



# Penrith Town Council

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

Tel: 01768 899 773 Email: [office@penrithtowncouncil.co.uk](mailto:office@penrithtowncouncil.co.uk)

**DATE: 18 November 2021**

**NOTICE IS HEREBY GIVEN** that an **ORDINARY MEETING** of **PENRITH TOWN COUNCIL** will be held on **Monday 29 November 2021**, at **6.00pm** and you are hereby **SUMMONED** to attend to transact the business as specified in the agenda and reports hereunder.

The meeting will be held at **Penrith Parish Centre, St Andrews**.

To assist in the speedy and efficient dispatch of business', Members should read the agenda and reports in advance of the meeting. Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the relevant officer **PRIOR** to 9.00am Thursday 25 November.

Members are asked to indicate if they wish to speak on an item **PRIOR** to the meeting (by 1.00pm on the day of the meeting at the latest) by emailing [office@penrithtowncouncil.co.uk](mailto:office@penrithtowncouncil.co.uk)

## **FULL COUNCIL MEMBERSHIP**

Cllr. Bowen	Pategill Ward	Cllr. Jackson	North Ward
Cllr. Burgin	South Ward	Cllr. Kenyon	North Ward
Cllr. M. Clark	South Ward	Cllr. Knaggs	West Ward
Cllr. S. Clarke	Carleton Ward	Cllr. Lawson	Carleton Ward
Cllr. Davies	West Ward	Cllr. M. Shepherd	North Ward
Cllr. Donald	North Ward	Cllr. C. Shepherd	East Ward
Cllr. Fallows	East Ward	Cllr. Snell	West Ward
Cllr. Hawkins	East Ward		

Mrs V. Tunnadine, Town Clerk

Members of the public are welcome to attend. Details about how to attend the meeting, and how to comment on an agenda item are available on the Town Council Website.

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.

## **AGENDA FOR THE ORDINARY MEETING OF FULL COUNCIL 29 NOVEMBER 2021**

### **PART I**

Members are asked to:

#### **1. Apologies**

Receive apologies from Members.

#### **2. Minutes**

##### **a) Committee Minutes**

Note that the minutes from the following committees have been circulated and published on the Council website since the previous ordinary meeting:

- i. Planning Committee: 04 October 2021 and 09 November 2021
- ii. Finance Committee: 15 November 2021
- iii. Culture, Community and Economic Growth Committee: 18 October 2021

##### **b) Confirmation of Full Council Minutes**

Authorise the Chair to sign, as a correct record, the minutes of the meetings of Full Council held on:

- i. Full Council Monday 27 September 2021
- ii. Extra Ordinary Full Council Monday 1 November 2021

and agree they be signed as such by the Chair

#### **3. Declarations of Interest and Requests for Dispensations**

Receive declarations by Members of interests in respect of items on this agenda and apply for a dispensation to remain, speak and/or vote during consideration of that item.

##### **ADVICE NOTE:**

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests that have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.) Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests that they have already declared in the Register, as well as any other registrable or other interests. If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.

#### **4. Public Participation**

- a) Receive questions or representations that have been received from members of the public. A period of up to 15 minutes for members of the public to ask questions or submit comments.
- b) Receive reports from District and County Councillors

**ADVICE NOTE:**

Members of the public may make representations, answer questions and give evidence at a meeting that they are entitled to attend in respect of the business on the agenda. The public must make a request in writing to the Town Clerk **PRIOR** to the meeting, when possible. A member of the public can speak for up to three minutes. A question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.

#### **5. Excluded Item: Public Bodies (Admissions to Meetings) Act 1960**

Determine whether item/s should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, 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.

#### **Routine Business Matters**

#### **6. Report from the Council Chair**

Note the duties undertaken by or on behalf of the Town Mayor.

#### **7. Reports from Members**

Receive and note oral reports from Councillors regarding meetings that they have attended as representatives of the Town Council and an opportunity for members to bring matters of interest to the attention of the council for information or future discussion.

#### **8. Resolutions Report**

Receive and note the written report.

#### **9. Matters from Finance Committee**

Ratify the following approved matters a) to f) from the Council's Finance Committee from their meeting held on Monday 15 November 2021.

Note that these matters have been considered and approved by the members of the Council's Finance Committee, and the Committee Chair, Cllr. Burgin has requested that these matters be brought to the Full Council for ratification.

## **Matters from Finance Committee, continued**

### **a) Budgetary Control Statement 2021/22: 31 October 2021**

Ratify the Budgetary Control Statement for the period 31 October 2021.

### **b) Cornmarket Area**

Ratify the fee of £750 to be charged to the Board and Elbow for use of the Cornmarket area in 2022.

### **c) External Audit**

- i. Receive and ratify the audit report noting that the Council's external auditors, PKF Littlejohn LLP, had signed off the accounts ending 31 March 2021 with no qualifications.
- ii. Note to comply with The Accounts and Audit Regulations 2015 the Council has published on its website, Sections 1 and 2 of the 2020/21 Annual Return (the Annual Governance Statement and the Summary Accounts), together with the Audit Certificate.

### **d) Project Budget Allocation**

Ratify that the Project Budget be allocated against the following schemes of work:

- |  |        |
|--|--------|
| i. Speed Indicator Device  | £2,500 |
| ii. Eden District Council – Castle Park<br>Tennis Court Redevelopment Scheme | £5,500 |

### **e) Recycling Centre Adoption Agreement**

Ratify that the Recycling Centre Adoption Agreement with Eden District Council is not renewed.

### **f) Local Government Reorganisation**

Ratify the Terms of Reference for a Local Government Review Strategic Planning Group.

## **New Business**

### **10. Motion from Cllr Davies Community Participatory Budget**

**This motion is put forward to give the citizens of Penrith a more empowered say in how and on what public money is spent in Penrith through their direct participation in the decision-making process.**

#### **Recommendation**

- i. Consider, in principle, establishing and delivering a Community Participatory Budget (PB) Approach in the new financial year 2022-2023 with an initial £10k PB allocation from the Corporate Budget.
- ii. Consider, in principle that any unspent budget (midway through the 2022/23 year) in the CCEG Committee budget be allocated to supplement the initial £10k PB allocation with the caveat that this will be dependent upon the level of interest.
- iii. Agree that a report be brought to Council that will consider governance implications and the approach, to enable the motion to be formally approved with a clear understanding of how PB will be implemented.

#### **Background**

The Participatory Budget will enable citizens of Penrith to have a direct role in putting forward projects to the Council, and allocation of budgets for project delivery. The PB process enables greater participation in the spending and allocation of public money on community driven projects. Participatory budgeting will empower the community through Participatory and Deliberative Democracy.

As we move forward after the impact of the Pandemic, we have the ability to reboot the process of local engagement, community led delivery and public participation in democracy by delivery of an approach for the community to shape Council decisions and deliver community-led projects.

Over the next few years as well as recovery from the social and economic impact of the Pandemic and Brexit, Penrith along with the rest of Cumbria will face a rapid reshaping of local government over the next 12 months that will shift the local focus and delivery of the upper tiers of local government that risk local focused projects and community needs becoming overlooked by the new unitary council due to the geographical coverage and focus.

This presents the need for Penrith Town Council to step up to ensure the needs of Penrith and citizens we serve have the opportunity and funding to deliver community led projects.

#### **What is a participatory budget?**

A participatory budget is an innovative policy-making tool that directly involves citizens in the allocation of municipal funds.

This is achieved by the council asking citizens to define which social domains, problems or opportunities should receive a share of the budget and what share of the budget that should be.

**The nine key values, principles and standards of participatory budget are:**

Local Ownership, Direct Involvement, Support for representative democracy, Mainstream Involvement, Accessibility, Transparency, Deliberation, Empowerment, Shared responsibility

Participatory Budget's first appeared in Brazil in 1989, Since then councils worldwide have implemented participatory budgets. It has since 1989 become a widely used tool to give around the world a say in the formation of local policies.

Participatory Budgeting allows local citizens to allocate resources, prioritize social policies, and monitor public spending. This makes the participatory budget a valuable tool for the engagement and empowerment of local communities.

The purpose of the motion is to reboot local engagement, community led delivery and public participation in democracy by delivering a way for the community to have a direct role that will give:

- Local Ownership,
- Direct Involvement,
- Support for representative democracy,
- Mainstream Involvement,
- Accessibility,
- Transparency,
- Deliberation,
- Empowerment,
- Shared responsibility

**Facts/ Background Documents**

- <https://www.local.gov.uk/topics/devolution/devolution-online-hub/public-service-reform-tools/engaging-citizens-devolution-5>
- <https://pbnetwork.org.uk/>
- <https://sdgs.un.org/partnerships/digitization-chengdu-participatory-budgeting-community-support-fund-e-platform>
- [https://unhabitat.org/sites/default/files/2020/08/exploring the role of participatory budgeting and sdgs eng.pdf](https://unhabitat.org/sites/default/files/2020/08/exploring_the_role_of_participatory_budgeting_and_sdgs_eng.pdf)
- <https://unhabitat.org/sites/default/files/download-manager-files/72%20Frequently%20Asked%20Questions%20about%20Participatory%20Budgeting%20%28English%29.pdf>

## **11. A66 Northern Trans-Pennine Project**

- a) Consider the disposal of an area of land at Thacka Beck Field to facilitate the A66 Project.
- b) Authorise the Council's solicitor to appoint an external agent to negotiate any compensation due.
- c) Authorise the Council's solicitor to accept the valuation and progress the general vesting declaration.

## **12. Next Meeting**

Note the next meeting is the **Council's Precept Meeting** which is scheduled for Monday 26 January 2022 at 6.00pm, with the venue to be determined.

## **PART II Private Section**

**There are 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:  
<https://www.penrithtowncouncil.gov.uk/>

### **Background Papers**

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

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Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

**DRAFT** Minutes of the meeting of

## PENRITH TOWN COUNCIL

Held on **Monday 27 September 2021**, at 6.00 pm, at Penrith Parish Centre, St Andrews.

