



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

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**Draft** Minutes of the video conference meeting of

## PENRITH TOWN COUNCIL

Held on Monday **13 July 2020**, at 6.00 p.m.

### PRESENT

Cllr. Clark	South Ward	Cllr. Knaggs	West Ward
Cllr. Davies	West Ward	Cllr. M. Shepherd	North Ward
Cllr. Donald	North Ward	Cllr. C. Shepherd	East Ward
Cllr. Jackson	North Ward	Cllr. Snell	West Ward
Cllr. Kenyon	North Ward		

Town Clerk  
Deputy Town Clerk  
Services and Contracts Manager  
Economic Development Officer  
Solicitor

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

# **DRAFT MINUTES**

## **VIRTUAL FULL COUNCIL MEETING**

**MONDAY 13 JULY 2020**

### **PTC20/21 Apologies for Absence**

Members received apologies from Cllr. S. Clark, Cllr. Hawkins and Cllr. Lawson.

The Chair advised Members that the Council Chair had accepted the resignation of Cllr. Bowen, Pategill Ward. Eden District Council's Democratic Services had been informed and the vacancy notice had been published on the Council's website on 13 July 2020.

Cllr. Jackson on behalf of the Council acknowledged Cllr. Bowens positive, and professional contributions to the Council.

### **PTC20/22 Confirmation of the Minutes of Previous Meetings**

Members were asked to receive and approve minutes of meetings as a true and accurate record and agree they be signed as such, when permissible by the Chair of this meeting.:

- a) Virtual Full Council held on 18 May2020
- b) Virtual Extra Ordinary Meeting 8 June 2020
- c) Virtual Extra Ordinary Meeting 22 June 2020

### **RESOLVED THAT:**

- i. The Town Clerk check the attendees for the meeting held on 18 May 2020 which it was reported had been omitted. Any omissions would be added and signed by the Chair when permissible.
- ii. The minutes for the meeting held on 22 June 2020 would be amended to record that Cllr. M. Shepherd represents Penrith North Ward, and signed by the Chair when permissible.
- iii. The minutes be approved and signed as a true and accurate record and signed by the Chair when permissible.

## **PTC20/23 Public Participation and Representations**

The Chair informed the meeting that no questions, petitions or statements were received in advance of the meeting from members of the public.

**Cumbria County Councillor Carrick** submitted a written representation:

Firstly, can I apologise that I am unable to join you in person. I have difficulty joining Zoom meetings when I am unable to use a direct link, but I will make sure that I am able to address this for the next meeting.

In the meantime, I would like to take this opportunity to update you on some developments in Penrith North.

The mini-roundabout at the junction of Salkeld Road and Beacon Edge is now installed. It has had some initial teething problems with some of the bollard being damaged and needing to be replaced, but I think these have now been overcome. You will remember that the scheme has been designed to address speeding in the vicinity of that junction and road safety at the junction, as well as allowing people to cross the road more easily and safely and support the increased use of the Fairhill Playing Field, particularly as the timing of these works coincides with this excellent local facility being developed further. I hope that this scheme will contribute to an overall reduction in speed in the wider area, while other initiatives are being developed in the slightly longer term to introduce traffic calming measures along Beacon Edge, but I welcome any feedback from councillors.

I have received a number of concerns in respect of the new development at Raiselands Farm. There have been regular reports of health and safety breaches on site, poor communication between the developers, Persimmon, and the adjacent residents about what will be happening on site, questions about whether what is happening on site has actually received planning permission, drainage issues from the main road and difficulties arising from the perimeter fencing blowing onto the main road and becoming a hazard. This is quite a complex situation with responsibility for the resolution of these issues lying with a number of separate bodies, the developers, the District Council and the County Council. In terms of those issues over which the County Council has influence, I can report that we have arranged for the gullies on the A6 to be cleared as a matter of urgency and are working with the developers to clarify the type of fencing they should be using.

**Cumbria County Councillor Bell** made a representation informing the meeting that she was a passionate supporter of the Town Council and Penrith and would like conversations to facilitate greater partnership working, managing misinformation, tackling negativity, adapting to a changing retail and cultural environment as a result of Covid 19 and positively moving forward making Penrith a destination of choice.

## **PTC20/24 Declaration of Interests and Requests for Dispensations**

Members were asked to receive any declarations of interest of any disclosable pecuniary or other registrable interests relating to any items on the agenda for this meeting

The Chair informed the meeting that Cllr. Davies had informed the Clerk of an interest in item 17, as through his membership of the CALC Executive he had become a member of the Health Protection Board.

## **PTC20/25 Dispensation for Virtual Meetings**

Members considered a motion to provide a dispensation for individual Members who were unable to join virtual meetings due to illness or for technical reasons or where there is a good reason for potential non-attendance for six consecutive months. The dispensation would avoid forfeiture of office. If a Member wished to have a dispensation, he or she would have to give notice to the Clerk and the reason, to take advantage of the dispensation and to provide a formal record.

