

Eden District Council

Council Minutes

Date: 24 September 2020 Venue: This was a virtual meeting therefore there was no venue. Time: 6.45 pm

Present:

Chairman: Councillor A Connell

Vice Chairman: Councillor D Banks

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

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

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

CI/39/9/20 Apologies for Absence

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.

Apologies for absence were received from Councillors Orchard and Smith.

CI/40/9/20 Declarations of Interest

Councillor Eyles gave a personal explanation with regards to Item 7 in that he sat on the Liaison Group for Omega Proteins.

Mr L Clark, Director People and Place gave a personal explanation with regards to Item 9 in that it related to his position as an officer. He advised that he would leave the meeting whilst this item was being discussed.

Councillor Wicks advised the meeting that as Group Leader, she had instructed the Conservative Group to support the Motion on Notice.

CI/41/9/20 Minutes

RESOLVED that:

1. the public minutes CI/19/07/20 to CI/38/07/20; and
2. the confidential minutes CI/38/07/20

be confirmed and signed by the Chairman as a correct record of those proceedings.

CI/42/9/20 Chairman's Announcements

Councillor Marjorie Cook

Councillor Cook, a former Eden District Councillor had recently passed away. She had served Eden District Council for sixteen years between 1991 and 2007.

The Chairman asked for a minutes silence to be held as a mark of respect.

Reopening and Return

The theme of the past few months has been a carefully managed reopening and return.

Penrith and Appleby Leisure Centres have recently reopened and both centres have implemented new COVID-safe procedures, like one way systems and new booking systems. The feedback from users has been overwhelmingly positive.

Penrith Museum and the Tourist Information Centre both reopened earlier this month.

Eden District Council welcomed the return of the Warm Homes Eden programme, which is helping homes in Eden become more energy efficient, helping the environment, saving people money and improving the health of our vulnerable residents.

Transforming Eden District Council

The purchase of Voreda House, a key part in the One Eden programme was completed in August. Work is ongoing to transform the building to be more energy efficient and fit in with how the Council wants to work.

The online customer service system MyAccount has been launched with over 300 users signing up since its soft launch in August. MyAccount is now live on the Eden District Council website and can be used by our customers to start managing their own transactions. This innovation will hugely improve Eden District Council's customer experience.

Supporting the COVID Response

Alongside sharing key information to residents through our communications channels there has been some outstanding work by the Council's Environment Health Team in supporting the local COVID-19 track and trace programme.

Supporting the Return of the High Street

The Council announced the extension of free parking in council owned car parks until the end of the year to support Eden District Council's high street businesses. Alongside this, advice and guidance has been provided by the Environmental Health Team and £millions in business grants has been granted to businesses within Eden.

Small Business, Discretionary and Retail, Hospitality and Leisure Grants

Applications for these three business grants have now closed. The Council has managed to distribute over £23m in Government funding to over 2000 businesses in Eden since the pandemic began.

Councillor Raine read out a prepared statement

CI/43/9/20 Questions by the Public

The following question was received from Mr J Davies under Rule 10 of the Constitution:

"Does the Leader agree that the Council, it's Members and the Leader should at all times be fully open and transparent to maintain public trust in the Council, it's elected Members and the Leading including ensuring Members declared interests are clearly made and recorded when items are put before Council for consideration that may result in policy changes of the Council?"

The Leader responded as follows:

"Yes, I agree in principle with the statement as set out within your question".

Mr Davies then asked the following supplementary question:

"Could the Leader explain 'In principle' from the degree that all Council members stand by the Nolan principles that cover all elected Members and officers and in fact form part of EDC's own council Constitution covering conduct of Members as well as the requirement to declare any interests.

In July 2019 the Leader put forward a motion to Council to declare a Climate Emergency, seconded by Councillor Robinson. The motion was put forward following direct lobbying in the Council Chamber by an organisation that the Leader, as at 31 March 2019 was still listed as a director of the organisation.

No declaration of interest or links were made in the Council Chamber nor in the Leaders Declaration of Interests. Can the Leader explain the reasoning why a declaration was not made of a link and interest with an organisation that potentially opens up the motion, that forms a key part of all Council policy, to a legal challenge”.

The Leader responded as follows:

“The organisation you refer to is the Penrith Action for Community Transition (PACT) and I can confirm that I was a Director. I am unable to recall the date I resigned from this position so I will need to check.

The Group is a political lobbying group that encourages no use of plastic and the increase in recycling. I resigned as a precaution in case it looked like I was furthering the cause of the Group.

I will respond further to Mr Davies.”