### PRESENT

Cllr. Burgin	South Ward	Cllr. Kenyon	North Ward
Cllr. M. Clark	South Ward	Cllr. Knaggs	West Ward
Cllr. Davies	West Ward	Cllr. Lawson	Carleton Ward
Cllr. Fallows	East Ward	Cllr. C. Shepherd	Carleton Ward
Cllr. Hawkins	East Ward		
Cllr. Jackson	North Ward		

Acting Town Clerk

Deputy Town Clerk

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.

# **MINUTES FOR THE MEETING OF THE FULL COUNCIL**

**27 September 2021**

Cllr Shepherd announced that the following items had been withdrawn from the agenda prior to the meeting:

Item 4 Fibrus Broadband

Item 15 Approval for Reason for Absence of a Councillor from Meetings

## **PTC21/54 Apologies for Absence**

Apologies for absence were received from Cllrs Bowen, M. Shepherd and Snell.

Cllrs S Clarke and Donald were absent without apologies.

## **PTC21/55 Minutes**

### **a) RESOLVED THAT:**

It be noted that the minutes from the following committees had been circulated, and published on the Council website since the previous meeting:

- i. Planning Committee: 06 September 2021
- ii. CCEG Committee: 26 July 2021 & EOM 06 September 2021
- iii. Finance Committee: 20 September 2021

### **b) RESOLVED THAT:**

The Chair be authorised to sign, as a correct record, the minutes of the meeting of Penrith Town Council held on Tuesday 13 July 2021 and the Extra Ordinary Meeting held on Tuesday 27 July 2021.

## **PTC21/56 Declarations of Interest and Requests for Dispensations**

Members were asked to disclose their interests in matters to be discussed whether disclosable pecuniary or other registrable interest, and to decide requests for dispensations:

- a) Councillor Davies declared that he was a candidate in the Eden District Council Penrith West by-election and declared an interest in the following Agenda items: 10 Omega Proteins Liaison Group, 11 A66 Northern Trans-Pennine Project, 12 Parking and Movement Study, 13 Local Government Reorganisation & Devolution of Transfer of Assets, 19 Direction Signpost Beacon Edge, 20 20mph Speed Limit Order.

## **PTC21/56 Declarations of Interest and Requests for Dispensations, continued**

He further declared an interest in the withdrawn Agenda items 4 Fibrus Broadband, 15 Approval for Reason for Absence of a Councillor from Meetings.

- b) Councillor Burgin declared that he was a candidate in the Eden District Council Penrith West by-election and declared an interest in the following Agenda items 10 Omega Proteins Liaison Group, 11 A66 Northern Trans-Pennine Project, 12 Parking and Movement Study, 13 Local Government Reorganisation & Devolution of Transfer of Assets, 19 Direction Signpost Beacon Edge, 20 20mph Speed Limit Order. He further declared an interest in the withdrawn Agenda items 4 Fibrus Broadband, 15 Approval for Reason for Absence of a Councillor from Meetings.
- c) Cllr. Lawson declared an interest in Agenda item 18, Gambling Act 2005 Review of Policy Consultation as he was a District Councillor and member of the Licensing Committee.

## **PTC21/57 Fibrus Broadband**

This item was withdrawn prior to the meeting.

## **PTC21/58 Public Participation**

### **a) Public Representations**

Members noted that there were no questions or representations that had been received from members of the public prior to the meeting.

### **b) Reports from District and County Councillors**

- i. Members noted that there were no questions, petitions or statements that had been received from County or District Councillors prior to the meeting.
- ii. Members received the following reports:

#### **County Councillors**

County Councillor Carrick informed the meeting that Cumbria County Council were scheduled to make improvements to the Salkeld Road / Inglewood Road junction but had been required to undertake some further consultation which had delayed the project. The scheme proposal is being presented to Eden Area Local Committee in November 2021. Cllr Carrick reported that Salkeld Road was scheduled to be resurfaced and that she had requested that this be carried out at the same time as the junction improvements to reduce disruption.

#### **District Councillors**

There were no District Council reports.

## **PTC21/59 EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960**

Members confirmed that item 22 on the agenda should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960.

## **ROUTINE BUSINESS MATTERS**

### **PTC21/60 Report from the Council Chair**

Members noted that the mayor had attended the Kendal Mayor Making Ceremony, the Coronation Garden plaque unveiling in recognition of Jeff Fawcett and the Royal British Legion Standard Bearers Competition at Newbiggin Village Hall where he escorted the High Sherriff. He also reported that the Council's external auditors, PKF Littlejohn LLP, had signed off the accounts with no qualifications and thanked the staff for their hard work.

### **PTC21/61 Reports from Members**

There were no oral reports from Councillors regarding meetings that they had attended as representatives of the Town Council and matters of interest to the attention of the Council for information or future discussion:

### **PTC21/62 Resolutions Report**

Members noted the report.

### **PTC21/63 Omega Proteins Liaison Group**

Members noted that there had been no further meetings.

### **PTC21/64 A66 Northern Trans-Pennine Project**

- a. Members received a verbal update on meetings attended from Cllr C. Shepherd.
- b. Members were advised of the dates and locations of the Highways England Consultation on proposals for the A66 Northern Trans-Pennine Project.
- c. Members were asked to consider a response to the statutory consultation for the A66 Northern Trans-Pennine Project.

### **RESOLVED THAT:**

- i. The verbal report received from Cllr C. Shepherd be noted.
- ii. The dates and locations of the Highways England Consultation on proposals for the A66 Northern Trans-Pennine Project be noted.
- iii. Members submit their comments on the A66 Northern Trans-Pennine project statutory consultation to the Acting Town Clerk by 08 October 2021 for officers to prepare a Council response and consider whether a further meeting of Council should be called prior to the deadline of 06 November 2021.

### **PTC21/65 Parking and Movement Study**

Members noted the verbal report from the lead officer.

## **PTC21/66 Local Government Reorganisation & Devolution Transfer of Assets**

Members considered a report setting out the position of Local Government Reorganisation and the Devolution of Assets Project.

### **RESOLVED THAT:**

- i. The Local Government Reorganisation position be noted.
- ii. The Council resubmits the Expression of Interest Letter to EDC which was sent in December 2020 with the inclusion of the Old London Road Depot. The letter sets out the assets and services the Council would, in principle, be interested in considering for transfer and copy the letter to South Lakeland District Council, Barrow Borough Council and Cumbria County Council.
- iii. The Council writes to the leader of Eden District Council to request that all efforts are made to retain local service provision in Penrith including access to offices, officers, and services and copy the letter to South Lakeland District Council, Barrow Borough Council and Cumbria County Council.
- iv. The Council writes to the leader of Eden District Council to stress the importance of protecting and retaining local authority jobs in Penrith which in turn serves and supports the local economy and copies the letter to South Lakeland District Council, Barrow Borough Council and Cumbria County Council.
- v. The Council authorises the Town Clerk to begin preparing a Town Council plan for Local Government Reorganisation.
- vi. The position with regards to the Devolution Transfer of Assets Project be noted.

Moved by Councillor Davies

Seconded by Councillor Hawkins

### **AND RESOLVED THAT:**

The Council writes to Cumbria County Council stating that Penrith Town Council supports Cumbria County Council's Cabinet in calling for a judicial review into the decision for Local Government Reorganisation.

## **PTC21/67 Matters from Finance Committee**

- a. Members were asked to ratify matters a, b, c as approved by Finance Committee on 20 September 2021.
- b. Members were asked to consider and approve an additional budget of £2000 be allocated to the Thacka Beck Field budget from the Devolution Reserve to enable minor improvement works to be undertaken.

### **RESOLVED THAT:**

- i. The following matters approved by Finance Committee be ratified a, b, c.
  - a. **Budgetary Control Statement** for the period 31 August 2021.

## **PTC21/67 Matters from Finance Committee, continued**

### **b. Risk Assessments**

for:

- i. Allotments
- ii. Bandstand
- iii. Business Continuity
- iv. Bus Shelter
- v. Fairhill
- vi. Finance
- vii. Fire
- viii. GDPR
- ix. Governance
- x. IT & Website
- xi. Lone Working
- xii. Musgrave Monument
- xiii. Morrisons Recycling Bring Site
- xiv. Office
- xv. Seats
- xvi. Thacka Beck Field
- xvii. War Memorial (St Andrews)
- xviii. Remembrance Day Parade and Service

### **c. Policy Review**

- a) Procurement Policy
- b) Financial Regulations.

And

- ii. Approved that an additional budget of £2,000 be allocated to the Thacka Beck Field budget from the Devolution Reserve.

## **NEW BUSINESS**

### **PTC21/68 Approval of Reason for Absence of a Councillor from Meetings**

This item was withdrawn prior to the meeting.

### **PTC21/69 Approval of Reason for Absence of a Councillor from Meetings**

Members considered a request from Cllr Snell for approval of a period of absence from attendance at meetings between 6 May and 27 September for the reasons stated and that approval be given for absence from 27 September until it is safe to attend meetings in person as set out in paragraph 1.3 of the report.

## **PTC21/69 Approval of Reason for Absence of a Councillor from Meetings, continued**

Moved by Councillor Davies

Seconded by Councillor Burgin

that a dispensation be given until the end of January 2022 but remove Councillor Snell from the committees she sits on and allow other members to fill those vacancies to allow Council business to continue and also remove Councillor Snell as Vice-Chair of the Council and Deputy Mayor.

A vote was taken, and the motion was lost on the Chairs casting vote.

Moved by Councillor Davies

Seconded by Councillor Jackson

and **RESOLVED THAT:**

Cllr Snell's absence from attendance at meetings between 06 May and 27 September 2021 be approved for the reasons as stated in the report.

Moved by Councillor Davies

- a) Councillor Snell be granted a dispensation until the end of January 2022; and
- b) Due to wider implications for Council business, the roles of Vice Chair and Deputy Mayor be rescinded, and officers communicate with Councillor Snell to see what her intentions are with regard to committees.

There was no seconder, so the motion fell.

Moved by Councillor Shepherd

Seconded by Councillor Jackson

And **RESOLVED THAT**

Councillor Snell be granted a dispensation for absence from meetings for 6 months until the 27 March 2022.

