

Eden District Council

Council Minutes

Date: 22 September 2022 Venue: The Council Chamber, Town Hall, Corney Place, Penrith, CA11 7QF Time: 6.45 pm

Present:

Chair: Councillor D Banks

Vice Chair: Councillor M Eyles

Councillors:

C Atkinson	E Martin
P G Baker	N McCall
R Briggs	A Meadowcroft
R Burgin	W Patterson
M Clark	J Raine
A Connell	M Robinson
J Derbyshire	A Ross
P Dew	M Rudhall
H Fearon	D Ryland
K Greenwood	G Simpkins
M Hanley	L Sharp
L Harker	V Taylor
D Holden	A Todd
S Lancaster	M Tonkin
D Lawson	D Wicks
J C Lynch	

Officers Present:

Ian Frost, Interim Chief Executive
Lisa Tremble, Assistant Director Legal and Democratic Services
Les Clark, Deputy Chief Executive
Paul Sutton, Interim Director of Resources
Amanda Yellowley, Assistant Director Customers, Performance & Housing

Democratic Services Officer: Karen Edmondson and Ian Bonfig

CI/117/09/22 Apologies for Absence

Apologies were received from: Councillor Armstrong, Councillor Chambers, Councillor Nicolson, and Councillor Smith.

CI/118/09/22 Declarations of Interest

There were no declarations of interest received.

CI/119/09/22 Minutes

Proposed by Councillor Banks
Seconded by Councillor Robinson

and **RESOLVED** that the public minutes CI/108/07/22 to CI/116/07/22 of the meeting of Council held on the 28th July 2022 be confirmed and signed as a correct record of those proceedings.

CI/120/09/22 Chair's Announcements

The Chair of the Council attended the following events:

- Reading of a proclamation at Carlisle Cathedral.
- Mayor of Allerdale's civic service in Keswick.
- Carlisle Great Fair Breakfast and Service in Carlisle.
- Cumbria Farming Awards Ceremony in Kendal.
- Penrith Town Council's Queen's Remembrance Service at St. Andrews Church, Penrith.
- Volunteering at a food bank run by the Salvation Army.

Upcoming Events:

- 14th October 2022 – Musical charity event – The Council Chamber, Penrith Town Hall.
- 12th December 2022 - Eden District Council's Chair's Carol Service - St. Andrews Church, Penrith.

CI/121/09/22 Questions by the Public

Councillor Jonathan Davies asked the following question under Rule 10 of the Council and Committee Procedure Rules:

Requests have been made to Eden Council for Community governance review by Clifton Community Council and others in Eden to review and reduce the number of seats on the respective parish councils ahead of the May 2023 election.

This in order to ensure the councils can function, be quorate and enable the councils to be able to use General power of competency to help support and deliver for our communities in a time of local government changes and transition after the May 2023 elections.

The Monitoring officer has said a proper request for CGR by the parish councils has not been received.

Eden has in the past carried out very few communities' governance reviews however most of the reviews conducted have occurred at the request of the parish councils involved rather than via a petition for a community governance review.

Can the leader please explain why Eden council is refusing to carry out Community governance reviews when requested by multiple parish councils in Eden ahead of Local Government reorganisation?

The Leader of the Council gave the following response:

This matter is not within the remit of the Leader, however advice has been taken from the Monitoring Officer.

The Local Government and Public Involvement in Health Act 2007 sets out how community governance reviews can be initiated and requested. Eden District Council has received no request which amounts to an application or petition as defined under the Act. In the absence of such a request the Council is not required to undertake a Community Governance Review, nor issue a formal refusal under that Act.

In the absence of a qualifying application, the Council, as principal council under the Act, may carry out a Community Governance Review at its own discretion. However, the Council does not intend to exercise this discretionary power, having regard to the context of local government reorganisation and limited time to complete any such review in advance of vesting day and May 2023 elections.

The Council's consideration of these factors is pragmatic and in line with guidance which notes that principal Councils should use their knowledge and awareness of local issues when deciding whether to undertake a review and have regard to instances in which a wider area of review may be more appropriate than piecemeal reviews.

Councillor Davies asked the following supplementary question:

The leader may or may not be aware that the original question put was actually heavily censored by officers at this council and included examples given of other councils going through local government reorganisation in Cumbria that are at this moment in time conducting community governance reviews such as Allerdale, Barrow has also conducted a community governance review as is Carlisle. So the leader has made a statement after the fact that because of local government reorganisation it's not happening.

Is the leader aware of the fact that town and parish councils are facing a real issue with retaining and getting members and this failure to conduct a governance review caused severe difficulties going forward for parish councils in Eden?

The Leader of the Council indicated that a written response would be provided.

CI/122/09/22 Questions by Members

There were no questions from Members of the Council.

CI/123/09/22 Motions on Notice

The following Motion on Notice was received under Rule 13 of the Constitution.

Councillor Ross proposed that her original motion be changed to contain the words 'a form of' proportional representation, further that Members may remove the preamble text contained in the original motion.