Members noted that:

Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, in order to avoid being disqualified as a Councillor. This requirement can be waived, and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six-month period expiring.

Section 85 (1) of the Local Government Act 1972 also states that "if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority."

A Dispensation Form was appended to the agenda for Members.

Members noted that prior to the commencement of the meeting Cllr. M. Clark and Cllr. S. Clark had submitted dispensations for technical reasons subject to approval by Council.

## **RESOLVED THAT:**

Members who individually applied for dispensation under the terms of the motion would be granted dispensation on completion of a Dispensation Form.

## **PTC20/26 Excluded: Public Bodies (Admission to Meetings) Act 1960**

Members were asked to consider whether agenda items 24, 25 and 26 should be considered without the presence of the press and public, pursuant to the Public Bodies (Admission to Meetings) Act 1960 Section 2 as publicity relating to that (any of those) matter/s may be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for the other special reasons noted in relation to that matter on the agenda.

### **RESOLVED THAT:**

Items 24,25 and 26 be considered without the presence of the press and public.

## **PTC20/27 Chair's Report**

Members noted that there were no civic events attended due to Covid-19.

## **PTC20/28 Reports from Members**

Members received oral reports from Councillors regarding meetings they had attended as representatives of the Town Council

**Cllr. Davies** reported that along with Cllr. Hawkins and Cllr. C. Shepherd had attended the virtual meeting for Penrith Town Working Group.

**Cllr. Davies** informed the meeting that a meeting for the Omega Liaison Group was being sought regarding increasing concerns regarding odours from the site.

**Cllr. Donald** reported that he had been maintaining close contact with the Salvation Army's Penrith Foodbank who, apart from providing and delivering food to the most vulnerable in the community, were also providing three hot meals a week to those who most needed it. Cllr. Donald acknowledged the community benefit of the service and suggested that the Council continue to support the service.

**Cllr. C. Shepherd** informed the meeting of the sad passing of Mr Fawcett, the Chair of the Coronations Gardens Committee, and reported that the committee would continue. The archives held by Mr Fawcett had been secured to enable the committee to move forward.

## **PTC20/29 Resolutions Report**

Members received and noted the written report.

## **PTC20/30 Parking and Movement Study Report**

Members received and noted the oral report from the Lead Member, Cllr. Jackson.

## **PTC20/31 Neighbourhood Plan**

Cllr. Knaggs informed the meeting that there was nothing to report.

### **PTC20/32 Devolution**

Members received and noted the oral report from the Services and Contracts Manager as the Lead Officer.

### **PTC20/33 Newton Rigg**

Members received and noted the oral report from Cllr. Knaggs who was the Lead Member.

### **PTC20/34 Fairhill Playground**

Members received and noted the oral report from the Services and Contracts Manager as Lead Officer, regarding the most recent site improvements.

Members were asked to approve the risk assessment and signage for the re-opening of the play areas at Fairhill, after the schemes of work related to the installation of play equipment, post installation inspection and pathways have been completed.

#### **RESOLVED THAT:**

The risk assessment and signage be approved and that the play area be opened to the public when all schemes of work have been completed to the satisfaction of the Services and Contracts Manager.

### **PTC20/35 Stakeholder Group Recovery Plan**

Members were informed that Council would consider a written report rather than an oral report to enable officer recommendations within the report to be considered.

Members noted that Eden District Council had informed the Council that the required de Minimis threshold was £2,500 and above. Goods and services costing up to £2,499 could be provided with a direct award. In terms of VAT, the project budget should include any VAT which could not be recovered from HMRC.

#### **RESOLVED THAT**

- i. The approach as outlined in the Draft Town Recovery Plan Action Plan and Communication Plans document (as appended e),f),and g)) be approved noting that the document is a live and organic document, which is reactive and responsive and therefore subject to change.
- ii. In respect of the RHSS Fund, the Draft Eden District Council (EDC) Service Level Agreement (SLA) Appendix b) be approved and that the Town Clerk be authorised to finalise and sign the SLA on behalf of the Town Council, once finalised by EDC.

### **PTC20/35 Stakeholder Group Recovery Plan Continued**

- iii. The supporting documentation from EDC (Appendices a), c)and d)) be noted.
- iv. The allocation of a budget of £10,000 from the General Reserve be approved for urgent schemes of work related to the recovery of the town.
- v. The recommendations as listed in 2.14 and 3.10 be approved.

### **PTC20/36 Covid-19 Support and Help for Penrith Residents**

Members considered the report and recommendations contained within.