## **PTC21/70 CCEG Committee Additional Standing Deputy**

Members were asked to consider the appointment of an additional standing deputy to the CCEG Committee.

**RESOLVED THAT:**

- i. Cllr Burgin be approved as the standing deputy to the CCEG Committee for the remainder of the municipal year; and
- ii. The Acting Town Clerk circulates to Members an updated list of Committee Membership.

## **PTC21/71 Gambling Act 2005 Review of Policy Statement Consultation**

Members considered a response to EDC's consultation on its 'Gambling Act 2005, Statement of Policy'.

### **RESOLVED THAT:**

- i. As the policy being only includes minor amendments and was last reviewed as recently as 2019, Councillors submit any comments no later than Friday 01 October 2021 to the Acting Town Clerk who will then prepare a response to EDC and submit it on EDC's Consultation Response Template.
- ii. Should the Acting Town Clerk receive no comments then a Consultation Response Form will be submitted stating 'no comments'.

## **PTC21/72 Directional Signpost Beacon Edge**

Members considered whether to make a financial contribution to the restoration of the directional signpost on Beacon Edge.

Moved by Councillor Shepherd

Seconded by Councillor Burgin

That the Council supports the restoration of the directional signpost on Beacon Edge and contributes £500 to its restoration.

Amendment by Councillor Kenyon

Seconded by Councillor Hawkins

That the Council supports the restoration of the of the directional signpost on Beacon Edge and contributes £1,000 to its restoration.

### **Councillor Davies requested that a named vote take place.**

A Vote was taken where there were:

For the Motion – 5

(Cllr Fallows, Cllr Hawkins, Cllr Kenyon, Cllr Knaggs, Cllr Lawson)

Against it – 4

(Cllr Burgin, Cllr M Clark, Cllr Davies, Cllr Jackson)

Abstentions – 1

(Cllr C Shepherd)

### **RESOLVED THAT:**

The Council makes a financial contribution of £1,000 to Cumbria County Council towards the restoration of the directional signpost on Beacon Edge and funds this from the Town Projects budget.



## **PTC21/73 20mph Speed Limit Order**

Members noted Cumbria County Council's response to the Council's request to create a Penrith wide 20mph Speed Limit Order.

## **PTC21/74 NEXT MEETING**

Members noted that the next meeting which is the Extra Ordinary Meeting of Council would be held on Monday 29 November 2021 at 6.00pm, at Penrith Parish Centre, St Andrews.

## **PART II Private Section**

### **PART II – PRIVATE SECTION**

Members agreed that there was one item in this part of the agenda to be considered in private as it would involve the disclosure of exempt information under the following category of Part 1 of Schedule 12A of the Local Government Act 1972: Exempt information relating to members of staff.

### **PTC21/75 Staffing Matters**

Members noted the Acting Town Clerks verbal report on staffing matters.

**CHAIR:**

**DATE:**

**FOR INFORMATION FOR ALL  
MEMBERS OF THE TOWN COUNCIL**

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**DRAFT** Minutes of the meeting of

## PENRITH TOWN COUNCIL

Held on **Monday 01 November 2021**, at 5.30 pm, at Penrith Parish Centre, St Andrews.

### PRESENT

Cllr. Bowen	Pategill Ward	Cllr. Jackson	North Ward
Cllr. S. Clarke	Carleton Ward	Cllr. M. Shepherd	North Ward
Cllr. Davies	West Ward	Cllr. C. Shepherd	East Ward
Cllr. Hawkins	East Ward		

Acting Town Clerk  
Deputy Town Clerk

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.

# **MINUTES FOR THE MEETING OF THE FULL COUNCIL**

**01 November 2021**

## **PTC21/76 Apologies for Absence**

Apologies for absence were received from Cllrs Burgin, M Clarke, Kenyon, Knaggs, Lawson. Councillor Snell has a dispensation for attendance at meetings.

Cllrs Donald and Fallows were absent without apologies.

Cllr Hawkins joined the meeting at 18:04.

## **PTC21/77 Declarations of Interest and Requests for Dispensations**

Members were asked to disclose their interests in matters to be discussed whether disclosable pecuniary or other registrable interest, and to decide requests for dispensations:

- a) Councillor Davies declared that in his capacity as Chair of Clifton Community Council they had also submitted a response to the A66 Northern Trans Pennine Project consultation.
- b) Councillor C. Shepherd declared that he was a member of the Ramblers Association who had submitted a response.
- c) Councillor Bowen declared a pecuniary interest that her private residence is near to the development of the A66 Northern Trans Pennine project and her property value may be affected by the works.

## **PTC21/79 Public Participation**

### **a) Public Representations**

Members noted that there were no questions or representations that had been received from members of the public prior to the meeting.

## **PTC21/80 EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960**

Members confirmed that no items on the agenda should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960.

Councillor Bowen left the meeting.

## **PTC21/81 A66 Northern Trans-Pennine Project**

Members considered the Council's corporate response to the A66 Northern Trans-Pennine Project statutory consultation.

### **RESOLVED THAT:**

Amendments be made to the A66 Northern Trans-Pennine Project consultation letter and the response be approved and submitted to Highways England prior to the 06 November 2021. A copy of the final letter is appended to these minutes.

## **PTC21/82 NEXT MEETING**

Members noted that the next meeting will be held on Monday 29 November 2021 at 6.00pm, at Penrith Parish Centre, St Andrews.

### **CHAIR:**

### **DATE:**

**FOR INFORMATION FOR ALL  
MEMBERS OF THE TOWN COUNCIL**



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Monica Corso Griffiths

A66 Northern Trans-Pennine Project

Highways England

5<sup>th</sup> Floor, 3 Piccadilly Place

Manchester

M1 3BN

02 November 2021

Dear Ms Corso Griffiths

## ***A66 Northern Trans-Pennine Project, Statutory Consultation***

Further to Highways England's letter of 20 September 2021 setting out that Penrith Town Council is a prescribed consultee for the A66 Northern Trans-Pennine Project, the Council hereby encloses its consultation response.

### **Thacka Beck Field**

The Council is freehold owner of land known as Thacka Beck Field, registered titles CU215569, CU215568, CU216037 which adjoins the proposed road scheme. The Council has received a separate letter as having an interest in land that is proposed to be acquired to facilitate the project. Whilst liaison between the Council and Highways England will proceed outside of the consultation process the Council wishes to reaffirm that it has a legal easement for access over Highways England land off the A686 and to the Thacka Beck Field. The access to the field must be maintained at all times. As part of any acquisition of part of Thacka Beck Field, the Council would like to work with Highways England to facilitate improvements to the field for the benefit of the local community.

### **Footpath and Cycling Connectivity**

The Council requires for the footway connectivity which links the A686 with Carleton Hall Police Headquarters maintained via the existing underpass.

Prior to construction can Highways England provide a footpath connecting Eamont Bridge, with the Fire Station, Police Headquarters, and the Carleton Hall underpass.

The Council requires that pedestrian, cycling and horse accessibility to cross all the roads at Kemplay Roundabout during construction is maintained as these are key conduits for the public accessing Penrith with Eamont Bridge particularly.

The Council needs the existing pavement that runs alongside the eastbound side of the A66 from Junction 40 to Kemplay Roundabout turned in to a Public Right of Way and segregated from the new carriageway. Segregation by way of a hedge or other means would provide an improved experience and safety for pedestrians and cyclists. This is a much-used link between the new housing developments and the Penrith Industrial parks. The Public Right of Way and any acoustic barriers need to be complete and in use prior to work starting on the eastbound carriageway.

It is suggested that direct access to Wetheriggs Country Park from the A66 should be restricted as there has been evidence of people using the park entrance as a public convenience with the perpetrators allegedly accessing from the nearby laybys.

It is required that the footpath over the North Bridge at Junction 40 is maintained for use throughout the construction works. It is a Public Right of Way which was created as a diversion when the M6 was constructed.

The Council requires the section of the new eastbound carriageway from Junction 40 to Kemplay Roundabout to have an acoustic barrier constructed that would provide reduced noise impact for residents particularly those on Clifford Road and users of Wetheriggs Country Park.

### **Construction Matters**

The Council requires Highways England to relocate the access to the construction compound on Kemplay Bank to the north side of the bank of trees, and requests that there is no removal of any trees to accommodate a construction compound. This would reduce noise impact for the residents of Eamont Bridge which would be totally unacceptable on the proposed location. Also, the Council requires confirmation and details of any measures to be taken to prevent surface water runoff from this compound.

The Council requests that Highways England consider alternative locations for a construction compound that will have less impact on nearby residents at Eamont Bridge and Kemplay Bank.

Parts of Eamont Bridge are shown on the consultation documents as being within Fluvial Flood Zone 2. The consultation documents show a drainage pond and new wetland habitat to be created at the west side of Skirsgill Lane. Can Highways England give the Council and residents confidence that the creation of these areas will not increase the risk of flooding. The Council requires confirmation that there will be a physical barrier between the wetland habitats and existing gardens and houses at Eamont Bridge.

The Council requires Highways England to consider restoring the green space after construction which is currently the centre of the Kemplay Bank Roundabout, by cut and cover. This lends to noise mitigation and enhances the area a 'Green Gateway' to Penrith, whilst also adding as a habitat steppingstone and wildlife corridor.

To mitigate noise impact on residents from Junction 40 to Kemplay and on towards Frenchfield the Council requires that the road surface is a 'quiet' tarmac surface.

Where Highways England intend to install carriageway and any other lighting can they consider measures to control 'light spill' and reduce light pollution, whilst also considering solar lighting.

Can Highways England install CCTV upon the route to monitor breakdowns, safety, and congestion.

The Council requests confirmation from Highways England that they will maintain the existing number of lanes on all arms of the Kemplay Roundabout. Anything else would create increased congestion in this area.

### **Managing Congestion**

There is undoubtedly going to be congestion and disruption whilst the works are ongoing. The Council requests that the following measures are taken:

Advanced warning signs be displayed on approach roads and encourage traffic to use earlier exits and entry points on to the M6 to avoid the area at Kemplay Bank and Highways England publicise this using various ranges of media.

