

Eden District Council

Overview and Scrutiny Committee Minutes

Date: 6 October 2022 Venue: The Council Chamber, Town Hall, Corney Place, Penrith, CA11 7QF Time: 6.45 pm

Present:

Chair: Councillor J Raine
Vice Chair: Councillor D Ryland
Councillors: D Banks D Lawson
R Burgin G Nicolson OBE
M Clark G Simpkins
D Holden
Standing Deputies: Councillor N McCall
Officers Present: Les Clark, Deputy Chief Executive
Amanda Yellowley, Assistant Director Customers,
Performance & Housing
Democratic Services Officer: Karen Edmondson and Ian Bonfig

OS/16/10/22 Apologies for Absence

Apologies were received from Councillor Smith - Councillor McCall deputised.

OS/17/10/22 Declarations of Interest

There were no declarations of interest received.

OS/18/10/22 Minutes

Proposed by Councillor Raine
Seconded by Councillor Ryland

and **RESOLVED** that the minutes OS/10/09/22 to OS/15/09/22 of the meeting of this Committee held on the 1st September 2022 be confirmed and signed as a correct record of those proceedings.

OS/19/10/22 Question and Answer Session: Communities Portfolio Holder

Members of the committee partook in a question and answer session with the Communities Portfolio Holder, Councillor Sharp:

- **The gym refurbishment at Penrith Leisure Centre:**

The Portfolio Holder noted that the gym was the main source of income for the leisure centre and in most cases subsidised many of the other activities provided.

As part of the tendering arrangements for the leisure centre in 2012, the responsibility for day to day maintenance rested with the operator, currently GLL, whereas responsibility for the replacement of items when they reach the end of their life cycle rested with Eden District Council. Funding for the replacement of items was ring-fenced within the Council's capital programme over the ten year period, to be drawn down as and when required for the replacement of items.

It was further noted that the gym equipment at the Penrith Leisure Centre had actually stretched the life cycle (4-5 years) of the equipment, which was last replaced in 2012. As part of its Covid response the gym had expanded into the Eden room to allow for greater spacing, this was to be retained to ensure a continued improved customer experience. It was anticipated that the refurbishment would be completed by the end of November due to broader supply chain issues experienced by other gyms in terms of securing new equipment.

Members asked the following questions of the Communities Portfolio Holder on the matter:

1. Has there been any negative comments about the energy costs?

Response: The Interim Assistant Director of Communities, Peter Appleton, advised that there are ongoing issues with the utility crisis for all leisure operators. The biggest expense for GLL in terms of energy costs at the gym is the swimming pool and discussions are ongoing toward a resolution.

2. The gym equipment contract was awarded to Life Leisure, how many quotations from companies were received in total?

Response: Three quotations were received.

3. Has the numbers of gym members increased since Covid?

Response: We don't have the exact figures at present. There was a decrease during Covid, with numbers presently increasing.

4. Who owns the gym equipment and what happens to the old equipment?

Response: The equipment and building are owned by the Council. The remaining (old) equipment has limited value due to its limited and extended life cycle and likely has scrap value.

5. Who is responsible for marketing and the beneficiary of such marketing?

Response: The Interim Director for Communities advised that GLL as the operator is responsible for marketing and the increase in membership benefits their income lines which in turn lowers the subsidy.

6. Do the 1048 gym members include Appleby or is it just Penrith?

Response: The membership figure is only for Penrith.

The Member enquired further why the charges were different for Appleby and Penrith. The Communities Portfolio Holders advised that a response would be provided.

- **Frenchfield 3G football pitch:**

The Portfolio Holder advised that Council had confirmed on the 29th July 2021 that £100 000 be set aside to support the club through investments in infrastructure. Officers, in order to maximise the investment, brought together the club and Football Foundation which has a grant fund to part fund improvements to the stadium. The Football Foundation had brokered the possibility of contributing to the installation of a 3G pitch and improved infrastructure. This would facilitate the use of the pitch 7 days a week, rather than once or twice, as well senior and junior women and girls' football. This would further serve to increase public accessibility, improve the site itself and the club's financial viability.

The Portfolio Holder noted further that the provision of a 3G pitch at Newton Rigg was not pursued after a discussion between the football foundation, the club, football association and Newton Rigg's owners. The Council has been asked by the Football Association and Football Foundation to procure the works as the freedom holder of the facility during the closed season in 2023, and that a framework was in place to facilitate this.

