

# Eden District Council

## Council Minutes

**Date: 24 February 2022 Venue: The Cumbrian Suite,  
Roundthorn Country House, Roundthorn, Penrith, CA11 8SJ.  
Time: 6.45 pm**

### Present:

Chairman: Councillor A Connell

Vice Chairman: Councillor D Banks

Councillors:

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

Officers Present: Paul Sutton, Interim Director of Resources  
Les Clark, Deputy Chief Executive  
Marianne Bastille, Assistant Director Finance & HR  
Ian Frost, Interim Chief Executive  
Lisa Tremble, Assistant Director Legal and Democratic Services

Democratic Services Officer: Lewis Powell and Karen Edmondson

### CI/70/02/22 Apologies for Absence

Apologies for absence were received from Councillors Holden, Burgin, Fearon and Meadowcroft and Todd.

### CI/71/02/22 Declarations of Interest

No declarations of interest were made.

## **CI/72/02/22 Minutes**

RECOMMENDATION: that the public minutes CI/58/01/22 to CI/69/01/22 of the meeting of Council held on 27 January 2022 be confirmed and signed by the Chairman as a correct record of those proceedings.

Proposed by Councillor Eyles  
Seconded by Councillor Harker

and **RESOLVED** that public minutes CI/58/01/22 to CI/69/01/22 of the meeting of Council held on 27 January 2022 be confirmed and signed as a correct record of those proceedings.

## **CI/73/02/22 Interim Chief Executive Announcement**

The Interim Chief Executive updated Members in respect of the IT issues the Council was currently undergoing and the measures being undertaken to maintain public access to the Council's website.

## **CI/74/02/22 Chairman's Announcements**

### **Time is running out to apply for free household energy-saving measures**

Eden District Council is administering the Green Homes Grant, which is helping households across Cumbria benefit from free energy-saving measures for their homes.

Residents are urged to apply as soon as possible, as up to £10k in grant funding is available, for a short time only.

Find out if you are eligible today by visiting [eonenergy.com/greenhomesgrant](https://eonenergy.com/greenhomesgrant).

### **Eden COVID Business Grant live – limited time to apply**

Eden businesses can still apply for the Omicron Hospitality and Leisure Grant.

The grant, administered by Eden District Council, is available for businesses in the Hospitality and Leisure sector that have lost out on trade because of the Omicron variant.

Businesses can apply by visiting [www.eden.gov.uk](https://www.eden.gov.uk) before Friday 18 March.

### **Council launches Inspiring Eden programme to boost local economy**

In the last month, Eden District Council has officially launched its Inspiring Eden Economic Prospectus, which looks to support local businesses and drive economic prosperity in the area.

The economic programme has been pieced together following feedback from local stakeholders and in collaboration with several key local organisations.

The new Prospectus provides an overview of the vision, direction of travel and work streams for driving economic recovery and prosperity across the district in the coming months and years.

For more information email [econ.dev@eden.gov.uk](mailto:econ.dev@eden.gov.uk).

### **Help shape the future of Local Government in Cumbria**

Anyone considering standing to become a councillor on the new Westmorland and Furness Council is being invited to an online briefing event to learn more about the election process.

The online briefing is being held Wednesday 2 March 2022, for agents and potential candidates looking to stand for election to the new authority.

You can register for the briefing by sending an email

to [communications@southlakeland.gov.uk](mailto:communications@southlakeland.gov.uk) before 28 February.

## **CI/75/02/22 Questions by the Public**

No questions on notice were received from the Public under Rule 10 of the Constitution.

## **CI/76/02/22 Questions by Members**

**Councillor Lawson asked the following question under Rule 12 of the Council and Committee Procedure Rules:**

We heard at the last Full Council that there are significant balances in the Council's accounts, largely accrued from Eden residents via their council tax payments. With the impending local government reorganisation, should the council now be seeking to work with its key stakeholders, local communities, town and parish councils to prepare a plan to commit the balances to projects that will benefit Eden residents in the long term with particular regard to investment in assets across the district, that may in the future become the responsibility of those local communities, or councils to manage?

**The Leader gave the following response:**

This Executive has over the past three years sought to invest in our district and its assets whilst maintaining a prudent and responsible approach to budget management and any burden on local tax payers.