Highways England to forecast, plan and mitigate traffic using other local routes around Penrith to reduce congestion of these routes.

Highways England to liaise with Cumbria Highways and Utility companies to ensure that planned maintenance is coordinated to lessen the impact of roadworks, traffic signals elsewhere in and around Penrith during the construction phase of the A66 scheme.

Highways England look at alternative mitigating road options that go beyond the construction phase.

Highways England to liaise with the Highway Authority to coordinate for the installation of 'smart' traffic lighting throughout Penrith.

### **Other Matters and Matters Outside Penrith Town Council Boundary**

Following the proposed removal of the laybys on the West and East bound carriageways between Junction 40 and Kemplay Bank could replacement HGV parking provision, with amenities be provided by liaising with current owners of the Skirsgill Depot.

The Council would ask Highways England to consider the provision for diverted traffic at the junction of the B6262 in the event of closure or failure of Eamont Bridge. A section of asphalt on the centre reservation with a removable barrier would allow temporary traffic lights to manage diverted traffic.

The Council would like a public right of way connecting from Brougham, Countess Pillar, Center Parcs and Ninekirks Old Church.



Yours sincerely,

A handwritten signature in blue ink that reads "Charles Shepherd". The signature is written in a cursive style with a large, stylized 'C' and 'S'.

Cllr. Charlie Shepherd  
Chair of Council

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# **FULL COUNCIL**

## **29 NOVEMBER 2021**

### **Matter: Resolutions Report**

### **Purpose of Report:**

To note the progress against previous resolutions.

**Item no:** 08

**Author:** Acting Town Clerk

### **Recommendations**

Members are asked to NOTE the progress on resolutions agreed at Full Council on 27 September 2021 and 01 November 2021.

<b>Minute Ref</b>	<b>Matter Title</b>	<b>Progress</b>
PTC21/64	<b>A66 Northern Trans-Pennine Project</b> Members submit their comments on the project statutory consultation by 08 October for officers to prepare a Council response and consider whether a further meeting of Council should be called prior to the deadline of 06 November 2021.	Completed
PTC21/66	<b>Local Government Reorganisation &amp; Devolution Transfer of Assets</b> The Council resubmits the Expression of Interest Letter to EDC which was sent in December 2020 with the inclusion of the Old London Road Depot. The letter sets out the assets and services the	Completed

Council would, in principle, be interested in considering for transfer and copy the letter to South Lakeland District Council, Barrow Borough Council and Cumbria County Council.

The Council writes to the leader of Eden District Council to request that all efforts are made to retain local service provision in Penrith including access to offices, officers, and services and copy the letter to South Lakeland District Council, Barrow Borough Council and Cumbria County Council.	Completed
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The Council writes to the leader of Eden District Council to stress the importance of protecting and retaining local authority jobs in Penrith which in turn serves and supports the local economy and copies the letter to South Lakeland District Council, Barrow Borough Council and Cumbria County Council.	Completed
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The Council authorises the Town Clerk to begin preparing a Town	Ongoing -
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	<p>Council plan for Local Government Reorganisation.</p> <p>The Council writes to Cumbria County Council stating that Penrith Town Council supports Cumbria County Council's Cabinet in calling for a judicial review into the decision for Local Government Reorganisation.</p>	<p>Terms of Reference for Local Government Review Strategic Planning Group to be ratified at Council on 29 November 2021.</p> <p>Completed</p>
PTC21/67	<p><b>Matters from Finance Committee</b></p> <p>Additional budget of £2,000 be allocated to the Thacka Beck Field budget from the Devolution Reserve.</p>	Completed
PTC21/70	<p><b>CCEG Committee Additional Standing Deputy</b></p> <p>Cllr Burgin be approved as the standing deputy to the CCEG Committee for the remainder of the municipal year.</p>	Completed
PTC21/71	<p>The Acting Town Clerk circulates to Members an updated list of Committee Membership</p> <p><b>Gambling Act 2005 Review of Statement of Policy Consultation</b></p> <p>Consultation response form to be submitted to Eden District Council.</p>	<p>Completed</p> <p>Completed with a response of 'no comments'.</p>
PTC21/72	<p><b>Directional Signpost Beacon Edge</b></p> <p>The Council makes a financial contribution of £1000 towards the restoration of the</p>	CCC notified and asked to invoice the Council in due course.

directional signpost on Beacon Edge and funds this from the Town Projects Budget.

**01/11/2021**

PTC21/81

**A66 Northern Trans-Pennine Project**

Completed

Amendments be made to the A66 Northern Trans-Pennine Project consultation letter and the response be approved and submitted to Highways England prior to the 06 November 2021.

# **FULL COUNCIL**

## **29 November 2021**

### **Matter: Budgetary Control Statement 2021/22: Expenditure to 31 October 2021**

#### **Purpose of Report:**

Ratify the budgetary control statement for the seven-month period to 31 October 2021

#### **Item no: 9a**

**Author:** Jack Jones, RFO

**Supporting Member:** Cllr Roger Burgin, Committee Chair

#### **This is a public report**

#### **Recommendations**

The Committee is recommended to:

- i. Ratify the budgetary control statement.

#### **Law and legal implications**

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.

The Local Government Act 1972 requires the Council to have sound financial management.

#### **Link to Council Priorities**

Robust budgetary control supports the Council in its delivery of priorities within the approved budget framework.

### **1. Report Details**

#### **A. Budgetary Control Statement (Appendix A)**

The attached budgetary control statement shows the following information, analysed over the most detailed budget headings:

- The full year's Approved Budget for 2021/22, which was ratified by Council on 25 January 2021.
- The Latest Budget for the full year; the agreed changes from the Approved Budget relate to the transfer of budgets to allocate resources for the implementation of the new Grants scheme and the use of the Devolution Reserve to fund an extra £2,000 budget at Thacka Beck.

- The budget to date, based on the latest budget for the year. This proportion is the anticipated budget for the first seven months of the year, based on a forecast of the expected pattern of income and expenditure, known as the budget profile. For most headings, this profile will be a simple pro-rata of the annual budget (ie 7/12ths for the current period), however more detailed profiles have been used for several budget headings (eg Greening expenditure is weighted towards the first half of the year).
- Actual income and expenditure to 31 October, based on the matching principle, which means taking account of all income and expenditure which relates to the period, irrespective of when it is paid/received. An exception to the general matching rule is that grants approved but not yet paid at the end of the period are included as expenditure, on the basis that this gives a truer view of expenditure against budget.
- The variance between the actual income and expenditure and the profiled latest budget for the period. Variances are expressed as favourable (positive) where there is an underspending or increased income, and as adverse (negative and bracketed) where there is an overspending or reduced income.
- The position on the Council's three reserves: its General Reserve, Devolution and Acquisitions Reserves, at the end of October. To give a truer view of the General Reserve, it is assumed that contributions to the Devolution Reserve are made during the year at each month-end.

## **B. Commentary**

The statement shows underspendings on the majority of budget headings. It is clear that the current staffing situation, coupled with the effects of the pandemic, is adversely affecting key spending programmes.

### **B.1 Income**

Overall income of £267,078 is just below the profiled budget of £267,429.

- The full year's precept and CTRS grant income has been received from Eden DC; the appropriate proportion of each has been allocated to this period.
- It is already clear that lower investment returns will fail to meet the budget target, which now looks particularly optimistic.

### **B.2 Planning Committee**

Expenditure of £846 is shown against the profiled budget of £11,743, an underspending of £10,897.

- £4,987 of the variance relates to Planning services; expenditure is difficult to profile as it is largely dependent on progress with the Neighbourhood Plan, however the Committee plans to use some of the budget to purchase speed indicator devices.
- The Climate Change annual budget of £13,300 excludes the associated staffing costs, which are reported in the Finance Committee. The budget is profiled over the



final three quarters of the year and totals £5,910 to 31 October. There has been no spend against this amount, for reasons which are known to the Committee.

### **B.3 CCEG Committee**

Net spend of £16,132 is shown against the profiled budget of £63,945, an underspending of £47,813.

- There has been little expenditure on Town Projects, while a grant of £3,750 has been received from Cumbria CC towards a marketing plan, leading to a £11,783 underspend.
- The Covid-19 Response budget, created as a contingency, is underspent by £2,255.
- Staff time of £1,175 has been charged to the Arts & Cultural Strategy rather than Officer Support. Overall, Arts & Entertainment shows an underspending of £7,575.
- The Greening budget records expenditure of £7,825 to date, which is an overspend of £2,825 against the full year's budget. This is attributable to the £2,864 purchase of planters for the Monument; these were ordered in January to be met from last year's budget, however they have only recently been supplied.
- As the Grants scheme was only approved on 24 May, expenditure has been profiled over the final three quarters of the year. The only expenditure to date is on two Large Grants and the overall budget is underspent by £25,278.
- The Corporate Communications budget, which includes Community Engagement, is currently underspent by £3,747, a variance which is likely to increase in the next few months.
- In response to several of these variances, the CCEG Committee is requesting Council to approve the following budget amendments:
  - the transfer of £3,000 from Grow Nature Grants to Greening; and
  - the creation of an Arts & Culture Development budget of £22,500 by transferring £6,300 from the Arts & Cultural Strategy budget, £13,200 from Town Projects and £3,000 from the Large Grants budget.

### **B.4 Finance Committee**

Net expenditure of £184,645 is shown against the budget to date of £204,443, an underspending of £19,798. The main variances are as follows:

- The approved Staffing budget allows for the salary of the Sustainability Officer from 1 July, so the profile includes the post's costs from that date. In overall terms, the budget is underspent by £7,078, mainly on costs associated with staffing. Within this figure, direct staff costs are currently underspent by £5,165: to date, underspendings from the vacant Community Engagement Officer post and sickness absence have been offset by untaken annual leave, the allowance paid to the Acting Town Clerk and additional staff cover for the Town Clerk's absence.