Cllr. C. Shepherd requested that the Council's appreciation of the support that the Councils Officers provided to the community to ensure that the Council could provide seven days a week emergency plan be minuted.

#### **RESOLVED THAT:**

- i. The emergency plan be-deactivated on 31 July when the government proposes to pause shielding.
- ii. The plan would be re-activated if there was a significant change in Penrith and residents were asked to re-shield.
- iii. The Fell Runner Community Transport's continuous volunteer support and assistance over the last 4 months be officially acknowledged.

### **PTC20/37 Cumbria County Council Local COVID-19 Outbreak Control Plan Consultation**

Members were asked to consider the report and recommendations contained within

#### **RESOLVED THAT:**

- i. The Council responds to Cumbria County Council's consultation on the Local Outbreak Plan within the consultation period.
- ii. Members approve the response to the Consultation as set out in Appendix A. with stronger emphasis on local testing at Penrith Rugby Club rather than Whitehaven.

## **PTC20/37 Business Continuity – Covid19**

Members considered the Report and recommendations contained within

### **RESOLVED THAT:**

- i. The High Consequence Infectious Disease (HCID) Policy be deactivated.
- ii. The Safe Workplace Risk Assessment be approved.
- iii. ongoing delegated authority be provided for both the Town Clerk and Services and Contracts Manager to take action on new Government guidance if the advice impacts on Service Delivery.

## **PTC20/38 Code of Conduct**

Members considered the Local Government Associations review of the Model Code of Conduct report and recommendations contained within.

### **RESOLVED THAT:**

The Council provides a response to the consultation via the Cumbria Association of Local Councils based upon the matters raised in Section 3 of the report:

- a) The draft identifies through nine bullet points some fundamental concepts to which all members should adhere. The draft goes on to state what are minimum requirements which are expressed in terms of commitments by each individual member.
- b) The nine bullet points should be considered minimum requirements.
- c) Expressing the two as separate points and requirements may cause confusion and certainly provides a lack of clarity. Any member should be required to commit to the whole code.
- d) It is not clear in requirements 1 and 2 why these provisions are expressed in relation to treating people with civility. There should be a reference to treating people with respect either in addition to or in substitution of the civility requirement. Respect is a commonly used and understood in relation to standards of behaviour and it is one which has been used previously.
- e) Bullying and harassment is referred to in requirement three. It should be made clear that harassment is not acceptable in any circumstances. I understand the reference to the protected characteristics and that it may be particularly inappropriate with reference to those characteristics. I consider that the simple statement that harassment is not acceptable in any circumstances should be made.



## **PTC20/38 Code of Conduct**

- f) Requirement four refers to the impartiality of officers. It should be made clear that there should be no attempt to attempt to persuade officers. It should make clear that a member should not seek to persuade, instruct, or force an officer to change an opinion. The requirement would benefit from this expansion.
- g) The reference in the notes to requirement 6 to "this basis" is not clear. It should be specifically stated what the basis is on which a member should operate. The expectation and the obligation are not expressed succinctly.
- h) It should be made clear that promoting anyone's private interests should be avoided.
- i) In requirement 10 the purpose of the disclosure should be stated and that a declaration of interests everyone to know what the Members interests are and determine whether a conflict may arise. This is made clearer in the notes.
- j) In requirement and 11 a reference is made to "significant" gifts. The use of the word significant gives rise to the prospect of subjective judgements and does not add anything to the concept.
- k) It should be made clear in relation to the internal resolution procedure that it applies when a person may be in breach the code of conduct
- l) One of the issues with the current code is the inability of authorities to issue what would be effective sanctions in serious cases. It is not considered that an authority could impose a two months' bar or bar someone from chairing a committee as is stated in the appendix.
- m) It is considered that the code itself should be relatively straightforward and easy to apply and understand.
- n) It may be thought that there should be a specific requirement in the code for members to promote equality and not to discriminate. It should be made clear that members should not use the council's resources for political purposes. It may well benefit the code to provide a positive requirement for members to support high standards of conduct.
- o) The particular criticisms which there are of the current code which are most often made are the lack of sanctions, the potential imposition of criminal sanctions, the lack of an independent appeal process if matters are being dealt with solely within an authority and the variety of codes which there are across the country although there must be a measure of commonality.

### **PTC 20/39 Matters from Finance Committee**

Members noted that the matters had been considered and approved by the members of the Council's Finance Committee, and the Committee Chair, Cllr. Burgin had requested that these matters be brought to the Full Council for ratification. Members were asked to ratify the Bank Reconciliation and Budgetary Control Statement 2020/21 up to 31 May 2020.

#### **RESOLVED THAT:**

The Bank Reconciliation and Budgetary Control Statement 2020/21 up to 31 May 2020 be ratified.

### **PTC20/40 Paperless Operations**

Members considered the report and recommendations contained within.

