

Date: 22 July 2020



**District Council**

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: [cttee.admin@eden.gov.uk](mailto:cttee.admin@eden.gov.uk)

Dear Sir/Madam

## **Council Agenda - 30 July 2020**

Notice is hereby given and you are hereby summoned to attend a meeting of the Council to be held at 6.45 pm on Thursday, 30 July 2020.

This meeting will be a virtual meeting and therefore will not take place in a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

[This Council meeting will be held virtually on Microsoft teams](#)

### **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 Minutes**

RECOMMENDATION that:

1. the public minutes CI/01/05/20 to CI/12/05/20 of the meeting of the Council held on 28 May 2020; and
2. the public minutes CI/13/06/20 to CI/18/06/20 of the Extraordinary meeting of Council held on 25 June 2020;

be confirmed and signed by the Chairman as a correct record of those proceedings (copies previously circulated).

### **4 Chairman's Announcements**

### **5 Questions by the Public**

To receive questions from the public under Rule 10 of the Constitution

### **6 Questions by Members**

To receive questions from Members under Rule 12 of the Constitution

## **7 Motions on Notice**

To consider motions on notice under Rule 13 of the Constitution

## **8 Roles and Responsibilities of Portfolio Holders** *(Pages 7 - 14)*

To consider report G30/20 from the Assistant Director Governance which is attached and in which the Leader advises Council of the changes to the areas of responsibility of herself and the Members of her Executive.

RECOMMENDATION that the report be noted and appropriate amendments be made to the Council's Constitution.

## **9 Human Resources and Appeals Committee Terms of Reference** *(Pages 15 - 22)*

To consider report G28/20 from the Assistant Director Governance which is attached and which asks Members to consider revising the terms of reference of the Human Resources and Appeals Committee.

RECOMMENDATIONS that Council:

1. approves the proposed amendments to the Terms of Reference of the Human Resources and Appeals Committee, and
2. approves the inclusion of an additional paragraph in the Terms of Reference for the Human Resources and Appeals Committee to reflect that the Committee will nominate a Member to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.
3. the Assistant Director Governance amend the Constitution to reflect the changes approved.

## **10 Allocation of Seats** *(Pages 23 - 30)*

To consider report G29/20 from the Assistant Director Governance which is attached and which seeks to make appointments to the Committees for the remainder of the 2020/2021 municipal year.

RECOMMENDATIONS that:

- 1 The appointment of Members to Committees as set out in Appendix 1 be approved; and
- 2 The Green Group and the Labour Group continue a reciprocal arrangement where the nominated Members can act as Standing Deputies.

## **11 Scrutiny Annual Report** *(Pages 31 - 44)*

To consider report G32/20 from the Chairman of the former Scrutiny Co-ordinating Board which is attached and which seeks to present the achievements of the Council's Scrutiny Board and Committees during the 2019-2020 Council year.

RECOMMENDATION that the report be noted.

## **12 Report of the Outside Bodies Task and Finish Group** *(Pages 45 - 66)*

To consider report G31/20 from the Chairman of the Outside Bodies Task and Finish Group which is attached and which presents the findings from the Scrutiny Review of the Council's Outside Bodies and recommends changes which would improve ways of reporting back from Outside Bodies.

RECOMMENDATIONS that:

1. that with effect from the commencement of the municipal year 2021/2022, Eden District Council no longer send any representatives to Omega Proteins Liaison Board; and that the number of representatives on Greenwich Leisure Limited Eden Board be reduced to one;
2. that Members who are elected to a position representing Eden District Council on an Outside Body should fill in a summary note after each meeting they attend, to be published on the Eden District Council website;
3. that a working group be set up to monitor Eden District Council representation on outside bodies, both to look at current representation on Outside Bodies, and if there is any other groups which may require Eden District Council representation, to begin meeting during the 2021/22 municipal year, and thereafter on a bi-annual basis;
4. that any representatives on the Lake District National Park Authority, Lake District National Park Partnership, Yorkshire Dales National Park Authority, North Pennines Area of Outstanding Natural Beauty and MASCG should be through preference a member from an appropriate ward; and
5. A statement is produced showing the synergies and the purpose of representation between the EDC corporate plan and outside body activities is developed for each approved outside body.

## **13 Appointment to Outside Bodies** *(Pages 67 - 76)*

To consider report G33/20 from the Assistant Director Governance which is attached and which seeks to confirm the outside bodies upon which Members will sit in the forthcoming municipal year and to consider who should be appointed to represent the Council on each of these bodies.

RECOMMENDATIONS that:

1. The list of outside bodies set out in paragraphs 3.2, 3.4 and in Appendix 1 to the report be approved;

2. Members of the Executive be appointed to the outside bodies identified in paragraph 3.2;
3. Members give consideration to nomination of non-executive members to the bodies listed at paragraph 3.4 and Appendix 1 to this report;
4. Members give consideration to the nomination of a Member to the Multi Agency Appleby Fair Strategic Co-ordinating Group;
5. Members give consideration to the nomination of a Member to the Cumbria County Council LEP Scrutiny Board;
6. Those bodies upon which Eden District Council will represent another authority for 2019-2021 as detailed in paragraph 3.5 of the report be noted;
7. Those bodies upon which Eden District Council will be represented by another authority for 2020-2021 as detailed in paragraph 3.7 of the report be noted; and
8. Council determines if it wishes to appoint Member Champions in relation to
  - (a) Armed Forces;
  - (b) Children and Young People; and
  - (c) Older People.

#### **14 Annual Licensing Report** *(Pages 77 - 86)*

To consider report PP27/20 from the Chairman of the Licensing Committee which is attached and which provides general information on the activities of the Licensing Committee during the municipal year 2020/2021.

RECOMMENDATION that the contents of the report be noted.

#### **15 Annual Planning Performance Report** *(Pages 87 - 94)*

To consider report PP28/20 from the Assistant Director Planning and Economic Development which is attached and which seeks to provide Members with an overview of the performance of the Planning Service between April 2019 and March 2020 in relation to Key Performance Indicators and Planning Enforcement.

RECOMMENDATION that the content of the report be noted.

#### **16 Information Governance Policies** *(Pages 95 - 150)*

To consider report G22/20 from the Assistant Director Governance which is attached and which seeks consideration to be given to the approval and adoption of four public information governance policies.

RECOMMENDATIONS that:

- a) the revised Access to Information Policy at Appendix A be approved and adopted, to replace the previous version adopted in April 2019;
- b) the Corporate Privacy Policy at Appendix B be approved and adopted, to replace the Privacy Policy adopted in June 2018;
- c) the Recording and Reporting Policy at Appendix C be approved and adopted, to replace the Filming, photography, recording and use of social networking at council meetings policy, adopted in February 2015; and
- d) the new Virtual Public Meetings Privacy Policy at Appendix D be approved and adopted.

## **17 ICT, Digital, Development Management and Finance Systems** *(Pages 151 - 158)*

To consider report F19/20 from the Interim Director of Corporate Services which is attached and which seeks:

- 1. To incorporate appropriate budgets for the development of the Digital Platform, purchase and implement the new Development Management System and new Financial Management System.
- 2. To award a contract for the provision of a replacement IT system covering the following Council functions. Planning, Building Control, Land Charges, CIL (Community Infrastructure Levy), Planning Policy and Section 106 Agreements.

RECOMMENDATIONS that Council:

- 1. Approve the additional budget requirements set out in the report and detailed in the Part II appendix, Development of the Digital Platform and support purchase and implement a new Development Management System and Finance System be approved, and
- 2. That subject to the approval of the budget at recommendation 2.3 to award the contract for Development Management and associated software to DEF Software Limited.

## **18 Date of Next Scheduled Meeting**

The next scheduled meeting of Council be confirmed as 24 September 2020.

## **19 Exclusion of 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 paragraph 3 of Part 1 to Schedule 12A of the Act.

## **20 ICT, Digital Development Management and Finance System** *(Pages 159 - 160)*

This appendix sets out information supporting report F19/20 from the Interim Director of Corporate Services which is exempt under paragraph 3 of Part 1 of the Schedule 12A of the Local Government Act 1972.

Yours faithfully



Rose Rouse  
Chief Executive

Democratic Services Contact: Vivien Little

Encs

### **For Attention**

All members of the Council

**Chairman** – Councillor A Connell (Liberal Democrat Group)

**Vice Chairman** – Councillor D Banks (Independent Group)

### **Councillors**

A Armstrong, Conservative Group  
P G Baker, Liberal Democrat Group  
K Beaty, Conservative Group  
I Chambers, Conservative Group  
M Clark, Independent Group  
J Derbyshire, Liberal Democrat Group  
P Dew, Conservative Group  
M Eyles, Liberal Democrat Group  
H Fearon, Conservative Group  
K Greenwood, Independent Group  
M Hanley, Labour Group  
L Harker, Liberal Democrat Group  
D Holden, Liberal Democrat Group  
S Lancaster, Independent Group  
D Lawson, Green Group  
J C Lynch, Conservative Group  
E Martin, Conservative Group  
N McCall, Liberal Democrat Group

A Meadowcroft, Conservative Group  
G Nicolson OBE, Conservative Group  
R Orchard, Conservative Group  
W Patterson, Independent Group  
J Raine, Conservative Group  
M Robinson, Independent Group  
A Ross, Green Group  
M Rudhall, Liberal Democrat Group  
D Ryland, Independent Group  
H Sawrey-Cookson, Independent Group  
G Simpkins, Liberal Democrat Group  
L Sharp, Labour Group  
D Smith, Liberal Democrat Group  
V Taylor, Liberal Democrat Group  
J G Thompson, Conservative Group  
A Todd, Conservative Group  
M Tonkin, Independent Group  
D Wicks, Conservative Group

### **Please Note:**

1. **Section 78 of the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020 mean that this meeting of Eden District Council is classed as a virtual meeting.**

2. **Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise)**

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**Report No: G30/20**

**Eden District Council  
Council**

**30 July 2020**

## **Roles and Responsibilities of Portfolio Holders**

<b>Portfolio:</b>	Leader
<b>Report from:</b>	Assistant Director Governance (Monitoring Officer)
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### **1 Purpose**

- 1.1 The purpose of the report is for the Leader to advise Council of the changes to the areas of responsibility of herself and the Members of her Executive.

### **2 Recommendation**

It is recommended that the report be noted and appropriate amendments be made to the Council's Constitution.

### **3 Report Details**

- 3.1 The Executive Procedure Rules identify the Members of the Executive and the specific areas of responsibility for each Member of the Executive. The actual extent and nature of each Portfolio is a matter for the Leader of the Council.
- 3.2 The broad parameters of the Portfolio Holders will be:
- Strategic and Community Leadership – Councillor Virginia Taylor
  - Communities – Councillor Lissie Sharp
  - Economies and Enterprise – Councillor Mary Robinson
  - Green Growth – Councillor Mark Rudhall
  - Housing and Health – Councillor Judith Derbyshire
  - Resources – Councillor Karen Greenwood
  - Services – Councillor Michael Tonkin
- 3.3 Schedule 1 to the Responsibility for Functions contained within Part 3 of the Council's Constitution and which relates to the Executive contains a broad statement of the policy areas and functions included within each Portfolio. There is attached to this report a revision of that schedule which sets out the areas of activity.

## 4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

4.2 This report meets all corporate priorities

## 5 Consultation

5.1 The Leader has consulted with Members of the Executive.

## 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 2019-2023 as agreed at Council on 7 November 2019.

There are no proposals in this report that would reduce or increase resources.

### 6.2 Legal

6.2.1 The remit and broad parameters of the portfolio holders are stated in the Constitution.

### 6.3 Human Resources

6.3.1 There are no implications arising from this report.

### 6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no issues arising from this report.
Health, Social Environmental and Economic Impact	There are no issues arising from this report.
Crime and Disorder	There are no issues arising from this report.
Children and Safeguarding	There are no issues arising from this report.

### 6.5 Risk Management

Risk	Consequence	Controls Required
Roles and responsibilities of each Portfolio Holder are not clearly identified. Over time the Constitution ceases to be fit for purpose and	The Constitution does not align with the proposed changes to the remit and responsibilities of the	The Constitution should be kept up to date regarding the current remit and responsibilities of the Portfolios.

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
does not include the provisions which are considered to be necessary and required.	individual Portfolio Holders.	

## **7 Other Options Considered**

7.1 No other options have been considered.

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

8.1 To advise Council of the changes to the areas of responsibility of the Leader and the Members of the Executive.

**Background Papers:** N/A

**Appendices:** Appendix 1 – Policy Areas and Executive Functions included in Portfolios

**Contact Officer:** Mrs L Tremble, Assistant Director Governance  
(Monitoring Officer)  
Direct Dial – 01768 212249

## **Schedule 1**

### **Policy Areas and Executive Functions included in Portfolios**

#### **1. The Council Leader's Portfolio - Strategic and Community Leadership**

**Portfolio holder:** Council Leader - Councillor Virginia Taylor

Portfolio of responsibilities:

- Strategic direction of the Council and the Corporate Plan
- Strategic leadership
- Council's Declaration of Climate and Ecological Emergency
- Devolution and Local Government reorganisation
- External relations
- Executive oversight
- Strategic partnerships, including Arts & Culture and Equality & Diversity
- Ensuring a balanced budget with the Resources Portfolio Holder
- Emergency planning and business continuity, with the Economic and Enterprise Portfolio Holder
- Responsibility for delivery of the Corporate Priorities
- Council communications
- Planning Policy
- Development Management, with the Green Growth Portfolio Holder

#### **2. Communities Portfolio**

**Portfolio Holder:** Councillor Lissie Sharp

Portfolio of responsibilities:

- Community engagement, resilience and empowerment
- Community development activities
- Community safety, crime and disorder
- Distribution of community grants
- Sports, recreation and leisure
- Parks and open spaces

- Children and young people
- Older person services
- Armed Forces Covenant
- Work with third sector organisations
- Parish and Town Council engagement

### 3. **Economic and Enterprise Portfolio**

**Portfolio Holder:** Deputy Leader of the Council - Councillor Mary Robinson

Portfolio of responsibilities:

- An Economic strategy which brings investment into Eden and drives vitality and business development
- Work with the market towns, town centres and the rural areas in the district to bring vitality and viability
- Stakeholder relationships linked to economic activities including Town and Parish Councils, Chambers of Trades, BIDs
- Strategic Partnerships linked to economic investment, viability of services and the Local Industrial Strategy for Cumbria
- Relations with businesses and education providers in the District
- Employment within the district
- The promotion of apprenticeships
- The implementation of broadband and communication facilities and services within the district
- Tourism, tourism development and Tourist Information centres
- Land and asset management and maximising income generation and economic opportunities
- Markets
- Shareholder representative on Heart of Cumbria

#### **4. Green Growth Portfolio**

**Portfolio holder:** Councillor Mark Rudhall

Portfolio of responsibilities:

- Sustainable Development
- Assets & Energy
- Land Use
- Consumption & Waste
- Circular Economy
- Zero Carbon Housing (New Build & Retrofit)
- Sustainable Transport & Cycling
- Low Carbon/Greening Eden Businesses
- Climate Change
- Biodiversity
- Flood prevention and management
- Sustainable Waste Service with Services Portfolio Holder
- Home Improvement Agency with Housing & Health Portfolio Holder
- Building Regulations and Building Control
- Development Management with the Leader
- Environmental Enhancement
- Conservation Areas

#### **5. Housing and Health Portfolio**

**Portfolio Holder:** Councillor Judith Derbyshire

Portfolio of responsibilities:

- Council's responsibilities as local housing authority
- Well-being & public health
- Delivery of housing provision to fit all housing needs, including bringing empty houses back into use
- Delivery of better quality homes, existing and new, for all residents
- Statutory homelessness
- Improving housing stock, reducing energy use and emissions, with Green Growth portfolio holder

- Home Improvement Agency, including Disabled Facilities grant
- Environmental health protection, food safety and housing standards
- Embedding public health aims in wider council functions

## **6. Resources Portfolio**

**Portfolio holder:** Councillor Karen Greenwood

Portfolio of responsibilities

- Financial management and planning, including ensuring a balanced budget with the Leader
- Financial Services
- Revenues and Benefits
- Procurement and Procurement Strategy
- Policy on General Fund Reserves
- Land and Asset Management Resource Implications
- Office Accommodation Resource Implications
- Information Technology
- Oversight of establishing other methods of Service Delivery (incl. commercial entities)
- The organisational structure and management processes of the Council
- The Management of Succession
- Legal
- Information Governance, Data Protection and Freedom of Information
- Equality and Diversity
- Human Resources
- Staff and Member Training
- Customer Services
- Democratic Services
- Regulatory and Licensing Policy

## **7. Services Portfolio**

**Portfolio holder:** Councillor Michael Tonkin

Portfolio of responsibilities:

- Waste collection and recycling
- Joint working with the County Council and other authorities on waste
- Devolution of functions to Town and Parish Councils
- Street cleansing and ground maintenance
- Cemeteries and closed churchyards
- Public Toilets
- Off-street parking



**Report No G28/20**

**Eden District Council  
Accounts and Governance Committee  
Council**

**30 July 2020**

## **Human Resources and Appeals Committee Terms of Reference**

<b>Portfolio:</b>	Resources
<b>Report from:</b>	Assistant Director Governance (Monitoring Officer)
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### **1 Purpose**

- 1.1 To consider revising the terms of reference of the Human Resources and Appeals Committee.

### **2 Recommendations**

#### **Accounts and Governance Committee**

- 2.1 Recommend to Council that the proposed amendments to the Terms of Reference of the Human Resources and Appeals Committee are approved, and
- 2.2 Recommend to Council that an additional paragraph in the Terms of Reference for the Human Resources and Appeals Committee, be added, to reflect that the Committee will nominate a Member to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.

#### **Council**

- 2.3 Approves the proposed amendments to the Terms of Reference of the Human Resources and Appeals Committee, and
- 2.4 Approves the inclusion of an additional paragraph in the Terms of Reference for the Human Resources and Appeals Committee to reflect that the Committee will nominate a Member to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.
- 2.5 The Assistant Director Governance amend the Constitution to reflect the changes approved.

### **3 Report Details**

- 3.1 Members will be aware that the Council has embarked on the One Eden transformation programme. This programme will, in part, redesign how we

work and make decisions. The Constitution, which governs the way we work, needs to complement the programme.

- 3.2 The programme comprises a number of different workstreams. One of these involves undertaking a review of the Council's Management of Change Policy. As part of that process, consideration needed to be given to the Human Resources and Appeals Committee's Terms of Reference in order to align them with the proposed revisions within the Management of Change Policy.
- 3.3 The purpose of drafting a new Management of Change policy is to simplify and make more transparent our approach for handling any organisational change which affects staff roles, and to ensure all related policies "join-up". Specifically in relation to the Term of Reference of the Human Resources and Appeals Committee - the involvement of Members has been clarified (a member of the HR & Appeals committee will be invited to be involved in the appointment at AD level upwards and in any appeals).
- 3.4 These proposed changes are set out in Appendix 1. They have been considered and agreed by the Accounts and Governance Working Group. This Working Group also endorses the recommendation of the Human Resources and Appeals Committee to include a paragraph to the Terms of Reference to ensure the Members role in the Management of Change Panel is clear.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
  - Sustainable;
  - Healthy, safe and secure;
  - Connected; and
  - Creative
- 4.2 This report meets all corporate priorities, in that it shall ensure that the Council's Constitution is updated as appropriate.

## **5 Consultation**

- 5.1 The Human Resources and Appeals Committee has been consulted on the proposed amendments. The Committee met on 13 July to consider the proposals and a copy of the minutes of that meeting is attached to this report.

## **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 2019-2023 as agreed at Council on 7 November 2019.

There are no proposals in this report that would reduce or increase resources.

### **6.2 Legal**

- 6.2.1 Any legal implications are provided within the body of the report.

### **6.3 Human Resources**

- 6.3.1 There are no human resource implications arising from this report

## 6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no implications arising from this report.
Health, Social Environmental and Economic Impact	There are no implications arising from this report.
Crime and Disorder	There are no implications arising from this report.
Children and Safeguarding	There are no implications arising from this report.

## 6.5 Risk Management

Risk	Consequence	Controls Required
Over time the Constitution ceases to be fit for purpose and does not include the provisions which are considered to be necessary and required.  The Constitution does not align with the proposed changes arising from the One Eden programme.	Risk of decisions being challenged due to not being made in accordance with proper administrative requirements.	A detailed and substantial review of the Constitution is undertaken.

## 7 Other Options Considered

7.1 No other options have been considered.

## 8 Reasons for the Decision/Recommendation

8.1 To amend the Constitution so that it aligns with the proposed revision of the Management of Change Policy.

### Background Papers:

#### Appendices:

Appendix 1 – Human Resources and Appeals  
Committee revised Terms of Reference

Appendix 2 – Minutes of the Human Resources and  
Appeals Committee held on 13 July 2020

#### Contact Officer:

Mrs L Tremble, Assistant Director Governance  
(Monitoring Officer)

Direct Dial – 01768 212249

**3.3 The Human Resources and Appeals Committee shall have responsibility as follows:**

**9 Members**

**(including at least 2 members of the Executive)**

The Human Resources and Appeals Committee may establish sub-committees consisting of three members with full delegated authority to hear and determine any appeal falling within its terms of reference. The Human Resources and Appeals Committee may establish a Sub-Committee consisting of three Members and at least two Independent Persons to conduct any hearing in relation to proposed or potential disciplinary action in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer and advise the Council on any proposal or recommendation to dismiss such an officer other than a dismissal resolved by a differently constituted Sub-Committee.

**Terms of Reference**

1. ~~To consider and determine matters relating to employment issues and appeals.~~
2. To ensure HR policies and procedures are in place for, ~~and where appropriate deal with,~~ the appointment and dismissal of staff.
3. To consider and determine any disciplinary in relation to the Council's statutory officers, grievance and re-grading appeals by the Council's employees, in accordance with HR~~the~~ policies and procedures of the Council.
4. To undertake final interview and appoint Chief Officers, Assistant Directors and Heads of Service (other than the Head of Paid Service).
5. To consider any other matter concerning Human Resources, which the Council's policies and procedures require should be considered by members of the Council.
6. To appoint three members of the committee to the Joint Consultative Committee.
7. To consider, where appropriate, the recommendations of the Joint Consultative Committee.
8. To interview candidates for and recommend to full Council a person to be appointed as the Head of the Paid Service, in accordance with current employment legislation and best practice.
9. To hear and determine appeals against decisions or actions made by or on behalf of the Council, including:
  - a) any appeal under the Freedom of Information Act 2000 and the re-use of Public Information Regulations;

- b) any appeal relating to discretionary business rate relief, discretionary housing payments and the award of local Council Tax discounts.
- 10. To hear and determine any complaint under the Council's complaints procedure.
- 11. To advise Council upon any proposal or recommendation to dismiss a relevant officer under the Officer Employment Procedure Rules.
- 12. To nominate a Member of the Committee to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.