The approved budget includes an allowance of 1.0% for the annual inflationary pay award. This was set in January, based on an expectation that public sector pay

might be frozen. Nationally, local government unions have submitted a claim for a 10% pay increase; currently they are consulting their members on industrial action in reply to an offer of 1.75% from the employers' side.

- Civic Regalia shows an overspend of £726 due to the £485 purchase of a press and seal and £221 for past Mayors' brooches; this is currently offset by underspends on other Civic Functions and can be set against administrative cost underspendings in the future.
- The IT budget is currently underspent by £4,574; it is still too early to say if this indicates an ongoing trend.
- Devolved Services budgets are underspent by £5,628 in total, which is mirrored by a similar variance on the amount contributed to the Devolution Reserve. Currently there are variances on several headings:
  - Allotments show an underspending of £1,229, after meeting the surveyor's costs for Salkeld Road.
  - Benches are underspent by £775; two memorial benches have been purchased with income from relatives.
  - The main reason for the underspend of £1,052 on the Bandstand is the £500 income from the Board and Elbow.
  - Fairhill Park is overspent by £825, which appears to be a profiling issue.
  - There has been little spend on Thacka Beck, which is underspent by £1,624.
  - The budget for producing an action plan for Local Government re-organisation has not yet been used, but Officers are now actively progressing the work.
- The £1,833 budget for Council Projects has not been used; a report on the Committee agenda outlines proposals for use of the funds.
- Expenditure on Other Overheads is £2,423 below the profiled budget, the largest variance being £1,458 on Legal Fees, which records nil expenditure, and £742 on Accountancy Fees.
- Repairs and Renewals show an underspending of £2,568 to date as there has been minimal expenditure on the budget.

## **B.5 Contingency**

- The profiled portion of the contingency provision, £583, is shown as fully underspent as any unforeseen expenditure is allocated to the correct budget heading.

## **B.6 Total Expenditure & Increase/Decrease in General Reserve**

- The individual variances result in an underspending of £79,091 against the profiled total expenditure budget of £280,714. As there is £351 less income, there is a net variation of £78,740 on the profiled amount transferrable to the General Reserve.

## **B.7 Reserves**

- The Actual to date column includes the General Reserve balance at 1 April 2021 of £340,432 which was £63,945 higher than forecast in the Approved Budget because of underspendings in 2020/21.
- The profiled budget assumes that the Reserve should decrease by £13,285 in the period, resulting in a balance of £263,202 at 31 October. The actual balance on the reserve at the month end is £405,887, which is £142,685 higher than expected.
- The Devolution Reserve opened the year with a balance of £135,948, which was £14,070 higher than the Approved Budget. As noted above, the actual amount of £21,272 transferrable into the Devolution Reserve is £5,628 higher than profile, resulting in a total of an additional £19,698 in the Reserve.
- The Approved Budget assumes that no use will be made of the £50,000 held in the Acquisitions Reserve during 2021/22, although this money will be available if required.

## **C. Balance Sheet (Appendix B)**

Appendix B shows the Council's balance sheet as at 31 October 2021. The following points may be noted:

- The total invested of £624,773 includes £180,000 placed with CCLA pending its use to fund expenditure towards the end of the year.
- The main debtor balance is £2,089 VAT reclaimed from HMRC: July and August's VAT of £1,478 was received early in November and £611 is due for October's transactions.
- Prepayments of £9,683 include adjustments for insurance, office rental, licences, subscriptions and maintenance agreements.
- The HSBC Bank balance stands at £184,787, including cover for cash flow requirements in the coming months.
- Accruals of £4,778 represent goods and services received before 31 October, where the payment was not made by that date. Individual items include £600 for accommodation, £820 Community Caretaker costs, £500 for printing and £2,281 audit and accountancy fees.
- The Payroll Control balance of £7,974 relates to deductions calculated in the October payroll; the total is due to HMRC for income tax and national insurance and to the Cumbria Pension Fund for superannuation.
- The Receipts in Advance figure comprises £193,468 income for November 2021 to March 2022, already received from Eden DC as precept or devolved services grants, together with £2,129 from United Utilities for planting maintenance.
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## **D. Conclusion**

The budgetary control statement shows that overall spending to the end of October was around £79,000 below the Latest Budget for the period, maintaining the trend observed in previous months. The Council is now seven months into the financial year, suggesting that the underlying underspending will continue into the coming months and could, given the current staffing situation, increase as the year progresses. This position may be tempered by several budgeted programmes planned for the second half of the year, however it appears almost certain that there will be a substantial underspend at year-end.

The Committee will know that the forecast outturn for the current year will be a key element in the budget process for next year. Officers are currently formulating detailed estimates and have been requested to be as realistic as possible about the forecast expenditure.

Finally, there are no issues arising from the Council's balance sheet at 31 October.

## **2. Options Analysis including risk assessment**

### **Risk & Consequences**

The Council may fail to receive expected income or may incur unexpected overspending, potentially leading to the curtailment of planned expenditure.

Adverse criticism of over or underspending.

### **Controls Required**

A sound budgetary control system with regular reporting and identification of issues.

## **3. Financial and Resource Implications**

This report is concerned solely with financial management.

## **Appendices**

- Appendices - Income & Expenditure and Balance Sheet statements

## **Background Papers**

- Transaction and trial balance reports from the Sage accountancy system
- Budgetary control working papers



# Penrith Town Council

## BUDGETARY CONTROL STATEMENT: SEVEN MONTHS ENDED 31 OCTOBER 2021

Approved Budget 2021/22	Latest Budget 2021/22	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		<b>INCOME</b>			
450,069	450,069	<b>Precept:</b> Council Tax	262,540	262,540	0
7,700	7,700	<b>EDC - CTRS Grant</b>	4,492	4,405	(87)
670	670	<b>Other Income:</b> Investment Income	391	133	(258)
10	10	Miscellaneous Income	6	0	(6)
<b>458,449</b>	<b>458,449</b>	<b>TOTAL INCOME</b>	<b>267,429</b>	<b>267,078</b>	<b>(351)</b>
		<b>EXPENDITURE</b>			
		<b>PLANNING COMMITTEE:</b>			
		<b>Planning:</b>			
}	}	Officer Support	0	554	}
10,000	10,000	Planning Consultancy	5,833	292	4,987
}	}	Consultation	0	0	}
10,000	10,000		5,833	846	4,987
		<b>Climate Change:</b>			
5,000	5,000	Community Consultation	2,222	0	2,222
2,000	2,000	Internal Business Plan	889	0	889
1,000	1,000	Carbon Footprinting: High level baseline	444	0	444
500	500	Carbon Footprinting: Calculator licence	222	0	222
3,000	3,000	BIG STEP	1,333	0	1,333
800	800	Staff Development/Exceptional Expenses	356	0	356
1,000	1,000	Carbon Literacy Training	444	0	444
13,300	13,300		5,910	0	5,910
<b>23,300</b>	<b>23,300</b>	<b>Planning Committee Total</b>	<b>11,743</b>	<b>846</b>	<b>10,897</b>
		<b>CCEG COMMITTEE:</b>			
		<b>Town Projects:</b>			
15,000	15,000	Town Projects	8,750	(3,033)	11,783
5,000	5,000	Covid-19 Response	2,917	662	2,255
20,000	20,000		11,667	(2,371)	14,038
		<b>Arts &amp; Entertainment:</b>			
5,000	7,500	Officer Support	4,375	0	4,375
7,500	7,500	Arts & Cultural Strategy	4,375	1,175	3,200
29,000	0	Events Grants	0	0	0
41,500	15,000		8,750	1,175	7,575
		<b>Environment:</b>			
14,500	5,000	Greening	5,000	7,825	(2,825)
31,000	0	<b>Community Grants</b>	0	0	0
		<b>Grants:</b>			
	15,000	Small Grants	6,667	0	6,667
	15,500	Grow Nature Grants	6,889	0	6,889
	36,500	Large Grants	16,222	4,500	11,722
0	67,000		29,778	4,500	25,278
		<b>Corporate Communications:</b>			
12,500	12,500	Community Engagement	7,292	3,183	4,109
2,500	2,500	Press Support	1,458	1,820	(362)
15,000	15,000		8,750	5,003	3,747
<b>122,000</b>	<b>122,000</b>	<b>CCEG Committee Total</b>	<b>63,945</b>	<b>16,132</b>	<b>47,813</b>