The proposed motion therefore reads as:

Eden District Council resolves to write to H.M. Government calling for a change in our outdated electoral laws to enable a form of Proportional Representation to be used for general elections.

Proposed by Councillor Ross
Seconded by Councillor Lawson

An amendment to the motion was proposed by Councillor Connell that the preambular text be removed and that the motion read as follows:

Eden District Council resolves to write to H.M. Government calling for a change in our outdated electoral laws to enable Single Transferable Vote to be used for parliamentary elections.

Proposed by Councillor Connell
Seconded by Councillor Taylor

Members debated the motion and raised the following viewpoints:

- The timing of the motion was inopportune in light of other societal challenges.
- There are arguments both for and against proportional representation and while it may work in some places, it may not work everywhere.
- The current electoral system allowed for limited representation.

Voting for the amendment commenced. The Chair cast a deciding vote in favour of the amendment. The motion to amend was carried.

Voting for the amended substantive motion commenced.

and **RESOLVED** that:

Eden District Council resolves to write to H.M. Government calling for a change in our outdated electoral laws to enable Single Transferable Vote to be used for parliamentary elections.

CI/124/09/22 Allocation of Seats on Committees and Working Groups

Members considered report no: DoR69/22 of the Assistant Director Legal and Democratic Services, which sought to propose the distribution of seats in accordance with the rules of political proportionality and to make appointments to the committees for the remainder of the 2022/2023 municipal year.

Motion without Notice received under Rule 14 of the Council Procedural Rules:

That the committee seat allocations remain unchanged for the duration of the municipal year.

Proposed by Councillor Clark
Seconded by Councillor Ryland

The Monitoring Officer noted that the Council should, in so far as possible, seek to adhere to the legal principles on political proportionality as legislatively required.

Councillor Fearon left the Council Chamber at 7:15 p.m.

The motion without notice **failed** with two votes in favour, two votes in abstention, and seventeen votes against.

Council proceeded to vote on the recommendation as contained in the report.

and **RESOLVED** that:

1. the proposed allocation of seats as set out in this report be approved;
2. the appointment of Members to Committees as set out in Appendix 2 be approved subject to the following amendments:
 - Accounts and Governance Committee: Councillor Armstrong to be confirmed as the Conservative Member.
 - Overview and Scrutiny Committee: Councillor Fearon to be removed as a Conservative standing deputy.
 - Planning Committee: Councillor Burgin to be added as a Liberal democrat standing deputy.
3. the appointment of Members to Working Groups as set out in Appendix 3 be approved subject to the following amendments:
 - Zero Carbon Working Group: Councillor Lancaster removed as the Independent Group Member, and Councillor Rudhall added as the Liberal Democrat Member.
 - Planning Policy Working Group: Councillor Lancaster added as the Independent Group Member.
4. the Green Group and Labour Group adopt a reciprocal arrangement whereby the nominated Members can act as Standing Deputies.

The appointment of Members and Standing Deputies to Committees be as follows:

Accounts and Governance Committee – 9 Members

Conservative Group	R Briggs, D Wicks, A Armstrong
Green Group	0
Independent Alliance	K Greenwood, W Patterson
Independent Group	S Lancaster
Labour Group	0

Liberal Democrat Group	A Connell, M Eyles, N McCall
Standing Deputies	A Meadowcroft, A Todd, C Atkinson, D Banks, D Ryland, P Baker, L Harker, D Smith

Overview and Scrutiny Committee – 12 Members

Conservative Group	G Nicolson, J Raine, D Wicks
Green Group	D Lawson
Independent Alliance	D Banks
Independent Group	D Ryland, M Clark
Labour Group	M Hanley
Liberal Democrat Group	D Holden, G Simpkins, D Smith, R Burgin
Standing Deputies	P Dew, A Todd, C Atkinson A Ross, W Patterson, S Lancaster, P Baker, M Eyles, N McCall, A Connell

Finance Scrutiny Committee – 9 Members

Conservative Group	P Dew, G Nicolson, D Wicks
Green Group	0
Independent Alliance	W Patterson
Independent Group	D Ryland, S Lancaster
Labour Group	0
Liberal Democrat Group	P Baker, N McCall, R Burgin
Standing Deputies	C Atkinson, R Briggs, A Meadowcroft, D Banks,

	E Martin, M Clark D Holden, L Harker, G Simpkins
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Human Resources and Appeals Committee - 9 Members

Conservative Group	R Briggs, J Raine, A Meadowcroft
Green Group	0
Independent Alliance	D Banks, M Robinson
Independent Group	M Clark
Labour Group	0
Liberal Democrat Group	R Burgin, G Simpkins, V Taylor
Standing Deputies	I Chambers, D Wicks, C Atkinson K Greenwood, W Patterson, D Ryland A Connell, J Derbyshire, M Eyles