CI/44/9/20 Questions by Members

The following question was received from Councillor Eyles under rule 12 of the Constitution:

1. “Keswick has a thriving market, as did Penrith for years, indeed centuries. Before stalls were encouraged to locate to the Auction Mart there was a thriving Tuesday market at Great Dockray. Stall-holders at Keswick have expressed a willingness to come to Penrith in conversations with one of my residents who has raised this issue with me. Would the council officers investigate ways to resurrect the market in Penrith, including contacting stall-holders in the district and also look at using other open spaces, such as the paved area at St Andrews Church, for doing so in addition to the traditional site?”

The Economies and Enterprise Portfolio Holder responded as follows:

“The Council runs a number of markets including a monthly Farmers Market that takes place in Penrith along with a regular market that takes place in Appleby and a series of attempts have been made to resurrect markets taking place with Penrith including an artisan market being held in St Andrews Churchyard.

Previously, despite efforts, the lack of traders led to the decline of the market in Penrith, however there would appear to be a resurgence in interest in people wishing to trade on the market in Penrith with a flurry of new enquiries. Council officers will continue to encourage and support existing and new traders to come to the market and are currently exploring financial incentives such as reduced rent or rent free periods to encourage a greater number of market traders. In addition to the incentives, the provision of free Eden District Council car parking until 2021 is seen as a major benefit to encouraging both market traders and those in retail premises.

It should be noted that the Council also plays a vital role in promoting those markets that take place throughout Eden that the Council does not manage.

Focussing on Penrith, it should be noted that the town is particularly well served by a wide range of independent, high quality traders alongside a number of chain retailers. The success or otherwise of town centre markets will be influenced by the traders that come being able to provide a different range of goods and services than are currently available in town.

Councillor Eyles then asked a supplementary question asking if it would be acceptable for him to approach stallholders of the Keswick, Alston and Appleby markets to advise them of the information provided in the response by the Economies and Enterprise Portfolio Holder.

The Economies and Enterprise Portfolio Holder responded that she was happy for him to do so.

2. Councillor Chambers asked the following question:

“Can you please tell the Members of Eden District Council what it is going to cost to convert Voreda House to make it workable and a carbon free building?”

The Leader responded as follows:

“An initial strategic appraisal report was undertaken to appraise the architectural and technical issues involved in achieving a net zero carbon office building. The conclusion of this report was that it is technically possible to make Voreda House a net zero carbon office using the principles of Passivhaus design. At this stage it is not possible to be precise about costs and savings but this will become clear at the next stage of more detailed design which will be carried out in the coming months.”

Councillor Chambers then asked a supplementary question asking what the timescale was for this report to be presented to the Council?

The Leader responded that the report is expected within the next 4 months.

CI/45/9/20 Petition

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

‘STOP approving planning applications from Omega Proteins who are polluting the air with disgusting, nasty, sickening, obnoxious, smells. #penrithpong.

Why is this important?

Disgusting smell pollutes the air residents breathe. It is sickening, so residents are objected – without choice – to the horrible smell in their nostrils, in their homes, on their clothes. Plus, the smell distracts tourists to the area ie: it harms the tourist trade’.

Mr J Thomson presented the petition, and spoke for five minutes on why it had been brought forward to full Council.

Members were then allowed fifteen minutes to debate the substance of the petition.

Councillor Patterson, Chair of Planning Committee, advised that he was unable to comment on the smell produced by Omega Proteins as this was an Environmental Health issue. Councillor Patterson outlined the planning process and advised that all planning applications are considered thoroughly.

Councillor Clark suggested that all Members should visit the Omega Proteins factory to gain an understanding of what actually happens there.

Councillor Taylor advised that the Omega Proteins site was within her Ward. She stated that Eden District Council cannot refuse an application unless there was a material planning consideration. She advised that she was happy to talk to Mr Thomson about any future planning applications from Omega Proteins.

Councillor Sawrey-Cookson expressed his sympathy with the residents of Penrith as he felt that the smell had got worse since he first became a Councillor.

Councillor Thompson stated that Eden District Council cannot ignore any planning application and must follow Planning Law when considering all applications. Members must not come to Committee with any pre-determination.

Councillor Armstrong asked if Eden District Council could speak to the Environmental Agency about the smell produced by Omega Proteins.

Councillor Fearon advised that she felt the smell was often unacceptable and that Eden District Council should support anything that could be done to make the residents’ lives better. She felt that the smell blights the town.

CI/46/9/20 Motions on Notice

The following motion on notice was received under Rule 13 of the Constitution was received from Councillor Wicks:

Proposed by Councillor Wicks
Seconded by Councillor Chambers

“Members of Eden District Council have no confidence in Dr Virginia Taylor to lead the Council with regard for the law and the provisions of the Council’s Constitution.

Members are asked to note Dr Taylor’s failure to consult Members and follow due process in the matters of the departure of the Chief Executive and discussions with Carlisle City Council about sharing the services of their Chief Executive.

Dr Taylor has failed to follow due process, failed to engage with Members, failed to secure their trust and represented a Council position to another Local Authority without the necessary mandate. Accordingly, she fails to demonstrate that she has the qualities that are essential for effective Council leadership.

Therefore this motion seeks the removal from office of the Leader.

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

Councillors Eyles, Lynch, Rudhall, Thompson, Wicks

For the Motion – 16

(Councillors A Armstrong, K Beaty, I Chambers, M Clark, P Dew, H Fearon, S Lancaster, J Lynch, E Martin, A Meadowcroft, G Nicolson, J Raine, D Ryland, J Thompson, A Todd, D Wicks).

Against the Motion – 20

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

The Motion therefore **FELL**.

CI/47/9/20 Constitution Change - Deputy Head of Paid Service

Councillor Chambers left the meeting at 9.05pm.

Councillor Armstrong left the meeting at 9.05pm.

Councillor Thompson left the meeting at 9.10pm.

Mr Clark, Director People and Place left the meeting at 9.10pm.

The Monitoring Officer confirm that consultation had taken place with Councillor Eyles, Chair of Accounts and Governance Committee in relation to this item coming before Council direct rather than go to Accounts and Governance Committee first.

Councillor Eyles confirm that he was in agreement with this arrangement.

Members considered report G38/20 of the Monitoring Officer which sought consideration to an amendment to the Constitution which would provide for the appointment of a Deputy Head of Paid Service and that the amendment referred to in 1.1 of the report is approved to designate Les Clark as Acting Head of Paid Service.

Proposed by Councillor Greenwood
Seconded by Councillor Eyles

and **RESOLVED** that

1. Council approve an amendment to the Constitution to allow for the appointment of a Deputy Head of Paid Service to be appointed by the Council.
2. the Council approve Les Clark as the Acting Head of Paid Service.
3. the Assistant Director Governance amend the Constitution to reflect the above appointment.

The meeting was adjourned at 9.50pm for five minutes.

Councillors J Lynch, E Martin, H Fearon, D Wicks, K Beaty left the meeting at 9.50pm

CI/48/9/20 Appointment of Homelessness Champion

Mr Clark, Director People and Place returned to the meeting 9.55pm

Members considered report G34/20 of Assistant Director Governance which sought Members consideration to appointing a Homelessness Champion for the municipal year 2020/21.

Proposed by Councillor Rudhall
Seconded by Councillor Holden

and **RESOLVED** that Councillor Lawson be appointed as Homelessness Champion for the municipal year 2020/21.

CI/49/9/20 Management of Change Policy

Members considered report F29/20 of Interim Director of Corporate Services which sought the adoption of the new Management of Change Policy.

Proposed by Councillor Greenwood
Seconded by Councillor Rudhall

and **RESOLVED** that the Management of Change policy for use in the Council be approved.

CI/50/9/20 Temporary Pavement Licences

Members considered report PP33/20 of Director of People and Place which sought Council's decision on the delegation of authority to officers and the setting of licence conditions, for new temporary Pavement Licences to local business premises.

Proposed by Councillor Greenwood
Seconded by Councillor Ryland

and **RESOLVED** that:

1. Members noted the new provisions under the Business and Planning Act 2020 with regards to Pavement Licence.
2. Members agreed that the temporary pavement licence fee be set at £0.
3. delegated authority be granted to the following officers for the purposes provided at (a), (b) and (c) below:
 - i) Licensing Officers
 - ii) Assistant Director Community Services
 - iii) Director of People and Place
 - a) to decide whether to approve refuse or revoke pavement licences and to set their durations;
 - b) to decide which licence conditions are attached to each licence (selecting from local standard conditions, and non-standard conditions as appropriate); and
 - c) to enforce licence conditions and to vary or revoke individual licences.
4. Members agreed to the application of local conditions (as outlined in Appendix ii of the report) either expressly or by default pursuant to the Business and Planning Act 2020; and
5. delegated authority for the review and application of the 2021 fees be granted to the Assistant Director Community Services in consultation with the Resources Portfolio Holder.

CI/51/9/20 Date of Next Scheduled Meeting

The date of the next meeting was confirmed as 26 November 2020.

The meeting closed at 10.24 pm

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