Approved Budget 2021/22	Latest Budget 2021/22	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		<b>FINANCE COMMITTEE:</b>			
		<b>Staffing:</b>			
195,170	195,170	Salaries	110,441	104,370	6,071
16,910	16,910	National Insurance	9,639	9,528	111
34,120	34,120	Superannuation	19,365	20,382	(1,017)
1,000	1,000	Recruitment Expenses	583	58	525
950	950	Staff Training	554	282	272
1,500	1,500	Conferences	875	131	744
700	700	Staff Expenses	408	36	372
250,350	250,350		141,865	134,787	7,078
		<b>Accommodation:</b>			
7,500	7,500	Rent	4,375	4,375	0
1,700	1,700	Heat, Light & Water	992	826	166
920	920	Service Charges	537	576	(39)
230	230	Room Hire	134	394	(260)
380	380	Insurances	222	228	(6)
(10)	(10)	Letting Income	(6)	0	(6)
10,720	10,720		6,254	6,399	(145)
		<b>Civic Functions:</b>			
400	400	Civic Functions	233	0	233
700	700	Mayoral Expenses	408	0	408
300	300	Deputy Mayor's Expenses	175	0	175
100	100	Civic Regalia	58	784	(726)
1,500	1,500		874	784	90
		<b>Cost of Democracy:</b>			
200	200	Annual Meeting	200	302	(102)
1,000	1,000	Members' Training	583	64	519
200	200	Members' Expenses	117	0	117
200	200	Notice/Honours Board	117	95	22
1,600	1,600		1,017	461	556
21,000	21,000	<b>IT</b>	12,250	7,676	4,574
2,050	2,050	<b>Website</b>	1,196	375	821
		<b>Devolved Services:</b>			
(1,400)	(1,400)	Bring Site	(817)	(817)	0
1,550	1,550	Allotments	904	(325)	1,229
400	400	War Memorial	233	48	185
790	790	Benches	461	(314)	775
5,410	5,410	Bus Shelters	239	467	(228)
1,700	1,700	Bandstand	992	(60)	1,052
420	420	Musgrave Monument	245	(75)	320
1,200	1,200	Fairhill Park	700	1,525	(825)
1,500	1,500	Play Areas	875	0	875
0	0	Fairhill United Utilities Planting Maintenance	0	0	0
3,000	5,000	Thacka Beck	1,750	126	1,624
300	300	Signage, etc	175	0	175
8,800	8,800	Community Caretaker	5,133	5,187	(54)
3,000	3,000	Local Government Re-organisation: Action Plan	500	0	500
19,674	17,674	Contribution to/(from) Devolution Reserve	15,644	21,272	(5,628)
46,344	46,344		27,034	27,034	0
		<b>Council Projects:</b>			
3,000	3,000	Officer Support	500	0	500
8,000	8,000	Project Budget	1,333	0	1,333
11,000	11,000		1,833	0	1,833
		<b>Other Overheads:</b>			
1,800	1,800	Printing, Postage & Stationery	1,050	373	677
1,700	1,700	Audit Fees	992	1,110	(118)
4,000	4,000	Insurance	2,333	1,984	349
100	100	Bank Charges & Interest	58	64	(6)
2,800	2,800	Accountancy Fees	1,633	891	742
2,500	2,500	Legal Fees	1,458	0	1,458
450	450	Licences	263	239	24
3,000	3,000	Subscriptions	1,750	2,453	(703)
16,350	16,350		9,537	7,114	2,423
8,000	8,000	<b>Repairs &amp; Renewals</b>	2,583	15	2,568
<b>368,914</b>	<b>368,914</b>	<b>Finance Committee Total</b>	<b>204,443</b>	<b>184,645</b>	<b>19,798</b>

Approved Budget 2021/22	Latest Budget 2021/22	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
<b>1,000</b>	<b>1,000</b>	<b>Contingency</b>	<b>583</b>	<b>0</b>	<b>583</b>
<b>0</b>	<b>0</b>	<b>Transfer to/(from) Acquisitions Reserve</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>515,214</b>	<b>515,214</b>	<b>TOTAL EXPENDITURE</b>	<b>280,714</b>	<b>201,623</b>	<b>79,091</b>
<b>(56,765)</b>	<b>(56,765)</b>	<b>INCREASE/(DECR) IN GENERAL RESERVE</b>	<b>(13,285)</b>	<b>65,455</b>	<b>78,740</b>
		<b>RESERVES:</b>			
		<b>General Reserve:</b>			
276,487	276,487	Balance brought forward 1 April 2021	276,487	340,432	63,945
(56,765)	(56,765)	Increase/(decrease) in year	(13,285)	65,455	78,740
<b>219,722</b>	<b>219,722</b>	<b>Balance carried forward</b>	<b>263,202</b>	<b>405,887</b>	<b>142,685</b>
		<b>Devolution Reserve:</b>			
121,878	121,878	Balance brought forward 1 April 2021	121,878	135,948	14,070
19,674	17,674	Contribution from/(to) 2021/22 Budget	15,644	21,272	5,628
<b>141,552</b>	<b>139,552</b>	<b>Balance carried forward</b>	<b>137,522</b>	<b>157,220</b>	<b>19,698</b>
		<b>Acquisitions Reserve:</b>			
50,000	50,000	Balance brought forward 1 April 2021	50,000	50,000	0
0	0	Contribution from/(to) 2021/22 Budget	0	0	0
<b>50,000</b>	<b>50,000</b>	<b>Balance carried forward</b>	<b>50,000</b>	<b>50,000</b>	<b>0</b>
<b>411,274</b>	<b>409,274</b>	<b>TOTAL RESERVES</b>	<b>450,724</b>	<b>613,107</b>	<b>162,383</b>



## Penrith Town Council

### BALANCE SHEET AS AT 31 OCTOBER 2021

	£	£
<b>Investments</b>		
Penrith Building Society	85,941	
Cumberland Building Society	84,972	
CCLA Public Sector Deposit Account	<u>453,860</u>	
		624,773
<b>Current Assets</b>		
Debtors	124	
Debtor - VAT	2,089	
Prepayments	9,683	
HSBC Bank Account	<u>184,787</u>	
	196,683	
<b>Current Liabilities</b>		
Creditors	0	
Accruals	4,778	
Payroll Control	7,974	
Receipts in Advance	<u>195,597</u>	
	208,349	
<b>Net Current Assets</b>		(11,666 )
		<u><b>613,107</b></u>
<b>Represented by:</b>		
<b>Reserves</b>		
General Reserve		405,887
Devolution Reserve		157,220
Acquisitions Reserve		50,000
		<u><b>613,107</b></u>



# **FULL COUNCIL**

**29 November 2021**

## **Matter: Cornmarket Bandstand**

### **Purpose of Report:**

Ratify the charging arrangements for the use of the Cornmarket area for the Board and Elbow in 2022.

**Item no:** 09b

**Author:** Services and Contracts Manager

**Supporting Member:** Cllr. Jackson, Lead Member for Assets

### **Recommendations**

Ratify the fee of £750 to be charged to the Board and Elbow for use of the Cornmarket area in 2022.

### **Law and legal implications**

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.

### **Link to Council Priorities**

This report aligns with the strategic priority for Health and Wellbeing to protect and improve the environment, leisure and recreational community facilities, services and assets that contribute to our quality of life and its attractiveness as a place to visit.

## **1. Report Details**

- 1.1 Finance Committee, 20 September 2021, considered a report setting out a request from the Board and Elbow to be given consent to use the area to the front of the Bandstand for outdoor hospitality in 2022. The Committee resolved that:
  - i. The Board and Elbow be granted consent in principle to use the area to the front of the Cornmarket Bandstand for outdoor hospitality in 2022.
  - ii. Delegated Authority be given to the Services and Contracts Manager to confirm the arrangements with the Board and Elbow in line with the arrangements set out in the report of 20 September 2021.
  - iii. The Services and Contracts Manager liaises with the Board and Elbow to discuss charging arrangements and reports to the next meeting of Finance Committee.
- 1.2 The Services and Contracts Manager has since liaised with the Board and Elbow to discuss charging arrangements and it is proposed that a fee of £750 be charged for the use of the area to the front of the bandstand for outdoor hospitality in 2022.

- 1.3 As set out in the report on the 20 September 2021 the outline usage arrangements would include:
- The period of permission to be from 01 April to 30 September 2022.
  - A fee to be charged.
  - The Council will be the sole arbiter when determining whether any other hires of the area will take priority and as such the Board and Elbow be informed.
  - The Board and Elbow to ensure that the area is cleaned after use including removal of furniture and waste.
  - The Board and Elbow to provide a copy of its Public Liability insurance to the Council.
  - The Board and Elbow to obtain licensing consent from EDC prior to and as a condition of use.
- 1.4 Members are advised to note that the period of consent does not necessarily mean that the pub will trade every day. In 2021 use was determined by the weather, staffing available and expected number of customers.

## **2. Risk Assessment**

- 2.1 The Board and Elbow will be required to provide a copy of their Public Liability insurance and operate in accordance with the parameters set by the Council and the licensing permission and conditions as granted by Eden District Council.

## **3. Financial Implications**

- 3.1 The letting out of the space will provide an income to the Council.

## **4. Legal Implications**

- 4.1 There are no direct legal implications associated with this report.

## **Appendices**

None

## **Background Papers**

Report, Finance Committee, 20 September 2021.

## Section 3 – External Auditor Report and Certificate 2020/21

In respect of

PENRITH TOWN COUNCIL – CU0267

### 1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2021; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work **does not** constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and **does not** provide the same level of assurance that such an audit would do.

### 2 External auditor report 2020/21

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

None

### 3 External auditor certificate 2020/21

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2021.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature

PKF Littlejohn LLP

Date

24/09/2021

\* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews in Auditor Guidance Note AGN/02. The AGN is available from the NAO website ([www.nao.org.uk](http://www.nao.org.uk))

## Section 1 – Annual Governance Statement 2020/21

We acknowledge as the members of:

### PENRITH TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2021, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓

\*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

24/05/2021

and recorded as minute reference:

PTC 21/08 b) ✓

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

Acting Clerk

*Charles Shepherd*  
*Don Pen*

www.penrithtowncouncil.co.uk

LOCALLY AVAILABLE WEBSITE/WEBPAGE ADDRESS



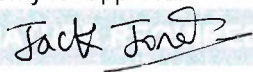
## Section 2 – Accounting Statements 2020/21 for

### PENRITH TOWN COUNCIL

	Year ending		Notes and guidance
	31 March 2020 £	31 March 2021 £	
1. Balances brought forward	287,071	387,208	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	437,813	454,233	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	26,349	104,796	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	215,737	235,145	Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	148,288	184,712	Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	387,208	526,380	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	413,664	527,228	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – <b>To agree with bank reconciliation.</b>
9. Total fixed assets plus long term investments and assets	46,993	124,363	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.
		✓	N.B. The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2021 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval



Date

17/04/2021

I confirm that these Accounting Statements were approved by this authority on this date:

24/05/21

as recorded in minute reference:

PTC 21/08 b)vi

Signed by Chairman of the meeting where the Accounting Statements were approved



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# **FULL COUNCIL**

## **29 November 2021**

### **Matter: Project Budget**

### **Purpose of Report:**

To ratify proposals for use of the Project Budget.

**Item no:** 09d

**Author:** Services and Contracts Manager

**Supporting Member:** Committee Chair, Cllr. Burgin.

### **Recommendations**

Ratify that the Project Budget be allocated against the following schemes of work:

- |     |  |        |
|-----|--|--------|
| i.  | Speed Indicator Device   | £2,500 |
| ii. | Eden District Council – Castle Park<br>Tennis Court Redevelopment Scheme | £5,500 |

### **Law and legal implications**

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.

### **Link to Council Priorities**

This report aligns with the strategic priority for Core Business to ensure that the Council is led in a lawful and business-like manner and gives confidence in decision making.

### **1. Report Details**

- 1.1 Finance Committee, 20 September 2021 received a report from the Responsible Finance Officer asking to consider the commitment of the Project Budget.
- 1.2 Members resolved for the RFO to consult with Planning and CCEG Committee to determine if they have any projects, they may wish for the £8k Project Budget to be allocated against and bring back proposals to Finance Committee to determine.
- 1.3 Both Planning and CCEG Committees have considered proposals and Councillors have brought forward the following schemes as set out in the table below. The proposals set against the Finance Committee are proposed by officers for consideration. Members of the Finance Committee may wish to bring forward additional proposals for consideration.
- 1.4 The proposals set out below align with the Council Business Plan and or previous Committee resolutions, therefore each meet the strategic objectives of the Council.

<b>Committee</b>	<b>Project Proposal</b>	<b>(£) Requested</b>
<b>Planning</b>	<b>Speed Indicator Device</b> Planning Committee, 07 June 2021 Minute PL21/07 resolved to look at locations for the installation of Speed Indicator Devices (SIDs) to address speeding issues in the town. The Council working in partnership with the Casualty Reduction and Safer Highways (CRASH) Partnership have approved potential locations in Penrith for 3 permanent SIDs and a mobile device. This amount will fund the provision of one device and a pole. Planning Committee will be looking to fund the other two permanent SIDs from their existing budget and are going to look for grant funding for the mobile device.	£2,500
<b>CCEG</b>	The CCEG Committee has no project proposals for consideration.	-
<b>Finance</b>	<b>Castle Park Project</b> CCEG Committee, 18 October 2021, Minute 21/30 considered a report relating to the Castle Park and resolved for officers to discuss development plans with EDC. It is understood that EDC are preparing plans to enhance paths, lighting, disabled access, improvements to the pavilion and the tennis courts. Penrith Tennis Club are involved in the project. The project has an approx. cost in the region of £400k which is to be funded by various funding streams. The Town Council previously budgeted to support EDC's Heritage Lottery Application which was rejected and thus the budget was reallocated. It is proposed that a proportion of the Project Budget could be allocated to support EDC's improvement plans for Castle Park. This project would address the Economic Development aim in the Council Business Plan which sets out to work with EDC and other stakeholders to rekindle interest in improvements to Castle Park. The project once complete would provide community benefit.	£5,500
<b>Total</b>		<b>£8,000</b>

## 2. Risk Assessment

2.1 Any projects will be subject to their own individual risk analysis.

## 3. Financial Implications

3.1 This report aims to commit the £8k Project Budget which is included in the 2021/22 budget and has to be spent by 31 March 2022. The two proposals set out in the table above combined come to £8k.



# **FULL COUNCIL**

**29 November 2021**

## **Matter: Recycling Centre Adoption Agreement**

### **Purpose of Report:**

Ratify the decision of Finance Committee not to renew the Recycling Centre Adoption Agreement.

**Item no:** 09e

**Author:** Services and Contracts Manager

**Supporting Member:** Cllr. Jackson, Lead Member for Assets

### **Recommendations**

Ratify that the Recycling Centre Adoption Agreement with Eden District Council is not renewed.

### **Law and legal implications**

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.

### **Link to Council Priorities**

This report aligns with the strategic priority for Health and Wellbeing to protect and improve the environment, leisure and recreational community facilities, services and assets that contribute to our quality of life and its attractiveness as a place to visit.

## **1. Report Details**

1.1 The Council in 2016 entered into an adoption agreement with Eden District Council for the Recycling Centre at Morrisons. The Council as the adopter agreed and undertook the following:

- i. To ensure regular inspections of the Centre and the Equipment are carried out at least monthly and to report to Eden Council any issues affecting the quality of service at the Centre, including but not restricted to damage to the Equipment, Equipment becoming full and/or overflowing, incidents of vandalism incidents of fly tipping, damage to the centre boundaries.
- ii. To ensure the Centre, Equipment and immediately surrounding area is kept clean and tidy and to remove any litter.
- iii. To ensure the use of the facility in the local area is promoted through use of newsletter/parish magazines or other methods.
- iv. Not to allow the centre or use of the Centre or Equipment to constitute a nuisance to the Owner or the owners or occupiers of any neighbouring land.

1.2 Eden District Council undertook the following:

- i. To provide the Equipment without charge.
- ii. To maintain and/or replace the Equipment from time to time as considered necessary by the Council for the effective provision of the service, without charge.
- iii. To regularly empty the Equipment and remove the recyclable materials without charge.
- iv. To remove large fly tipped items after receipt of a request from the adopter, in accordance with EDC's usual timescales for such removal, without charge.
- v. To insure the Centre and the Equipment including Public Liability Insurance covering the use of the equipment.
- vi. To keep a record of the quantity of recyclable materials collected at the Centre and to make an annual payment to Penrith Town Council for such material at the Tonnage Rate effective at the time of collection.

1.3 The Council currently complies with the terms as set out in paragraph 1.1 by the following means:

- i. The Services and Contracts Manager undertakes routine inspections and follows up any issues arising from the inspection.
- ii. The Council instructs the Community Caretaker to undertake twice weekly inspections including cleans and sweeps of the surfaces and underneath the bins as required.
- iii. The Council promotes the facility on its website.
- iv. By undertaking routine inspections, instructing the Community Caretaker, and following up issues such as fly tipping or defective equipment with EDC, all reasonable measures are being taken in accordance with the agreement to ensure that the Centre does not constitute a nuisance.

1.4 Members should note that whilst efforts are made to ensure that the Centre does not constitute a nuisance there is evidence to show that the Centre is affected by fly-tipping. Although in accordance with the agreement the removal of any fly tipped materials is the responsibility of EDC, the presence of the waste may have a reputational effect on this Council and is detrimental to the usage of the amenity site. During the 10 monthly inspections recorded by the SCM in 2021 on five occasions fly tipped waste has been present. This has included 'bulky' items such as sofas and appliances.

1.5 The Council receives an income from EDC for the adoption of the recycling centre. This amounts to £1,400 per annum. This income is completely offset by expenditure to undertake the tasks as set out in paragraph 1.3.

1.6 The current adoption agreement period ended on the 30 May 2021. The Council has not been presented with a new agreement by EDC. There have been no discussions with EDC on any renewal of the agreement. The Council has though continued to undertake the service in line with the agreement.

- 1.7 It is appropriate for the Council to consider if it wishes to continue with the agreement and, if so, on what terms, particularly given the Council is not recovering its expenditure in complying with its obligations. The bring site is of use and value to residents and enables the recycling of materials.
- 1.8 Members are asked to determine whether the Council should request the adoption agreement be renewed. Should it resolve to seek to continue with the agreement, officers will make this request to EDC, or should they wish for it not to be renewed the Council shall inform EDC. The agreement states that the service may be determined by either party giving to the other not less than 3 months' notice and this period of notice is appropriate given the service is continuing. Members may wish for Officers to engage with EDC on the payment terms if the agreement is wished to be continued. The potential renewal of the arrangement should be considered in the context of Local Government Reorganisation and the desirability of maintaining the facility in Penrith.

## **2. Risk Assessment**

- 2.1 The Council approved a corporate risk assessment for the Bring Site at Morrisons at Council on 27 September 2021.
- 2.2 There may be a reputational risk should the Council not renew the agreement.

## **3. Financial Implications**

- 3.1 The Council currently receives an income of £1400 from Eden District Council as a recycling credit. This is received in two instalments during the financial year (April, October). This income is offset by the costs to inspect and clean the Recycling Centre via the Community Caretaker Contract, which allocates 2 hours per week to this service. There are time and cost implications for the Services and Contracts Manager.

## **4. Legal Implications**

- 4.1 The current Adoption Agreement is for five years effective from the 01 June 2016. No discussions have taken place about its renewal. In the absence of being presented with a new agreement and any discussions the Council has continued to maintain its level of service. The payments to the Council are being maintained and, in effect, the agreement is continuing.

## **Appendices**

None

## **Background Papers**

Adoption Agreement, Recycling Centre – Morrisons, between EDC and PTC

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# **FULL COUNCIL**

## **29 November 2021**

### **Matter: Local Government Review Strategic Planning Group**

#### **Purpose of Report:**

Ratify the Terms of Reference for a Local Government Review Strategic Planning Group.

**Item no:** 09f

**Author:** Town Clerk

#### **Recommendation**

Ratify the Terms of Reference for a Local Government Review Strategic Planning Group.

## **Local Government Review (LGR) Strategic Planning Group**

### **Terms of Reference**

#### **1. Background**

This informal working Group will have an advisory and strategic planning role, to guide Council during the imminent Local Government Reorganisation.

This matter is supported by the Agenda Report for item 13 Full Council 27 September 2021 which recommended and authorised the Town Clerk to begin preparing a Town Council plan for Local Government Reorganisation minute reference PTC21/66.

#### **2. Purpose**

- a) To proactively plan for local government reorganisation and the devolution of services, resources, and assets so that the services and assets are retained in Penrith and are managed, maintained, and delivered efficiently and effectively.
- b) To provide support, co-ordination, oversight and lead governance, business operations, resource management and internal structural reorganisation reviews to successfully accept LGR devolution.

- c) To working alongside the shadow authorities, stakeholders and partners ensuring that the Group's work for governance and devolution complements and aligns with the shadow authorities' approach.
- d) To keeping Council Members and the community apprised of developments and their implications.
- e) To represent the interest of the Council at formal meetings with the shadow authority and their representatives, to establish a positive and constructive relationship at the earliest stage of its operation.
- f) To monitor the performance of the LGR process.

## **Membership**

- a) The Group will comprise:
  - Town Clerk
  - Services Contracts and Manager
  - Responsible Finance Officer
  - Solicitor
  - Council Chair
  - Devolution Lead Member
  - And three other Council Members
- b) Additional members may be included in the Group as required.
- c) Non council members may be invited to join the Group.
- d) Possible invitees (not exhaustive)
  - An officer from CALC
  - Clerks from other Councils
  - Representatives from other Councils
  - Land and asset specialists

## **Convenor**

Meetings will be convened by the Town Clerk or Services Contracts and Manager.

## **Chair**

The Group will be chaired by the Council Chair, and in his/her absence the lead Member for Devolution.

## **Public Participation**

The Working Group is an informal Group of the Council and is therefore not open to the press and public.

### **Agenda, Minutes and Meeting Papers**

- a) As the Group will be discussing commercially sensitive tenders, contracts, business, and sensitive staffing matters all matters will be discussed in private and be treated as strictly confidential.
- b) The agenda, with attached meeting papers, will be distributed at least five working days prior to the next scheduled meeting.
- c) The minutes of each meeting will be prepared by either the Town Clerk or Services and Contracts Manager.

### **Reporting**

- a) Full copies of the minutes, including attachments, will be provided to the Group membership and will be available to members of the Town Council.
- b) Minutes will be circulated to members no later than five working days following each meeting.
- c) By agreement of the Group, the Group will make recommendations to the Council's Finance Committee in the first instance. If accepted and approved by the Finance Committee, these will then be ratified by Full Council at the earliest opportunity.

### **Meetings**

- a) The frequency of the meeting will be dictated by the progress of the reorganisation which is being led by the larger authorities and by their timeline.
- b) Initially the Group will meet a minimum at least every 8 weeks. The frequency of meeting will increase as the deadline of May 2023 approaches. Additional meetings may be held if 50% of the Group Members agree.
- c) The first meeting of the Group will take place in January 2022 after a desk top research exercise has been completed by officers of the Council. From this exercise a meeting/project timeline will be developed with a scheme of work for each meeting to consider. The Group shall then set meeting dates for the year ahead at the last meeting of the year.
- d) The Group Chair shall have discretion to hold meetings by virtual conferencing instead of in person.

### **Proxies to meetings**

- a) Members will nominate a proxy (deputy) to attend a meeting if they are unable to attend.
- b) The Chair will be informed of the substitution at least two working days prior to the scheduled meeting.

- c) The nominated proxy will provide relevant comments/feedback about the attended meeting to the member they are representing.

### **Quorum requirements**

3 Council members

### **Delegation of authority**

The Lead Officer and another officer, the Councillor lead and the Council Chair have delegated authority to respond swiftly to emerging matters, represent the Council at multi-authority meetings and make decisions that fall within an agreed remit.

The Lead Officer will be responsible for reporting any such decisions to Council and for making financial decisions up to a value of £15,000. A budget allocation will be available for works related to the LGR project for resources, legal and professional advice, consultation and marketing.

### **Activities**

- a) The Group will be supported by senior officers who will undertake desk top research to consider and research each asset, service, and contract. This is necessary to enable the Council to prioritise, develop business cases/options, consider the risks, costs and opportunities related to devolution.
- b) Officers will continue to strive to obtain the information directly from the District Council but based on experience this will not be forthcoming in a timely fashion. With many voluntary redundancies a valuable knowledge base is being lost and Council needs to act swiftly. Where officers are unable to enter a dialogue, the Council will submit Freedom of Information Requests and carry out comprehensive online research.
- c) Officers will also seek advice and guidance from exemplar councils of a similar size who have undergone a similar reorganisation to establish best practise and the impact on core Council business.
- d) The following will be considered during this exercise:
- Litter Bins
  - Sports Pitches
  - Castle Park
  - Sports Facilities
  - Tourist Information Centre
  - Leisure Centre
  - Cemetery
  - Public Toilets
  - Mansion House
  - Voreda House
  - Public Open Space Closed



- Churchyards
- Play Areas
- Museum
- New Squares
- Car Parks
- Town Hall
- Events & Town Centre
- Market
- Flower Beds
- Business Parks
- Artefacts, civic regalia, artwork, archives.
- Other Buildings and land including site at Old London Road owned by EDC
- Other Buildings and land owned by CCC

And will identify:

- Location
- Purpose
- Condition
- Condition improvement cost
- Current cost
- Power and Function
- Associated contracts
- Aspirations and opportunities
- Risks

e) Officers will also consider

- Structural reorganisation
- Resource capacity
- Precept
- Deliverability
- Prioritisation
- Consultation and communication with the electorate
- Partnership working

f) The outturn of the research will be considered by the Group in the form of an options appraisal.

## Timeline

Date	Larger authorities	Town Council	Date
November 2021	Officials at MHCLG will work with the affected councils in the development of the content of the Structural Change Order.	Commence desk top research to complete options analysis for each area.	November to mid-January
		Consider budgetary implications for 21-22 Precept	
		First Group meeting to consider outturn of research and agree a priority approach	End of February 2022
		Regular meetings to review the assets, services, and resources in their priority Groupings	End of March
April 2022	The Order will create 'Shadow Authorities' and 'Shadow Executives' once it is approved by parliament to sit alongside the existing council structures. These shadow arrangements will make decisions on how the new authorities are constituted. The Programme Management arrangements will determine how existing officers will work together to create the new Councils	Commence community consultation and PR	April to October
		Commence information sharing and negotiation with shadow authority	
		Update research for desk top exercise to accommodate new information and emerging matters	September to December
		Include LGR in budget planning process	
		Commence community consultation and PR in support of precept changes	January 2023

March 2023	Town Council election process commences		
1 April 2023	'Vesting Day' is when the new authorities 'go live' and the old councils (predecessor authorities) cease to exist		

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# **FULL COUNCIL**

**29 November 2021**

## **Matter: A66 Northern Trans-Pennine Project**

### **Purpose of Report:**

To approve the disposal of an area of land at Thacka Beck Field to facilitate the A66 Project, and to approve the appointment of an external agent to negotiate any compensation due.

**Item no:** 11

**Author:** Solicitor

**Supporting Member:** Cllr. C. Shepherd, Chair of Council

### **Recommendations**

It is recommended that:

- i. The Town Council agree to dispose of the land at Thacka Beck Field which is required for the A66 Dualling Project to Highways England.
- ii. The Town Council appoint an agent to negotiate any compensation which is due from Highways England following a quotation process.
- iii. The Solicitor is given delegated authority to accept the valuation and progress the general vesting declaration.

### **Law and legal implications**

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.

### **Link to Council Priorities**

This report aligns with the strategic priority for Health and Wellbeing to protect and improve the environment, leisure and recreational community facilities, services and assets that contribute to our quality of life and its attractiveness as a place to visit.

## **1. Report Details**

- 1.1 Highways England has undertaken a statutory consultation exercise on its proposal to dual the remaining single carriageway sections of the A66 between Junction 40 of the M6 and Scotch Corner. The proposal includes the making of improvements to the roundabout at Kemplay Bank and the adjoining roads. In particular, an underpass will be created for vehicles using the A66, the existing approach roads will be widened, cycleways and footways will be re-routed and new slip roads to the A6 and A686 will be created.
- 1.2 The next significant stage in the project is for Highways England to seek a Development Consent Order to enable the construction to take place. An

application for the Order is expected to be made in the spring of 2022. The application will be considered by the Planning Inspectorate.

- 1.3 The Council has been contacted as a landowner whose land may be affected by the proposals. The construction of the new slip road to the A686 affects the Council's land at Thacka Beck Field. Part of this land at the southernmost end of the site and which is directly adjacent to the A686 may be required permanently and temporarily for the construction and operation of the project. A plan is attached to the report which shows the land affected. A more detailed plan showing the precise extent of the land which may be both permanently and temporarily required has been requested for Highways England.
- 1.4 Highways England is seeking to reach agreement with the Council, and other landowners who are affected, relating to the acquisition and use of the land. If Highways England do not reach agreement with a landowner, it can be expected that steps will be taken to acquire the land compulsorily. A power of compulsory acquisition will be sought with the development consent order. Highways England intend to commence the negotiations on the land acquisitions with affected landowners when the statutory consultation has been concluded.
- 1.5 The Council may be entitled to receive compensation should its land be acquired or if temporary possession of any land is required by Highways England. The compensation usually reflects the market value of the land concerned. If there is a dispute on compensation it will be determined by the Lands Tribunal. Highways England can be expected to pay any fees incurred by the Council in negotiating the compensation and on any disposal of the land.
- 1.6 The Council is requested to consider and is recommended to agree to the sale to Highways England of any land which is required for A66 dualling project. Council is recommended to appoint an agent to negotiate the compensation for the disposal and use of any land which is required for the project.
- 1.7 The Council acquired the land at Thacka Beck Field from Cumbria County Council. The land is subject to an overage deed which, in essence, enables the County Council to benefit from an increase in the value of the land relating to the grant of a planning permission. The overage deed applies for 80 years. The overage provisions were part of the terms of the sale given that it was transferred to the Town Council free of charge. The County Council will need to be informed by the Town Council of the impending transaction with the Highways England. The transaction with Highways England is considered to be an excluded disposition within the meaning of the overage deed which means that the increase in value provisions should not apply.

## **2. Risk Assessment**

- 2.1 Failure or refusal to agree a voluntary sale will likely lead to the area of land being compulsorily acquired if the A66 Project is approved, unless there are proper grounds for objection which are upheld by an independent inspector.
- 2.2 Failure to comply with the terms of the overage deed would put the Council in breach of the deed. As such the Council would be required to notify the Council Council of the impending transaction and of its completion.

### **3. Financial Implications**

- 3.1 The Council should receive compensation for the loss and use of land at Thacka Beck Field and be reimbursed its expenses relating to negotiating the compensation and in connection with any transfer. The amount of any compensation and of any fees is unknown at this stage.
- 3.2 There will be a cost to appoint an independent land valuator which will be met from existing budgets.

### **Appendices**

Appendix A - Plan of Thacka Beck Field

Appendix B – Plan showing extent of land to be disposed of.

### **Background Papers**

Consultation letter of 20<sup>th</sup> September 2021 and consultation documents.

## Appendix A – Site Plan Thacka Beck Field





Appendix B – Plan showing extent of land to be disposed of.