It was also noted that the Council's consultant had secured £150 000 from the Premier League Fund.

Members asked the following questions of the Communities Portfolio Holder on the matter:

7. Is the consultant working for the council?

Response: The Portfolio Holder advised that a written response would be provided as they did not have the information at hand.

8. Originally was the spare ground going to be upgraded and now they're doing the pitch?

Response: Yes, the pitch is going to be upgraded. The spare ground will likely be kept as spare ground for extra practice as part of the detailed planning design which will set out these details.

9. Can they play league matches on a 3G pitch?

Response: Yes.

10. Isn't a 3G pitch going to be out of date as soon as it's put in, as we're on 5G now?

Response: There are 3G and 4G pitches. 3G pitches are better suited for this type of football, whereas the 4G pitches are better suited to hockey and rugby.

The Interim Assistant Director for Communities advised that the governing bodies only allowed league matches on 3G pitches, further that 4G pitches were not suitable for competitive football.

OS/20/10/22 Question and Answer Session: Leader of the Council

Members of the committee partook in a question and answer session with the Leader of the Council, Councillor Taylor:

- **Nutrient Neutrality:**

The Leader of the Council noted that the catchment area of the River Eden impacted upon the development and planning progress within the district due to its large area of coverage. Further, that the nutrient load impacted upon all planning submissions within the catchment area as these would now require mitigation measures to be present when submitted for planning approval. The burden on planning authorities and developers was therefore considerable. The Council was commissioning a calculator to support developers with this new requirement, including the appointment of an environmental manager to support this work area, as well as partnering with Carlisle City Council.

Members asked the following questions of the Leader on the matter:

1. Why are some authorities (Carlisle and Allerdale) passing planning application subject to nutrient neutrality mitigation being a condition of the approval whereas Eden isn't?

Response: Each planning authority is responsible for its own statutory local plan. Carlisle is doing this as they feel as it is more useful for development. The legal advice that the Council sought is that there are pitfalls in doing this, in that if approval is granted in principle, there are various things that might change before the issues of nutrient neutrality can be solved, therefore it is more prudent for the developer to do this calculation and provide the mitigation measures, thereby solving the issue of nutrient neutrality along with the application.

2. There is a concern that we are going to be passing on a number of planning applications to the new authority:

Response: This is due to nutrient neutrality, not for any other reason.

3. Are we in discussion with Tyne and Northumberland Council about Alston being in the River Tyne catchment area, as Alston generally has quite a high proportion of planning applications?

Response: whilst Alston is in the River Tyne catchment area, the River Tyne catchment has not been identified as one of the catchments to which the nutrient neutrality rules applies.

4. As long as you provide mitigation then the application should be fine?

Response: If you can do the calculation, then you can do the mitigation. The issue is that there is very little expertise available to determine what mitigation would work in the circumstances, Eden along with other authorities and those in the development industry are struggling with this. The rules were introduced without guidance being in place.

5. The majority of planning applications Eden receives are much smaller than larger developments, will authorities not have to step in to assist with mitigation?

Response: Nutrient neutrality doesn't apply to every application, it applies to certain types and scales of development, generally to an increase in the amount of people, the types of developments that this would include are for instance, a new residential housing development or overnight accommodation.

6. Conditions on planning consent require them to be met and delivered, if not, the prospect of enforcement arises, has any thought been given to the planning enforcement capacity?

Response: It would be interesting to see how the calculation for mitigation could be done, as there are difficulties in monitoring both the effect of the development and the mitigation.

7. My concern is the mitigation sites, which likely will not be connected to the development sites. Block—buying of mitigation sites to obtain planning approval therefore might be of concern. In Eden, though some smaller developments are connecting the two, so hopefully these will be approved before the Council dissolves.

Response: The Eden statutory local plan is still the local plan for quite some time, even after vesting day. The planning system will similarly continue through vesting day into the new authority.

- **Planning and Local Government Reorganisation**

The Leader of the Council noted that detailed delivery plans had been drafted. The statutory local plans for Eden, South Lakeland and Barrow would remain as they are. Local Members from those local areas would therefore be on the local planning committees where the planning decisions are made. There would be strategic planning committees and the relationship with the local planning committees would still need to be worked out. In practice, major transport schemes and really significant scale developments (housing, commercial and development) would often go to the strategic committees before going to Council for any formal decision making.

