

Eden District Council

Executive Minutes

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

Present:

Chairman: Councillor V Taylor

Vice Chairman: Councillor M Robinson

Officers Present: Rachael Armstrong, Senior Planning Officer (Policy)
Les Clark, Director of People and Place
Robert Docherty, Assistant Director Community Services
Matthew Neal, Director of Corporate Services
Tim Povall, Strategic Advisor Corporate Finance
Rose Rouse, Chief Executive
Oliver Shimell, Assistant Director Planning and Economic Development
Alexander Strickland, Interim Assistant Director Governance

Democratic Services Officer: Karen Wyeth

E/49/11/19 Apologies for Absence

There were no apologies for absence received at this meeting.

E/50/11/19 Minutes

RESOLVED that the minutes E/39/10/19 to E/48/10/19 of the meeting of the Executive held on 8 October 2019 be confirmed and approved by the Chairman as a correct record of those proceedings.

E/51/11/19 Declarations of Interest

Councillor Sharp declared an other registrable interest in Agenda Item 11 as she is the Chair and a Trustee of Fairhill Recreation Ground. She stated that she would leave the Chamber during this item.

E/52/11/19 Questions and Representations from the Public

No questions or representations from the public had been received under Rules 3 and 4 of the Executive Procedure Rules of the Constitution.

E/53/11/19 Questions from Members

The following questions from Members had been received under Rule 5 of the Executive Procedure Rules of the Constitution:

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

“Will the report under consideration this evening, *G73/19, Heart of Cumbria Ltd Review*, be put to the whole council for debate?”

The Leader responded as follows:

“The matters in the report require decisions from the Executive rather than the whole council, and on this basis, it is not proposed to put the matter to Council for debate”.

No supplementary question was asked.

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

“The Two Lions public house, now closed, is, I understand, a listed building mainly because of the historical value of at least one of its ceilings. From looking through the windows it is evident that the interior is rapidly deteriorating. What enforcement action has the council taken to compel the owner to undertake remedial action to preserve this important building? If none, then will the Executive consider asking its officers to take such action?”

Councillor Rudhall responded as follows:

“Thank you for this question. To date the Council has not taken any formal action to preserve the interior of the Two Lions Building. I am informed that an urgent works notice should generally be restricted to urgent repairs to keep a building wind and weather-proof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be consistent with achieving this objective. Officers will be asked to consider whether the building’s current condition provides for further action to be taken as regards the powers that the Local Authority has at its disposal.”

Councillor Eyles then asked a supplementary question asking if it can be confirmed that Eden District Council are the owners of the building and should any action be taken against the owner or the lessee.

Councillor Rudhall responded that Eden District Council were the owners and officers will decide if any action should be taken. He advised that Eden’s obligation was to ensure that the property was watertight and structurally sound.

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

“Although long described as a Market Town, Penrith can no longer make such a claim without a thriving market. The once large market at the Auction Mart on the outskirts of Penrith is a shadow of its former self and Great Dockray has not been used for that purpose for many years. Will the Executive member responsible for

such things look at places like Keswick, which boasts a thriving market, and try to emulate such places to restore Penrith to its historic place as a true Market Town?"

"Councillor Robinson responded as follows:

The large market at the Auction Mart site on the outskirts of Penrith is not run by the Council so cannot be commented on by the Council. Penrith still runs a monthly Farmers' market which is heavily subsidised by the Council. Attempts have been made to reenergise the markets over the years but have enjoyed limited success. This is partly due to Penrith having such a high quality and broad offering in its local independent retailers which are mixed well with national retailers. Many of the products that could be bought on the markets are now widely available in the retail shops which has led to the demand for markets reducing. In a difficult trading environment, Penrith remains relatively buoyant and is performing well against similar towns nationally."

Councillor Eyles then asked a supplementary question asking if the Executive can look at ways to regenerate Penrith.

Councillor Robinson suggested that a Task and Finish Group could be set up by Scrutiny to look at all towns in Eden.

E/54/11/19 Adoption of Council Plan Recommendation to Council - Leader Portfolio

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

Proposed by Councillor Taylor
Seconded by Councillor Sharp

and **RESOLVED** that Council be recommended to adopt the Council Plan 2019-2023.

Reason: To ensure that the Council Plan and the Medium Term Financial Plan are in alignment and support the delivery of the Council's ambitions and priorities, providing the strategic framework within which the Council operates.

E/55/11/19 One Eden Case for Change - Leader Portfolio

Members considered report CE15/19 from the Chief Executive which sought to update members on the purpose of the One Eden Programme.

Proposed by Councillor Taylor
Seconded by Councillor Robinson

and **RESOLVED** that:

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

Reason: To enable members to give officers sufficient support for the case for change and to enable further detailed work to be carried out with a view to providing more detailed proposals to members in February 2020.

E/56/11/19 Corporate Performance Report: July to September - Leader Portfolio

Members considered report CE17/19 from the Chief Executive which provided a summary of progress against the corporate performance targets for the period July to September 2019 and informed the Executive and Scrutiny Co-ordinating Board of any areas of concern or issues requiring attention and the remedial activity in place to deal with these.

Proposed by Councillor Taylor
Seconded by Councillor Derbyshire

and **RESOLVED** that the progress to date be noted and the action being taken to address areas of concern.

Reason: To advise Members of progress against outcomes, including any actions being taken or planned to bring performance on track.

E/57/11/19 Local Development Scheme and Statement of Community Involvement - Leader Portfolio

Members considered report PP26/19 from the Assistant Director Planning and Economic Development which set out the Local Development Scheme and Statement of Community Involvement in support of undertaking a full review of the Local Plan along with agreement to an indicative budget.

The Interim Assistant Director Governance clarified that although paragraph 3.13 of the report stated that the reviewed and amended Statement of Community Involvement would be the subject of a further report to full Council for adoption, the correct position is that it would require approval by the Executive rather than Council.

Councillor Robinson asked for a briefing session to be held in January for Members before any public consultation takes place so that they understood the process and could advise Parish Councils.

Proposed by Councillor Taylor
Seconded by Councillor Robinson

and **RESOLVED** that:

A full review of the Eden Local Plan 2014-2032 be commenced based on agreement of the following documents appended to the report and the indicative budget:

1. the Draft Local Development Scheme;
2. the Statement of Community Involvement; and
3. the indicative budget of £250,000 over the plan period with a contingency fund of £50,000.

Reason: Local Planning Authorities have a statutory duty to prepare and regularly review a Local Plan every five years. The Local Development Scheme and Statement of Community Involvement are crucial parts of the Local Plan's preparation.

E/58/11/19 Borderlands Place Programme

Members considered report PP32/19 from Assistant Director Planning and Economic which sought Members' approval to a submission of an Expression of Interest to the Programme.

Proposed by Councillor Robinson
Seconded by Councillor Taylor

and **RESOLVED** that Penrith be approved as the town to be included in the submission of an Expression of Interest for the Borderlands Place Programme.

Reason: The vitality of Eden's Key Service Centres is a key priority for the Council, featuring in the existing Council Plan 2015-2019 and the emerging Council Plan 2019-2023 which focuses on developing plans for Eden's four towns for the future.

E/59/11/19 Eden Community Fund Recommendations - Communities Portfolio

Councillor Sharp left the Council Chamber at 6.30pm.

The Assistant Director Planning and Economic Development and Principal Planning Officer (Policy) left the Council Chamber at 6.30pm.

Members considered report PP31/19 from the Assistant Director Community Service which sought approval for the award from the Eden Community Fund of grants to the three projects set out in the report.

Proposed by Councillor Robinson
Seconded by Councillor Tonkin

and **RESOLVED** that a grant from the Eden Community Fund is agreed for each of the three projects as outlined in the report, to a total of £9,545.41.

Reasons:

1. All approved projects had been considered by the Eden Community Fund Partnership Panel and recommended for support.
2. One application was deferred pending clarification regarding the Community Asset Transfer Process and negotiation on the current lease to a future funding round.
3. The Council has historically supported community groups and organisation that meet both the Eden Community Fund criteria and Council Plan priorities.

E/60/11/19 Heart of Cumbria Ltd Review - Leader Portfolio

Councillor Sharp entered the Council Chamber 6.38pm.

The Interim Assistant Director (Governance) requested that due to the time critical nature of this item that it be heard under the Council's urgency rules, and therefore not be subject to call in. The consent of the Chairman of the Scrutiny Co-ordinating Board had been sought and given.

Members considered report G73/19 from Director of Corporate Services which sought to consider the future of the Council's wholly owned Company, Heart of Cumbria Ltd.

Proposed by Councillor Taylor

Seconded by Councillor Derbyshire

and **RESOLVED** that:

- 1 the findings of the review of the Company be endorsed.
- 2 the Company should continue to operate, subject to the changes set out further below;
- 3 the Company Board is strengthened to include at least five Directors, all of whom should have relevant experience. These positions would be unpaid;
- 4 serving Councillors should not be appointed as Directors of the Company;
- 5 one member of the Executive be appointed as the Shareholder representative;
- 6 the objectives of the Company be amended to give both clarity of purpose and allow flexibility in what the Company can do;
- 7 the Articles of Association of the Company be amended and the Governance Agreement be adopted to reflect resolutions 2 to 6 above with delegated powers granted to the Assistant Director Governance to execute the Governance Agreement on behalf of the Council;
- 8 an early review of the housing management contract be carried out with a view to re-tendering;
- 9 development resource be made available to the Company through secondment of a suitably experienced member of staff;

- 10 delegated powers be granted to the Assistant Director Finance to amend the loan funding arrangements, so that funding is sourced from Prudential Borrowing rather than from the General Reserve;
- 11 the changes to the Board of Directors be noted;
- 12 it be noted that authorisation has been given by the Board of Directors to appoint Les Clark, Director of People and Place, as a new Director;
- 13 the accounts for the Company for the period ending 31 March 2019 be noted; and
- 14 the decisions be deemed to be urgent and not subject to call in.

The Interim Assistant Director Governance advised that under paragraph 3.5 of the report a member of the Executive needed to be appointed as shareholder representative.

Proposed Councillor Greenwood
Seconded Councillor Tonkin

and **RESOLVED** that Councillor Robinson be appointed as the shareholder representative.

Reason:

1. These actions will keep those homes already acquired available for rent at affordable levels;
2. the changes in governance and operations will provide more strategic direction to the Company and maximise the potential for it to make an important contribution to Council finances; and
3. the decisions have been deemed to be urgent as the delay in implementing these decisions would require a delay to the scheduled AGM of Heart of Cumbria Ltd which was scheduled to immediately follow the meeting of the Executive

E/61/11/19 Any Other Items which the Chairman decides are urgent

No items of urgent business were raised at this meeting.

E/62/11/19 Date of Next Scheduled Meeting

The date of the next scheduled meeting was confirmed as 3 December 2019.

The meeting closed at 6.45 pm

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