## Eden District Council

### Human Resources and Appeals Committee Minutes - DRAFT

**Date:** 30 June 2020, Time 11.00am and 13 July 2020, Time 1.00pm **Venue:** These were virtual meetings, therefore there was no venue.

#### **Present:**

Chairman: Councillor A Ross

Vice Chairman: Councillor M Robinson

Councillors:	A Armstrong	G Nicolson OBE
	P G Baker	G Simpkins
	K Beaty	V Taylor

Officers Present: Julia Cater, Human Resources Consultant  
Paul Sutton, Interim Director of Corporate Services  
Lisa Tremble, Assistant Director Governance

Democratic Services Officer: Vivien Little, Nichola Baker and Karen Wyeth

#### **HRa/1/06/20 Appointment of Vice-Chairman**

At the start of the meeting, the Monitoring Officer advised that this meeting was being hosted remotely using conferencing software which allowed Members, Officers and public attendance whilst being able to protect themselves and others, whilst observing the Government's lockdown measures.

The Monitoring Officer also stated that all votes during this meeting would be taken through an informal recorded vote, though would not be noted as such in the minutes.

**A Roll Call of all those Members in attendance remotely was then taken.**

Proposed by Councillor Taylor  
Seconded by Councillor Simpkins

and **RESOLVED** that Councillor Robinson be appointed Vice-Chairman of the Human Resources and Appeals Committee for the 2020/2021 municipal year.

#### **HRa/2/06/20 Apologies for Absence**

No apologies for absence were received for this meeting.

## **HRa/3/06/20 Declarations of Interest**

No declarations of interest were made at this meeting.

## **HRa/4/06/20 Human Resources and Appeals Committee Terms of Reference**

Members considered report G26/20 of the Assistant Director Governance which sought:

1. consideration of the Human Resources and Appeals Committee to the proposals to revise its Terms of Reference; and
2. submission of the comments of the Committee to the Monitoring Officer by 16 July 2020.

Following debate, Members agreed that they wished to defer any consideration of the proposed new Terms of Reference until they had been able to read the draft Management of Change Policy document. It was felt that without this they were unable to put forward any comments, with regard to the proposed new Terms of Reference for this committee, to the Monitoring Officer.

**The Chairman announced that the meeting would be adjourned until 13 July 2020 and requested that a copy of the draft Management of Change Policy document be circulated to all members.**

**The meeting was adjourned at 11.55am.**

**The meeting was reconvened on Monday 13 July at 1pm**

**Paul Sutton – Interim Director of Corporate Services and  
Julia Cater – Human Resources Consultants**

were in attendance at the 13 July 2020 meeting.

No apologies for absence were received for the 13 July 2020 meeting.

No declarations of interest were made at the 13 July 2020 meeting.

Members continued to consider the above with further information having been provided regarding the Management of Change Policy.

Proposed by Councillor A Ross  
Seconded by Councillor M Robinson

**RESOLVED** that:

- 1) Members of the Human Resources and Appeals Committee considered the proposals to revise its Terms of Reference; and

- 2) Members of the Human Resources and Appeals Committee recommended the inclusion of an additional paragraph in the Terms of Reference for this committee to reflect that the HR & Appeals Committee will nominate a Member to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.

The meeting ended 2:10pm



**Report No: G29/20**

**Eden District Council  
Council**

**30 July 2020**

**Allocation of Seats**

<b>Report from:</b>	Assistant Director Governance
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

**1 Purpose**

- 1.1 To make appointments to the Committees for the remainder of the 2020/2021 municipal year.

**2 Recommendation**

It is recommended that:

- 1 The appointment of Members to Committees as set out in Appendix 1 be approved; and
- 2 The Green Group and the Labour Group continue a reciprocal arrangement where the nominated Members can act as Standing Deputies.

**3 Report Details**

- 3.1 The seats on the Council's committees should be allocated in accordance with the principles set out in the Local Government and Housing Act 1989 to the political groups amongst the Members of the Council so far as it is reasonably practicable. The principles seek to achieve proportionality in the allocation of seats. The principles, which are paraphrased, are in order of priority:
- a) All the seats on the Committee cannot be allocated to the same political group;
  - b) the majority of the seats allocated on any body, including each Committee, are allocated to the group, if any, which has a majority on the Council;
  - c) the number of seats on the total of all Committees allocated to each political group bear the same proportion as the proportion the members of that group has to the members of the entire Council; and
  - d) the number of seats on each Committee allocated to each group bear the same proportion as the proportion the members of that group has to the total members of the entire Council.

The legislation provides that such determinations are to be achieved 'as far as reasonably practicable'.

- 3.2 The current Council Membership is as follows:

Conservative Group	14
Independent Group	9
Liberal Democrat Group	11
Labour Group	2
Green Group	2
	<hr/> 38

For the purposes of calculating political proportionality, a political group should consist of two or more members. This means that the Labour and Green Group, with two members each, are considered a political group in terms of calculating the allocation of seats. For the purposes of political balance, the Executive does not count as seats to be allocated.

- 3.3 At the Annual Council meeting of 28 May 2020, the following allocation of seats was approved:

<b>Group</b>	<b>Proposed number of seats</b>
Conservative Group	21
Liberal Democrat Group	18
Independent Group	14
Labour	3.5
Green	3.5
<b>Total</b>	60

- 3.4 This ensures that political balance is met 'as far as reasonably practicable' allowing fair representation for all parties.
- 3.5 At the Annual Council Meeting on 28 May 2020, it was proposed and approved that once again, the Members of the Green Group and the Labour Group adopt a reciprocal arrangement whereby nominated Members can act as Standing Deputies for either group. This accommodates the practical limitations associated with having Group comprising two Members, where one Members sits on the Executive.
- 3.6 The reason for bringing this report to Council is to address a request by the Conservative Group to alter their membership of the Budget Planning Committee, and to correct minor typographical issues in the previous appendix which went to Annual Council on 28 May 2020.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
  - Healthy, safe and secure;
  - Connected; and

- Creative

4.2 This report meets sustainable corporate priority

## 5 Consultation

5.1 No consultation has taken place regarding this report.

## 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 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 There are no proposals in this report that would reduce or increase resources.

### 6.2 Legal

6.2.1 Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the representation of political groups on its committees where the members of the Council are split into different political groups.

6.2.2 The Act requires that the Council should allocate seats on committees in accordance with the principles set out in paragraph 3.1 of this report.

6.2.3 Once political group allocations have been determined, it is the duty of the Council to exercise the power to make appointments to committees to give effect to the nominations of the political groups concerned. These political balance requirements also apply to the Overview and Scrutiny Committee.

### 6.3 Human Resources

6.3.1 There are no human resources implications arising from the recommendations in this report.

### 6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	None arising from this report
Health, Social Environmental and Economic Impact	None arising from this report
Crime and Disorder	None arising from this report
Children and Safeguarding	None arising from this report

### 6.5 Risk Management

Risk	Consequence	Controls Required
There is a need to allocate the appointment of Members to seats, in	Failure to allocate seats in line with these principles would be in breach of statutory	Report G17/20, which was heard at Annual Council on 28 May 2020, set out the

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
so far as it is reasonably practicable, with regard to the statutory principles set out in the Local Government and Housing Act 1989.	requirements and may result in error or legal challenge.	calculations used in relation to the principles of proportionality following the reduction in the number of seats caused by the merging of the three Scrutiny Committees into one.

## **7 Other Options Considered**

7.1 No other options have been considered.

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

8.1 To comply with the Local Government and Housing Act 1989 and associated regulations in relation to the appointment of members to Committees in accordance with the express wishes of the political groups to which seats have been allocated.

**Background Papers:** **G17/20 Allocation of Seats on Council (Council meeting, 28 May 2020)**

**Appendices:** **Appendix 1 – Allocation of Seats 2020/21**

**Contact Officer:** **Vivien Little, Member Services Team Leader**

## **Appointment of Seats on Committees**

### **\*Accounts and Governance Committee – 9 Members**

Independent Group	S Lancaster, D Ryland
Conservative Group	P Dew, J Lynch, R Orchard
Liberal Democrat Group	A Connell, M Eyles, N McCall
Labour Group	0
Green Group	D Lawson
Standing Deputies	M Clark, W Patterson H Fearon, G Nicolson, A Todd P Baker, L Harker A Ross

\* One seat to be allocated to either Labour or Green on Planning Committee

### **Overview and Scrutiny Committee – 12 Members**

Independent Group	D Banks, M Clark, D Ryland
Conservative Group	G Nicolson, R Orchard, J Raine, D Wicks
Liberal Democrat Group	D Holden, G Simpkins, D Smith
Labour Group	M Hanley
Green Group	D Lawson
Standing Deputies	S Lancaster, W Patterson, H Sawrey-Cookson K Beaty, H Fearon, E Martin, A Todd P Baker, M Eyles A Ross

### **\*Budget Planning Committee – 9 Members**

Independent Group	S Lancaster, D Ryland
-------------------	-----------------------

Conservative Group	K Beaty, G Nicolson, D Wicks
Liberal Democrat Group	P Baker, M Eyles, N McCall
Labour Group	M Hanley
Green Group	0
Standing Deputies	W Patterson, H Sawrey-Cookson I Chambers, R Orchard, A Todd D Holden, L Harker A Ross

\* One seat to be allocated to either Labour or Green on Planning Committee

### **\*Human Resources and Appeals Committee - 9 Members**

Independent Group	D Banks, M Robinson
Conservative Group	A Armstrong, K Beaty, G Nicolson
Liberal Democrat Group	P Baker, G Simpkins, V Taylor
Labour Group	0
Green Group	A Ross
Standing Deputies	W Patterson, D Ryland P Dew, J Raine, J Thompson A Connell, J Derbyshire D Lawson

\* One seat to be allocated to either Labour or Green on Planning Committee

### **\*Licensing Committee - 10 Members**

Independent Group	W Patterson, H Sawrey-Cookson
Conservative Group	H Fearon, E Martin, A Meadowcroft, J Raine
Liberal Democrat Group	P Baker, L Harker, D Holden
Labour Group	M Hanley

Green Group	0
Standing Deputies	M Clark, D Ryland I Chambers, J Lynch, R Orchard, J Thompson M Eyles, G Simpkins, D Smith A Ross

\* One seat to be allocated to either Labour or Green on Planning Committee

### **\*Planning Committee - 11 Members**

Independent Group	M Clark, W Patterson, H Sawrey-Cookson
Conservative Group	I Chambers, J Lynch, J Thompson, D Wicks
Liberal Democrat Group	D Holden, M Eyles, G Simpkins
Labour Group	0
Green Group	A Ross
Standing Deputies	D Banks, S Lancaster, D Ryland A Armstrong, E Martin, A Meadowcroft, G Nicolson P Baker, L Harker, D Smith D Lawson

\* One seat to be allocated to either Labour or Green on Planning Committee

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**Report No: G32/20**

**Eden District Council  
Council**

**30 July 2020**

## **Scrutiny Annual Report 2019/2020**

<b>Report from:</b>	Chairman of the former Scrutiny Co-ordinating Board
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### **1 Purpose**

- 1.1 This report presents the achievements of the Council's Scrutiny Board and Committees during the 2019-2020 Council year.

### **2 Recommendation**

It is recommended that Council note the Annual Report.

### **3 Report Details**

- 3.1 This is the fourteenth annual report of Scrutiny in Eden and described the activities that the Scrutiny Board and Committees have been involved in during 2019-2020.
- 3.2 The report highlights scrutiny work that has been undertaken during scrutiny meetings such as receiving updates, gathering information and engaging in a Scrutiny Reviews.
- 3.3 The Annual report can be found at Appendix 1.

### **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

- 4.2 This report meets sustainable corporate priority

### **5 Consultation**

- 5.1 The draft version of this report went to the Overview and Scrutiny Committee on 24 June 2020, where Members were given the opportunity to comment on the draft report.

### **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 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 There are no proposals in this report that would reduce or increase resources.

## **6.2 Legal**

6.2.1 Article 6 of the Council's Constitution states that Scrutiny may report annually to full Council on their work.

## **6.3 Human Resources**

6.3.1 There are no direct Human Resource implications associated with this report. The Council does not have a dedicated Scrutiny officer and Scrutiny work is carried out by the Member Services officers against other priorities in the Member Services team.

## **6.4 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	None arising from this report. Equalities implications are considered as part of each Scrutiny review undertaken by the Council before making any recommendations.
Health, Social Environmental and Economic Impact	None arising from this report
Crime and Disorder	The Housing and Communities Scrutiny Committee acts as the Councils' designated Crime and Disorder Panel and will sit as this Panel twice per year to consider crime and disorder related issues.
Children and Safeguarding	None arising from this report

## **6.5 Risk Management**

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Reputational risk – scrutiny has an important role in enhancing public transparency in democratic decision making, it is important that Scrutiny seeks to engage with the public.	Failure to carry out scrutiny reviews and consult with the public may have a detrimental impact on the Council's reputation.	Scrutiny carries out an annual public consultation exercise to gain suggestions about possible scrutiny reviews and also seeks public opinions when undertaking reviews.
Legal – the Council has a legal duty to appoint at least one Scrutiny Committee.	Failure to appoint at least one Scrutiny Committee may result in legal challenge.	The Council has three Scrutiny bodies and has agreed to change the existing structure for the municipal year 2020–2021. From May

Risk	Consequence	Controls Required
		2020 there will be one Overview and Scrutiny Committee and one Budget Scrutiny and Planning Committee.

## **7 Other Options Considered**

7.1 No other options have been considered.

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

8.1 In order to enable Scrutiny to make an annual report on its activities to Council.

**Background Papers:**           **None**

**Appendices:**                   **Appendix 1 – Scrutiny Annual Report 2019/2020**

**Contact Officer:**               **Vivien Little, Member Services Team Leader**

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# Scrutiny at Eden

## Scrutiny Annual Report 2019-2020

Date: March 2020

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## **1 Introduction**

- 1.1 Welcome to the Scrutiny Annual Report for 2019-2020. This report summarises Scrutiny's highlights and achievements over the past Council year.
- 1.2 Over this year, we have had 15 public meetings, considered 32 reports or presentations and have undertaken three reviews. Each Scrutiny Board or Committee has received updates from and asked questions of Members of the Executive.
- 1.3 Following the Local Government Elections in May, the Centre of Public Scrutiny delivered a training session which sought to increase all Members awareness of the role of Scrutiny.
- 1.4 Quarterly Corporate Performance reports have been introduced to replace the previous Portfolio Holder plans/updates, with a view to highlighting areas of underperformance. The reports have been developed to correspond to priorities detailed in the Corporate Plan in order to help fulfil Scrutiny's role in holding the Executive to account.
- 1.5 Following changes to the governance arrangements in respect of Heart of Cumbria, the Board have confirmed that they will report to Scrutiny on a regular basis.
- 1.6 The Covid-19 pandemic affected Scrutiny along with every other Council meeting. March's meetings of the Scrutiny Committees had to be cancelled with their work being picked up by the new Overview and Scrutiny Committee when it meets for the first time in June.

## **2 Scrutiny Reviews**

- 2.1 Scrutiny Reviews are short, time limited projects that are set up so that non-Executive Members can investigate certain issues in detail and then make recommendations to the Executive for changes.

### **Budget Scrutiny Review (Scrutiny Co-ordinating Board)**

- 2.2 The Interim Chief Financial Officer/s151 Officer and the Strategic Advisor Corporate Finance joined the Council in November 2019 on an interim basis. They immediately began work on budget setting, and the Budget Scrutiny Review Group commenced in January 2020.
- 2.3 Initially, three Members volunteered to sit on the Review Group, this rose to five. The group had varying levels of experience of scrutinising the budget. The members were:
  - R Orchard (Chairman of the Group);
  - P Baker;
  - W Patterson;
  - S Lancaster; and
  - N McCall.

- 2.4 The first meeting of the Review Group was held on 14 November 2019 at which Councillor Orchard was elected Chairman. At this meeting the group agreed its Terms of Reference.
- 2.5 The Terms of Reference for the review were to:
- a. consider whether the Executive has produced an effective budget that would meet the Council's corporate priorities and strategic actions in the Council Plan;
  - b. review the significant movements in the base budget, progress with savings proposals to meet the budget gap and any growth items, across all portfolios; and
  - c. ensure that the recommendations from last year's Budget Scrutiny Review have been implemented.
- 2.6 At its second meeting the Review Group heard from the Interim Chief Finance Officer/s151 and the Strategic Advisor Corporate Finance. They informed Members of the challenges facing the Council moving forward, the work that they had been brought in to do and their previous experience.
- 2.7 The General Election impacted on the timing of the budget in relation to the settlement figures.
- 2.8 The Review Group considered the pressures on the Council budget at its third meeting which was held on 8 January 2020. The group agreed to focus on a strategic view of the budget rather than interrogating individual Portfolio Holders. Establishing a Budget Scrutiny Committee was discussed.
- 2.9 At the fourth meeting of the group on 4 February 2020, the Review Group considered the impact of raising the Council Tax on the Council Budget.
- 2.10 The final meeting took place on 12 February 2020, where Members agreed the recommendations.
- 2.11 The review group made final recommendations that:
1. Scrutiny Co-ordinating Board endorse the proposed increase in Council Tax, as set out in the Budget papers to Council on 27 February 2020;
  2. Scrutiny Co-ordinating Board be recommended to support the budget proposal for 2020/2021;
  3. Scrutiny Co-ordinating Board be recommended to endorse the acquisition of Voreda House as part of the One Eden Single Site project; and
  4. a Budget Planning Committee be set up from May 2020 onwards in order to have a more strategic oversight of the Budget throughout the year.
- 2.12 The final report was discussed at the Scrutiny Co-ordinating Board on 20 February and the recommendations were referred to the Executive.
- 2.13 The final report was considered and approved by the Executive on 25 February 2020.
- 2.14 At the Council meeting on 27 February 2020, full Council approved the establishment of the Budget Planning Committee from May 2020 onwards.



## **Scrutiny Structure Review (Scrutiny Co-ordinating Board)**

- 2.15 At the Scrutiny Co-ordinating Board meeting held on 30 May 2019 Members agreed that a task and finish group should be established to consider a revised Member structure for Scrutiny, having regard to the findings of the Centre for Public Scrutiny review, with a view to implementation for the 2020/2021 municipal year.
- 2.16 Terms of Reference for an Increasing Participations Task and Finish Group were agreed at the Scrutiny Co-ordinating Board meeting held on 18 July 2019.
- 2.17 The Terms of Reference were to:
- a) consider the recommendations of the Review of Scrutiny Report produced by the Centre for Public Scrutiny produced in March 2019;
  - b) compare current practices with comparable Councils; and
  - c) make recommendations to increase the impact scrutiny has in supporting Council performance.
- 2.18 Scrutiny Co-ordinating Board appointed five Scrutiny Members to the Task and Finish working group. The group comprised:
- Councillor D Banks - Lazonby (Chairman)
  - Councillor D Holden – Penrith North
  - Councillor M Hanley – Alston Moor
  - Councillor D Lawson – Penrith Carleton
  - Councillor J Owen – Shap (until October 2019)
- 2.19 In August 2019 the group began a review of scrutiny arrangements within the District Council and compared these with arrangements in comparable Councils.
- 2.20 Members considered the final report from the Centre of Public Scrutiny which had been prepared following their review of Scrutiny at Eden District Council undertaken in February 2019.
- 2.21 Members also considered legislation and Best Practice Guidance, together with cost and governance implications associated with altering the existing structure.
- 2.22 The working group made final recommendations that with effect from the commencement of the municipal year for 2020/2021:
- a) the current three scrutiny committees be replaced with one ‘Overview and Scrutiny Select Committee’, comprising 12 Members, meeting no less than six times per year;
  - b) the ‘Overview and Scrutiny Committee’ be given authority to convene task and finish groups to supplement their work; and
  - c) consideration be given to the re-introduction of a Forward Plan of work of the Executive.
- 2.22 The Scrutiny Co-ordinating Board considered the group’s final ‘Scrutiny Structure Review’ report on 14 November 2019 and recommended that the Accounts and Governance Committee and Council approve the recommendations.
- 2.23 The Accounts and Governance Committee met on 18 December 2019 and endorsed the recommendations contained within the ‘Scrutiny Structure Review’

final report to Council. Members sought assurance from Council that any Task and Finish Groups convened by the Overview and Scrutiny Committee would be open to and actively encourage participation from Non-Executive Members.

2.24 Council approved the recommendations on 9 January 2020.

2.25 Updates to the Constitution fall under the auspices of the Accounts and Governance Committee, with the Assistant Director Governance having delegated authority to make changes to the constitution in relation to a decision at Council.

### **Outside Bodies Review (Scrutiny Co-ordinating Board)**

2.26 At the Scrutiny Co-ordinating Board meeting of the 16 January 2020, the Board agreed the Terms of Reference for a review into the Council's Membership on Outside Bodies, and ways to improve the mechanism for reporting back from Outside Bodies meetings. This came about as a result of a recommendation from a Human Resources and Appeals Sub-Committee meeting into a complaint which had been received.

2.27 Five members volunteered to be on this Panel. They were:

- Councillor J Raine - Crosby Ravensworth (Chairman)
- Councillor D Banks - Langwathby
- Councillor M Hanley - Alston Moor
- Councillor R Orchard - Hartside
- Councillor J Thompson - Penrith West

2.28 The Terms of Reference were to:

- a) To consider all outside bodies which have members appointed to them.
- b) To compare current practices with comparable Councils.
- c) To establish a set method for members to report back from outside bodies.

2.29 The Group met in February 2020, and began with a comparison of how other comparable Councils approached Outside Bodies, and their methods of reporting back.

2.30 Members also drew up a survey which went to all Members appointed to traditionally non-Executive Outside Body appointments, with a number of questions about how Members perceived the Outside Bodies, their worth, and if they wished to report back from them on a more regular basis.

2.31 The Members of the Task and Finish Group took everything on board, and have made their recommendations, and this report was taken to the Overview and Scrutiny meeting on 24 June 2020. This garnered a great deal of discussion, and a further recommendation added for when the report is put before Council in July 2020.