The Leader of the Council noted further that upon vesting day, all of the existing systems and officers carrying out building control, planning policy, and development, would transfer to the new authority and would continue to operate the systems as they do now, and the transition into harmonising those system would be a post-vesting day task.

Members asked the following questions of the Leader:

8. With the planning portion being maintained in Eden, will the capacity remain or will there be redundancies?

Response: On vesting day, the vast majority of staff will transfer over to the new authority and there will not be any reduction in capacity.

9. A large majority of our planning staff at present are consultants, how does that work?

Response: The use of temporary staff/consultants which is pretty extensive across all of the the authorities is being picked up with LGR, operating on the principle that we need to maintain the scale of resources that we currently have into the new authority so that it isn't left with any gaps. There is a piece of work within LGR focusing on this to ensure that capacity remains.

10. When LGR starts anything that EDC owns will transfer to the new authority, will a parish or town council still be able to have something devolved? Has Penrith Town Council shown any interest in taking over Castle Park?

Response: There is a statement about devolution of assets for the programme. Everything that Eden District Council owns transfers to Westmorland and Furness. Devolution of assets takes time and resources. Westmorland and Furness at present doesn't have a policy or budget at present, therefore discussions about devotion of assets will have to wait until after vesting day. This was stated by this committees Task and Finish Group work on the subject.

- **Council Communications**

A member enquired about the agreement to create a Whatsapp group for Councillors. The Leader advised that she would enquire and respond.

OS/21/10/22 Question and Answer Session: Green Growth Portfolio Holder

Members of the committee partook in a question and answer session with the Green Growth Portfolio Holder, Councillor Rudhall:

- **Carbon Emissions:**

All the data from buildings owned by Eden District Council had been input into energy management software which allows the council to monitor its energy consumption, including that of the various leisure centres in Eden. Further, that a bid had been submitted to the low carbon skills fund in June for which they were awaiting the outcome, the funds of which would be used at the Town Hall and Penrith Leisure Centre to assist with carbon reduction measures. A company will also be selected from a number of bidders to carry out assessments on the rest of the buildings in Eden District Council.

- **Electric Vehicle (EV) Infrastructure**

The Cumbria EV Infrastructure group submitted a bid to the levy fund. The group is comprised of the various local authorities in Cumbria, including the County Council. Phil Grey is the project manager and responsible for the submission of various bids. If successful, 135 EV chargers will be installed in Eden. Plug and Go are also looking at installing additional charges at Drovers Lane Car Park and Penrith Leisure Centre if their bids are successful.

- **Exemplar New Homes**

Contracted to deliver low cost, affordable housing, to an eco-standard through Harrabry Green, with feasibility work and site identification having been undertaken. The Low Hesket site option was selected as most suitable for the exemplar homes, however the nutrient neutrality requirements have stalled progress with the planning application.

A Member enquired where the location of the site was in Low Hesket and whether once complete it would be similar to that of Genesis Homes in Copeland. The Green Growth Portfolio Holder noted that the site was quite small, between 5 and 6 homes. Slides of the location were presented to the committee.

- **Greening Eden Businesses**

Fund established to assist business with reducing their carbon footprint. 51 business have been visited, 36 audits and 7 grants awarded thus far. The carbon reduction measures include the installation of solar panels, insulation of walls. £87 000 has been awarded thus far of the allocated £100 000. In 2020/2021, no funds were awarded due to Covid, there is £100 000 remaining for next year and potential use for the previously allocated £150 000 which remains unused from Covid.

- **COP26 Community Fund**

£160 000 has been allocated to support community led sustainability projects across Eden for community organisations, including parishes, charities, village halls etc. The community group must indicate on their application how the project contributes to the Councils goal of carbon neutrality by 2030. Only one application has been received thus far.

A Member enquired if the award has been granted. The Green Growth Portfolio Holder noted that they required more than one application to sit and encouraged additional applications from the various community groups.

