund, to attract high quality businesses to locate and expand in the area (also in Commercial Services Portfolio)	In conjunction with the Commercial Services Portfolio Holder, seek to ensure a skilled workforce through developing relationships with education providers and promoting the Eden Apprenticeship Scheme to local employers.	Green	All finance allocated to businesses, in excess of 30 apprentices supported.
		To continue and report on, the Business Support Fund and the effect on local jobs.	Green	A total of £507,000 of loans have been approved to date and £482,000 worth of loans have been drawn down.
		To identify land for new business opportunities.	Green	The Council has played an active role in marketing the new employment land at Junction 41 which now has outline planning permission.
		To develop a plan to promote available land to current and prospective new businesses by 30 September 2018.	Green	The Council publicises available land and business accommodation across Eden through the Invest in Eden website and provides a signposting service for businesses when businesses enquiries are made regarding available land or property.

## Eden Development Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
EE2b:	Engage with Eden's four market towns and the Chambers of Trade to increase their vitality, including the Townscape Heritage Initiative (THI) in Alston and the Penrith Business Improvement District	In conjunction with the Commercial Services Portfolio Holder, seek to engage with and support the Chambers of Trade.	Green	Regular meetings take place with Chambers of Trade or their equivalents in each of the four key service centres.
QC5b:	Deliver consistently high quality statutory services.	Provide effective management of planning budgets and resources.	Amber	Amendment to the pricing structure put on hold until the 2019-2020 financial year at the recommendation of Finance, to enable further work to be undertaken in respect of the level of service that can be offered and any increased fees.
		Amend the Council's scheme of delegation for Planning Committee.	Amber	Scheme of Delegation amended but slightly later than the original target date. Proposal went to Planning Committee in December 2018. Considered by Accounts and Governance Committee in February 2019 and subsequent Accounts and Governance Working Group. Final decision to Council in April 2019.
		Review office accommodation needs, to support the effective delivery of services.	Amber	This has been delayed due to bringing this under the One Eden Transformation and One Public Estate Programmes.
		Review the number of complaints received and compliance with the Complaints Procedure.	Green	The number of complaints received is reviewed every two months and checks are made to ensure compliance with the complaints procedure. Complaints have been investigated in a accordance with the complaints procedure. A number of complaints have been referred to the Local Government and Social Care Ombudsman. To date none of the complaints have been upheld.

## Housing and Health Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
DH1b:	Have a clear understanding of housing needs including those of older and younger people so that we can identify gaps in provision.	Ensure that available data is analysed to maintain a good understanding of the need for affordable housing across the district.	Green	Procured and completed District Wide Needs Survey. Robust data streams identified and being utilised across all areas of section - homelessness, affordable warmth, affordable homes etc.
		Complete district wide needs assessment research, data analysis and consultation in order to produce a new Housing Policy Statement for Eden.	Green	Procurement process undertaken, tender award, and delivery of robust survey. Raw data sets retained for future analysis.
		Investigate potential to increase revenue by undertaking needs assessments for third party organisations.	Green	Developed bespoke parish needs survey - undertaken for 3 (£5,400 income), 2 in process, and 1 potential other.
		To investigate and review data sources and potential for improving live data collection.	Green	New data streams identified. Work identified for coming year with regards to procurement of Stock Condition data sets.
DH2a:	Work with a range of partners to maximise the delivery of affordable housing.	Ensure the completion of projects funded through the Affordable Housing Innovation Fund.	Green	2 projects completed and 3rd on site. 4th project may not proceed due to change in position of RP.
		Manage the Community Housing Fund.	Green	Granted funding to 8 community groups. HUB procured, Community Event with Planning Policy
DH2a:	Work with a range of partners to maximise the delivery of affordable housing.	Ensure the completion of projects funded through the Affordable Housing Innovation Fund.	Green	As above
		Manage the Community Housing Fund.	Green	As above
		To undertake a review of Section106 contributions and to develop new policy for utilisation in delivery of affordable housing. Including consideration of affordable housing schemes that could be supported and/or delivered directly by the Council in conjunction with Commercial Services	Amber	New member of staff recruited. Work on new SPD. A cross department working group of officers has been established to ensure that new guidance on complying with Section 106 finances is complied with.
		To work with key partners to identify and support the provision of Extra Care Facilities within Eden.	Green	Support for Housing 21, 54 unit extra care facility Penrith. Support for facility Appleby through Community Led Housing. Concordat approved and signed with Cumbria County Council
DH4a:	Deliver the Housing Assistance Policy in respect of Disabled Facilities Grants (DFGs) and Decent Homes Assistance (DHA).	Develop new initiatives for the use of the Better Care Fund (BCF) Allocation to improve Health and Wellbeing in the District in conjunction with Cumbria County Council and key partners.	Green	Better Care funding now fully utilised for statutory requirements. Work being undertaken this year with regards to formation of an HIA - to utilise historic BCF underspend and remainder of discretionary grants - lead to development of a new Regulatory Order.
		To undertake a review of discretionary housing grants delivered by the Council and to develop new policy proposals.	Green	As above. Approval given for utilisation of grant funding to support affordable warmth single point of contact and ECO Flex top-up grant scheme under development.
DH5a:	Ensure that the contract for the homelessness service and Cumbria Choice is well managed so that everyone in housing need receives a high quality service.	To undertake a review of new service provision and to report on proposals for extension or tender process.	Amber	A review of this will be undertaken once we have received the latest Government paper on the subject.
		To produce a new Homelessness Strategy Policy for Eden District Council	Amber	New draft strategy/action plan developed. Final draft of strategy now expected.
		To produce and implement and action plan for service development in conjunction with contractor	Amber	A review of this will be undertaken once we have received the latest Government paper on the subject.
TC4	Deliver and promote healthy living through provision and support of a range of health and leisure activities and facilities	To work with partners, internal and external, to identify and implement specific health and wellbeing projects such as health improvement, dementia, and teenage mental health.	Green	Refresh of Eden H&W Being forum and active on PHA. Close links with ICC - to be invited on leadership team and engagement with ICC HUB. Work on dementia forums, healthy weight declaration etc.

## Housing and Health Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
		To develop and produce a Fuel Poverty Strategy for Eden district, to implement individual schemes, and to investigate the development of an Affordable Warmth Partnership	Green	Affordable Warmth Partnership developed and implemented. Work on Warm Homes Eden (SPOC) and ECO 3. Development of action plan for partnership now ongoing. BEIS Compliance Pilot for Energy Efficiency Regulations. Work inputted into Heat Networks
QC5b:	Deliver consistently high quality statutory services	Continue to provide satisfactory statutory services in environmental health. Respond to requests for services. Apply the service plans.	Green	
		To develop the introduction of service planning for all service areas for 2019.	Amber	This is underway.
		To develop and implement a Communication Strategy for Environmental Services – both inward and outward facing.	Amber	This is underway.
		To investigate and report on potential service review of Housing and Licensing Functions.	Amber	Now superseded by organisational transformation programme
		To undertake a review and report on student posts currently within Environmental Services establishment.	Green	Review undertaken and restructure approved.
		Percentage of food premises broadly compliant with food hygiene legislation.	Green	
		To undertake a review of Customer Satisfaction processes.	Amber	Now superseded by organisational transformation programme

## Leader Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
EE2a:	Continue with our 'Invest in Eden' website and business marketing and support offers, including the Eden Business Support Fund, to attract high quality businesses to locate and expand in the area.	Portfolio Holder to meet key local employers to raise awareness of Council plans and promote engagement with private sector.	Green	Leader has met with a considerable number of both small and large employers over the course of the last year. The Invest in Eden website has continued to be developed and the Eden Business Support Fund has performed well providing local businesses with a new loan facility as well as generating an income for the Council to help deliver services. A corporate review of the Council's various brand websites is underway.
		Contact key large employers nationally with information about how they can invest in/move into Eden.	Green	This has been enacted through the Invest in Eden Website and through providing those who are seeking sites to move to with information on what is available within Eden.
TC6a:	Actively engage and consult with parish and town councils and community groups to improve communication and ensure their concerns and aspirations are heard and taken account of in decision making.	Produce short inhouse videos for posting on social media, to illustrate and promote topical issues and campaigns the Council is involved with.	Green	Videos produced and aired at key events including Kendal Calling. Videoas have been produced aimed at attracting new businesses and driving new tourism to the area.
		With the Commercial Services and Eden Development Portfolios, consult on the Masterplan for Penrith and the Vision document.	Green	A significant engagement exercise was developed and delivered for the Masterplan concept. Results are being analysed ready to be reported to Members.
QC2c:	Ensure clear and consistent strategic leadership.	The successful appointment of a full time Chief Executive, as an employee of the Council. To provide the motivation and innovation needed to deliver the planned work activity and ambitions which the Council has for the next 3 to 5 years, including implementation of the Council Plan.	Green	Complete. Appointment made. Chief Executive commenced on 02/07/18.
		Develop the Council Plan 2019-2023, in line with the planned work activity and the ambitions which the Council has for the next 3 to 5 years. To include appropriate internal and external consultation.	Green	On target. Plan drafted. Public Consultation complete. Awaiting outcome of election to progress to adoption.
QC3a:	Continue to enable staff to undertake further training.	Introduce a Corporate Skills and Knowledge Framework to assist employees to identify corporate training needs for implementation by January 2019.	Amber	Strategic Direction amended. This framework is no longer required in the anticipated format. Strategic view on this will become clearer after adoption of the Council Plan.
		Production and rollout of a revised appraisal process.	Amber	Strategic Direction amended. This action is now linked to the implementation of the Performance Management Framework which is linked to the adoption of the Council Plan. Progress expected in late summer 2019.
QC4b:	Investigate the feasibility of a range of projects which could potentially generate additional income for the Council.	In conjunction with Resources Portfolio, provide strategic direction and support to the Council's Commercial Services team, with a view to raising additional income and achieving the income target of £1 million by 31 March 2020.	Green	Feasibility work has continued on a number of projects with businesses cases either being developed or in the process of being developed.
		Undertake effective consultation and engagement with Members to agree the commercial direction of the Council and to provide updates on the Heart of Cumbria Ltd	Green	Members have been regularly engaged with the activities of the Heart of Cumbria and kept informed with the performance of the housing project that the company are leading on.
QC5b:	Deliver consistently high quality statutory services.	Ensure the Council complies with its general duty of care and statutory duties as an emergency 'Category One Responder,' as defined by the Civil Contingencies Act 2004.	Green	On target. Director of Corporate Services is taking responsibility for this. Currently as lead officer.