2.32 The recommendations to be presented to Council are as follows:

1. that with effect from the commencement of the municipal year 2021/22, Eden District Council no longer send any representatives to Omega Proteins Liaison Board; and that the number of representatives on Greenwich Leisure Limited Eden Board be reduced to one;

2. that Members who are elected to a position representing Eden District Council on an Outside Body should fill in a summary note after each meeting they attend, to be published on the Eden District Council website;
3. that a working group be set up to monitor Eden District Council representation on outside bodies, both to look at current representation on Outside Bodies, and if there is any other groups which may require Eden District Council representation, to begin meeting during the 2021/22 municipal year, and thereafter on a bi-annual basis;
4. that any representatives on the Lake District National Park Authority, Lake District National Park Partnership, Yorkshire Dales National Park Authority, North Pennines Area of Outstanding Natural Beauty and MASCG should be through preference a member from an appropriate ward; and
5. A statement is produced showing the synergies and the purpose of representation between the EDC corporate plan and outside body activities is developed for each approved outside body.

### **Waste and Recycling (Environment & Economy)**

- 2.33 In December 2019, the Assistant Director Commissioning and Technical Services approached Scrutiny with a view for setting up a Task and Finish Group to look at a report which had been recently commissioned and which looked into options for the future of the Council's Waste Management Services.
- 2.34 At the Scrutiny Co-ordinating Board meeting of the 16 January 2020 the Terms of Reference for the Group were accepted. They are as follows:
  - Councillor M Eyles, Penrith East (Chairman)
  - Councillor A Ross, Penrith North (Vice-Chairman)
  - Councillor P Baker, Penrith Pategill
  - Councillor D Holden, Penrith North
  - Councillor S Lancaster, Kirkby Stephen
  - Councillor J Lynch, Penrith East
  - Councillor J Raine, Crosby Ravensworth
  - Councillor D Ryland, Hesketh
  - Councillor J Thompson, Penrith West
  - Councillor A Todd, Orton with Tebay
  - Councillor D Wicks, Greystoke
- 2.35 The Group began to meeting in January 2020. They quickly realised that the time frame they had initial begun working to was not achievable, and requested extra time to consider this matter.
- 2.36 Members began by reading and understanding the contents of the report, and questioning the Assistant Director Commissioning and Technical Services. From this initial questioning and the reading of the report, the Group drew up a list of a number of people that they wished to talk to.
- 2.37 These included the authors of the report, representatives of neighbouring authorities who had different delivery models, and with Les Clark, Eden District

Council's Director of People and Place who has had experience of different models within three other authorities he had previously worked at. Members invited officers from Carlisle City Council, who run a fortnightly collection service to talk about their experiences of going from weekly to fortnightly collection, and requested to talk to Allerdale Borough Council about their recent very public experiences with Waste Collection.

- 2.38 The meetings took place over the next few weeks, with evening sessions being held regularly to ensure the matter could be dealt with quickly but with the depth the Group felt was necessary to gain all the information they could to make informed recommendations.
- 2.39 The Group have made very careful consideration of the various waste delivery models, but they have also considered collection models for the whole of Eden moving forward, taking into account legislation which will be introduced by Central Government in relation to food waste moving forward. Their recommendations regarding the collection models will be in their final report, even though the report which will be presented to Council in July will only consider the delivery models.
- 2.40 The Group have made their final recommendations, and they will form part of the final report on the Waste and Recycling for Council, however as this report will not be in the public domain, the recommendations that were made cannot be put within this report.

### **3 Highlights from Meetings: Scrutiny Co-ordinating Board**

- 3.1 Throughout 2019-2020 the Scrutiny Co-ordinating Board was chaired by Councillor Douglas Banks. Councillor Deb Holden was Vice-Chairman.
- 3.2 The Scrutiny Co-ordinating Board has continued to scrutinise the work of the Executive throughout the year through regular Corporate Performance Management reports. The leader was due to attend the Committee meeting on 26 March 2020 to report on progress against the Corporate Plan and answer questions from Members, but this meeting was unfortunately cancelled due to the Covid-19 pandemic.
- 3.3 The Scrutiny Co-ordinating Board has had the ability to ask questions about the Council's budget and the work of the Heart of Cumbria.
- 3.4 The Scrutiny Co-ordinating Board has initiated two Scrutiny Reviews as detailed above.
- 3.5 The Scrutiny Co-ordinating Board considered have not considered any Call-ins in during the municipal year.

### **4 Highlights from Meetings: Environment and Economy Scrutiny**

- 4.1 The Environment and Economy Scrutiny Committee is responsible for scrutinising the work of the Services and Commercial Services Portfolio.
- 4.2 Throughout 2019 – 2020 the Environment and Economy Scrutiny Committee was chaired by Councillor Doug Lawson. Councillor Deb Holden was Vice-Chairman.
- 4.3 During the municipal year the Environment and Economy Scrutiny Committee received regular updates on the work being conducted by the Services and Commercial Services Portfolio Holder. The Assistant Director Commissioning and

Technical Services and the Commercial Services Portfolio Holder answered questions from Members.

- 4.4 The Committee initiated one Scrutiny Review as detailed above.

## **5 Highlights from Meetings: Housing and Community Scrutiny Committee**

- 5.1 The Housing and Community Scrutiny Committee is responsible for scrutinising the Housing and Health Portfolio and the Communities Portfolio.
- 5.2 During the 2019-2020 municipal year the Housing and Community Scrutiny Committee has been chaired by Councillor Michael Hanley with Councillor Ross acting as Vice-Chairman until January 2020. Councillor Ross stepped down from the Committee due to the re-allocation of seats following a by-election. Councillor Margaret Clark was appointed as Vice-Chairman in January 2020.
- 5.3 The Housing and Community Scrutiny Committee received regular updates from Councillor Hanley who was the Health Scrutiny Committee and Health and Wellbeing Committee representative during the municipal year.
- 5.4 The Housing and Community Scrutiny Committee sits as the Council's statutory Crime and Disorder Panel. In November the Committee received a verbal update from Cumbria Constabulary in respect of antisocial behaviour and drug related issues within Eden.
- 5.5 During the municipal year Housing and Community Scrutiny Committee received regular updates on the work being conducted by the Housing and Health Portfolio and the Communities Portfolio Holders. Both Portfolio Holders attended meetings of the Committee and answered questions from Members.
- 5.6 The Committee has been active in seeking information regarding a number of issues and has received presentations from Portfolio Holders and Council Officers in respect of the: Housing Supplementary Planning Document; District Wide Housing Needs Survey; Leisure Contract Review, progress against the Corporate Plan; Affordable Warmth work; Disabled Facilities Grants and Air Quality Surveys.

## **6 Conclusion and Next Steps**

- 6.1 Scrutiny has moved away from reviewing Portfolio Plans and has started reviewing progress made against the Corporate Plan.
- 6.2 The Annual Scrutiny Review consultation exercise ran from March 2019–April 2019 and was limited to receiving suggestions from Town and Parish Councils. It was decided not to run this consultation process during Spring 2020, as it was felt that it had limited value.
- 6.3 The Scrutiny Structure Review has led to the amalgamation of the existing committees into one Overview and Scrutiny Committee, which will meet no less than six times per year.
- 6.4 The Budget Scrutiny review has led to the formation of a new Budget Planning committee, which will meet quarterly.

Councillor D Banks

Chairman, Scrutiny Co-ordinating Board 2019-2020

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**Report No: G31/20**

**Eden District Council**

**Council**

**30 July 2020**

## **Review of Eden District Council's Outside Body Representation**

<b>Report from:</b>	Chairman of the Outside Bodies Task and Finish Group
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### **1 Purpose**

- 1.1 This presents the findings from the Scrutiny Review of the Council's Outside Bodies and recommends changes which would improve ways of reporting back from Outside Bodies.

### **2 Recommendation**

It is recommended that Council agree the following:

1. that with effect from the commencement of the municipal year 2021/2022, Eden District Council no longer send any representatives to Omega Proteins Liaison Board; and that the number of representatives on Greenwich Leisure Limited Eden Board be reduced to one;
2. that Members who are elected to a position representing Eden District Council on an Outside Body should fill in a summary note after each meeting they attend, to be published on the Eden District Council website;
3. that a working group be set up to monitor Eden District Council representation on outside bodies, both to look at current representation on Outside Bodies, and if there is any other groups which may require Eden District Council representation, to begin meeting during the 2021/22 municipal year, and thereafter on a bi-annual basis;
4. that any representatives on the Lake District National Park Authority, Lake District National Park Partnership, Yorkshire Dales National Park Authority, North Pennines Area of Outstanding Natural Beauty and MASCG should be through preference a member from an appropriate ward; and
5. A statement is produced showing the synergies and the purpose of representation between the EDC corporate plan and outside body activities is developed for each approved outside body.

### **3 Report Details**

- 3.1 In February 2020 a Task and Finish Group began a review of Eden District Council's representation on Outside Bodies, and whether improvements could be made to the reporting mechanism.
- 3.2 During the review the Members of the Task and Finish Group surveyed non-Executive membership on Outside Bodies, as well as gathered information from other Authorities on how they deal with Outside Bodies.
- 3.3 The final report of the Task and Finish Group (Appendix 1 to this report) was presented to the Overview and Scrutiny Committee on 24 June 2020. After discussion, a further recommendation requesting that a statement be produced showing the synergies and the purpose of representation between the EDC corporate plan and outside body activities is developed for each approved outside body to Council was added, and is included above in the list of recommendations. This was approved by the Overview and Scrutiny Committee.

### **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

- 4.2 This report meets sustainable corporate priority

### **5 Consultation**

- 5.1 Members who are on Outside Bodies that are not allocated automatically to the Executive were consulted on their experiences in working with Outside Bodies.
- 5.2 After the addition of a further recommendation, this report was accepted by the Overview and Scrutiny Committee.

### **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 2019-2023 as agreed at Council on 7 November 2019.

There are no proposals in this report that would reduce or increase resources.

#### **6.2 Legal**

- 6.2.1 Scrutiny committees are not decision making bodies. Any recommendations that this committee makes will need to be considered by the appropriate Member decision making body. It is recognised that Scrutiny provides a valuable contribution to strong corporate governance.
- 6.2.2 This report is being brought before full Council as Council appoint all membership of Outside Bodies



### 6.3 Human Resources

6.3.1 There are no Human Resource implications contained in this report.

### 6.4 Statutory Considerations

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	There may be issues to consider regarding Eden District Council having representation on bodies that have a direct community impact regarding equality and diversity. Any recommendations which may have an adverse effect on people with a protected characteristic will be subject to an appropriate Equality Impact assessment.
Health, Social Environmental and Economic Impact	There are no implications contained within this report
Crime and Disorder	There are no implications contained within this report
Children and Safeguarding	There are no implications contained within this report

### 6.5 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
That the Council is perceived to be not representing itself with outside organisations, or that it is not maintaining transparency	This could be perceived as fault of the Council. There could be a perception of a lack of contact with communities of Eden.	That regular oversight be maintained over Outside Bodies, that assistance be given to Members in understand their roles on Outside Bodies, and that adequate support is given to any Member who is asked to be a trustee

## 7 Other Options Considered

7.1 No other options have been considered

## 8 Reasons for the Decision/Recommendation

8.1 The recommendations outlined in this report will help the Council to make a fully informed decision regarding the Council's participation on outside bodies, and give Members more assurance that their work on Outside Bodies will be open and transparent

**Background Papers:** None

**Appendices:** Appendix 1 – Final report of the Outside Bodies Task and Finish Review Group

## **Appendix 2 – Form for Members**

**Contact Officer:**

**Vivien Little, Member Services Team Leader**

# Scrutiny at Eden

## Outside Bodies Review

March 2020

## **Chairman's Foreword**

The Human Resources and Appeals Sub-Committee made a recommendation at one of their meetings that this long overdue scrutiny review of the Outside Bodies that Members represent EDC on take place.

Reviews took place in 2008 and 2010 which looked in depth at four partnerships in each review, and since then there has been many changes with budget cuts and service delivery.

Members are elected to represent the Council at the AGM in May on what is now referred to as Outside Bodies. The Council needs to provide assurance to the public that their money is being spent wisely and that the input by the elected Councillor into the Outside Body they represent will improve quality of life and provide value for money.

In the past I have found myself becoming a trustee of an Outside Body without being informed that the position I was nominated for involved becoming a trustee. More details need to be given to Members who are nominated prior to them accepting the position, and details of how to report the decisions made at the meetings to their fellow councillors.

The 2019 pack for newly elected Members is a step in the right direction giving details of the Outside Bodies, but there is no guidance on how to report back to the council after attending meetings of that particular Outside Body.

At the 2019 AGM it was clear Members were nominated for positions when they had not been consulted, as if it was some kind of game. I spoke with Members who found themselves in positions they had no interest in and didn't want to hold. Members need to be asked if they are prepared to take on the Outside Body, before being put on the spot at the AGM.

The preference needs to be appropriate representation on the Outside Body with the represented member having background knowledge of the subject or if the Outside Body is dedicated to a certain area of Eden the representative living in a ward that the Outside Body covers.

Joan Raine

Chairman

## **1. Introduction**

This review has been undertaken to allow the now defunct Scrutiny Co-ordinating Board, now Overview and Scrutiny Committee to have an oversight of the Outside Bodies which elected Members sit on as representatives and make recommendations to improve the reporting process for Members.

## **2 Scope**

### **2.1 Purpose of the Review**

To review all outside bodies on which Members sit, and to look at improving the method for reporting back on Outside Bodies to ensure that all are adding value to Eden District Council.

### **2.2 Aims**

- To consider all outside bodies which have Members appointed to them.
- To compare current practices with comparable Councils.
- To establish a set method for members to report back from Outside Bodies.

### **2.3 Methodology**

The Outside Bodies Task and Finish Review came about as a direct result of a complaint to the Council, resulting in the Human Resources and Appeals Sub-Committee making a recommendation that Scrutiny look at how Members reported back from Outside Bodies. It was also decided that it would be appropriate to look at all Outside Bodies as well, to ensure that it was appropriate that Eden District Council retained its representatives and that they were adding value to the Council as a whole.

The Members of the Task and Finish Group were:

Councillor J Raine – Crosby Ravensworth (Chairman)

Councillor D Banks - Langwathby

Councillor M Hanley – Alston Moor

Councillor R Orchard – Hartside

Councillor J Thompson – Penrith West

The Group agreed to the following approach:

- Desk based research to look at comparable Councils and how they dealt with Outside Bodies.
- A survey of Members involved with the non-Executive, non-statutory Outside Bodies.

A number of Councils were identified as being similar to Eden District Council based on the Institute of Public Finance and Accountability 'nearest neighbours' group of similar authorities. The Group considered the annual reports of those Councils, and information on their website regarding Members and Outside Bodies.

## **3 Findings**

### **3.1 Background**

Following the acceptance of the Terms of Reference at the Scrutiny Co-ordinating Board Members met on a total of three occasions; to prepare a survey to send out to current Members, to discuss how to report back to Council, to look at what other comparable Councils did and to discuss the final recommendations.

#### **Desktop Research**

Members asked for desktop research to find out how other Councils treated their Outside Bodies, what information was provided to Members and how Members reported back to their authorities.

Information was obtained from Babergh District Council, Derbyshire Dales District Council, Hambleton District Council, Mid Suffolk District Council, Ribble Valley Borough Council, Richmondshire District Council, Ryedale District Council, South Lakeland District Council and Test Valley Borough Council.

All Councils researched had a number of differing approaches to Outside Bodies. Of all the Councils researched, only two stated that they had methods for Members to report back after meetings, Ryedale District Council and South Lakeland District Council. Ryedale Council asked Members to fill in a precis form after every meeting and submit them, which were then published online, and South Lakeland District Council produce an annual report which is submitted at their Annual General Meeting.

Test Valley Borough Council also produced an in depth guidance for Councillors, with additional information for any Member who is asked to become a trustee of an Outside Body.

Members felt that there was a need to report back on a regular basis, to enable the Council as a whole to be aware of what was discussed, and also to publish this on the website so that the public can have full transparency over what elected Members are doing. Members expressed a preference for the Ryedale approach of producing a precis after each meeting attended, and requested that a similar form be produced for the use of Members. See Appendix B for a copy of suggested form.

#### **Survey of Members**

Members of Outside Bodies which weren't linked to Executive roles, or statutory bodies such as the Lake District National Park were surveyed regarding their thoughts about the Outside Bodies which they were representing. The questions asked were as follows:

1. Have you attended meetings of the Outside Body you are appointed to since you were elected to that position in May 2019?
2. How many meetings have there been, and how many have you attended/sent apologies to?
3. Did you report anything back to the Council?
4. Was there relevance of the meeting to Eden District Council?
5. What other bodies/authorities have representation on the Outside Body?
6. Are there minutes available from the meetings?
7. Did you feel it was worthwhile attending the meetings?
8. Did you feel you contributed to the meetings?

9. Do you think that we should continue to have a representative on the Outside Body?

All Members who were surveyed came back with responses (attached as Appendix 1 to this report), and Members of the Task and Finish Group were impressed at the level of response. Members were pleased that there was a high level of engagement from those Members who responded towards their Outside Bodies. The only body which caused issue towards Members was the Omega Proteins Liaison Group, and Members agreed to look at this closely. This group was set up following a court case a number of years ago, and at the time Eden District Council was the lead agency responding to any complaints regarding the 'Penrith Pong'. Since the Environment Agency are now the lead agency, Eden District Council's need for representation on this board is minimal. The Task and Finish Group therefore recommended that as of the municipal year 2020/2021, Eden District Council withdraws from the Omega Protein Liaison Group.

Members also felt that it wasn't necessary to send two Members to the Greenwich Leisure Limited Eden Group, as there was already an officer in support there at meetings, and it was felt that one Member in attendance would be enough.

### **Other issues**

Other issues which were brought up from Members was that it appeared it had been a number of years since Terms of Reference were sought from all Outside Bodies. Member Services agreed that they would undertake a survey of all Outside Bodies to ensure that their Terms of Reference were up to date, though at the time of writing of this report, these had not been received. Member Services would continue to follow up on this piece of work, and report back.

During the desktop research phase, Members were interested to see what other Councils produce to support their Members in their duties towards Outside Bodies. Members of the Task and Finish Group requested that Member Services produce appropriate guidance to give to Members, especially for any Member representing an Outside Body with special responsibilities such as Trustees or a Director of a Company.

## **4. Conclusion**

Members were pleased with the level of engagement which had been received from Members in response to questions, and to the level of engagement and respect Members have with the Outside Bodies themselves. Outside Bodies provide vital links directly to communities, and Members were at pains to ensure that a high level of representation was maintained.

For the future, Members were keen to ensure that more regular work was done to make sure that Eden District Council has appropriate representative on the current Outside Bodies, and also if there are other Outside Bodies which could benefit from Eden District Council representation.

## **5. Recommendations**

The Review Group made the following recommendations;

- a) that with effect from the commencement of the municipal year 2021/2022, Eden District Council no longer send any representatives to Omega Proteins Liaison Board; and that the number of representatives on Greenwich Leisure Limited Eden Board be reduced to one;

- b) that Members who are elected to a position representing Eden District Council on an Outside Body should fill in a summary note after each meeting they attend, to be published on the Eden District Council website;
- c) that a working group be set up to monitor Eden District Council representation on Outside Bodies, both to look at current representation on Outside Bodies, and if there is any other groups which may require Eden District Council representation, to begin meeting during the 2021/2022 municipal year, and thereafter on a bi-annual basis; and
- d) that any representatives on the Lake District National Park Authority, Lake District National Park Partnership, Yorkshire Dales National Park Authority, North Pennines Area of Outstanding Natural Beauty and MASCG should be through preference a Member from an appropriate ward.



## **Appendix 1**

### **Outside Bodies Information**

Questions sent to Members.

1. Have you attended meetings of the Outside Body you are appointed to since you were elected to that position in May 2019?
2. How many meetings have there been, and how many have you attended/sent apologies to?
3. Did you report anything back to the Council?
4. Was there relevance of the meeting to Eden District Council?
5. What other bodies/authorities have representation on the outside body?
6. Are there minutes available from the meetings?
7. Did you feel it was worthwhile attending the meetings?
8. Did you feel you contributed to the meetings?
9. Do you think that we should continue to have a representative on the Outside Body?

### **Alston Moor Partnership (including the Townscape Heritage Initiative Steering Group and Alston Moor Partnership Board) – representative Lissie Sharp**

1. Yes, I have attended Alston Moor Partnership Directors meetings and I've also started attending the Community Plan working group meetings.
2. Board meetings - 6<sup>th</sup> August, 17<sup>th</sup> October, 4<sup>th</sup> December, 12<sup>th</sup> February – attended. I sent apologies for the board meeting on the 4<sup>th</sup> June and the AGM on the 16<sup>th</sup> July. Community plan working group - 28<sup>th</sup> November and 23<sup>rd</sup> January – attended.
3. I've reported any relevant information back to the Chief Executive and to the Executive members. I think it would be great if there was some way of sharing information to the wider group of members, short reports on SharePoint or via email. I would also like to be able to share information from other meetings that I attend.
4. I feel that the meetings and items discussed are very relevant to Eden District Council, I think it encourages good practice in partnership working with other organisations across the district.
5. Representation from other organisations - Cumbria County Council, Alston Moor Parish Council, Alston Moor Business Association, a local farmer and member of the NFU, Alston Moor Community Energy, members of the community who tend to "wear different hats" and are members of other community groups.
6. Minutes are available.
7. I think it is important that there is a representative from each tier of council on the board for Alston Moor Partnership, to be able to link in, share information and feedback to our Council. Their aim is to ensure that the community of Alston Moor can flourish as a place to live and work, which links directly to the vision of our

Council. Alston Moor Partnership are key group in the area working on the ground with the community. They have delivered some key projects including the Townscape Heritage scheme and the Greenprint project, of which both have been extremely successful in creating a number of benefits for Alston Moor. It is informed by their Community Plan and because there is such a broad range of representation on the board, information sharing becomes a key part of the meetings and is extremely useful.

8. Yes, I feel that I contribute to the meetings and I have since become part of the community plan working group as well as a board member.
9. Yes, I think a representative from Eden District Council should continue to be on Alston Moor Partnership.