OS/22/10/22 Overview and Scrutiny Work Programme and Cabinet Work Programme 2022-2023

Members considered report no: DoR76/22 of the Interim Director of Resources, which reviewed the Overview and Scrutiny Committee's work programme for the remainder of the municipal year 2022-23. The report also invited, as a continuous option, suggestions for possible agenda items from all non-Executive Members; and noted the Cabinet Work programme and considered any items which might benefit from the input of the Overview and Scrutiny Committee prior to the Cabinet making a decision.

Members submitted the following further items for discussion and consideration at the committee's future meetings:

December 2022

- Report on Voreda House
- Economies and Enterprise Portfolio Holder focus areas:
 1. Newton Rigg and Appleby Heritage Centre
 2. Impact of the Borderlands Fund – economic outputs
 3. Area of land at Stonybeck roundabout (Inspiring Eden)

January 2023

- Report on various districts recycling provisioning.
- Housing and Health Portfolio Holder focus areas:
 1. Progress toward housing planning approvals
 2. Progress on delivering affordable homes
 3. The utilisation of the various housing funds.
 4. Update on homelessness in light of the cost of living crisis.

Proposed by Councillor Raine

Seconded by Councillor Banks

and **RESOLVED** that:

1. The Overview and Scrutiny Committee's work programme for the remainder of the municipal year 2022-2023 be noted and any revisions be agreed; and
2. That the Cabinet Work Programme be noted, and any decisions to scrutinise items contained therein be made.

OS/23/10/22 Corporate Performance Report: Q1 1 April 2022 – 30 June 2022

Members considered report no: DoR58/22 of the Interim Director of Resources, which sought to summarise the progress against the revised corporate performance targets for the period, 1 April 2022 - 30 June 2022, and informed the Overview and Scrutiny Committee of any areas of concern or issues requiring their attention and the remedial activity in place to deal with those.

The report was introduced by the Assistant Director for Customers, Performance and Housing, Amanda Yellowley.

Members asked the following questions in respect of Appendix A:

1. H2 - Is the sale of Mansion House not subject to the planning application going forward and nutrient neutrality?

Response: The deputy chief executive, confirmed that it was.

2. A2 – Why is the status reflected as green when it is only 45%?

Response: The report is retrospective and relates to the performance at the start of the year.

3. 01 – Regarding community devolution of assets, it says objective complete, however we've been assured that there will be no transfer of assets between now and vesting day?

Response: what is being reported here is the feedback to Cabinet and Council from the policy review work done by this committee, that no devolution occur until vesting day. There will be a statement released that clarifies the position.

4. What progress had been made with regard to fly-tipping?

Response: The deputy chief executive advised that a written update would be provided.

A Member asked the following question in respect of Appendix B:

5. Ref 2 – the figure at 46.5% is Quarter 1 2022/2023, are those applications before the nutrient neutrality barrier?

Response: The building control is not directly impacted by nutrient neutrality, although by extension if planning permissions are not being granted then building control applications are unlikely to be applied for and granted. However there was a change in building regulations that came into force during the beginning of this financial year which significantly increased the performance standards in buildings, which meant there was a significant rush by applicants to get their applications in before the new rules came into force.

A Member asked the following question in respect of Appendix C:

6. Has any further work been done on the IT risk?

Response: The deputy chief executive advised that a written response would be provided.

Proposed by Councillor Ryland
Seconded by Councillor Simpkins

and **RESOLVED** that the Overview and Scrutiny Committee recommends that Cabinet prioritise nutrient neutrality.

OS/24/10/22 Section 106 Task and Finish Group Update

The Chair of the Section 106 Task and Finish Group, Councillor Wicks, provided a verbal update to Members of the committee:

The Member noted that the work of the task and finish group now had a robust process in place and that a representative from Cumbria County Council had met with the task and

finish group to discuss the funds held by the county council relating to schools, health and playgrounds.

The Member noted further that Cumbria County Council would be providing an export of data from their systems, which had every Eden application on it. The Task and Finish group would also be furnished with a spreadsheet from the section 106 officer. This would allow the group to ask specific questions about specific applications and feedback their findings to the committee.

OS/25/10/22 Any Other Items which the Chair decides are urgent

There were no urgent items of business.

OS/26/10/22 Date of Next Scheduled Meeting

The date of the next scheduled meeting of the Overview and Scrutiny Committee was confirmed as Thursday, 1st December 2022.

The meeting closed at 8.42 pm

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