## Resources Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
QC1a:	Develop our web and mobile sites to make more services available online 24/7.	Implement the digital platform.	Red	The project is for the implementation of the Meritec ESB technologies and software required to enable the Digital Innovation Programme Once the technologies and software have been formally accepted by both SLDC and EDC to it becomes the responsibility of the Councils to agree and implement their own go-live projects and strategies Acceptance of the technologies and software by the Councils has been designated the status TPR; "Technology Platform Ready" Prior to the TPR stage it is necessary for IT to accept the platform. This is known as the IT Acceptance Test and then there is the stage of the User Acceptance Test. At present there the IT Acceptance Test stage has not been completed. The contractor is being pressed for Milestones with underlying Project Plans
		Service Innovation Board to oversee digital implementation and integration into wider corporate transformation	Amber	It is anticipated that the work in relation to wider corporate transformation will be subsumed.
QC1b:	Deliver consistently high quality statutory services.	Ensure IT facilities and systems are delivered to Members by 31 March 2019; in particular Planning Committee	Green	Improved ICT has been provided in accordance with the planning committee requirements at the time. No further requests have been received although we recognise that ICT improvement is an ongoing process as technology develops. We will continue to work with the Chair of the committee to ensure improvements continue as required.
QC2a:	Continue with our annual training programmes for Councillors.	Consider ways to further encourage Member attendance at training and briefing sessions.	Amber	Member attendance at training events for 2018/2019 continued to be low. During the Increasing Participation T&F Group, Members indicated their wish to have a working group involved with refreshing the training programme for 2019/20. Member Services have produced a refreshed programme for 2019/20, and will continue to gain feedback from members to allow for improvement. A Member working group met and has had input into the training programme, with positive comments being received from members
		Training will be provided to Members on the Council's Licensing and Planning Committees.	Green	Training was delivered for 2018/2019. External trainers have been booked for 2019/2020 Training Programme as part of the refresh of the programme
QC2b:	Improve the Council's engagement with Members and the public.	Installation of improved audio visual equipment in the Council Chamber to facilitate the recording of public meetings and improve the experience of Members and the public when attending public Council meetings.	Green	Audio equipment was installed in the Council Chamber in July 2019. A recording policy is currently being developed. Comments from Members regarding the microphones are generally positive, though there are a few teething issues which will be worked out with further training.
QC3b:	Ensure our services comply with the Equality Act 2010 and Public Sector Equality Duty.	Ensure every employee receives Equality training to an appropriate standard for their job role.	Red	Due to the increasing workload (including new and additional priorities) for the Communities Officer, the programme of equality inductions to new staff is behind schedule. Going forward, options are being discussed as to how best to deliver these.
		To achieve Equality Objectives to cover the period 2016-2020 and to refresh the Council's supporting Equality Action Plan.	Red	Due to the increasing workload (including new and additional priorities) for the Communities Officer, the Council's existing Equality Objectives are still to be refreshed. The Head of Transformation and Customers has now been made the lead for Equality & Diversity which will help with strategic direction going forward.
QC4a:	Ensure any projected deficit is funded without having to withdraw more from our reserves than we have agreed in our 'Council's Reserves Policy' when setting the budget for each year.	Produce the Resources Plan and the Reserves Policy in tandem. Any use of reserves must be sustainable in the long-run.	Amber	The current MTFP sets out an unsustainable, recurring revenue deficit. The need to reduce operating costs and increase income has been recognised corporately and will be integral to the objectives of the One Eden transformation programme.
QC4b:	Progress a range of projects which could potentially generate additional income for the Council.	Identify commercial opportunities to bring income to the Council which can be used to further the aims of the economic development service.	Amber	The Commercial plan is due to be incorporated into the One Eden Programme. Opportunities are being identified but the objective of making some income generating investments is ongoing.

**Resources Portfolio Plan Outturn 2018-2019**

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
QC5b:	Deliver consistently high quality statutory services.	Process Housing Benefit applications speedily.	Amber	Target is to process applications within 26 days. Actual for 2018-19 was 27 days. This was due to a backlog of work from the move to new software, familiarisation with the new system and long term staff absence.
		Maximise Council Tax collection.	Green	98.3% collected in year for 2018-19 compared to 98.1% for previous year.
		Maximise Business Rates collection.	Green	97.9% collected in year for 2018-19 compared to 98.3% for previous year.



## Services Portfolio Plan Outturn 2018-2019

Ref	Strategic action	Delivery action	RAG status as at 31 March 2019 (red, amber, green)	Current status comments - as at 31 March 2019 (Position + corrective action)
QC5a:	Effectively monitor our contracts to ensure the services provided are high quality and cost efficient.	Review the waste collection contracts and identify changes in service to deliver savings.	Amber	Work following on from WRAP as stalled with all 6 District Councils and County Council trying to work together to find a county wide solution to consistency working and changes in services which would lead to savings. Eden District Council has sought tender for a consultant to review the contracts and will be awarded by end April 2019 with a date of November 2019 for completion of the review.
		Review the garden waste service and identify changes in service.	Amber	
		Investigate proposals/options to introduce electric charging point within the car parks.	Green	Approval given to install electric charging point. Currently working with installer/SLA and ENW for Authority
		To review car parking costs and income.	Green	Review complete, outcome reported and fees amended from 1 April 2019.
		To retain 90% of the market share of fee earning building control work.	Green	Building Control service is still maintaining over the target 90% of the Market share and has kept hold of the work regained from the approved inspectors
		To manage the Building Control team to be able to respond to 85% of building control applications within the 8 week period.	Green	Continue with Over 85% response achieved
		To manage income and expenditure in Building Control to enable the generation of a financial surplus to allow funding to employ an apprentice/trainee.	Green	A new trainee building control officer has been appointed and will start in June 2019
	To devolve discretionary services to the Town and Parish Councils.	Undertake Consultations with Parishes to promote and provide information on the devolution process.	Green	A number of assets have been transferred to penrith Town Council. 342 lights devolved to the Town and Parish Councils with tender awarded for installation of new columns and LED heads. Legal agreements sent out for devolution of public toilets.
	To continue to provide a high quality stray dog service.	Undertake new initiatives around stray dogs and micro-chipping.	Green	Received Platinum Award in recognition of holding the Gold Award for five years continuously
	Publicise new Public Space Protection Orders.	Design and produce leaflets, Twitter and Facebook posts.	Green	Informed all Parish and Town Councils, and along with the Press Release noted on the webpage
TC3a:	Continue to support communities in their efforts to reduce waste, tackle fly tipping and littering and encourage recycling across the district.	To promote and support the annual keep Britain tidy campaigns.	Green	In 2018 28 groups took part in litter picking and in 2019 25 groups took part. The Campaigns for 2019 started with the Great British Spring Clean in March and April 2019 (Love Where You Live and Local Hero's)
		Continue to support communities and submit Green Flag Applications for Alston and Penrith Cemeteries.	Green	Both Alston and Penrith Cemeteries were again successful and achieved the Green Flag Award status.

## Key Performance Indicators 2018-2019 – Performance Summary

Ref	Key Performance Indicator	2017-18 Actual	2018-19 Q1	2018-19 Q2	2018-19 Q3	2018-19 Q4	2018-19 Year End / Outturn	Target / Expected Outturn 2018-19
1	Missed refuse collections (after 24 hours) from <b>26,360</b> properties (Contracts Manager)	0	0	0	0	0	0	<3
2	% of planned food safety inspections undertaken (available annually) (Principal Environmental Health Officer)	99.37%					98.14	98%
3	Number of formal Stage 1 complaints registered (Deputy Chief Executive)	5	3	3	0	1	7	20
4(a)	Number of households accessing the Council's Housing Options Service (Health and Housing Services Manager)	143	73	83	70	72	298	250
4(b)	Number of homeless prevention, relief and full duty cases opened (Health and Housing Services Manager)	27	41	60	42	35	178	180
4(c)	Number of households to whom a full duty is owed (Health and Housing Services Manager )	3	0	0	0	0	0	2
5	Projected year end percentage of Council Tax Collected (Director of Finance)	98.1%	98.1%	98.1%	98.1%	98.3%	98.3%	98.1%
6	Number of working days lost to sickness (FTE) (Principal Human Resources Advisor)	6.69	1.73	2.03	2.39	1.99	8.15	7.00
7	Time taken to process new HB/CTRS claims (Assistant Director Revenues and Benefits)	26 days	35	24	27	20	27	26 days
8	Percentage of minor applications determined within 8 weeks (Planning Services Development Manager)	94.1%	89%	89%	84.7%	92.8%	88.8%	90%

Report No: CE11/19

## Eden District Council

## Executive

4 June 2019

**Interim Support for Senior Management Team**

<b>Portfolio:</b>	Leader
<b>Report from:</b>	Chief Executive
<b>Wards:</b>	All Wards
<p style="text-align: center;"><b>REPORT -OPEN PUBLIC ITEM</b></p> <p>Appendix B to this report is exempt from publication under Paragraph 3 of Schedule 12 A of the Local Government Act 1972</p>	

**1 Purpose**

- 1.1 The report updates the Executive on action the Chief Executive has taken in relation to bringing in interim capacity and support to the Council's senior management team.

**2 Recommendation**

It is recommended that Executive notes and endorses the two interim arrangements which have been set up and the associated means of selection.

**3 Background**

- 3.1 The Chief Executive undertook a senior management review of the organisation in 2018/19 with a new structure agreed in January and implemented in February 2019. The revised structure is set out at Appendix A.
- 3.2 All of the senior management posts have been filled, apart from the Director of People and Place and the Head of Transformation and Customers. The recruitment process is currently underway for the permanent Director of People and Place role. Human Resources and Appeals Committee will undertake the final interview and appointment process for this post. The Chief Executive is considering options for how the role of Head of Transformation and Customers is taken forward in the medium term, given the link to the emerging One Eden Transformation Programme and the need for more emphasis on managing transformation work.

**4 People and Place**

- 4.1 Until a permanent officer is in position for the Director of People and Place role, it has been necessary to bring in interim capacity to take forward key place shaping projects for the Council. The Chief Executive has brought in a consultant called who will be given the title 'Strategic Adviser: People and Place'. Further details are outlined in Confidential Appendix B. Please note that
- 4.2 The consultant will work one day a week until the middle of June and will then work with us four days a week for a period of five months. During the one day

a week period, they will undertake a review of the Heart of Cumbria, looking at the Executive's intentions, governance arrangements inside the Council and on the Board, capacity, delivery arrangements, and finance.

- 4.3 For the remainder of his assignment the consultant will lead on moving forward the following areas for the Council:

1. Heart of Cumbria Review - implementation of changes
2. What next after the Masterplan and taking forward the Local Plan Review
3. Penrith town centre plan
4. One Public Estate (OPE)
5. Managing the workloads/delivery of the three Assistant Directors

- 4.4 It is important to note that the consultant will not have any delegations or authorities under the Constitution or any financial responsibilities.

## **5 Transformation and Customers**

- 5.1 It is likely that the Head of Transformation and Customers role will not be required as it is currently set up in the longer term. However, there is significant work to manage and take forward in this area in the coming months as the One Eden Transformation Programme is scoped. Furthermore, work needs to be undertaken on bringing the Communications Team and the Web and Customer Services Team together in order to co-ordinate activity, reduce duplication and enhance capacity. There will be an element of 'designing out' the role.

- 5.2 The Chief Executive has brought in a consultant who will be given the title 'Senior Adviser: Transformation and Customers'. Further details are outlined in Confidential Appendix B which is exempt from publication under Paragraph 3 of Schedule 12 A of the Local Government Act 1972

- 5.3 The consultant will work with us three days a week for an initial period of four months and will lead on:

1. Setting up and overseeing the programme management arrangements for the One Eden Transformation programme
2. Co-ordinating key preparatory work within the Council, including Executive and wider Councillor engagement in the programme and its vision and objectives and baseline assessment of current delivery
3. Reviewing the working arrangements for the Communications and Web/Customer Services team
4. Managing workloads/delivery in the Communications and Web/Customer Services team
5. Co-ordinating a Communications Peer Review by the LGA.

- 5.4 It is important to note that the consultant will not have any delegations or authorities under the Constitution or any financial responsibilities.

## **6 Policy Framework**

- 6.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and

- Quality Council

6.2 Given the work that the consultants will be delivering, the arrangements support the delivery of all of the corporate priorities.

## **7 Consultation**

7.1 The Chair and Vice Chair of the HR and Appeals Committee were consulted and were comfortable with the need to bring in interim capacity.

## **8 Implications**

### **8.1 Financial and Resources**

8.1.1 The anticipated cost of the two engagements is £99.8k. This will be funded from the base budget for the two vacant posts (£78.8k, assuming recruitment to the permanent director post from mid-October), £10k from the Chief Executive's project budget plus a £10k contribution from the Place Shaping Reserve. This reflects the scope of the work, as set out in the body of the report above. The two engagements will create a sustainable legacy for the Council, with one role focused on place shaping with a link to income generation and the other role on delivering transformation and efficiency.

### **8.2 Legal**

8.2.1 The Chief Executive has delegated authority to appoint consultants. The Monitoring Officer Team's advice has been sought and is satisfied that the arrangements are in accordance with the Constitution.

8.2.2 The Human Resources Team have assisted with the sourcing of both consultants.

8.2.3 With regard to the Strategic Adviser: People and Place the position is that six consultants, with varying day rates, were received and all were assessed on their relevant skills, experience and availability. After some negotiation, a reduced day rate was agreed for the preferred candidate which was well within the range of day rates which had been quoted. The Special List procedure under paragraph 4.2 of the Council's Procedure Rules allows the Chief Executive to appoint a tenderer who has the skills to efficiently provide the services. The recruitment environment with regard to consultants is not conducive to the requirement to record the list of tenders together with reasons for using a Special List and inclusion of specific tenders thereon in advance of a tendering exercise. The position is that recruitment consultants provide a list of candidates for consideration. Executive is therefore requested to endorse the means of appointing the consultant.

8.2.4 With regard to the Senior Adviser: Transformation and Customers the position is that paragraph 3.4 of the Council's Procurement Rules provide that the Chief Executive may dispense with the requirement to seek a minimum of four quotations in special circumstances. In this case it is not practicable to do so given that value for money has been established by the market testing exercise for the People and Places Adviser post. The identified consultant has a strong track record in similar roles and when compared the rates quoted by Gatenby Sanderson for similar posts, it was considered that the quotes rate represented excellent value for money.

### 8.3 Human Resources

- 8.3.1 During consultation for the Senior Management review in late 2018/early 2019, it was identified that place shaping/community leadership and transformation were two of the key areas which the Council needed to focus on and these areas were discussed at length at the HR and Appeals Committee on 3 January 2019. Apart from the Chief Executive, the Council doesn't currently have anyone employed at a senior enough level to drive these areas forward and therefore runs the risk of delaying major projects which will have a detrimental knock-on effect in other service areas.
- 8.3.2 Recruitment for senior posts on a permanent basis needs to be thorough and robust to ensure that the right people are appointed and this process can potentially take around six months for a post at Director level.
- 8.3.3 The use of consultants/interims is recognised as a good way to buy in expertise in specific areas and to fill short term gaps in vital roles. As already covered in this report, the consultants will not have any delegations or authorities under the Constitution however they do both have the skills and experience which the Council requires and are available to start immediately.

### 8.4 Statutory Considerations

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	There are no immediate implications on equality and diversity by the contents of this report. However in the longer term there could be some positive outcomes.
Health, Social Environmental and Economic Impact	The 'Strategic Adviser: People and Place' post will have a major impact on how the Council develops its place shaping projects which in turn has a major impact on these areas.
Crime and Disorder	There are no immediate implications on crime and disorder by the contents of this report. However in the longer term there could be some positive outcomes.
Children and Safeguarding	There are no immediate implications on children and safeguarding by the contents of this report. However in the longer term there could be some positive outcomes.

### 8.5 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Risks to public, finance or reputation by not having capacity to deliver on the Council Plan or One Eden transformation project.	Potential opportunities and financial savings may not be realised.	Ensure that we have the right people in place to lead the projects.

## **9 Other Options Considered**

- 9.1 Not bringing in external capacity would hamper the Council's efforts to make progress on a number of key corporate priorities. It is not appropriate to bring in 'acting up' arrangements for the current Assistant Directors, as all are in newly refocused posts and all have major delivery priorities.

## **10 Reasons for the Decision/Recommendation**

- 10.1 The external capacity will bring much needed drive and capacity to a number of key corporate priorities and enable swift progress to be made on a range of urgent and pressing projects.

### **Tracking Information**

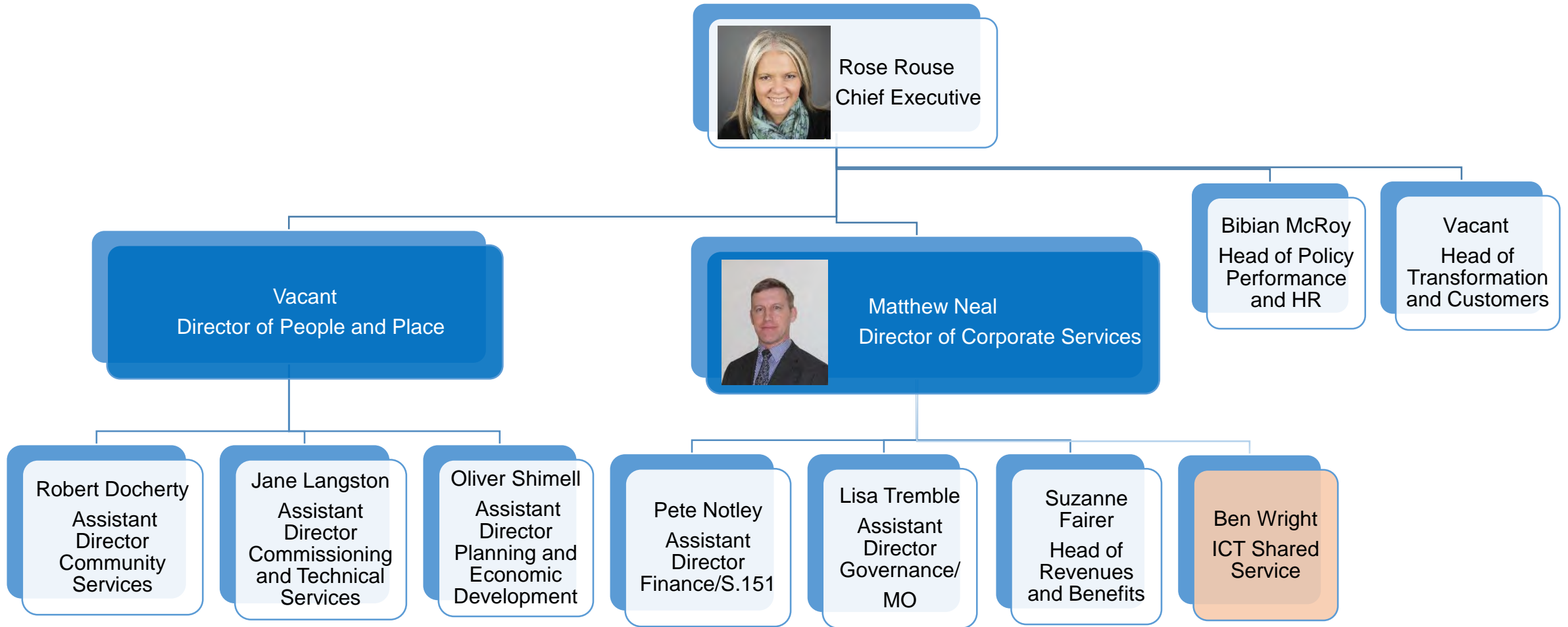
<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	21 May 2019
<b>Monitoring Officer (or Deputy)</b>	22 May 2019
<b>Relevant Director</b>	N/A

**Background Papers:** Not applicable

**Appendices:** Appendix A – Organisational Structure  
Appendix B – Confidential Appendix which is exempt from publication under Paragraph 3 of Schedule 12 A of the Local Government Act 1972

**Contact Officer:** Rose Rouse, Chief Executive

# Senior Management Team





Report No: G51/19

Eden District Council

Executive

4 June 2019

## Nomination as an Asset of Community Value - Coronation Gardens, Lazonby

<b>Portfolio:</b>	Resources
<b>Report from:</b>	Director of Corporate Services
<b>Wards:</b>	Lazonby
<b>OPEN PUBLIC ITEM</b>	

### 1 Purpose

- 1.1 To consider the nomination of Coronation Gardens, Lazonby as an Asset of Community Value under the Localism Act 2011.

### 2 Recommendation

It is recommended that the nomination of the Coronation Gardens, Lazonby as an asset of community value be accepted.

### 3 Report Details

- 3.1 A nomination has been received from Lazonby Parish Council for Coronation Gardens, Lazonby to be listed as being of community value. The application was dated 20 March 2019 and was received by the Council on 21 March 2019. A copy of the nomination form is attached at Appendix A of this report.
- 3.2 The nominated land is Coronation Gardens, Lazonby and is described as a small area of grass land. A copy of the plan to which the nomination refers is attached at Appendix B.
- 3.3 Under the Localism Act 2011 [“the Act”] and The Assets of Community Value (England) Regulations 2012 made thereunder the Council has a duty to maintain a list of land in its area which is of community value, and also a list of unsuccessful nominations of such land. There is a summary of the statutory provisions setting out the procedure and criteria for the nomination of land appended to this report as Appendix C.
- 3.4 The Act goes further to state that a nomination must include certain information in order to be considered by the local authority. The nomination must include a description of the land, names of occupiers and owners of the land, the nominator’s reasons for thinking that the land is of community value and evidence that the nominator is eligible to make a nomination as set out in Regulation 6.
- 3.5 The nomination of land as an asset of community value can be made by numerous different parties, as set out in section 89 of the Act. In this case it has been made by the Parish Council under s89(2)(b)(i). The application

therefore should be viewed as valid for the purposes of this nomination and thus the District Council must consider the application.

- 3.6 Land which is of 'community value' is defined in section 88 of the Act. Briefly, its principal use must, in the District Council's opinion, 'further the social wellbeing or social interests of the local community' now and 'it must be realistic to think' that such a use 'can continue' in the future.
- 3.7 Under the Act 'Social interests' can include cultural interests, recreational interests or sporting interests.
- 3.8 The Parish Council sets out the reasons why they believe that the nominated land should be viewed as being of community value. The full statement is set out in the nomination form in Appendix A. The statement sets out that the land includes two children's swings and provides an area for recreational activities for the children who live at the opposite end of the village to the community playground. The Parish Council state this is particularly important now that 48 new family houses have been constructed in that area.
- 3.9 The nominated land is owned by Cumbria County Council. The County Council has objected to the application on the grounds that the area includes the sight lines / vision splays for the purposes of the public highway. It is essential that the sight lines / vision splays are maintained to protect the safety of pedestrians and vehicular traffic around the junction.
- 3.10 The nominated land includes children's swings and provides an area for recreational activities. The land is used for and to pursue recreational interests. The land has specific recreational interest and equipment. The entire area is maintained and is grassed. It is considered to be realistic to conclude that the current use can continue.
- 3.11 The land is at a highway junction and it is accepted that safety issues are and will be important. A recreational use or the listing of the land as one of community value would not enable or authorise any action which could affect the sight lines or vision splays. The County Council as the owner of the land could ensure that the necessary sight lines or vision splays are maintained through its role as the local highway authority. The statutory provisions protect land which is of a community value from being disposed of without the community being able to submit a bid for it.
- 3.12 The issue to be determined is whether the land is of community value. It is considered that the land is of community value, because of its recreational use and because realistically that use is likely to continue. It is therefore recommended that the nomination be accepted.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
  - Decent Homes for All;
  - Strong Economy, Rich Environment;
  - Thriving Communities; and
  - Quality Council
- 4.2 This report meets Quality Council corporate priority.

- 4.3 This report addresses Strategic Action QC5b in the Council Plan.

## **5 Consultation**

- 5.1 Consultation has been conducted in accordance with the statutory requirements of the Localism Act 2011. At the time of writing a statement has been received from Cumbria County Council objecting to the application on the grounds that the area includes the sight lines / vision splays for the purposes of public highway. The County Council state that the vision splays / sight lines are maintained to protect the safety of pedestrians and vehicular traffic around the junction.
- 5.2 The local ward member has been notified of the nomination and any comments which are received will be reported to the Executive at the meeting.

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.
- 6.1.2 There are no proposals in this report that would reduce or increase resources, save as referred to in paragraph 6.2.3 below.

### **6.2 Legal**

- 6.2.1 The legislation provides an appeal mechanism for owners whose land is listed to a First Tier Tribunal, but contains no separate provision for disappointed applicants or nominating groups. However interested parties could seek permission for a judicial review by the High Court of the Council's decision on various grounds, such as illegality, irrationality or procedural impropriety.
- 6.2.2 The Regulations provide that an owner or former owner of listed land is entitled to compensation from the Council if, at a time when the person was the owner of the land and the land was listed, they did incur loss or expense which would likely not have been incurred if the land had not been listed. This situation may potentially arise if the nominated land were to be sold and the value of the land was affected by the moratorium period. It is the owner's responsibility to provide evidence of the extra costs incurred and must be made within 13 weeks of the costs being incurred.
- 6.2.3 The DCLG Community Right to Bid Guidance (October 2012) states that the government will meet the cost of compensation payments of over £20,000 in a financial year. This could occur through a local authority paying out over £20,000 in one financial year either on one large claim or as a combined total on a number of smaller claims. The Council would have to write to the Community Assets Team at the Ministry of Housing, Communities and Local Government with a request for financial support providing evidence of the compensation costs incurred.
- 6.2.4 The Council is required to determine the nomination within eight weeks of receipt. This nomination should be determined on or before 16 May 2019. Whilst it is acknowledged that this report will be presented to the Executive after the determination date, the application still needs to be determined.

### 6.3 Human Resources

6.3.1 There are no Human Resources implications arising out of the proposal.

### 6.4 Statutory Considerations

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	There are not considered to be any equality or diversity implications relevant to the subject matter and the Council's responsibilities nor are there any rurality implications
Health, Social Environmental and Economic Impact	The report takes into account the social interests and wellbeing of the community. There are not considered to be any adverse impacts under this heading.
Crime and Disorder	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help reduce crime and disorder.
Children and Safeguarding	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help promote the welfare of children.

### 6.5 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Members' attention has been drawn above in paragraphs 6.2 and Appendix C to the risk of its decision being challenged.	Legal challenge and compensation claims	<p>The Council cannot be sure of the likelihood of any such challenge, which will depend partly on the resources available to those aggrieved. Legal and financial risks are closely linked, as is any impact on the Council's reputation. They are largely dictated by the provisions of the legislation and the Council's duties as explained.</p> <p>Compensation claims potential is explained at paragraph 6.2.3 above.</p> <p>Regardless of the risks the Council must</p>

		proceed to make a decision in accordance with its statutory duty.
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## **7 Other Options Considered**

- 7.1 That the and subject to the sight line / vision splay should be excluded from any land accepted as being of community value. The Council has a statutory duty to make a decision on the nomination having regard to the legislation and relevant circumstances.

## **8 Reasons for the Decision/Recommendation**

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

### **Tracking Information**

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	22 May 2019
<b>Monitoring Officer (or Deputy)</b>	21 May 2019
<b>Relevant Director</b>	22 May 2019

### **Background Papers:**

#### **Appendices:**

Appendix A - Nomination Form

Appendix B - Plan

Appendix C - Statement of Statutory Provisions

#### **Contact Officer:**

Mr P G Foote, Senior Legal Advisor and Solicitor

Direct Dial 01768 212117

# Community Right to Bid Nomination Form

## Appendix A

Assistance in completing this form can be found by downloading the guidance from the website

### Section 1 About the property to be nominated

Name of property	Coronation Gardens
Address of property	Lazonby
	Cumbria
Postcode	CA10 1AH
Property owner's name	Cumbria County Council
Address	Cumbria House
	117 Botchergate
	Carlisle Cumbria
Postcode	CA1 1RD
Tel	01228 606060
Current occupier's name	Lazonby Parish Council

### Section 2 About your community organisation and its contact point

Name of organisation	Lazonby Parish Council		
Your Title	Ms	First Name	Rebecca
Surname	Wyatt		
Position in organisation	Clerk to the Council		
Email address			
Address			
Postcode			

Organisation type - tick all that apply

- |   |   |
|---|---|
| <input type="checkbox"/> Unincorporated Community/Voluntary Group | <input checked="" type="checkbox"/> Parish Council  |
| <input type="checkbox"/> Neighbourhood Forum                      | <input type="checkbox"/> Community Interest Company |
| <input type="checkbox"/> Industrial and Provident Society         | <input type="checkbox"/> Charity                    |
| <input type="checkbox"/> Company Limited by Guarantee             | <input type="checkbox"/> Other                      |

How many members do you have (this is particularly important for unincorporated community groups)? 10 councillors

### Section 3 Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible and attach any supporting evidence.

This small area of grass land includes two childrens swings and provides an area for recreational activities for the children who live at the opposite end of the village to the community Playground. This is particularly important now that 48 new family houses (with the prospect of another 50) have been constructrd in that area.

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### Section 4 Boundary of property

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible. Please include a plan and if this is not possible, please provide a sketch stating the dimensions of the property to be listed, as precise information is required for registration purposes.

see attached plan

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### Section 5 Attachment checklist

- ☒ Copy of group constitution
- ☐ Name and home addresses of 21 members registered to vote in nomination area (if group is not incorporated), plus confirmation they belong to the group and support the nomination.
- ☒ Site boundary plan and description

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### Section 6 Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:		Dated:	20/3/19.
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Please send your completed form to:

Director of Corporate and Legal Services  
Eden District Council  
Town Hall  
Penrith CA11 7QF

or email to: [dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

# Coronation Garden, Lazonby

Revised Plan

Appendix B





## **Assets of Community Value**

### **A Summary of the Statutory Provisions Procedure to Nominate Land**

#### **1. Introduction**

- 1.1 Under the Localism Act, the Council has to maintain a list of land in its area that is of community value. The obligation arises under Section 87 of the Localism Act. It is for the Council to decide the form and content of its list of assets of community value, subject to whatever regulations the Secretary of State may make.

#### **2. Land of Community Value**

- 2.1 A building or other land in the Council's area is land of community value if in the authority's opinion:
- a) an actual or current use of the building or other land furthers the social wellbeing or social interests of the local community; and
  - b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

#### **3. The Procedure for including Land in a List**

- 3.1 Land in the Council's area which is of community value may be included in the list only:
- a) in response to a community nomination; or
  - b) were permitted by regulations made by the Secretary of State.
- 3.2 A community nomination means one which nominates the land in the area for inclusion in the list of assets and is made by a Parish Council or by a person that is a voluntary or community body with a local connection.
- 3.3 Regulations may enable a nomination to be made by someone in circumstances other than where it is a community nomination.
- 3.4 Upon the community nomination being made it must be considered. The Council must accept the nomination if the land is in the Council's area and of community value. If the Council is required to accept the nomination, the authority must cause the land to be included in the list of assets. If the nomination is unsuccessful the Council must give to the person who made the nomination the authority's written reasons for its decision that the land could be included in the list.

#### **4. Notice of Inclusion**

- 4.1 The Council must give a written notice of the inclusion or removal of land in its list of assets of community value to:
- a) the owner of the land;
  - b) the occupier of the land if he is not the owner;
  - c) if the land was included in the list in response to a community nomination, the person who made the nomination; and
  - d) any person who is so specified in the regulations.
- 4.2 If appropriate where it is not reasonably practicable to give a notice, the Council may instead take reasonable alternative steps to bring the notice to the person's attention.

#### **5. Review of a Decision**

- 5.1 The owner of the land included within the authority's list of assets of community value may ask the authority to review the decision. The Council must notify the person concerned of the decision and the reasons for the decision on any review. The Council may remove the land and if it does so, must give notice to the body which made any community nomination.

#### **6. List of Unsuccessful Community Nominations**

- 6.1 The Council must maintain a list of land in its area that has been nominated by unsuccessful community nominations. This list is to be known as the list of land nominated by unsuccessful community nominations.

#### **7. Publication**

- 7.1 The Council must publish its list of assets of community value and the list of any land nominated by unsuccessful community nominations. The list must be available for inspection. The Council must provide a free copy of its list of assets to any person who asks for it.

#### **8. Moratorium**

- 8.1 The person who is the owner of land which is included within the authority's list of assets of community value must not enter into a relevant disposal of the land unless certain conditions are met. The conditions are:
- a) The particular person has notified the Council in writing of that person's wish to enter into relevant disposal of the land;
  - b) Either the interim moratorium period has ended without the Council having received from any Community Interest Group a written request for the Group to be treated as a potential bidder for the land or the full moratorium period has ended; or
  - c) That the protected period has not ended.

- 8.2 There are exclusions from the moratorium where a disposal is by way of gift or in relation to a disposal by will or intestacy, amongst others.
- 8.3 The full moratorium period means six months beginning with the date upon which the Council receives notification under Condition 8.1 a.
- 8.4 The interim moratorium period means six weeks beginning with the date upon which the Council receives notification under Condition 8.1 a.
- 8.5 The protected period means the period of eighteen months beginning with the date upon which the Council receives notification in relation to the disposal under Condition 8.1 a.
- 8.6 The meaning of the term “relevant disposal” is defined in the Act: Section 96 and includes the disposal of the freehold estate or the grant of a qualifying leasehold estate. The effect of the moratorium is that the community has to make an initial expression of interest in six months and the owner cannot sell to anyone else for six months if it does.
- 8.7 The effect of listing is to prevent a sale until there has been an adequate period to submit a bid should the owner wish to sell.
- 8.8 The Council’s list of assets must reveal that the notice has been received and indicate the date upon which the notice was received and the moratorium periods which are applicable.
- 8.9 If the Council receives from a Community Interest Group a written request to be treated as a potential bidder, the Council must pass that notification onto the owner or inform the owner of the details of the request. This obligation arises if the notice is received before the end of the interim moratorium period.
- 8.10 The Localism Act enables the Secretary of State to make regulations providing for the payment of compensation.

## **9. Local Land Charge**

- 9.1 If land is included within the list of assets of community value, it should be included in the local land charges register. The Secretary of State may make regulations providing for enforcement and do anything to give advice and assistance in relation to land of community value. The Council has a duty to co-operate with other local authorities if different parts of any land are in different local authority areas. The District Council is the appropriate local authority for the purposes of the application of these provisions. A Parish Council is not a local authority for this purpose. A County Council is only a local authority for this purpose where there is no District Council in the area concerned.

## **10. The Regulations**

- 10.1 The Secretary of State has made the Assets of Community Value (England) Regulations 2012. The Regulations came into force on 21 September 2012, the day after they were made. The Regulations identify land which is not of community value. The following are not land which is of community value and therefore may not be listed:

- A residence together with any land connected with that residence, however, land which is a residence falls within the exclusion may be listed if the residences of a building that is partly used as a residence and but for that residential use of the building the land would be eligible for listing.
- Land on which a site license is required under the Caravan Sites and Control of Development Act cannot be listed.
- Operational land as defined in Section 263 of the Town & Country Planning Act 1990 cannot be listed. Operational land is that which belongs to a statutory undertaker.

10.2 The Regulations define what is meant by “a local connection”. The activities that the body concerned must be wholly or partly connected with the Council’s area and there may be a requirement for it to have at least twenty-one local members if it is a Neighbourhood Forum. A voluntary or community body means:

- a Neighbourhood Forum
- Parish Council
- a non incorporated body with at least twenty-one individuals who are members and which does not distribute any surplus to its members
- a charity
- a company limited by guarantee which does not distribute any surplus to its members
- an industrial and providence society which similarly does not distribute any surplus; and
- a community interest company.

## **11. Content of a Community Nomination**

11.1 A community nomination must include:

- A description of the nominated land including its proposed boundaries;
- A statement of all the information which the nominator has with regard to the current occupants and the owner;
- The nominator’s reasons for thinking that the Council should conclude the land is of community value and the evidence that the nominator is able to make the community nomination.

11.2 The Council has a period of eight weeks to respond to the nomination. The Council must notify a Parish Council, the owner of the land and any occupant that a nomination is under consideration.

## **12. Compensation**

12.1 An owner is entitled to compensation from the Council of such amount as the Council may determine in the following circumstances:

- 12.2 That the person making the claim has at the time when the person was the owner of the land the land was listed incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.
- 12.3 The regulations identify that a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by the prohibition upon the disposal and a claim for reasonable legal expenses incurred in any successful appeal against the Council's decision are claims which may be made.
- 12.4 A claim for compensation must be made in writing to the Council and before the end of the period of thirteen weeks after the loss or expense was incurred. The claim must state the amount of compensation which is being sought and be supported by evidence. The Council must give the claimant written reasons for its decision in relation to any request for compensation.
- 12.5 The regulations identify that a body which has its accounts audited under Section 2 of the Audit Commission Act 1998, a department or body to which Section 6 of the National Audit Act 1983 applies and a body which has its resources examinable under Section 7 of the 1983 Act may not claim compensation.
- 12.6 A person who makes a claim for compensation may ask the Council to review its decisions in relation to compensation, a written for a decision must be given. An appeal may be made to a first tier tribunal against any decision of the Council on any review.
- 12.7 The Council must notify the owners and mortgagees of any listed land as soon as practicable after the land is entered on the register.
- 12.8 The regulations set out a procedure for a listing and a compensation review and identified relevant disposals to which the Act does not apply. There are fifteen such examples.

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Report No: G52/19

## Eden District Council

## Executive

4 June 2019

## Nomination as an Asset of Community Value - Will Pool, Lazonby

<b>Portfolio:</b>	Resources
<b>Report from:</b>	Director of Corporate Services
<b>Wards:</b>	Lazonby
<b>OPEN PUBLIC ITEM</b>	

### 1 Purpose

- 1.1 To consider the nomination of Will Pool, Lazonby as an Asset of Community Value under the Localism Act 2011.

### 2 Recommendation

It is recommended that the nomination of Will Pool, Lazonby as an asset of community value be accepted.

### 3 Report Details

- 3.1 A nomination has been received from Lazonby Parish Council for Will Pool, Lazonby to be listed as being of community value. The application was dated 20 March 2019 and was received by the Council on 21 March 2019. A copy of the nomination form is attached at Appendix A of this report.
- 3.2 The nominated land is Will Pool, Lazonby and is described as a pond and wildflower area. A copy of the plan to which the nomination refers is attached at Appendix B.
- 3.3 Under the Localism Act 2011 [“the Act”] and The Assets of Community Value (England) Regulations 2012 made thereunder the Council has a duty to maintain a list of land in its area which is of community value, and also a list of unsuccessful nominations of such land. There is a summary of the statutory provisions setting out the procedure and criteria for the nomination of land appended to this report as Appendix C.
- 3.4 The Act goes further to state that a nomination must include certain information in order to be considered by the local authority. The nomination must include a description of the land, names of occupiers and owners of the land, the nominator’s reasons for thinking that the land is of community value and evidence that the nominator is eligible to make a nomination.
- 3.5 The nomination of land as an asset of community value can be made by numerous different parties. In this case it has been made by the Parish Council under s89(2)(b)(i), of the Act. The application therefore should be viewed as valid for the purposes of this nomination and thus the District Council must consider the application.

- 3.6 Land which is of 'community value' is defined in section 88 of the Act. Briefly, its principal use must, in the District Council's opinion, 'further the social wellbeing or social interests of the local community' now and 'it must be realistic to think' that such a use 'can continue' in the future.
- 3.7 Under the Act 'Social interests' can include cultural interests, recreational interests or sporting interests.
- 3.8 The Parish Council sets out the reasons why they believe that the nominated land should be viewed as being of community value. The full statement is set out in the nomination form in Appendix A. Lazonby Parish Council state that:
- Will Pool is known locally as 'the duck pond' and is an area of cultural and recreational interest;
  - it includes a wildflower area, a pond with a pond dipping pontoon, various wild fowl, frogs, butterflies, dragonfly and bees;
  - there is an information board showing the history and wildlife of Will Pool; and
  - there are seating benches including disabled access to seating and a picnic table and benches.
- 3.9 The nominated land is a wildlife area within the village. It has information boards and provides an area where wildlife can be observed. The nature and use of the land can be said to further social wellbeing and recreational interests. The nominated land, therefore is of community value. It is likely that the use will continue in view of the current use and the Parish Council being in ownership of the land. It is therefore considered that the nomination should be accepted.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Decent Homes for All;
  - Strong Economy, Rich Environment;
  - Thriving Communities; and
  - Quality Council
- 4.2 This report meets Quality Council corporate priority.
- 4.3 This report addresses Strategic Action QC5b in the Council Plan.

## **5 Consultation**

- 5.1 Consultation has been conducted in accordance with the statutory requirements of the Localism Act 2011.
- 5.2 The local ward member has been notified of the nomination and any comments which are received will be reported to the Executive at the meeting.



## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.
- 6.1.2 There are no proposals in this report that would reduce or increase resources, save as referred to in paragraph 6.2.3 below.

### **6.2 Legal**

- 6.2.1 The legislation provides an appeal mechanism for owners whose land is listed to a First Tier Tribunal, but contains no separate provision for disappointed applicants or nominating groups. However interested parties could seek permission for a judicial review by the High Court of the Council's decision on various grounds, such as illegality, irrationality or procedural impropriety.
- 6.2.2 The Regulations provide that an owner or former owner of listed land is entitled to compensation from the Council if, at a time when the person was the owner of the land and the land was listed, they did incur loss or expense which would likely not have been incurred if the land had not been listed. This situation may potentially arise if the nominated land were to be sold and the value of the land was affected by the moratorium period. It is the owner's responsibility to provide evidence of the extra costs incurred and must be made within 13 weeks of the costs being incurred.
- 6.2.3 The DCLG Community Right to Bid Guidance (October 2012) states that the government will meet the cost of compensation payments of over £20,000 in a financial year. This could occur through a local authority paying out over £20,000 in one financial year either on one large claim or as a combined total on a number of smaller claims. The Council would have to write to the Community Assets Team at the Ministry of Housing, Communities and Local Government with a request for financial support providing evidence of the compensation costs incurred.
- 6.2.4 The Council is required to determine the nomination within eight weeks of receipt. This nomination should be determined on or before 16 May 2019. Whilst it is acknowledged that this report will be presented to the Executive after the determination date, the application requires to be determined.

### **6.3 Human Resources**

- 6.3.1 There are no Human Resources implications arising out of the proposal.

### **6.4 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	There are not considered to be any equality or diversity implications relevant to the subject matter and the Council's responsibilities nor are there any rurality implications

Health, Social Environmental and Economic Impact	The report takes into account the social interests and wellbeing of the community. There are not considered to be any adverse impacts under this heading.
Crime and Disorder	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help reduce crime and disorder.
Children and Safeguarding	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help promote the welfare of children.

## 6.5 Risk Management

Risk	Consequence	Controls Required
Members' attention has been drawn above in paragraphs 6.2 and Appendix C to the risk of its decision being challenged.	Legal challenge and compensation claims	<p>The Council cannot be sure of the likelihood of any such challenge, which will depend partly on the resources available to those aggrieved. Legal and financial risks are closely linked, as is any impact on the Council's reputation. They are largely dictated by the provisions of the legislation and the Council's duties as explained.</p> <p>Compensation claims potential is explained at paragraph 6.2.3 above.</p> <p>Regardless of the risks the Council must proceed to make a decision in accordance with its statutory duty.</p>

## 7 Other Options Considered

- 7.1 None, as the statutory criteria are met. The Council has a statutory duty to make a decision on the nomination.

## 8 Reasons for the Decision/Recommendation

- 8.1 To carry out the Council's statutory duty as the determining authority under the provisions of the Localism Act 2011.

- 8.2 To carry out the Council's duties in conserving the local environment and protecting the wellbeing of the local community of all ages.

**Tracking Information**

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	22 May 2019
<b>Monitoring Officer (or Deputy)</b>	21 May 2019
<b>Relevant Director</b>	22 May 2019

**Background Papers:**

**Appendices:**

Appendix A - Nomination Form

Appendix B - Plan

Appendix C - Statement of Statutory Provisions

**Contact Officer:**

Mr P G Foote, Senior Legal Advisor and Solicitor

Direct Dial 01768 212117

# Community Right to Bid Nomination Form

Assistance in completing this form can be found by downloading the guidance from the website

## Appendix A

### Section 1 About the property to be nominated

Name of property	Will Pool
Address of property	Lazonby
	Cumbria
Postcode	CA10 1AJ
Property owner's name	Lazonby Parish Council
Address	c/o Clerk to the Council - Ms Rebecca Wyatt
	15 Dunfell View, Kirkby Thore
	Penrith, Cumbria
Postcode	CA10 1UT
Tel	0843 2894416
Current occupier's name	Lazonby Parish Council

### Section 2 About your community organisation and its contact point

Name of organisation	Lazonby Parish Council		
Your Title	Ms	First Name	Rebecca
Surname	Wyatt		
Position in organisation	Clerk to the Council		
Email address			
Address			
Postcode			

Organisation type - tick all that apply

- |   |   |
|---|---|
| <input type="checkbox"/> Unincorporated Community/Voluntary Group | <input checked="" type="checkbox"/> Parish Council  |
| <input type="checkbox"/> Neighbourhood Forum                      | <input type="checkbox"/> Community Interest Company |
| <input type="checkbox"/> Industrial and Provident Society         | <input type="checkbox"/> Charity                    |
| <input type="checkbox"/> Company Limited by Guarantee             | <input type="checkbox"/> Other                      |

How many members do you have (this is particularly important for unincorporated community groups)? 10 councillors

### Section 3 Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible and attach any supporting evidence.

Will Pool (known locally as 'the duck pond' is an area of cultural and recreational interest. It includes a wildflower area, a pond with a pond dipping pontoon, various wild fowl, frogs, butterflies, dragonflies and bees. There is also an information board showing the history and wild life of Will Pool. There are seating benches including disabled access to seating and a picnic table and benches. The bridge over the pond was constructed many years ago and the pond dredged, by a local villager. The Parish Council have recently worked hard to refurbish the area so that it is an attractive recreational area for the village and surrounding area.

### Section 4 Boundary of property

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible. Please include a plan and if this is not possible, please provide a sketch stating the dimensions of the property to be listed, as precise information is required for registration purposes.

see attached plan

### Section 5 Attachment checklist

- ☒ Copy of group constitution
- ☐ Name and home addresses of 21 members registered to vote in nomination area (if group is not incorporated), plus confirmation they belong to the group and support the nomination.
- ☒ Site boundary plan and description

### Section 6 Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

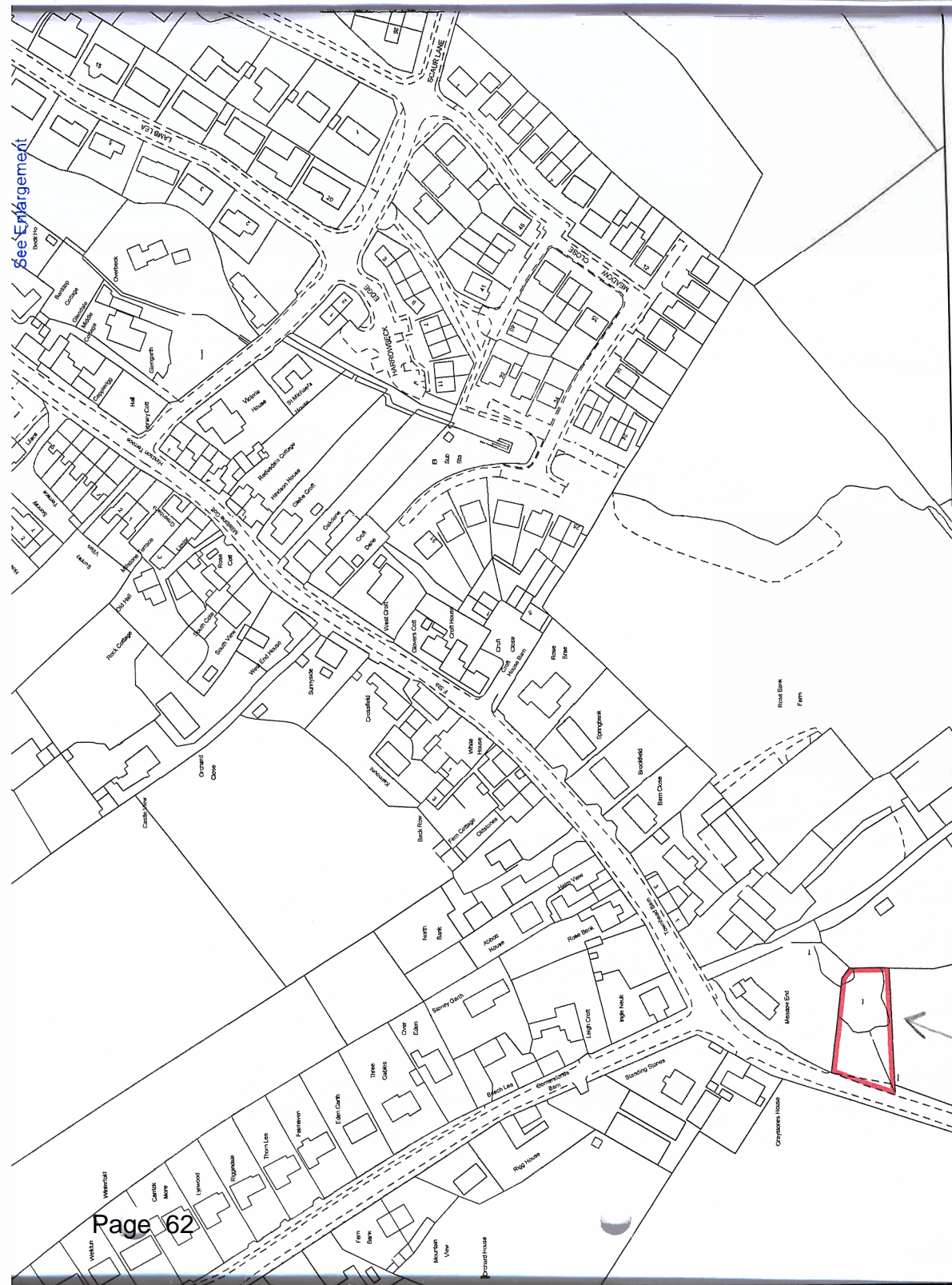
Signed:		Dated:	20/3/19.
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Please send your completed form to:

Director of Corporate and Legal Services  
Eden District Council  
Town Hall  
Penrith CA11 7QF

or email to: [dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

6. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).



It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

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Will Pool

## **Assets of Community Value**

### **A Summary of the Statutory Provisions Procedure to Nominate Land**

#### **1. Introduction**

- 1.1 Under the Localism Act, the Council has to maintain a list of land in its area that is of community value. The obligation arises under Section 87 of the Localism Act. It is for the Council to decide the form and content of its list of assets of community value, subject to whatever regulations the Secretary of State may make.

#### **2. Land of Community Value**

- 2.1 A building or other land in the Council's area is land of community value if in the authority's opinion:
- a) an actual or current use of the building or other land furthers the social wellbeing or social interests of the local community; and
  - b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

#### **3. The Procedure for including Land in a List**

- 3.1 Land in the Council's area which is of community value may be included in the list only:
- a) in response to a community nomination; or
  - b) were permitted by regulations made by the Secretary of State.
- 3.2 A community nomination means one which nominates the land in the area for inclusion in the list of assets and is made by a Parish Council or by a person that is a voluntary or community body with a local connection.
- 3.3 Regulations may enable a nomination to be made by someone in circumstances other than where it is a community nomination.
- 3.4 Upon the community nomination being made it must be considered. The Council must accept the nomination if the land is in the Council's area and of community value. If the Council is required to accept the nomination, the authority must cause the land to be included in the list of assets. If the nomination is unsuccessful the Council must give to the person who made the nomination the authority's written reasons for its decision that the land could be included in the list.

## **4. Notice of Inclusion**

- 4.1 The Council must give a written notice of the inclusion or removal of land in its list of assets of community value to:
- a) the owner of the land;
  - b) the occupier of the land if he is not the owner;
  - c) if the land was included in the list in response to a community nomination, the person who made the nomination; and
  - d) any person who is so specified in the regulations.
- 4.2 If appropriate where it is not reasonably practicable to give a notice, the Council may instead take reasonable alternative steps to bring the notice to the person's attention.

## **5. Review of a Decision**

- 5.1 The owner of the land included within the authority's list of assets of community value may ask the authority to review the decision. The Council must notify the person concerned of the decision and the reasons for the decision on any review. The Council may remove the land and if it does so, must give notice to the body which made any community nomination.

## **6. List of Unsuccessful Community Nominations**

- 6.1 The Council must maintain a list of land in its area that has been nominated by unsuccessful community nominations. This list is to be known as the list of land nominated by unsuccessful community nominations.

## **7. Publication**

- 7.1 The Council must publish its list of assets of community value and the list of any land nominated by unsuccessful community nominations. The list must be available for inspection. The Council must provide a free copy of its list of assets to any person who asks for it.

## **8. Moratorium**

- 8.1 The person who is the owner of land which is included within the authority's list of assets of community value must not enter into a relevant disposal of the land unless certain conditions are met. The conditions are:
- a) The particular person has notified the Council in writing of that person's wish to enter into relevant disposal of the land;
  - b) Either the interim moratorium period has ended without the Council having received from any Community Interest Group a written request for the Group to be treated as a potential bidder for the land or the full moratorium period has ended; or
  - c) That the protected period has not ended.



- 8.2 There are exclusions from the moratorium where a disposal is by way of gift or in relation to a disposal by will or intestacy, amongst others.
- 8.3 The full moratorium period means six months beginning with the date upon which the Council receives notification under Condition 8.1 a.
- 8.4 The interim moratorium period means six weeks beginning with the date upon which the Council receives notification under Condition 8.1 a.
- 8.5 The protected period means the period of eighteen months beginning with the date upon which the Council receives notification in relation to the disposal under Condition 8.1 a.
- 8.6 The meaning of the term “relevant disposal” is defined in the Act: Section 96 and includes the disposal of the freehold estate or the grant of a qualifying leasehold estate. The effect of the moratorium is that the community has to make an initial expression of interest in six months and the owner cannot sell to anyone else for six months if it does.
- 8.7 The effect of listing is to prevent a sale until there has been an adequate period to submit a bid should the owner wish to sell.
- 8.8 The Council’s list of assets must reveal that the notice has been received and indicate the date upon which the notice was received and the moratorium periods which are applicable.
- 8.9 If the Council receives from a Community Interest Group a written request to be treated as a potential bidder, the Council must pass that notification onto the owner or inform the owner of the details of the request. This obligation arises if the notice is received before the end of the interim moratorium period.
- 8.10 The Localism Act enables the Secretary of State to make regulations providing for the payment of compensation.

## **9. Local Land Charge**

- 9.1 If land is included within the list of assets of community value, it should be included in the local land charges register. The Secretary of State may make regulations providing for enforcement and do anything to give advice and assistance in relation to land of community value. The Council has a duty to co-operate with other local authorities if different parts of any land are in different local authority areas. The District Council is the appropriate local authority for the purposes of the application of these provisions. A Parish Council is not a local authority for this purpose. A County Council is only a local authority for this purpose where there is no District Council in the area concerned.

## **10. The Regulations**

- 10.1 The Secretary of State has made the Assets of Community Value (England) Regulations 2012. The Regulations came into force on 21 September 2012, the day after they were made. The Regulations identify land which is not of community value. The following are not land which is of community value and therefore may not be listed:

- A residence together with any land connected with that residence, however, land which is a residence falls within the exclusion may be listed if the residences of a building that is partly used as a residence and but for that residential use of the building the land would be eligible for listing.
- Land on which a site license is required under the Caravan Sites and Control of Development Act cannot be listed.
- Operational land as defined in Section 263 of the Town & Country Planning Act 1990 cannot be listed. Operational land is that which belongs to a statutory undertaker.

10.2 The Regulations define what is meant by “a local connection”. The activities that the body concerned must be wholly or partly connected with the Council’s area and there may be a requirement for it to have at least twenty-one local members if it is a Neighbourhood Forum. A voluntary or community body means:

- a Neighbourhood Forum
- Parish Council
- a non incorporated body with at least twenty-one individuals who are members and which does not distribute any surplus to its members
- a charity
- a company limited by guarantee which does not distribute any surplus to its members
- an industrial and providence society which similarly does not distribute any surplus; and
- a community interest company.

## **11. Content of a Community Nomination**

11.1 A community nomination must include:

- A description of the nominated land including its proposed boundaries;
- A statement of all the information which the nominator has with regard to the current occupants and the owner;
- The nominator’s reasons for thinking that the Council should conclude the land is of community value and the evidence that the nominator is able to make the community nomination.

11.2 The Council has a period of eight weeks to respond to the nomination. The Council must notify a Parish Council, the owner of the land and any occupant that a nomination is under consideration.

## **12. Compensation**

12.1 An owner is entitled to compensation from the Council of such amount as the Council may determine in the following circumstances:

- 12.2 That the person making the claim has at the time when the person was the owner of the land the land was listed incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.
- 12.3 The regulations identify that a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by the prohibition upon the disposal and a claim for reasonable legal expenses incurred in any successful appeal against the Council's decision are claims which may be made.
- 12.4 A claim for compensation must be made in writing to the Council and before the end of the period of thirteen weeks after the loss or expense was incurred. The claim must state the amount of compensation which is being sought and be supported by evidence. The Council must give the claimant written reasons for its decision in relation to any request for compensation.
- 12.5 The regulations identify that a body which has its accounts audited under Section 2 of the Audit Commission Act 1998, a department or body to which Section 6 of the National Audit Act 1983 applies and a body which has its resources examinable under Section 7 of the 1983 Act may not claim compensation.
- 12.6 A person who makes a claim for compensation may ask the Council to review its decisions in relation to compensation, a written for a decision must be given. An appeal may be made to a first tier tribunal against any decision of the Council on any review.
- 12.7 The Council must notify the owners and mortgagees of any listed land as soon as practicable after the land is entered on the register.
- 12.8 The regulations set out a procedure for a listing and a compensation review and identified relevant disposals to which the Act does not apply. There are fifteen such examples.

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Report No: G53/19

## Eden District Council

## Executive

4 June 2019

## Nomination as an Asset of Community Value - Sports Field, Lazonby

<b>Portfolio:</b>	Resources
<b>Report from:</b>	Director of Corporate Services
<b>Wards:</b>	Lazonby
<b>OPEN PUBLIC ITEM</b>	

### 1 Purpose

- 1.1 To consider the nomination of the Sports Field, Lazonby as an Asset of Community Value under the Localism Act 2011.

### 2 Recommendation

It is recommended that the nomination of the Sports Field, Lazonby as an asset of community value be accepted.

### 3 Report Details

- 3.1 A nomination has been received from Lazonby Parish Council for the Sports Field, Lazonby to be listed as being of community value. The application was dated 20 March 2019 and was received by the Council on 21 March 2019. A copy of the nomination form is attached at Appendix A of this report.
- 3.2 The nominated land is the Sports Field, Lazonby and is described as being an open grassed area. A copy of the plan to which the nomination refers is attached at Appendix B.
- 3.3 Under the Localism Act 2011 [“the Act”] and The Assets of Community Value (England) Regulations 2012 made thereunder the Council has a duty to maintain a list of land in its area which is of community value, and also a list of unsuccessful nominations of such land. There is a summary of the statutory provisions setting out the procedure and criteria for the nomination of land appended to this report as Appendix C.
- 3.4 The Act goes further to state that a nomination must include certain information in order to be considered by the local authority. The nomination must include a description of the land, names of occupiers and owners of the land, the nominator’s reasons for thinking that the land is of community value and evidence that the nominator is eligible to make a nomination.
- 3.5 The nomination of land as an asset of community value can be made by numerous different parties. In this case it has been made by the Parish Council under s89(2)(b)(i) of the Act. The application is valid for the purposes of this nomination and thus the District Council must consider the application.

- 3.6 Land which is of 'community value' is defined in section 88 of the Act. Briefly, its principal use must, in the District Council's opinion, 'further the social wellbeing or social interests of the local community' and 'it must be realistic to think' that such a use 'can continue' in the future.
- 3.7 Under the Act 'Social interests' can include cultural interests, recreational interests or sporting interests.
- 3.8 The Parish Council sets out the reasons why they believe that the nominated land should be viewed as being of community value. The full statement is set out in the nomination form in Appendix A. The statement sets out that the land:
- has been used for many years by local people for recreational activities; and
  - is used on a weekly basis by the local Cub Scouts group.
- 3.9 The Parish Council state that there is a covenant on the land allowing it to be used for only recreational activities and preventing structures for any other uses being erected. The land is owned by the Parish Council.
- 3.10 It is clear that the nominated land is used for recreational and sporting purposes. The nominated land furthers the social interests of the community, there it is of community value. It is likely that the use will continue in view of the established and active current use, the ownership of the land and the covenant to which the land is subject. It is considered that the nomination should be accepted.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Decent Homes for All;
  - Strong Economy, Rich Environment;
  - Thriving Communities; and
  - Quality Council
- 4.2 This report meets Quality Council corporate priority.
- 4.3 This report addresses Strategic Action QC5b in the Council Plan.

## **5 Consultation**

- 5.1 Consultation has been conducted in accordance with the statutory requirements of the Localism Act 2011.
- 5.2 The local ward member has been notified of the nomination and any comments which are received will be reported to the Executive at the meeting.

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.

- 6.1.2 There are no proposals in this report that would reduce or increase resources, save as referred to in paragraph 6.2.3 below.

## **6.2 Legal**

- 6.2.1 The legislation provides an appeal mechanism for owners whose land is listed to a First Tier Tribunal, but contains no separate provision for disappointed applicants or nominating groups. However interested parties could seek permission for a judicial review by the High Court of the Council's decision on various grounds, such as illegality, irrationality or procedural impropriety.
- 6.2.2 The Regulations provide that an owner or former owner of listed land is entitled to compensation from the Council if, at a time when the person was the owner of the land and the land was listed, they did incur loss or expense which would likely not have been incurred if the land had not been listed. This situation may potentially arise if the nominated land were to be sold and the value of the land was affected by the moratorium period. It is the owner's responsibility to provide evidence of the extra costs incurred and must be made within 13 weeks of the costs being incurred.
- 6.2.3 The DCLG Community Right to Bid Guidance (October 2012) states that the government will meet the cost of compensation payments of over £20,000 in a financial year. This could occur through a local authority paying out over £20,000 in one financial year either on one large claim or as a combined total on a number of smaller claims. The Council would have to write to the Community Assets Team at the Ministry of Housing, Communities and Local Government with a request for financial support providing evidence of the compensation costs incurred.
- 6.2.4 The Council is required to determine the nomination within eight weeks of receipt. This nomination should be determined on or before 16 May 2019. Whilst it is acknowledged that this report will be presented to the Executive after the determination date, the application requires to be determined.

## **6.3 Human Resources**

- 6.3.1 There are no Human Resources implications arising out of the proposal.

## **6.4 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	There are not considered to be any equality or diversity implications relevant to the subject matter and the Council's responsibilities nor are there any rurality implications
Health, Social Environmental and Economic Impact	The report takes into account the social interests and wellbeing of the community. There are not considered to be any adverse impacts under this heading.
Crime and Disorder	The Council is aware that adequate amenity provision and the social interests and wellbeing

	of the community are all matters that are likely to help reduce crime and disorder.
Children and Safeguarding	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help promote the welfare of children.

## 6.5 Risk Management

Risk	Consequence	Controls Required
Members' attention has been drawn above in paragraphs 6.2 and Appendix C to the risk of its decision being challenged.	Legal challenge and compensation claims	<p>The Council cannot be sure of the likelihood of any such challenge, which will depend partly on the resources available to those aggrieved. Legal and financial risks are closely linked, as is any impact on the Council's reputation. They are largely dictated by the provisions of the legislation and the Council's duties as explained.</p> <p>Compensation claims potential is explained at paragraph 6.2.3 above.</p> <p>Regardless of the risks the Council must proceed to make a decision in accordance with its statutory duty.</p>

## 7 Other Options Considered

- 7.1 None as the statutory criteria are considered to be met. The Council has a statutory duty to make a decision on the nomination.

## 8 Reasons for the Decision/Recommendation

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



**Tracking Information**

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	22 May 2019
<b>Monitoring Officer (or Deputy)</b>	21 May 2019
<b>Relevant Director</b>	22 May 2019

**Background Papers:****Appendices:**

Appendix A - Nomination Form

Appendix B - Plan

Appendix C - Statement of Statutory Provisions

**Contact Officer:**

Mr P G Foote, Senior Legal Advisor and Solicitor  
Direct Dial 01768 212117

# Community Right to Bid Nomination Form

Assistance in completing this form can be found by downloading the guidance from the website

## Section 1 About the property to be nominated

Name of property	Sports Field
Address of property	Lazonby
	Cumbria
Postcode	CA10 1BL
Property owner's name	Lazonby Parish Council
Address	c/o Clerk to the Council - Ms Rebecca Wyatt
	15 Dunfell View, Kirkby Thore
	Penrith, Cumbria
Postcode	CA10 1UT
Tel	0843 2894416
Current occupier's name	Lazonby Parish Council

## Section 2 About your community organisation and its contact point

Name of organisation	Lazonby Parish Council		
Your Title	Ms	First Name	Rebecca
Surname	Wyatt		
Position in organisation	Clerk to the Council		
Email address			
Address			
Postcode			

Organisation type - tick all that apply

- |   |   |
|---|---|
| <input type="checkbox"/> Unincorporated Community/Voluntary Group | <input checked="" type="checkbox"/> Parish Council  |
| <input type="checkbox"/> Neighbourhood Forum                      | <input type="checkbox"/> Community Interest Company |
| <input type="checkbox"/> Industrial and Provident Society         | <input type="checkbox"/> Charity                    |
| <input type="checkbox"/> Company Limited by Guarantee             | <input type="checkbox"/> Other                      |

How many members do you have (this is particularly important for unincorporated community groups)? 10 councillors

### Section 3 Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible and attach any supporting evidence.

The sports field is an open grassed area that has been used for many years by local people for recreational activities.

It is used on a weekly basis by the local Cub Scouts group.

It has a covenant on the land allowing it to be used for only recreational activities and preventing structures for any other uses being erected.

---

### Section 4 Boundary of property

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible. Please include a plan and if this is not possible, please provide a sketch stating the dimensions of the property to be listed, as precise information is required for registration purposes..

See attached plan

---

### Section 5 Attachment checklist

- ☒ Copy of group constitution
- ☐ Name and home addresses of 21 members registered to vote in nomination area (if group is not incorporated), plus confirmation they belong to the group and support the nomination.
- ☒ Site boundary plan and description

---

### Section 6 Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:		Dated:	20/3/19
---------	---	--------	---------

Please send your completed form to:

Director of Corporate and Legal Services  
Eden District Council  
Town Hall  
Penrith CA11 7QF

or email to: [dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

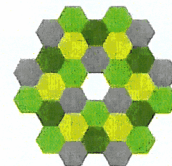
# HM Land Registry Official copy of title plan

Title number **CU290538**

Ordnance Survey map reference **NY5539NW**

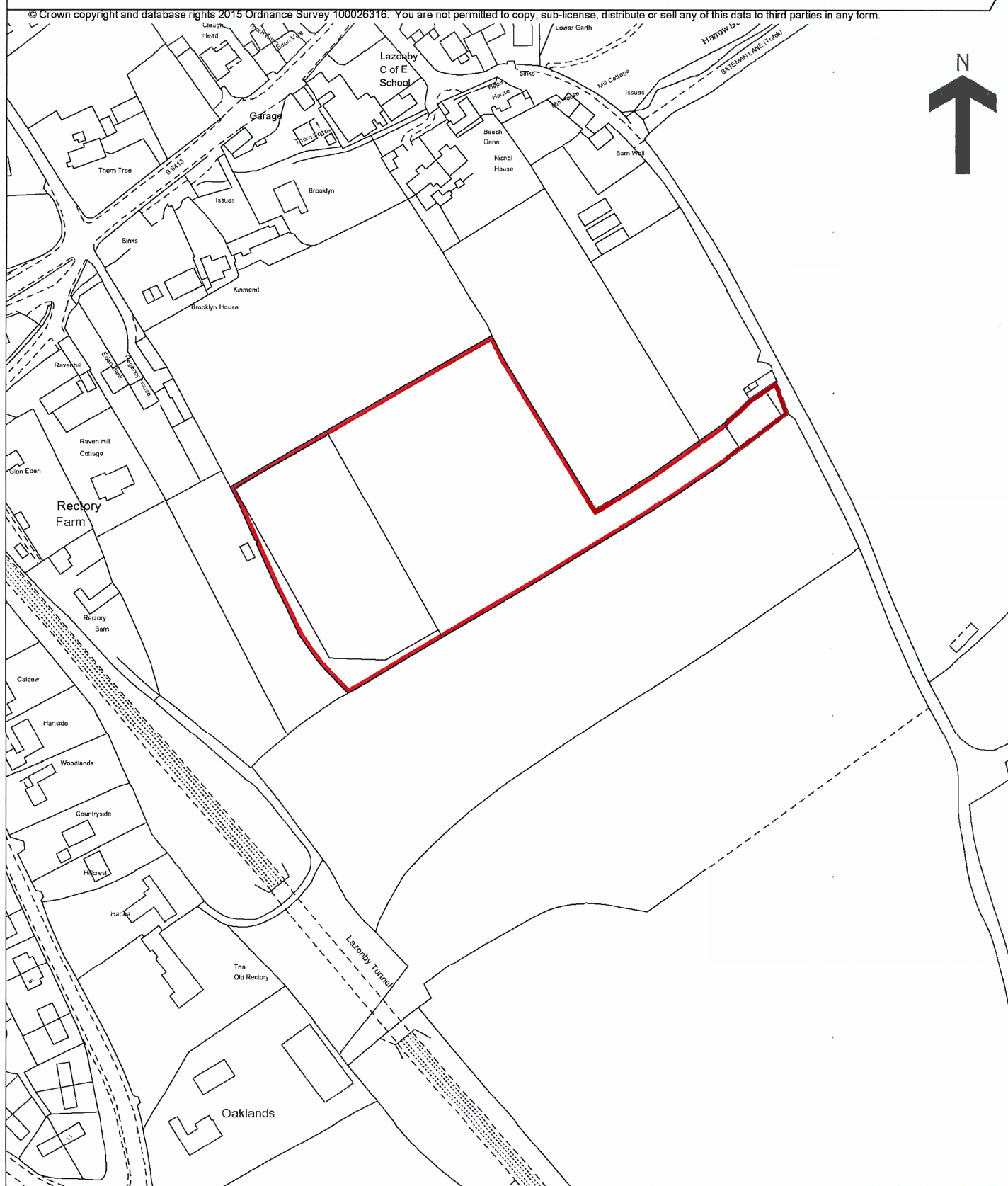
Scale **1:2500**

Administrative area **Cumbria : Eden**



**Appendix B**

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## **Assets of Community Value**

### **A Summary of the Statutory Provisions Procedure to Nominate Land**

#### **1. Introduction**

- 1.1 Under the Localism Act, the Council has to maintain a list of land in its area that is of community value. The obligation arises under Section 87 of the Localism Act. It is for the Council to decide the form and content of its list of assets of community value, subject to whatever regulations the Secretary of State may make.

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- a charity
- a company limited by guarantee which does not distribute any surplus to its members
- an industrial and providence society which similarly does not distribute any surplus; and
- a community interest company.

## **11. Content of a Community Nomination**

11.1 A community nomination must include:

- A description of the nominated land including its proposed boundaries;
- A statement of all the information which the nominator has with regard to the current occupants and the owner;
- The nominator’s reasons for thinking that the Council should conclude the land is of community value and the evidence that the nominator is able to make the community nomination.

11.2 The Council has a period of eight weeks to respond to the nomination. The Council must notify a Parish Council, the owner of the land and any occupant that a nomination is under consideration.

## **12. Compensation**

12.1 An owner is entitled to compensation from the Council of such amount as the Council may determine in the following circumstances:



- 12.2 That the person making the claim has at the time when the person was the owner of the land the land was listed incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.
- 12.3 The regulations identify that a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by the prohibition upon the disposal and a claim for reasonable legal expenses incurred in any successful appeal against the Council's decision are claims which may be made.
- 12.4 A claim for compensation must be made in writing to the Council and before the end of the period of thirteen weeks after the loss or expense was incurred. The claim must state the amount of compensation which is being sought and be supported by evidence. The Council must give the claimant written reasons for its decision in relation to any request for compensation.
- 12.5 The regulations identify that a body which has its accounts audited under Section 2 of the Audit Commission Act 1998, a department or body to which Section 6 of the National Audit Act 1983 applies and a body which has its resources examinable under Section 7 of the 1983 Act may not claim compensation.
- 12.6 A person who makes a claim for compensation may ask the Council to review its decisions in relation to compensation, a written for a decision must be given. An appeal may be made to a first tier tribunal against any decision of the Council on any review.
- 12.7 The Council must notify the owners and mortgagees of any listed land as soon as practicable after the land is entered on the register.
- 12.8 The regulations set out a procedure for a listing and a compensation review and identified relevant disposals to which the Act does not apply. There are fifteen such examples.

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