Members agreed that implementing a pilot project was difficult at this time, particularly as Members were experiencing difficulties reading documents and attending a video conference simultaneously.

#### **RESOLVED THAT:**

The matter be deferred.

### **PTC20/41 Motion from Councillor Davies**

Members considered the following motion from Councillor Davies

"I would like to propose that an informal Task and Finish Group made up of Councillors and non-councillors, supported by the Council's solicitor, and with terms of reference agreed by Full Council, be established to develop a framework for ethical decision making, its criterion and weighting.

Penrith Town Council's aims to provide consistent, quality services and strives for continuous improvement for all activities, processes, operations, policies and decisions.

The Council's performance is currently measured by:

- Internal and external audit reports
- The General Power of Competence
- Committee Work Planning
- Regular reports to Members on the progress of the Council's priorities within the Council Business Plan
- Publicly reporting performance via newsletters, periodicals, and annual reports
- Undertaking satisfaction surveys and complaint monitoring
- Staff Appraisal system

## **PTC20/41 Motion from Councillor Davies Continued**

To further enhance the Council's performance, I would like to propose the development of an ethical decision-making framework, which will ensure that Council arrangements are open, accountable and ethically strong, promoting high standards of conduct that will enhance trust between the Council and communities.

The framework will demonstrate that the Council is delivering value for money and added benefit in a way that delivers the best, open and accountable democracy it can as a Council.

The Council will be able to demonstrate that a decision was:

- Reasonable in the circumstances
- Based on the best evidence available at the time
- Based on ethical principles of procurement, value for money and added value
- Made in accordance with policies and procedures, any legal requirements and relevant government guidance
- Made as collaboratively as possible
- Communicated openly and transparently

I ask Members to support this motion"

### **RESOLVED THAT:**

The motion be approved.

### **PTC20/42 Next Meeting**

The Chair asked that Members note the next meeting was scheduled for 28 September 2020 at 6.00pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR or that the meeting may be convened on this date via video conferencing.

The Chair informed the public and press that the meeting would continue in private and that connections to the meeting would be severed.

## **Private Session**

### **Part Two**

Three items in this part of the Agenda were considered in private. The reason that the items were considered in private was that it would involve the disclosure of exempt information under the following category of Part 1 of Schedule 12A of the Local Government Act 1972: Paragraph 3 - Exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

#### **PTC20/43 Assets**

Members considered the report and recommendations contained within.

#### **RESOLVED THAT:**

the matter would not be progressed.

#### **PTC20/44 Office Lease Renewal**

Members received an oral update from the Lead Officer, the Services and Contracts Manager.

Members were informed that EDC were engaging with other sectors and groups regarding the usage of office space at Voreda House.

#### **RESOLVED THAT:**

The Services and Contracts Manager and Cllr. M. Shepherd attend the engagement event.

#### **PTC20/45 LCAS Review**

Members considered the correspondence on 1 July 2020

#### **RESOLVED THAT:**

In continued pursuit of best practise, the Council write to the National Association of Local Councils requesting a peer review to assist the Council to attain Quality Gold.

**CHAIR:**

**DATE:**

## **FOR THE ATTENTION OF ALL MEMBERS OF THE TOWN COUNCIL**

### **ACCESS TO INFORMATION**

Copies of the agenda are available for members of the public to inspect prior to the meeting.

Agenda and Part I reports are available on the Town Council website:

[www.penrithtowncouncil.co.uk](http://www.penrithtowncouncil.co.uk)

### **BACKGROUND PAPERS**

Requests for the background papers to the Part I reports, excluding those papers that contain exempt information, can be made to the Town Clerk address overleaf between the hours of 9.00 am and 3.00 pm, Monday to Wednesday via [office@penrithtowncouncil.co.uk](mailto:office@penrithtowncouncil.co.uk).



# Penrith Town Council

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## DISPENSATION REQUEST FORM

Please give full details in support of your application for a dispensation. If you need any help completing this form, please contact the Town Clerk. **Please return your completed form to the Town Clerk**

Your Name:	
The business for which you require a dispensation ( <i>refer to agenda item number if appropriate</i> ):	Unable to join a virtual meeting of the Council due to: <ol style="list-style-type: none"><li>1. Contraction of Covid-19</li><li>2. Connectivity</li><li>3. Inadequate IT equipment</li><li>4. Other technical reasons</li></ol> (Please delete if not appropriate)
Date of meeting <b>or</b> time period ( <i>up to 4 years</i> ) for which dispensation is sought:	Up to 12 January 2021

Without the dispensation the Councillor may become disqualified: For Members who are unable to join a virtual meeting, due to illness or for technical reasons or where there is a good reason for potential non-attendance for six consecutive months, the dispensation will avoid forfeiture of office.

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Signed: \_\_\_\_\_

Dated: