



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

Draft Minutes of

PENRITH TOWN COUNCIL

Held virtually via video conference on

Monday **28 September 2020**, at 6.00 p.m.

PRESENT

Cllr. Clark	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Davies	West Ward	Cllr. M. Shepherd	North Ward
Cllr. Donald	North Ward	Cllr. Shepherd	East Ward
Cllr. Fallows	East Ward	Cllr. Snell	West Ward
Cllr. Knaggs	West Ward		

Draft MINUTES
VIRTUAL FULL COUNCIL MEETING
MONDAY 28 SEPTEMBER 2020

PTC20/53 Apologies for Absence

Members received apologies from Cllrs Jackson and Kenyon. Cllr Hawkins apologies were received at 18:20.

Cllr M. Clark was present but had repeated connectivity issues for parts of the meeting.

Cllr. Burgin attempted to connect unsuccessfully and Clarke were absent. Both Members have a dispensation given under Minute PTC20/25 due to connectivity issues.

PTC20/54 Confirmation of the Minutes of Previous Meeting

Receive and approve minutes of meetings

Members were asked to approve the minutes for Virtual Full Council held on 13 July 2020 as a true and accurate record and agree they be signed as such, when permissible by the Chair of the meeting.

RESOLVED THAT:

The minutes be approved and signed as a true and accurate record and they be signed as such, when permissible by the Chair of the meeting.

PTC20/55 Public Participation and Representations

a) Public representations

The meeting received a question:

“Is the town council going to commission an evidence-based assessment of the benefits and dis-benefits of the pedestrianisation of the town followed by a proper consultation?”

RESOLVED THAT:

The member of the public receive a written response from the Council.

b) Representations from District and County Councillors

There were no representations made from district councillors.

County Councillors: Cllr. Carrick submitted apologies during the meeting due to connectivity problems.

County Cllr. Bell informed the meeting of planned highway improvement works to the white lines and crossing outside Merlin Court, and the junctions from the new streets on to Beacon Edge. Cllr. Bell reported that traffic speed, HGV's using Beacon Edge, and Carleton Hill Road had been causing concern and would be discussed at the CRASH meeting in October.

PTC20/56 Declaration of Interests and Requests for Dispensations

a) Dispensations for virtual meetings

Members noted that further to resolution PTC20/25 agreed on 13 July, Councillors Burgin, M. Clark, S. Clarke, Fallows and C. Shepherd had applied for a dispensation. These applications had been accepted by the Clerk to the Council who had authority to grant dispensations under section 33(1) of the Localism Act 2011, the basis being set out under section 33(2). The dispensation was valid until 12 January 2021. The individual dispensations would be retained on file. Having accepted these dispensations, the Council would thereafter accept apologies from these Members for failing to attend because of contraction of Covid-19, inadequate equipment, connectivity, or other technical reasons and if their apologies were not received prior to the meeting, their dispensation would prevent their disqualification. Members were asked to note that National Association of Local Councils (NALC) legal team have advised the Council that this approach was satisfactory.

b) Declarations of interest of any disclosable pecuniary or other registrable interests

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. Declarations of Interest were received from:

- Cllr. M Shepherd declared an interest in item 18a Penrith Parking and Movement Study as he had a Zone A Parking Permit.
- Cllr. Davies declared an interest in item 12 Omega Proteins as the Town Council representative on the Omega Proteins Liaison Group.

PTC20/57 Excluded: Public Bodies (Admission to Meetings) Act 1960

Members were informed that there were no items to be considered in private session.

PTC20/58 Chair's Report

Members received a report from the Mayor outlining that he had recently undertaken litter picking in the town and attended the Gold Award event for the new Skelton Brownie Group. The Chair reported that he and Cllr Jackson would be accepting the Local Council Quality Award. The Chair outlined that Penrith was open for business and encouraged people to shop local.

PTC20/59 Reports from Members

- i. Cllr Davies reported that he attended the CALC AGM.
- ii. Cllr Shepherd reported that he attended the Voreda House presentation organised by Eden District Council.

There were no further reports from Members regarding meetings they had attended as representatives of the Town Council.

PTC20/60 Resolutions Report

Members received and noted the written report.

PTC20/61 Neighbourhood Plan

Members received and noted the written report outlining that Regulation 16 consultation commenced on the 23 September 2020 and would last until 04 November 2020, and that an Independent Planning Inspector had been appointed.

PTC20/62 Newton Rigg

Members received the oral report from the Lead Member, Cllr. Knaggs who reported that the Land Based Strategy Group continued to meet. The Further Education Commissioner had invited Expressions of Interest and three expressions had been submitted, which were being developed into bids. The college had reported good exam results in the summer and a positive student intake for this academic year.

PTC20/63 Fairhill Playground

Members received the oral report from the Lead Officer, the Services and Contracts Manager who confirmed that the play area and entrance improvement project was now complete.

PTC20/64 Omega Proteins

Members received the oral report from the Lead Member, Cllr. Davies noting the Environment Agency had served an enforcement notice and written to residents: It was agreed to include the Environment Agency letter and a copy of the Enforcement Notice within the Minutes of the Meeting. A meeting of the Liaison Group had been requested.

Note - Letter and Enforcement Notice to be appended in the Minutes.

PTC20/65 Stakeholder Group Recovery Plan

Members received the oral report from the Lead Officer.

PTC20/66 Business Continuity – Covid19

Members considered the report and recommendations contained within.

RESOLVED THAT:

- i. The amendments to the Safe workplace Risk Assessment be approved.
- ii. Ongoing-delegated authority be provided for both the Town Clerk and the Services and Contracts Manager to take action on new Government guidance if the advice impacts on Service Delivery.

PTC20/67 Ethical Decision-Making Framework

Members considered the report and recommendations contained within which recommended that:

- i. The terms of reference for the Ethical decision-making task and finish group set out in paragraph 1.7 be agreed.
- ii. Council appoints the Chair and Vice Chair of the Finance Committee and Councillor Davies to sit on the group.
- iii. Council determines which, if any, non-Councillor should be invited to sit on the group.

An amendment was proposed by Cllr Davies and seconded by Cllr Knaggs and approved as the substantive motion that:

RESOLVED THAT:

- i. The terms of reference for the Ethical decision-making task and finish group set out in paragraph 1.7 be approved.
- ii. Any Councillor be appointed to sit on the group and initially membership would include Cllr Davies, Knaggs, Donald, C. Shepherd, and Snell.
- iii. Council determines which, if any, non-Councillor should be invited to sit on the group.

PTC20/68 Remembrance Day 2020

Members considered the risk assessment and recommendations contained within the report.

RESOLVED THAT:

- i. The Civic Parade and St. Andrews Church Service be cancelled in 2020, to avoid people gathering to watch the parade and exceeding the numbers allowed in church.
- ii. St Andrews be asked to ensure that the Church is open to allow people to go in for quiet reflection.
- iii. Invitations be sent to organisations inviting them to lay a wreath, being alert to social distancing, at the War Memorial during the period 10am – 12pm.
- iv. Penrith Town Band be asked to play The Last Post and Reveille at 11am at the War Memorial which may then be live streamed on to social media. A photographer be engaged to take photos of all those laying wreaths to be uploaded to the Council website and shared on social media.
- v. The Church be asked if they are able to provide a virtual service for the event.

PTC20/69 Matters from Finance Committee

Members were asked to ratify the matters a) and to j) as approved by Finance Committee and note matters k) to m) as noted by the Finance Committee.

RESOLVED THAT:

The following matters approved by the Finance Committee be ratified a) to J) and matters k) to m) be noted.

a) Bank Reconciliation

The bank reconciliations as of 30 June 2020, 31 July 2020, and 31 August 2020.

b) Budgetary Control Statement 2020/21 31 August 2020

The budgetary control statement for the period to 31 May 2020.

c) Motion from Cllr. Fallows Bus Shelter Brentfield Way

The motion from Cllr Fallows to install a new bus shelter on Brentfield Way.

d) Risk Assessments

The risk assessments for:

- i. Allotments
- ii. Bus Shelters
- iii. Business Continuity
- iv. Cornmarket Bandstand
- v. Fairhill Playing Field
- vi. Finance
- vii. Fire
- viii. Governance
- ix. General Data Protection Regulations
- x. Information Technology and Website
- xi. Lone Working
- xii. Musgrave Monument
- xiii. Office
- xiv. Recycling Bring Site
- xv. Seats
- xvi. St Andrews War Memorial

e) Motion from Cllr. Shepherd Coronation Garden Asset of Community Value

The motion from Cllr. Shepherd to register Coronation Garden as an Asset of Community Value.

f) Policy Review

The approved amendments to the following policies:

- i. Procurement Policy
- ii. Financial Regulations

PTC20/69 Matters from Finance Committee, continued

g) Bank and Investment Accounts

The approved signatories for the Council's bank and investment accounts:

- i. Authorised Signatories CCLA Account
That Cllr. Shepherd be agreed as signatory. The RFO requested an urgent matter be considered for the maintenance of cash flow levels and requested that £50,000 be transferred back from the CCLA account into the Council's HSBC account.
- ii. Authorised Signatories Other Accounts with similar limitations
That all Councillors are agreed as signatories unless there is a signatory limitation.

h) HSBC Daily Payments limit

The HSBC bank account mandate daily limit from £10,000 to £20,000.

i) Internal Audit Plan

The outline Internal Audit Plan for 2020-21.

j) Budget Review 2020-21

The current year's budget to reflect the 2019-20 outturn and the effects of the Coronavirus pandemic on services.

k) Local Government Pay Award 2020-21 of 2.75% backdated 1 April 2020

Note the staff pay award 2.75% backdated 1 April 2020.

l) External Audit Report 31 March 2020

Note that the external auditors, PKF Littlejohn, have concluded the statutory audit for the financial year-ending 31` March 2020 and are satisfied that the Town Council's accounts are in accordance with proper practices, and that relevant legislation and regulatory requirements had been met.

m) Footway Lighting Bowscar

Members received an oral update from the Services and Contracts Manager and noted Electricity North Wests plans to remove footway lighting provision in Bowscar.

Members noted that additional to the report recommendations that an informal meeting was held with Cllr Jackson and Eden District Council (EDC) on the 24 September to consider this matter further and noted that the Council would commence a resident consultation on footway lighting provision.

Members were informed that a further report would be presented to the Finance Committee.

PTC20/70 Matters from Planning Committee

a) Penrith Parking and Movement Study (Page Nos 15-51)

Members considered the recommended response from Planning Committee to the Partners' Joint Committee Report and the Stage 4, Non-Technical Summary of the Penrith Parking and Movement Study which recommended that:

- i. Note that the report was a study which suggests courses of action that could be taken. An Implementation Group would ensure that work was progressed and that additional consultation on options would be undertaken as appropriate made up of representatives from all Stakeholder organisations and would sit under the Town Working Group.
- ii. Endorse the strategy and principle of the proposed interventions, which make up the packages of improvements (as summarised in the Penrith Parking and Movement Study Non-Technical Summary – Appendix B) and note the delivery leads (and delivery partners) for each proposed intervention.
- iii. Agree to work together to explore the opportunities for funding to deliver agreed interventions, which make up the packages of improvements through internal and external funding sources, and to agree how these should be prioritised.
- iv. Agree to the establishment of an Implementation Group to ensure the co-ordinated delivery of any agreed interventions which make up the packages of improvements and the further consultation required for each intervention.

An amendment was proposed by Cllr Davies and seconded by Cllr M. Shepherd to:

- i. Note that the report was a study which suggests courses of action that could be taken. An Implementation Group would ensure that work was progressed and that additional consultation on options would be undertaken as appropriate made up of representatives from all Stakeholder organisations and would sit under the Town Working Group.

And to remove ii, iii and iv.

A vote was taken, and the motion was not carried.

An amendment was proposed by Cllr Lawson and seconded by Cllr Shepherd and approved as the substantive motion. A vote was taken, and the amended motion was approved.

RESOLVED THAT:

- i. Note that the report was a study which suggests courses of action that could be taken. An Implementation Group would ensure that work was progressed and that additional consultation on options would be undertaken as appropriate made up of representatives from all Stakeholder organisations and would sit under the Town Working Group.

PTC20/70 Matters from Planning Committee

Penrith Parking and Movement Study (Page Nos 15-51) Continued

- ii. Endorse the principle of the proposed interventions, which make up the packages of improvements (as summarised in the Penrith Parking and Movement Study Non-Technical Summary – Appendix B) and note the delivery leads (and delivery partners) for each proposed intervention.
- iii. Agree to work together to explore the opportunities for funding to deliver agreed interventions, which make up the packages of improvements through internal and external funding sources, and to agree how these should be prioritised.
- iv. Agree to the establishment of an Implementation Group to ensure the coordinated delivery of any agreed interventions which make up the packages of improvements and the further consultation required for each intervention.

b) Planning for the Future

Consider the recommended response from Planning Committee to the Government's proposed planning reforms.

RESOLVED THAT:

- i. The response from the Planning Committee be approved.
- ii. The letter and associated Appendices setting out the concerns and comments be submitted to the Ministry of Housing, Communities & Local Government.
- iii. A copy of the response be forwarded to NALC and EDC.

PTC20/71 Penrith in Bloom

The Chair expressed the Council's thanks and appreciation for 2020 Penrith in Bloom projects and the video promoting their work during Covid-19.

PTC20/73 Voreda House

Members received an oral report and considered the Council's position.

RESOLVED THAT:

- i. The Council does not become a member of the Voreda House Steering Group and attends no further meetings.
- ii. The Council remains as an interested observer in the Voreda House project.

PTC20/74 Licensing Act 2003 - Review of Statement of Licensing Policy

Members noted that EDC are undertaking a 12-week consultation on the contents of a revised draft policy, which had been updated to reflect legislative changes regarding the right to work in the UK and powers for licensing authorities to suspend or revoke a personal licence when the holder had been convicted of a relevant offence.

PTC20/75 Conversation with the Police and Crime Commissioner

Members noted that they were invited to start a conversation with Mr McCall, the Police and Crime Commissioner, in a Teams meeting on Monday 19 October between 3.00pm and 4.00pm as part of a community engagement scheme. Members should inform the Town Clerk if they would like to join the discussion **by 30 September 2020**.

PTC 20/76 National Lottery announcement of grant for Zero Carbon Cumbria

Members noted that the National Lottery announced their £2.5 million grant for the Zero Carbon Cumbria programme, which was a partnership of 68 member organisations including Penrith Town Council, who were working together to drive down the county's carbon emissions.

PTC20/77 Local Government Reorganisation Cumbria

- a) Members noted the letter from the Cumbria Association of Local Councils dated 13 August 2020.
- b) Members were asked to consider The Executive Committee's 'Interim Position' statement.

RESOLVED THAT:

- i. Members provide their comments on the CALC Executives Interim Position statement to the Town Clerk no later than Monday 05 October.
- ii. The Town Clerk would submit the Council's written response to the CALC Executive Interim Position statement.
- iii. A meeting be arranged with the Chief Officer of Cumbria Association of Local Councils (CALC) to discuss devolution and Local Government Reorganisation.
- iv. A meeting be arranged with the leader of EDC to discuss devolution and Local Government Reorganisation.

PTC20/78 Next Meeting

Members noted that the next meeting was scheduled for 30 November 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.

Private Session

There were the no items in this Part of the Agenda

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

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.

Letter and enforcement notice from Env Agency to go in the Mins

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A BREACH OF
PERMIT CONDITIONS**

To: Omega Proteins Limited
Swales Moor Farm
Swales Moor Road
Halifax
West Yorkshire
HX3 6UF
Company Registration Number: 03868711

Environmental permit: EPR/HP3238AF

Regulated facility: Penrith Rendering Facility, Wildriggs, Greystoke Road, Penrith, Cumbria, CA11 0BX

The Environment Agency considers that the following condition of the environmental permit reference **EPR/HP3238AF** is being contravened:

1.1.1 General Management

The Operator shall manage and operate the activities:

a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;

Management System (Report Reference P137-R10-F2, Dated June 2017) Section 9 (page 19)

“The biofilter media shall be kept moist (i.e. damp to the touch) at all times. Incoming air shall be fully saturated with water before entering the filter media”.

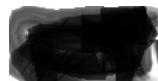
“The moisture content of the biofilter shall be such that in all areas, particularly at the edges and at all depth, the filter is in optimum condition (i.e. damp to the touch). The filter bed to be inspected every shift – at least twice per day”.

because your current biofilter irrigation system does not distribute water evenly across the biofilters, resulting in several large dry patches which were observed in the biofilter media during site inspections on 24/07/2020 and 20/08/2020.

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention.

Date 28/08/20

Signed



Simon Twedde
Installations Officer

Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, Cumbria CA11 9BP

Please see over for notes.

Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

Secretary of State
The Planning Inspectorate
Room 3A Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

At the same time, you must send a copy of the appeal notice and documents to us.

The required documents are:

- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying the Secretary of State in writing and sending a copy of that notification to us.

Further information about making an appeal and the forms that you will need are available from the Planning Inspectorate.

In addition, you can request an independent internal review of our decision to issue this notice. Asking us to review our decision will not affect the time limits within which any statutory appeal must be made. We expect any request to review a regulatory decision to be made promptly, usually within 14 days.

SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
1.1.1 & EMS (P137-R10-F2) Section 9 Page 19	Design and install a system to ensure that biofilters 1, 2 and 3 are suitably irrigated as required to ensure that the biological health and the efficiency of the biofilters are maintained at all times. The system installed shall be sufficiently refined to avoid either water logging of the biofilter media or excessive generation of leachate. The irrigation system installed will evenly distribute water across the surface of the biofilters.	12:00pm on 30/10/20

To whom it may concern
Penrith Town Council
19-24 Friargate
Penrith
Cumbria
CA11 7XR

17th September 2020*

Dear To whom it may concern

Omega Proteins Ltd – Update on odour reports

I am writing to you to provide an update on the Penrith rendering facility at Wildriggs, Penrith, which is operated by Omega Proteins Ltd. You have previously contacted the Environment Agency regarding odour or requested to be kept informed.

We would encourage you to continue reporting odours directly to the operator in the first instance as this will enable a timely investigation. You can contact them on 01768 862 124 or PenrithEnvironmental@omegaproteins.co.uk

Please also continue to log odour reports via our 24 hour incident hotline on 0800 80 70 60. This will connect you with our Incident Communication Service, based in Sheffield, who log the call and provide details to the relevant local officers.

There has been a recent increase in the number of reports of odour and consequently we have been unable to provide feedback to all individual reports. I hope that this letter will answer some of the queries and will provide reassurance that the Environment Agency is working hard to improve the situation.

During the initial stages of the COVID-19 pandemic we were unable to inspect Omega Proteins in a conventional manner and it is possible that this may have affected the environmental performance at the site. However, subject to COVID safe systems of work and in line with Government guidance, we are now resuming our full regulatory activities.

In response to the increased number of reports, we have established a dedicated rota of staff to undertake targeted off site odour checks. Your odour reports are important as this helps us to target our odour checks and inspections at the facility.

We have also increased our inspection frequency, including both unannounced visits and out-of-hours inspections. We are actively targeting odour control and abatement as the priority issue.

Having reviewed the situation over recent months the Environment Agency believes that the following issues are noteworthy in the context of odour control:

- **Refurbishment of the Biofilters.** One of the three biofilters, which are used to treat general factory air, was refurbished in May. Biofilters are a biological process and require time to adapt. It is possible that this may have reduced the efficiency of this process in the period immediately following the completion of the work. It is important to note this as refurbishment of another of the biofilters is scheduled for 2021. We will

encourage the operator to undertake this task at a more appropriate time of year to minimise any potential off site issue.

- **Management of the Biofilters.** During site inspections Environment Agency officers have identified several areas of concerns on the biofilters, most notably patches of the biofilters being dry. Permit breaches have been recorded against the operator in relation to this. We have escalated our regulatory response, and have issued an Enforcement Notice to ensure remedial actions are undertaken in a timely manner. Compliance with this notice will be addressed in due course.
- **Housekeeping.** During site inspections our officers have identified a number of housekeeping issues. Firstly, loose covers on screw feeds have been identified on equipment around the factory. These loose covers provide a pathway for odours to escape in to the environment. The operator has since undertaken work to secure these covers.

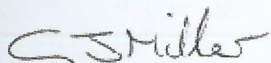
Environment Agency officers have noted a number of spills and leaks around the site during inspections. We have reminded the operator of the importance of cleaning spills immediately and addressing the root cause to ensure there is no repeat of the spill.

Our inspections have also noted that some doors have been open and/or been unable to close. We have advised the company to repair or replace the doors, or remove any obstruction which prevents a door from closing. Again, Environment Agency officers will continue to monitor this issue.

This list of issues above is not exhaustive. Please be assured we will continue our work and challenge the operator to improve performance when issues are identified. We have made it clear to the company that we expect improvements in their environmental performance in order to avoid a repeat of the awful odours residents have experienced.

If you do not want to receive further information please email EMENVIRONMENT@environment-agency.gov.uk and we will remove you from our circulation list. If you have not received this update directly and would like to be added to our circulation list please contact us at this address. I can confirm that this information (your contact details) will be used solely by the Environment Agency in relation to updating you on the regulation of the Omega Proteins site.

Yours sincerely,



Graham Miller
Installations Team Leader

*This letter has been held for at least 72 hours before posting to reduce any potential spread of COVID-19. All information is correct as of 17/09/2020.