Licensing Committee - 10 Members

Conservative Group	C Atkinson, A Meadowcroft, J Raine
Green Group	D Lawson
Independent Alliance	M Tonkin
Independent Group	H Sawrey-Cookson
Labour Group	M Hanley
Liberal Democrat Group	P Baker, L Harker, D Holden
Standing Deputies	I Chambers, D Wicks A Ross, D Banks, L Sharp, S Lancaster, M Eyles, G Simpkins, N McCall

Planning Committee - 11 Members

Conservative Group	I Chambers, D Wicks, E Martin
Green Group	A Ross
Independent Alliance	W Patterson
Independent Group	H Sawrey-Cookson
Labour Group	M Hanley
Liberal Democrat Group	D Holden, M Eyles, G Simpkins, P Baker
Standing Deputies	R Briggs, A Meadowcroft, G Nicolson, D Lawson, D Banks, M Clark, L Sharp, L Harker, D Smith, N McCall, R Burgin

The appointment of Members to Working Groups be as follows:

Zero Carbon Working Group

Conservative Group	Cllrs Meadowcroft, Raine
Green Group	Cllrs Ross, Lawson
Independent Alliance	Cllr Tonkin
Independent Group	
Labour Group	Cllr Hanley
Liberal Democrat Group	Cllr Smith, Taylor, Rudhall

Planning Policy Working Group

Conservative Group	Cllr Wicks
Green Group	Cllr Ross
Independent Alliance	Cllr Patterson
Independent Group	Cllr Lancaster
Labour Group	Cllr Sharp
Liberal Democrat Group	Cllrs Derbyshire, Holden, Taylor

Single Site Working Group (formerly One Eden Working Group)

Conservative Group	Cllrs Nicolson, Wicks
Green Group	Cllr Ross
Independent Alliance	Cllr Greenwood
Independent Group	Cllr Ryland
Labour Group	Cllr Sharp
Liberal Democrat Group	Cllrs Harker, McCall, Simpkins

CI/125/09/22 Sockbridge and Tirril Parish Council

Members considered the report no: DoR71/22 of the Assistant Director Legal and Democratic Services, introduced by the Portfolio Holder for Communities, which sought to obtain approval for the issuing of an Order under Section 91 of the Local Government Act 1972, as amended, to temporarily appoint persons to Sockbridge and Tirril Parish Council in order for the parish council to conduct its business.

Councillor Martin left the Council Chamber at 7:18 p.m.

Councillor Lynch left the Council Chamber at 7:20 p.m.

Councillor Lynch returned to the Council Chamber 7:22 p.m.

A Member objected to the appointment of Councillor Hughes to Sockbridge and Tirril Parish Council.

The Monitoring Officer clarified that the recommendation did not appoint any specific Councillors, but only, and in line with the applicable legislation, granted delegated power to the Monitoring Officer to make temporary appointments of 'persons' such that the Parish Council was quorate and could conduct urgent business.

A Member noted the difficulty in obtaining members of the public to stand for parish councils, and that some Parish Councils were struggling with this issue in particular, and enquired whether there were specific issues that resulted in Sockbridge and Tirril Parish Council being inquorate. The Monitoring Officer advised that this information would be collated and circulated to Members.

Proposed by Councillor Sharp
Seconded by Councillor Robinson

and **RESOLVED** that the Assistant Director Legal and Democratic Services (Monitoring Officer) be authorised to:

1. take all necessary steps to make an Order under Section 91 of the Local Government Act 1972, to temporarily fill sufficient vacancies in the membership of Sockbridge and Tirril Parish Council as will make it quorate; and
2. arrange for administrative support to be provided as appropriate.

CI/126/09/22 Affordable Housing Schemes

Members considered report no: DoR65/22 of the Interim Director of Resources, introduced by the Portfolio Holder for Housing, which sought funding from the s106 Affordable Housing Fund contributions to support the delivery of 47 affordable housing units within Eden.

Councillor Lynch left the Council Chamber at 7:29 p.m.

A Member enquired about the difference in the energy efficiency approaches of the two groups.

The Assistant Director for Customers, Performance and Housing advised that there was a difference, mainly in bringing the homes up to the recently introduced new building standard regulations in the case of the Home Group, whereas in the case of the Genesis Group, it was to build net-zero homes.

A Member stated that while not against the principle of affordable homes, they noted that the Council was subsidising affordable homes, while existing section 106 agreements were in place.

Proposed by Councillor Derbyshire
Seconded by Councillor Lawson

and **RESOLVED** that:

- the following funding be approved to enable the delivery of affordable energy efficient homes:

- £250,000 - Home Group, Westmorland Road, Appleby;
 - £180,000 – Home Group, Hunter Lane, Penrith;
 - £100,000 – Genesis, Pennine View, Calthwaite
- That funding is subject to completion of a funding agreement with delegation to the Assistant Director of Legal and Democratic Services to draft and approve terms.

CI/127/09/22 Date of Next Scheduled Meeting

The date of the next scheduled meeting of Council was confirmed as Thursday, 24th November 2022.

The meeting closed at 7.38 pm

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