The revised budget for 2021/22 as agreed by Council in November and this budget before members tonight contain significant investment proposals in key assets and services. These include Castle Park, Penrith Leisure Centre, Inspiring Eden Regeneration projects as well as achieving our ambitions for the retention of public sector workers in Penrith Town centre and expanding our investment in arts, culture, green homes and taking steps to deliver on our commitment to address the climate change ecological emergency. These investments are being made with no proposed increase in council tax next year due to the fiscal prudence we have shown in the last three years.

As you will see on item 10 on the agenda the Council holds both non earmarked reserves and reserves that are earmarked for specific projects.

Earmarked reserves (approx. £4million) forecast to end of 2022/23 will be transferred to the new Westmorland and Furness Council for the purpose they were created for. Non earmarked reserves currently (approximately £2million) will transfer on vesting day to the new authority.

A number of considerations need to be made before embarking on using those non earmarked reserves including

- Our capacity to spend and deliver in a single year
- Future revenue and capital implications for the new authority (and impact on future Council Tax)
- Diminishing the resources available to the new Council for important projects – especially those in Eden
- Creating financial uncertainty for the new authority and threatening services that benefit our residents in the future.

It should also be borne in mind that under the procedures for Local Government Reorganisation this and all other Councils in Cumbria are likely to be issued with a specific legal direction requiring any significant spend or new contracts to be agreed with the joint committee or shadow Westmorland and Furness authority before any commitment can be made. This legal direction will include the acquisition, sale or transfer of assets. Future funding decisions for those assets will therefore be the responsibility of the new authority.

I would emphasise that this Executive's commitment to responsible, prudent investment in local services remains as strong as ever as evidenced by the budget laid out for approval at item 10 of tonight's agenda. Local Government Reorganisation has not diminished desire or ambition to invest in assets and services but we must be mindful of both the impact on future tax burdens and future service provision for our residents. To that end we believe that we have set the right balance in our spending plans.

## **CI/77/02/22 Motions on Notice**

**The following Motion on Notice had been received under Rule 13 of the Constitution from Councillor Ryland;**

"The Council extends and accedes to the request for all residents in Eden to have access to a kerbside green waste collection."

Proposed by Councillor Ryland  
Seconded by Councillor Lancaster

Members then debated the Motion on Notice.

Members raised the following concerns:

- residents who contribute toward the service through their council tax, do not receive the garden waste recycling service;
- disparity in service between different locations in Eden; and
- delivering an inclusive service had been a top priority of the administration.

The Services Portfolio Holder commented that new legislation is still awaiting clarification. It is expected that funding will be made available in 2023 from Central Government to facilitate a Universal Kerbside Garden Waste Service.

The Leader also commented on the delay in the publication of the statutory guidance on the Environment Act 2021. This will confirm the expectations placed upon Councils and the financial support that is available. The Leader also commented that if Eden implemented a scheme now it would require commitment from the Council to a one off spend of £250,000 and a similar amount ongoing each year. In addition, she also mentioned that the announcement of Local Government Reorganisation suggested that major service changes should not be undertaken by predecessor councils. The Leader apologised to residents and asked for their patience for a little while longer

Members asked if the s24 direction will allow the £250,000 expenditure to be made, in addition it was also queried if Eden District Council bought their own bins would this stop central government from taking this expenditure on. The Interim Director of Resources clarified that the s24 will restrict expenditure but as of now it was unclear by how much, there would likely be a capital restriction, in investing in vehicles and bins, and a revenue

restriction. He also added that the practicalities in relation to how quickly the vehicles can be gotten is one of the bigger barriers in a scheme like this. The Deputy Chief Executive also added that from a funding point of view it is more likely that the central government will not fund any investment made in advance of the statutory guidance being in place.

**Under rule 17.4 of the Council and Committee Procedure Rules a named vote was requested by Councillor Atkinson, the following Councillors rose in support of it: Councillors: Raine, Lynch, Lancaster and Martin.**

For the motion: 14

(Councillors Armstrong, Atkinson, Briggs, Chambers, Clark, Dew, Lancaster, Lynch, Martin, Nicolson, Raine, Ryland, Sawrey-Cookson and Wicks)

Against the motion: 17

(Councillors Banks, Connell, Derbyshire, Eyles, Greenwood, Hanley, Lawson, McCall, Patterson, Robinson, Ross, Rudhall, Sharp, Simpkins, Smith, Taylor and Tonkin.)

Abstain: 2

(Councillors Baker and Harker)

The motion therefore **FELL**.

## **CI/78/02/22 Establishment of a Westmorland and Furness Joint Committee**

Members considered Report No: CE1/22 of the Interim Chief Executive which recommended that as one of the Councils making up the area which will be covered by the forthcoming Westmorland and Furness Council, that a Westmorland and Furness Joint Committee is established.

The Resources Portfolio holder outlined that Members will be asked to vote for either Councillor Robinson or Councillor Ryland for the third seat of the Committee. This required an amendment to recommendation 5.

Proposed by Councillor Greenwood

Seconded by Councillor Eyles

Members questioned the amount of work that the Joint Committee will need to undertake: it will need to agree a constitution, budget, code of conduct, Member's allowances and a calendar of meetings, amongst other issues in a timescale of 4 to 5 weeks. The Assistant Director Legal and Democratic Services clarified that a lot of the work is currently underway and is near delivery for Members.

and **RESOLVED** that Council:

1. agreed to the establishment of the Westmorland and Furness Joint Committee as detailed in the report and to the terms of reference attached at Appendix 1;
2. delegated the non-executive functions within the Terms of Reference to the Westmorland and Furness Joint Committee;

3. delegated to the Assistant Director Legal and Democratic Services, in consultation with the Leader and Chair of Full Council the making of any minor changes to the terms of reference following consideration by other councils making up the Joint Committee;
4. authorised the Assistant Director Legal and Democratic Services to make the necessary amendments to the Council's constitution and to update the Council's scheme of delegation in Part 2 of the Constitution;
5. accepted the nominations of Councillor Taylor and Councillor Wicks and appoint them to the positions on the Westmorland and Furness Joint Committee in accordance with the political representation and balance calculation
6. agreed to delegate authority to the Chief Executive in consultation with the Leader to agree the host authority; and
7. agreed that this Joint Committee will be/is the Westmorland and Furness Joint Committee for the purposes of the Cumbria (Structural Changes) Order 2022.
8. Due to the change in political makeup, the proportionality for the final seat on the Committee requires a vote between Councillor Robinson and Councillor Ryland who are the two nominations for the relevant political parties, with the successful Councillor appointed to the position on the Westmorland and Furness Joint Committee.

and **RESOLVED** that: Councillor Robinson be appointed to the position on the Westmorland and Furness Joint Committee.

## **CI/79/02/22 Annual Review of the Treasury Management and Capital Strategy**

Members considered Report No: DoR18/22 of the Chief Executive which set out and sought approval for the Treasury Management and Capital Strategy for 2022-2023 the Prudential Indicators for years 2022-2025 and the Minimum Revenue Provision Statement for 2022-2023.

Proposed by Councillor Greenwood  
Seconded by Councillor Derbyshire

Members commented on:

- the lack of reference to Local Government Re-organisation; and
- the lack of reference to the war in Ukraine.

The Interim Director of Resources clarified that Local Government Reorganisation will have a greater impact on the budget directly rather than on the investment strategy, he reiterated that they are in daily contact with treasury management advisors and cash reconciliations are done daily. Any major impacts will be brought to Accounts and Governance Committee, any drastic impacts will go to Council.

and **RESOLVED** that:

1. The 2022-2023 Treasury Management and Capital Strategy Statement, as detailed in section 3, including the Minimum Revenue Provision Policy, be approved; and
2. The Prudential and Treasury Indicators for 2022-2025, set out in Appendix A, including external borrowing limits, be approved.

## CI/80/02/22 Final Budgets 2022/23 & Medium Term Financial Plan

Members considered Report No: DoR20/22 of the Interim Director of Resources which considered the following matters:

1. the Council is required to produce a balanced budget for 2022/23 as the basis for calculating its level of Council Tax. It has to base that budget on its Corporate Plan priorities and service delivery requirements estimated for the year, recognising any changes in service demand that may arise in future years.
2. the Cabinet made recommendations to Council, on this basis, at its meeting on 22 February 2022.
3. the report also includes statutory advice from the Chief Financial Officer on the robustness of the estimates included in the budget and the adequacy of the Council's reserves.

Proposed by Councillor Taylor  
Seconded by Councillor Eyles

Members commented on the corporate plan, and the vulnerability of fuel and energy supplies, Members also expressed concern over 12% of the year's budget going towards Local Government Review. Members welcomed the freeze on Eden's proportion of Council Tax, but argued that it could have been lowered due to the good financial position of the Council.

The Housing and Health Portfolio Holder commented that the work Eden District Council is doing on Green Homes Grants is a part of the Carbon Zero programme and that this actually helps residents reduce their bills and creates healthier homes.

**In accordance with Rule 17.6 of the Council and Committee Procedure Rules a named vote was taken.**

For the Motion: 33

(Councillors Armstrong, Atkinson, Baker, Banks, Briggs, Chambers, Clark, Connell, Derbyshire, Dew, Eyles, Greenwood, Hanley, Harker, Lancaster, Lawson, Lynch, Martin, McCall, Nicolson, Patterson, Raine, Robinson, Ross, Rudhall, Ryland, Sawrey-Cookson, Sharp, Simpkins, Smith, Taylor, Tonkin and Wicks)

Against the Motion: 0

Abstained: 0

and **RESOLVED** that Council:

1. considered and approved the balanced budget as set out in Appendix 1;
2. considered and approved a freeze on Eden District element of the Council Tax for 2022/23;
3. considered and approved the capital programme 2022/23 – 2025/26 as set out in Appendix 2;
4. approved the Medium Term Financial Plan (MTFP) for 2022/23 to 2025/26 as set out in Appendix 3;

5. noted the impact of the proposed budget on reserves and approve the reserves as set out in Appendix 4;
6. noted the budget consultation responses summarised at section 13 and detailed at Appendices 5 & 6 (Appendix 6 to follow on closure of the consultation 21 February); and
7. noted the contents of the Section 25 statement from the Interim Director of Resources contained in paragraphs 3.5 to 3.12 in relation to robustness of estimates and adequacy of reserves.

## CI/81/02/22 Setting of the Combined Council Tax 2022-23

Members considered Report No: DoR17/22 of the Interim Director of Resources which sought authorisation from Council to set the Council Tax for the Year 2022/23.

Proposed by Councillor Greenwood  
 Seconded by Councillor Tonkin

In accordance with Rule 17.6 of the Council and Committee Procedure Rules a named vote was taken.

For the Motion: 33

(Councillors Armstrong, Atkinson, Baker, Banks, Briggs, Chambers, Clark, Connell, Derbyshire, Dew, Eyles, Greenwood, Hanley, Harker, Lancaster, Lawson, Lynch, Martin, McCall, Nicolson, Patterson, Raine, Robinson, Ross, Rudhall, Ryland, Sawrey-Cookson, Sharp, Simpkins, Smith, Taylor, Tonkin and Wicks)

Against the Motion: 0

Abstained: 0

and **RESOLVED** that Council:

1. noted that on 17 December 2021, under powers delegated under Part 3, Schedule 1, Paragraph 7 of the Council's Constitution, the Chief Finance Officer calculated the Council Tax Base, for the financial year 2022-2023, for the whole Council area, as 20,832.44 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
2. resolved that the following amounts be now calculated by the Council for the year 2022/23 in accordance with sections 31 to 36 of the Act:

a	Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by parish councils	24,926,058
b	Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act	19,539,306
c	Being the amount by which 2.2a above exceeds 2.2b above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (Item R in the formula in Section 31B of the Act)	5,386,752
d	Being the amount at 2.2c above (Item R), all divided by Item T (1.1 above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including	258.58

	Special Items)	
e	Being the aggregate amount of all Special Items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the Act	1,204,640
f	Being the amount at 2.2d above, less the result given by dividing the amount at 2.2e above by Item T (1.1 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Special Items relate.	200.75

### **CI/82/02/22 Pay and Pension Discretions Policy Statement 2022/2023**

Members considered Report No: DoR19/22 of the Interim Director of Resources which enabled consideration to be given to the attached Pay Policy Statement with a view to approving the statement to enable the Council to meet the requirements of the Localism Act 2011.

Proposed by Councillor Greenwood  
 Seconded by Councillor Taylor

and **RESOLVED** that the attached Pay and Pensions Discretions Policy Statement be adopted with effect from 1 April 2022.

### **CI/83/02/22 Date of Next Scheduled Meeting**

The date of the next scheduled meeting of Council was confirmed as being Thursday 24 March 2022 at 6:45 P.M.

The meeting closed at 8.10 pm

.....