**Cumbria Health and Wellbeing Scrutiny Committee and Eden Health and Wellbeing Forum – Representative Michael Hanley, Substitute Lissie Sharp**

1. Yes
2. The meetings are every 2-3 months and I have missed one due to clashing with my working day. I have attended 5 HSC meetings.
3. I always write a report and have sent this to Joan Raine and I think I sent some of the reports to officers.
4. Yes
5. Health and Wellbeing Forum
6. Yes
7. Yes
8. Yes
9. Yes

**Cumbria Local Nature Partnership – Representative Ali Ross**

1. Yes
2. I have attended 3 meetings (since being elected in May), two of these were full Board meetings and one was a review sub-group. I have also attended one joint CLNP/EDC meeting. I sent apologies for one meeting.
3. I have reported back informally to the CEO and Director of People and Place and also to the Council Leader.
4. Yes. The work of the CLNP is highly relevant to EDC's declaration of an ecological emergency and the Council's stated objective to protect the biodiversity in the District. In particular, it offers an effective means by which the Council can be helped to meet its forthcoming duty to produce a Nature Recovery Strategy.
5. Cumbria County Council, Copeland Borough Council, Barrow Borough Council, Natural England, Lake District National Park Authority, Cumbria Wildlife Trust Friends of the Lake District, Cumbria LEP.
6. Yes
7. Yes
8. Yes

9. Yes – but probably only if it is someone who has some ecological/conservation interest or expertise.

#### **Cumbria Police and Crime Panel – representative Deb Holden**

1. Yes
2. I have attended 2. (12 July 2019. 14 October 2019). The meeting in January 2020 was postponed until 7 Feb, but I sent my apologies for that one.
3. No
4. Yes. At the first meeting there was reference to installing CCTV in parishes, with support from the Police Crime Commissioner. Apparently some parishes had declined the offer. I asked PTC why they hadn't taken up the offer. They gave several valid reasons. I believe it is important to attend the meetings, and would welcome an opportunity to feedback relevant pieces to District Councillors. It is useful to be able to take matters of concern back to the PCP meetings as we have a session first thing in the morning without the Crime Commissioner present, in order to go through the agenda and raise issues on the agenda and from our districts.
5. Allerdale and Barrow Borough Councils, Eden and South Lakeland District Councils. Cumbria County Councillor (Chair), CC Cllr Helen Fearon (Vice Chair), 2 independent co-opted members. Other County Council Officers and the Office of the Police and Crime Commissioner.
6. Yes
7. Yes
8. Yes. At the first meeting I questioned the PCC on an agenda item about the pension scheme and take up by Police officers. However, if I had an opportunity to report back to Councillors in Eden the type of agenda items the PCP look at and then ask them what issues are needing attention in their areas, it would be more useful. Bear in mind I am still finding my feet at these meetings.
9. Yes. Now I have attended two meetings I am better able to represent EDC Councillors. This is the only panel where policing issues can be raised for Eden District, directly with the Police Crime Commissioner.

#### **Eden Access Forum – representative Joan Raine**

Defunct Committee

**Greenwich Leisure Limited Eden Board - 2 representatives, Douglas Banks, and David Ryland (recently elected to the position). Councillor Banks responded, as Councillor Ryland has not attended a meeting.**

- 1 Yes
- 2 Two meetings, attended one and apologised one.
- 3 No
- 4 Yes, they run leisure facilities for EDC.
- 5 User groups
- 6 Yes full minutes

- 7 To a certain extent but usually an EDC officer is present
- 8 I contributed but just on observation to information given
- 9 If an EDC officer is to attend one member would be sufficient.

**Lake District National Park Partnership – representative Darrell Smith**

1. Yes
2. There have been two to date, one I attended and the other one I sent apologies for. The next meeting is on 10 March 2020 and I will be attending.
3. Recently there has been a number of items related to our carbon, climate and biodiversity aspirations. These present opportunities for collaboration. I have passed these back to both members of the Executive and Officers.
4. Being that several EDC parishes sit within the LDNP these meetings have direct relevance. Also, as the answer to Q3 suggests, there is also a wider regional relevance.
5. The partnership consists of 25 organisations that represent a wide range of perspectives that cover businesses, environment and societal interests.
6. Yes
7. Yes
8. Yes, I think as the District Council representative for those EDC communities that live in the Park my contributions in this regard are worthwhile. We also have the opportunity to report back to these communities on LDNP future plans and direction through Parish Council meetings.
9. Yes.

**North Pennines Area of Outstanding Natural Beauty Partnership – representative Mary Robinson**

1. I was already on the ANOB as my wards are wholly in the ANOB area taking over from Pat Godwin.
  - Attended the Executive meeting on 21/2/19 At Allendale
  - Attended the AGM meeting on 22/5/19 at High Force
  - Apologies for the 3/6/19 meeting due to holidays
  - Attended the meeting on 7/11/19 at Alston
2. The meetings and record of attendance are detailed above.
3. I circulated the Glover report to all members. Discussions have been held with the Executive and with officers in particular with regard to a HLF bid (Fell Foot Forward) which officers and member representation have been involved with from its inception.
4. The work of the ANOB in the North Pennines is key to planning decisions made in the area it covers. Contained within the Duty to Cooperate Statement of Compliance August 2015 the ANOB is included with regard to working with Northumberland County Council which states “Partnership working is already well established through the ANOB partnership”

The successful HLF bid for the Fell Foot Forward project, submitted in August 2019 and given full support by HLF in December 2019 is an excellent example of the value of being part of this partnership. The Lottery funding of 2 million pounds brings the total of the overall scheme to invest 3.4 million in nature recovery and cultural heritage over a 4 year period.

Eden District Council has committed 5K towards the project alongside Carlisle City.

The first meeting of the project steering board is Wed 26<sup>th</sup> Feb 2020, I have been invited to sit on the steering board.

I would suggest due to the sheer scope of the project which is now moving into the delivery phase the project officers are invited to provide a presentation for members in the coming months.

5. Carlisle City Council, Cumbria County Council, Durham County Council, Northumberland County Council, Natural England, Friends of the North Pennines, Moorland Association, County Land and Business Association, NFU, RSPB, Visit County Durham, Northumberland Tourism, Durham Wildlife, Wildlife Trust, Cumbria Wildlife Trust, Cumbria Tourism.

Four Open Seats. Then the chairs of the working groups which are, Access and Recreation, Historic Environment, Geopark, Tourism.

There is both member and officer attendance.

6. Yes agendas, minutes, management plans and financial reports.
7. Essential and I invited the project officer for Fell Foot Forward to deliver a presentation and the Local Enterprise Partnership Rural sector panel which I chair as the work of the ANOB dovetails with the work of the LEP and with the Borderlands growth fund.
8. Not only do I contribute to the meetings but contribute to maximising partnership working with the Parishes and the LEP. I have been involved with the development alongside EDC officers of the Fell Foot Forward project for several years now.
9. This is a key outside body from planning policy through to the work they carry out within a large part of our district.

### **Omega Proteins Liaison Group – 3 representatives, Michael Eyles, John Thompson, Virginia Taylor**

#### **John Thompson**

1. 2018 there was only one (April) meeting, one was scheduled in October, but the group couldn't agree a date.
2. 2019 2 meetings not attended by myself. Apologies given. 2020 there are scheduled meetings for February (which was cancelled), June and October.
3. Nothing of importance discussed.
4. None
5. None

6. No
7. No
8. No
9. No. As the Environment Agency are the lead authority we have little or no say. Only item is planning which I will have to declare as on the Planning Committee.

### **Virginia Taylor**

1. Unfortunately not. They are always arranged for 5 ish and so far on days when I have other commitments.
2. I think there have been 3. Two of the 3 I was clear while the dates were arranged that the one chosen was not possible. One of the dates I might have been able to get to with a following wind but I couldn't and followed up with a reiterated apology.
3. No
4. I have been to meetings in the past. The liaison group was set up as a result of the 'Hugh James' case, where a group of residents took out a civil case for damages against Omega. It was intended to be a place where residents could express concerns. In fact it tends to be a forum for Omega to set out their successes and it is not easy to dispute them face to face. Additionally there is potential conflict of interest with planning powers as the contents of these meetings could be construed as lobbying. Omega are in charge of the agenda and the meeting. I think Omega should have a regular meeting directly with EDC members and officers rather than this 'outside body' as although we are no longer in any formal relation with them statutory nuisance still exists and comes our way to deal with.
5. Penrith Town Council. No one else I don't think.
6. A note of items rather than a record of discussion. Not formal minutes I wouldn't say.
7. No
8. Possibly
9. NO!!! There is at present an activist who considers that this meeting has powers which it does not. It always was a PR exercise masquerading as a community group and since this is causing trouble I think the time has come to divest.

### **Michael Eyles**

I have attended two meetings of Omega and given apologies for one, the last one. The meetings mainly consist of receiving statistics from the Leo Group (owners) officers and given progress reports of developments on the site. EDC is no longer the licencing body for the plant, this having passed to the Environment Agency a couple of years ago. There has been no representatives from the EA at the meetings. For this reason I feel the presence of EDC no longer has a real purpose.

**Parking and Traffic Regulations Outside London Adjudication Committee –  
representative Michael Eyles**

PATROL is a different matter. I have attended three meetings and found them informative. I have been remiss in reporting back to council on these matters, although I have notes from the last two meetings. I am in the process of writing up those from the meeting on 28<sup>th</sup> January but have yet to complete that task. I will endeavour to do that this week.

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## Outside Bodies Summary

Name of Outside Body			
Date of meeting			
Council representative(s)			
Key discussions:			
Key decisions:			
Relevance to Eden District Council			
Date of submission		Confirmation to publish	

It is the responsibility of the Member representative(s) to complete this summary (and then gain approval to publish from the outside body prior to submission). Completed summaries should be submitted to Democratic Services either electronically [cttee.admin@eden.gov.uk](mailto:cttee.admin@eden.gov.uk) or as a paper copy. Summaries will be published to the Council's website.

This summary is for information purposes only and it is the responsibility of the Member representatives to follow up actions.





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Report No: G33/20

**Eden District Council  
Council**

**30 July 2020**

## **Appointment to Outside Bodies**

<b>Report from:</b>	Assistant Director Governance
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### **1 Purpose**

- 1.1 To confirm the outside bodies upon which Members will sit in the forthcoming municipal year and to consider who should be appointed to represent the Council on each of these bodies.

### **2 Recommendation**

It is recommended that:

1. The list of outside bodies set out in paragraphs 3.2, 3.4 and in Appendix 1 to the report be approved;
2. Members of the Executive be appointed to the outside bodies identified in paragraph 3.2;
3. Members give consideration to nomination of non-executive members to the bodies listed at paragraph 3.4 and Appendix 1 to this report;
4. Members give consideration to the nomination of a Member to the Multi Agency Appleby Fair Strategic Co-ordinating Group;
5. Members give consideration to the nomination of a Member to the Cumbria County Council LEP Scrutiny Board;
6. Those bodies upon which Eden District Council will represent another authority for 2019-2021 as detailed in paragraph 3.5 of the report be noted;
7. Those bodies upon which Eden District Council will be represented by another authority for 2020-2021 as detailed in paragraph 3.7 of the report be noted; and
8. Council determines if it wishes to appoint Member Champions in relation to
  - (a) Armed Forces;
  - (b) Children and Young People; and
  - (c) Older People.

### **3 Report Details**

- 3.1 The outside bodies on which the Council has a representation are identified and confirmed annually. The list of outside body appointments is contained in

Appendix 1 to this report. Members are appointed to service on outside bodies only by full Council.

- 3.2 On occasions it is appropriate for a member of the Executive to represent the Council on an outside body, particularly if the outside body relates to an element of the individual Executive member's portfolio. It is recommended that the Executive Members identified below be appointed to the outside bodies listed below.

<b>Outside Body</b>	<b>Portfolio Holder</b>
Carlisle and Eden Community Safety Partnership	Communities
Cumbria County Superannuation Fund Forum	Resources
Cumbria Housing Group	Housing and Health
Cumbria Leadership Board	Leader
Cumbria Public Health Alliance	Housing and Health
Cumbria Strategic Waste Partnership	Services
Cumbria Tourism Executive Board	Economies and Enterprise
District Councils Network Executive	Leader
Eden Health Forum	Housing and Health
Eden Tourism Network	Economies and Enterprise
Integrated Care Community Leadership Team	Housing and Health
Joint Cumbrian Districts	Leader
Local Government Association	Leader
North West Regional Housing Forum Executive	Housing and Health
Sparsity partnership for Authorities deliver rural services (SPARSE)	Economies and Enterprise

- 3.3 There are a number of outside bodies upon which it is considered to be inappropriate for members of the Executive to the Council's representative. Council is required to make the necessary appointments to these outside bodies. It is recommended that the Councillor who is appointed should have

particular interest in, or knowledge of, the responsibilities of the outside body or be the most appropriate in terms of the Council's own office holders.

- 3.4 The outside bodies upon which appointments are required are listed in Appendix 1 and below:
- Alston Moor Partnership (including the Townscape Heritage Initiative Steering Group and Alston Moor Partnership) Board – 1 representative
  - Cumbria County Council Scrutiny Management Board – 1 representative
  - Cumbria Health Scrutiny Committee – 1 representative and 1 standing deputy
  - Cumbria Local Nature Partnership – 1 representative
  - Cumbria Police and Crime Panel – 1 representative
  - Eden Health and Wellbeing Forum – 1 representative and 1 standing deputy. Both should be the same as the appointed representatives to the Cumbria Health Scrutiny Committee.
  - Greenwich Leisure Limited Eden Board – 1 or 2 representatives (depending on the previous agenda item)
  - Lake District National Park Authority (4 year term) – 1 representative
  - Lake District National Park Partnership – 1 representative
  - Multi Agency Appleby Fair Strategic Co-ordinating Group (MASCG) – 1 representative
  - North Pennines Area of Outstanding Natural Beauty Partnership – 1 representative
  - (Omega Proteins Liaison Group – 3 representatives) – depending on the previous agenda item.
  - Parking and Traffic Regulations Outside London Adjudication Committee – 1 representative
  - Yorkshire Dales National Park Authority (4 year term) – 1 representative
- 3.5 Representation is shared between two alternating District Councils on a 2 year cycle for representation on the Cumbria Local Enterprise Partnership Board. Eden District Council will represent Carlisle City Council for 2019/2021.
- 3.6 Consideration needs to be given to a Member who will represent Eden on the Multi Agency Appleby Fair Strategic Co-ordinating Group. This appointment can either be an Executive or a non-Executive Member.
- 3.7 There is one district level representative on the Cumbria Health and Wellbeing Board. Carlisle City Council will act as the representative for all District Councils on this body.
- 3.8 Previously, the Council had appointed representatives on the Lake District National Park Authority and the Yorkshire Dales National Park Authority on an annual basis. At the full Council meeting on 11 April 2019, Members approved the recommendations of the Monitoring Officer in that these appointments should be made for a four year term, to bring the Council's representation in

line with other representatives appointed to the National Park Authorities. These were appointed at the Annual Council meeting on 16 May 2019.

3.9 Council has previously appointed Member Champions and it is recommended that Council should consider whether it wishes to do so in relation to the following matter:

- Armed Forces
- Children and Young People
- Older People

3.10 The current Members' Allowance Scheme makes no provision for Member Champions to receive a Special Responsibility Allowance.

## **4 Policy Framework**

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

4.2 This report meets sustainable corporate priority

## **5 Consultation**

5.1 Officers within the Council have been consulted about the status of a number of outside bodies on the list to ensure that the bodies still exist. Members have been provided an overview to each body within their induction pack which they received at election. The appendix which identifies the outside body appointments has been sent to political group leaders so that the political groups can put forward their nominations.

## **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 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 There are no proposals in this report that would reduce or increase resources.

### **6.2 Legal**

6.2.1 Certain outside bodies are independent legal entities for example the Lake District National Park Authority and the Yorkshire Dales National Park Authority. A Member can be expected to act and should act in the best interests of a body to which they are appointed and with due regard to any of the relevant Codes of Practice which apply to such a body and taking into account the professional advice of the officers of such body.

### **6.3 Human Resources**

6.3.1 There are no human resource implications arising from this report.



## 6.4 Statutory Considerations

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	None arising from this report
Health, Social Environmental and Economic Impact	None arising from this report
Crime and Disorder	None arising from this report
Children and Safeguarding	None arising from this report

## 6.5 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Members will need to consider any issues that arise in relation to their appointment upon an outside body	Members will need to consider their responsibilities and duties on the outside body and clarify what insurance provisions are and will be available, if any, through the outside body	Members are generally expected to act in the best interest of the outside body when undertaking their duties. Members should seek advice in any instances of doubt or concern, either through the Council or the outside body.

## 7 Other Options Considered

- 7.1 No other options have been considered in relation to this report. Whilst Members could decide not to appoint to outside bodies, it would not be in the best interests of the Council to do so.

## 8 Reasons for the Decision/Recommendation

- 8.1 To enable appointments to be made to outside bodies.

### Tracking Information

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

**Background Papers:** None

**Appendices:** Appendix 1 – List of nominations to outside bodies

**Contact Officer:** Vivien Little, Member Services Team Leader

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# Outside Bodies List for 2020-2021

## –Appendix 1

The list below identifies the bodies to which Members are to be appointed followed by the nominations received from political Group Leaders.

### Full List of Appointments of Members to Outside Bodies

1. the list of outside bodies below be approved:

Alston Moor Partnership (including the Townscape Heritage Initiative Steering Group and Alston Moor Partnership Board)  
Carlisle and Eden Community Safety Partnership  
Cumbria County Council Scrutiny Management Board  
Cumbria County Superannuation Fund Forum  
Cumbria Health Scrutiny Committee (1 + 1 Deputy)  
Cumbria Housing Group  
Cumbria Leadership Board  
Cumbria Local Nature Partnership  
Cumbria Police and Crime Panel  
Cumbria Public Health Alliance  
Cumbria Strategic Waste Partnership  
Cumbria Tourism Executive Board  
District Councils Network Executive  
Eden Health Forum (1 Executive + 1 Scrutiny representative)  
Eden Tourism Network  
Greenwich Leisure Limited Eden Board (1 or 2 representatives, depending on the previous agenda item)  
Integrated Care Community Leadership Team  
Joint Cumbrian Districts  
Lake District National Park Authority (4 year term)  
Lake District National Park Partnership  
Local Government Association  
Multi Agency Appleby Fair Strategic Co-ordinating Group (MASCG)  
North Pennines Area of Outstanding Natural Beauty Partnership  
North West Regional Housing Forum Executive  
(Omega Proteins Liaison Group (3 Members – depending on the previous agenda item)  
Parking and Traffic Regulations Outside London Adjudication Committee  
Sparsity Partnership for Authorities delivering rural services (SPARSE)  
Yorkshire Dales National Park Authority (4 year term)

2. the Members of the Executive identified below be appointed to the outside bodies concerned:

Outside Body	Portfolio Holder
Carlisle and Eden Community Safety Partnership	Communities

## Outside Bodies List for 2020-2021

Outside Body	Portfolio Holder
Cumbria County Superannuation Fund Forum	Resources
Cumbria Housing Group	Housing and Health
Cumbria Leadership Board	Leader
Cumbria Public Health Alliance	Housing and Health
Cumbria Strategic Waste Partnership	Services
Cumbria Tourism Executive Board	Economies and Enterprise
District Councils Network Executive	Leader
Eden Health and Wellbeing Forum	Housing and Health
Eden Tourism Network	Economies and Enterprise
Integrated Care Community Leadership Team	Housing and Health
Joint Cumbrian Districts	Leader
Local Government Association	Leader
North West Regional Housing Forum Executive	Housing and Health
Sparsity Partnership for Authorities delivering rural services (SPARSE)	Economies and Enterprise

3. the following Members be appointed to the remaining outside bodies:

Alston Moor Partnership (including the Townscape Heritage Initiative Steering Group and Alston Moor Partnership Board) – 1 representative	
Cumbria Health Scrutiny Committee – 1 representative and 1 standing deputy	
Cumbria County Council LEP Scrutiny Board – 1 representative	
Cumbria Local Nature Partnership – 1 representative	
Cumbria Police and Crime Panel – 1 representative	
Eden Health Forum – 1 representation and 1 standing deputy (should be the	

## Outside Bodies List for 2020-2021

same representatives as Cumbria Health Scrutiny Committee)	
Greenwich Leisure Limited Eden Board – 1 or 2 representatives, dependent on result of previous item	
Lake District National Park Authority – 1 representative*	Councillor Derbyshire (4 year term, appointed 16 May 2019)
Lake District National Park Partnership – 1 representative	
Multi Agency Appleby Fair Strategic Co-ordinating Group – 1 representative	
North Pennines Area of Outstanding Natural Beauty Partnership – 1 representative	
Omega Proteins Liaison Group – 3 representatives – dependent on outcome of previous item	
Parking and Traffic Regulations Outside London Adjudication Committee – 1 representative	
Yorkshire Dales National Park Authority – 1 representative*	Councillor Lancaster – (4 year term, appointed 16 May 2019)

4. those bodies where Eden will be represented by another authority for 2020/21 as detailed below be noted:
  - Cumbria Local Enterprise Partnership –Eden District Council to represent Carlisle City Council for 2019/21;
5. those bodies where Eden will be represented by another authority for 2020/21 as detailed below be noted:
  - Cumbria Health and Wellbeing Board – Carlisle City Council to represent all Cumbria district councils
5. Council has appointed Member Champions in the past and it is recommended that Council determines whether it wishes to appoint Member Champions in relation to Armed Forces, Children and Young People and Older People in light of the current scheme of Members' allowances.

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Report No: PP27/20

Eden District Council

Council  
30 July 2020**Licensing Committee Annual Report 2019-2020**

<b>Portfolio:</b>	Not Applicable
<b>Report from:</b>	Chairman of the Licensing Committee
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

**1 Purpose**

- 1.1 To provide general information on the activities of the Licensing Committee during the municipal year 2019-2020.

**2 Recommendation**

- 2.1 That the contents of the report be noted.

**3 Background and Proposals**

- 3.1 As Chair of the Licensing Committee I am pleased to report on the work of the Licensing Committee and of the officers in Environmental Health and in the Licensing Team which support the Committee's work.
- 3.2 The Council's Licensing Committee deals with many aspects of licensing and most of its work continues to be discharged on its behalf through delegated powers granted to officers. A list of the Members of the Committee appears at the end of this Report as Appendix 1.
- 3.3 Matters which cannot or which are not appropriate to be dealt with through the Scheme of Delegation for Officers are dealt with by the Licensing Committee under the Scheme of Delegation granted by the Council or under other powers given to it directly by Parliament.
- 3.4 The Council's Constitution sets out in Part 3 ('Responsibility for Functions') the wide range of licensing matters undertaken by the ten elected Members who serve on the Licensing Committee (or by their standing deputies). The scope of the Committee's responsibilities are wide encompassing acupuncture, alcohol licensing, regulated entertainment, late night refreshment, animal boarding establishments, boats and boatmen, caravan sites, dangerous wild animals, dog breeding, ear piercing, electrolysis, game dealing, gaming and gambling, house to house collections, pet shops, private hire and hackney carriage licensing, riding establishments, scrap metal dealers, street trading, street collections, tattooing, taxi licensing, and zoos.
- 3.5 There has been one internally delivered training session for all Committee members. The training summarised the range of functions which are the responsibility of the Committee. The training also reminded Members of the quasi-judicial nature of their decision making role.

- 3.6 There have been three formal meetings of the Licensing Committee – the significant items of business are detailed in Appendix 2.
- 3.7 The attached Appendix 3 sets out a summary from the Licensing team of:
- (a) the number of Licences in existence within the District and consequently subject to the Council's oversight; and
  - (b) the number of applications and Notices considered by Licensing Officers under their delegated powers and by the Committee when referred to the Committee by Officers.
- 3.8 The attached Appendix 4 sets out a summary from the Food, Health and Safety Section within Community Services of the current number of licences and registrations within the District and consequently subject to the Council's oversight.
- 3.9 I express my sincere thanks to the relevant officers concerned for their dedicated work over the course of the last year. In particular I note the routine licensing matters as in Appendix 3 and 4 but also the significant work devoted to major events undertaken each year within the district such as Kendal Calling. This includes the work of secretarial staff, support staff in the Contact Centre, the staff in Member Services who provide the committee administration before, during and after meetings of the Committee and the in-house legal staff.
- 3.10 Finally, it would be remiss of me not to thank my fellow Councillors on the Licensing Committee for their work representing and supporting the people of the District of Eden, enabling the public at large to be safeguarded whilst pursuing their leisure and business activities.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
  - Healthy, safe and secure;
  - Connected; and
  - Creative
- 4.2 The work by and on behalf of the Licensing Committee supports Sustainable and Healthy, safe and secure priorities.

## **5 Consultation**

- 5.1 There has not been any consultation on this report.

## **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 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 There are no proposals in this report that would reduce or increase resources.

### **6.2 Legal**

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



### 6.3 Human Resources

6.3.1 There are no Human Resources implications arising from this report.

### 6.4 Statutory Considerations

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	There are no such implications arising directly out of this report.
Health, Social Environmental and Economic Impact	There are no such implications arising directly out of this report.
Crime and Disorder	There are no such implications arising directly out of this report.
Children and Safeguarding	There are no such implications arising directly out of this report.

### 6.5 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>
That decisions made by the Council as Licensing authority are not sound and subject to legal challenge.	Potential adverse findings by the courts and resulting legal costs.	1. Sound management and a properly resourced team. 2. Appropriate legal and technical advice provided to officers and members.

## 7 Other Options Considered

7.1 None.

## 8 Reasons for the Decision/Recommendation

8.1 Members are asked to note the information given in this report.

### Tracking Information

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

### **Appendices Attached to this Report**

<b>Appendix No.</b>	<b>Name of Appendix</b>
1	Licensing Committee Membership 2019/2020
2	Formal meetings Licensing Committee 2019/2020
3	Applications and Licences 1 April 2019 to 31 March 2020, No of Licences as at 31 March 2020
4	Food, Health and Safety Section: Current number of licences and registrations within the District

**Contact Officer: Robert Docherty, Assistant Director Community Services**  
**Tel: 01768 212328**

## **Appendix 1**

### **Licensing Committee Membership 2019/2020**

#### **Membership**

Councillor D Holden (Chair)

Councillor P Baker

Councillor L Harker

Councillor M Hanley

Councillor E Martin

Councillor A Meadowcroft

Councillor J Raine

Councillor D Wicks

Councillor W Patterson (Vice-Chair)

Councillor H Sawrey-Cookson

Councillor M Clark (Standing Deputy)

Councillor I Chambers (Standing Deputy)

Councillor M Eyles (Standing Deputy)

Councillor D Ryland (Standing Deputy)

Councillor G Simpkins (Standing Deputy)

Councillor D Smith (Standing Deputy)

Councillor J Thompson (Standing Deputy)

## Appendix 2

During the period 1 April 2019 to 31 March 2020, in addition to the Member training which took place on 12 June 2019, the following formal meetings of the Licensing Committee were held:

<b>Date of Meeting</b>	<b>Item to be considered</b>	<b>Reason</b>
3 July 2019	Whether driver is fit and proper to continue to hold a Hackney Carriage Driver Licence	Following adjournment on 27 February 2019 for further consideration
4 September 2019	Whether driver is fit and proper to hold a Hackney Carriage Driver Licence	Criminal records history on new application
18 December 2019	Whether driver is fit and proper to continue to hold a Hackney Carriage Driver Licence	Number of penalty points incurred on DVLA licence

## Appendix 3

Applications and Licences 1 April 2019 to 31 March 2020

No of Licences as at 31 March 2020

### Licensing Act 2003

Personal Licences	Premises Licences with Alcohol	Premises Licences without Alcohol	Premises Licences Vessels	Club Premises Certificates	No of Temporary Event Notices during the year
<i>Indefinite</i>	<i>Indefinite</i>	<i>Indefinite</i>	<i>Indefinite</i>	<i>Indefinite</i>	<i>On demand</i>
1258	333	74	5	13	326

### Hackney Carriage / Private Hire

Hackney Carriage	Hackney Carriage Drivers	Private Hire Operators	Private Hire Vehicles	Private Hire Drivers
<i>Annual</i>	<i>1 or 3 yrs</i>	<i>1 or 5 yrs</i>	<i>Annual</i>	<i>1 or 3 yrs</i>
77	89	19	25	52

### Gambling Act 2005

Adult Gaming Centres - <i>Indefinite</i>	3
Betting (other than track) - <i>Indefinite</i>	4
Family Entertainment Centre Permits - <i>10 years</i>	5
Club Machine Permits - <i>10 years or indefinite</i>	5
Licensed Premises Gaming Machine Permits - <i>Indefinite</i>	5
Gaming Machine Notifications - <i>Indefinite</i>	52
Small Society Lotteries Registrations - <i>Indefinite</i>	136
No of Occasional use Notices during the year - <i>On demand</i>	16

**Other Licences/Permits**

- 5 Pleasure Boat and 5 Restricted Boat Operator - *1 year*
- 10 Street Trading Consents - *daily / 6 months / 1 year*
- 22 House to House Collection Licences *on demand*
- 44 Street Collection Permits *on demand*

**Total No of Licence Applications / Notices / Annual Fees**

During the period 1 April 2019 to 31 March 2020:

Officer delegated decisions: 896

Committee decisions:      Granted      1

Refused      0

Annual Fees:

362 Licensing Act 2003

152 Gambling Act 2005 (135 Small Society Lotteries / 17 Premises Licences and Permits)

## **Appendix 4**

Food, Health and Safety Section: Current number of licences and registrations within the District

Zoo licences - 2

Animal Boarding - 18 licences

Pet Shops - 3

Dangerous Wild Animals - 1

Dog Breeding - 3

Riding Establishments - 7

Performing animals - 2

### **Skin Piercing**

In addition to this we issue registration for premises and persons who undertake skin piercing such as semi-permanent makeup, tattooing, cosmetic piercing, electrolysis, and acupuncture. We currently have: 53 licences.

### **Caravan and tents**

We also issue licences to Caravan and camp sites and currently have:

Caravan Sites 101

Tent Sites 4

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Report No: PP28/20

Eden District Council

Council

30 July 2020

## Planning Performance

<b>Portfolio:</b>	Eden Development
<b>Report from:</b>	Assistant Director Planning and Economic Development
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### 1 Purpose

- 1.1 To provide Members with an overview of the performance of the Planning Service between April 2019 and March 2020 in relation to Key Performance Indicators and Planning Enforcement.

### 2 Recommendation

- 2.1 That the contents of the report be noted.

### 3 Report Details

- 3.1 Local Planning Authorities are provided with statutory time limits to determine planning applications within a set period of time. These time limits are a way to evaluate a local planning authority's performance and can lead to a Council losing its power to determine planning applications within its jurisdiction if too many applications are determined outside these statutory time limits. The time limits are known as determination periods and are set at 13 weeks for Major Planning applications and 8 weeks for other planning applications.

#### **Major Applications (13 week determination period)**

- 3.2 Applications for major development typically include:
- Residential Development of more than 10 dwellings;
  - Creation of more than 1000m<sup>2</sup> of non-residential floor space.
- 3.3 The national target for determining applications for major development is 60%.
- 3.4 The tables below provide performance data for 2019/20. In order to enable a comparison, information is also included for 2018/19 and 2017/18.

**Table 1. Performance for Major Development**

Year	Q1	Q2	Q3	Q4	Total
<b>2019/20</b>	100% (5/5)	100% (9/9)	100% (3/3)	100% (5/5)	100% (22/22)
<b>2018/19</b>	100% (7/7)	100% (7/7)	100% (5/5)	100% (6/6)	100% (25/25)
<b>2017/18</b>	100% (9/9)	100% (11/11)	100% (7/7)	100% (7/7)	100% (34/34)

**Minor Applications (8 week determination period)**

3.5 Applications for minor development typically include:

- Residential Development of less than 10 dwellings;
- Creation of less than 1000m<sup>2</sup> of non-residential floor space;

3.6 The national target for determining applications for minor development is 70%.

**Table 2. Performance for Minor Development**

Year	Q1	Q2	Q3	Q4	Total
<b>2019/20</b>	98% (51/52)	93.3% (56/60)	100% (43/43)	87.3% (55/63)	94% (205/218)
<b>2018/19</b>	89% (73/82)	89% (65/73)	84.7% (50/59)	92.8% (52/56)	88.8% (240/270)
<b>2017/18</b>	94.8% (74/78)	95.6% (66/69)	96% (94/98)	90.1% (55/61)	94.4% (289/306)

**Other Applications (various determination periods)**

3.7 Applications for 'other' development typically include:

- Listed Building Consent;
- Householder applications;
- Prior Notifications; and
- Advertisement Consent.

3.8 The national target for determining applications for 'other' development is 70%.

3.9 Applications for non-material minor amendments and to discharge planning conditions, agricultural notifications and certificates of lawful development do not count towards performance figures.

**Table 3. Performance on Other Applications**

Year	Q1	Q2	Q3	Q4	Total
<b>2019/20</b>	97% (89/91)	98% (99/101)	98.6% (72/73)	93% (85/91)	96.9% (345/356)
<b>2018/19</b>	87.5% (84/96)	90.4% (85/94)	97.1% (68/70)	90.9% (60/66)	91.1% (297/326)
<b>2017/18</b>	100% (83/83)	97% (100/103)	99% (76/77)	93.2% (69/74)	97.3% (328/337)

- 3.10 Overall, these figures show that for the last municipal year April 2019 to March 2020 the department has performed well in excess of the targets set by National Government for the determination of 'Major', 'Minor' and 'Other' applications in each quarter of the year. In all aspects, the Council's performance on the determination of planning applications has been high performing and well in excess of the national targets.
- 3.11 It remains important for the Council to meet the targets set by National Government to avoid having the power to determine applications removed, and being put into 'special measures'. Due to the high level of performance, the Planning Service is currently not at risk of such designation.
- 3.12 When a Council is placed under special measures applicants can opt to apply to the Planning Inspectorate rather than the Council. This could lead to a substantial loss in income as planning application fees in such circumstances for applications dealt with by the Planning Inspectorate would go to the Planning Inspectorate instead.
- 3.13 A high performing Planning Service is a significant benefit to the local economy and makes the area an attractive location for developers and businesses. At the initial outbreak of the Covid19 pandemic, developers and agents were keen to learn if the Planning Service was still functional as they highlighted that it was key to their business survival. Reassurances were provided that although some changes were being made to the planning application process that the service would continue with very little interruption. Through significant efforts by staff, the service very quickly got in to a successful routine of handling applications remotely.
- 3.14 The Council is still in the process of developing new software which will enable the department to move towards a digital planning service. This is likely to be delivered in 2021. This new system will enable planning applications to be processed by the Council more efficiently when in place.

### **Delegation**

- 3.15 Between April 2019 and March 2020 a total of 91.8% of planning applications were determined by delegated powers (547 out of 596 applications). There is no longer a Performance Indicator for the level of delegation. Previously there was a national target that 90% or more of

applications should be by way of delegated decision. This target was imposed to encourage applications to be determined efficiently and quickly where appropriate.

- 3.16 Throughout the year, 49 applications were determined by Planning Committee. This figure is lower than in previous years, predominantly due to changes made to the Council's Constitution in May 2019 which has resulted in less items requiring determination by the Planning Committee.
- 3.17 This level of delegation does impact upon performance figures because with the 'lead-in' time for reports to be prepared for Planning Committee it is inevitable that applications considered by Committee will be outside the 8 and 13 week target.

### **Pre-application Advice**

- 3.18 The Council has continued to deal with pre-application enquiries pending the review of the charging scheme in the future. The total income generated from this service, compared to previous years is as follows:
- 2019/2020 - £28,950 of income generated from 196 requests;
  - 2018/2019 - £20,646 of income generated from 190 requests;
  - 2017/2018 - £20,652 of income generated from 195 requests;
- 3.19 If the Planning Department can maintain an appropriate pre-application enquiry service, then this will provide additional income to the Council as well as providing residents and developers with a service that:
- prevents applications being submitted which are likely to be refused;
  - ensures all information required to support an application is submitted at the beginning of an application and thereby allows planners to make decisions more quickly;
  - enables applicants to receive advice from not only planners but other internal consultees within the Council;
  - provides expert advice at a rate that can be more economically advantageous than private planning consultants may charge; and
  - Helps applicants to understand how planning policies and other requirements will affect proposals.

### **Appeals**

- 3.20 A total of 15 planning appeals were decided by the Planning Inspectorate in the course of the 2019/20 accounting period against decisions made by the Council. A total of 14 of the appeals were dismissed (i.e. the Council's decision upheld as correct) and one was allowed.
- 3.21 In relation to the one appeal that was allowed, the Council is of the opinion that this represented an anomaly by the Planning Inspectorate with the decision being directly contrary to many of the 14 previous appeals that had been dismissed. As such, the Planning Service considers that this was an incorrect decision however, this was not challenged through the submission of a Judicial Review.

## **Enforcement**

- 3.22 Taking planning enforcement action is discretionary in most instances however the Council has a duty to investigate reports of breaches of planning control. This enforcement work is predominantly undertaken by a Planning Officer with responsibility for enforcement work and by an Enforcement Officer, both on a part-time basis.
- 3.23 In June 2018, the Council adopted a Local Enforcement Plan. This plan aims to optimise the Planning Enforcement Service to ensure that enforcement is carried out in a robust and efficient manner. It sets out the main service areas and explains how the Council carries out its planning enforcement activities.
- 3.24 In the 2019/20 period the number of enforcement investigations commenced by the Department was a total of 126. In the same period, 102 enforcement files were processed and closed by the Department.
- 3.25 When appropriate, the Council continues to use its planning enforcement powers more widely on sites where breaches have caused immediate harm or where there has been long standing breaches of planning control despite legal notices having been served. In the 2019/20 period the following notices were served:
- 0 Breach of condition notices;
  - 1 Enforcement Notices;
  - 0 Listed building enforcement notice;
  - 2 Hedgerow replacement notices;
  - 0 Section 215 notice related to untidy land; and
  - 4 Planning Contravention Notices.
  - 1 County Court Warrant Executed.
- 3.26 As a direct result of planning enforcement investigations, the Council has received 33 retrospective planning applications in the 2019/20 period. This has resulted in a fee income generation of £10,410. This figure would be higher but Listed Building applications do not attract a planning fee.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
  - Healthy, safe and secure;
  - Connected;
  - Creative.
- 4.2 This report meets the 'Sustainable' and 'Healthy, safe and secure' corporate priorities.

## **5 Consultation**

- 5.1 No consultation has been carried out with any relevant stakeholders in respect of the contents of this report.

## **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 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 There are no proposals in this report that would reduce or increase resources.

### **6.2 Legal**

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

### **6.3 Human Resources**

- 6.3.1 There are no human resources implications arising from this report.

### **6.4 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	There are no equality and diversity implications from this report.
Health, Social Environmental and Economic Impact	The proposals within this report do not have any Health, Social Environmental or Economic implications. However, the report reinforces that an effective Planning Service has significant benefits to an area's health, social environment and local economy.
Crime and Disorder	There are no crime and disorder implications.
Children and Safeguarding	There are no implications that apply to children.

### **6.5 Risk Management**

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
That the Council fails to meet its national targets for planning performance.	The service goes into special measures.	Sound management and a properly resourced team.

## **7 Other Options Considered**

- 7.1 There are no other recommended options.

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

- 8.1 To inform Members of key aspects of the work of the Council's planning function and highlight performance of the service.

### Tracking Information

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	
<b>Monitoring Officer (or Deputy)</b>	
<b>Relevant Director</b>	
<b>Relevant Assistant Director</b>	22.04.2020

**Background Papers:** None

**Appendices:** None

**Contact Officer:** Nick Atkinson, Planning Services Development Manager

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Report No: G22/20

**Eden District Council  
Council**

**30 July 2020**

## Information Governance Policies

<b>Portfolio:</b>	Resources
<b>Report from:</b>	Assistant Director Governance
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### 1 Purpose

- 1.1 To enable consideration to be given to the approval and adoption of four public information governance policies.

### 2 Recommendation

It is recommended that;

- a) the revised Access to Information Policy at Appendix A be approved and adopted, to replace the previous version adopted in April 2019;
- b) the Corporate Privacy Policy at Appendix B be approved and adopted, to replace the Privacy Policy adopted in June 2018;
- c) the Recording and Reporting Policy at Appendix C be approved and adopted, to replace the Filming, photography, recording and use of social networking at council meetings policy, adopted in February 2015; and
- d) the new Virtual Public Meetings Privacy Policy at Appendix D be approved and adopted.

### 3 Report Details

- 3.1 A revised Access to Information Policy has been prepared to take account of changes since the previous version was adopted. The updated policy is attached to this report at Appendix A, with proposed amendments shown in track changes.
- 3.2 The Council's Access to Information Policy sets out the Council's approach to handling requests for information under the Freedom of Information Act 2000 (FOI), Environmental Information Regulations 2004 (EIR), the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).
- 3.3 A revised Corporate Privacy Policy has been prepared to take account of changes since the previous version was adopted. The updated policy is attached to this report at Appendix B, with proposed amendments shown in track changes. The Corporate Privacy Policy has been revised principally to include the holding of virtual/remote committee meetings, which is a new

activity for the Council since May 2020, in response to the Covid-19 pandemic.

- 3.4 The Corporate Privacy Policy explains how the Council uses the personal information it holds, in order to deliver its services and what it does to protect that information.
- 3.5 A Recording and Reporting Policy has been prepared to take account of changes since the Filming, photography, recording and use of social networking at council meetings policy was adopted in February 2015. The updated policy is attached to this report at Appendix C. As the policy is significantly different and uses a newer template, it has not been possible to provide amendments in track changes.
- 3.6 The changes in the Recording and Reporting Policy relate chiefly to the introduction of virtual public meetings and the addition of summaries targeted at relevant audiences (which may be used as notices). Some more minor amendments are also proposed for the purposes of clarification.
- 3.7 The Virtual Public Meetings Privacy Policy at Appendix D is a new policy aimed at supporting the Council's virtual/remote committee meetings. It explains how the Council uses the personal data it holds for the purposes of holding virtual committee meetings and what it does to protect that information.
- 3.8 The Virtual Public Meetings Privacy Policy supports the Council's Virtual Public Meetings Policy, approved and adopted at a meeting of Executive on 19 May 2020, by providing greater detail on the associated processing of personal data.
- 3.9 All four policies are public documents, which once approved and adopted, will be properly formatted before publishing on the Council's website.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

- 4.2 This report meets the 'sustainable' corporate priority.

## **5 Consultation**

- 5.1 The Resources Portfolio Holder and Members of the Executive have been consulted.

## **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.
- 6.1.2 There are no proposals in this report that would reduce or increase resources.

## 6.2 Legal

- 6.2.1 The policies seek to ensure compliance with all relevant legislative and regulatory requirements.
- 6.2.2 A number of exemptions under FOI and exceptions under EIR apply, under which a refusal notice may be issued and which may be subject to a Public Interest Test.
- 6.2.3 As a Data Controller, the Council must process personal data in a transparent manner in relation to the data subject and be able to demonstrate its compliance, in accordance with the first data protection principle (Article 5) of the General Data Protection Regulation (GDPR).

## 6.3 Human Resources

- 6.3.1 There are no human resource implications associated with the policy documents.

## 6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	Requests for information are treated equally, regardless of who the enquirer is. Assistance is offered to all those making a request for information. Charges relating to EIR requests will be waived for requesters who are in receipt of certain passporting benefits.
Health, Social Environmental and Economic Impact	Increased transparency in local decision making has widespread benefits in society. However, in order to maintain those positive impacts, it is necessary to carefully and continuously balance the rights to access information with the need to protect personal data.
Crime and Disorder	The Council has a duty to protect privacy and the personal and confidential data it holds and has in place appropriate policies, procedures and systems to maintain information security.
Children and Safeguarding	The Council has a duty to protect privacy and the personal data it holds, including in relation to children and vulnerable adults.

## 6.5 Risk Management

Risk	Consequence	Controls Required
Failure to provide information to the public as required under legislation.	Public, financial or reputational harm (to the Council).	Regularly reviewing and updating policies.

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Failure to comply with the data protection principles.		

## **7 Other Options Considered**

7.1 No other options are considered relevant.

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

8.1 To provide up to date information governance policies, in compliance with relevant legislative and regulatory requirements, guidance and best practice.

### **Background Papers:**

#### **Appendices:**

Appendix A: DRAFT Access to Information Policy

Appendix B: DRAFT Corporate Privacy Policy

Appendix C: DRAFT Recording and Reporting Policy

Appendix D: DRAFT Virtual Public Meetings Privacy Policy

#### **Contact Officer:**

Information Governance Manager



Approved by: Council  
Date Approved: 30 July 2020

Review ~~Frequency: Annual~~ April 2022

Responsible Officer: Assistant Director Governance (Monitoring Officer)

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## **DRAFT Access to Information Policy**

**Freedom of Information, Environmental Information Regulations  
and Data Protection Requests**

**~~2019-2020~~**

## Accessibility Information

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

## **Document Control**~~Sheet~~

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<b>Document Amendment History</b>			
<b>Revision No</b>	<b>Revised by</b>	<b>Date of change</b>	<b>Description of Change</b>
0.1	Information Governance Manager	15 February 2018	EIR charges and changes to SAR under GDPR
0.2	Chief Finance Officer and Monitoring Officer	19 March 2018	Governance check amendments
1.0	Information Governance Manager	22 March 2018	Final version
2.0	Information Governance Manager	19 March 2019	Revised version to take account of legislative and regulatory changes and new designations following a restructure
<u>2.1</u>	<u>Information Governance Manager</u>	<u>22 April 2020</u>	<u>Updates. Amendments for consistency. Changes to</u>

			<u>some terminology, including 'Subject Access Request'</u>
<u>2.2</u>	<u>Information Governance Manager / Member Services Team Leader</u>	<u>12 May 2020</u>	<u>Clarification on EIR charges</u>
<u>2.3</u>	<u>Information Governance Manager / Member Services Team Leader</u>	<u>10 June 2020</u>	<u>Further minor points of clarification</u>

<b>Approval</b>	<b>Date</b>
Corporate Leadership Team	24 June 2020
Council	30 July 2020

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## 1. Introduction

- 1.1 The Freedom of Information Act 2000 (FOI Act) and the Environmental Information Regulations 2004 (EIR) provide a right of access to information which is held by the Council and both must be considered in conjunction with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).
- 1.2 GDPR and the Data Protection Act 2018 entitle individuals to certain rights over their own information, including the right to request access to personal information about themselves. This is the Right of Access, often known as a Subject Access Request (SAR).
- 1.3 A Code of Practice has been issued by the Ministry of Justice under Section 45 of the FOI Act, which was updated in 2018. The Council will abide by the terms of the Code of Practice whenever appropriate.
- 1.4 The Council is committed to conducting its affairs in a transparent manner and enabling public access to its information; whenever possible, in compliance with the statutory provisions.

## 2. The Aims of this Policy

- 2.1 The aims of this policy are to:
  - Facilitate the disclosure of information under the FOI Act, EIR and GDPR/DPA;
  - Set out the administrative practices which the Council will follow and any charges that may apply in handling requests for information (see Appendix A);
  - Ensure that the interests of third parties who may be affected by decisions to disclose information are considered by the Council;
  - Ensure an effective complaints procedure is available for applicants to use if they are dissatisfied with a decision; and
  - Ensure that the Council considers the implications of the FOI Act, EIR and the GDPR/DPA, before accepting any confidentiality provisions in contracts or information which is provided in confidence.

## 3. Statement of Commitment

- 3.1 The Council will:
  - Seek to publish key information proactively through an FOI Publication Scheme and also in line with the Freedom of Information Code of Practice 2018 and the Local Government Transparency Code 2015;
  - Respond to information requests in accordance with the requirements of the FOI Act, EIR and/or GDPR/DPA;
  - Uphold the requirements of the EIR which support the European Council Directive 2003/4/CE on public access to environmental information in the UK; and

- Uphold the Data Protection Principles in relation to all personal data with respect to which the Council is the data controller.

3.2 The Council has adopted the Model Publication Scheme for the FOI Act, as approved by the Information Commissioner. The model publication scheme is available on the Council's website and includes information on:

- How and what the Council spends its monies on;
- What the Council's priorities are and how the Council performs;
- How the Council makes decisions;
- The Council's main policies and procedures;
- The Council's lists and registers; and
- The services that the Council offers.

3.3 The Council is committed to data transparency and supports people's rights to be able to access data wherever it is legal and practical. The overarching principle is that data is 'Open by Default.'

3.4 The Local Government Transparency Code was issued by the Department for Communities and Local Government on 3 October 2014 and updated in February 2015 with additional requirements for data publication. The Code requires that local councils publish certain information to make it easier for local people to contribute to the decision making and enable them to shape public service. The Council seeks to comply with the Code.

## 4. Information

4.1 The Council will adhere to the FOI Act, EIR and GDPR/DPA by:

- Informing individuals if the information exists within the Council or with another organisation in response to requests;
- Enabling access to the information which it holds, subject to the conditions and exemptions by law; and
- Providing the information requested unless it is exempt from disclosure.

4.2 Information held on behalf of the Council, but not physically held on Council premises or systems is also covered by these Acts and Regulations. This can include information shared with contractors or partner organisations and information held by Councillors relating to Council business.

4.3 Applicants do not have to know or specify whether the information requested is covered by the FOI Act, EIR or the GDPR/DPA. The Council's Legal Services team will determine and advise on the appropriate provisions.

## Freedom of Information Act

- 4.4 The FOI Act applies to all recorded information held by the Council. Information includes printed documents, all paper records, computer files, letters, emails, photographs, microfiche, maps, handwritten notes or sound and video recordings and recordings of telephone conversations whether or not they are accurate.

Other types of information covered by the FOI Act are:

- tables of raw, unrefined data (sometimes known as datasets); and
- Meta-data. This is the information that is sometimes automatically recorded on electronic documents, eg the author's name and creation dates.
- information received at the Council from third parties.

The FOI Act does not apply to information that is in ~~someone's~~ a person's head and not currently recorded. ~~There is no need to create a new document or piece of information in order to respond to a request.~~

## Environmental Information Regulations

- 4.5 Under EIR, 'environmental information' means any information in written, visual, aural, electronic or any other material form on:
- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
  - (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
  - (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
  - (d) reports on the implementation of environmental legislation;
  - (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
  - (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

## 5. Code of Practice

- 5.1 The Council will take account of the Code of Practice issued by the Ministry of Justice under Section 45 of the FOI Act. The Council will abide by the terms of the Code of Practice whenever this is possible or appropriate. In addition the Council will take account of any guidance which is issued by the Information Commissioner.

5.2 The Council acknowledges the principles of the FOI Act, EIR and the GDPR/DPA including that:

- People have a right to know about the activities of public authorities, unless there is a good reason for them not to;
- Any individual can make a request for information, regardless of who~~m~~ they are and where they live. Applicants do not have to be resident in the UK;
- Applicants do not have to provide a reason for requesting information;
- All requests are treated equally; and
- The Council should only disclose information under the FOI Act and EIR, if it would also release this information to anyone else who asked for it.

5.3 In undertaking its role in providing information, the Council will continue to recognise its Public Sector Equality Duty under the Equality Act 2010 and make reasonable adjustments where applicable.

5.4 The Council will seek to publish a disclosure log of completed FOI and EIR requests on its website. This enables individuals to have instant, open access to ~~all~~ previously completed requests and information. The disclosure log will not include the identities of any applicants or of any staff handling requests, for data protection reasons.

~~5.5 This Access to Information Policy will be reviewed annually and updated as required, to reflect up to date advice, guidance, best practice from the Information Commissioner's Office and government.~~

## **6. Requests for Information**

6.1 The Council acknowledges the right for anyone to make a request for information. A person does not have to be a UK citizen or even live in the UK to make a request. Requests can be made by any person including an organisation or company.

6.2 Requests for information can be made to any officer in the Council.

6.3 All valid requests must include the applicant's name, an address for correspondence and a description of the information requested. All applicants should be treated alike and the Council should not normally seek to verify the applicant's identity in relation to FOI and EIR requests. However a check may be made if it is clear a pseudonym is being used, if there are legitimate grounds for refusing a request or if it is suspected that a person is trying to avoid this happening eg because the request may be vexatious or repeated.

6.4 ~~Applicants~~Requesters making a ~~Right of~~ Subject Access Request may be required to provide proof of their identity.

6.5 The Council will provide reasonable advice and assistance to those who make or propose to make requests for information.

6.6 There is no requirement for applicants to specify which type of information (FOI, EIR or GDPR/DPA) is being requested. This can be determined by the Council on receipt.

- 6.7 The Council requires that requests for information under the FOI Act ~~and GDPR/DPA~~ must be submitted by email or in writing. It is recognised that they may also be created through the Council's media channels eg Twitter and Facebook. Ideally requests will be submitted by email to [foi@eden.gov.uk](mailto:foi@eden.gov.uk) or by post to FOI, Legal Services, Town Hall, Penrith CA11 7QF.
- 6.8 The Council recognises that applicants can submit ~~a requests under for~~ EIR ~~and also Subject Access Requests under GDPR/DPA~~ information verbally, either in person or ~~on~~ via the phone. Where this is preferred by the applicant, this can be arranged, by appointment, with an officer of the FOI team in the Legal Services section of the Council.
- 6.9 Whenever an information request is not absolutely clear, the applicant will be asked to clarify the request. If necessary, applicants may be provided with reasonable assistance to achieve this.
- 6.10 The Council will publish and maintain its procedures for dealing with requests for information. The Council's current procedures for managing requests are attached as Appendix A to this Policy.

## 7. Response Times

- 7.1 The Council will endeavour to respond to FOI and EIR requests within 20 working days of the date of receipt. For more complex requests, this time period may need to be extended and applicants will be informed about this through Legal Services.
- 7.2 If the original request is unclear and clarification is required, the 20 day response period will only begin when full clarification is achieved.
- 7.3 Occasionally the Council will have to consider the public interest or consult with third parties in connection with a request for information and this may give rise to a delay.
- 7.4 Wherever there is a delay and the 20 working days response time cannot be met, Council officers will try to provide an estimate to the applicant as to when the information will be available or when a decision on its availability can be made.
- 7.5 All ~~Right of Subject~~ Access Requests will be completed within one month (30 calendar days) of receipt.

## 8. How Information is Provided

- 8.1 Wherever possible, responses to FOI, EIR and GDPR/DPA requests will be delivered electronically by email and may include an attachment or a link to a website where ~~the~~ information is published publicly available.
- 8.2 Where the information is not published publicly available or it is too large to send electronically, it may be delivered in hard copy format. Where this is necessary, a charge may be levied on the applicant. A charge will be applied in the case of such responses to requests under EIR (unless the applicant requester is in receipt of relevant benefits – see 9.14).

## 9. Charges

- 9.1 The FOI Act and the EIR allow public authorities to charge for responding to requests in some circumstances.
- 9.2 Applicants will not be charged to view information that the Council is statutorily required to make available to the general public. Nor will there be a charge for copies of most of the leaflets and brochures produced by the Council. Charges may be payable for the supply of specific documents, as detailed in the Council's Fees and Charges.

### **Freedom of Information Act**

- 9.3 Under Section 12 of the FOI Act, the Council does not have to comply with a request for information if the cost of compliance exceeds the 'appropriate limit.' The FOI Act currently defines this limit as 18 hours or £450.
- 9.4 Where the cost exceeds the appropriate limit defined in the FOI Act, the applicant will be consulted to see if the original request can be simplified or the scope of it refined, so that the Council can respond to the request.
- 9.5 When estimating the cost of completing a request for information under the FOI Act, the Council can only consider the following factors:
- Determining whether the information is held by the Council;
  - Locating the information or documents containing the information;
  - Retrieving the information; and
  - Extracting the information from documents.
- 9.6 Where a fee is required for the Council to undertake an FOI Act request, the information will not be provided until the applicant has paid the fee. The applicant has three months from the date the application is received to pay this fee. If the fee is not paid during this period, then the request may lapse.
- 9.7 If an applicant splits a large request up into several smaller requests and these are submitted within 60 working days of each other, then the Council can add the costs of the requests together to estimate the cost. The Council can refuse to provide the information, if the total exceeds the appropriate limit.
- 9.8 Some FOI Act information requests may incur a charge to cover printing, postage or delivery.

### **Environmental Information Regulations**

- 9.9 The Council may charge a 'reasonable amount' for information requested under the EIR. This can include the following:
- Reasonable costs of production and delivery of the information; and
  - Staff costs incurred to extract and provide the information.
- 9.10 The costs of providing environmental information are included in current Fees and Charges and charged at the following rates:
- £25 per hour for staff time for locating, retrieving and extracting information;
  - 10p per A4 sheet for any photocopying and printing; and



- The costs of any postage.

- 9.11 Applicants will be informed in a fees notice of ~~the any~~ potential costs payable, following submission of their request for environmental information. Officers will explain to applicants how to make payment and to advise that work will not commence until payment has been received.
- 9.12 The amount stated in each case would be fixed, even if the work were to take more time than estimated, as required under the EIR.
- 9.13 Under the EIR, an applicant has 60 days following issue of the fees notice-payment notification in which to make the payment. If payment is not made within this period, the Council is not obliged to proceed with the request.
- 9.14 All charges relating to EIR requests will be waived for any applicantrequester in receipt of certain benefits at the time of submitting their request for environmental information to the Council. ApplicantsRequesters in receipt of benefits will be required to provide evidence, such as their most recent award letter from the Department for Work and Pensions (DWP). These must be the originals or certified copies. Benefits eligible for exemption from the Council's EIR charges include at least one of the following:
- Income Support;
  - Income-based Jobseeker's Allowance;
  - Income-related Employment and Support Allowance;
  - Pension Credit - Guarantee Credit; and
  - Universal Credit.
- 9.15 There are costs that the Council cannot charge for under the EIR. These are the costs of maintaining a register of information or a database and also overhead costs or staff time spent redacting information.
- 9.16 If environmental information which the Council holds is readily available and does not require staff time to locate, retrieve or extract it, there will be no charge to the applicant and they will be informed of this at the time the information is supplied to them.
- 9.17 If the entirety of a request for environmental information is refused under a relevant exception under the EIR, there will be no charge to the applicant. If a partial refusal is issued, only the information disclosed will be subject to a charge (there will not be a charge for the refusal notice).

### **Right of Subject Access Requests**

- 9.16 Under GDPR/DPA, there is no charge for submitting a Right of Subject Access Request, unless ~~they are~~ repeat requests or manifestly excessive.

## **10. Transferring Requests for Information**

- 10.1 If the Council does not hold the information that is requested and it is aware that another public body does, officers will advise the applicant about which other authority or organisation to approach for the information.

## **11. Consultation with Third Parties**

- 11.1 In some cases the disclosure of information may affect the rights of a third party. For example, where the information is subject to the common law duty of confidence or where it constitutes personal or sensitive personal data (special categories) within the meaning of the GDPR/DPA.
- 11.2 Where disclosure requires the consent of a third party, the Council will consult with that third party with a view to seeking consent to the disclosure. On occasion this may be impractical because, for example, the third party cannot be located or the costs of any consultation would be disproportionate.

## **12. Public Sector Contracts**

- 12.1 In entering into contracts, the Council will not include terms or provisions which could restrict the disclosure of information held by that organisation, which relates to the contract and are contrary to the statutory provisions.
- 12.2 The Council will acknowledge and apply the restrictions which are permitted under the statutory provisions ~~FOI Act~~.

## **13. Copyright and Intellectual Property Rights**

- 13.1 The Council will not place any conditions or restrictions on an applicant, for any information supplied under the statutory provisions ~~FOI Act~~. The Council may however include a copyright notice with the disclosed information.
- 13.2 The FOI Act does not affect an information owner's copyright and intellectual property rights allowing them to protect their original work against commercial exploitation by others. Any FOI applicant who wishes to re-use the information for commercial purposes should make an application to the Council, under the Re-use of Public Sector Information Regulations 2015.

## **14. Accepting Information in Confidence**

- 14.1 The Council will only accept information from third parties in confidence if it is necessary to do so in connection with the exercise of the Council's functions.

## **15. Refusal of Requests**

- 15.1 A refusal of a request for information will only be made in accordance with the relevant statutory provisions ~~Act or Regulations~~.
- 15.2 All refusals will be made by the Assistant Director Governance or a delegated representative and the applicant will be notified as soon as possible about the refusal and the grounds for the refusal.
- 15.3 Requests under the FOI Act may be refused if they are regarded as vexatious, are repetitive, will incur costs greater than the defined appropriate limit (currently 18 hours or £450) or where it is deemed that the harm ~~danger~~ in ~~of~~ disclosing the information is greater than the public interest in its disclosure.

## **16. Monitoring**



- 16.1 The Council will keep a record of all applications which are made under the FOI Act, EIR and GDPR/DPA. The Assistant Director Governance will seek to monitor and report compliance and performance to the Council's Corporate ~~Leadership Management~~ Team and the relevant portfolio holder.

## 17. Complaints Procedure

- 17.1 The Council has an established complaints procedure. Any applicant who is dissatisfied about the way in which a request ~~for information under the Freedom of Information Act~~ has been managed, will be informed of the right to complain under the Council's complaints procedure. ~~Applicants~~Requesters will need to submit their complaint to the Council within ~~410~~ working days after ~~their they receive a~~ response ~~has been issued to their FOI request~~.
- 17.2 Complaints relating to EIR requests must be in writing, ~~and will need to be made no later than 40 working days after the requester receives a response to their request~~. The ~~applicant requester~~ will receive a response within 40 working days of the complaint being lodged.
- 17.3 Whenever possible, a complaint will be dealt with informally. The formal procedure will only be invoked if it is not possible to resolve a complaint informally.
- 17.4 Whenever appropriate, an applicant will be informed of ~~their his or her~~ right to refer a matter to the Information Commissioner.
- 17.5 The Council maintains a record of all formal complaints and their outcome.

## 18. Corporate Responsibility

- 18.1 The Assistant Director Governance or nominated deputy has overall responsibility for requests made under the FOI Act, EIR and the GDPR/DPA.
- 18.2 All employees of the Council will be informed about the Council's obligations under the FOI Act, EIR and the GDPR/DPA. Information about the statutory provisions is available on the Council's website.
- 18.3 Specific training will be provided to the appropriate officers of the Council involved in the provision of information to satisfy FOI, EIR and GDPR/DPA requests. Guidance and tTraining will be provided to employees with regard to their levels of responsibility in handling data and dealing with these requests.

### ICO Contact Details

The Information Commissioner can be contacted at:

[www.ico.org.uk](http://www.ico.org.uk)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Telephone - 0303 123 1113

## 19. Review

- 19.1 This policy will be reviewed by April 2022, in line with any changes to legal and regulatory requirements, relevant guidance and best practice. This policy will be reviewed at least annually. It will be reviewed by the Assistant Director Governance (Monitoring Officer), Information Governance Manager and Member Services Team Leader. This policy is available to all staff and Members and is published on the website.

DRAFT

## Freedom of Information Act, Environmental Information Regulations and Data Protection Requests

### Information Request Processing Procedure

#### 1. Applications

- 1.1 Any request for information under the ~~Freedom of Information (FOI)~~ Act, EIR or GDPR/DPA should preferably be made;
  - by email to [foi@eden.gov.uk](mailto:foi@eden.gov.uk);
  - using the forms available on the Council's website; or
  - in writing marked for FOI, Legal Services, Town Hall, Penrith CA11 7QF
- 1.2 Requests for information under the EIR may also be made verbally on the phone or by appointment with a member of the FOI team. It is preferable for all requests for information to be in writing so that they are clear.
- 1.3 Requests for information may also be raised through social media channels eg Facebook and Twitter. The delegated officers in the Council who monitor these channels should obtain contact details (minimally an email address) from the applicant (using private messaging) and forward these details and the information request to [foi@eden.gov.uk](mailto:foi@eden.gov.uk).
- 1.4 All Access to information applications are co-ordinated and administered by the FOI team, based in Legal Services.

#### 2. Initial Validation

- 2.1 A request for information need not refer to the statute under which it is made. If a request is made to an officer in the Council rather than to a representative in the FOI team ~~and,~~ the officer is unsure whether the request is routine business, they should consult with the FOI team on ~~decide~~ how to manage the request.
- 2.2 A formal request for information which specifically refers to the statutory provisions should be referred, preferably by email to the FOI team, via: [foi@eden.gov.uk](mailto:foi@eden.gov.uk).
- 2.32 ~~Applicants~~Requesters making a Right of Subject Access Request may be required to provide proof of their identity.
- 2.43 If the question can be answered quickly and easily, the officer should action it as part of their normal duties. If a more in-depth response is required, the request should be forwarded to [foi@eden.gov.uk](mailto:foi@eden.gov.uk) so that it can be logged and actioned as a FOI or EIR request. Similarly, the request should be forwarded to [foi@eden.gov.uk](mailto:foi@eden.gov.uk) if it is complicated or has implications relating to disclosure.
- 2.54 The FOI team will decide whether the request is made under the FOI Act, ~~the~~ EIR or the GDPR/DPA and the request logged onto the database. All requests will be considered and processed in compliance with the relevant Act or Regulation.

- 2.65 The applicant will be contacted and informed as to the relevant legislation-Act or Regulation that applies and how it affects their request.
- 2.76 All valid requests for information will be entered onto the FOI/EIR/DPA database and dated either with:
- the date the application was received, if it is received within office hours on a working day; or
  - the next working day if the application arrives out of office opening hours or on a non-working day (ie weekends, bank holidays or public holidays)
- 2.87 It should be noted that any period of office closure, for example between Christmas and New Year, may still be regarded as a working day, if it is not a Saturday or Sunday or a public holiday.

### 3. Processing Valid Applications

- 3.1 All validated information requests are logged in the FOI/EIR/DPA database and are allocated a unique case reference number for use on all future correspondence. All valid information requests will be acknowledged promptly by the most efficient and appropriate communication channel.
- 3.2 The initial approach to satisfying any validated request is to check existing data to see if this can answer or satisfy this request. This includes a review of;
- The Council's publication scheme;
  - The disclosure log; and
  - The current data files in Legal Services

(Note: Some departments provide regular data in anticipation of FOI requests, eg Non Domestic Rates statistics)

If any of the above can satisfy the request, then officers will refer the applicant to the source of the information, or provide the pre-obtained data and the request will be completed and closed.

- 3.3 If the information requested is not currently available, then the request is forwarded to the appropriate Council officer(s) who will be advised at that time, about the deadline for the completion of the request.

As information owners, Council officers are required to review the information request and select one of 3 possible outcomes as follows:

Outcomes	Follow up Actions
1. The information is already publicly available.	If this is the case, the officers should provide the FOI team with a link to a specific web page that can be provided to the applicant. If the link is to a large document eg budget information, officers should also provide a page number for the document which will be passed to the applicant.

Outcomes	Follow up Actions
2. The information is not currently <b>publicly</b> available and should be provided.	Council officers would then arrange for the information to be sourced and provided to the FOI team to enable the request to be fulfilled within the defined timescale.
3. The information request should be refused.	Officers would have to send a response to the FOI team, outlining why they would recommend that the request should be refused. This will be considered by the Assistant Director Governance and a decision made <b>by him/her</b> on whether the request should be refused and the basis of that refusal.

3.4 Where the information is not currently available to the public and the request has not been refused, the officer receiving the request **s** is required to source and provide the data to the FOI team within the specified timeframe. Responses should be emailed to [foi@eden.gov.uk](mailto:foi@eden.gov.uk).

3.5 On receipt of the information, the FOI team will review and check the information. They will make any redactions as necessary, **in accordance with the Council's Redaction Policy to protect the identities of third parties**, before the final response is sent to the applicant. Details of all responses are uploaded **o** into the **FOI/EIR/DPA** database **and FOI/EIR responses are published**. Once completed, a member of the FOI team will despatch the information to the applicant and close the case in the **FOI/EIR/DPA** database.

## 4. Refused Requests

4.1 The Council aims to provide applicants with all the information they request to which they are entitled. Occasionally, applications have to be refused and the information withheld. Whenever a refusal is recommended by the relevant officer, the proposed reasons and justification for this refusal will be communicated to the Assistant Director Governance.

4.2 If the Assistant Director Governance considers that the information should be exempt, a refusal notice will be drawn up, which will be sent out to the applicant through Legal Services. The refusal notice must be in the form required by statute. If the Assistant Director Governance does not consider that the requested information should be refused, then the request will be returned to the officer to complete.

4.3 An applicant will be notified as soon as possible about any decision to refuse their request for information. This will include details of the reasons and grounds for refusal.

4.4 Applicants who are refused information will be informed about the internal complaints procedure. In some cases the applicant may be offered advice and assistance to simplify their initial request, which may enable the request to be re-requested and satisfied. They will also be informed about how they can contact and complain to the Information Commissioner.

## **Accessibility Information**

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

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**District Council**

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Tel: 01768 817817

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Approved by: Council

Date Approved: 30 July 2020

Review: April 2022

Responsible Officer: Assistant Director Governance (Monitoring Officer)

## **DRAFT Corporate Privacy Policy**

## Accessibility Information

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

## Document Control

<b>Document Control</b>	
Organisation	Eden District Council
Title	<u>DRAFT Corporate</u> Privacy Policy
Author	Information Governance Manager
Filename	DRAFT_ <u>Corporate</u> PrivacyPolicy_v2.2.doc
Owner	Assistant Director Governance
Subject	Data Protection
Protective marking	UNCLASSIFIED
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<b>Document Amendment History</b>			
<u>Revision No</u>	<u>Revised by</u>	<u>Date of Change</u>	<u>Description of Change</u>
<u>0.1</u>	<u>Information Governance Manager</u>	<u>15 May 2018</u>	<u>First draft</u>
<u>0.2</u>	<u>Deputy Chief Executive, Assistant Director Customer Services and Transformation, Web Co-ordinator and Data Transparency Assistant</u>	<u>16 May 2018</u>	<u>Amendments</u>
<u>1.0</u>	<u>Information Governance Manager</u>	<u>22 May 2018</u>	<u>Final version</u>
<u>2.1</u>	<u>Information Governance Manager</u>	<u>14 May 2020</u>	<u>Updated contact details, added committee meetings (including virtual meetings) and website visitors section. Changed title to 'Corporate' to distinguish from any other privacy policies</u>



Approval	Date
Corporate Leadership Team	24 June 2020
Council	30 July 2020

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## 1. Introduction

- 1.1 We are committed to protecting your personal data and privacy and to complying with all the requirements of the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other privacy laws.
- 1.2 This Corporate Privacy Policy explains how the Council uses the personal information it holds ~~about you~~, in order to deliver services ~~to you~~ and what we do to protect it-your personal data.

### What is personal data?

- 1.3 Personal data is any information that can identify a living individual, so it could be ~~ayour~~ name, address, bank account details, or even ~~your~~ IP address.
- 1.4 There are also 'special categories' of personal data, otherwise known as 'sensitive personal data.' These include; racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic, biometric and health data, sex life or sexual orientation.

### What do we use personal data for?

- 1.5 We only process personal information for specific purposes, for the efficient and effective delivery of our services. 'Processing' includes the collection, use, storage, disclosure and deletion of information.

## 2. Data Controller

- 2.1 Our registration reference, as Data Controller, is **Z6208207**, with the Information Commissioner's Office (ICO).
- 2.2 There may be instances where we share data with another party as Joint Data Controllers, or where we operate as a Data Processor for another party.

## 3. Data Protection Officer

- 3.1 We have a designated Data Protection Officer (DPO), who is our point of contact with the ICO. The DPO is responsible for advising the Council, its contractors and partners on their data protection responsibilities, for assigning responsibilities, monitoring compliance, ensuring appropriate awareness and training and for undertaking and complying with data protection audits.

Our Data Protection Officer is:

~~Matthew Neal~~  
Deputy Chief Executive Assistant Director Governance (Monitoring Officer)  
Eden District Council  
Town Hall  
Corney Square  
Penrith  
Cumbria CA11 7QF

Telephone: 01768 212249450

Email: [dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

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## 4. The data protection principles

4.1 We will seek to comply with the GDPR data protection principles:

1. **Lawful, fair and transparent** - process all personal information lawfully, fairly and in a transparent manner.
2. **Purpose limitation** - collect personal information for a specified, explicit and legitimate purpose.
3. **Data minimisation** - ensure the processing of personal information is adequate, relevant and limited to the purposes for which we collect it.
4. **Accuracy** - ensure personal information is accurate and up to date.
5. **Storage limitation** - keep personal information for no longer than is necessary for the purpose(s) for which ~~it is~~we collected~~ed it~~.
6. **Integrity and confidentiality** - keep personal information securely, using appropriate technical or organisational measures.

## 5. The lawful ~~base~~is for processing personal data

5.1 The first data protection principle requires ~~that~~us whenever we process personal data, ~~we~~ to do so lawfully. As a local authority, most of our processing is for; 'the performance of a task carried out in the public interest or in the exercise of official authority,' otherwise known as 'public task.' This means that in most circumstances, we do not require consent to process ~~or~~and share ~~your~~ personal ~~information~~data with our contractors or partners.

5.2 There are a limited number of situations where we require ~~an individual's~~your consent ~~to process personal information~~, such as emailing newsletters to residents and businesses. Occasionally we may require consent when additional information (which is not essential to deliver a service to you) may provide further assistance in supporting an application you may make to the Council. Where this is the case, we will make it clear that consent is needed and you will have the right to withdraw consent at any time.

5.3 Sometimes we ~~may~~will process personal data for other reasons, such as for the performance of a contract, to comply with a legal obligation or in a person's vital interests.

5.4 Whenever we collect ~~your~~ personal data, we will aim to ~~provide inform you of~~ the particular lawful basis that applies in a privacy notice. So for example, if you are completing one of our forms to request a replacement green box for recycling, we will tell you that we are collecting ~~your~~ personal data for the lawful basis known as 'public task.'

5.5 We will aim to record all the circumstances ~~where~~ we process personal data and the lawful basis for the processing in each case, in a Record of Processing Activities (RoPA).

## 6. Purposes of processing personal data

**6.1** As a local authority, we have a duty to deliver certain services to you. In order to do this in an effective way, we need to collect and use personal information. We process personal information to enable us to provide a range of services to local people and businesses, which include:

- maintaining our own accounts and records;
- supporting and managing our employees and Councillors;
- committee meetings, including virtual meetings;
- registering and maintaining online customer accounts;
- promoting the services we provide;
- marketing our local tourism;
- carrying out health and public awareness campaigns;
- managing our properties;
- providing leisure and cultural services;
- carrying out surveys;
- administering the assessment and collection of taxes and other revenue including benefits and grants;
- licensing and regulatory activities;
- local anti-fraud initiatives;
- crime prevention and prosecution of offenders including the use of CCTV;
- corporate administration and all activities we are required to carry out as a data controller and public authority;
- undertaking research;
- the provision of all commercial services including the administration and enforcement of parking regulations and restrictions;
- the provision of all non-commercial activities including refuse collections from residential properties;
- internal financial support and corporate functions;
- managing archived records for historical and research reasons; and
- data matching under local and national fraud initiatives.

**6.2** Occasionally, we may use your personal data for a different purpose, providing that to use it for that other purpose is in an individual's your interests and does not infringe with their your privacy rights. In which case, we will issue a new privacy notice, setting out the purpose of the new use and lawful basis, in advance of any processing. Where relevant, we will seek consent for the new processing activity.

## 7. The categories of personal data we process

**7.1** We shall only process personal data necessary which is required to carry out the required task. We will not ask for information which is not required.

**7.2** The categories of personal data we process include:

- personal details
- family details
- lifestyle and social circumstances
- goods and services
- financial details
- employment and education details

- housing needs
- visual images, personal appearance and behaviour
- licenses or permits held
- business activities
- case file information

We also process some sensitive classes of information that may include:

- race
- ethnic origin
- politics
- religion
- trade union membership
- biometrics
- health
- sex life
- sexual orientation

## 8. The sources of personal data we process

**8.1** We process personal information on:

- Councillors;
- customers;
- suppliers;
- employees and persons contracted to provide a service;
- claimants;
- complainants, enquirers or their representatives;
- professional advisers and consultants;
- students and pupils;
- carers or representatives;
- landlords;
- recipients of benefits;
- witnesses;
- offenders and suspected offenders;
- licence and permit holders;
- traders and others subject to inspection;
- people captured by CCTV images; and
- speaking members of public at committee meetings, including virtual meetings; and
- representatives of other organisations.

**8.2** In some of the above circumstances, individuals are under a statutory or contractual obligation to provide personal information to us. Where this is the case, we will aim to make it clear in our privacy notices, at the point of data collection and in relevant contract clauses.

## 9. Information sharing

**9.1** To ensure we ~~are able to~~ provide ~~you with~~ efficient and effective services, we will sometimes share ~~your~~ information within the Council. If you choose the option of setting up an online account ('My ~~Eden~~ Account') with us (~~under our Contact Eden~~

~~scheme~~), we will match your personal data held by our different services, so that you can access as much of it yourself. Your online account will record any changes (such as change of address), so that you do not have to change your details for each of the different services we provide to you.

9.2 We will sometimes share ~~your~~ personal information with our contractors and partners who support the delivery of our services. For example, we may share ~~your~~ personal information with other councils, the Department for Work and Pensions, the Police and the Fire Service.

9.3 We will only ever share personal ~~your~~ information where it is lawful to do so and where we are satisfied that our contractors and partners have adequate measures in place to protect ~~it~~your personal information.

9.4 When sharing personal ~~your~~ information externally, we will aim to use encryption and access controls, Information Sharing Agreements and Data Protection Impact Assessments where appropriate, to keep ~~your~~ personal information secure.

9.5 We will never share your personal information for marketing purposes, without your express consent.

## 10. The country of processing

10.1 Normally, personal data held and processed by the Council will be stored and processed on servers based in the UK. However, it may sometimes be necessary to transfer personal information overseas. If needed, we may transfer information to countries or territories around the world. Any transfers made will be in full compliance with the GDPR, Data Protection Act 2018 and other privacy laws.

## 11. Retention of personal data

11.1 We aim to keep personal ~~your~~ information for only as long as it is required ~~to be retained~~ (the retention period). Once we no longer require it, we will securely and confidentially destroy it. The law, or us, dictate retention periods, or for business reasons.

11.2 We have a Retention Schedule, which sets out the retention periods for each type of information we hold. It also details any relevant legislation, guidance and policy. All retention periods are minimums only and our records are reviewed at the end of the stated time.

## 12. Your rights

12.1 You have certain rights in relation to your data, these are:

- **The right to be informed** - using privacy policies and notices such as this;
- **The right of access** - to any personal information the Council holds about you. To request a copy of this information, you will need to make a subject access request. Please see our Access to Information Policy for more details on how to do this;
- **The right to rectification** - we must correct inaccurate or incomplete data within one month;



- **The right to erasure** - you have the right to have your personal data erased and to prevent processing, under certain circumstances;
- **The right to restrict processing** - you have the right to restrict our processing of your personal information if you believe it to be inaccurate, unlawful, or it is the case that we no longer require it, but you do for legal purposes;
- **The right to data portability** - in situations where we require your consent to process your information and where that processing is carried out by automated means, we will provide you with your personal data in a structured, commonly used, machine readable form, when asked;
- **The right to object** - you can object to your personal data being used to make decisions about you based solely on automated processes (including profiling), for direct marketing or research purposes; and
- **The right to withdraw consent** - in circumstances where we require your consent to process your personal data, you will have the right to withdraw consent at any time.

### **13. Website visitors**

13.1 When someone visits our website, we collect standard internet log information and details of visitor behaviour patterns. We do this to find out things such as the number of visitors to the various parts of our website. We collect this information in a way which does not identify any individuals. We do not make any attempt to find out the identities of those visiting our website.

13.2 We use cookies to help analyse anonymous use of our website and to provide you with a more personalised experience (for example, by remembering which bits of information you last looked at on our maps). Cookies are pieces of information generated by a web server and stored as small text files on the user's computer ready for future access. When you leave our site, it may destroy 'session cookies'; 'persistent cookies' may remain for a period of time.

### **14.3. Complaints about the way we process personal data**

- 14.1 You have a right to complain to us about the way we process your personal data and to the supervisory authority, the Information Commissioner's Office.
- 14.2 If you wish to make a complaint about the way we process your information, you can have your complaint considered under the Council's Complaints Procedure. To do this you will need to contact the Assistant Director Governance (Monitoring Officer) ~~Deputy Chief Executive~~ in writing or by email:

Assistant Director Governance (Monitoring Officer) ~~Deputy Chief Executive~~  
 Eden District Council  
 Town Hall  
 Corney Square  
 Penrith  
 Cumbria CA11 7QF  
[dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

- 14.3 If you are dissatisfied with the way we have handled your complaint, you may contact the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Wilmslow  
Cheshire SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

~~Alternatively, visit: [www.ico.org.uk](http://www.ico.org.uk) or email: [casework@ico.org.uk](mailto:casework@ico.org.uk)~~

~~[Website: ico.org.uk](http://www.ico.org.uk)~~

~~[Email: casework@ico.org.uk](mailto:casework@ico.org.uk)~~

## **15 Review**

- 15.1 This policy will be reviewed by April 2022 in line with any changes to legal and regulatory requirements, relevant guidance and best practice. The review will be undertaken by the Assistant Director Governance (Monitoring Officer) and Information Governance Manager.



***District Council***

Town Hall, Penrith, Cumbria CA11 7QF

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Email: @eden.gov.uk

Approved by: Council

Date Approved: 30 July 2020

Review: April 2022

Responsible Officer: Assistant Director Governance (Monitoring Officer)

## **DRAFT Recording and Reporting of Public Meetings Policy**

## Accessibility Information

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## Document Control

Organisation	Eden District Council
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Author	Member Services Team Leader / Information Governance Manager
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Subject	Committee meetings
Protective marking	UNCLASSIFIED
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Revision No	Revised by	Date of Change	Description of Change
v0.1	Information Governance Manager	09 June 2020	Review of Filming, Photography, Recording and Use of Social Networking at Council Meetings Policy 2015  First draft
V0.2	Information Governance Manager, Member Services Team Leader	17 June 2020	Virtual meetings added, summaries added as appendices, contact details updated, amendments for clarification purposes

Approval	Date
Corporate Leadership Team	24 June 2020
Council	30 July 2020

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# **1 Introduction**

- 1.1 This Recording and Reporting of Public Meetings Policy is a public document for Council officers and elected Members, the public and press and any others who may record or report the Council's public meetings. This policy supports the transparency, accessibility and accountability of our decision making.

# **2 Purpose**

- 2.1 The purpose of this policy is to provide a commitment and clear direction on the recording and reporting of the Council's public meetings (including virtual meetings) and to ensure compliance with all relevant legislative and regulatory requirements and our Constitution.

# **3 Scope**

- 3.1 This policy applies to the recording and reporting of the Council's formal public meetings (including virtual meetings), where decisions are made in respect of Council business and which are open to members of the public and press to attend. These include:
- Council;
  - Executive;
  - Planning Committee;
  - Overview and Scrutiny Committee;
  - Budget Planning Committee;
  - Licensing Committee;
  - Human Resources and Appeals Committee; and
  - Accounts and Governance Committee.
- 3.2 Portfolio Holder meetings are not included, as they are not open to the public or press.
- 3.3 This policy does not apply to private meetings, such as training sessions, task and finish group meetings, officer or Member working group meetings or political group meetings, as these are not formal public meetings.
- 3.4 This policy covers both meetings held physically, with some or all elected Members being present in a room and also virtual meetings, where a meeting 'is held' in different remote/virtual locations. As such, this policy helps to support the Council's 'Virtual Public Meetings Policy,' introduced in May 2020 in response to the Coronavirus pandemic.
- 3.5 This policy covers all forms of recording and reporting and all forms of media, including (but not limited to) filming and photography, video links and live streaming, blogging and the use of social media.
- 3.6 A distinction is drawn in this policy between recording and reporting, as it is possible to record without reporting and also to report without recording.

## **4 Policy Statement**

- 4.1 We are committed to being open and transparent about how we work, how our decisions are made and the services we provide and to complying with all legal and regulatory requirements and our Constitution.
- 4.2 We welcome the use of modern communication methods at our public meetings and also to enable our public meetings to take place virtually/remotely where appropriate.
- 4.3 We will make available shorter summaries of this policy, targeted at relevant audiences, including one for the public and press, which is provided at Appendix B to this policy and can be used as a notice or poster in venues where the Council's public meetings are held. It will also be made available on our website.
- 4.4 In our own recording and reporting of our public meetings, we will seek to balance our obligations for accountability and transparency with our data protection and confidentiality duties. Where information is exempt from disclosure for data protection reasons or because we are subject to a duty of confidentiality, we will seek to edit that information. In the event of a breach involving personal information, we will follow our Personal Data Breach Policy.

## **5 Legal and Regulatory Requirements**

- 5.1 We will seek to comply with all relevant legal and regulatory requirements and guidance in relation to the recording and reporting of our public meetings.
- 5.2 In accordance with the Openness of Local Government Bodies Regulations 2014, persons and press attending any meeting of the Council open to the public are allowed to record and/or report all or part of that meeting. This includes filming, recording, photographing or any other means for enabling people not present to see or hear proceedings at a meeting at the same time as it takes place or later. We will provide reasonable facilities to enable them to do so, as far as is practical.
- 5.3 We will seek to comply with The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 and all other relevant legal and regulatory requirements and guidance in relation to the recording and reporting of our public meetings (including virtual meetings). During the Coronavirus pandemic, councils have new powers to hold meetings through electronic, digital, virtual locations and telephone conferencing. The Regulations apply to meetings held before 7 May 2021 and permit the holding of meetings without all, or indeed any elected Members being present in a room
- 5.4 During our public meetings, there may be occasions when recording and reporting is not permitted, in accordance with provisions set out in Schedule 12A of the Local Government Act. This is when matters involving exempt or confidential information are under discussion

5.5 The main legal and regulatory requirements that apply to the recording and reporting of the Council's public meetings are:

- Common Law Duty of Confidentiality;
- Equality Act 2010;
- General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA);
- Local Government Act 1972, Schedule 12A;
- Local Government Act 1985, S85;
- The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020; and
- The Openness of Local Government Bodies Regulations 2014.

5.6 The recording or reporting of meetings does not replace the formal written minutes of any meeting. Neither does it necessitate or dictate that minutes need to be a verbatim account. Minutes of a meeting are a summary of the business transacted at the meeting, with a record of the resultant decisions.

## **6 Notification**

- 6.1 The Chairman or legal officer will announce at the beginning of a public meeting if it is to be recorded and/or reported (video linked and live streamed) by the Council and whether it is to be capable of repeat viewing or listening (if audio only).
- 6.2 A statement will be included on agendas of public meetings to announce whether all or part of the meeting is to be recorded and/or reported. A link and joining instructions will be provided if all or part of the meeting is to be video linked and live streamed.
- 6.3 The Chairman or legal officer will advise that recording and reporting is to stop, when matters involving exempt or confidential information are under discussion according to Schedule 12A of the Local Government Act 1972.
- 6.4 The Chairman or legal officer will attempt to announce when the Council's recording or reporting is to be stopped or suspended due to technical issues, or for any other reason.

## **7 Recording and Reporting Requirements**

- 7.1 This section and its requirements applies to all recording and reporting of the Council's public meetings by any persons, including (but not limited to) the Council, public and press.
- 7.2 Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.
- 7.3 Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian. If an adult with known learning disabilities or mental health issues is expected to be speaking at a meeting, there will be a need to ensure they have given their informed consent.
- 7.4 Recording and reporting of the public gallery is not permitted.



- 7.5 All persons recording and/or reporting must remain silent while doing so, unless asked by the Chairman to comment.
- 7.6 Any filming must be carried out in such a way as to ensure the view of proceedings by others present is not obscured at any time.

## **8 Recording and Reporting by the Council**

- 8.1 Audio recording was enabled by the Council by the introduction of a digital microphone system in the Council Chamber during 2018. Video recording and live streaming were enabled during May 2020, to allow for virtual meetings during the Coronavirus pandemic.
- 8.2 Recording and/or live streaming by the Council will start at the opening of the meeting and will stop at the close of the meeting, or as instructed by the Chairman.
- 8.3 Recordings of our public meetings may be made and publicly available for repeat viewing and/or listening. A statement to this effect will be included on the Council's website and displayed in the Council Chamber, or other venue where a public meeting is taking place.
- 8.4 Recordings or associated transcripts and/or their links may be edited or removed from public view if the Monitoring Officer considers it is likely to be in breach of any statutory provision or other legal requirement.
- 8.5 Any recordings or associated transcripts made by the Council may be edited to:
- remove confidential items in accordance with 12A of the Local Government Act 1972;
  - remove obscenities or actionable remarks;
  - remove any images or audio of children or vulnerable adults (safeguarding);
  - comply with Human Rights legislation;
  - comply with Data Protection legislation;
  - address technical issues; and
  - remove items out-with the scope of the meeting.
- 8.6 Recordings and any associated transcripts will be retained in line with the Council's Retention Policy and Schedule.

## **9 Information Security**

- 9.1 We are committed to preserving the confidentiality, integrity and availability of our information systems and assets. We will seek to do this in accordance with our Information Security Policy, through a range of administrative, technical and physical controls.
- 9.2 We will seek to use appropriate technical and organisational measures wherever possible, including platforms and equipment, to ensure the security, integrity and availability of our virtual meeting video links, live streaming and any associated recordings.

## 10 Roles and Responsibilities

- 10.1 The Monitoring Officer has day to day responsibility for ensuring the proper administration of committee meetings and compliance with the Constitution. The Data Protection Officer is responsible for compliance with Data Protection legislation.

The Monitoring Officer and Data Protection Officer is:

Assistant Director Governance (Monitoring Officer)

Eden District Council

Town Hall

Penrith

Cumbria CA11 7QF

Telephone: 01768 212249

Email: [dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

- 10.2 The Chairman has absolute discretion to adjourn a meeting or to terminate or suspend the recording and reporting of proceedings, if in the opinion of the Chairman, continuing to record or report would prejudice the proceedings of the meeting. This includes:

- Public disturbance, or use of obscenities;
- Exclusion of the press being moved and supported by the Members; and
- Any other reason moved and seconded and supported by the Members.

- 10.3 Democratic Services officers will provide guidance and advice on the recording and reporting of meetings.

- 10.4 The Senior Information Risk Officer/Owner (SIRO) has overall responsibility for managing information risk in relation to all aspects of the Council's recording and reporting of public meetings.

- 10.5 The Head of Shared ICT and Lead for Digital Innovation will ensure appropriate technical support, information security and equipment for the Council's recording and reporting of public meetings.

## **11 Recording and Reporting by the Public and Press**

- 11.1 While a meeting is open to the public, any person attending wishing to record or report proceedings is, so far as practicable to be afforded reasonable facilities (such as Wifi and electricity supply) for doing so.
- 11.3 All persons recording or reporting must be courteous and respectful at all times.
- 11.4 Recording and reporting of meetings must not be edited in such a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards another person.
- 11.5 Electronic devices used for recording or reporting, such as laptops, tablets, cameras or mobile phones etc. must not be audible during proceedings and should be placed on silent settings.
- 11.6 The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.
- 11.7 Any person wishing to record or report using large equipment (including the use of a camera and tripod), or having other special requirements should contact the Council at least 24 hours in advance of the meeting to seek advice and guidance, by email: [cttee.admin@eden.gov.uk](mailto:cttee.admin@eden.gov.uk) or telephone: 01768 817817 Such requests will be subject to practical considerations and the constraints of meeting rooms. This requirement is to prevent proceedings from being disrupted and so that others attending the meeting can be informed.
- 11.8 Persons using large equipment or having special arrangements must arrive at least half an hour prior to the commencement of the meeting to set up, in order to avoid disruption to proceedings.
- 11.9 Cameras and/or tripods must not be dismantled or removed until the public meeting has been completed, unless otherwise permitted by the Chairman.
- 11.10 Any filming with the use of a camera and tripod must be carried out from a vantage point designated by a Council officer. Persons filming using a camera and/or tripod must remain at their vantage point for the duration of the meeting.
- 11.11 Persons wishing to record or report the Council's public meetings must provide their own equipment.
- 11.12 The Council does not accept any responsibility for the damage or loss of any equipment or device used by a member of the public or press.
- 11.13 Free Wifi is provided for use by the public and press in the Council Chamber.

## **12 Compliance**

- 12.1 All Council officers and elected Members, members of the public and press must comply with this Recording and Reporting of Public Meetings Policy.

## **13 Review**

- 13.1 This policy will be reviewed by April 2022, in line with any changes to legal and regulatory requirements, relevant guidance and best practice. The review will be undertaken by the Assistant Director Governance (Monitoring Officer) and Information Governance Manager.

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## **Appendix A – Summary - Recording and Reporting by Eden District Council**

- Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.
- Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian. If an adult with known learning disabilities or mental health issues is expected to be speaking at a meeting, there will be a need to ensure they have given their informed consent.
- Recording and reporting of the public gallery is not permitted.
- All persons recording and/or reporting must remain silent, unless asked by the Chairman to comment.
- Any filming must be carried out in such a way as to ensure the view of proceedings by others present is not obscured at any time.
- Recording and/or live streaming by the Council will start at the opening of the meeting and will stop at the close of the meeting, or as instructed by the Chairman.
- Recordings of our public meetings may be made and publicly available for repeat viewing and/or listening. A statement to this effect will be included on the Council's website and a printed notice will be displayed in the Council Chamber.
- Recordings or associated transcripts and/or their links will be edited or removed from public view if the Monitoring Officer considers it is likely to be in breach of any statutory provision or other legal requirement.
- Any recordings or associated transcripts made by the Council may be edited to:
  - remove confidential items in accordance with 12A of the Local Government Act 1972;
  - remove obscenities or actionable remarks;
  - remove any images or audio of children or vulnerable adults (safeguarding);
  - comply with Human Rights legislation;
  - comply with Data Protection legislation;
  - address technical issues; and
  - remove items out-with the scope of the meeting.
- Recordings and any associated transcripts will be retained in line with the Council's Retention Policy and Schedule.

## **Appendix B – Summary - Recording and Reporting by the Public and Press**

- Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.
- Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian.
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- Cameras and/or tripods must not be dismantled or removed until the public meeting has been completed, unless otherwise permitted by the Chairman.

- Any filming with the use of a camera and tripod must be carried out from a vantage point designated by a Council officer. Persons filming using a camera and/or tripod must remain at their vantage point for the duration of the meeting.
- Persons wishing to record or report the Council's public meetings must provide their own equipment.
- The Council does not accept any responsibility for the damage or loss of any equipment or device used by a member of the public or press, or other party.
- Free Wifi is provided for use by the public and press in the Council Chamber.

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***District Council***

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: [info.governance@eden.gov.uk](mailto:info.governance@eden.gov.uk)

Approved by: Council

Date Approved: 30 July 2020

Review: May 2021

Responsible Officer: Assistant Director Governance (Monitoring Officer)

## **DRAFT Virtual Public Meetings Privacy Policy**

DRAFT



## Accessibility Information

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

## Document Control

Organisation	Eden District Council
Title	DRAFT Virtual Public Meetings Privacy Policy
Author	Information Governance Manager
Filename	DRAFT_VirtualPublicMeetingsPrivacyPolicy_v0.1.doc
Owner	Assistant Director Governance
Subject	Data Protection
Protective marking	UNCLASSIFIED
Review date	7 May 2021

Document Amendment History			
Revision No	Revised by	Date of Change	Description of Change
0.1	Information Governance Manager	16 June 2020	First draft

Approval	Date
Corporate Leadership Team	24 June 2020
Council	30 July 2020

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## **1. Introduction**

- 1.1 We are committed to protecting your personal data and privacy and to complying with all the requirements of the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other privacy laws.
- 1.2 This Virtual Public Meetings Privacy Policy explains how the personal information involved in the Council's virtual public meetings and any associated recordings or transcripts is used and what we do to protect it.
- 1.3 The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 temporarily remove the legal requirement for local authorities to hold public meetings in person and to allow meetings to be conducted remotely (virtually). This means that during the Coronavirus pandemic, councils have new powers to hold meetings through electronic, digital, virtual locations and telephone conferencing.
- 1.4 The Regulations apply to meetings held before 7 May 2021.
- 1.5 The Regulations permit the holding of meetings without all, or indeed any Councillors being present in a room. 'Being present' at a meeting and 'open to the public' includes access by remote means and different remote/virtual locations.
- 1.6 We will seek to use appropriate technical and organisational measures wherever possible, including platforms and equipment, to ensure the security, integrity and availability of our virtual meeting video links, live streaming and any associated recordings or transcripts. We use Microsoft Team's conferencing technology for our virtual public meetings.

## **2. Data Controller**

- 2.1 Our registration reference, as Data Controller, is **Z6208207**, with the Information Commissioner's Office (ICO).
- 2.2 There may be instances where we share data with another party as Joint Data Controllers, or where we operate as a Data Processor for another party.

## **3. Data Protection Officer**

- 3.1 We have a designated Data Protection Officer (DPO), who is our point of contact with the ICO. The DPO is responsible for advising the Council, its contractors and partners on their data protection responsibilities, for assigning responsibilities, monitoring compliance, ensuring appropriate awareness and training and for undertaking and complying with data protection audits. Our Data Protection Officer is:

Assistant Director Governance (Monitoring Officer)  
Eden District Council  
Town Hall  
Corney Square  
Penrith  
Cumbria CA11 7QF

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## **4. The data protection principles**

- 4.1 We will seek to comply with the data protection principles in all aspects of our virtual public meetings. Go to our [Corporate Privacy Policy](#) for more information.

## **5. The lawful bases**

- 5.1 Our lawful bases for processing personal information in connection with our virtual public meetings are; 'legal obligation' and 'public task.'
- 5.2 Go to '[Privacy and Microsoft Teams](#)' for information on Microsoft's lawful bases.

## **6. Purposes of processing personal data**

- 6.1 As a local authority we have a duty to deliver certain services. In order to do this in an effective way, we need to collect and use personal information.
- 6.2 We use Microsoft Team's conferencing technology for remote attendance at our virtual public meetings, where Councillors, officers, third party representatives (such as consultants) and speaking members of the public are able to hear and see and be heard and seen by others in attendance at the meeting, whether in person or in remote attendance.
- 6.3 Any person observing (not in attendance) the live streaming or recording of one of our virtual public meetings will also be able to hear and see those speaking.
- 6.4 Websites can be seen throughout the world and not just in the United Kingdom, where UK data protection law applies.
- 6.3 We may make transcripts and/or recordings of our virtual public meetings, to improve accessibility and provide greater transparency and clarity on how decisions are reached. These may be made available for play-back, with links to the recordings on our website.

## **7. The categories of personal data**

- 7.1 We shall only process data necessary to carry out the required task. We will not ask for information which is not required.
- 7.2 The categories of personal data we process for our virtual public meetings may include:
- full name and any names of those on whose behalf you may be speaking
  - email address
  - job title
  - physical office address
  - personal address
  - telephone number
  - audio and video call recording images
- 7.3 Microsoft Teams collects certain categories of personal data, needed to allow video conferencing to function properly. These include:
- name
  - IP address

- Telephone number

## **8. Information sharing**

- 8.1 Minutes and details of decisions are published on our website once available.
- 8.2 Recordings of virtual public meetings made by the Council on Microsoft Teams may be available for playback.
- 8.3 If you have asked a question, or participated in a discussion, some information about you may be included in our minutes or transcripts.
- 8.4 Go to our [Corporate Privacy Policy](#) for more information on our sharing of information.

## **9. The country of processing**

- 9.1 Go to '[Location of data in Microsoft Teams](#)' for information on the countries of processing.

## **10. Retention of personal data**

- 10.1 We aim to keep personal information for only as long as it is required (the retention period). Once we no longer require it, we will securely and confidentially destroy it. The law, or us, dictate retention periods, or for business reasons.
- 10.2 We have a Retention Schedule, which sets out the retention periods for each type of information we hold. It also details any relevant legislation, guidance and policy. All retention periods are minimums only and our records are reviewed at the end of the stated time.
- 10.3 Go to '[Privacy and Microsoft Teams](#)' for information on Microsoft's retention of personal data.

## **11. Your rights**

- 11.1 You have certain rights in relation to your data. Please refer to our [Corporate Privacy Policy](#) for more details.

## **12. Website visitors**

- 12.1 If you visit our website in connection with our virtual public meetings, please note that we collect some standard internet log information and details of visitor behaviour patterns (cookies). Go to our [Corporate Privacy Policy](#) for more details.

## **13. Complaints about the way we process personal data**

- 13.1 You have a right to complain to us about the way we process your personal data and to the supervisory authority, the Information Commissioner's Office.
- 13.2 If you wish to make a complaint about the way we process your information, you can have your complaint considered under the Council's Complaints Procedure. To

do this you will need to contact the Assistant Director Governance in writing or by email:

Assistant Director Governance (Monitoring Officer)  
Eden District Council  
Town Hall  
Corney Square  
Penrith  
Cumbria CA11 7QF

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

- 13.3 If you are dissatisfied with the way we have handled your complaint, you may contact the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Wilmslow  
Cheshire SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Website: [ico.org.uk](http://ico.org.uk)

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

## **14 Review**

- 14.1 This policy will be reviewed by May 2021, in line with any changes to legal and regulatory requirements, relevant guidance and best practice. The review will be undertaken by the Assistant Director Governance (Monitoring Officer), Member Services Team Leader and Information Governance Manager.

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**Report No: F19/20**

**Eden District Council**

**Executive**

**21 July 2020**

**Council**

**30 July 2020**

# **ICT, Digital, Development Management and Finance Systems**

<b>Portfolio:</b>	Resources Portfolio Holder
<b>Report from:</b>	Interim Director of Corporate Services
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM EXCEPT FOR APPENDIX A which is exempt under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972</b>	

## **1 Purpose**

- 1.1 To incorporate appropriate budgets for the development of the Digital Platform, purchase and implement the new Development Management System and new Financial Management System.
- 1.2 To award a contract for the provision of a replacement IT system covering the following Council functions. Planning, Building Control, Land Charges, CIL (Community Infrastructure Levy), Planning Policy and Section 106 Agreements.

## **2 Recommendation**

### **Executive**

- 2.1 Recommend to Council that the additional budget requirements set out in the report and detailed in the Part II appendix, Development of the Digital Platform and support purchase and implement a new Development Management System and Finance System be approved, and
- 2.2 Recommend to Council that subject to the approval of the budget at recommendation 2.1 to award the contract for Development Management and associated software to DEF Software Limited.

### **Council**

- 2.3 Approve the additional budget requirements set out in the report and detailed in the Part II appendix, Development of the Digital Platform and support purchase and implement a new Development Management System and Finance System be approved, and
- 2.4 That subject to the approval of the budget at recommendation 2.3 to award the contract for Development Management and associated software to DEF Software Limited.

### 3 Report Details

#### Development of the Digital Platform

- 3.1 The digital platform underpins a number of key services for the Council such as the contact centre operation, online digital forms and My Account. It needs to be further developed to include enhancements that are necessary to help the delivery of the One Eden transformation programme. Improving the capability of the Digital Platform will allow more advanced digital processes to be implemented.
- 3.2 This report focuses on three most urgent elements however as the One Eden programme progresses other developments will be identified through the Service Redesign work. The elements needing to be progressed are:
- integration with corporate document management system;
  - integration with the cash receipting system; and
  - integration with the Geographic Information System.
- 3.3 The additional functionality will enable us to develop ways of working that will allow customers to use digital processes to interact with the Council and help make our processes used to deliver services, more efficient.
- 3.4 The additional budget requirements for the areas described above are set out in the table below.

Capital Budgets	2020/21
	£
Integration with Cash Receipting	4,000
Integration with Document Management	20,000
Integration with Geographical Information System	5,000
<b>Total Capital Budget</b>	<b>29,000</b>

- 3.5 This development is a shared with South Lakeland District Council (SLDC). This improves the buying power and also shares the costs across the two Councils to ensure value for money.

#### Development Management System

- 3.6 In April 2016 the Council approved a project to procure and implement a new Planning and Building Control system jointly with SLDC. The report formed part of the delivering services electronically project.
- 3.7 The original plan was for the project to be delivered through a specified supplier, which ultimately has not proven possible.
- 3.8 A cost benefit analysis was completed at the time and the shortcomings of the existing system set out in detail. The anticipated cost to Eden was £111k, although the split between Revenue and Capital wasn't clear.

- 3.9 The Councils remain committed to the project and a new procurement route was sought to identify a new supplier. However it has recently become clear that no budgets were ever incorporated in to either the Capital Programme or Revenue. This will need to be rectified prior to consideration of awarding the tender, however the costs can be used to inform the necessary budgets.
- 3.10 The procurement route for the new IT system covering Development Management and associated software is through the Crown Commercial Services Data and Application Solutions Framework (RM3821) Lot 2B.
- 3.11 The Framework provides access to a range of software-led office systems covering services for the public sector including software licenses, associated hardware, app-related consultancy services, software support and maintenance. Lot 2B of the framework specifically covers software related to Environment and Planning.
- 3.12 There are 15 suppliers included in Lot 2b of the framework and as such all had the option to respond as part of the procurement process. However we received only one response to the tender invitation.
- 3.13 We have been through a comprehensive evaluation process, to ensure the system meets the requirements of the service and represents good value for money. This included system demonstrations and calls to other users of the system to validate that it is working well in other Councils.
- 3.14 The supplier of the new system would be DEF Software Ltd and the detailed costs are set out attached in Exempt Appendix 1. The total detailed costs related to the system are set out in the table below:

<b>Eden System Costs</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Capital	35,423					35,423
Revenue	15,670	16,142	16,626	17,125	17,638	83,202
<b>Total</b>	<b>51,093</b>	<b>16,142</b>	<b>16,626</b>	<b>17,125</b>	<b>17,638</b>	<b>118,625</b>

- 3.15 The costs aren't significantly different to those reported back in 2016, which seems to represent excellent value for money. There are additional costs, which need to be included that were omitted from the original report.
- 3.16 These are capital costs and are set out below:
- Project Management Costs - £35k
  - Implementation Support Costs - £40k
  - Parallel Running Costs - £15k
  - Integration Works to My Account - £30k

3.17 The overall budgets required are set out in the table below:

<b>Eden Total Costs</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Capital	90,423	65,500				155,923
Revenue	15,670	16,142	16,626	17,125	17,638	83,202
<b>Total</b>	<b>106,093</b>	<b>81,642</b>	<b>16,626</b>	<b>17,125</b>	<b>17,638</b>	<b>239,125</b>

3.18 Subject to budget approval, the system implementation will commence as soon as possible after contract negotiations are complete, these negotiations will include the payment milestones which will be used as part of the contract management process.

### **Integrated Finance, Payroll & HR System**

- 3.19 The current Finance and Payroll current system has been in operation for many years. In recent years the software developer has stopped development and the system and we have been informed that the system will become unsupported in 2021. This will place a significant risk that the system stops working and that we are unable to fix it ourselves. This could result in us not being able to pay people or close our accounts within statutory timescales.
- 3.20 The system has fallen a long way behind its competitors in terms of functionality and user friendliness. It doesn't support a modern operating finance function, in fact it is a significant hindrance to the production of high quality and timely financial reporting.
- 3.21 The system also won't integrate with external systems in anything other than very basic ways. The acquisition of a modern Financial Management System would transform the way that the service operates creating more efficient processes and higher quality outputs across fundamental to the requirements One Eden Transformation Programme.
- 3.22 The Council currently doesn't have a full Human Resources ICT system, which means that much of the information produced for reports has to be either created or manipulated manually. This is extremely time consuming and lacks the quality that can be seen in a modern HR system. As with finance and payroll a new system would transform the service's ability to be efficient and produce higher quality outputs fundamental to the requirements One Eden Transformation Programme.
- 3.23 Some preparatory work has been undertaken to establish a potential procurement route and likely budget. The use of a framework would allow for a potential acquisition in September/October 2020 with a likely implementation timescale of 12 months. This would result in a go-live date of Autumn 2021.
- 3.24 The proposed budget in the table below has been calculated using information from the frameworks that we are likely to consider using. We have also been in contact with potential suppliers and other Councils who have either just been or are currently looking at procurement.

<b>Eden Total Costs</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
	£	£	£	£	£	£
Capital	150,000	200,000				350,000
Revenue	0	80,000	80,000	80,000	80,000	320,000
<b>Total</b>	<b>150,000</b>	<b>280,000</b>	<b>80,000</b>	<b>80,000</b>	<b>80,000</b>	<b>670,000</b>

## **4 Policy Framework**

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

## **5 Consultation**

5.1 To ensure the system being purchased and implement is fit for purpose. The specification used to perform the procurement process was created with full involvement of colleagues, who are directly involved in both leading and delivering the service functions which will be improved by using the new system. They were also fully engaged with the tender response evaluation process.

## **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 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 The financial implications are set out within the main report.

### **6.2 Legal**

#### **Development of the Digital Platform**

6.2.1 A contract is already in place to allow development of the platform to take place with the supplier.

#### **Development Management System**

6.2.2 The use of Frameworks are allowed under, Clause 6.1 Supplier Selection, of the Council's Procurement Procedures. Also, Eden District Council's Constitution on Procurement Rules, Clause 4.5.3 allows the Executive to use a framework. In this case Framework RM3821, Lot 2B was used.

6.2.3 It is recommended that the contract be awarded for an initial term of 5 years with the option to extend a further 2 years once the initial 5 year period is concluded.

## **Finance System**

- 6.2.4 When the procurement of the new system progresses a compliant procurement process will be completed.

## **6.3 Human Resources**

- 6.3.1 There will be a requirement for officers within Planning, Building Control, Land Charges and Planning Policy to spend time assisting with the implementation of the new system. They have all been part of the procurement process so are aware of what is involved. The secondment for Eden, described in this report will help ease the pressure. This will be further assisted by a dedicated project manager.

## **6.4 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	Not applicable. The systems being implement are principally used internally to perform the functions covered in the scope. Where they interconnect with public facing systems, such as the Council website, they will confirm to the criteria required for those systems, specifically in relation to meeting accessibility legislation.
Health, Social Environmental and Economic Impact	Not applicable. It is considered however that this proposal will have a positive impact on sustainability as the provision of new technology will better support mobile working.
Crime and Disorder	Not applicable
Children and Safeguarding	Not applicable

## **6.5 Risk Management**

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
The existing systems for Development Management are no longer being developed and no longer provide the functionality that the Council require to work in new ways.	The service functions in scope are unable to adapt to new ways of working	Approve the recommendations in this report
The existing contract for the development management systems currently in use, is an annual rolling contract	The existing supplier could remove support for the existing products or increase their costs with very little notice to the council	Approve the recommendations in this report
The Finance system in	The system is not able	Approve the

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
operation is reaching the end of its functional life and is no longer being developed by the supplier	to operate in the way we need to support new and more efficient ways of working	recommendations in this report

## **7 Other Options Considered**

### **Development of the Digital Platform**

- 7.1 The system has been in operation for a while now and needs to be developed as part of the continuous improvement process. The only alternative is to do nothing but this would prevent us from delivering the improvements identified.

### **Development Management System**

- 7.2 The option being recommended is as a result of a compliant procurement process using a recognised procurement framework which managed by Crown Commercial Services. This is in line with procurement best practice and preferred over other options.
- 7.3 The only alternate option would be to do nothing. This isn't a viable option as we will be unable to deliver the necessary changes, to support new ways of working and continuous improvement of processes as described as part of the One Eden programme.

### **Finance System**

- 7.4 We could continue using the existing system. This isn't a viable option as we will be unable to deliver the necessary changes, to support new ways of working and continuous improvement of processes as described as part of the One Eden programme.

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

### **Development of the Digital Platform**

- 8.1 This is being recommended to enable additional functionality to be delivered, this functionality will support new ways of working and digital processes which will be implemented as part of the One Eden transformation programme.

### **Development Management System**

- 8.2 The existing system is not being developed and is not configurable in the way we need to support new ways of working which will be introduced as part of the One Eden Transformation programme.

### **Finance System**

- 8.3 The existing system is not being developed and is not configurable in the way we need to support new ways of working which will be introduced as part of the One Eden Transformation programme.

**Background Papers:** F15/16 - Delivering Services Electronically

**Appendices:** Appendix A

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